

**REGIONAL DISTRICT OF NANAIMO**

**ELECTORAL AREA PLANNING COMMITTEE**

**TUESDAY, JULY 12, 2016**

**6:30 PM**

***(RDN Board Chambers)***

**A G E N D A**

**PAGES**

**CALL TO ORDER**

**DELEGATIONS**

**MINUTES**

3-6 Minutes of the Regular Electoral Area Planning Committee meeting held Tuesday, June 14, 2016.

*That the minutes of the Regular Electoral Area Planning Committee meeting held Tuesday, June 14, 2016 be adopted.*

**BUSINESS ARISING FROM THE MINUTES**

**COMMUNICATIONS/CORRESPONDENCE**

**DEVELOPMENT PERMIT**

7-12 Development Permit Application No. PL2016-052 – 1675 Timberjack Place – Electoral Area 'E'.

Delegations wishing to speak to Development Permit Application No. PL2016-052 – 1675 Timberjack Place – Electoral Area 'E':

13 Carlie Murphy

14 Kathleen Ahern

15 Aaron Gionet

16-22 Development Permit Application No. PL2016-092 – 796 Mariner Way – Electoral Area 'G'.

**DEVELOPMENT VARIANCE PERMIT**

23-34 Development Variance Permit Application No. PL2016-098 – Electoral Area 'A'.

35-45 Development Variance Permit Application No. PL2016-099 – 3189 Northwest Bay Road – Electoral Area 'E'.

**DEVELOPMENT PERMIT WITH VARIANCE**

46-55                    Development Permit with Variance Application No. PL2016-089 – 1954 Shasta Road  
– Electoral Area 'A'.

56-62                    Development Permit with Variance Application No. PL2015-149 – 6383 Island  
Highway West – Electoral Area 'H'.

**OTHER**

63-73                    Request for Development Permit and Relaxation of the Minimum 10% Perimeter  
Frontage Requirement in relation to Subdivision Application No. PL2016-050,  
Electoral Area 'F'.

**ADDENDUM**

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**NEW BUSINESS**

**ADJOURNMENT**

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE MEETING  
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON  
TUESDAY, JUNE 14, 2016 AT 6:30 PM IN THE  
RDN BOARD CHAMBERS**

In Attendance:

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

Also in Attendance:

D. Trudeau	Interim Chief Administrative Officer
G. Garbutt	Gen. Mgr. Strategic & Community Development
J. Harrison	Director of Corporate 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.

**ELECTORAL AREA PLANNING COMMITTEE MINUTES**

**Minutes of the Regular Electoral Area Planning Committee meeting held Tuesday, May 10, 2016.**

MOVED Director Veenhof, SECONDED Director Rogers, that the minutes of the Regular Electoral Area Planning Committee meeting held Tuesday, May 10, 2016, be adopted.

CARRIED

**COMMUNICATIONS/CORRESPONDENCE**

**Kerry & Jessica Hoop, re Subdivision Application File No. 2015-00748 (Application No. PL2015-036 – 2320 Kaye Road, Electoral Area ‘G’).**

MOVED Director Veenhof, SECONDED Director Young, that the correspondence from Kerry & Jessica Hoop regarding Subdivision Application File No. 2015-00748 (Application No. PL2015-036 – 2320 Kaye Road, Electoral Area ‘G’) be received.

CARRIED

**Norman & Cindy Cawthra, re Subdivision Application File No. 2015-00748 (Application No. PL2015-036 – 2320 Kaye Road, Electoral Area ‘G’).**

MOVED Director Veenhof, SECONDED Director Young, that the correspondence from Norman & Cindy Cawthra regarding Subdivision Application File No. 2015-00748 (Application No. PL2015-036 – 2320 Kaye Road, Electoral Area ‘G’) be received.

CARRIED

**Lindy England, re Subdivision Application File No. 2015-00748 (Application No. PL2015-036 – 2320 Kaye Road, Electoral Area ‘G’).**

MOVED Director Veenhof, SECONDED Director Young, that the correspondence from Lindy England regarding Subdivision Application File No. 2015-00748 (Application No. PL2015-036 – 2320 Kaye Road, Electoral Area ‘G’) be received.

CARRIED

**Rob and Catherine Baker, re Subdivision Application File No. 2015-00748 (Application No. PL2015-036 – 2320 Kaye Road, Electoral Area ‘G’).**

MOVED Director Veenhof, SECONDED Director Young, that the correspondence from Rob and Catherine Baker regarding Subdivision Application File No. 2015-00748 (Application No. PL2015-036 – 2320 Kaye Road, Electoral Area ‘G’) be received.

CARRIED

**Peggy Aikman, re Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in relation to Subdivision Application No. PL2015-036 – 2320 Kaye Road, Electoral Area ‘G’.**

MOVED Director Veenhof, SECONDED Director Young, that the correspondence from Peggy Aikman regarding the request for relaxation of the minimum 10% perimeter frontage requirement in relation to Subdivision Application No. PL2015-036 – 2320 Kaye Road, Electoral Area ‘G’, be received.

CARRIED

**Richard Hampton, re Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in relation to Subdivision Application No. PL2015-036 – 2320 Kaye Road, Electoral Area ‘G’.**

MOVED Director Veenhof, SECONDED Director Young, that the correspondence from Richard Hampton regarding the request for relaxation of the minimum 10% perimeter frontage requirement in relation to Subdivision Application No. PL2015-036 – 2320 Kaye Road, Electoral Area ‘G’, be received.

CARRIED

**Don Reiffenstein and Jackie Rollans, re Development Variance Permit Application No. PL2016-091 – Island Highway West, Electoral Area ‘H’.**

MOVED Director Veenhof, SECONDED Director Young, that the correspondence from Don Reiffenstein and Jackie Rollans regarding Development Variance Permit Application No. PL2016-091 – Island Highway West, Electoral Area ‘H’, be received.

CARRIED

**Doug Dickson, re Development Variance Permit Application No. PL2016-091 – Island Highway West, Electoral Area ‘H’.**

MOVED Director Veenhof, SECONDED Director Young, that the correspondence from Doug Dickson regarding Development Variance Permit Application No. PL2016-091 – Island Highway West, Electoral Area ‘H’, be received.

CARRIED

#### **DEVELOPMENT PERMIT**

##### **Development Permit and Site Specific Floodplain Bylaw Exemption Application No. PL2016-051 – 85 Blackbeard Drive, Electoral Area 'H'.**

MOVED Director Veenhof, SECONDED Director Young, that Development Permit Application No. PL2016-051 and request for a site specific floodplain bylaw exemption to permit the construction of a dwelling unit be approved subject to the conditions outlined in Attachments 2 to 4.

CARRIED

#### **DEVELOPMENT VARIANCE PERMIT**

##### **Development Variance Permit Application No. PL2016-091 – Island Highway West, Electoral Area 'H'.**

Rachel Hamling, Fern Road Consulting Ltd., spoke in support of the application.

MOVED Director Veenhof, SECONDED Director Rogers, that Development Variance Permit No. PL2016-091 to reduce the watercourse setback for a retaining wall be approved subject to the conditions outlined in Attachments 2 to 3.

CARRIED

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

CARRIED

#### **DEVELOPMENT PERMIT WITH VARIANCE**

##### **Development Permit with Variance Application No. PL2016-054 – 1675 Admiral Tryon Boulevard, Electoral Area 'G'.**

MOVED Director Veenhof, SECONDED Director Young, that Development Permit with Variance No. PL2016-054 to permit the construction of a riprap revetment on the subject property be approved subject to the conditions outlined in Attachments 2 to 4.

CARRIED

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

CARRIED

##### **Development Permit with Variance Application No. PL2016-063 – 2140 Pauls Road, Electoral Area 'A'.**

MOVED Director McPherson, SECONDED Director Veenhof, that Development Variance Permit No. PL2016-063 to reduce the minimum setbacks from a watercourse from 18.0 metres to 5.5 metres to permit the legalization of the siting and additions to the existing dwelling unit on the subject property be approved subject to the conditions outlined in Attachments 2 and 3.

CARRIED

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

CARRIED

**Development Permit with Variance Application No. PL2016-088 – 1701 Admiral Tryon Boulevard, Electoral Area 'G'.**

MOVED Director Veenhof, SECONDED Director Young, that Development Permit with Variance Application No. PL2016-088 to permit the construction of a riprap type revetment on the subject property be approved subject to the conditions outlined in Attachments 2 to 3.

CARRIED

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

CARRIED

Chair Stanhope passed the Chair to Director Rogers.

**OTHER**

**Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in relation to Subdivision Application No. PL2015-036 – 2320 Kaye Road, Electoral Area 'G'.**

MOVED Director Stanhope, SECONDED Director Veenhof, that the request to relax the minimum 10% perimeter frontage requirement for the proposed remainder of Lot 178 and proposed Lot 1, in relation to Subdivision Application No. PL2015-036, be approved subject to issuance of subdivision compliance being conditional on registration, at the applicant's expense, of a Section 219 Covenant on the property title to prohibit the following uses on the proposed Lot 1: Extraction Use, Log Storage and Sorting Yard, Primary Processing, Agriculture and Silviculture.

CARRIED

**ADJOURNMENT**

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

CARRIED

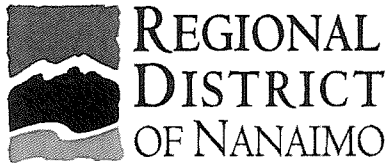
TIME: 6:52 PM

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CHAIRPERSON

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CORPORATE OFFICER



RDN REPORT		
CAO APPROVAL		<i>[Signature]</i>
EAP	<input checked="" type="checkbox"/>	
COW	<input type="checkbox"/>	
JUN 30 2016		
RHD	<input type="checkbox"/>	
BOARD	<input type="checkbox"/>	

## STAFF REPORT

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

**DATE:** June 29, 2016

**FROM:** Kelsey Chandler  
Planning Technician

**MEETING:** EAPC – July 12, 2016

**FILE:** PL2016-052

**SUBJECT: Development Permit Application No. PL2016-052  
Lot 16, District Lot 68, Nanoose District, Plan VIP87768  
1675 Timberjack Place – Electoral Area ‘E’**

### RECOMMENDATION

That the Board approve Development Permit No. PL2016-052 to amend Development Permit with Variance No. 60804 to allow the release of a Section 219 covenant and the removal of a previously defined buildable site area on the subject property, subject to the conditions outlined in Attachments 2 to 3.

### PURPOSE

To consider an amendment to Development Permit with Variance No. 60804 to permit the release of a Section 219 covenant and the removal of a previously defined buildable site area on the subject property.

### BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Aaron and Calais Gionet to permit the release of a Section 219 covenant (FB337988) and the removal of a previously defined buildable site area that was required on the subject property as a condition of Development Permit with Variance No. 60804 issued in 2008. The subject property is approximately 0.2 hectares in area and is zoned Residential 1 Zone (RS1), pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is currently treed and there are no structures on site. The property is located to the northwest of Timberjack Place and is surrounded by other RS1 zoned properties to the north, east, south, and west (see Attachment 1 – Subject Property Map).

The proposed development is within the Sensitive Ecosystem Protection Development Permit Area (DPA) per the “Regional District of Nanaimo Electoral Area ‘E’ Official Community Plan Bylaw No. 1400, 2005”. In this case, the DPA was established for the protection of a buffer area around an eagle nest that previously existed in a tree located on the adjacent parcel to the west (PID 006-106-081).

As a condition of Development Permit with Variance No. 60804 (previously issued at the time of subdivision), a Section 219 covenant (FB337988) was registered on the subject property for the protection of the eagle nesting tree located on the adjacent parcel. The covenant established a 34.7 metre radius buffer as measured from the base of the tree, restricting the placement of buildings

and structures, decks, patios, and septic systems, as well as the removal of any vegetation or alteration of soils within the buffer area. As a result of the establishment of the covenant area, a suitable building site area was identified on the subject property to allow the construction of a dwelling unit within the DPA without the need to apply for an additional development permit. It was noted in the staff report for Development Permit with Variance No. 60804 that if a future owner proposed works in the balance of the DPA, a second development permit would then be required.

### ***Proposed Development***

The current development permit application is seeking to amend the previously issued Development Permit with Variance No. 60804 that addressed the protection of an eagle nest that existed in a tree located on the adjacent parcel and established the buildable site area for the subject property.

The applicants propose to construct a dwelling unit on the subject property (as shown on Attachment 3 – Proposed Site Plan), and have requested that the buildable site area restriction placed on the property through Development Permit with Variance No. 60804 be removed and that the Section 219 covenant registered on title be released to allow removal of vegetation and use of the covenant area. The applicants are seeking to increase the useable site area on the parcel for future use for a driveway, landscaping, yard, deck, and septic infrastructure, and have provided supporting professional assessments which identify that the eagle nest no longer exists in the tree on the neighbouring property and is unlikely to support a nest into the future.

### **ALTERNATIVES**

1. To approve Development Permit No. PL2016-052 subject to the conditions outlined in Attachments 2 to 3.
2. To deny Development Permit No. PL2016-052.

### **LAND USE IMPLICATIONS**

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

The applicants are proposing to construct a dwelling unit within the DPA and outside of the buildable site area defined by Development Permit with Variance No. 60804. In support of the application, the applicants have provided documentation prepared by EDI Environmental Dynamics Inc., including an assessment of the bald eagle nest (prepared by Andy Smith, Senior Wildlife Biologist), dated March 29, 2016, as well as a letter addressing the proposed development (prepared by Adam Compton, Project Manager and Senior Biologist), dated May 20, 2016.

The EDI Environmental Dynamics Inc. assessment included the results of a field survey of the known nest tree and all trees within 250 metres of the nest tree to assess for additional bald eagle nesting potential. Results of the survey indicated that the eagle nest no longer exists within the previously identified tree, and that due to the loss of the large branches that supported the former nest and the size and alignment of the remaining branches, there appears to be little to no potential for the tree to support a new nest. The assessment also noted that there was no bald eagle nesting activity observed in the area, and that there were no trees within 250 metres of the previously identified nest tree that could provide potential nesting habitat. The assessment concluded with the recommendation that the restrictive covenant be removed from the property title.



The EDI Environmental Dynamics Inc. letter reiterated the findings of the assessment, and noted the applicant's proposed development of the property. While there are no specific environmental features that are required to be preserved under the DPA guidelines, the letter recommends that the property owners retain as much natural space as is possible, as there is potential for other bird nests to occur. As the *Wildlife Act* prohibits disturbing or destroying active bird nests, the letter further recommends that any clearing proposed within the subject property between March 1 and August 31 be preceded by a bird survey completed by a Qualified Environmental Professional (QEP); if any active nests are found during the survey, the nests shall be identified and a flagged vegetated buffer determined by the QEP shall remain around the nest site until it is no longer active. The letter concludes that if the above recommendations are followed, no adverse impacts (with respect to the previous eagle nest site or other nesting birds that may be present on the property) associated with the proposed development of the subject property are anticipated.

As a condition of approval, development of the site must be in accordance with the recommendations contained in the letter prepared by EDI Environmental Dynamics Inc., dated May 20, 2016 (see Attachment 2 – Conditions of Permit).

**FINANCIAL IMPLICATIONS**

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2016 – 2020 Financial Plan.

**STRATEGIC PLAN IMPLICATIONS**

Staff have reviewed the proposed development and note that the proposal has no implications for the 2016 – 2020 Board Strategic Plan.

**INTER-GOVERNMENTAL IMPLICATIONS**

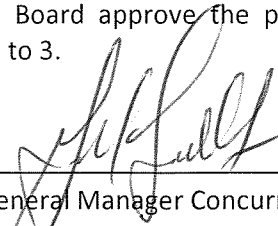
The application was referred for comment to the Wildlife Section Head of the Ministry of Forests, Lands and Natural Resource Operations (MFLNRO). The comments received indicate that while eagle nests and the trees they occupy are protected year round under Section 34 of the *Wildlife Act*, it is clear from the EDI assessment that the previous nest no longer exists and that the tree does not appear to possess the branch structure needed to support an eagle nest in the future. While the MFLNRO has no legislated ability to restrict development, they have encouraged the land owner to keep as much natural vegetation as possible for the purpose of protecting other wildlife values.

**SUMMARY/CONCLUSIONS**

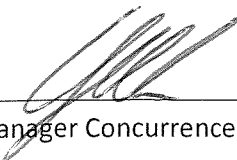
Given that the DPA guidelines have been met and that no negative impacts are anticipated as a result of the proposed development, staff recommends that the Board approve the proposed development permit subject to the conditions outlined in Attachments 2 to 3.



Report Writer



General Manager Concurrence

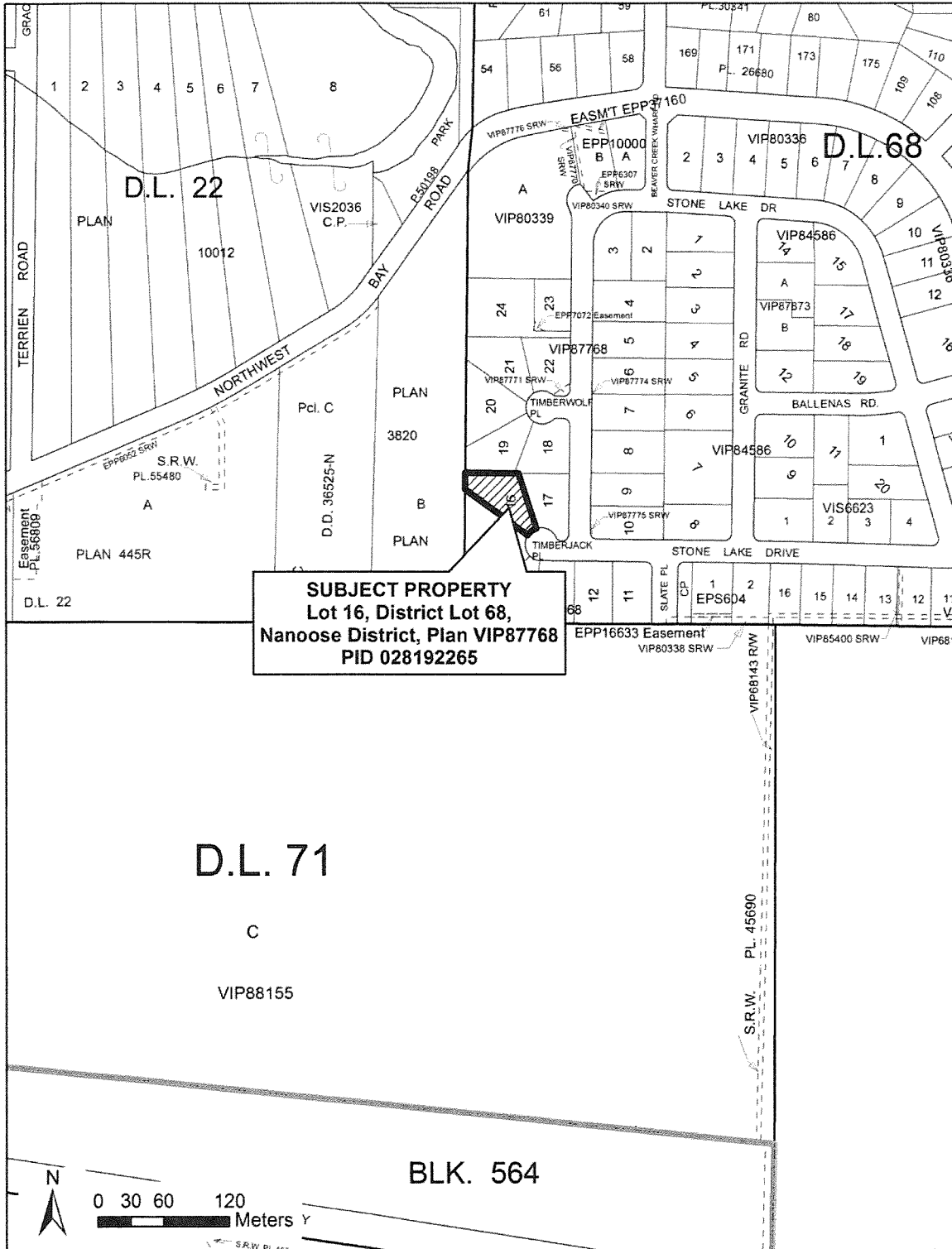


Manager Concurrence



CAO Concurrence

Attachment 1  
Subject Property Map



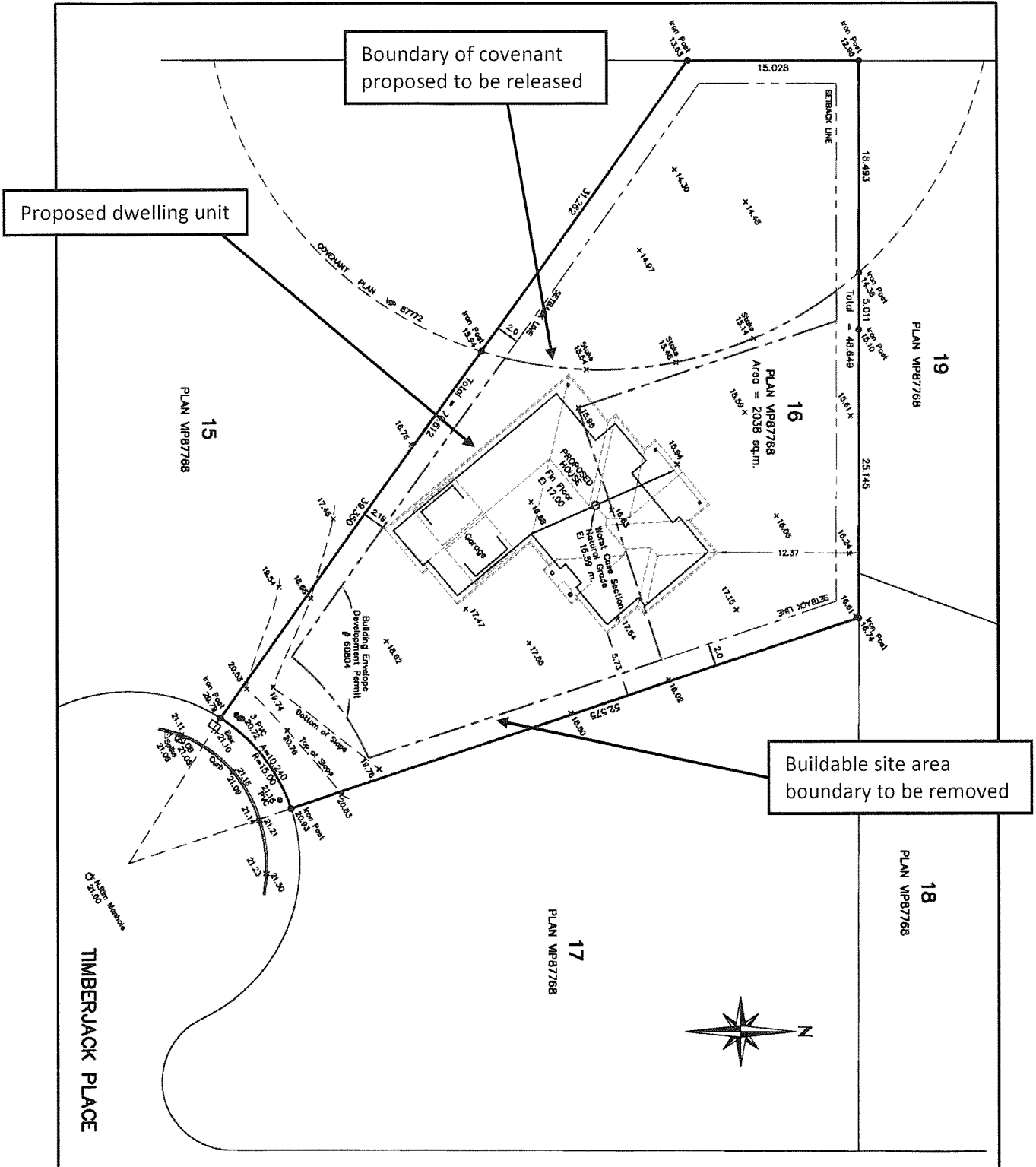
**Attachment 2  
Conditions of Permit**

The following sets out the conditions of Development Permit No. PL2016-052:

Conditions of Approval

1. The site is developed in accordance with the plot plan prepared by J.E. Anderson & Associates, dated June 22, 2016 and attached as Attachment 3.
2. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, prepares the Section 219 covenant release and submits it to the Land Title and Survey Authority office.
3. The subject property shall be developed in accordance with the recommendations contained in the letter prepared by EDI Environmental Dynamics Inc., dated May 20, 2016.
4. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

### Attachment 3 Proposed Site Plan



**Delegation:** Carlie Murphy, re Development Permit Application No. PL2016-052 – 1675 Timberjack Place – Electoral Area 'E'.

