

REGIONAL DISTRICT OF NANAIMO
ELECTORAL AREA PLANNING COMMITTEE
TUESDAY, FEBRUARY 25, 2003
7:00 PM

(Nanaimo City Council Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

3 **Brian Coath**, re Request for Land Exchange - Fern Road Consulting Ltd. on behalf of R & L Todsen & McTay Holdings Ltd. - Hawthorne Rise & White Pine Way - Area G.

4 **Lyle Hollingworth**, re Request for Land Exchange - Fern Road Consulting Ltd. on behalf of R & L Todsen & McTay Holdings Ltd. - Hawthorne Rise & White Pine Way - Area G.

MINUTES

5-9 Minutes of the Electoral Area Planning Committee meeting held Tuesday, January 28, 2002.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATION/CORRESPONDENCE

10-19 **Thomas McArthur, French Creek Residents Association**, re Request for Land Exchange - Fern Road Consulting Ltd. on behalf of R & L Todsen & McTay Holdings Ltd. - Hawthorne Rise & White Pine Way - Area G.

20-21 **Dennis & Anita Lawrence**, re Request for Land Exchange - Fern Road Consulting Ltd. on behalf of R & L Todsen & McTay Holdings Ltd. - Hawthorne Rise & White Pine Way - Area G.

22 **Hawthorne Rise Area Residents**, re Request for Land Exchange - Fern Road Consulting Ltd. on behalf of R & L Todsen & McTay Holdings Ltd. - Hawthorne Rise & White Pine Way - Area G.

23 **David & Ros Ross**, re Request for Land Exchange - Fern Road Consulting Ltd. on behalf of R & L Todsen & McTay Holdings Ltd. - Hawthorne Rise & White Pine Way - Area G.

UNFINISHED BUSINESS

- 24-38 DP Application No. 0301 - Juthans/Murphy - 5489 Deep Bay Drive - Area H.

PLANNING

AMENDMENT APPLICATIONS

- 39-60 Zoning Amendment Application No. 0303 - Haylock Bros/Sims - Melrose Road - Area G.

DEVELOPMENT PERMIT APPLICATIONS

- 61-67 DP Application No. 0305 - Thiessen & Marshall/Kyler - 1272 Seadog Road - Area E.

- 68-76 DP Application No. 0306 - Yorke/Rowland - 1435 Private Road - Area G.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 77-85 DVP Application No. 0303 - Buchanan - 5012 Seaview Drive - Area H.

- 86-92 DVP Application No. 0304 - Melvyn - Seaview Drive - Area H.

- 93-100 DVP Application No. 0305 - H & F Ventures Ltd. - 2980 Matthew Road - Area E.

- 101-107 DVP Application No. 0306 - Balance - 2830 Benson View Road - Area D.

FRONTAGE RELAXATION

- 108-113 Request for Cash in Lieu of Park Land Dedication & Relaxation of the Minimum 10% Frontage Requirement - WR Hutchinson, BCLS on behalf of A.Cochran & J. Radzuil - Greive Road - Area A.

OTHER

- 114-149 Request for Park Land Exchange - Fern Road Consulting Ltd. on behalf of R & L Todsens & McTay Holdings Ltd. - Hawthorne Rise & White Pine Way - Area G.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

IN CAMERA

ADJOURNMENT

Burgoyne, Linda

From: Brian Coath [brian@coath.ca]
Sent: Tuesday, February 18, 2003 11:58 PM
To: Burgoyne, Linda
Subject: Hawthorne Park delegate request

I wish to appear as a delegate at The Electoral Area Planning Committee (EAPC) 7.00pm Tuesday Feb 25th, at the City of Nanaimo Council Chambers.

As Chairman of Area "G" Parks & Open Space Advisory Committee I not only wish to appear but will suggest at this time that the matter of the Park exchange be deferred until the new plan can be presented to Area G Director Joe Stanhope and Area "G" Parks & Open Space Advisory Committee for consideration.

Today at 2 PM I attended a prearranged meeting with Susan Cormie at the planning department today to receive the plans for the proposed Hawthorne Park exchange. I was informed at that meeting by Susan Cormie that she could not release the prior requested plans for the parks variation as Area "G" Director J. Stanhope's Alternative had not received a copy of the plan.

As the plans were / are not available for anyone to prepare for the Electoral Area Planning Committee (EAPC) 7.00pm Tuesday Feb 25th, at the City of Nanaimo Council Chambers I suggest that the matter should be differed so that until the Directors have the opportunity to receive the information that they need to make a informed decision. Not only are the Directors of the (EAPC) being deprived of necessary impute to fulfill their elected mandate the area "G" Director Joe Stanhope is being bypassed during his absence.

I wish this communication to be sent to all directors of the RDN and/ or their alternatives.

Brian Coath

Chairman
Electoral Area "G" Parks and Open Space Advisory Committee

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Burgoyne, Linda

From: juneandlyle@shaw.ca [juneandlyle@shaw.ca]
Sent: Wednesday, February 19, 2003 11:08 AM
To: Burgoyne, Linda
Subject: lundine park

I wish to entertain a presentation to the Lundine Park Development meeting on February 25th 1903, Thank you
Lyle Hollingworth..... e-mail address..juneandlyle@shaw.ca

504 Dalmation Drive, Parksville, BC V9P 1Y4

Phone - 752-3094

2/19/2003

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REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, JANUARY 28, 2003, AT 7:00 PM
IN THE CITY OF NANAIMO COUNCIL CHAMBERS,
455 WALLACE STREET, NANAIMO, BC

Present:

Director E. Hamilton	Chairperson
Alternate	
Director H. Kreiberg	Electoral Area A
Director D. Haime	Electoral Area D
Director P. Bibby	Electoral Area E
Director L. Biggemann	Electoral Area F
Director J. Stanhope	Electoral Area G
Director D. Bartram	Electoral Area H

Also in Attendance:

B. Lapham	General Manager, Development Services
P. Shaw	Manager of Community Planning
N. Tonn	Recording Secretary

ELECTION OF DEPUTY CHAIRPERSON

The Chairperson called for nominations for the position of Deputy Chairperson for the year 2003.

Director Stanhope nominated Director Haime.

There being no further nominations, the Chairperson declared Director Haime Deputy Chairperson for the year 2003.

DELEGATIONS

Colleen Murphy & Sven Juthans, re DP Application No. 0301 – Juthans/Murphy – 5489 Deep Bay Drive – Area H.

Ms. Murphy noted her concerns with respect to the alternate location of the hot tub recommended by staff and requested that the original location be approved.

MINUTES

MOVED Director Bartram, SECONDED Director Haime, that the minutes of the Electoral Area Planning Committee meeting held November 26, 2002 be adopted.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

DP Application No. 0301 – Juthans/Murphy – 5489 Deep Bay Drive – Area H.

MOVED Director Bartram, SECONDED Director Haime, that Development Permit Application No. 0301, submitted by Sven Juthans and Colleen Murphy for the property legally described as Lot 39, District Lot 1, Newcastle District, Plan 20442, requesting to:

1. Vary the minimum setback for the front lot line
 - a) From 8.0 metres to 3.3 metres to accommodate the existing garage and courtyard;
 - b) From 8.0 metres to 0.0 metres to accommodate the existing woodshed;

2. Vary the eastern interior lot line setback
 - a) From 2.0 metres to 1.2 metres to accommodate the existing workshop at the rear of the parcel;
 - b) From 2.0 metres to 0.0 metres to accommodate the existing woodshed;
3. Vary the minimum setback requirement from the natural boundary
 - a) From 15 metres to 6.9 metres to accommodate the existing workshop at the rear of the parcel;
 - b) From 15 metres to 4.5 metres to accommodate the existing retaining wall;

be approved, subject to the siting provisions outlined in Schedules No. 1 and 2 excluding location of hot tub structure and subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

MOVED Director Bartram, SECONDED Director Haime, that the application be referred back to staff to allow for further consideration of the proposed siting of the hot tub structure and to allow for discussion with the property owner(s).

CARRIED

DP Application No. 0302 – Guy (Percora Holdings/Coast Distributors) – 6855 Mart Road – Area D.

MOVED Director Haime, SECONDED Director Stanhope, that Development Permit Application No. 0302 by Alex Guy on behalf of Percora Holdings – Coast Distributor Ltd. with variance to relax the minimum 'other lot lines' setback requirement from 5.0 metres to 0 metres for the property legally described as Lot 11, District Lot 44, Wellington District, (situated in Nanoose District), Plan 15245 to accommodate an addition to a warehouse, be approved subject to Schedules No. 1, 2, 3 and 4 and the notification requirements pursuant to the *Local Government Act*.

CARRIED

DP Application No. 0303 – Askew – 1465 E. Island Highway – Area E.

MOVED Director Bibby, SECONDED Director Haime, that Development Permit No. 0303, submitted by Gord Bragg, Agent, on behalf of Robert Askew, Grant Armstrong and Danny Curran, to legalize the operations of Hub City RV Ltd. within an Industrial 1 (IN1) zone by varying the minimum permitted setbacks from specified 'other' lot lines from 5.0 metres to 0.0 metres to accommodate on-site parking areas, and to vary the signage requirements on the property legally described as Lot 3, District Lot 56, Nanoose District, Plan 11289, Except That Part Road Only, Plan 39893, be approved subject to notification procedures pursuant to the *Local Government Act* and subject to the conditions outlined in Schedule 1.

CARRIED

DP Application No. 0304 – Stranaghan Enterprises Ltd. (Riverside Resort) – 3506 West Island Highway – Area G.

MOVED Director Stanhope, SECONDED Director Bartram, that Development Permit Application No. 0304 submitted by Stranaghan Enterprises Ltd., to replace an 18-hole mini golf course within the Natural Hazardous Development Permit Area on the property legally described as Lot 1, District Lot 9, Newcastle District, Plan 11274, be approved, subject to the conditions outlined in Schedules No. 1, 2 and 3 of the corresponding staff report and the notification requirements pursuant to the *Local Government Act*.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

DVP Application No. 0301 – Hilchey/Gauthier – 1348 Leask Road – Area A.

MOVED Director Kreiberg, SECONDED Director Biggemann, that Development Variance Permit Application No. 0301 by Gauthier Development Limited on behalf of Hilchey, to legalize a retaining wall with guardrail and decking by varying the 'top of bank' setback requirement from 8.0 metres to 0.6 metres and varying both 'interior side lot line' setbacks from 2.0 metres to 0.0 metres, and further, to vary the setback from the sea and the rear property line to 0 metres to allow for the construction of a stairway from the top of the retaining wall to property line adjacent the sea, for the property legally described as Lot B, Section 19, Range 5, Cedar District, Plan 25757, be approved, subject to Schedules No. 1, 2, 3 and 4 and to the notification requirements pursuant to the *Local Government Act*.

CARRIED

DVP Application No. 0302 – Kardynal – 1881 Sea Lion Crescent – Area E.

MOVED Director Bibby, SECONDED Director Bartram, that Development Variance Permit Application No. 0302, to relax the minimum interior side lot line setback requirement from 2.0 metres to 1.2 metres to legalize an existing accessory garage building, for the property legally described as Lot 10, District Lot 78, Nanoose District, Plan 28202, be approved subject to Schedule No. 1 and the notification requirements pursuant to the *Local Government Act*.

CARRIED

OTHER

Request for Relaxation of the Minimum Perimeter Frontage Requirement – Fern Road Consulting Ltd. On Behalf of Simone Bibby 1843/1845 Swaync Road – Area F.

MOVED Director Biggemann, SECONDED Director Bartram, that the Board reconsider its resolution of May 1996 and allow requests for the minimum 10% perimeter frontage requirements for the subdivision of parcels in Electoral Area 'F' to be considered only where the proposal is consistent with the minimum lot size requirements and permitted land uses provisions of Bylaw No. 1285, 2002 for all proposed lots.

CARRIED

MOVED Director Biggemann, SECONDED Director Haime, that the request, submitted by Fern Road Consulting Ltd., on behalf of Simone Bibby, to relax the minimum lot frontage requirement for proposed Lot A, as shown on the plan of subdivision of East 5 Chains of Block 30, District Lot 140, Nanoose District, Plan 1918, be approved.

CARRIED

Request for Acceptance of Park Land Cash in Lieu of Park Land – Sims Associates on behalf of Beausoleil Enterprises Ltd. – 2100 & 2130 Errington Road – Area F.

MOVED Director Biggemann, SECONDED Director Bartram, that the request, submitted by Sims Associates, BCLS, on behalf of Beausoleil Enterprises Ltd., pursuant to Section 941 of the *Local Government Act*, offering to dedicate park land in conjunction with the proposed subdivision of Lots 5 and 6, both of District Lot 98, Nanoose District, Plan 31789 be refused and the applicant be required to provide cash in-lieu-of park land dedication.

CARRIED

Protection & Control of Foreshore Development Through Zoning Bylaws.

MOVED Director Stanhope, SECONDED Director Haime,:

1. That the staff report be received for information.
2. That a resolution be prepared for the Association of Vancouver Island and Coastal Communities regarding the issue of local government regulations on aquaculture as outlined in Attachment No. 2.
3. That the staff be directed to report back with a public consultation process to address the issue of aquaculture in the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" and all Official Community Plans.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, that staff investigate the current availability of scientific and mapping information related to the physical capability of the coastline for aquaculture operations which may be acquired from the Province.

CARRIED

Electoral Area 'H' Planning Project – OCP Public Process Design Document – Terms of Reference and Public Consultation Strategy.

MOVED Director Bartram, SECONDED Director Stanhope,:

1. That the staff report on the Electoral Area 'H' Planning Project be received.
2. That the Electoral Area 'H' Official Community Plan Public Process Design Document (Attachment No. 1) be endorsed by the Board.

CARRIED

ADJOURNMENT

MOVED Director Stanhope, SECONDED Director Haime, that this meeting terminate.

CARRIED

TIME: 7:24 PM

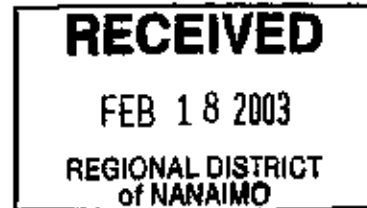
CHAIRPERSON

French Creek Residents Association

1596 Marine Circle
Parksville, BC
V9P 1Y7

Phone: 250-752-8430
Fax: 250-752-8431
e-mail: t-mcarthur@shaw.ca

February 18, 2003



Electoral Area Planning Committee
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC

Delivered by hand to:

Director E Hamilton, Director H. Kreiberg, Director D. Haime, Director P Bibby, Director L. Biggemann, Director J. Stanhope, Director D. Bartrum.

RDN Staff:

B. Lapham, P. Shaw.

A committee of residents within a 100 meters of Lundine Community Park, located in The Remainder of Lot 1, District Lot 49, Nanoose District, Plan 19351, has asked the French Creek Residents Association to act as advocates on their behalf in the matter of a proposal by the registered property owners of the above property to exchange part of the existing park land area with a portion of The Remainder of Lot 1. A public information meeting was held February 12, 2003

As The Remainder of Lot 1, District 49, Nanoose District, Plan 19351, is within the boundaries of French Creek; we accepted the position as advocate for the community on February 14, 2003.

Since February 14, 2003, the residents of this area have been polled as to their desires for this established Park, Lundine. Please note the attached signed ballots from 34 land resident homes out of a total of 57 resident homes that are not in favor of the proposed exchange and therefore pray that the Park boundaries remain as originally dedicated. Many of the 23 resident homes not signing were not at home during the poll. The registered owners of the property have the opportunity to present another proposal if they are so inclined. In that case we would ask for a much-improved presentation.

It is well understood by all parties that the registered owners were and are prepared to go around the Community Park as it stands leaving the original boundaries in tact.

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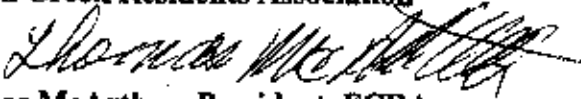
Because of the very short time period given by the registered owners of this property for a counter to their proposal by delegation to the February 25, 2003 meeting of the Electoral Area Planning Committee, we pray that the committee table this proposal until the next meeting of the Committee. Unless, of course, the Committee accepts our presentation as per this brief without the need of cross-examination.

We also note that Director Joe Stanhope of Area G is on holidays and will not be in attendance at this meeting. As the above property is in Area G and is a contentious issue, Director Stanhope should have the opportunity to speak directly to the Committee concerning the existing Lundine Park.

Respectfully submitted by

French Creek Residents Association

Per:



Thomas McArthur, President, FCRA




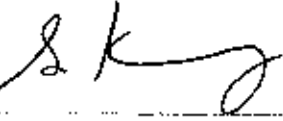
The Chairperson
R.D.N. Electoral Area Planning Committee
6300 Hammond Bay Road
Nanaimo, B.C. V9T 6N2


Dear Sir/Madam,

Re: Community Park, Rem. Lot 1
Plan 19351, DL 49, Nanoose L D

We the undersigned, acknowledge that our community park has been in existence since 1983. It is our wish that the original park boundaries remain unchanged, except for any future park additions.

We feel strongly that provision for public access to the park must coincide with any sub-division development on the remainder of Lot 1.

NAME	ADDRESS	SIGNATURE
Bill + Nadine Warwick	1311 LUNDINE LANE	
Shelly Pudetz	1301 Lundine Lane	
Debi + Dale Simpson	1371 Lundine	
Scott + Helena Krieger	679 Everett Dr	

I witnessed these signatures as correct.
Feb. 17/03 

The Chairperson
R.D.N. Electoral Area Planning Committee
6300 Hammond Bay Road
Nanaimo, B.C. V9T 6N2

Dear Sir/Madam,

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NAME	ADDRESS	SIGNATURE
ELIZABETH DEAN RICHARD DEAN	530 MEADOW DRIVE	R. J. Dean
WALLY BRADLEY DIANA BRADLEY	540 MEADOW DRIVE	W. Bradley Diana Bradley
TREVOR HOOPER Trevor Hooper	552 MEADOW DR.	Trevor Hooper
LAWRENCE HILL	521 HAWTHORNE RISE	LH
SANTE TRAVANUT	522 MEADOW DRIVE	Sante Travanut
DENNIS LAWRENCE	528 HAWTHORNE RISE	Dennis Lawrence

WITNESSED AS CORRECT SIGNATURES

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The Chairperson
R.D.N. Electoral Area Planning Committee
6300 Hammond Bay Road
Nanaimo, B.C. V9T 6N2

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NAME	ADDRESS	SIGNATURE
BILL SHAW	571 Hawthorne Rise	Bill Shaw
Dennis Erickson	425 Hawthorne Rise	Dennis Erickson
ROBERT LEENDERS	633 Hawthorne Rise	R. Leenders
HILARY + BILL STEFIUK	609 Hawthorne Rise	Hilary Stefiuk Bill Stefiuk
JOYCE IRVINE	565 Hawthorne Rise	Joyce Irvine
T.L. STOTHARD	575 Hawthorne Rise	T.L. Stothard

I witness these signatures as correct
D. Erickson 2-16-03

PAGE

The Chairperson
R.D.N. Electoral Area Planning Committee
6300 Hammond Bay Road
Nanaimo, B.C. V9T 6N2

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NAME	ADDRESS	SIGNATURE
KATE RIDYARD & JOHN SPINK	1402 WILLOW WAY	Kate Ridyard
HERB & JENNY SCHMIDT	616 HAWTHORNE RD	Jenny Schmidt

WITNESSED AS CORRECT SIGNATURES

R. Dea Feb. 17, 03

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The Chairperson
 R.D.N. Electoral Area Planning Committee
 6300 Hammond Bay Road
 Nanaimo, B.C. V9T 6N2

Dear Sir/Madam,

Re: Community Park, Rem. Lot 1
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NAME

ADDRESS

SIGNATURE

ANNA BLOXHAM 654 HAWTHORNE RISE *Anna Bloxham*
 T52-856

R.A. BLOXHAM 654 HAWTHORNE RISE ~~*R.A. Bloxham*~~

E.G. REES 610 ^(u T526142) *E.G. Rees*

P.M. YOUNG 632 Hawthorne Rise *P.M. Young*
 T52-0268

GEO. PLAYFAIR 669 HAWTHORNE RISE *G. Playfair*

Louise Playfair 669 Hawthorne Rise *Louise Playfair*
 T52-2061

MIKE AXTELL 657 HAWTHORNE RISE *M. AxteLL*
 T52-9

DIANNA AXTELL 657 HAWTHORNE RISE *D. AxteLL*
 T52-742
 ... THEIR SIGNATURES AS REQUEST ...

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The Chairperson
R.D.N. Electoral Area Planning Committee
6300 Hammond Bay Road
Nanaimo, B.C. V9T 6N2

Dear Sir/Madam,

Re: Community Park, Rem. Lot 1
Plan 19351, DL 49, Nanoose L D

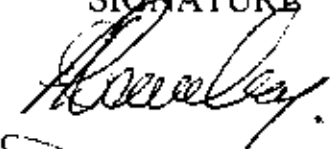

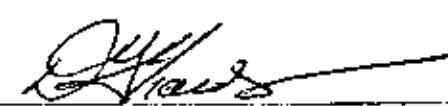
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NAME

ADDRESS

SIGNATURE

PETER HAWLEY	550 HAWTHORNE RISE	
Phil Savage	574 Hawthorne Rise	
DON GRAVES	531 Hawthorne Rise	

WITNESSED AS CORRECT SIGNATURES

R. Dean Feb. 16, 03

The Chairperson
R.D.N. Electoral Area Planning Committee
6300 Hammond Bay Road
Nanaimo, B.C. V9T 6N2

Dear Sir/Madam,

Re: Community Park, Rem. Lot 1
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NAME

ADDRESS

SIGNATURE

BILL SPIVAK
SYLVIA SPIVAK

646 HAWTHORNE RISE
646 HAWTHORNE RISE

Bill Spivak
Sylvia Spivak

WITNESSED AS CORRECT SIGNATURES

R. Dean Feb. 16, 03

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The Chairperson
R.D.N. Electoral Area Planning Committee
6300 Hammond Bay Road
Nanaimo, B.C. V9T 6N2

Dear Sir/Madam,

Re: Community Park, Rem. Lot 1
Plan 19351, DL 49, Nanoose L D

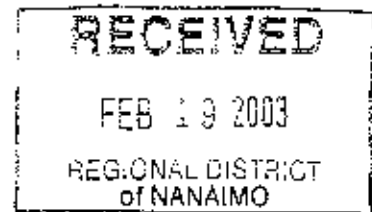
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We feel strongly that provision for public access to the park must coincide with any sub-division development on the remainder of Lot 1.

NAME	ADDRESS	SIGNATURE
A. CASTLE Y.V.	508 MEADOW DR	A. Castle
C. Pinkerton	536 Hawthorne Rise	C. Pinkerton
REGINA PARKER	539 HAWTHORNE RISE	Regina Parker
Lind Anderson	535 Hawthorne Rise	Lind Anderson
ROSALIND DAVID ROSS	527 HAWTHORNE RISE	Ross
Ken & Myra Davies	582 Hawthorne Rise	Myra Davies K. Davies
JIM. MARY LOGUE	544 HAWTHORNE RISE	Jim & Mary Logue

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Dennis & Anita Lawrence
528 Hawthorne Rise
Parksville, B.C. V9P 2K3
Email: lawrenceda@hotmail.com



February 16, 2003

Regional District of Nanaimo
Planning Department
6300 Hammond Bay Road
Nanaimo, B.C. V9T 6N2

Dear Sir or Madam

Subject: Subdivision Proposal – Remainder of Lot 1, District Lot 49, Nanoose District, Plan 19351.

Recently, I signed a petition being circulated by the Directors of the French Creek Residents' Association. The purpose of the petition is to convince the RDN to retain the original boundary of the park located within the above subdivision proposal. Upon reflection of the above petition, it is our view, that while the park boundary is a consideration, other aspects of the subdivision proposal are of greater concern to us.

Our property backs up to the subdivision boundary. As a result we, as well as all the residences along Hawthorne Rise bordering the proposed subdivision, and in fact many other residences in the immediate area, see numerous large evergreen trees which provide a barrier between us and Highway 19A. Not only do these trees provide a visual barrier but also they reduce the Highway traffic noise. We request that the developer commit to retaining as many trees as possible.

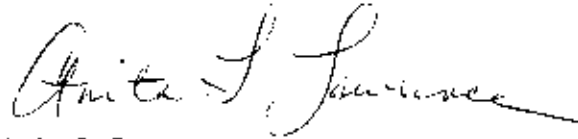
Our initial understanding of the number of lots to be developed within the subdivision was 29. At the February 12 public meeting held in St. Columba Church, we learned that the number of lots has increased to 30. As you know by reviewing the plan, the roads/streets accessing this proposed subdivision re minimal. In fact, we heard at the public meeting that residents living on Lundine Lane will not be able to access Highway 19A in an expedient manner, but rather must travel into the subdivision via Everett/Meadow to Whitepine Way, to Hawthorne Rise, to Willow Way, to Johnston before arriving at the Highway. Therefore it is our opinion the number of lots to be developed is of utmost concern as related to the number of vehicles using the existing and proposed roads. We request that the developer commit to developing the original plan of 29 lots. We also request that the appropriate departments review the Highway access for this subdivision.

The current homes surrounding the proposed development, in the area known as St. Evar are well maintained, medium to high priced residences. We request that the developer commit to placing a covenant and/or building scheme on any homes to be built in the subdivision so that the quality and esthetics of the area are maintained.

Sincerely



Dennis B. Lawrence



Anita L. Lawrence

Cc: Richard Dean, Director, French Creek Residents' Association.

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Hawthorne Rise Area Residents

REGIONAL DISTRICT OF NANAIMO		
FEB 18 2003		
CHAIR		GMCrs
CAO		GRDS
GMCms		GMES
EAP Communication		

February 15, 2003

Regional District of Nanaimo, The Board

6300 Hammond Bay Road

Nanaimo B.C. V9T 6N2

Dear Board Members,

We wish to bring to your attention the discussions currently under way regarding the parkland contained within a proposed development in the French Creek area. The approximate boundaries of the development are Lundine Lane to the south, Hawthorne Rise to the east and Eaglecrest Golf course to the west.

A proposal to change the park boundaries was presented to area residents February 12, 2003 at an information meeting chaired by Mabel Klee, alternate for Area G, and organized by the RDN Planning staff. Some fifty residents attended and several questions could not be answered. We are asking that the development be halted until the developer's proposal, presented at the meeting, has been referred back to the Area G Parks Advisory Committee. This would allow the Parks Committee to consider the opinions of local residents and any presented by the French Creek Residents Association.

We will appreciate your support ensuring that the Area G Parks Committee has the opportunity to consider any and all revised park boundary proposals. Veto power must be maintained until the resident's concerns are reasonably satisfied.

