

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, SEPTEMBER 8, 2015

6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

3 **Nigel Lutz, Joe Ringwald**, re Property at 1417 Pilot Way, Electoral Area 'E'.

MINUTES

4-7 Minutes of the Regular Electoral Area Planning Committee meeting held Tuesday, July 14, 2015.

8-9 Minutes of the Special Electoral Area Planning Committee meeting held Tuesday, July 28, 2015.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

10-11 **Nigel and Annerose Lutz**, re Property at 1417 Pilot Way, Electoral Area 'E'.

12 **Klaus and Elizabeth Schmitt**, re Development Variance Permit Application No. PL2015-098 – 2957 Dolphin Drive, Electoral Area 'E'.

DEVELOPMENT PERMIT

13-18 Development Permit Application No. PL2015-109 – 1421 and 1429 Greig Road, Electoral Area 'G'.

DEVELOPMENT VARIANCE PERMIT

19-27 Development Variance Permit Application No. PL2015-068 – 1542 Madrona Drive, Electoral Area 'E'.

28-35 Development Variance Permit Application No. PL2015-098 – 2957 Dolphin Drive, Electoral Area 'E'.

36-44 Development Variance Permit Application No. PL2015-101 – 3216 Bay Road, Electoral Area 'H'.

45-54 Development Variance Permit Application No. PL2015-103 – 2160 Spurs Road,
Electoral Area 'E'.

ZONING AMENDMENT

55-78 Zoning Amendment Application No. PL2015-062 – 921 & 925 Fairdowne Road,
Electoral Area 'F' – Amendment Bylaw 1285.25, 2015 – 1st and 2nd Reading.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

ADJOURNMENT

Re: Property at 1417 Pilot Way, Electoral Area 'E'

From: Nigel Lutz

Sent: Wednesday, September 02, 2015 12:04 PM

Subject: Relocation of cottage to 1417 Pilot Way

Please accept this letter as a request to attend and speak at the Electoral Area Planning Committee Tuesday, September 8th. Both myself and Joe Ringwald would like to speak regarding the relocation of a cottage from 1321 Marina Way to 1417 Pilot Way, Nanoose. Please call me if you have any questions or concerns. Thank you,

Sincerely,

Nigel Lutz
604-537-8051

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE MEETING
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, JULY 14, 2015 AT 6:30 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
Alternate	
Director J. McLean	Electoral Area F
Director J. Stanhope	Electoral Area G

Regrets:

Director J. Fell	Electoral Area F
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Also in Attendance:

P. Thorkelsson	Chief Administrative Officer
J. Harrison	Director of Corporate Services
G. Garbutt	Gen. Mgr. Strategic & Community Development
D. Trudeau	Gen. Mgr. Transportation & Solid Waste
P. Thompson	Mgr. Long Range Planning
M. O'Halloran	A/Mgr. Administrative Services
C. Golding	Recording Secretary

CALL TO ORDER

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

The Chairperson welcomed Alternate Director McLean to the meeting, and welcomed Alternate Director Lowe in the audience.

ELECTORAL AREA PLANNING COMMITTEE MINUTES

Minutes of the Regular Electoral Area Planning Committee meeting held Tuesday, June 9, 2015.

MOVED Director Rogers, SECONDED Director Young, that the minutes of the Regular Electoral Area Planning Committee meeting held Tuesday, June 9, 2015, be adopted.

CARRIED

Minutes of the Special Electoral Area Planning Committee meeting held Tuesday, June 9, 2015.

MOVED Director Young, SECONDED Director Stanhope, that the minutes of the Special Electoral Area Planning Committee meeting held Tuesday, June 9, 2015, be adopted.

CARRIED

Minutes of the Special Electoral Area Planning Committee meeting held Tuesday, June 23, 2015.

MOVED Director Rogers, SECONDED Director Young, that the minutes of the Special Electoral Area Planning Committee meeting held Tuesday, June 23, 2015, be adopted.

CARRIED

DEVELOPMENT PERMIT

Development Permit Application No. PL2015-070 – 5481 Deep Bay Drive, Electoral Area ‘H’.

MOVED Director Stanhope, SECONDED Director Young, that Development Permit Application No. PL2015-070 to permit the construction of an addition to a dwelling unit within the Hazard Lands Development Permit Area be approved subject to the conditions outlined in Attachments 2 to 4.

CARRIED

DEVELOPMENT PERMIT WITH VARIANCE

Development Permit with Variance Application No. PL2015-078 – 3718 Jingle Pot Road, Electoral Area ‘C’.

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

CARRIED

MOVED Director Young, SECONDED Director McPherson, that Development Permit with Variance Application No. PL2015-078 to permit the construction of an addition to a dwelling unit and garage, construction of a driveway, construction of a landscape berm and construction of a concrete patio be approved subject to the conditions outlined in Attachments 2 to 4.

CARRIED

Development Permit with Variance and Frontage Relaxation Application No. PL2015-032 – 1497 Mason Trail, Electoral Area ‘G’.

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

CARRIED

MOVED Director Stanhope, SECONDED Director McPherson, that Development Permit with Variance Application No. PL2015-032 to increase the permitted parcel depth of both proposed lots and to reduce the side yard setback for an existing deck be approved subject to the conditions outlined in Attachments 2 and 3.

CARRIED

MOVED Director Stanhope, SECONDED Director McPherson, that the request to relax the minimum 10% frontage requirement for both proposed lots be approved.

CARRIED

Development Permit with Variance Application No. PL2015-071 – 1318 Lanyon Drive, Electoral Area 'G'.

MOVED Director Stanhope, SECONDED Director Rogers, that staff be directed to complete the required notification.

CARRIED

MOVED Director Stanhope, SECONDED Director Rogers, that Development Permit with Variance Application No. PL2015-071 to permit the construction of an accessory building be approved subject to the conditions outlined in Attachments 2 and 3.

CARRIED

Development Permit with Variance Application No. PL2015-079 – Electoral Area 'G'.

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

CARRIED

MOVED Director Stanhope, SECONDED Director McPherson, that Development Permit with Variance Application No. PL2015-079 to permit the construction of a dwelling unit be approved subject to the conditions outlined in Attachments 2 to 4.

CARRIED

Development Permit with Variance Application No. PL2015-090 – 2930 Trans-Canada Highway, Electoral Area 'A'.

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

CARRIED

MOVED Director McPherson, SECONDED Director Young, that Development Permit with Variance Application No. PL2015-090 to permit the phased development of the subject property be approved subject to the conditions outlined in Attachments 2 to 5.

CARRIED

OTHER

Zoning Amendment Application No. PL2013-113 – 4320 Garrod Road, Electoral Area 'H' – Amendment Bylaw 500.395 – 1st and 2nd reading.

MOVED Director Stanhope, SECONDED Director McPherson, that the Summary of the Public Information Meeting held on September 3, 2014, be received.

CARRIED

MOVED Director Stanhope, SECONDED Director McPherson, that the Summary of the Public Information Meeting held on June 2, 2015, be received.

CARRIED

MOVED Director Stanhope, SECONDED Director McPherson, that the conditions set out in Attachment 2 of the staff report be completed prior to Amendment Bylaw No. 500.395 being considered for adoption.

CARRIED

MOVED Director Stanhope, SECONDED Director McPherson, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.395, 2015" be introduced and read two times.

CARRIED

MOVED Director Stanhope, SECONDED Director McPherson, that the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.395, 2015" be chaired by Director Veenhof or his alternate.

CARRIED

Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in Relation to Subdivision Application No. PL2014-116 – 242, 246, and 250 Hilliers Road North, Electoral Area 'G'.

MOVED Director Stanhope, SECONDED Director Young, that the request to relax the minimum 10% perimeter frontage requirement for Lot B be approved.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 6:42 PM

CHAIRPERSON

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE SPECIAL ELECTORAL AREA PLANNING COMMITTEE MEETING
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, JULY 28, 2015 AT 6:30 PM IN THE
RDN BOARD CHAMBERS**

In Attendance:

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

Regrets:

Director M. Young	Electoral Area C
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Also in Attendance:

P. Thorkelsson	Chief Administrative Officer
J. Harrison	Director of Corporate Services
G. Garbutt	Gen. Mgr. Strategic & Community Development
D. Trudeau	Gen. Mgr. Transportation & Solid Waste Services
J. Hill	Mgr. Administrative Services
J. Holm	Mgr. Current Planning
C. Golding	Recording Secretary

CALL TO ORDER

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

The Chairperson welcomed Alternate Director Pinker to the meeting.

REPORTS

Development Permit Application No. PL2015-053 – Martindale Road, Electoral Area ‘G’.

MOVED Director Stanhope, SECONDED Director McPherson, that Development Permit Application No. PL2015-053 to permit a single family dwelling be approved subject to the conditions outlined in Attachments 2 to 4.

CARRIED

Development Permit Application No. PL2015-069 – 1566 River Crescent, Electoral Area ‘G’.

MOVED Director Stanhope, SECONDED Director Rogers, that Development Permit Application No. PL2015-069 to permit the siting of a dwelling unit be approved subject to the conditions outlined in Attachments 2 to 4.

CARRIED

Development Permit with Variance Application No. PL2015-075 – 3680 Jingle Pot Road, Electoral Area ‘C’.

MOVED Director Pinker, SECONDED Director Stanhope, that staff be directed to complete the required notification.

CARRIED

MOVED Director Pinker, SECONDED Director Stanhope, that Development Permit with Variance Application No. PL2015-075 to permit the construction of an accessory garage be approved subject to the conditions outlined in Attachments 2 and 3.

CARRIED

ADJOURNMENT

MOVED Director Fell, SECONDED Director Pinker, that this meeting be adjourned.

CARRIED

TIME: 6:35 PM

CHAIRPERSON

CORPORATE OFFICER

Wednesday, August 12, 2015

To the Nanaimo Regional District Board of Directors,

We are writing to you today as we have been unsuccessful so far with the Building Regulations and Licensing Department front desk and cannot get a hold of the Supervisor or someone that can solve/advise-on our dilemma.

Recently, my wife and I purchased a property that is a vacant lot at 1417 Pilot Way in Nanoose Bay. Our plan is to eventually build a house on it but due to financial constraints, this will not be possible for many years. Last week, one of our neighbors, [REDACTED]

* [REDACTED] offered to give us their 625sq foot cottage if we were willing to pay to have it transported to our lot. They are building a beautiful new home but are not allowed, under Land Use Regulations, to have two domiciles on their property.

The cottage that our neighbors are willing to give us is beautiful. They had a bank appraisal done in 2010 when they bought the property and it showed that the value, due to its small size, is \$79,300.00 (a conservative number strictly for mortgaging purposes) and due to its excellent condition, has an expected life of 40 years.

Our neighbors are reluctant to tear down the cottage as it is in perfect shape and goes against moral principle to dump it in a landfill in a time when recycling, reusing and environmental stewardship is paramount in our communities.

My wife and I thought we had the perfect solution; we would be able to have a beautiful weekend home that we could use until we are able to construct a larger home later down the road. We could become active members in the community, tidy up our property and enjoy the lifestyle that Nanoose and the region has to offer.

Unfortunately, the permits and regulations state that when relocating a 'Moved On Building',

"The building must appraise (as determined by an accredited appraiser (A.A.C.I.) at a value equal to or greater than 100 percent of the average assessed value of the improvements (as determined by the BC Assessment Authority) of the neighboring developed properties within 100 meters;" - 18.(2)(e) - Building Regulations Bylaw No. 1250, 2001

We have been informed that the average value of the surrounding homes (which range from trailers, manufactured homes to brand new custom designs) is \$155,000.00 which is far above the cottages value due to its size.

The staff at the desk of Building Regulations informed us that this regulation is in place to stop derelict homes from being relocated that would devalue the neighboring houses. Fair enough. However, we feel

* Personal information withheld under FOIPPA s. 22

that our situation is a special case and would have the complete opposite affect; adding this beautifully renovated cottage to our property would not only save it from further contributing to the growing landfill, but it would allow us to use the property as it is meant to be used rather than in its current state which is a vacant lot with wild grass and shrubs slowly taking over. We planned on landscaping the property ourselves, meeting our neighbors and contributing to both the neighborhood and to the economy by our many visits. Without this cottage, we will be unable to do so for many years to come.

We sincerely hope that the Board will be able to advise what recourse we can take to make this house-move a reality as we only see a benefit to the neighborhood and not a detriment that the building regulation is intending to avoid.

- * As well, [REDACTED] have extended an open invitation for someone in authority from the RDN to visit their house and the surrounding intended neighbourhood to determine for themselves if it will degrade the neighbourhood in question.

Thank you very much; we hope to hear from you soon.

Sincerely,

Nigel and Annerose Lutz

604-537-8051

n_lutz@shaw.ca

* [REDACTED]
[REDACTED]

** Personal information withheld under FOIPPA s. 22*

August 25, 2015

To Whom It May Concern – regarding variance request for 2957 Dolphin Drive lower deck

Dear Sir or Madam,

We live next door at 2961 Dolphin Drive in Nanoose Bay, and have owned the property since 1981.

Since the time that we purchased our property there has always been a boat facility close to the ocean on our neighbor's site. The site is not visible from our house, and is well screened from the public beach.

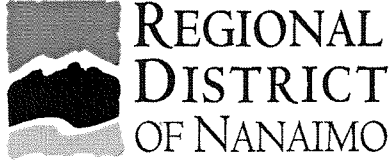
We have no objections, and are writing in support of Mr. Howson's application for the variance.

We wanted to be at the meeting in person to show our support for the lower structure however we will likely be out of the country during the time of the our neighbors meeting with the RDN

Yours Truly

Handwritten signatures of Klaus and Elizabeth Schmitt. The signature on the left is 'Klaus Schmitt' and the signature on the right is 'Elizabeth Schmitt'. Both are written in a cursive, flowing style.

Klaus and Elizabeth Schmitt



RDN REPORT		
CAO APPROVAL		
EAP	✓	
COW		
AUG 28 2015		
RHD		
BOARD		

STAFF REPORT

TO: Jeremy Holm
Manager, Current Planning

DATE: August 26, 2015

FROM: Kelsey Chandler
Planning Technician

MEETING: EAPC September 8, 2015

FILE: PL2015-109

**SUBJECT: Development Permit Application No. PL2015-109
Strata Lot 2, District Lot 129, Nanoose District, Strata Plan VIS6121 Together With an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V
1421 and 1429 Greig Road – Electoral Area ‘G’**

RECOMMENDATION

That Development Permit No. PL2015-109 to permit the construction of an addition to each of the two existing dwelling units on the subject property be approved subject to the conditions outlined in Attachments 2 and 3.

PURPOSE

To consider an application for a Development Permit to permit the construction of an addition to each of the two existing dwelling units on the subject property.

BACKGROUND

The Regional District of Nanaimo has received an application from Jeff Cowan and Chad Cowan to permit the construction of additions to be attached to two existing dwelling units on the subject property. The subject property is approximately 2.01 ha in area and is zoned Rural 1 Zone (RU1), Subdivision District ‘D’, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The relatively flat subject property is located to the north of Greig Road, is bordered by developed residential lots to the east, west, and north, and is located within the Englishman River floodplain (see Attachment 1 – Subject Property Map). The property contains two dwelling units that were constructed following the issuance of a Development Permit (No. 60927) in September of 2009.

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 applicants propose to construct an addition to each of the two existing dwelling units as shown on Attachment 3. Addition #1 is approximately 150 m² in size and will consist of a garage and carport

connected via a covered breezeway to the existing dwelling unit addressed at 1429 Greig Road. Addition #2 is approximately 265 m² in size and will consist of a games room, deck, garage, storage area, and workshop connected via an enclosed mudroom to the existing dwelling unit addressed at 1421 Greig Road. A Development Permit approval is required for construction of the additions, as the subject property is designated in the Hazard Lands DPA for flood risk associated with the Englishman River.

ALTERNATIVES

1. To approve Development Permit No. PL2015-109 subject to the conditions outlined in Attachments 2 and 3.
2. To deny Development Permit No. PL2015-109.

LAND USE IMPLICATIONS

Development Implications

To satisfy the Hazard Lands DPA guidelines, the applicants have provided a supplemental geotechnical report titled 'Review of Previous Floodplain Data for Proposed Permanent Addition' prepared by Lewkowich Engineering Associates Ltd. and dated August 19, 2015. The supplemental report references the geotechnical report and addendum prepared by Lewkowich Engineering Associates Ltd. (dated June 17, 2009 and August 12, 2009, respectively) that were required as a condition of Development Permit No. 60927 in relation to the construction of the existing dwelling units on the property. The supplemental report confirms that the flood construction level (FCL) of 10.2 m (geodetic elevation) established for the construction of the dwelling units remains valid for the proposed additions.

The proposed FCL is consistent with the requirements of the "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006" (Floodplain Bylaw). Furthermore, the Geotechnical Engineer concludes that the property is safe and suitable for the proposed development (two new additions), and that the proposal will not have a detrimental impact on the environment or adjacent properties during a flood event.

To satisfy the Development Permit guidelines, the applicant is required to register a Section 219 Restrictive Covenant on the property title that includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages to life and property as a result of potential geotechnical and flood hazards (see Attachment 2 – Terms and Condition of Permit).

FINANCIAL IMPLICATIONS

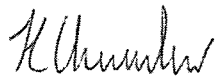
Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2015 – 2019 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

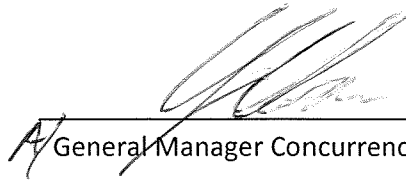
Staff have reviewed the proposed development and note that the proposal has no implications for the 2013 – 2015 Board Strategic Plan.

SUMMARY/CONCLUSIONS

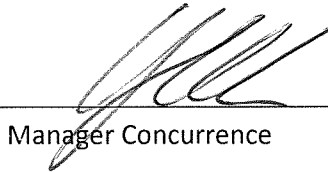
This is an application for a Development Permit to permit the construction of an addition to each of the two existing dwelling units within the Hazard Lands DPA. To satisfy the Hazard Lands DPA guidelines, the applicants have provided a supplemental geotechnical report, prepared by Lewkowich Engineering Associates Ltd. and dated August 19, 2015, in addition to a geotechnical report and addendum that were prepared by Lewkowich Engineering Associates Ltd. and dated June 17, 2009 and August 12, 2009, respectively. As the applicants' proposal is consistent with the Floodplain Bylaw and the Hazard Lands DPA guidelines, staff recommend the Board approve the Development Permit.