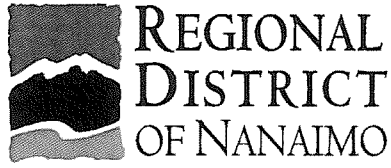
**Summary:** I am interested in attending, along with Kathleen Ahern to discuss the Eagle Tree Covenant removal as per the request of Aaron Gionet for lot 16, Timberjack place in Nanoose Bay. Kathleen and myself (as well as many other concerned folks in the neighbourhood) are highly opposed to having the covenant removed and the trees cut down. We would like to have our voices heard in front of the committee as to why we do not feel it is of benefit to remove the covenant. We are requesting to be added to the meeting agenda on July 12th.

**Delegation:** Kathleen Ahern, re Development Permit Application No. PL2016-052 – 1675 Timberjack Place – Electoral Area 'E'.

**Summary:** I would request the opportunity to speak at the Electoral Area meeting on July 12th. I have great concerns in removing the covenant as the Eagles are still actively perching in the trees.

**Delegation:** Aaron Gionet, re Development Permit Application No. PL2016-052 – 1675  
Timberjack Place – Electoral Area 'E'.

**Summary:** Could you please add me to the list of speakers for the eagle tree.



RDN REPORT	
CAO APPROVAL	
EAP	<input checked="" type="checkbox"/>
COW	<input type="checkbox"/>
JUL - 5 2016	
RHD	<input type="checkbox"/>
BOARD	<input type="checkbox"/>

**STAFF REPORT**

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

**DATE:** July 5, 2016

**FROM:** Lainya Rowett  
 Senior Planner

**MEETING:** EAPC - July 12, 2016

**FILE:** PL2016-092

**SUBJECT: Development Permit Application No. PL2016-092  
 Lot 1, District Lot 181, Nanoose District, Plan 21761  
 796 Mariner Way – Electoral Area ‘G’**

**RECOMMENDATION**

That the Board approve Development Permit No. PL2016-092 to permit a proposed addition to an existing dwelling within the Hazard Lands Development Permit Area subject to the conditions outlined in Attachments 2 to 4.

**PURPOSE**

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

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from Aileen Herkel to permit the construction of an addition to the dwelling unit on the subject property. The proposed addition includes a garage with a secondary suite above which will be connected to the rear side of the dwelling through heated, enclosed floor space on the upper level. The subject property is approximately 0.1 hectare in area and is zoned Residential 1 Zone (RS1), Subdivision District ‘N’, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is located south of the Strait of Georgia and is surrounded by residential lots (see Attachment 1 – Subject Property Map).

The property contains an existing dwelling unit and accessory buildings and is serviced by community water and on-site septic system. The applicant proposes to retain two sheds, one of which has been relocated to accommodate the proposed addition. The larger shed pre-dates the development permit guidelines and does not meet the setback requirements. This building was recently renovated without a building permit. As a condition of development permit approval, the applicant is required to obtain the necessary permits for construction, including the existing shed, and will be required to address the non-compliant setback of the shed prior to building permit issuance for the proposed addition (see Attachment 2 – Conditions of Permit).

The proposed development is subject to the Hazard Lands Development Permit Area (DPA) per the “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008”.



### ***Proposed Development***

The applicant proposes to construct an addition (148.1 m<sup>2</sup> in floor area) to the existing dwelling (326.1 m<sup>2</sup>) on the subject property. The property is located within the Englishman River floodplain and is subject to the "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006". Since this property is also located within the Hazard Lands DPA, a development permit is required for the proposed building addition.

### **ALTERNATIVES**

1. To approve Development Permit No. PL2016-092 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Permit No. PL2016-092.

### **LAND USE IMPLICATIONS**

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

The applicant has submitted a site plan and building elevations in support of the application (see Attachments 3 and 4). To address the development permit guidelines and Floodplain Bylaw, the applicant has provided a Geotechnical Hazards Assessment prepared by Lewkowich Engineering Associates Ltd. The engineer's report recommended a minimum Flood Construction Level (FCL) of 4.5 metres, and it confirmed that the elevation of the existing dwelling (2.14 metres) is below the FCL.

The ground floor of the proposed addition will be constructed to meet the elevation of the existing dwelling, below the FCL, with the majority of habitable floor area proposed above the FCL on the upper level. Only a portion (20.4 m<sup>2</sup>) of the habitable floor area of the addition will be below the FCL, including the front entry and a gym. This new floor area represents 15% of the ground floor area of the existing residence (135.7 m<sup>2</sup>), which falls within the allowable 25% of the existing ground floor area under the Floodplain Bylaw exemption criteria.

The engineer's report also concluded that the site is safe and suitable for the intended residential use with the proposed building addition, and that the proposed development will not result in a detrimental impact on the environment, subject property, or adjoining properties if developed in accordance with the recommendations of the report. Prior to permit issuance, the applicant will be required to register a Section 219 covenant on the property title containing the Geotechnical Hazards Assessment and a save harmless clause that releases the RDN from all losses and damages as a result of the potential flood hazard (see Attachment 2 – Conditions of Permit).

The proposed addition complies with the requirements of the RS1 Zone and the Floodplain Bylaw, as well as the Secondary Suites regulations in Bylaw 500. The proposed secondary suite (68.7 m<sup>2</sup> in area) will be contained within the dwelling unit (total 429.6 m<sup>2</sup> in habitable floor area) and will not exceed the maximum allowable floor area (90 m<sup>2</sup>). The applicant has also provided written confirmation of the provision of sewage disposal for the secondary suite.

**FINANCIAL IMPLICATIONS**

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2016 – 2020 Financial Plan.

**STRATEGIC PLAN IMPLICATIONS**

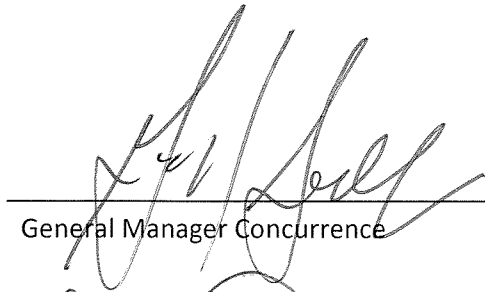
Staff have reviewed the proposed development and note that the proposal considers future climate change impacts in keeping with the 2016 – 2020 Board Strategic Plan and the building is designed to mitigate potential impacts of flooding.

**SUMMARY/CONCLUSIONS**

The applicant proposes to construct an addition, containing a garage and secondary suite, to the existing dwelling located on the subject property. The property is located within the Hazard Lands DPA and Englishman River floodplain; therefore, a development permit is required to permit the construction. The applicant has provided a Geotechnical Hazard Assessment which concluded that the site is safe and suitable for the intended use and the proposed development will not negatively impact the subject property or adjoining lands. The applicant will be required to register a Section 219 Covenant on the property title to require that the site is developed in accordance with the recommendations of the engineer's report, and to include a save harmless clause that releases the RDN from all losses and damages as a result of the potential hazard. Given that the development permit guidelines have been met and no negative impacts are anticipated as a result of the proposed development, staff recommends that the Board approve the proposed development permit subject to the conditions outlined in Attachment 2.



Report Writer



General Manager Concurrence



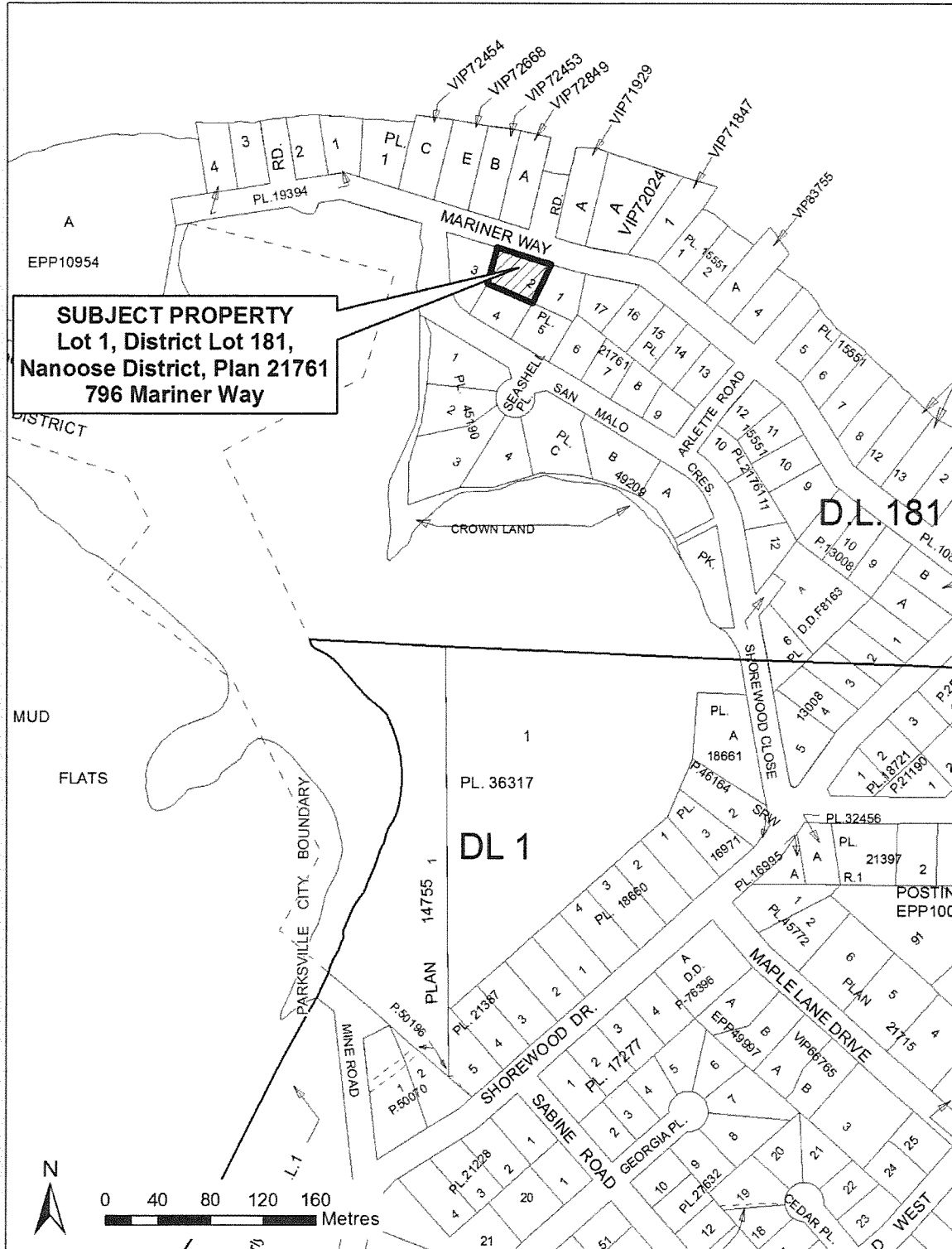
Manager Concurrence



CAO Concurrence



**Attachment 1**  
**Subject Property Map**



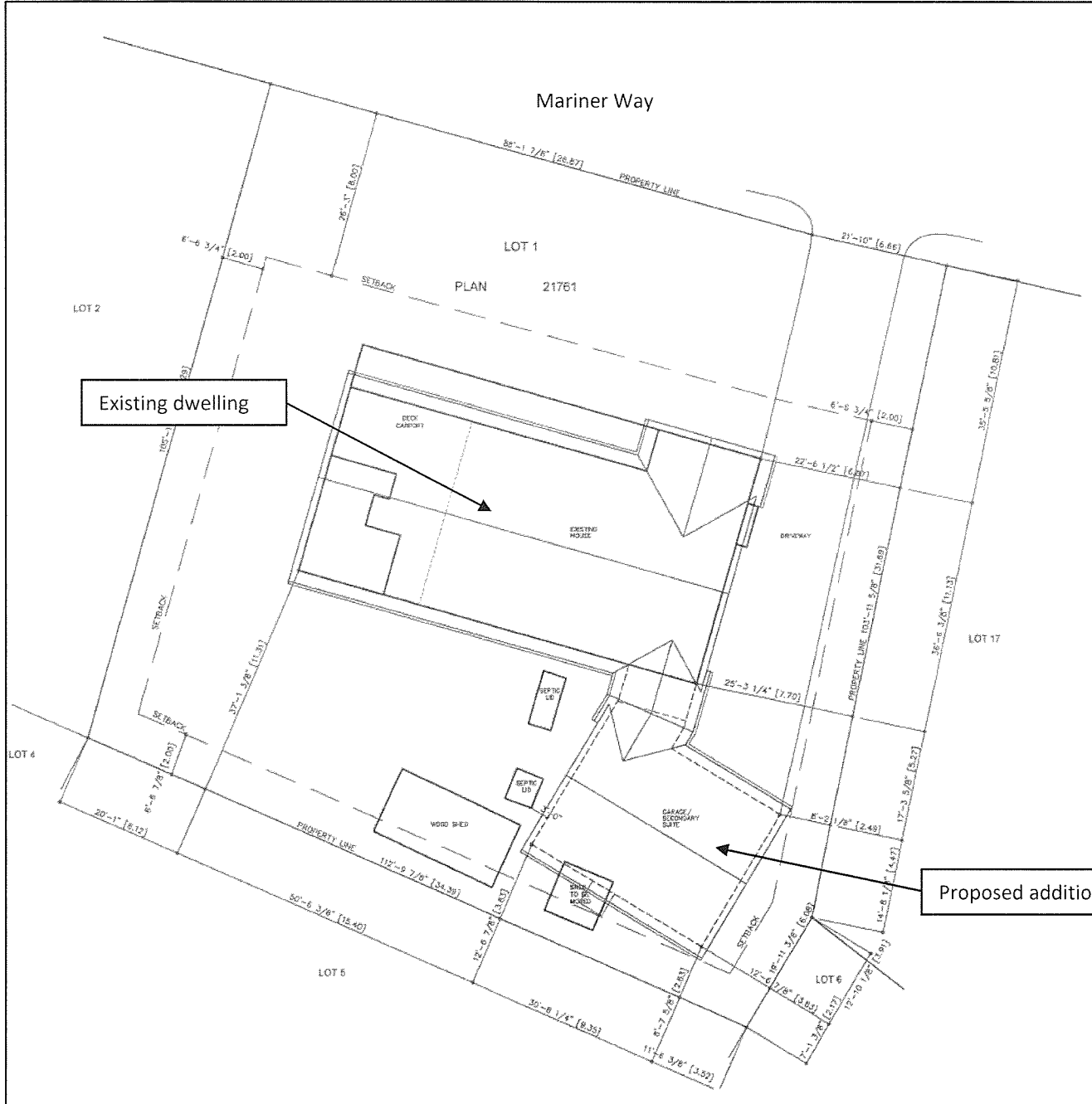
**Attachment 2**  
**Conditions of Permit**

The following sets out the conditions for Development Permit No. PL2016-092:

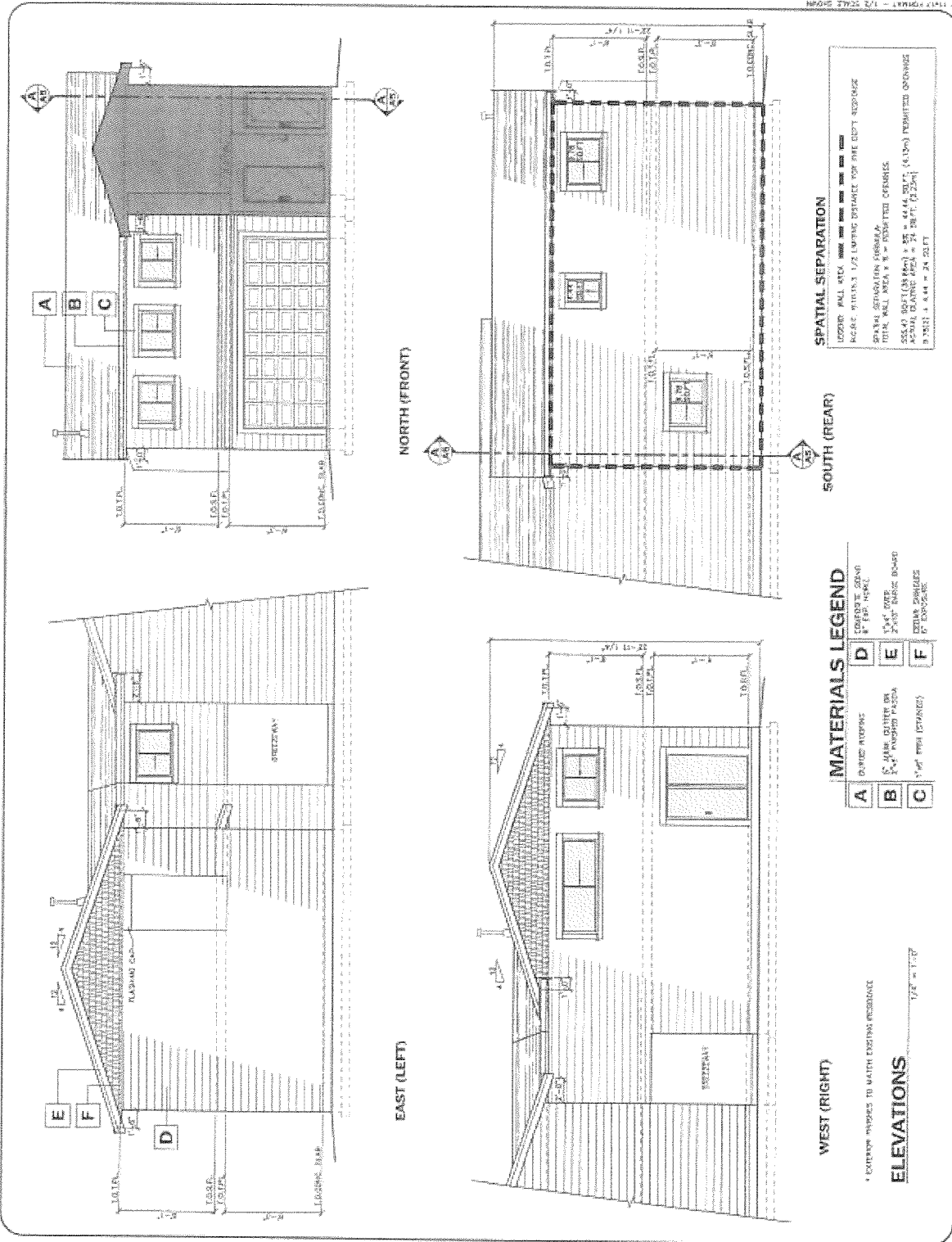
Conditions of Approval

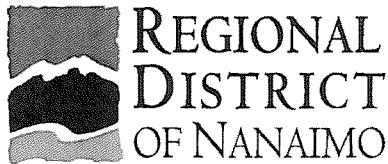
1. The site is developed in accordance with the Site Plan prepared by J.E. Anderson & Associates, dated May 4, 2015 and attached as Attachment 3.
2. The proposed development is in general compliance with the building elevations prepared by Jorgenson Osmond Ltd., dated June 4, 2015 and attached as Attachment 4.
3. The subject property shall be developed in accordance with the recommendations contained in the Geotechnical Hazards Assessment prepared by Lewkowich Engineering Associates Ltd., dated May 4, 2016.
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 Hazards Assessment prepared by Lewkowich Engineering Associates Ltd. dated May 4, 2016, 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 RDN building regulations.

