

**REGIONAL DISTRICT OF NANAIMO
ELECTORAL AREA SERVICES COMMITTEE
AGENDA**

Tuesday, May 9, 2017

4:00 P.M.

RDN Board Chambers

This meeting will be recorded

Pages

- 1. CALL TO ORDER**
- 2. APPROVAL OF THE AGENDA**
- 3. ADOPTION OF THE MINUTES**
 - 3.1 Electoral Area Services Committee Meeting - April 11, 2017** **4**

That the minutes of the Electoral Area Services Committee meeting held April 11, 2017, be adopted.
- 4. DELEGATIONS**
- 5. CORRESPONDENCE**
- 6. UNFINISHED BUSINESS**
- 7. PLANNING**
 - 7.1 Development Permit**
 - 7.1.1 Development Permit Application No. PL2017-033 - 6141 Island Highway West, Electoral Area 'H'** **7**

That the Board approve Development Permit No. PL2017-033 to remove an existing lock block retaining wall and permit the construction of a foreshore revetment to protect the property from erosion subject to the conditions outlined in Attachments 2 to 4.
 - 7.1.2 Development Permit Application No. PL2017-046 - 1683, 1691 and 1697 Admiral Tryon Boulevard, Electoral Area 'G'** **18**

That the Board approve Development Permit No. PL2017-046 to permit the removal of an existing retaining wall and construction of a riprap revetment on the subject properties subject to the terms and conditions outlined in Attachments 2 to 4.

7.2 Development Variance Permit

7.2.1 Development Variance Permit Application No. PL2017-050 - 863 Cavin Road, Electoral Area 'G' 30

1. That the Board approve Development Variance Permit No. PL2017-050 to increase the permitted parcel depth for proposed Lot 2 from 40% to 46% subject to the terms and conditions outlined in Attachments 2 to 3.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2017-050.
3. That the Board approve the request to relax the minimum 10% perimeter frontage requirement for proposed Lot 1 and Lot 2 in relation to Subdivision Application No. PL2017-050.

7.2.2 Development Variance Permit Application No. PL2017-032 - 2338 Andover Road, Electoral Area 'E' 37

1. That the Board approve Development Variance Permit No. PL2017-032 to reduce the setbacks for a number of retaining walls required in relation to landscaping and the construction of a dwelling unit subject to the terms and conditions outlined in Attachments 2 to 5.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2017-032.

7.3 Zoning Amendment

7.3.1 Zoning Amendment Application No. PL2017-015 - 2720 Benson View Road, Electoral Area 'C' - Amendment Bylaw 500.409, 2017 – First and Second Reading 53

1. That the Board receive the Summary of the Public Information Meeting held on April 4, 2017.
2. That the conditions set out in Attachment 2 of the staff report be completed prior to Amendment Bylaw No. 500.409, 2017 being considered for adoption.
3. That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.409, 2017 be introduced and read two times.
4. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.409, 2017", be waived in accordance with Section 464(2) of *The Local Government Act*.
5. That staff be directed to proceed with notification in accordance with Section 467 of *The Local Government Act* of the Board's intent to consider third reading of "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.409, 2017" at a regular Board meeting to be held on June 27, 2017.

8. BUILDING INSPECTION

8.1 Building Permit Activity – First Quarter 2017

65

That the report on building permit activity for the first quarter of 2017 be received for information.

9. BUSINESS ARISING FROM DELEGATIONS

10. NEW BUSINESS

10.1 Directors' Forum

- Planning
- Community Parks
- Emergency Preparedness
- Fire Protection
- Bylaw Enforcement
- Building Inspection
- Other Electoral Area Matters

11. ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday, April 11, 2017

4:00 P.M.

RDN Board Chambers

In Attendance:	Director J. Stanhope	Chair
	Director A. McPherson	Electoral Area A
	Director H. Houle	Electoral Area B
	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:	P. Carlyle	Chief Administrative Officer
	R. Alexander	Gen. Mgr. Regional & Community Utilities
	G. Garbutt	Gen. Mgr. Strategic & Community Development
	T. Osborne	Gen. Mgr. Recreation & Parks
	D. Trudeau	Gen. Mgr. Transportation & Emergency Planning Services
	J. Harrison	Director of Corporate Services
	T. Moore	A/Director of Finance
	J. Hill	Mgr. Administrative Services
	J. Holm	Mgr. Current Planning
	Bernadette Ritter	Recording Secretary

CALL TO ORDER

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

APPROVAL OF THE AGENDA

It was moved and seconded that the agenda be approved as presented.

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

Electoral Area Services Committee Meeting - March 14, 2017.

It was moved and seconded that the minutes of the Electoral Area Services Committee meeting held March 14, 2017 be adopted.

CARRIED UNANIMOUSLY

COMMITTEE MINUTES AND RECOMMENDATIONS

ELECTORAL AREA 'F' PARKS AND OPEN SPACE ADVISORY COMMITTEE

Minutes of the Electoral Area 'F' Parks and Open Space Advisory Committee.

It was moved and seconded that the minutes of the Electoral Area 'F' Parks and Open Space Advisory Committee meeting held March 15, 2017 be received for information.

CARRIED UNANIMOUSLY

PLANNING

DEVELOPMENT PERMIT

Development Permit Application No. PL2017-022 – 4004 Gladys Road – Electoral Area 'H'

It was moved and seconded that the Board approve Development Permit No. PL2017-022 to permit an accessory building subject to the conditions outlined in Attachments 2 to 4.

CARRIED UNANIMOUSLY

DEVELOPMENT PERMIT WITH VARIANCE

Development Permit with Variance Application No. PL2017-026 – 235 Driftwood Road – Electoral Area 'H'.

It was moved and seconded that the Board approve Development Permit with Variance No. PL2017-026 to reduce the interior side lot line setback for a detached garage subject to the terms and conditions outlined in Attachments 3 to 4.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct staff to complete the required notification for Development Permit with Variance No. PL2017-026.

CARRIED UNANIMOUSLY

DEVELOPMENT VARIANCE PERMIT

Development Variance Permit Application No. PL2017-023 – 2925 and 2931 Northwest Bay Road – Electoral Area ‘E’.

It was moved and seconded that the Board approve Development Variance Permit No. PL2017-023 subject to the conditions outlined in Attachments 2 to 4.

CARRIED UNANIMOUSLY

NEW BUSINESS

DIRECTORS’ FORUM

The Directors’ Forum included discussions related to Electoral Area Matters.

UMCM RE INPUT SOUGHT FOR MARIJUANA REGULATION

J. Holm provided a presentation on a Union of BC Municipalities (UBCM) survey seeking local government input on the legalization and regulation of marijuana.

It was moved and seconded that the presentation be received.

CARRIED UNANIMOUSLY

IN CAMERA

It was moved and seconded that pursuant to Section 90 (1) (e) of the *Community Charter* the Committee proceed to an In Camera meeting for discussions related to land matters.

CARRIED UNANIMOUSLY

TIME: 5:10 PM

ADJOURNMENT

It was moved and seconded that the meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 5:15 PM

CHAIRPERSON

CORPORATE OFFICER

The property is currently vacant, however, a lock block retaining wall currently protects the property and is entirely located below the natural boundary of the sea. Portions of the lock block retaining wall have failed, falling onto the foreshore, and the remaining portions show signs of movement.

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

1. Environmentally Sensitive Features for Coastal Areas; and
2. Hazard Lands Development Permit Area.

Proposed Development

The applicant is proposing to remove an existing lock block retaining wall, completely located on Crown land below the natural boundary of the sea, and to construct a foreshore revetment on the subject property above the natural boundary of the sea (see Attachment 3 – Proposed Site Plan and Foreshore Revetment). The project will also involve grading to the shoreline to create a natural slope to dissipate wave energy and reduce further erosion.

Land Use Implications

The removal of the existing lock block retaining wall and construction of the shoreline revetment is subject to the Environmentally Sensitive Features DPA, Hazard Lands DPA and “Board Policy B1.9 Retaining Walls – Marine”. The applicant has submitted a Geotechnical Evaluation – Foreshore Hazard Assessment, prepared by Lewkowich Engineering Associates Ltd., dated April 12, 2017. The report states that the erosion of the foreshore has the potential to undermine the surficial soils on the property and damage the integrity of the foreshore.

The geotechnical engineer recommends that the revetment consist of buried riprap material consistent with the ‘Green Shores for Homes’ principals. While the proposal uses buried riprap, the infill of sand and gravel, and planting of native sea grasses softens the revetment to mimic natural shoreline processes and dissipate wave energy. The benefit of this approach is to reduce the impact on neighboring properties and coastal habitat. Comparatively, the existing lock block retaining wall reflects all wave energy and results in the erosion of both the beach in front of the structure and adjacent unarmored shoreline.

Development Permit Area guidelines and Board Policy also requires that the geotechnical engineer reviews the impacts of the revetment on adjacent properties and the environment. The revetment includes a gentle transition to the neighbouring Sunnybeach Road access in order to reduce potential effects on the neighbouring parcels, including the effect of eddying. For the property to the southeast, the proposed revetment will connect with an existing lock block retaining wall located on the property.

The geotechnical engineer also confirms that the construction of an engineered foreshore revetment will reduce the setback, required under the RDN Floodplain Management Bylaw No. 1469, 2006, from 15.0 metres to 8.0 metres. The setback is to apply to landfill or portion of a landfill slope required to elevate the habitable area of any building on the property. However, the engineer recommends a larger minimum setback of 10.0 metres to help protect the building from any floatsam that may be deposited during high tide events.

This development permit is intended to allow the construction of revetment to address the failure of the existing seawall and protect the property from erosion. The construction of a future dwelling on the property will require a separate development permit at that time, which will include the requirement for a geotechnical report that would be specific to the flood construction level for the dwelling and include specific recommendations appropriate to the construction proposed at that time.

Environmental Implications

The applicant has submitted an Environmentally Assessment and Vegetation Plan, prepared by Aquaparian Environmental Consulting Ltd. and dated February 8, 2017 to address the requirements of the coastal DPA. The report identifies that the replacement of the failed lock block retaining wall with a low slope buried riprap revetment, which is enhanced with infill gravel and native vegetation, will result in an overall improvement to the existing habitat conditions on the site and address shoreline erosion.

The report recommends a vegetation plan to restore native species common to the area, which applies to a seven metre wide area as measured from the toe of slope. The vegetation plan recommends dunegrass at the toe of slope and within the gravel and sand medium between the riprap pieces to mimic a dune habitat. The vegetation plan also recommends a mix of dunegrass and shoreline shrubs for a three metre wide strip at the top of slope to provide erosion control for the interface to the upland area and habitat for insects and birds. Any Douglas-fir removed for the construction of the revetment is also to be replaced. The report includes a cost estimated cost of installation of plants for the seven metre wide revetment area of \$2,592. As a condition of permit, the applicant is required to provide a landscaping security deposit for materials and labour in the amount of \$2,592 (see Attachment 2 – Conditions of Permit). Aquaparian Environmental Consulting Ltd. or a registered professional biologist is to confirm that planting complies with the vegetation plan prior to the release of the deposit.

The Environmental Assessment and Vegetation Plan report also includes environmental protection measures to protect the coastal habitat during construction of the revetment. Potential risks to the environment during construction are from potential runoff of deleterious substances from equipment or sediment. The measures include completing construction during dry summer months; sediment control measures; and ensuring equipment is clean and free of leaks. The report also notes that the works are to be completed in compliance with the *Fisheries Act*, including Fisheries and Oceans Canada's requirements to avoid serious harm to fish. As a condition of approval, the applicant will be required to submit a post construction inspection report to confirm that the construction and planting comply with the conditions of the Environmental Assessment and Vegetation Plan (see Attachment 2 – Conditions of Permit).

Covenant Implication

A geotechnical report titled Geotechnical Evaluation prepared by Lewkowich Engineering and dated September 8, 2000 was submitted at time of subdivision and was registered on the property title as a restrictive covenant (ET37565). At the time, the engineer noted shoreline accretion along the subject property. Despite the findings of the previous assessment, the current geotechnical report and environmental assessment note the potential for erosion to undermine soils and identifies evidence of erosion along the area of seawall failure. The removal of the lock block retaining wall and the construction of the proposed revetment will also reduce potential erosion of neighboring properties and improve habitat.

The geotechnical covenant also notes that ‘vegetation along the foreshore would be warranted as an erosion control measure, so any vegetation removed would require replacement’. The vegetation plan included in the environmental assessment would comply with this covenant requirement by planting native species of dunegrass and shrubs within the low profile revetment to dissipate the wave energy and provide for marine habitat.

Intergovernmental Implications

Since the property is adjacent to the Sunnybeach Road access, the proposed retaining wall removal and revetment was referred to the Ministry of Transportation and Infrastructure and RDN Recreation and Parks Department. The Ministry advised their preference for not using Sunnybeach Road to access the shoreline with equipment; however, a permit will not be required from the Ministry provided the road is returned to the ‘pre-work’ condition. As RDN Parks has a license of occupation for maintaining the Sunnybeach Road access, a permit will be required from the Parks Department if the construction requires the use of the public access (see Attachment 2 – Conditions of Permit). Currently the applicant has advised that they will access the natural boundary through the private property.

As coastal properties may contain archeological sites, the application has been referred to the provincial Archeology Branch. The Archeology Branch has advised that there are no known archeological sites recorded on the subject property. However, if an archeological site is encountered during development, activities must be halted and the Archeology Branch contacted. Qualicum First Nation has also been made aware of the development proposal.

ALTERNATIVES

1. To approve Development Permit No. PL2017-033 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Permit No. PL2017-033.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2017 – 2021 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the proposed development in relation to the 2016 – 2020 Board Strategic Plan and note that the proposal will be consistent with guidelines in the strategic priority to ‘focus on the environment’. The proposal replaces an existing retaining wall with a low profile revetment that dissipates the impact of wave energy to reduce impact on adjacent properties, and enhances habitat for marine species through the use of native sea grasses and shrubs.



Stephen Boogaards
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April 18, 2017

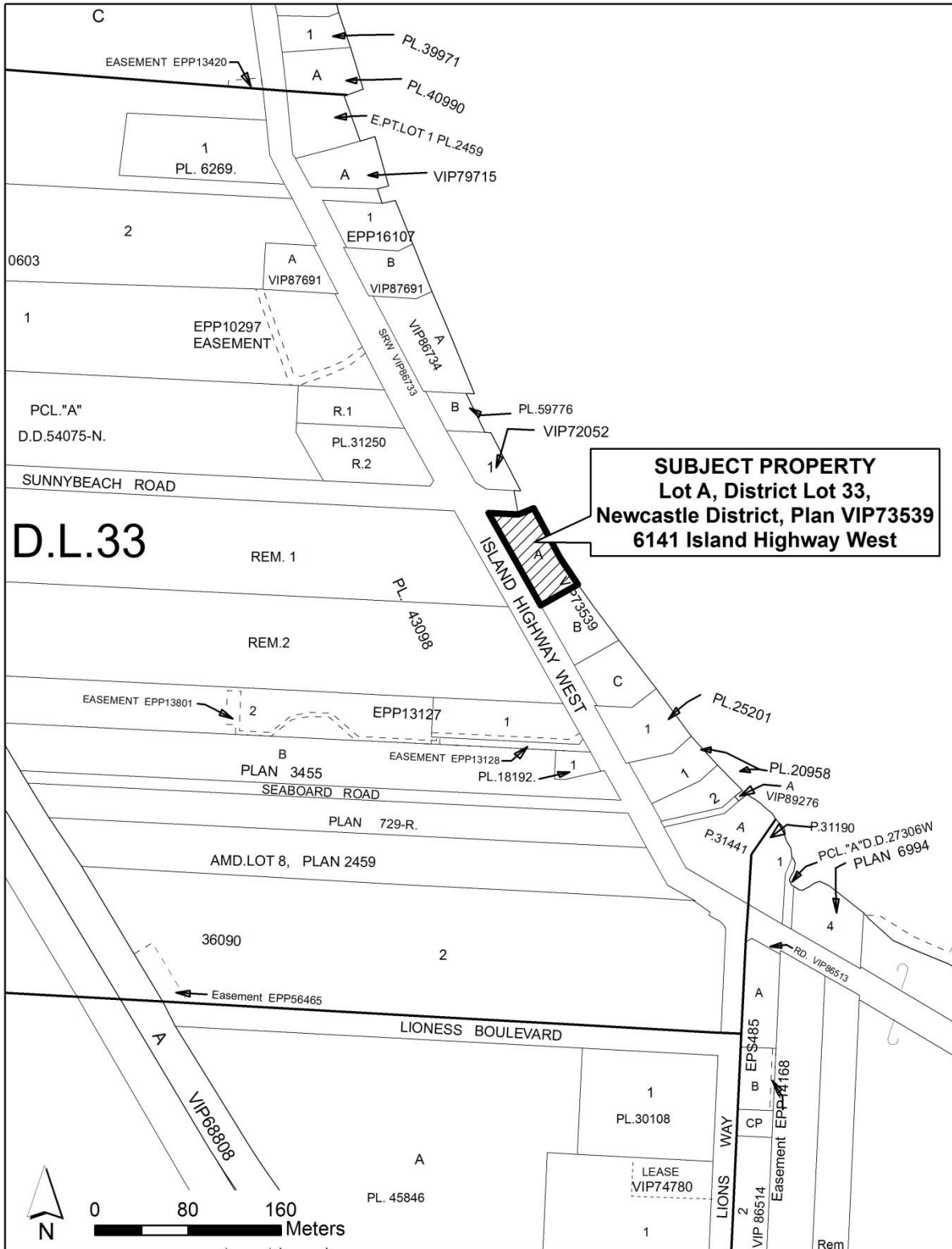
Reviewed by:

- J. Holm, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

Attachments

1. Subject Property Map
2. Conditions of Permit
3. Proposed Site Plan and Foreshore Revetment
4. Planting Plan

Attachment 1
Subject Property Map



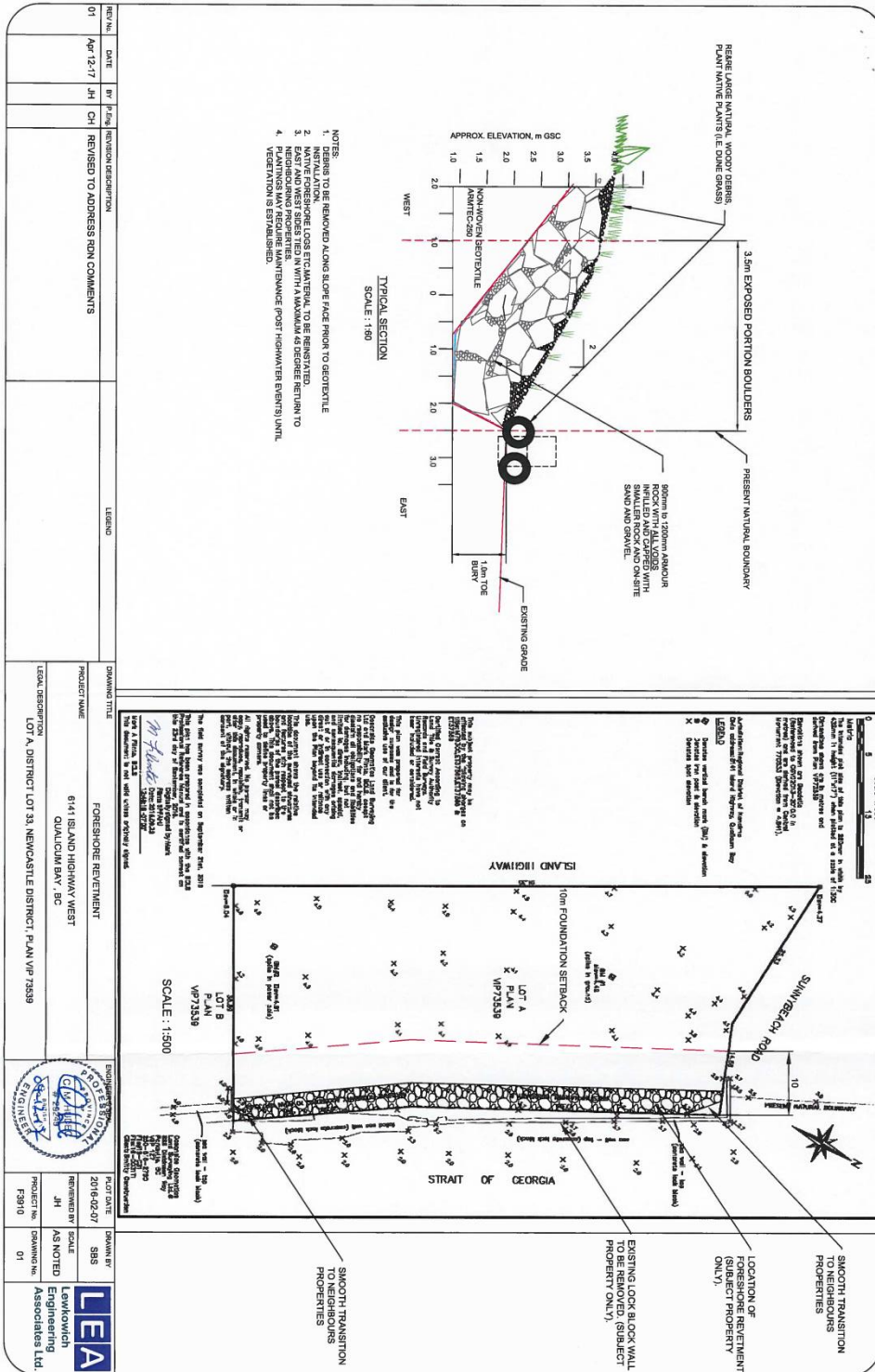
Attachment 2
Conditions of Permit

The following sets out the conditions of Development Permit No. PL2017-033:

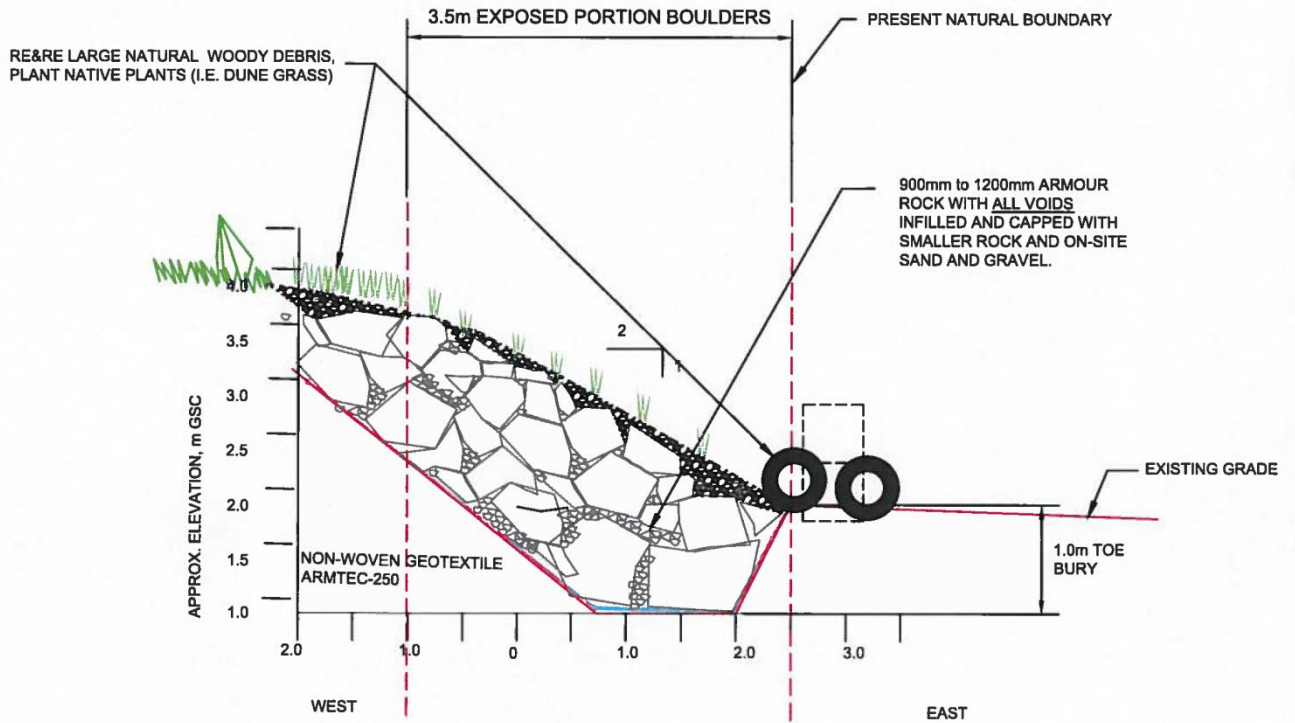
Conditions of Approval

1. The site is developed in accordance with the proposed Site Plan and Foreshore Revetment elevations prepared by Lewkowich Engineering Associates dated February 7, 2016, and attached as Attachment 3.
2. The revetment and associated development shall be constructed in accordance with the Geotechnical Site Observations – Foreshore Hazard Assessment prepared by Lewkowich Engineering Associates Ltd., dated April 12, 2017.
3. The revetment and associated development shall be constructed in accordance with the Environmental Assessment and Vegetation Plan prepared by Aquaparian Environmental Consulting Ltd., dated February 8, 2017.
4. The planting plan and associated work shall be completed and maintained in substantial compliance with the vegetation plan included in the Environmental Assessment and Vegetation Plan prepared by Aquaparian Environmental Consulting Ltd., dated February 8, 2017. The applicant is to provide a security deposit in the amount of \$2,592 for planting in accordance with vegetation plan. A planting plan illustrating the requirements is included as Attachment 4.
5. Aquaparian Environmental Consulting Ltd. or other registered professional biologist shall provide a post construction report to the Regional District of Nanaimo to confirm that construction and planting have been completed in accordance with the Environmental Assessment and Vegetation Plan.
6. The applicant is to obtain a permit from RDN Recreation and Parks Department for any use of the Sunnybeach Road right-of-way.

Attachment 3
Proposed Site Plan and Foreshore Revetment (Page 1 of 3)



Attachment 3
Proposed Site Plan and Foreshore Revetment (Page 2 of 3)

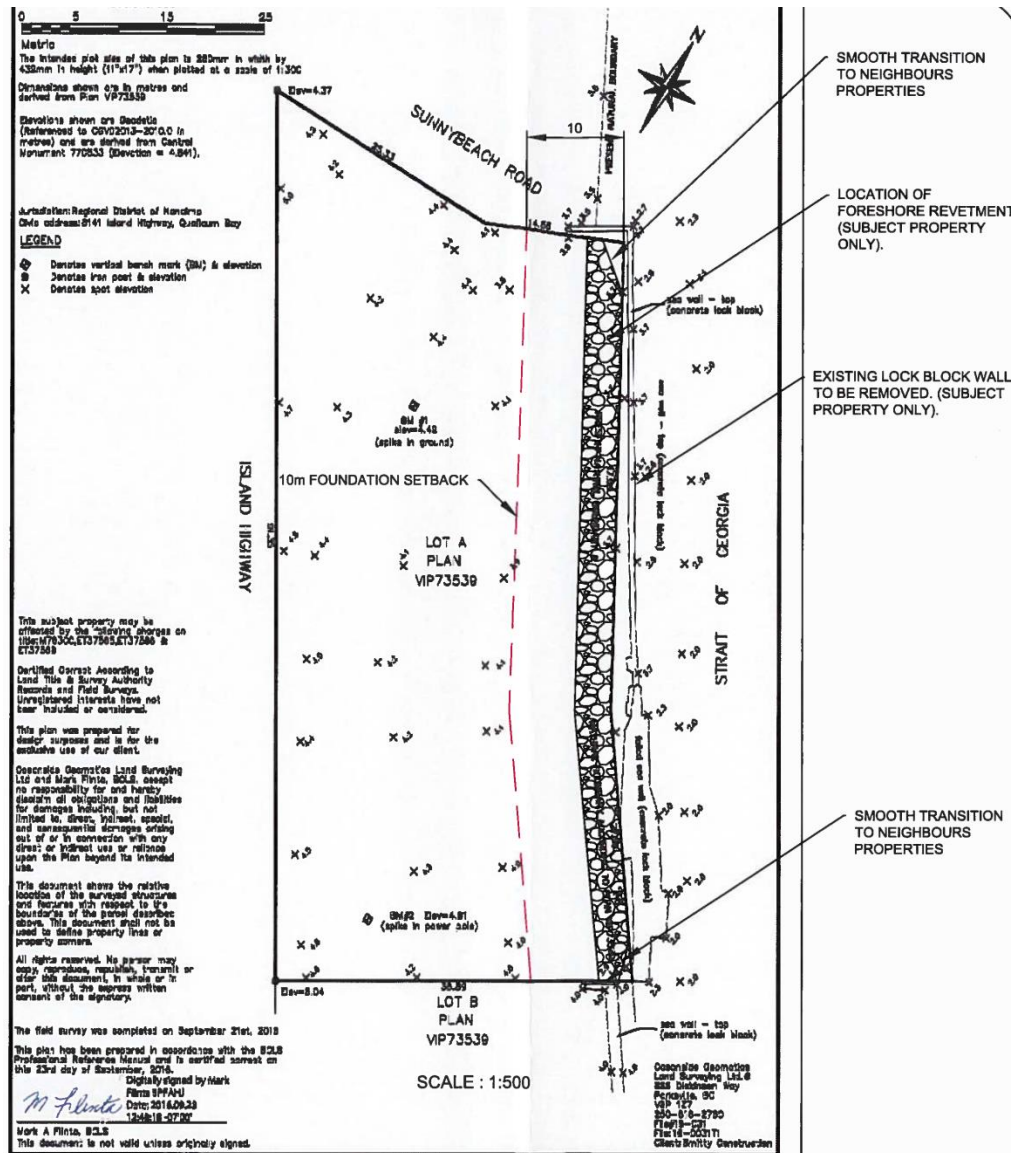


TYPICAL SECTION
SCALE : 1:60

NOTES:

1. DEBRIS TO BE REMOVED ALONG SLOPE FACE PRIOR TO GEOTEXTILE INSTALLATION.
2. NATIVE FORESHORE LOGS ETC.MATERIAL TO BE REINSTATED.
3. EAST AND WEST SIDES TIED IN WITH A MAXIMUM 45 DEGREE RETURN TO NEIGHBOURING PROPERTIES.
4. PLANTINGS MAY REQUIRE MAINTENANCE (POST HIGHWATER EVENTS) UNTIL VEGETATION IS ESTABLISHED.

Attachment 3
Proposed Site Plan and Foreshore Revetment (Page 3 of 3)



Attachment 4 Planting Plan

PLANTING PLAN ILLUSTRATION
(NOT TO SCALE)



Nootka rose



Snowberry



Dunegrass

Drawing not to scale, for planting illustration purposes only. Slope will be steeper than illustrated.

The properties are currently protected by a riprap type revetment in front of an existing concrete seawall, located below the present and titled natural boundary of the sea. As the existing revetment is located on Crown land in the Parksville Qualicum Beach Wildlife Management Area, the Province requires the property owners to remove the portions of the encroaching revetment. The subject properties are one of a series of properties along Admiral Tryon Boulevard with revetments below the natural boundary of the sea that the Province has requested to be removed. Previously development permits have been issued in 2015 and 2016 for three other properties subject to the Provincial requirement to remove existing revetments which trespass on Crown lands.

The proposed removal of the existing revetment and construction of the new revetment is subject to the Environmentally Sensitive Features DPA for Coastal Areas per the “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008”.

Proposed Development

The applicant’s proposal is to remove an existing riprap revetment below the titled and present natural boundary of the sea, and construct a new riprap revetment on the subject properties. The proposed revetment will transition to existing foreshore revetments on neighbouring properties which were constructed in 2016 under development permit. The proposed foreshore revetment does not meet the definition of structure in zoning and, as such, is not subject to zoning bylaw setback requirements.

Land Use Implications

The removal of the existing revetment and construction of a new foreshore revetment is subject to the DPA for the protection of coastal areas and Board Policy B1.9 *Retaining Walls – Marine* B1.9. The applicant has submitted a Geotechnical Site Observations – Foreshore Hazard Assessment, prepared by Lewkowich Engineering Associates Ltd. dated April 7, 2017, in accordance with both the DPA guidelines and Board policy. The assessment identifies that foreshore erosion has the potential to undermine the surficial soils on the properties and damage the integrity of the foreshore slope after removal of the existing riprap boulders. The proposed construction will replace the existing non-engineered riprap with an engineered design. The Geotechnical Site Observations – Foreshore Hazard Assessment includes a cross-section sealed by a professional engineer, which illustrates the proposed revetment (see Attachment 3 – Proposed Site Plan and Revetment Elevations).

The subject property is within an area of archeological potential. The applicant has submitted an Archeological Overview Assessment, prepared by Ursus Heritage Consulting and dated April 8, 2017. The assessment notes that the proposed location of the revetment will be outside of the registered boundary of the known archeological site on the subject properties. The assessment concludes that no cultural deposits were found along the northern limits of the properties, in the location of the proposed revetment. The assessment recommends that no further archeological studies are warranted for the proposed revetment. If any archeological materials are encountered during construction, the developer is responsible to suspend any ground disturbance and inform the Archeology Branch.

Staff have reviewed the development permit application, and have determined that the proposed revetment for the three properties complies with DPA guidelines and Board Policy B1.9.

Environmental Implications

The applicant has submitted a Construction Environmental Management Plan, prepared by D.R. Clough Consulting and dated April 3, 2017, to address the requirements of the coastal development permit area. The proposed revetment follows 'Green Shores' principles which intend to mimic the natural slope of the beach to protect property by dissipating wave energy and improve foreshore habitat. The proposed revetment incorporates buried riprap, and backfilled with sand, gravels, and cobbles that act as a growing medium for native grasses and shoreline vegetation. The approach is consistent with DPA guidelines to only allow 'hard' foreshore protection, such as riprap, where 'soft' approaches, such as vegetation enhancement, are not appropriate as determined by an engineer.

In compliance with direction from MRLNRO and DPA guidelines, the revetment will include planting of native species to enhance the foreshore consistent with 'Green Shores' principles. Green Shores principles are intended to mimic natural shoreline processes and use soft approaches to stabilize the shoreline, such as vegetation enhancement, rather than use of hard surfaces, such as seawalls and riprap, which have a greater impact on the environment and neighbouring properties.

The report also includes a revegetation plan to re-establish native vegetation within the riprap as well as on the top of bank. The existing revetment contains limited vegetation and the upland area consists of lawn area and is absent of naturally occurring tree species, so the revegetation will enhance the site conditions. The proposal is for dune grass to be planted in the voids in the riprap and along the top of bank at a plant spacing of 0.6 m² to establish approximately 473 plants. Due to proximity of the an existing deck on Lot 2 to the natural boundary, the report also recommends that landscaping on this lot extends an additional 1.0 metre into the lot and incorporate a combination of native shrubs.

The report also recommends a work schedule and construction guidelines to reduce impacts of construction on the foreshore. The report also recommends following Fisheries and Oceans Canada's periods of least risk from June 1 to September 1. Staff recommends the applicant be required to follow the recommendations of the plan (see Attachment 2 – Conditions of Permit).

Intergovernmental Implications

The MFLNRO has required numerous property owners along Admiral Tryon Boulevard with foreshore revetments within the Parksville Qualicum Beach Wildlife Management Area to relocate the foreshore revetment upland of the natural boundary. The proposed development permit for the three properties is intended to comply with the Province's requirement in a manner that reduces the impact on the environment and neighbouring properties. Since the construction will require motorized access within the Parksville Qualicum Wildlife Management Area below the natural boundary, the applicant must apply to the MFLNRO for a General Wildlife Act Permit concurrently with their development permit application.

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, and are required to complete the self-assessment. The qualified environmental professional has completed the self-assessment and has advised that Fisheries and Oceans Canada approval is not required.

The application has also been referred to the provincial Archeology Branch. The Archeology Branch has advised that the proposed revetment should not result in the disturbance of archeological deposits and that a Heritage Alteration Permit is not required. Qualicum First Nation has also been made aware of the development proposal.

ALTERNATIVES

1. To approve Development Permit with Variance No. PL2017-046 subject to the terms and conditions outlined in Attachments 2 to 4.
2. To deny Development Permit with Variance No. PL2017-046.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2017 – 2021 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the proposed development in relation to the 2016 – 2020 Board Strategic Plan and note that the proposal will be consistent with guidelines in the strategic priority to ‘focus on the environment’. The proposal replaces an existing retaining wall with a low profile revetment that dissipates the impact of wave energy to reduce impact on adjacent properties, and enhances habitat for marine species through the use of native sea grasses and shrubs.