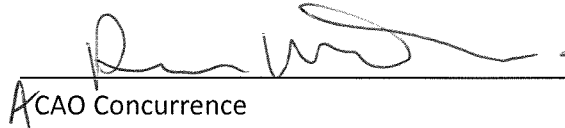
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

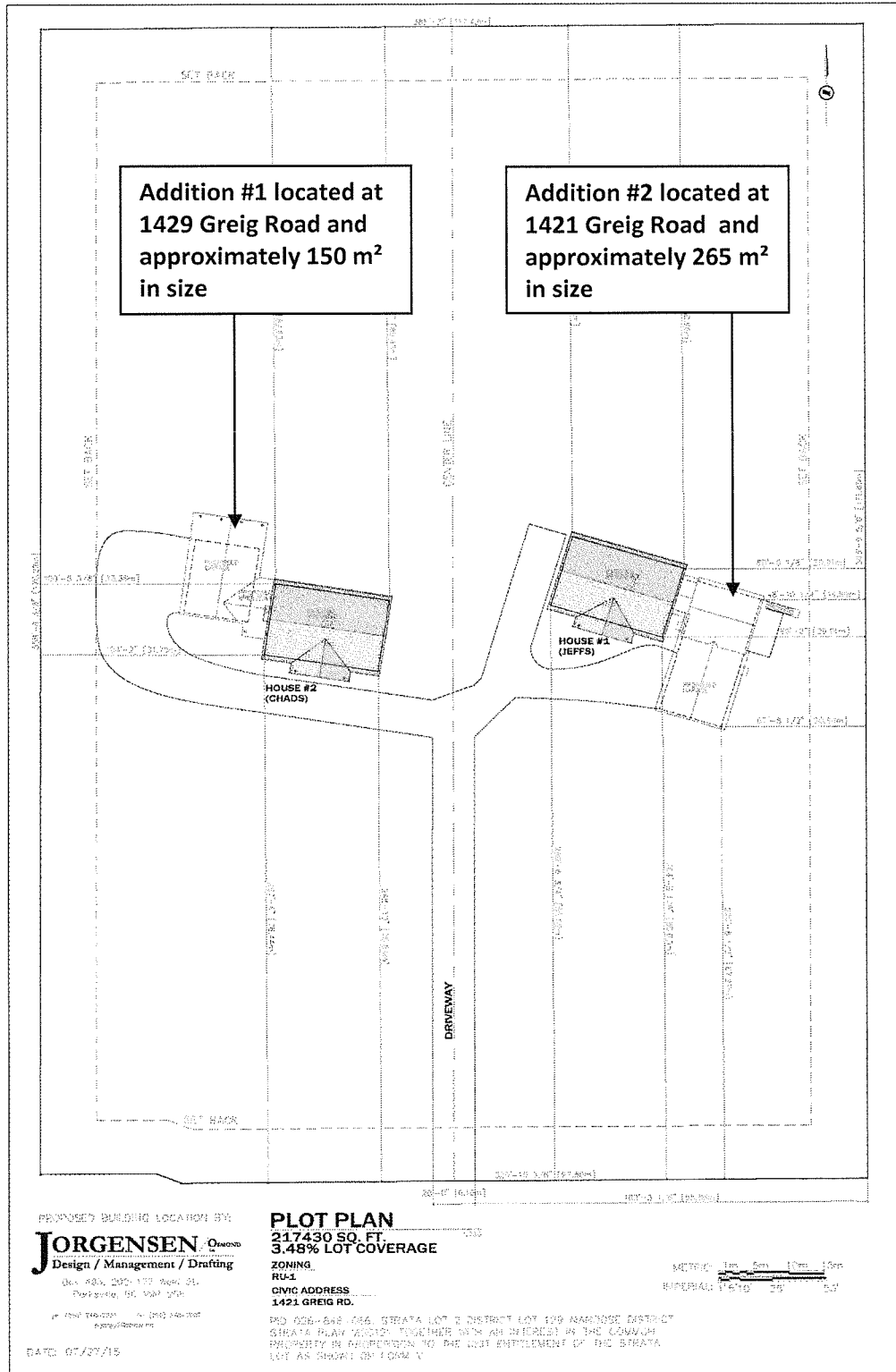
Attachment 2
Terms and Conditions of Permit

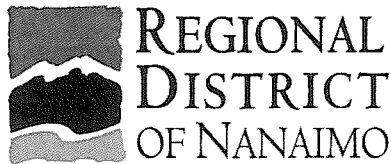
The following sets out the terms and conditions of Development Permit No. PL2015-109:

Conditions of Approval

1. The Flood Construction Level elevations shall be confirmed by a Registered British Columbia Land Surveyor prior to the issuance of a building permit for the property.
2. The proposed development is in substantial compliance with the plans and elevations prepared by Jorgensen/Osmond Ltd., dated July 27, 2015.
3. The subject property shall be developed in accordance with the recommendations contained in the geotechnical report, addendum, and supplemental report prepared by Lewkowich Engineering Associates Ltd. and dated June 17, 2009, August 12, 2009, and August 19, 2015, respectively.
4. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 Covenant on the property title containing the supplemental geotechnical report prepared by Lewkowich Engineering Associates Ltd. dated August 19, 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.
5. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Attachment 3 Proposed Site Plan





RDN REPORT	
CAO APPROVAL	
EAP	✓
COW	
AUG 28 2015	
RHD	
BOARD	

STAFF REPORT

TO: Jeremy Holm
 Manager, Current Planning

DATE: August 27, 2015

FROM: Tyler Brown
 Planner

MEETING: EAPC – September 8, 2015

FILE: PL2015-068

SUBJECT: Development Variance Permit Application No. PL2015-068
 Lot 48, District Lot 68, Nanoose District, Plan 26680
 1542 Madrona Drive – Electoral Area ‘E’

RECOMMENDATIONS

1. That staff be directed to complete the required notification.
2. That Development Variance Permit No. PL2015-068 to permit the extensive renovation and expansion of a dwelling unit and the construction of a freestanding deck be approved subject to the conditions outlined in Attachments 2 to 4.

PURPOSE

To consider an application for a Development Variance Permit to allow the extensive renovation and expansion of a dwelling unit and the construction of a freestanding deck.

BACKGROUND

The Regional District of Nanaimo has received an application from J.E. Anderson & Associates on behalf of Nicholas and Kandyce Keen to permit the renovation and expansion of a dwelling unit and the construction of a freestanding deck on the subject property. The subject property is approximately 0.13 ha in area and is zoned Residential 1 (RS1), pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is bordered by the Strait of Georgia to the northeast, Dolphin Drive to the southwest, and similarly zoned RS1 parcels flank the interior lot lines (see Attachment 1 – Subject Property Map). The subject property generally slopes gently from the front property line before dropping steeply to the foreshore (see Attachment 3 – Site Plan and Variance). The subject property is developed with a dwelling unit with an attached deck which does not conform to existing zoning setbacks.

Proposed Development and Variance

The applicant’s proposal is to renovate and expand an existing dwelling unit and construct a freestanding deck on the subject property (see attachment 4 – Building Elevations). The dwelling unit renovation proposal will partially utilize an existing foundation that is primarily located within the required zoning setback to the sea. An existing deck built off the side of the house facing the Strait of Georgia further projects into the setback area. The applicant is proposing to utilize the existing deck footings and rebuild the deck in the same location but as a freestanding structure due to geotechnical

considerations. Such considerations are discussed in the Development Implications section of this report. To permit the complete rebuild of the deck and the expansion to the house, the applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

Section 3.3 9 b) ii) – Setbacks – Sea to reduce the minimum setback requirement from the natural boundary of the Strait of Georgia from 15.0 metre to 8.29 metres for the construction of a freestanding deck and dwelling unit.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2015-068 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Variance Permit No. PL2015-068.

LAND USE IMPLICATIONS

Development Implications

Due to the steep slopes present on the lot and the potential for flood hazards due to sea level rise, the applicant has submitted a Geotechnical Hazard Assessment, prepared by Lewkowich Engineering Associates Ltd. and dated July 23, 2015, in support of the development variance application. The report concludes that the proposed development is safe and suitable from steep slope instability and sea level rise if the recommendations outlined in the assessment are followed. The recommendations include a minimum 2.5 metre setback from the slope crest (top of slope) for all structures (see Attachment 3, Page 2 – Site Plan and Variance). However, the applicant is proposing to utilize the existing deck footings, which are only set back 1.8 metres from the slope, for construction of the new deck. As such, the recommendations of the Geotechnical Hazard Assessment include that the deck be constructed as a freestanding structure as a precaution against structural damage to the house if slope stability issues do occur. Staff recommend that the applicant be required to follow the recommendations of the assessment and in addition register a Section 219 Restrictive Covenant on the property title that includes the Geotechnical 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 the potential geotechnical hazards (see Attachment 2 – Terms and Conditions of Permit).

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 of a variance proposal. The applicant’s rationale is that utilizing the existing foundation minimizes environmental disturbance, the potential to impact non-identified archeological sites, and that the natural soils of the current site are best for minimizing geotechnical risk to the steep slope on the subject and adjacent properties.

Staff have reviewed the applicant’s variance request to permit the renovation and expansion of a dwelling unit and the construction of a freestanding deck on the subject property and note that the existing dwelling unit is situated closer to the Strait of Georgia than the neighbouring properties. As such, the proposed expansion of the dwelling unit may obstruct the view lines of the neighbouring

properties. No other negative land-use impacts are anticipated. If the development variance application is approved, the property owner will be required to obtain the necessary permits in accordance with Regional District of Nanaimo Building Regulations.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2015 – 2019 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

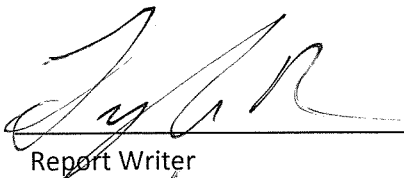
Staff have reviewed the proposed development and note that the proposal has no implications for the 2013 – 2015 Board Strategic Plan.

PUBLIC CONSULTATION IMPLICATIONS

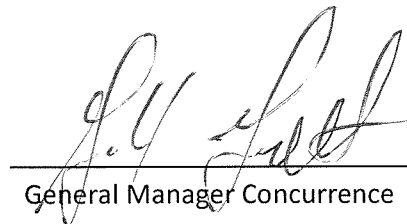
Pending the Committee’s recommendation and pursuant to the *Local Government Act* and the “Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005”, property owners and tenants of parcels located within a 50 metre radius of the subject property will receive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

SUMMARY/CONCLUSIONS

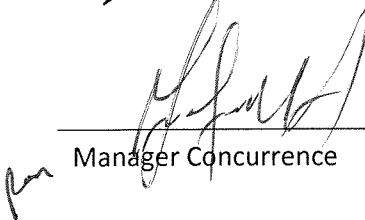
This is an application to consider a Development Variance Permit to permit the renovation and expansion of a dwelling unit which utilizes an existing foundation and the construction of a freestanding deck on the subject property. Given that the applicant has submitted a geotechnical assessment determining the site suitable for the proposed use if the recommendations of the assessment are followed and that neighbouring property owners will be made aware of the variance request, 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.



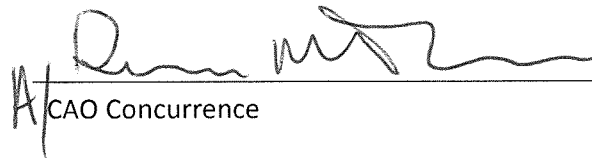
Report Writer



General Manager Concurrence

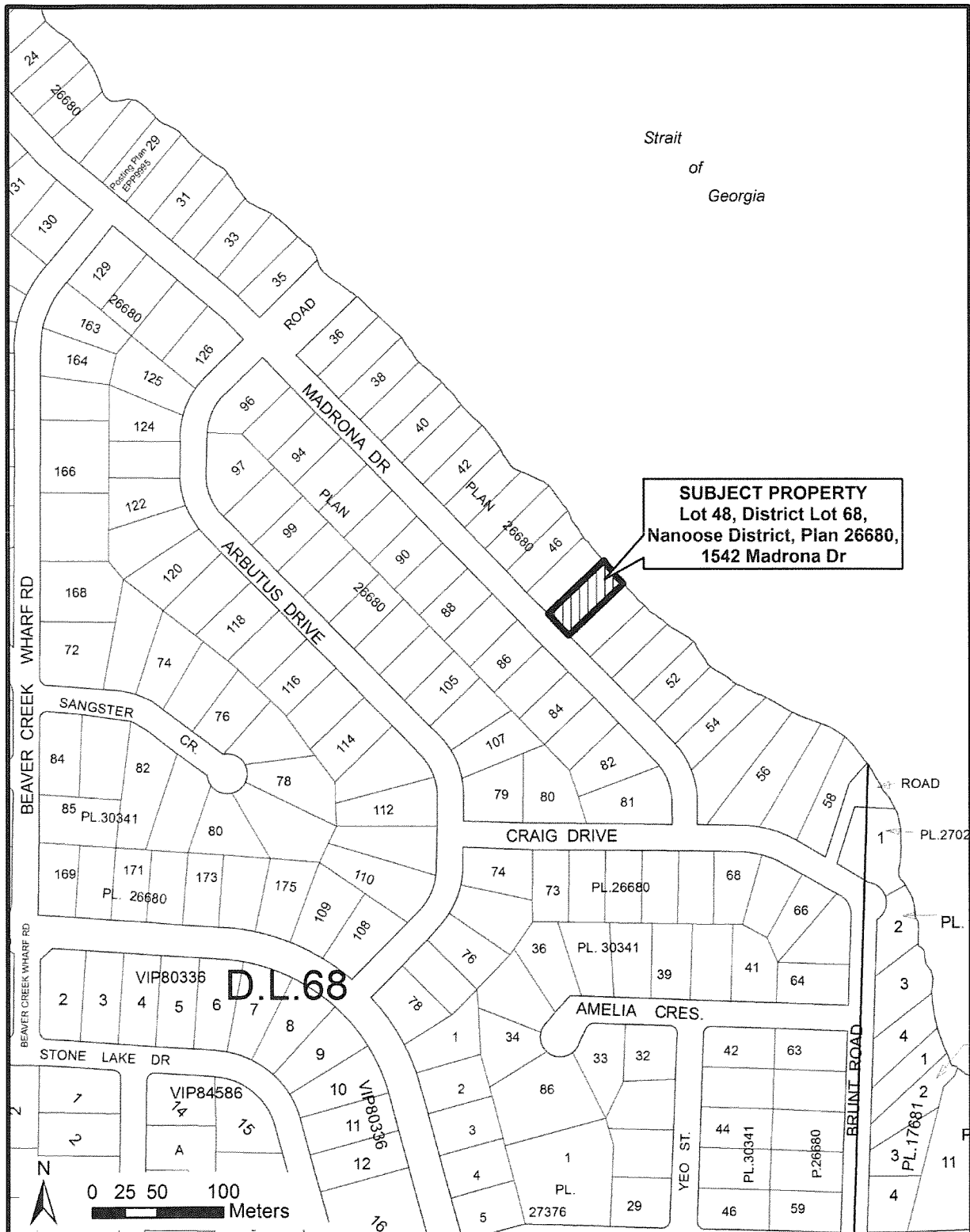


Manager Concurrence



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. PL2015-068:

Bylaw No. 500, 1987 Variances:

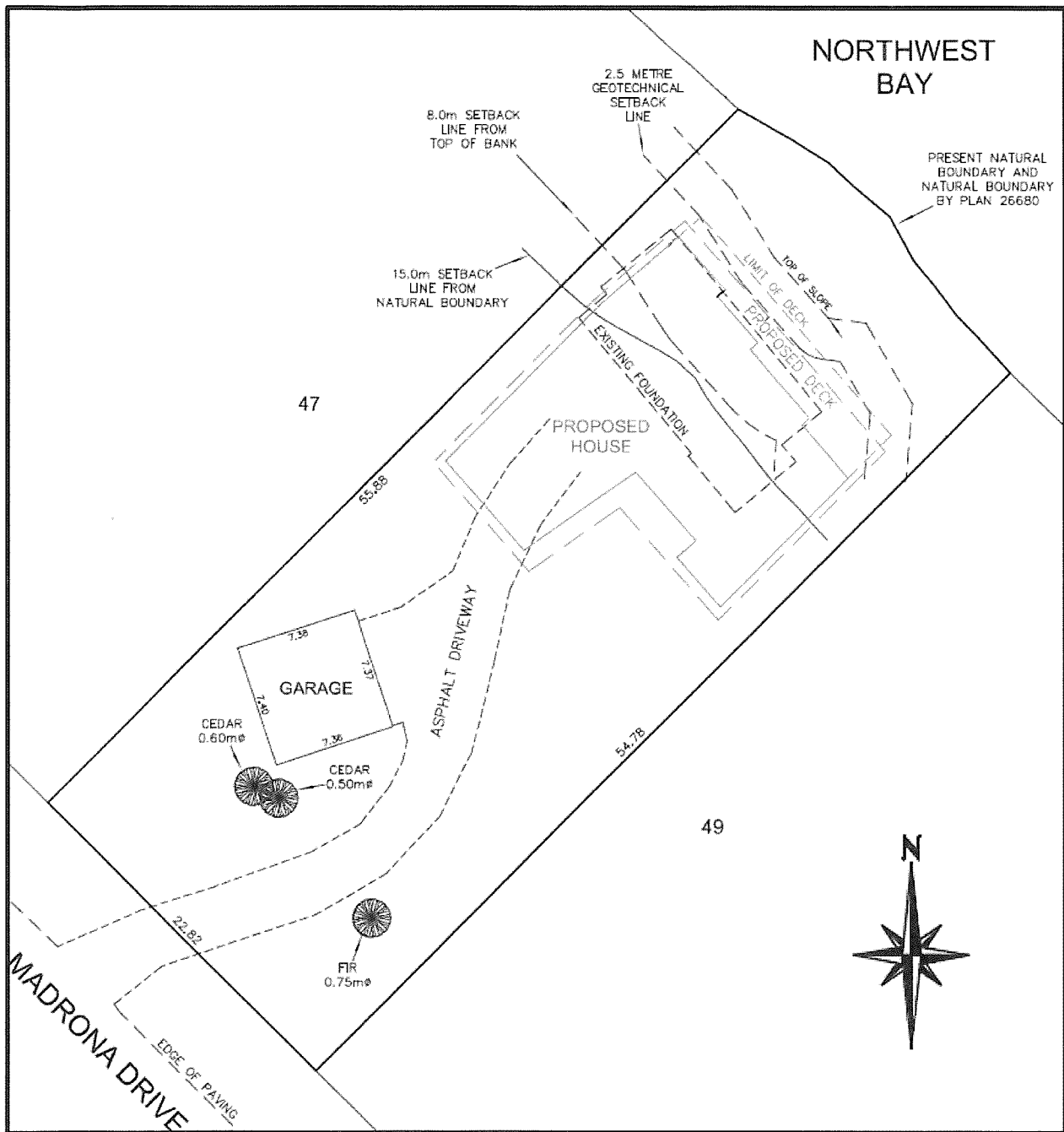
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

Section 3.3 9 b) ii) – Setbacks – Sea to reduce the minimum setback requirement from the natural boundary of the Strait of Georgia from 15.0 metre to 8.29 metres for the construction of a freestanding deck and dwelling unit.