### Attachment 3 Proposed Site Plan



Attachment 4  
Building Elevations





RDN REPORT	
CAO APPROVAL	<input checked="" type="checkbox"/>
EAP	<input checked="" type="checkbox"/>
COW	<input type="checkbox"/>
JUN 30 2016	
RHD	<input type="checkbox"/>
BOARD	<input type="checkbox"/>

**STAFF REPORT**

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

**DATE:** June 27, 2016

**FROM:** Greg Keller  
Senior Planner

**MEETING:** EAPC - July 12, 2016

**FILE:** PL2016-098

**SUBJECT:** Development Variance Permit Application No. PL2016-098  
Park, Section 14, Range 1, Cedar District, Plan VIP59634 AND Parcel B (DD 6974N) Of  
Section 14, Range 1, Cedar District  
Electoral Area 'A'

**RECOMMENDATIONS**

1. That the Board approve Development Variance Permit No. PL2016-098 to reduce the minimum required front and other lot line setback requirements to permit the construction of two community kiosk structures, subject to the conditions outlined in Attachments 2 to 4.
2. That the Board direct staff to complete the required notification.

**PURPOSE**

To consider an application for a development variance permit to reduce the minimum required front and side lot line setback requirements to permit the construction of two community kiosk structures on the subject properties.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from Lesya Fesiak on behalf of the Regional District of Nanaimo Recreation and Parks department to permit the construction of two community kiosk structures on the subject properties. The subject properties are zoned Commercial 2 Zone (CM2), Subdivision District 'M', pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The subject property is the entrance to the Morden Colliery Regional Trail located between the 49<sup>th</sup> Parallel Plaza and the Wheatsheaf Pub on the east side of Cedar Road (see Attachment 1 – Subject Property Map).

The property is currently developed with a portion of the Morden Colliery Regional Trail, a paved plaza, and other park improvements.

Planning for the two kiosk structures was supported by the provision of approximately \$25,000 to the RDN by the developer of the Cedar Estates subdivision as a community amenity contribution through the rezoning process. Since 2015 RDN Recreation and Parks staff have been working with the community and project consultants to finalize the design for the proposed structures that will provide a focal point for the Cedar Plaza (the entrance to the historic Morden Colliery Regional Trail) as well as seating and interpretive information on site history and ecology for park visitors.

### ***Proposed Development and Variance***

The proposed development includes the construction of two timber-frame kiosk structures. The proposed structures are intended to resemble the concrete tipple located in the Morden Colliery Provincial Park (see Attachments 3 and 4).

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

- **Section 3.4.12 – Minimum Setback Requirements** to reduce the minimum front lot line setback from 8.0 metres to 5.0 metres for proposed structure B.
- **Section 3.4.12 – Minimum Setback Requirements** to reduce the minimum setback from other lot lines from 5.0 metres to 3.5 metres for proposed structure B.

### **ALTERNATIVES**

1. To approve Development Variance Permit No. PL2016-098 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Variance Permit No. PL2016-098.

### **LAND USE IMPLICATIONS**

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

In support of this application, the applicant has submitted a topographic survey prepared by Williamson and Associates dated August 10, 2015, a site plan, a location plan, and elevation drawings.

Structure A is located partially within the land that is designated as park in Plan VIP59634 and partially within Parcel B, the linear parcel which the Morden Colliery Regional Trail is located within. Since both parcels are zoned CM2, there is no setback requirement between the common interior side lot lines. Structure A satisfies all other minimum setback and height requirements; therefore, no variances are required for this structure.

Structure B is located entirely within the land that is designated as park in Plan VIP59634. This structure requires a variance to the minimum setback requirements that apply to the front lot line and all other lot lines. This structure is also located within the minimum 4.5 metre setback from a public road. Staff have contacted the Ministry of Transportation and Infrastructure (MOTI) and have confirmed that the Ministry has no issue with the structure, but Ministry approval of a permit for the encroachment into the MOTI setback is required. As such, staff is proposing that the applicant be required to obtain MOTI approval prior to the issuance of this permit (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. In this case the proposed variances are required due to a number of site constraints including a narrow parcel, the location of the existing entrance to the Morden Colliery Regional Trail, an existing paved plaza, and an existing rock retaining wall. As a result of these site constraints an alternate placement of the proposed kiosks to meet the required setbacks is impractical.



Given that the applicant has provided sufficient rationale and the variance will not result in negative view implications for adjacent properties, the applicant has made reasonable efforts to address Policy B1.5 guidelines.

**FINANCIAL IMPLICATIONS**

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2016 – 2020 Financial Plan.

**STRATEGIC PLAN IMPLICATIONS**

Staff have reviewed the proposed development and note that the proposal helps support eco-tourism which is in keeping with the RDN strategic priority related to economic health contained in the 2016 – 2020 Board Strategic Plan.


**PUBLIC CONSULTATION IMPLICATIONS**

Pending the Electoral Area Planning Committee’s recommendation and pursuant to the *Local Government Act* and the “Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005”, property owners and tenants of parcels located within a 50.0 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board’s consideration of the application.

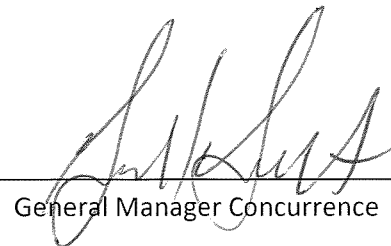
**SUMMARY/CONCLUSIONS**

This is an application for the construction of two timber-frame community kiosk structures that are intended to resemble the historic concrete tipple at the Morden Colliery Provincial Park. The proposed structures will provide a focal point for the Cedar Plaza (the entrance to the historic Morden Colliery Regional Trail) as well as seating and interpretive information on site history and ecology for park visitors.

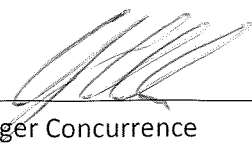
Given that no negative impacts are anticipated as a result of the proposed variance, staff recommends that the Board approve the variance pending the outcome of public notification and subject to the terms and conditions outlined in Attachment 2.



Report Writer



General Manager Concurrence

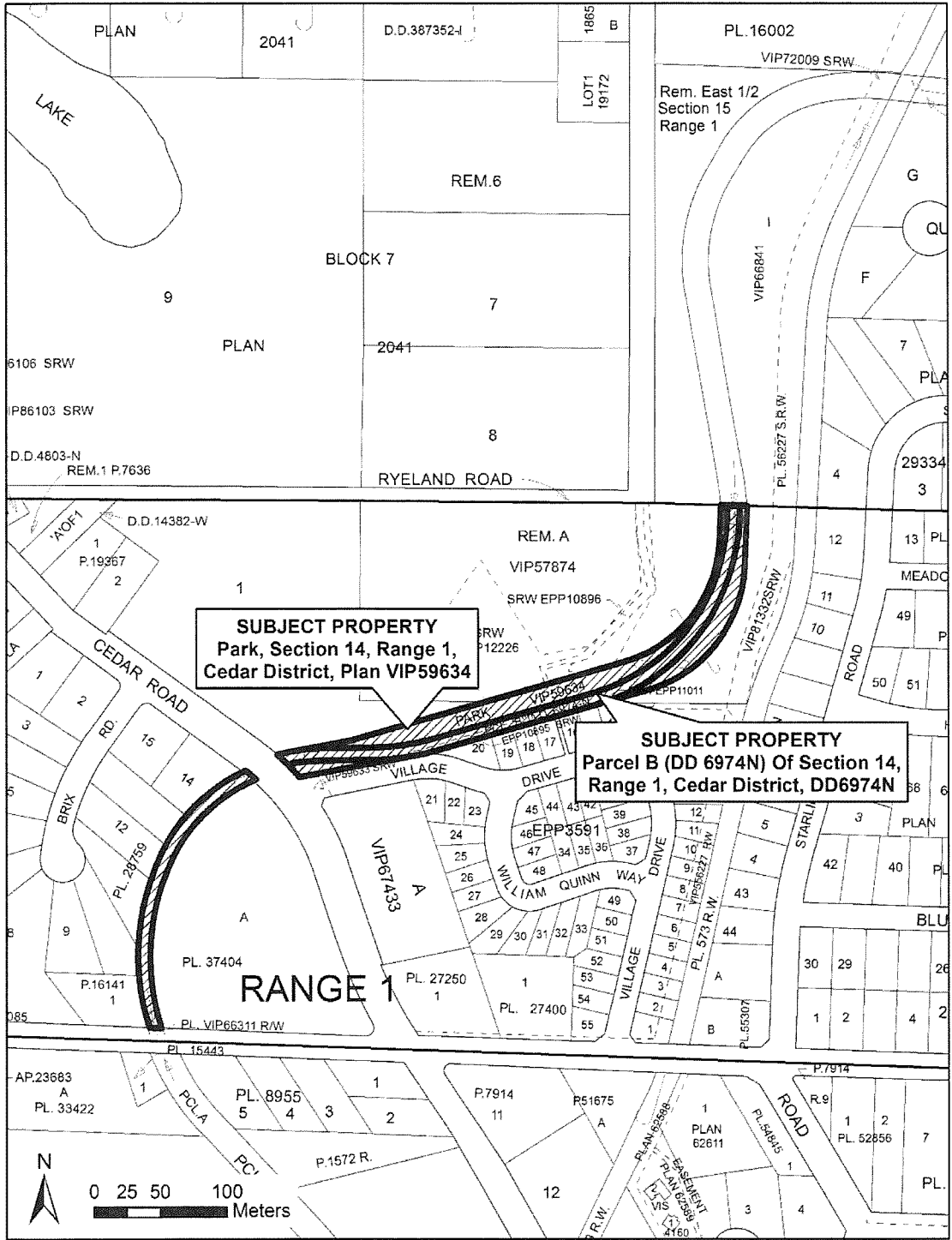


Manager Concurrence



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. PL2016-098:

Bylaw No. 500, 1987 Variances:

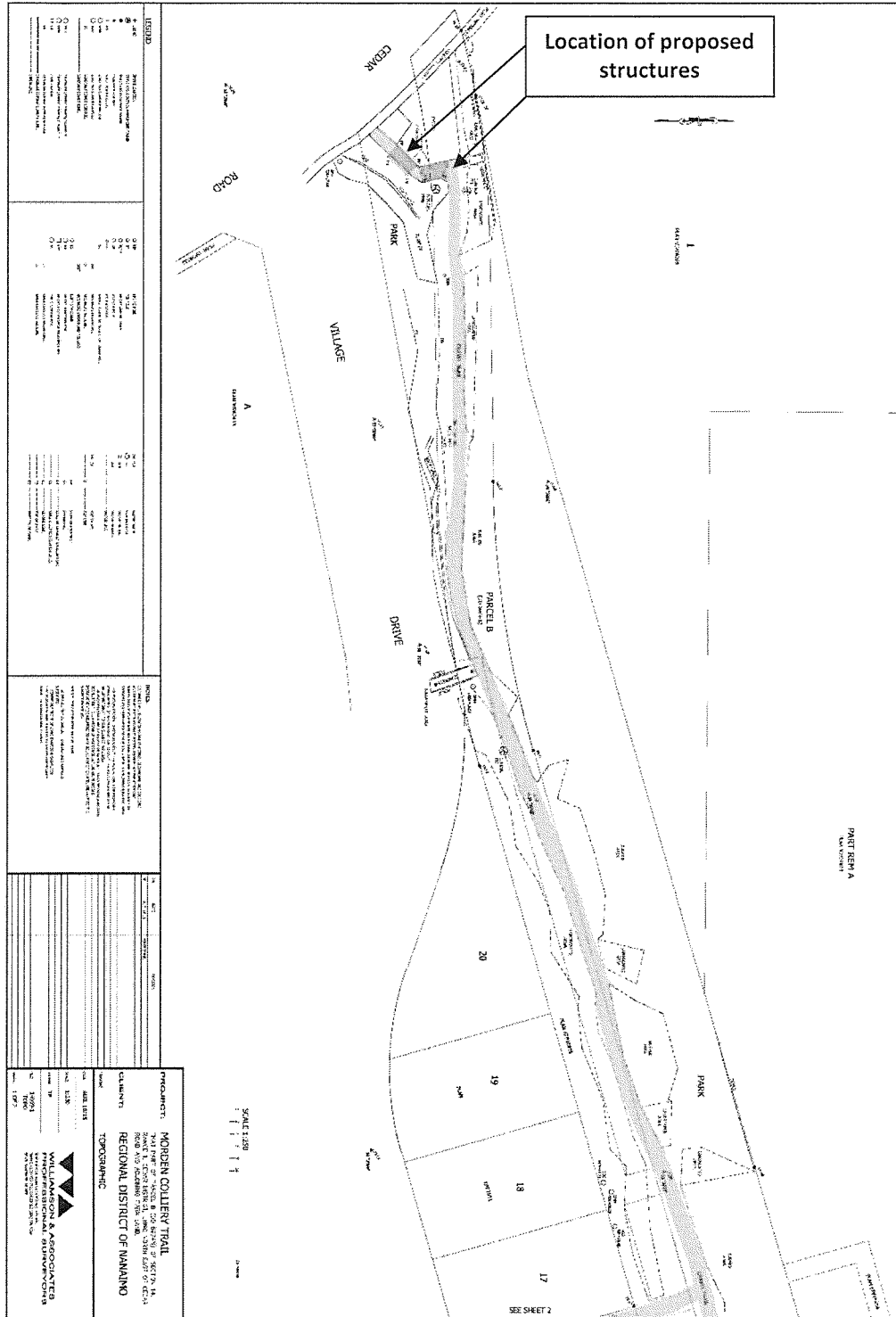
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

1. **Section 3.4.12 – Minimum Setback Requirements** to reduce the minimum front lot line setback from 8.0 metres to 5.0 metres for proposed structure B.
2. **Section 3.4.12 – Minimum Setback Requirements** to reduce the minimum setback from other lot lines from 5.0 metres to 3.5 metres for proposed structure B.

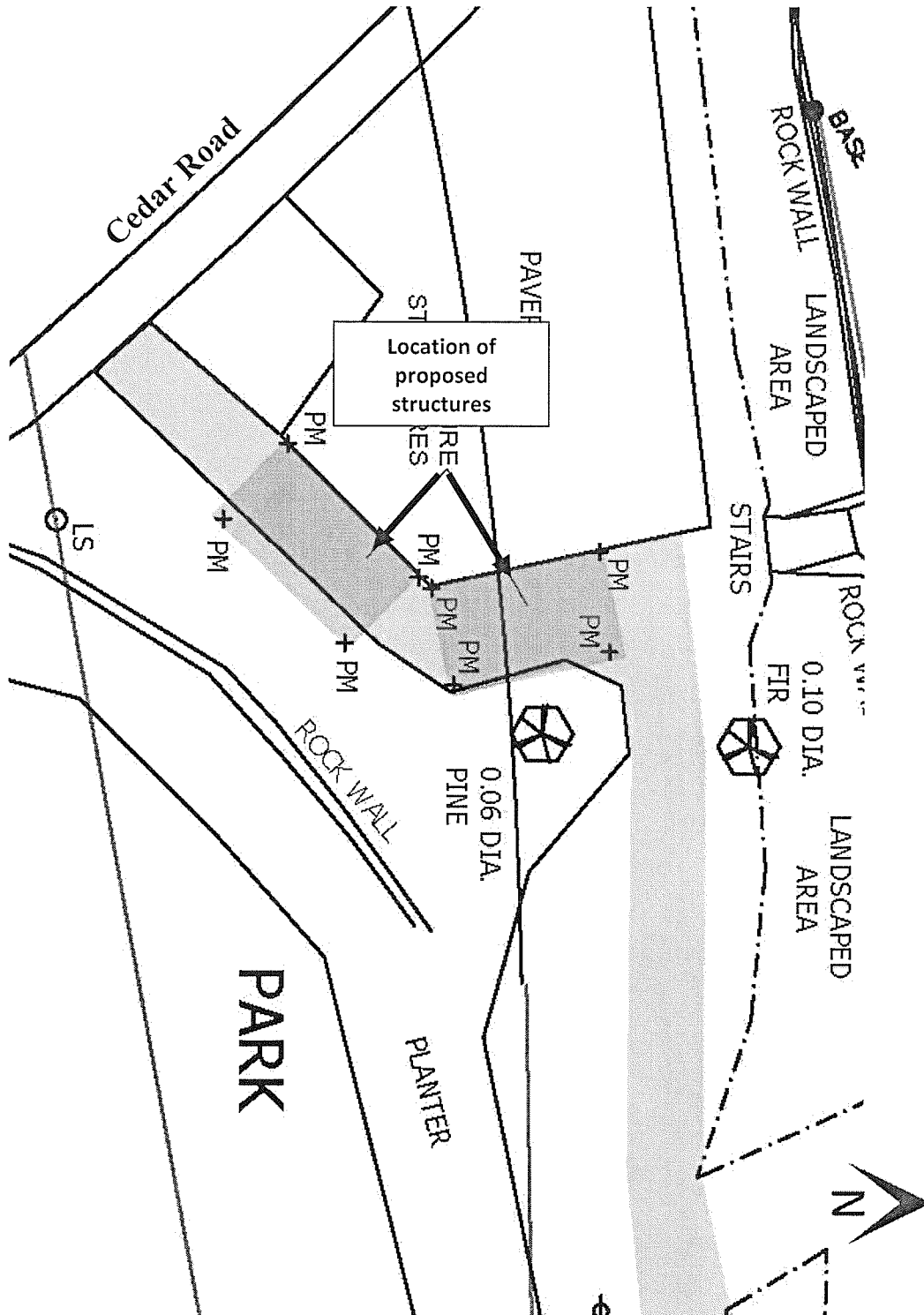
Conditions of Approval:

1. Prior to the issuance of this permit, the applicant shall be required to obtain approval from the Ministry of Transportation and Infrastructure to locate the proposed structure within the 4.5 metre minimum setback requirement from a public road.
2. The site is developed in accordance with the Survey Plan prepared by Williamson and Associates dated August 10, 2015 and attached as Attachment 3.
3. The proposed development is in general compliance with the plans and elevations attached as Attachment 3.
4. The proposed development is in general compliance with elevation drawings attached as Attachment 4.
5. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo building regulations.

Attachment 3  
Topographic Survey (Page 1 of 4)

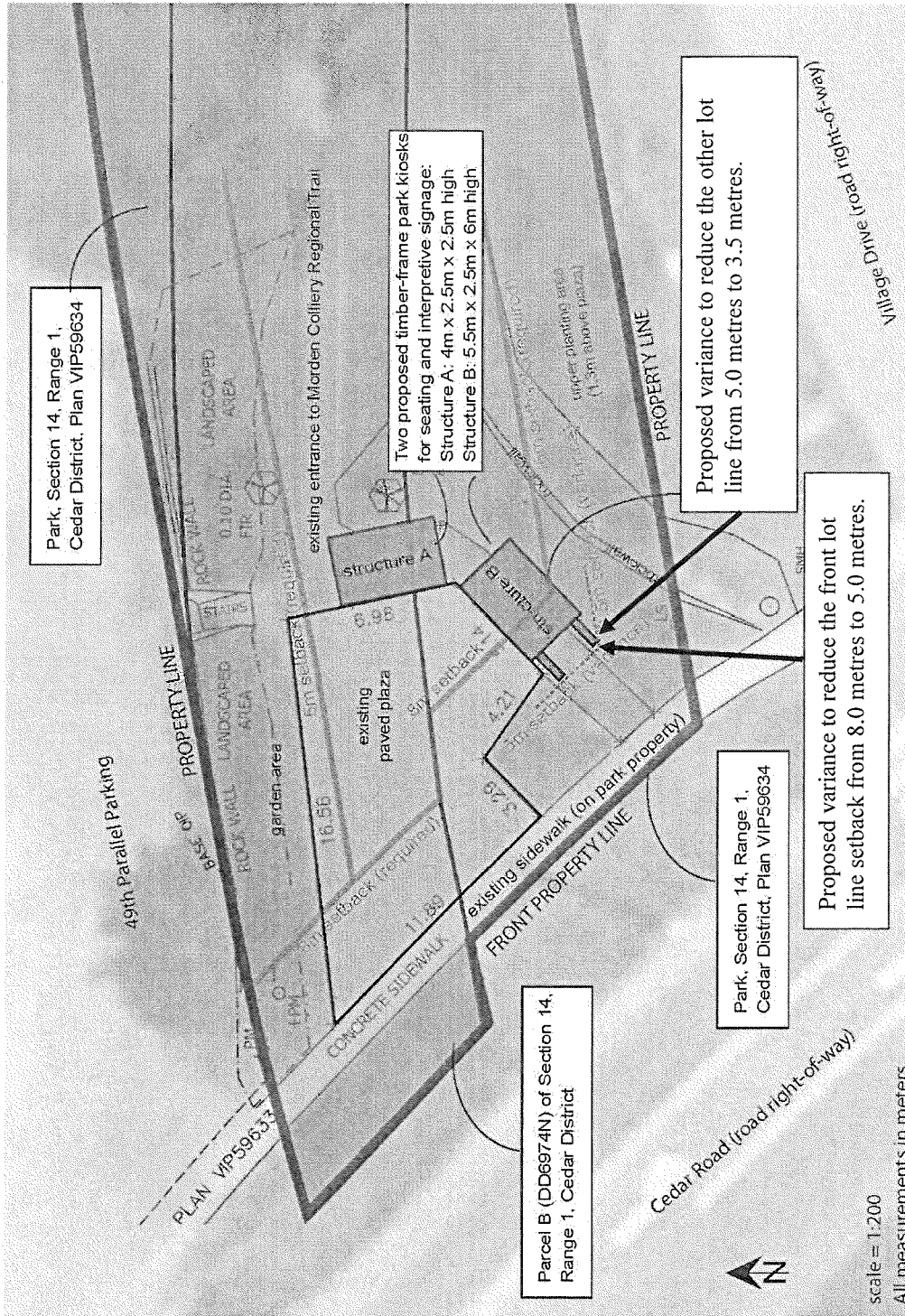


Attachment 3  
Topographic Survey (Page 2 of 4)



Attachment 3  
Site Plan (Page 3 of 4)

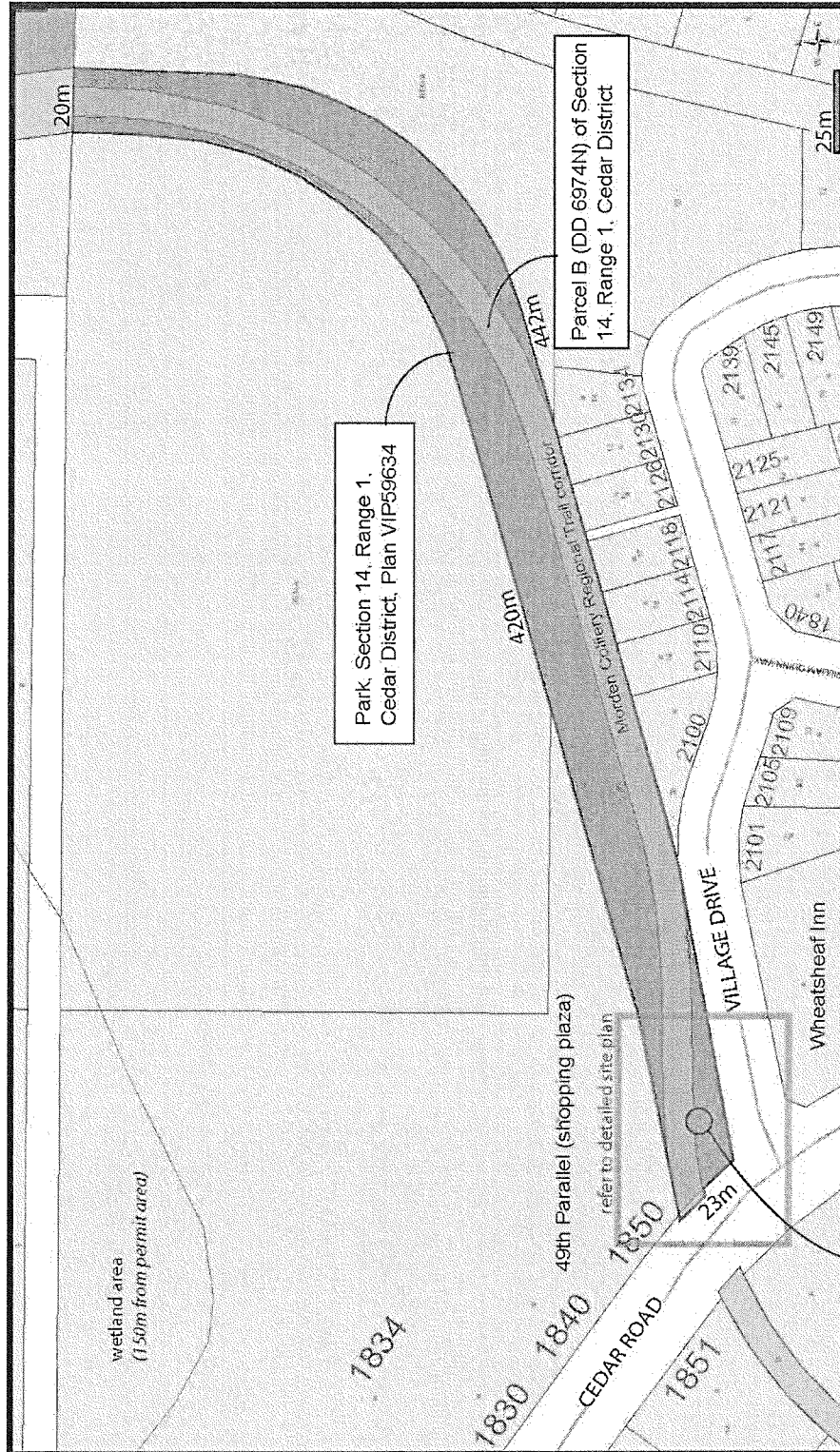
Cedar Plaza, Electoral Area A, Regional District of Nanaimo  
Detailed Site Plan for Proposed Park Kiosks (Variance Application), June 2016



scale = 1:200  
All measurements in meters.

