

REGIONAL DISTRICT OF NANAIMO
ELECTORAL AREA SERVICES COMMITTEE
AGENDA

Tuesday, October 2, 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 - September 4, 2018 | 4 |
| That the minutes of the Electoral Area Services Committee meeting held September 4, 2018, be adopted. | |
| 4. DELEGATIONS | |
| 4.1 Guy Dauncey, Yellow Point Ecological Society, re the failure of the RDN's planning tools to protect an S1 'critically imperiled' ecosystem, and a proposal for a new RDN Coastal Douglas fir Conservation Strategy | 11 |
| 5. CORRESPONDENCE | |
| 6. PLANNING | |
| 6.1 Development Permit with Variance | |
| 6.1.1 Development Permit with Variance Application No. PL2018-123 - Imperial Drive and Lee Road, Electoral Area G | 13 |
| Delegations Wishing to Speak to Development Permit with Variance Application No. PL2018-123 - Imperial Drive and Lee Road, Electoral Area G | |

1. That the Board approve Development Permit with Variance No. PL2018-123 to establish building envelopes, address previous land clearing, and permit the placement of fill in conjunction with a proposed nine lot subdivision subject to the terms and conditions outlined in Attachments 2 to 4.
2. That the Board direct staff to complete the required notification for Development Permit with Variance No. PL2018-123.

6.2 Development Variance Permit

6.2.1 Development Variance Permit Application No. PL2018-078 - 1600 Brynmarl Road, Electoral Area E 27

Delegations Wishing to Speak to Development Variance Permit Application No. PL2018-078 - 1600 Brynmarl Road, Electoral Area E

1. That the Board approve Development Variance Permit No. PL2018-078 to reduce the minimum parking requirements from one space per every two berths plus one per two employees, to one space per every three berths plus one per two employees subject to the terms and conditions outlined in Attachments 2 and 3.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2018-078.

6.2.2 Development Variance Permit Application No. PL2018-117 - 1035 Shayla Road, Electoral Area H 35

Delegations Wishing to Speak to Development Variance Permit Application No. PL2018-117 - 1035 Shayla Road, Electoral Area H

1. That the Board approve Development Variance Permit No. PL2018-117 to increase the accessory building floor area to permit the construction of an additional accessory building subject to the terms and conditions outlined in Attachments 2 and 3.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2018-117.

6.2.3 Development Variance Permit Application No. PL2018-142 - 6425 Island Highway West, Electoral Area H 44

Delegations Wishing to Speak to Development Variance Permit Application No. PL2018-142 - 6425 Island Highway West, Electoral Area H

1. That the Board approve Development Variance Permit No. PL2018-142 to increase the maximum floor area for accessory buildings and reduce the setback to the Other Lot Line for an accessory building addition subject to the terms and conditions outlined in Attachments 2 to 4.

2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2018-142.

7. EMERGENCY PREPAREDNESS

7.1 Emergency Services Update

54

That the Emergency Services Update be received for information.

8. BUSINESS ARISING FROM DELEGATIONS

9. MOTIONS FOR WHICH NOTICE HAS BEEN GIVEN

10. NEW BUSINESS

10.1 Directors' Forum

10.1.1 Planning

10.1.2 Community Parks

10.1.3 Emergency Preparedness

10.1.4 Fire Protection

10.1.5 Bylaw Enforcement

10.1.6 Building Inspection

10.1.7 Other Electoral Area Matters

11. ADJOURNMENT

**REGIONAL DISTRICT OF NANAIMO
MINUTES OF THE ELECTORAL AREA SERVICES COMMITTEE MEETING**

**Tuesday, September 4, 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 |
| | D. Wells | Gen. Mgr. Corporate Services |
| | D. Pearce | Director of Transportation & Emergency Services |
| | T. Armet | Mgr. Building & Bylaw Services |
| | T. Mayea | A/Mgr. Administrative Services |
| | P. Thompson | Mgr. Long Range Planning |
| | C. Simpson | Senior Planner, Long Range Planning |
| | S. Commentucci | 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 - July 10, 2018

It was moved and seconded that the minutes of the Electoral Area Services Committee meeting held July 10, 2018 be adopted.

CARRIED UNANIMOUSLY

DELEGATIONS

John Peirce, Village Vision Planning Committee, re Gabriola Village Transportation Corridor and Road Side Pedestrian Trail

John Peirce, representing Village Vision Planning Committee on Gabriola Island, provided an update regarding Gabriola Village Transportation Corridor and Road Side Pedestrian Trails.

COMMITTEE MINUTES

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

East Wellington / Pleasant Valley Parks and Open Space Advisory Committee - June 25, 2018

CARRIED UNANIMOUSLY

COMMITTEE RECOMMENDATIONS

East Wellington / Pleasant Valley Parks and Open Space Advisory Committee

Signage Strategy - EA 'EW/PV' Pilot Project

It was moved and seconded that the Signage Strategy be received and Anders and Dorrit's Community Park be identified as the pilot location for an interpretive and entrance sign.

CARRIED UNANIMOUSLY

PLANNING

Other

DPA and TUP Standardization Project

It was moved and seconded that the Board introduce and give first reading to "Regional District of Nanaimo Electoral Area A Official Community Plan Amendment Bylaw No. 1620.05, 2018".

CARRIED UNANIMOUSLY

It was moved and seconded that the Board give second reading to "Regional District of Nanaimo Electoral Area A Official Community Plan Amendment Bylaw No. 1620.05, 2018" having considered the impact on the current Financial Plan, Liquid Waste Management Plan and Solid Waste Management Plan.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board introduce and give first reading to "Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Amendment Bylaw No. 1148.07, 2018".

CARRIED UNANIMOUSLY

It was moved and seconded that the Board give second reading to “Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Amendment Bylaw No. 1148.07, 2018” having considered the impact on the current Financial Plan, Liquid Waste Management Plan and Solid Waste Management Plan.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board introduce and give first reading to “Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Amendment Bylaw No. 1055.05, 2018”.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board give second reading to “Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Amendment Bylaw No. 1055.05, 2018” having considered the impact on the current Financial Plan, Liquid Waste Management Plan and Solid Waste Management Plan.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board introduce and give first reading to “Regional District of Nanaimo Nanoose Bay Official Community Plan Amendment Bylaw No. 1400.05, 2018”.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board give second reading to “Regional District of Nanaimo Nanoose Bay Official Community Plan Amendment Bylaw No. 1400.05, 2018” having considered the impact on the current Financial Plan, Liquid Waste Management Plan and Solid Waste Management Plan.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board introduce and give first reading to “Regional District of Nanaimo Electoral Area F Official Community Plan Amendment Bylaw No. 1152.05, 2018”.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board give second reading to “Regional District of Nanaimo Electoral Area F Official Community Plan Amendment Bylaw No. 1152.05, 2018” having considered the impact on the current Financial Plan, Liquid Waste Management Plan and Solid Waste Management Plan.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board introduce and give first reading to “Regional District of Nanaimo Electoral Area G Official Community Plan Amendment Bylaw No. 1540.02, 2018”.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board give second reading to “Regional District of Nanaimo Electoral Area G Official Community Plan Amendment Bylaw No. 1540.02, 2018” having considered the impact on the current Financial Plan, Liquid Waste Management Plan and Solid Waste Management Plan.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board introduce and give first reading to “Regional District of Nanaimo Electoral Area H Official Community Plan Amendment Bylaw No. 1335.07, 2018”.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board give second reading to “Regional District of Nanaimo Electoral Area H Official Community Plan Amendment Bylaw No. 1335.07, 2018” having considered the impact on the current Financial Plan, Liquid Waste Management Plan and Solid Waste Management Plan.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board introduce and give first reading to “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.422, 2018” as amended, to include the following:

- a. delete the words “Rural or” in the row titled Arrowsmith Benson Cranberry Bright in the table in section 2 of schedule A.
- b. capitalize the first “t”, and add the word “be” after “should” and before “sufficient” in the second sentence of section 2 iv) of Schedule A.
- c. add “where the lot is greater than 5000m²” before the colon in Section 5.1.7 Farmland Protection Development Permit Area, Applicability, subsection 2, of Schedule B.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board give second reading to “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.422, 2018”.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board introduce and give first reading to “Regional District of Nanaimo Electoral Area F Zoning and Subdivision Amendment Bylaw No. 1285.33, 2018”.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board give second reading to “Regional District of Nanaimo Electoral Area F Zoning and Subdivision Amendment Bylaw No. 1285.33, 2018”.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct the public hearing on the following bylaws to be Chaired by Director Stanhope or the Electoral Area Services Committee Vice-Chair:

- a. “Regional District of Nanaimo Electoral Area A Official Community Plan Amendment Bylaw No. 1620.05, 2018”;
- b. “Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Amendment Bylaw No. 1148.07, 2018”;
- c. “Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Amendment Bylaw No. 1055.05, 2018”;
- d. “Regional District of Nanaimo Nanoose Bay Official Community Plan Amendment Bylaw No. 1400.05, 2018”;
- e. “Regional District of Nanaimo Electoral Area F Official Community Plan Amendment Bylaw No. 1152.05, 2018”;
- f. “Regional District of Nanaimo Electoral Area H Official Community Plan Amendment Bylaw No. 1335.07, 2018”;
- g. “Regional District of Nanaimo Electoral Area G Official Community Plan Amendment Bylaw No. 1540.02, 2018”;
- h. “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.422, 2018”; and
- i. “Regional District of Nanaimo Electoral Area F Zoning and Subdivision Amendment Bylaw No. 1285.33, 2018”.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board introduce and give first, second and third reading to “Regional District of Nanaimo Development Application and Notification Procedures Bylaw No. 1776, 2018”.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board approve revisions to “Policy B1.12 *Riparian Areas Regulation Stream Declaration*” under the revised title of “Policy B1.12 Property Declaration Form”.

CARRIED UNANIMOUSLY

EMERGENCY PREPAREDNESS

Emergency Plan Update

It was moved and seconded that the Emergency Plan Update report be received for information.

CARRIED UNANIMOUSLY

FIRE PROTECTION

Fire Services Project Update

It was moved and seconded that the Fire Services Projects Updates be received for information.

CARRIED UNANIMOUSLY

BUILDING INSPECTION

Building Permit Activity – Second Quarter 2018

It was moved and seconded that the report Building Permit Activity – Second Quarter 2018 be received for information.

CARRIED UNANIMOUSLY

NEW BUSINESS

Directors' Forum

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

Planning

It was moved and seconded that staff take immediate steps to amend the secondary suites zoning amendment bylaw 500.389, 2014 to permit a secondary suite within the principal residence or a standalone carriage house secondary suite on properties with community water that are greater than 1,000 square metres and less than 8,000 square metres.

CARRIED UNANIMOUSLY

It was moved and seconded that the Electoral Area A Official Community Plan be placed in line for a complete review.

CARRIED UNANIMOUSLY

ADJOURNMENT

It was moved and seconded that the meeting be adjourned.

TIME: 2:20 PM

CARRIED UNANIMOUSLY

CHAIR

Delegation: Guy Dauncey, Yellow Point Ecological Society, re the failure of the RDN's planning tools to protect an S1 'critically imperiled' ecosystem, and a proposal for a new RDN Coastal Douglas fir Conservation Strategy

Summary: These are our seven possible solutions (in brief)

1. The voluntary use of ecoforestry covenants, allowing logging but only using ecosystem-based single-tree selection methods, as practiced at Wildwood by the Ecoforestry Institute Society, enabling the forest to recover its old growth character over the next 100 years.

2. The use of a property tax incentive to reward landowners who are already practicing sustainable forest management, or who have placed an ecological covenant on their land.

3. The use of a density transfer, allowing a landowner whose zoning allows for subdivision into two or more lots to sell the development potential to a landowner in an area where density transfer units can be received for an approved development. For example, if you own 20 acres zoned to allow four 5-acre lots, you could sell some or all of the density units, the remaining forest being protected by an ecoforestry covenant.

4. The enactment of a local government zoning bylaw requiring clustered development on lots of ten acres or more. Thus, a landowner who owns twenty acres, allowing four 5-acre lots, could cluster four homes on four 1-acre lots, the rest being shared by the lot-owners and protected by an ecoforestry covenant.

5. The creation by the provincial government of a Coastal Douglas Fir Land Reserve, in which logging would only be allowed following ecoforestry principles, and guaranteeing landowners' development rights but requiring that development be clustered as above.

6. Amending the provincial development permit area (DPA) rules: classifying all Coastal Douglas fir forest as an endangered ecosystem, enabling environmentally sensitive DPAs to be created by local governments; requiring a permit for any subdivision, not just for one of four lots or more; and strengthening the rules to require the clustering of development, with the remaining forest being protected by an ecoforestry covenant.

7. The development of a regional conservation fund, financed by a small increase in taxes to fund conservation projects on private lands, and to purchase private properties for conservation purposes.

Action Requested: The RDN's planning tools have recently failed to protect part of an S1 'critically imperiled' Coastal Douglas fir / Dull Oregon Grape ecosystem in forested land that is being logged and cleared in Yellow Point.

Considering the potential future loss of so much more forest in the RDN to logging and development, and considering that the Area A OCP:

“recognizes the importance of protecting Coastal Douglas Fir ecosystems which are among the rarest and endangered coastal ecosystems within the plan area and on the east coast of Vancouver Island” and “supports developing a strategy for conservation measures within Coastal Douglas Fir ecosystems which occur within the plan area,”

The Yellow Point Ecological Society hereby requests that a public process be established to develop a new RDN Coastal Douglas fir Conservation Strategy including consideration of seven possible solutions for which there is strong support in our community.