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April 19, 2017

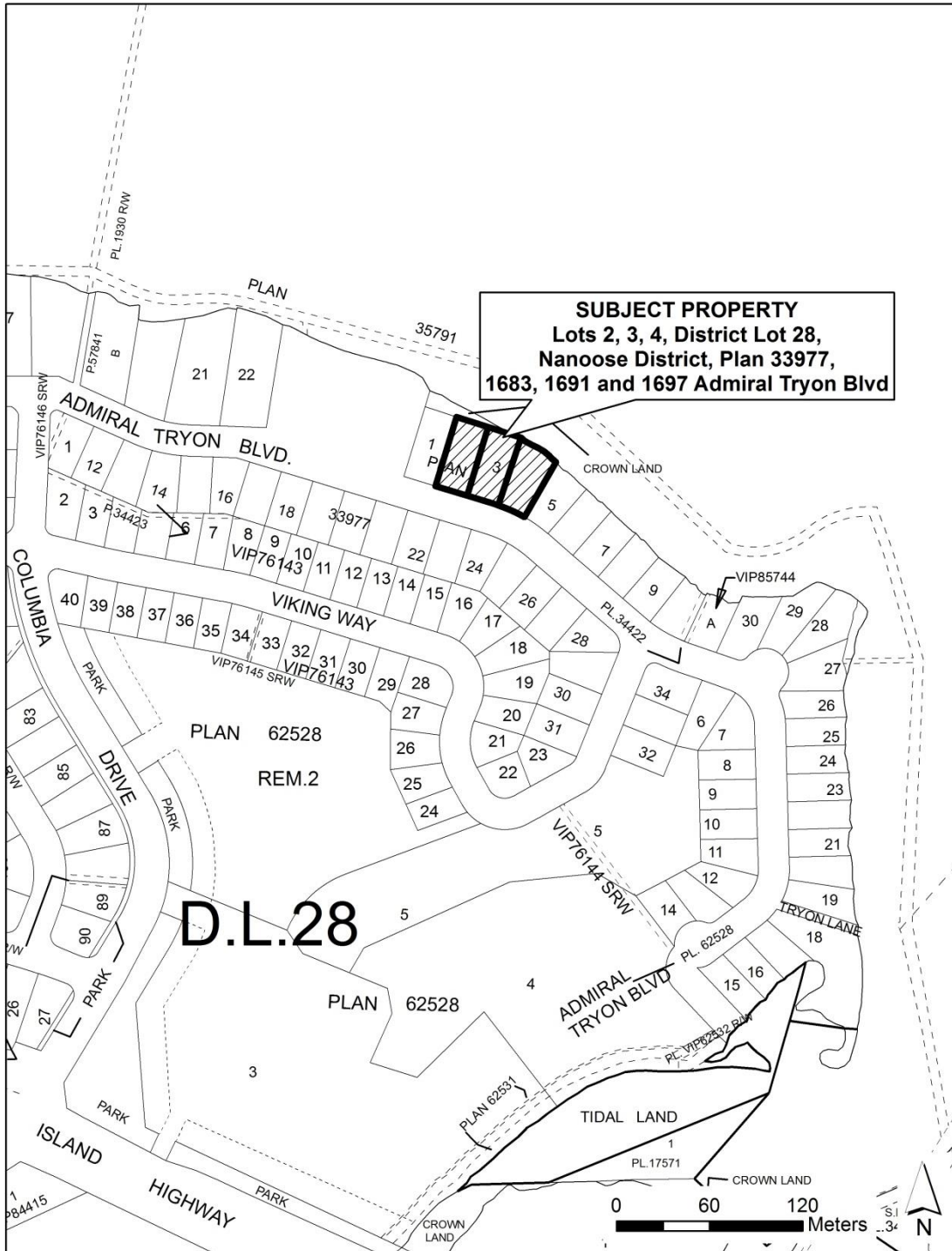
Reviewed by:

- J. Holm, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

Attachments

1. Subject Property Map
2. Terms and Conditions of Permit
3. Proposed Site Plan and Foreshore Revetment
4. Survey of Existing Revetment

Attachment 1
Subject Property Map

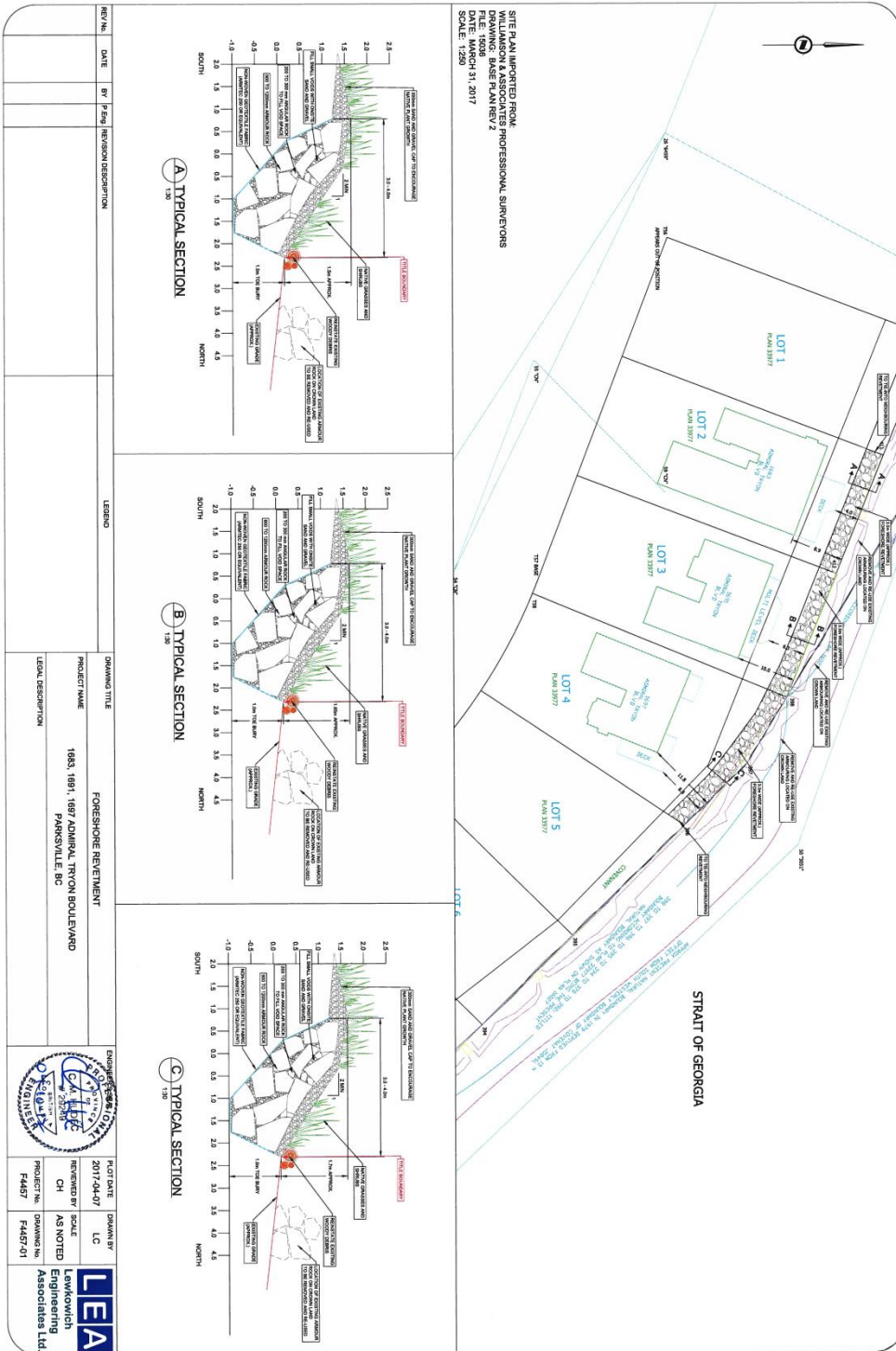


Attachment 2
Conditions of Permit

Conditions of Approval

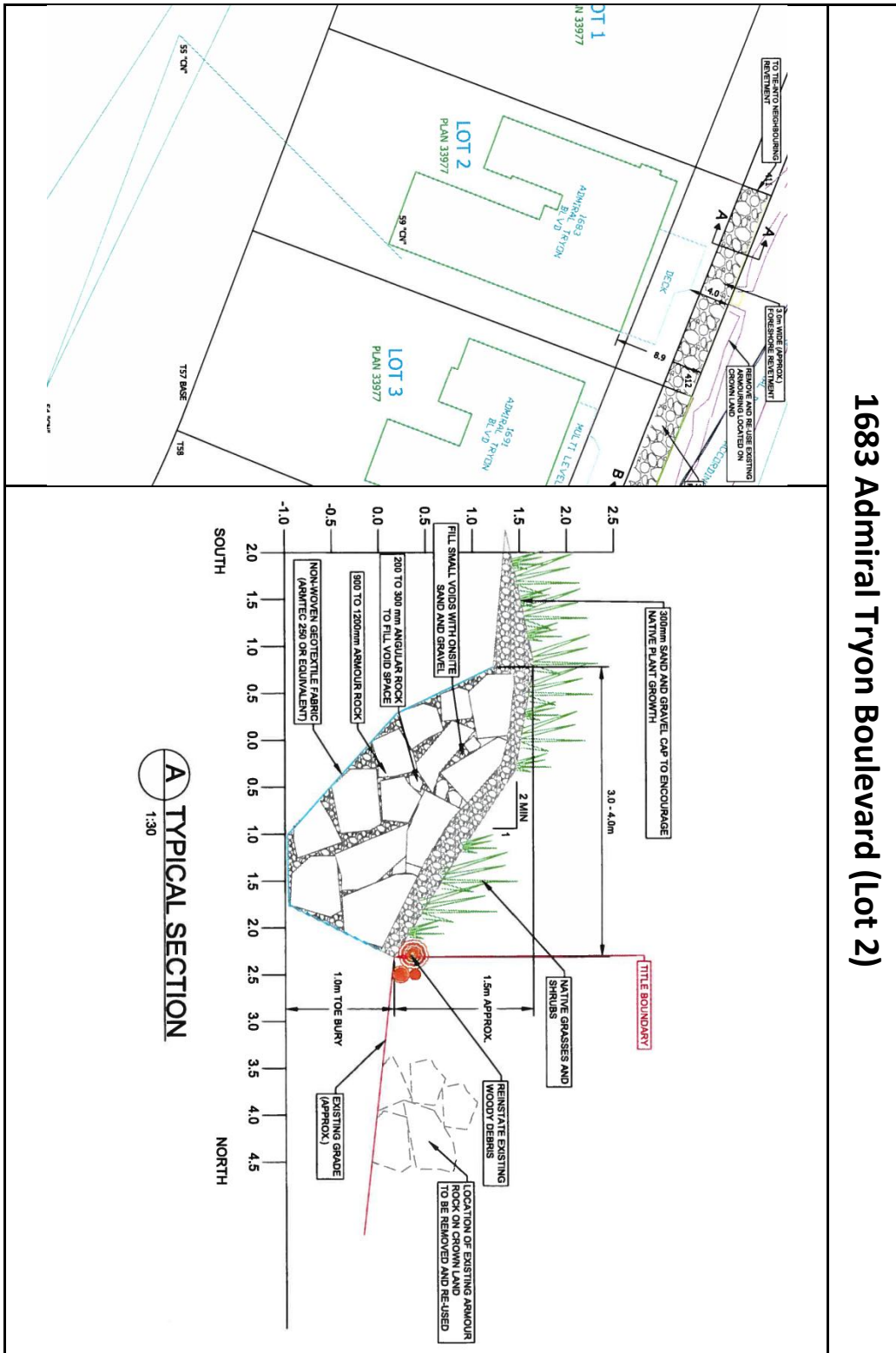
1. The site is developed in accordance with the Site Plan prepared by Lewkowich Engineering Associates Ltd., dated April 7, 2017 and attached as Attachment 3.
2. The foreshore revetment will adhere to the following requirements:
 - a. All works are to be upland of the natural boundary identified on Plan 33977;
 - b. All works to be upland of the present natural boundary identified by on the Site Plan prepared by Williamson & Associates Professional Surveyors and dated March 26, 2015 and attached as Attachment 4;
 - c. Construction of the revetment is to remove temporary transitions located below natural boundary from neighbouring revetments.
3. The revetment shall be constructed in compliance with the Geotechnical Site Observations – Foreshore Hazard Assessment prepared by Lewkowich Engineering Associates Ltd., dated April 7, 2017.
4. The revetment and all associated works shall be completed in accordance with the recommendations contained in the Construction Environmental Management Plan prepared by D.R. Clough Consulting, dated April 3, 2017.
5. D.R. Clough Consulting or other registered professional biologist, at the applicant's expense, shall provide a post construction report to the Regional District of Nanaimo to confirm that construction and planting have been completed in accordance with the Construction Environmental Management Plan.
6. The applicant shall obtain a General Wildlife Permit from the Ministry of Forests, Lands and Natural Resource Operations, if any development activities are to occur on Crown land, including the operation of machinery.
7. All machine operators and developers are to be notified of the potential for undiscovered archeological remains and that:
 - a. Archeological resources are protected under the Heritage Conservation Act;
 - b. Any development activities in the vicinity of archeological material are to be halted so as not to threaten those materials and the BC Archeology Branch is to be notified immediately of any potential material.
8. Upon completion of the revetment, a British Columbia Land Surveyor is to confirm, at the applicant's expense, that the revetment is located upland of the natural boundary identified on Plan 33977 and present natural boundary. The applicant must provide an updated post-construction survey to the Regional District of Nanaimo.

Attachment 3
Proposed Site Plan and Foreshore Revetment (Page 1 of 4)



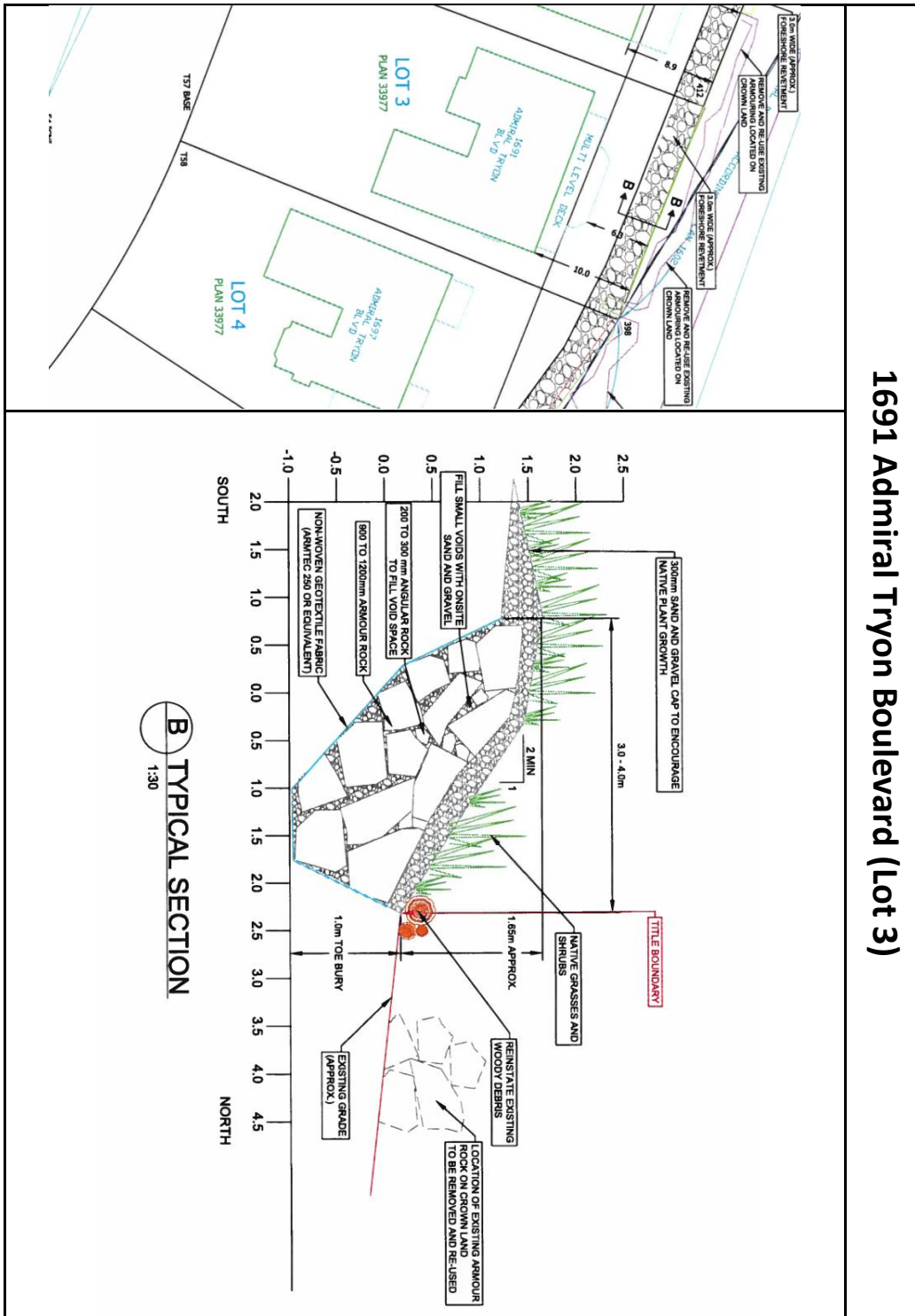
Attachment 3
Proposed Site Plan and Foreshore Revetment (Page 2 of 4)

1683 Admiral Tryon Boulevard (Lot 2)



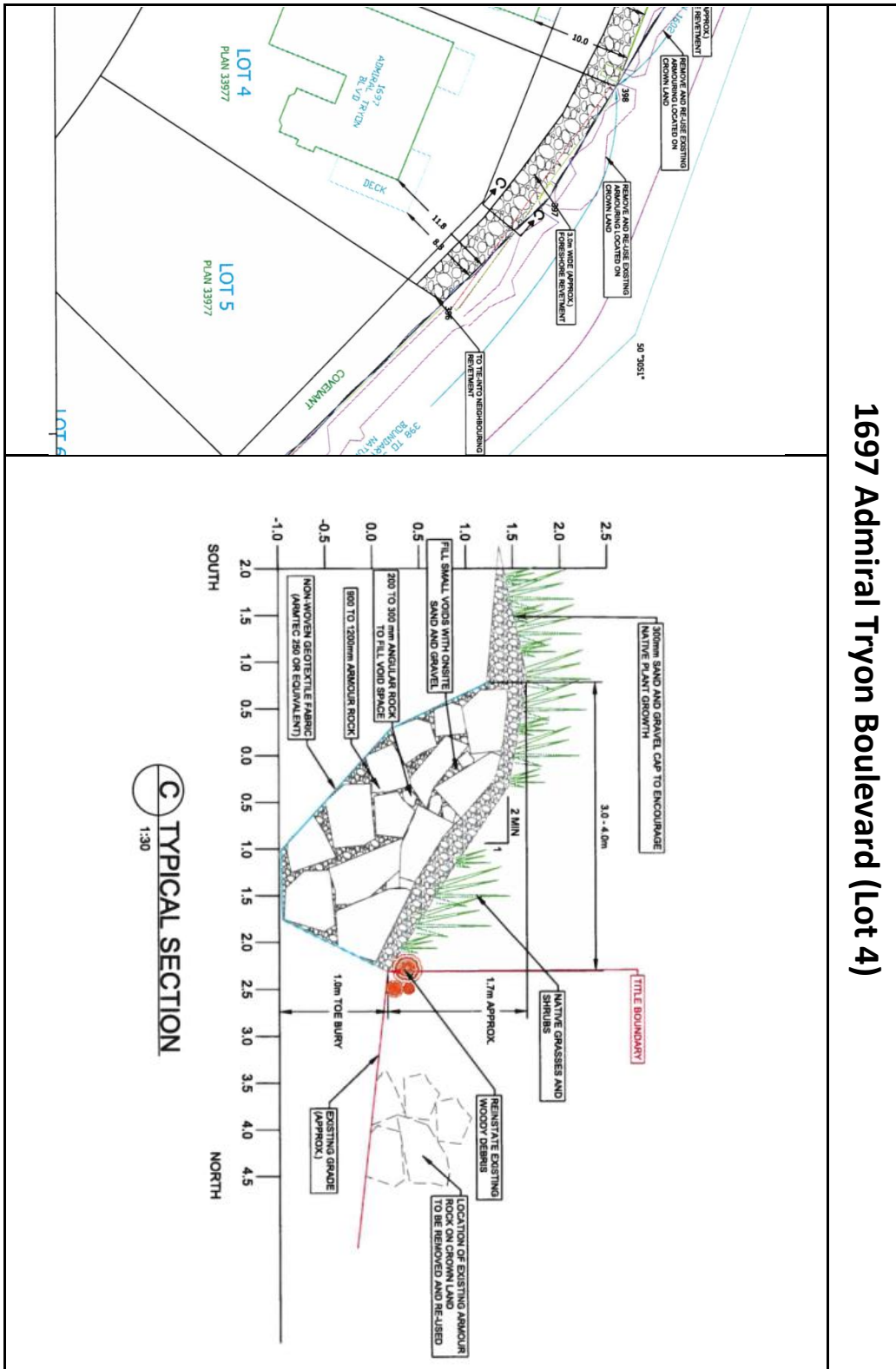
Attachment 3
Proposed Site Plan and Foreshore Revetment (Page 3 of 4)

