

REGIONAL DISTRICT OF NANAIMO
ELECTORAL AREA SERVICES COMMITTEE
AGENDA

Tuesday, February 13, 2018

1:30 P.M.

RDN Board Chambers

This meeting will be recorded

Pages

1. CALL TO ORDER
2. APPROVAL OF THE AGENDA
3. ADOPTION OF MINUTES
 - 3.1 Electoral Area Services Committee Meeting - January 9, 2018 5

That the minutes of the Electoral Area Services Committee meeting held January 9, 2018, be adopted.
4. DELEGATIONS
5. CORRESPONDENCE
6. UNFINISHED BUSINESS
7. PLANNING
 - 7.1 Development Permit with Variance
 - 7.1.1 Development Permit with Variance Application No. PL2018-009 - 343 and 349 Grovehill Road, Electoral Area 'H' 11

Delegations Wishing to Speak to Development Permit with Variance Application No. PL2018-009 - 343 and 349 Grovehill Road, Electoral Area 'H'

1. That the Board approve Development Permit with Variance No. PL2018-009 to permit a parcel depth variance and a request to relax the 10% perimeter frontage requirements for proposed lots A and B in conjunction with a Section 514 Subdivision to Provide Residence for a Relative be approved 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 Permit with Variance No. PL2018-009.

7.1.2 Development Permit with Variance Application No. PL2018-020 - Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement In Relation to Subdivision Application No. PL2017-043 - 3100 and 3106 Jameson Road, Electoral Area 'C' 21

Delegations Wishing to Speak to Development Permit with Variance Application No. PL2018-020 - Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement In Relation to Subdivision Application No. PL2017-043 - 3100 and 3106 Jameson Road, Electoral Area 'C'

1. That the Board approve the request to relax the minimum 10% perimeter frontage requirements for Lots 4, 5, 6, 7, 8 and the remainder in relation to Subdivision Application PL2017-043, subject to the terms and conditions outlined in Attachments 2 and 3.

2. That the Board approve Development Permit with Variance No. PL2018-020 to increase the permitted parcel depth of Lots 5, 7, and 8 subject to the terms and conditions outlined in Attachments 2 to 3.

3. That the Board direct staff to complete the required notification for Development Permit with Variance No. PL2018-020.

7.1.3 Development Permit with Variance Application No. PL2017-150 - 2130 and 2140 Schoolhouse Road, Electoral Area 'A' 31

Delegations Wishing to Speak to Development Permit with Variance Application No. PL2017-150 - 2130 and 2140 Schoolhouse Road, Electoral Area 'A'

1. That the Board approve Development Permit with Variance No. PL2017-150 to permit the construction of an industrial building, installation of signage, and the placement of fill subject to the terms and conditions outlined in Attachments 2 to 8.

2. That the Board direct staff to complete the required notification for Development Permit with Variance No. PL2017-150.

- 7.1.4 Development Permit with Variance Application No. PL2017-177 - Minimum 10% Perimeter Frontage Requirement Relaxation in Relation to Subdivision Application No. PL2016-037 - 2483 Pirart Road and 2649 Munro Road, Electoral Area 'C'** 54
- Delegations Wishing to Speak to Development Permit with Variance Application No. PL2017-177 - Minimum 10% Perimeter Frontage Requirement Relaxation in Relation to Subdivision Application No. PL2016-037 - 2483 Pirart Road and 2649 Munro Road, Electoral Area 'C'**
1. That the Board approve the request to relax the 10% perimeter frontage requirements for proposed lots 4, 11, 12, and 15 in relation to Subdivision Application PL2016-037 subject to the terms and conditions outlined in Attachments 2 and 3.
 2. That the Board approve Development Permit with Variance No. PL2017-177 to increase the permitted parcel depth of lots 1 and 2 subject to the terms and conditions outlined in Attachments 2 and 3.
 3. That the Board direct staff to complete the required notification for Development Permit with Variance PL2017-177.
- 7.1.5 Development Permit with Variance Application No. PL2017-178 - 2484 Alberni Highway, Electoral Area 'F'** 66
- Delegations Wishing to Speak to Development Permit with Variance Application No. PL2017-178 - 2484 Alberni Highway, Electoral Area 'F'**
1. That the Board approve Development Permit with Variance No. PL2017-178 to permit the development of a gasoline service station, stormwater management system, and associated parking and landscaped areas subject to the terms and conditions outlined in Attachments 2 to 6.
 2. That the Board direct staff to complete the required notification for Development Permit with Variance No. PL2017-178.
- 7.2 Other**
- 7.2.1 Temporary Use Permit Application No. PL2017-186 - 925 Fairdowne Road and 1240 Valley Road, Electoral Area 'F'** 86
1. That the Board approve Temporary Use Permit No. PL2017-186 to allow a film and recording studio on the subject properties subject to the terms and conditions outlined in Attachments 2 and 3.
 2. That the Board direct staff to complete the required notification for Temporary Use Permit No. PL2017-186.

7.2.2 Development Permit and Temporary Use Permit Areas Standardization Project 94

- 1. That the “Development Permit and Temporary Use Permit Areas Standardization” project including associated amendments to official community plans and zoning bylaws be initiated.
- 2. That the Terms of Reference, including the Consultation Plan for the “Development Permit and Temporary Use Permit Areas Standardization” project be endorsed.

8. COMMUNITY PARKS

8.1 Signage Strategy for Community Parks and Trails 104

That the Signage Strategy for Community Parks and Trails be approved as presented.

9. EMERGENCY PREPAREDNESS

9.1 Emergency Reception Centre Signs 130

That the Emergency Reception Signs report be received for information.

10. BUSINESS ARISING FROM DELEGATIONS

11. NEW BUSINESS

- 11.1 Directors' Forum**
 - 11.1.1 Planning**
 - 11.1.2 Community Parks**
 - 11.1.3 Emergency Preparedness**
 - 11.1.4 Fire Protection**
 - 11.1.5 Bylaw Enforcement**
 - 11.1.6 Building Inspection**
 - 11.1.7 Other Electoral Area Matters**

12. ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday, January 9, 2018

1:30 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
	W. Idema	A/Gen. Mgr. Corporate Services
	D. Pearce	Director of Transportation & Emergency Services
	J. Hill	Mgr. Administrative Services
	P. Thompson	Mgr. Long Range Planning
	B. 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 - November 28, 2017

It was moved and seconded that the minutes of the Electoral Area Services Committee meeting held November 28, 2017, be adopted.

CARRIED UNANIMOUSLY

COMMITTEE MINUTES

It was moved and seconded that the following minutes be received for information:

Electoral Area 'B' Parks and Open Space Advisory Committee - November 20, 2017

CARRIED UNANIMOUSLY

COMMITTEE RECOMMENDATIONS

Electoral Area 'B' Parks and Open Space Advisory Committee

5-Year Project Planning: 2018-2022

It was moved and seconded that the Electoral Area 'B' Community Parks 2108-2022 Project Plan be adopted.

CARRIED UNANIMOUSLY

It was moved and seconded that the 707 Community Park Signage Project and Dog Park Project be delayed until the 707 Community Park land addition and the Cox Community Park land addition have been brought into the Regional District of Nanaimo system.

CARRIED UNANIMOUSLY

PLANNING

Development Permit with Variance

Development Permit with Variance Application No. PL2017-146 - 2421 Andover Road, Electoral Area 'E'

It was moved and seconded that the Board approve Development Permit with Variance No. PL2017-146 to permit the demolition and construction of a deck within the 15.0 metre watercourse setback and to construct a garage addition subject to the terms and conditions outlined in Attachments 2 to 5.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct staff to complete the required notification for Development Permit with Variance No. PL2017-146.

CARRIED UNANIMOUSLY

Development Permit with Variance Application No. PL2017-192 - 951 McFeely Drive, Electoral Area 'G'

It was moved and seconded that the Board approve Development Permit with Variance No. PL2017-192 to permit the construction of a detached garage and dwelling unit with an increase to the maximum permitted dwelling unit height from 8.0 m to 8.8 m subject to the conditions outlined in Attachments 2 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. PL2017-192.

CARRIED UNANIMOUSLY

Development Variance Permit

Development Variance Permit Application No. PL2017-129 - 1401 and 1415 Alberni Highway, Electoral Area 'F'

It was moved and seconded that the Board approve Development Variance Permit No. PL2017-129 to increase the number of signs permitted per business from one to two for a liquor store and from one to five for a gasoline service station subject to the terms and conditions outlined in Attachment 2.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct staff to complete the required notification for Development Variance Permit No. PL2017-129.

CARRIED UNANIMOUSLY

Development Variance Permit Application No. PL2017-180 - 2949 Dolphin Drive, Electoral Area 'E'

It was moved and seconded that the Board approve Development Variance Permit No. PL2017-180 to increase the maximum height allowance from 8.0 m to 10.09 m, and to reduce the setback to the sea from 8.0 m to 0.0 m from top of bank to permit the construction of a dwelling unit and attached garage subject to the terms and conditions outlined in Attachments 2 to 4.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct staff to complete the required notification for Development Variance Permit No. PL2017-180.

CARRIED UNANIMOUSLY

Zoning Amendment

Zoning Amendment Application No. PL2017-060 - 2347 & 2419 Cedar Road, Electoral Area 'A' - Amendment Bylaw No. 500.412 – First and Second Reading

It was moved and seconded that the Board receive the Summary of the Public Information Meeting held on August 30, 2017.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board introduce and give two readings to "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.412, 2018".

CARRIED UNANIMOUSLY

It was moved and seconded that the public hearing for “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.412, 2018” be waived and notice of the Board’s intent to consider third reading be given in accordance with Section 467 of the *Local Government Act*.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct that the conditions set out in Attachment 3 of the staff report be completed prior to Bylaw No. 500.412 being considered for adoption.

CARRIED UNANIMOUSLY

Zoning Amendment Application No. PL2017-093 - 3097 Landmark Crescent, Electoral Area ‘C’ - Amendment Bylaw 500.414, 2018 - First and Second Reading

It was moved and seconded that the Board receive the Summary of the Public Information Meeting held on November 29, 2017.

CARRIED UNANIMOUSLY

It was moved and seconded that the conditions set out in Attachment 2 of the staff report be completed prior to Amendment Bylaw No. 500.414, 2018 being considered for adoption.

CARRIED UNANIMOUSLY

It was moved and seconded that “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.414, 2018” be introduced and read two times.

CARRIED UNANIMOUSLY

It was moved and seconded that the public hearing for “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.414, 2018” be waived and notice of the Board’s intent to consider third reading be given in accordance with Section 467 of the *Local Government Act*.

CARRIED UNANIMOUSLY

Other

Cannabis Production – Zoning Amendments to Bylaw 500 and Bylaw 1285

It was moved and seconded that the Board receive the Cannabis Production – Zoning Amendments to Bylaw 500 and Bylaw 1285 report for information.

CARRIED UNANIMOUSLY

It was moved and seconded that the “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.415, 2018”, be introduced and read two times.

CARRIED UNANIMOUSLY

It was moved and seconded that the public hearing for "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.415, 2018" be waived and notice of the Board's intent to consider third reading be given in accordance with Section 467 of the *Local Government Act*.

CARRIED UNANIMOUSLY

It was moved and seconded that the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.31, 2018", be introduced and read two times.

It was moved and seconded that the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.31, 2018" be amended by adding the following Sections after Section 4 and by renumbering the subsequent Sections accordingly:

5. Under **Section 4, Zones, 4.7 I-1 – Industrial 1** by adding the following Subsection 4.7.1:

n) Cannabis Production

6. Under **Section 4, Zones, 4.9 I-3 – Industrial 3** by adding the following in Subsection 4.9.1:

c) Cannabis Production

CARRIED UNANIMOUSLY

The vote was taken on the main motion as amended:

That the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.31, 2018", be introduced and read two times, as amended.

CARRIED UNANIMOUSLY

It was moved and seconded that the public hearing for "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.31, 2018" be chaired by Director Fell or his alternate.

CARRIED UNANIMOUSLY

Regional Growth Strategy Amendment to Implement Electoral Area 'H' Official Community Plan

It was moved and seconded that the amendments required to "Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011" to implement the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Amendment Bylaw No. 1335.06, 2017" proceed through the minor amendment process.

CARRIED UNANIMOUSLY

It was moved and seconded that the Consultation Plan for "Regional Growth Strategy Amendment to Implement the Electoral Area 'H' Official Community Plan" be endorsed.

CARRIED UNANIMOUSLY

Short Term Vacation Rentals

It was moved and seconded that “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” and “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” be amended to permit short-term vacation rentals, including in the place of a secondary suite, on resident occupied residential parcels.

Opposed (4): Director McPherson, Director Young, Director Fell, and Director Veenhof

DEFEATED

It was moved and seconded that “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” and “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” be amended to permit short-term vacation rentals on non-resident occupied residential parcels through a temporary use permit and that a Board Policy be created to include criteria to guide the evaluation of such permit applications.

Opposed (4): Director McPherson, Director Houle, Director Young, and Director Veenhof

DEFEATED

It was moved and seconded that staff prepare a report detailing the costs and benefits of a business licensing regime for the Regional District of Nanaimo Electoral Areas, and include a stakeholder engagement and implementation strategy.

Opposed (3): Director Young, Director Fell, and Director Veenhof

CARRIED

NEW BUSINESS

Directors' Forum

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

ADJOURNMENT

It was moved and seconded that the meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 2:45 PM

CHAIR

CORPORATE OFFICER

no case less than 2 500 m², is approved by the medical health officer. Therefore, approval from the medical health officer is required for this application, prior to the registration of the final subdivision plan.

The property is located to east of Grovehill Road, north of the E & N Railway, west of Annie Creek, and is adjacent to other rural zoned properties (see Attachment 1 – Subject Property Map). The property contains two dwelling units and a number of accessory buildings and is serviced by on-site water/wastewater disposal.

The proposed development is subject to the Freshwater and Fish Habitat Protection Development Permit Area per the “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2017”.

Proposed Development and Variance

This is an application for a Development Permit to permit a parcel depth variance and frontage relaxation in conjunction with a Section 514 Subdivision to provide a residence for a relative. The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **Section 4.5.1 – Parcel Shape and Dimensions** to increase the permitted parcel depth for Lot A from 40% to 45.4% of the length of the perimeter of the parcel and Lot 2 from 40% to 41.6 % of the length of the perimeter of the parcel.

The applicant has requested a parcel depth variance as follows:

Proposed Lot No.	Perimeter (m)	Maximum Parcel Depth (40%)	Proposed Parcel Depth	Proposed Parcel Depth as a % of the Parcel Perimeter
A	521	208.4	236.6	45.4
B	651	260.4	271.0	41.6

Minimum 10% Perimeter Frontage Requirement

Proposed Lots A and B as shown on the submitted plan of subdivision do not meet the minimum 10% parcel 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:

Proposed Lot No.	Perimeter (m)	Required Frontage (m)	Proposed Frontage (m)	% of Perimeter
A	521	52.1	42	8.1
B	651	65.1	58	8.9

Land Use Implications

The proposed parcels will not comply with road frontage requirements of the *Local Government Act* and the parcel depth requirement of Bylaw 500. The purpose of these requirements is to ensure that each

lot created has sufficient access, buildable area for the permitted uses and to ensure that parcels are not excessively deep relative to their width. “Board Policy B1.4 Frontage Requirements for Rural Lots” (Policy B1.4) and “Board Policy B1.5 Development Variance Permit Application Evaluation” (Policy B1.5) require demonstration of a land use justification or rationale to address why the new lots cannot comply with the regulations.

The proposed subdivision will meet the requirements of Section 514 of the *Local Government Act* and the applicant is required by the Provincial Subdivision Approving Officer to register a Section 219 Covenant limiting the use of the parcel to residential and prohibiting further subdivision and changes in use on the remainder for a period of five years. As a result of the elongated shape of the parent parcel, the subject property could not be uniformly subdivided without a frontage relaxation and parcel depth variance. Despite the reduced parcel depth and frontage, adequate access would be provided to service the proposed use.

Policy B1.4 specifies that the subdivision should be able to accommodate proposed and existing buildings by meeting all setback requirements of rural zones. While proposed lot A would be 0.935 hectares in area, given the long and narrow orientation of the lot, the proposed parcel would not be able to accommodate agricultural buildings and uses which require a 30 metre setback. Proposed lot B has sufficient buildable area to support all of the uses permitted by the Rural 1 zone. To satisfy Policy B1.4, staff recommends that a Section 219 Covenant prohibiting agriculture as a permitted use on Lot A be required to be registered concurrent with the final plan of subdivision.

The applicant cites that the proposed parcel shape and dimensions are influenced by the shape of the parent parcel and minimum parcel size requirements. As the remainder must be a minimum of 2.0 ha, there is limited opportunity to reduce the extent of the variance while maintaining the ability to subdivide. The proposed parcel depth variance would result in a new lot line which is perpendicular to Grovehill Road which is in keeping with Bylaw 500 subdivision regulations and would support adequate building envelopes on each proposed parcel given the recommendation for a covenant prohibiting agriculture on proposed lot A. Also the proposed variance is consistent with the intent of Section 514 subdivisions, which is to provide for the creation of a parcel less than the minimum parcel size for a family member.

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

Environmental Implications

To address the DP guidelines, the applicant submitted a Riparian Assessment Area report prepared by Toth and Associates Environmental Services dated November 5, 2017. The assessment indicates that the west portion of the subject property contains a ravine in association with Annie Creek (see Attachment 4 – Riparian Assessment Map). The assessment specifies a Streamside Protection and Enhancement Area (SPEA) width of 13.8 metres from the high-water mark. As this is an application for subdivision and no development activities are proposed near the Riparian Assessment Area (10 metres from the top of the ravine bank) near the rear of the property, the measures provided by the assessment do not require the applicant to undertake any actions at this time and no environmental monitoring is recommended.

DPA guideline 13 requires that the proposed lot configuration should demonstrate that enough developable land is available on each lot to establish a development envelope that includes a reasonable yard area outside of the SPEA. Given that the proposed lots would have adequate development envelope, the applicant has satisfied this guideline. To satisfy, DPA guideline 4, staff recommends that the applicant be required to register the Riparian Assessment Area report prepared by Toth and Associates Environmental Services dated November 5, 2017 as a Section 219 Covenant which includes a requirement that no development activities or clearing occur in the SPEA (see Attachment 2 – Terms and Conditions of Approval).

DPA guidelines 14 indicates that minimum parcel sizes should be met exclusive of the SPEA. Although minimum parcel sizes will not be met exclusive of the SPEA, as the subject property is not constrained by topography, no additional development is anticipated on the remainder, and proposed lot A would have adequate buildable areas to avoid future encroachment into the SPEA, the applicant has demonstrated consistency with this guideline. In addition, DPA guideline 15 requires that in the case of subdivision the installation of permanent fencing or other means of clearly delineating the SPEA such as fencing or signage prior to notifying the Provincial Approving Officer that the conditions of the DP have been met. The applicant has indicated that one fish habitat protection sign will be erected on proposed lot A and two fish habitat protection signs will be erected on proposed lot B (see Attachment 2 – Terms and Conditions of Approval and Attachment 5 – Fish Habitat Protection Sign Standard).

As the proposed parcels are relatively large and no development activities or land clearing are proposed within the RAA, no negative environmental impacts are anticipated as a result of the proposed subdivision.

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 Permit with Variance No. PL2018-009 and the request for the relaxation of the minimum 10% road frontage requirement subject to the terms and conditions outlined in Attachments 2 to 5.
2. To deny Development Permit with Variance No. PL2018-009 and the request for the relaxation of the minimum 10% road frontage requirement.

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

The Plans “Focus on the Environment” states that the Board will focus on protecting and enhancing the environment in all decisions. The Development Permit Area guideline requirement for a biological assessment helps ensure that site-specific environmentally sensitive features are identified and that the impacts of development on the environment are identified and mitigated.



Greg Keller
gkeller@rdn.bc.ca
January 30, 2018

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
4. Riparian Assessment Map
5. Fish Habitat Protection Sign Standard

Attachment 2 Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit with Variance No. PL2018-009:

Bylaw No. 500, 1987 Variances

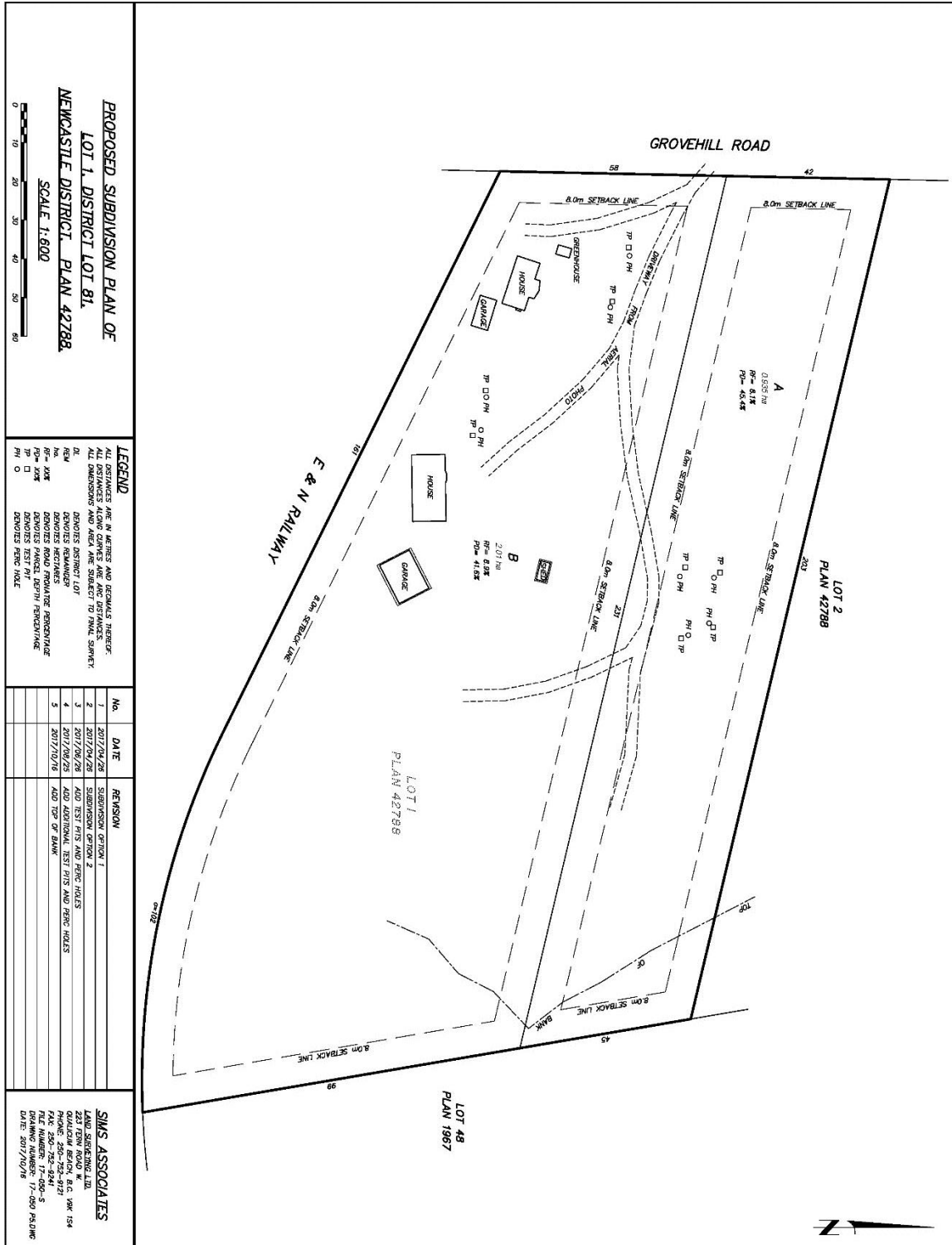
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

- **Section 4.5.1 – Parcel Shape and Dimensions** to increase the permitted parcel depth for Lot A from 40% to 45.4% of the length of the perimeter of the parcel and Lot 2 from 40% to 41.6% of the length of the perimeter of the parcel.

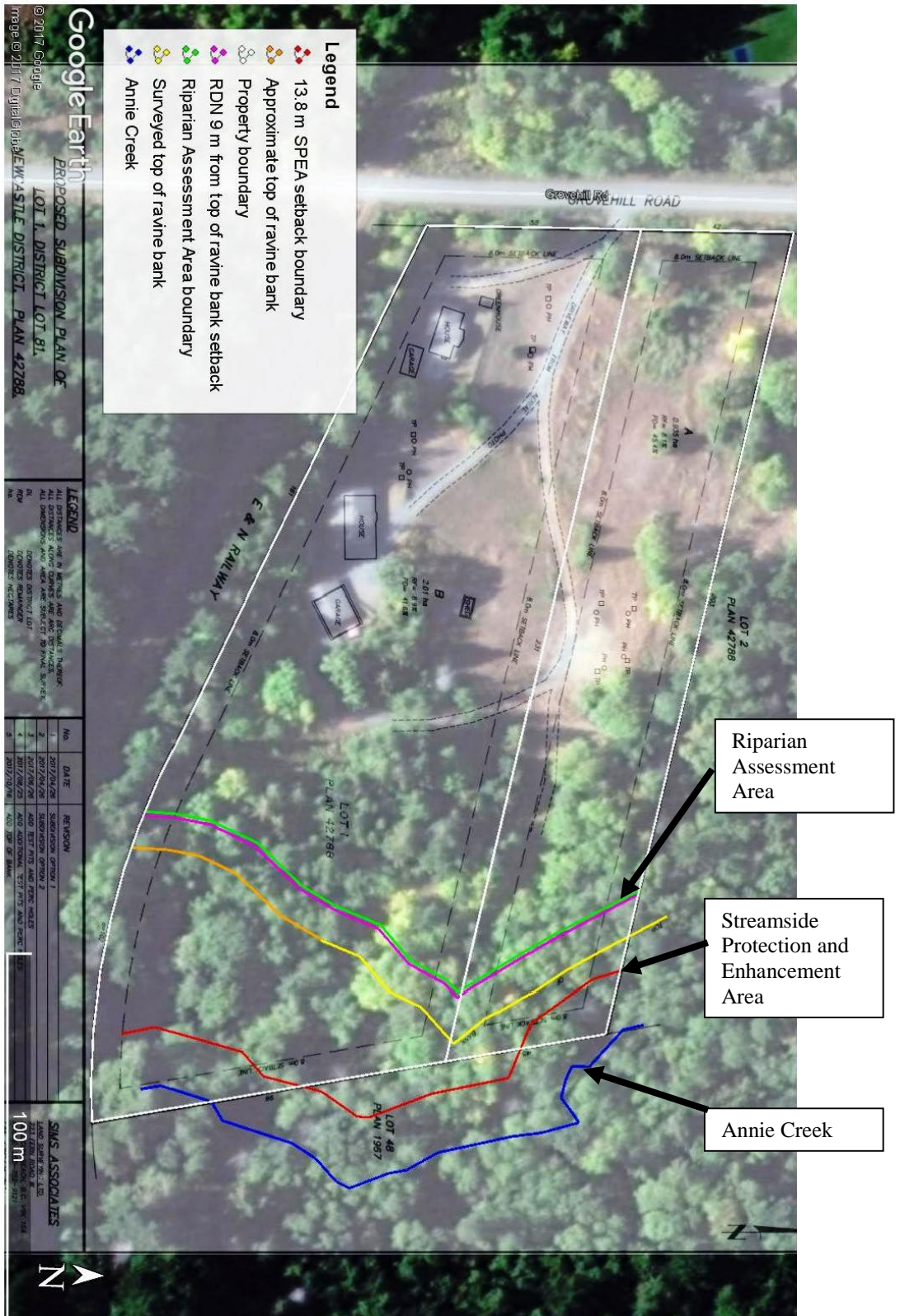
Conditions of Approval

1. Prior to the issuance of this permit, the applicant shall, at the applicant’s expense, and to the satisfaction of the RDN, register the Riparian Assessment Area report prepared by Toth and Associates Environmental Services dated November 5, 2017 as a Section 219 Covenant which includes a requirement that no development activities or clearing occur in the SPEA.
2. The site is developed in accordance with the proposed plan of subdivision prepared by Sims and Associates, dated January 10, 2017 and attached as Attachment 3.
3. Prior to the issuance of the subdivision compliance letter, one habitat protection sign shall be erected on proposed lot A and two habitat protection signs shall be erected on proposed lot B along the SPEA boundary to permanently mark the SPEA boundary using the sign standard included on Attachment 5.
4. The subject property shall be developed in accordance with the recommendations contained in the Riparian Areas Assessment prepared by Toth and Associates Environmental Services, dated November 5, 2017.
5. Concurrent with the registration of the final plan of subdivision, the applicant, at the applicant’s expense, shall register a Section 219 Covenant on the property title of proposed lot restricting agricultural uses on proposed Lot A.
6. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

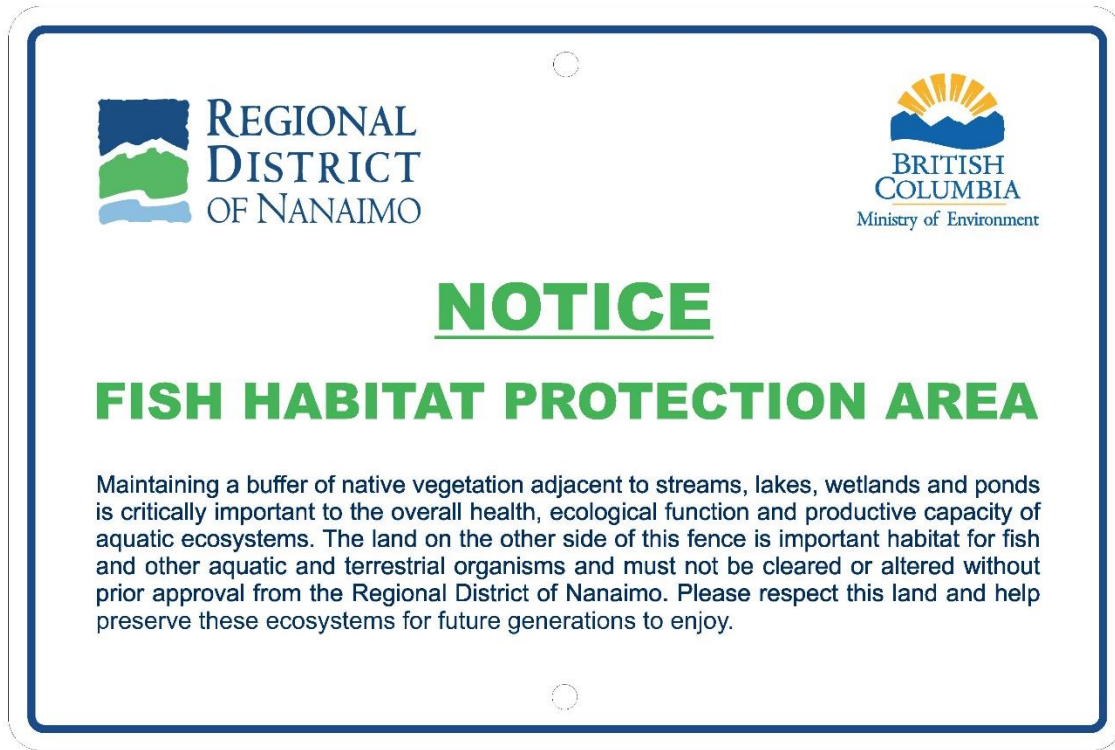
Attachment 3
Proposed Plan of Subdivision



**Attachment 4
 Riparian Assessment Map**



Attachment 5
Fish Habitat Protection Sign Standard



Aluminum or Dibond 12"x18" Radius corners
Inline border .14"
RDN logo: 2"x5.17"
Ministry of Environment logo: 2.5"x2.92"
Notice: Arial black type .90"
Fish Habitat Protection Area: Arial black type .60"
All other text: Arial bold type .27"

development. Given that the intent of the DPA guidelines have been met and no negative environmental impacts are anticipated as a result of the proposed development or frontage relaxation, staff recommends that the Board approve the proposed development permit with variance and frontage relaxation pending the outcome of public notification and subject to the conditions outlined in Attachments 2 and 3.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from JE Anderson & Associates on behalf of John Andrew Gregson for a ten lot subdivision (PL2017-043). The subject property is approximately 24.2 hectares in area and is zoned Rural 1 Zone (RU1), Subdivision District ‘D’, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (Bylaw 500). The property is accessed from Jameson Road and is bordered by other rural properties (see Attachment 1 – Subject Property Map). The property is constrained by two tributaries to McGarrigle Creek which cross the property and a steep bluff is located above one of the tributaries. The property contains a road that has been constructed to provide access the proposed lots. The proposed lots will be serviced by individual well and onsite septic disposal.