TO: Electoral Area Services Committee **DATE:** October 2, 2018
FROM: Greg Keller
 Senior Planner **FILE:** PL2018-123
SUBJECT: Development Permit with Variance Application No. PL2018-123
Imperial Drive and Lee Road – Electoral Area G
Lot C, District Lot 29, Nanoose District, Plan VIP60349

RECOMMENDATIONS

1. That the Board approve Development Permit with Variance No. PL2018-123 to establish building envelopes, address previous land clearing, and permit the placement of fill in conjunction with a proposed nine lot subdivision subject to the terms and conditions outlined in Attachments 2 to 4.
2. That the Board direct staff to complete the required notification for Development Permit with Variance No. PL2018-123.

SUMMARY

This is an application for a development permit (DP), height variance for fences and accessory buildings, and parcel depth variance in conjunction with a proposed nine lot subdivision. In addition to the proposed subdivision, this DP will also establish building envelopes on each proposed parcel, address past land alteration that has occurred without DP approval, and permit the removal of an existing pump house. Given that the DP guidelines have been met and no negative impacts are anticipated as a result of the proposed variances, it is recommended that the Board approve the development permit with variance pending the outcome of public notification and subject to the terms and conditions outlined in Attachment 2 to 4.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from J.E. Anderson & Associates on behalf of 1078168 BC Ltd. to establish building envelopes, permit land alteration, and permit the removal of an existing pump house. This application also includes a request to permit fence and accessory building height to be measured from finished grade and to relax the minimum parcel depth requirements in conjunction with a nine lot subdivision.

The subject property is approximately 1.76 hectares in area and is physically divided into two parts which are more than 400 metres apart and are separated by French Creek and adjacent properties (see Attachment 1 – Subject Property Map). The property is split zoned with the east part zoned Public 1 (PU1) and the west part zoned Residential 1 Zone (RS1). Both parts of the

subject property are designated within Subdivision District 'Q', pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The larger part to the west is located at the south end of Imperial Drive adjacent to French Creek and is proposed to be subdivided into eight bare land strata parcels. The other part to the east is a triangular-shaped remnant of the parent parcel located to the west of Lee Road directly adjacent to Lee Road Community Park. It is proposed that this part will retain a separate title, and will not be part of the proposed bare land strata (see Attachment 3 – Proposed Plan of Subdivision). The statutory requirement for park land dedication under Section 510 of the *Local Government Act* has been satisfied through previous subdivision.

The subject property is currently vacant and is serviced by EPCOR water and RDN sewer. A portion of the west part of the subject property has been partially cleared and some land alteration has also occurred without a DP. The east part of the subject property is densely vegetated and is also serviced by EPCOR water and RDN sewer.

The proposed development is subject to the following Development Permit Areas per the "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008" (OCP):

1. Environmentally Sensitive Features – Aquifer Protection;
2. Fish Habitat Protection; and
3. Hazard Lands Development Permit Area.

Proposed Development and Variances

This is an application to permit subdivision, establish building envelopes, address land alteration which previously occurred within the development permit area without the required approvals, and allow the removal of an existing pump house. This application also addresses the placement of fill in conjunction with a proposed nine lot subdivision.

This application includes a request to vary the following regulations from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987":

- **Part 2 – Interpretation, definition of height** to permit the height of fences and accessory buildings to be measured from finished grade in the area outlined in Attachment 3.
- **Section 4.5.1 – Parcel Shape and Dimensions** to increase the permitted parcel depth for Lot 5 from 40% to 41.4% of the length of the perimeter of the parcel, Lot 6 from 40% to 42.4% of the length of the perimeter of the parcel, and lot 7 from 40% to 43.0% 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 |
|-------------------------|------------------|-----------------------------------|------------------------------|---|
| Strata Lot 5 | 206.29 | 82.52 | 85.3 | 41.4 |
| Strata Lot 6 | 195.88 | 78.35 | 83.0 | 42.4 |
| Strata Lot 7 | 199.05 | 79.62 | 85.5 | 43.0 |

Land Use and Environmental Implications

French Creek is adjacent to the south boundary of the west part of the subject property. As a condition of the previous subdivision which created the subject property (registered as plan VIP60349), the RDN was named on Covenant EH161738 to address potential flood hazards. This covenant requires a 50 metre setback from the natural boundary of French Creek and a minimum Flood Construction Level (FCL) of 3.5 metres above the natural boundary of French Creek. This covenant also specifies that in the event that compacted fill is utilized to achieve the FCL, then the toe of the fill must meet the minimum setback requirement of 50 metres. The proposal is consistent with the covenant requirements.

Compliance with Covenant EH161738 will require the placement of a significant volume of fill on the west part of the subject property which will range in depth from 0.7 metres to 2.5 metres. The applicant indicates that despite the required fill, no retaining walls 1.0 metre or more in height or that retain more than 1.0 metre of earth are required. In addition, building and structure height are measured from the 3.0 metre FCL required by RDN Floodplain Management Bylaw No. 1469 (Bylaw 1469) not the 3.5 metre FCL required by Covenant EH161738. As a result, buildings must be elevated an additional 0.5 metres above the natural boundary of French Creek than what is required by Bylaw No. 1469. This covenanted FLC requirement does impact vertical building envelope, however, each proposed parcel is capable of supporting a dwelling unit without the need for a height variance with reasonable design considerations that are sensitive to site-specific constraints.

Bylaw 500 requires that height be measured from natural grade for all buildings and structures not required to meet FCL. As a result of the proposed fill, it becomes difficult to construct fences and accessory buildings as some areas of the subject property are proposed to contain fill which is up to 2.5 metres in depth above natural grade. In response, the applicant is proposing a variance to allow the height of fences and accessory buildings to be measured from finished grade in the area outlined on Attachment 3. This will allow for the reasonable use of the proposed parcels and would avoid the need for future height variances for fences and accessory buildings.

A Preliminary Layout Approval (PLA) has been issued by the Provincial Approving Officer which includes a number of conditions. Of significance as it relates to the applicable DPA guidelines, the PLA dated August 7, 2018, requires that the portion of the land located below the high water mark be returned to the Crown and that the applicant is required to submit a drainage plan to the Ministry of Transportation and Infrastructure (MOTI). With respect to the access to water requirements of Section 75 of *the Land Title Act*, the Provincial Approving Officer has indicated that it may consider granting absolute relief. The requirement to dedicate land located below the

high water mark to the crown will provide adequate public access in conjunction with the existing road dedication. In addition, this approach is consistent with the OCP policies that pertain to road dedication and environmental protection.

To satisfy the Hazard Lands Development Permit Area (DPA) guidelines, the applicant has submitted a servicing plan prepared by J.E. Anderson and Associates dated September 12, 2018 which establishes minimum basement floor elevations, addresses on-site drainage, and addresses sediment and erosion control measures. The servicing plan specifies that the proposed floor elevations be a minimum of 8.87 metres geodetic which represents an elevation that is 3.5 metres above the natural boundary of French Creek. The servicing plan proposes that finished grades vary from approximately 8.0 metres to 8.7 metres geodetic. In accordance with the PLA, MOTI will be reviewing drainage prior to registration of the final plan of subdivision. It is recommended that the applicant be required to develop the subject property in accordance with the servicing plan (see Attachment 2 – Conditions of Approval).

To satisfy the Hazard Lands and Environmentally Sensitive Features (Aquifer) Development Permit Area (DPA) guidelines, the applicant has submitted separate geotechnical hazard assessments (Assessment) for the two separate areas of the property. The Assessments were prepared in accordance with current Engineers and Geoscientists of British Columbia Guidelines.

With respect to the east portion of the subject property adjacent to Lee Road, the applicant has submitted an Assessment prepared by Lewkowich Engineering Associates Ltd. dated September 19, 2018. The Assessment indicates that this part of the subject property is adjacent to a steep slope and contains a portion of the crest of the slope. However, the Assessment states that no additional setback is required from the crest of the slope due to its shallow angle. The Assessment concludes that the subject property is considered safe and suitable for the intended use.

With respect to the west portion of the subject property adjacent to Imperial Drive, the applicant has submitted an Assessment prepared by Lewkowich Engineering Associates Ltd. dated September 11, 2018. The Assessment concludes that the subject property is safe for the intended use and specifies that the placement of fill in the floodplain will not have a significant impact on the direction of floodwater or the extent area subject to flooding. The Assessment also provides that the import of fill material will not have a discernable impact on groundwater provided it is free of contaminants.

To ensure that the subject property is developed in accordance with the Assessments, it is recommended that the applicant be required to register the Assessments on title as a Section 219 covenant concurrently with the registration of the final plan of subdivision. To ensure that fill materials are free from contaminants, the recommended covenant is to include a requirement for the applicant to submit a report from a qualified engineer confirming that the fill is free from contaminants prior to the applicant applying for a building permit for the first dwelling unit within proposed lots 1 to 8 (see Attachment 2 – Terms and Conditions of Permit).

To satisfy the Fish Habitat Protection DPA guidelines, the applicant submitted two separate Riparian Area Assessment (RAA).

With respect to the east part of the subject property off Lee Road, the applicant submitted a RAA prepared by Aquaparian Environmental Consulting Ltd. dated November 15, 2017. The

RAA establishes a 30 metre Streamside Protection and Enhancement Area (SPEA) width which runs through a very small portion of the north-west corner of the property. The RAA includes a number of measures to protect the SPEA including installation of fencing delineating the SPEA and environmental monitoring.

With respect to the west part of the subject property, the applicant submitted a RAA prepared by Aquaparian Environmental Consulting Ltd. dated May 31, 2018. The RAA specifies a SPEA width of 30 metres. The RAA identifies a number of measures required to protect the SPEA. Measures to protect the SPEA include the installation of spit rail fencing and signage, sediment and erosion control measures, hazard tree assessment, and environmental monitoring.

To preserve the integrity of the SPEAs and demonstrate consistency with the DPA guidelines, the applicant is proposing to register a Section 219 Covenant concurrently with the final plan of subdivision to require the property to be developed in accordance with the RAAs and restrict land clearing and development activities within the SPEAs (see Attachment 2 – Conditions of Approval). To ensure that the SPEAs are delineated accurately, the covenant is to include an explanatory plan of the SPEAs.

Fish Habitat Protection DPA guideline 10 states “minimum parcel size should be met exclusive of the SPEA” and DPA guideline 11 states “the creation of new lot lines and new parcels within the SPEA should be minimized”. 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. In response, minimum parcel sizes are proposed to be met exclusive of the SPEA. However the proposal includes the creation of new lot lines and parcels within the SPEA. Although proposed lots 5 - 8 do not strictly satisfy DPA guideline 11, the applicant is proposing an alternative approach to meet the spirit and intent of this guideline through the registration of the proposed covenant, and by returning the portion of the land below high water mark to the crown. As a result of the proposed and required actions, approximately 50 percent of the subject property will remain in a natural state and be protected from any development.

Although the proposed parcels meet the minimum parcel area requirements of the zone, the additional flood hazard restrictions imposed by the existing covenant significantly constrain the building envelopes on proposed strata lots 5 – 8. Also the subdivision layout is also challenged by the location of the 30 metre SPEA and the alignment of Imperial Drive. A combination of covenant restrictions, road alignment, flood hazard requirements, and environmental constraints combine to make it difficult to comply with the maximum parcel depth provisions. Given that the applicant has provided sufficient rationale and the variances will not result in negative implications to adjacent properties, the applicants have made reasonable efforts to address Policy B1.5 guidelines.

Intergovernmental Implications

The subject property is located in close proximity to the French Creek Pollution Control Centre (FCPCC). The RDN Regional and Community Utilities Department recommends that the applicant be required to register a nuisance easement over the east part of the subject property to protect the RDN against liability for nuisance or other claims based on odours from the FCPCC (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 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. PL2018-123 subject to the terms and conditions outlined in Attachments 2 to 4.
2. To deny Development Permit with Variance No. PL2018-123.

FINANCIAL IMPLICATIONS

The proposed development has no implications related to the Board 2018 – 2022 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 and will “Prepare for and mitigate the impact of environmental events”. The DPA 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. The requirement for a flood hazard assessment helps ensure that the subject property is safe for the use intended.