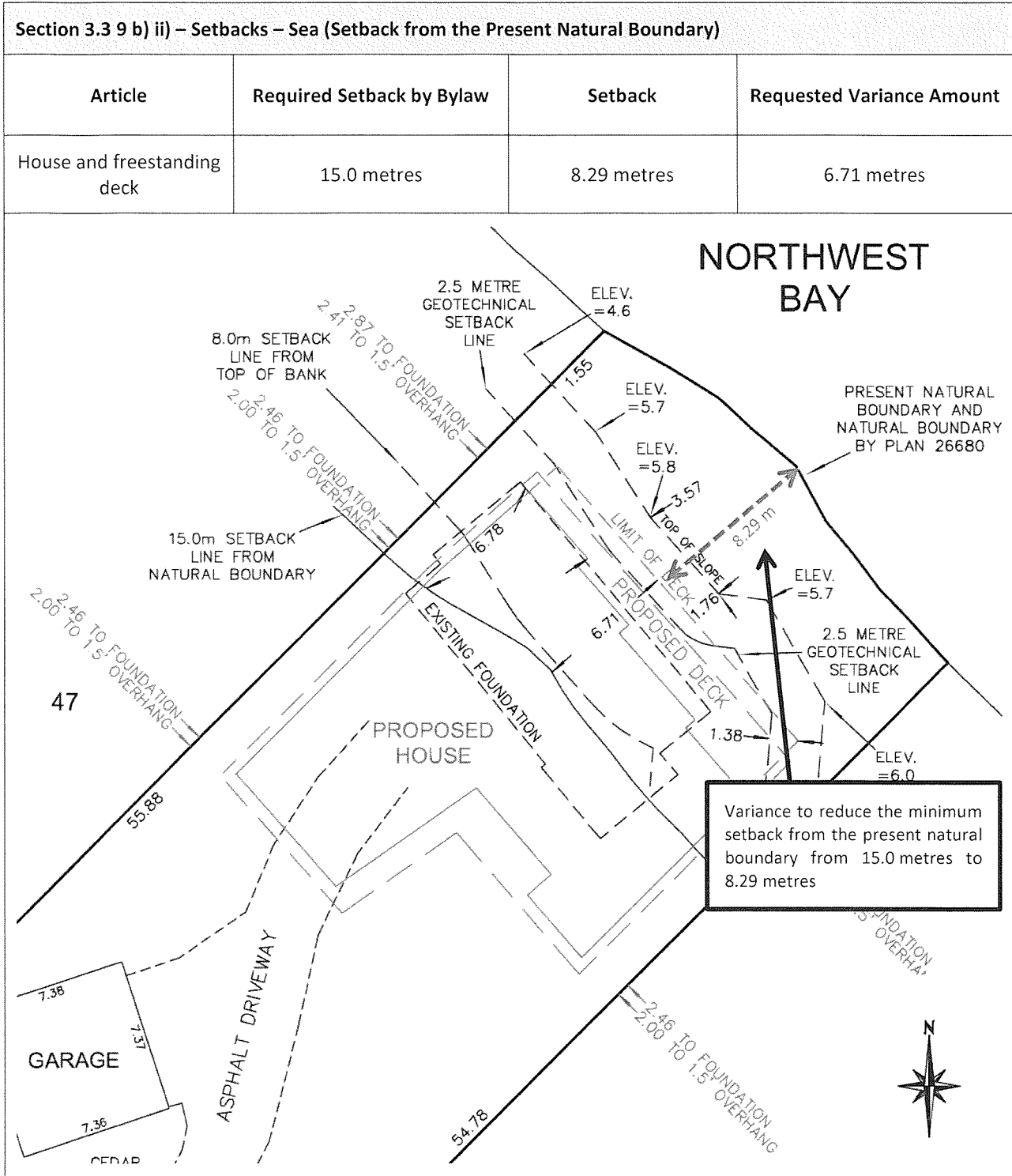
Conditions of Approval:

1. The site is developed in accordance with the Site Plan prepared by J.E. Anderson & Associates dated August 24, 2015.
2. The proposed development is in general compliance with elevations prepared by Lindal Cedar Homes and attached as Attachment 4.
3. The subject property shall be developed in accordance with the recommendations contained in the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd., dated July 23, 2015.
4. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 Covenant on the property title containing the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd., dated July 23, 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.
5. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Attachment 3
Site Plan and Variance (Page 1 of 2)



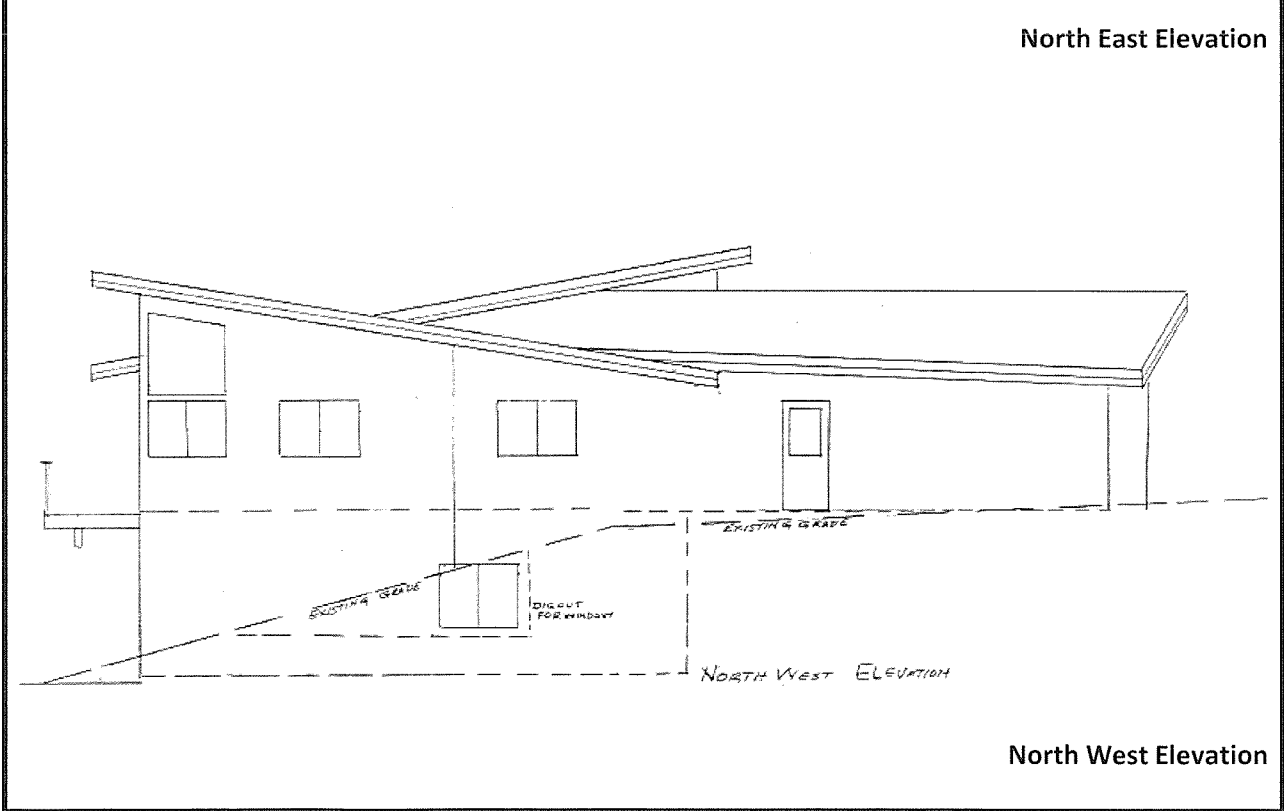
**Attachment 3
Site Plan and Variance (Page 2 of 2)**



Attachment 4
Building Elevations (Page 1 of 2)

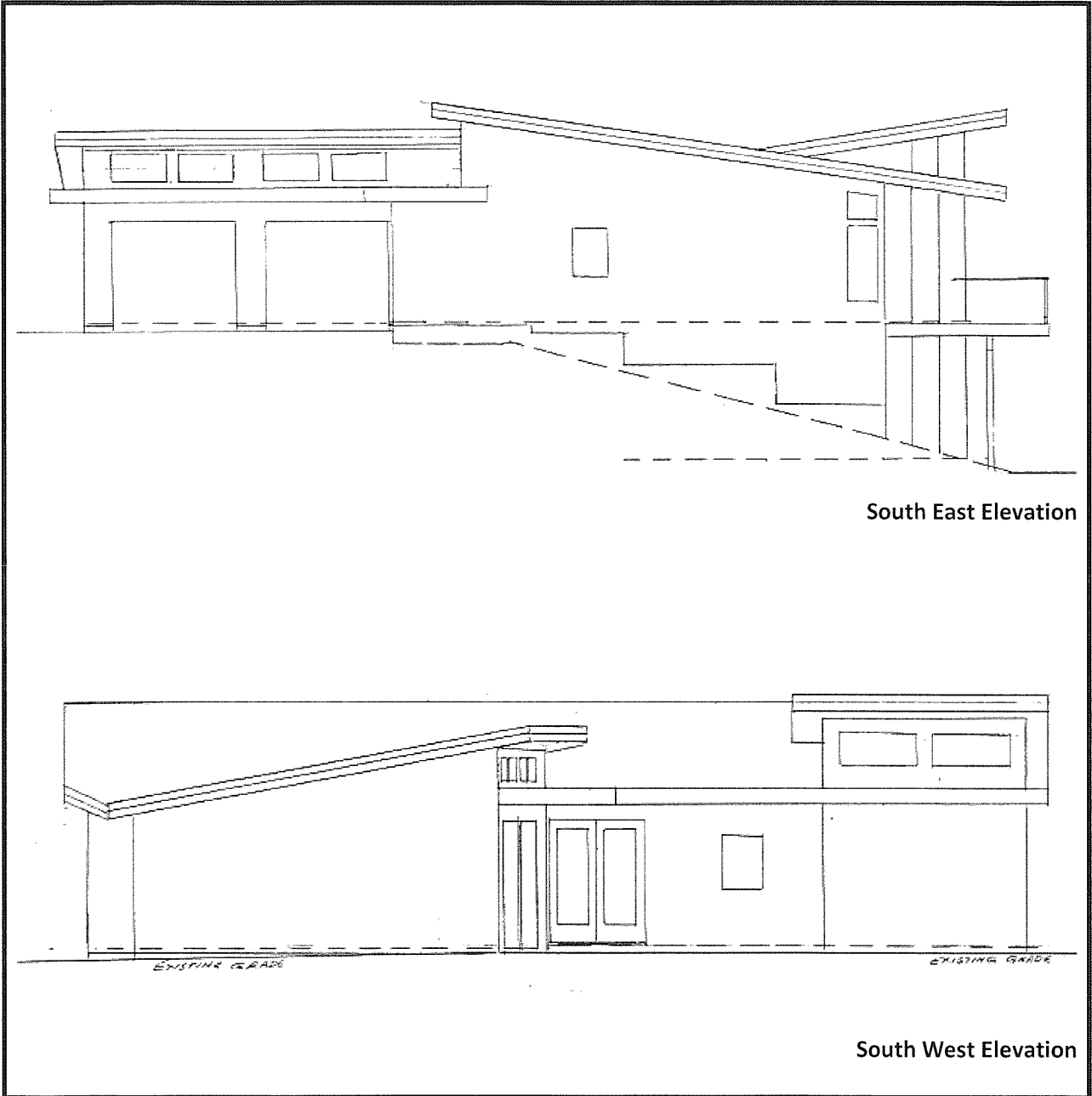


North East Elevation



North West Elevation

**Attachment 4
Building Elevations (Page 2 of 2)**





RDN REPORT		
CAO APPROVAL		
EAP	✓	
GOW		
AUG 26 2015		
RHD		
BOARD		

STAFF REPORT

TO: Jeremy Holm
 Manager, Current Planning

DATE: August 24, 2015

FROM: Tyler Brown
 Planner

MEETING: EAPC – September 8, 2015

FILE: PL2015-098

**SUBJECT: Development Variance Permit Application No. PL2015-098
 Lot 8, District Lot 78, Nanoose District, Plan 14212
 2957 Dolphin Drive – Electoral Area ‘E’**

RECOMMENDATIONS

1. That staff be directed to complete the required notification.
2. That Development Variance Permit No. PL2015-098 to permit the construction of a deck be approved subject to the conditions outlined in Attachments 2 and 3.

PURPOSE

To consider an application for a Development Variance Permit to allow the construction of a deck on an existing foundation.

BACKGROUND

The Regional District of Nanaimo has received an application from Tim Rann on behalf of Robert Howson and Catherine Whitehead to permit the construction of a raised wooden deck on an existing foundation that was previously the site of a boathouse. The subject property is approximately 0.2 ha in area, zoned Residential 1 (RS1) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” and contains a dwelling unit. The property is bordered by the Strait of Georgia to the northeast, Dolphin Drive to the southwest, and similarly zoned RS1 parcels flank the interior lot lines (see Attachment 1 – Subject Property Map). A Stop Work Order (Building Permit No. PR2015-00262) was placed on the property on May 21, 2015, as the property owner had begun construction of the deck without a required building permit (see Attachment 5 – Picture of Deck). The applicant states that the boat house was originally constructed in 1962 and predates both building inspection and zoning.

Proposed Development and Variance

The applicant’s proposal is to build a raised wooden deck on an old boathouse foundation. The deck floor is proposed to be raised 1.7 metres in height from the ground below (see Attachment 3 – Site Plan and Variance). Moreover, the deck proposal includes a railing and would be connected by a ramp on the southern side to the slope leading to the dwelling unit (see Attachment 4 – Deck Diagram). Due to the raised height, the deck would allow for the storage of kayaks and other items below the deck floor. The proposed 7.3 metre by 3.6 metre deck would be setback 2.1 metres from the present natural boundary of the Strait of Georgia (see Attachment 3 – Site Plan and Variance).

As such, the applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

Section 3.3 9 b) ii) – Setbacks – Sea to reduce the minimum setback requirement from the natural boundary of the Strait of Georgia from 15.0 metres to 2.1 metres for the construction of a raised wooden deck on an existing concrete foundation.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2015-098 subject to the conditions outlined in Attachments 2 and 3.
2. To deny Development Variance Permit No. PL2015-098.

LAND USE IMPLICATIONS

Development Implications

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 of a variance proposal. The applicant’s rationale is that a steep slope constrains development on the site and that the existing foundation is well suited for development on the ocean side of the lot (see Attachment 3 – Site Plan and Variance). Moreover, the existing foundation is shielded from the foreshore by a cedar hedge and does not impact neighbouring view lines.

Staff have reviewed the applicant’s variance request to construct a wooden deck on an existing foundation and note that the proposed deck will utilize an existing concrete pad. Furthermore, no negative view implications for neighbouring properties or other negative land-use impacts are anticipated. If the development variance application is approved, the property owner will be required to obtain the necessary permits in accordance with Regional District of Nanaimo Building Regulations.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2015 – 2019 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

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

PUBLIC CONSULTATION IMPLICATIONS

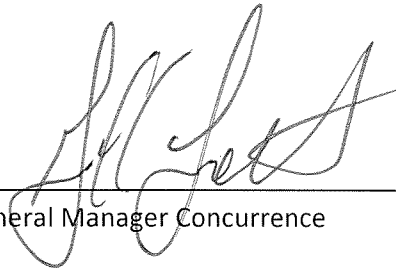
Pending the Committee’s recommendation and pursuant to the *Local Government Act* and the “Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005”, property owners and tenants of parcels located within a 50 metre radius of the subject property will receive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

SUMMARY/CONCLUSIONS

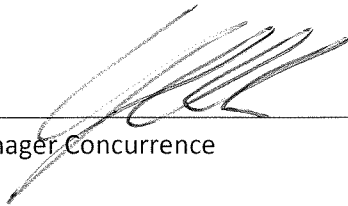
This is an application to consider a Development Variance Permit to construct a wooden deck on an existing concrete pad. Given that the requested variance will utilize an existing foundation and no negative development implications are anticipated, staff recommend the Board approve the requested variance, pending the outcome of public notification and subject to the terms and conditions outlined in Attachment 2.



Report Writer



General Manager Concurrence



Manager Concurrence



A/CAO Concurrence

**Attachment 2
Terms and Conditions of Permit**

The following sets out the terms and conditions of Development Variance Permit No. PL2015-098:

Bylaw No. 500, 1987 Variances:

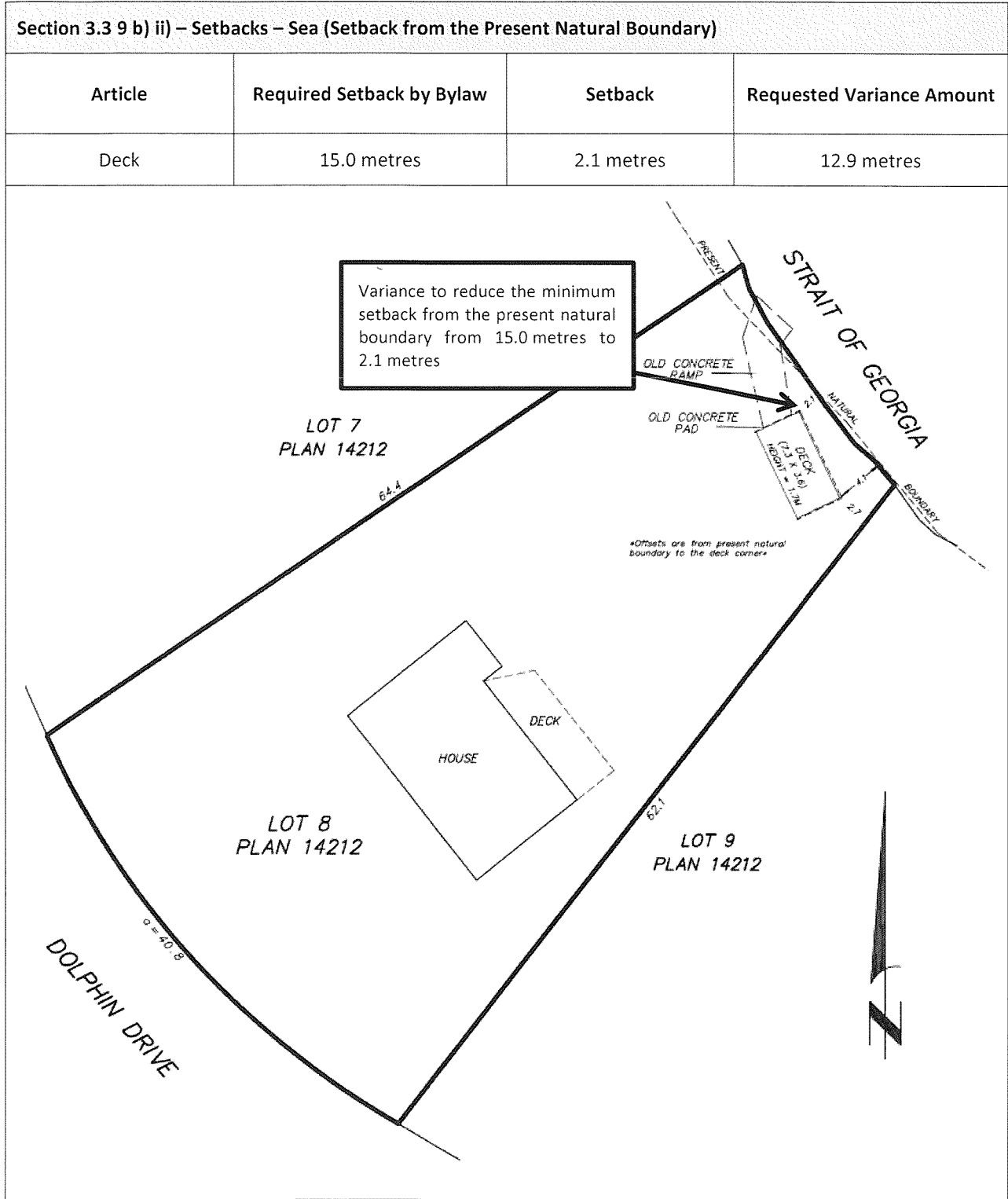
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

Section 3.3 9 b) ii) – Setbacks – Sea to reduce the minimum setback requirement from the natural boundary of the Strait of Georgia from 15.0 metre to 2.1 metre for the construction of a raised wooden deck on an existing concrete foundation.