The proposed development is subject to the Fish Habitat DPA per the “Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan No. 1055, 1997.”

Proposed Development and Variance

The proposed subdivision is within the Fish Habitat DPA that applies to development within 30.0 metres of the top of bank for two tributaries to McGarrigle Creek. These watercourses fall under the Provincial Riparian Area Regulations, as such, a development permit is required for the subdivision.

The proposal will require a variance to the subdivision regulations to allow for a parcel depth greater than 40% of the perimeter of the parcel for each of Lots 5, 7 and 8. The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **Section 4.5.1 – Parcel Shape and Dimensions** to increase the permitted parcel depth for Lot 5 from 40% to 40.2% of the length of the perimeter of the parcel, Lot 7 from 40% to 40.4% of the length of the perimeter of the parcel, and Lot 8 from 40% to 43% of the perimeter of the parcel.

The applicant has requested the parcel depth variance as follows:

Proposed Lot No.	Perimeter	Maximum Parcel Depth (40%)	Proposed Parcel Depth	Proposed Parcel Depth as a % of the Parcel Perimeter
5	732.0 m	292.8 m	294.4 m	40.2
7	737.6 m	295.0 m	298.7 m	40.4
8	687.8 m	275.1 m	295.8 m	43.0

Minimum 10% Perimeter Frontage Requirement

Proposed Lots 4, 5, 6, 7, 8 and the remainder as shown on the submitted plan of subdivision do not meet the minimum 10% parcel frontage requirement pursuant to Section 512 of the *Local Government Act*. The applicant has requested approval of the RDN Board to reduce the frontage requirements as follows:

Proposed Lot No.	Perimeter	Required Frontage (m)	Proposed Frontage (m)	% of Perimeter
4	948.4 m	94.8 m	80.2 m	8.5%
5	732.0 m	73.2 m	17.2 m	2.4%
6	863.2 m	86.3 m	25.2 m	2.9%
7	737.6 m	73.8 m	40.1 m	5.4%
8	687.8 m	68.8 m	41.3 m	6.0%

Land Use Implications

The applicant’s proposal will not comply with road frontage requirements of the *Local Government Act* and the parcel depth requirement of Bylaw 500 for specific lots. The purpose of these requirements is to ensure that each lot created has sufficient access, buildable area, servicing and space for the permitted uses. “Board Policy B1.5 Development Variance Permit Applicant Evaluation” requires a demonstration of a land use justification or rationale to address why the proposal cannot comply with the regulations and how the proposal can provide for efficient land use. Further, “Board Policy B1.4 Frontage Requirements for Rural Lots” establishes criteria for reviewing frontage relaxation proposals, including site constraints, consistency with the character of surrounding properties, and ability to accommodate the permitted uses.

McGarrigle Creek crosses each of the lots and a steep bluff on proposed lots 6-8 and the remainder parcel results in significant topographical and environmental constraints. The proposal is also constrained by provincial requirements. The applicant has identified that the Ministry of Transportation and Infrastructure requirements for road design, including road intersection angles, road alignment, and lot access restrict subdivision layout options. The applicant also identified the requirement to meet Island Health Subdivision Standards for soils and septic disposal as constraining the subdivision layout. The applicant notes the ideal building sites for Lots 6, 7, and 7 are situated on the bluff, however, the soils suitable for septic disposal to standards required for subdivision are located below the bluff adjacent to Road B.

The applicant has identified that the lot configuration and associate frontage relaxation and lot depth variance requested allow the creation of developable areas exclusive of steep slopes (greater than 30%) and riparian areas. Consistent with Bylaw 500 requirements for lot topography, the applicant has considered lot access that is not greater than 20% and buildable areas that do not exceed 30%.

To address the potential for development to impact McGarrigle Creek, the applicants have proposed a Section 219 Restrictive Covenant for the proposed lots (see Attachment 2 – Terms and Conditions of Permit). Generally the covenant is intended to protect the quality of water in McGarrigle Creek, reduce

the potential for intrusion into the SPEA, and maintain groundwater flows to the creek. The covenant proposes the following conditions:

1. All activities within the Streamside Protection and Enhancement Area (SPEA) as identified by the applicant's professional biologist will be restricted, including encroachment by buildings, trails, vegetation removal, or dumping yard waste.
2. The SPEA will be marked with signage on wood posts at the intersection of property lines or every 25.0 metres to advise future owners of the environmentally sensitive area.
3. All buildings and site improvements will require a sediment and erosion control plan prepared and overseen by a professional engineer or registered professional biologist.
4. All septic disposal systems will be required to be designed and approved by a professional engineer to ensure that design and locations do not impact the watercourses.
5. Rainwater harvesting systems will be required to be designed and installed in accordance with the RDN's Rainwater Harvesting Best Practices Guidebook in order to reduce the strain on the aquifer and help maintain stream flows during dry summer months.

In accordance with Policy B1.4, the applicant must demonstrate that the subdivision is able to accommodate proposed and existing buildings by meeting all setback requirements of the applicable zoning designation. Given the significant topographical and environmental constraints, a number of the proposed parcels do not have adequate buildable areas to be able to support all of the uses allowed in the RU1 zone. In order to ensure future land uses can be supported on the proposed lots without future encroachment into the SPEA, the applicant is proposing to covenant the following:

1. On all lots, the applicant proposes to limit parcel coverage for buildings and structures to 25% of the lot area, exclusive of the SPEA.
2. On all lots, the applicant proposes to restrict Aquaculture and Silviculture as defined in Bylaw 500.
3. On Lot 6, 7, and 8, the applicant proposes floor area restrictions for buildings on the portions of the lots that are accessed from Road B.
4. Due to the steep topography on Lot 6, 7, and 8, a geotechnical engineer is to review and approve building locations.

The RDN Board Policies also intend to ensure the character of development is consistent with the surrounding residential properties, and that the impacts from future development on the lots is minimized. The proposed Section 219 Covenant is to maintain the rural residential character of the development by maintaining much of the vegetated areas on the property and restricting the scale of development on constrained lots. Further professional oversight for runoff, septic and supplemental water cisterns will also reduce the potential impacts on ground and surface water in the area.

As the applicants have provided sufficient land use justification and have made reasonable efforts to comply with Board policies B1.4 and B1.5, it is recommended that the Board approve the requested lot depth variances and frontage relaxation requests pending the outcome of public notification and subject to the terms and conditions outlined on Attachments 2 and 3.

Environmental Implications

The applicant has provided a Riparian Area Regulation: Assessment Report prepared by D.R. Clough Consulting, dated March 28, 2017 to address the Fish Habitat DPA. The report identifies a SPEA of 30.0 metres, excluding a slightly reduced width in one location to account for an existing dwelling at the time of the assessment. The Fish Habitat DPA guidelines for subdivision encourage minimum parcel sizes to be met exclusive of the SPEA and that subdivision within the SPEA should be avoided. The intent of these guidelines would be to ensure that future property owners have sufficient liveable space for the rural residential uses permitted, without compromising or fragmenting the environmental features the SPEA protects.

Similar to the intent of RDN Board Policies, the Fish Habitat DPA seeks to ensure that new lots have sufficient space for the permitted uses to ensure that future property owners will not need to encroach into the SPEA in the future. The applicants have made efforts to reduce permitted floor area of buildings on constrained lots and have covenanted the SPEA to reduce pressure in the future to extend development footprint and yard spaces into the SPEA. The proposal also addresses other potential threats to the SPEA, including effluent from septic fields, runoff from site development, and impacts from groundwater extraction.

Intergovernmental Implications

The Ministry of Transportation and Infrastructure reviewed the subdivision application and has issued Preliminary Layout Approval (PLA). The Terms and Conditions of Approval for this Development Permit with Variance reflect that the proposed Section 219 Covenant will be registered concurrently with the final plan of subdivision.

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 Permit with Variance No. PL2018-020, and the request for the relaxation of the minimum 10% frontage requirement, subject to the terms and conditions outlined in Attachments 2 and 3.
2. To deny Development Permit with Variance No. PL2018-020 and the request for relaxation of the minimum 10% perimeter frontage requirement.

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 in relation to the 2016 – 2020 Board Strategic Plan, and note that the proposal will be in keeping with the Strategic Priority of Focus on the Environment by mitigating the impact of development on environmentally sensitive features.



Stephen Boogaards
sboogaards@rdn.bc.ca
January 26, 2018

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 Permit with Variance No. PL2018-020:

Bylaw No. 500, 1987 Variances

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

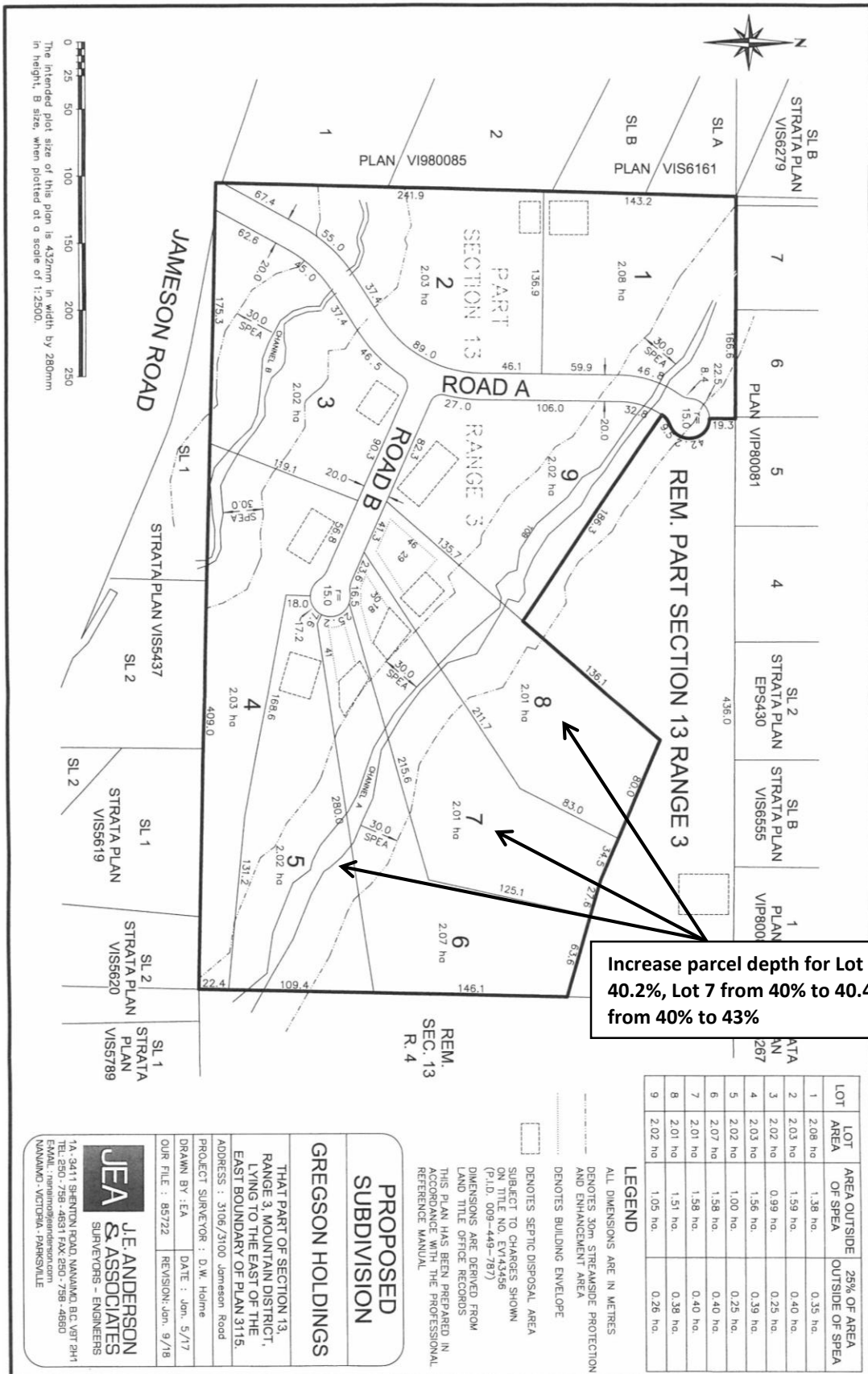
Section 4.5.1 – Parcel Shape and Dimensions to increase the permitted parcel depth for Lot 5 from 40% to 40.2% of the length of the perimeter of the parcel, Lot 7 from 40% to 40.4% of the length of the perimeter of the parcel, and Lot 8 from 40% to 43% of the perimeter of the parcel.

Conditions of Approval

1. The subdivision of Lands shall be in substantial compliance with the Plan of Subdivision prepared by JE Anderson & Associates dated January 19, 2018 and attached as Attachment 3.
2. The subject property shall be developed in accordance with the recommendations contained in the Riparian Areas Regulation: Assessment Report prepared by D.R. Clough Consulting dated March 28, 2017.
3. The applicant, at the applicant’s expense and to the satisfaction of the RDN shall register the following Section 219 Covenants concurrently with the final plan of subdivision:
 - a. On all properties with the Riparian Areas Regulation: Assessment Report prepared by D.R. Clough Consulting dated March 28, 2017 and D.R. Clough letter to property owners. The Covenant will restrict all activities and encroachment into the SPEA, including buildings, trails, vegetation removal, or dumping waste.
 - b. On all properties to require an erosion and sediment control plan prepared and overseen by a professional engineer or registered biologist for all building and site improvements.
 - c. On all properties requiring all septic disposal systems to be approved by a professional engineer. The engineer shall consider design components and installation locations that do not impact watercourses.
 - d. On all properties requirement to install sustainable rainwater capture and storage facilities for the purpose of storing potable water and irrigation that will supplement the well water, consistent with the RDN Rainwater Harvesting Best Practices Guidebook as a minimum standard.
 - e. On Lot 1, 2, 3, 4, 5, 6, 7, 8 and 9 to limit parcel coverage as defined in Bylaw 500 to 25% of the parcel area exclusive of the SPEA. The Covenant will also restrict aquaculture and silviculture as defined in Bylaw 500.
 - f. On Lots 5, 6, 7, and 8 to restrict the housing of livestock.
 - g. On Lot 6 limiting maximum building floor area, including accessory buildings, to 310 m² for the portion of the lot accessed from Road B.
 - h. On Lot 7 limiting maximum building floor area, including accessory buildings, to 232 m² for the portion of the lot accessed from Road B.

- i. On Lot 8 limiting residential building floor area to 334 m² for the portion of the lot accessed from Road B. The maximum accessory building floor area for the portion of the lot access from Road B is 49 m².
 - j. On Lots 6, 7, and 8 requiring a geotechnical engineer to review and approve building locations.
4. The applicant shall install signage along the SPEA boundary identify the area as protected, consistent with signage standards for the RDN and Province of BC. The applicant will install signage at the intersection of each property line to the SPEA, as well as every 25.0 metres along the SPEA.
5. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Attachment 3
Proposed Site Plan and Variances



landscaping were previously approved under DP60611. As the applicant is proposing to change the design and height of the building and landscaping from that previously approved, a new development permit with variances is required.

A significant volume of fill has been placed on the subject property by a previous owner prior to the issuance of DP9809 to level the property. The placement of fill did not require approval from the RDN at that time. The fill placement was previously reviewed by a geotechnical engineer, and the geotechnical engineer's report is registered on title as Section 219 covenant EN080963. This covenant was registered as a condition of Zoning Amendment Bylaw 500.244, which rezoned the subject property from Residential 2 (RS2) to Industrial 1 (IN1). The applicant has confirmed that the development of the property has been conducted in accordance with the covenant and is proposing to update the covenant by replacing the geotechnical report registered on title with a more recent geotechnical review which better reflects current British Columbia Building Code (BCBC) requirements (see Attachment 2 – Terms and Conditions of Permit).

Prior to the previous placement of fill, the subject property contained an unnamed watercourse/natural drainage that ran in a north-south direction approximately through the centre of the property and drained towards a natural drainage on the adjacent property to the south. Approval under Section 9 of the *Water Act* was obtained by a previous owner to redirect the watercourse into a 900 mm concrete culvert. The culvert was installed to the satisfaction of the Province and discharges towards a natural drainage area located to the south of the subject property.

Access to the culvert for maintenance and repair was not addressed at the time the culvert was installed. The applicant is proposing to register an easement over the subject property in favour of the adjacent parcel (Lot 1, Section 11, Range 7, Cranberry District, Plan 21264) to protect the adjacent property's interest in conveying drainage through the culvert (see Attachment 2 – Terms and Conditions of Permit).

The proposed development is subject to the South Wellington Industrial Commercial Development Permit Area (SWDPA) per "Regional District of Nanaimo Electoral Area 'A Official Community Plan Bylaw No. 1620, 2011".

Proposed Development and Variances

The proposed development includes the construction of an industrial building with a floor area of approximately 924 m² intended to be used for heavy equipment display on the south west side of the subject property. The proposed site plans, building elevations, signage plans, and landscaping plans are included on Attachments 3 to 8. The proposed development is consistent with the South Wellington Development Permit Area (SWDPA) guidelines with regard to groundwater protection, general design, parking and loading, landscaping and screening, site illumination and signage, and pedestrian and cyclist considerations.

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

1. **Section 3.4.31 – Maximum Number and Size of Buildings and Structures** to increase the maximum building height from 8.0 m to 14.8 m for a proposed industrial building as shown on Attachment 3.

2. **Section 3.4.31 – Minimum Setback Requirements** to reduce the setback from Other lot lines from 5.0 m to 1.0 m to permit the placement of a freestanding sign as shown on Attachment 3.
3. **Schedule 3F – Landscaping Regulations** to vary the applicable bylaw buffer and screening requirements to allow landscaping that is consistent with the DPA guidelines as shown on Attachment 8.

The applicant is also proposing a comprehensive approach to signage on the subject property. In order to accommodate the proposed signage, the applicant is requesting variances to the following regulations from the “Regional District of Nanaimo Sign Bylaw 993, 1995” as shown on Attachment 3:

1. **Section 5(a)** – to increase the maximum number of signs that may be placed or maintained on a parcel from two to four.
2. **Section 5(c)** – to increase the maximum sign surface area from 11.0 m² to 14.9 m² for a proposed fascia sign on the existing building.
3. **Section 5(c)** – to increase the maximum sign width from 4.0 m to 9.8 m for a proposed fascia sign on the existing building.
4. **Section 5(c)** – to increase the maximum sign surface area from 11.0 m² to 18.6 m² for a proposed freestanding sign.
5. **Section 5(c)** – to increase the maximum sign height from 4.0 m to 5.5 m for a proposed freestanding sign.
6. **Section 5(c)** – to increase the maximum sign width from 4.0 m to 11.0 m for a proposed Fascia Sign on the proposed building.

A variance is being requested to increase the maximum building height from 8.0 metres to 14.8 metres for the proposed industrial building. The requested variance is primarily due to the previous placement of approximately 5 m of fill on the property, while height is measured from natural grade. The property is also sloping, and if the proposed building were constructed on a level lot, it would be approximately 9.6 metres in height. The proposed use of the building requires overhead equipment (bridge crane) and adequate overhead clearances to accommodate large equipment and to perform repairs.

The applicant has minimized the requested height variance by incorporating a low-pitched roof design which results in a building that is consistent with the context of surrounding buildings. The applicant is also proposing the use of full cutoff LED lighting on the proposed building to minimize light pollution (see Attachment 6 – Building Elevations).

A variance to Schedule 3F is proposed to vary the landscaping requirements as necessary to allow the proposed landscaping. As a designated highway in Schedule ‘3F’, a combination of a 5.0 m buffer and a 2.0 metre screen are required. As the proposed landscaping plan has changed, the proposed variance would supersede the landscaping variance previously approved by DP60611.

A number of variances to the sign bylaw are being proposed to accommodate a comprehensive approach to signage on the subject property to address signage for both the existing and proposed building (see Attachment 7). The proposed signage variances would allow three fascia signs and one freestanding sign. The proposed variances are similar to the variances approved by DP60611 with

respect to sign surface area, siting, and height for the proposed consolidated freestanding sign. The intent of the freestanding sign is to relocate and redesign the previously approved but unconstructed sign to a more central location on the subject property. If approved the requested variance would supersede the previous approval.

The variance to sign surface area for the fascia sign proposed to be erected on the existing building is supported by the scale of the proposed sign in relation to the building it would be located on. The proposed fascia sign would occupy less than 10 % of the wall area.

The proposal would allow two fascia signs to be erected on the proposed building. The applicant indicates that two signs are required on this building as the building user has multiple product lines which form part of their business. The proposed variances would result in signage that is generally considered to be appropriate given the industrial multi-tenant nature of the proposed development and the context of the surrounding uses. The size, location and design of the proposed signs is architecturally integrated with the overall design of the buildings and illumination is minimized through the use of halo lit channel letters, auto dimming functions, and control timers that turn the signage off between the hours of 10:00 pm and 6:00 am (see Attachment 7 – Proposed Signage).

Board Policy B1.5 “Development Variance Permit, Development Permit with Variance & Floodplain Application Evaluation” 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. The proposed development and proposed variances are consistent with the South Wellington DPA guidelines. Given that the applicant has provided sufficient rationale and the variance will not result in negative implications for adjacent properties, the applicant have made reasonable efforts to address Board Policy B1.5.

Environmental Implications

To address the DPA guidelines related to protection of the natural environment, the applicant has submitted the following reports prepared by Toth and Associates Environmental Services:

- Assessment of the proposed culvert dated November 21, 2016 - indicates that the drainage contained in the concrete underground culvert would not be classified as a watercourse under the *Water Sustainability Act* or the Riparian Areas Regulation.
- A review of surface drainage features on 2160 and 2180 Schoolhouse Road - concludes that the 2130 and 2140 School House Road (subject property) drains into a poorly defined ditch which leads into a man-made retention pond which does not provide fish habitat and is not considered a “stream” under the Riparian Areas Regulation.
- A report of temporary sediment and erosion control measures on 2140 Schoolhouse Road dated October 30, 2017 addresses the recent placement of fill which has occurred without the required DP.

Given that the proposed development has been assessed by a Registered Professional Biologist and Engineer, and protective measures are being proposed, negative environmental impacts are not anticipated.

Intergovernmental Implications

With respect to fire protection, DP60611 required the installation of a 10,000 gallon water tank and fire truck pad. The applicant indicates that a tank with a lesser unconfirmed volume has been installed by the previous owner and the fire truck pad has not been constructed. As the proposed building is a Part 3 Building under the British Columbia Building Code, a fire flow calculation is required by a qualified engineer as part of the building permit review process. This would result in onsite firefighting provisions being assessed and installed as part of the building permit process.

The application was referred to the RDN Fire Services Coordinator and the South Wellington Volunteer Fire Department. The Fire Chief indicated that fire truck access is important as well as access to the water storage tank and hookup. In response to these comments, and as a number of variances are being requested, the recommendation is that the applicant be required to provide legal access for use by the fire department to be able to access the water storage facilities and other fire protection equipment as recommended by the engineer. To ensure that the fire protection equipment is maintained in good working order, it is recommended that the applicant be required to enter into an agreement to be registered on title with the Fire Department regarding the use of appropriate fittings and maintenance requirements. The recommendation is that these requirements be completed to the satisfaction of the RDN and Fire Department prior to final inspection of the proposed industrial building (see Attachment 2 – Conditions of Approval).

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 Permit with Variance No. PL2017-150 subject to the terms and conditions outlined in Attachments 2 to 8.
2. To deny Development Permit with Variance No. PL2017-150.

FINANCIAL IMPLICATIONS

The proposed development has no implications related to the Board 2017 – 2021 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The Plan’s “Focus on the Environment” states that the Board will focus on protecting and enhancing the environment in all decisions. The DPA guideline requirement for a biological assessment and rain water management plan helps ensure that site-specific environmentally sensitive features are identified and that the impacts of development on the environment are identified and mitigated.



Greg Keller
gkeller@rdn.bc.ca
January 16, 2018

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. Preliminary Servicing and Grading Plan
5. Sediment and Erosion Control Plan
6. Building Elevations and Plans
7. Proposed Signage Plan
8. Proposed Landscaping Plan

Attachment 2 Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit with Variance No. PL2017-150:

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 3.4.31 – Maximum Number and Size of Buildings and Structures** to increase the maximum building height from 8.0 metres to 14.8 metres for a proposed industrial building as shown on Attachment 3.
2. **Section 3.4.31 – Minimum Setback Requirements** to reduce the setback from other lot lines from 5.0 metres to 1.0 metre to permit the placement of a freestanding sign as shown on Attachment 3.
3. **Schedule 3F – Landscaping Regulations** to vary the applicable bylaw buffer and screening requirements to allow landscaping that is consistent with the DPA guidelines as shown on Attachment 8.

Bylaw No. 993, 1995 Variances:

With respect to the lands, “Regional District of Nanaimo Sign Bylaw No. 993, 1995” is varied as follows:

1. **Section 5(a)** – to increase the maximum number of signs that may be placed or maintained on a parcel from two to four.
2. **Section 5(c)** – to increase the maximum sign surface area from 11.0 m² to 14.9 m² for a proposed fascia sign on the existing building.
3. **Section 5(c)** – to increase the maximum sign width from 4.0 m to 9.8 m for a proposed fascia sign on the existing building.
4. **Section 5(c)** – to increase the maximum sign surface area from 11 m² to 18.6 m² for a proposed freestanding sign.
5. **Section 5(c)** – to increase the maximum sign height from 4.0 m to 5.5 m for a proposed freestanding sign.
6. **Section 5(c)** – to increase the maximum sign width from 4.0 m to 11.0 m for a proposed Fascia Sign on the proposed building.

Conditions of Approval

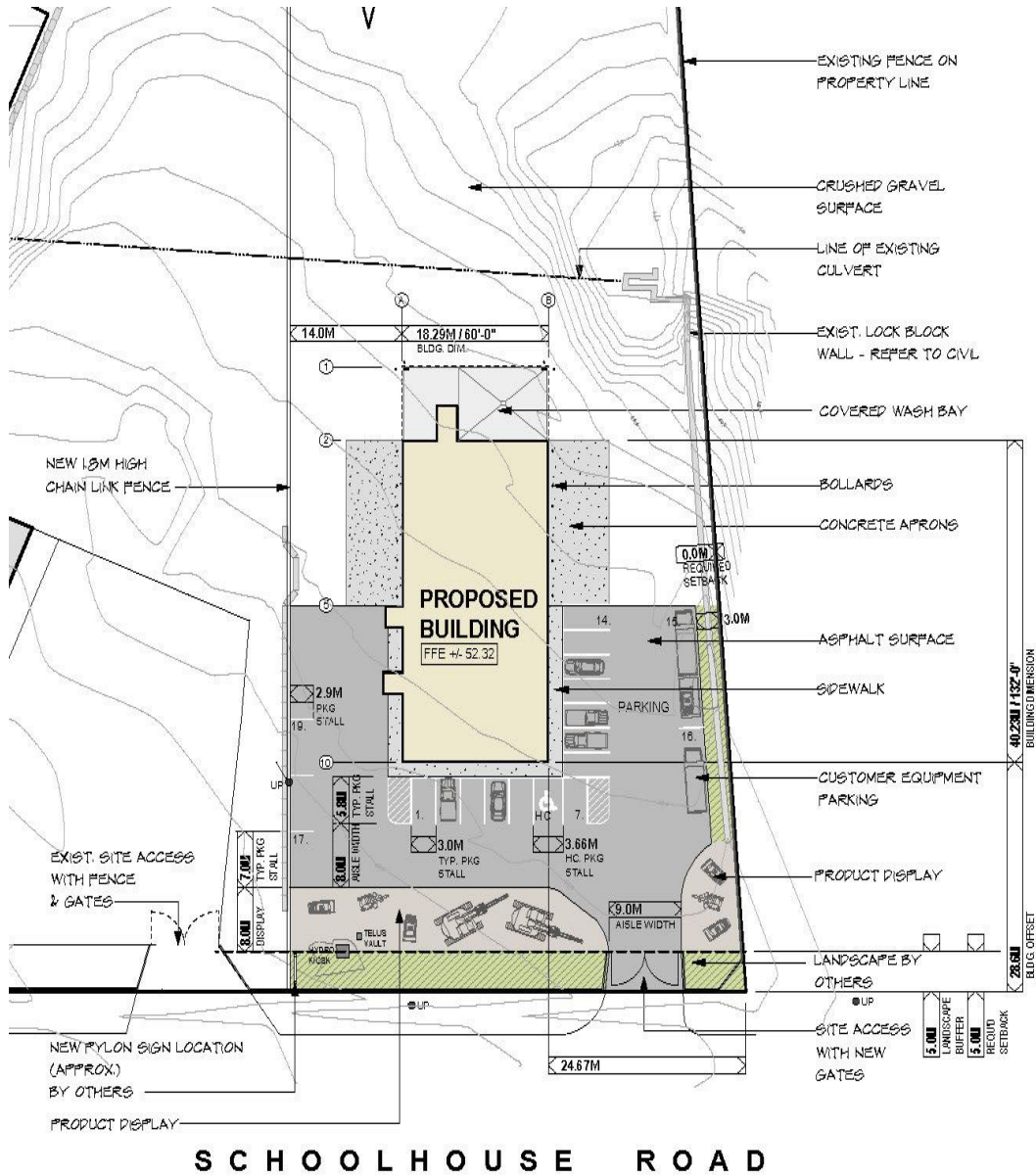
1. The issuance of this Permit shall be withheld until the applicant completes the following:
 - a. The applicant, at the applicant’s expense and to the satisfaction of the Regional District of Nanaimo, amends covenant EN080963 by replacing the Geotechnical Assessment prepared by Evans Professional Engineering Services Ltd. dated April 8, 1999 appended to the covenant as Schedule A with the Geotechnical Covenant Review and Discussions Report prepared by Lewkowich Engineering Associates Ltd. dated December 7, 2017.

