

TO: Electoral Area Services Committee **DATE:** April 9, 2019
FROM: Nick Redpath
Planner **FILE:** PL2018-204
**SUBJECT: Development Permit with Variance Application No. PL2018-204
6588, 6590 and 6592 Island Highway West – Electoral Area H
Lot C, District Lot 85, Newcastle District, Plan 22770**

RECOMMENDATIONS

1. That the Board approve Development Permit with Variance No. PL2018-204 to relax the requirements for washroom facilities in a Campground 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. PL2018-204.

SUMMARY

An application for a development permit with variance has been submitted to recognize a five space campground that was developed without a permit. The recently constructed five space campground is within the Aquifer Development Permit Area (DPA) and Rural Commercial DPA. The applicant is also requesting a variance to the campground regulations and standards in “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” which requires that washroom facilities be provided for a five space campground. The proposed variance is to reduce the bylaw requirements for a washroom facility with two toilets, two showers, two washbasins and a urinal to one toilet, one shower, one washbasin and no urinal. Given that the Development Permit guidelines have been met and no negative impacts are anticipated as a result of the proposed variance, 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.

BACKGROUND

The Regional District of Nanaimo (RDN) has received a development permit with variance application from Fern Road Consulting Ltd. on behalf of Lauren Ogloff and Janice Thevarge for a recently constructed five space campground. The campground was constructed within the Aquifer and Rural Commercial DPAs without a development permit. The development was brought to the attention of the RDN through a complaint and the applicant was instructed to apply for the required development permit. A further review of the property took place and it was

identified that the development was not compliant with Bylaw 500 as the required washroom facilities had not been constructed. The applicant subsequently submitted a development permit with variance application to relax the washroom facilities requirements.

The subject property is approximately 0.77 hectares in area and is zoned Commercial 5 (CM5), Subdivision District M, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is located at the corner of Noonday Road and Island Highway West, and adjacent to residentially zoned properties (see Attachment 1 – Subject Property Map).

The property contains a residential dwelling, restaurant and tourist store on the north section of the property and a recently constructed five space campground on the center section. The campground section of the property is accessed by two recently constructed culverted driveways that are permitted by the Ministry of Transportation and Infrastructure (MOTI). The property is serviced by the Bowser Waterworks District and an onsite, Type 2 sewage disposal system.

The proposed development is subject to the following DPAs as per the “Regional District of Nanaimo Electoral Area H Official Community Plan Bylaw No. 1335, 2017”:

1. Aquifer Protection DPA; and
2. Rural Commercial DPA.

The applicant has applied to vary the campground regulations and standards which requires that two separate washroom facilities be constructed, each containing its own toilet, shower and washbasin with one of the facilities containing a urinal. The applicant indicates that camping spaces will be restricted to only recreational vehicles (RVs) that each contain their own washroom facilities and have individual water and sewer connections. The applicant contends that constructing a single washroom facility containing one toilet, one washbasin and one shower is sufficient to accommodate the users of the campsite.

Proposed Development and Variance

The development includes five recently constructed campground spaces within the Aquifer and Rural Commercial DPA. The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987, Schedule ‘3C’ Campground Regulations and Standards”:

- **Section 2.2(c) - Section 2** - to vary the quantity of toilets, showers and washbasins from two to one and urinal from one to zero for washroom facilities associated with five existing campground spaces as shown on the Survey Plan prepared by Sims Associates Land Surveying Ltd, dated March 5, 2019 (See Attachment 3 – Survey Plan and Proposed Variance).

Land Use Implications

The existing campground was constructed within the Aquifer and Rural Commercial DPAs without a development permit. The applicant has submitted information to demonstrate how the existing development meets the DPA guidelines. To address the Aquifer DPA guidelines, an Aquifer Protection Assessment prepared by ThorConsult Ltd. dated January 21, 2019 has been submitted. The Assessment concludes that based on the natural conditions, the low risks

associated with the campground development/use, and provided that the Type 2 wastewater treatment system meets applicable regulatory standards and requirements, no unusual site measures are necessary for the adequate protection of the underlying aquifer.