**Attachment 3  
Location Plan (Page 4 of 4)**

**Cedar Plaza, Electoral Area A, Regional District of Nanaimo  
Location Plan for Proposed Park Kiosks (Variance Application), June 2016**



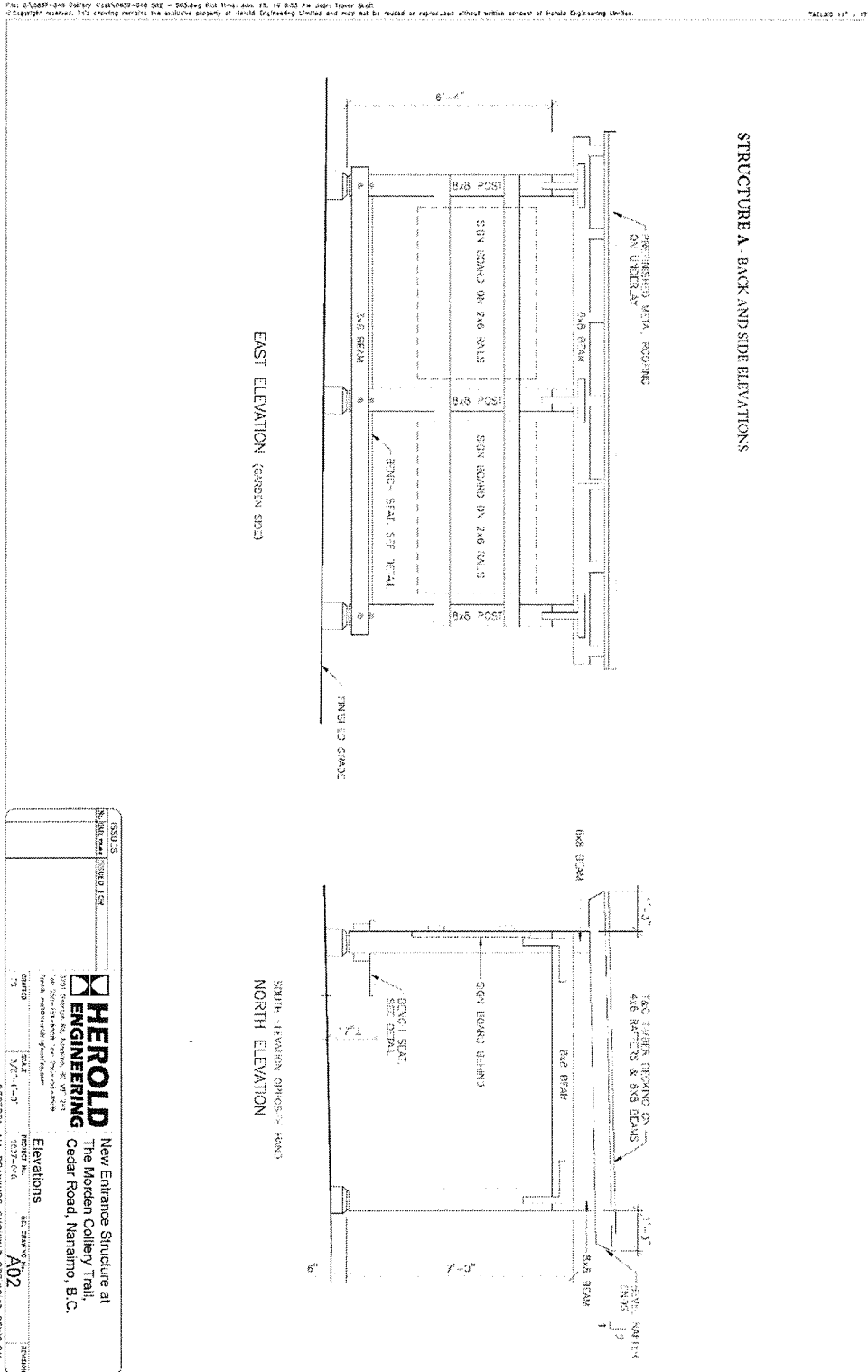
Approximate location of proposed timber-frame park kiosks at Cedar Plaza. Variance requested to reduce side-lot setback from 5m to 3.5m and front-lot setback from 8m to 5m in order to accommodate Structure B (seating shelter and info kiosk) along southeast edge of existing paved plaza. See Detailed Site Plan and Elevation Drawings for more information.







### Attachment 4 Building Elevations (Page 3 of 3)





RDN REPORT		✓	BND
CAO APPROVAL			
EAP	✓		
COW			
JUN 30 2016			
RHD			
BOARD			

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

**DATE:** June 30, 2016

**FROM:** Stephen Boogaards  
Planner

**MEETING:** EAPC – July 12, 2016

**FILE:** PL2016-099

**SUBJECT: Development Variance Permit Application No. PL2016-099  
Lot 8, District Lot 30A, Nanoose District, Plan 2859, Except Part in Plan 41577  
3189 Northwest Bay Road – Electoral Area ‘E’**

**RECOMMENDATIONS**

1. That the Board approve Development Variance Permit No. PL2016-099 to increase the accessory building height to permit two accessory buildings subject to the terms and conditions outlined in Attachments 2 and 3.
2. That the Board direct staff to complete the required notification.

**PURPOSE**

To consider an application for a development variance permit to increase the accessory building height to permit two accessory buildings on the subject property.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from J.E. Anderson & Associates on behalf of 0871870 BC Ltd. to permit the construction of two accessory buildings on the subject property. One of the accessory buildings is proposed to be used as a construction company showroom/office for a home based business on the property. The other accessory building is proposed to be used as a shop and office for the personal use of the residents. The property contains a dwelling unit currently under construction.

The subject property is approximately 5,256 m<sup>2</sup> 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 located to the south of the E&N Railway, east of Northwest Bay Road and a gasoline service station, north of Island Highway East, and west of Bonell Creek (see Attachment 1 – Subject Property Map).

In 2014, due to the placement of fill within 30.0 metres of Bonell Creek, which is subject to the Riparian Area Regulations (RAR), the applicant was required by the RDN to remediate the 30.0 metre Streamside Protection and Enhancement Area (SPEA) for the creek. Under Development Permit PL2014-038, the property owners have also installed a split rail fence along the SPEA for Bonell Creek and revegetated the SPEA with native plants. As the RDN measures the height of structures from natural grade, the fill

placed on the property has consequently affected the maximum height permitted for the dwelling and the accessory buildings.

### ***Proposed Development and Variance***

The applicant's proposal is to increase the maximum height of the two accessory buildings on the property (see Attachment 3 – Proposed Site Plan and Variances). The fill previously placed on the property has elevated the building sites, affecting the height of buildings on the property. The applicant proposes to vary the following regulations from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987":

- **Section 3.4.61 – Maximum Number and Size of Buildings and Structures** to increase the maximum accessory building height from 6.0 metres to 8.5 metres for the proposed shop and 6.0 metres to 8.0 metres for the proposed showroom.

### **ALTERNATIVES**

1. To approve Development Variance Permit No. PL2016-099 subject to the conditions outlined in Attachments 2 and 3.
2. To deny Development Variance Permit No. PL2016-099.

### **LAND USE IMPLICATIONS**

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

The applicant proposes to construct a dwelling unit and two accessory buildings on the property. The applicant has confirmed that the proposed accessory buildings will comply with the maximum accessory building floor area in Bylaw 500, as measured from the inside surface of the outermost exterior walls. The floor area of the showroom is proposed to be 99.5 m<sup>2</sup> and the shop is proposed to be 96.6 m<sup>2</sup>, for a combined floor area of 196.1 m<sup>2</sup>, which is below the maximum permitted 250 m<sup>2</sup> accessory building floor area in the RS1 zone. The home based business proposed as a construction company showroom/office will be located within the show room accessory building, therefore being under the maximum permitted home based business floor area of 100 m<sup>2</sup>. The proposed home based business use will be required to meet the zoning bylaw Home Based Business regulations including limitations on home based business signage.

The only variance necessary for the accessory buildings as proposed would be for the height of the accessory buildings. As the RDN measures height from natural grade, the fill placed on the property in 2014 affects the height of all buildings and structures constructed on the fill. However, the fill placed on the property does address the requirement to elevate the habitable area of the dwelling and any building that stores goods damageable by flood waters above the 1.5 metres above flood construction level (FCL) above the natural boundary of Bonell Creek, subject to "Regional District of Nanaimo Floodplain Management Bylaw No. 843, 1991". If the accessory buildings contain any goods damageable by flooding, it must comply with the FCL. Generally, both buildings, as measured from current grade, will be under the maximum accessory building height of 6.0 metres.

Board Policy B1.5: *Development Variance Permit, Development Permit with Variance & Floodplain Application Evaluation* (Board Policy B1.5) for the evaluation of variance applications requires that there is adequate demonstration of an acceptable land use justification prior to the Board's consideration of a variance proposal. As the height variance would accommodate the fill that is elevating the buildings, and would be required through the Floodplain Bylaw, staff considers that the variance is consistent with Board Policy B1.5.

### ***Environmental Implications***

The proposed accessory buildings are located outside of the 30.0 metre SPEA for Bonell Creek, therefore the Fish Habitat Development Permit Area does not apply. The applicants have also previously addressed the fill placed in the SPEA through a development permit, including replanting and marking the SPEA with a split rail fence.

### **FINANCIAL IMPLICATIONS**

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2016 – 2020 Financial Plan.

### **STRATEGIC PLAN IMPLICATIONS**

Staff have reviewed the proposed development and note that the proposal has no implications for the 2016 – 2020 Board Strategic Plan.

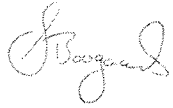
### **PUBLIC CONSULTATION IMPLICATIONS**

Pending the Electoral Area Planning Committee's recommendation and pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005", property owners and tenants of parcels located within a 50.0 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board's consideration of the application.

### **SUMMARY/CONCLUSIONS**

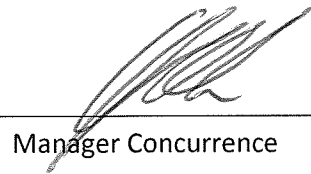
The applicants request a height variance for the construction of two accessory buildings on the subject property, a shop for the personal use of the residents and a showroom for a construction company as a home based business. The applicant had placed fill on the property in 2014, which was remediated for the Bonell Creek SPEA through Development Permit PL2014-038. However, since the RDN calculates height from natural grade, a variance is requested to accommodate the accessory buildings. The proposed accessory buildings, as measured from current grade with the fill, are below the 6.0 metre maximum height in zoning and as such will appear to be a limited height and of a scale for accessory buildings as intended by the zoning bylaw regulations.

Generally the proposal is consistent with permitted uses and maximum floor area for accessory buildings and home based businesses on the property. Given the applicant has satisfactorily addressed Board Policy B1.5 and the proposed variances are not anticipated to result in any negative land use implications, staff recommend the application as proposed, pending the outcome of public notification.



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Report Writer



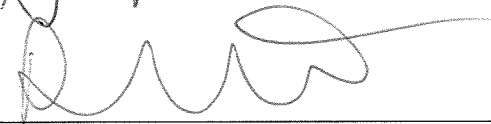
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Manager Concurrence



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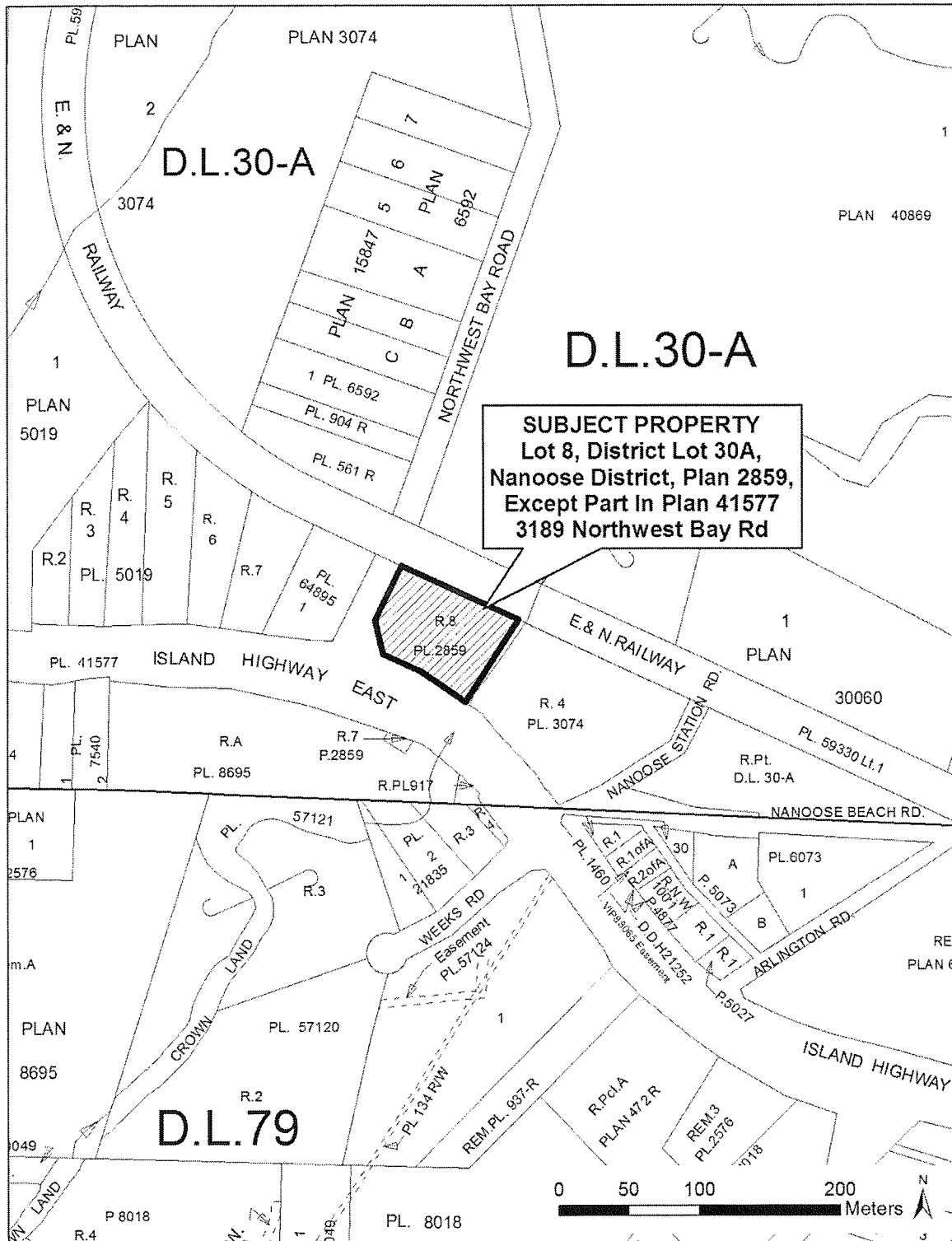
General Manager Concurrence



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CAO Concurrence

**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. PL2016-099:

Bylaw No. 500, 1987 Variances:

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

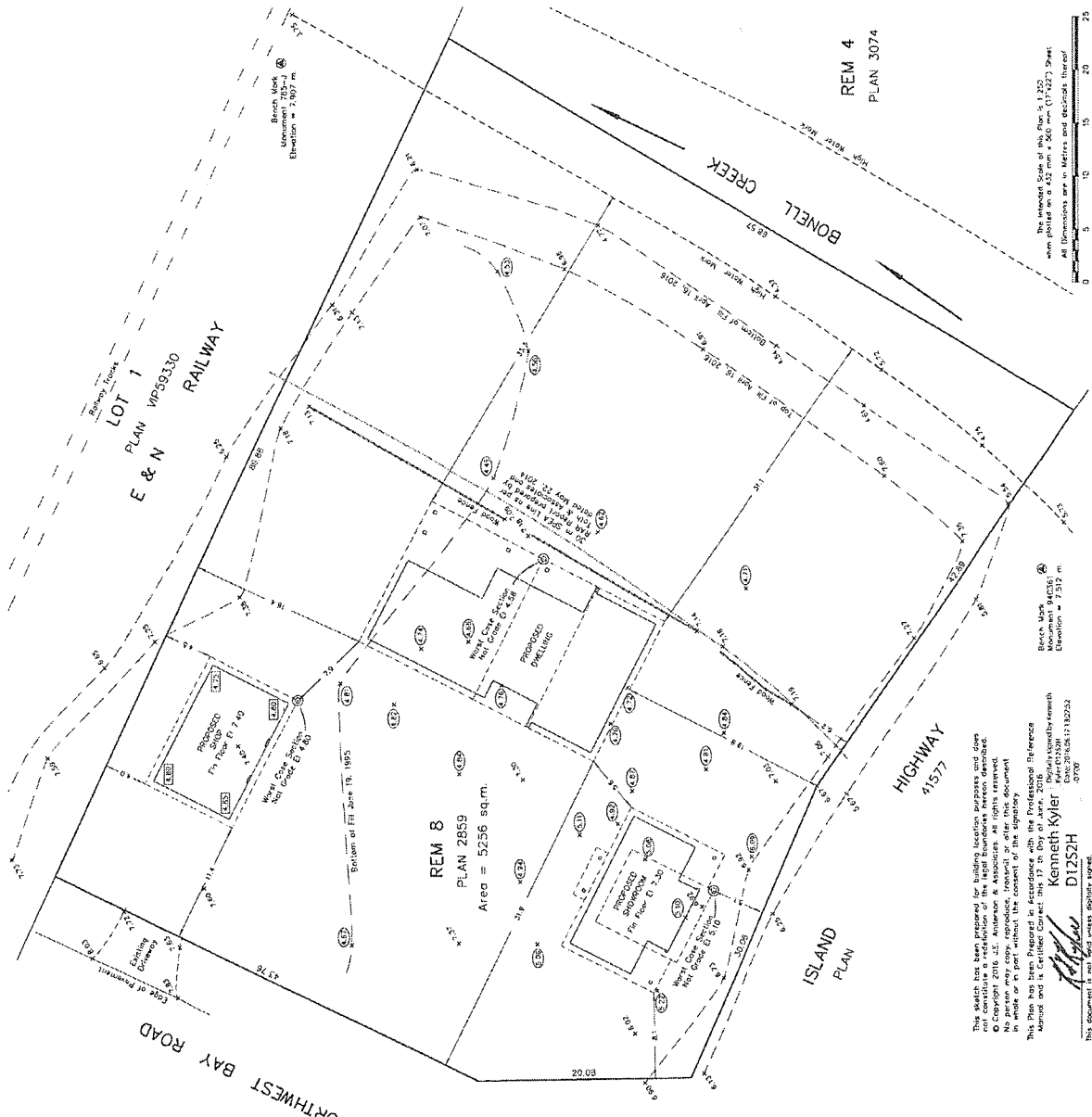
1. **Section 3.4.61 – Maximum Number and Size of Buildings and Structures** to increase the maximum accessory building height from 6.0 metres to 8.5 metres for the proposed shop and 6.0 metres to 8.0 metres for the proposed showroom.