- b. The applicant, at the applicant's expense registers an easement in favour of Lot 1, Section 11, Range 7, Cranberry District, Plan 21264 to protect the adjacent property's interest in conveying drainage through the culvert.
2. The site is developed generally in accordance with the site plan prepared by Delinea Design Consultants Ltd., dated December 18, 2017 and attached as Attachment 3.
3. The proposed development is in general compliance with the Preliminary Servicing and Grading Plan prepared by Newcastle Engineering Ltd., dated December 7, 2017 and attached as Attachment 4.
4. The proposed development is in general compliance with the Sediment and Erosion Control Plan prepared by Newcastle Engineering Ltd., dated December 7, 2017 and attached as Attachment 5.
5. The proposed development is in general compliance with the Stormwater Management Report prepared by Newcastle Engineering Ltd., dated October 6, 2017.
6. The proposed development is in general compliance with the plans and elevations prepared by Delinea Design Consultants Ltd., dated December 18, 2017 and attached as Attachment 6.
7. The proposed development is in general compliance with the signage plans and elevations attached as Attachment 7.
8. The proposed landscaping shall be provided and maintained in accordance with the Landscaping Plan prepared by Insignia Landscapes Design and Consulting, dated November 21, 2017 and attached as Attachment 8.
9. The applicant shall provide a landscaping security in the amount of \$20,650.35.
10. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.
11. The property owner shall obtain a water license in accordance with the *Water Sustainability Act*.

Conditions Prior to Final Inspection

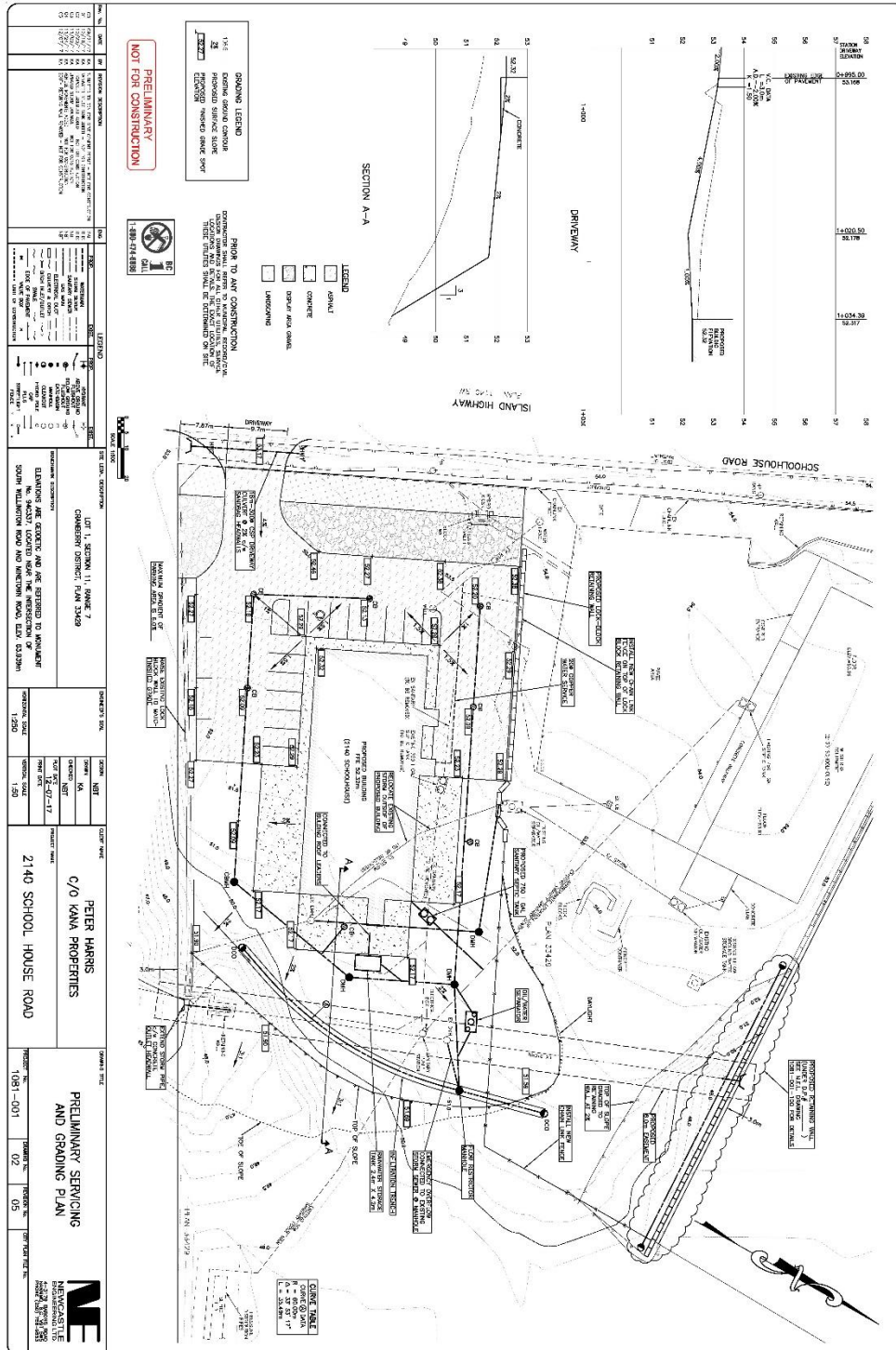
1. The following are to be completed to the satisfaction of the General Manager of Strategic and Community Development prior to final building permit inspection:
 - a. Written confirmation from a qualified engineer that all recommended fire protection equipment has been installed, as determined through the completion of a fire flow calculation, including all fittings necessary to facilitate connection of a firetruck and/or pumper truck for the purpose of fire protection to the satisfaction of the RDN and local Fire Chief.
 - b. Registration of a section 219 covenant and statutory right-of-way to provide access to, and use of the water tank(s) and other required firefighting equipment (as recommended by the qualified engineer) including an obligation to maintain such equipment in good working order to the satisfaction of the Fire Chief. No covenant shall be required if onsite water storage or other equipment is not recommended by the qualified engineer.

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



PROJECT DATA:	
LEGAL DESCRIPTION:	LOT 1, SECTION 11, RANGE 7, CRANBERRY DISTRICT, VIP 33429 PID000237817, RDN ID 1271
LAND USE:	LIGHT INDUSTRY
OCP LANDUSE:	ELECTORAL AREA A SOUTH WELLINGTON LIGHT INDUSTRIAL & COMMERCIAL
ZONING:	IN1 - INDUSTRIAL
SITE AREA:	+/- 20,627 SQ.M.
LOT COVERAGE: (MAX 60%)	8.0%
HEIGHT (MAX 8M):	
FLOOR AREAS:	
EXISTING BUILDING:	+/- 901 SQ.M.
PROPOSED BUILDING:	
MAIN FLOOR:	8,193 SQ.FT. / 761.15 SQ.M.
UPPER FLOOR:	1,758 SQ.FT. / 163.32 SQ.M.
TOTAL:	9,951 SQ.FT. / 924.47 SQ.M.
PARKING: (PROPOSED BUILDING)	
REQUIRED:	1/50 SQ.M. 19
PROVIDED:	19

**Attachment 4 (page 1 of 2)
 Preliminary Servicing and Grading Plan**



Attachment 5

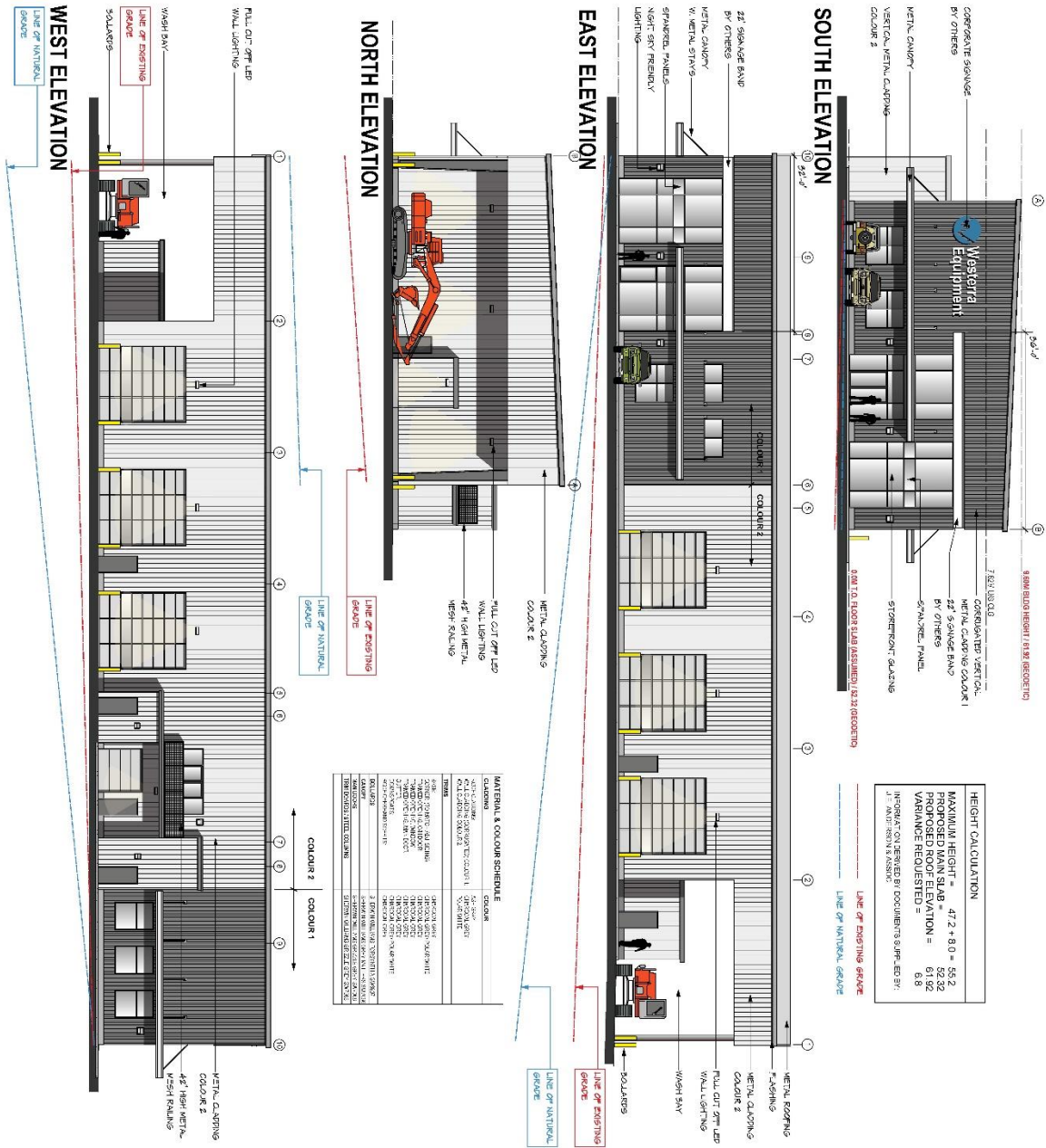
Sediment and Erosion Control Plan

Excerpt from site plan, and sediment and erosion control plan dated December 7, 2017

EROSION and SEDIMENT CONTROL:

1. EROSION AND SEDIMENT CONTROL FOR THIS PROJECT WILL BE AS OUTLINED IN THE FISHERIES AND OCEANS CANADA AND MINISTRY OF WATER, LANDS AND AIR PROTECTION HANDBOOK ENTITLED "LAND DEVELOPMENT GUIDELINES FOR THE PROTECTION OF AQUATIC HABITAT, MAY 1992" AND "BEST MANAGEMENT PRACTICES FOR URBAN AND RURAL LAND DEVELOPMENT IN BRITISH COLUMBIA, JUNE 2004" AND "EROSION & SEDIMENT CONTROL GUIDELINE" BY THE CITY OF NANAIMO. IT IS INCUMBENT UPON THE CONTRACTOR TO ACQUIRE THESE GUIDELINES AND FAMILIARIZE HIMSELF WITH THE REQUIREMENTS THEREIN.
2. THE CONSULTANT ASSUMES NO RESPONSIBILITY FOR DAMAGES RESULTING FROM IMPROPER EROSION AND SEDIMENT CONTROL MEASURES UNDERTAKEN BY THE CONTRACTOR.
3. ANY DIRECTION GIVEN BY THE ENGINEER TO THE CONTRACTOR FOR EROSION AND SEDIMENT CONTROL NOT FOLLOWED BY THE CONTRACTOR WILL BE REPORTED TO THE REGIONAL DISTRICT OF NANAIMO
4. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE THAT NO MUD, DIRT, SOIL, SILT OR ANY OTHER SUBSTANCES ARE SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY, OR AREAS THAT LEAD TO CATCH BASINS CONNECTED TO PUBLIC SYSTEMS. THE CONTRACTOR IS TO CLEAN ANY SUCH MATERIAL IMMEDIATELY. STREETS ARE TO BE SWEEPED WITH A VACUUM STREET SWEEPER AFTER WORK STOPPAGE EACH DAY.
5. PRIOR TO CONSTRUCTION, INSTALL A TEMPORARY GRAVEL CONSTRUCTION ENTRANCE/EXIT TO LIMIT TRACKING OF SITE SOILS ONTO OFF-SITE ROADWAYS. THE WIDTH OF THE PAD SHOULD NOT BE LESS THAN THE FULL WIDTH OF POINT OF INGRESS OF EGRESS AND IN ANY CASE SHOULD NOT BE LESS THAN 6m WIDE WITH A LENGTH OF NOT LESS THAN 20m. GRAVEL PAD SHALL HAVE A MINIMUM THICKNESS OF 200mm OF COARSE GRANULAR MATERIAL. 75mm SHOT ROCK OR FRACTURED DRAIN ROCK UNDERLAIN WITH GEOTEXTILE FABRIC IS RECOMMENDED.
6. SITE ENTRANCE IS TO BE MAINTAINED AT ALL TIMES DURING CONSTRUCTION. MAINTENANCE MAY INCLUDE THE PLACEMENT OF ADDITIONAL TOP DRESSING MATERIAL AS CONDITIONS DEMAND. A WHEEL WASH SHOULD BE INSTALLED IF REQUIRED. THE TEMPORARY SITE ACCESS PAD MAY BE REMOVED DURING PREPARATION FOR PAVING.
7. PRIOR TO CONSTRUCTION, AREAS OF NO DISTURBANCE AND/OR VEGETATION TO BE RETAINED SHALL BE FENCED OFF AND/OR FLAGGED FOR PROTECTION. THESE MEASURES ARE TO REMAIN IN PLACE THROUGHOUT THE CONSTRUCTION PERIOD.
8. CLEARING AND GRUBBING OF THE SITE SHALL BE COMPLETED IN STAGES IF POSSIBLE TO LIMIT THE DISTURBANCE AND POSSIBLE EROSION TO THE SITE.
9. CONTRACTOR IS TO GRADE THE SITE AND INSTALL DRAINAGE CONTROL MEASURES TO DIRECT SURFACE RUN-OFF TO ON-SITE SEDIMENT CONTROL PONDS FOR DISPERSAL AND INFILTRATION.
10. IF GRADED AREAS WITHIN THE PROJECT WILL NOT BE COMPLETED OUTSIDE OF THE WET SEASON (OCTOBER – APRIL), REVEGETATION OPERATIONS SHOULD BE CARRIED OUT WITHIN ONE WEEK OF GRADING COMPLETION OF NO LATER THAN SEPTEMBER 15th.
11. SILT FENCING IS TO BE INSTALLED AROUND ALL STOCK/SPOIL PILES, OR PILES ARE TO BE OTHERWISE PROTECTED TO LIMIT EROSION AND SEDIMENT GENERATION.
12. INSTALL SETTLEMENT PONDS EQUIPPED WITH EMERGENCY OVERFLOW, FOR RETENTION/INFILTRATION TREATMENT OF RUNOFF COLLECTED BY INTERCEPTOR SWALES AND/OR SILT BARRIERS. THE SETTLEMENT PONDS ARE TO HAVE A MINIMUM VOLUME TO CONTAIN FLOWS FROM A 10 YEAR RETURN PERIOD, 24 HOUR RAINFALL EVENT. THE PONDS SHOULD BE USED AND MAINTAINED THROUGHOUT THE DURATION OF THE CONSTRUCTION PERIOD.
13. THE CONTRACTOR IS TO CARRY OUT ROUTINE INSPECTIONS AND MAINTENANCE OF ALL EROSION AND SEDIMENT CONTROL SYSTEM COMPONENTS ON-SITE. AT A MINIMUM, THE CONTRACTOR SHALL INSPECT ALL BMP'S WEEKLY AND PROVIDE A REPORT TO THE CONSULTANT FOR REVIEW.
14. DURING AND/OR FOLLOWING EACH SIGNIFICANT STORM EVENT, THE CONTRACTOR SHOULD OBSERVE THE SETTLEMENT PONDS AND DOWNSTREAM STORM DRAINS TO CONFIRM THAT TURBID WATERS FROM SOURCES ASSOCIATED WITH CONSTRUCTION ARE NOT ENTERING THE STORM DRAINAGE SYSTEM. THE CONTRACTOR SHALL RECORD INSPECTION DATES c/w ANY SIGNIFICANT OBSERVATIONS AND ACTIONS TAKEN, AND THEN INFORM THE CONSULTANT AND REGIONAL DISTRICT OF NANAIMO.

Attachment 6 (Page 1 of 3)
 Building Elevations

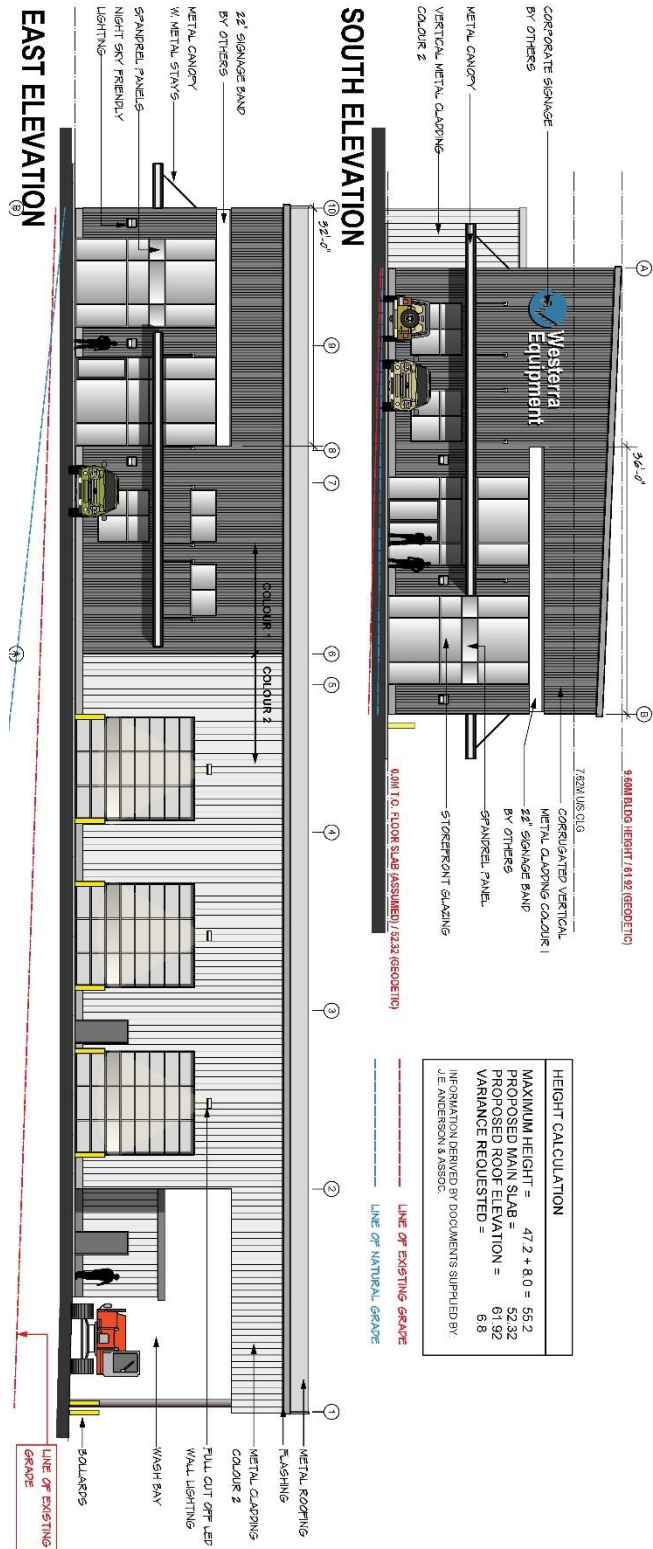


proposed building for:
2130 SCHOOLHOUSE ROAD
 nanaimo, b.c.

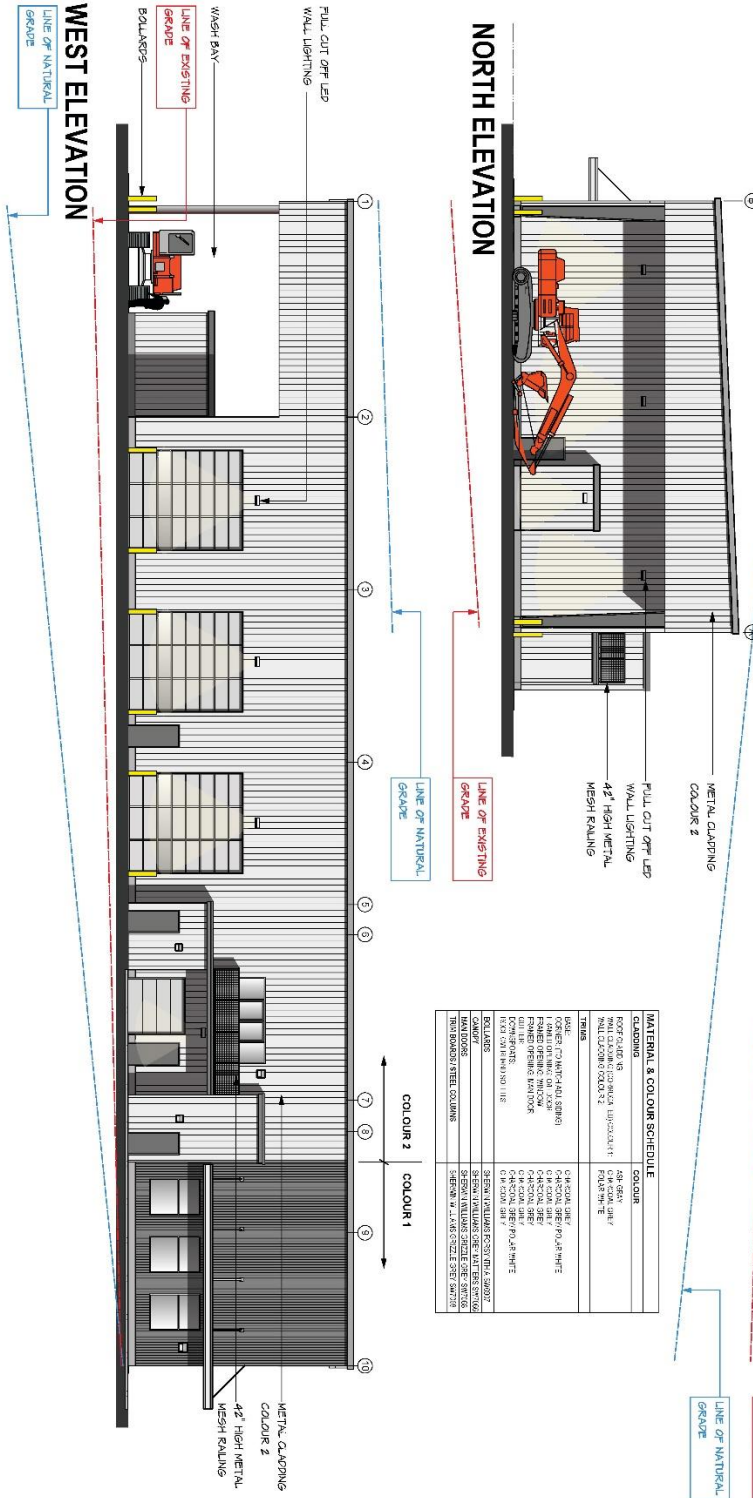


PR3

Attachment 6 (Page 2 of 3)
Building Elevations



Attachment 6 (Page 3 of 3)
 Building Elevations



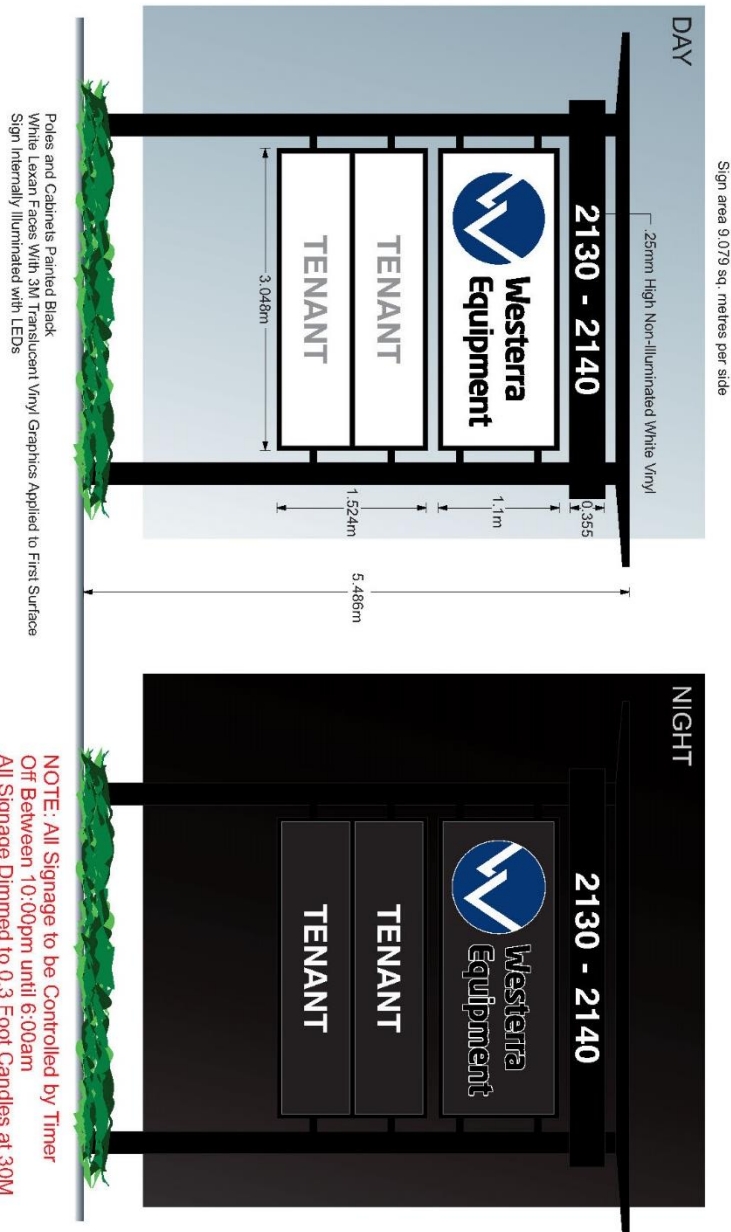
Attachment 7 (Page 1 of 4)
Proposed Signage – Sign 1 Fascia Sign on Existing Building



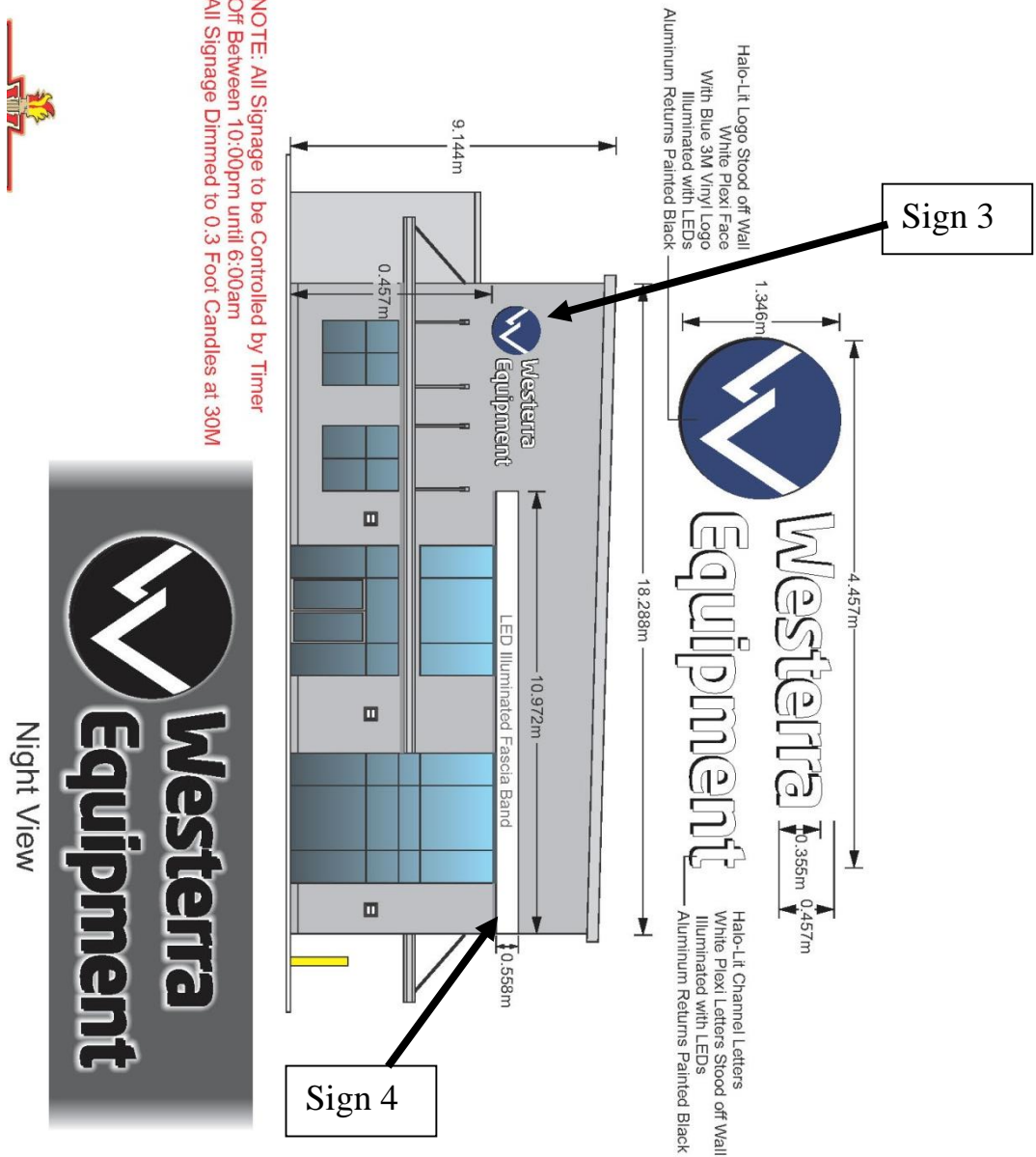
**NOTE: All Signage to be Controlled by Timer
Off Between 10:00pm until 6:00am
All Signage Dimmed to 0.3 Foot Candles at 30M**