Sincerely,

Barth Reese
610 Hawthorne Rise

L. Steward
575 Hawthorne Rise

Alvin C. Cooper
568 Hawthorne Rise

Jojo Irvine (IRVINE)
565 Hawthorne Rise

Cc: Mabel Klee, Alternate Representative, Area G
Susan Cormier, Senior Planner, RDN

REGIONAL DISTRICT
OF NANAIMO

FEB 19 2003

CHAIR	GMCrs
CAO	GMDS
GMCm8	GMES

David and Ros Ross
527 Hawthorne Rise,
Parksville, B.C. V9P 2K3
Phone: (250) 752-8653 Fax: (250) 752-8184
e-mail: davidandros@shaw.ca

February 19, 2003

RDN Planning Committee,
6300 Hammond Bay Road,
Nanaimo, B.C., V9T 6N2

Dear Sirs:

Re: Exchange of Property. Subject property: Rem.Lot1, Plan 19351, DL 49, Nanoose LD

I am writing this letter to voice my objection in strongest terms, to the proposed land swap requested in the above application. Unfortunately I will be out of town on the evening of the next meeting concerning this application. Thus I am writing to ensure that my concerns are noted.

The proposed land exchange makes no sense whatsoever other than to enhance the financial coffers of the subdivision applicants. The proposed land exchange is not a fair or even exchange in terms of the quality of the parcels of land in the proposed exchange. Where is the equity in exchanging forest for pasture, forest for a potential slough?

In what way would the planned exchange enhance the community? What is the benefit to the community, ecologically, aesthetically or recreationally if this proposal is permitted? I believe that it is grossly unfair that the foregoing community-enhancing qualities should be threatened, or worse still, removed, for the financial gain of one individual. Why should an entire community be deprived of something irreplaceable, namely the existing forest, for the sole purpose of benefiting the developer?

With regard to the above application, I believe that you have to ask yourselves, truly and honestly, whether our community should be deprived of this irreplaceable asset in question, for the financial gain of an individual? I believe that morally, ecologically, and aesthetically, there can be only one answer, namely NO!

My wife and I moved to this community because of the surrounding treed parkland. Please do not take any part of this away from us or from our community.

I trust you will give this your most serious and honest consideration, and make the decision that will be of the greatest benefit to the community.

Sincerely,

David Ross

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TO: Pamela Shaw
Manager, Community Planning

DATE: February 14, 2003

FROM: Keeva Kehler
Planner

FILE: 3060 30 0301

SUBJECT: Development Permit Application No. 0301 – Juthans/ Murphy
Electoral Area 'H' – 5489 Deep Bay Drive

PURPOSE

To report back to the Board on issues with respect to the proposed location of a hot tub and deck structure in the Environmentally Sensitive and Hazard Lands Development Permit Areas pursuant to "Shaw Hill – Deep Bay Official Community Plan Bylaw No. 1007, 1996."

BACKGROUND

The Electoral Area Planning Committee (EAPC) met on January 28, 2003 to consider the application to legalize the existing workshop, retaining wall and hot tub structure, which are located within 15 metres of the natural boundary and to legalize the existing garage, courtyard and woodshed, which are located within the minimum front and side lot line setback areas. In the report, staff did not support the location of the hot tub structure within the DP area; all other variances were supported as submitted by the applicant (*a copy of the original staff report is attached-see Attachment No. 1*). As a delegation to the EAPC, the applicants provided documentation showing the location of the septic field on the property. At the EAPC meeting, Director David Bartram (Area 'H') moved that the application be referred back to staff to allow for further consideration of the proposed siting of the hot tub structure and to allow for discussion with the property owners. Staff revisited the property on February 6, 2003 to investigate further options for an alternate site for the hot tub; in addition, the Director and staff have discussed the application with the property owner.

The hot tub structure has been modified since the original site inspection. The roofing beams have been removed and the poles at each corner of the deck have been cut down to a lower height, approximately 2 metres above ground level. Staff discussed the option of lowering the horizontal elevation of the upper level of the deck structure to a maximum height of 0.3 metres so as to minimize any visual impacts on the views of adjacent lots. The applicants were agreeable to this. Mr. Juthans reiterated his intent to install a cedar hedge along the property line to further reduce the potential for noise impacts and loss of privacy for adjacent lots.

Zoning and Proposed Variances

The application involves a number of proposed variances to Section 3.4.62 Minimum Setback Requirements of the "Regional District of Nanaimo Subdivision and Land Use Bylaw No. 500,

1987" as outlined in Schedule No. 3, in addition to the location of the hot tub and workshop within the Development Permit Area.

Development Permit Requirements

The applicants are requesting permission to vary the minimum setback requirement from the natural boundary from 15 metres to 9.6 metres to accommodate the proposed hot tub and deck structure.

Pursuant to the *Local Government Act*, neighbouring property owners will be notified of the application prior to the Board considering the proposal.

ALTERNATIVES

1. To approve Development Permit Application No. 0301 subject to conditions prepared by staff and contained in the report before the Board.
2. To deny the requested Development Permit.

LAND USE AND DEVELOPMENT IMPLICATIONS

At the January 2003 EAPC meeting, the applicants provided new information regarding the location of the septic field on the property. In addition, the applicants have agreed to further modifications to the construction of the hot tub structure; the hot tub is proposed to be slightly elevated with no roof or wall structures. A secondary location for the hot tub is adjacent to the dwelling unit under an existing elevated patio, but the applicants have stated that there would be a reduced ocean view from this location and the hot tub would be blocking a window at the rear of the home.

By modifying the structure as outlined in Schedule No. 1 attached to this report, the potential visual impacts for neighbouring properties can be greatly reduced. The applicants no longer plan to install a roof and the resulting structure will be no higher than the fence along the property line.

VOTING

Electoral Area Directors – one vote, except Electoral Area 'B.'

SUMMARY/CONCLUSIONS

The applicant cites the constraints created by the location of the septic field as the justification for the location of the hot tub and deck structure within the Development Permit Area. The applicants have indicated that they will lower the height of the hot tub and remove the roof/wall structure should the hot tub be permitted within the development permit area. Lowering the level of the hot tub deck below 0.3 metres would mitigate the visual impact for neighbouring properties.

Staff recommends that Development Permit Application No. 0301 be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to the notification requirements pursuant to the *Local Government Act*.

RECOMMENDATION

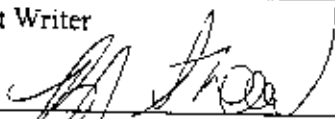
That Development Permit Application No. 0301, submitted by Sven Juthans and Colleen Murphy, for the property legally described as Lot 39, District Lot 1, Newcastle District, Plan 20442, requesting to;

1. Vary the minimum setback for the front lot line:
 - a.) From 8.0 metres to 3.3 metres to accommodate the existing garage and courtyard.
 - b.) From 8.0 metres to 0.0 metres to accommodate the existing woodshed.
2. Vary the eastern interior lot line setback:
 - a.) From 2.0 metres to 1.2 metres to accommodate the existing workshop at the rear of the parcel.
 - b.) From 2.0 metres to 0.0 metres to accommodate the existing woodshed
3. Vary the minimum setback requirement from the natural boundary;
 - a.) From 15 metres to 6.9 metres to accommodate the existing workshop at the rear of the parcel.
 - b.) From 15 metres to 4.5 metres to accommodate the existing retaining wall.
 - c.) From 15 metres to 9.6 metres to allow for the placement of a hot tub structure within the development permit area

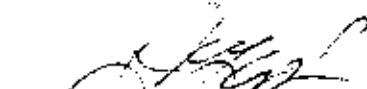
be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to notification requirements pursuant to the *Local Government Act*.



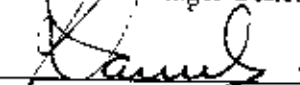
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

COMMENTS:

Dev. permit application - Juthans/Murphy 5489 Deep Bay Drive

**Schedule No. 1
Conditions of Approval
Development Permit No. 0301**

1. Environmentally Sensitive & Hazard Lands Development Permit Area

- a.) The debris located within the Development Permit Area (DPA) at the rear of the lot is to be removed and the area is not to be used for storage of boat parts or other materials.
- b.) Fire pits are prohibited in the DPA. The existing fire pit and ash debris shall be removed.
- c.) There shall be no removal of vegetation from the DPA. The introduction of native vegetation shall be encouraged to reduce the potential for soil erosion.
- d.) Land within the DPA will be reclaimed and restored to the original state when the hot tub hook-up works are complete.
- e.) No additional structures are to be placed in the DPA without written approval from the Regional District of Nanaimo.
- f.) There shall be no modification or alteration of the structures within the DPA without written approval of the Regional District of Nanaimo.

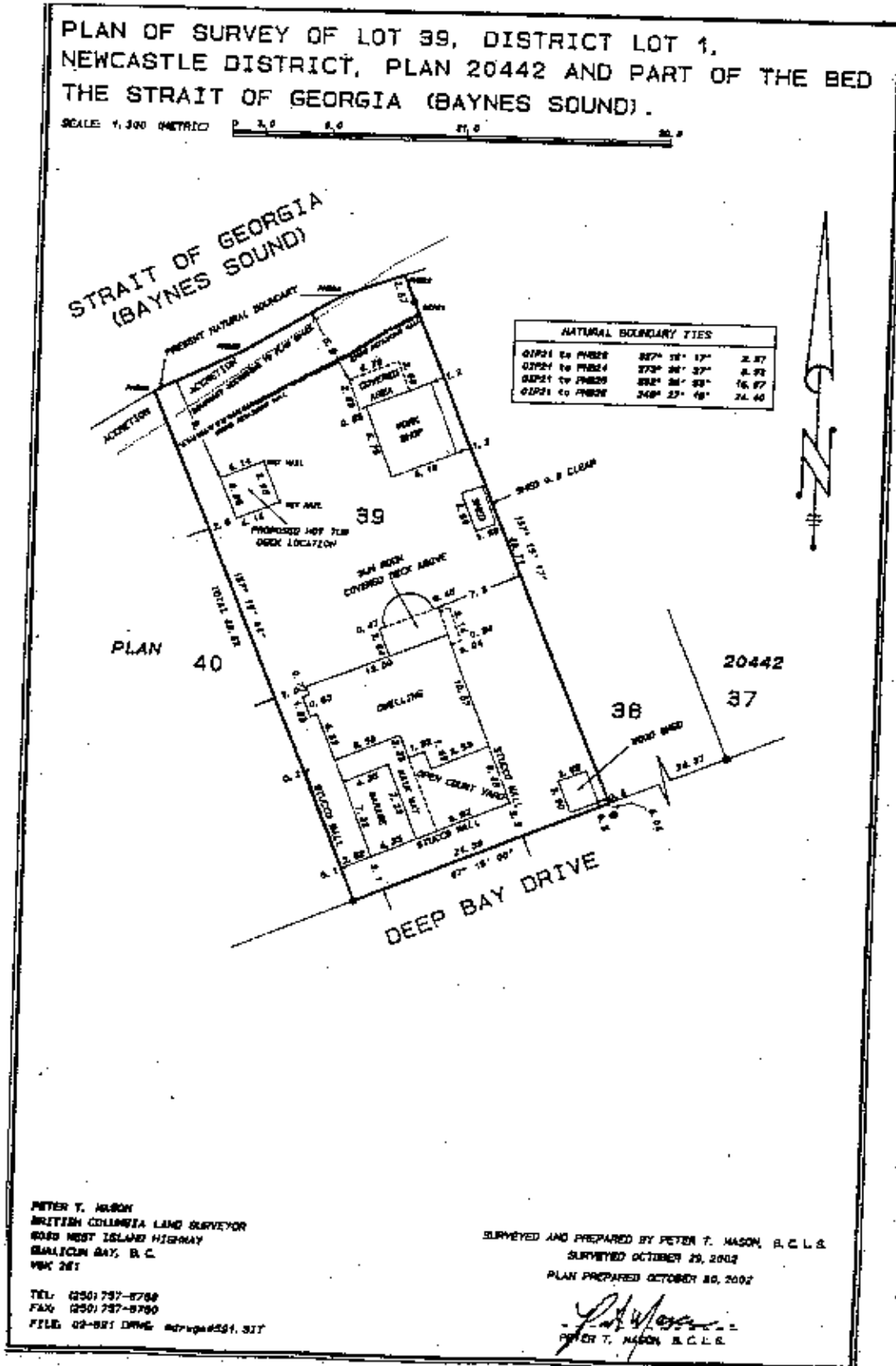
2. Hot Tub Structure

- a.) The platform on which the hot tub is to be located shall not exceed 0.3 metres in height so as to reduce the visual impacts on neighbouring properties.
- b.) The roof beams must be removed so that visual impacts are reduced.
- c.) The corner poles must not exceed 2.0 metres in height above ground level.
- d.) Chlorinated water must not be drained or permitted to leak into the marine waters adjacent to the property.

3. Retaining Wall

- a.) There shall be no alteration of the existing retaining wall without a bioengineering assessment and written approval of the Regional District of Nanaimo.

Schedule No. 2
 Survey Plan
 (As supplied by Applicant)



**Schedule No. 3
Requested Variances
Development Permit No. 0301**

1. Vary the minimum setback for the front lot line;
 - a.) From 8.0 metres to 3.3 metres to accommodate the existing garage and courtyard.
 - b.) From 8.0 metres to 0.0 metres to accommodate the existing woodshed.
2. Vary the eastern interior lot line setback;
 - a.) From 2.0 metres to 1.2 metres to accommodate the existing workshop at the rear of the parcel.
 - b.) From 2.0 metres to 0.0 metres to accommodate the existing woodshed
3. Vary the minimum setback requirement from the natural boundary;
 - a.) From 15 metres to 6.9 metres to accommodate the existing workshop at the rear of the parcel.
 - b.) From 15 metres to 4.5 metres to accommodate the existing retaining wall.
 - c.) From 15 metres to 9.6 metres to allow for the retention of the hot tub structure within the development permit area.

Attachment No. 2
Original Staff Report
Development Permit Application No. 0301



MEMORANDUM

TO:	Pamela Shaw Manager, Community Planning	DATE:	January 17, 2003
FROM:	Keeva Kehler Planner	FILE:	3060 30 0301
SUBJECT:	Development Permit Application No. 0301 — Juthaus/ Murphy Electoral Area 'H' – 5489 Deep Bay Drive		

PURPOSE

To consider an application for a development permit within the Environmentally Sensitive and Natural Hazards Development Permit Areas pursuant to the "Regional District of Nanaimo Shaw Hill – Deep Bay Official Community Plan Bylaw No. 1007, 1996" for the purpose of legalizing the location of the existing workshop; retaining wall; and to permit the placement of a hot tub structure and to vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" to accommodate an existing garage, courtyard, woodshed, and workshop.

BACKGROUND

This is an application to legalize the existing workshop, retaining wall and hot tub structure which are located within 15 metres of the natural boundary and to legalize the existing garage, courtyard and woodshed, which are located within the minimum front and side lot line setback areas. The subject property, legally described as Lot 39, District Lot 1, Plan 20442, Newcastle District, is a 0.7-hectare (0.3 acre) parcel located along Deep Bay Drive (*see Attachment No. 1*).

Zoning and Proposed Variances

The subject property is zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The minimum setback requirements for buildings and structures in this zone are: 8.0 metres from the front lot line; 2.0 metres from the rear lot line; 2.0 metres from the interior side lot lines; and 5.0 metres from other lot lines.

The locations of the existing buildings are shown in *Schedule No. 2*. Due to the location of the existing structures, the applicants are requesting to vary Section 3.4.62 of the "Regional District of Nanaimo Subdivision and Land Use Bylaw No. 500, 1987" as follows:

1. Reduce the minimum setback requirement for the front lot line from 8.0 metres (26.25 feet) to 3.1 metres (10.4 feet) to accommodate the existing garage and courtyard.

2. Reduce the minimum setback requirement for the front and eastern interior side lot lines from 8.0 metres (26.25 feet) and 2.0 metres (6.56 feet) respectively to 0.0 metres to accommodate the existing woodshed.
3. Reduce the minimum setback requirement for the eastern interior side lot line from 2.0 metres (6.56 feet) to 1.2 metres (3.93 feet) to legalize the existing workshop at the rear of the parcel.

No setbacks from interior or rear lot lines shall be required for one accessory building not exceeding a floor area of 10m² and with a maximum height of 3.0 m. There is one such accessory building located within the eastern interior side lot line of the property. The hot tub structure was located within the 2 metre interior lot line setback at the time of staff's site inspection; however, the applicants stated that they would relocate the structure so that it complies with the interior lot line setback requirements.

Development Permit Requirements

This Development Permit Application was initiated by the Bylaw Enforcement Department. Upon inspection of the site, staff noted that the hot tub structure and a number of other structures did not comply with the zoning or development permit regulations. The applicants wish to legalize all the existing structures that currently are not in compliance with Regional District of Nanaimo regulations.

A large portion of the existing workshop is located within the Environmentally Sensitive and Hazard Lands Development Permit Areas. The Shaw Hill - Deep Bay Official Community Plan established these Development Permit Areas to protect the natural environment along the coastal shore and protect development from hazardous conditions such as flooding. The development permit area extends 15 metres from the natural boundary and all land modification and construction within the 15 metre area requires the issuance of a development permit. The applicants stated that a previous owner constructed the workshop in 1988. There is a stone retaining wall located approximately 4.5 metres from the natural boundary, also installed by a previous owner. The applicants propose to retain the hot tub structure within the development permit area and to install a hot tub and flat retractable roof on the structure if the Board grants approval.

The applicants are requesting permission to vary the minimum setback requirement from the natural boundary from 15 metres (49.2 feet) to 6.9 metres (22.64 feet) to accommodate the existing workshop and from 15 metres to 9.6 metres (31.4 feet) to accommodate the proposed hot tub structure. The subject property is not located within a building inspection area and therefore building permits were not required prior to construction of any of the buildings.

Staff suggested that the applicant move the structure outside of the development permit area when they would be relocating it to comply with the lot line setbacks; however the applicant indicated that the septic field occupies the majority of the remaining space in the rear yard. The applicant feels it is not possible to locate the hot tub structure on the septic field, as it would damage the drainage pipes below the surface. The applicant believes that there is no alternative site outside the development permit area to locate the hot tub structure. Staff contacted Glenn Gibson, Vancouver Island Health Officer, on January 6, 2003 to determine the exact location of the septic field, but the Health office has no information on file for this property.

On January 2, 2003 staff received information indicating that the applicants had installed the hot tub and dug a trench across portions of the development permit area to hook the tub up to the

AGE
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dwelling unit. While these works were being done, the applicants moved the hot tub structure to comply with the 2 metre interior side lot line setback. Staff wrote a letter to the applicants instructing them to remove the hot tub from the illegally sited deck structure by January 17, 2003 while the Board considers Development Permit Application. The applicant contacted staff on January 13, 2003 to state that he had complied with the RDN's request.

As a mitigative measure, the applicant proposes to install a cedar hedge along the property line to increase the privacy of the neighbour to the west and provide a buffer from any potential noise impacts that may arise from the hot tub use.

ALTERNATIVES

1. To approve Development Permit Application No. 0301 as submitted.
2. To deny the requested Development Permit.
3. To approve Development Permit Application No. 0301 in part, and require relocation of the hot tub structure outside the 15 metre setback from the natural boundary.

LAND USE AND DEVELOPMENT IMPLICATIONS

Although other buildings and structures on the site require variances, the structure primarily at issue is the hot tub. Potential negative impacts on views and privacy for neighbouring properties are possible should the hot tub remain in its current location. In addition, it would also appear that vegetation has been removed in siting the hot tub.

The variances to accommodate the other existing structures appear to have less impact on the development permit area and surrounding properties. There is a large evergreen hedge located on the eastern property line behind the workshop. The workshop has existed on the property for 14 years and is lower in elevation than the hedge and therefore does not affect the viewscape. The variances at the front of the lot do not create a visual impact for surrounding properties due to the character of the subdivision. The properties are located along a spit; therefore properties on both sides of Deep Bay Drive have ocean front lot lines and views.

VOTING

Electoral Area Directors – one vote, except Electoral Area 'B.'

SUMMARY/CONCLUSIONS

This is an application for a Development Permit within the Environmentally Sensitive and Hazard Lands Development Permit Areas pursuant to "Shaw Hill – Deep Bay Official Community Plan, Bylaw No. 1007, 1996."

First, the application requests a variance to the minimum setback for the front lot line from 8.0 metres to 3.1 metres to legalize the garage and courtyard, and from 8.0 metres to 0.0 metres for the woodshed. Second, the application requests permission to vary the eastern interior lot line setback from 2.0 metres to 1.2 metres to legalize the workshop, and from 2.0 metres to 0.0 metres to legalize the same woodshed at the front of the property. Third, the application proposes to vary the minimum natural boundary setback requirement from 15.0 metres to 6.9 metres to accommodate the workshop and from 15 metres to 4.5 to legalize the retaining wall. Finally, the applicants request an additional variance to the natural boundary setback from 15.0 metres to 9.6 metres to permit the retention of the hot tub structure within the development permit areas.

Because the Development Permit Application involves proposed variances to "Regional District of Nanaimo Subdivision and Land Use Bylaw No. 500, 1987," the neighbouring property owners will be notified of the application prior to the Board considering the proposal.

The applicant cites the constraints created by the location of the septic field as the justification for the location of the hot tub and deck structure within the development permit area. However, staff feels that it is possible to locate the hot tub closer to the dwelling unit adjacent to the sunroom at the rear of the property without damaging the septic field. Therefore, this staff report supports all requested variances excluding the variance to allow the siting of the hot tub within the development permit area.

RECOMMENDATION

That Development Permit Application No. 0301, submitted by Sven Juthans and Colleen Murphy for the property legally described as Lot 39, District Lot 1, Newcastle District, Plan 20442, requesting to;

- 1) Vary the minimum setback for the front lot line;
 - a) From 8.0 metres to 3.3 metres to accommodate the existing garage and courtyard.
 - b) From 8.0 metres to 0.0 metres to accommodate the existing woodshed.
- 2) Vary the eastern interior lot line setback;
 - a) From 2.0 metres to 1.2 metres to accommodate the existing workshop at the rear of the parcel.
 - b) From 2.0 metres to 0.0 metres to accommodate the existing woodshed.
- 3) Vary the minimum setback requirement from the natural boundary;
 - a) From 15 metres to 6.9 metres to accommodate the existing workshop at the rear of the parcel.
 - b) From 15 metres to 4.5 metres to accommodate the existing retaining wall.

be approved, subject to the siting provisions outlined in Schedules No. 1 and 2 and subject to the notification requirements pursuant to the *Local Government Act*.

Report Writer

General Manager Concurrence

Manager Concurrence

CAO Concurrence

COMMENTS:

Dev. permit application - Juthans/Murphy 5489 Deep Bay Drive

Schedule No. 1
Requested Variances
Development Permit No. 0301

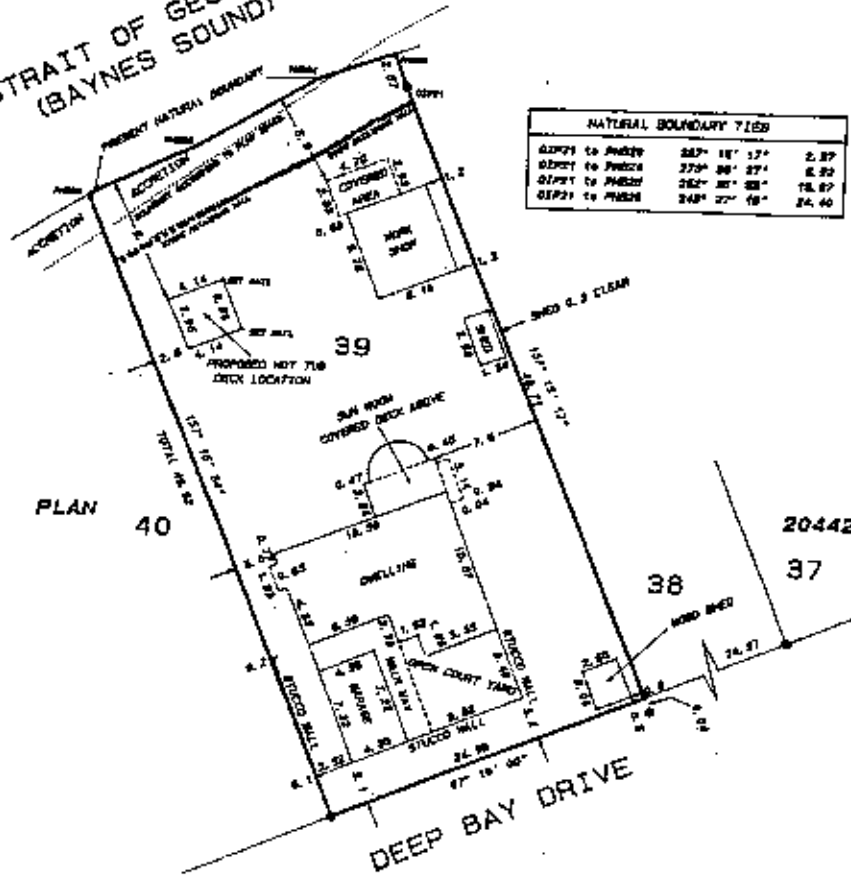
2. Vary the minimum setback for the front lot line;
 - a) From 8.0 metres to 3.3 metres to accommodate the existing garage and courtyard.
 - b) From 8.0 metres to 0.0 metres to accommodate the existing woodshed.
2. Vary the eastern interior lot line setback;
 - a) From 2.0 metres to 1.2 metres to accommodate the existing workshop at the rear of the parcel.
 - b) From 2.0 metres to 0.0 metres to accommodate the existing woodshed
3. Vary the minimum setback requirement from the natural boundary;
 - a) From 15 metres to 6.9 metres to accommodate the existing workshop at the rear of the parcel.
 - b) From 15 metres to 4.5 metres to accommodate the existing retaining wall.

Schedule No. 2
 Survey Plan
 (As supplied by Applicant)

PLAN OF SURVEY OF LOT 39, DISTRICT LOT 1,
 NEWCASTLE DISTRICT, PLAN 20442 AND PART OF THE BED
 OF THE STRAIT OF GEORGIA (BAYNES SOUND).