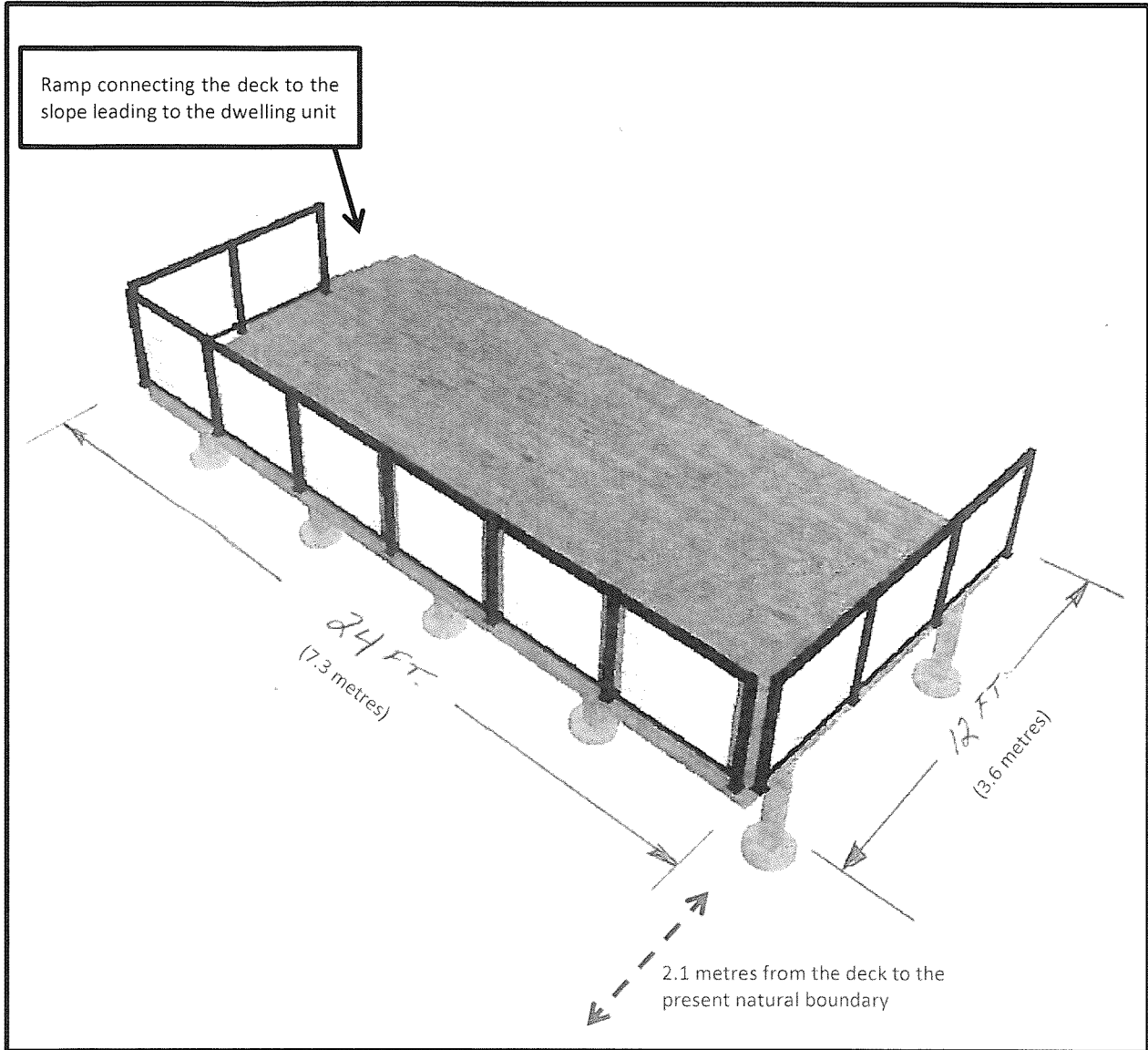
Conditions of Approval:

1. The site is developed in accordance with the Site Plan prepared by Sims Associates Land Surveying Ltd., dated July 9, 2015.
2. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

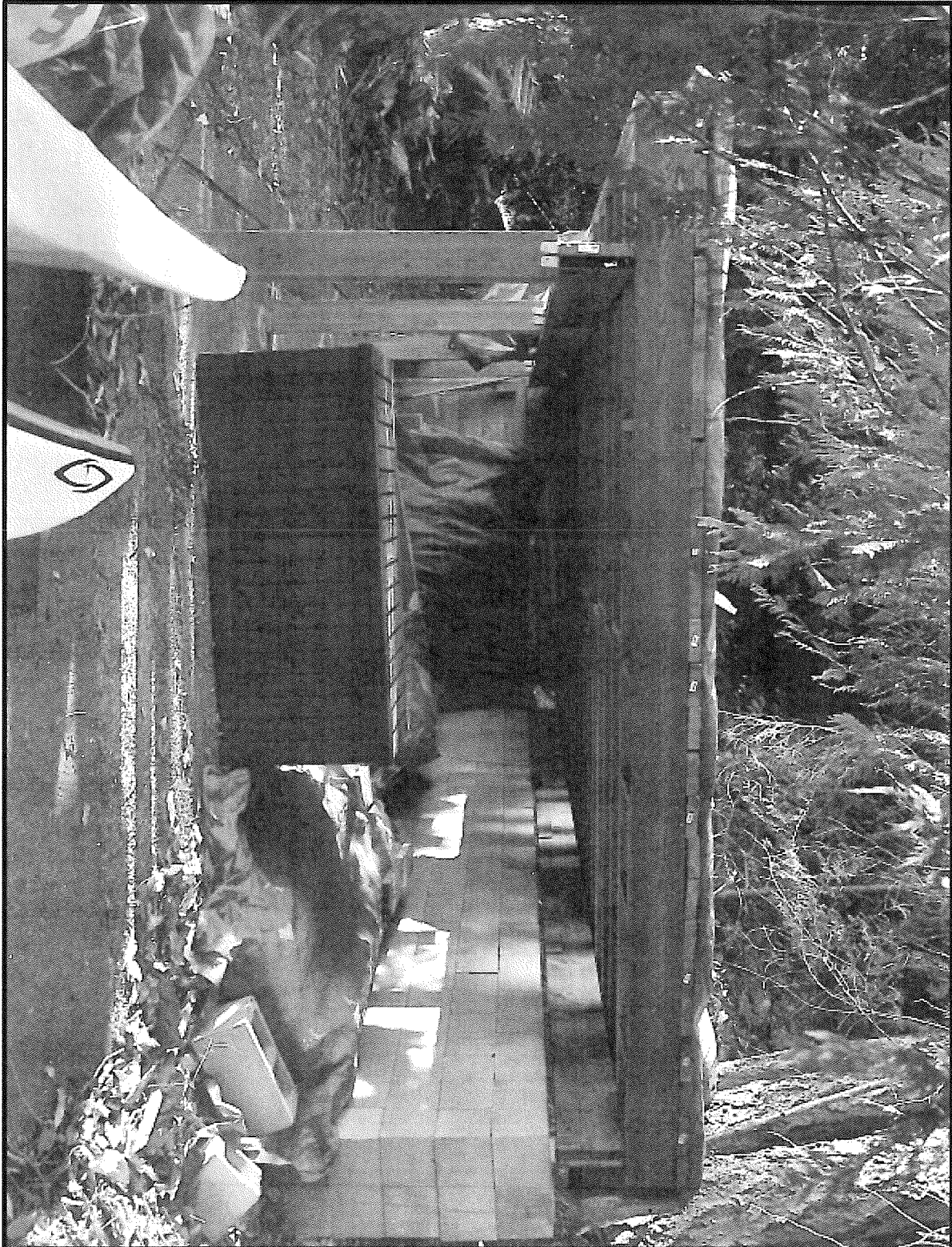
**Attachment 3
Site Plan and Variance**



**Attachment 4
Deck Diagram**



**Attachment 5
Picture of Deck**





RDN REPORT		
CAO APPROVAL		
EAP	✓	
COW		
AUG 28 2015		
RHD		
BOARD		

STAFF REPORT

TO: Jeremy Holm
Manager, Current Planning

DATE: August 28, 2015

FROM: Greg Keller
Senior Planner

MEETING: EAPC September 8, 2015

FILE: PL2015-101

SUBJECT: **Development Variance Permit Application No. PL2015-101**
Strata Lot 140, District Lot 251, Alberni District, Strata Plan VIS5160 Together With An Interest In The Common Property In Proportion To The Unit Entitlement Of The Strata Lot As Shown On Form V
3216 Bay Road – Electoral Area ‘H’

RECOMMENDATIONS

1. That staff be directed to complete the required notification.
2. That Development Variance Permit No. PL2015-101 to increase the maximum floor area of an accessory building be approved subject to the conditions outlined in Attachments 2 to 4.

PURPOSE

To consider an application for a Development Variance Permit to permit the construction of an accessory building that exceeds the maximum accessory building floor area on a recreational parcel located at Horne Lake.

BACKGROUND

The Regional District of Nanaimo has received an application from Casey Rip to permit the construction of an accessory building that exceeds the maximum accessory building floor area of any one given accessory building on the subject property. The subject property is approximately 0.117 ha in area and is zoned Horne Lake Comprehensive Development Zone 9 (CD9) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (see Attachment 1 – Subject Property Map).

Currently, the subject property contains a recreational residence and one accessory building and is surrounded by similarly developed properties to the east and west; Bay Road lies to the north. The CD9 zone contains the following provisions for accessory buildings and structures:

- One 10.0 m² and one 6.0 m² accessory building for each recreational residence;
- One accessory water storage structure of 6.0 m² per recreational residence;
- One accessory wood storage structure of 6.0 m² per recreational residence.

The applicant is requesting a variance to the maximum permitted floor area for an accessory building to facilitate the construction of a 20.4 m² building for storage of recreational watercraft and recognize an existing 7.4 m² accessory shed.

Proposed Development and Variance

The applicants are proposing to construct the accessory building on the northwest portion of the subject property adjacent to Bay Road (see Attachment 3 – Site Plan and Attachment 4 – Building Elevations). The applicant proposes to vary the following regulations from “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

Section 3.4.107(c)(iii) – Floor Area to increase the maximum accessory building floor area from 10.0 m² to 20.4 m² for one accessory building and 6.0 m² to 7.4 m² for one accessory building.

The Horne Lake Strata owners have indicated their support to the Horne Lake Strata Council for larger accessory buildings not to exceed 28.0 m² which is the combined floor area of all of the accessory buildings allowed in the CD9 zone. Should this variance be approved the subject property would be permitted 27.8 m² of overall accessory building floor area.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2015-101 subject to the conditions outlined in Attachments 1 to 4.
2. To deny Development Variance Permit No. PL2015-101.

LAND USE IMPLICATIONS

Development Implications

The applicant has indicated in a letter of rationale that the allowances for accessory buildings provided by the CD9 zone do not provide adequate floor area for secure storage of recreational watercraft at Horne Lake. The applicant has agreed not to construct any additional accessory buildings as permitted in the CD9 zone through the registration of a Section 219 Covenant as a condition of approval of this Development Variance Permit (see Attachment 2 – Terms and Conditions of Permit). While the proposed accessory buildings at 20.4 m² and 7.4 m² would exceed the maximum permitted floor area for individual accessory buildings they would not exceed the combined total permitted floor area of 28 m² for accessory buildings and structures in the CD9 zone.

Board Policy B1.5 for evaluation of Development Variance Permit Applications requires that there is an adequate demonstration of land use justification prior to the Board’s consideration. In this case, the applicant has demonstrated that adherence to the Bylaw hinders the recreational use of the property. The applicant also suggests that four separate, but smaller, accessory buildings as currently permitted by the CD9 zone, are often not as efficient as one single building. The applicant has provided a site plan and building elevation drawings in support of the application (see Attachment 3 – Site Plan and Attachment 4 – Building Elevations).

A 1.5 m minimum setback requirement is applicable from the interior side lot line (common property road) and the maximum permissible height of an accessory building is 3.0 m. The proposed accessory building would comply with the minimum 1.5 m interior side lot line setback and the maximum 3.0 m

height requirement. The proposed accessory building would be located 1.5 m from Bay Road (a common property road) and is not expected to have an impact on views from adjacent recreational properties.

Notwithstanding the applicant's rationale, unlike most other land use zones, the CD9 zone includes specific requirements related to floor area of recreational residences and accessory buildings and does not specify maximum parcel coverage. These unique and very specific zoning requirements were put in place to address a number of concerns including lack of water and wastewater servicing, absence of fire protection and building inspection services, limiting the use of the lands to recreational purpose, controlling building massing and parcel coverage, and protecting the scale and character of development. Accessory buildings larger than 10 m², such as the proposed 20.4 m² boat storage building, were not contemplated in the CD9 zone. This was likely as a result of a combination of the above factors.

Since the CD9 zone was adopted in 2001, there have been several regulatory and land use changes that could have an impact on how staff form recommendations on land use decisions at Horne Lake. Firstly, the RDN introduced Building Inspection in the area in 2011. This service provides assurance, which did not exist in 2001, that buildings and structures meet minimum health and safety standards as established by the British Columbia Building Code. Additionally, Building Inspection provides an opportunity to review development applications for compliance with applicable Development Permit and zoning requirements. Secondly, there has been a change in the way properties are being developed at Horne Lake. Whereas historically many cabins were modest, the trend has been towards the construction of larger and more elaborate cabins that push the parameters of the zone and intensify the use of the properties.

Typically, development variance permit applications are evaluated and considered on a case by case basis. However, supporting larger accessory buildings, even on a case by case basis at Horne Lake is a significant departure from the CD9 zoning provisions and may be viewed as defeating the intent of the zone by allowing more intensive use of the properties and by changing the scale and character of the development. Should this application be approved, staff anticipate that there will be increased interest from other Horne Lake property owners to propose similar accessory buildings.

Although staff is recommending that this application be approved based on the fact that there are no anticipated impacts on adjacent property owners, and an acceptable land use rationale has been provided, it is important to be aware of the larger issue related to approving variances to the CD9 zone. Such variances may, over the course of time, defeat the intent of the zone. Despite the potential that this application could, if approved, increase the level of interest for similar variances, staff is reluctant to recommend that this application be denied based solely on the potential for incremental changes that could have a cumulative impact on the area over time. Instead, staff propose to monitor the number of applications received for variances to accessory building floor area at Horne Lake and will report back to the Board for further direction should it become an issue.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2015-2019 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

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


PUBLIC CONSULTATION IMPLICATIONS

Pending the Committee’s recommendation and pursuant to the *Local Government Act* and the “Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005”, property owners and tenants of parcels located within a 50.0 m 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 facilitate the construction of an accessory building on the subject property. The applicant is requesting a relaxation to the maximum permitted floor area for one accessory building from 10.0 m² to 20.4 m² and for a second accessory building from 6 m² to 7.4 m². This application proposes two buildings with a combined floor area of 27.8 m². The CD9 zone currently permits a maximum of 28 m² of combined accessory building floor area with the maximum size of individual accessory buildings limited to 10 m² and 6 m².

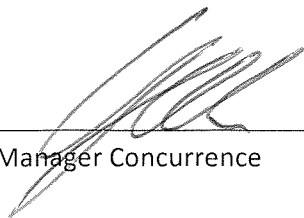
The applicant has indicated that the allowance for accessory buildings provided in the CD9 zone do not adequately allow them to construct a structure large enough to store recreational watercraft. The applicant has agreed to forego construction of any further accessory buildings on the subject property through the registration of a Section 219 covenant as a condition of approval of this Development Variance Permit. As the proposed combined accessory building floor area would not exceed the maximum combined accessory provisions for accessory buildings and structures that are currently allowed and the building complies with all other zoning requirements, staff recommend the Board support the application pending the outcome of public notification.



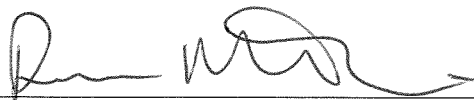
for Report Writer



General Manager Concurrence

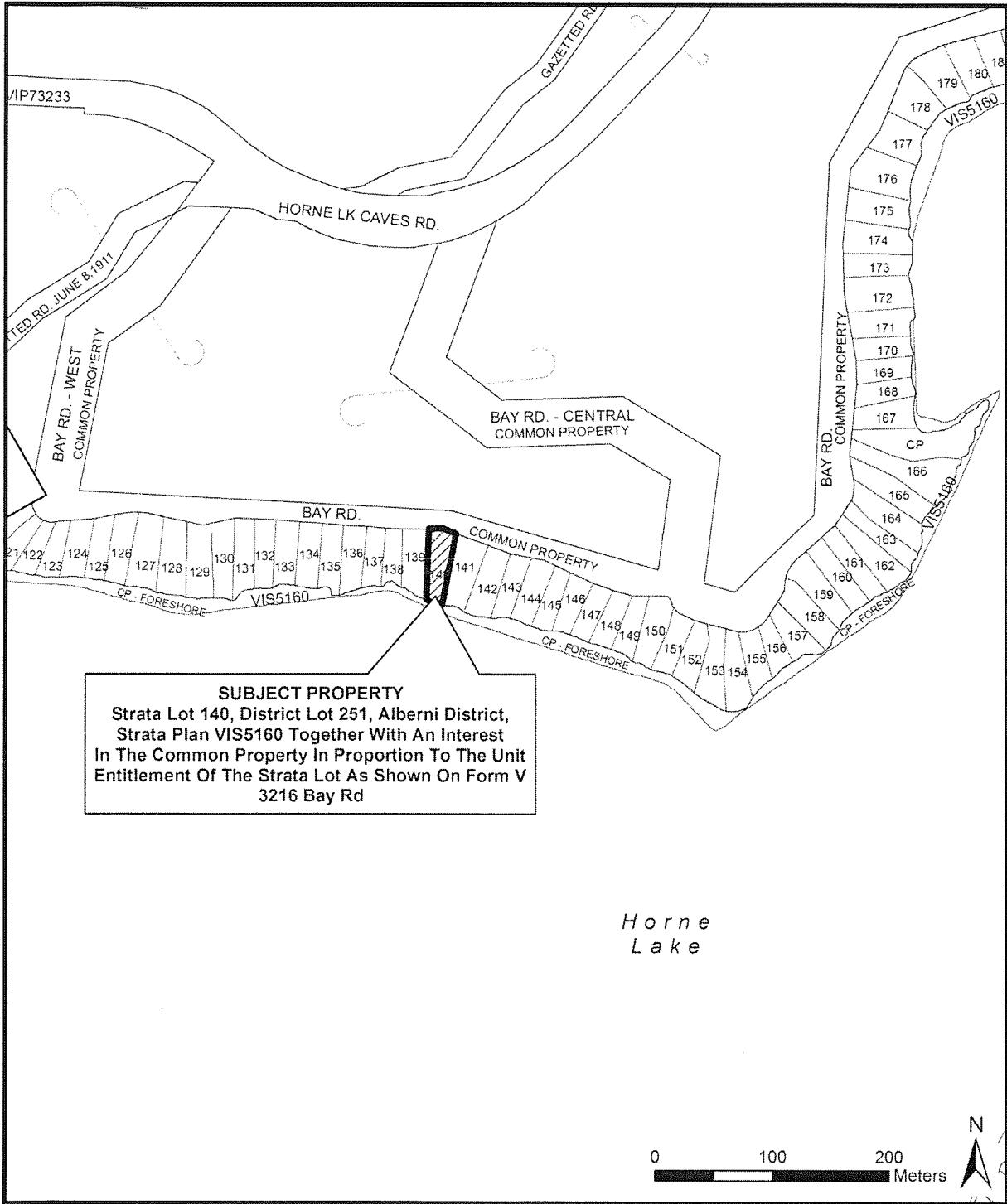


Manager Concurrence



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. PL2015-101:

Bylaw No. 500, 1987 Variances

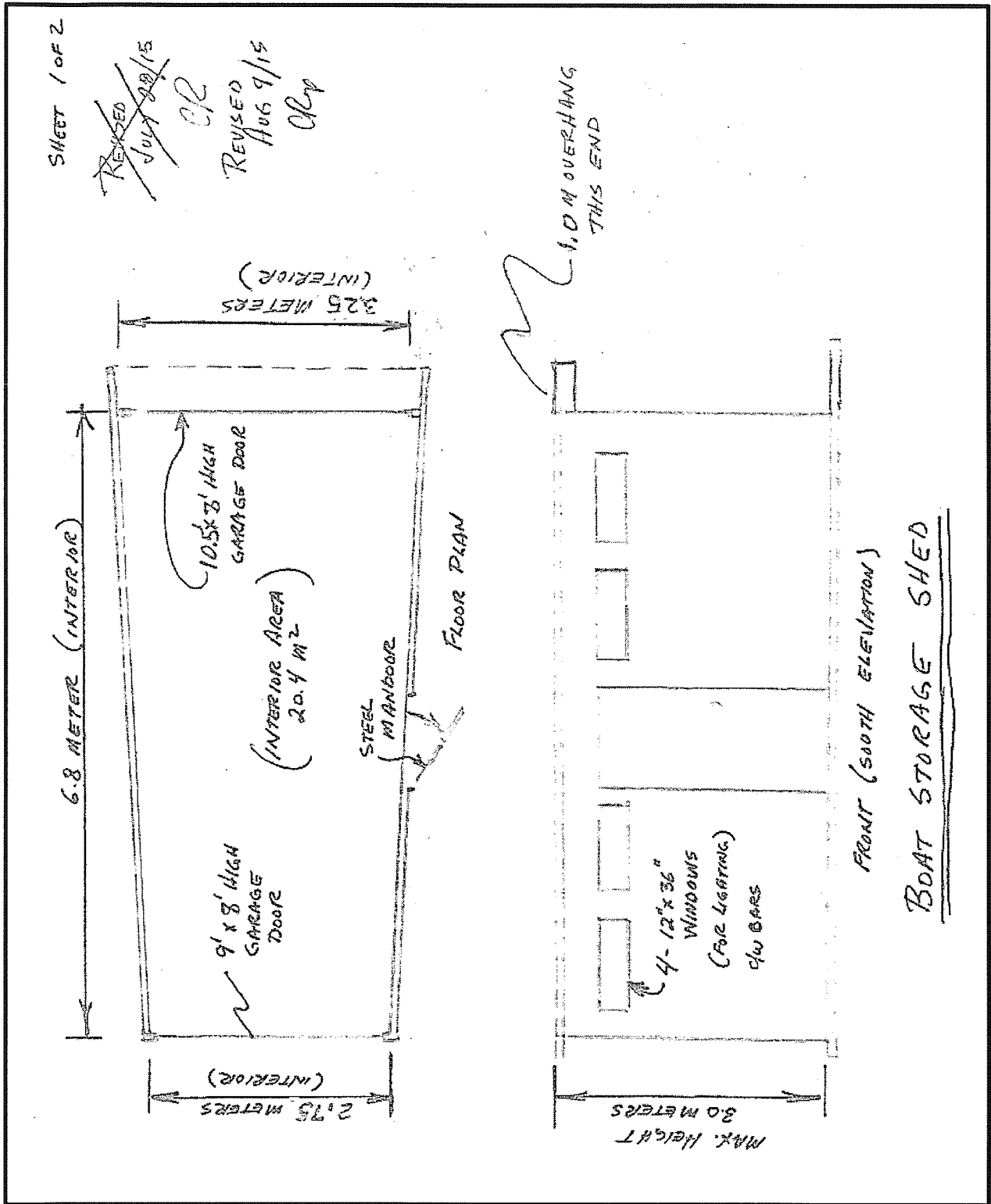
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

Section 3.4.107(c)(iii) – Floor Area to increase the maximum accessory building floor area from 10.0 m² to 20.4 m² for one accessory building and 6.0 m² to 7.4 m² for one accessory building.

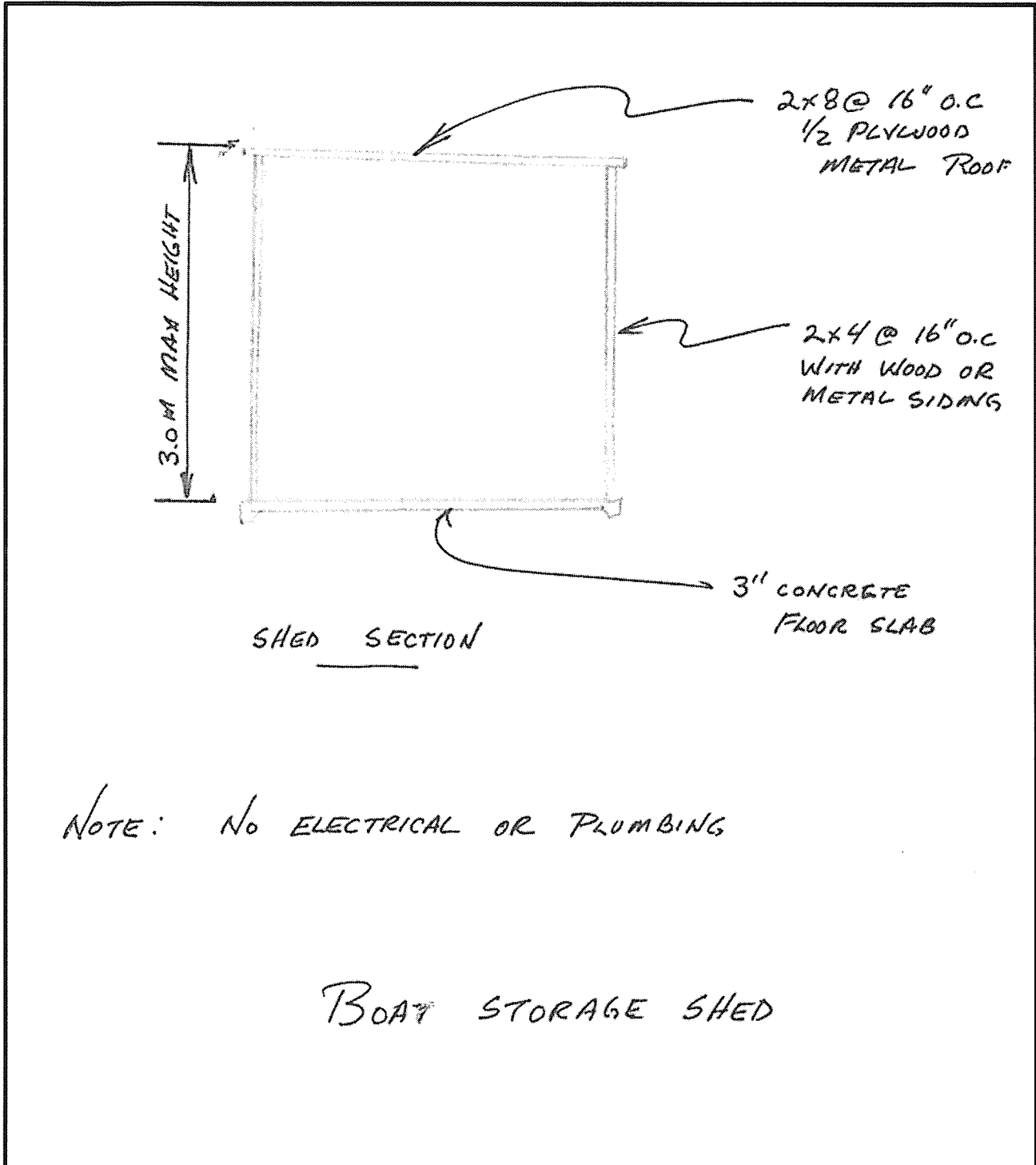
Conditions of Approval

1. The proposed building is constructed in accordance with the site plan and building elevations attached as Attachments 3 and 4.
2. Staff shall withhold the issuance of this Development Variance Permit until the applicant, at the applicant's expense and to the satisfaction of the Regional District of Nanaimo, registers a Section 219 covenant on the property title prohibiting the construction of an accessory water storage structure and accessory wood storage structure on the subject property.
3. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Attachment 4
Building Elevations (Page 1 of 2)



Attachment 4
Building Elevations (Page 2 of 2)



NOTE: NO ELECTRICAL OR PLUMBING

BOAT STORAGE SHED



CAC APPROVAL		
EAP	✓	
COW		
AUG 27 2015		
RHD		
BOARD		

STAFF REPORT

TO: Jeremy Holm
Manager, Current Planning

DATE: August 24, 2015

FROM: Stephen Boogaards
Planner

MEETING: EAPC – September 8, 2015

FILE: PL2015-103

**SUBJECT: Development Variance Permit Application No. PL2015-103
Lot 4, District Lot 62, Nanoose District, Plan 38620
2160 Spurs Road – Electoral Area ‘E’**

RECOMMENDATIONS

1. That staff be directed to complete the required notification.
2. That Development Variance Permit No. PL2015-103 to reduce the side yard setback from 8.0 metres to 2.0 metres for a covered riding ring be approved subject to the conditions outlined in Attachments 2 to 4.

PURPOSE

To consider an application for a Development Variance Permit to reduce the side yard lot line setback for a covered riding ring on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Peter and Cynthia Pollack to permit the construction of a covered riding ring 2.0 metres from the side yard lot line. The proposed variance is intended to allow for a covered riding ring large enough for safe equestrian activities, while allowing for enough room for farm equipment to safely pass between the building and a hydroelectric pole to the east of the building site. The subject property is approximately 2.0 hectares in area and is zoned Rural 5 (RU5) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is also within the Agricultural Land Reserve (ALR). The property is adjacent to other ALR properties to the north, east and south, and a non-ALR rural residential property to the west (see Attachment 1 – Subject Property Map).

The property contains a dwelling unit, a sand riding ring, a barn for housing livestock, garage, orchards and pasture land. The setback to the interior side lot line for a barn housing livestock and storing manure was reduced from 30 metres to 16.284 metres through the Board of Variance in 1992.

Proposed Development and Variance

The applicants propose to construct a covered riding ring within the interior side yard lot line setback. The minimum required setback for the covered riding ring under the RU5 zone is 8.0 metres. The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”

- **Section 3.4.85 – Minimum Setback Requirements** to reduce the minimum interior side yard lot line setback from 8.0 metres to 2.0 metres for a covered riding ring.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2015-103 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Variance Permit No. PL2015-103.

LAND USE IMPLICATIONS

Development Implications

The applicants propose to construct a 1,115 m² covered riding ring on the property (see Attachment 3 – Site Plan and Variances). As agriculture is a permitted use in the zoning and a farm use in the ALR, the riding ring would be permitted on the property. The RU5 zone establishes a minimum setback of 8.0 metres for all buildings and structures, unless the structure is to house livestock or store manure which requires a 30.0 metre setback. Currently the unenclosed sand riding ring is in the location of the proposed covered riding ring.

The applicants propose the riding ring to be located 2.06 metres to the interior side lot line at the closest point. 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. The applicant’s justification is that the current location of the established sand ring is the ideal location for the proposed covered riding ring due to existing packed foundation, which would not be practical for other farm uses. The applicant suggests that the proposed location is also due to the constraints imposed by the existing driveway access and other agricultural uses on the property. Specifically, the applicant provides the following justification for the location of the covered riding ring:

- **Property access** – A driveway is currently situated along the east side of the covered riding ring. Existing vegetation and farm uses prevent the driveway from being moved east.
- **Power line** – Overhead power lines pass from the street to the hydro pole situated between the house and the proposed covered riding ring. The applicants would like to keep a safe distance between the riding ring and the power line, which according to provincial legislation is at least 3.0 metres distance for working around power lines. The applicants would also like to provide extra room for delivery trucks (i.e., hay and farm materials) to navigate the narrow access between the covered riding ring and hydro pole to reach the barn.
- **Trailer and substrate delivery** – The driveway cannot be made narrower without compromising the movement of horse trailers and trucks delivering materials for farm and equestrian purposes.

- **Width constraints** – The proposed covered riding ring cannot be made narrower, as safe equestrian riding requires adequate distance for approaches, departures, and jumps.
- **Land usage** – The applicants considered alternate sites on the property, however the land is already committed to other farm uses. The land is already used for productive plots of hay, orchard, garden, nut trees, paddocks, and barnyards.
- **Dust** – Covering the existing riding ring will reduce the amount of dust from the riding ring that will affect riders, livestock, and neighbours. Currently the outdoor riding ring requires frequent watering, which consumes a large volume of well water. By covering the riding ring, the applicant will be able to reduce the amount of evaporation and will be able to apply dust control agents that would normally wash away in heavy rains.

The applicants have also considered the impacts of the covered riding ring on neighbouring properties, including:

- **Existing neighbourhood character** – The applicants have proposed a building design to fit in the surrounding properties. The proposed covered riding ring has open sides (with safety kickboard) that are intended to fit in with the residential neighbourhood. The height of the building is proposed to be 7.7 metres, below the maximum 9.0 metres allowed by zoning, and it will have a low sloped roof.
- **Adjacent neighbours** – The applicants have also submitted letters of support from the neighbouring property owners, particularly the property adjacent to the covered riding ring to the west. The letters state that the covered riding ring will not affect adjacent properties and will improve the control of dust. The letters conclude that the neighbours have no objection to the proposed covered riding ring.

Consistent with Board Policy B1.5, the proposed variance will allow for the more efficient use of the property for agriculture and equestrian activities. The applicants propose to use the existing packed sand riding ring for the proposed covered riding ring, thereby using the established surface rather than locating the covered riding ring on land that is currently being used for grazing or has potential as farmland. The enclosure of the existing ring will also reduce the amount of dust currently created by the outdoor riding ring, which is a potential nuisance for neighbouring properties, and reduce the amount of water applied for dust control. The covered riding ring will also not contain areas for housing livestock, feeding livestock, or storing manure, as these uses are currently being accommodated elsewhere on the property consistent with the approval granted by the Board of Variance. However, staff recommends that a Section 219 covenant should also be registered on the property title to ensure the use of the building is as proposed.

Currently the neighbouring property only has their driveway and an accessory storage building close to the property line. The neighbouring property owner will be required to plant and maintain a vegetative buffer if they construct any new buildings within 15.0 metres of the ALR boundary, as the area is designated within a Farmland Protection Development Permit Area. Additionally, the existing house is outside of the Development Permit Area, as it is setback greater than 15.0 metres from the common side lot line and the ALR boundary. Despite the distance from neighbouring houses, staff recommends that vegetation removal be restricted around the proposed covered riding ring to screen the neighbouring properties to the west and north.

As identified in the applicant's justification, the proposed covered riding ring will also require sufficient maneuvering space for trucks and machinery delivering farm and equestrian supplies to the livestock barn located south of the proposed site. The current driveway is constrained for access of vehicles to the barn by a hydro pole close to the proposed riding ring site. The location of the hydro pole is 5.34 metres to the proposed covered riding ring, leaving a narrow access point to the barn housing livestock. The proposed access would comply with Bylaw 500 standards for loading spaces, which includes a minimum 9.0 metres length, 3.0 metres width, and a 4.0 metres vertical clearance. The bylaw also requires a 6.0 metres maneuvering aisle for the trucks and trailers to turn around, which is currently accommodated on the portion of the driveway west of the proposed covered riding ring and north of the house.

Due to the hydro pole and lines, the proposed location of the covered riding ring is also affected by provincial legislation that establishes safe limits of approach for working near power lines. The *Occupational Health and Safety Regulation* requires a 3.0 metre minimum distance when working close to exposed electrical equipment and conductors of 750 V to 75 kV, though this distance will increase with the voltage. The proposed location will allow construction and maintenance around the covered riding ring to stay a safe distance from the power lines, and loading vehicles to safely maneuver between the proposed covered riding ring and the hydro pole.

Given that the applicant has provided sufficient justification for the location of the covered riding ring and that the structure will reduce dust from the current riding ring, the applicants have made reasonable efforts to address Policy B1.5 guidelines. As a condition of the permit, the applicants will be required to register a Section 219 covenant on the property title to ensure the use of the proposed building is limited to a covered riding ring and that public assembly use is prohibited. The covenant will also require the maintenance of existing vegetation around the riding ring for buffering. (see Attachment 2 – Terms and Conditions of Permit).

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2015 – 2019 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal will remove barriers to farm uses and maintain the viability of agriculture in keeping with the 2013 – 2015 Board Strategic Plan.

INTER-GOVERNMENTAL IMPLICATIONS

Staff consulted the Ministry of Agriculture about their Guide for Bylaw Development in Farming Areas. In the Guide, the Ministry provides recommendations for zoning regulations that would be appropriate for farm operations, including maximum setbacks for horse riding rings. The Ministry recommends local governments adopt a setback no greater than 4.5 metres for a horse riding ring and exercise yard where no feeding of animals occurs. This recommended maximum setback would apply to the proposed covered riding ring. The Ministry's recommends maximum setbacks to not overly restrict farm operations, such as using arable land for buildings and structures rather than agricultural production. The Ministry has no concerns with the proposal provided the neighbours are in support.

PUBLIC CONSULTATION IMPLICATIONS

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

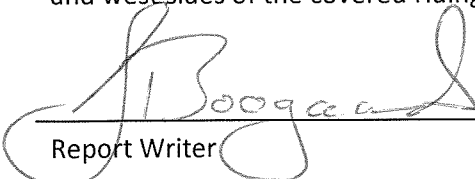
SUMMARY/CONCLUSIONS

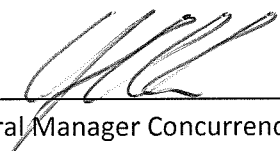
The applicants propose a 1,115 m² covered riding ring 2.0 metres from the side yard property line, which requires a variance from the 8.0 metre setback. Currently the applicant has an outdoor sand riding ring in the location of the proposed structure. The proposed covered riding ring will not house animals or store manure, as this is already accommodated elsewhere on the property within permitted setbacks.