Attachment 7 (Page 2 of 4)
Proposed Signage – Sign 2 New Freestanding Sign

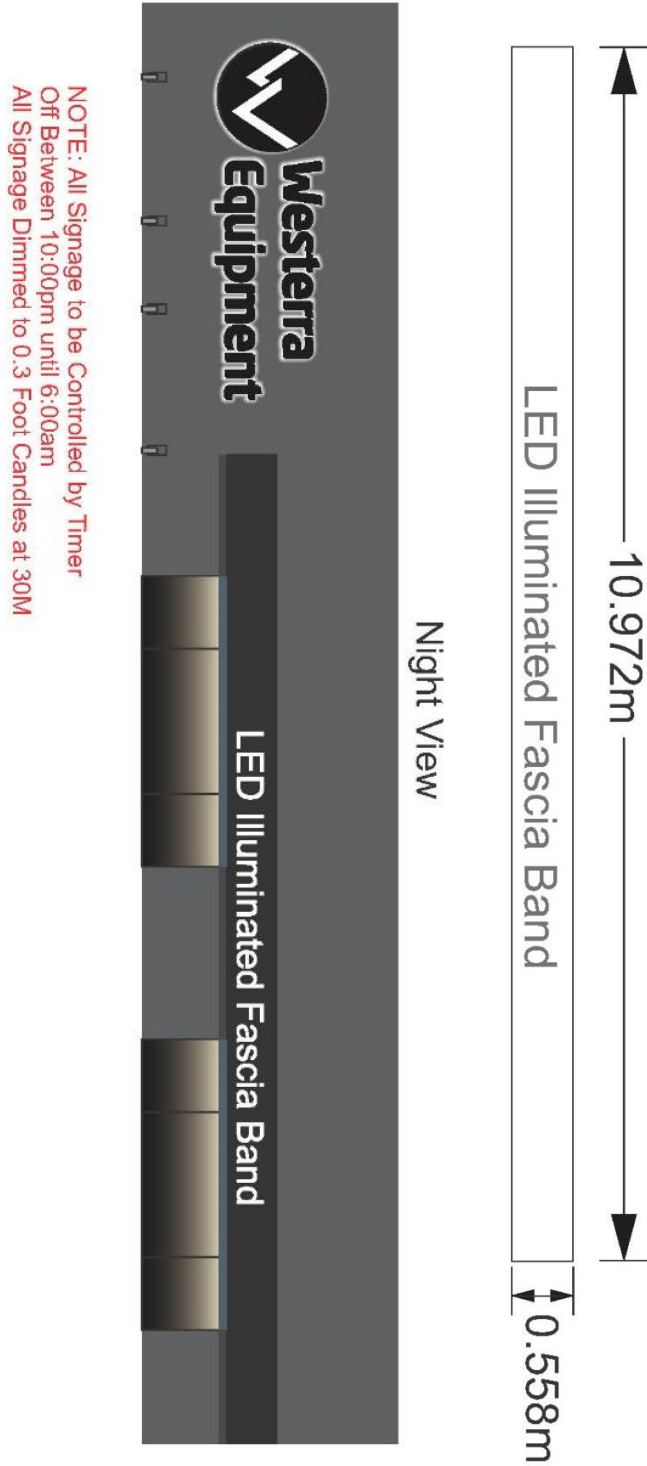


Attachment 7 (Page 3 of 4)
Proposed Signage – Sign 3 New Fascia Sign



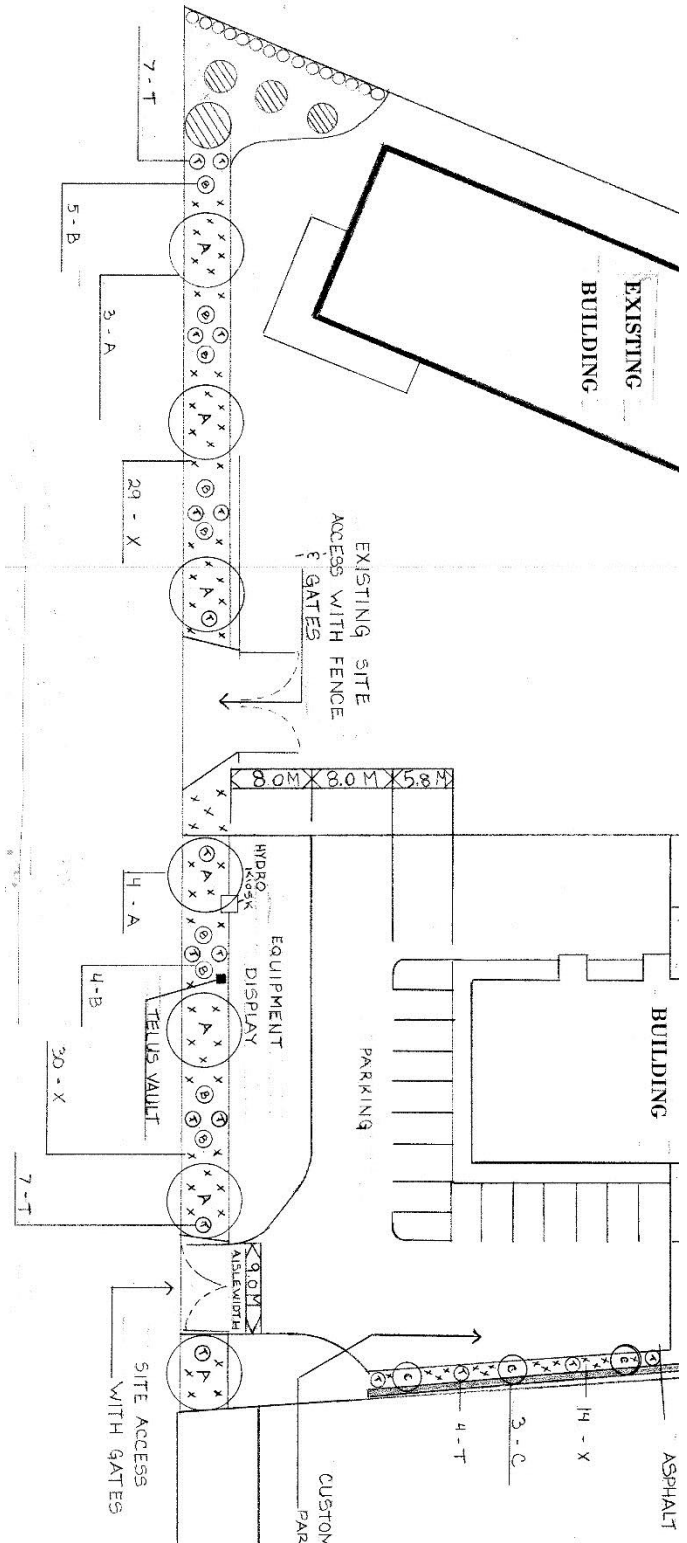
Attachment 7 (Page 4 of 4)

Proposed Signage – Sign 4 New Fascia Sign to be located on South Side of Proposed Building



Attachment 8 (Page 2 of 2)
Landscaping Plan

ALL PLANTS AND PLANTING AND MAINTENANCE INCLUDING
 GROWING MEDIUM SPECIFICATIONS TO BE BCSLA/BCNTA
 LANDSCAPE STANDARDS LATEST EDITION
 ALL LANDSCAPED AREAS TO BE IRRIGATED
 ALL PLANTED AREAS TO BE MULCHED
 FOR GRADES REFER TO ARCHITECTURAL DRAWINGS
 CONSTRUCTION ACCORDING TO RDN BYLAW



PLANT LIST	KEY	QTY	BOTANICAL NAME	COMMON NAME	POT SIZE
	A	7	Acer rubrum 'Red Sunset'	Red Maple	6 CM Cal
	C	3	Carpinus betulus 'Frans Fontaine'	European Hornbeam	6 CM Cal
	B	9	Berberis thunbergii 'Atropurpurea'	Japanese Barberry	#5
	T	18	Chamaecyparis pisifera 'Aurea Sungold'	Threadleaf Falsecypress	#2
	X	73	Lavandula 'Hidcote'	Lavender	#1

relaxation pending the outcome of the public notification subject to the conditions outlined in Attachments 2 and 3.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from JE Anderson & Associates on behalf of Western Canadian Timber Products Ltd. Inc. No. BC0040248 to permit selective logging and a request to relax the minimum 10% perimeter frontage requirement in conjunction with a fifteen lot subdivision. The proposal also includes a request to relax the minimum parcel depth requirements for proposed lots 1 and 2. The proposal further addresses logging which has occurred previously on the property without a DP.

The subject properties have a combined area of approximately 37.59 hectares and are zoned Agriculture 1 Zone (AG1), Subdivision District 'D', pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". Proposed lots 5 and 15 are located in the Agricultural Land Reserve (ALR) and the balance of the subject property is not. The subject properties are located roughly between Shady Mile Way and Pirart Road and are surrounded by other large rural acreages. The east portion of the subject properties are significantly constrained by a large ravine which contains McGarrigle Creek (see Attachment 1 – Subject Property Map).

The property contains one existing dwelling unit and is serviced with on-site water/wastewater disposal.

The proposed development is subject to the Fish Habitat Protection Development Permit Area (DPA) per the "Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Bylaw No. 1055, 1997":

Proposed Development and Variances

This an application to address logging which previously occurred within the DPA without approvals and allow selective logging in conjunction with a proposed fifteen lot subdivision. Although the subject properties include land within the Agricultural Land Reserve (ALR), no subdivision is occurring within the ALR portion of the property and as such approval from the Agricultural Land Commission is not required.

This application includes a request to vary the subdivision regulations to allow for a parcel depth greater than 40% of the perimeter of the parcel for proposed lots 1 and 2. The applicant proposes to vary the following regulations from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987":

- **Section 4.5.1 – Parcel Shape and Dimensions** to increase the permitted parcel depth for Lot 1 from 40% to 43.8% of the length of the perimeter of the parcel and lot 2 from 40% to 42.8% of the length of the perimeter of the parcel.

The applicant has requested the parcel depth variance as follows:

Proposed Lot No.	Perimeter	Maximum Parcel Depth (40%)	Proposed Parcel Depth	Proposed Parcel Depth as a % of the Parcel Perimeter
1	679.5	271.8	297.8	43.8
2	677.5	271.0	289.8	42.8

Minimum 10% Perimeter Frontage Requirement

Proposed Lots 4, 11, 12 and 13 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:

Proposed Lot No.	Required Frontage (m)	Proposed Frontage	% of Perimeter
4	75.0	62.5	8.0
11	62.1	37.0	6.0
12	57.4	39.7	7.0
15	85.5	32.0	4.0

Land Use and Environmental Implications

McGarrigle Creek and its associated ravine cuts through proposed lots 3 - 12 and lot 15 and results in significant topographical and environmental constraints. To ensure that the property is safe for the intended use, the applicant has submitted a Geotechnical Assessment prepared by Lewkowich Engineering Associates Ltd. dated January 24, 2018. The assessment concludes that the subject property is safe for the intended use and specifies a 5.0 m setback from the top of the ravine bank. Registration of a Section 219 Covenant is included as a condition of approval to ensure that the subject property is developed in accordance with the Geotechnical Assessment (see Attachment 2 – Conditions of Approval).

To satisfy the Development Permit Area (DPA) guidelines, the applicant has submitted a Riparian Area Assessment dated January 22, 2018 prepared by Aquaparian Environmental Consulting Ltd. to address the proposed subdivision, selective logging, and logging that has previously occurred within the DPA. The report specifies that the Streamside and Enhancement Area (SPEA) width is 30 metres from the high water mark of McGarrigle Creek (see Attachment 3 – Proposed Plan of Subdivision). Measures to protect the SPEA include no clearing within the riparian assessment area (RAA) which extends 10 metres beyond the top of the ravine bank. To preserve the integrity of the SPEA and demonstrate consistency with the DPA guidelines, the applicant is proposing to register a Section 219 Covenant restricting land clearing or development activities within SPEA and within the RAA without an additional Riparian Assessment (see Attachment 2 – Conditions of Approval).

The applicant’s proposal is to selectively harvest approximately 20 - 30 % of the merchantable timber (trees with a diameter at breast height from 20 cm - 60 cm) on proposed lots 4, 6, 7, 8, 10, 11, 12, and 15 primarily within the upper ravine slopes located beyond the 30 metre SPEA. No harvesting activities are proposed within the SPEA and a forested buffer outside of the SPEA, which varies in width from 5 – 30 metres depending on the topography of the slope, will remain intact

The assessment indicates that the proposed selective logging would change the forest canopy and increase understory species. The retained smaller trees would infill the canopy over a 20 - 30 year period. The assessment recommends a number of mitigation measures to minimize the impacts of the logging on wildlife habitat including limiting the timing of harvesting, leaving stumps in the ground, maintaining tree trimmings on the forest floor, replanting at a 1:1 ratio, and a post logging assessment. To ensure that the proposed logging is conducted in accordance with the recommended measures, staff have included conditions of approval that require compliance with the recommended measures (see Attachment 2 – Conditions of Approval).

As the proposed logging would occur on a slope within the ravine, the Qualified Environmental Professional recommended that a terrain assessment be conducted. In response, the applicant has provided a Terrain Stability Field Assessment prepared by Geoforestry Consulting dated December 2017. The assessment indicates that the proposed harvest area has low potential for post-harvest landslide following select harvesting.

In addition to the proposed selective logging, the assessment indicates that approximately 1,000 m² of the SPEA and lands subject to the DP, was previously cleared of trees and shrubs within proposed lot 5. The assessment recommends that restoration activities occur in the affected area. A replanting plan and cost estimate and security deposit in the amount of \$11,775 has been provided which represents the total estimated cost of materials and labour to revegetate the areas proposed for selective logging and the previously logged area on proposed lot 5. As the proposed lots would be under new individual ownership following subdivision, which would make it difficult to ensure that the recommended replanting is undertaken, the applicant is proposing a two phase approach to replanting. The first phase is to replant the previously logged area on proposed lot 5 prior to subdivision approval. The second phase is replanting following selective logging and that planting be completed prior to the issuance of the first building permit on proposed lots 3, 4, 6, 7, 8, 9, 10, 11, 12, and 15 to be secured by covenant (see Attachment 2 – Conditions of Approval).

The Fish Habitat Protection DPA guidelines 8 and 9 state “minimum parcel size should be met exclusive of the SPEA” and “subdivision within the SPEA should be avoided”. The intent of these guidelines is to avoid incremental encroachment into the SPEA and to minimize the cumulative impacts of SPEA fragmentation and habitat loss. Although proposed lots 3 - 12 do not strictly satisfy these guidelines, the applicant is proposing an alternative approach to meet the spirit and intent of these guidelines by registering a number of Section 219 Covenants that are intended to protect the environmental values associated with the riparian area and to address the site constraints in relation to the requested frontage relaxation. The applicant is proposing a Section 219 Covenant prohibiting all construction and disturbance of vegetation within the SPEA and no construction or disturbance of vegetation within the RAA unless assessed by a Qualified Environmental Professional. Additional covenants are also being proposed which also help address the “Board Policy B1.4 Frontage Requirements for Rural Lots” (Policy B1.4) as described below.

Proposed lots 4, 11, 12, and 15 will not comply with road frontage requirements of the *Local Government Act* and proposed lots 1 and 2 will not comply with the maximum parcel depth requirements. The purpose of these requirements is to ensure that each lot has sufficient access and buildable area for each of the permitted uses allowed in the applicable zone and to ensure that parcels are not excessively deep relative to their width. “Board Policy B1.5 Development Variance Permit

Application Evaluation” (Policy B1.5) requires demonstration of a land use justification or rationale to address why the new lots cannot comply with the regulations.

Although the proposed lots meet the minimum parcel area requirements of the zone, the irregular shape of the parent parcels and significant topographical and environmental constraints limit options for providing road access which meets the minimum frontage and parcel depth requirements. In accordance with Policy B1.4, the applicant must demonstrate that the subdivision is able to accommodate proposed and existing buildings by meeting all setback requirements of the applicable zoning designation. Given the significant topographical and environmental constraints, a number of the proposed parcels do not have adequate buildable areas to be able to support all of the uses allowed by the AG1 Zone. In order to satisfy Policy B1.4 to ensure that there are adequate buildable areas on each proposed lot to support all of the permitted uses, the applicant is proposing to register a number of land use restrictions as Section 219 Covenants as summarized below and included in Attachment 2 – Conditions of Approval:

1. No detached secondary suites on proposed lots 3, 4, 5, 6, 7, 8, 10, 11, and 12
2. No agricultural activities shall occur on proposed lots 4, 6, 7, 8, 10, 11, and 12.
3. A maximum of one dwelling unit shall be permitted on proposed lot 6.
4. Development on proposed lot 11 shall be limited to one dwelling unit with a maximum building footprint of 235 m² and one dwelling unit with a maximum building footprint of 210 m² and no accessory buildings or structures of any kind shall be permitted.

The requested parcel depth variance on proposed lots 1 and 2 is a result of a proposed corner cut on a road dedication which was requested by the adjacent property owners to provide access to lands beyond. Given that there are adequate building envelopes on these proposed parcels, and the minimum setback requirements are 8.0 metres from all lot lines in the AG1 zone, the proposed parcel depth variance will not result in negative land use implications.

Preliminary Layout Approval (PLA) was issued by the Ministry of Transportation and Infrastructure (MOTI) on July 13, 2016. Since the proposed plan of subdivision has been modified by the applicant in response to the frontage policy and DPA guidelines, an amended PLA may be required. Staff recommends that issuance of this DP be withheld until an amended PLA or other confirmation is received from MOTI.

Given that the applicant has satisfied the intent of the DPA guidelines and measures are being proposed to protect the environmentally sensitive riparian areas, the proposed development is not anticipated to have negative environmental impacts. If the requested frontage relaxation is approved, suitable access would be provided for each proposed parcel. Site constraints are also addressed through the registration of Section 219 Covenants, which would ensure that each proposed parcel is able to accommodate the proposed uses. In addition, as the applicant has provided sufficient rationale for the requested parcel depth variance and it will not result in any negative land use implications, the applicant has made reasonable efforts to address Policy B1.5.

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 Permit with variance No. PL2017-177, and the request for the relaxation of the minimum 10% road frontage requirement, subject to the conditions outlined in Attachments 2 and 3.
2. To deny Development Permit with Variance No. PL2017-177, and the request for the relaxation of the minimum 10% road frontage requirement.

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

The Plans “Focus on the Environment” states that the Board will focus on protecting and enhancing the environment in all decisions. The DPA guideline requirement for a riparian assessment helps ensure that site-specific environmentally sensitive features are identified and that the impacts of development on the environment are identified and mitigated.



Greg Keller
gkeller@rdn.bc.ca
January 30, 2018

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

Attachment 2 (Page 1 of 3)
Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit with Variance No. PL2017-177:

Bylaw No. 500, 1987 Variances

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

- **Section 4.5.1 – Parcel Shape and Dimensions** to increase the permitted parcel depth for lot 1 from 40% to 43.8% of the length of the perimeter of the parcel and lot 2 from 40% to 42.8% of the length of the perimeter of the parcel.

Conditions Prior to Issuance

- The applicant shall provide an amended Preliminary Layout Approval or other confirmation that the proposed plan of subdivision is in substantial compliance with the proposed plan of subdivision being contemplated by the Provincial Approving Officer.

General Conditions of Approval

1. The site is developed in accordance with the proposed plan of subdivision prepared by JE Anderson & Associates, dated January 22, 2018 and attached as Attachment 2.
2. All measures and environmental monitoring requirements shall be undertaken in accordance with the Riparian Assessment dated January 22, 2018 prepared by Aquaparian Environmental Consulting Ltd. including:
 - i. Selective harvesting is limited to a maximum of 30% tree removal outside of the SPEA by stem count.
 - ii. No clearing shall occur inside the SPEA.
 - iii. No dumping or sediment migration into the ravine slopes or SPEA.
 - iv. The previously logged areas on proposed lot 5 must be replanted in accordance with the replanting plan prepared by Aquaparian Environmental Consulting Ltd. dated January 22, 2018.
 - v. The area proposed for selective logging must be replanted in accordance with the replanting plan prepared by Aquaparian Environmental Consulting Ltd. dated January 22, 2018.
 - vi. An environmental monitor shall be retained for the selective logging phase to ensure low impact methods are used to prevent sedimentation or damage to the tree buffer protecting the SPEA.
 - vii. A post tree planting assessment is to be carried out to document that the tree planting was carried out as intended.
 - viii. A post development and selective logging report is required to be submitted to the Regional District of Nanaimo to document that the project was carried out as intended.

Attachment 2 (Page 2 of 3)
Terms and Conditions of Permit

3. The applicant shall undertake the required replanting on proposed lot 5 and provide a post planting assessment to the RDN prior to the issuance of the subdivision compliance letter for the proposed subdivision.

Conditions To Be Completed Concurrent With the Registration of the Final Plan of Subdivision

4. The applicant, at the applicant's expense and to the satisfaction of the RDN shall register the following covenants concurrently with the final plan of subdivision:
 - i. A Section 219 Covenant on proposed lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 15 requiring that the properties be developed in accordance with the Geotechnical Assessment prepared by Lewkowich Engineering Associates Ltd., dated May 6, 2016 and includes a save harmless clause that releases the Regional District of Nanaimo (RDN) from all losses and damages as a result of the potential hazard. Please note that the registration of this covenant on proposed lots 5 and 15 is subject to approval by the Agricultural Land Commission.
 - ii. A Section 219 Covenant on proposed lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 15 requiring that the properties be developed in accordance with the recommended measures, environmental monitoring requirements, and replanting recommendations contained in the Riparian Assessment dated January 22, 2018 prepared by Aquaparian Environmental Consulting Ltd. including the requirement for no clearing, dumping, or development activities within the Streamside Protection and Enhancement Area and no clearing or development activities within the Riparian Assessment Area without an additional Riparian Assessment and development permit. Please note that the registration of this covenant on proposed lots 5 and 15 is subject to approval by the Agricultural Land Commission.
 - iii. A Section 219 Covenant specifying the following:
 - a. No detached secondary suites shall be permitted on proposed lots 3, 4, 5, 6, 7, 8, 10, 11, and 12. Please note that the registration of this covenant on proposed lots 5 is subject to approval by the Agricultural Land Commission.
 - b. No agricultural activities shall occur on proposed lots 4, 6, 7, 8, 10, 11, and 12.
 - c. A maximum of one dwelling unit shall be permitted on proposed lot 6.
 - d. Development on proposed lot 11 be limited to one dwelling unit with a maximum building footprint of 235 m² and one dwelling unit with a maximum building footprint of 210 m² and no accessory buildings or structures of any kind shall be permitted.
 - iv. A Section 219 Covenant on proposed lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 15 that requires the applicant to undertake the required replanting following selective logging and submit a post planting assessment to the RDN prior to the first building permit application being submitted on these lots. The covenant shall contain provisions that allow the covenant to be discharged following the completion of the recommended inventory one year after replanting to determine survival rate. The covenant shall also require that any trees or plants that did not survive be replanted prior to the covenant being discharged. The obligations in relation to proposed lot 5, will be limited to the requirement for a post planting assessment and requirement to replant

Attachment 2 (Page 3 of 3)
Terms and Conditions of Permit

any trees or plants that did not survive. Please note that the registration of this covenant on proposed lots 5 and 15 is subject to approval by the Agricultural Land Commission.

5. The applicant shall provide a landscaping security in the amount of \$11,775.00.
6. The subject property shall be developed in accordance with the recommendations contained in the Geotechnical Assessment prepared by Lewkowich Engineering Associates Ltd. dated January 24, 2018.
7. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Attachment 3 (Page 1 of 2)
Proposed Plan of Subdivision

SKETCH PLAN OF PROPOSED SUBDIVISION OF THAT PART OF SECTION 14, RANGE 5, MOUNTAIN DISTRICT LYING TO THE WEST OF PLANS 455 AND 3024 EXCEPT PARCEL C (DD 86700) THEREOF, AND PARCEL A (DD 86689) OF SECTION 15, RANGE 5, MOUNTAIN DISTRICT, EXCEPT THAT PART IN PLAN 39640

0 25 50 100 150 200 250
 METERS
 The indicated area size of this plan is shown in meters by 422mm in height. Section with parcels of section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 218

District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002". The property is located on Alberni Highway to the north of Station Road abutting Agricultural Land Reserve and village residential lands (see Attachment 1 – Subject Property Map).

The property contains a liquor store, a decommissioned pub (The Frontiersman), and an existing freestanding sign. It is serviced by a well and on-site sewerage.

The proposed development is subject to the Fish Habitat Protection Development Permit Area (DPA) per the "Regional District of Nanaimo Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999" (OCP).

Proposed Development and Variance

The proposal includes the erection of signage and the development of parking areas and associated infrastructure, such as site lighting. The applicant has requested variances to the sign regulations, the front lot line setback, and watercourse setback. A new consolidated freestanding sign is proposed within the front lot line and watercourse setback. A lamp standard is also proposed within the watercourse setback. In addition, a request has been made to permit two additional fascia signs to be mounted on the service station canopy.

The applicant proposes to vary the following regulations from the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002":

1. **2.10.3 – Setback Requirements from Watercourses** from 8.0 metres to 3.3 metres for the proposed freestanding sign.
2. **2.10.3 – Setback Requirements from Watercourses** from 8.0 metres to 7.0 metres for a proposed lamp standards.
3. **2.14.1 c)ii – Signs** to increase the maximum number of fascia signs per business from one to three for the gasoline service station, as shown in Attachment 4.
4. **4.4.3 g)i – Minimum Setback from Front and Exterior Side Lot Line** from 4.5 metres to 1.3 metres for the proposed consolidated free standing sign, as shown in Attachment 3.

Land Use Implications

The proposed gasoline service station development includes the erection of a gas bar and canopy, the installation of gasoline storage tanks and a stormwater management system, as well as associated paved parking and landscaped areas. The gas bar, canopy, stormwater management system, parking areas, sidewalks, landscaping, freestanding sign, and two lamp standards are all proposed within a fish habitat protection development permit area. The applicant has provided a riparian area assessment prepared by Aquaparian Environmental Consulting Ltd dated November 7, 2017 in order to address the DPA guidelines. The assessment provides recommendations for the protection of a ditch, which is subject to the Provincial *Riparian Area Regulations* (RAR), and fronts the property within the Alberni Highway right-of-way. The ditch is a seasonally wetted, non-fish bearing drainage course connected to a ditch system that eventually drains into French Creek, which is a fish-bearing stream. A 2.0 metre Streamside Protection and Enhancement Area (SPEA) has been established for the ditch, and is proposed to be improved with a vegetated soil berm on the south side of the ditch at a height of approximately 0.3 metres. The SPEA will be landscaped with native shrubs and protected by a 0.15

metre wide concrete curb running between the berm and paved parking area. The berm and curb are intended to protect the ditch from the daily operation of the gasoline service station and to prevent deleterious substances from entering the ditch.

The assessment makes a number of recommendations to protect the ditch during and after development of the site. It is recommended that development of the site in accordance with the riparian area assessment report be included as a condition of the development permit, as outlined in the terms and conditions included as Attachment 2.

The RDN has received a number of inquiries regarding the proposed development of the subject property from area residents. A number of concerns were raised, regarding the potential for light pollution, contamination of groundwater, and noise. These concerns were communicated to the applicant. The proposed development is not subject to the requirement for a development permit for 'form and character' or 'aquifer protection', as the Electoral Area 'F' OCP does not designate development permit areas for these purposes. The only applicable development permit area in this case is for Fish Habitat Protection, which applies to development within the riparian assessment area for the ditch and does not pertain to other aspects of site development. As such, DPA guidelines cannot be relied on to address some of the concerns expressed by area residents, such as site illumination, signage, and screening. However, given the requested variances, staff have worked with the applicant to address area resident concerns through Board Policy B1.5, "Development Variance Permit, Development Permit with Variance & Floodplain Exemption Application Evaluation". In addition, the zoning bylaw addresses groundwater concerns through regulations such as the storage of fuel and runoff control standards for commercial zones.

Signage Variances

Current regulations allow one fascia sign per business. Two businesses are proposed in the old pub building – the convenience store associated with the gasoline service station, and a tenant business. One sign is proposed for the tenant business, which is permitted. Three signs are proposed for the convenience store and gas bar canopy, which is considered to be one business. This proposal requires a variance to the number of fascia signs permitted per business from one to three for the convenience store and gas bar canopy. The applicant is not requesting variances to legalize the liquor store signage at this time.

The applicant has taken reasonable efforts to limit the amount of fascia signage proposed for the convenience store and gas bar from the typical corporate standard for such businesses. As such, and given the applicant's proposal to turn off the signage outside of business hours and provide automatic dimming hardware, it is recommended that the Board support a variance from one to three signs per business for the gasoline service station, as outlined in Attachments 2 and 4.