Conditions of Approval:

1. The site is developed in accordance with the Proposed Site Plan and Variances prepared by J.E. Anderson & Associates dated June 17, 2016 and attached as Attachment 3.
2. The proposed shop accessory building is in general compliance with the plans and elevations prepared by Lindberg CAD Services, dated May 1, 2016, and attached as Attachment 4.
3. The proposed showroom accessory building is in general compliance with the plans and elevations prepared by Lindberg CAD Services, dated April 25, 2016, and attached as Attachment 5.
4. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo building regulations.



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



REM 4  
PLAN 3074

BONNELL CREEK

HIGHWAY 41577

ISLAND PLAN

REM 8  
PLAN 2859  
Area = 5256 sq.m.



**ELEVATIONS:** Is Geodetic Datum and derived from Monument 944250 on west end of Bonnell Creek Bridge. Elevation = 7.317 m.

Ⓢ (Typical) Denotes Elevation Obtained on Field Survey on June 15, 2016.

Ⓢ (Special) Denotes Elevation Obtained on Original Natural Grade on June 15, 1995 F.H.A.D. Survey by Dave Wehrle, S.O.S.

Ⓢ (Special) Denotes Elevation in Area of Fill Interpolated for Design Natural Grade on June 15, 1995 Field Survey by Dave Wehrle, S.O.S.

**PROPOSED SHOP**  
Natural Grade at West Corner Section = 4.40 m.  
Proposed Floor Grade = 5.10 m.  
Therefore Height of Building = 0.70 m.  
Maximum Height of Building = 0.70 m.  
Request for Height Variance from 0.0 m to 0.5 m

**PROPOSED SHOWROOM**  
Natural Grade at West Corner Section = 5.10 m.  
Proposed Floor Grade = 5.80 m.  
Therefore Height of Building = 0.70 m.  
Maximum Height of Building = 0.70 m.  
Request for Height Variance from 0.0 m to 0.0 m

**PROPOSED DWELLING**  
Natural Grade at West Corner Section = 4.59 m.  
Proposed Floor Grade = 5.29 m.  
Therefore Height of Building = 0.70 m.  
Maximum Height of Building = 0.70 m.  
Request for Height Variance from 0.0 m to 0.0 m

**PARCEL COVERAGE CALCULATIONS**  
Total Parcel Area of Rem Lot 8 = 5256 sq.m.  
Area of Proposed Shop = 1728.00 sq.m.  
Area of Proposed Showroom = 133.4 sq.m.  
Total Area Proposed Buildings = 1861.40 sq.m.  
Total Area of Shop + Showroom = 1861.40 sq.m.  
Parcel Coverage at Shop + Showroom = 3.5 %

**LEGAL NOTATIONS:**  
Permit under B.C.A. = 1948709 & 033096  
Contractor = R.D.S. = CA3327254  
Building Dimensions are to Exterior of Main Walls  
Property Line Dimensions are Derived from Field Survey

**JEA & ASSOCIATES**  
SURVEYORS AND ENGINEERS  
1000 WEST 10TH AVENUE, SUITE 247  
VANCOUVER, B.C. V6H 2K4  
TEL: 248-5755; pers@jeaandassociates.com

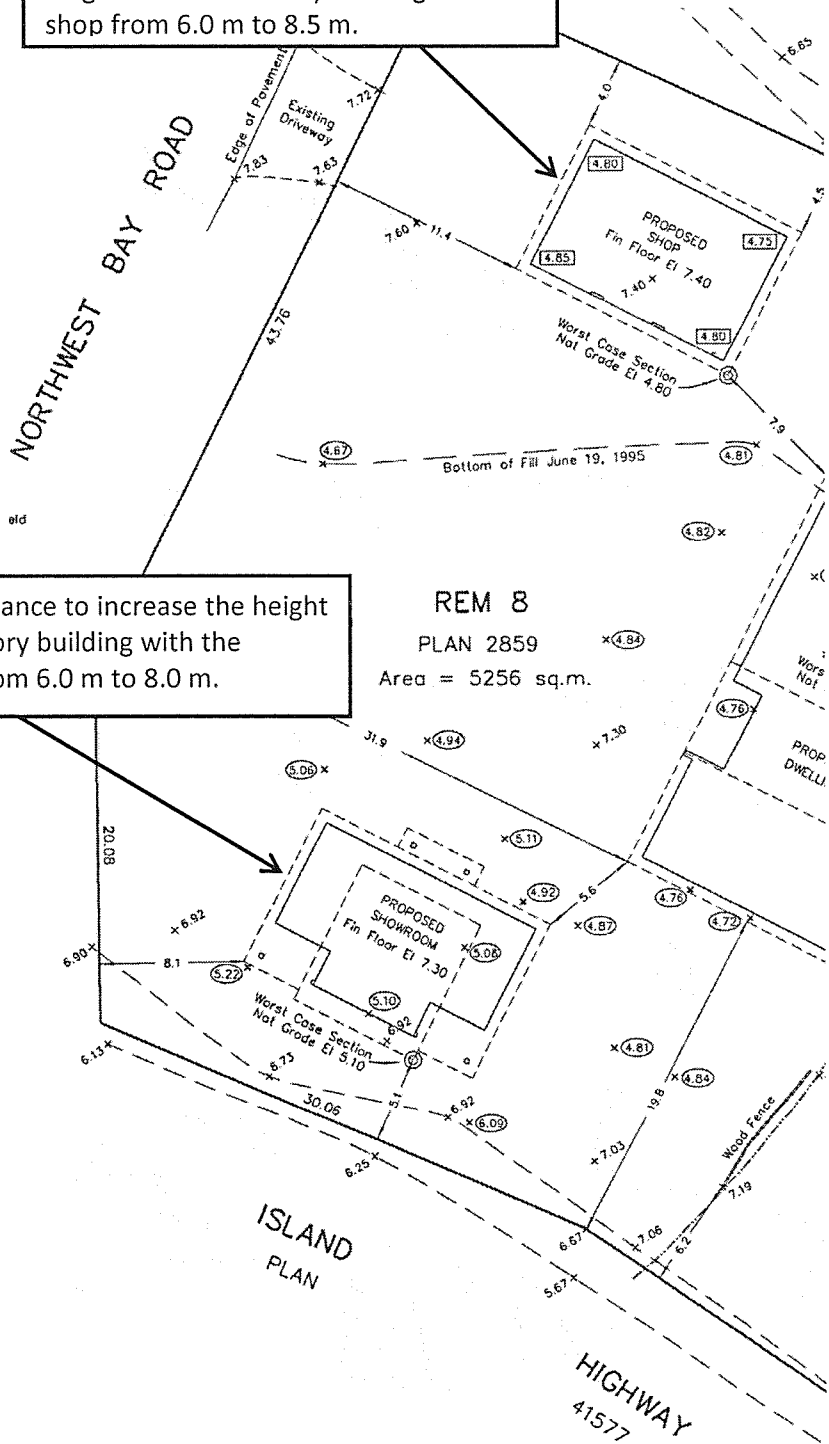
<b>PLOT PLAN</b>	
LOT 8, DISTRICT LOT 30A, NANOOSE DISTRICT, PLAN 2859, EXCEPT PART IN PLAN 41577 PID 005-316-344	
PREPARED FOR <b>GLAZIER CONSTRUCTION / 0871870 BC LTD</b>	
OUR REF: EDR-5-A	REVISION: X

This sketch has been prepared for building location purposes and does not constitute a redefinition of the legal boundaries herein depicted.  
© Copyright 2016, J.E. Anderson & Associates. All rights reserved.  
In whole or in part without the consent of the signatory.  
This Plan has been Prepared in accordance with the Professional Reference Manual and is Certified Correct this 17th day of June, 2016.  
Kenneth Kyler  
D1252H  
0700

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

Proposed variance to increase the height of the accessory building with the shop from 6.0 m to 8.5 m.

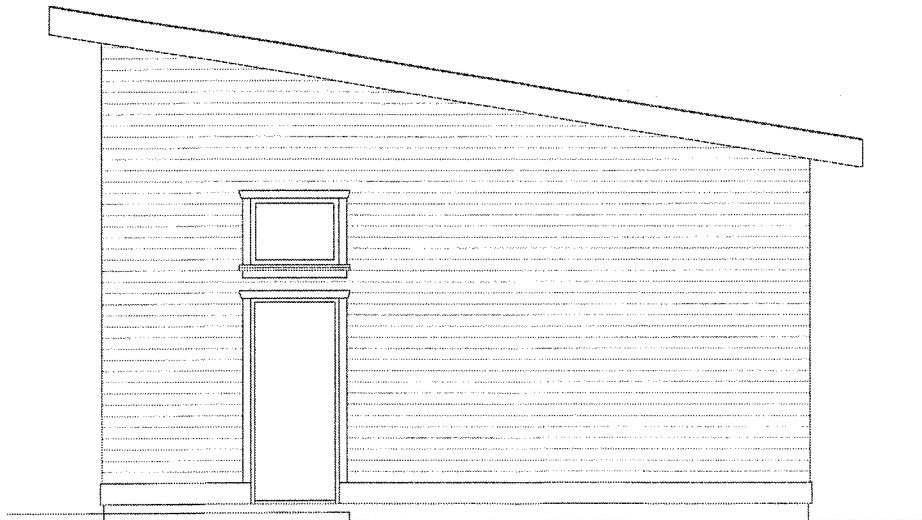
Proposed variance to increase the height of the accessory building with the showroom from 6.0 m to 8.0 m.



**Attachment 4**  
**Accessory Building Elevations - Shop**

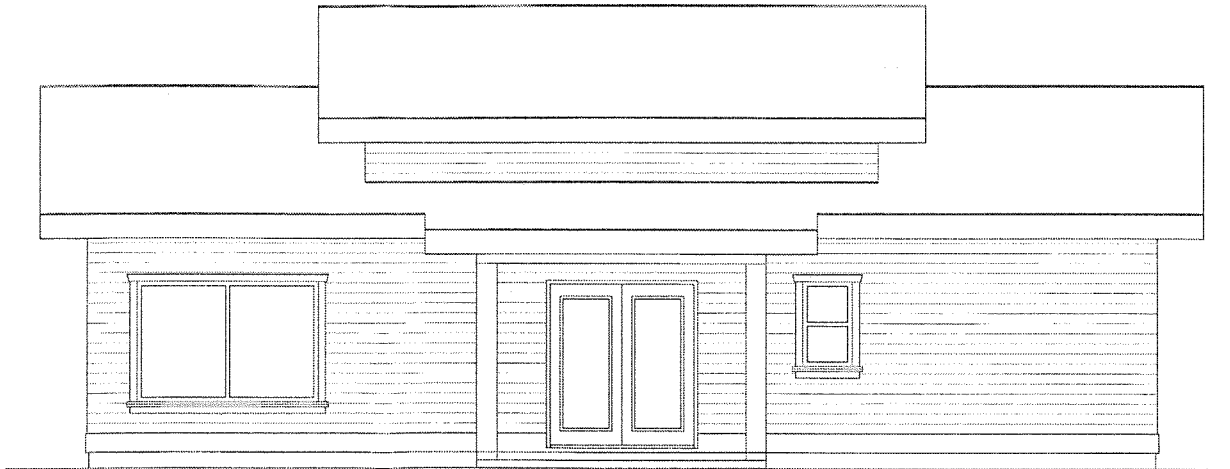


*FRONT ELEVATION*

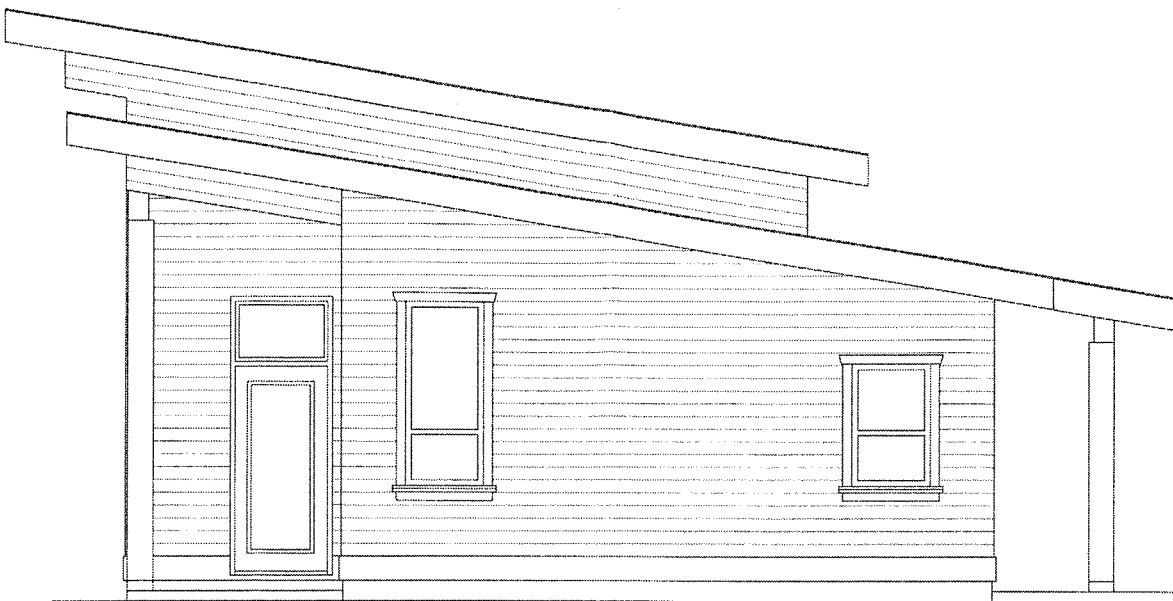


*RIGHT ELEVATION*

**Attachment 5**  
**Accessory Building Elevations - Showroom (Page 1 of 2)**

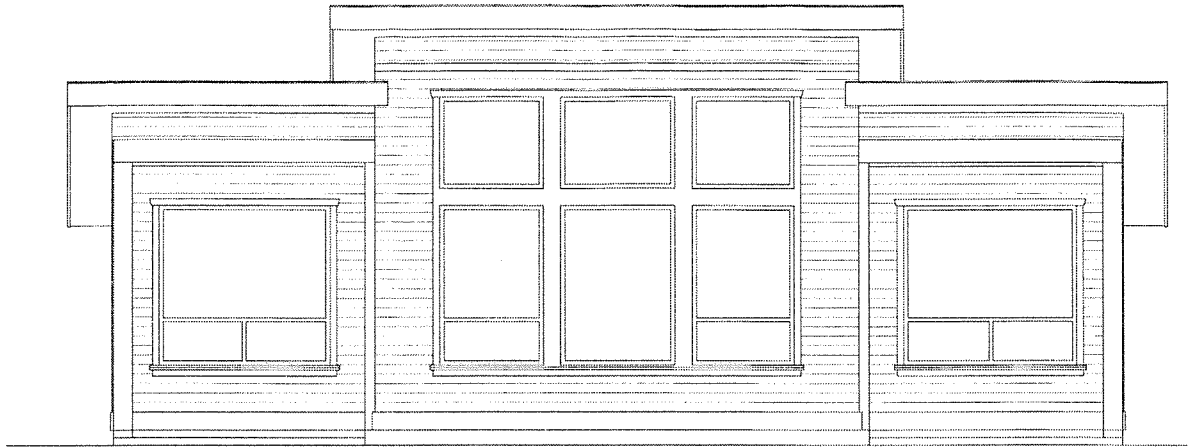


*FRONT ELEVATION*

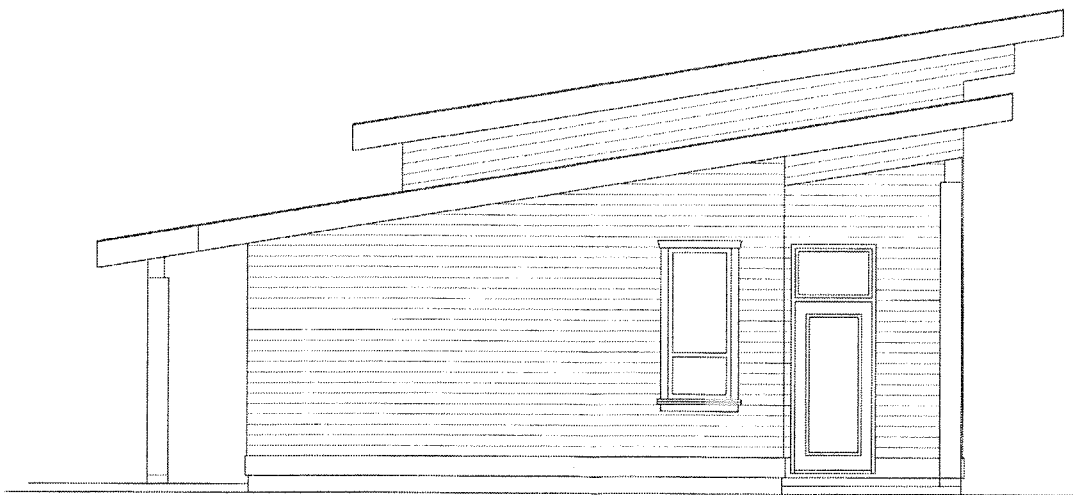


*LEFT ELEVATION*

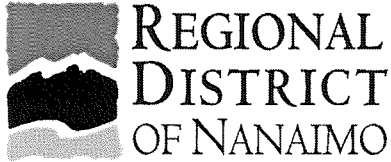
**Attachment 5**  
**Accessory Building Elevations - Showroom (Page 2 of 2)**



*REAR ELEVATION*



*RIGHT ELEVATION*



RDN REPORT	
CAO APPROVAL	<input checked="" type="checkbox"/>
EAP	<input checked="" type="checkbox"/>
COW	<input type="checkbox"/>
JUN 30 2016	
RHD	<input type="checkbox"/>
BOARD	<input type="checkbox"/>

**STAFF REPORT**

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

**DATE:** June 23, 2016

**FROM:** Stephen Boogaards  
 Planner

**MEETING:** EAPC – July 12, 2016

**FILE:** PL2016-089

**SUBJECT:** Development Permit with Variance Application No. PL2016-089  
 Lot 1, Section 13, Ranges 5 and 5, Cedar District, Plan EPP50146  
 1954 Shasta Road – Electoral Area 'A'

**RECOMMENDATIONS**

1. That the Board approve Development Permit with Variance No. PL2016-089 to permit a shoreline revetment subject to the conditions outlined in Attachments 2 to 3.
2. That the Board direct staff to complete the required notification.

**PURPOSE**

To consider an application for a development permit with variance to reduce the setback to the sea to permit the construction of a riprap type revetment on the subject property.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from Aquaparian Environmental Consulting Ltd. on behalf of Mike Crucil to permit the construction of a riprap form of foreshore revetment and access trails on the subject property. The subject property is approximately 4.02 hectares in area and is zoned Rural 4 (RU4), pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is located west of the Strait of Georgia, south of an unconstructed road right-of-way, and surrounded by other rural zoned properties (see Attachment 1 – Subject Property Map).

The property contains a dwelling unit currently under construction and is serviced by well and individual septic system. North of the subject property is an unconstructed road right-of-way. The neighbouring waterfront property north of the road right-of-way is protected from erosion by a riprap foreshore revetment.

The unconstructed road right-of-way currently has an informal but established pathway from Shasta Road to the shoreline. The pathway descends to the beach by several small wooden ties that form steps. The southern portion of the subject property is protected by natural sandstone bedrock.

The shoreline along the subject property and the road right-of-way is steep bank, varying in height from 3.0 metres to 4.0 metres, and the slope varies from 45 to 60 degrees. The central portion of the

shoreline was also subject to a recent slide, which was approximately 3 metres wide for the full height of the slope. According to the applicant, the vegetation and drift logs have helped stabilize the shoreline until recently. However, during the previous winter, heavy rains and high king tides have contributed to the erosion of the shoreline bank. The erosion of the shoreline has also exposed sections of a shell midden protected under the *Heritage Conservation Act*.

The proposed development is subject to the following Environmentally Sensitive Features Development Permit Areas for Coastal Protection per the “Regional District of Nanaimo Electoral Area ‘A’ Official Community Plan Bylaw No. 1620, 2011”.

### ***Proposed Development and Variance***

The applicant’s proposal is to construct a riprap revetment above the natural boundary of the sea. The revetment is proposed on the subject property and the adjacent unconstructed road right-of-way, connecting with an existing riprap revetment on the neighbouring property (see Attachment 3 – Site Plan and Variances). 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 a) ii) – Setbacks – Sea** to reduce the minimum setback requirement from the natural boundary of the Strait of Georgia from 8.0 metres to 0.0 metres for the construction of a foreshore revetment.
- **Section 3.4.84 – Minimum Setback Requirements – All lot lines** to reduce the setback from 8.0 metres to 0.0 metres for the construction of a foreshore revetment.

### **ALTERNATIVES**

1. To approve Development Permit with Variance No. PL2016-089 subject to the conditions outlined in Attachments 2 to 3.
2. To deny Development Permit with Variance No. PL2016-089.

### **LAND USE IMPLICATIONS**

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

The construction of the riprap revetment is subject to the Environmentally Sensitive Features Development Permit Area for Coastal Areas and Board Policy B1.9 Retaining Walls – Marine. The applicant has submitted a Shoreline Erosion Protection Assessment, prepared by Simpson Geotechnical Ltd. and dated April 12, 2016 (Revised June 22, 2016), in support of the development permit with variance application.

The geotechnical report, which is consistent with the Development Permit Area guidelines and Board policy, confirms that the property is subject to active wave erosion and recommends appropriately designed riprap armour as the most effective means to reduce the erosion (see Attachment 4 – Retement Elevations). The proposed revetment meets the definition of a structure as defined by the zoning bylaw and, therefore, must comply with the zoning bylaw required setbacks.

The geotechnical report also confirms that armouring the eroded slope should not increase the erosion of adjacent properties, provided that the armour extends from the bedrock shoreline on the southern portion of the property to the existing riprap north of the unconstructed road right-of-way. It appears that the riprap revetment north of the right-of-way was constructed or enhanced relatively recently, however the timing of the construction of this riprap revetment has not been confirmed.