Greg Keller
gkeller@rdn.bc.ca
September 12, 2018

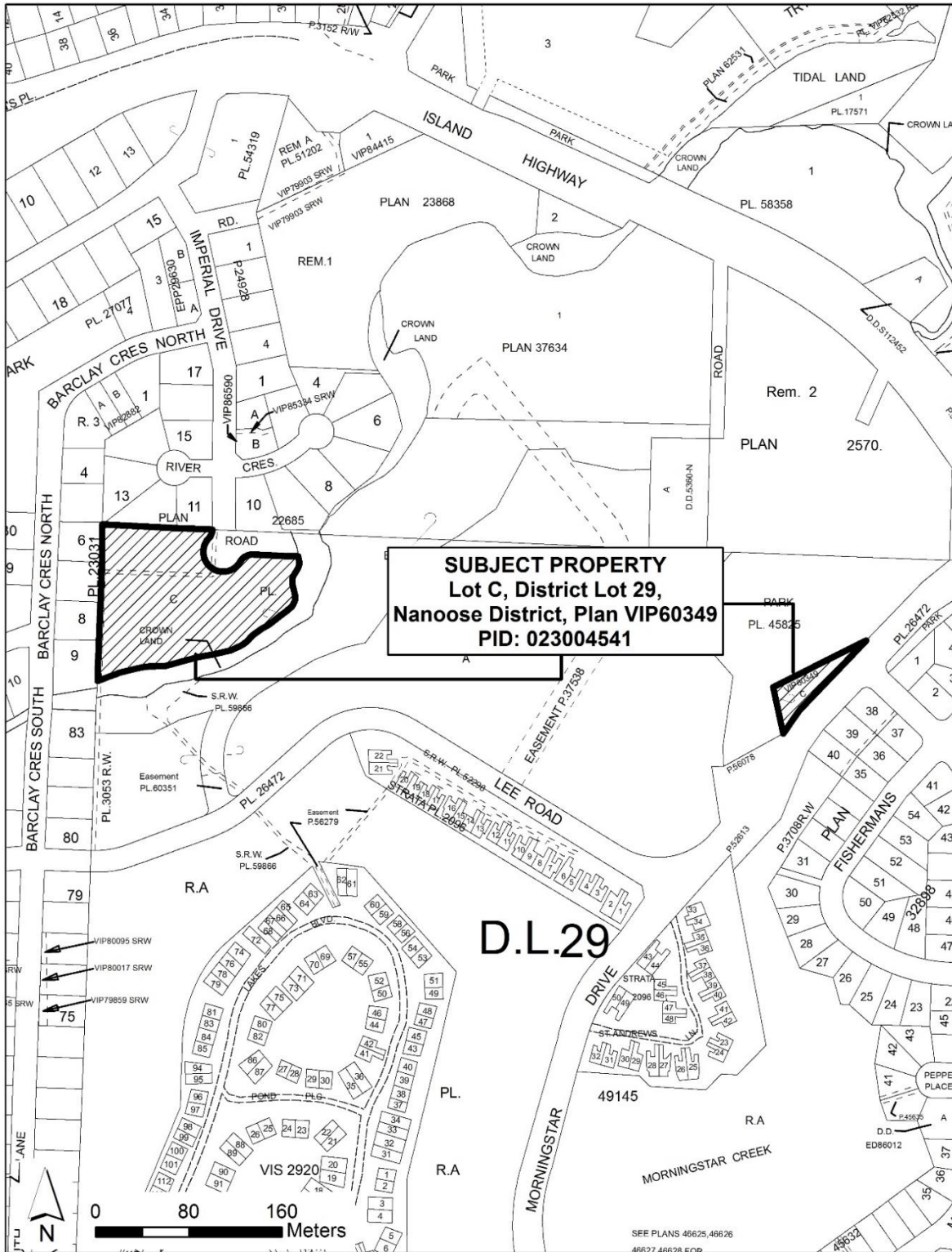
Reviewed by:

- J. Holm, Manager, Current Planning
- G. Garbutt, A/Chief Administrative Officer

Attachments:

1. Subject Property Map
2. Terms and Conditions of Permit
3. Proposed Plan of Subdivision and Variances
4. Servicing Plan
5. Fish Habitat Protection Sign

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. PL2018-123:

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:

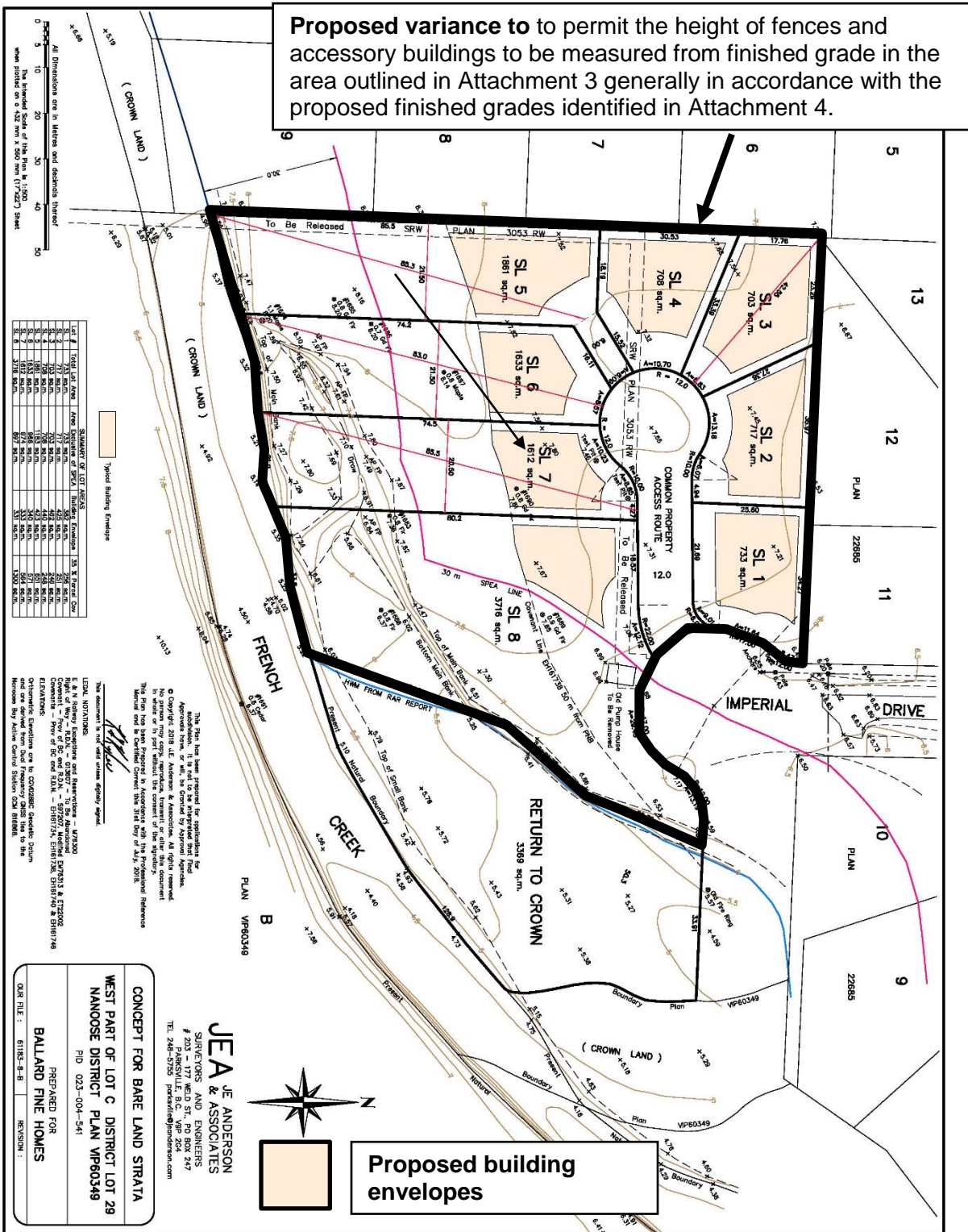
- **Part 2 – Interpretation, definition of height** to permit the height of fences and accessory buildings to be measured from finished grade in the area outlined in Attachment 3 generally in accordance with the finished grades established in Attachment 4.
- **Section 4.5.1 – Parcel Shape and Dimensions** to increase the permitted parcel depth for Lot 5 from 40% to 41.4% of the length of the perimeter of the parcel, Lot 6 from 40% to 42.4% of the length of the perimeter of the parcel, and lot 7 from 40% to 43.0% of the length of the perimeter of the parcel.

Conditions of Approval

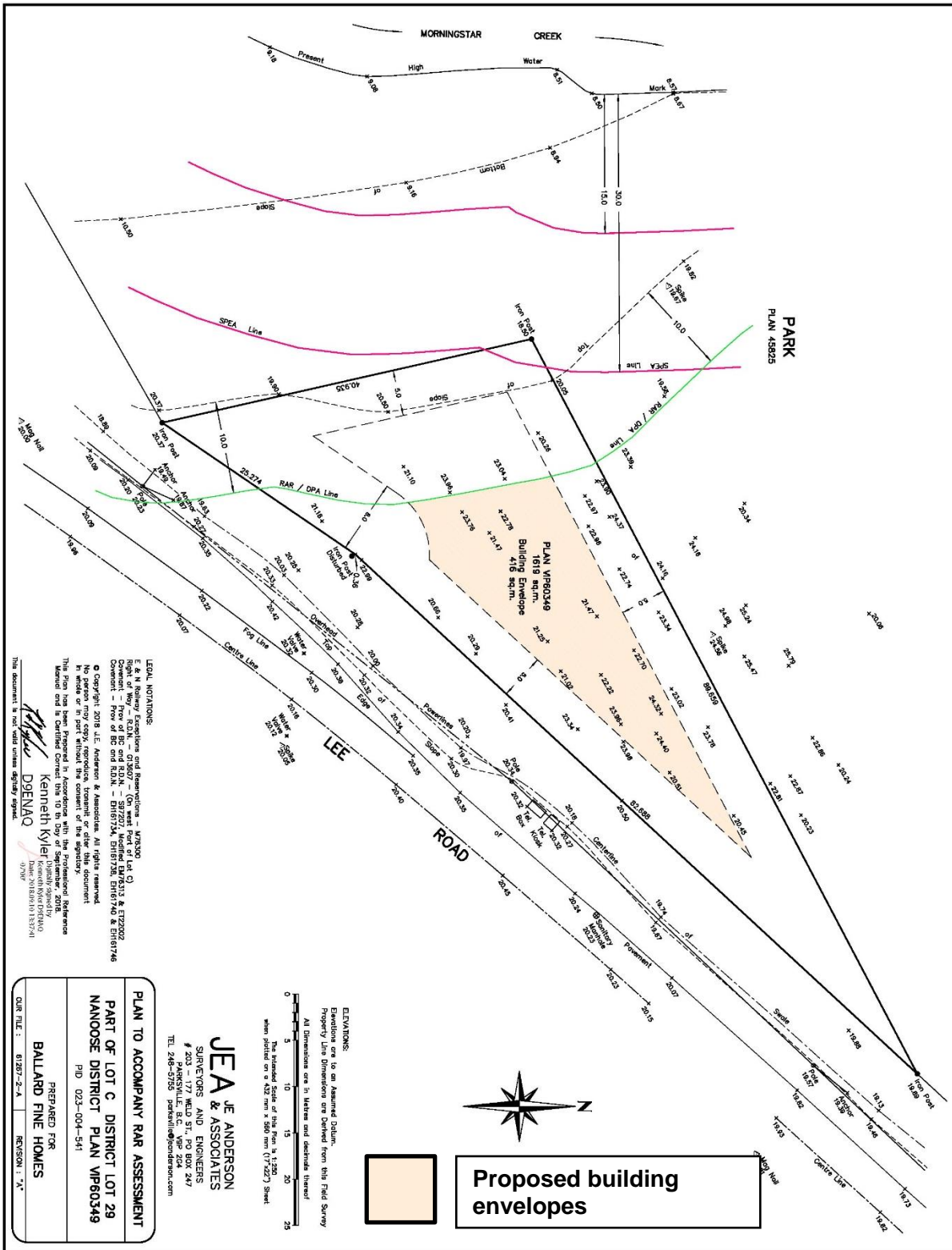
1. The site is developed in accordance with the Survey Plans prepared by J.E. Anderson and Associates, dated July 31, 2018, and September 10, 2018 and attached as Attachment 3.
2. The site is developed in accordance with the Servicing Plan prepared by J.E. Anderson and Associates dated September 12, 2018 and attached as Attachment 4.
3. The subject property shall be developed in accordance with the recommendations contained in the Riparian Areas Assessments prepared by Aquaparian Environmental Consulting Ltd. dated November 15, 2017 and May 31, 2018.
4. Prior to the RDN issuing a subdivision compliance letter, the applicant shall install a split rail fence along the SPEA boundary and a minimum of one Fish Habitat Protection Sign in a clearly visible location on the fence a minimum of every 10 metres and at least one sign per parcel in general conformance with the sign template included in Attachment 5.
5. The property owner shall provide confirmation in the form of a report prepared by a Qualified Environmental Professional (QEP), to the satisfaction of the General Manager of Strategic and Community Development, that development of the subject property has occurred in accordance with the QEP’s recommendations, prior to occupancy of the first dwelling unit within the proposed subdivision.
6. The subject property shall be developed in accordance with the recommendations contained in the Geotechnical Hazard Assessments prepared by Lewkowich Engineering Associates Ltd. and dated September 19, 2018 and September 11, 2018.