The applicant proposes a consolidated freestanding sign, which requires variances to the front lot line and watercourse setbacks. This single consolidated freestanding sign will function adequately to alert the travelling public to the presence of the businesses and consolidation of site signage is supported by Board Policy B1.5. As the proposed freestanding sign alleviates the need for additional signage and is proposed to be dimmed and turned off outside business hours, which demonstrates an acceptable effort to meet Board Policy B1.5, it is recommended that the proposed variances to the front lot line and watercourse setbacks be approved, subject to terms and conditions as outlined in Attachments 2 to 4.

Parking, Lighting, and Landscaping

As part of the proposal, the applicant has provided a parking plan that includes the proposed locations of three lamp standards to provide parking lot lighting. Two lamp standards are proposed along the front of the property, one of which is located within the watercourse setback. The luminaries attached to the lamp standards are a full cut-off model that limits backlighting and light pollution. In addition, the applicant proposes that lighting on all buildings and structures will be in soffits, directed downwards, and be turned off outside of business hours. Existing lighting on the liquor store is proposed to be baffled or replaced to prevent light from leaving the site.

It is recommended that the proposed lighting specifications be made a condition of permit, as outlined in Attachment 2. This condition adequately addresses the potential for negative impacts associated with the proposed variance to the watercourse setback for the one lamp standard.

In order to further mitigate the impact of the proposed parking areas and site lighting, the applicant has proposed to provide a landscape screen to limit the trespass of headlights and site lighting onto adjacent property. The proposed landscaping consists of a variety of largely evergreen woody plant materials along the Alberni Highway frontage, and a row of Leyland Cypress along the East residential property line. Combined with the berm and cement curb recommended by the QEP, the landscaping along the highway frontage should help mitigate light pollution from headlights and address the concerns raised by community members. It is recommended that the landscaping be provided in general compliance with the provided landscape plan, under the guidance of the QEP for species recommendations along the ditch. As to the screening of abutting residential properties, the applicant proposes to supplement the vegetation with solid fencing along the East lot line abutting existing residential development, as outlined in Attachment 2.

Gasoline Storage Tanks and Stormwater Management

The applicant proposes to store fuels in double walled containers as required by zoning Bylaw 1285. The proposed storage system includes hydrostatically monitored double walled fiberglass tanks accompanied by a perimeter monitoring system for leak detection. Zoning Bylaw 1285 also requires that stormwater may not contain in excess of 75 milligrams per litre of suspended solids or cause the water quality within the watercourse receiving the stormwater to exceed the maximum induced sediments guidelines as set out in the “British Columbia Approved Water Quality Guidelines (Criteria): 1999 Edition, Updated January 17, 2001.” These bylaw requirements are intended to limit the potential for deleterious substances from the site to enter surface or groundwater. Compliance with these bylaw requirements is included as a condition of this permit as outlined on Attachment 2.

Given that the applicant has proposed to mitigate the impacts of the proposed variances and the variances should not result in negative aesthetic, functional, or environmental implications for adjacent properties, the applicant has made reasonable efforts to address Policy B1.5 guidelines.

Intergovernmental Implications

The application was referred to the Ministry of Transportation and Infrastructure (MOTI). The MOTI indicated that they have issued an access permit for the property and have no objections to the proposed development of the subject property.

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 Permit with Variance No. PL2017-178 subject to the terms and conditions outlined in Attachments 2 to 6.
2. To deny Development Permit with Variance No. PL2017-178.

FINANCIAL IMPLICATIONS

The proposal has no implications related to the Board 2016 – 2020 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The proposed development is in keeping with the 2017 – 2021 Board Strategic Plan strategic priority - “Focus on the Environment”, which states that the Board will focus on protecting and enhancing the environment in all decisions. The development permit area guideline requirement for a biological assessment helps ensure that site-specific environmentally sensitive features are identified and that the impacts of development on the environment are identified and mitigated.



Sarah Preston
spreston@rdn.bc.ca
January 30, 2018

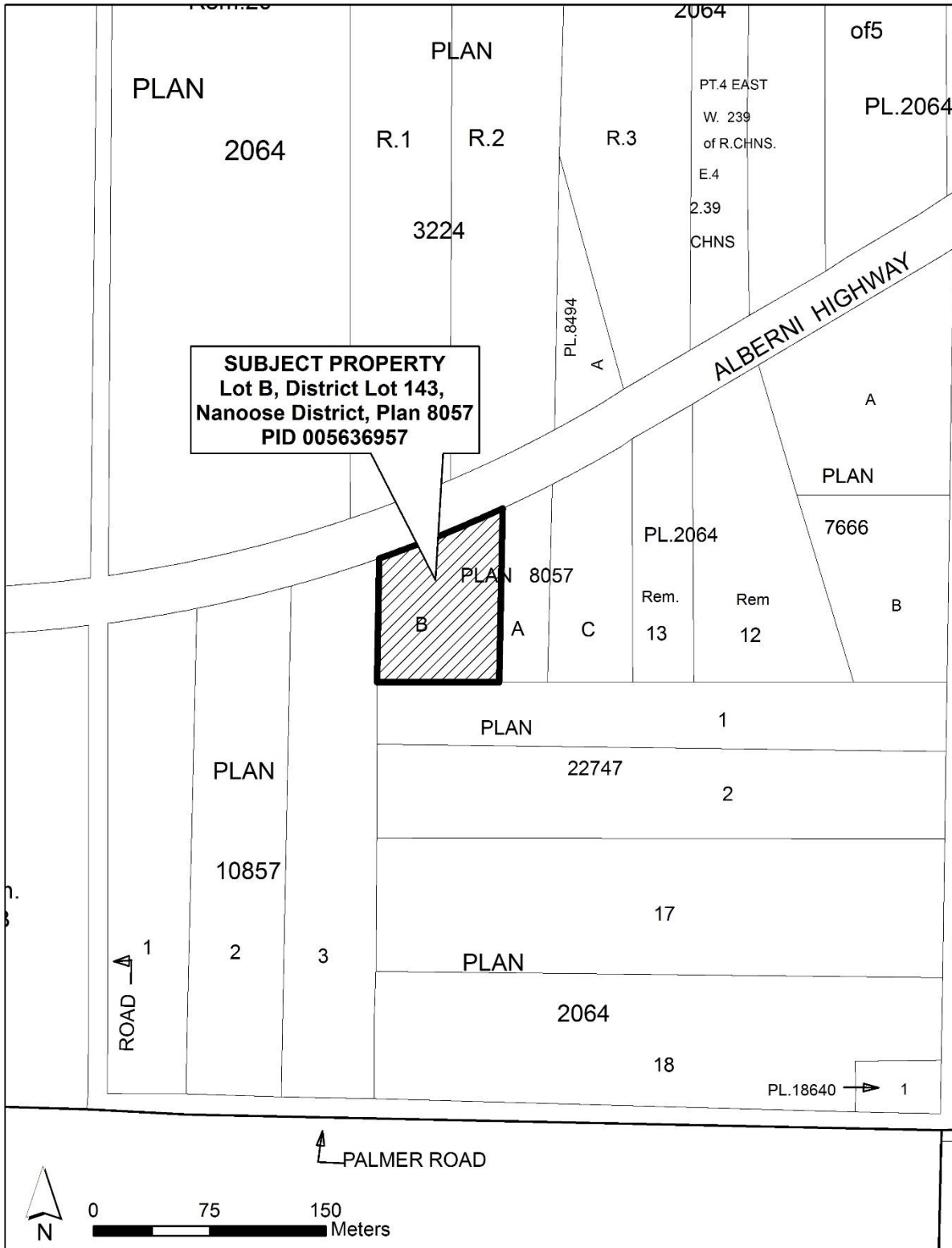
Reviewed by:

- 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. Proposed Sign Details and Variances
5. Proposed Lamp Standards
6. Proposed Landscape Plan

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. PL2017-178:

Bylaw No. 1285, 2002 Variances

With respect to the lands, “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” is varied as follows:

1. 2.10.3 – Setback Requirements for Watercourses from 8.0 metres to 3.3 metres for the proposed freestanding sign as shown in Attachment 3.
2. 2.10.3 – Setback Requirements for Watercourses from 8.0 metres to 7.0 metres for the proposed lamp standard, as shown in Attachment 3.
3. 2.14.1 c)ii – Signs to increase the maximum number of fascia signs per business from one to three for the gasoline service station, as shown in Attachment 4.
4. 4.4.3 g)i – Minimum Setback from Front and Exterior Side Lot Line from 4.5 metres to 1.3 metres for the proposed consolidated free standing sign, as shown in Attachment 3.

Conditions of Approval

1. The site is developed in accordance with the Site Plan prepared by Sims Associates Land Surveying LTD, dated January 11, 2018 and the Parking Plan prepared by Mikon Construction LTD, dated October 4, 2017, attached as Attachment 3.
2. The subject property shall be developed in accordance with the recommendations contained in the Riparian Areas Assessment prepared by Aquaparian Environmental Consulting Ltd, dated November 7, 2017.
3. The property owner shall provide confirmation in the form of a report prepared by a Qualified Environmental Professional (QEP), to the satisfaction of Strategic and Community Development, that development of the subject property has occurred in accordance with the QEP’s recommendations, prior to final inspection for the gasoline service station canopy.
4. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Signage

5. The site is developed in accordance with the Sign Detail Drawings prepared by J. Norton, dated October 13, 2017 and Mikon Construction, dated November 8, 2017 as shown in Attachment 4
6. The signage shall include automatic dimming, so that light intensity levels are automatically adjusted based on current weather conditions and the time of day.
7. The brightness level of the signage shall be limited to a maximum of 0.3 foot candles over ambient levels, as measured using a foot candle meter at a distance of 30.0 metres from the face of the sign.
8. The signage must be turned off between the hours of 11:00 pm and 6:00 am.
9. Lighting that is wholly halo lit or otherwise indirectly lit, is exempt from conditions 6 and 7.

Lighting

10. The proposed lamp standards are to be in compliance with the product detail excerpts attached as Attachment 5.
11. The existing exterior lighting on the liquor store is to be baffled as proposed, or replaced in accordance with conditions 12 through 15.
12. Site illumination must not result in backlight or glare directed towards neighbouring properties or adjacent roads.
13. Building facades are to be illuminated through the use of lighting which shines down from the building's surface.
14. All new, replacement, and updated exterior lighting in existing and proposed development shall be Full Cut-off Flat Lens (FCO/FL) luminaires and lighting fixtures.

Landscaping

15. The proposed landscaping shall be provided and maintained in general accordance with the Landscaping Plan prepared by Mikon Construction LTD, dated January 8, 2017 as shown in Attachment 6, with plant species recommendations provided by a Qualified Environmental Professional for the area fronting the Alberni Highway ditch.
16. Landscaped buffers shall be provided along parking areas abutting Alberni Highway and residential uses on abutting parcels in accordance with the following:
 - a. No hedge, tree, shrub or other growth shall be erected or permitted to grow to a height greater than 1.0 metre from the established grade of a highway within a sight triangle. Refer to Attachment 3 – Site Plan for sight triangle extent.
 - b. A permanent concrete curb shall be provided to protect landscaping and prevent the entry of deleterious substances into the ditch.
 - c. Solid fencing, suitable for reasonably blocking light, shall be provided in addition to vegetation where landscaping is proposed on the East lot line.

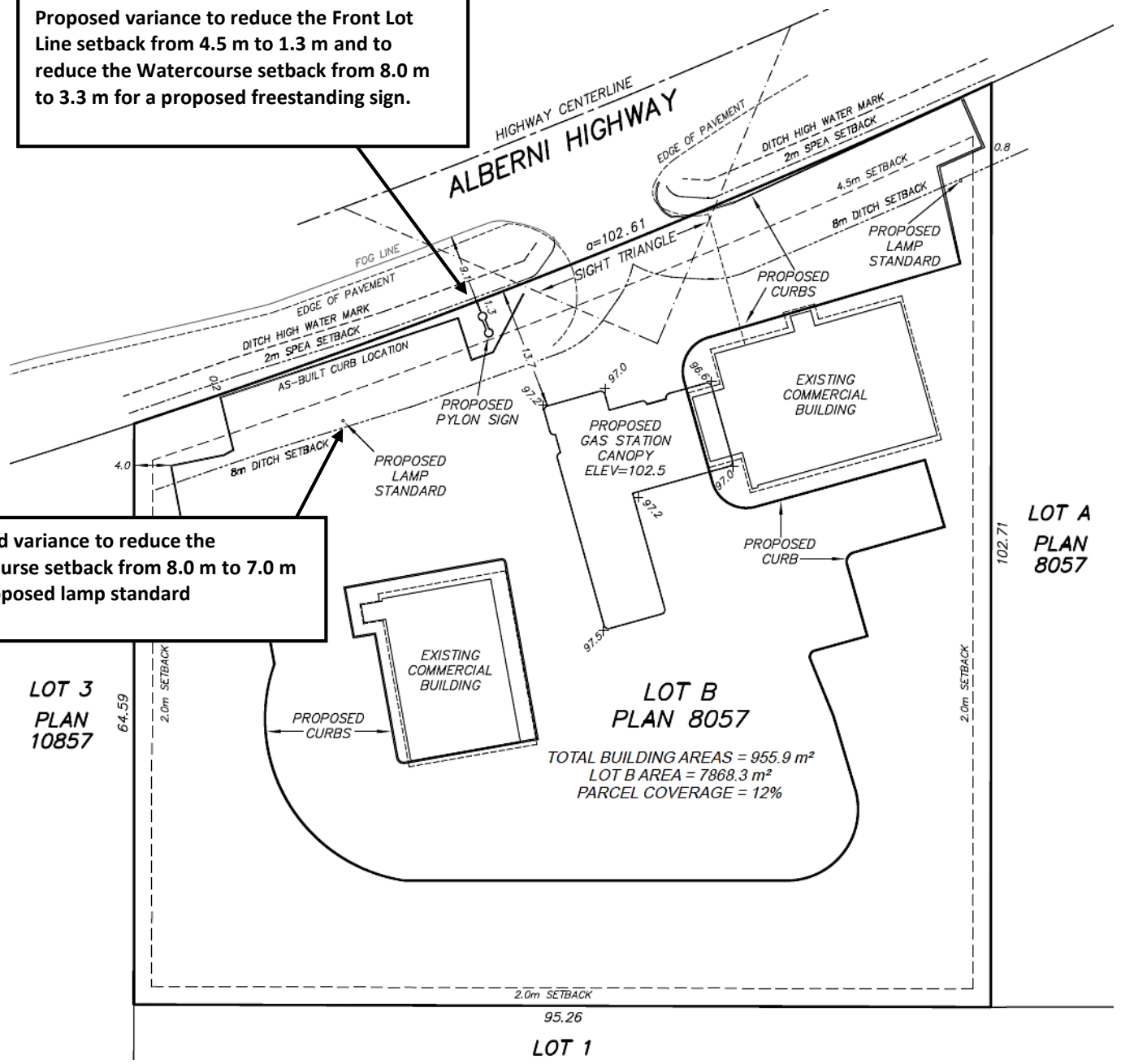
Runoff Control

17. Staff shall withhold the issuance of this Permit until the stormwater management plan has been reviewed and sealed by a Professional Engineer working within their area of expertise, and confirms that the plan complies with Section 2.5 of Bylaw No. 1285 and the Riparian Areas Assessment, to the satisfaction of the Regional District of Nanaimo. Confirmation shall be provided in writing, and shall accompany a sealed version of the stormwater management plan.
18. The proposed development shall be in compliance with the final approved stormwater management plan.

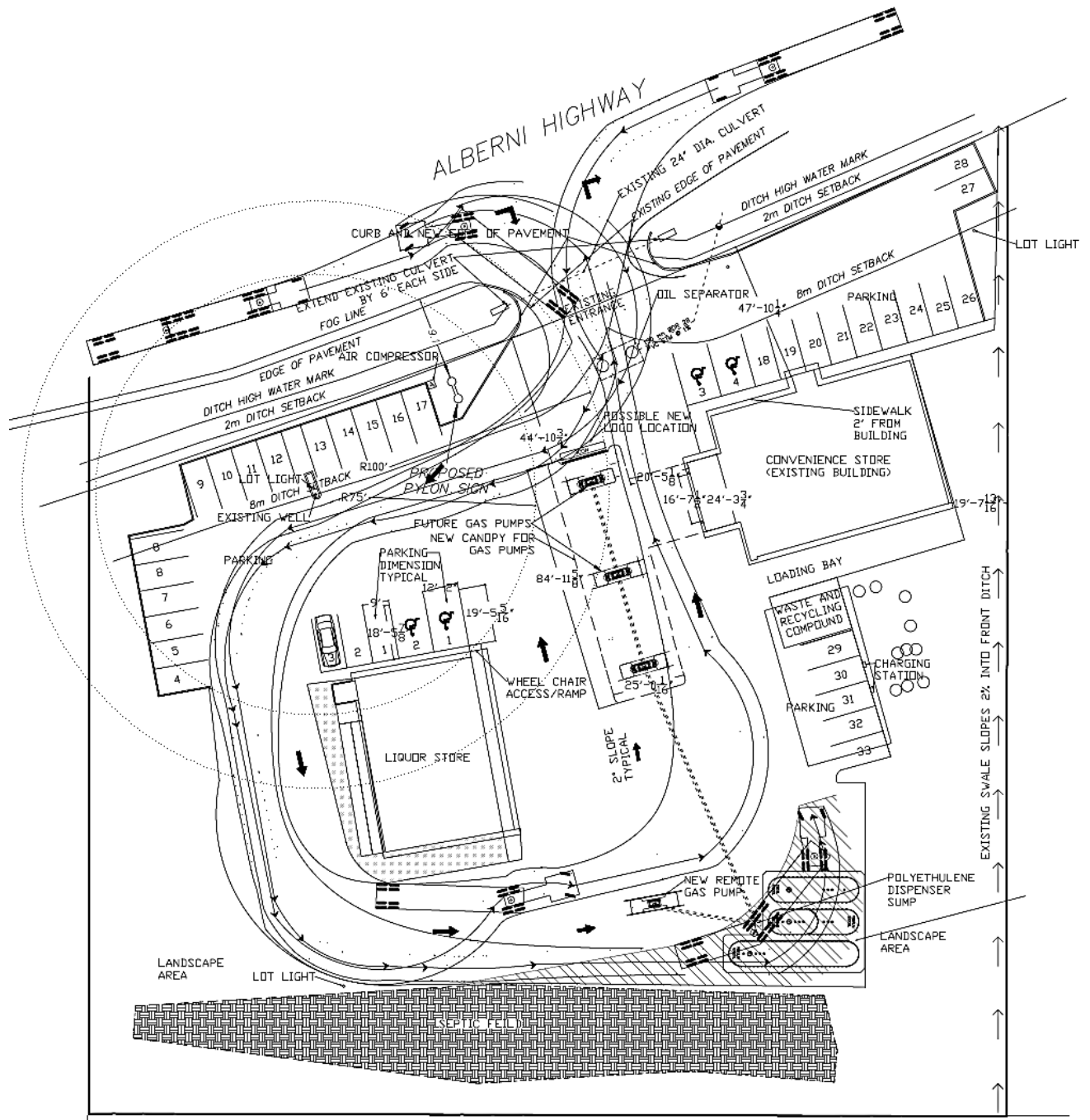
Attachment 3
Proposed Site Plan and Variances
(1 of 2)

Proposed variance to reduce the Front Lot Line setback from 4.5 m to 1.3 m and to reduce the Watercourse setback from 8.0 m to 3.3 m for a proposed freestanding sign.

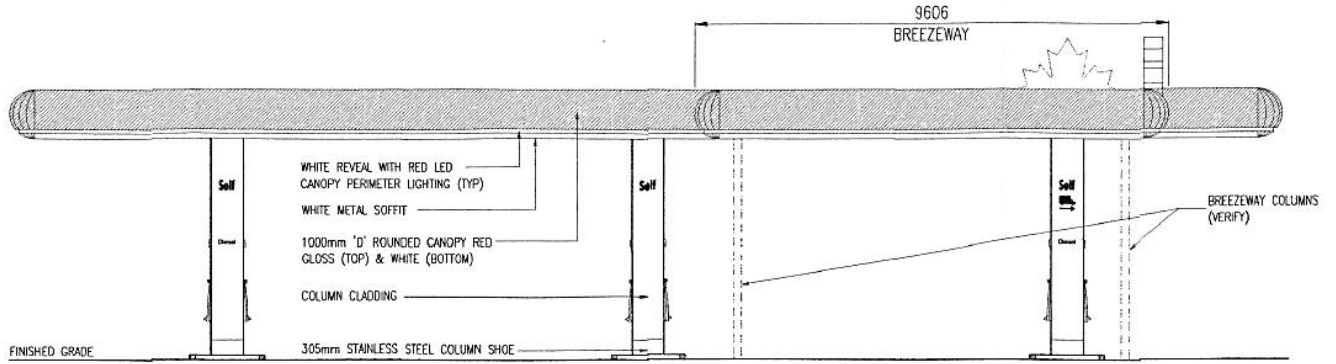
Proposed variance to reduce the Watercourse setback from 8.0 m to 7.0 m for a proposed lamp standard



Attachment 3
Proposed Parking Plan
(2 of 2)

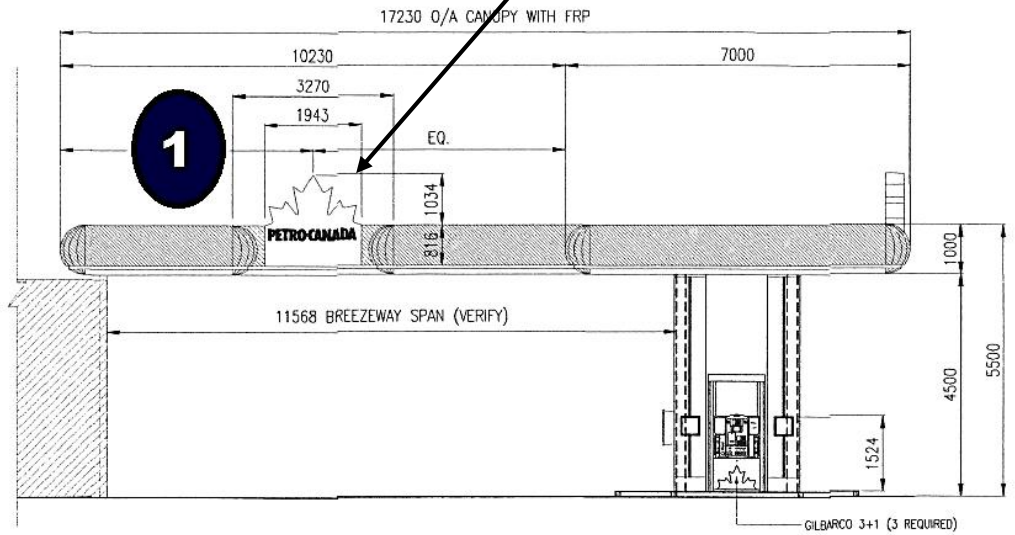


Attachment 4
Proposed Sign Details and Variances
(1 of 4)



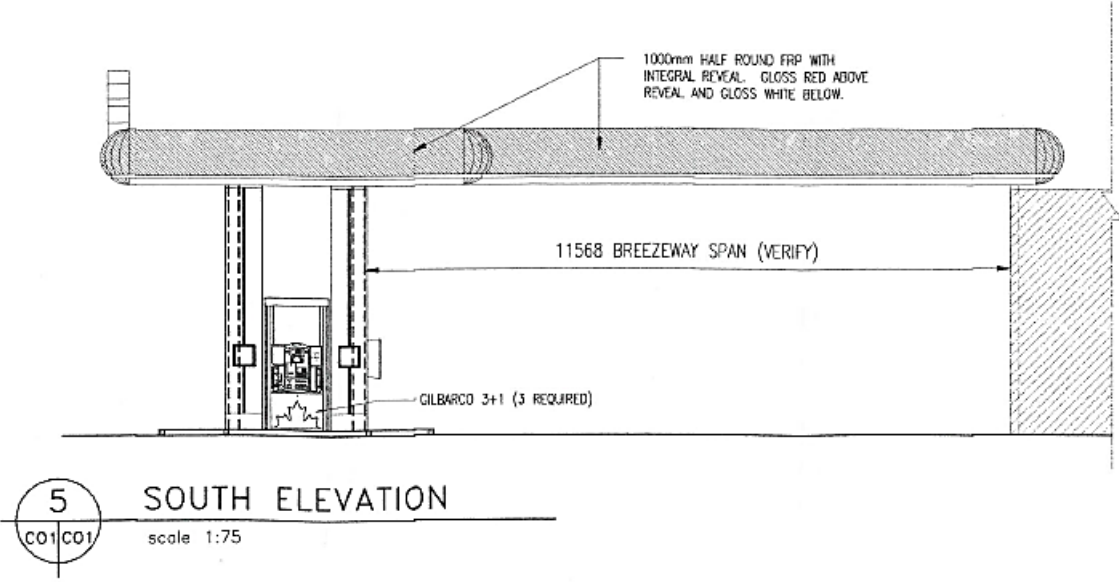
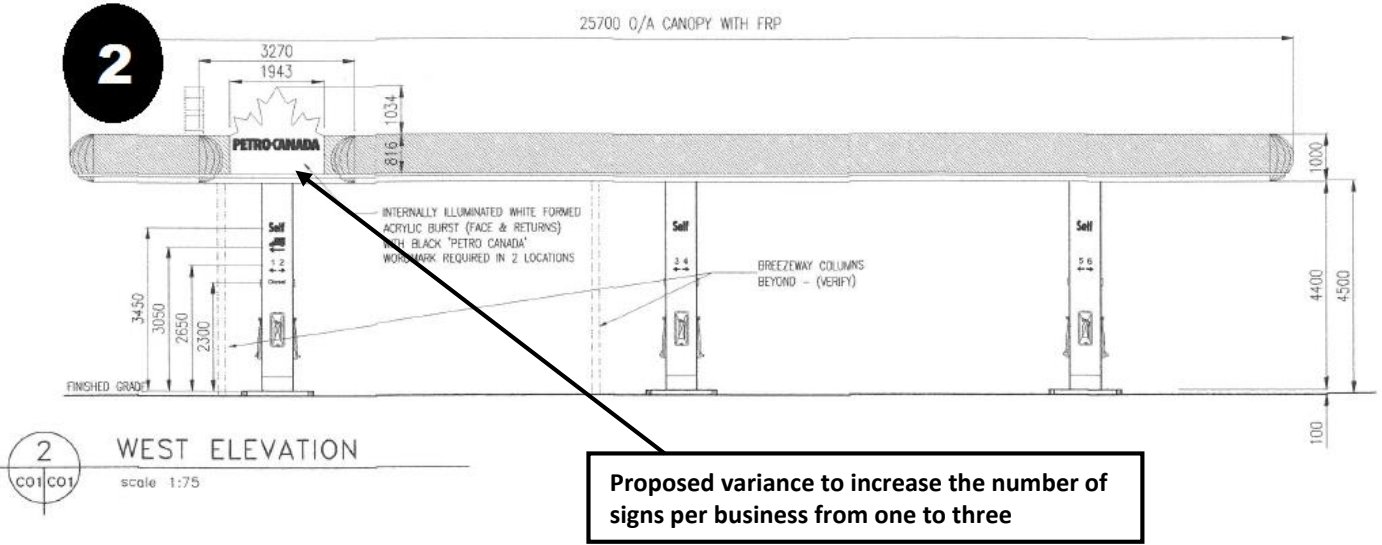
3 EAST ELEVATION
 CO1|CO1 scale 1:75

Proposed variance to increase the number of signs per business from one to three



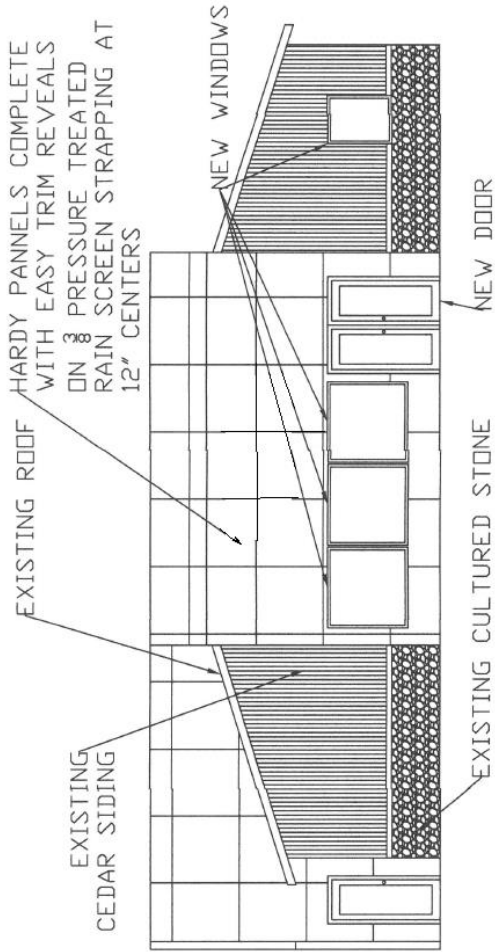
4 NORTH ELEVATION
 CO1|CO1 scale 1:75

Attachment 4
Proposed Sign Details and Variances
(2 of 4)

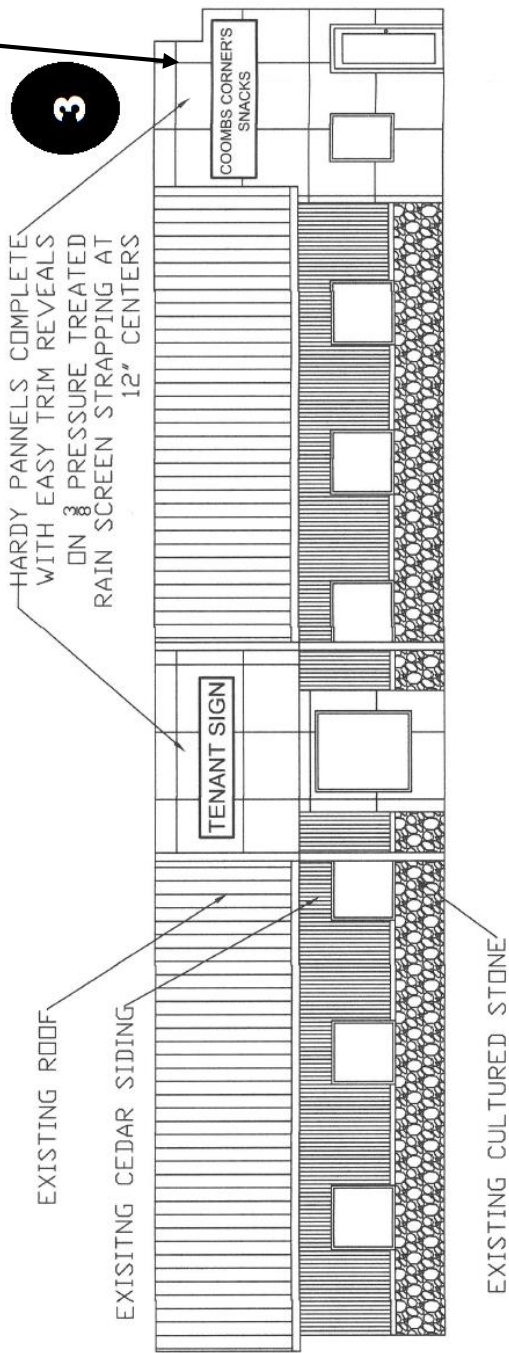


Attachment 4
Proposed Sign Details and Variances
(3 of 4)