SCALE: 1:200 METRIC

STRAIT OF GEORGIA
 (BAYNES SOUND)



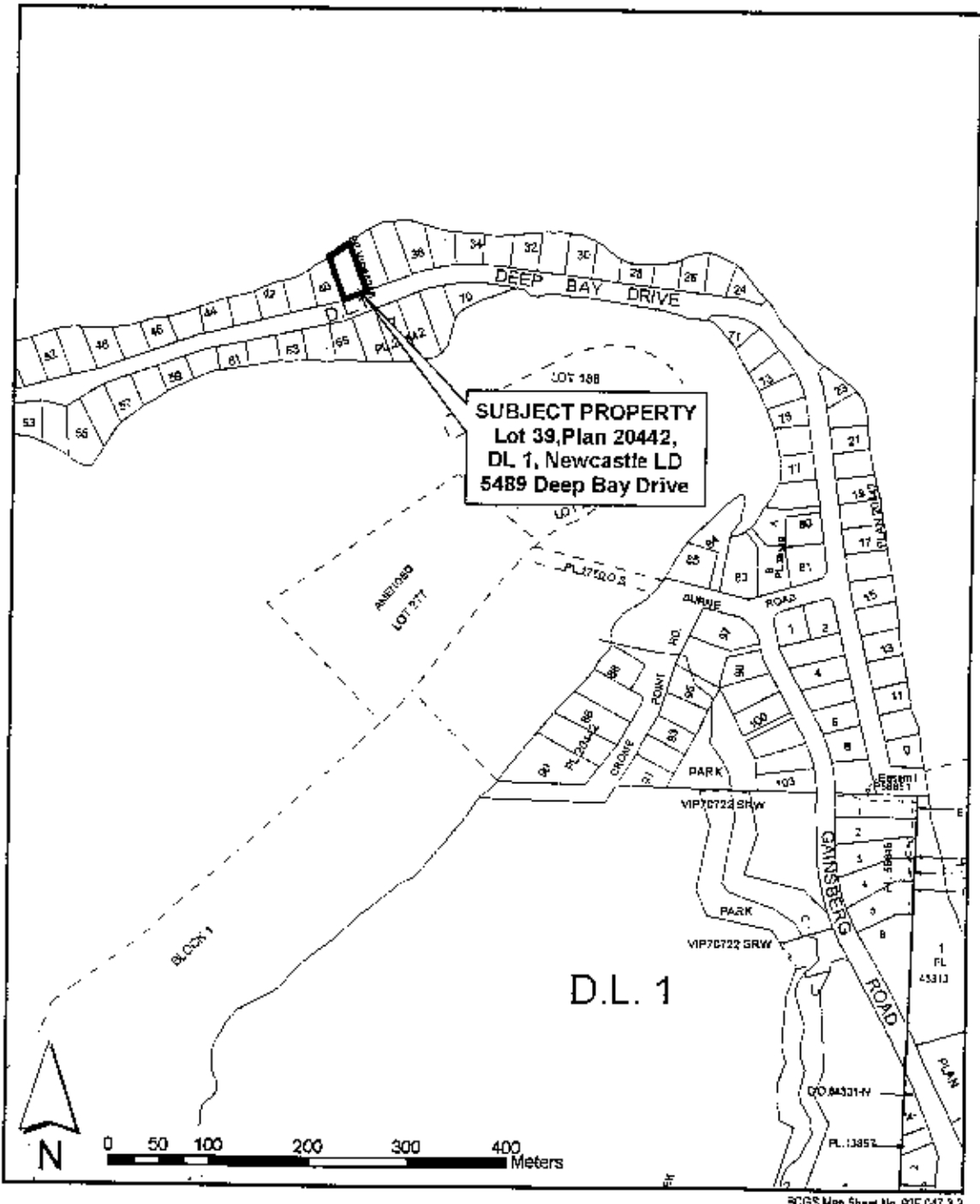
PETER T. NASON
 BRITISH COLUMBIA LAND SURVEYOR
 8039 WEST ISLAND HIGHWAY
 QUALICUM BAY, B.C.
 V8K 2E1
 TEL: (250) 757-4788
 FAX: (250) 757-4780
 FILE: 02-581 DRMB 80499P001.SIT

SURVEYED AND PREPARED BY PETER T. NASON, B.C.L.S.
 SURVEYED OCTOBER 28, 2002
 PLAN PREPARED OCTOBER 30, 2002

Peter T. Nason
 PETER T. NASON, B.C.L.S.

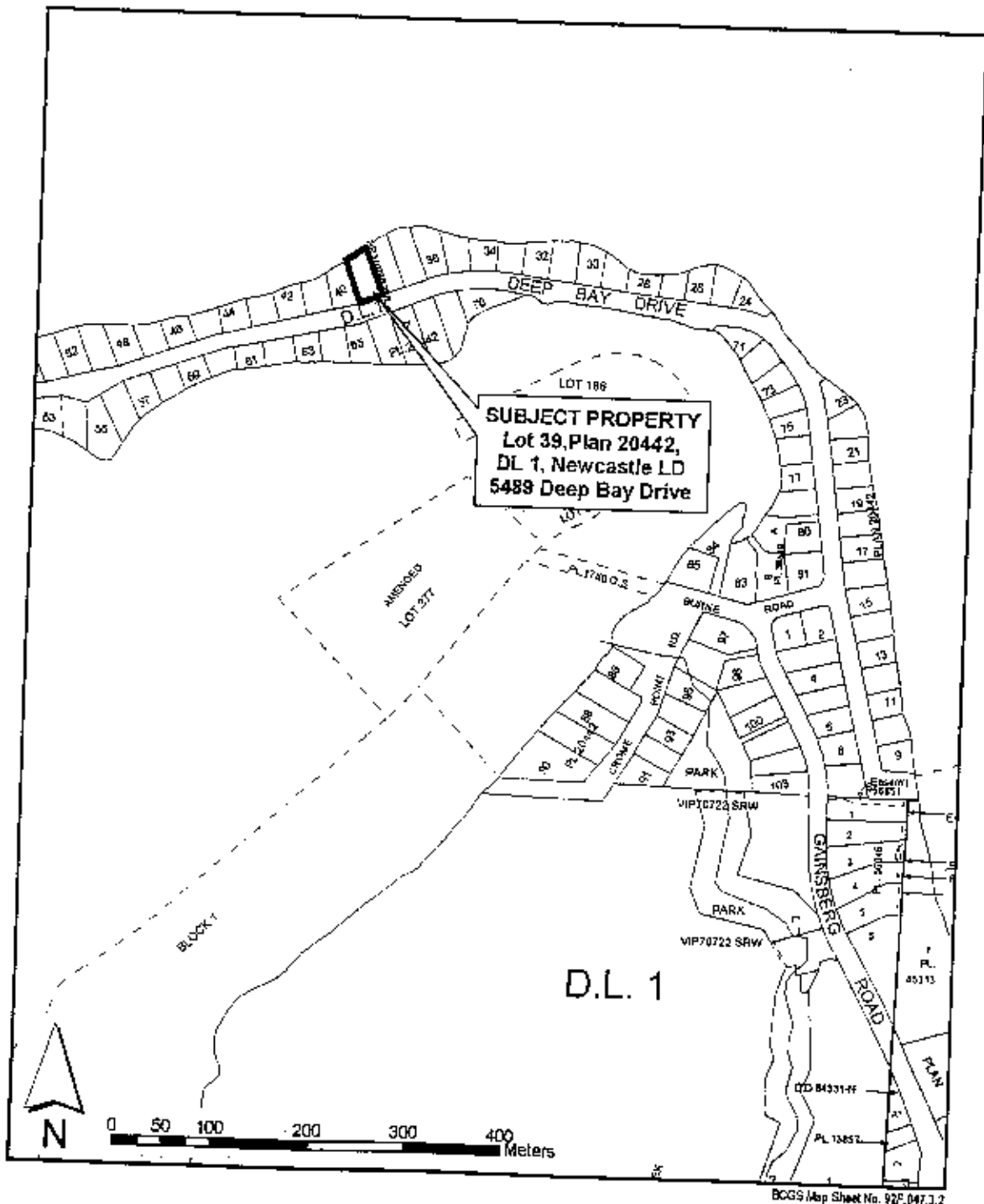
PAGE
 36

Attachment No.1
Location of Subject Property
(Attached for Convenience only)



BCGS Map Sheet No 92F,047 9 2

Attachment No.1
Location of Subject Property
(Attached for Convenience only)





**REGIONAL
DISTRICT
OF NANAIMO**

REGIONAL DISTRICT OF NANAIMO			
FEB 17 2003			
CHAIR		GMDs	
CAO		GMDs	
GACms		GMS	
		EAP	✓
DATE:		February 14, 2003	
FILE:		3360 30 0303	

MEMORANDUM

TO: Pamela Shaw
Manager of Community Planning

DATE: February 14, 2003

FROM: Geoff Garbutt
Senior Planner

FILE: 3360 30 0303

SUBJECT: Zoning Amendment Application – Haylock Bros/Sims
Electoral Area 'G', Part of Block 232 Newcastle District (Melrose Road)

PURPOSE

To consider an application to rezone a portion of the subject property from Rural 1 (RU1) to Resource Management 1 (RM1) in order to facilitate the expansion of an existing aggregate operation.

BACKGROUND

The portion of the subject property under consideration for rezoning (legally described as Block 232, Newcastle District, containing 602 acres more or less except part outline in red on Plan 514 RW and except in Plan VIP 67313) is approximately 15.2 ha in size and is located adjacent to the Inland Island Highway No. 19 within Electoral Area 'G' (see Attachment No. 1 for location of subject property). The subject property is currently zoned Rural 1 (RU1) pursuant to the RDN Land Use and Subdivision Bylaw No. 500, 1987.

The subject property is designated Resource pursuant to the Shaw Hill-Deep Bay Official Community Plan Bylaw No. 1007, 1996 (OCP). The OCP policies for this designation recognize and support the use of the land for forestry and aggregate uses. In addition, the OCP designates the subject property within the Natural Hazard/Environmentally Sensitive Areas Development Permit Area; however, it has been determined that the portion of the property subject to the rezoning application is located outside of the Development Permit Area and a Development Permit Application would not be required for the proposed expansion.

The subject property is located within the Provincial Forest Land Reserve and is covered by second growth forest, with the original timber being removed some time ago. The portion of the property subject to this application is generally flat and is bordered on three sides by Crown and Private lands located in the Forest Land Reserve. The Inland Island Highway No. 19 borders the subject property to the south.

The property subject to this application is owned by the Provincial Crown and as a condition of the lease of the parcel to the applicant, Land and Water BC has requested that the parcel be rezoned to ensure that the proposed use is in conformity with local land use regulations. The applicant has an existing permit to extract and process gravel for the existing pit area that was issued in 1992. Following this amendment application, Haylock Bros will be required to apply for an amended Ministry of Mines Permit to accommodate the expansion.

Proposal as Submitted

The applicant is proposing to expand their existing aggregate operation to include an additional 15.2 ha of land to the north of their existing pit (*see Attachment Nos. 2, 3 and 4 for proposal*). As outlined in *Attachment No. 1*, the subject parcel is located in both Electoral Areas 'G' and 'F'. The applicant has leased the portion of the subject parcel that is located in Electoral Area 'F' for gravel extraction and processing since 1992 as the existing pit area has been depleted. In order to allow for this expansion, the applicant is in the process of applying for an additional lease from the Crown, with the area subject to the lease located within Electoral Area 'G'.

The applicant has submitted to the Planning Department a "Quarry Development & Reclamation Plan" for the Melrose Pit Extension Area along with 2 supporting professional reports. This document, which is required by the Crown as a condition of the Lease and by the Ministry of Mines to support the Mines Permitting Process, provides an overview of the proposed aggregated operation of the pit (*see Attachment No. 4*). This document addresses key issues related to Phasing of Aggregate Extraction, Drainage Control, Groundwater Protection, Buffering, Dust Control and Noise Control.

The Term of the Crown Lease for this parcel is for 10 years and the applicant is not proposing to site any permanent buildings or structures on the site and there will be no on-site fuel storage. Further, the applicant has indicated that processing of aggregate material will be limited to 2-3 months of production every 2 years, with crushing and screening of material only. no washing of aggregate material will be undertaken on the site. The applicant is proposing to retain existing tree cover to create a 20 m buffer along the edge of the pit extraction area and when combined with site topography, will limit off-site impacts related to noise. The applicant is proposing to limit dust impacts by using a standard industry practice for dust suppression by tenting and water spray bars on crushing equipment. Further, the applicant will be restricting hauling operations from the pit to the hours of 8:00 am to 4:00 pm, Monday through Friday.

Public Information Meeting

A Public Information Meeting was held on January 29, 2003 at the Lighthouse Community Centre in Deep Bay. Notification of the meeting was advertised in the January 21 and 24, 2003 editions of the PQ News, along with a direct mail out to all property owners within 200 metres of the subject property. One person attended the information meeting and there were no public comments following the applicant's presentation of an overview of the proposal (*see Attachment No. 5 'Report of the Public Information Meeting'*). The Planning Department has not received any written comments with respect to this application.

ALTERNATIVES

1. To approve the amendment application to rezone a 15.2 ha portion of the subject property from Rural 1 (RU1) to Resource Management 1 (RM 1) as submitted by the applicant.
2. To not approve the amendment application.

LAND USE IMPLICATIONS

The property subject to this application is located within the Provincial Forest Land Reserve and is bordered on three sides by resource land. The proposed use is well suited for the location as the pit is

isolated away from residential areas; the topography is generally flat on the site, and there is two significant elevation changes along the western portion of the property. The first rise creates a buffer between the site and the Little Qualicum River valley and the second rise on the west side of the Little Qualicum River Valley forms a buffer between the pit and the closest adjacent residential properties that are located approximately 1000 m to the west of the subject property on the other side of the river. The topography of the site and surrounding area work to mitigate any off-site impacts related to the proposed use of the property.

Access to the site is via a private forest management road that crosses under the Inland Island Highway No. 19 and collects forestry and gravel truck traffic from parcels on the south side of the Highway in Electoral Area 'F'. The applicant indicated that due to the location of the pit, they have not had any complaints related to the extraction and processing of gravel on the property. The applicant indicated that they have had some complaints about dust from vehicles on Melrose Road in Electoral Area 'F'. The applicant noted that a number of forestry companies, private haulers and other aggregate operators also use this road and it was difficult to determine whose vehicles were involved in these situations.

OFFICIAL COMMUNITY PLAN

The Shaw Hill-Deep Bay Official Community Plan policies for this property within the Resource designation recognize and support the use of the land for forestry and aggregate uses and support the amendment application to rezone this property to accommodate the proposed use.

ENVIRONMENTAL IMPLICATIONS

Recognizing that the proposed use of the property has the potential for significant environmental impacts related to groundwater and drainage to the Little Qualicum River, the applicant has provided the Planning Department with 2 reports that address these issues. Specifically, the applicant was asked to provide a report prepared by a professional engineer specializing in groundwater that outlines the potential impact of the proposed development on groundwater indicating depth to water table, site excavation levels, and how the applicant is proposing to ensure that works undertaken do not negatively impact groundwater.

In January of 2003, the applicant supplied the Regional District with a Report from EBA Engineering Ltd. with respect to potential groundwater impacts and mitigation measures. The applicant has had 3 monitoring wells drilled on the property to establish the high groundwater mark to ensure that they stay a minimum of 1 m above this groundwater elevation, as is Ministry of Mines Permit requirement. EBA has made a number of key recommendations in the report, which the applicant has incorporated into their "Quarry Development & Reclamation Plan". The key recommendation is that the groundwater elevation be monitored to definitively establish the high water mark. The applicant has indicated that they will be using these monitoring wells along with periodic site surveys to ensure that the 1 m Ministry of Mines standard is addressed.

The second study commissioned by the applicant addressed potential drainage impacts related to the processing of aggregate material and the potential for siltation and runoff impacts on the Little Qualicum River. In January of 2003, the applicant supplied the Regional District with a report from Koers & Associates Engineering Ltd that addresses drainage issues and proposed mitigation measures. This report outlines a series of recommendations with respect to drainage on the site and requires that all processing of materials take place as far away from the western boundary of the pit as possible, that all berms constructed on the site be seeded to avoid erosion of silts, that a series of drainage swales be constructed

and geotextile lined sediment control pond. The applicant agrees with all of the Koers Report recommendations and has incorporated these recommendations into the "Quarry Development & Reclamation Plan".

Given the information supplied by the applicant with respect to environmental impacts, the Regional District is satisfied that issues related to groundwater protection have been addressed by the applicant and will be addressed formally in the Ministry of Mines Permitting process.

INTERGOVERNMENTAL IMPLICATIONS

As the subject parcel is Crown land, Land and Water BC (LWBC) was contacted regarding registering the engineering reports as a covenant on title as a condition of rezoning. LWBC indicated that they would be unable to register this covenant and they indicated that because the Ministry of Energy and Mines is the regulatory agency that controls the proposed use on the property, that any environmental protection recommendations should be included as a condition of the amended Mines Permit.

Staff has discussed this amendment application with Ministry of Energy and Mines staff, expressing the need for environmental protection as a condition of the amended Mines Permit for this property. Ministry staff indicated that they would consider any environmental information as background to the permitting process and that the RDN would receive a referral as part of this process. The RDN will insist that the recommendations in the reports prepared to support this amendment application are included as a condition of the Mines Permit. Further, recognizing the importance of environmental protection measures, the applicant has written to the Ministry requesting that they include these two studies and their recommendations as a condition in their amended Mines Permit when the application proceeds (*see Attachment No. 6*).

PUBLIC CONSULTATION IMPLICATIONS

No issues have been raised to date by the public with respect to this application.

VOTING

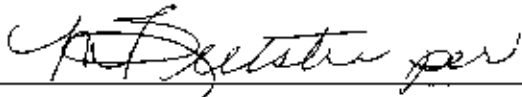
Electoral Area Directors - one vote, except Electoral Area 'B'.

SUMMARY

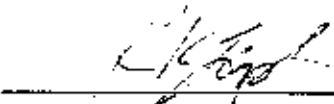
The applicant is requesting consideration of a zoning amendment application in order to facilitate the expansion of an existing aggregate operation. A public information meeting was held and no issues concerning the application were raised. The applicant has written to the Ministry of Energy and Mines and requested that groundwater protection and drainage recommendations identified by consultants be included as conditions to their Mines Permit when it is issued. Given the site location, topography, OCP Policies that support the proposed use and that the applicant has requested that conditions be placed on the Mines Permit, staff feel that issues related to potential impacts of the proposed use have been addressed and recommend that this application proceed to public hearing.

RECOMMENDATIONS

1. That the minutes from the Public Information Meeting be received.
2. That Amendment Application No. 0303 submitted by Haylock Bros. to rezone a 15.2 ha portion of the property legally described as Lot 9, Section 12, Range 7, Cranberry District, Plan 27070 from Rural 1 (RU1) to Resource Management 1 (RM 1) be given 1st and 2nd reading.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.290, 2002" proceed to Public Hearing.
4. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.290, 2000" be delegated to Director Stanhope or his alternate.



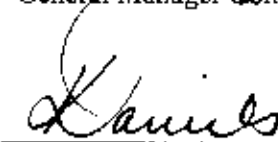
Report Writer



General Manager Concurrence



Manager Concurrence

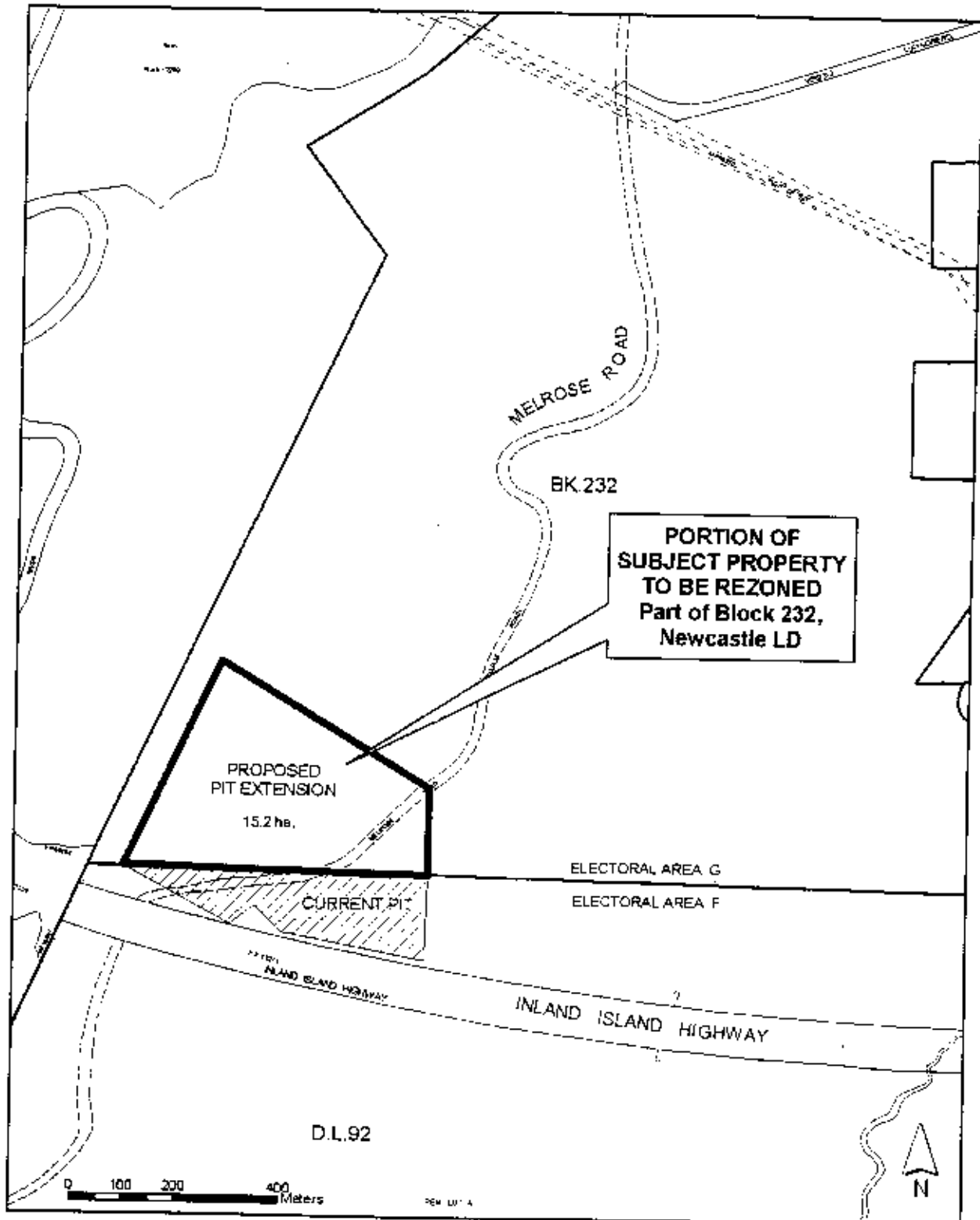


CAO Concurrence

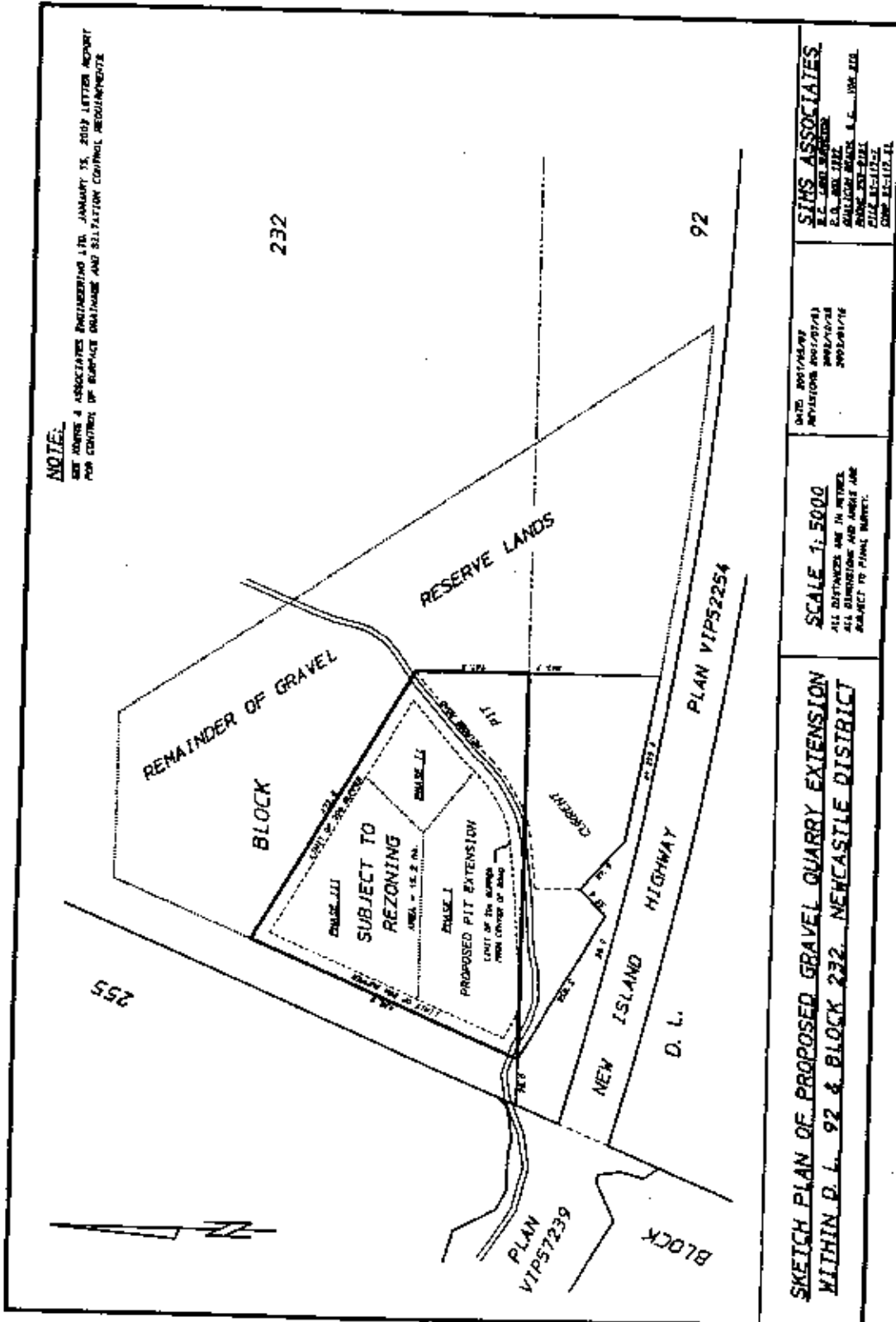
COMMENTS:

devsvs/reports/2003/cn3360 30 0303 Haylock Bros 1st & 2nd.doc

ATTACHMENT NO. 1
Location of Subject Property



ATTACHMENT NO. 2
Site Plan
 (as submitted by applicant)



NOTE:
 SEE APPENDIX 4 ASSOCIATES ENGINEERING LTD. JANUARY 15, 2003 LETTER REPORT FOR DETAILS OF SURFACE DRAINAGE AND SILLATION CONTROL REQUIREMENTS

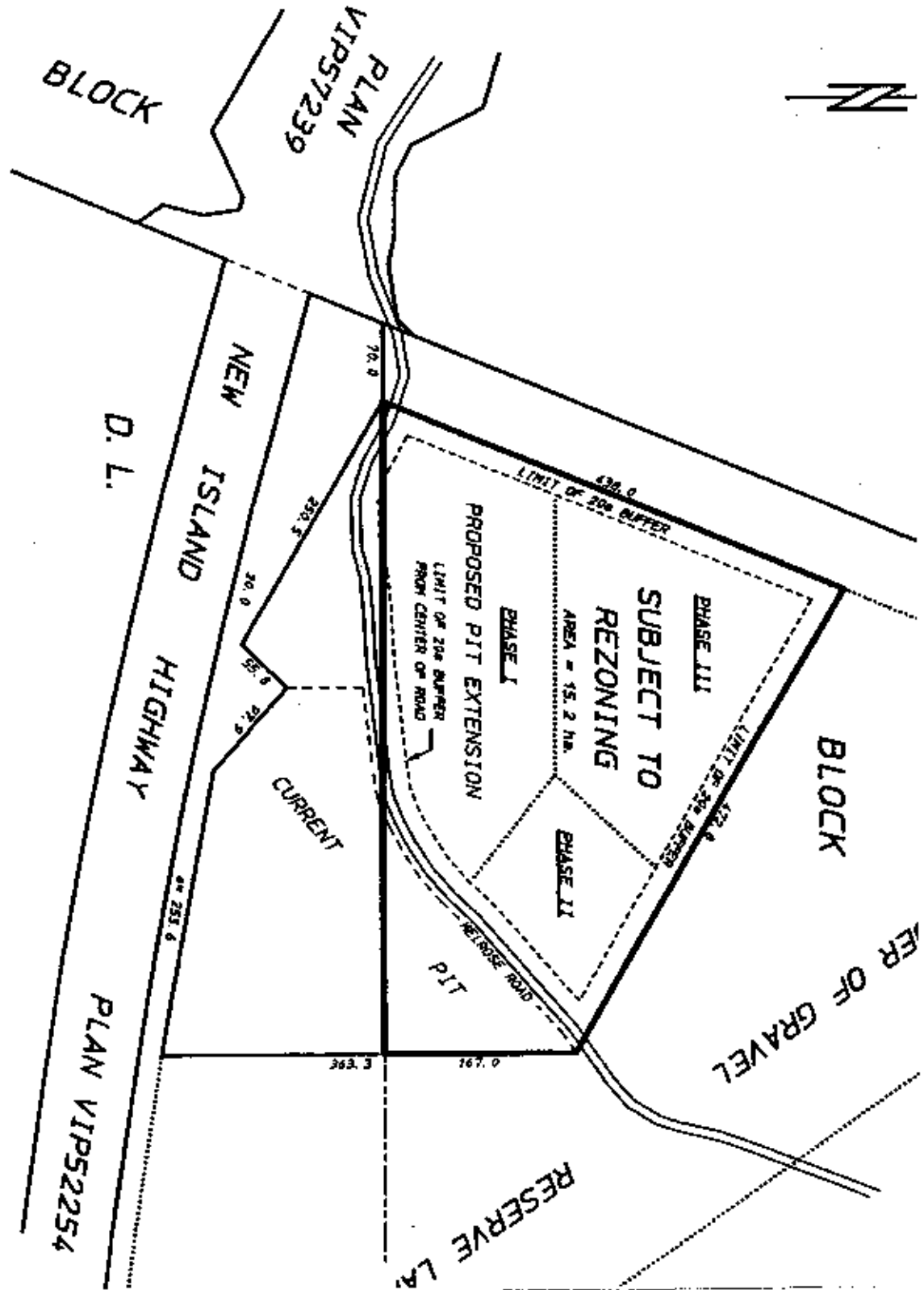
SKETCH PLAN OF PROPOSED GRAVEL QUARRY EXTENSION WITHIN D. L. 92 & BLOCK 232, NEWCASTLE DISTRICT

SCALE 1:5000
 ALL DIMENSIONS ARE IN METRES
 ALL DIMENSIONS AND ANGLES ARE SUBJECT TO FINAL SURVEY.