7. The applicant, at the applicant's expense, shall be required to register the following Section 219 Covenants to the satisfaction of the General Manager of Strategic and Community Development prior to the issuance of the RDN subdivision compliance letter:
 - a. Registering the Geotechnical Hazard Assessments prepared by Lewkowich Engineering Associates Ltd. and dated September 19, 2018 and September 11, 2018 requiring that the subject property be developed in accordance with the reports, includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard, and requiring the applicant to submit a report from a qualified engineer confirming that the fill is free from contaminants prior to the applicant applying for a building permit for the first dwelling unit within proposed lots 1 to 8.
 - b. Registering the Riparian Areas Assessments (RAR) prepared by Aquaparian Environmental Consulting Ltd. dated November 15, 2017 and May 31, 2018 to require the subject property to be developed in accordance with the RAR, restricting land clearing and development activities within the SPEAs and to include an explanatory plan of the SPEAs.
 - c. A nuisance easement over the east part of the subject property to advise potential buyers of the presence of the FCPCC and help protect the RDN against liability for nuisance or other claims based on odours from the FCPCC
8. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

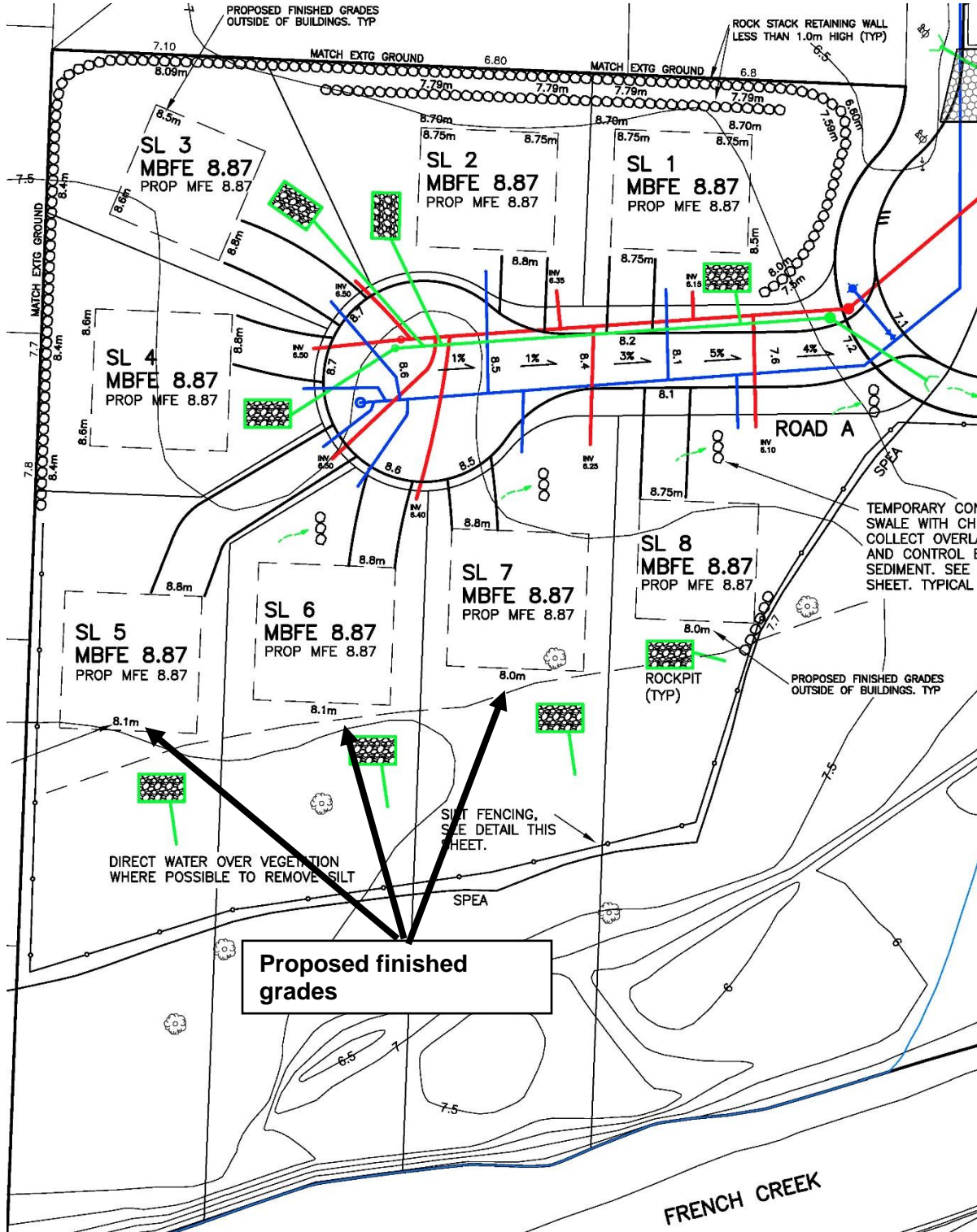
Attachment 3 (Page 1 of 2)
Proposed Plan of Subdivision (West Part) and Variances



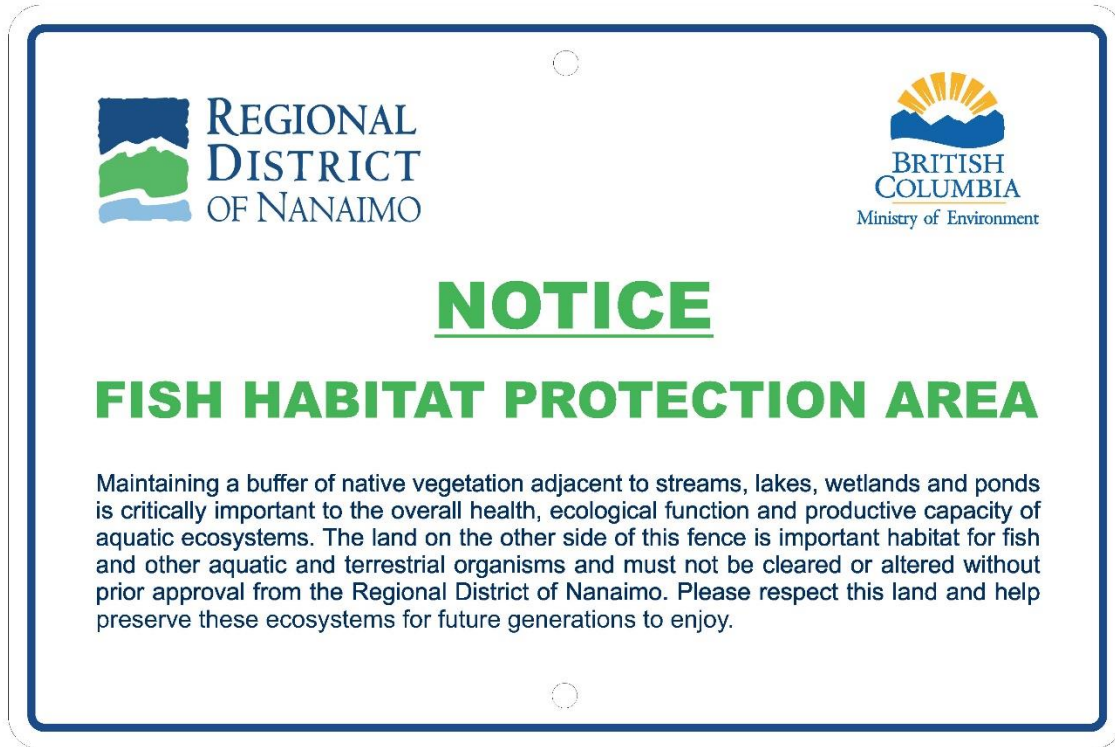
Attachment 3 (Page 2 of 2)
Proposed Plan of Subdivision (East Part) and Variances



Attachment 4 (Page 2 of 2)
Servicing Plan – Enlarged for Convenience



**Attachment 5
Fish Habitat Protection Sign**



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"

TO: Electoral Area Services Committee **DATE:** October 2, 2018
FROM: Greg Keller
Senior Planner **FILE:** PL2018-078

**SUBJECT: Development Variance Permit Application No. PL2018-078
1600 Brynmarl Road – Electoral Area E
Strata Lot 7, District Lot 38, Nanoose District, Strata Plan VIS2554 Together
With an Interest in the Common Property in Proportion to the Unit
Entitlement of the Strata Lot as Shown on Form 1 And
Common Property Strata Plan VIS2554**

RECOMMENDATIONS

1. That the Board approve Development Variance Permit No. PL2018-078 to reduce the minimum parking requirements from one space per every two berths plus one per two employees, to one space per every three berths plus one per two employees subject to the terms and conditions outlined in Attachments 2 and 3.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2018-078.

SUMMARY

This is an application to reduce the minimum parking requirements in relation to Beachcomber Marina. Given that no negative impacts are anticipated as a result of the proposed parking variance, it is recommended that the Board approve the development variance permit 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 Ian Barnes of Beachcomber Marina Ltd. on behalf of the Beachcomber Strata Council – VIS2554 to reduce the minimum marina parking requirements. No additional parking spaces are proposed to be constructed as part of this application (see Attachment 2 – Terms and Conditions).

The subject property is approximately 2.1 hectares in area and is zoned Commercial 5 (CM5), Subdivision District 'N' and Water 2 Subdivision District 'Z' (WA2Z) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is located to the south and east of Brynmarl Road in Beachcomber (see Attachment 1 – Subject Property Map). The property contains a 20 unit resort condominium development and an existing recently reconfigured private marina with 110 mooring berths which are associated with Strata Lot 7 of

the resort condominium. The subject property is serviced by community water and onsite wastewater disposal.

Development Permit (DP) PL2016-074 was issued on August 25, 2016 pursuant to “Regional District of Nanaimo Delegation of Authority Bylaw No. 1166, 1999” to permit parking lot reconfiguration within the subject property. In the absence of a coastal development permit area in the Electoral Area E Official Community Plan, a DP was not required for the marina reconfiguration.

DP PL2016-074 replaced a number of previously issued DPs as they pertain to the number of parking spaces and parking lot configuration. DP PL2016-074 clarified that there are 51 existing parking spaces dedicated to marina use. Following the issuance of DP PL2016-074, the applicant completed a redevelopment and reconfiguration of the marina to include 110 berths. Use of a maximum of 102 berths is currently supported by the existing 51 parking spaces given the minimum parking requirement of one parking space per two berths.

The applicant indicates that the marina docks were designed and ordered prior to making application for DP PL2016-074 based on a minimum of 55 parking spaces for marina use being provided (excluding employee parking) (see Attachment 3 – Existing Site Plan & Variances). Review of DP PL2016-074 identified that four of the proposed parking spaces exceeded the maximum gradient requirement of six percent as specified in Schedule 3B of Bylaw 500. As a result, these four parking spaces cannot be used to satisfy the minimum parking requirements for marina use and 51 marina parking spaces were recognized through DP PL2016-074. Although eight additional berths have been constructed, the applicant has advised that they will not be used unless a parking variance is granted.

If approved, this development variance permit would reduce the minimum parking requirements from one parking space per two mooring berths to one parking space per three mooring berths. The employee parking provisions would remain unchanged. The applicant’s intent is to allow the use of eight existing berths and to accommodate a potential marina expansion. Based on the proposed variance and having 51 existing parking stalls, a maximum of 153 berths could be accommodated. However the exact number of berths may be less than this amount to accommodate the requirement for employee parking. Marina expansion could be accommodated within the existing Water 2 zone, however, from a practical perspective, it is highly unlikely given the design of the reconfigured marina, the location of the breakwater, and the 3.0 metre minimum setback requirement from all lot lines or lease boundaries (see Attachment – Reconfigured Marina Plan). A rezoning would be required in order to expand the marina beyond the existing Water 2 Zone. At the time of this report, a zoning amendment application has not been submitted by the marina owner.

Proposed Development and Variance

The applicant is proposing to reduce the minimum parking requirements to allow the use of an additional eight existing mooring berths and to facilitate a potential future expansion of the marina. As no additional parking spaces beyond those approved through DP PL2016-078 are proposed to be constructed as part of this application, a development permit is not required.

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

- **Schedule 3B – Off-Street Parking and Loading Spaces** to reduce the minimum parking requirements from 1 space per 2 marina berths and 1 space per 2 employees to 1 space per 3 marina berths and 1 space per 2 employees.

Land Use Implications

In support of this application, the applicant submitted a Parking Study dated April 17, 2018 prepared by Watt Consulting Group. The Parking Study states that the Institute of Traffic Engineers Parking Generation Manual indicates that the average parking demand rate for marinas is one vehicle per three berths. The Parking Study, which initially included parking observations occurred on March 17, 2018 at Boat Harbour Marina and Schooner Cove Marina, suggests that parking demand at that time at Boat Harbour was one vehicle per five berths and at Schooner Cove was one vehicle per 16 berths.

As the study was done prior to what would typically be considered the start of boating season, the applicant submitted a summer parking review (the review) prepared by Watt Consulting Group dated July 24, 2018. The review is based on observations taken on July 21, 22, and 24 on the subject property, Schooner Cove Marina, and Boat Harbour Marina. The review found that the highest number of observed vehicles parked on the subject property was 29. This resulted in a parking ratio of one parking space per 3.5 berths. Both the Parking Study and the review recommend a parking ratio of one stall for every three berths.

Board Policy B1.5 *Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation* for evaluation of development variance permit applications requires that there is an adequate demonstration of an acceptable land use justification prior to the Board's consideration. In this case, the applicant indicates that this is a private marina that only offers annual moorage, thus dramatically reducing the traffic and parking demand. Also, as a comparison, the Schooner Cove Comprehensive Development Zone 45 (CD45) subzone marina requires a minimum of one parking space per four marina slips. If approved, the proposed variance would still result in more parking per berth at Beachcomber Marina than what is required for Schooner Cove Marina.

Given that the applicant has provided sufficient rationale and the Parking Study and review support that the variance will not result in negative 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. No concerns were expressed with the proposed variance.

Public Consultation Implications

Pending the Electoral Area Services Committee's recommendation and pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005", property owners and tenants of parcels located within a 50.0 metre radius of the subject property will receive a direct notice of the proposal and will

have an opportunity to comment on the proposed variance prior to the Board's consideration of the application.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2018-078 subject to the conditions outlined in Attachments 2 to 3.
2. To deny Development Variance Permit No. PL2018-078.

FINANCIAL IMPLICATIONS

The proposed development has been reviewed and has no implications related to the Board 2018 – 2022 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The proposed development has been reviewed and has no implications for the 2016 – 2020 Board Strategic Plan.