1691 Admiral Tryon Boulevard (Lot 3)

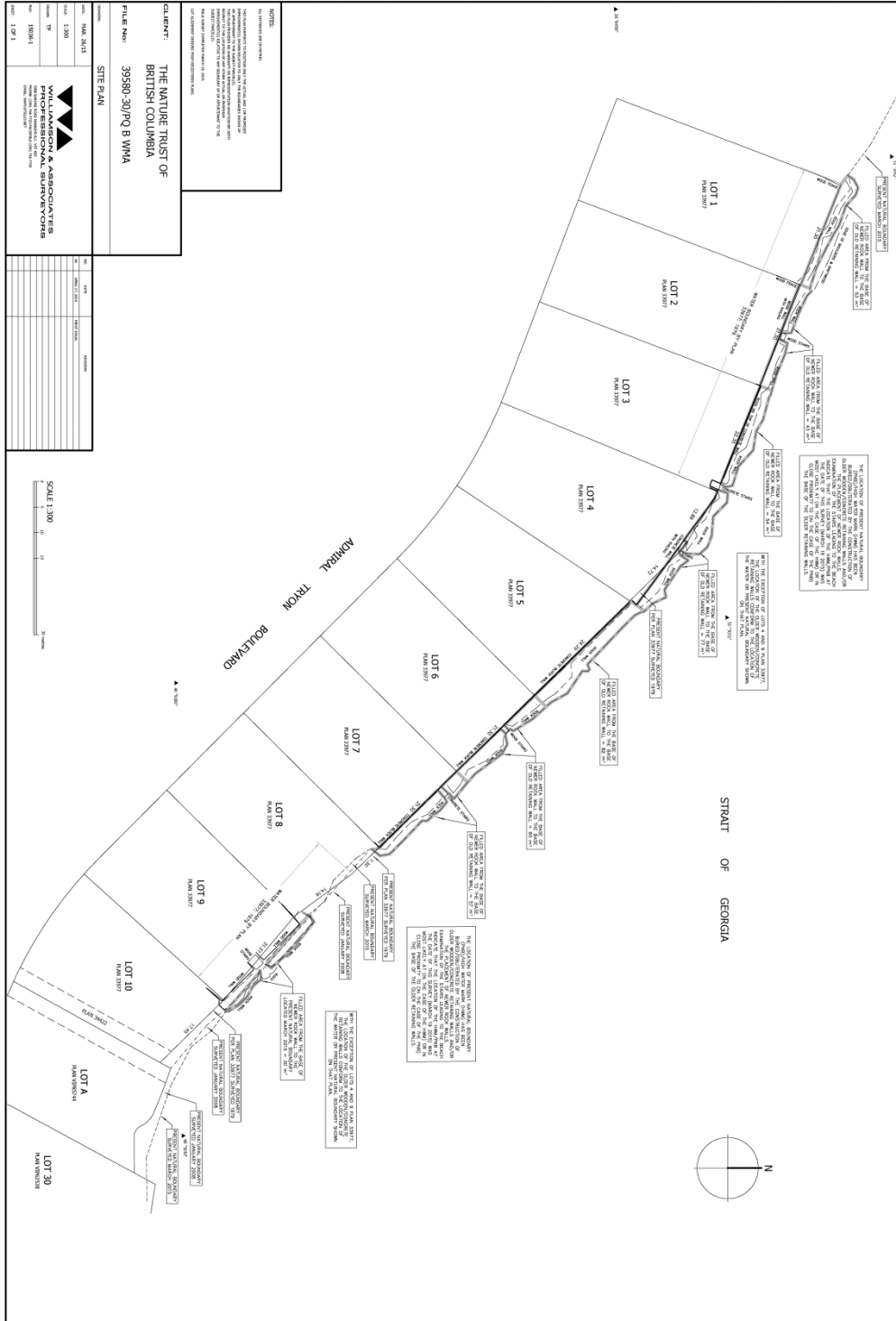


Attachment 3
Proposed Site Plan and Foreshore Revetment (Page 4 of 4)

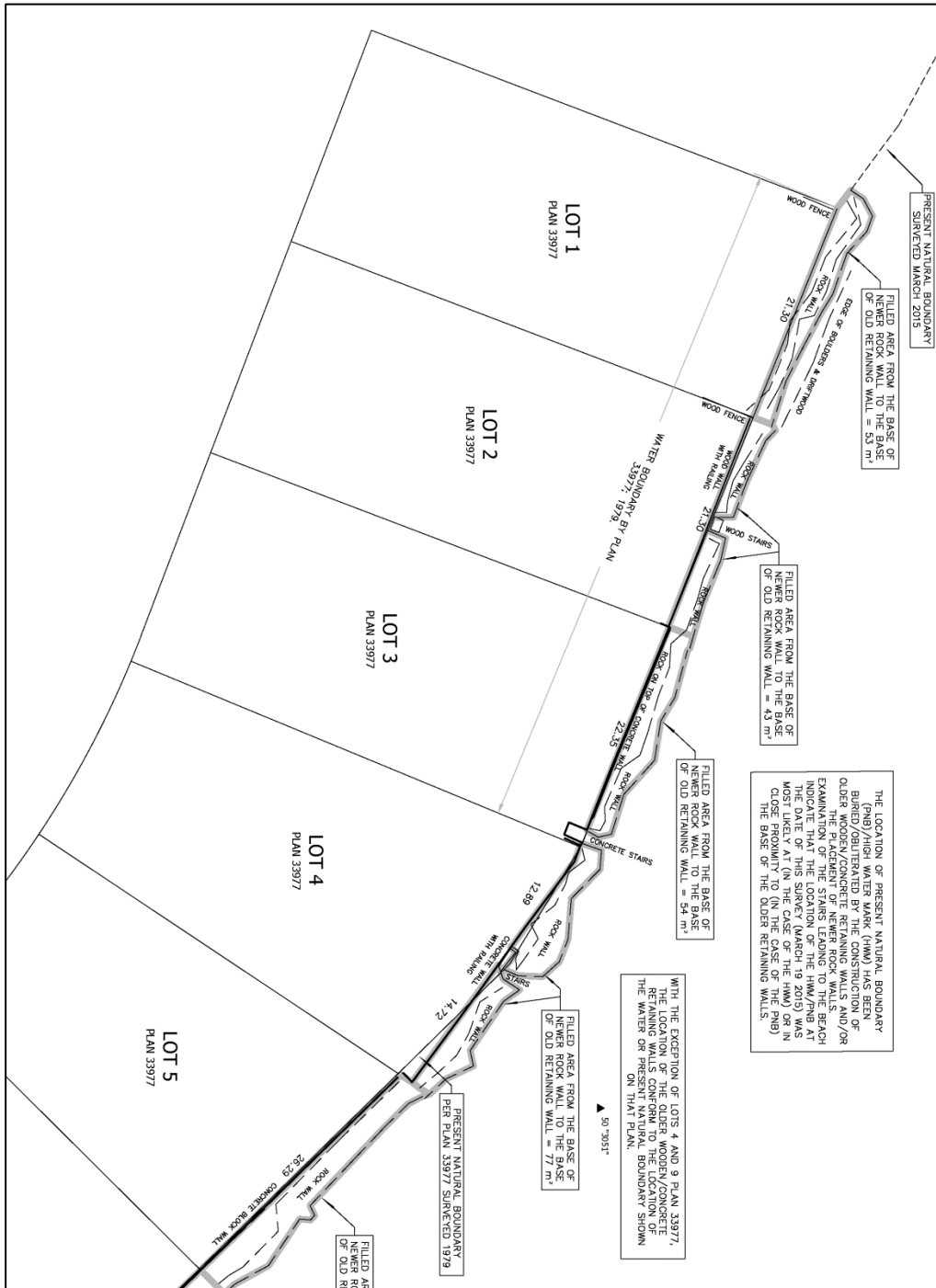
1697 Admiral Tryon Boulevard (Lot 4)



Attachment 4
Survey of Existing Revetment (Page 1 of 2)



Attachment 4
Survey of Existing Retevment (Page 2 of 2)



TO: Electoral Area Services Committee **DATE:** May 9, 2017

FROM: Angela Buick
Planning **FILE:** PL2017-050

SUBJECT: **Development Variance Permit Application No. PL2017-050.**
863 Cavin Road – Electoral Area ‘G’.
Lot A District Lot 29 Nanoose District Plan VIP88467

RECOMMENDATIONS

1. That the Board approve Development Variance Permit No. PL2017-050 to increase the permitted parcel depth for proposed Lot 2 from 40% to 46% subject to the terms and conditions outlined in Attachments 2 to 3.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2017-050.
3. That the Board approve the request to relax the minimum 10% perimeter frontage requirement for proposed Lot 1 and Lot 2 in relation to Subdivision Application No. PL2017-050.

SUMMARY

The applicant has requested a variance to increase the permitted parcel depth for proposed Lot 2 from 40% to 46% of the length of the perimeter of the parcel. The applicant is also requesting a relaxation to the minimum 10% parcel frontage requirement for proposed Lot 1 and Lot 2. The variance request and the request for relaxation to the minimum 10% frontage requirement are to permit subdivision of the existing parcel into two lots.

Given that Board Policy B1.5 has been satisfied, the proposed parcels meet the minimum site area requirement and provides adequate site area to support the permitted uses, staff recommends that the proposed development permit with variance be approved pending the outcome of public notification and subject to the Terms and Conditions outlined in Attachment 2.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Kevin and Wendy May to permit a two-lot subdivision. The subject property is approximately 0.411 hectares in area and is zoned Residential 1 (RS1), Subdivision District ‘Q’ pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is bound by Cavin Road to the south, the Strait of

Georgia to the north and RS1 zoned parcels to the east and west (see Attachment 1 – Subject Property Map).

The property contains an existing dwelling unit and a detached garage. The proposed lots are to be serviced by EPCOR community water and RDN community waste water.

Proposed Development and Variance

The proposed subdivision of the subject property would result in two lots, Lot 1 and Lot 2, being 0.2 hectares and 0.211 hectares in area respectively. Due to the configuration of the proposed lots, the applicant requires a variance for parcel depth. The applicant proposes to vary the following regulation of the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **Section 4.5.1 - Parcel Shape and Dimensions** - to increase the parcel depth as a percentage of the length of the parcel perimeter from 40% to 46% for Lot 2.

A summary of the proposed variance is as follows:

Proposed Lot	Perimeter	Permitted Maximum Parcel Depth (40%)	Proposed Parcel Depth	Proposed Parcel Depth as a % of Parcel Perimeter
2	250.1 metres	98.6 metres	106.1 metres	46%

Minimum 10% Perimeter Frontage Requirement

Proposed Lot 1 and Lot 2 do not meet the minimum 10% perimeter frontage requirement, pursuant to Section 512 of the *Local Government Act*. Therefore, approval of the RDN Board is required to allow exemption from the requirements of Section 512. The applicant has requested approval from the Board to reduce the frontage requirement as follows:

Proposed Lot	Perimeter	Required Frontage (10%)	Total Proposed Frontage	Approximate % of Perimeter
Lot 1	250.1 metres	25.01 metres	17.74 metres	7.09 %
Lot 2	246.6 metres	24.66 metres	17.74 metres	7.19 %

Land Use Implications

The subject property is designated within the Environmentally Sensitive Features Development Permit Area, pursuant to the “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008”. The proposed plan of subdivision, as shown in Attachment 3, meets the exemption provision from requiring a development permit as the proposed Lots 1 and Lot 2 will meet the a minimum lot size exclusive of the development permit area.

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. While the existing parcel has more than adequate area to support this subdivision based on minimum parcel size, the narrow width and depth of the subject property would result in two relatively deep narrow parcels as a result of the subdivision. In order to maintain the minimum parcel size of 700 square metres exclusive of the development permit area and retain significant developable lands for each lot, the parent parcel is limited to the configuration as proposed (see Attachment 3 – Proposed Plan of Subdivision and Variances).

Given the above and that there are no negative land use implications anticipated as a result of the proposed variance, the applicant has satisfied Board Policy B1.5.

Intergovernmental Implications

The application was referred to the Ministry of Transportation and Infrastructure, who expressed no concern with the proposed request for variance and frontage relaxation. The Provincial Approving Officer has issued Preliminary Layout Approval (PLA) and the subdivision approval will be subject to the terms and conditions of the PLA.

Public Consultation Implications

Pending the Electoral Area Services 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.

ALTERNATIVES


1. To approve Development Variance Permit No. PL2017-050 subject to the conditions outlined in Attachments 2 to 3.
2. To deny Development Variance Permit No. PL2017-050.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2017 – 2021 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.



Angela Buick
abuick@rdn.bc.ca
April 19, 2017

Reviewed by:

- J. Holm, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

Attachments

1. Subject Property Map
2. Terms and Conditions of Permit
3. Proposed Plan of Subdivision and Variances

Attachment 2
Terms and Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2017-050:

Conditions of Approval

1. The site is developed in accordance with the Survey Plan prepared by J.E. Anderson & Associates dated April 18, 2017 (see Attachment 3).
2. The property owner shall obtain the necessary permits for construction in accordance the “Regional District of Nanaimo Building Regulations and Fees Bylaw No. 1250, 2001” as replaced or amended.

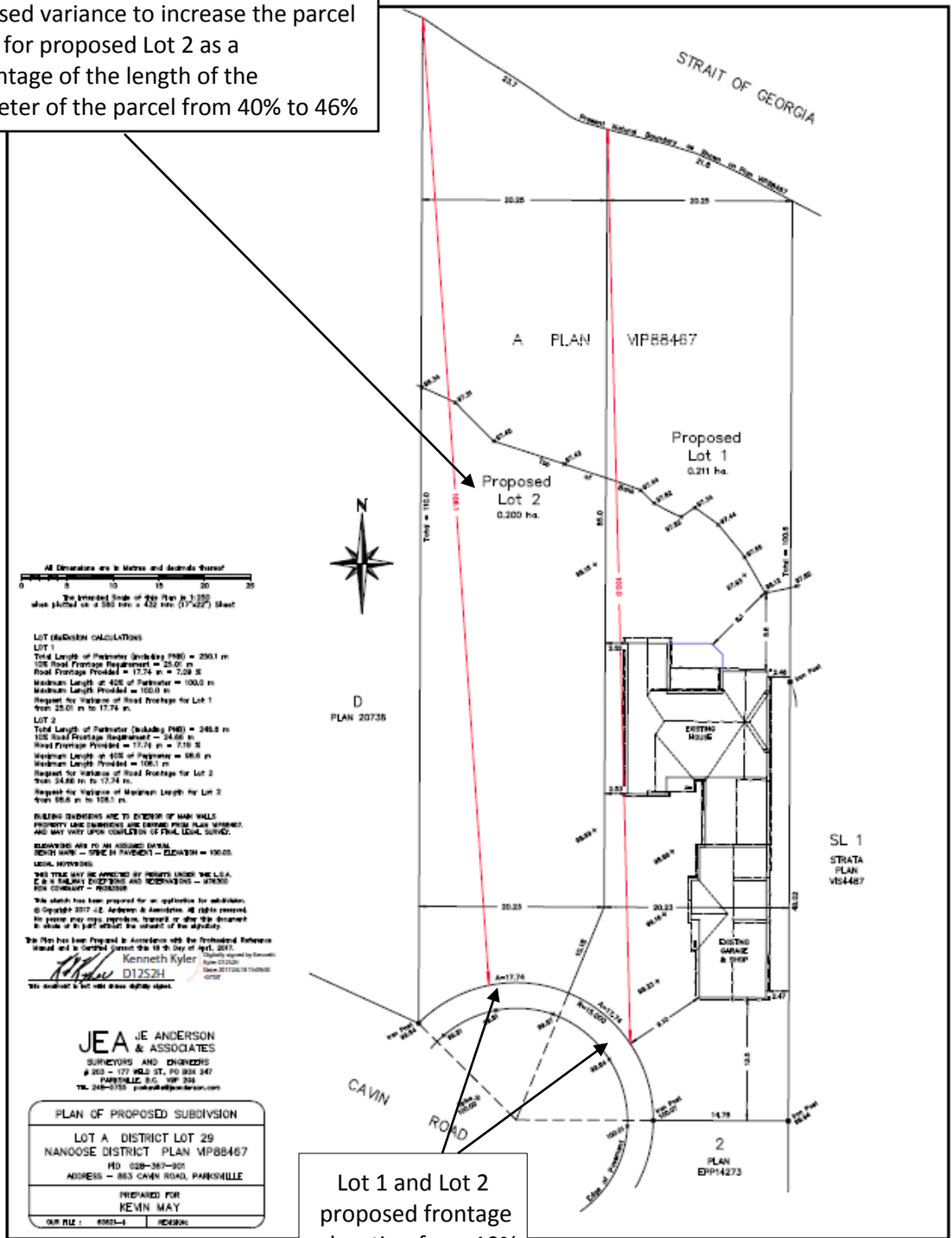
Bylaw No. 500, 1987 Variances

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

- **Section 4.5.1 – Parcel Shape and Dimensions** to increase the parcel depth as a percentage of the length of the perimeter of the parcel from 40% to 46% for proposed Lot 2.

Attachment 3
Proposed Plan of Subdivision and Variances

Proposed variance to increase the parcel depth for proposed Lot 2 as a percentage of the length of the perimeter of the parcel from 40% to 46%



Lot 1 and Lot 2 proposed frontage relaxation from 10% to 7.1% and 7.2% respectively

TO: Electoral Area Services Committee **DATE:** May 9, 2017

FROM: Kristy Marks
Planner **FILE:** PL2017-032

**SUBJECT: Development Variance Permit Application No. PL2017-032
2338 Andover Road – Electoral Area ‘E’
Lot 20, District Lot 78, Nanoose District, Plan 47638**

RECOMMENDATIONS

1. That the Board approve Development Variance Permit No. PL2017-032 to reduce the setbacks for a number of retaining walls required in relation to landscaping and the construction of a dwelling unit subject to the terms and conditions outlined in Attachments 2 to 5.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2017-032.

SUMMARY

This is an application to allow the construction of a number of retaining walls on the subject property with variances to setback requirements of “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. Given that the applicant has provided a rationale for the proposed variances and no negative impacts are anticipated as a result of the proposed variances, staff recommends that the Board approve the development variance permit pending the outcome of public notification and subject to the terms and conditions outlined in Attachment 2.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from JE Anderson and Associates on behalf of Penggui Yan to permit the construction of a number of retaining walls required in relation to landscaping and the construction of a dwelling unit. Development Variance Permit PL2016-163 was approved by the RDN Board on December 6, 2016 to vary the setbacks to the front and exterior side (other) lot line to permit the construction of a dwelling unit. At that time the applicant did not anticipate that any variances would be required for the proposed retaining walls. The subject property is approximately 0.16 hectares in area and is zoned Residential 1 Zone, Subdivision District ‘P’, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is vacant and is bound by developed residential parcels to the north, the Strait of Georgia to the east, an

unconstructed road rights-of-way to the south and Andover Road to the west (see Attachment 1 – Subject Property Map).