SIMS ASSOCIATES
 P.L. SIMS ARCHITECT
 P.O. BOX 1014
 GUILDFORD ROAD, S.E. 100, 100-100
 PHONE 232-2121
 CELL 012-112121
 COMP. 012-112121

DATE: 02/14/03
 REVISIONS: (01/01) (01/02) (01/03) (01/04) (01/05) (01/06) (01/07) (01/08) (01/09) (01/10) (01/11) (01/12) (01/13) (01/14) (01/15) (01/16) (01/17) (01/18) (01/19) (01/20) (01/21) (01/22) (01/23) (01/24) (01/25) (01/26) (01/27) (01/28) (01/29) (01/30) (01/31) (02/01) (02/02) (02/03) (02/04) (02/05) (02/06) (02/07) (02/08) (02/09) (02/10) (02/11) (02/12) (02/13) (02/14) (02/15) (02/16) (02/17) (02/18) (02/19) (02/20) (02/21) (02/22) (02/23) (02/24) (02/25) (02/26) (02/27) (02/28) (02/29) (02/30) (03/01) (03/02) (03/03) (03/04) (03/05) (03/06) (03/07) (03/08) (03/09) (03/10) (03/11) (03/12) (03/13) (03/14) (03/15) (03/16) (03/17) (03/18) (03/19) (03/20) (03/21) (03/22) (03/23) (03/24) (03/25) (03/26) (03/27) (03/28) (03/29) (03/30) (03/31) (04/01) (04/02) (04/03) (04/04) (04/05) (04/06) (04/07) (04/08) (04/09) (04/10) (04/11) (04/12) (04/13) (04/14) (04/15) (04/16) (04/17) (04/18) (04/19) (04/20) (04/21) (04/22) (04/23) (04/24) (04/25) (04/26) (04/27) (04/28) (04/29) (04/30) (05/01) (05/02) (05/03) (05/04) (05/05) (05/06) (05/07) (05/08) (05/09) (05/10) (05/11) (05/12) (05/13) (05/14) (05/15) (05/16) (05/17) (05/18) (05/19) (05/20) (05/21) (05/22) (05/23) (05/24) (05/25) (05/26) (05/27) (05/28) (05/29) (05/30) (05/31) (06/01) (06/02) (06/03) (06/04) (06/05) (06/06) (06/07) (06/08) (06/09) (06/10) (06/11) (06/12) (06/13) (06/14) (06/15) (06/16) (06/17) (06/18) (06/19) (06/20) (06/21) (06/22) (06/23) (06/24) (06/25) (06/26) (06/27) (06/28) (06/29) (06/30) (07/01) (07/02) (07/03) (07/04) (07/05) (07/06) (07/07) (07/08) (07/09) (07/10) (07/11) (07/12) (07/13) (07/14) (07/15) (07/16) (07/17) (07/18) (07/19) (07/20) (07/21) (07/22) (07/23) (07/24) (07/25) (07/26) (07/27) (07/28) (07/29) (07/30) (07/31) (08/01) (08/02) (08/03) (08/04) (08/05) (08/06) (08/07) (08/08) (08/09) (08/10) (08/11) (08/12) (08/13) (08/14) (08/15) (08/16) (08/17) (08/18) (08/19) (08/20) (08/21) (08/22) (08/23) (08/24) (08/25) (08/26) (08/27) (08/28) (08/29) (08/30) (08/31) (09/01) (09/02) (09/03) (09/04) (09/05) (09/06) (09/07) (09/08) (09/09) (09/10) (09/11) (09/12) (09/13) (09/14) (09/15) (09/16) (09/17) (09/18) (09/19) (09/20) (09/21) (09/22) (09/23) (09/24) (09/25) (09/26) (09/27) (09/28) (09/29) (09/30) (10/01) (10/02) (10/03) (10/04) (10/05) (10/06) (10/07) (10/08) (10/09) (10/10) (10/11) (10/12) (10/13) (10/14) (10/15) (10/16) (10/17) (10/18) (10/19) (10/20) (10/21) (10/22) (10/23) (10/24) (10/25) (10/26) (10/27) (10/28) (10/29) (10/30) (10/31) (11/01) (11/02) (11/03) (11/04) (11/05) (11/06) (11/07) (11/08) (11/09) (11/10) (11/11) (11/12) (11/13) (11/14) (11/15) (11/16) (11/17) (11/18) (11/19) (11/20) (11/21) (11/22) (11/23) (11/24) (11/25) (11/26) (11/27) (11/28) (11/29) (11/30) (12/01) (12/02) (12/03) (12/04) (12/05) (12/06) (12/07) (12/08) (12/09) (12/10) (12/11) (12/12) (12/13) (12/14) (12/15) (12/16) (12/17) (12/18) (12/19) (12/20) (12/21) (12/22) (12/23) (12/24) (12/25) (12/26) (12/27) (12/28) (12/29) (12/30) (12/31)

ATTACHMENT NO. 3
Aggregate Extraction Plan
(as submitted by applicant)



**ATTACHMENT NO. 4 (10 pages)
Quarry Development & Reclamation Plan
(Submitted by Applicant)**

January 2003

“MELROSE PIT EXTENSION AREA”

QUARRY DEVELOPMENT & RECLAMATION PLAN

PART OF DISTRICT LOT 92

AND

BLOCK 232, NEWCASTLE DISTRICT

HAYLOCK BROS. PAVING LTD.

CONTENTS

INTRODUCTION

Section 1	Map
Section 2	Estimated Annual Production
Section 3	Phasing
Section 4	Equipment
Section 5	Drainage Control
Section 6	Clearing and Excavation
Section 7	Water Table
Section 8	Perimeter Buffer Strip and Berm
Section 9	Forest Service Road Buffer Strip and Berm
Section 10	Safety
Section 11	Dust Control
Section 12	Noise
Section 13	Fire Protection
Section 14	Fuel Storage
Section 15	Spill Contingency Plan
Section 16	Reclamation
Section 17	Summary
Attachment	Site Plan

Haylock Bros. Paving LTD (HBP) is a well established business operating in Parksville- Qualicum Beach area since 1977, with the company's head office, main gravel pit and plant facilities located at 1302 Alberni Highway, west of Parksville, BC.

HBP is a community sensitive organization and has an exemplary record in conforming to requirements of the local authorities as well as government Ministries involved in the company's operations.

HBP is cognizant of present-day environmental concerns and acknowledges the Province of British Columbia intentions.

HBP is pleased to present our Quarry and Reclamation Plan for the additional area for which we are applying.

1. Map.

Map (scale 1:5000) is attached. Access to the site is by way of Whiskey Creek Forest Service Road, as indicated. No permanent buildings, fuel storage, maintenance buildings or any other structures, other than gravel extraction and processing, is intended for this site.

2. Estimated Annual Production.

The estimated annual production is as follows:

2003 -	25,000 cubic metres
2004 -	30,000 cubic metres
2005 -	40,000 cubic metres
2006 -	45,000 cubic metres
2007 -	45,000 cubic metres
2008 -	45,000 cubic metres
2009 -	50,000 cubic metres
2010 -	50,000 cubic metres
2011 -	50,000 cubic metres
2012 -	55,000 cubic metres

3. Phasing.

Work will commence at the southern boundary bordering on the Forest Service Road, then proceed northeasterly toward the north boundary of the proposed pit. Subsequent excavation will be eastward with continuing reclamation of the south slope of the pit. Final excavation will be northward, finishing at the north corner of the pit.

4. Equipment.

Portable equipment including jaw crushers, cone crushers, screening decks, electrical generators, weigh scales, auxiliary vehicles and equipment are proposed to be used on that portion of the site located in Block 232, Newcastle District. Portable processing facilities will be initially located on the northerly side of Melrose Road, across from the entrance to our existing pit.

5. Drainage Control

The pit will be excavated in phases and the crusher will be mobile so it is difficult to plan the locations of siltation ponds. Siltation control will adhere to Ministry of Mines guidelines. There are no drainage courses on this site and the gravel will not be washed so the only water that is used in the process is for controlling dust. Crusher will be kept as far as is practically possible from the westerly boundary, thereby eliminating the possibility of silts entering the Little Qualicum River. Mr. Matt Palmer, P. Eng. of Koers & Associates Engineering Ltd. (Koers) has prepared a drainage control plan (see attached). HBP concurs with the recommendations and conclusions of the Koers report.

6. Clearing and Excavation.

Development of this pit will commence with the cutting of trees on approximately 6 hectares of the southerly portion. When the gravel extraction is completed in this area, the remainder of the site will be cleared in phases. This will take several years. Following each cutting, topsoil and overburden will be stockpiled into a berm adjacent to the Forest Service Road. The stockpiled material will be used for reclamation of the pit slopes. Slash from cutting will be stockpiled for burial in the reclamation of the pit slopes. At each stage, the site will be surveyed, following the removal of topsoil and overburden. The survey will provide the initial information for subsequent material excavation and quantity reports and will be repeated after each stage of cutting. The initial excavation will allow for the reclamation of the south face of the pit and the construction of the access road to the Forest Service Road. Work will start at the southerly boundary of the area bordering the Forest Service Road, then proceed northeasterly toward the north boundary of the proposed pit. Subsequent excavations will be eastward with continuing reclamation of the south slope of the pit. Final excavation would be northward, finishing at the north corner of the pit. It is intended that tree cutting, topsoil and overburden stockpiling, surveying excavation and reclamation will be staged continuously with the pit development.

7. Water Table.

The floor of the pit will be excavated to a maximum depth of 1 metre above the water table. HBP has contracted EBA Engineering Consultants Ltd (EBA) to complete a hydrological study (see attached). HBP concurs with the recommendations and conclusions of the EBA report

8. Perimeter Buffer Strip and Berm.

The boundary of the site will have a buffer of 20 metres that will not be cleared. As each phase is cleared, the overburden will be used to construct a berm adjacent to the buffer area. Any berms that are constructed during the rainy season will be seeded in order to prevent silt runoff.

9. Forest Service Road Buffer Strip and Berm.

The buffer strip along the southerly boundary of the Forest Service Road to the existing pit will remain at 10 metres from the centreline of the road. The buffer strip along the northerly boundary of the Forest Service Road will be 20 metres and the berm will start at 20 metres from centreline of the road. Prudent co-operation with the Ministry of Forests in this case and maintenance of the Forest Service Road would be observed, as it may be impacted by pit operations.

10. Safety.

Public safety will include the erection and maintenance of a fence around the entire site made of pressure-treated wood posts, 1 metre high page-wire and topped with 200-cm high barbed-wire. Access gate would be a padlocked prefabricated steel gate. Signing will include a company and pit name sign at the access in accordance with the requirements of the Mines Act, with "No Trespassing" signs attached to the fence at a maximum interval of 100 metres.

11. Dust Control.

Crushing operations will occur only once every two years for approximately two to three months. Dust will be minimal because crushers use water sprays and covers where there is any possibility of dust or rock powder occurring. In addition, the pit will lie below the surrounding area, will have a 20-metre buffer around the whole pit and there will be a 1 to 2 metre high berm between the buffer zone and the actual pit.

12. Noise.

As stated above, crushing will occur only every second year for approximately two to three months. Noise will only be a factor when the crusher is working. The buffer zone and berm should keep the noise level very low, except for the immediate area. WCB regulations prevent any noise above certain levels and HBP will adhere to these regulations. Dump trucks are also strictly monitored for noise levels and the working hours of the trucks will be from 8:00am to 4:00pm, Mondays through Fridays.

13. Fire Protection.

Fire protection provisions would include a 2500 litre water storage tank on site as well as personal pressure operated fire packs on site during operations.

14. Fuel Storage.

HBP maintains a diligent attitude towards the environment in all respects of its operations at all times. Therefore, fuel tanks will not be stored on site. While gravel extractions are taking place, equipment will be refuelled from a mobile truck, as needed (probably every second day). Refuelling areas and fuel tank on equipment (crusher) will be lined with “enviro liners” to contain any spill and prevent any contamination of the receptor.

15. Spill Contingency Plan.

HBP maintains an excellent record and all HBP employees have received training in “Transportation of Hazardous Goods”. All vehicles carry spill kits and emergency contact telephone numbers. Signs will be posted with emergency contact phone numbers, such as Emergency Co-ordination Centre (1 800 663 3456).

16. Reclamation.

Reclamation of pit slopes and final base will include burial of slash, spreading of topsoil and overburden as well as seeding with grasses for both erosion control and future silvaculture. Reclamation will adhere to current Ministry of Mines standards.

17. Summary

HBP has applied and received approval from Water & Land BC to expand their existing gravel pit. They have also applied to rezone the portion in Block 232, Newcastle District to Resource Management 1.

HBP has contacted Koers to prepare a drainage control plan and EBA to prepare a hydrogeological assessment. HBP concurs with the recommendations and conclusions of both studies.

HBP intends to clear the site over a period of several years. Floor of pit will be excavated to a minimum depth of 1 m above water table. No fuel will be stored on-site. Staff has been trained in "Transportation of Hazardous Goods" and will receive additional training, as recommended by EBA. Site will be fenced and gate locked. Reclamation will adhere to Ministry of Mines guidelines.



ATTACHMENT NO. 5

REGIONAL DISTRICT OF NANAIMO

REPORT OF THE PUBLIC INFORMATION MEETING HELD WEDNESDAY, JANUARY 29,
2003 AT 8:00 PM AT LIGHTHOUSE
COMMUNITY CENTRE 240 LIONS WAY, QUALICUM BAY, BC
TO CONSIDER ZONING AMENDMENT APPLICATION NO. 0303 HAYLOCK BROS
SUMMARY OF THE MINUTES

Note that these minutes are not a verbatim recording of the proceedings, but are intended to summarize the comments of those in attendance at the Public Information Meeting.

Present for the Regional District of Nanaimo:

Joe Stanhope	Chair, Director, Electoral Area 'G'
Lou Biggeman	Director, Electoral Area 'F'
Dave Bartram	Director, Electoral Area 'H'
Geoff Garbutt	Senior Planner

Present for the Applicant:

Helen MacPhail Sims
Rennie Haylock
Barry Zacharias

There were 2 people in attendance at the Public Information Meeting.

The Chair, Director Stanhope opened the meeting at 8:00 pm, outlined the agenda for the evening's meeting and introduced those present for the Regional District and the Applicant.

The Chair stated the purpose of the public information meeting and requested that staff provide background information concerning the land use policy and regulations for the subject property.

Geoff Garbutt provided an overview of the background information, OCP policy, zoning for the subject property.

The Chair then invited Helen MacPhail Sims, agent for the applicant Haylock Bros. Paving, to give a presentation of the proposed zoning amendment.

The agent outlined the proposal to expand the existing gravel extraction and processing operation to include 15.2 ha of Block 232, Newcastle District.

The Chair asked the applicant if there had been any complaints received by the applicant with respect to the operation of the existing gravel pit.

The applicant indicated that due to the location of the pit, they had not had any complaints related to the extraction and processing of gravel on the property. The applicant indicated that they have had some complaints about dust from vehicles on Melrose Road in Electoral Area 'F'. The applicant noted that a number of forestry companies, private haulers and other aggregate operators also use this road and it was difficult to determine whose vehicles were involved.

The Chair invited questions and comments from the audience.

There were no questions or comments from the audience

The Chair asked for a second time if there were any other questions or comments.

Being none, the Chair thanked those in attendance and announced that the public information meeting was closed.

The meeting concluded at 8:20 pm

Geoff Garbutt

Geoff Garbutt
Recording Secretary

ATTACHMENT NO. 6
Ministry of Mines Correspondence
(Submitted by Applicant)

Fern Road Consulting Ltd.

Our File: 01-117-T

2003-02-14

Ministry of Energy and Mines
2080B Labeaux Road
Nanaimo, B.C.
V9T 6J9

PLANNING DEPT

-02- 14 2003

RECEIVED

Attention: Bruce Reid

Dear Mr. Reid:

Re: Application to expand Haylock Bros. Paving Ltd. Gravel Pit on Melrose Road

I represent Haylock Bros. Paving Ltd. (HBP) for the above application.

HBP currently operates a gravel pit at this location (Permit G-8-189) and have applied to expand the pit. A portion of the expansion area must be rezoned. We have applied for a rezoning and have held a Public Information Meeting.

In the course of applying for the rezoning HBP has had the following reports prepared:

- Quarry Development and Reclamation Plan prepare by HBP
- Control of Surface Drainage prepare by Koers & Associates
- Hydrological Assessment prepared by EBA Engineering Consultants Ltd.

Regional District of Nanaimo (RDN) Board will be considering the rezoning application at the 25 Feb/03 Electoral Areas Committee meeting and at the 11 March/03 Board meeting. RDN has requested that the 3 reports be registered on title in the form of covenants. However, this is Crown Land and we can't register covenants on land that is owned by the Province.

HBP is in agreement with all the recommendation in all 3 reports so we suggest in lieu of registering covenants, that compliance with all 3 reports be added as a condition to the permit that will be issued by your Ministry.

As an update, we intend to complete the topographic survey and forward the remainder of the application after the rezoning Public Hearing. I anticipate the Public Hearing will be held around the end of March/03.

-2-

For your reference, I am enclosing the 3 above mentioned reports as well as a sketch plan of the area involved.

Thank you for your assistance. Please phone me if you have any questions.

Yours truly,

L. Bennett

For
Helen MacPhail Sims
HMS/lb

Encl.

c.c. Mr. Frank Haylock, HBP
Mr. Geoff Garbutt, RDN

PAGE
60



REGIONAL DISTRICT OF NANAIMO	
FEB 14 2003	
CHAIR	EMCS
CAO	SMDS
EMCS	EMES
EA Planning ✓	
DATE: February 14, 2003	

MEMORANDUM

TO: Pamela Shaw
Manager of Community Planning

FROM: Geoff Garbutt
Senior Planner

SUBJECT: Development Permit Application No. 0305 - Thiessen and Marshall/Kyler
Electoral Area 'E' - 1272 Seadog Road

PURPOSE

To consider an application for a development permit to permit the construction of a stormwater drain pipe within the Watercourse Protection Development Permit Area (DPA) pursuant to the "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1118, 1998".

BACKGROUND

The subject property legally described as Lot 21, Block C, District Lot 38, Nanoose District, Plan 10777 is located on 1272 Seadog Road in the Cottam Point area of Nanoose Bay (see Attachment 1).

Development Permit No. 0245 was issued in October of 2002 and a condition of this Development Permit required that all surface drainage collected from roof leaders and perimeter be discharged into a rock pit located outside of the DP Area. Due to the site configuration, on-site soils and Building Permit policy requirements that a rock pit be located a minimum of 4.6 m (15 ft) from a dwelling, the applicant has indicated that it is not possible to locate stormwater drainage outside of the DP Area. Therefore, the applicant is proposing an amendment to DP 0245 to permit the siting of the works within the DP Area.

The Watercourse Protection Development Permit Area was established to protect the natural environment. The Development Permit Area is measured 15.0 metres from the natural boundary of the marine foreshore. The proposed location of the stormwater drain pipe outlet is a minimum of 4.3 m (14 ft) from the natural boundary of the sea (see Schedule No. 1).

The lot is between 41 and 51 metres deep and gradually slopes from Seadog Road down to the marine foreshore. Fill has been introduced to the lot between the proposed dwelling unit and foreshore. The applicant has indicated that underlying the fill is hardpan, which makes infiltration of stormwater on the property above the top of bank difficult and may have an impact on the stability of the natural bank.

ALTERNATIVES

1. To approve the requested development permit subject to the conditions outlined in Schedule Nos. 1, 2, and 3.
2. To deny the requested development permit.

LAND USE AND DEVELOPMENT IMPLICATIONS

Approval of the requested variance would permit the construction of a stormwater drain pipe through the development permit area with the discharge being located a minimum of 4.3 m from the natural boundary.

The subject property is approximately 1,258 m² and slopes north from Seadog Road to the ocean, with an elevation change of approximately 3.7 m from the front of the parcel to the estimated Top of Bank. The location of the septic field, dwelling unit and the natural grade of the property limit the location of stormwater drainage to what is proposed in this application (see Schedule Nos. 2 and 3).

ENVIRONMENTAL IMPLICATIONS

The development of this site will produce stormwater runoff that must be managed in an environmentally sensitive manner while at the same time meeting safe building practices. The site configuration is such that the discharge of stormwater to the marine foreshore is necessary. Staff have discussed the issue of discharge with the Department of Fisheries and Oceans and Ministry of Water, Land and Air Protection and both agencies commented that the proposed method of stormwater disposal has been used in other areas in the RDN and if installed with energy dissipation, as is the proposal by the applicant, there should not be a negative impact on the marine foreshore. It is important to note that the applicant is proposing to only have roof leaders and perimeter drains linked to this stormwater drain pipe. All other drainage, including impervious surfaces like the driveway, may not be linked to this system, ensuring that non-point sources of pollution are not discharged directly to the ocean.

Although the majority of native vegetation has been removed from the subject parcel in the past, some native vegetation remains on the foreshore area of the lot. Installation of the stormwater drain pipe has the potential to disturb vegetation on the bank area. In response to these issues, when installing the drain, the applicant will hand dig and revegetate disturbed areas between the top and bottom of the bank. The Conditions of Approval outlined in Schedule No. 1 will work to reduce any potential negative impacts to the marine foreshore related to the installation of the stormwater drain pipe.

VOTING


Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

This is an application to permit the construction of a stormwater drain pipe within the Watercourse Protection Development Permit Area. From staff's assessment of this application, Development Permit No. 0305 should be considered as the building code requirements, topographic considerations and the site configuration necessitate discharge of stormwater to the marine foreshore.

RECOMMENDATION


That Development Permit Application No. 0305 submitted by Ken Kyler on behalf of Thiessen and Marshall to permit the construction of a stormwater drain pipe within the Watercourse Protection Development Permit Area on the property legally described as Lot 21, Block C, District Lot 38, Nanoose District, Plan 10777, be approved subject to the requirements outlined in Schedule Nos. 1, 2, and 3.