Greg Keller
gkeller@rdn.bc.ca
September 17, 2018

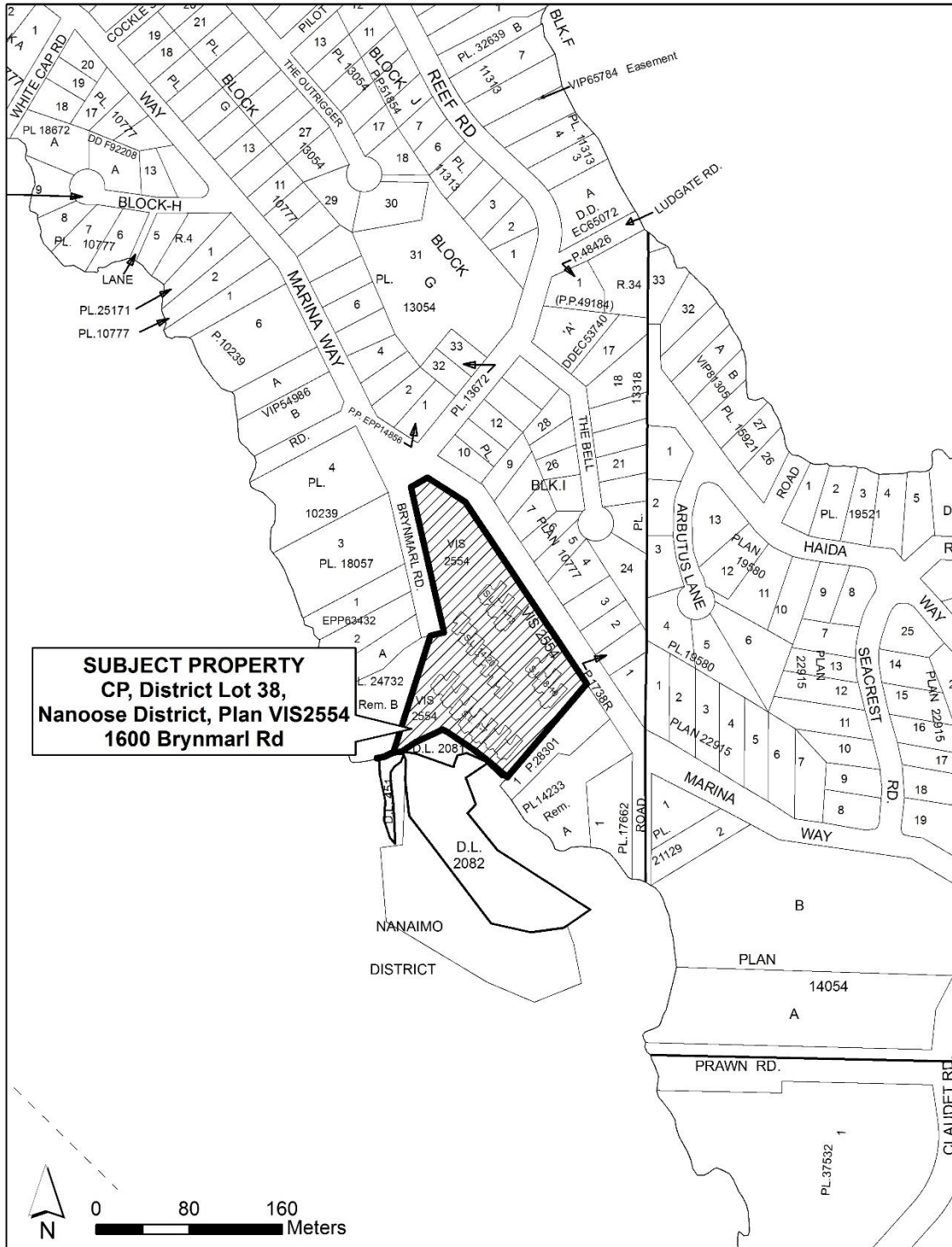
Reviewed by:

- J. Holm, Manager, Current Planning
- G. Garbutt, A/Chief Administrative Officer

Attachments:

1. Subject Property Map
2. Terms and Conditions of Permit
3. Existing Site Plan and Variances
4. Existing Reconfigured Marina Plan

**Attachment 1
Subject Property Map**



Attachment 2 Terms and Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2018-078:

Bylaw No. 500, 1987 Variance

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

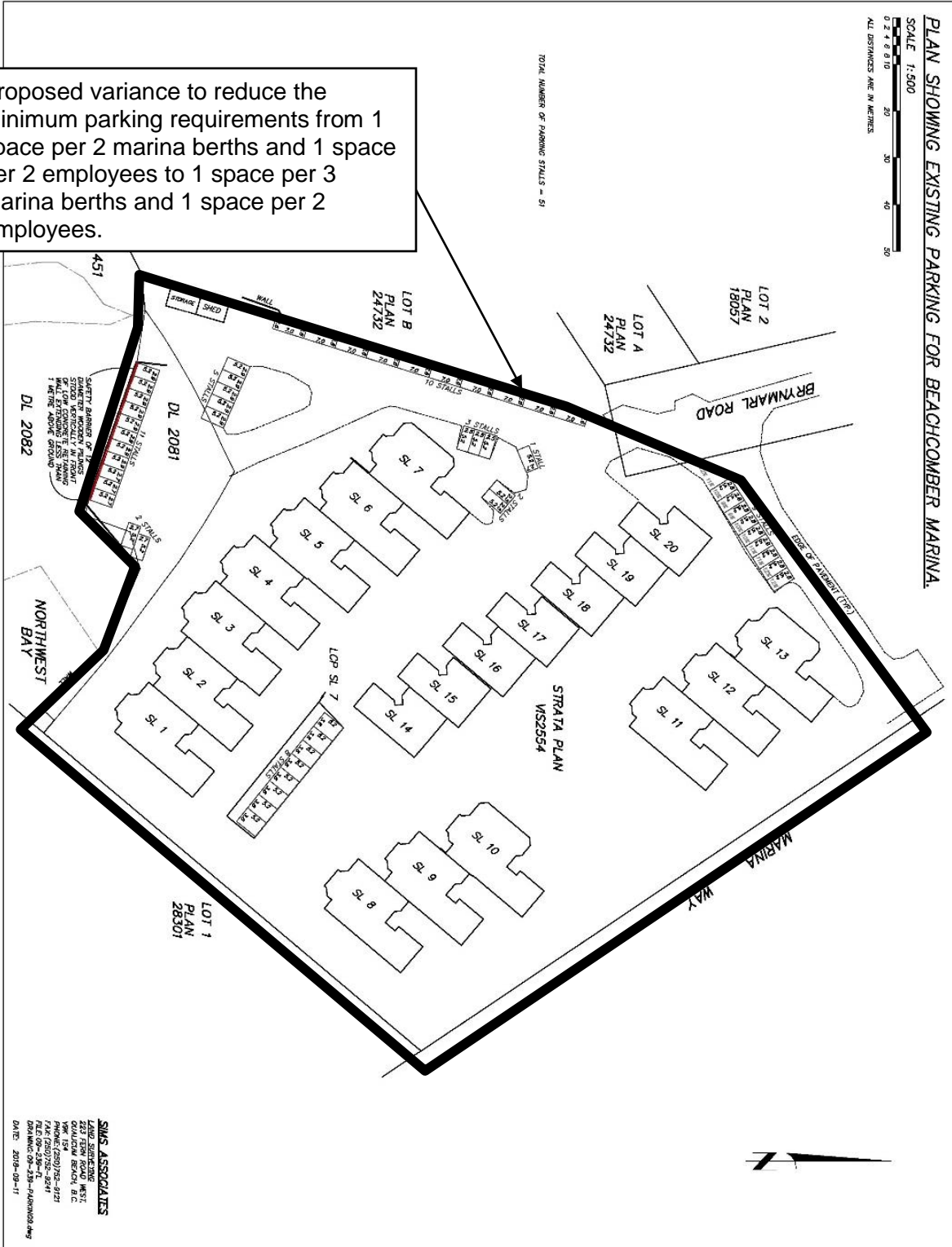
- **Schedule 3B – Off-Street Parking and Loading Spaces** to reduce the minimum parking requirements from 1 space per 2 marina berths and 1 space per 2 employees to 1 space per 3 marina berths and 1 space per 2 employees.

Conditions of Approval

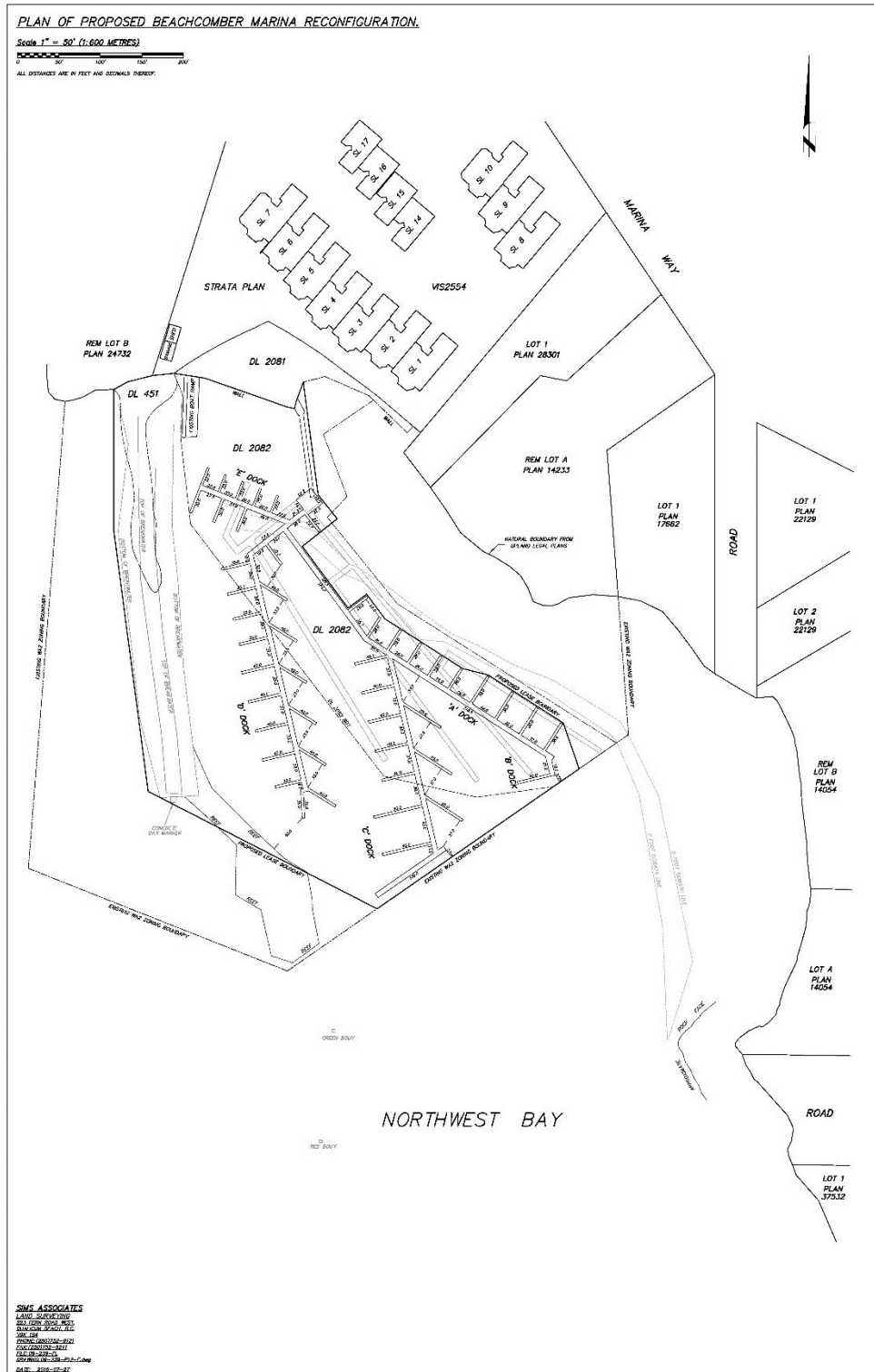
1. In relation to marina parking, the site is to be developed in accordance with Development Permit No. PL2016-174.
2. A maximum of 51 parking spaces are recognized by this permit as per Development Permit No. PL2016-174.
3. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

**Attachment 3
 Existing Site Plan and Variances**

Proposed variance to reduce the minimum parking requirements from 1 space per 2 marina berths and 1 space per 2 employees to 1 space per 3 marina berths and 1 space per 2 employees.



Attachment 4
Existing Reconfigured Marina Plan
(For Reference Only Not Under Consideration for Approval)



TO: Electoral Area Services Committee **DATE:** October 2, 2018
FROM: Greg Keller
Senior Planner **FILE:** PL2018-117
SUBJECT: **Development Variance Permit Application No. PL2018-117**
1035 Shayla Road – Electoral Area H
Lot 11, Block 360, Alberni District, Plan 35982

RECOMMENDATIONS

1. That the Board approve Development Variance Permit No. PL2018-117 to increase the accessory building floor area to permit the construction of an additional accessory building subject to the terms and conditions outlined in Attachments 2 and 3.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2018-117.

SUMMARY

This is an application to increase the maximum accessory building floor area to permit the construction of an additional accessory building. Given that no negative impacts are anticipated as a result of the proposed variance, it is recommended that the Board approve the development variance permit 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 Fern Road Consulting Ltd. on behalf of Willy and Barbary Rycquart to increase the maximum accessory building floor area to permit the construction of a prefabricated steel accessory building. The subject property is approximately 8.1 hectares in area and is zoned Rural 1 (RU1), Subdivision District ‘B’, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” The property is located between Turnbull and Shayla Roads and is surrounded by other RU1 zoned rural properties (see Attachment 1 – Subject Property Map).

The property contains two dwelling units and a number of accessory buildings and is serviced by onsite water and wastewater disposal.

Proposed Development and Variance

The proposed development includes the construction of a 278 square metre accessory building. The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **Section 3.4.81 – Maximum Number and Size of Buildings and Structures** to increase the maximum combined accessory building floor area from 400 m² to 550 m² to accommodate the construction of an additional accessory building.

Land Use Implications

The subject property is currently developed with two dwelling units and four accessory buildings. The proposal is to remove one of the existing accessory buildings and construct an additional accessory building that is 278 square metres in floor area. The accessory buildings that are proposed to remain total 236.6 square metres of floor area. Therefore, if approved, there would be 515.6 square metres of accessory building floor area. The applicant has requested an additional 34.6 square metres of permitted accessory building floor as a buffer to accommodate extended overhangs and/or a covered porch that has yet to be determined.

The applicant indicates that the proposed prefabricated metal accessory building is required to support their hobby of restoring vintage Seabee aircraft for their personal enjoyment. The applicant indicates that the proposed accessory building must be large enough to accommodate the parts and necessary machinery and equipment required to restore the aircraft. While a final building design has not been provided, the applicant has submitted a photograph showing the type of prefabricated metal building that is proposed.