Proposed variance to increase the number of signs per business from one to three

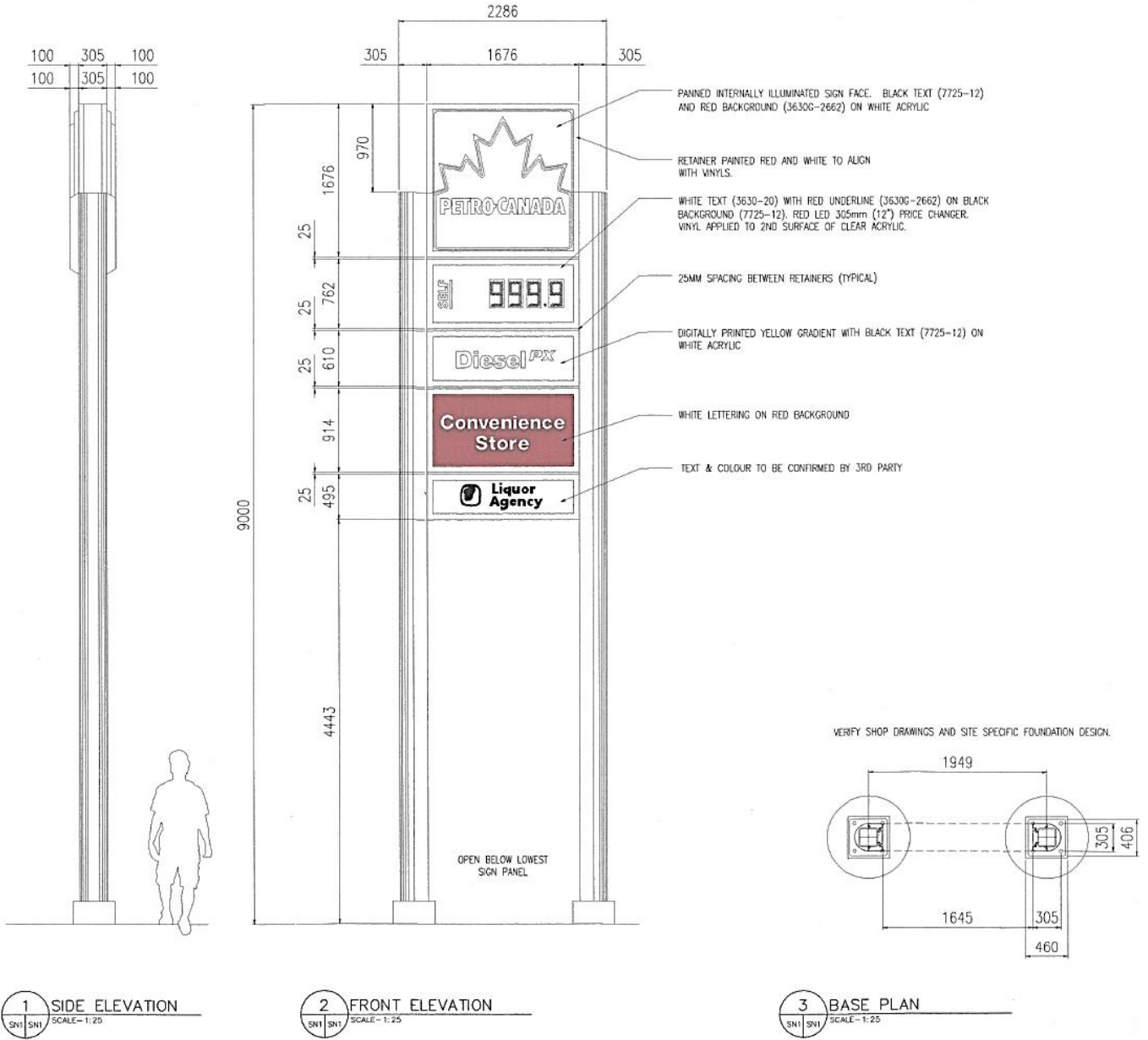


WEST ELEVATION
 SCALE: 1/8" = 1'-0"



NORTH ELEVATION
 SCALE: 1/8" = 1'-0"

Attachment 4
Proposed Sign Details and Variances
(4 of 4)



Attachment 5
Proposed Lamp Standards
(1 of 2)



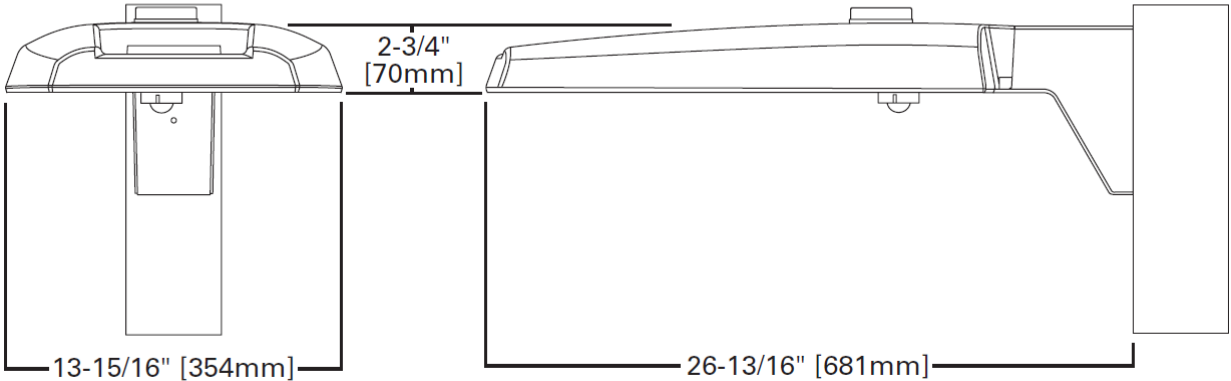
PRV PREVAIL

LED



AREA / SITE / ROADWAY
LUMINAIRE

DIMENSIONS



Attachment 5
Proposed Lamp Standards
(2 of 2)

STRAIGHT SQUARE POLES

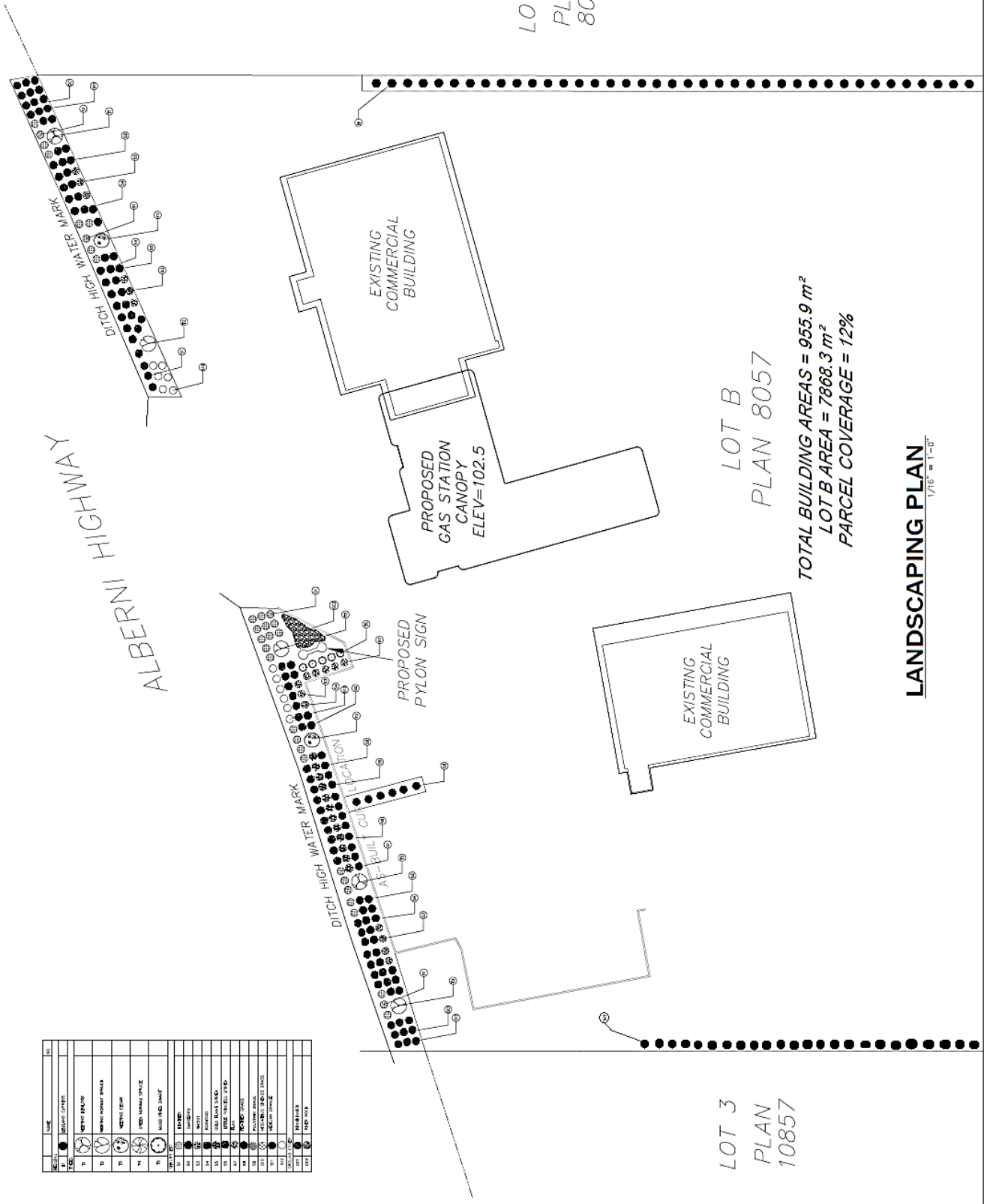


SPECIFICATIONS

Product Number	Description	SQ. Pole (in)	Height (ft)	Anchor Bolt Diameter	Pole Type	Weight (lb)	Base Plate Type	Maximum EPA (sq.ft.)			
								80 mph	90 mph	100 mph	110 mph
101-70-NS410L-Fx	NSS 410 LD, Straight Square	4"	10'	3/4"	LD	80	A	32.0	26.0	21.0	17.0
101-70-NS412L-Fx	NSS 412 LD, Straight Square	4"	12'	3/4"	LD	93	A	27.0	21.5	17.0	14.0
101-70-NS416L-Fx	NSS 416 LD, Straight Square	4"	16'	3/4"	LD	118	A	20.0	15.5	12.0	9.5
101-70-NS418L-Fx	NSS 418 LD, Straight Square	4"	18'	3/4"	LD	131	A	16.5	13.0	10.0	7.5
101-70-NS420L-Fx	NSS 420 LD, Straight Square	4"	20'	3/4"	LD	144	A	14.0	10.5	8.0	6.0

**Attachment 6
 Proposed Landscaping
 (1 of 4)**

LO
 PL
 8C



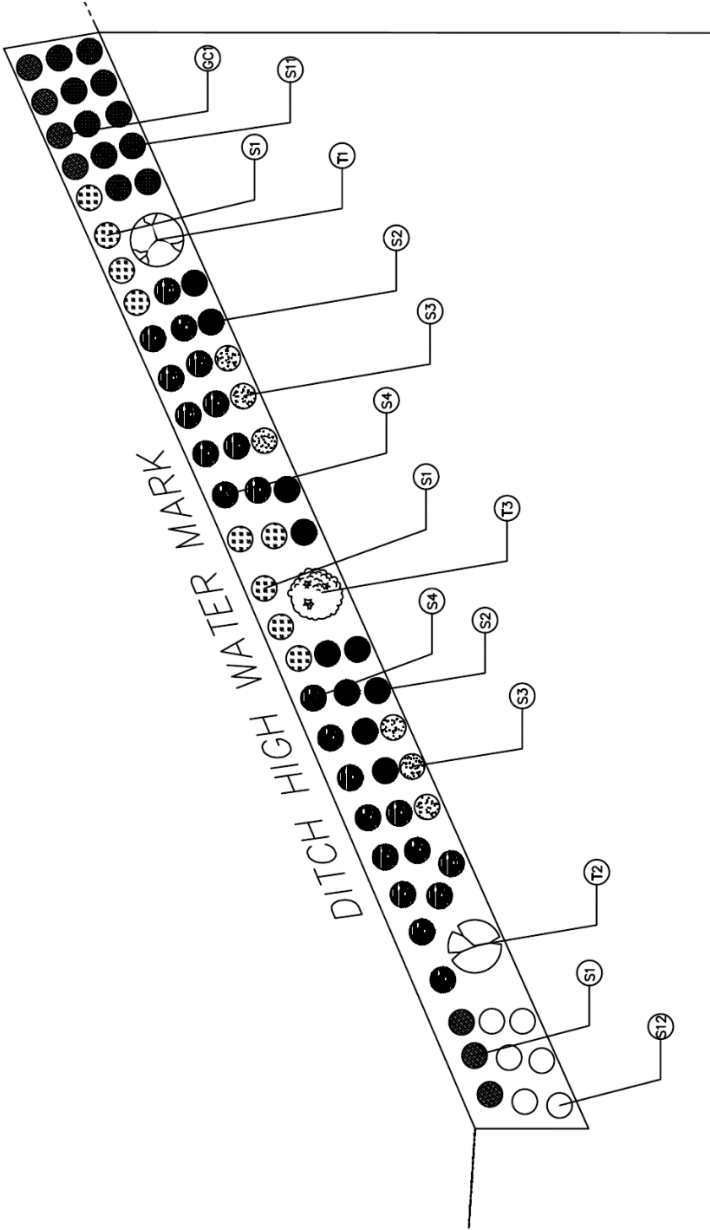
NO.	SYMBOL	NAME	NO.
1	(Symbol)	BRUSH CUTS	10
2	(Symbol)	NETS BELON	11
3	(Symbol)	NETS ROYAL BRONZE	12
4	(Symbol)	NETS TAMAR	13
5	(Symbol)	NETS VIOLET	14
6	(Symbol)	NETS WHITE	15
7	(Symbol)	NETS YELLOW	16
8	(Symbol)	NETS RED	17
9	(Symbol)	NETS GREEN	18
10	(Symbol)	NETS BLUE	19
11	(Symbol)	NETS PURPLE	20
12	(Symbol)	NETS PINK	21
13	(Symbol)	NETS ORANGE	22
14	(Symbol)	NETS BROWN	23
15	(Symbol)	NETS BLACK	24
16	(Symbol)	NETS GREY	25
17	(Symbol)	NETS SILVER	26
18	(Symbol)	NETS GOLD	27
19	(Symbol)	NETS COPPER	28
20	(Symbol)	NETS ZINC	29
21	(Symbol)	NETS ALUMINUM	30
22	(Symbol)	NETS STEEL	31
23	(Symbol)	NETS BRASS	32
24	(Symbol)	NETS NICKEL	33
25	(Symbol)	NETS CHROME	34
26	(Symbol)	NETS TITANIUM	35
27	(Symbol)	NETS INCONEL	36
28	(Symbol)	NETS MONEL	37
29	(Symbol)	NETS HASTELLOY	38
30	(Symbol)	NETS SUPER INCONEL	39
31	(Symbol)	NETS TITANIUM 6AL-4V	40
32	(Symbol)	NETS TITANIUM ZR	41
33	(Symbol)	NETS TITANIUM NI	42
34	(Symbol)	NETS TITANIUM CU	43
35	(Symbol)	NETS TITANIUM FE	44
36	(Symbol)	NETS TITANIUM MO	45
37	(Symbol)	NETS TITANIUM W	46
38	(Symbol)	NETS TITANIUM B	47
39	(Symbol)	NETS TITANIUM S	48
40	(Symbol)	NETS TITANIUM C	49
41	(Symbol)	NETS TITANIUM N	50
42	(Symbol)	NETS TITANIUM O	51
43	(Symbol)	NETS TITANIUM F	52
44	(Symbol)	NETS TITANIUM M	53
45	(Symbol)	NETS TITANIUM Si	54
46	(Symbol)	NETS TITANIUM V	55
47	(Symbol)	NETS TITANIUM Cr	56
48	(Symbol)	NETS TITANIUM Mn	57
49	(Symbol)	NETS TITANIUM Co	58
50	(Symbol)	NETS TITANIUM Ni	59
51	(Symbol)	NETS TITANIUM Cu	60
52	(Symbol)	NETS TITANIUM Fe	61
53	(Symbol)	NETS TITANIUM Mo	62
54	(Symbol)	NETS TITANIUM W	63
55	(Symbol)	NETS TITANIUM B	64
56	(Symbol)	NETS TITANIUM S	65
57	(Symbol)	NETS TITANIUM C	66
58	(Symbol)	NETS TITANIUM N	67
59	(Symbol)	NETS TITANIUM O	68
60	(Symbol)	NETS TITANIUM F	69
61	(Symbol)	NETS TITANIUM M	70

TOTAL BUILDING AREAS = 955.9 m²
 LOT B AREA = 7868.3 m²
 PARCEL COVERAGE = 12%

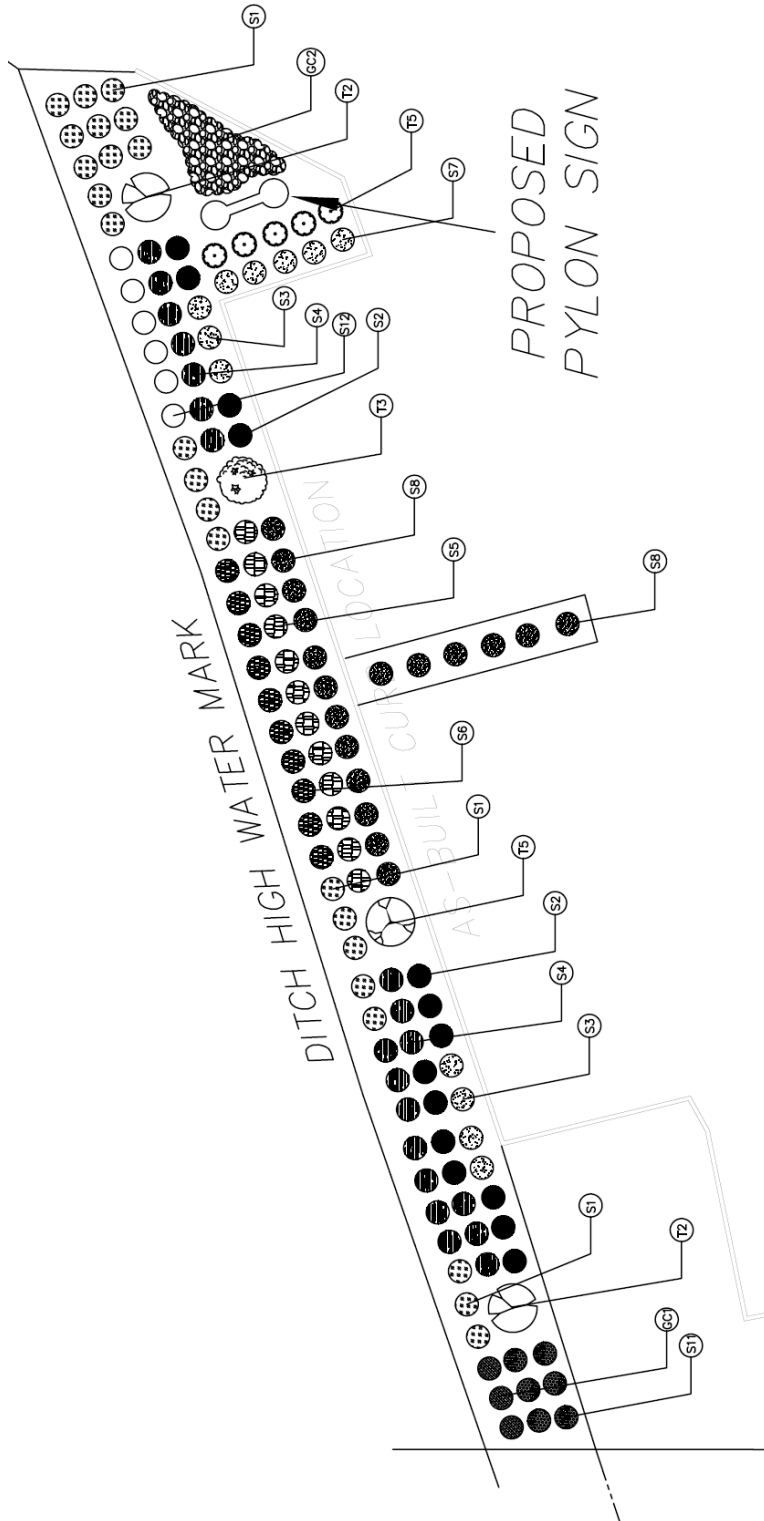
LANDSCAPING PLAN
 1/16" = 1'-0"

LOT 3
 PLAN
 10857





















Attachment 6
Proposed Landscaping
(2 of 4)



Attachment 6
Proposed Landscaping
(3 of 4)



Attachment 6
Proposed Landscaping
(4 of 4)

		NAME	NO.
HEDGING			
H1		LEYLAND CYPRESS	
TREES			
T1		WEEPING HEMLOCK	
T2		WEEPING NORWAY SPRUCE	
T3		WEEPING CEDAR	
T4		GREEN NORWAY SPRUCE	
T5		MUGO PINES DWARF	
SHRUBS ETC.			
S1		HEATHER	
S2		BARBERRY	
S3		RHODO	
S4		BOXWOOD	
S5		GOLD FLAME SPIREA	
S6		LITTLE PRINCESS SPIREA	
S7		FLAX	
S8		FEATHER GRASS	
S9		FOUNTAIN GRASS	
S10		MISCATHUS SINENSS GRASS	
S11		MEXICAN ORANGE	
S12			
GROUND COVER			
GC1		KINNIKINNICK	
GC2		RIVER ROCK	

TO: Electoral Area Services Committee **MEETING:** February 13, 2018

FROM: Kristy Marks
Planner **FILE:** PL2017-186

SUBJECT: **Temporary Use Permit Application No. PL2017-186**
925 Fairdowne Road and 1240 Valley Road – Electoral Area ‘F’
Lot 1, District Lot 156, Nanoose District, Plan EPP58884; and
Lot 2, District Lot 156, Nanoose District, Plan EPP58884 Except EPS3384

RECOMMENDATIONS

1. That the Board approve Temporary Use Permit No. PL2017-186 to allow a film and recording studio on the subject properties subject to the terms and conditions outlined in Attachments 2 and 3.
2. That the Board direct staff to complete the required notification for Temporary Use Permit No. PL2017-186.

SUMMARY

The applicant is requesting a temporary use permit (TUP) to allow film and recording studio as a temporary use on the subject properties. Given that the proposed use is consistent with OCP policies, compatible with adjacent land uses and is not anticipated to have any significant impacts on adjacent properties or the environment, staff recommend that the Board approve the TUP pending the outcome of public notification and subject to the terms and conditions outlined in Attachments 2 and 3.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Ron Chiovetti on behalf of Fairdowne Business Centre Ltd., Inc. No. BC1003055 to permit a film and recording studio as a temporary use. The subject properties are approximately 1.25 hectares in area each and are currently zoned CD-20 (Fairdowne Comprehensive Development Zone), pursuant to “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” (Bylaw 1285). The properties are located to the west of Fairdowne Road and south of Valley Road and are surrounded by Industrial zoned lands to the north, south and east and Rural zoned lands in Electoral Area ‘G’ to the west (see Attachment 1 – Subject Property Map).

The properties currently contain several buildings used as self-storage units (marketed as Guy Garages), an existing business (Isle Golf Cars), and a dwelling unit. Each lot is serviced by separate septic disposal systems and separate wells.

Proposed Development

The applicant proposes to utilize up to six warehouse buildings ranging in size from 505 m² to 820 m² for film and recording studio use. Three of the buildings (Buildings E, F, & G) are located on Lot 2 and are intended to be utilized as storage buildings in the future. An additional three buildings would be located on Lot 1 and the applicant has expressed an interest in applying to re-zone this lot in the future to permanently allow film and recording studio. Attachment 3 – Site Plan shows the location of existing and proposed buildings on Lot 1 and Lot 2.

Official Community Plan Implications

The subject property is designated 'Industrial' and is within the 'Bellevue Church Road Rural Separation Boundary' as per the "Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999" (OCP). Lands within this designation are considered a growth centre and the expansion of commercial and industrial development is supported in this area. In addition, the OCP contains policies that support the issuance of TUPs for all lands within the Village Centres and Rural Separation Boundaries and provides guidance for the evaluation of such applications. The proposed use is compatible with surrounding industrial uses and there are no impacts to the environment or ground or surface water anticipated as a result of the proposed development which is also consistent with the applicable OCP policies.

Land Use Implications

The existing CD-20 zone permits a number of industrial and commercial uses within three development areas between the two lots including Active Use Storage, Commercial Card Lock, Transportation/Transportation Terminal, Equipment Rental, Log Home Building, Manufacturing, Outdoor Sales, Warehousing/Wholesaling, Outdoor Storage and Mini-Storage. The applicant proposes to include film and recording studio as a temporary use on both Lot 1 and Lot 2.

Currently Bylaw 1285 includes a definition of "Entertainment Centre" which includes film and recording studio in addition to a number of other uses such as entertainment and recreation use and hosting of live and recorded music, dances and concerts. Given that the applicant is not proposing to allow studio audiences or access to the general public and is requesting the TUP to allow a film and recording studio and the storage and construction of film props and sets only, staff recommend including the following definition of Film and Recording Studio for the purposes of this permit:

Film and Recording Studio means the use of land, buildings, and structures for the production of art, motion pictures, videos, television or radio programs or sound recording including the construction and storage of related props and sets but does not include the presence of an audience.

With respect to the provision of on-site parking, the current CD-20 zone requires one parking space for each "active-use storage unit". Recognizing that film and recording studio use will require more parking to accommodate production staff and film crews, based on a review of parking requirements established by other local governments for the proposed use, staff recommend a parking rate of one parking space per 100 m² of building floor area to be used for film and recording studio use. Given that the applicant is proposing six buildings with a total floor area of 3824 m², a total of 39 off-street parking spaces are required. The applicant has provided a site plan and concept parking plan to demonstrate that adequate on-site parking can be provided for existing and proposed uses (Attachment 3 – Proposed

Site Plan). The definition of film and recording studio and parking requirements are included in the Terms and Conditions of Permit outlined in Attachment 2.

Given that the proposed use is consistent with OCP policies, compatible with adjacent land uses and is not anticipated to have any significant impacts on adjacent properties or the environment, staff have no concerns with issuing a TUP for the proposed film and recording studio.

Intergovernmental Implications

The application was referred to the local fire department, Island Health (VIHA) and the Ministry of Transportation and Infrastructure (MOTI).

The MOTI has confirmed that they have no objections to the TUP application and note that their comments do not constitute approval for subdivision and that access from Fairdowne Road is not permitted without a valid MOTI Commercial Access Permit. Island Health has confirmed that each lot is serviced by individual wells and that they will include Buildings E, F, and G on Lot 2 in the existing non-potable water exemption permit. The Errington Volunteer Fire Department has confirmed they have no concerns with the application.

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 metre radius of the subject property and all owners of parcels located within a 500 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed temporary use permit prior to the Board's consideration of the application. In addition, the notice will be posted in a local newspaper as required by the *Local Government Act*.

ALTERNATIVES

1. To approve Temporary Use Permit No. PL2017-186 subject to the conditions outlined in Attachments 2 to 3.
2. To deny Temporary Use Permit No. PL2017-186.

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 is in keeping with the 2016 – 2020 Board Strategic Plans Strategic Priorities and Governing Principles to foster economic development and support diversification of our regional economy by supporting an emerging industry in the region.