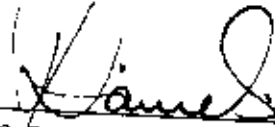
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devsvr/reports/2003/dp fe 3060 30 0305 Thiessen Marshall/Kyler

**Schedule No. 1
Conditions of Approval
Development Permit No. 0305**

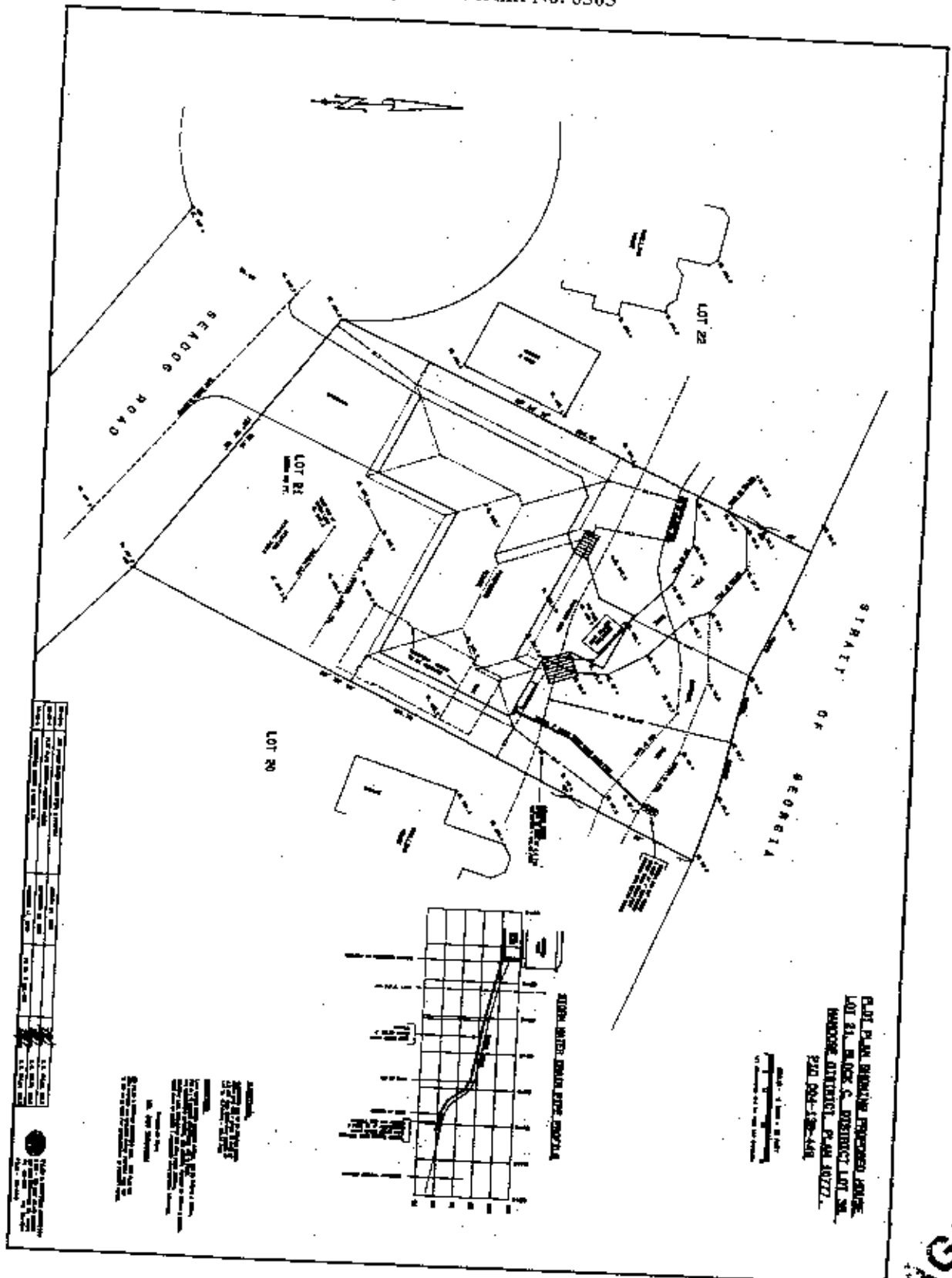
Development Permit Area Protection Measures

1. All works undertaken within the Development Permit Area shall be in conformity with the environmental protection measures outlined in Development Permit No. 0245.
2. Excavation required to install the stormwater drain pipe between the top of the bank and the bottom of the bank; and the placement of aggregate material to dissipate the energy of stormwater discharge shall be done by hand.
3. Any disturbed areas between the top of the bank and the bottom of the bank shall be immediately revegetated.
4. Stormwater discharged to the Development Permit Area through the stormwater drain pipe shall only include drainage from roof leaders and perimeter drains.

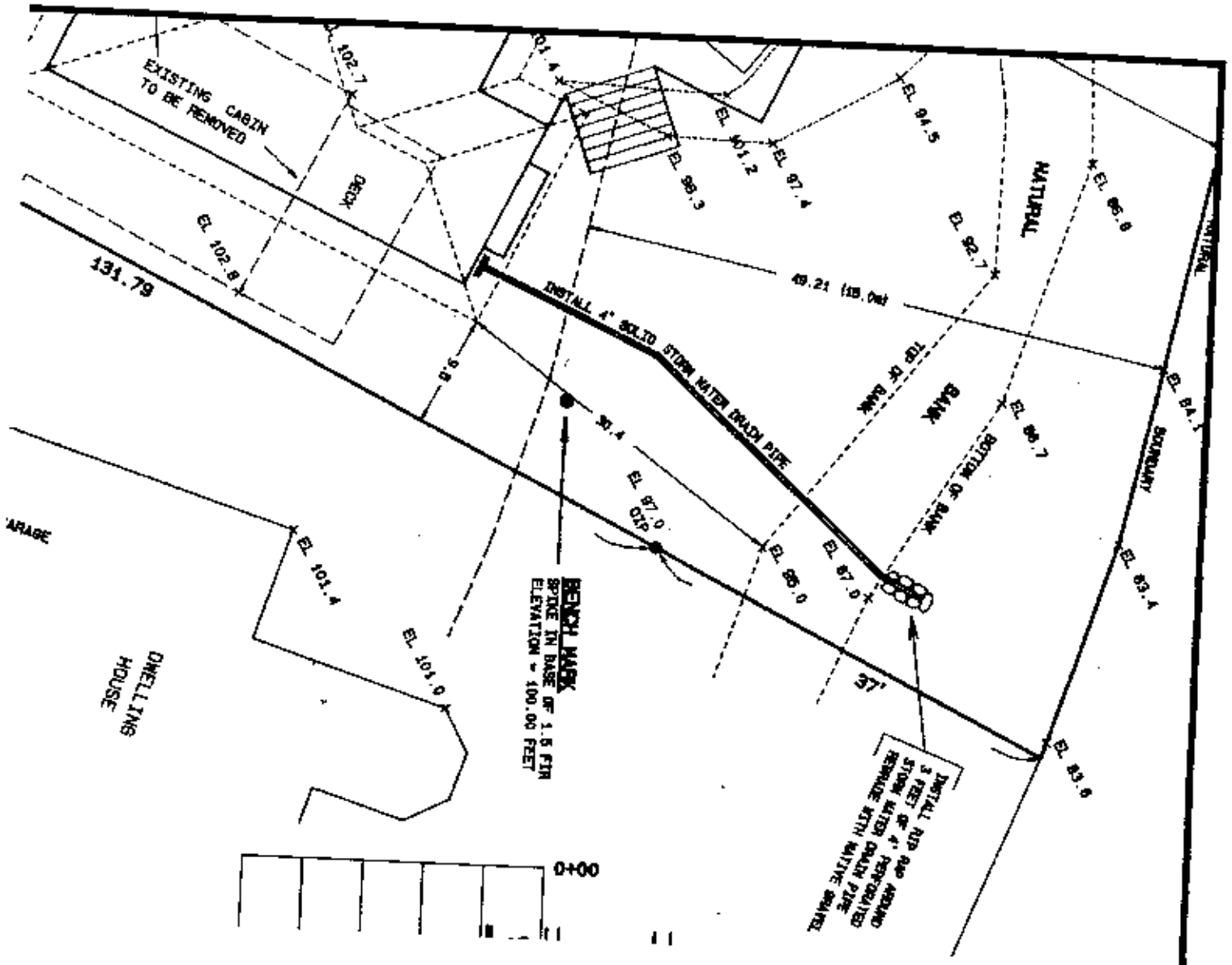
Development of Site

5. Subject property to be developed in accordance with Schedules Nos. 1, 2, 3 & 4.

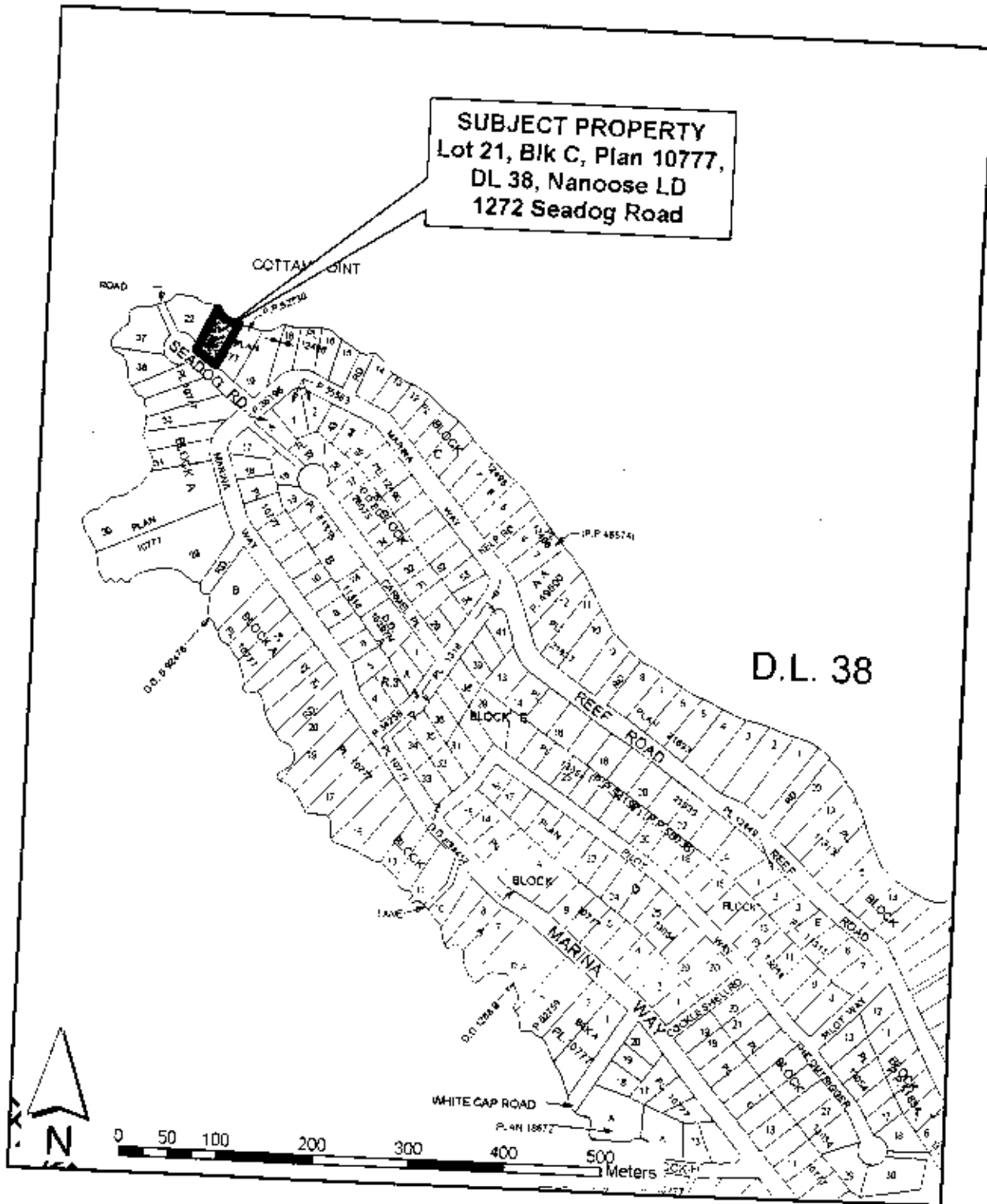
Schedule No. 2
Site Plan (reduced for convenience)
Development Permit No. 0305



Schedule No. 3
Stormwater Drain Pipe (reduced for convenience)
Development Permit No. 0305



Attachment No. 1
Subject Property
Development Permit No. 0245





REGIONAL DISTRICT OF NANAIMO	
FEB 18 2003	
CHAIR	GMCrs
CAO	GMDS
GMCms	GMES
EAP	
DATE:	

MEMORANDUM

TO: Pam Shaw
Manager of Community Planning

FROM: Geoff Garbutt
Senior Planner

SUBJECT: Development Permit Application No. 0306 - Yorke/Rowland
Electoral Area 'G' - Lot 1, DL 80, Newcastle District, Plan 15785

DATE: February 17, 2003

FILE: 3060 30 0306

PURPOSE

To consider an application for a Development Permit to facilitate the construction of a single residential dwelling unit, retention wall and drainage rock pit within the Environmentally Sensitive Areas and Natural Hazard Development Permit Areas pursuant to the "Regional District of Nanaimo Shaw Hill - Deep Bay Official Community Plan Bylaw No. 1007, 1996".

BACKGROUND

The subject property, legally described as Lot 1, District Lot 80, Newcastle District, Plan 15785, is located at 1435 Private Road in the Dashwood area of Electoral Area 'G' (see Attachment No. 1). The applicant is proposing to site a two storey dwelling, retention wall and a drainage rock pit to capture and dispose of any runoff from roof leaders and perimeter drains.

The subject property is located entirely within both the Environmentally Sensitive Areas and Natural Hazard Development Permit Areas due to the potential flood hazard. The Environmentally Sensitive Areas Development Permit Area was established to protect the natural environment. The Development Permit Area is measured 15 m from the natural boundary. The closest portion of the proposed dwelling unit is to be sited a minimum of 11.8 m from the natural boundary within the Development Permit Area. The Hazard Lands Development Permit Area was established to protect development from hazardous conditions.

As the subject property is within the RDN building inspection area, "Regional District of Nanaimo Floodplain Management Bylaw No. 843, 1991" applies. Bylaw No. 843 requires a Floodplain setback of 15 m from the natural boundary of the sea, except that this setback may be reduced to 8 m where the sea frontage is protected from erosion by works designed by a professional engineer and maintained by the owner. In addition, Bylaw No. 843 requires a flood construction elevation of 3.8 m GSC for this parcel.

The lot is located on the Floodplain at the base of a significant slope and is accessed via a private road that services approximately 15 residential lots. The subject parcel is relatively level, with a gentle slope towards the ocean and can be described as 'walk-on waterfront' property. The subject parcel is bounded by residential lots to the east, and vacant residential lots to the south and west. It appears that the subject parcel has experienced erosion in the past as the natural boundary as shown on the survey of plan 15785 varies from 1.8 m at its smallest point to a maximum of 4.5 m from the present natural boundary.

Two geotechnical reports were completed for this property in response to the policies in the Official Community Plan Development Permit Areas. Lewkowich Geotechnical Engineering Ltd. completed a report on January 9, 2003 and Davey Consulting and Engineering completed a report on February 10, 2003. When combined, these two reports address geotechnical issues related to the development of the subject parcel and they conclude that the site is geotechnically safe and suitable for the intended use provided the recommendations of the reports are followed during the design and construction of the proposed dwelling and drainage rock pit.

ALTERNATIVES

1. To approve the requested development permit subject to the conditions outlined in Schedule Nos. 1, 2, and 3.
2. To deny the requested development permit.

LAND USE AND DEVELOPMENT IMPLICATIONS

Currently the subject parcel contains an existing shed that will be removed in order to accommodate the construction of the proposed dwelling. The subject property is located within the RDN Building Inspection Area and as a result, must meet the requirements of "Regional District of Nanaimo Floodplain Management Bylaw No. 843, 1991". The 15 m Floodplain setback required by Bylaw No. 843 can be reduced to a minimum of 8 m for the dwelling unit where an erosion protection device exists.

The Geotechnical Report dated January 9, 2003 by Lewkowich Geotechnical Engineering states that the property has been protected by rip rap armouring at the foreshore and that the armour is adequate for wave protection and has adequately withstood recent winter rain events. In the opinion of the Planning Department this general statement addresses the requirements of Bylaw No. 843 to waive the requirement for a site specific setback exemption from the Ministry of Water, Land and Air Protection for the issuance of the Development Permit. As a condition of this Development Permit, it is recommended that certification be received from a Professional Engineer that the existing rip rap is adequate to protect the parcel from erosion prior to the issuance of a Building Permit.

In addition to Floodplain setbacks, Bylaw No. 843 requires a Flood Construction Elevation of 3.8 m GSC for this parcel. Based on survey information received with the application, the RDN Building Department is satisfied that the proposed dwelling unit will be constructed in accordance with the flood construction elevation and further that the proposed dwelling at 7.3 m in height, will be constructed within the maximum height requirements for the Residential 2 zone pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

ENVIRONMENTAL IMPLICATIONS

As the Development Permit Area (DPA) covers the entire parcel, it is not possible for the applicant to locate the proposed dwelling, retaining wall and rock disposal pit outside the DPA. The Environmentally Sensitive Areas Atlas does not identify any environmental features on this property and the subject parcel has limited tree vegetation except for a cluster of fir and cedar trees on the east side of the central portion of the site. Recognizing the sensitive environmental and hazard designation, the applicant has indicated

that tree removal in this area will be minimal and existing trees will be maintained where possible as the proposed dwelling is built.

As outlined previously, the subject property is located at the base of a significant slope and development upland of the subject property could have potential impacts on the subject property. In response to potential hazardous slope conditions on adjacent parcels and Floodplain considerations, the Geotech Report by Davey Consulting and Engineering dated February 10, 2003 has made recommendations that focus on managing the potential for slope instability along the southern portion of the property. Davey recommends that a drainage line to intercept water sheeting off the adjacent slope be installed by hand at the foot of the slope linking to a drainage rock pit to disperse and infiltrate runoff, avoiding erosion along the natural boundary of the marine foreshore. Further, Davey Consulting and Engineering recommends that a retention wall be placed 2 m from the rear (southern) property line to a maximum height of 1.2 m, designed to catch material from any small slope failure or any raveling material that may be dislodged from the glacial till, protecting both the proposed dwelling and the operation of the septic disposal field from impact.

The applicant has indicated that there are no plans to build a garage or covered parking structure on this parcel and vehicle-parking areas will be surfaced with natural permeable materials to avoid stormwater runoff on the site. All surface drainage collected from roof leaders, perimeter drains for the dwelling and the water interceptor will be directed to a rock drainage pit for energy dissipation and infiltration, no surface drainage is to be directed to the marine foreshore in order to prohibit erosion along the natural boundary.

PUBLIC CONSULTATION IMPLICATIONS

As there are no variances related to this Development Permit Application, there are no notification requirements related to the issuance of Development Permit.

VOTING

Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

This is an application for a Development Permit to facilitate the construction of a single residential dwelling unit, retention wall and drainage rock pit within the Natural Hazard and Environmentally Sensitive Areas Development Permit Area pursuant to "Regional District of Nanaimo Shaw Hill – Deep Bay Official Community Plan Bylaw No. 1007, 1996". The property subject is entirely within both the Environmentally Sensitive Areas and Natural Hazard Development Permit Area and as a result it is impossible to locate the proposed dwelling and drainage rock pit outside of the Development Permit Area.

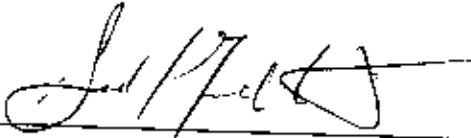
The applicant has provided the Regional District with two Geotechnical Reports that outline specific conditions and recommendations with respect to Flood Construction Elevation, Flood Setbacks and Site Slope Stability. When combined, these two reports address geotechnical issues related to the development of the subject property as well as slope stability issues related to the steep slopes along the

southern portion of the property. These Reports conclude that the site is geotechnically safe and suitable for the intended use provided the recommendations of the reports are followed as the property is developed.

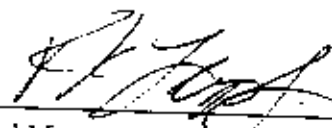
Given the location and nature of the subject property, site constraints, recommendations in the Geotechnical Reports and environmental protection conditions, staff is of the opinion that the Development Permit should be approved subject to the requirements outlined in Schedule Nos. 1, 2 and 3.

RECOMMENDATIONS

That Development Permit Application No. 0306, submitted by Yorke/Rowland to facilitate the construction of a single residential dwelling unit, retention wall and drainage rock pit, on the property legally described as Lot 1, District Lot 80, Newcastle District, Plan 15785 be approved subject to the requirements outlined in Schedules No 1, 2, and 3.



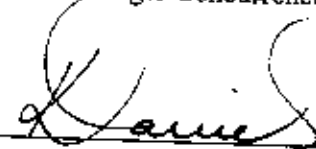
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devs/reports/2003/dp fe 3060 30 9306 Yorke Rowland

**Schedule No. 1
Conditions of Approval
Development Permit No. 0306**

Development of Site

1. Subject property to be developed in accordance with Schedule Nos. 1, 2, and 3.
2. All construction of buildings and structures to be undertaken must be consistent with Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987.
3. Construction of the water interceptor drain and slope retention wall along the southern boundary of the property shall be consistent with the recommendations outlined in the February 11, 2003 Geotechnical Report by Davey Consulting and Engineering.
4. Confirmation of certification by Professional Engineer that existing works along the marine foreshore provide for adequate erosion protection prior to the issuance of a Building Permit.

Geotechnical Report

5. Applicant to register Section 219 Covenant at Land Titles Victoria with respect to the Geotechnical Report by Lekowich Geotechnical Engineering Ltd, date stamped January 9, 2003 and the Geotechnical Report by Davey Consulting and Engineering, date stamped February 11, 2003 and subsequent relevant reports stating that the land is safe for the intended use, to the satisfaction of the Regional District with all costs borne by the applicant.

This covenant shall release and forever discharges the Regional District from any claim, cause of action, suit, demand, expenses, costs and legal fees whatsoever which the applicant may sustain or suffer arising out of the erosion, land slip, rock falls, or subsidence in relation to the use of the Land.

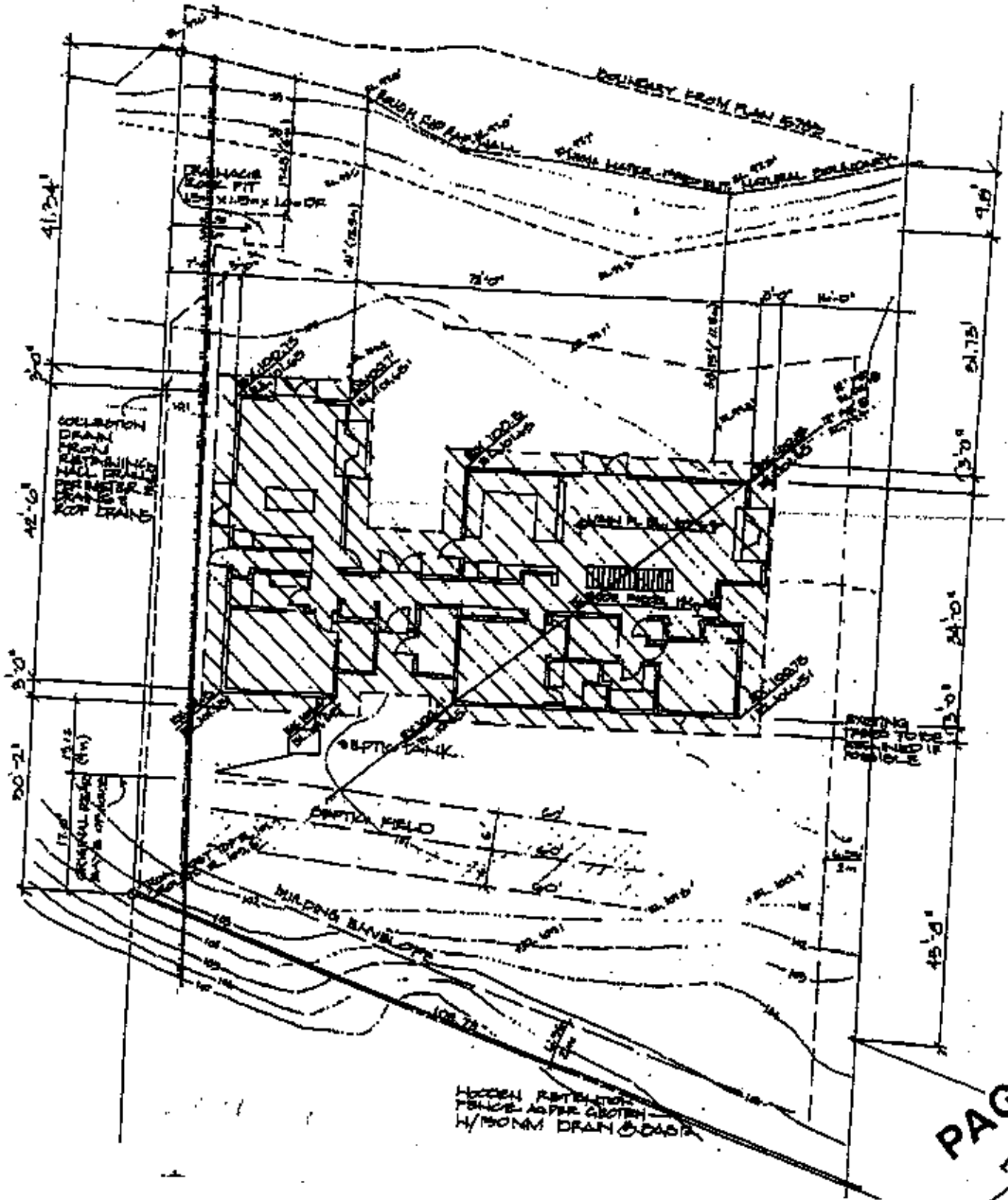
Further the applicant shall covenant and agree to indemnify and save harmless the Regional District from any and all claims, causes of action, suits, demands, expenses, costs and legal fees whatsoever that anyone might have as an owner, occupier or user of the Land, or by a person who has an interest in or comes onto the Land, or by anyone who suffers loss of life or injury to his person or property, that arises out of the use of the Land.