With respect to the Rural Commercial DPA, the applicant has developed the property in accordance with the DPA guidelines. A site visit confirmed that the applicant has already landscaped the property in accordance with the DPA guidelines and “Regional District of Nanaimo Bylaw 500, 1987 Schedule ‘3C’ Landscaping Regulations and Standards”, creating a sufficient vegetative buffer between campground spaces and neighbouring uses while still maintaining existing mature trees on the subject property (See Attachment 4 – Landscaping Plan). Adequate onsite and off-street parking is available and the driveway will have a one inch low voltage pipe light rope from the entrance to exit to define the driveway area with no additional signage being proposed on the property. The current development permit application satisfies both the Aquifer and Rural Commercial DPA guidelines.

The applicant proposes to vary the campground standards of Bylaw 500 requiring two separate washroom facilities each with a toilet, shower, washbasin and one with a urinal to a single washroom facility containing one toilet, one shower, one washbasin and no urinal to service the existing campground. “Board Policy B1.5 Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation” provides guidance as to acceptable land use justification for evaluating development permit with variance applications. The applicant’s rationale to support the variance application is that the existing campground spaces will be restricted to RVs that have self-contained washroom facilities with individual water and sewer connections, therefore providing a washroom facility with a toilet, shower and washbasin should sufficiently accommodate all campground users. The bylaw requirement for a washroom facility to service any campground is to assure basic sanitary needs of occupants are met. Given that the applicant has provided sufficient rationale and the variance will not result in negative sanitary implications, the variance is not anticipated to have negative impacts.

Environmental Implications

The Aquifer Protection Assessment concludes that the minor local aquifer has a low to moderate vulnerability in relation to the campground development at the subject site and the existing development is not anticipated to have a negative environmental impact.

Intergovernmental Implications

The application was referred to the local fire department, Vancouver Island Health Authority (VIHA) and the Ministry of Transportation and Infrastructure. The referral response from VIHA stated that they have no formal interests in regards to the variance proposal. However, they are supportive of any measures that improve access to handwashing and other sanitary services and encourage the RDN to ensure campground users have access to these services. MOTI and the local fire department expressed no concerns with the development and 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 Application and Notification Procedures Bylaw No. 1776, 2018”, 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. PL2018-204 to permit an existing campground with reduced washroom facility requirements subject to the terms and conditions outlined in Attachments 2 to 4 and to direct staff to complete the required public notification.
2. To deny Development Permit with Variance No. PL2018-204.

FINANCIAL IMPLICATIONS

The existing development has no implications related to the Board 2018 – 2022 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

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



Nick Redpath
nredpath@rdn.bc.ca
March 20, 2019

Reviewed by:

- P. Thompson, Manager, Current Planning and Acting General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

Attachments

1. Subject Property Map
2. Terms and Conditions of Permit
3. Survey Plan and Proposed Variance
4. Landscaping Plan

Attachment 2 Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit with Variance No. PL2018-204:

Bylaw No. 500, 1987 Variances

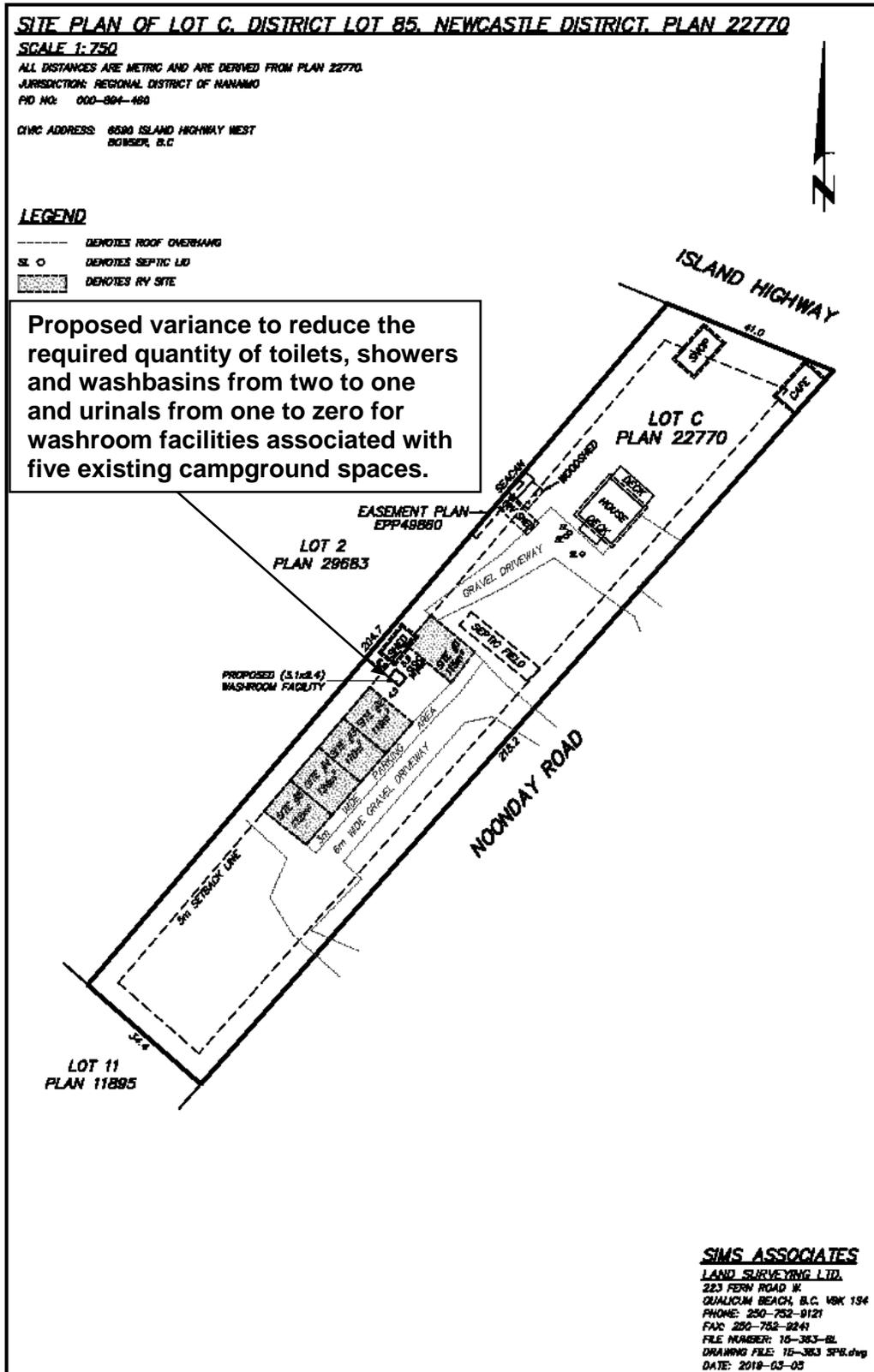
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987, Schedule ‘3C’ Campground Regulations and Standards”:

Section 2.2(c) - Section 2 - to vary the quantity of toilets, showers and washbasins from two to one and urinal from one to zero for washroom facilities associated with five existing campground spaces.