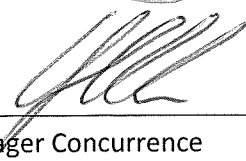
The applicants provided a rationale that the location is necessary for the covered riding ring since it has an established riding surface, and the selection of another location would impact arable land elsewhere on the property, such as pasture land. The proposed structure will also help control the amount of dust from the sand riding ring, while conserving water applied to control dust. The applicants are also constrained for delivery trucks and machinery maneuvering between the proposed covered riding ring and an existing hydro pole. Provincial regulation establishes a 3.0 metre limit of approach around distribution power lines, whereas the current proposal allows for 5.34 metre aisle for workers and machinery.


Staff consulted the Ministry of Agriculture on the requested variance. The Ministry recommends that local government establish a maximum setback for riding rings of 4.5 metre, including covered riding ring. The intention of a maximum setback is to reduce the impact of regulations on farming operations, such as setbacks pushing farm buildings onto arable land. The Ministry of Agriculture has no concerns with the proposal.

Given that the variance for the covered riding ring will have no anticipated negative impacts on neighbouring properties, and the applicants have provided a sufficient justification, staff recommends that the Board approve the variance pending the outcome of public notification and subject to the terms and conditions outlined in Attachment 2. As a condition of the permit, the applicants are required to register a Section 219 covenant to ensure the proposed building is limited to riding ring use and that public assembly is prohibited. The covenant will also prohibit the removal of vegetation on the north and west sides of the covered riding ring to protect a vegetative screen.

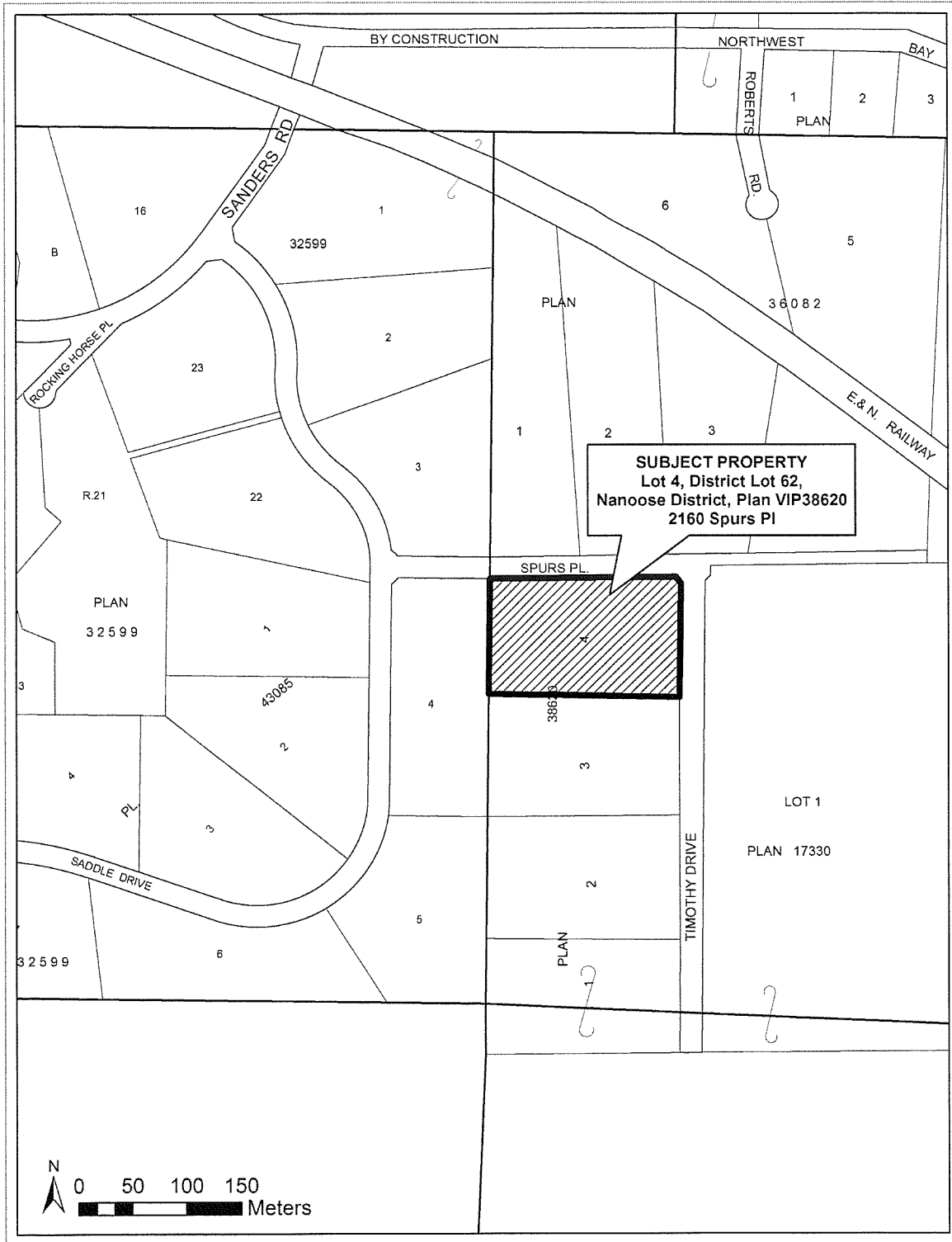

Report Writer


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. PL2015-103:

Bylaw No. 500, 1987 Variances:

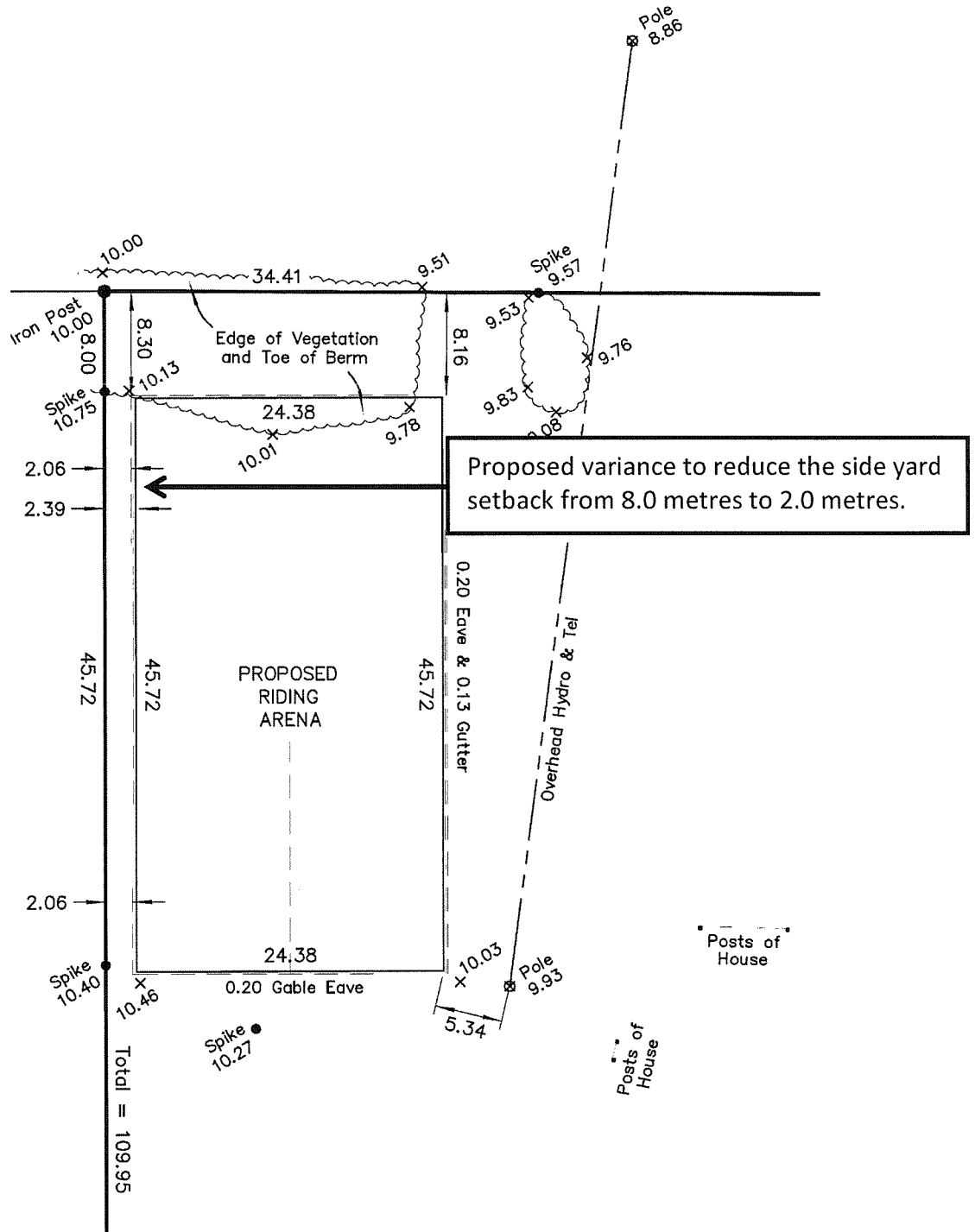
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 is varied as follows:

- **Section 3.4.85 – Minimum Setback Requirements** to reduce the minimum interior side lot line setback from 8.0 metres to 2.0 metres for a covered riding ring.

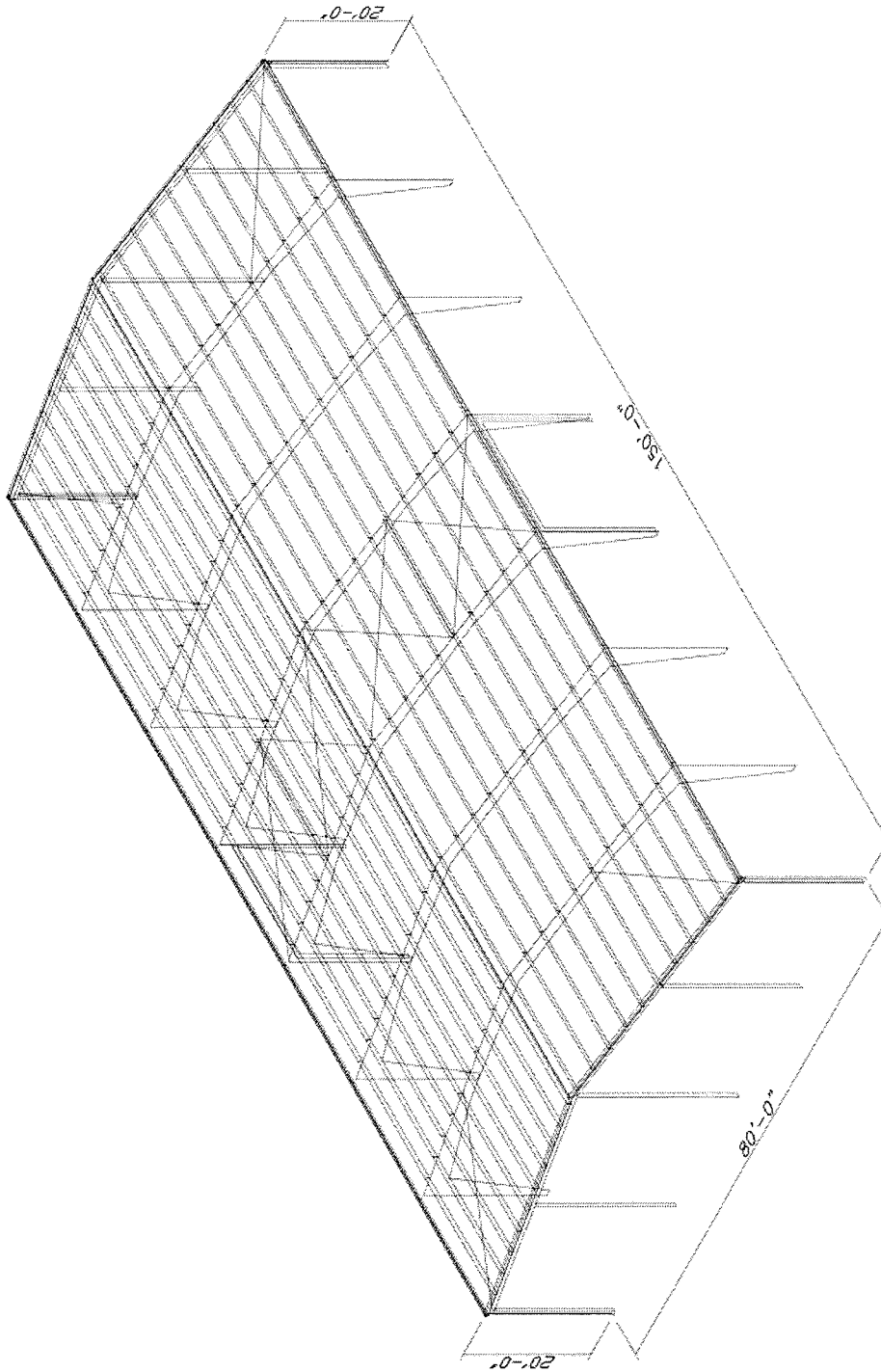
Conditions of Approval:

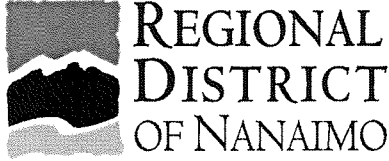
1. The site is developed in accordance with the Plot Plan prepared by JE Anderson & Associates, dated June 25, 2015 and attached as Attachment 3.
2. The proposed development is in general compliance with the building elevations attached as Attachment 4.
1. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, prepares and registers a Section 219 covenant on the property title to (a) limit the proposed building to riding ring use and prohibit public assembly use and (b) maintain existing vegetation in the north and west side setback of the covered riding ring.
2. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

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



Attachment 4
Building Elevations





RDN REPORT		
CAC APPROVAL		
EAP	✓	
COW		
AUG 31 2015		
RHD		
BOARD		

STAFF REPORT

TO: Jeremy Holm
Manager, Current Planning

DATE: August 27, 2015

FROM: Tyler Brown
Planner

MEETING: EAPC – September 8, 2015

FILE: PL2015-062

SUBJECT: Zoning Amendment Application No. PL2015-062
Lot 16, District Lot 156, Nanoose District, Plan 1964
921 & 925 Fairdowne Road – Electoral Area ‘F’
Amendment Bylaw 1285.25, 2015 – 1st and 2nd Reading

RECOMMENDATIONS

1. That the Summary of the Public Information Meeting held on June 25, 2015, be received.
2. That the conditions set out in Attachment 2 of the staff report be completed prior to Amendment Bylaw No. 1285.25 being considered for adoption.
3. That “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.25, 2015”, be introduced and read two times.
4. That the Public Hearing on “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.25, 2015”, be chaired by Director Fell or his alternate.

PURPOSE

To consider a zoning amendment application to rezone the subject property from Industrial 2 (I-2) to a Comprehensive Development Zone in order to facilitate subdivision, increase parcel coverage, amend the permitted land-uses and permit a new land-use on a portion of the lands.

BACKGROUND

The Regional District of Nanaimo has received an application from Ron Chiovetti on behalf of Fairdowne Business Centre Ltd. to rezone the subject property in order to facilitate a two-lot subdivision, increase the permitted parcel coverage, amend the permitted land-uses and permit a new land use (Active-use Storage) on a portion of the lands. The subject property is approximately 2.5 ha in area and contains an existing business (Isle Golf Cars) and a dwelling unit used as a caretaker’s residence. The property is located on the western side of Fairdowne Road (see Attachment 1 – Subject Property Map). Industrial zoned parcels surround the parcel with the exception of rural zoned parcels to the east which are

located in Electoral Area 'G.' The existing business is serviced by a septic disposal system and a single well with an estimated yield of 2.0 USgpm (10.9 m³/d).

Proposed Development

The applicant proposes to rezone the subject property from the I-2 Zone to a new zone, CD-20 Fairdowne Business Centre (CD-20), to facilitate the comprehensive development, which is commercial and industrial in nature, of the property. If approved, the new zone would permit the subdivision of the subject property into two parcels, and permit 40% lot coverage on one of the proposed lots and 30% coverage on the other. Moreover, the new zone would permit the parcel to be developed as a building strata and introduce a new land-use, Active-use Storage. The details of the proposed zone are discussed in length in the Zoning Implications section of this report.

ALTERNATIVES

1. To proceed with Zoning Amendment Application No. PL2015-062, 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 Industrial Lands within the Bellevue-Church Road Rural Separation Area pursuant to the "Regional District of Nanaimo Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999." The Bellevue-Church Road Rural Separation Area encourages compatible mixed-use development and the addition of commercial, industrial, public utility and community services within the area. The applicant's proposal would retain lighter and compatible industrial land-use permissions on the subject property while adding a new commercial use.

Official Community Plan Section 5 (Business and Economy) supports new commercial and industrial development within the Bellevue-Church Road Rural Separation Area. Moreover, in keeping with the business and economic objectives, the proposal will increase the economic activity of the area by permitting a new land-use and densifying development; conform to existing legislation for health, highways, waste management and environmental codes; and support an existing business on the parcel by permitting greater parcel coverage.

Zoning Implications

The existing zoning permits a variety of industrial activities and associated commercial uses as permitted principal uses on the subject property. Furthermore, a 2.0 ha minimum lot size is prescribed by the I-2 Zone and consequentially limits subdivision of the subject property. The proposed Amendment Bylaw, "Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.25, 2015", would introduce a new CD-20 Zone which would apply exclusively to the subject property.

The Amendment Bylaw (see Attachment 6) would introduce a variety of new definitions which would only apply to the new CD-20 Zone. The new definitions include: Active-use Storage, Building Footprint, Building Strata Lot, Commercial Use, Mezzanine, Minimum Lot Size, Minimum Building Strata Lot size, Storey, Subdivision, and Wash Garage. The proposed new definitions are required to account for the

proposed land-use of Active-use Storage and the development of the site as building strata units. Active-use Storage, as defined, means a building containing separate, individual self-storage units, each with a separate entrance to be rented, leased or sold for the private storage and basic general maintenance of personal goods, materials, motor vehicles and equipment.

As the applicant intends to develop each Active-use storage unit as part of a building strata, and the definition of Lot in Bylaw No. 1285 is defined in a manner which prohibits building strata, for the purpose of the CD-20 zone, Lot and Building Strata lot are separately defined. The proposed zone permits the subdivision of the existing parcel into two parcels each approximately 1.2 ha in size (see Attachment 4 – Plan of Subdivision). The proposed zone permits the stratification of buildings into building Strata Lots of not less than 50.0 m² in area.

The proposed zone divides the area parcel into three specific development areas (see Attachment 3 – Development Areas). Development Area 1 is limited to Active-use storage as a permitted principal use. In Development Area 1, the applicant is proposing four buildings with an approximate footprint of 585 m², two buildings with an approximate footprint of 745 m² and one building with a footprint of approximately 700 m². These buildings would contain Active-use Storage units which are proposed to be subdivided into Building Strata Lots. Development Area 1 also permits an accessory wash garage, an accessory office and an accessory dwelling unit. In total the applicant is proposing eight buildings and structures on Development Area 1 with an approximate building footprint of 4650 m² and not exceeding a total lot coverage of 40%.

Proposed Development Area 2, which contains the existing commercial business, will retain industrial uses permitted under the current zoning. The applicant proposes to remove more intensive industrial land-use activities as permissible uses to avoid potential conflict with the proposed Active-storage use. Finally, Development Area 3, will permit both the Active-use storage and the land-uses permitted in Development Area 2. The applicant wishes to maintain some flexibility with regards to uses permitted in Development Area 3 in order to respond to market demand. The proposed CD-20 Zone permits maximum lot coverage of 30% on Development Area 2 and Development Area 3 combined. Only one accessory dwelling unit is permitted in Development Area 2 and Development Area 3 combined.