Development Permit Protection Measures

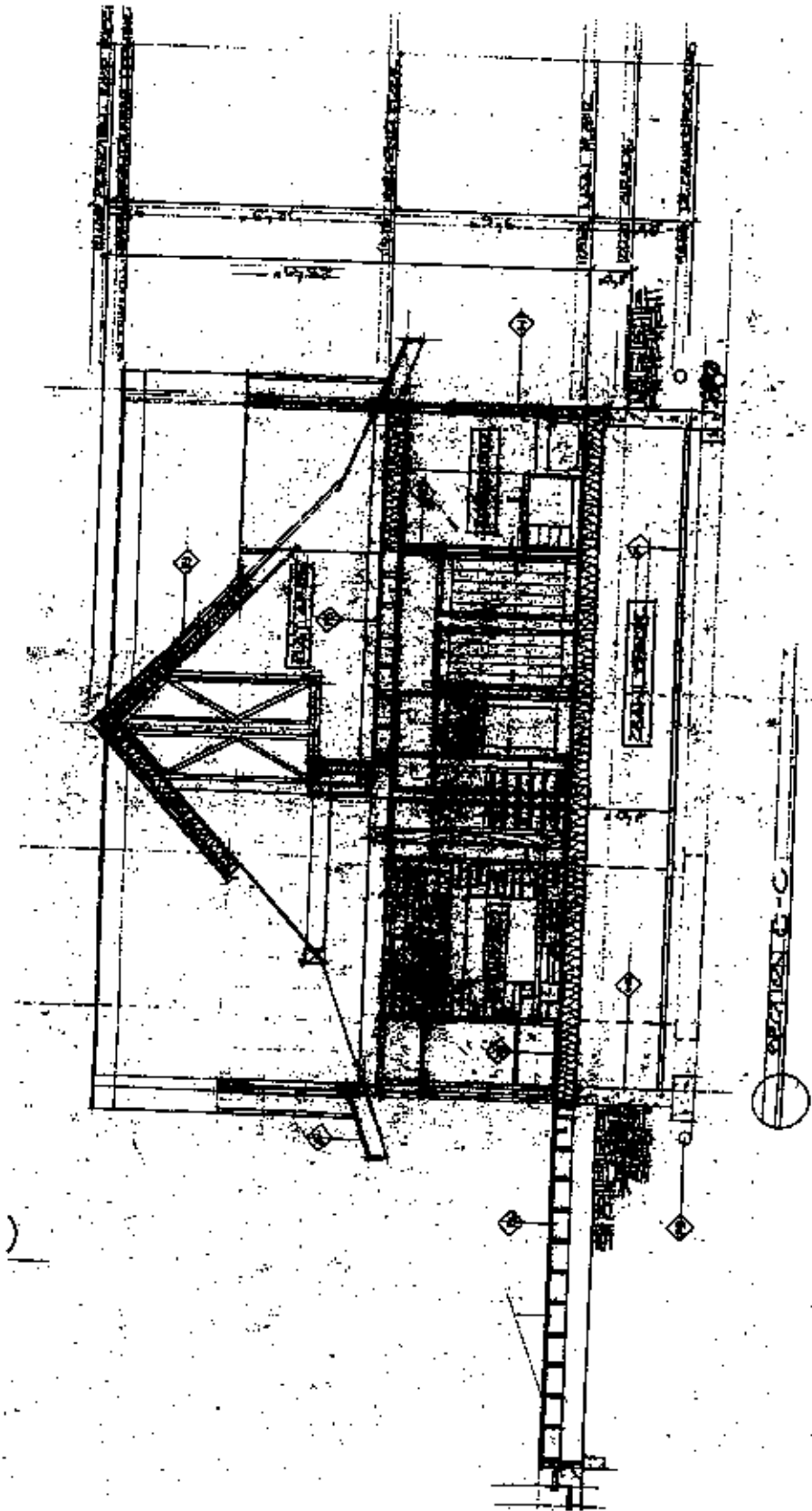
6. Sediment and erosion control measures must be utilized to control sediment during construction and land clearing works and to stabilize the site after construction is complete. These measures must include:
 - a) Tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be onsite.
 - b) Direct run off flows away from Strait of Georgia using swales or low berms.
 - c) Exposed soils must be seeded immediately after disturbance. Soil surfaces to be treated should be roughened.
 - d) Cover temporary fills or soil stock piles with polyethylene or tarps.
7. All surface drainage collected from roof leaders, perimeter drains to be directed to a rock drainage pit for energy dissipation and infiltration, no surface drainage to be directed to the marine foreshore to prohibit erosion along the natural boundary as outlined in the February 11, 2003 Geotechnical Report by Davey Consulting and Engineering.

Schedule No. 2
Site Plan (reduced for convenience)
Development Permit No. 0306

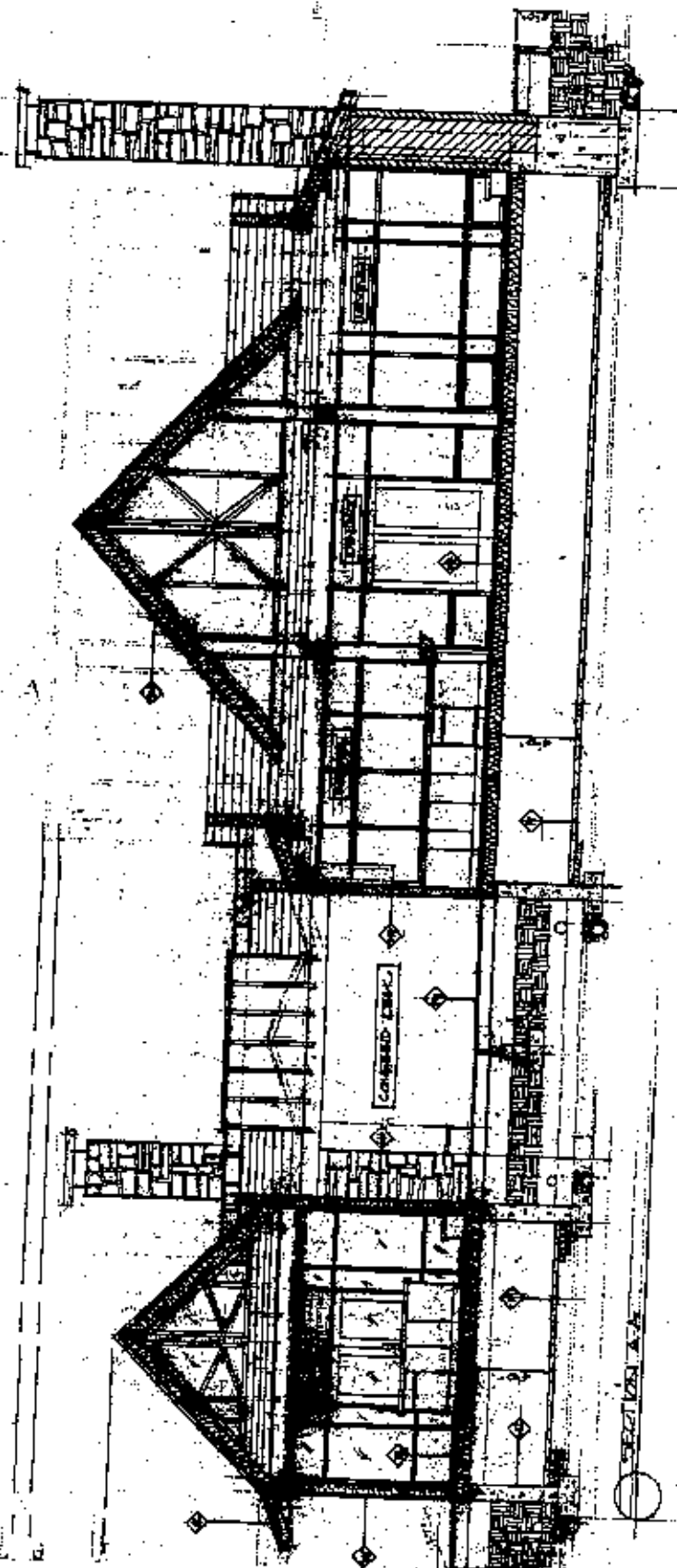
STREET OF CROCODIA



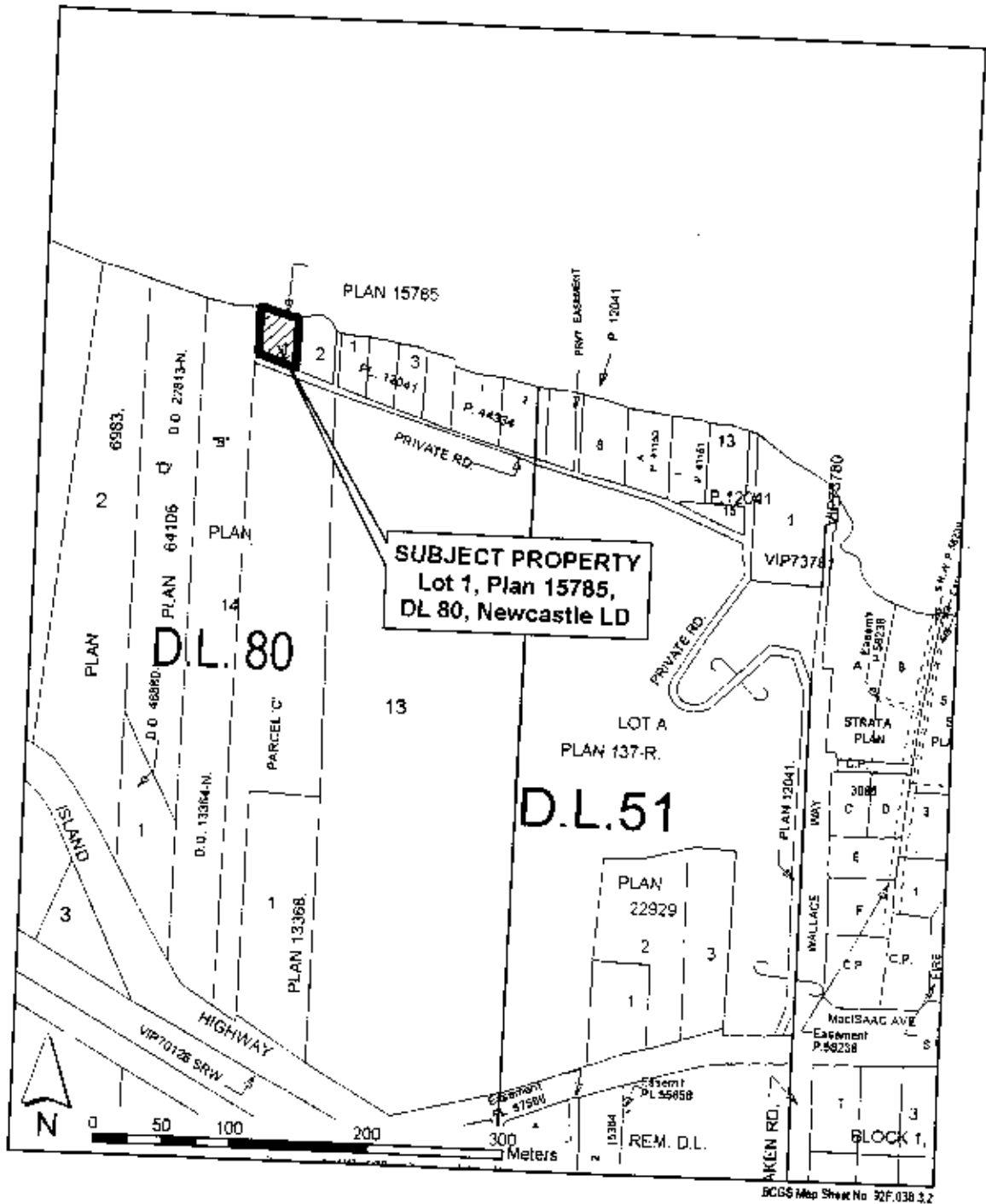
Schedule No. 3 (1 of 2)
House Plan (reduced for convenience)
Development Permit No. 0306



Schedule No. 3 (2 of 2)
House Plan (reduced for convenience)
Development Permit No. 0306



Attachment No. 1
Subject Property
Development Permit No. 0306





REGIONAL DISTRICT OF NANAIMO	
FEB 14 2003	
CHAIR	GMCRS
CAO	GMDS
GMCM8	GMES
EAD ✓	
DATE: February 14, 2003	
FILE: 3090 30 0303	

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

FROM: Deborah Jensen
Planner

SUBJECT: Development Variance Permit Application No. 0303 - Buchanan
Electoral Area 'H' - 5012 Seaview Drive

PURPOSE

To consider an application for a Development Variance Permit to vary the minimum setback requirement to both an other lot line and to a watercourse to facilitate the construction of a dwelling unit on Seaview Drive in Electoral Area 'H'.

BACKGROUND

This is an application to facilitate the construction of a single dwelling unit located on a residential property in Electoral Area 'H' (see Attachment No. 1). The subject property, legally described as Lot 22, District Lot 28, Newcastle District, Plan 22249, is an approximately 800 m² parcel located at the corner of Seaview Drive and Thompson Clarke Drive.

The subject property is zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The minimum setback requirements for buildings and structures in this zone are: 8.0 metres from the front lot line; 2.0 metres from the rear lot line and interior side lot lines; and 5.0 metres from other lot lines. A watercourse also intersects this property, requiring a minimum zoning setback of 18.0 metres from the stream centerline.

The property is designated "Rural Residential" within the Shaw Hill - Deep Bay Official Community Plan, Bylaw No. 1007, 1996." It is not located within a development permit area, and the watercourse that flows through the property is not designated as within an environmentally sensitive area. In addition, the Environmentally Sensitive Areas Atlas does not indicate the presence of any environmentally sensitive features, including the existing watercourse.

Proposed Variances

The siting and dimensions of the proposed dwelling unit are shown on Schedules No. 2 and 3. The applicant is requesting a variance to the front lot line from 8.0 metres to 5.36 metres, to the other lot line along Seaview Drive from 5.0 metres to 3.81 metres, and to the setback for a watercourse from 18.0 metres to 6.58 metres. The applicant has indicated that the variances are requested primarily due to site constraints, including parcel size and configuration, location of the existing septic field, presence of a watercourse, and the design of the dwelling unit and attached deck. The subject property is not located within a building inspection area.

The property is generally flat, sloping slightly northwest toward Seaview Drive. The property is surrounded on all sides by existing single dwelling units and ocean views from the property are impacted by existing building heights and vegetation.

Legal Notations

Development Variance Permit No. 0217 was registered to the title of the subject property in November 2002. This Permit included variances to setbacks to create a building envelope for future siting of a dwelling unit, and to legalize siting of an existing garage. The current owner is now proposing construction of a dwelling unit that will not fit within the approved building envelope; therefore, additional variances are required to supplement those approved under this Development Variance Permit.

The variances for the dwelling unit are now requested to be further adjusted from:

- 6.7 metres to 6.58 metres from the stream centerline;
- 5.0 metres to 3.81 metres from the 'other' lot line (subject to Ministry of Transportation approval); and
- 5.0 metres to 5.36 metres for the front lot line.

A notation for a restrictive covenant, indicating the presence of a building scheme, is also registered to the title of the subject property. The requested variance to the other lot line is not in keeping with the standards outlined in this covenant; however, the RDN does not enforce building scheme covenants and construction of the dwelling unit is still subject to covenants registered against the title of the property.

ALTERNATIVES

1. To approve Development Variance Permit No. 0303 subject to the conditions outlined in Schedule No. 1.
2. To deny the requested permit.

LAND USE AND DEVELOPMENT IMPLICATIONS

This parcel contains several physical site constraints that allow siting of a dwelling unit in compliance with Bylaw No. 500 quite difficult, particularly with respect to setbacks from lot lines and setbacks from the watercourse. In addition, the relatively small parcel size combined with the location of the existing septic field and channelized watercourse creates a small building footprint. As this parcel is located at the intersection of both Seaview Drive and Thompson Clarke Drive West, the required setbacks of 5.0 metres along the roadways further restrict the developable area of the site.

The property is surrounded on all sides by existing single dwelling units. Due to relatively flat natural grades, existing building heights and vegetation, ocean views afforded the surrounding properties along Thompson Clarke Drive West are minimal, and the proposed dwelling unit should have little impact on these properties. The proposed building plans suggest a rancher style residential building with walk-out basement, keeping the proposed dwelling unit within the required height restrictions of the Residential 2 (RS2) zone.

As noted above, a watercourse also intersects this property. Previous modifications to the stream itself, including culverts and structures above and below the subject property, have already compromised the natural state of the watercourse. It is not expected that the proposed variances to setbacks and subsequent construction of the dwelling unit will have any major impacts on the watercourse. However,

conditions set out in Development Permit No. 0217, stipulating protection of the watercourse, are still required to be met. These conditions are shown in Schedule No. 1A, attached.

VOTING


Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

This is an application for a Development Variance Permit within the Shaw Hill ~ Deep Bay Official Community Plan, Bylaw No. 1007, 1996 area. The application includes a request to vary the minimum setback to the front lot line, to an other lot line located along Seaview Drive, and to the minimum permitted setback from the stream centerline of a watercourse, in order to accommodate the construction of a dwelling unit. The site itself is subject to a multitude of constraints affecting development, including small size, location of existing septic field, and channeled watercourse traversing the property, making compliance with the requirements of Bylaw No. 500 quite difficult. Given these constraints, therefore, staff recommends the requested Development Variance Permit be approved subject to notification requirements pursuant to the *Local Government Act*.

RECOMMENDATION

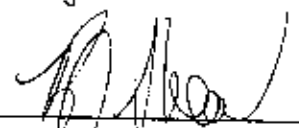
That Development Variance Permit Application No. 0303, submitted by Susan Buchanan, to facilitate the construction of a dwelling unit and vary the minimum permitted setbacks within a Residential 2 (RS2) zone from 8.0 metres to 5.36 metres for the front lot line, from 5.0 metres to 3.81 metres for an other lot line located along Seaview Drive, and from 18.0 metres from a stream centerline to 6.58 metres from a stream centerline for setbacks from a watercourse for the property legally described as Lot 22, District Lot 28, Newcastle District, Plan 22249, be approved subject to the notification requirements pursuant to the *Local Government Act*.




Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

**Schedule No. 1
Conditions of Approval
Development Variance Permit No. 0303**

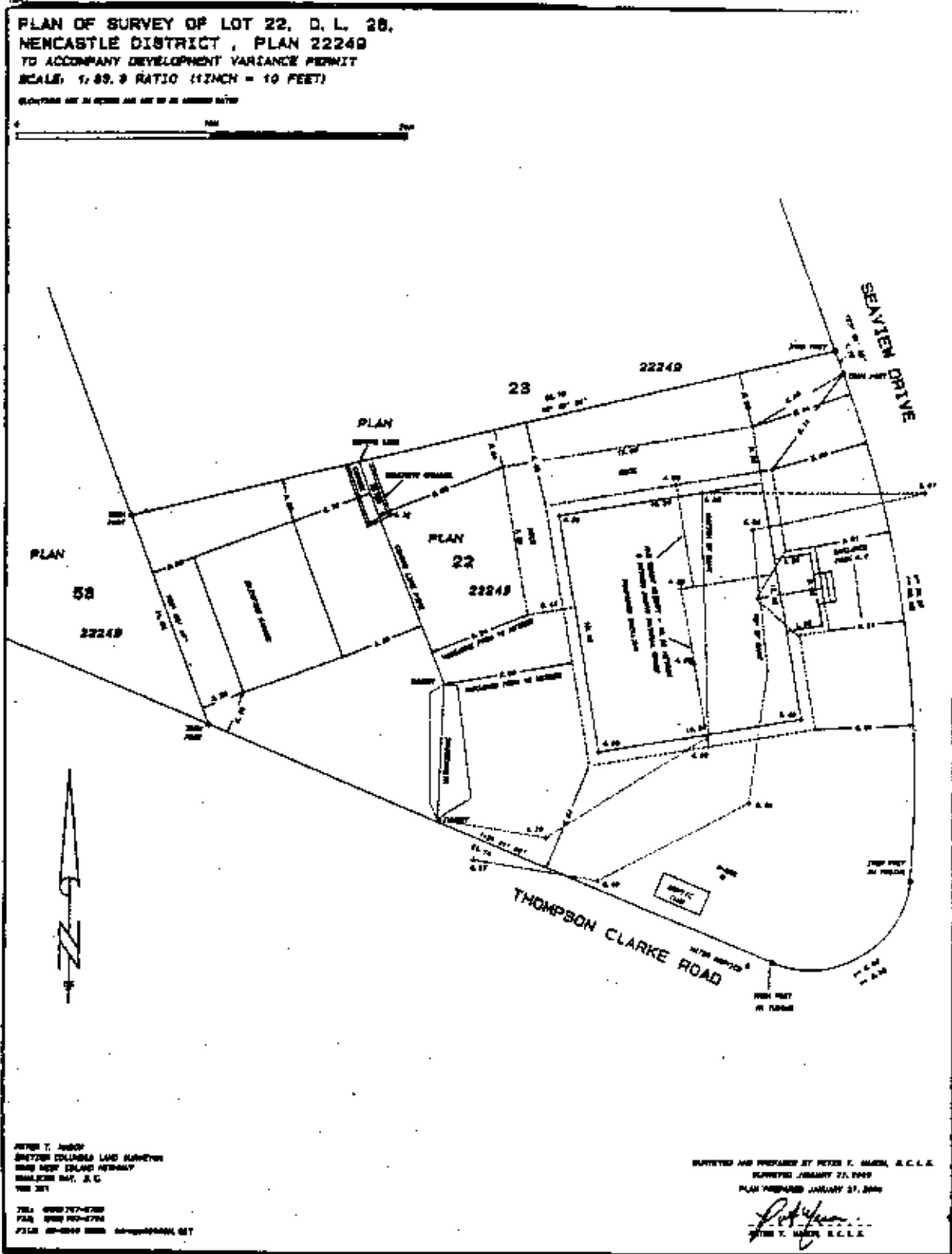
1. To abide by all conditions of approval as laid out in Development Variance Permit No. 0217, shown in Schedule 1A.
2. Variances recognizing the setbacks for construction of the dwelling unit are conditional upon receiving approval of a setback relaxation from the Ministry of Transportation.
3. The following variances to allow construction of a dwelling unit with attached deck shall proceed only upon adherence to Items No. (1) and (2) above:
 - a) relaxation of the front lot line from 8.0 metres to 5.36 metres;
 - b) relaxation of the other lot line along Seaview Drive from 5.0 metres to 3.81 metres; and
 - c) relaxation from setback to a watercourse from 18.0 metres horizontal distance from a stream centerline to 6.58 metres horizontal distance from a stream centerline.

Schedule No. 1A

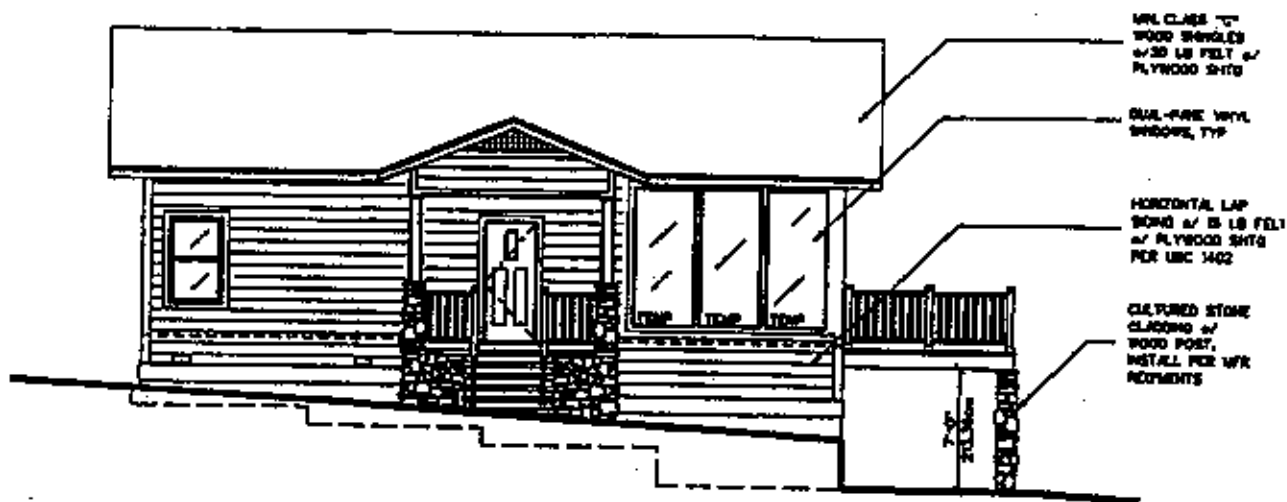
Development Variance Permit No. 0217
Seaview Drive and Thompson Clarke Drive West

1. All construction of buildings and structures to be undertaken must be consistent with Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987;
2. No further alteration or modification of the stream channel in the watercourse setback be undertaken without approval of Fisheries and Oceans Canada, the Ministry of Water, Land and Air Protection and the Ministry of Sustainable Resource Management;
3. Variances recognizing the setbacks for the existing garage are conditional upon the construction of a dwelling unit;
4. Variances recognizing the setbacks for the existing garage are conditional upon receiving approval of a setback relaxation from the Ministry of Transportation.