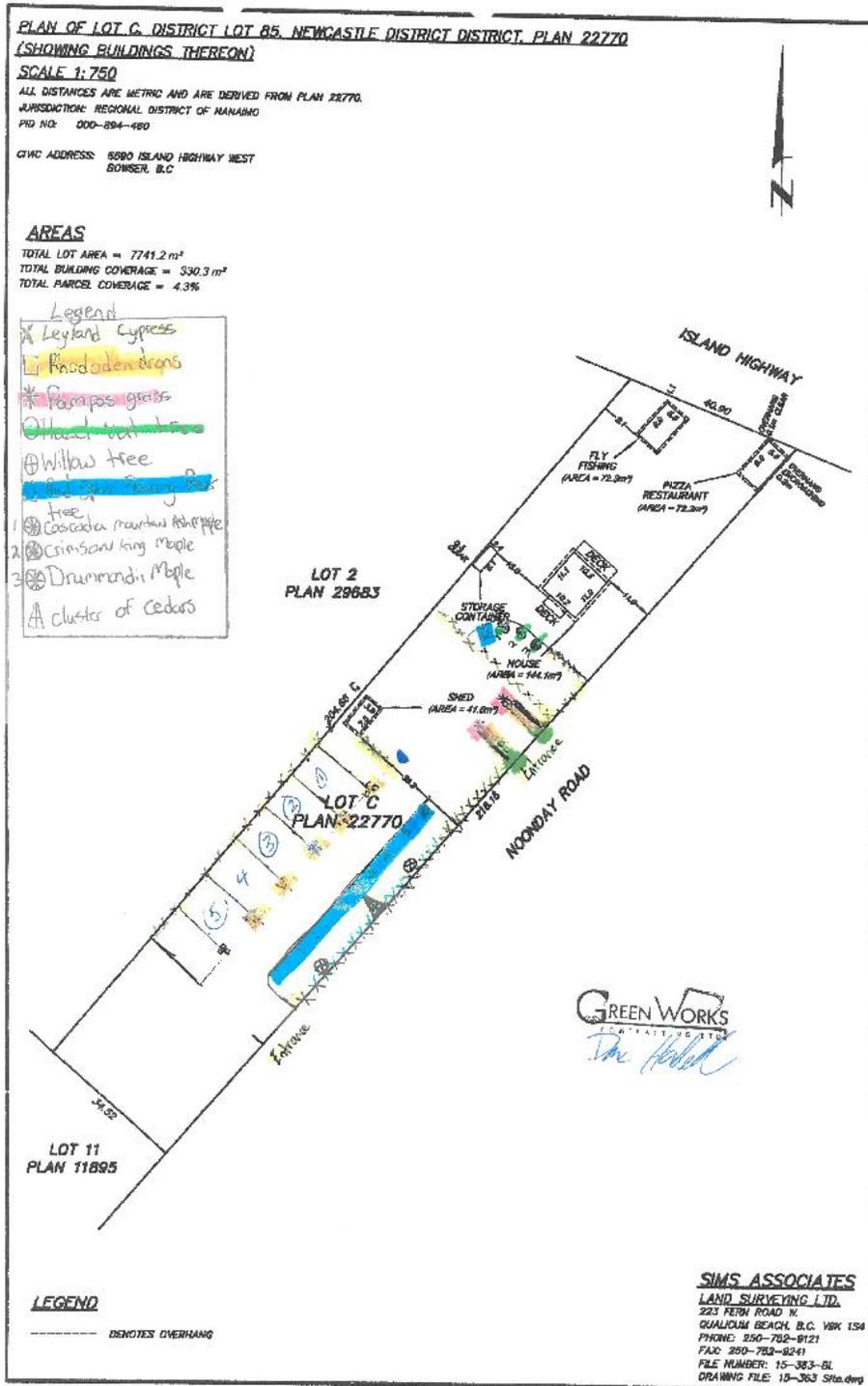
Conditions of Approval

1. The site remains in general compliance with the Survey Plan prepared by Sims Associates Land Surveying Ltd, dated March 5, 2019 and attached as Attachment 3.
2. The landscaping remains in general compliance with the Landscaping Plan prepared by Green Works Contracting Ltd. dated October 22, 2018 and 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 Survey Plan and Proposed Variance



Attachment 4 (Page 1 of 2)
Landscaping Plan



**Attachment 4 (Page 2 of 2)
Landscaping Plan**

To whom it may concern

This letter is to inform that Dane Hasell owner operator professional landscaper of Green Works Contracting Ltd attended ~~233 Elm St~~ West the following observations were made.
6590 Wisconsin Hwy

There is adequate planting separating Noonday road and site using Leyland cypress and is provided with adequate irrigation and separation to maintain a 1-3 ft growth a year which in turn will provide excellent coverage from public view. In addition owner has planted Leyland cypress between each pad site and on the back side of property as well as surrounding the septic field with a total being 200 counted.

Upon entering the site there are five Rhododendrons on each side mix matching between Catawbiense, Jean Marie de Montague as well as Roseum Elegans. Owner has plated one of each at the end of each Pad site in a cluster. In total 30 were counted 10 of each kind. There are 2 Hazel nut trees and 2 pampas grasses as well in the entrance planting.

In the Common area of site there are 10 Red spire flowering pear trees 2 willow trees and a cluster of 3 cedar trees averaging in height between 40-60 feet in height.

On far side of site there is 1 Red spire flowering pear tree 1 Cascadia mountain ash, 1 Crimson king maple and 1 Drummondii Maple.

6590 Wisconsin Hwy
After attending site at ~~233 Elm St~~ west Bowser, I conclude there is sufficient planting on site with adequate irrigation to provide complete coverage in 1-2 years once plants has taken root. In total my observations are 200 Leyland cypress. 30 Rhododendrons. 10 Jean Marie Montague. 10 Catawbiense and 10 Roseum elegans. 2 pampas grass. 2 Hazel nut trees. 2 willow trees. 3 cedar trees. 1 Cascadia mountain ash maple. 1 Crirson king maple. 1 Drummondll maple. 12 red spire Flowering pear. In conclusion I accept the site being landscaped according to plan and adequately to sustain future growth.

Sincerely, Dane Hasell



Date: October 22 2018