“Board Policy B1.5 *Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation*” (Policy B1.5) for evaluation of development variance permit applications requires that there is an adequate demonstration of an acceptable land use justification prior to the Board’s consideration. In this case, the applicant has provided a comprehensive land use justification and has also submitted a letter of support from the adjacent property owner. In summary, the applicant has provided the following land use justification in support of this application:

- The subject property is 8.1 hectares and would allow for over 20,000 square metres of parcel coverage based on current zoning and of that only two percent of the parcel coverage is permitted to be accessory building floor area.
- If the property was successfully rezoned for a 2.0 hectares minimum parcel size as supported by the Electoral Area H Official Community Plan, the subject property could be subdivided into three to four lots allowing a total of 1,200 square metres to 1,600 square metres of overall accessory building floor area.
- The proposed accessory building would not be seen from adjacent roads.
- The extent of the requested variance is reduced by the removal of an existing accessory building which has a floor area of approximately 102 m².

- Due to topography and the location of the well and septic field, it is not possible to construct an addition to the dwelling unit to accommodate the proposed use.

The requested variance is being recommended in recognition of the large size and rural context of the subject property as well as there being no discernable impacts associated with the proposed accessory building. The variance requested is specific to the current parcel and proposed site plan. If the subject property were rezoned and subdivided in the future, each parcel created would be limited to the maximum accessory building floor area in the applicable zone at that time.

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

Public Consultation Implications

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

ALTERNATIVES

1. To approve Development Variance Permit No. PL2018-117 subject to the conditions outlined in Attachments 2 to 3.
2. To deny Development Variance Permit No. PL2018-117.

FINANCIAL IMPLICATIONS

The proposed development has been reviewed and has no implications related to the Board 2018 – 2022 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The proposed development has been reviewed and has no implications for the 2016 – 2020 Board Strategic Plan.



Greg Keller
gkeller@rdn.bc.ca
September 19, 2018

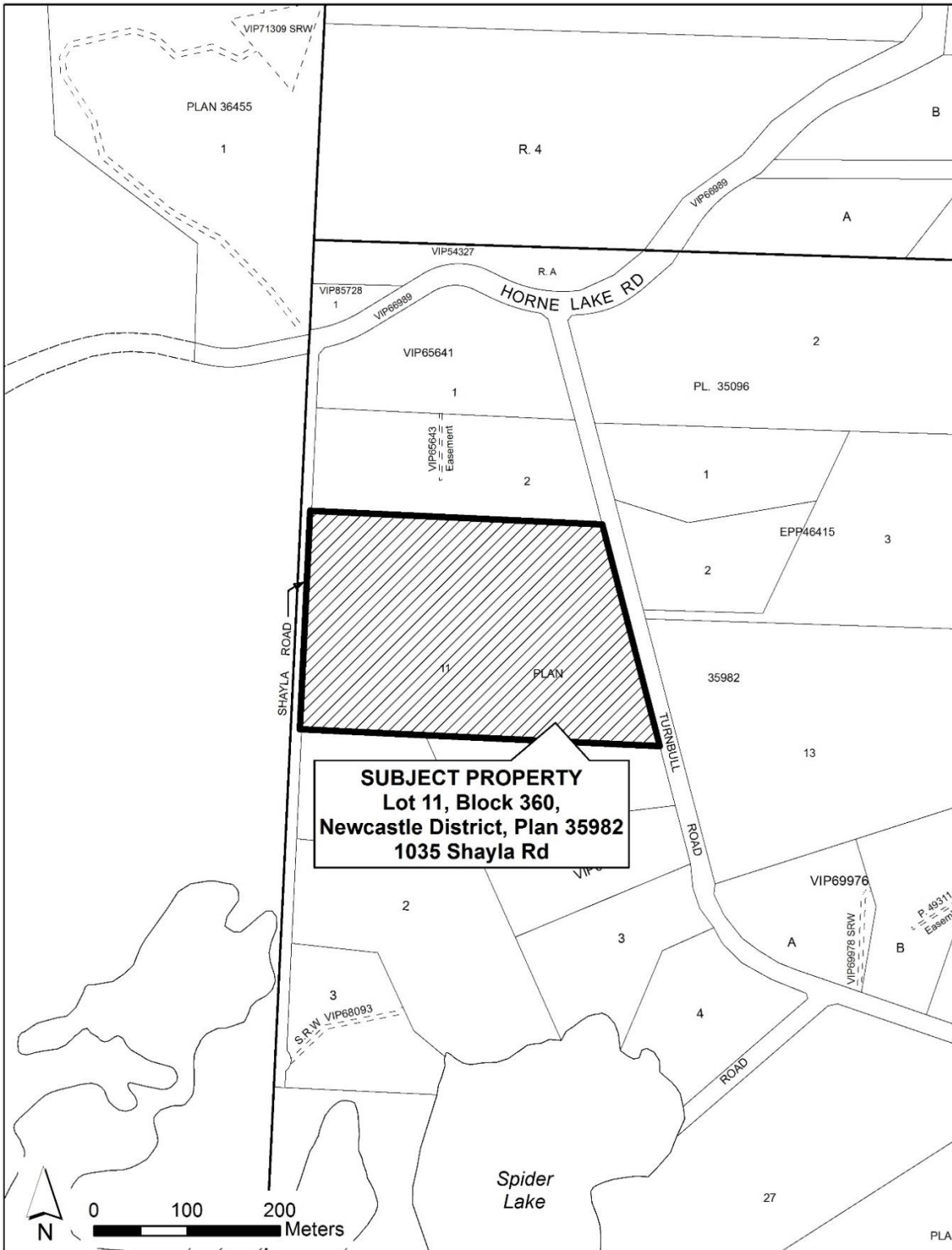
Reviewed by:

- J. Holm, Manager, Current Planning
- G. Garbutt, A/Chief Administrative Officer

Attachments

1. Subject Property Map
2. Terms and Conditions of Permit
3. Proposed Site Plan and Variances
4. Conceptual Building Elevation

Attachment 1 Subject Property Map



Attachment 2 Terms and Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2018-117:

Bylaw No. 500, 1987 Variance

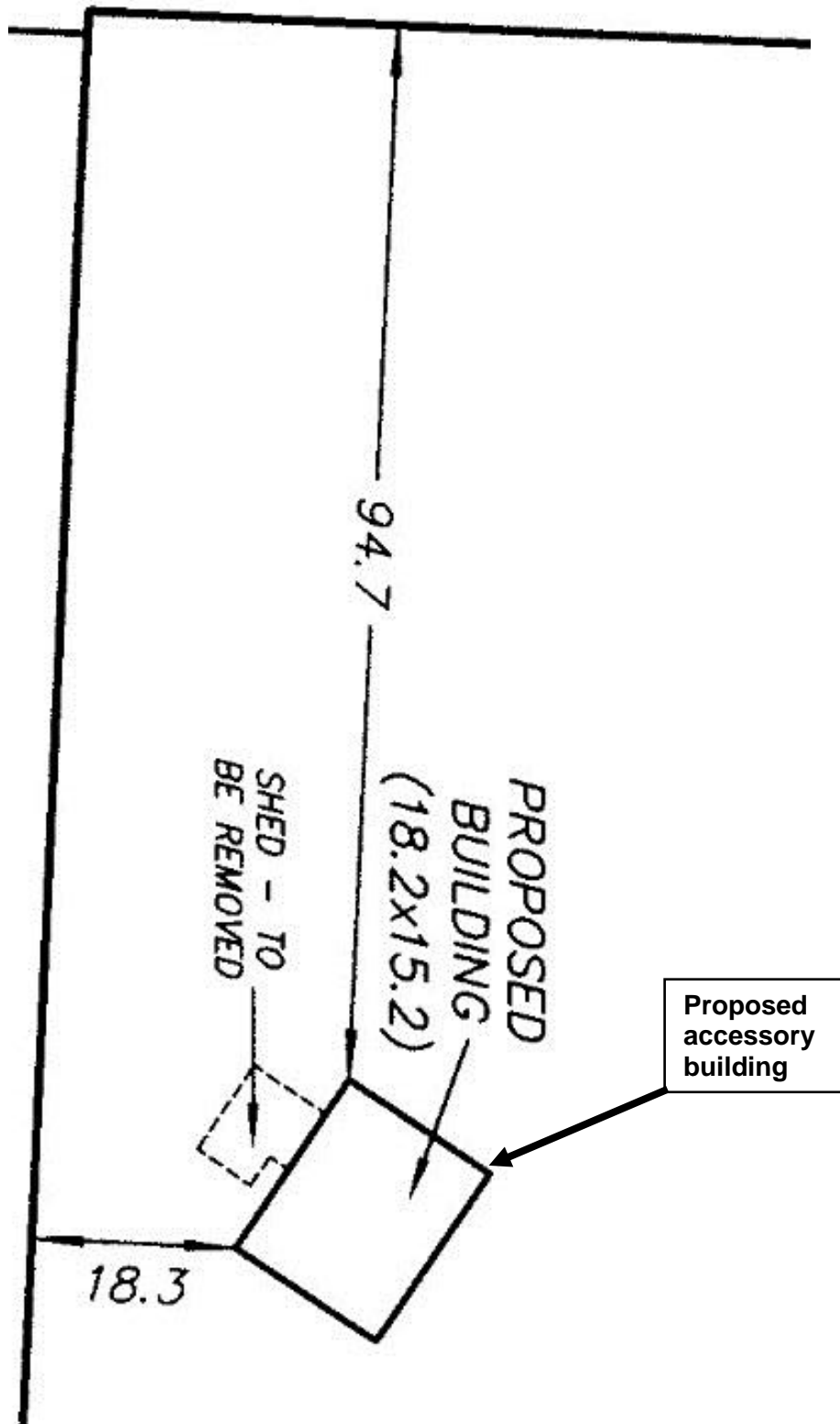
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

1. **Section 3.4.81 – Maximum Number and Size of Buildings and Structures** to increase the maximum combined accessory building floor area from 400 m² to 550 m² to accommodate the construction of an additional accessory building.

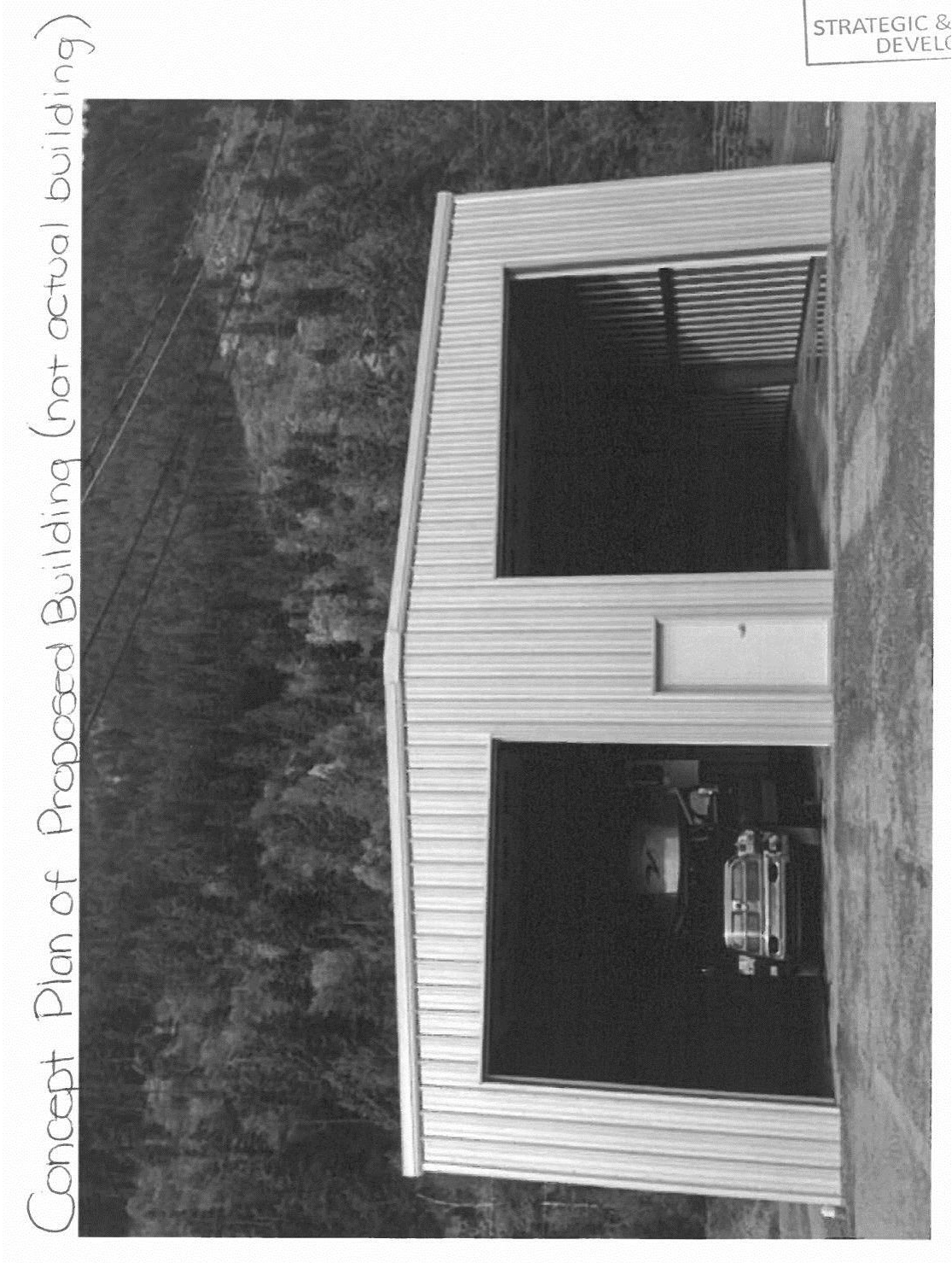
Conditions of Approval

1. The site is developed in accordance with the Survey Plan prepared by Sims Associates, dated June 1, 2018 and attached as Attachment 3.
2. The proposed development is in general compliance with conceptual building elevation prepared by attached as Attachment 4.
3. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Attachment 3 (Page 2 of 2)
Proposed Site Plan and Variances – Enlarged for Convenience



**Attachment 4
Conceptual Building Elevation**



TO: Electoral Area Services Committee **DATE:** October 2, 2018
FROM: Stephen Boogaards
Planner **FILE:** PL2018-142
SUBJECT: **Development Variance Permit Application No. PL2018-142
6425 Island Highway West – Electoral Area H
That Part of Lot 1, District Lot 22, Newcastle District, Plan 12132 Lying To
The South East Of A Boundary Parallel To And Perpendicularly Distant 200
Feet From the North Westerly Boundary of Said Lot 1**

RECOMMENDATIONS

1. That the Board approve Development Variance Permit No. PL2018-142 to increase the maximum floor area for accessory buildings and reduce the setback to the Other Lot Line for an accessory building addition subject to the terms and conditions outlined in Attachments 2 to 4.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2018-142.