Proposed Development and Variance

Variations to the setbacks are required for the retaining walls along three property boundaries. 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 – Minimum Setback Requirements** to reduce the setback from the Front Lot Line from 8.0 metres to 0.0 metres for a retaining wall.
- **Section 3.4.61 – Minimum Setback Requirements** to reduce the setback from the Other Lot Line 5.0 metres to 0.6 metres for a retaining wall.
- **Section 3.4.61 – Minimum Setback Requirements** to reduce the setback from the Interior Side Lot Line 8.0 metres to 0.0 metres for a retaining wall.

Land Use Implications

The applicant is proposing to construct a number of retaining walls in conjunction with the construction of a dwelling unit and landscaping on the subject property. Development Variance Permit PL2016-163 was approved by the RDN Board on December 6, 2016 to permit the siting of a proposed dwelling unit within the setback from the top of the slope adjacent to the sea and within the setback from the Other Lot Line adjacent to the unconstructed road right-of-way. The location of the proposed retaining walls is shown on Attachment 3 and the landscape plan and retaining wall elevations are shown on Attachments 4 and 5.

Board Policy B1.5 Development Variance Permit, Development Permit with Variance & Floodplain Exemption Application Evaluation 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 applicant has indicated that due to the steep slope of the lot and that the proposed dwelling unit has been sited significantly below the existing road grade to meet the maximum permitted height, a series of retaining walls are required within the setbacks to retain the road, boulevard and shared driveway access and to support proposed landscaping within the subject property. No aesthetic or view implications are anticipated as a result of the requested variances because the lot slopes down towards the water from the road and the proposed retaining walls are all located below the existing grade, with the exception of the retaining wall at the northwest corner of the driveway access. The applicant has provided a landscape plan and several cross sections of the proposed retaining walls showing how they relate to Andover Road and the existing grade of the subject property. The landscape plan and street elevation are shown on Attachment 4 and the retaining wall elevations are shown on Attachment 5. Given that the applicant has provided sufficient rationale and the variances will not result in negative view implications for adjacent properties, the applicants have made reasonable efforts to address Policy B1.5 guidelines.

Intergovernmental Implications

Staff have confirmed that the Ministry of Transportation and Infrastructure does not consider the retaining walls to be structures and therefore does not have any concerns with the siting of these structures.

Public Consultation Implications

Pending the Electoral Area Services 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.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2017-032 subject to the conditions outlined in Attachments 2 to 5.
2. To deny Development Variance Permit No. PL2017-032.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2017 – 2021 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications for the 2017 – 2021 Board Strategic Plan.



Kristy Marks
kmarks@rdn.bc.ca
April 20, 2017

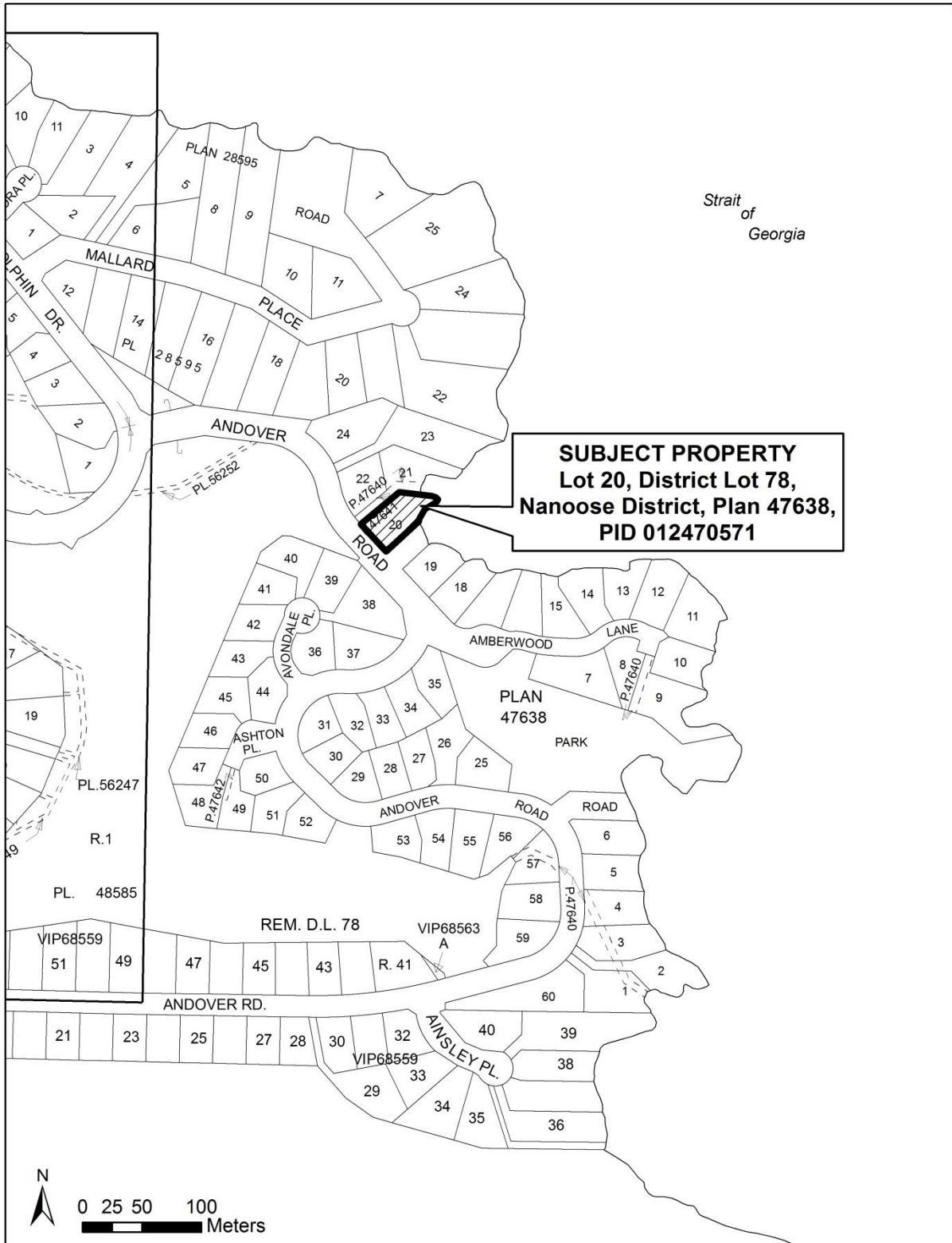
Reviewed by:

- J. Holm, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

Attachments

1. Subject Property Map
2. Terms and Conditions of Permit
3. Proposed Site Plan and Variances
4. Landscape Plan and Street Elevation
5. Retaining Wall Elevations and Plans

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. PL2017-032:

Bylaw No. 500, 1987 Variances

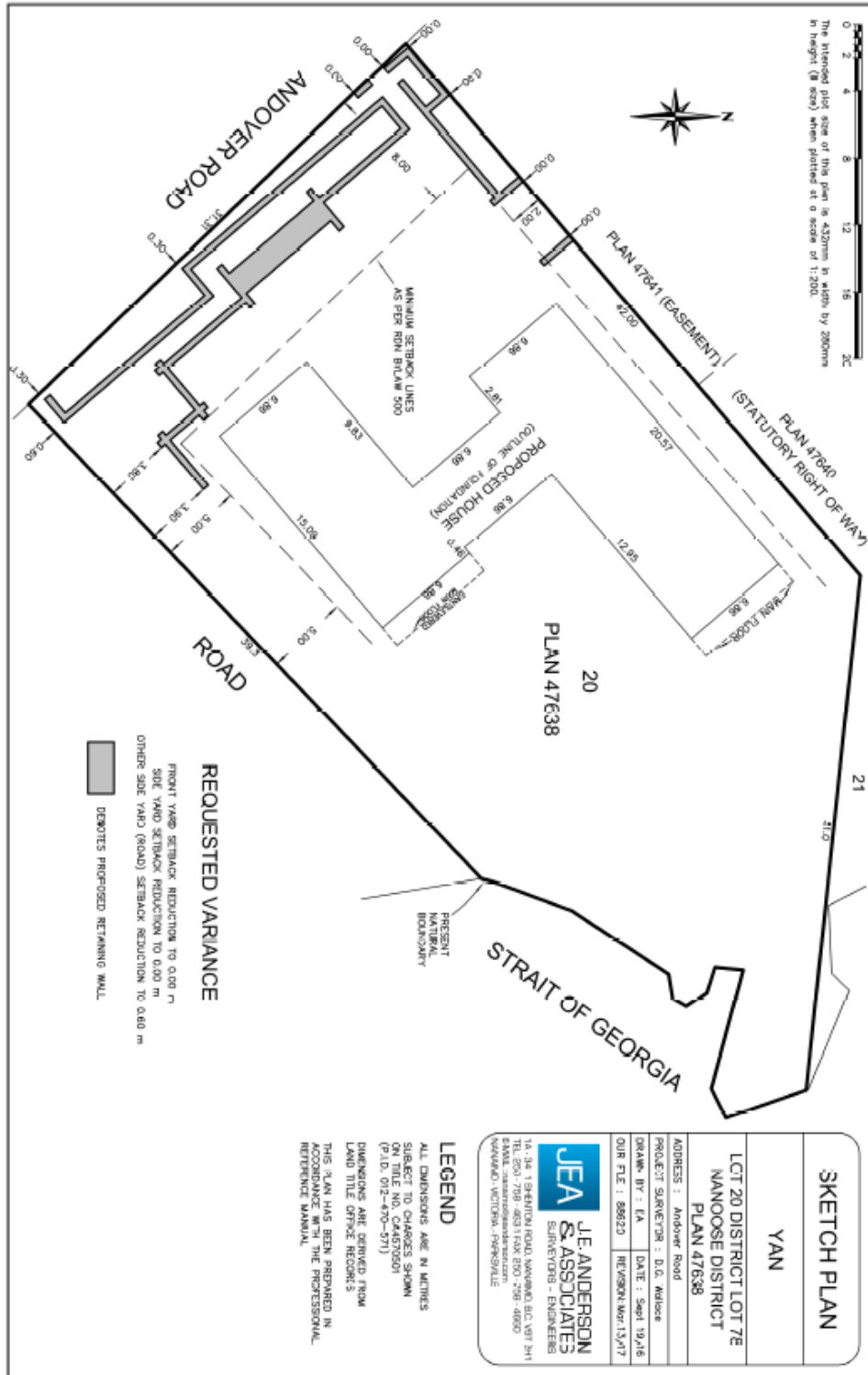
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

1. **Section 3.4.61 – Minimum Setback Requirements** to reduce the setback from the Front Lot Line from 8.0 metres to 0.0 metres for a series of retaining walls.
2. **Section 3.4.61 – Minimum Setback Requirements** to reduce the setback from the Other Lot Line 5.0 metres to 0.6 metres for a retaining wall.
3. **Section 3.4.61 – Minimum Setback Requirements** to reduce the setback from the Interior Side Lot Line 2.0 metres to 0.0 metres for a series of retaining walls.

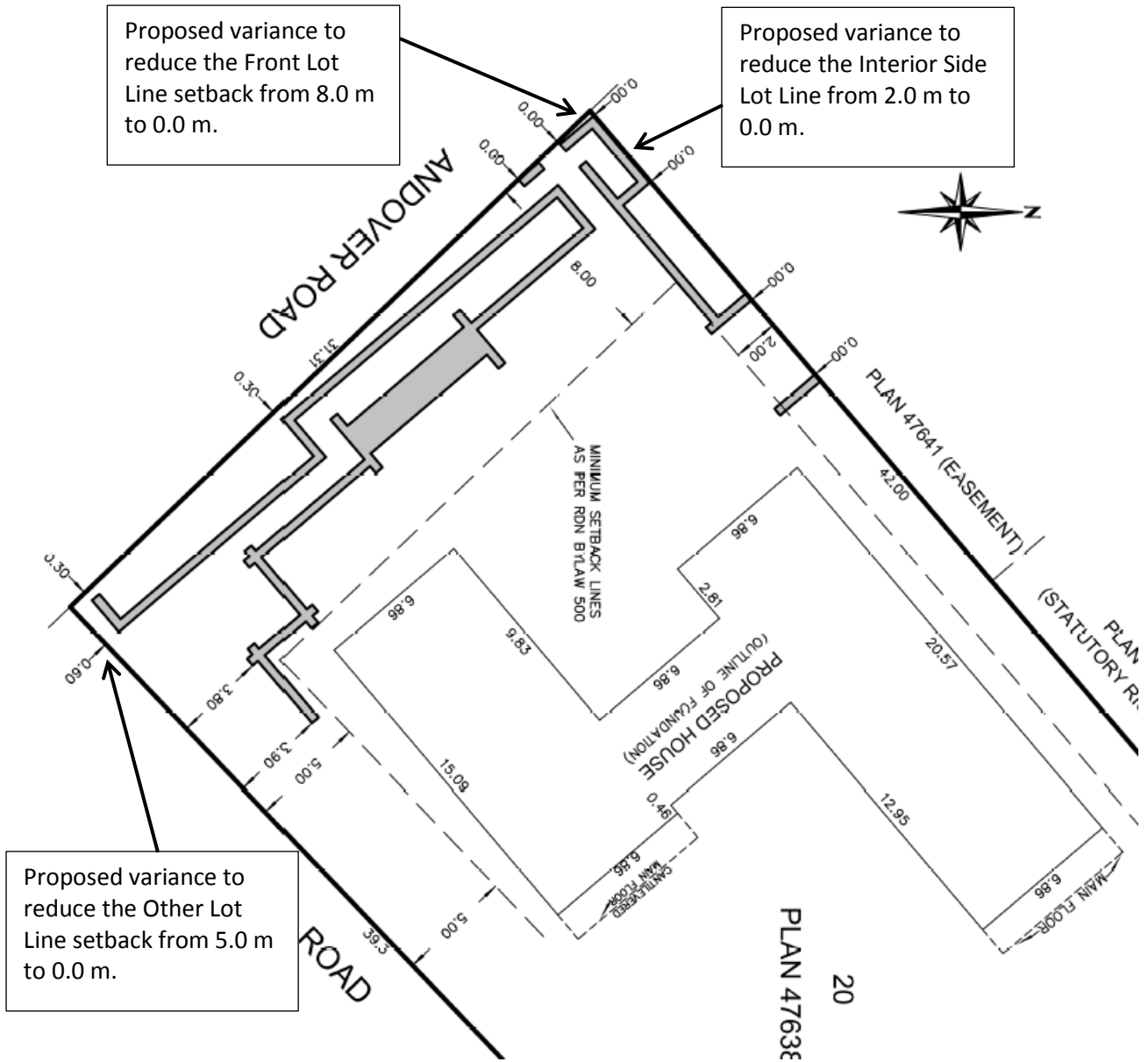
Conditions of Approval

1. The site is developed in accordance with the Site Plan prepared by J.E. Anderson Associates, dated March 13, 2017 and attached as Attachment 3.
2. The proposed development is in general compliance with the plans and elevations prepared by Paul Sangha Landscape Architecture, January 1, 2017 and attached as Attachments 4 and 5.
3. The property owner shall obtain the necessary permits for construction in accordance the Regional District of Nanaimo Building Regulations.

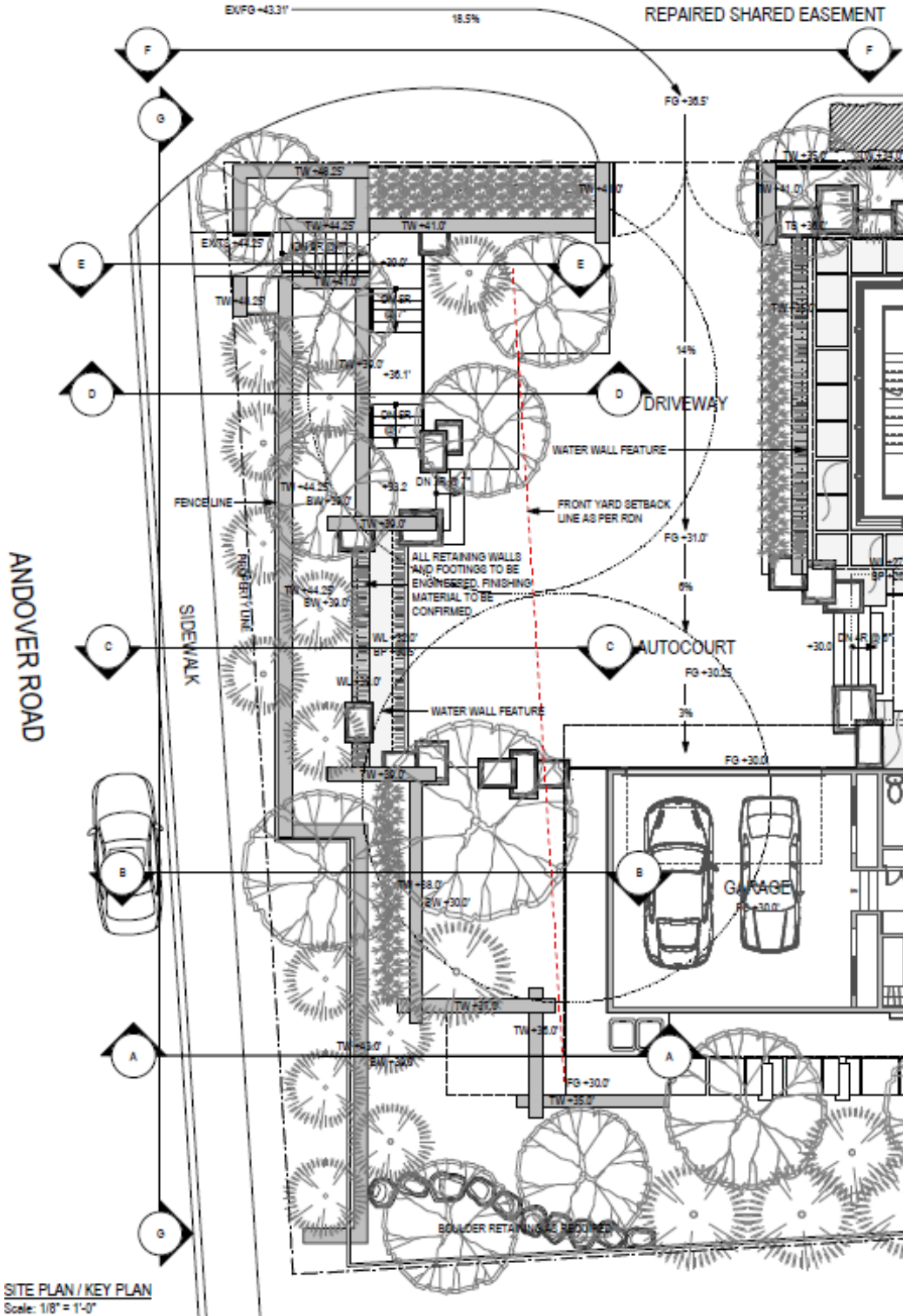
Attachment 3
Proposed Site Plan and Variances
 (Page 1 of 2)