As the revetment must be constructed within the unconstructed road right-of-way to connect with the neighbouring riprap revetment in order to address the development permit area guidelines, the applicant must ensure that the revetment will not obstruct public access to the waterfront. The applicant's geotechnical engineer recommends that riprap armour, within the right-of-way, include the placement of riprap pieces below the existing wooden ties in a series of suitable steps for pedestrians to accommodate public access. This is consistent with direction in the Electoral Area 'A' Official Community Plan Bylaw 1620, 2011, which states that proposals adjacent to the marine foreshore should maintain and enhance public access. For the private access trail, south of the revetment, the engineer recommends riprap material to form a level surface suitable for carting personal watercraft. Due to the level grade of the existing private trail, a flat surface is more feasible compared with the steeper conditions of the unconstructed right-of-way.

The development permit guidelines require that shoreline stabilization measures use 'soft' surfaces, rather than 'hard' surfaces such as riprap, unless a qualified professional has determined soft approaches are not appropriate to the site specific conditions. In this case the geotechnical engineer confirms that soft shoreline stabilization approaches for the property would have a low probability of success due to the steep backshore slope and substantial wave energy being dissipated on the backshore slope. As the geotechnical engineer has reviewed soft shoreline options and recommended that a soft shoreline approach is not appropriate given the site specific conditions, the proposal complies with this guideline.

Board Policy B1.5: *Development Variance Permit, Development Permit with Variance & Floodplain Application Evaluation* (Board Policy B1.5) for the evaluation of variance applications requires that there is an adequate demonstration of an acceptable land use justification prior to the Board's consideration of a variance proposal. As the engineer's assessment confirms the active erosion of the shoreline and recommends 1.5 metre riprap revetment to mitigate the erosion, staff considers that the revetment would comply with Board Policies B1.5 and B1.9. Further the engineer has stated that the proposed riprap will not negatively impact neighbouring properties, has made recommendations to accommodate public access within the right-of-way, and has demonstrated that riprap is an appropriate measure given site specific conditions.

### ***Environmental Implications***

The applicant has submitted an Environmental Assessment Report, prepared by Aquaparian Environmental Consulting Ltd. and dated April 6, 2016, to address the environmental protection guidelines in the development permit area. Consistent with the guidelines, the biologist recommends that no direct removal of vegetation along the shoreline embankment or the top of bank should occur. The proposed riprap rock will be placed around the trunk and root system of trees growing on the embankment face to preserve vegetation. The biologist confirms that the work is to be completed at low tide and the contractor should return drift logs along the upper beach once the work is complete.



The report recommends re-vegetation of the top of bank with native shrubs for a width of 5.0 metres to stabilize the bank. The exception to no vegetation removal provision is the private access trail, which will require some vegetation clearing and the removal of one Douglas-fir tree. The environmental professional also recommends that drainage towards the shoreline should not be interrupted to maintain the health of vegetation that supports the stability of the slope.

### **FINANCIAL IMPLICATIONS**

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2016 – 2020 Financial Plan.

### **STRATEGIC PLAN IMPLICATIONS**

Staff have reviewed the proposed development and note that the proposal has no implications for the 2016 – 2020 Board Strategic Plan.

### **INTER-GOVERNMENTAL IMPLICATIONS**

As the property contains an archaeological site, the applicant has applied for an Alteration Permit from the Provincial Archaeology Branch. The shell midden located along the shoreline of the subject property and unconstructed road right-of-way, is presently at risk from wave erosion as identified by the archaeologist and environmental professional. The proposed foreshore revetment is intended to also protect the exposed shell midden from erosion. Affected First Nations are referred on the Alteration Permit through the Archaeological Branch, staff has also referred the development permit with variance application to both the Snuneymuxw and Stz'uminus First Nations.

Staff has referred the application to Ministry of Transportation and Infrastructure (MOTI) to ensure their interests are not affected. The Ministry policy is to maintain public access to bodies of water through right-of-ways, and the Ministry typically requires a permit for works in a highway right-of-way and for works within a 3.0 metre setback to a right-of-way in the case of a laneway. The Ministry has advised that it will consent to the revetment in the road right-of-way, provided pedestrian access is provided in a manner that requires no maintenance on the part of the Ministry.

The property title also has two covenants held by the MoTI. One covenant, CA4473193, prohibits any land alteration within the archaeological site, however the Archaeological Branch has confirmed that under the *Heritage Conservation Act*, they can issue an alteration permit without any need to involve other agencies. The permitted alterations are stipulated in the Alteration Permit, after which the conditions of the covenant are effective again. The second covenant, CA4473195, is for floodplain protection and allows no vegetation removal within a 15.0 metre setback. The Ministry of Transportation and Infrastructure has consented to the vegetation removal required for the construction of the private access trail on the property.

Fisheries and Oceans Canada requires the applicant to complete a standard self-assessment process for projects near water. The property owner and agent are responsible to ensure they comply with the *Fisheries Act*. The biologist has completed the self-assessment and has advised DFO review of the revetment is not required.

**PUBLIC CONSULTATION IMPLICATIONS**

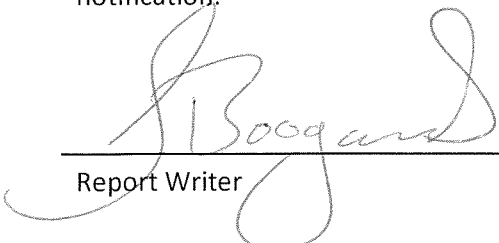
Pending the Electoral Area Planning Committee’s recommendation and pursuant to the *Local Government Act* and the “Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005”, property owners and tenants of parcels located within a 50.0 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board’s consideration of the application.

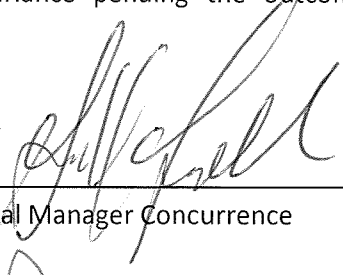
**SUMMARY/CONCLUSIONS**

The applicant has applied for a development permit with variance for a foreshore revetment along the natural boundary of the sea on the subject property, due to active erosion caused by heavy rains and waves. The applicant proposes to construct the revetment into the adjacent road right-of-way to connect with a neighbouring foreshore revetment north of the property. The applicant has submitted a geotechnical assessment, environmental assessment and an Alteration Permit application in support of the application.

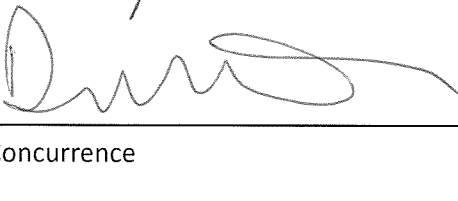
Consistent with the Development Permit Area guidelines and Board Policy, the applicant has demonstrated that the property is subject to active erosion and that the revetment as proposed is necessary for the protection of the property. The applicant’s engineer has confirmed that soft approaches to shoreline stabilization would not be successful due to the steep backshore slope and the substantial wave energy. The geotechnical engineer also made provisions for public access within the unconstructed road right-of-way by placing riprap pieces in a series of steps suitable for pedestrians. Similarly provisions are made for a private access on property with a level surface to move boats to the beach.

With consideration for specific environmental protection development permit area guidelines, the applicant’s biologist recommends the preservation of the vegetation on the slope and that the riprap is placed to preserve existing trees within the slope. The biologist also recommends that the top of the bank is re-vegetated with native vegetation to stabilize the slope. The applicant has prepared a proposal consistent with both the applicable development permit guidelines and Board Policy. As such, staff recommend approval of the development permit with variance pending the outcome of public notification.

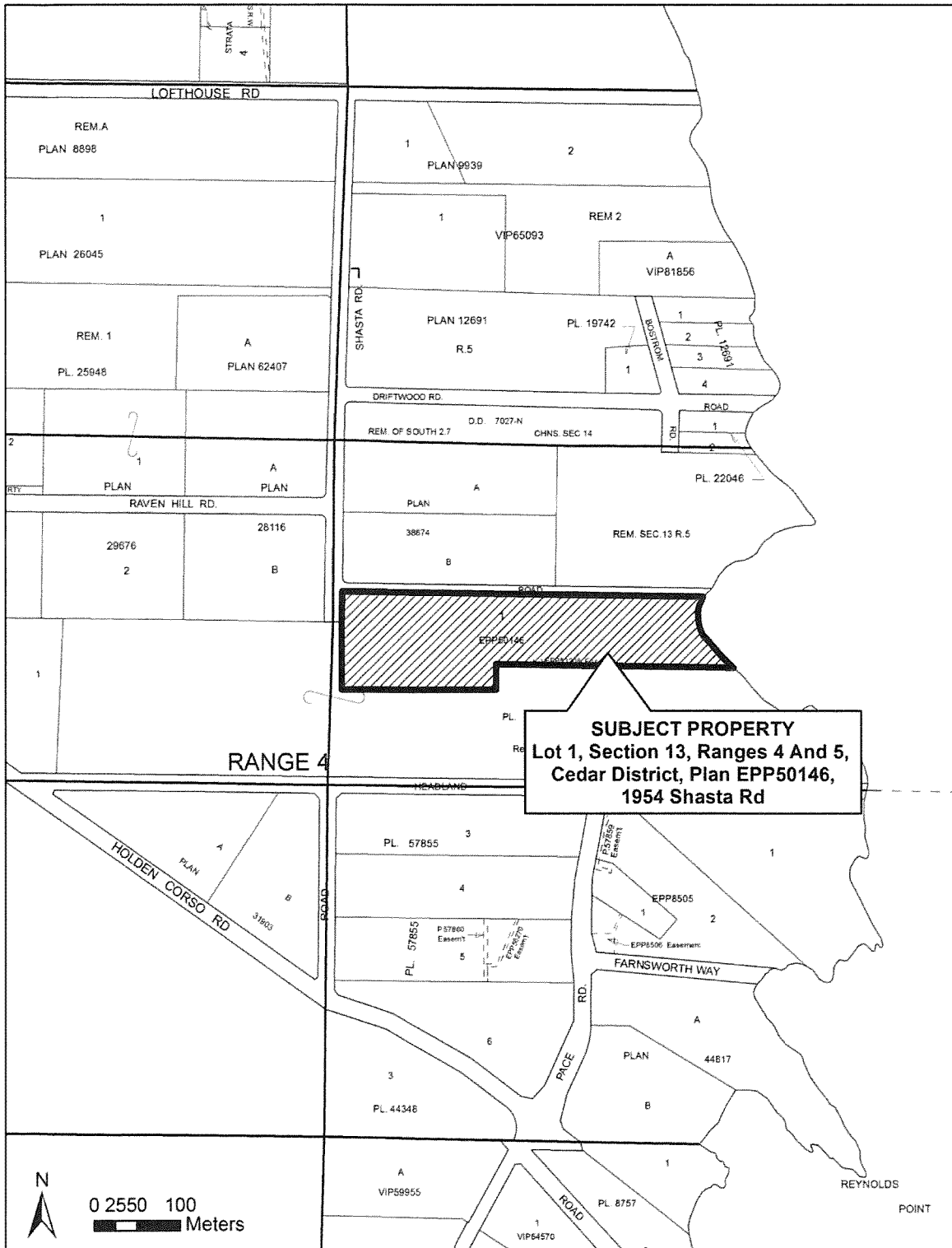
  
Report Writer

  
General Manager Concurrence

  
Manager Concurrence

  
CAO Concurrence

### Attachment 1 Subject Property Map



## Attachment 2 Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit with Variance No. PL2016-089:

### Bylaw No. 500, 1987

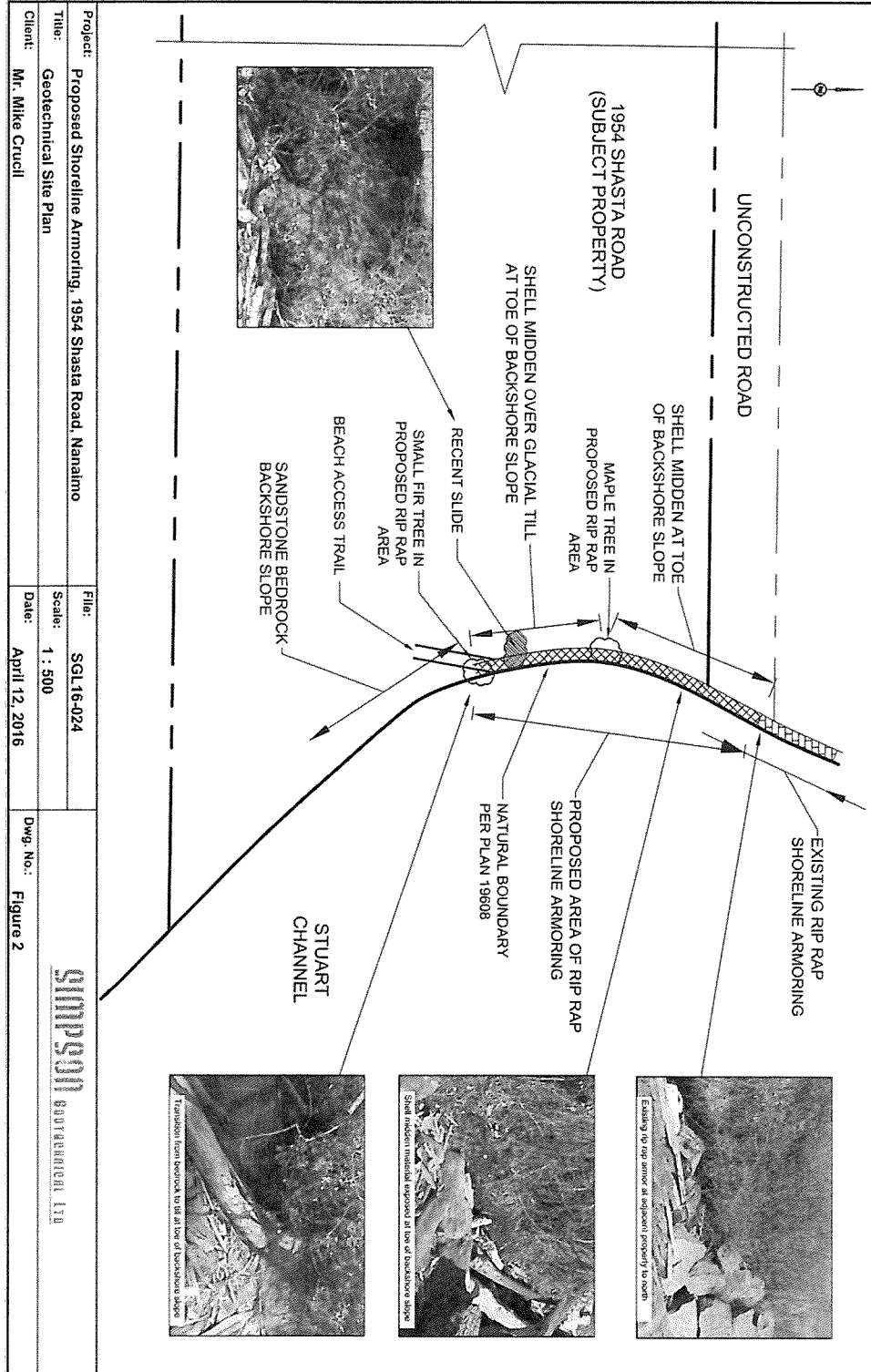
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

1. **Section 3.3.9 a) ii) – Setbacks – Sea** to reduce the minimum setback requirement from the natural boundary of the Strait of Georgia from 8.0 metres to 0.0 metres for the construction of a foreshore revetment.
2. **Section 3.4.84 – Minimum Setback Requirements – All lot lines** to reduce the setback from 8.0 metres to 0.0 metres for the construction of a foreshore revetment.

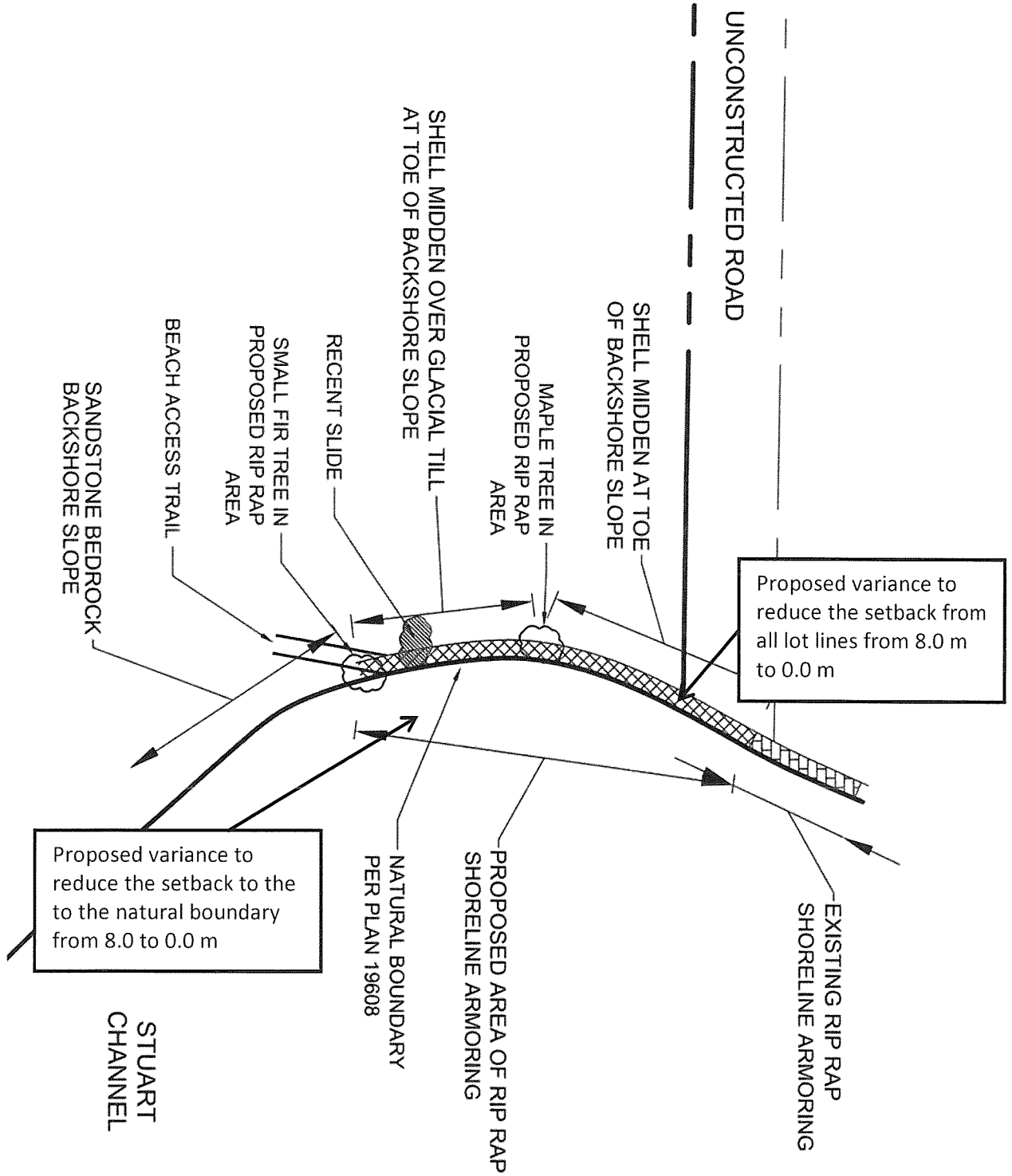
### Conditions of Approval

1. The site is developed in accordance with the Site Plan prepared by Simpson Geotechnical Ltd., dated April 12, 2016 and attached as Attachment 3.
2. The proposed development is in general compliance with the elevations prepared by Simpson Geotechnical Ltd., dated April 12, 2016 and attached as Attachment 4.
3. All works are to be upland of the natural boundary identified on Plan EPP50146.
4. The revetment and beach accesses shall be constructed in compliance with the Shoreline Erosion Protection Assessment prepared by Simpson Geotechnical Ltd., dated April 12, 2016, revised June 22, 2016.
5. The revetment and beach access shall be constructed in compliance with the Environmental Assessment Report (Amendment 1) prepared by Aquaparian Environmental Consulting Ltd. dated April 6, 2016.
6. The proposed revetment and associated development shall only be undertaken during Fisheries and Oceans Canada's periods of least risk from June 1 to September 1 or December 1 to February 1.
7. The applicant will construct a safe and appropriate public beach access along the portion of the revetment in the unconstructed road right-of-way, consistent with the recommendations in the Shoreline Erosion Protection Assessment prepared by Simpson Geotechnical Ltd., dated April 12, 2016, revised June 22, 2016.
8. The applicant must receive Ministry of Transportation and Infrastructure written consent for works in the unconstructed road right-of-way.
9. The construction of the revetment and access trail shall be subject to the issuance of Alteration Permit 16A0224 from the Archeology Branch.
10. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

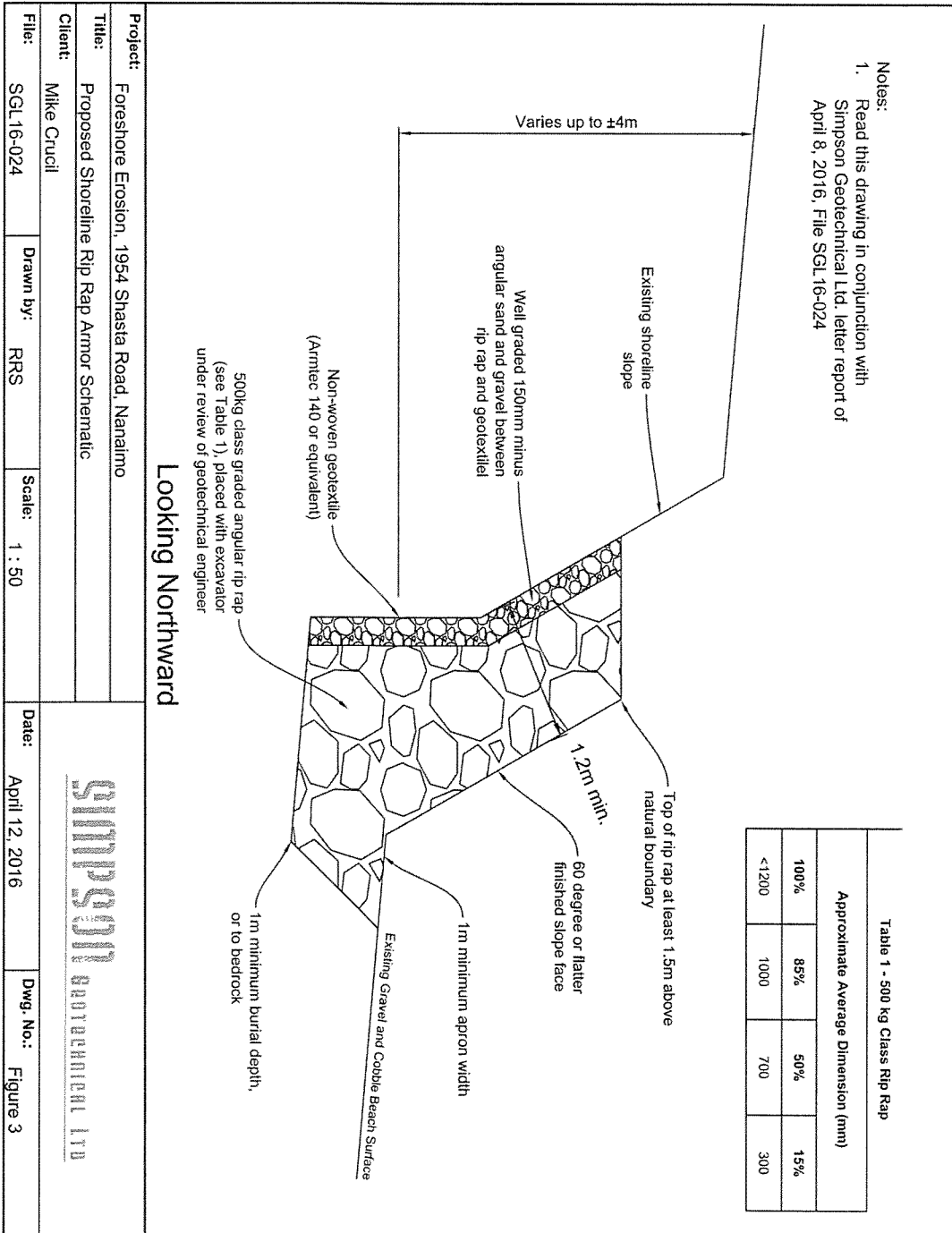
Attachment 3  
Proposed Site Plan and Variances (Page 1 of 2)

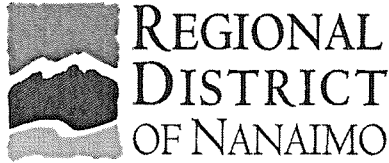


Attachment 3  
Proposed Site Plan and Variances (Page 2 of 2)



**Attachment 4  
Revetment Elevations**





RDN REPORT	
CAO APPROVAL	<i>MD</i>
EAP	<input checked="" type="checkbox"/>
COW	<input type="checkbox"/>
JUL - 4 2016	
RHD	<input type="checkbox"/>
BOARD	<input type="checkbox"/>

**STAFF REPORT**

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

**DATE:** July 4, 2016

**FROM:** Jamai Schile  
Planner

**MEETING:** EAPC – July 12, 2016

**FILE:** PL2015-149

**SUBJECT:** Development Permit with Variance Application No. PL2015-149  
Lot C, District Lot 22, Newcastle District, Plan 13797  
6383 Island Highway West – Electoral Area ‘H’

**RECOMMENDATION**

1. That the Board approve Development Permit with Variance No. PL2015-149 to permit the development of four camping spaces subject to the conditions outlined in Attachment 2.
2. That the Board direct staff to complete the required notification.