SUMMARY

The applicants request to vary the Other Lot Line setback from 5.0 metres to 1.4 metres and to vary the maximum combined floor area of accessory buildings from 250 square metres to 320 square metres to allow for an addition to an existing accessory building. The proposed addition is situated within the required setback from an unconstructed road right-of-way. As no negative impacts are anticipated as a result of the proposed variance, it is recommended that the Board approve the development variance permit pending the outcome of public notification and subject to the terms and conditions outlined in Attachments 2 to 4.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Keith Finholm and Kerry Parker to permit the construction of an addition to an accessory building. The subject property is 9,835 square metres in area and is zoned Residential 2 Zone (RS2), pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is adjacent to Crane Road, Island Highway West, the Strait of Georgia and other residential properties (see Attachment 1 – Subject Property Map). The property also contains an unconstructed road right-of-way adjacent to the northwest property line.

The property contains a dwelling unit and accessory buildings, and is serviced with community water from the Bowser Waterworks District.

Proposed Development and Variance

The applicant requests variances to the Other Lot Line setback and the maximum floor area for accessory buildings to allow on the addition to an existing garage. The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **Section 3.4.62 – Maximum Number and Size of Buildings and Structures** to increase the combined floor area of accessory buildings from 250 m² to 320 m² for the existing studio, existing garage, and proposed addition.
- **Section 3.4.62 – Minimum Setback Requirements** to reduce the minimum Other Lot Line setback from 5.0 metres to 1.4 metres for the roof overhang.

Land Use Implications

The applicant proposes to construct a 111 square metre addition onto an existing 90 square metre accessory garage. The property also contains an existing 119 square metre studio. The RS2 zone limits the total maximum combined accessory building floor area to 10 percent of the lot, up to a maximum of 250 square metres. The applicant has requested a variance to increase the maximum permitted combined accessory building floor area from 250 square metres to 320 square metres in order to accommodate the proposed garage addition. Due to the location of the existing accessory building, the proposed addition will also be within the required 5.0 metre setback from the Other Lot Line, which is an unconstructed road right-of-way.

“Board Policy B1.5 Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation” for evaluation of development variance permit applications requires that there is an adequate demonstration of an acceptable land use justification prior to the Board’s consideration. With respect to the setback variance request, the building addition is situated within the setback to an unconstructed road right-of-way, which is the only portion of the northern property line that requires a 5.0 metre setback. The unconstructed road right-of-way, which was dedicated in 1969, cannot be developed without further road dedication as it is surrounded by private land and is disconnected from the public road network. As such, it would be appropriate to consider a variance to treat the property line adjacent to the unconstructed road right-of-way as an Internal Lot Line as opposed to an Other Lot Line as required by Bylaw 500. The requested variance would result in the outermost portion of the proposed addition being 1.4 metres for the property boundary, which is consistent with the required setback for an Internal Lot Line.

With respect to the variance to accessory building floor area, the requested 320 square metres of accessory building floor area would equal to 3.2 percent of the lot area, which is well below the 10 percent accessory building floor area density provision in the zone and would result in development which is generally consistent with the character of the surrounding residential neighbourhood. The applicant has provided a sufficient land use justification according to RDN Board Policy B1.5.

Intergovernmental Implications

The application has been referred to the Ministry of Transportation and Infrastructure for comments, as the *Provincial Public Undertakings Regulations* establishes a 3.0 metre setback

for the property line adjacent to the unconstructed right-of-way. The Ministry has no concerns with the proposal, though the development will require a setback permit from the Ministry. As a condition of approval, the issuance of the development variance permit will be withheld until a setback permit has been approved by the Ministry.

The application was referred to the provincial Archaeology Branch due the presence of a recorded archaeological site on the property. The Archaeology Branch issued a Section 12 Site Alteration Permit (2018-0210) for the land clearing that occurred on June 27, 2018 to accommodate the addition. The Archaeology Branch reviewed a report prepared by the applicant's archaeologist, and confirms that no archaeological materials were observed in any of the work conducted to prepare the area where the proposed construction is taking place. The Archaeology Branch has no concerns with the RDN proceeding with this application. Qualicum First Nation was also made aware of the development proposal.

Public Consultation Implications

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

ALTERNATIVES

1. To approve Development Variance Permit No. PL2018-142 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Variance Permit No. PL2018-142.

FINANCIAL IMPLICATIONS

The proposed development has been reviewed and has no implications related to the Board 2018 – 2022 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The proposed development has been reviewed and has no implications for the 2016 – 2020 Board Strategic Plan.



Stephen Boogaards
sboogaards@rdn.bc.ca
September 12, 2018

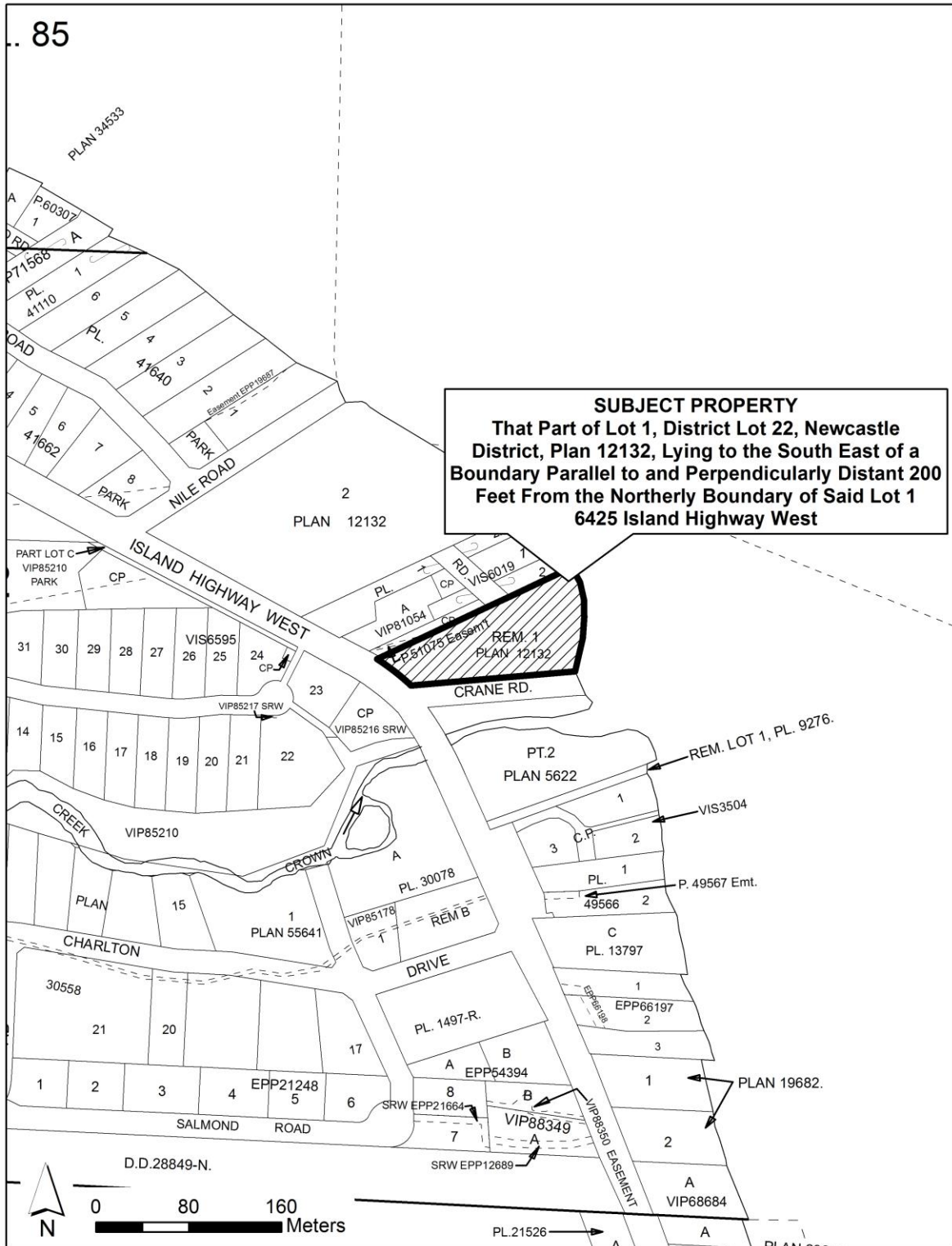
Reviewed by:

- J. Holm, Manager, Current Planning
- G. Garbutt, A/Chief Administrative Officer

Attachments

1. Subject Property Map
2. Terms and Conditions of Permit
3. Proposed Site Plan and Variances
4. Building Elevations and Plans

Attachment 1
Subject Property Map (Page 1 of 2)



Attachment 2 Terms and Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2018-142:

Bylaw No. 500, 1987

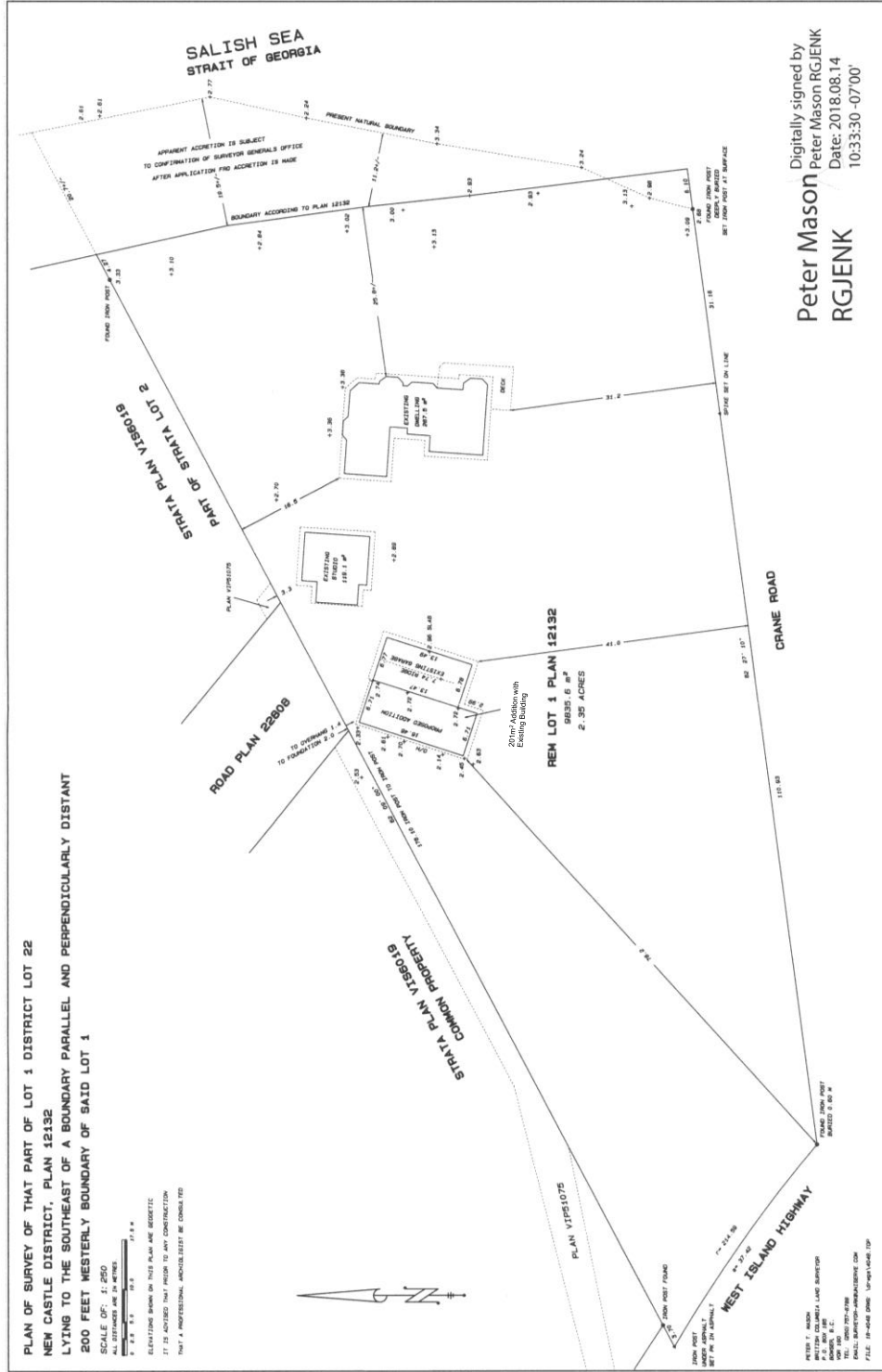
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

-
- **Section 3.4.62 – Maximum Number and Size of Buildings and Structures** to increase the combined floor area of accessory buildings from 250 m² to 320 m² for the existing studio, existing garage, and proposed addition.
- **Section 3.4.62 – Minimum Setback Requirements** to reduce the minimum Other Lot Line setback from 5.0 metres to 1.4 metres for the roof overhang.