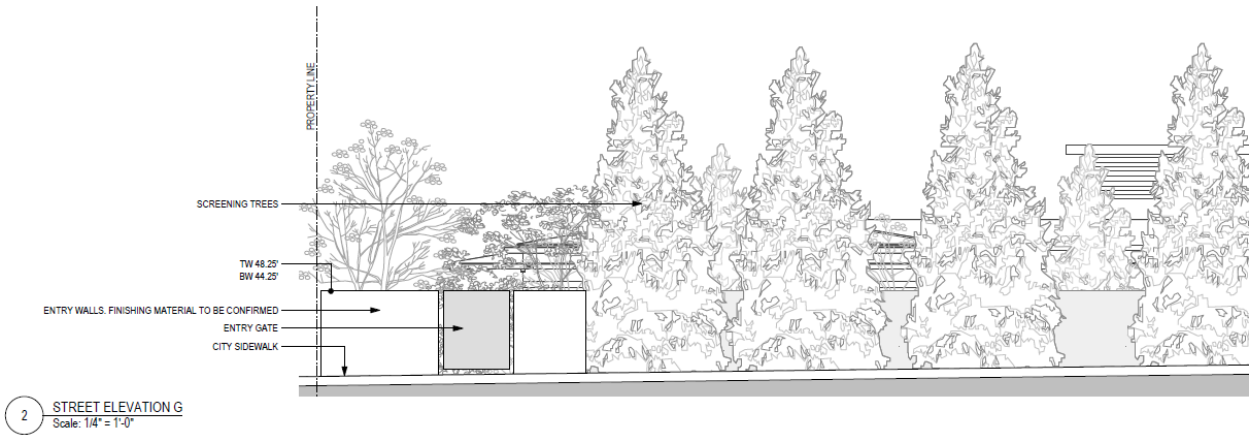
Attachment 3
Proposed Site Plan and Variances
(Page 2 of 2)



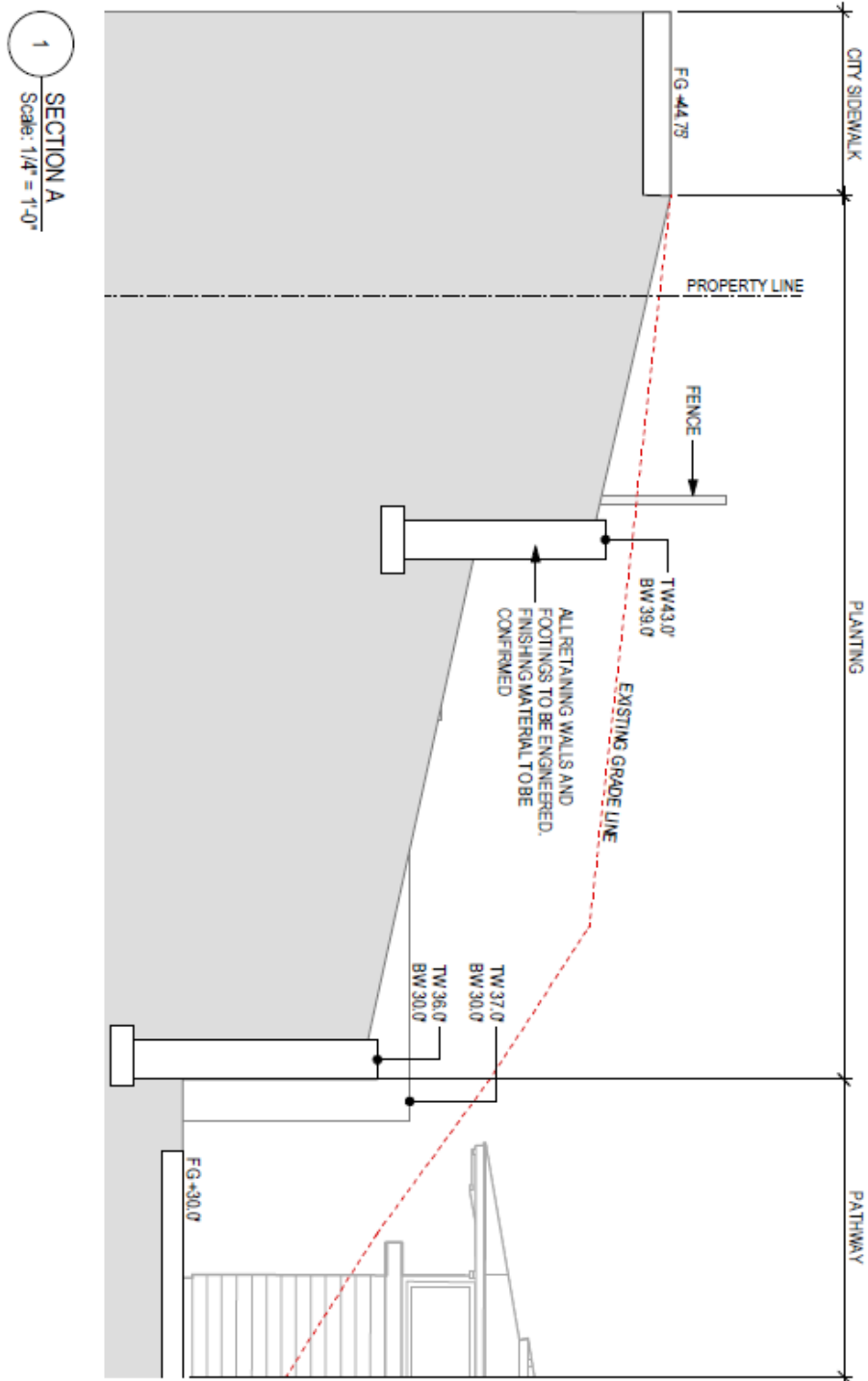
Attachment 4
Landscape Plan and Street Elevation
(Page 1 of 2)



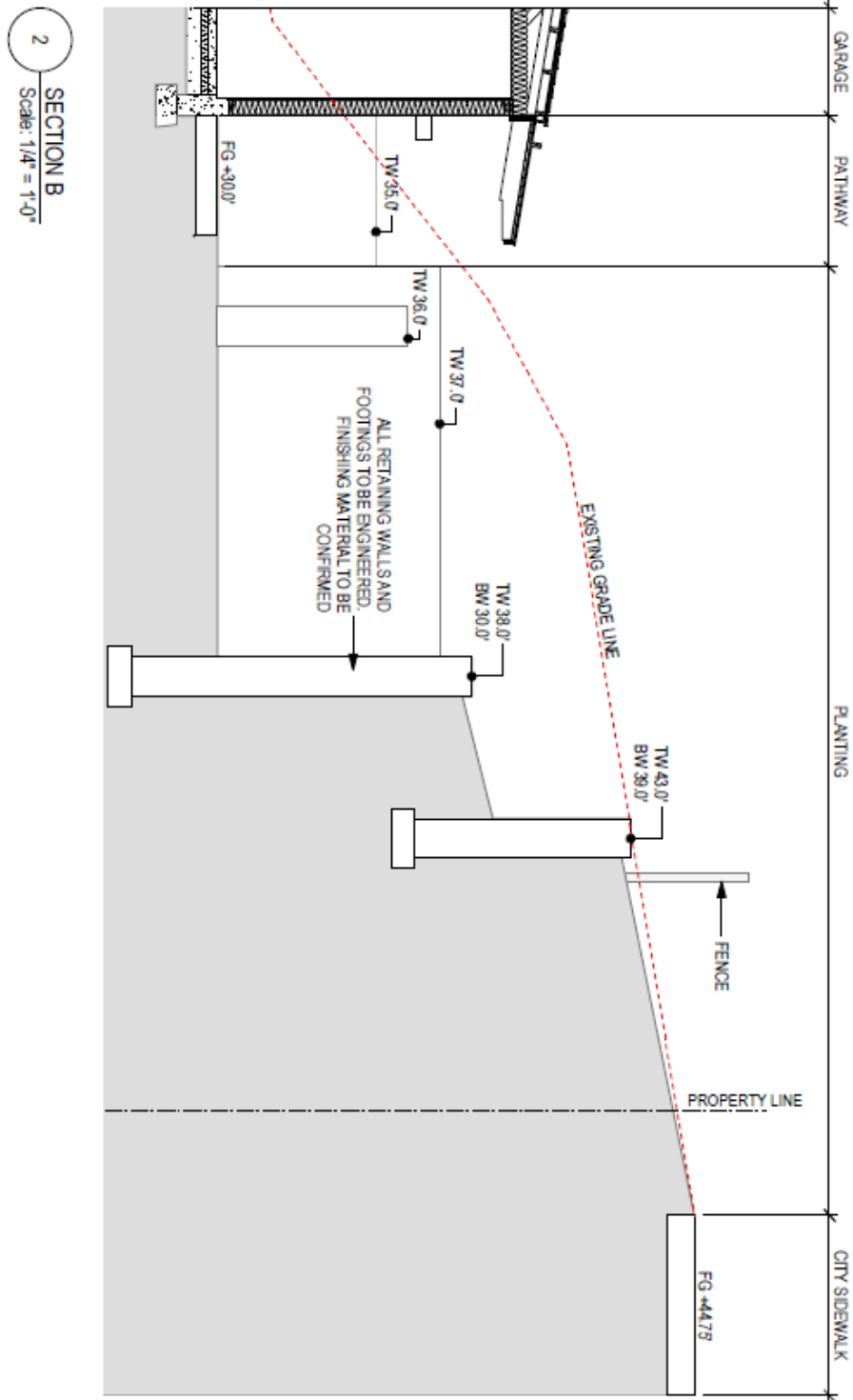
Attachment 4
Landscape Plan and Street Elevation
(Page 2 of 2)



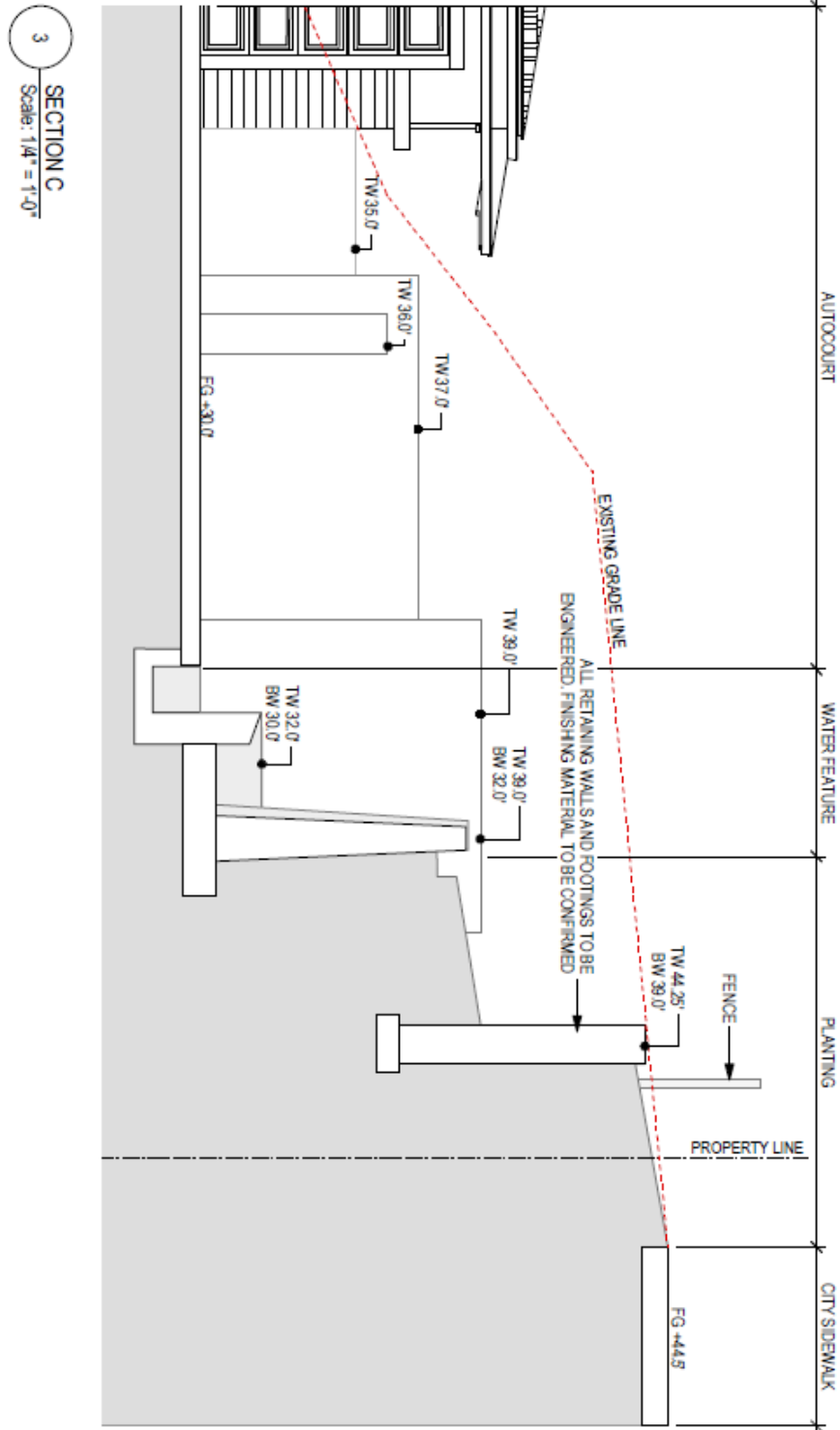
Attachment 5
Retaining Wall Elevations
(Page 1 of 6)



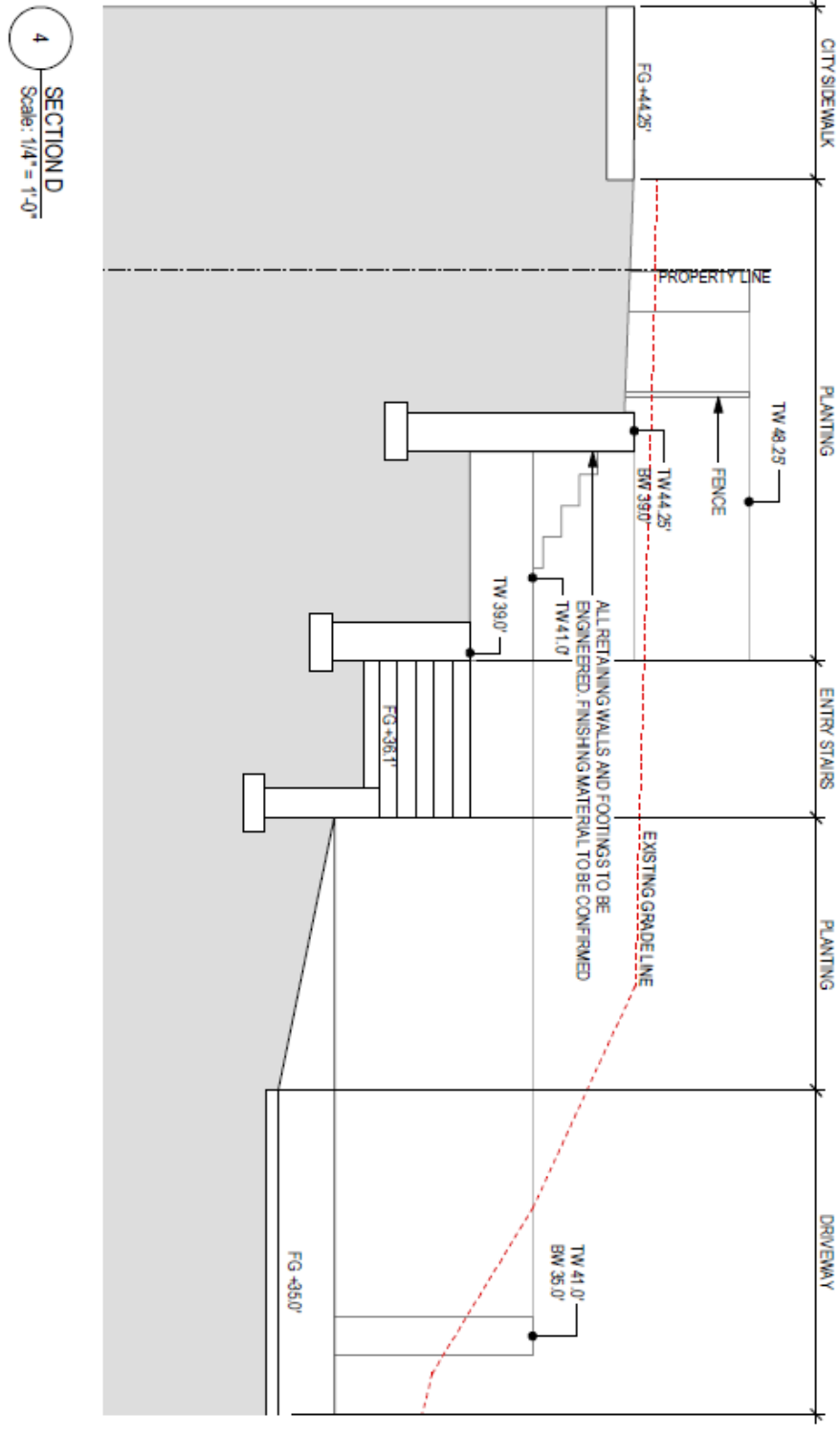
Attachment 5
Retaining Wall Elevations
(Page 2 of 6)



Attachment 5
Retaining Wall Elevations
(Page 3 of 6)