Kristy Marks
kmarks@rdn.bc.ca
January 24, 2018

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 Plans

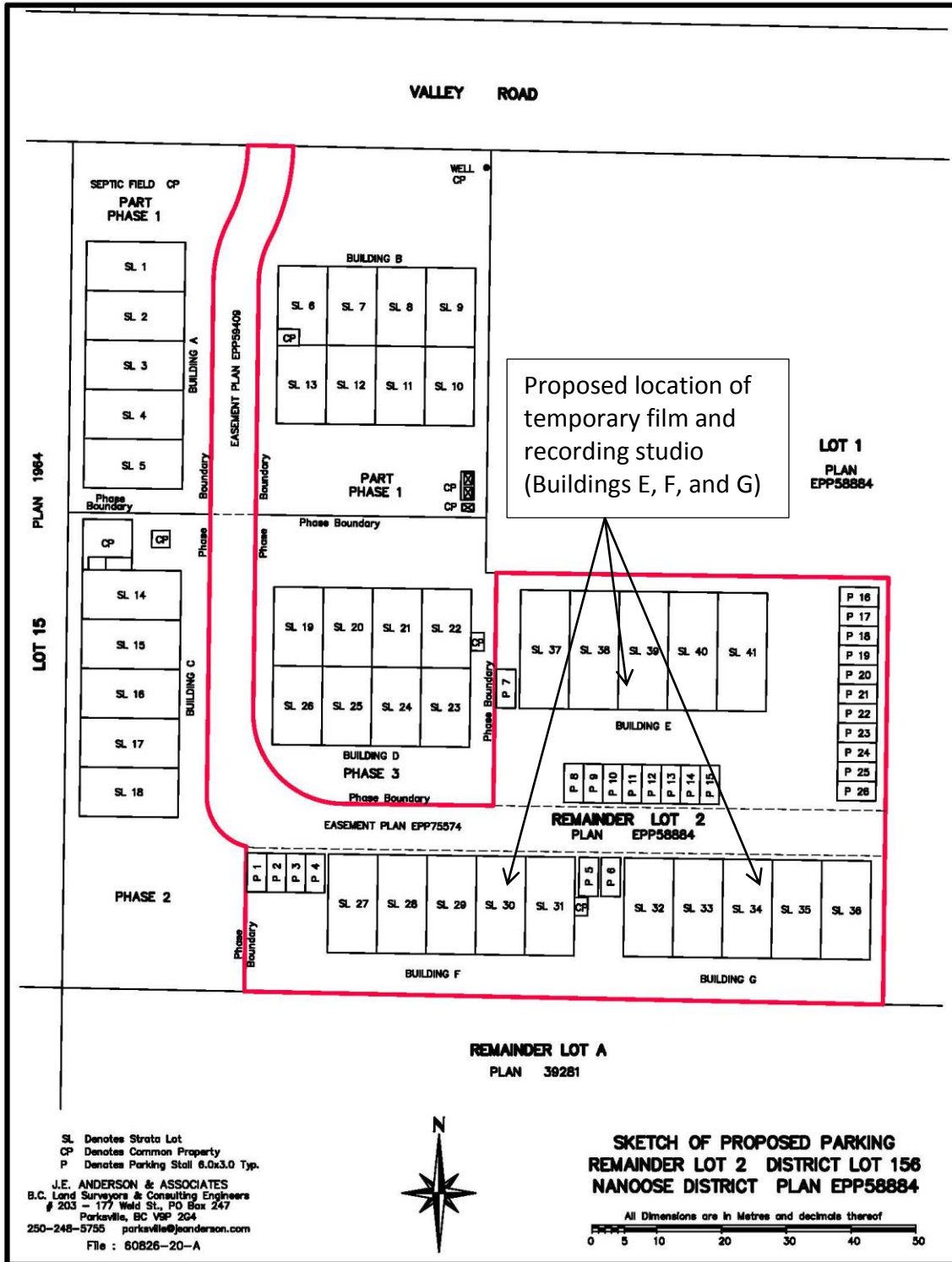
Attachment 2
Terms and Conditions of Permit

The following sets out the terms and conditions of Temporary Use Permit No. PL2017-186:

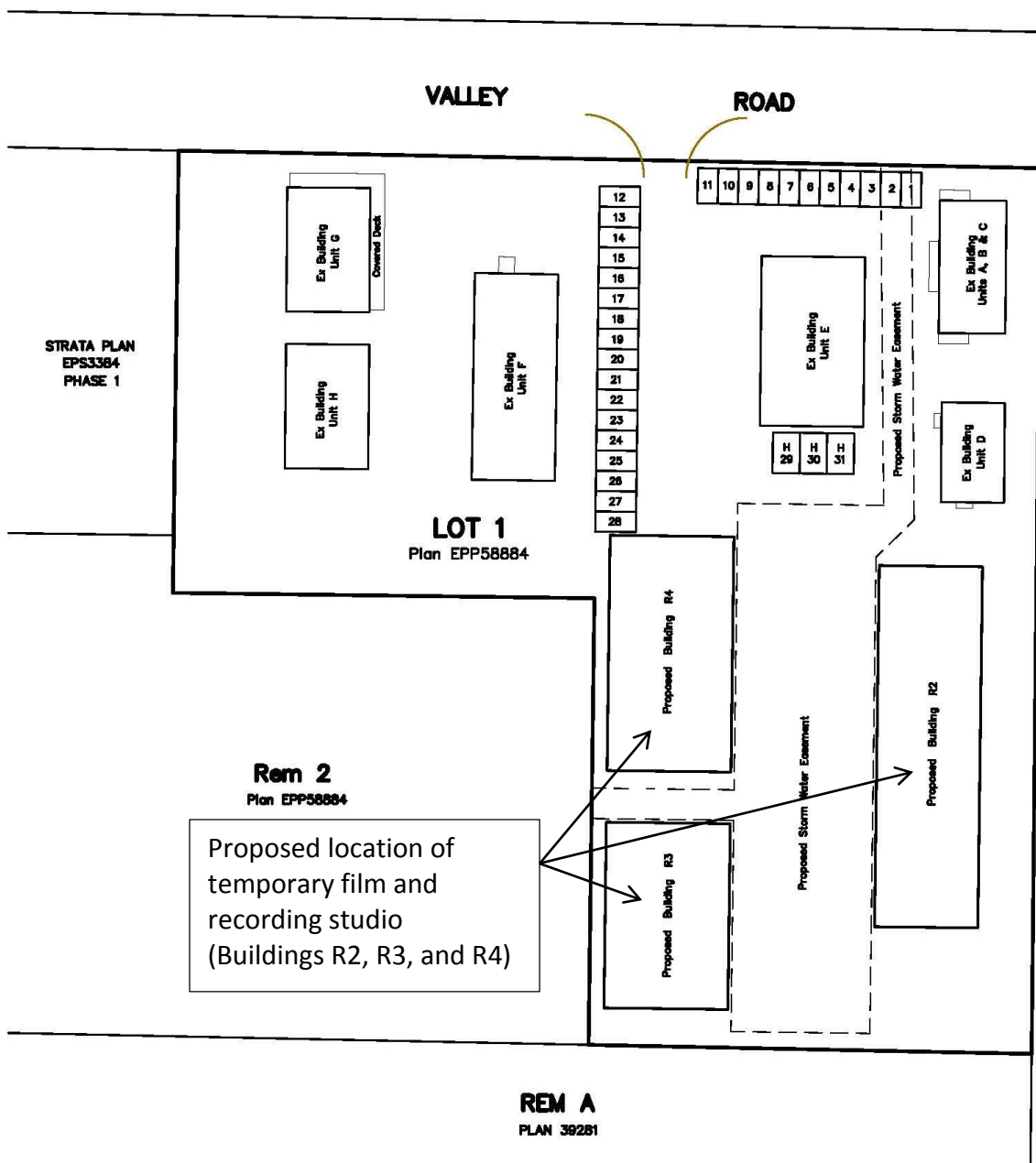
Conditions of Approval

1. The temporary use permit is valid until January 31, 2021.
2. For purposes of this temporary use permit, “Film and Recording Studio” means the use of land, buildings, and structures for the production of art, motion pictures, videos, television or radio programs or sound recording including the construction and storage of related props and sets but does not include the presence of an audience.
3. The proposed development is in general compliance with the site plans prepared by J.E. Anderson & Associates and attached as Attachment 3.
4. The applicant shall provide off-street parking at a rate of one parking space per 100 m² of building floor area used for film and recording studio use.
5. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Attachment 3
Proposed Site Plan – Lot 2
 (Page 1 of 2)



Attachment 3
Proposed Site Plan – Lot 1
(Page 2 of 2)



TO: Electoral Area Services Committee **MEETING:** February 13, 2018
FROM: Courtney Simpson
Senior Planner **FILE:** 6780-30
SUBJECT: Development Permit and Temporary Use Permit Areas Standardization Project

RECOMMENDATION

1. That the “Development Permit and Temporary Use Permit Areas Standardization” project including associated amendments to official community plans and zoning bylaws be initiated.
2. That the Terms of Reference, including the Consultation Plan for the “Development Permit and Temporary Use Permit Areas Standardization”, project be endorsed.

SUMMARY

Review of development permit areas (DPAs) to streamline development processes is identified in the Regional District of Nanaimo’s (RDN) 2017 Operational Plan as an action to support the RDN 2016-2020 Strategic Plan’s focus on service and organizational excellence and focus on the environment. Revision of existing DPAs, as well as temporary use permit (TUP) areas, to improve consistency across electoral areas will standardize and streamline the application process. There are currently forty-nine development permit areas in seven official community plans (OCPs) adopted between 1997 and 2017. Due to changes to best practices, experience of working with existing DPAs, and changes in the region, the DPA guidelines established for the same purpose vary from one area to another. The project is only considering the streamlining of existing DPAs and does not include the addition of new DPAs.

All seven OCPs designate TUP areas but vary in terminology, uses and conditions. Standardizing DPAs and TUP areas will ensure today’s best practices are adopted throughout the electoral areas which will result in consistent requirements for applicants and a more effective means of implementing the objectives of the DPAs.

BACKGROUND

The RDN 2017 Operational Plan identifies specific action item SCD-10-2017 to Review, Standardize and Update DPAs in RDN Electoral Area OCP's. This is a key action item for Community Planning in 2018 and is recommended to streamline and improve application processing.

The RDN designates DPAs in its seven OCPs for a variety of purposes as enabled by the *Local Government Act*. A DPA is an important tool used in the development process to protect the natural environment, to protect development from hazardous conditions, to guide the form and character of development, to promote energy or water conservation, or to promote reduction of greenhouse gas emissions.

Where a DPA is designated, a development permit must first be obtained prior to certain types of development such as subdivision, construction, or land alteration. A map in the OCP indicates where the DPA is designated and text of the DPA indicates for what types of development a permit is required. The text of the DPA also describes its objectives, special conditions that justify the designation and guidelines respecting the manner by which the objectives or special conditions will be addressed. Some DPA guidelines require a report from a professional such as a biologist or engineer, or other supporting information. The permit itself includes conditions that must be adhered to during or after development.

The scope of this project is limited to revising existing DPA and TUP area language used in designations and guidelines to achieve consistency across electoral areas. The project scope does not include designating any new areas for DPAs with minor exceptions such as to correct known errors or omissions. Given changes to the legislation with respect to TUP's since some of our oldest OCP's were adopted, it is anticipated that the ability to use TUP's, in some cases will be expanded in accordance with community planning best practice.

To accomplish these revisions, all seven electoral area official community plans will be amended. Although the Electoral Area 'H' OCP was recently amended including a thorough revision of its DPAs, it is anticipated that by expanding the consultation to other areas and stakeholders through this project, some minor changes will be recommended for Area 'H' to achieve consistency across electoral areas.

Some or all of the DPA guidelines and TUP designations and conditions will be moved to the applicable zoning bylaw to allow more efficient updates in the future to respond to evolving best practices and changing conditions. Scope, tasks and timeline, and stakeholder, public and First Nations engagement are outlined in the Terms of Reference (see Attachment 1).

The project has four phases and is scheduled to be completed by the end of 2018. The first phase is initiation of the project and notifying stakeholders. The second phase involves a review of the existing DPAs and TUPs to determine the needed changes to provide greater consistency and improve application process efficiency. The third phase is consultation with stakeholders and the community on possible changes. The third phase will also include revisions to the proposed bylaw changes based on the community and stakeholder input. The final phase is the process to amend the multiple OCP and zoning bylaws. Staff will report to the EASC during each phase of the project.

Key objectives of the project are as follows. A more detailed list is outlined in the Terms of Reference (see Attachment 1):

- Adopt consistent language across electoral areas for development permit areas and temporary use permit areas
- Improve ease of interpretation for the RDN, property owners and consultants
- Improve ability to easily and consistently amend development permit area guidelines and temporary use permit areas to respond to evolving best practices and changing conditions
- Achieve consistency without designating any new areas where development permits are required or areas within which temporary use permits may be issued

There are currently forty-nine DPAs with their date of adoption or most recent amendment between 1997 and 2017. Due to changes to best practices, experience of working with existing DPAs, and changes in the region such as building inspection service now in all electoral areas, DPAs with the same objectives have guidelines that vary from one area to the other. Standardizing DPAs guidelines will improve efficiency in processing applications, as there will be improved clarity and consistency across

electoral areas. These forty-nine DPAs could be combined into approximately eight common DPAs with approximately eleven other DPAs for form and character to remain specific to the village centre or neighbourhood for which they are designated.

All RDN OCPs allow for TUPs to be issued for either general or specified temporary uses depending on the OCP. Some OCPs allow for a TUP to be issued for any use, and others only allow one to be issued for a limited range of uses. Standardizing the language for TUP designation and conditions regarding their issuance would result in consistent requirements for applicants.

Intergovernmental Implications

The Regional Growth Strategy recognizes the need to coordinate planning with First Nations. Regional Growth Strategy Policy 11.3 states that “the RDN wishes to involve First Nations in its planning processes in the same way it involves other levels of government”, and that the RDN will “continue dialogue with First Nations regarding land use planning in the RDN... for the purpose of building a mutual appreciation and understanding of land use planning processes”. The Terms of Reference includes a list of First Nations or treaty societies have indicated interest in the lands consisting of the RDN who will be engaged with as part of this project (see Attachment 1).

These First Nations will be contacted by letter or email initially about the project, and asked how they would like be involved. Regardless of response to this initial outreach, all First Nations will receive a formal bylaw referral after 1st reading.

Public Consultation Implications

As outlined in the Consultation Plan included in the Terms of Reference, public consultation includes targeted outreach to stakeholders in the development field who refer to the DPAs on a regular basis, and broad public consultation. Staff will host drop-in open house events for 2-3 days in each electoral area. In addition, two public meetings with presentation and open house components will be held, one in School District 68 and one in School District 69. Identified stakeholder groups will be invited to meet with staff, in particular the development and consulting community who works with the DPAs regularly. Interested public will also be encouraged to speak with staff at the RDN main administration building or at another location convenient to the public, at any other time (see Attachment 1).

ALTERNATIVES

1. That the “Development Permit and Temporary Use Permit Areas Standardization” project including associated amendments to official community plans and zoning bylaws be initiated. And the Terms of Reference including the Consultation Plan for the project be endorsed.
2. That the Terms of Reference including the Consultation Plan for the “Development Permit and Temporary Use Permit Areas Standardization” project be amended.
3. Not proceed with the “Development Permit and Temporary Use Permit Areas Standardization” project and provide alternate direction to staff.

FINANCIAL IMPLICATIONS

The 2018 budget includes funds for community engagement costs for this project such as facility rentals and printed materials.

Approximately 0.5 full-time staff equivalent from Strategic and Community Development and mapping resources will be assigned to the project through to completion. All community, stakeholder and First Nations engagement, along with bylaw drafting, communication materials drafting and design will be completed by RDN staff.

STRATEGIC PLAN IMPLICATIONS

The Board's Strategic Plan recognizes a "focus on organizational excellence and service" and this project will advance the goal to "ensure our processes are as easy to work with as possible". Goals of other focus areas of the Strategic Plan for "economic health" and "the environment" will also be advanced through this project.



Courtney Simpson
csimpson@rdn.bc.ca
February 1, 2018

Reviewed by:

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

Attachments:

1. Development Permit and Temporary Use Permit Areas Standardization - Terms of Reference



Development Permit and Temporary Use Permit Areas Standardization

Terms of Reference

February 1, 2018

1. Background

The Regional District of Nanaimo (RDN) designates development permit areas (DPA) in its seven official community plans (OCP) for a variety of purposes as enabled by the *Local Government Act*. A DPA is an important tool used in the development process to protect the natural environment, to protect development from hazardous conditions, to guide the form and character of development, to promote energy or water conservation, or to promote reduction of greenhouse gas emissions.

In an area where a DPA is designated, a development permit must first be obtained prior to certain types of development such as subdivision, construction, or land alteration. A map in the OCP indicates where the DPA is designated and text of the DPA indicates for what types of development a permit is required. The text of the DPA also describes its objectives, special conditions that justify the designation and guidelines respecting the manner by which the objectives or special conditions will be addressed. Some DPA guidelines require a report from a professional such as a biologist or engineer, or other supporting information. The permit itself includes conditions that must be adhered to during or after development.

There are currently forty-nine DPAs with their date of adoption or most recent amendment between 1997 and 2017. Due to changes to best practices, experience of working with existing DPAs, and changes in the region such as building inspection service now in all electoral areas, DPAs with the same objectives have guidelines that vary from one area to the other. Standardizing DPA guidelines will improve efficiency in processing applications, as there will be improved clarity and consistency across electoral areas. These forty-nine DPAs could be combined into approximately eight common DPAs with approximately eleven other DPAs for form and character to remain specific to the village centre or neighbourhood for which they are designated.

All RDN OCPs allow for temporary use permits (TUP) to be issued for either general or specified temporary uses depending on the OCP. Some OCPs allow for a TUP to be issued for any use, and others only allow one to be issued for a limited range of uses. Standardizing the language for TUP designation and conditions regarding their issuance would result in consistent requirements for applicants.

1.1. Goal

To revise existing development permit areas and temporary use permit areas for consistency of language across electoral areas in order to standardize the application process and conditions of permits.

1.2. Objectives

- Adopt consistent language across electoral areas for development permit areas and temporary use permit areas
- Improve ease of interpretation for the RDN, property owners and consultants
- Improve ability to easily and consistently amend development permit area guidelines and temporary use permit areas to respond to evolving best practices and changing conditions
- Achieve consistency without designating any new areas where development permits are required or areas within which temporary use permits may be issued
- Adopt current best practices for development permit areas
- Correct issues of clarity in development permit area maps and text
- Address issues or concerns with the current development permit areas raised by First Nations, public or stakeholders when they are within the scope of the project
- Apply any lessons learned from implementation of Electoral Area 'H' development permit areas adopted in 2017

2. Scope of Work

The scope of this project is limited to revising existing DPA and TUP area language used in designations and guidelines to achieve consistency across electoral areas. The project scope does not include designating any new DPAs or TUP areas with minor exceptions such as where there are known errors or omissions.

To accomplish these revisions, all seven electoral area official community plans will be amended. Although the Electoral Area 'H' OCP was recently amended including a thorough revision of its DPAs, it is anticipated that by expanding the consultation to other areas and stakeholders through this project, some minor changes will be recommended for Area 'H' to achieve consistency across electoral areas.

Changes to maps that designate DPAs may be required, with these changes most likely being limited to the DPA labels and legend. Minor changes to some map designations that are not intended to expand the designated areas may be required.

Some or all of the DPA guidelines will be moved to the applicable zoning bylaw to allow more efficient updates in the future to respond to evolving best practices and changing conditions. Note that the *Local Government Act* requires that a DPA is designated in the OCP, but the DPA guidelines can be in either the OCP or the zoning bylaw.

The TUP designation and conditions regarding issuance can be within the OCP or the zoning bylaw, and through this project they will be moved to the zoning bylaw for ease of interpretation and future consistent amendment.

3. Tasks and Timeline

The timetable below is based on the project scope as outlined in this Terms of Reference. Any proposed changes to the scope should be evaluated against the timeline to understand how the timeline may be impacted.

Project Timeline		
	MILESTONE	TARGET DATE (2018)
INITIATE	Terms of Reference endorsed by Board	February 27 Board
	Project website launched	March 5
	Initiate dialogue with First Nations	March 9
	News Release and other communications	March 22
IDENTIFY ISSUES	Complete internal review of specific issues to be addressed	March 19
	Targeted stakeholder outreach	March 26
	First draft of revised DPAs and TUP areas for internal review	March 29
	Report to EASC with draft of DPAs and TUP areas for public	May 8 EASC
CONSULTATION ON DRAFT AMENDMENTS	Draft revised DPAs and TUP areas released to public	May 10
	Early referral of draft to agencies and First Nations	May 10
	Public consultation: in-person events	May 14-25
	Online consultation	May - June
	Report to EASC on input received during consultation	July 10 EASC
	Draft bylaws amending OCPs and zoning to adopt changes to DPAs and TUPs	August 10
BYLAW AMENDMENT PROCESS	Report to EASC recommending 1st and 2nd reading	September 4 EASC
	Subsequent report to Board for 1st and 2nd reading	September 18 Board
	Bylaw referral to agencies and First Nations	September 20
	Public Hearing	October
	3rd Reading and Adoption	November
	Updates to website and follow up public communication	December

4. Roles and Responsibilities

Staff: to provide project management and professional advice, organize, coordinate and facilitate public consultation, draft and finalize the bylaw amendments.

Electoral Area Directors: to provide situational leadership throughout the project by chairing and/or presenting at public events, and reporting to the RDN Electoral Area Services Committee and Board on the project as required.

Electoral Area Services Committee: to review the project from a regional and sub-regional perspective and make recommendations to the RDN Board on bylaw amendments which may result.

5. Stakeholders and Public Engagement

The RDN is committed to ongoing and meaningful public consultation, and recognizes that not only do the people who live with the impacts of any of our plans, policies, programs or projects expect to share in the decision-making process but that better decisions are made through a shared approach¹.

The plan for community engagement for this project is based on the following principals:

Inclusiveness – engage the widest possible audience through multiple consultation opportunities

Timeliness – offer early and ongoing opportunities for participation well before decisions are made

Transparency – records of all consultation activities will be made available to the public

Balance – provide opportunities for diverse perspectives and opinions to be raised and considered

Flexibility – adapt as required to meet the needs of participants

Traceability – demonstrate the impact of participation input on decision-making

5.1 Approach, Methods and Tools

A variety of methods and tools will be used to communicate and engage during the project. These methods and tools are divided into five approaches:

Information – The RDN will share information about the project throughout the process. Updates will be shared through RDN social media accounts and print materials such as the RDN Perspectives quarterly publication. A “Get Involved” page will be created for the project and updated regularly, acting as the main source of information for the project. Interested public and stakeholders will be encouraged to sign up for email alerts on the project through “Get Involved”.

Online Consultation – The RDN will solicit comments and feedback online through the “Get Involved” page for the project using tools such as online surveys, videos and feedback forms.

Live Events – Staff will host drop-in open house events for 2-3 days in each electoral area. In addition, two public meetings with presentation and open house components will be held, one in School District 68 and one in School District 69. Identified stakeholder groups will be invited to meet with staff, in particular the development and consulting community who works with the DPAs regularly. Interested public are also be encouraged to speak with staff at the RDN main administration building or at another location convenient to the public, at any other time.

¹ Regional District of Nanaimo, 2008. *A Coordinated Public Consultation/Community Framework*.

Outreach – Outreach to the public will be through newspaper ads for the live events, Facebook and Twitter, direct email to consultants and other identified community stakeholders. Identified community stakeholders include consultants, developers, and others who regularly make development applications to the RDN.

Engagement with internal stakeholders at the RDN is also important to this process, and there will be collaboration with staff within the Strategic and Community Development department as well as those in other departments who may be impacted by the project or whose expertise may be important.

5.2 Outcomes and Products

One of the principles of this public engagement is transparency, and in order to achieve this, the “Get Involved” page for the project will be used to store information and resources. Presentation materials from public events will be posted to the website so that people who do not attend in person have access to the same information presented at the event. Input received from the public or stakeholders will be posted to the website. An exception to this may be engagement with First Nations, where confidential or sensitive information may not be posted publicly.

5.3 Referral Agencies, and Community Stakeholders

There is a statutory requirement for consultation in section 475 of the *Local Government Act*, which requires that during the development of an Official Community Plan, the Regional District must provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected. The Board must specifically consider whether consultation is required with the board of any regional district that is adjacent to the area covered by the plan, the council of any municipality that is adjacent to the area covered by the plan, First Nations, school district boards, greater boards and improvement district boards, and the Provincial and Federal governments and their agencies.

The following is a list of stakeholders for Board consideration pursuant to the requirements in the *Local Government Act*.

<p>Local</p> <ul style="list-style-type: none"> • Improvement Districts • Development Consultants • Oceanside Construction and Development Association • Engineers, Biologists and other professionals who often prepare reports for RDN applications <p>Provincial</p> <ul style="list-style-type: none"> • Island Health • Agricultural Land Commission • Ministry of Agriculture • Ministry of Municipal Affairs & Housing • Ministry of Environment • Ministry of Forests, Lands & Natural Resource Operations 	<p>Adjacent local governments</p> <ul style="list-style-type: none"> • Cowichan Valley Regional District • City of Nanaimo • District of Lantzville • City of Parksville • Town of Qualicum Beach • Alberni-Clayoquot Regional District • Comox Valley Regional District • Islands Trust <p>Federal</p> <ul style="list-style-type: none"> • Fisheries and Oceans Canada
--	---

-
- Ministry of Transportation & Infrastructure
-

5.4 First Nations Engagement

The Regional Growth Strategy recognizes the need to coordinate planning with First Nations. Regional Growth Strategy Policy 11.3 states that “the RDN wishes to involve First Nations in its planning processes in the same way it involves other levels of government”, and that the RDN will “continue dialogue with First Nations regarding land use planning in the RDN... for the purpose of building a mutual appreciation and understanding of land use planning processes”. The following First Nations or treaty societies have indicated interest in the lands consisting of the RDN.

Hupačasath First Nation	K'ómoks First Nation
Qualicum First Nation	Tla'amin First Nation
Snaw-Naw-As (Nanoose First Nation)	Snuneymuxw First Nation
Stz'uminus First Nation	Tseshaht First Nation
We Wai Kai - (Cape Mudge Indian Band)	Wei Wai Kum (Campbell River Indian Band)
Laich-Kwil-Tach Treaty Society	Nanwakolas Council Referrals Office
Xwemalhwu (Homalco)	

These First Nations will be contacted by letter or email initially about the project, and asked how they would like be involved. The plan for engagement with First Nations after this initial outreach will be defined based on their response. Regardless of response to this initial outreach, all First Nations will receive a formal bylaw referral after 1st reading.

6. Budget and Resources

Approximately 0.5 full-time staff equivalent from Strategic and Community Development and mapping resources will be assigned to the project through to completion. All community, stakeholder and First Nations engagement, bylaw drafting, communications materials drafting and design will be completed by RDN staff.

7. Monitoring and Evaluation

The RDN recognizes that engaging the public is a constantly evolving challenge, and is committed to developing new and innovative approaches to keep the community involved and informed as well as getting their feedback. Evaluating the public engagement for this project will be done throughout by using feedback forms, surveys, and polls to gauge to what extent the public's expectations are being met, in order to adapt the consultation methods during the project, and as a learning tool for future projects.

TO: Electoral Area Services Committee **MEETING:** February 13, 2018
FROM: Renée Lussier
Parks Planner **FILE:** 6140-20
SUBJECT: Signage Strategy for Community Parks and Trails

RECOMMENDATION

That the Signage Strategy for Community Parks and Trails be approved as presented.

SUMMARY

The proposed Signage Strategy for Community Parks and Trails is a standardized system of signs, typefaces and graphics to welcome and communicate information to visitors of RDN parks and trails. The goals are to develop a Signage Strategy to create signs that identify a site as a RDN Community Park or Trail site, to identify the park and/or trail, to be visible and legible upon approach to the site and along a trail, to be contemporary and aesthetically pleasing, and to be cost effective in fabrication and installation. Developing a new signage program after the launch of the RDN's new graphic standards is an opportunity to align Parks Services with corporate branding.

BACKGROUND

Through the development of the Community Parks and Trails Strategy, signage was identified as the most requested park improvement feature by the public for community parks.

At the October 4, 2016 Board meeting the following resolution #16-617 was approved.

"That staff be directed to remove the negative Regional District of Nanaimo signage from all water accesses and community parks and replace it with simple water access/community park identification signage."

The old signs were removed and research into signage for parks and trails in other jurisdictions was completed to better understand the graphic direction the Signage Strategy could take. The variety of design options is vast – there are many precedent ideas that could work for RDN Parks. Staff focused efforts on the cost effective qualities of signage while maintaining clear wayfinding options and branding opportunities. Staff met with RDN team members in Building & Bylaw Services, Corporate Services, and within Parks Services to better understand their signage needs. All were presented with an overview of the Signage Strategy and their feedback was considered and integrated into the sign design.

Staff examined the 2014 Parks and Trails Guidelines as a reference for the proposed Signage Strategy for Community Parks and Trails. The proposed new signs will reflect an updated graphic style and the RDN Graphic Design Standards. The corporate branding for the RDN uses a specific font type and colour palette; the new sign design integrates these branding components. An updated RDN logo will be provided on the new signs as well.

The signage classifications are as follows:

Identification Signage

Identification Signage is intended to mark the location of the park or trail at the earliest approach point to the park or trail itself. The signage is intended primarily to be visible from a distance by visitors traveling by vehicle at higher speeds but also useful to visitors arriving by bicycle or on foot. A wood sign would be placed adjacent the main road into the park or adjacent the parking area, where possible. The signage would be used at parks with larger entrances.

Entrance Signage

Entrance Signage are small signs intended to mark the entrance to a park or trail in small and less developed parks. It should be to pedestrian scale, visible from a distance, and legible upon approach. A combination of Entrance and Welcome Signage would highlight the main entrance.

Welcome Signage

The welcome sign would provide historic and current information about the park or trail, provide a park map or trail system (or both), identify park or trail amenities, identify park or trail regulations, and provide contact information for RDN Parks.

Trail Head Signage

Trail Head Signage is intended to mark the beginning of a trail. It would provide the trail name, the trail condition (easy, moderate, difficult), the length of the trail, identify trail use (hiking vs walking), and provide a trail system map with "You are here" identified.

Directional Signage

Directional Signage is intended to be placed where required in a park or along a trail. The purpose is to direct park and trail users to areas of interest. Directional Signage would be a wayfinding tool for park and trail users not referencing maps. Where necessary, park or trail system diagrams with a location identified will be provided to enhance the wayfinding experience.

Interpretive Signage

Interpretive Signage is intended to provide historical, environmental, and/or educational information for park and trail users. Interpretive Signage would be used in parks in areas of significance or along trails to highlight points of interest.

Regulatory Signage

Regulatory Signage is intended to reinforce Bylaw 1399 and to clearly identify uses permitted/not permitted in RDN Parks and along RDN Trails. It would provide universally understood icons to highlight uses permitted/not permitted and provide contact information for RDN Parks. Regulatory Signage would be customizable to reflect the individual park or trail in which the sign would be placed.

Safety Signage

Safety Signage is intended to alert park and trail users of possible dangerous conditions or unusual activities. Their placement is key to ensure the safety of the public. The established use of yellow for 'Caution' and red for 'Danger' would be maintained.

A final signage type is included in the Signage Strategy for Community Parks and Trails is 'Banners and Flags'. Banners would be used at community events to identify a RDN Parks Services booth, or other location. Flags would be incorporated into the Signage Strategy to enhance wayfinding at a public event.

A pilot is planned in each Electoral Area and the priorities will be reviewed with each Electoral Area Director and Parks and Open Space Advisory Committee.

ALTERNATIVES

1. That the Signage Strategy for Community Parks be approved as presented.
2. That the Signage Strategy for Community Parks not be approved as presented and alternative direction be provided.

FINANCIAL IMPLICATIONS

The general cost to produce a signage set for a larger community park is \$5,000. The breakdown is as follows:

<i>Item</i>	<i>Cost</i>
New identification sign (72" long, with 2 posts and a concrete pad)	\$3,000
New signage set	
2 entrance signs at \$150 each	\$300
2 welcome signs at \$250 each	\$500
4 interpretive signs at \$250 each	\$1000
2 trail head signs at \$50 each	\$100
6+ directional signs	\$100
TOTAL	\$5,000

Costs may vary depending on specific park needs or requirements. Material and printing are the primary costs associated with the Signage Strategy – cost savings can be achieved by completing installation and providing ongoing maintenance with staff only.