Minimum setback requirements and maximum building and structure height for all buildings and structures in the proposed CD-20 Zone are consistent with the existing I-2 Zone. A 4.5 metre setback is prescribed for the front and exterior side lot lines, and a 2 metre setback is prescribed for all other lot lines. Building and structure height is limited to 15 metres and one storey where the building is used for Active-use storage to prevent the stratification by floor of multi-storey buildings.

Development Implications

The applicant has submitted a Stormwater Management Plan, prepared by J.E. Anderson & Associates and dated May 14, 2015, in support of the zoning amendment application. The plan evaluated existing drainage conditions, reviewed the Well Feasibility and Impact Report prepared by Lowen Hydrogeology Consulting Ltd., RDN regulations and the Ministry of Transportation and Infrastructure's drainage requirements. The Engineer's recommendations are discussed under the Environmental Implications section of this report.

As per Board Policy B1.21 (Groundwater – Application requirements for rezoning of un-serviced lands), the applicant is required to submit a report by a registered professional indicating that year round

potable water can be provided for the proposed use and that the extraction of water from the well will have no adverse impact on surrounding wells. To address this policy, the applicant has submitted a Well Feasibility and Impact Report, prepared by Lowen Hydrogeology Consulting Ltd. and dated May 6, 2015. The report acknowledges the proposed development of the site and concludes that the development of the site with the proposed industrial uses is unlikely to stress the aquifer or have negative impact on neighbouring wells and that the proposed new well is likely to produce 5 USgpm (27 m³/d). In addition, the report comments that the drainage system designed by J.E. Anderson and Associates will not present a pollution threat to the well nor to the underlying groundwater. In accordance with Board Policy B1.21, prior to final adoption of the amendment bylaw the applicant must receive source approval from the Vancouver Island Health Authority, if required, for the proposed well (see Attachment 2 – Conditions of Approval).

As part of the rezoning application and as a condition of zoning approval, the applicant is proposing to upgrade Valley Road, or provide security in the form of a Section 219 covenant requiring the upgrade of Valley Road prior to subdivision, to a two lane paved standard in accordance with the Ministry of Transportation and Infrastructure's engineering standards. The applicant has provided a cost estimate of the works, prepared by J.E. Anderson & Associates, which values the improvements at approximately \$135,000. The provision of the proposed Valley Road upgrades is noted as a condition of approval in Attachment 2.

In addition to the Valley Road improvements, as part of the rezoning application, the applicant also proposes to provide a voluntary cash contribution of \$30,000 towards the Electoral Area 'F' Parks Reserve Fund in recognition of the increased development potential that would be achieved through rezoning. The provision of this voluntary amenity contribution is noted as a condition of approval in Attachment 2. Parks and Recreation staff have been informed of the proposal and recommend that the Board accept the proposed amenity contribution.

Environmental Implications

The applicant has submitted a Stormwater Management Plan, prepared by J.E. Anderson & Associates and dated May 14, 2015 which included a review of the existing drainage system as well as an analysis of pre-development and post-development surface water flow from the site. The report concludes that a rainwater collection system, which includes an oil water separator, can be utilized to manage rainwater effectively for the proposed Active-use storage development in Development Area 1 (see Attachment 3 – Development Areas). The Stormwater Management Plan provides calculations of pre-development and post-development flows to adequately size the rainwater collection system. In addition, the applicant has submitted a Well Feasibility and Impact Report, prepared by Lowen Hydrogeology Consulting Ltd. and dated May 6, 2015 which comments that the drainage system designed by J.E. Anderson and Associates will not present a pollution threat to the well nor to the underlying groundwater.

The proposed CD-20 zone includes numerous runoff control standards to ensure the protection of the natural environment and the underlying aquifers. Furthermore, the proposed zone contains the requirement that any additional surface runoff and stormwater resulting from the development of the site is not discharged into the Ministry of Transportation and Infrastructure's drainage system or onto neighbouring properties. If the CD-20 Zone is adopted, any future development in Development Area 2 and Development Area 3 would require the further submission of engineering reports to the RDN prior

to building permit approvals to ensure the protection of the underlying aquifer and natural environment from any potential contaminants resulting from development of the site.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2015 – 2019 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the proposed development in relation to the 2013 – 2015 Board Strategic Plan and note that the proposed zoning amendment, in accordance with the Strategic Priority of Economic Vitality, would support an independent and regionally based business and build upon the existing competitive advantages of the region to provide additional industrial and commercial density in a designated growth area.

INTER-GOVERNMENTAL IMPLICATIONS

The Ministry of Transportation and Infrastructure (MOTI) has reviewed the proposed amendment and confirmed that it does not have any concerns. MOTI has also advised that no additional drainage flow is to be directed into the Ministry's drainage system. Additionally, through the subdivision review MOTI will identify the location and detailed design of any road network improvements that the developer will need to complete prior to subdivision approval. MOTI has reviewed and is agreeable to the applicant's proposal to upgrade Valley Road, or provide security in the form of a Section 219 covenant requiring the upgrade of Valley Road prior to subdivision approval, to a two lane paved standard in accordance with the Ministry of Transportation and Infrastructure's engineering standards.

The proposed amendment has also been referred to Island Health. Island Health has advised that they do not have any concern with the proposal, and the applicant may be required to establish a water works system depending on the distribution of well water. As a condition at the time of subdivision, the applicant will be required to meet Island Health's standards for sewage disposal and well protection.

The proposed amendment has also been referred to the Errington Volunteer Fire Department. The Fire Department has advised that they do not have any concerns with the proposal.

PUBLIC CONSULTATION IMPLICATIONS

A Public Information Meeting (PIM) was held on June 25, 2015. Nine members of the public attended (see Attachment 5 – Summary of the Public Information Meeting). All the comments received by the members of the public were supportive of the applicant's proposal to increase lot coverage and reduce minimum parcel size. 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*.

SUMMARY/CONCLUSIONS

The applicant proposes to rezone the subject property from the I-2 Zone to a new zone, CD-20 Fairdowne Business Centre (CD-20), to facilitate the comprehensive development, which is commercial and industrial in nature, of the property. The proposed development is consistent with the policies for

the Bellevue-Church Road Rural Separation area. The applicant has demonstrated that there is adequate site area and sufficient well water supply for the proposed uses.

The applicant has submitted a Stormwater Management Report that states that surface water can be managed within the property. Moreover, the applicant has submitted a Well Feasibility and Impact Report, prepared by Lowen Hydrogeology Consulting Ltd. and dated May 6, 2015 which comments that the drainage system designed by J.E. Anderson and Associates will not present a pollution threat to the well nor to the underlying groundwater and that a new well, in addition to the well currently on the site, can be drilled to provide adequate water supply to the proposed development.

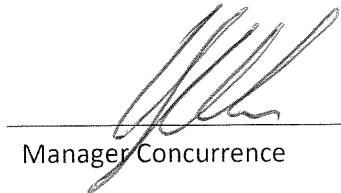
The applicant is proposing to complete significant improvements to Valley Road prior to bylaw adoption. In addition, the applicant is offering a voluntary community amenity contribution of \$30,000 towards the Electoral Area 'F' Parks Reserve Fund. As the applicant has demonstrated the lands can support the proposed uses, the public has expressed support for the proposal at the Public Information Meeting held on June 25, 2015, and the proposal is consistent with OCP policies, staff recommend that "Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285.25, 2015" proceed for first and second reading and to Public Hearing.



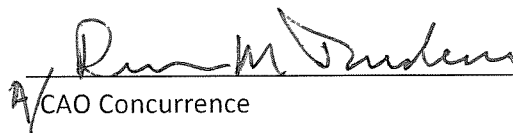
Report Writer



General Manager Concurrence



Manager Concurrence



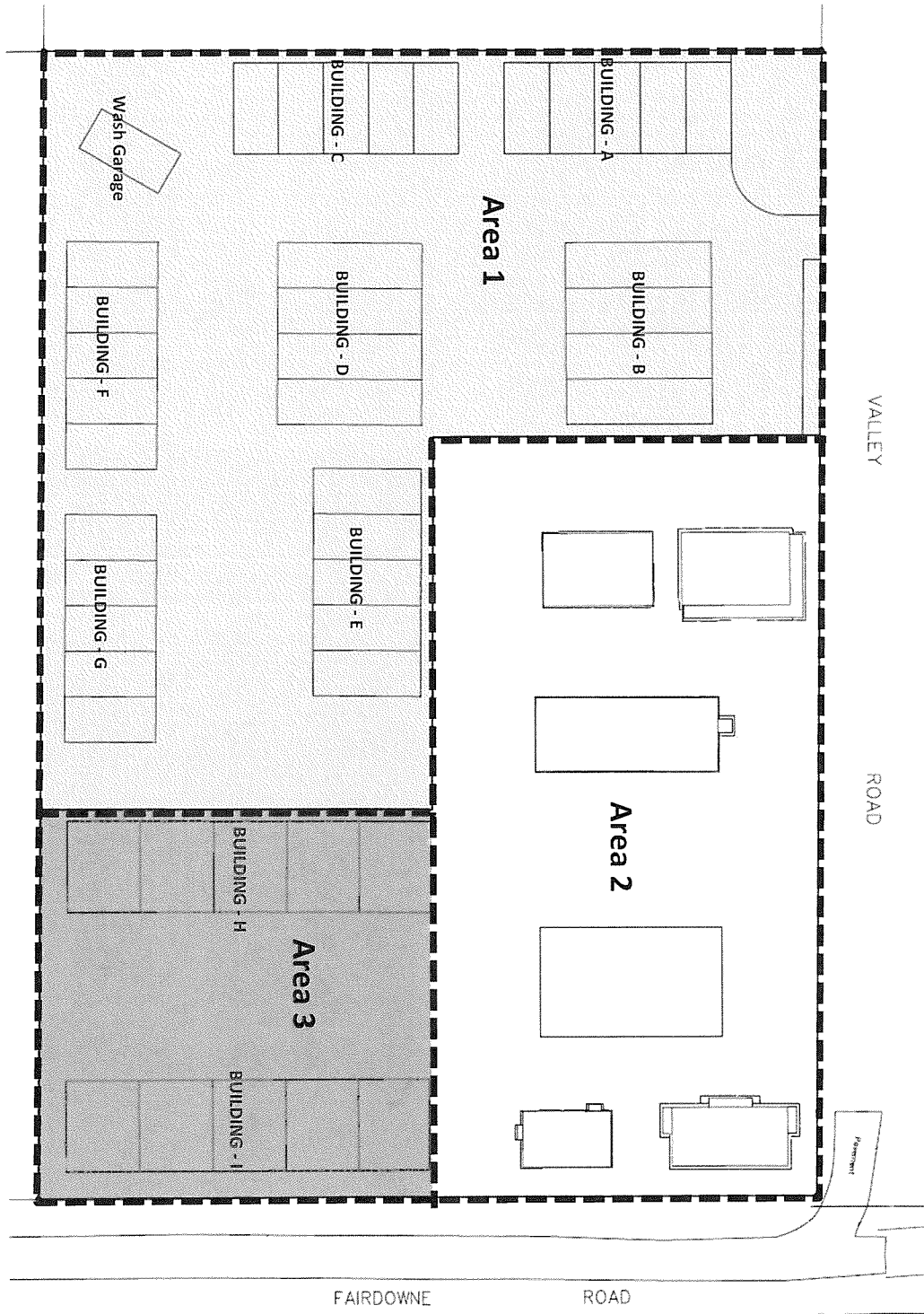
CAO Concurrence

Attachment 2
Conditions of Approval

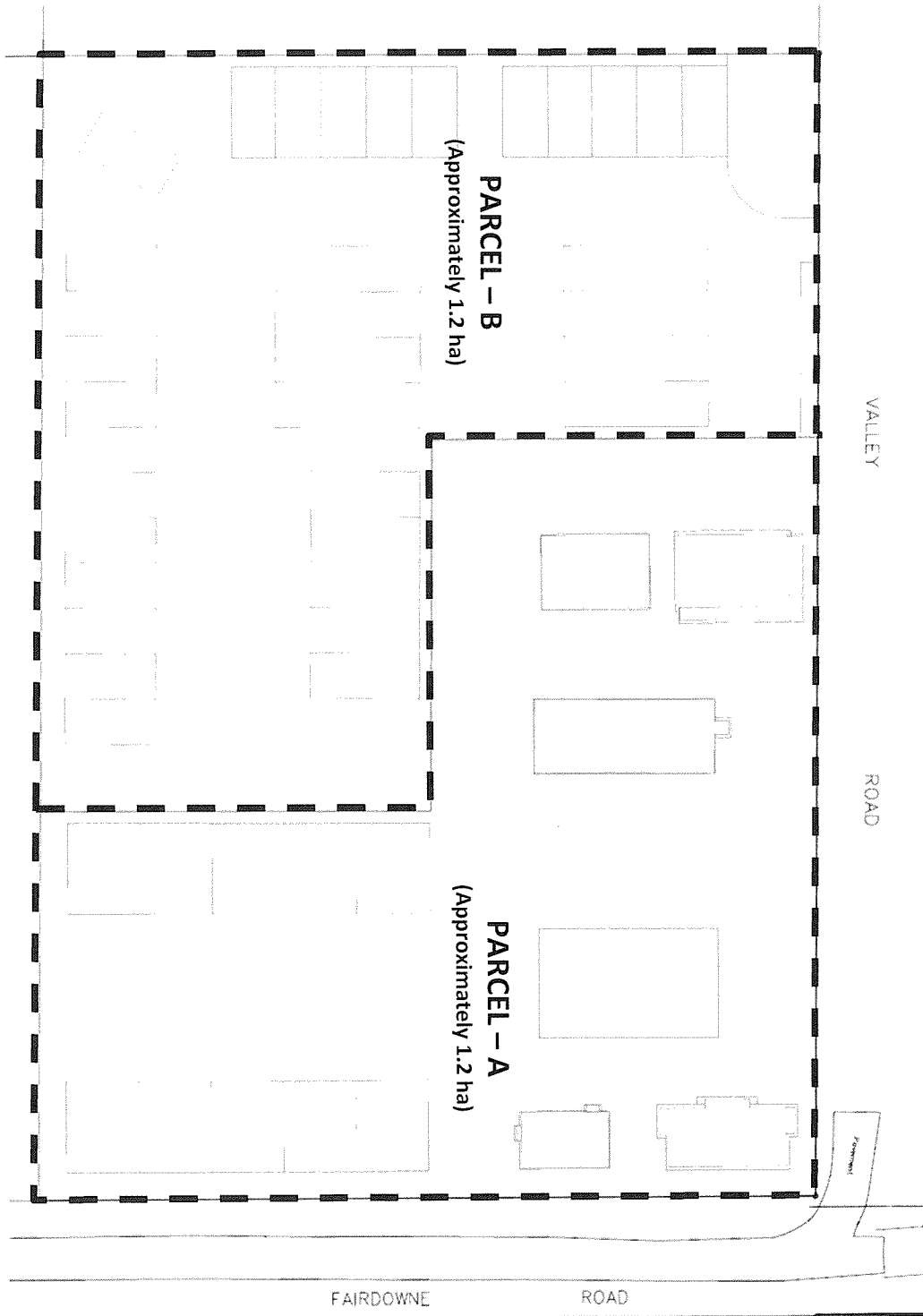
The following is required prior to the “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.25, 2015” being considered for adoption:

1. The applicant shall provide a community amenity contribution in the amount of \$30,000 to the Electoral Area ‘F’ Parks Reserve Fund.
2. The applicant shall upgrade Valley Road, or register a Section 219 covenant on the property title requiring the upgrade of Valley Road prior to subdivision, to a two lane paved standard in accordance with the Ministry of Transportation and Infrastructure’s engineering standards
3. Prior to final adoption of the amendment the applicant must receive source approval from the Vancouver Island Health Authority, if required, for the proposed well.

Attachment 3
Development Areas



Attachment 4
Plan of Subdivision



**Attachment 5
Summary of the Public Information Meeting**

**Held at Bradley Centre
975 Shearmer Road, Electoral Area 'F'
Thursday, June 25, 2015 at 6:30 pm**

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

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

Present for the Regional District of Nanaimo:

Alternate Director Jack Mclean, Electoral Area 'F' (the Chair)
Tyler Brown, Planner
Kelsey Chandler, Planning Technician

Present for the Applicant:

Ron Chiovetti and Greg Higgins, Fairdowne Business Centre Ltd. (Applicants)

The Chair opened the meeting at 6:28 pm, outlined the evening's agenda, and introduced 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.

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

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

Ron Chiovetti presented an overview of the proposal.

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

Jim Allard, Fairdowne Road, was supportive of the development. He stated that the uses occurring along Fairdowne Road were a mix of residential and industrial, and were split along the political boundary between Electoral Areas 'F' and 'G'. He believed that the RDN should take a more holistic view of development in the area.

Tyler Brown responded that the zoning in Area 'G' is not consistent with the uses allowed in Area 'F', but that any changes to zoning in Area 'G' would need to be supported by the Official Community Plan (OCP).

Randy Marston, 1304 and 1306 Alberni Highway, expressed support for Mr. Chiovetti and the proposal to increase lot coverage and amend the zoning. He also stated that the parcel coverage permitted on industrial parcels barely covers the owners' property taxes.

Tony Ethier, 1400 Alberni Highway, also expressed support for Mr. Chiovetti and was in agreement with Mr. Marston regarding low allowable parcel coverage. He stated that he owns two buildings that he cannot demolish and cannot rebuild due to parcel coverage allowances.

The Chair agreed that lot coverage is too low, and that there should be higher allowances for Agriculture zoning.

Randy Marston, 1304 and 1306 Alberni Highway, responded that the conversation was in relation to commercial zoning, not agricultural zoning, and reiterated that the coverage was too low.

Tony Ethier, 1400 Alberni Highway, stated that his property taxes accounted for one month of the total rent he was able to charge, and that he had been integral to the installation of lights and cameras at the intersection adjacent to his properties. He also stated that he believed Randy was doing a good job of cleaning up his properties, and expressed support for Mr. Chiovetti's proposal.

Mitch, 1300 Alberni Highway, expressed agreement with Tony Ethier and commented that he is also unable to replace his 13,000 m² commercially-zoned building and that he is also supportive of Mr. Chiovetti and anyone else who proposes similar development, and stated that the minimum parcel size (2 ha) should be smaller.

The Chair commented that when the zoning was introduced, the public expressed a desire to maintain larger lots in order to accommodate larger work forces. He added that there were issues voiced with respect to lot size in the original hearings for Area 'F' zoning.

Tyler Brown added that minimum parcel size is also subject to provincial regulations (eg. septic, etc.), as well as servicing requirements.

Allan Edie, Campbell River, stated his experience as a developer in Campbell River, in Edmonton, and now in Electoral Area 'F' working on a development with Mr. Henry Rempel. He expressed support for Mr. Chiovetti's proposal. He also stated to reduce the minimum parcel size for his development, the RDN is requiring that he install an Epcor water line to the property. He agreed with the other meeting attendees that parcel coverage allowances are too low, and cited Campbell River as an example where small lot sizes combined with high parcel coverage allowance and services to the lot line were commonplace. He reiterated his support for Mr. Chiovetti.