**PURPOSE**

To consider an application for a development permit with variance pursuant to permit the development of four camping spaces within the subject property.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from Peter Mason on behalf of Tim Mitchell to permit the addition of four camping spaces within an existing commercial development. The subject property is approximately 0.5 hectares in area and is zoned Commercial 5 Zone, Subdivision District ‘M’, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is bound by the Strait of Georgia to the east, the Island Highway West to the west, and is surrounded by residential properties (see Attachment 1 – Subject Property Map).

The property contains four cabins intended for temporary accommodations for the traveling public, one dwelling unit with an office, picnic shelter and washroom facility. The property is serviced by the Bowser Waterworks District and has onsite waste water disposal.

The proposed development is subject to the following Development Permit Areas (DPA) per the “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003”:

1. Resort Commercial and Recreational Lands Development Permit Area; and
2. Highway Corridors Development Permit Area.



### ***Proposed Development and Variance***

The applicant proposes to add four camping spaces to enhance the permitted commercial uses offered as part of the existing business, known as “Sea Flame Beach Resort”. The applicant also proposes to reduce the requirements for washroom facilities in relation to the proposed camping spaces. The subject property is located within 30.0 metres of Highway No. 19A (Island Highway West); therefore, a development permit approval is required for the intensification of an existing commercial use to ensure compatibility with surrounding uses.

### **ALTERNATIVES**

1. To approve the Development Permit with Variance No. PL2015-149 subject to the conditions outlined in Attachment 2.
2. To deny the Development Permit with Variance No. PL2015-149.

### **LAND USE IMPLICATIONS**

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

The applicant has worked with staff to prepare a proposed site plan in accordance with the Resort Commercial and Recreational Lands and Highway Corridors Development Permit guidelines as well as Schedule ‘3C’ Campground Regulations and Standards the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”.

With respect to the development permit guidelines, the proposed locations of camping spaces are divided; two spaces proposed for the east aspect of the property adjacent to the Strait of Georgia and two spaces proposed for the west aspect of the property adjacent to the Island Highway, (see Attachment 3 - Proposed Site Plan). Staff conducted a site visit on April 11, 2016, confirming that the proposed spaces, identified as RV1 and RV2, are located within the Environmentally Sensitive Features – Coastal Protection Development Permit Area. The lands have been previously disturbed and include a grassy area and naturalized trail to the beach. As proposed, the new spaces do not include any physical development or land alterations, beyond landscaping improvements and are exempt from requiring a permit for Environmentally Sensitive Features.

With respect to the drive-through camping spaces, identified as RV3 and RV4, this area has been designed to maintain the viewscape along the Island Highway and the natural character of the property. The existing wooded area, which acts as a vegetative buffer from the highway will be preserved and the existing mature trees located within and adjacent to the proposed spaces will be retained, (see Attachment 3 - Proposed Site Plan). The redesign of the campground layout confirms that adequate off-street parking is provided for guests, visitors and the residents of the site. No changes to signage are proposed, in terms of the number of signs or the design of the existing free-standing sign, which is currently located adjacent to the Island Highway.

The applicant proposes to vary the following regulation from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987, Schedule ‘3C’ Campground Regulations and Standards”:

- **Section 2.2(c)** – is varied by reducing the number of urinals and showers required from one of each to zero for washroom facilities associated with four proposed camping spaces as shown on the Survey Plan prepared by Peter Mason, and dated June 21, 2016.

Board Policy B1.5 “Development Variance Permit, Development Permit with Variance & Floodplain Exemption Application Evaluation”, provides guidance as to acceptable land use justification for evaluating Development Permit with Variance Applications. With respect to the campground regulations, the campground layout standards and servicing requirements have been satisfied with the exception of the washroom facilities. The existing washroom facilities include one toilet, one washbasin and a changing area. To fully comply with the campground regulations, the existing washroom facilities would require an upgrade to include one urinal and one shower. Considering that the proposed four camping spaces are intended for recreational vehicle use, which generally have their own washroom and shower facilities, the applicant proposes to retain the existing washroom facilities and forego the addition of a urinal and shower. Given this information, staff are satisfied that in this instance the request to decrease the required number and type of washroom fixtures complies with Board Policy B1.5.

#### **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 2015 – 2019 Board Strategic Plan.

#### **INTER-GOVERNMENTAL IMPLICATIONS**

The application was referred to the Ministry of Transportation and Infrastructure, who expressed no comment or concern with the proposed activities.

#### **PUBLIC CONSULTATION IMPLICATIONS**

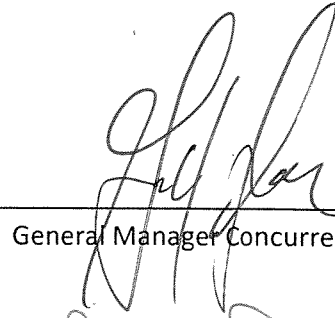
Pending the Electoral Area Planning Committee’s recommendation and pursuant to the *Local Government Act* and the “Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005”, property owners and tenants of parcels located within a 50.0 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board’s consideration of the application.

**SUMMARY/CONCLUSIONS**

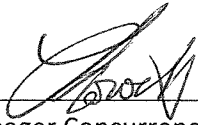
The applicant proposes to add four camping spaces within an existing commercial development on the subject property. The applicant also proposes a variance to reduce the requirements for washroom facilities in relation to the proposed camping spaces. Given the development permit guidelines and the Board Policy B1.5 have been satisfied, staff recommend that the proposed development permit with variance be approved subject to the conditions outlined in Attachment 2.



Report Writer



General Manager Concurrence

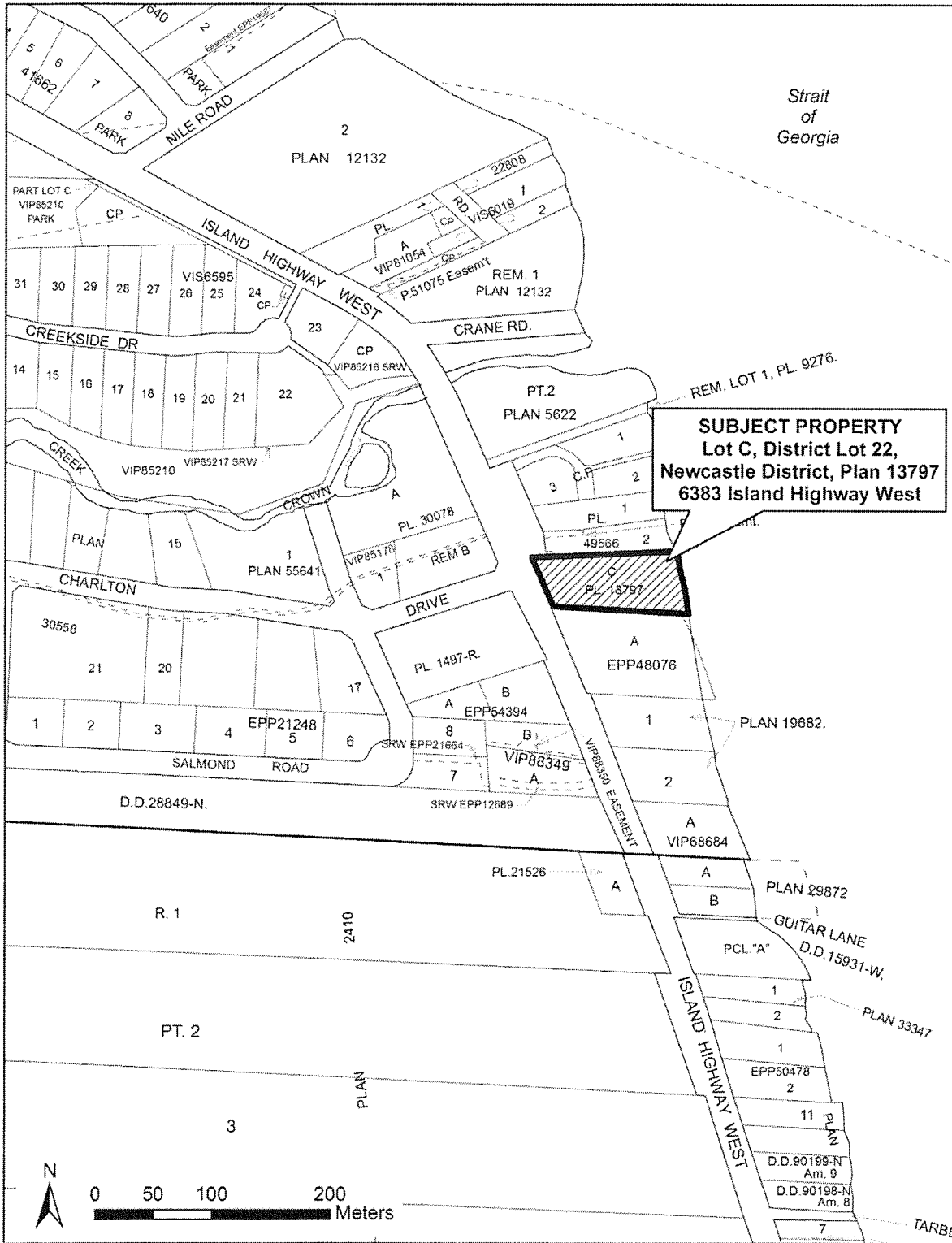


Manager Concurrence



CAO Concurrence

**Attachment 1  
Subject Property Map**



**Attachment 2**  
**Terms and Conditions of Permit**

The following sets out the terms and conditions of Development Permit with Variance No. PL2015-149:

Bylaw No. 500, 1987 Variance:

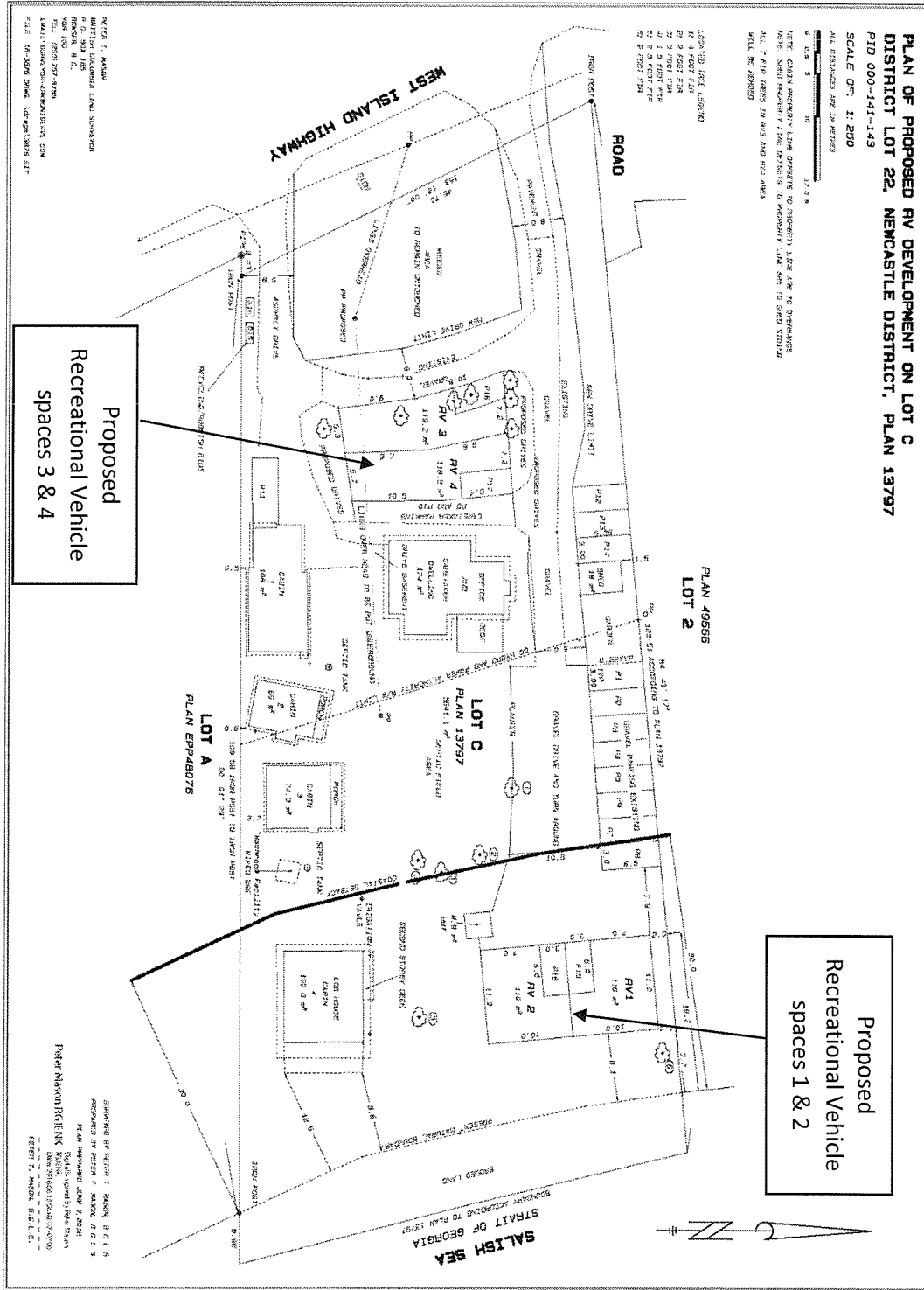
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

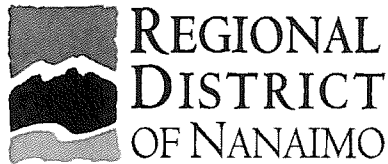
- **Section 2.2(c)** – is varied by reducing the number of urinals and showers required from one of each to zero for washroom facilities associated with four proposed camping spaces as shown on the Survey Plan prepared by Peter Mason, and dated June 21, 2016.

Conditions of Approval:

1. The site is developed in accordance with the Site Plan prepared by Peter Mason, dated September 22, 2015 and attached as Attachment 3.
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





RDN REPORT		
CAO APPROVAL		<i>[Signature]</i>
EAP	<input checked="" type="checkbox"/>	
COW	<input type="checkbox"/>	
JUN 30 2016		
RHD	<input type="checkbox"/>	
BOARD	<input type="checkbox"/>	

**STAFF REPORT**

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

**DATE:** June 29, 2016

**FROM:** Greg Keller  
Senior Planner

**MEETING:** EAPC - July 12, 2016

**FILE:** PL2016-102

**SUBJECT:** Request for Development Permit and Relaxation of the Minimum 10% Perimeter Frontage Requirement in Relation to Subdivision Application No. PL2016-050 Block 359, Newcastle Land District, Except Parcel A (DD21980N) and Except Plans 41094, VIP54534, VIP54535, VIP57567, VIP64186, VIP64189, VIP64696, VIP66682, VIP67560, VIP69346, VIP69786, VIP73141, VIP75374, VIP77754, VIP80715, VIP83984, VIP86930, EPP53469  
Electoral Area 'F'

**RECOMMENDATION**

That the Board approve Development Permit No. PL2016-102 to permit the creation of a seven lot subdivision including the request to relax the minimum 10% perimeter frontage requirements for proposed Lots 2, 3, 4, and 5 in relation to Subdivision Application No. PL2016-050.

**PURPOSE**

To consider an application for a development permit and a request to relax the minimum 10% perimeter frontage requirement to facilitate a proposed seven lot subdivision within the subject property.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from Timberlake Jones Engineering on behalf of Wicklow West Holdings Ltd. to relax the minimum 10% perimeter frontage requirement in relation to a proposed seven lot subdivision (Application No. PL2016-050). The subject property is approximately 35.2 hectares in area and is zoned Rural 1 (R-1), pursuant to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002". The property is located to the west of Corcan Road and is adjacent to other rural residential uses (see Attachment 1 – Subject Property Map).

The north and east of the property is adjacent to a steep bank which slopes down to a tributary of Kinkaid Creek and a BC Hydro right-of-way. There is also a large unmapped wetland which spans portions of proposed Lots 3, 4, and 5 and an unsurveyed drainage at the base on the slope on proposed Lots 1 and 2. There are no buildings or structures on the subject property.

The proposed development is subject to the Watercourse Protection and Fish Habitat Protection Development Permit Areas per the “Regional District of Nanaimo Electoral Area ‘F’ Official Community Plan Bylaw No. 1152, 1999”.

Given that the proposed plan of subdivision includes land within the Fish Habitat Protection Development Permit Area (DPA) containing riparian features which are subject to the provincial Riparian Areas Regulation, the applicant is requesting development permit approval concurrently with the frontage relaxation.

### ***Proposed Development***

The applicant proposes to subdivide a portion of the parent parcel into seven fee simple parcels as phase 3 of the Little Qualicum River Estates development. The balance of the parent parcel (Block 359) will be maintained and is not included in the proposed plan of subdivision (see Attachment 2). All parcels exceed the minimum parcel size (2.0 ha) and will be serviced with private water wells and septic disposal systems.

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

Proposed Lots 2, 3, 4 and 5 do not meet the minimum 10% perimeter frontage requirement pursuant to Section 512 of the *Local Government Act*. The applicant has requested approval of the RDN Board to reduce the frontage requirement as follows:

<b><i>Proposed Lot No.</i></b>	<b><i>Required Frontage (m)</i></b>	<b><i>Proposed Frontage (m)</i></b>	<b><i>% of Perimeter</i></b>
2	75.48	70.9	9.4
3	129.68	71.7	5.5
4	151.28	57.3	3.8
5	174.3	30.5	1.8

### **ALTERNATIVES**

1. To approve Development Permit No. PL2016-102 and concurrent request for relaxation of the minimum 10% perimeter frontage requirement for proposed Lots 2, 3, 4, and 5 as shown on Attachment 3.
2. To deny Development Permit No. PL2016-102 and concurrent request for relaxation of the minimum 10% perimeter frontage requirement.

### **LAND USE IMPLICATIONS**

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

To satisfy the Fish Habitat Protection DPA, the applicant has submitted a riparian assessment prepared by Environmental Dynamics Limited dated March 7, 2016. The report establishes a Streamside Protection and Enhancement Area (SPEA) width of 30.0 metres adjacent to the unnamed tributary of Kinkaid Creek and the unnamed wetland. The report indicates that all development located on proposed Lots 1-7 can occur outside of the SPEA and no protective measures are required at this time as no development activities other than subdivision are proposed.



DPA Guideline 4.8 indicates that minimum parcel sizes should be met exclusive of the SPEA. Although only proposed Lot 6 meets the minimum parcel size exclusive of the SPEA, the applicant is proposing to address this requirement by restricting development activities within the Riparian Assessment Area through a Section 219 covenant as described below. In staff's assessment, the proposed method of riparian protection is consistent with the intent of DPA Guideline 4.8, which is to ensure adequate site area exists outside the Riparian Assessment Area to accommodate the permitted uses on the parcels while protecting the environmentally sensitive feature.

Based on the information provided by the applicant in support of this application, the proposed subdivision is not anticipated to have a negative impact on fish habitat.

The applicant has also submitted a geotechnical evaluation prepared by Lewkowich Engineering Associates dated February 12, 2016. The report assesses the steep topography and specifies recommended minimum building setbacks.