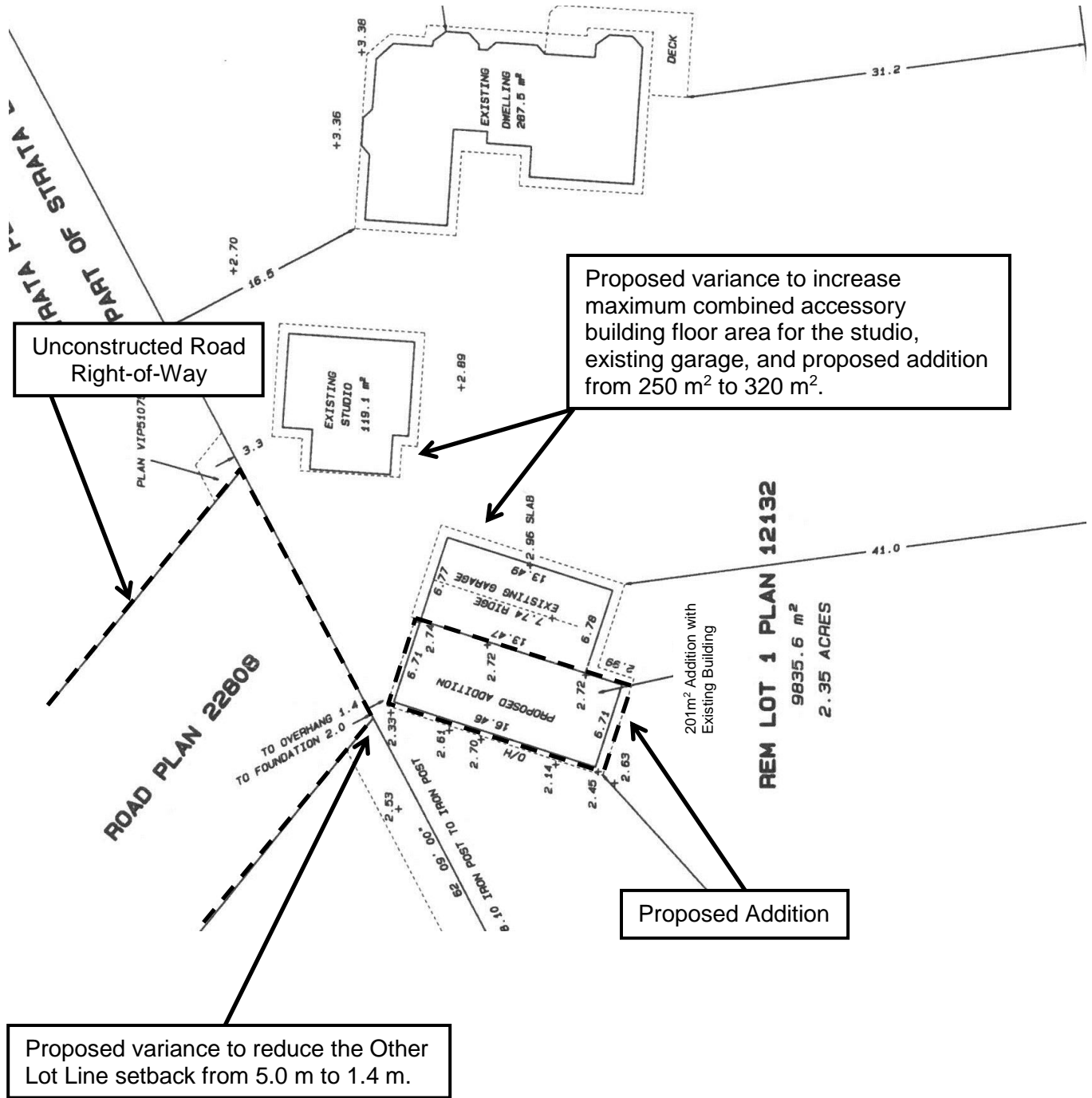
Conditions of Approval

1. The site is developed in accordance with the Survey Plan prepared by Peter T. Mason, dated August 14, 2018 and attached as Attachment 3.
2. The proposed development is in general compliance with the plans and elevations prepared by McGill & Associates Engineering Ltd., dated August 29, 2018 and attached as Attachment 4.
3. The issuance of this Permit shall be withheld until the applicant receives a Setback Permit from the Ministry of Transportation and Infrastructure.
4. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

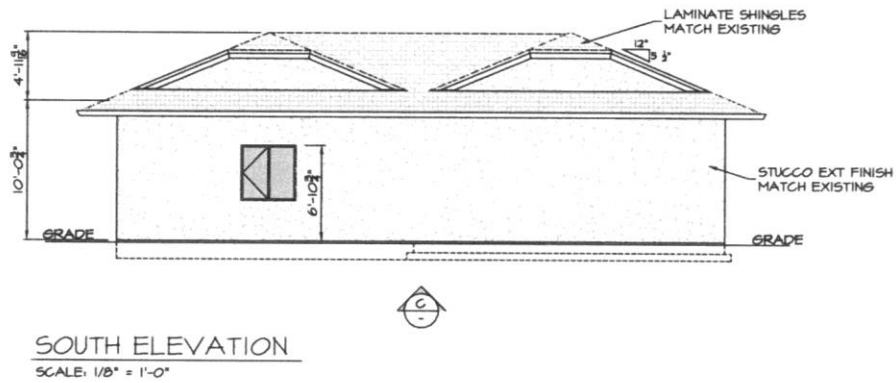
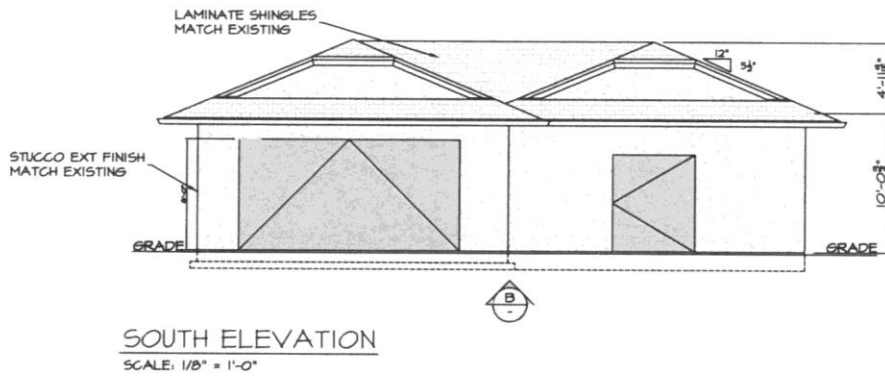
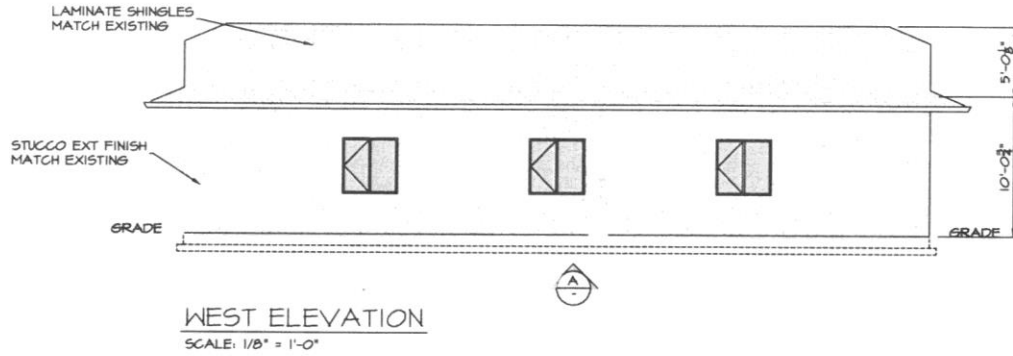
Attachment 3
Proposed Site Plan and Variances (Page 1 of 2)



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



Attachment 4 Building Elevations and Plans



TO: Electoral Area Services Committee **MEETING:** October 2, 2018
FROM: Melissa Tomlinson
Special Projects Coordinator,
Emergency Services **FILE:** 7130 03 ESU
SUBJECT: Emergency Services Update

RECOMMENDATION

That the Emergency Services Update be received for information.

SUMMARY

Several projects were outlined in the 2018 Emergency Services work plan as a result of the Emergency Services Gap Analysis, as well as ongoing and grant based projects. Significant progress has been achieved on most of the 2018 projects.

BACKGROUND

Neighbourhood Emergency Preparedness Program

The previous Neighbourhood Emergency Preparedness Program (NEPP) program was outdated and in need of revision. A new simplified, updated NEPP program booklet is now available on the Regional District of Nanaimo (RDN) website. The program is an expansion from the Prepared BC NEPP and includes a handbook available for download, a RDN Get Involved Page as well as facilitated workshops and meetings including mentors from established NEPP groups. The new NEPP program aims to deliver a simpler program to encourage engagement by new NEPP groups.

Connect Rocket - Emergency Notification System

The Emergency Notification System was launched in the spring of 2017 and by the beginning of 2018 approximately 1500 residents had registered to receive notifications. The 2018 business plan aimed to reach a 20% increase in subscribers this year. The Emergency Notification System was promoted through newspaper ads, an insert in the utilities mail-out as well as in media releases during emergency events. So far in 2018, the subscription has increased to 7500 people, which is a 500% increase from 2017. The Emergency Notification System will continue to be promoted at community events, social media and the RDN website.

Emergency Operations Centre Staff Training

Ongoing staff training for the Emergency Operations Centre (EOC) is a priority for Emergency Services as it is important to ensure current training for staff and gaps are filled as staff turnover occurs. So far in 2018 the RDN has engaged in several staff training opportunities. In May, an EOC Logistics course was co-hosted along with the Town of Qualicum Beach and the City of Parksville, six RDN staff attended this course. A simulated EOC exercise was held in June in the RDN Board Chambers, 28 RDN staff attended this two-hour session. In addition, there have been several EMBC sponsored courses attended by staff. Another table-top exercise planned for October to prepare for the winter season, as well as another co-hosted course planned for November.

National Disaster Mitigation Program/ Hazard, Risk and Vulnerability Assessment (HRVA) project

The project to complete a full Hazard, Risk and Vulnerability Assessment for the region, including the RDN, City of Parksville and Town of Qualicum Beach will be completed parallel to the National Disaster Mitigation Program (NDMP) Flood Risk Assessment Project. Work began in early May, with CCEM Strategies as the successful consultant in the RFP process. This project will engage stakeholders from across the region in several consultation sessions, beginning in mid-October. This project is on time and is slated for completion in September 2019. The final document will help guide risk-based decision making and will enhance the current emergency planning documents.

UBCM Community Emergency Preparedness Fund Projects

EOC Updates - The RDN was approved in early 2018 for a \$24,000 grant to purchase and install dedicated phone line handsets for the EOC, a GIS enabled laptop and external storage for the EOC as well as two satellite phones. The dedicated phone line handsets and GIS equipment have been purchased through the IT department. Satellite phones will be purchased by the end of the year, completing this grant project.

ESS Trailer- The RDN was awarded a \$25,000 grant to purchase and equip an Emergency Social Services (ESS) trailer to serve communities of the RDN within School District 68. A utility trailer was sourced and purchased in August 2018. The interior design of the trailer is being modeled after the ESS trailer for the Oceanside area. Work to design and install storage and a workspace within the trailer is underway and will be completed by the end of 2018. The trailer will be equipped with ESS supplies, including tents, tables and a generator by early 2019, by the grant reporting deadline.

Area Evacuation Plans- This grant stream is currently open to applications with the deadline in November 2019. There are one road in/out communities that have been identified within Electoral Areas G and F as requiring evacuation planning. If approved through the grant process, work will begin on this project in early 2019.

Electoral Areas A and C Emergency Social Services Development

Developing an ESS program to service the Electoral Areas A and C has been identified as a priority project and is scheduled to be completed in 2019.

Community Wildfire Protection Plan (CWPP)

In 2017, RDN Emergency Services applied to the Strategic Wildfire Prevention Initiative in order to update several Community Wildfire Protection Plans. As a result, Strategic Wildfire Prevention Initiative awarded the Regional District of Nanaimo a grant to complete a Community Wildfire Protection Plan for Extension, North Cedar and Cranberry Fire Protection areas. After a competitive bid process, the Regional District of Nanaimo offered a contract to Strategic Natural Resources Consulting (SNRC). After starting the project, SNRC was informed by SWPI that the project funding is only to cover interface with Crown land, as Privately Managed Forest Land information is only released at the discretion of the forestry company. The challenge is that there is less than 2% Crown land and most of the land is Privately Managed Forest Land within the Extension, North Cedar, and Cranberry fire service areas. This project has been put on hold until a resolution regarding information sharing on Privately Managed Forest land can be determined.

ALTERNATIVES

1. That the Emergency Services Update be received for information.
2. That alternate direction be provided.

FINANCIAL IMPLICATIONS

The projects outlined in this update have been accounted for in the budget process resulting in no additional costs.

STRATEGIC PLAN IMPLICATIONS

Continuing to work on Emergency Services priority projects supports the strategic priority of "Focus on Service and Organizational Excellence" by recognizing emergency services as a core element of community safety, and through continued support of emergency preparedness within the Regional District of Nanaimo.



Melissa Tomlinson
MTomlinson@rdn.bc.ca
September 17, 2018

Reviewed by:

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