Schedule No. 2
Site Plan
Development Variance Permit No. 0303



Schedule No. 3
Building Profile
Development Variance Permit No. 0303
(Page 1 of 2)



NORTH ELEVATION

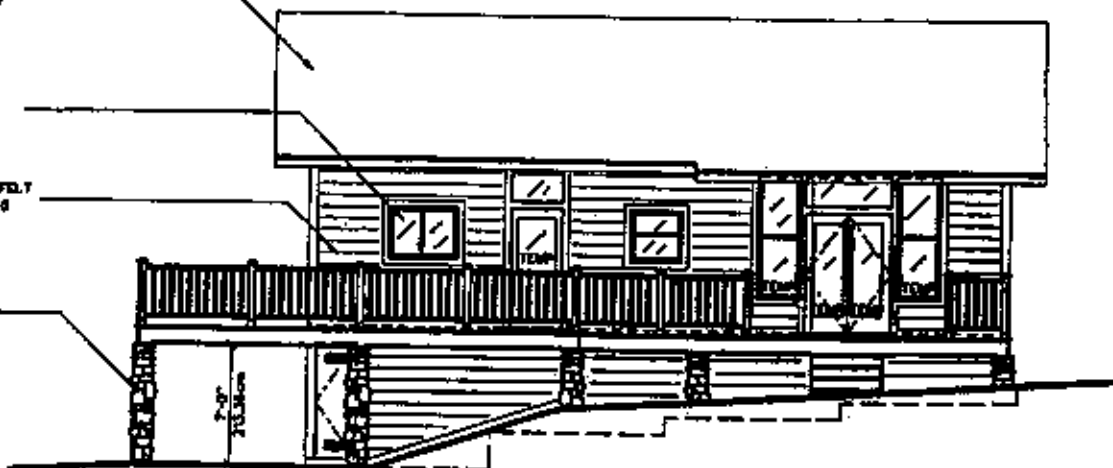
1/4" = 1'-0"

INK CLASS "C" WOOD SHINGLES w/30 LB FELT w/ PLYWOOD SHETS

DUAL-PANE VINYL WINDOWS, TYP

HORIZONTAL LAP SIDING w/ 1/2 LB FELT w/ PLYWOOD SHETS PER USC 1402

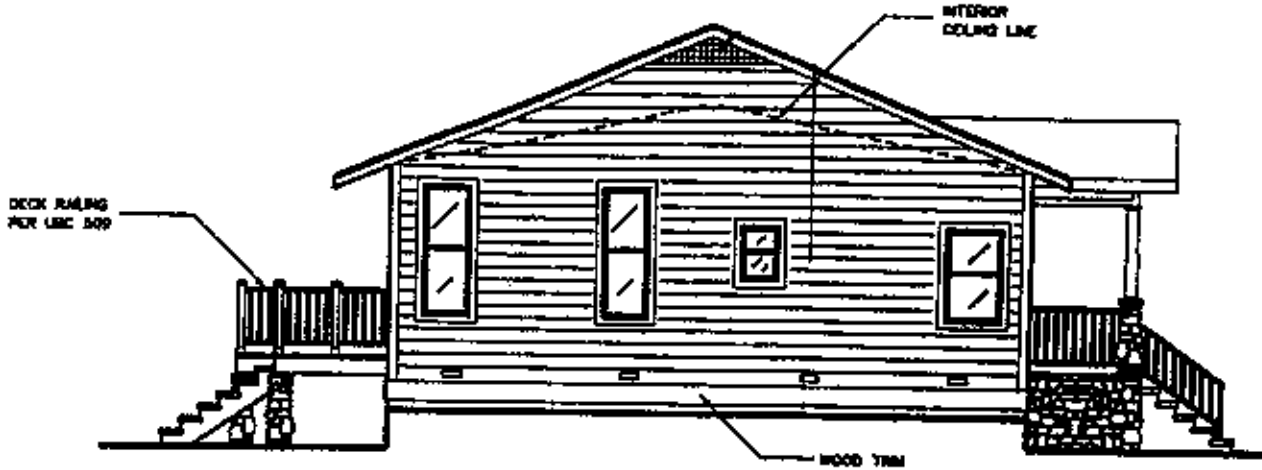
COLORADO STONE CLADDING w/ WOOD POST, INSTALL PER MFR RECOMMENDS



SOUTH ELEVATION

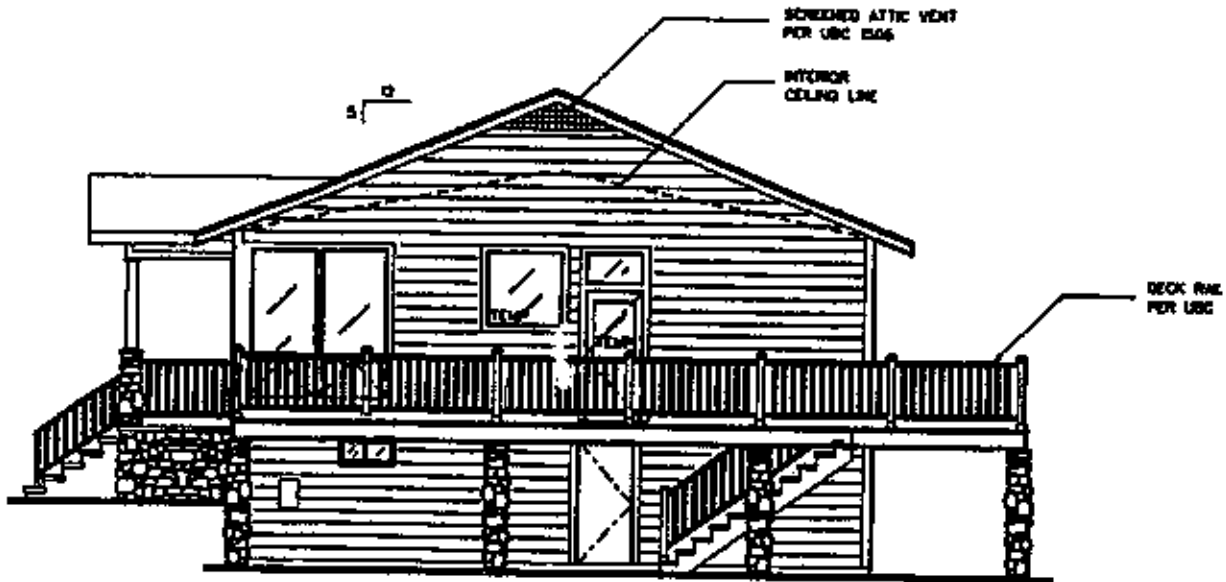
1/4" = 1'-0"

Schedule No. 3
Building Profile
Development Variance Permit No. 0303
(Page 2 of 2)



EAST ELEVATION

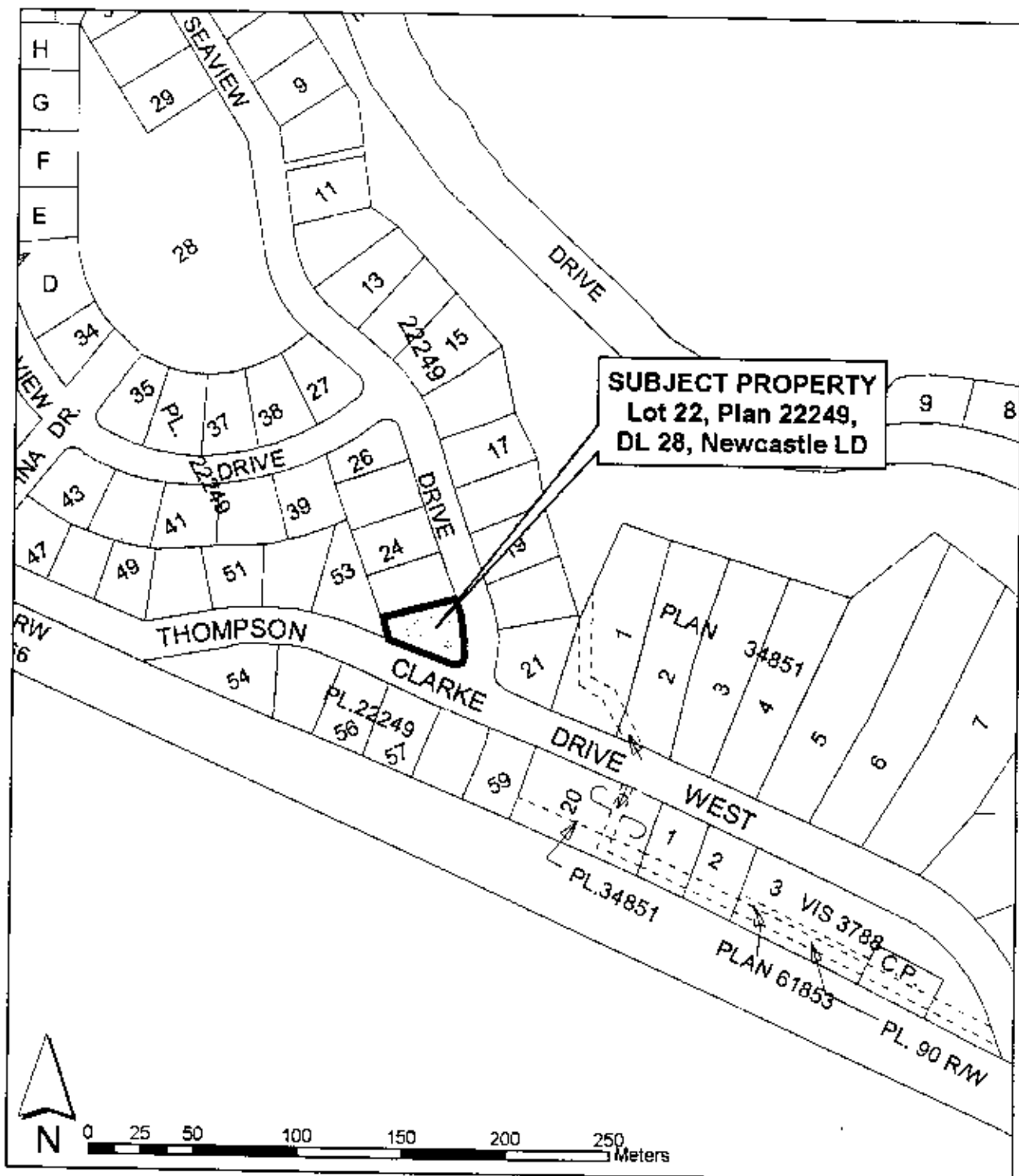
1/4" = 1'-0"



WEST ELEVATION

1/4" = 1'-0"

Attachment No. 1
Subject Property Map



BCGS Map Sheet No. 92F 047 3.2



REGIONAL DISTRICT OF NANAIMO	
FEB 17 2003	
CHAIR	GACrs
CAD	GMDS
GACms	GMEs
	<i>EHP</i> ✓

MEMORANDUM

TO: Pamela Shaw
 Manager, Community Planning

DATE: February 14, 2003

FROM: Deborah Jensen
 Planner

FILE: 3090 30 0304

SUBJECT: Development Variance Permit Application No. 0304 - Melvyn Electoral Area 'H' - Seaview Drive

PURPOSE

To consider an application for a Development Variance Permit to legalize the construction of a retaining wall along a steep bank and to facilitate the construction of a single dwelling unit on Seaview Drive in Electoral Area 'H'. This application includes variances to setbacks for both the retaining wall and the dwelling unit.

BACKGROUND

This is an application for a development variance permit to construct a dwelling unit and to legalize the construction of a retaining wall along a steep bank located on a residential property in the Bowser area of Electoral Area 'H', for the property legally described as Lot 3, District Lot 28, Newcastle District, Plan 22249 on Seaview Drive (see Attachment No. 1). Setback variances requested in this application include the eastern interior side lot line and setback to a watercourse; a height variance has also been requested.

The subject property is zoned Residential 2 (RS2) pursuant to Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987. The minimum setback requirements for buildings and structures in this zone are: 8.0 metres from the front lot line; 2.0 metres from the rear lot line and interior side lot lines; and 5.0 metres from other lot lines.

Although a steep bank transects the property, neither the bank nor the culverted watercourse on the adjacent property are contained within environmentally sensitive or hazard lands development permit areas pursuant to the 'Shaw Hill Deep Bay Official Community Plan Bylaw No. 1007, 1996'. Therefore, there are no development permit requirements for setbacks in addition to the above noted zoning bylaw requirements.

A retaining wall was originally constructed across the subject property and the neighbouring property approximately three years ago. This construction took place as part of the restructuring of a watercourse located on the neighbouring property. The watercourse was enclosed within a culvert due to environmental concerns with an existing septic field on the neighbouring property. All works pertaining to the watercourse were constructed with approval from the Ministry of Environment. However, as the retaining wall is more than one metre in height, it is considered a structure under Bylaw No. 500 and, therefore, this application includes variances for placement of both the existing rip rap retaining wall and the proposed dwelling unit.

A report compiled by Lewkowich Geotechnical Engineering Ltd., dated November 27, 2002, indicates fill has been placed on the property as part of construction works. The report estimates the maximum

depth of the fill at 8.0 metres. The report indicates that the site is considered safe for construction of wood frame residential or ancillary structures as long as a 5.0 metre "no build" zone running along the top of the bank is recognized. It also indicates the retaining wall, consisting of large boulders, is considered to be suitable for the purpose of fill facing.

Given that RDN Bylaws stipulate that height be measured from the natural grade, and given that the depth of fill on the property may be as much as 8.0 metres, determination of the natural grade is difficult. A height variance will be required to construct even a single storey dwelling unit on this site. This report requests that the Board consider a variance which would allow the relaxation of the maximum dwelling unit height from 8.0 metres to that height required to accommodate an 8.0 metre dwelling unit, as measured from existing 'fill' grade. It should be noted that the property is not located within a building inspection area.

Specifically, the variances addressed in this application include:

- relaxation of east interior side lot line from 2.0 metres to 0.0 metres to legalize existing retaining wall;
- relaxation from setback to a watercourse from 18.0 metres horizontal distance from a stream centerline to 0.0 metres horizontal distance from a stream centerline to legalize existing retaining wall;
- relaxation from setback to a watercourse from 18.0 metres horizontal distance from a stream centerline to 10.5 metres horizontal distance from a stream centerline to allow for construction of a dwelling unit; and
- relaxation of the maximum dwelling unit height from 8.0 metres to that height required to accommodate an 8.0 metre dwelling unit, as measured from the existing fill grade.

Legal Notations

An easement is registered to the title of the property with respect to construction and maintenance of culvert and drainage structures on the neighbouring property. A notation for a restrictive covenant, indicating the presence of a building scheme, is also registered to the title of the subject property. It should be noted the RDN does not enforce building scheme covenants and it is the responsibility of the property owner to ensure any development meets the requirements of this building scheme.

ALTERNATIVES

1. To approve Development Variance Permit No. 0304 subject to the conditions outlined in Schedule No. 1.
2. To deny the requested permit.

LAND USE AND DEVELOPMENT IMPLICATIONS

The subject property is a residential lot that is bordered by Shoreline Drive to the north and Seaview Drive to the south. Seaview Drive provides access to the site, where the terrain of the lot is level. The northern portion of the site is slopes steeply down to Shoreline Drive; no access available from the roadway.

As noted above, a rip rap retaining wall was constructed along a steep bank in conjunction with work altering a neighbouring watercourse and placement of fill. However, approximately one-third of this wall

is located on the neighbouring property to the east. This property will also be subject to a development variance permit for construction of the retaining wall and the owner will be notified of this requirement.

Proximity of the proposed dwelling unit both to the retaining wall and to the culverted watercourse is necessary due to placement of the proposed septic field and existence of a steep bank crossing the property. As noted above, the report compiled by Lewkowich Geotechnical Engineering Ltd., dated November 27, 2002, indicates fill placed on the property is considered safe for construction of wood frame residential or ancillary structures as long as a 5.0 metre "no build" zone running along the top of the bank is recognized. It also indicates the retaining wall, consisting of large boulders, is considered to be suitable for the purpose of fill facing.

If no height variance is granted for the subject property, it is likely that the lot would be rendered 'unbuildable'. That is, man-made site constraints caused by the placement of fill, the siting of the septic field, and the reconfiguration of the watercourse, along with the natural constraint of a steep bank, limit potential building sites to a location where fill on the site will impact height calculations. This report suggests the consideration of a variance that would allow the construction of a dwelling unit that would appear to be within the height permitted under Bylaw No. 500, accepting the existing fill grade is used as the baseline for the height calculation. That is, the dwelling unit would not exceed 8.0 metres in height from the existing fill grade.

As the property is not within a building inspection area, the height of the structure will not be verified through the inspection process. Should the Board approve the requested height variance, it will be incumbent on the property owner to ensure that the height of the dwelling unit does not exceed the variance.

VOTING

Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

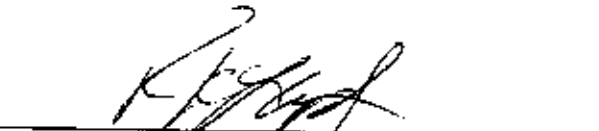
This is an application for a development variance permit to facilitate the development of a single dwelling unit, and to legalize and existing rip rap retaining wall. The application includes requests to vary the minimum permitted setbacks from a watercourse for placement of a dwelling unit and retaining wall, to vary the minimum permitted setback from an interior side lot lines for placement of the retaining wall, and to vary maximum permitted height for construction of the dwelling unit.


This report recognizes that unknown amounts of fill have been placed on the subject property, and works in and around a watercourse, including construction of a retaining wall, have taken place with the consent of the Ministry of Environment. A geotechnical report for the property indicates safe construction on the fill is possible as long as a 5.0 metre "no build" zone along the top of bank is maintained, and states the retaining wall is stable. Therefore, staff recommends this application be approved subject to the conditions outlined in Schedule No. 1 of this report, and subject to the notification procedures pursuant to the *Local Government Act*.

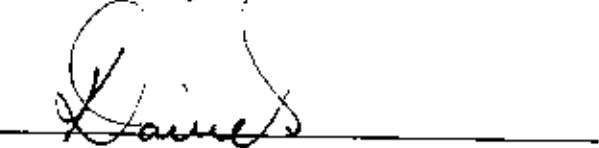
RECOMMENDATION

That Development Variance Permit Application No. 0304, submitted by Fern Road Consulting, Agent, on behalf of Anthony Melvyn, to facilitate the development of a single dwelling unit and to legalize the existing rip rap retaining wall within a Residential 2 (RS2) zone by varying the minimum permitted setback to an interior side lot line from 2.0 metres to 0.0 metres, and to a watercourse from 18.0 metres horizontal distance from a stream centerline to 0.0 metres for the retaining wall and 10.5 metres for the dwelling unit, and to vary the maximum permitted height of a dwelling unit from 8.0 metres to that height required to accommodate an 8.0 metre dwelling unit, as measured from the existing fill grade as set out in Schedule No. 1, for the property legally described as Lot 3, District Lot 28, Newcastle District, Plan 22249, be approved subject to notification procedures pursuant to the *Local Government Act* and subject to the conditions outlined in Schedule No. 1.


Report Writer


General Manager Concurrence


Manager Concurrence

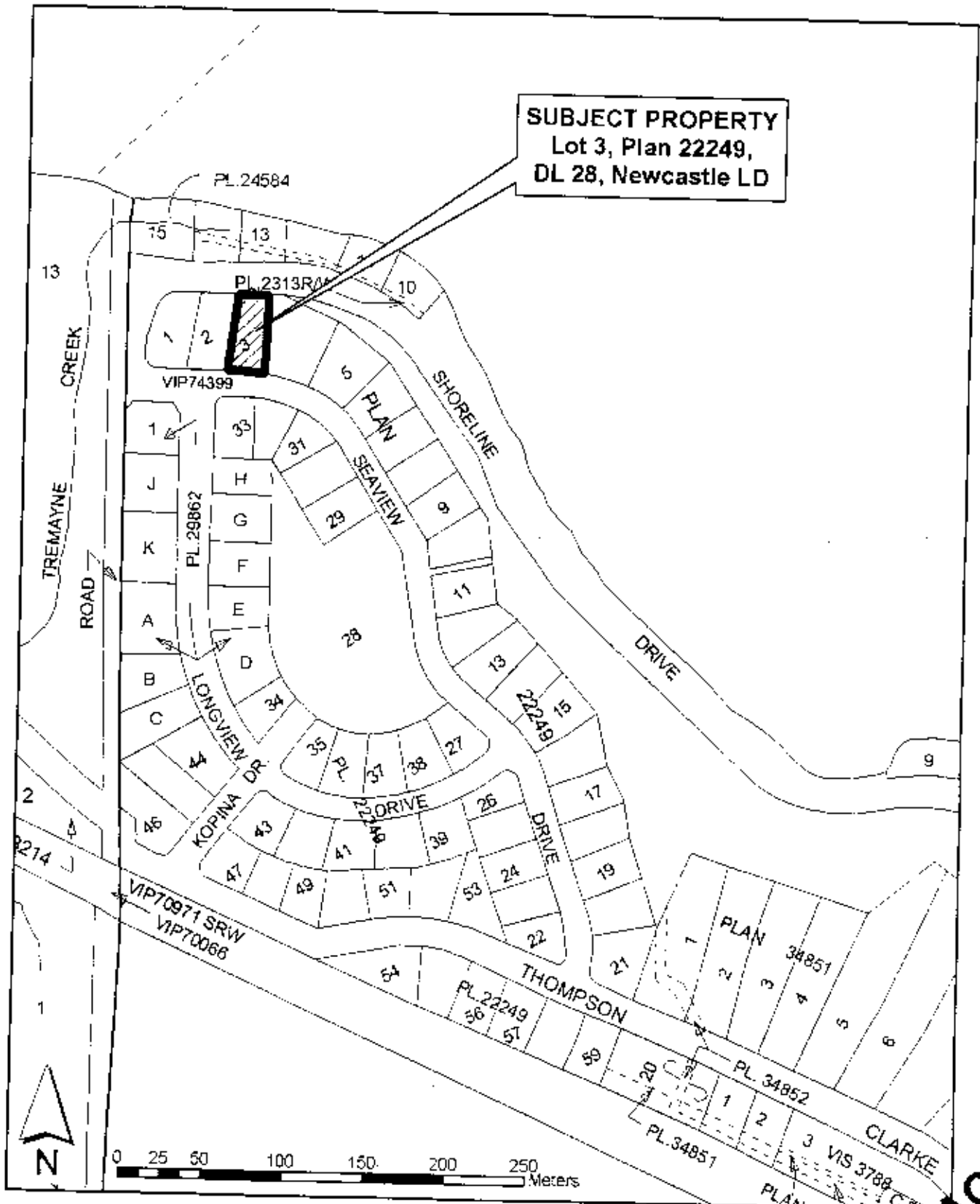

CAO Concurrence

COMMENTS:

Schedule No. 1
Conditions of Approval
Development Variance Permit No. 0304

- i. Registration of a Section 219 covenant pertaining to the geotechnical report, as prepared by Lewkowich Geotechnical Engineering Ltd., dated November 27, 2002. The covenant shall stipulate that any development must meet the required 5.0 metre "no-build" setback from top of bank, as indicated in this report, that no vegetation is to be removed from the bank and that the Regional District shall be saved harmless from any action that may result from land slip, slope failure or any other occurrence that might result on the subject lands.
2. An approved health permit for a septic system, as issued by the Ministry of Health.
3. The following variances are approved based upon completion of Items No. (1) and (2) above:
 - a) relaxation of east interior side lot line from 2.0 metres to 0.0 metres to legalize existing retaining wall;
 - b) relaxation from setback to a watercourse from 18.0 metres horizontal distance from a stream centerline to 0.0 metres horizontal distance from a stream centerline to legalize existing retaining wall;
 - c) relaxation from setback to a watercourse from 18.0 metres horizontal distance from a stream centerline to 10.5 metres horizontal distance from a stream centerline to allow for construction of a dwelling unit; and
 - d) relaxation of the maximum dwelling unit height from 8.0 metres to that height required to accommodate an 8.0 metre dwelling unit, as measured from existing fill grade.

Attachment No. 1
Subject Property Map



SUBJECT PROPERTY
Lot 3, Plan 22249,
DL 28, Newcastle LD

Proposed Variances

Pursuant to the *Local Government Act*, the Board may consider applications to vary the provisions of the zoning regulations other than the use, density or flood plain specifications. RDN policy is in place for the Development Variance Permit application process, allowing for the review of situations where the proposed siting of a building or structure cannot meet the requirements of the applicable zoning bylaw. Among other criteria in this policy, the RDN Board can consider variances based on physical constraints, man-made constraints, and/or the proposed architectural design of a building or structure.

The applicant is proposing construction of a single dwelling unit, with siting and dimensions as shown in *Schedule No. 2*. Construction is to consist of a two-storey log home with a basement on a parcel sloping down from west to east. The architectural design of the home includes 10-foot ceilings and a steeply pitched roof. Therefore, due to both architectural design and slope of the lot, the applicant is requesting a variance to the maximum permitted height of a dwelling unit from 9.0 metres to 13.0 metres.

In addition, a covenant area for a septic field has been stipulated for the northwest portion of the property. The applicant has suggested that the placement of the dwelling unit in the proposed location would create less impact on the environment due to decreased distance between the septic field and the dwelling unit, and that other locations suitable for siting of the dwelling unit would result in additional disturbance for construction of the septic system.

Legal Notations

Numerous covenants and easements are registered to the title of the property, including provision for septic systems at the northwest corner of the parcel, drainage systems along the northern boundary of the parcel, and flood levels. A building scheme is also registered to the title of the property. Although the proposed construction does not appear to be in conflict with the building scheme, it should be noted the Regional District of Nanaimo is not responsible for enforcing building scheme covenants.

ALTERNATIVES

1. To approve Development Variance Permit No. 0305 subject to the conditions outlined in Schedule No. '1'.
2. To deny the requested permit.

LAND USE AND DEVELOPMENT IMPLICATIONS

From staff's assessment of this application, the potential visual impact of the height variance is reduced due to the size of the subject property and surrounding properties, distance between dwelling units, and the topography of the subject property. The subject property is heavily treed, with Forest Land Reserve located to the west of the property. Residences located to the north of the property are somewhat visible from proposed siting of the dwelling unit, but are located a considerable distance away.

It should be noted that the subject property is not located in an environmentally sensitive area or hazard lands area as designated by the "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1118, 1998." While there are no apparent site stability issues, a geotechnical report may be necessary during the construction phase as required by the building inspector.

AGE
94

VOTING

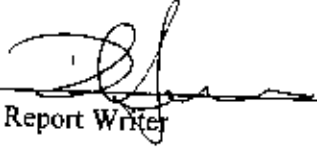
Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

This is an application for a development variance permit to facilitate the development of a single dwelling unit. The application includes a request to vary the maximum permitted dwelling unit height from 9.0 metres to 13.0 metres. Given that the requested variance does not appear to impact any neighbouring properties and that the proposed architectural style of the dwelling unit is not out of character for a large rural residential lot, staff recommends this application be approved subject to notification procedures pursuant to the *Local Government Act*.

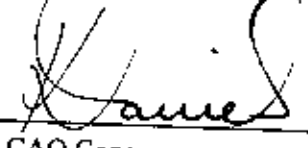
RECOMMENDATION

That Development Variance Permit Application No. 0305, submitted by Norman Evans, agent on behalf of H&F Ventures Ltd., to facilitate the development of a single dwelling unit and vary the maximum permitted dwelling unit height within the Rural 5 (RU5) zone from 9.0 metres to 13.0 metres for the property legally described as Lot 12, Block 668, Nanoose Land District, Plan VIP62598, be approved as submitted subject to the notification procedures pursuant to the *Local Government Act*.


Report Writer


General Manager Concurrence


Manager Concurrence

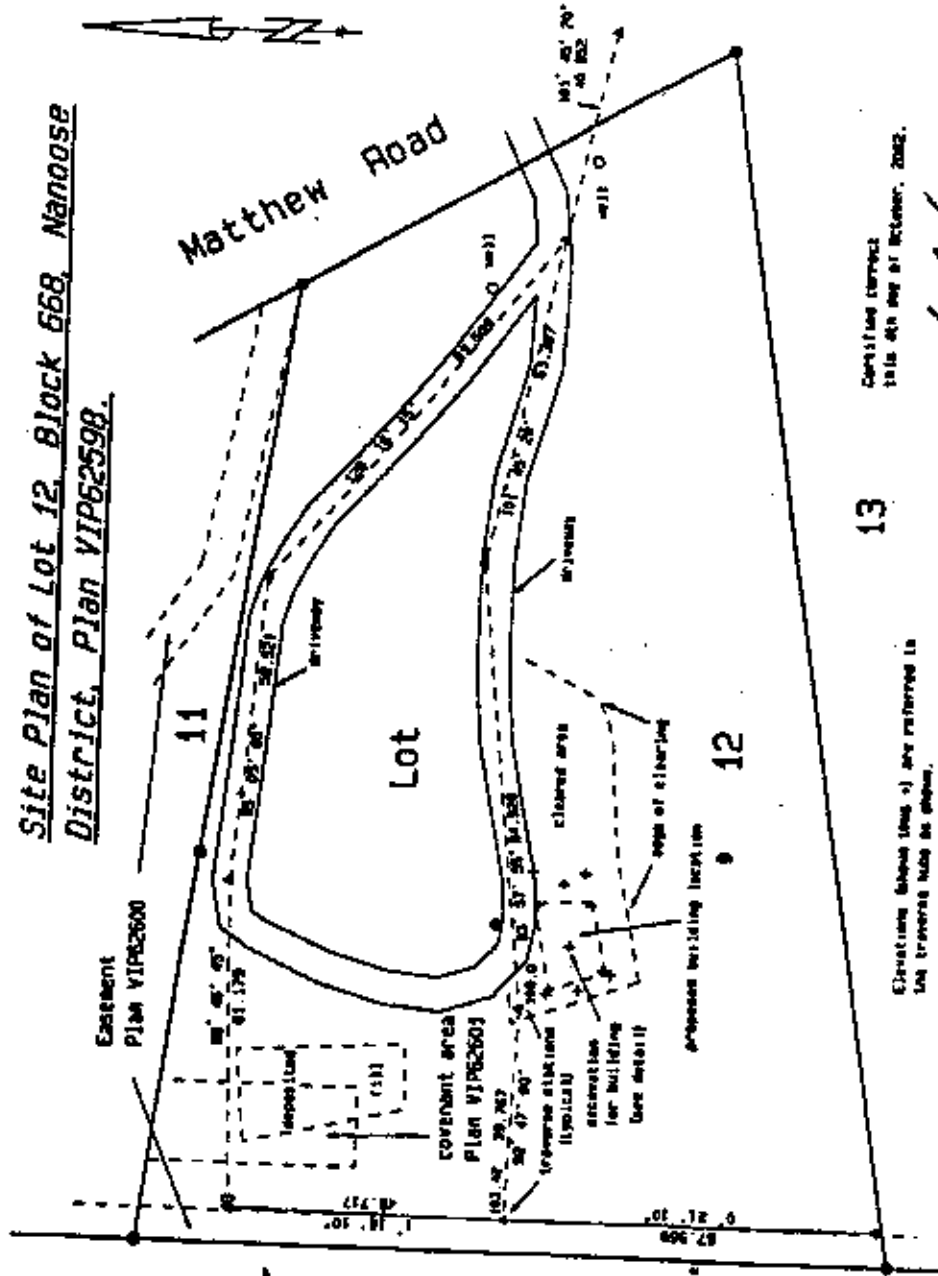

CAO Concurrence

COMMENTS:

Schedule No. 1
Conditions of Approval
Development Variance Permit No. 0305

1. Approved Health Permit for septic system, as issued by the Ministry of Health.
2. Confirmation of the main floor elevation and construction height above the main floor to the ridge, in order to confirm the proposed dwelling unit does not exceed the requested 13.0 metre variance in relation to elevation above natural grade.