The Chair responded that he was the Director when the 5 acre minimum parcel size for Industrial zoned lots was implemented, but prior to that, there was no Industrial zoned land in Area 'F'.

Blair Milligan, 1009 Allsbrook Road, expressed his support for the applicants' proposal and higher lot coverage allowances. He also stated that he pays one and a half months' worth of rental income in property taxes, and that if coverage were higher, he would make a better return on his investment.

Jim Allard, Fairdowne Road, agreed that the property tax rates were an issue for him as well. He stated that he pays 35% of the gross revenue from his gravel lot in commercial taxes, and that the tax rate for commercial properties is six times that of residential properties. He also reiterated his support for Mr. Chiovetti's proposal.

The Chair responded that the RDN is only able to set tax fees for services that the District provides, and that it is the assessed value of the properties that is resulting in any increases to tax rates.

Ron Chiovetti stated that there would be excavators working on the property in the coming weeks, but stated that he was currently developing the site under current allowable coverage.

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 7:04 pm.



Kelsey Chandler
Recording Secretary

Attachment 6
Proposed Amendment Bylaw No. 1285.25, 2015

TO BE ATTACHED SEPERATLEY

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1285.25**

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

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

- A. This Bylaw may be cited as "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.25, 2015".
- B. "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002", is hereby amended as follows:
1. Under **SECTION 4 – ZONES, Comprehensive Development Zones** by adding the following zoning classification and corresponding short title after Section 4.42 CD-19 Springhill Road:

Section 4.43, CD-20 Fairdowne Comprehensive Development
 2. By adding Section 4.43, CD-20 Fairdowne Comprehensive Development as shown on Schedule '1' which is attached to and forms part of this Bylaw.
 3. By rezoning the lands shown on the attached Schedule '2' and legally described as Lot 16, District Lot 156, Nanoose District, Plan 1964 from Industrial 2 (I-2) to CD-20 Fairdowne Comprehensive Development.

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

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

Schedule '1' to accompany "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.25, 2015".

Chairperson

Corporate Officer

Schedule '1'

CD-20 – Fairdowne Comprehensive Development	SECTION 4.43
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The intent of this zone is to provide land-use and siting requirements for the comprehensive development of the Fairdowne Business Centre within the Bellevue-Church Road area.

4.43.1 Definitions

Notwithstanding Section 5 of this bylaw, for the purpose of this zone the following definitions apply:

Active-use Storage means a building containing separate, individual self-storage units, each with a separate entrance to be rented, leased or sold for the private storage and basic general maintenance of personal goods, materials, motor vehicles and equipment;

Basic General Maintenance does not include welding, painting, stripping, power or pressure washing or other similar activities;

Building Footprint means the sum total horizontal area on a development site used by a building structure, defined by the perimeter of the building plan;

Building Strata Lot means a defined area on a strata plan on which the boundaries are delineated by reference to the floors, walls or ceilings of a building in accordance with the **Strata Property Act**;

Commercial Use means any use or activity prepared, done, or acting with intent of gain or financial profit;

Lot means any parcel, block or other area in which land is held or into which it is created pursuant to the **Land Title Act** or as a result of deposit of a bare land strata plan pursuant to the **Strata Property Act**;

Mezzanine means an intermediate floor assembly between the floor and ceiling of any room or storey that does not exceed 35% of the floor area of the floor below and includes an interior balcony;

Minimum Lot Size means the smallest area into which a lot may be created pursuant to the **Land Title Act** or as a bare land strata plan pursuant to the **Strata Property Act**;

Minimum Building Strata Lot size means the smallest area into which a building strata lot may be created pursuant to the **Strata Property Act**;

Storey means that portion of a building, not including a mezzanine, that is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it;

Subdivision means the division of any parcel, block or other area pursuant to the **Land Title Act** or pursuant to the **Strata Property Act**;

Wash Garage means a building or structure containing equipment and supplies for washing motor vehicles.

4.43.2 Subdivision Regulations

The regulations applicable to the creation of lots within this Zone are as follows:

Categories	Requirements
a) Minimum Lot Size	1.2 ha
b) Minimum Building Strata Lot Size	50 m ²
c) Minimum Lot Frontage	10% of lot perimeter
d) Lot Shape and Configuration	Subdivision of the lands shall be in accordance with and distances may be scaled from Appendix 1

4.43.3 Development Areas

This Zone is divided into Development Areas 1 to 3 as outlined within Appendix 2. Development Areas 1 and 3 contain regulations that stipulate the location of buildings and structures used for Active-use Storage within those Development Areas. Distances may be scaled from Appendix 2.

4.43.4 Permitted Principal Uses

The uses permitted in Development Areas 1 to 3 are as follows:

Development Area 1	Development Area 2	Development Area 3
a) Active-use Storage	a) Commercial Card Lock b) Transportation/Trans-shipment Terminal c) Equipment Rental d) Log Home Building e) Manufacturing f) Outdoor Sales g) Warehousing/Wholesaling h) Outdoor Storage i) Mini-Storage	a) Commercial Card Lock b) Transportation/Trans-shipment Terminal c) Equipment Rental d) Log Home Building e) Manufacturing f) Outdoor Sales g) Warehousing/Wholesaling h) Outdoor Storage i) Mini-Storage j) Active-use storage

4.43.5 Permitted Accessory Uses

Where development areas are used for the applicable permitted use, accessory uses permitted in Development Areas 1 to 3 are as follows:

Development Area 1	Development Area 2	Development Area 3
a) Accessory Structures	a) Accessory Buildings and Structures	a) Accessory Buildings and Structures
b) Accessory Office	b) Accessory Office and Retail Sales	b) Accessory Office and Retail Sales
c) Wash Garage	c) Dwelling Unit	
d) Dwelling Unit		

4.43.6 Development Area 1 Regulations Table

The regulations in Column 2 of the following table apply to developments in Development Area 1:

Categories	Requirements
a) Maximum dwelling Unit Density	One Dwelling Unit not greater than 150 m ² in floor area
b) Maximum Lot Coverage	40%
c) Maximum Building and Structure Height	15 metres
d) Maximum number of Storeys	1
e) Maximum number of Mezzanine levels	1
f) Maximum accessory Wash Garage area	120 m ²
g) Maximum permitted Accessory Office units	1
h) Maximum Accessory Office floor area	185 m ²
i) Minimum Setback from	
i) Front and Exterior Side Lot Lines	4.5 metres
ii) All Other Lot Lines	2 metres
j) Minimum Setback from Watercourses	As outlined in Section 2.10
k) General Land Use Regulations	As outlined in Section 4.43.9

4.43.7 Development Area 2 and Development Area 3 Regulations Table

The regulations in Column 2 of the following table apply to developments in Development Area 2 and Development Area 3:

Categories	Requirements
a) Maximum Dwelling Unit Density (Development Area 2 and Development Area 3 combined)	One Dwelling Unit not greater than 150 m ² in floor area
b) Maximum Lot Coverage (Development Area 2 and Development Area 3 combined)	30%
c) Maximum Building and Structure Height	15 metres
l) Maximum number of Storeys if used for Active-use Storage	1
m) Maximum number of Mezzanine levels if used for Active-use Storage	1
d) Minimum Setback from i) Front and Exterior Side Lot Lines ii) All Other Lot Lines	4.5 metres 2 metres
e) Minimum Setback from Watercourses	As outlined in Section 2.10
f) General Land Use Regulations	As outlined in Section 4.43.9

4.43.8 Runoff Control Standards

Notwithstanding Section 2.5 of this bylaw, an owner of land who carries out construction of a paved area or roof area must provide for the disposal of surface runoff and stormwater in accordance with the following:

1. Where a building or structure including a roof area has been constructed or land has been developed to include a paved area or similar impervious surface, the landowner must provide for the discharge of surface runoff and stormwater by ensuring that the surface runoff and stormwater containing Domestic Waste, Trucked Liquid Waste, Flammable or Explosive Waste, Corrosive Waste, High Temperature Waste, pH Waste, and Disinfectant Process Water, is not discharged or disposed of onto the surface of the land or into a stormwater collection channel or watercourse.
2. Where a building or structure including a roof area, has been constructed or land has been developed to include a paved area or similar impervious areas for the parking, maintenance or operation of automobiles or machinery, the landowner must provide for the discharge or disposal of all surface runoff and stormwater into stormwater collection and discharge systems that are designed by a professional engineer and include grease, oil, and sedimentation removal facilities.
3. Where a building or structure including a roof area has been constructed or land has been developed to include a paved area or similar impervious surface, the landowner must ensure

that any stormwater that contains suspended solids in concentrations that would cause the water quality in the watercourse receiving the stormwater to exceed the maximum induced suspended sediments guidelines for aquatic life and wildlife as set out in the most current British Columbia Approved Water Quality Guidelines published by Ministry of Environment is not discharged into a stormwater collection channel or watercourse.

4. Where a building or structure is to be constructed or land is to be developed to include a paved area or similar impervious surface, the owner must provide an assessment report prepared by a professional engineer commenting on all proposed site excavation works to ensure that movement of surface and subsurface soils and excavations shall be designed and completed as to not disturb the impermeable soils protecting the aquifers in the subsurface and that the natural drainage characteristics of the land will be impaired as little as possible.
5. Where a building or structure including a roof area has been constructed or land has been developed to include a paved area or similar impervious surface, the landowner must ensure that no additional surface runoff and stormwater is discharged into the Ministry of Transportation and Infrastructure's drainage system or onto neighbouring properties.
6. Where an oil water separator is required by an engineer as part of a stormwater management plan or collection system, the oil water separator shall be kept in good repair and maintained in accordance with the engineer's recommendations or manufacturer's specifications.

4.43.9 General Zone Regulations

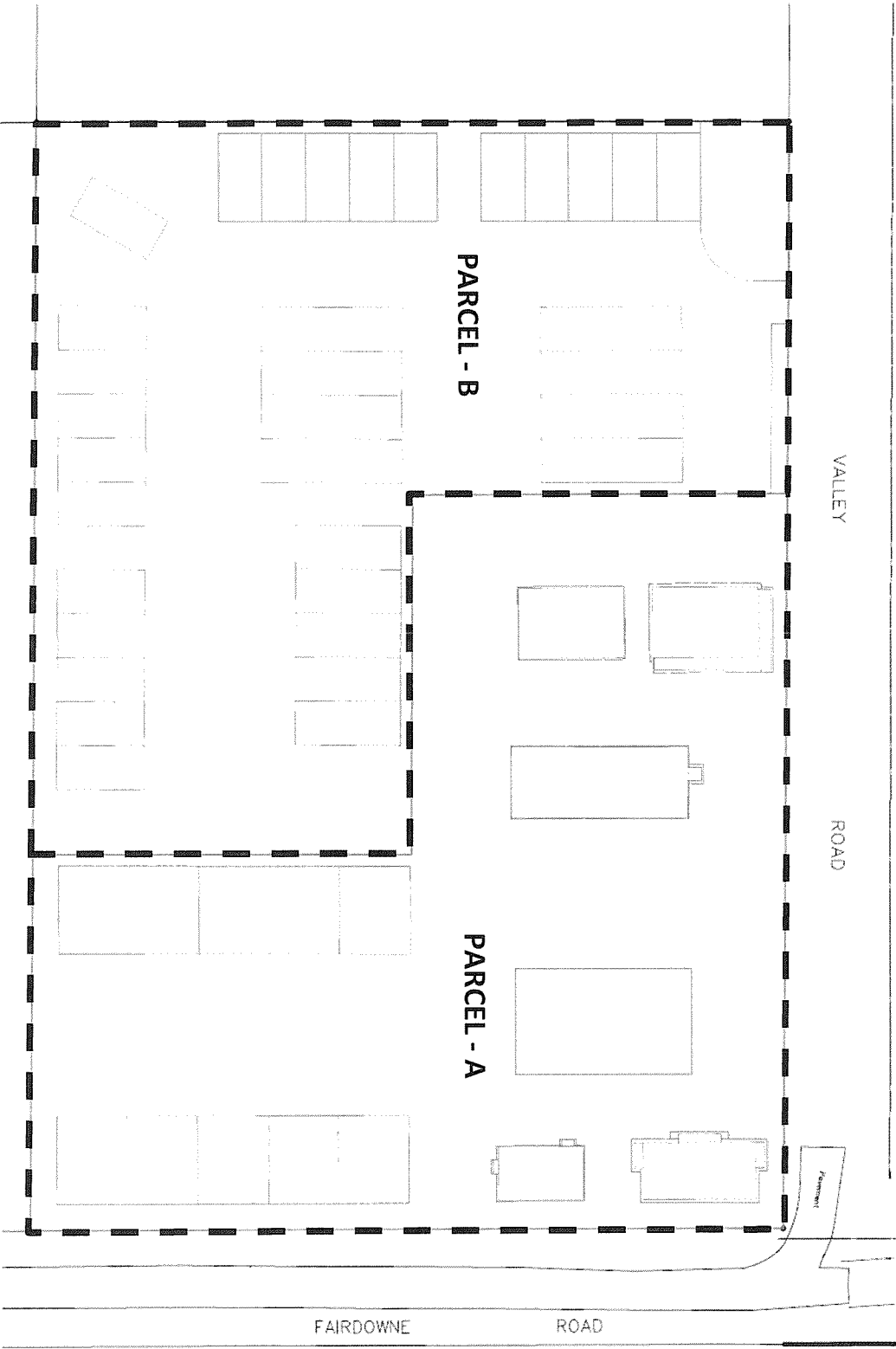
1. Unless otherwise noted in this Zone, all General Regulations as outlined in Section 2 of this Bylaw apply.
2. The location of Buildings A to G and the Wash Garage in Development Area 1 shall be sited in substantial compliance with Appendix 2.
3. The maximum building footprint of Buildings A to G and the Wash Garage in Area 1 shall be in accordance with Section 4.43.10.
4. The location of the Accessory Office and Dwelling Unit in Development Area 1 shall be located in one of Buildings A to G as shown on Appendix 2.
5. Notwithstanding any other provision in this Bylaw, the required parking spaces for Buildings A to G, the accessory Wash Garage and the Accessory Office in Development Area 1 shall be in accordance with Section 4.43.10.
6. The location of Buildings H and I in Development Area 3 shall be sited in substantial compliance with Appendix 2.
7. The maximum building footprint of Buildings H and I in Development Area 3 shall be in accordance with Section 4.43.10.

8. Notwithstanding any other provision in this Bylaw, the required parking spaces for Buildings H and I in Development Area 3, if used for Active-use Storage, shall be in accordance with Section 4.43.10.
9. Active-use Storage units are for individual and personal use only and are not to be used for Commercial Use.

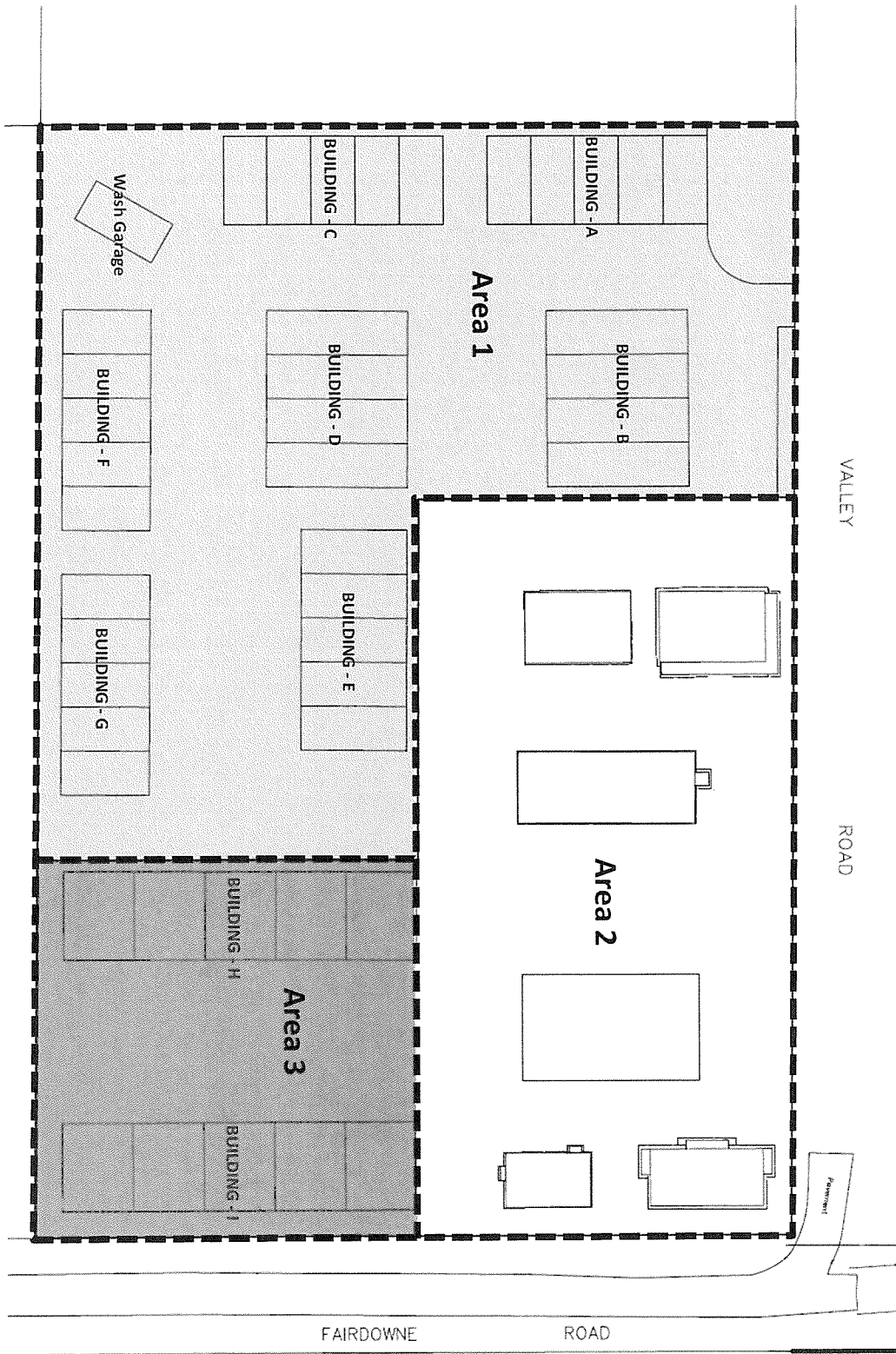
4.43.10 Building Footprint and Parking Regulations

Building	Maximum Building Footprint	Parking Space Requirements for Active-use storage
Area 1 - Buildings A, C, F and G	585 m ²	1 space per Active-use Storage unit
Area 1 - Buildings B and D	745 m ²	1 space per Active-use Storage unit
Area 1 - Building E	700 m ²	1 space per Active-use Storage unit
Area 1 – accessory Wash Garage	120 m ²	No space required
Area 1 – Accessory Office	n/a	1 space
Area 3 - Buildings H and I	930 m ²	1 space per Active-use Storage unit

Appendix 1
Plan of Subdivision



Appendix 2
Development Areas



Schedule '2' to accompany "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.25, 2015"

Chairperson

Corporate Officer

Schedule '2'