A pilot program in Community Parks and Trails is planned to assess the cost impact and the overall effectiveness of the Signage Strategy. Each Electoral Area has \$2,000 in the sign budget that could be used for a pilot project in a selected park or trail.

STRATEGIC PLAN IMPLICATIONS

The Community Parks and Trails Strategic Plan (January 2014) identified signage as the most requested park improvement feature by the public for existing community parks. The Signage Strategy applies to the RDN Strategic Plan by providing designs for high quality signs in the most cost effective way. This aligns with the Focus on Service and Organizational Excellence through the delivery of efficient, effective and economically viable services that meet the needs of the Region. The Strategic Plan also states that community mobility and recreational amenities are core services. The new Signage Strategy will enhance parks and provide information to encourage use of parks and trails.



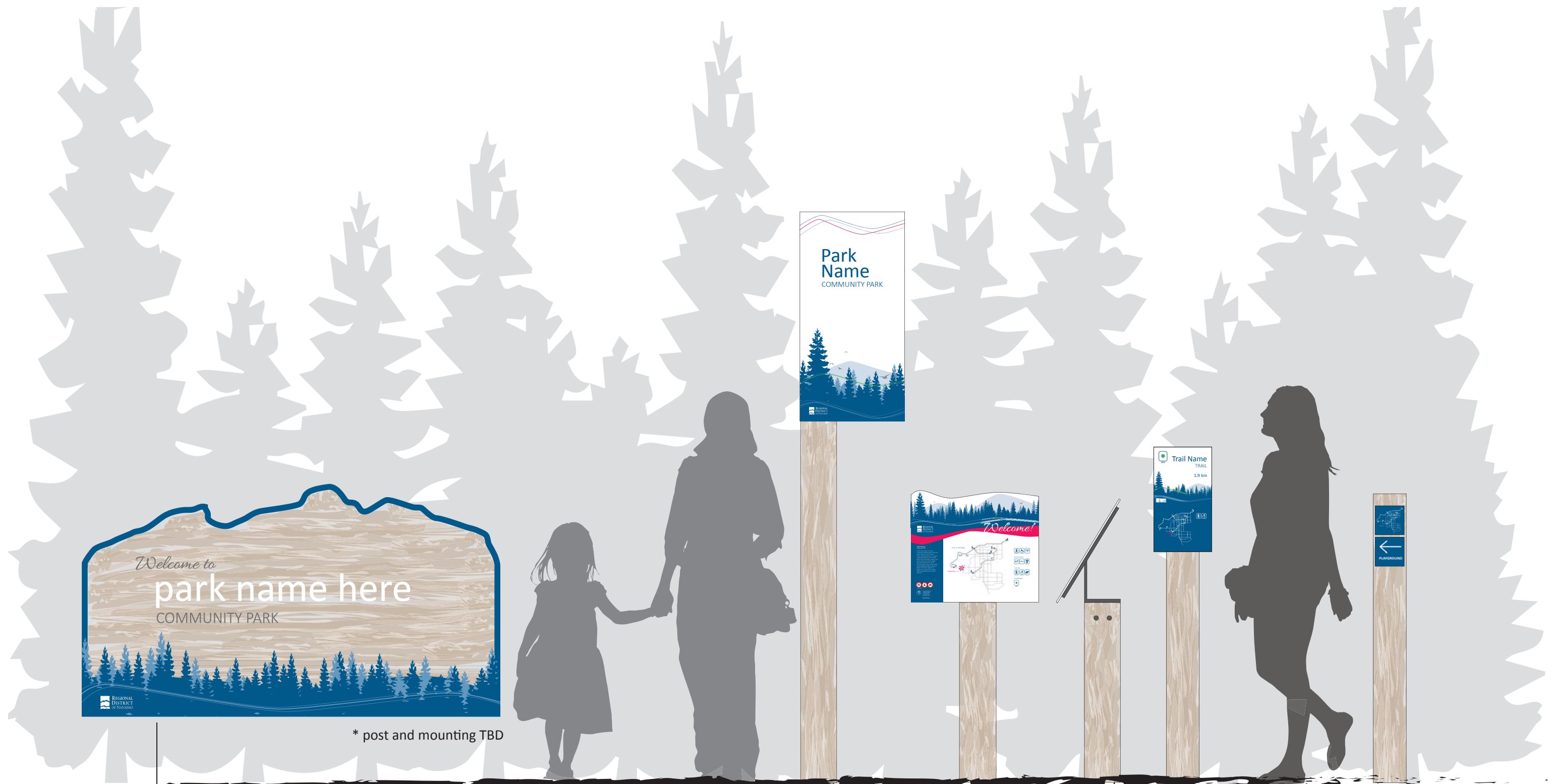
Renée Lussier
rlussier@rdn.bc.ca
February 1, 2018

Reviewed by:

- W. Marshall, Manager, Parks Services
- T. Osborne, General Manager, Recreation and Parks
- P. Carlyle, Chief Administrative Officer

Attachments

1. Signage Family for Community Parks and Trails
2. Signage Strategy for Community Parks and Trails



* post and mounting TBD

IDENTIFICATION sign
cedar wood product and dimensions
to remain

ENTRANCE sign
size: 18x36"
height to
top of sign: 8'

WELCOME sign
size: 18x22"
height to top of sign: 4'
*panel tilt 30° back

INTERPRETIVE sign
size: 18x22"
height to top of sign: 4'
*panel tilt 30° back

TRAIL HEAD sign
size: 10x18"
height of top of sign: 4'-8"

DIRECTIONAL sign
size: 5x5"
height to top of sign: 4'

SIGNAGE CLASSIFICATION FOR THE SIGNAGE STRATEGY FOR COMMUNITY PARKS AND TRAILS
EASC Meeting February 13th, 2018

Parks Services

SIGNAGE STRATEGY

Defining a Comprehensive Wayfinding Strategy for
Community Parks & Trails



Goals

1. To welcome visitors and provide information needed for an enjoyable and safe experience.
2. To develop a signage strategy that is consistently identifiable as RDN Parks and Trails sites
3. To clearly identify the park and/or trail
4. To be visible and legible upon approach to the park and along the trail
5. To be contemporary and aesthetically pleasing
6. To be cost effective in fabrication and installation

Objectives

1. FOR WELCOMING SIGNAGE

- Engage the visitor mapping and illustrations that highlight the park's features and amenities
- Use graphics and fonts that are legible
- Provide ways for the visitor to engage with the RDN beyond the park – ie: contact information, social media options, and the RDN website

Objectives

2. FOR CONSISTENCY

- Use colours as identified in the current RDN Graphic Standards
- Apply a graphic consistency to all signage that allows for future additions (all signage developed should follow the established graphic style)
- Include a design that is reflective of the RDN region – shore, mountain, forests, horizon – and the RDN logo

Objectives

3. FOR CLEAR IDENTIFICATION

- Use a font size that is visible from reasonable distances for pedestrians and drivers
- Use high contrasting colours
- Consider human scale (heights, location, quantity)
- Reduce information clutter on signage

Objectives

4. TO BE VISIBLE

- Consider pedestrian/human scale
- Use high contrasting colours
- Mark park uses and regulations at entrances

Objectives

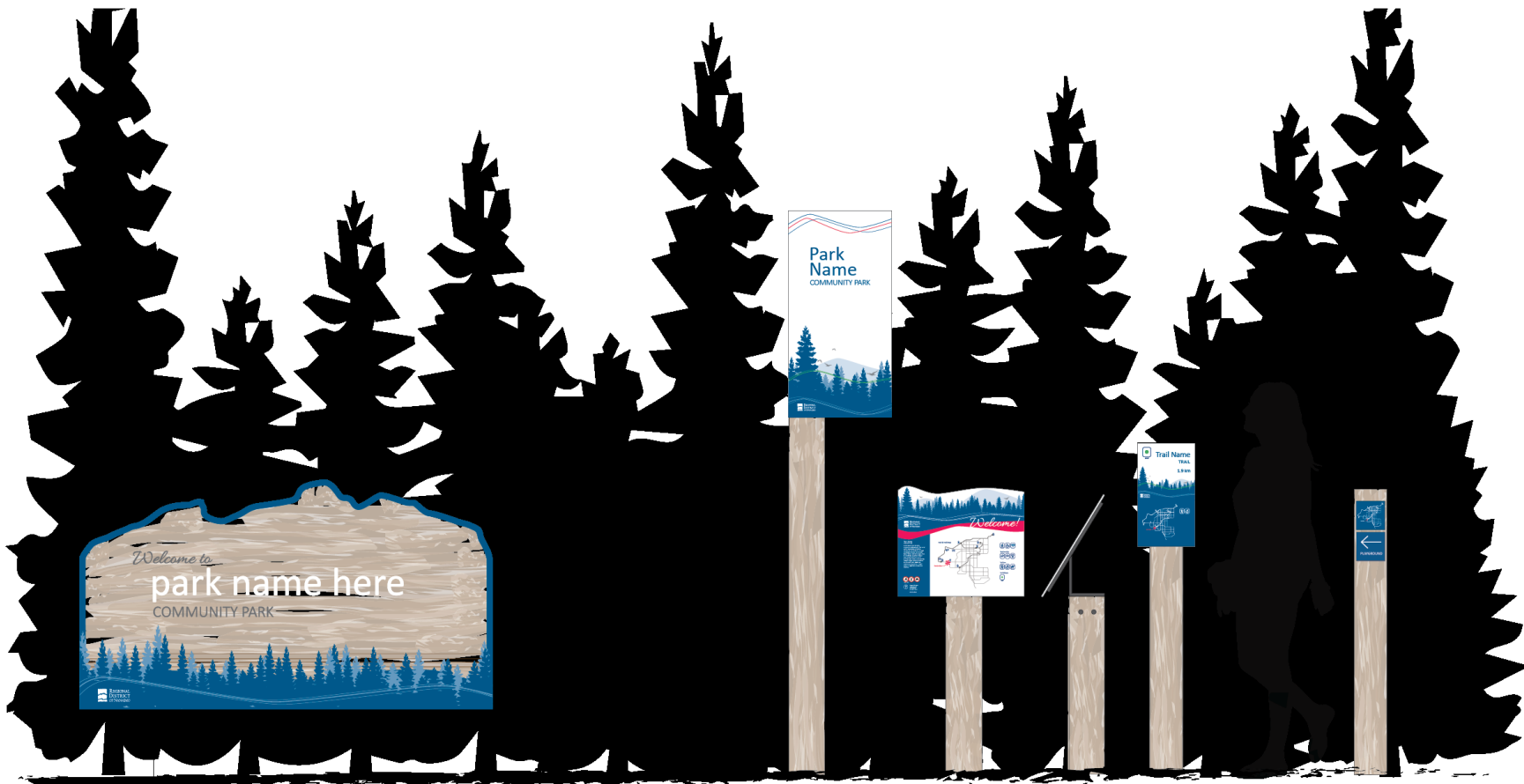
5. TO BE CONTEMPORARY

- Provide an update/refresh to current signage
- Use industry standard software to produce graphics
- Use industry standard materials in sign fabrication
- Keep current standards of installation and mounting material to maintain consistency for all sites (ie: wood post with sign)

Objectives

6. TO BE COST EFFECTIVE

- Use simple materials and connections/attachments
- Can be reproduced by multiple signage companies
- Use aluminum composite for panels – a readily and widely available signage material
- Can be installed by staff and minor repairs can be provided in-house



IDENTIFICATION sign
cedar wood product and dimensions
to remain

ENTRANCE sign
size: 18x36"
height to
top of sign: 8'

WELCOME sign
size: 18x22"
height to top of sign: 4'
*panel tilt 30° back
INTERPRETIVE sign
size: 18x22"
height to top of sign: 4'
*panel tilt 30° back

TRAIL HEAD sign
size: 10x18"
height of top of sign: 4'-8"

DIRECTIONAL sign
size: 5x5"
height to top of sign: 4'

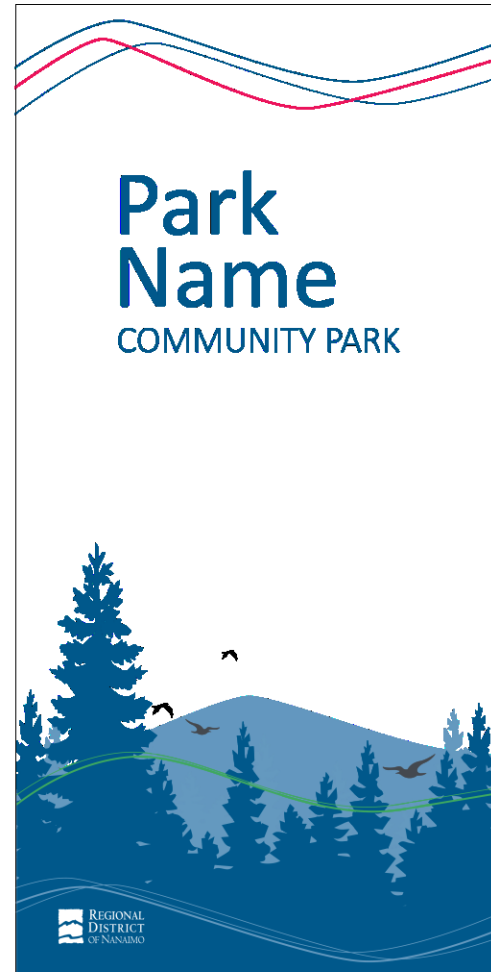
Identification Signage

- Provide retrofit for existing wood signs to encourage consistency
- New identifications signs to all be cedar with routed lettering and graphic applied to base of sign
- 2-post, or 4-post options available with the largest sign being 72” in width
- To be used at community parks with larger entrances



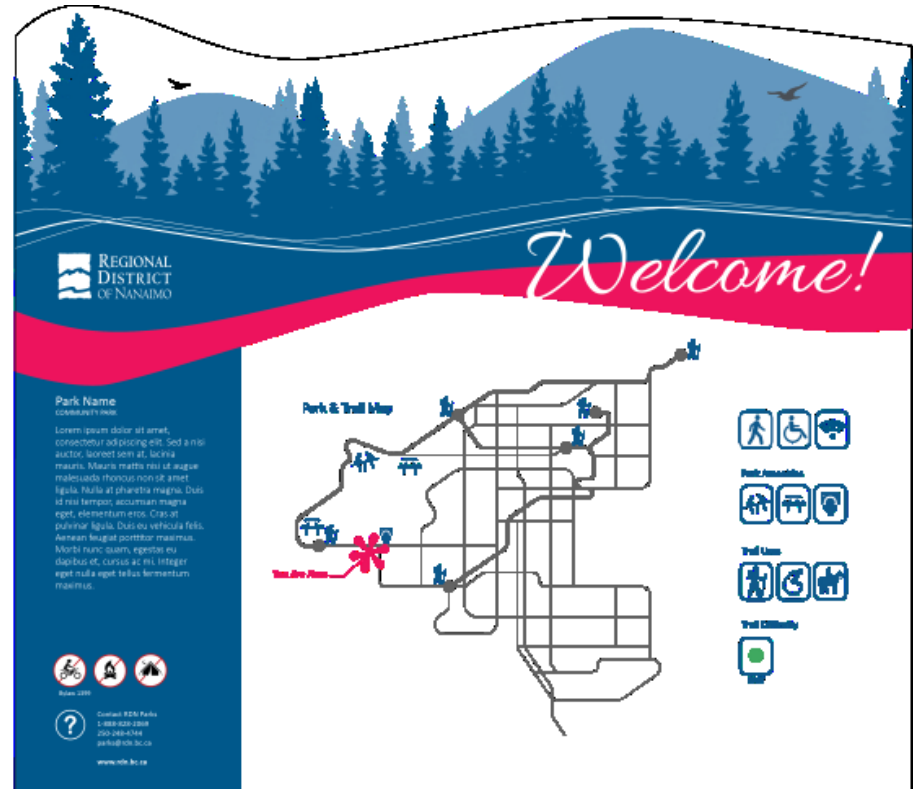
Entrance

- Single post sign at height provided at entrances
- Parks with smaller entrances to have sign type

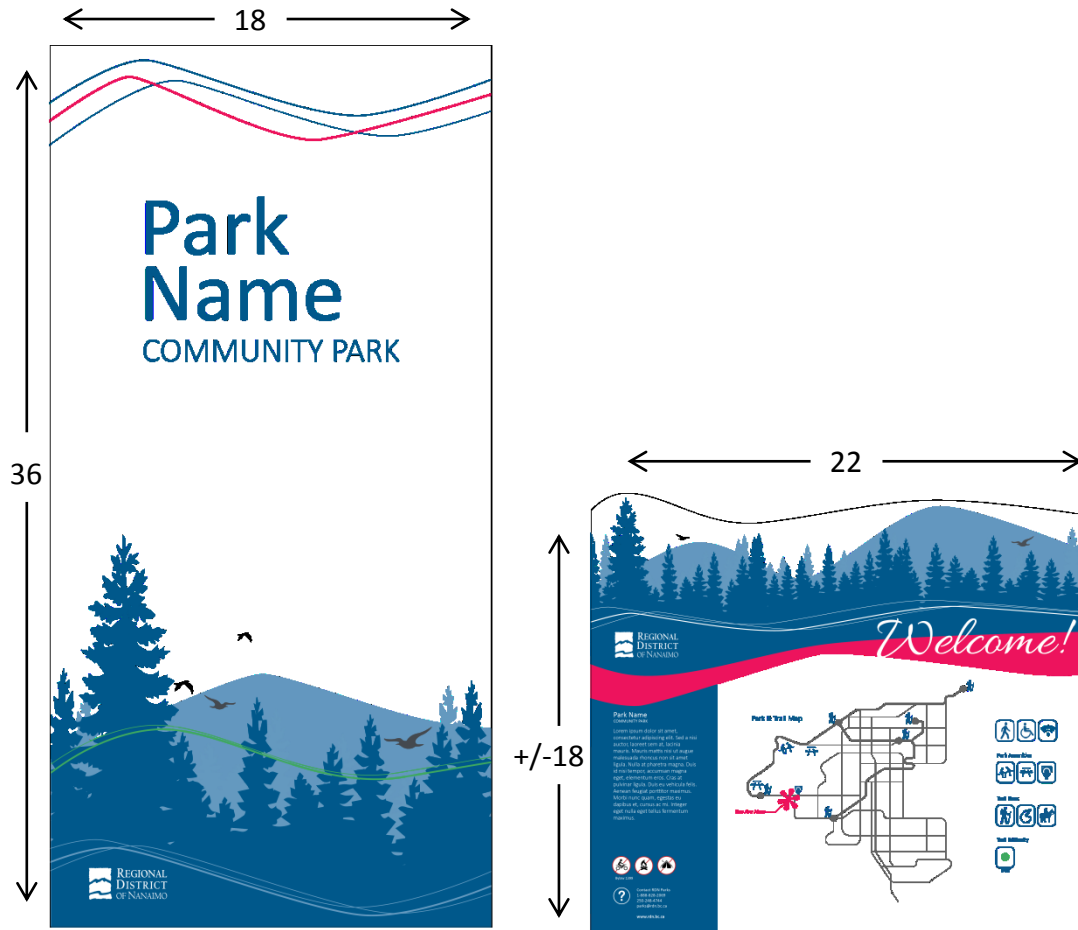


Welcome Signage

- Welcome signage includes park information, regulations, mapping, and amenity identification



Example Entrance Signage Set



Trail Head Signage

- Provide marked starting point for community trails
- Maps provided at trail head showing trail network and amenity location
- Information includes permitted trail uses, trail conditions, length of trail



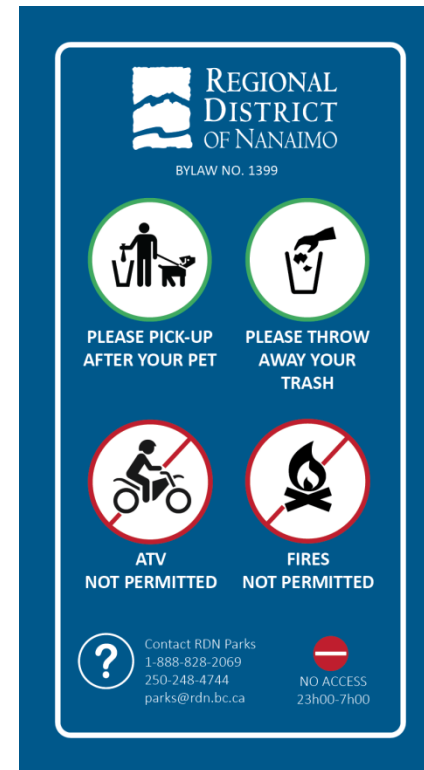
Directional Signage

- Information included on trail posts include distances, directions, boundaries and property lines, and location maps



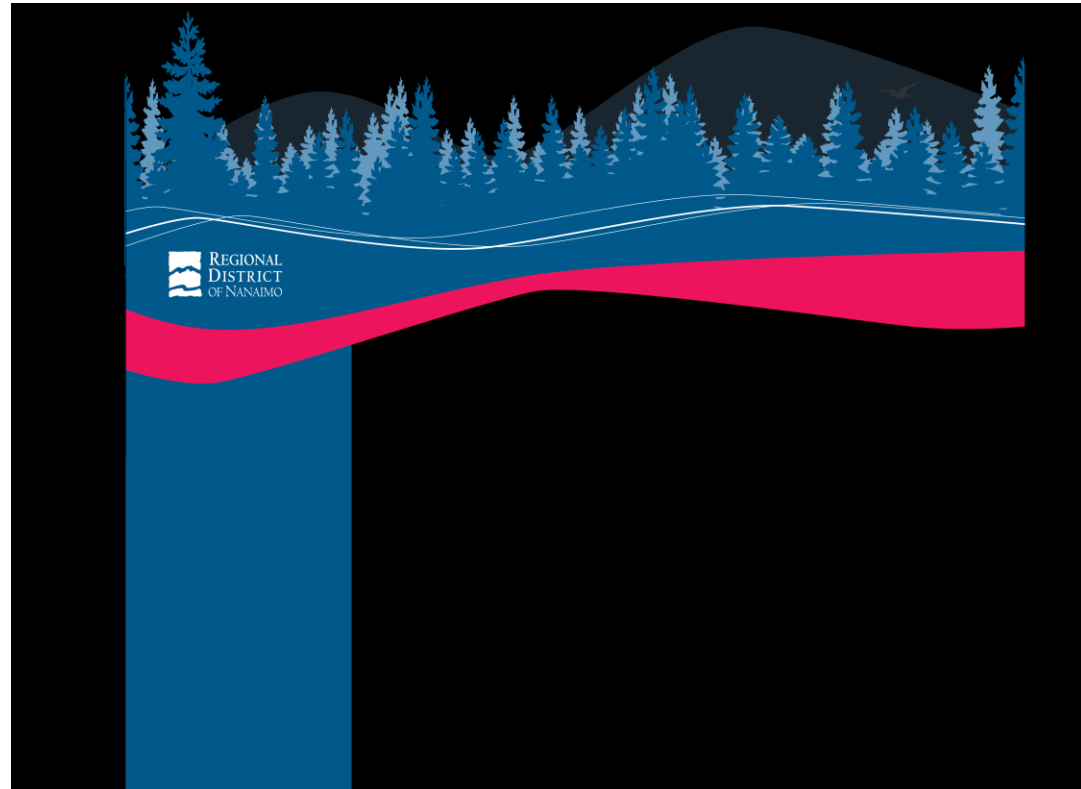
Regulatory Signage

- Simple layout for single post application
- Smaller in scale than what is currently being used (and removed!)
- Icon layout can be customized for the location
- Can be installed if and when required



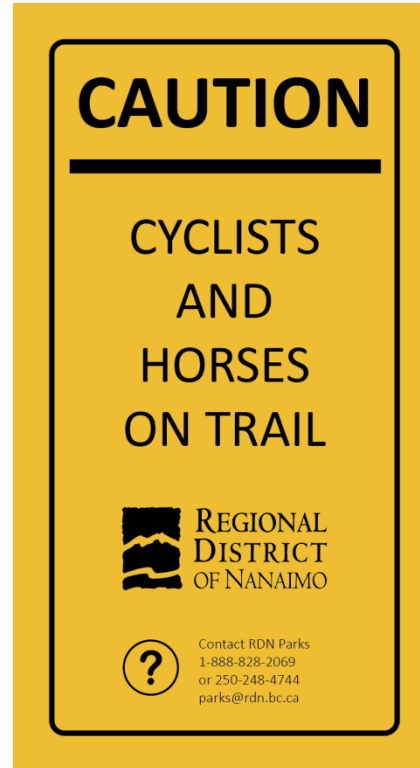
Interpretive Signage

- Standard graphic identity established for interpretive signage
- Specific park or feature information with graphics to be included on the background provided



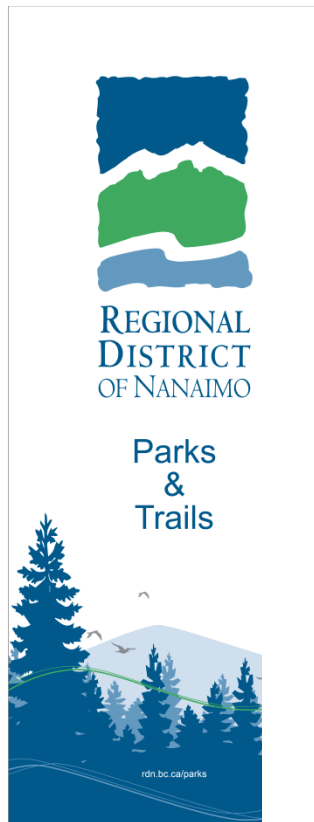
Safety Signage

- Easily attached to an existing post in a park or along a trail
- Highly visible colours
- Different colour scheme than other signage, applicable to all parks and trails



Banners and Flags

- Identity banners for special events (promotional, informational, educational)
- High visibility
- Specific to RDN Parks



Cost Analysis

- Example: Signage Set for a Community Park

New identification sign – 2-post
at 72” length, concrete pad \$3000

New pedestrian scale
signage set

2 entrance signs

2 welcome signs

4 interpretive signs

2 trail head signs

6+ directional signs \$2000

TOTAL **\$5000**

Add for new kiosk, if required –
\$8,000 - 10,000 structure
\$3,000 - 5,000 signage + wood framing

Next Steps

1. Approval of Signage Strategy – revising graphics per EASC comments
2. Work with Communications to coordinate icon development
3. Review priorities with each Electoral Area Director and each POSAC
4. Roll out Signage Strategy for a pilot parks and trails

TO: Regional District of Nanaimo
Electoral Area Services Committee

MEETING: February 13, 2018

FROM: Jon Wilson
Manager of Emergency Services

FILE: 7130-01 ERCS

SUBJECT: Emergency Reception Centre Signs

RECOMMENDATION

That the report be received for information.

SUMMARY

At the Regular Board Meeting of January 24, 2017, the Board approved the following motion:

that staff be directed to prepare a report back to the Committee regarding the signage at the Emergency Reception Centres.

Hi-visibility sandwich board signs are currently stored at Emergency Reception Centre (ERC) and during an emergency are strategically placed in the community to guide evacuees to the ERC. In addition, bright yellow banner signs are hung on the exterior of the building to identify the building as an ERC (Attachment 1).

Permanent signage at ERCs is not advised because not all centres would be active during an emergency situation. Having permanent signage on an ERC may cause confusion in an emergency situation.

BACKGROUND

Currently, the Regional District of Nanaimo (RDN) has agreements in place for pre-designated Emergency Reception Centres in eight locations throughout the area.

Emergency Reception Centres

- Gabriola Island Rollo Seniors Centre
- Cedar Community Hall
- Cranberry Hall
- Nanoose Place
- Lighthouse Community Centre
- Bowser Legion
- Gabriola Island Community Hall
- Coombs Fairgrounds

These agreements are coming up for renewal at the end of March 2018. The facilities are available to the RDN when needed in an emergency. Currently, the RDN is aware that the Gabriola Island Community Hall is going to become unavailable for use through the summer of 2018 due to renovations to the building. The Rollo Seniors Centre on Gabriola Island will remain the primary location for an ERC on Gabriola Island, and staff may look for a suitable alternate location on the south end of the island.

These ERC facilities are used to receive people who have been displaced during an emergency and to provide a location for Emergency Support Services (ESS) volunteers to register the people for access to services such as food, shelter, clothing, for up to 72 hours. After 72 hours, residents are required to make alternate arrangements with family, insurers, or other agencies.

The halls are pre-designated for Emergency Program Coordinator (EPC) to afford a level of confidence in the emergency program and emergency plan that locations are both available when needed and of a size to receive anticipated groups of people from the area.

Each location is provided with forms and equipment so that ESS volunteers are able to arrive and provided services. The equipment, stored on site, includes several hi-visibility sandwich board signs that are strategically placed to guide evacuees to the location, and bright yellow banner signs are hung on the exterior of the building to identify the hall as an ERC. The facilities provide space for people to arrive and get out of the weather while volunteers register them for ESS and provide referrals to hotels, groceries, etc. The ERC is not used for longer term services on site such as group lodging.

The concern with mounting permanent signs on each facility is that it will raise local public awareness and expectations that that particular facility will be active in the event of a local emergency. While this may initially appear desirable, it can lead to significant confusion for the public if that particular hall is not activated for ESS. An ERC may not be active because of the volume of evacuees expected, blocked evacuation routes, a security issue, or the emergency incident is too close to that community hall.

To ensure evacuees are aware of where to go when evacuated, the specific information is most often provided by first responders to the evacuees at the scene. The Incident Commander will be in contact with the local Emergency Program Coordinator to arrange ESS support and will communicate where to send the residents. In larger evacuations, the ERC location and broader public information will be coordinated through the Emergency Operations Centre and provided to local media and through social media. The portable Emergency Reception Centre signs will be displayed at the designated facility. This process is consistent with other emergency programs within BC.

ALTERNATIVES

That the report be received for information.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the recommendation of this report.

STRATEGIC PLAN IMPLICATIONS

The current process for activating, identifying and utilizing a community hall for an emergency reception centre meets the 2016-2020 Board Strategic Plan to “deliver efficient, effective and economically viable services that meet the needs of the region.” The established processes for identifying the location of an emergency reception centre may be unique to the emergency situation and there is a plan in place to effectively inform the public where to go at the time.



Jon Wilson

jwilson@rdn.bc.ca

February 5, 2018

Reviewed by:

- D. Pearce, Director, Transportation and Emergency Services
- P. Carlyle, Chief Administrative Officer

Attachments:

1. Reception Centre Signs

ATTACHMENT #1