With respect to the requested frontage relaxation, Bylaw 1285 states the following:

*"the Regional Board shall consider the following criteria:*

- a) the suitability of the lot configuration is restricted by the topography of the proposed lot;*
- b) to improve access to the proposed lot provided the maximum gradient of an access driveway or panhandle which serves the proposed lot does not exceed 20%;*
- c) in the case of a panhandle lot, no two panhandle lots are adjacent; or*
- d) the proposed lots front a cul-de-sac road."*

The applicant has demonstrated that the subject property is constrained by steep topography, an existing wetland, unsurveyed wetted areas, and a BC Hydro right-of-way. The topography of proposed Lots 2, 3, 4, and 5 is relatively flat in the area adjacent to the proposed public access road where access driveways would be constructed. Therefore, the maximum access driveway would not exceed 20 percent. Although proposed Lot 5 is a panhandle lot, no two panhandle lots are adjacent. In addition, proposed Lots 3, 4, 5 and 7 are adjacent to a cul-de-sac, which has resulted in these lots requiring frontage relaxations. Based on the above, in staff's assessment, the applicant has demonstrated that the requested frontage relaxations are supported by valid land use justification.

All of the proposed lots will have sufficient site area to accommodate the intended residential use with adequate access. The lot configuration is also consistent with the character of the surrounding rural lots. Therefore, the proposed frontage relaxations are not anticipated to have any negative impacts on the intended use of these lots.

### ***Environmental Implications***

Much of the subject property is located within the Riparian Assessment Area and 30.0 metre SPEA. In response, the applicant is proposing a Section 219 covenant be registered in favour of the RDN which prohibits development activities within the 30 metre Riparian Assessment Area as shown on Attachment 3. The proposed covenant also aligns with the Fish Habitat Protection DPA. In addition, the applicant is proposing to include additional lands within the proposed covenant area to provide protection to other wetted areas on the subject property and to avoid the creation of isolated pockets of unusable land that cannot be accessed without disturbing the covenant area. The registration of the proposed covenant in

favour of the RDN has been included as a condition of the Preliminary Layout Approval (PLA) in association with subdivision application (PL2016-050) and as a condition of this permit to be registered prior to final submission (see Attachment 3). The riparian assessment will be registered as part of the above covenant to ensure that future use of the property is conducted in accordance with the recommendations of the assessment.

The proposed covenant would provide an additional level of protection to the riparian areas on the subject property and would avoid the need for future Fish Habitat Protection development permit applications as all development would be limited to areas located outside of the DPA. In staff's assessment, this is consistent with the intent of the Fish Habitat Protection DPA guidelines.

### **Geotechnical Implications**

The applicant's geotechnical evaluation recommends that setbacks between permanent structures and the crest and toe of slopes be established as no build zones. The report indicates that the identified no build zones represent buffer areas where construction must not occur and where vegetation must be maintained to protect against slope failure due to both major occurrences such as a severe seismic event, as well as ongoing erosion.

The proposed riparian covenant area overlaps and extends beyond the recommended geotechnical buffer. As a result, the geotechnical assessment recommends that the riparian setbacks defined by the SPEA and the Riparian Assessment Areas form the basis for the geotechnical covenant as well.

The applicant is proposing to address the recommendations contained in the geotechnical assessment by registering a Section 219 covenant. The registration of the proposed covenant to be in favour of the Crown has been included as a condition of PLA in association with subdivision application (PL2016-050) to be registered prior to final approval.

### **FINANCIAL IMPLICATIONS**

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2016 – 2020 Financial Plan.

### **STRATEGIC PLAN IMPLICATIONS**

Staff have reviewed the proposed development and note that the proposal has no implications for the 2016 – 2020 Board Strategic Plan.

### **INTER-GOVERNMENTAL IMPLICATIONS**

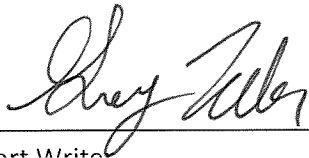
The Ministry of Transportation and Infrastructure (MOTI) has reviewed the application and has issued a PLA for the proposed subdivision. MOTI staff have confirmed that they have no concerns with the proposed frontage relaxation.

### **SUMMARY/CONCLUSIONS**

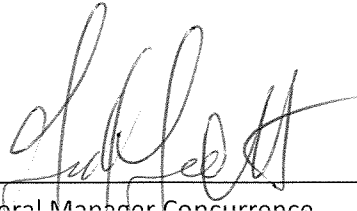
This is an application for a development permit for Fish Habitat Protection and a request for a frontage relaxation for proposed Lots 2, 3, 4, and 5 in accordance with Section 512 of the *Local Government Act* to facilitate a proposed seven lot fee-simple subdivision.

All proposed parcels will exceed the minimum parcel size requirements and provide adequate site area for the intended residential use. Despite the reduced frontages, no negative land use implications are anticipated, and MOTI staff have confirmed that they have no concerns with the requested frontage relaxations. Therefore, staff recommends that the requested frontage relaxation be approved.

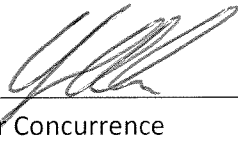
Given that the development permit guidelines have been met and no negative impacts are anticipated as a result of the proposed development or frontage relaxation, staff recommends that the Board approve the proposed development permit and frontage relaxation subject to the conditions outlined in Attachment 2.



Report Writer



General Manager Concurrence

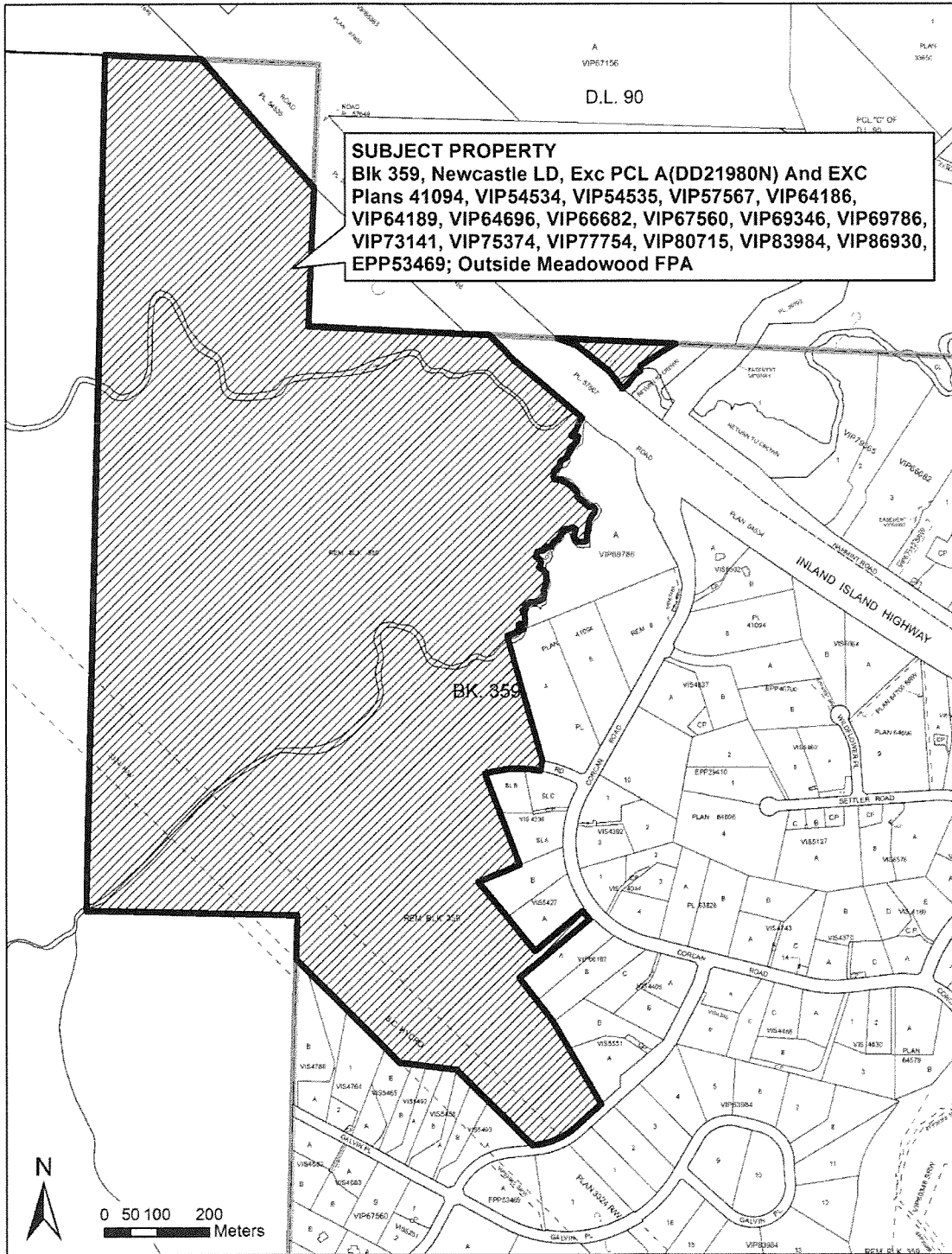


Manager Concurrence



CAO Concurrence

**Attachment 1  
Subject Property Map**



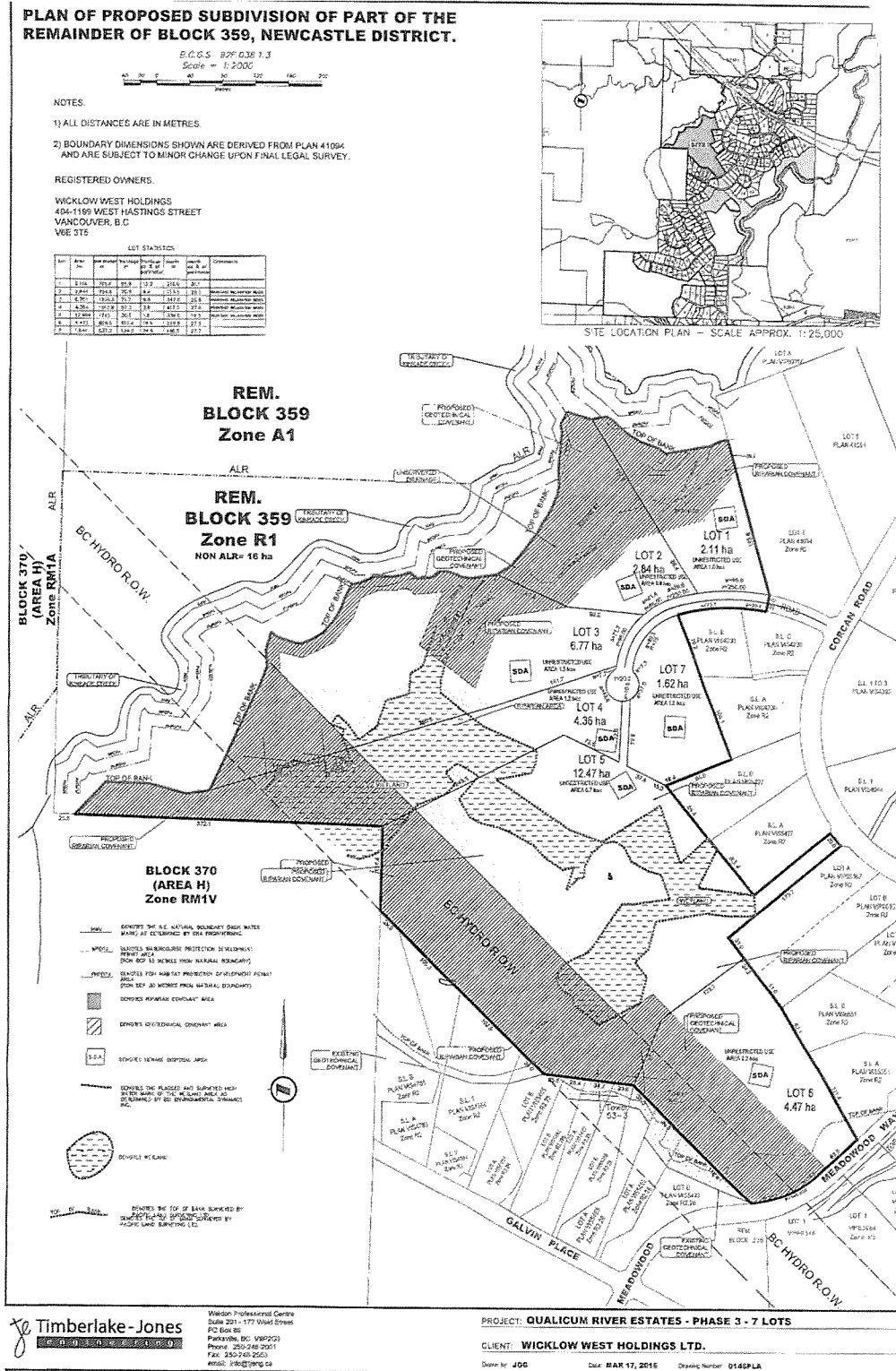
**Attachment 2**  
**Conditions of Permit**

The following sets out the conditions of Development Permit No. PL2016-102:

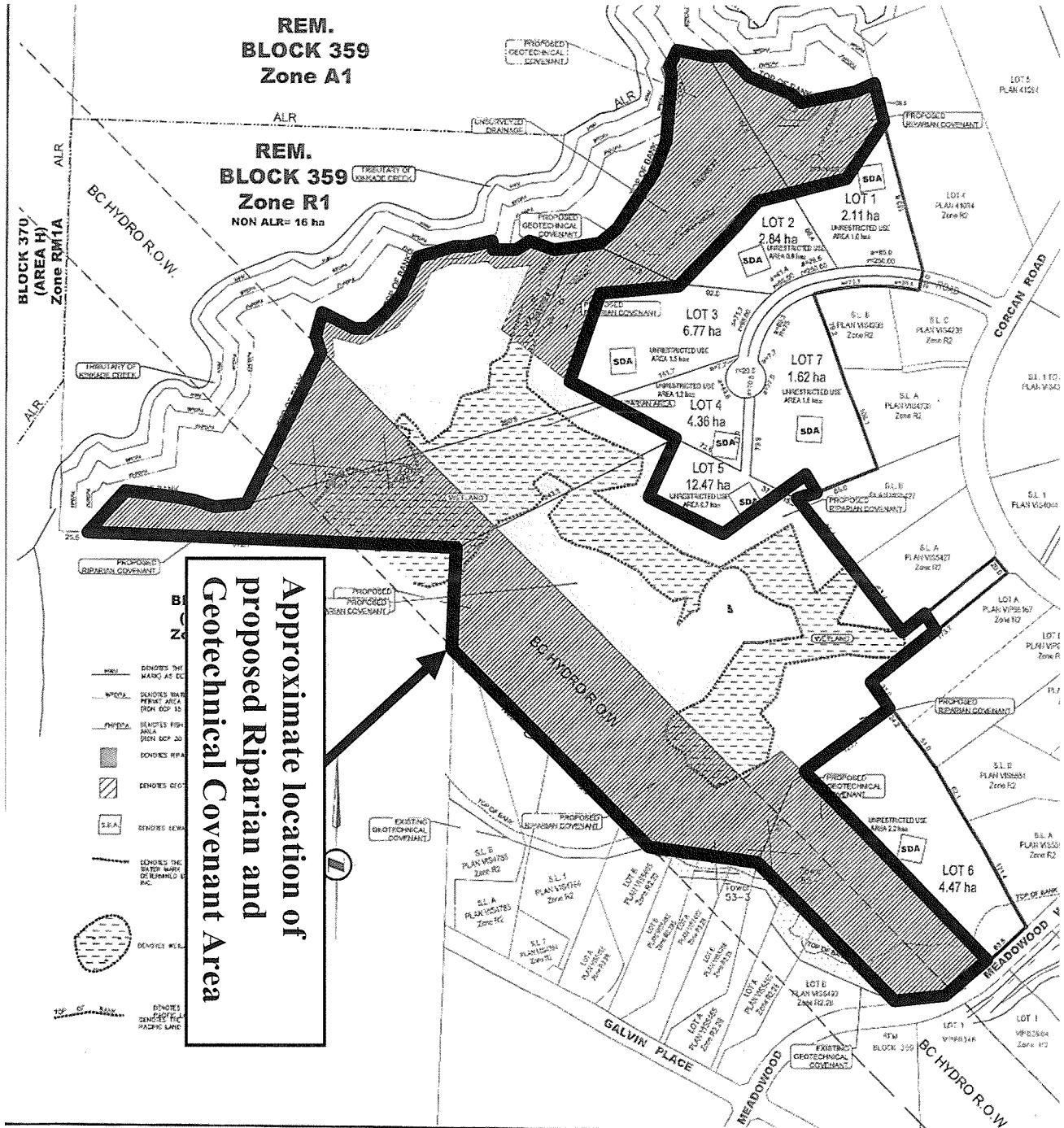
Conditions of Approval:

1. The site is developed in substantial compliance with the proposed plan of subdivision prepared by Timberlake Jones Engineering, dated March 17, 2016 and attached as Attachment 3.
2. The subject property shall be developed in accordance with the recommendations contained in the Riparian Areas Assessment prepared by Environmental Dynamics Limited dated March 7, 2016.
3. Prior to registration of the proposed subdivision, the applicant, at the applicant's expense shall register a Section 219 Covenant which applies to the approximate location shown on attachment 3 which includes the following:
  - a. prohibits removal of vegetation, land alteration, construction and other development activities within the covenant area and
  - b. registers the riparian assessment report prepared by Environmental Dynamics Limited dated March 7, 2016 and requires development to be conducted in accordance with the report.

**Attachment 3 (page 1 of 4)  
Proposed Plan of Subdivision**



Attachment 3 (page 2 of 4)  
Proposed Covenant Area (Approximate)



**Timberlake-Jones**  
Engineering

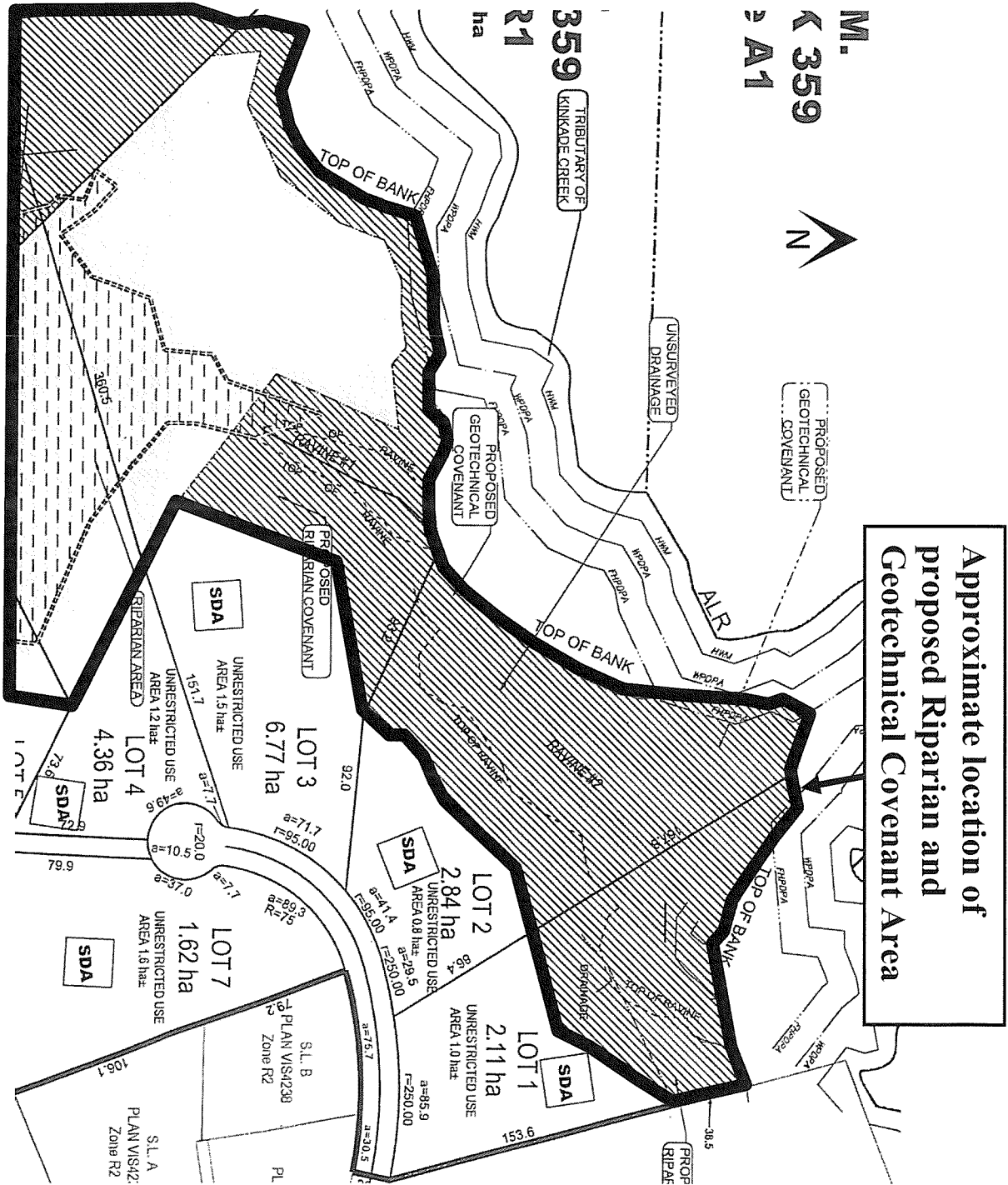
Weldon Professional Centre  
Suite 201 • 177 West Street  
PO Box 85  
Parksville, BC V8P2G9  
Phone: 250-245-2001  
Fax: 250-245-2003  
email: info@tjeng.ca

PROJECT: **QUALICUM RIVER ESTATES - PHASE 3 - 7 LOTS**

CLIENT: **WICKLOW WEST HOLDINGS LTD.**

Drawn by: **JGG** Date: **MAR 17, 2016** Drawing Number: **0146PLA**

Attachment 3 (page 3 of 4)  
Proposed Plan of Subdivision (Proposed Lots 1-3)



Approximate location of  
proposed Riparian and  
Geotechnical Covenant Area



**Attachment 3 (page 4 of 4)**  
**Proposed Plan of Subdivision (Proposed Lots 4-7)**