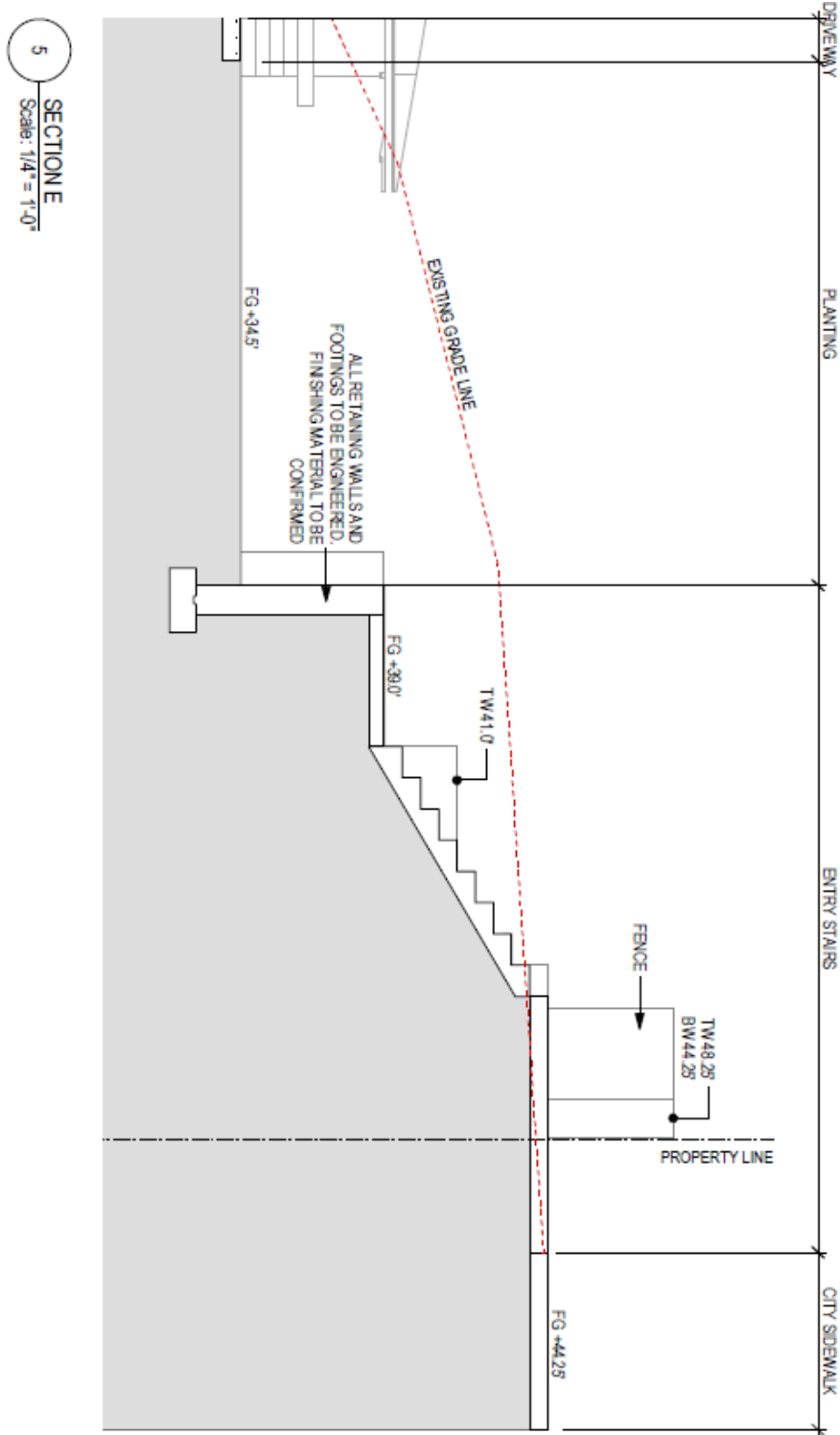


Attachment 5
Retaining Wall Elevations
(Page 4 of 6)

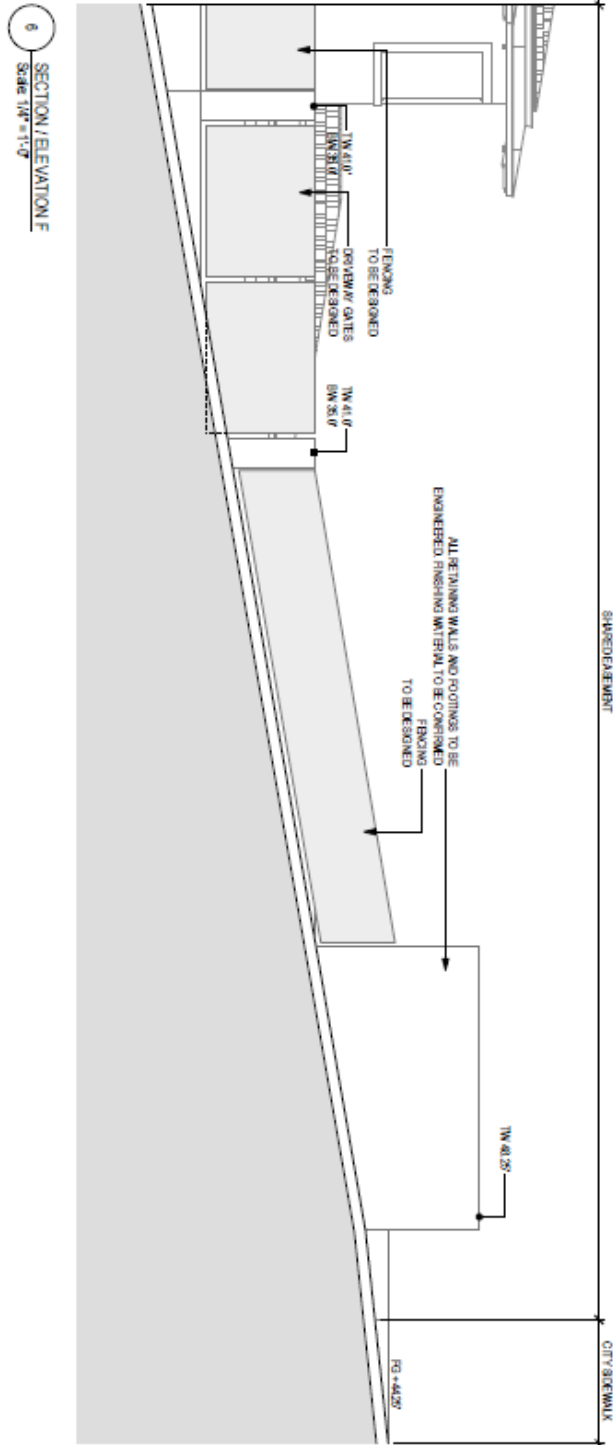


4 SECTION D
Scale: 1/4" = 1'-0"

Attachment 5
Retaining Wall Elevations
(Page 5 of 6)



Attachment 5
Retaining Wall Elevations
(Page 6 of 6)



TO: Electoral Area Services Committee **DATE:** May 9, 2017

FROM: Stephen Boogaards
Planner **FILE:** PL2017-015

SUBJECT: **Zoning Amendment Application No. PL2017-015.
2720 Benson View Road – Electoral Area ‘C’.
Amendment Bylaw 500.409, 2017 – First and Second Reading.
Lot 2, Sections 9 and 10, Ranges 4 and 5, Mountain District, Plan 35684**

RECOMMENDATIONS

1. That the Board receive the Summary of the Public Information Meeting held on April 4, 2017.
2. That the conditions set out in Attachment 2 of the staff report be completed prior to Amendment Bylaw No. 500.409, 2017 being considered for adoption.
3. That “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.409, 2017 be introduced and read two times.
4. That the Public Hearing on “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.409, 2017”, be waived in accordance with Section 464(2) of *The Local Government Act*.
5. That staff be directed to proceed with notification in accordance with Section 467 of *The Local Government Act* of the Board’s intent to consider third reading of “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.409, 2017” at a regular Board meeting to be held on June 27, 2017.

SUMMARY

The applicant proposes to amend the zoning for the property from Rural 1 (RU1), Subdivision District ‘D’ to RU1 Zone, Subdivision District ‘F’, to allow the subdivision of the subject property into two lots. A Public Information Meeting was held on April 4, 2017. The requirements set out in the Conditions of Approval are to be completed by the applicant prior to the Board’s consideration of the Bylaw for adoption (see Attachment 4). Staff recommends that Amendment Bylaw No. 500.409, 2017 be granted first and second reading. Staff also recommends that the public hearing for the Bylaw be waived in accordance with Section 464(2) of the Local Government Act given that the proposal is consistent with the applicable Official Community Plan (OCP) policies and no members of the public expressed an interest in the proposal at the Public Information Meeting (PIM).

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Joanne Van Rensburg to rezone the subject property from Rural 1 Zone (RU1), Subdivision District 'D' to RU1 Zone, Subdivision District 'F' in order to permit the subdivision of the property into two 1.0 hectare lots. The subject property is approximately 2.024 hectares in area and contains an existing dwelling. The property is bordered by Benson View Road to the South and Northeast, and is surrounded by other RU1 properties (see Attachment 1 – Subject Property Map). The topography of the property slopes toward the north, becoming a steep slope on the northeast side of the lot. An ephemeral stream crosses the subject property and drains down the steep slope.

Proposed Development

The applicant proposes to rezone the subject property from RU1 Zone, Subdivision District 'D' to RU1 Zone, Subdivision District 'F' to allow the subdivision of the property into two 1.0 hectare lots (see Attachment 3 – Site Plan). Proposed Lot A will be serviced by an existing well and an on-site septic system, while proposed Lot B will be serviced with a new well and on-site septic system. Although access will be formally addressed through subdivision application pending adoption of the zoning amendment bylaw, access to proposed Lot B is anticipated to be within 6.0 metre easement over proposed Lot A.

Official Community Plan Implications

The subject property is designated as Rural Residential pursuant to the “Regional District of Nanaimo Electoral East Wellington – Pleasant Valley Official Community Plan Bylaw No. 1055, 1997”. The Rural Residential designation supports the subdivision of a parcel that existed prior to the adoption of the Official Community Plan (OCP); however, the parcel cannot be smaller than 1.0 hectare. As Bylaw 500 allows parcel averaging, to ensure both parcels are greater than 1.0 hectares in size, the applicant will be required to register a Section 219 covenant requiring all parcels within the subdivision to be greater than 1.0 hectare (see Attachment 2 – Conditions of Approval). The OCP also requires a Section 219 covenant to prevent further subdivision under the *Land Title Act* or *Strata Property Act*. Since the proposed plan of subdivision shows each parcel of land with more than 1.0 hectare in area the proposed amendment is consistent with the OCP policies.

Land Use Implications

The existing RU1 zoning of the subject property allows agriculture, aquaculture, home-based business, produce stand, silviculture, secondary suite, and residential use. Currently two dwelling units are permitted on the property, as the parcel area is greater than 2.0 hectares. The subdivision of the parcel into two parcels will be consistent OCP policy for one dwelling unit per hectare and will not increase residential density more than is currently allowed under zoning (see Attachment 5 – Proposed Amendment Bylaw 500.409, 2017).

The applicant has submitted a proposed plan of subdivision to show the potential parcel shape and dimensions (see Attachment 3 – Proposed Subdivision Plan). The proposed plan was prepared to comply with the 1.0 hectare minimum parcel size requirement while also incorporating existing improvements into proposed Lot A, including the existing driveway, garden and apple orchard. Due to the steep topography on much of the property, the parcel configuration also accounts for including an appropriate building site on the new lot. As the proposed lot design and dimensions do not comply with

Bylaw 500 subdivision standards for parcel depth and lot line orientation, it is anticipated that a development variance permit will be required at the time of subdivision.

Due to the steep slopes on the property, the applicant has provided a Preliminary Slope Setback Assessment prepared by Lewkowich Engineering Associates Ltd. and dated January 30, 2017. The report concludes that the slopes on the property are considered stable and the soil is considered resistant to erosion; however, the report notes it may be subject to raveling due to uncontrolled surface water runoff. An existing Section 219 covenant (EG109433) includes a Geotechnical Evaluation dated July 7, 1993 and prepared by Levelton Associates for the purposes of a building permit for the existing dwelling. The report at the time identified safe building setback of 3.0 metres from the original ground surface of the slope and recommended maintaining the existing alignment of the ephemeral stream for the stability of the lot. A safe and suitable building envelope for proposed Lot B will be addressed through subdivision application pending adoption of the zoning amendment bylaw.

As per “Board Policy B1.21 Groundwater – Application requirements for rezoning un-serviced lands” and OCP policy for verification of on-site septic disposal capability and potable water sources for proposed development, the applicant has submitted a Preliminary Hydrological Assessment prepared by Lewkowich Engineering Associates Ltd and dated April 10, 2017. The report explains that the existence of the ephemeral stream on the property suggests that the fractured bedrock aquifer will likely contain sufficient water to support a new dwelling unit. As the groundwater is flowing from the bedrock fractures into the ephemeral stream, the water quality is also likely good since the water is not exposed to leeching from bedrock for long periods of time.

The Lewkowich report concludes that the groundwater well on proposed Lot B would be able to meet the minimum required volume of 3.5 m³ / day, consistent with Board Policy B1.21. The report also concludes that the hydrologic regime of the aquifer will not be affected by the additional groundwater well, as there will be no net groundwater withdrawal from the aquifer with water being used treated and disposed on the property. Prior to the Board’s consideration of adoption of the amendment bylaw, staff recommend that the applicant be required to register the Preliminary Hydrological Assessment as a Section 219 covenant with a clause to ensure the wells are constructed and tested at subdivision stage, consistent with Board Policy B1.21.

As per OCP policy, the Lewkowich report also reviews the on-site septic disposal capability of the proposed lot. In the engineer’s opinion, the 1.0 hectare site area of the new parcel is sufficient to accommodate septic treatment and disposal system; however, due to low infiltration capacity of the surficial soil and slopes on the property, a Type 2 advanced treatment system may be required. At the time of subdivision, the applicant will be required to construct a septic disposal system according to the design standards and approval of Island Health. The report states, that a properly designed and installed septic field will not impact surface water quality.

Environmental Implications

An ephemeral stream crosses the property originating from the west side of the parcel, and empties into the road side ditch on the northeastern side of the parcel. From the roadside ditch, the Preliminary Hydrological Assessment determines that water discharges through several culverts and other road side ditches eventually reaching Westwood Lake. As property is subject to the Fish Habitat Development Permit Area per the “Regional District of Nanaimo Electoral East Wellington – Pleasant Valley Official

Community Plan Bylaw No. 1055, 1998”, a development permit application will likely be required prior to the subdivision to determine if the *Riparian Area Regulations* apply to the ephemeral stream on the property.

The Preliminary Hydrological Assessment report addresses the potential for the proposed development to affect ground and surface water quality. The Preliminary Hydrological Assessment determines that, as McGarrigle Creek is within a different catchment area, the risk of this development negatively affecting the groundwater aquifer or sensitive water features would be considered ‘very low’.

Intergovernmental Implications

The application was referred to the Ministry of Transportation and Infrastructure and note they have no objections to the rezoning application; however, all comments pertaining to the subdivision would be provided at the time of subdivision. Island Health has also commented that a subdivision application will require septic approval at the time of subdivision, which will need to be witnessed by the Environmental Health Officer.

Public Consultation Implications

A PIM was held on April 4, 2017. No members of the public attended and no written submissions were received prior to the PIM (see Attachment 4 – Summary of Minutes of the Public Information Meeting).

In accordance with Section 464 of *The Local Government Act*, the Board may waive the holding of a Public Hearing if the proposed amendment bylaw is consistent with the Official Community Plan. In staff’s assessment, the proposed development is consistent with the Official Community Plan and no interest has been expressed by the community with respect to the proposed amendment. Therefore, staff recommends that the Board waive the Public Hearing and direct staff to proceed with the notification requirements outlined in Section 467 of the *Local Government Act*.

ALTERNATIVES

1. To proceed with Zoning Amendment Application No. PL2017-015, consider first and second reading of the Amendment Bylaw and waive the Public Hearing.
2. To proceed with Zoning Amendment Application No. PL2017-015, consider first and second reading of the Amendment Bylaw and proceed to Public Hearing
3. To not proceed with the Amendment Bylaw readings and public hearing.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2017 – 2021 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.



Stephen Boogaards
sboogaards@rdn.bc.ca
April 25, 2017

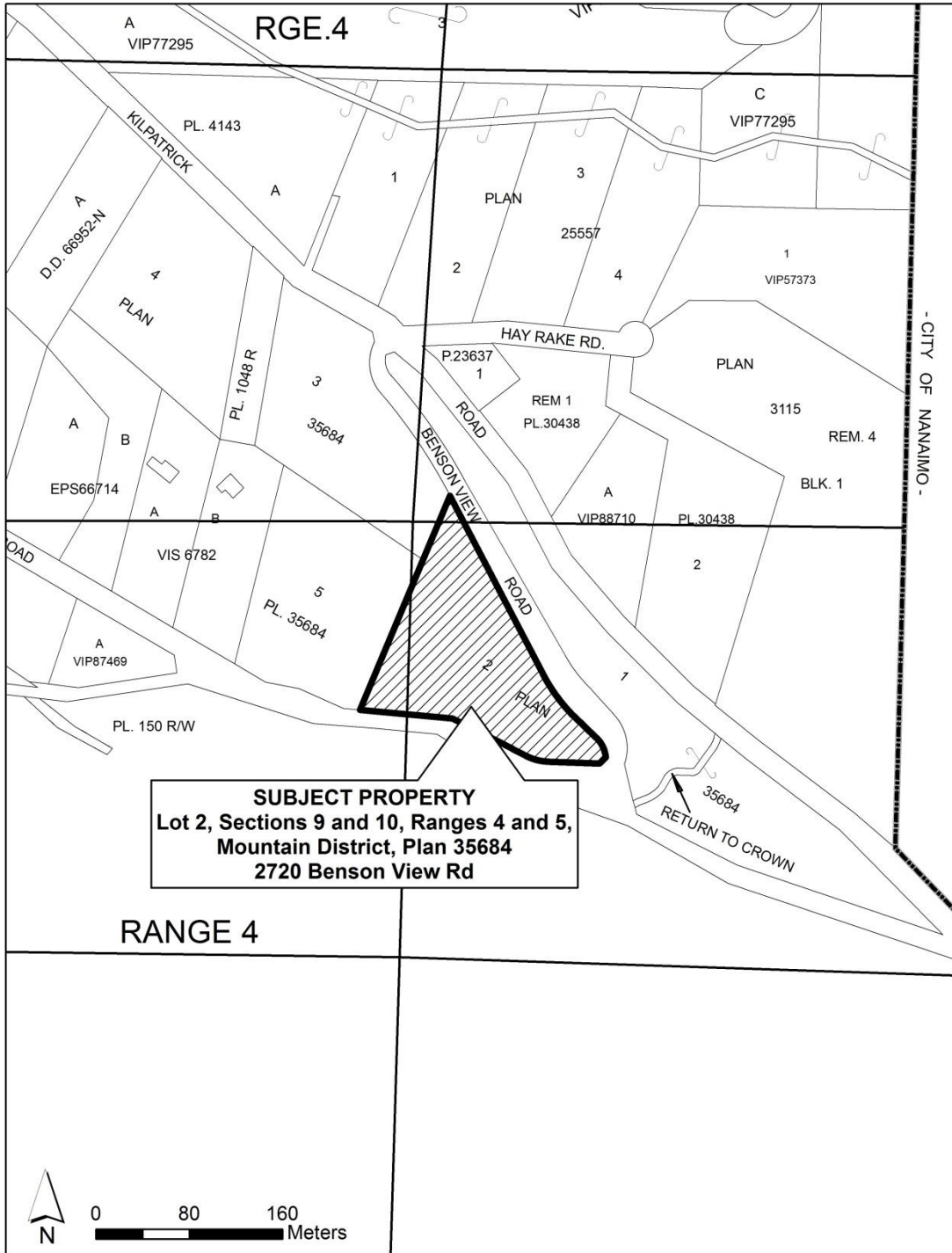
Reviewed by:

- J. Holm, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

Attachments

1. Subject Property Map
2. Conditions of Approval
3. Proposed Subdivision Plan
4. Summary of Minutes of the Public Information Meeting
5. Proposed Amendment Bylaw No. 500.409, 2017

Attachment 1
Subject Property Map



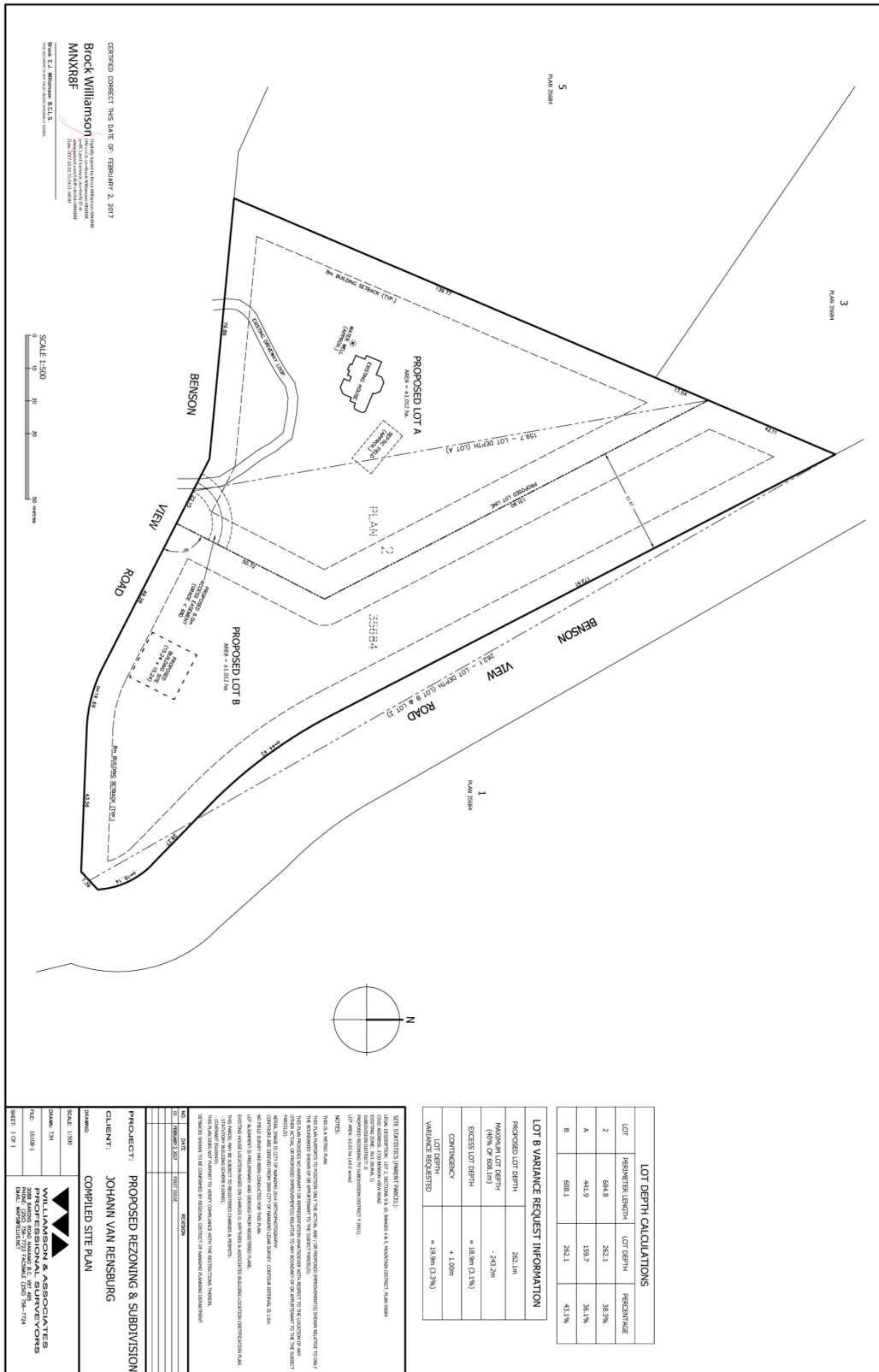
Attachment 2
Conditions of Approval

The following is required prior to the “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.409, 2017” being considered for adoption:

Conditions of Approval

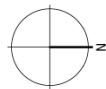
1. The applicant shall register, at the applicant’s expense, a Section 219 restrictive covenant on the property title requiring any new parcel created through subdivision to be greater than 1.0 hectare in area.
2. The applicant to register, at the applicant’s expense, a Section 219 covenant on the property title to prohibit the subdivision of the new parcels.
3. The applicant shall register, at the applicant’s expense, a Section 219 Covenant on the property title requiring the development of the land occur in a manner consistent with the Preliminary Hydrological Assessment report prepared by Lewkowich Engineering Associates Ltd., dated April 10, 2017.
4. The applicant is required to register, at the applicant’s expense, a Section 219 Covenant on the property title stating that the wells be constructed and tested, and a report from a Professional Engineer (registered in BC) be submitted to the Regional District of Nanaimo prior to final approval of subdivision in accordance with “Board Policy B1.21 – Groundwater – Application requirements for rezoning of un-serviced lands”. No subdivision shall occur until such time that a report from a Professional Engineer (registered in BC) has been completed to the satisfaction of the Regional District of Nanaimo confirming that the wells has been pump tested and certified including well head protection, and that the water meets Canadian Drinking Water Standards.

Attachment 3
Proposed Subdivision Plan



LOT DEPTH CALCULATIONS			
LOT	REQUIREMENT LENGTH	LOT DEPTH	PERFORMANCE
2	694.8	262.1	38.3%
A	441.9	159.7	36.1%
B	608.1	262.1	43.1%

LOT B VARIANCE REQUEST INFORMATION	
PROPOSED LOT DEPTH	262.1m
MINIMUM LOT DEPTH (MINIMUM OF 150%)	~243.2m
EXCESS LOT DEPTH	+ 18.9m (7.5%)
CONTINGENCY	+ 1.0m
LOT DEPTH VARIANCE REQUESTED	+ 19.9m (8.3%)



CERTIFIED CORRECT THIS DATE OF FEBRUARY 2, 2017
Brock Williamson
 MNR 888
 (Ontario Registered Professional Engineer)
 2000 SHEPPARD AVENUE EAST, SUITE 100
 SCARBOROUGH, ONTARIO M1S 1T2
 TEL: (416) 291-1111 FAX: (416) 291-1112
 WWW.BROCKWILLIAMSON.COM

SCALE 1:500
 0 10 20 30 METERS

PROJECT: PROPOSED REZONING & SUBDIVISION
CLIENT: JOHANN VAN RENSBERG
COMPILED SITE PLAN

WILLIAMSON & ASSOCIATES
 2000 SHEPPARD AVENUE EAST, SUITE 100
 SCARBOROUGH, ONTARIO M1S 1T2
 TEL: (416) 291-1111 FAX: (416) 291-1112
 WWW.WILLIAMSON.COM

SHEET 1 OF 1

Attachment 4
Summary of Minutes of a Public Information Meeting
Held at Nanaimo Christian School
198 Holland Road
Tuesday, April 4, 2017 at 6:30 pm
RDN Application PL2017-015

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

There were no members of the public in attendance at this meeting.

Present for the Regional District of Nanaimo:

Director Young, Electoral Area 'C' (the Chair)
Stephen Boogaards, Planner handling the development application
Sarah Preston, Planning Technician

Present for the Applicant:

Johanus Van Rosenberg, Subject Property Owner

The Chair opened the meeting at 6:35 pm, outlined the evening's agenda, and introduced the RDN staff and the applicant in attendance. The Chair then stated the purpose of the Public Information Meeting and asked RDN staff to provide background information concerning the development application.

Stephen Boogaards provided a brief summary of the proposed zoning amendment, supporting documents provided by the applicant, and the application process.

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

Johanus Van Rosenberg presented an overview of the proposal.

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

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

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

The meeting was concluded at 6:40 pm.

Sarah Preston
Recording Secretary

Attachment 5
Proposed Amendment Bylaw No. 500.409, 2017

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500.409**

**A Bylaw to Amend Regional District of Nanaimo
Land Use and Subdivision Bylaw No. 500, 1987**

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

- A. This Bylaw may be cited as “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.409, 2017”.
- B. The “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, is hereby amended as follows:
 - 1. By rezoning the lands shown on the attached Schedule ‘1’ and legally described as

Lot 2, Sections 9 and 10, Ranges 4 and 5, Mountain District, Plan 35684

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

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

Public Hearing held this ___ day of _____ 20XX.

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

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

Adopted this ___ day of _____ 20XX.

Chairperson

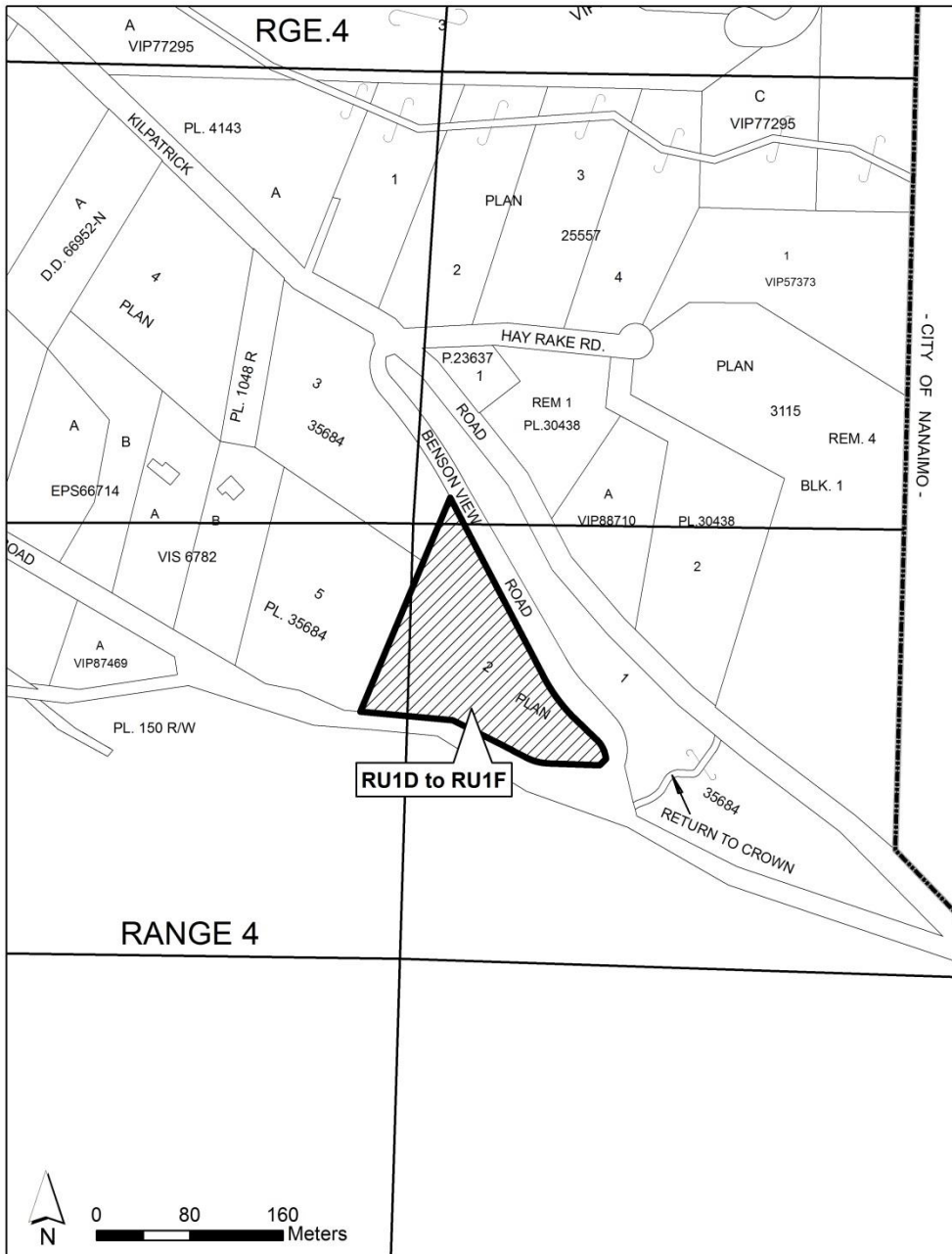
Corporate Officer

Schedule '1' to accompany "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.409, 2017".

Chairperson

Corporate Officer

Schedule '1'



TO: Electoral Area Services Committee **MEETING:** May 9, 2017
FROM: Tom Armet **FILE:**
Manager, Building & Bylaw Services
SUBJECT: Building Permit Activity – First Quarter 2017

RECOMMENDATION

That the report on building permit activity for the first quarter of 2017 be received for information.

SUMMARY

This report contains first quarter summary information on building permit activity for the Regional District of Nanaimo's (RDN's) seven Electoral Areas as well as the District of Lantzville, where the RDN provides building permit and inspection services under contract. Overall, the RDN has experienced continued growth during the past three years, at a level higher than the provincial average in the residential sector permit activity both in terms of permit volumes and construction values. This report also outlines activities and innovations that the RDN Building Services Department has implemented to continue to improve the speed of building permit approvals at a time of upward trends in construction activity within the region.

BACKGROUND

Building activity is an indicator of the strength and diversity of the economy within the region. Building permit data is collected and disseminated monthly to various federal and provincial agencies such as Statistics Canada and BC Assessment where the data is used for tracking, property valuation and forecasting of development trends. RDN staff also post monthly permitting activity reports on the RDN website and provide copies to the Area Directors by email.

Construction activity in the RDN Electoral Areas tends to be predominately residential, with a relatively small number of non-residential (commercial/industrial) building permits issued. This report provides a brief summary of both residential and non-residential building permit activity in the Electoral Areas and the District of Lantzville for the first quarter (January to March) of 2017. Data for the same periods in 2016 and 2015 is provided for comparison. Also outlined in this report are the activities and innovations that the Department has or is implementing to continue to improve the speed of building permit processing required to address the needs of our customers.

Building Permit Applications and Approvals

In the first three months of 2017, the RDN received 207 building permit applications, representing a 49% increase over the same period in 2016, and a 35% increase from 2015. A total of 130 building permits were issued in this quarter, compared with 96 permits in 2016 and 139 permits in 2015. The overall construction value of the permits issued is \$23.9 million, representing a 67% increase over the same period in 2016 and a 16% increase over the 2015 construction values.

Non-Residential Building Permits

Non-residential building permits represent a small number of the overall permits issued however; the value of these permits can be high, depending on the scope of the commercial or industrial projects. In the first three months of 2017, the RDN issued eleven non-residential permits valued at \$160,000, four permits valued at \$850,000 for the same period in 2016, and twelve non-residential permits valued at \$905,000 in 2015.

Building Permits by Electoral Area

The following table provides a breakdown of building permits issued by Electoral Area in the first quarters of 2015 to 2017:

Electoral Area	Building Permits Issued (1 st Quarter)			Construction Value (millions)		
	2015	2016	2017	2015	2016	2017
A	18	14	19	\$4.3	\$1.3	\$2.3
B	19	15	15	\$2.5	\$1.9	\$1.9
C	4	9	8	\$0.1	\$0.6	\$1.5
E	18	15	32	\$2.1	\$2.6	\$5.8
F	25	11	19	\$3.8	\$2.7	\$3.8
G	40	16	29	\$6.5	\$2.5	\$7.4
H	6	9	7	\$0.5	\$1.4	\$1.1
Lantzville	9	7	1	\$0.4	\$1.3	\$0.1
Totals	139	96	130	\$20.6	\$14.3	\$23.9

Building Permit Processing Times

For a part of 2016, permit processing and inspection scheduling times were higher than our benchmark levels due to staff shortages. New building inspectors were hired and with the department now fully staffed, the wait time for permit approvals is down to two to three weeks and inspection scheduling is at the 24-hour benchmark level. While increased volumes over the next three quarters may cause some fluctuations in these timeframes, permit approval and inspection scheduling times in the RDN are currently consistent with or lower than other regional districts/municipalities recently surveyed by staff as outlined below:

Regional District of Nanaimo	Capital Regional District	Cowichan Valley Regional District	Comox Valley Regional District	City of Nanaimo
2 – 3 weeks	2 - 5 weeks	2 – 3 weeks	2 – 3 weeks	4 – 6 weeks

As a note of interest, the Fraser Institute recently released a survey showing that building permit approvals in the Greater Vancouver Area range from two months in Langley, to an average of twenty-one months in the City of Vancouver. These are urban examples in higher density centres however it is illustrative of the efficiency of the permit approval processes in this region and other Vancouver Island jurisdictions.

Regional Cooperation

Since mid-March of this year, the RDN has been providing building inspection services to the City of Parksville on a cost recovery basis, due to staff shortages in their building inspection department. To date, RDN staff has conducted approximately 40 inspections and this support will continue into the second quarter while the City of Parksville completes its recruitment process. The RDN also provided a similar service to the Town of Qualicum Beach in the fall of 2016.

Client Satisfaction Survey

RDN staff conducted an on-line survey of recent building permit applicants between February 27 and March 16, 2017. A sampling of 315 applicants were asked to rate and comment on questions related to ease of information, wait times for approval, inspection scheduling and overall satisfaction with the building permit process. The response rate to the survey was 30% and based on those responses, 69% of the participants were satisfied overall with building inspection services, particularly with the service received from front counter staff. Client feedback indicated there was room for improvement in the turn-around time for permit approvals, length of time for inspections and lack of clarity on the approval processes in general. Staff will continue to conduct periodic surveys as part of our continuous service improvement model.

Service Enhancements

In 2009, the RDN purchased the CityView electronic property database as its primary system for building inspection, planning and bylaw enforcement file management. In 2014, the department added the CityView mobile inspection component and equipped inspection staff with mobile devices for directly emailing inspection reports to the client at the time of the inspection, thus eliminating paper reports and increasing the efficiency of inspection reporting. This innovation was well received by our clients.

In order to meet the challenges of anticipated increased development activity in the Electoral Areas over the next few years, RDN staff is currently working with CityView to implement an on-line public portal that will give residents and builders the ability to:

- Apply for building permits and submit supporting documents on-line through the RDN website
- Pay permit fees on-line
- Schedule inspections through the portal
- View the progress of their permit application
- Initiate bylaw complaints
- View public information on specific properties

The CityView Public Portal will be fully integrated with the RDN's internal processes and is designed to give the public the option to "self-serve" their building permit application and inspection requests from their home, office or mobile device. Use of the portal will eliminate the need for clients to travel to the RDN office or schedule their inspections by telephone, which in turn will enhance the overall efficiency of the permit/inspection process for the public and staff alike.

In conjunction with implementation of the CityView Portal, anticipated for the fall of 2017, an accelerated permit process is being developed. When in place, permit applications from registered builders or owner-builders will be required to meet certain criteria for accelerated approval. Staff will provide the Board with further information on this process in subsequent quarterly reports.

With the department fully staffed going into the second quarter, internal changes are underway to increase the overall efficiency of the permit approval processes. These changes include enhanced public information for owner-builders and a streamlined permit application form, designed to reduce delays created by incomplete permit applications. As a service department, we recognize that permit processing times and the delivery of inspection services impact our customer's ability to deliver product to their clients. In response to this, we have incorporated a continuous improvement model to review our processes, incorporate technology and adjust service levels accordingly.

ALTERNATIVES

1. Receive the report on building permit activity for information.
2. Provide alternate direction to staff.

FINANCIAL IMPLICATIONS

There are no financial implications in receiving this report.

STRATEGIC PLAN IMPLICATIONS

Quarterly reporting on building permit activity enhances regional governance by providing Area Directors with information on development activity and trends within each Electoral Area and the region overall.



Tom Armet
tarmet@rdn.bc.ca
May 1, 2017

Reviewed by:

- G. Garbutt, General Manager, Strategic and Community Development
- P. Carlyle, Chief Administrative Officer