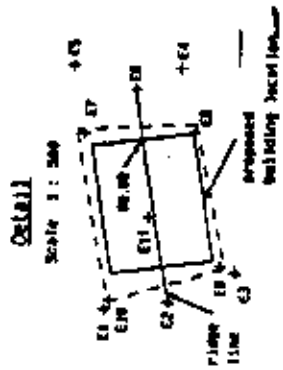
Schedule No. 2
 Site Plan
 Development Variance Permit No. 0305



Consisting correct
 this 4th day of October, 2002.
[Signature]
 B.C.L.S.

13

Elevations shown (and if any referred to) are in metres unless otherwise stated.



original ground elevations

E1	61.48.02
E2	61.49.25
E3	61.49.02
E4	61.48.63
E5	61.48.02
E6	61.48.44

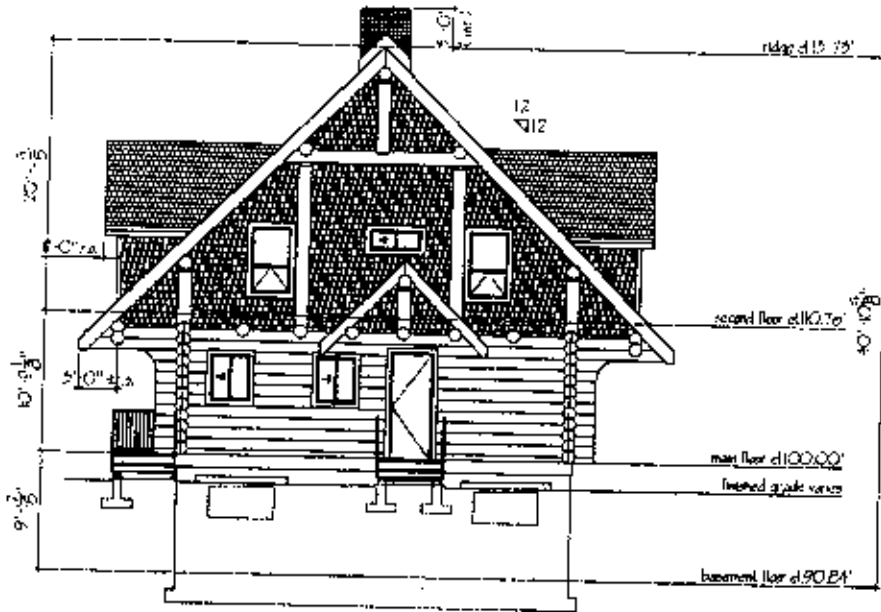
elevations in excavation

E7	61.48.28
E8	61.48.08
E9	61.48.08
E10	61.48.04
E11	61.48.63

The lowest proposed original ground elevation being the ridge line (figure) is 61.48 as shown. Given a maximum allowable building height of 9 m, the maximum allowable building elevation is 60.78 m under current zoning.

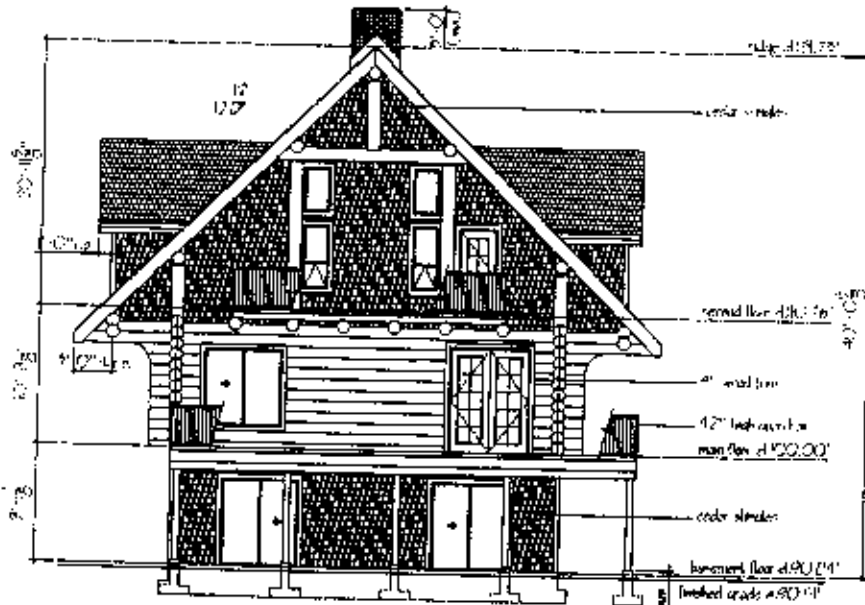
P.R. Hutchinson
 Land Surveying Ltd.
 112 Northpark St.,
 Nanaimo, B.C.
 V9R 3E4
 253-2821

Schedule No. 3
Building Profile
Development Variance Permit No. 0305
(Page 1 of 2)



WEST ELEVATION

WATERS
ASSOCIATES
architectural designers
Box 104, Eppingood, B.C.
Ph. 248-5175 Fax 1



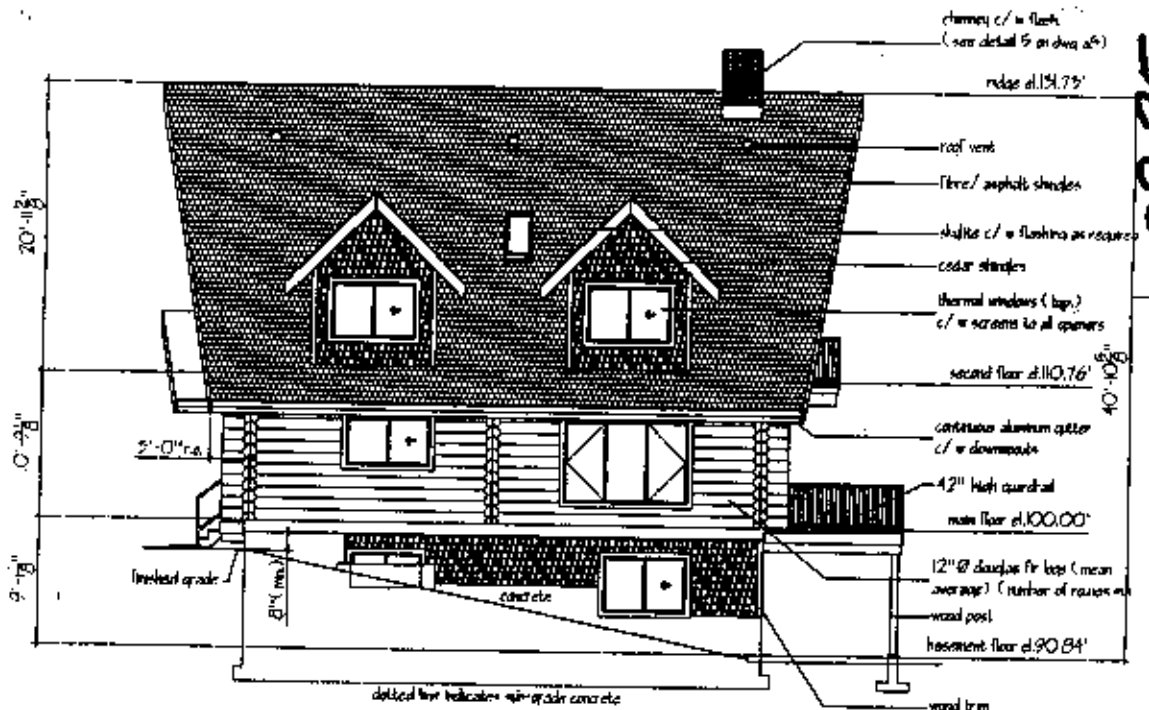
EAST ELEVATION

WATERS
ASSOCIATES
architectural designers
Box 104, Eppingood, B.C.
Ph. 248-5175 Fax 1

07-25

98

Schedule No. 3
Building Profile
Development Variance Permit No. 0305
(Page 2 of 2)

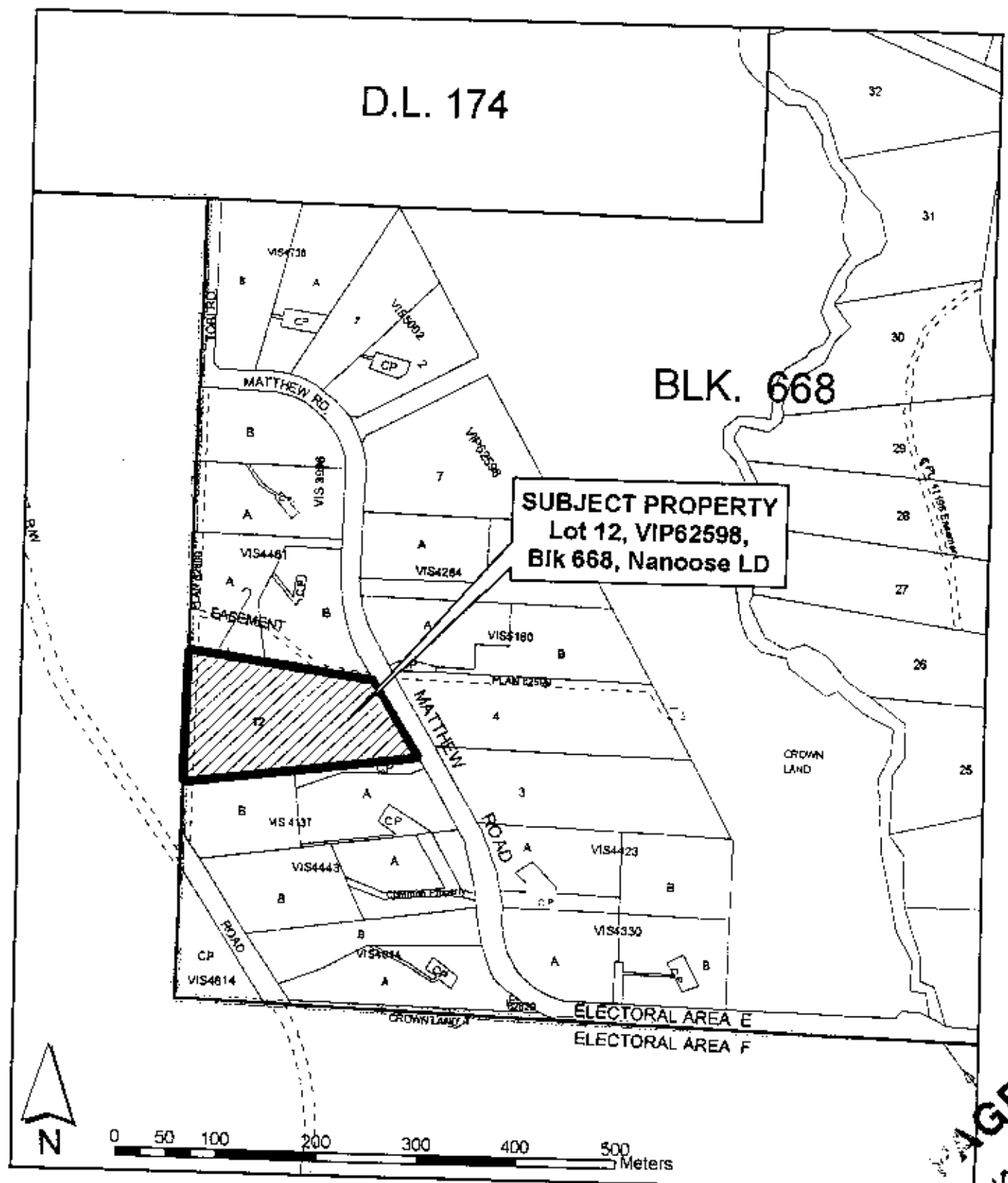


SOUTH ELEVATION

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

WATERS
ASSOCIATES
architectural designers
Box 184, Errington, B.C.
TEL 242-5175 VOR 110

Attachment No. 1
Subject Property Map
Development Variance Permit No. 030



100



REGIONAL DISTRICT OF NANAIMO	
FEB 17 2003	
CHAIR	GMCrs
CAC	GMDS
GMCms	GMES
CAP	

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

DATE: February 14, 2003

FROM: Blaine Russell
Planning Assistant

FILE: 3090 30 0306

SUBJECT: Development Variance Permit Application 0306 -Ballance
Electoral Area 'D' - 2830 Benson View Road

PURPOSE

To consider a Development Variance Permit Application to relax the minimum setback requirements from the interior side lot line property to allow the construction of a garage/loft for a property located on Benson View Road in Electoral Area 'D'.

BACKGROUND

This is an application to relax the 'all lot lines' setback requirement from 8.0 metres to 4.0 metres for only that portion of the interior side lot line which is adjacent and nearest to the proposed two-car garage with loft on the subject property legally described as Lot 8, Section 9 and 10, Range 4, Mountain District, Plan 36191.

The subject property (*approximately 2.0 hectares in size*) is currently zoned 'Rural 1 (RU1)' Subdivision District 'D' pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is bound by other 'Rural 1(RU1)' zoned parcels to the south, east and west and is adjacent to Benson View Road to the North (*see Attachment No. 1 for location of property*). The subject property is located within the RDN Building Inspection Area and is subject to "Regional District of Nanaimo Floodplain Management Bylaw No. 843, 1991". The subject property is currently on a private well and septic disposal system.

The proposed garage is 8.03 metres from grade to peak of roof and has horizontal dimensions of 10.07 metres by 11.29 metres as measured from the outermost portion of the structure (*see Schedule Nos. 2 and 3 for details*).

The applicant has indicated that the proposed garage is to be used for vehicle storage, personal storage and workshop with the loft primarily being used for storage and as a workshop and hobby room. The building will not be used for housing livestock or storing manure (as these uses require a 30 metre setback from all lot lines).

Siting options on the parcel are limited somewhat by two rock bluffs, a swamp and septic field. The subject property features a rock bluff to the southwest that is adjacent to portions of Benson View Road, then the property levels off where the existing dwelling unit, then the north portion of the property drops in elevation due to a second rock bluff. The septic field is located east of the existing dwelling unit; further east is a swamp. The applicant is proposing to site the garage adjacent to the southwest rock bluff. It should be noted that a small portions of the approximately 2.0 metre high rock bluff section has been blasted out in order to provide siting for the proposed garage.

ALTERNATIVES

1. To approve the development variance permit application as submitted, subject to notification procedures.
2. To deny the development variance permit application.

DEVELOPMENT IMPLICATIONS

With the topography of the subject property, views from neighbouring properties are unlikely be impacted by the proposed garage. Pursuant to the *Local Government Act*, neighbours will be notified and have an opportunity to comment on the application prior to the Board's consideration of the permit. It should be noted that the applicant has submitted letters of 'no objection' from 4 surrounding property owners.

The topographic challenges of the subject property limit potential buildable sites for the proposed garage. The applicant's proposed location is one of the few places on the subject property where the garage could be sited; in addition, its proposed location provides for efficient reuse of an existing driveway. The small rock bluff that is adjacent to the proposed garage is approximately 2 metres in height. Rock bluffs, in general, tend to be very stable; however, it should be noted that Building Inspection could require geotechnical report if deemed necessary by the Chief Building inspector.

PUBLIC CONSULTATION IMPLICATIONS

As part of the required public notification process pursuant to the *Local Government Act*, adjacent and nearby residents and property owners will have an opportunity to comment on the proposal prior to the Board's consideration of the permit.

VOTING

Electoral Area Directors – one vote, except Electoral Area 'B'.

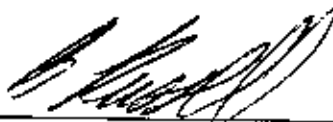
SUMMARY

This is an application to relax the minimum 'all lot lines' setback requirement from 8.0 metres to 4.0 metres for a portion of a west interior side lot line to allow for the construction of a proposed two-car garage with loft. Staff would suggest that, due to the topography of the site and limited buildable site

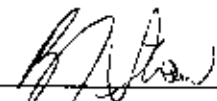
areas, the application has technical merit and can be supported due to the likely minimal impact on surrounding properties.

RECOMMENDATION

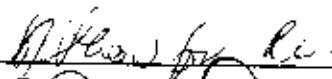
That Development Variance Permit Application No. 0306 by Stanley Neville Ballance to vary the 'all lot lines' setback requirement from 8.0 metres to 4.0 metres for the west interior side lot line to allow for the construction of a two-car garage with loft for the property legally described as Lot 8, Sections 9 and 10, Range 4, Mountain District, Plan 36191 be approved, subject to Schedules No. 1, 2, and 3 and to the notification requirements pursuant to the *Local Government Act*.



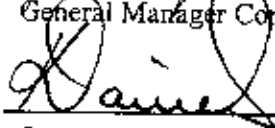
Report Writer



Manager Concurrence



General Manager Concurrence



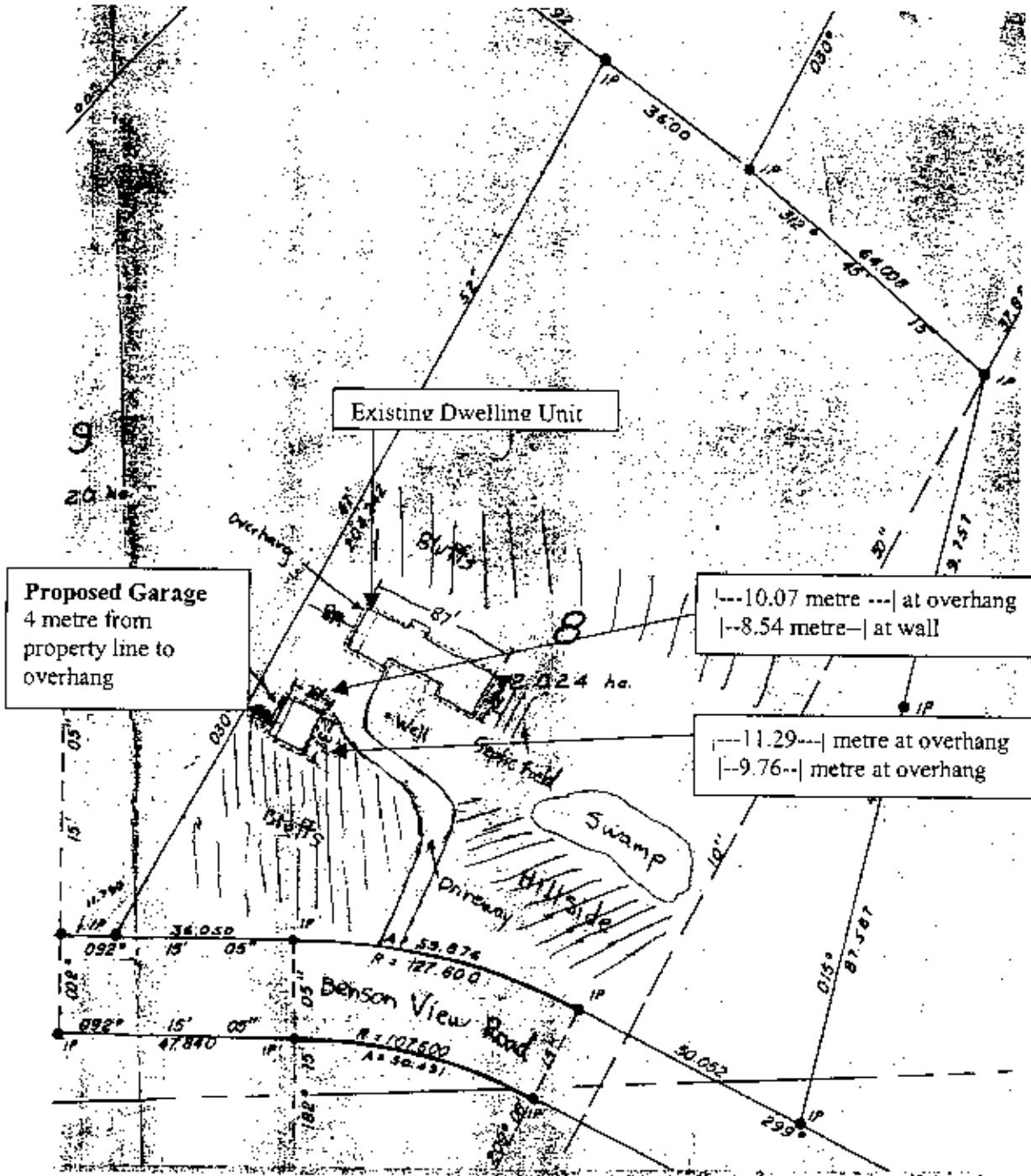
CAO Concurrence

COMMENTS:

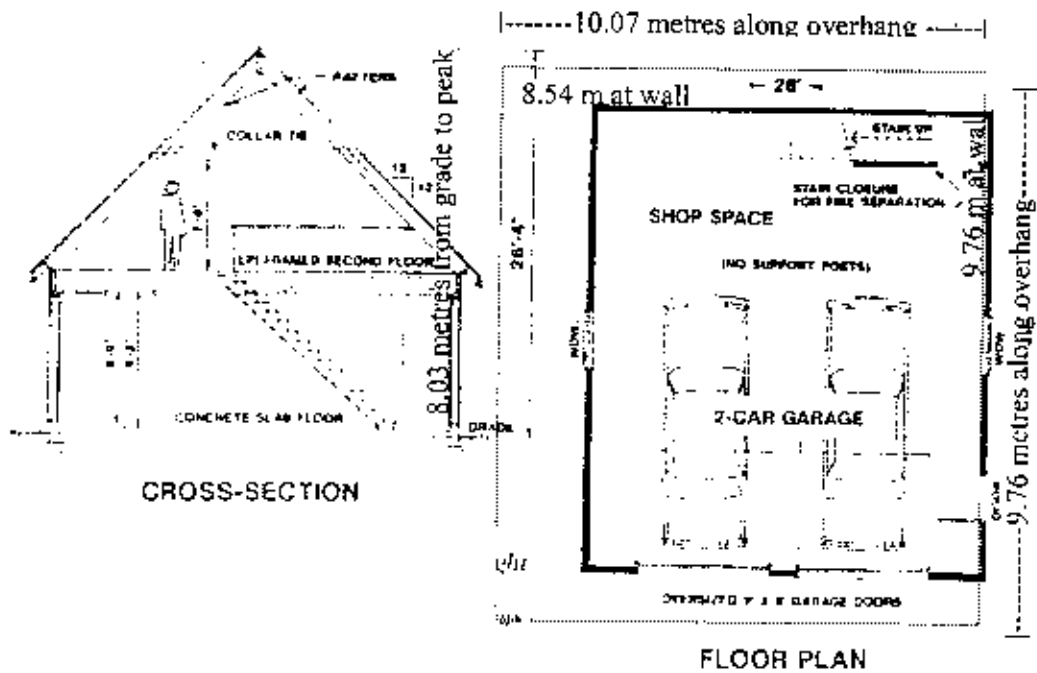
Schedule No. 1
Conditions of Approval

- 1 The garage is to be certified by a Professional Engineer and/or Professional Geotechnical Engineer to be safe for siting and use if deemed necessary by the Chief Building Inspector of the Regional District of Nanaimo.

Schedule No. 2
Site Plan
Development Variance Permit No. 0306



Schedule No. 3
Building Plan
Development Variance Permit No. 0306



Width as measured from overhang 10.07 metres
Depth as measured from overhang 11.29 metres
Height from grade to roof peak 8.03 metres



REGIONAL DISTRICT OF NANAIMO		
FEB 14 2003		
CHAIR	GMCrS	
CAO	GMOS	
GMCS	GMES	
EAP ✓		

MEMORANDUM

TO: Pamela Shaw
Manager of Community Planning

DATE: February 14, 2003

FROM: Susan Cormie
Senior Planner

FILE: 3320 30 24929

SUBJECT: Request for Cash in-Lieu-of Park Land Dedication & Relaxation of The Minimum 10% Frontage Requirement
Applicant: WR Hutchinson, BCLS on behalf of A. Cochran & J. Radzail
Electoral Area 'A' - Greive Road

PURPOSE

To consider a request to accept cash in-lieu-of dedication of park land and to relax the minimum 10% perimeter frontage requirement as part of a proposed five-lot subdivision development.

BACKGROUND

The applicants' agent, WR Hutchinson, BCLS, has requested that cash in-lieu-of park land dedication be accepted as part of a 17-lot subdivision proposal for the 4.05 hectare sized properties legally described as Lot 7 & 8, Section 12, Range 2, Cedar District, Plan VIP53334 and located on Greive Road within Electoral Area 'A' (see Attachment No. 1 for location). The applicants are also requesting that the minimum 10% perimeter frontage requirement be relaxed for 4 of the proposed parcels within the proposed subdivision.

The subject property is currently zoned Residential 2 (RS2) and is within Subdivision District 'M' (minimum 2000 m² with community water) pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987. The applicants are proposing to subdivide the parcel into 17 lots, all of which are greater than 2000 m² in size, therefore meeting the minimum parcel size requirements of Bylaw No. 500 (see Attachment No. 2 for proposed subdivision). The parcels are proposed to be serviced by individual private septic disposal systems and community water supplied by the North Cedar Improvement District.

Park Land Requirements

Pursuant to section 941 of the Local Government Act, the owner of the subject property has the option of:

- a. providing 5% of the gross site area as park land; or
- b. paying cash in-lieu-of providing park land; or
- c. providing a combination of both park land with the balance of 5% given in cash.

Where an official community plan contains policies and designations respecting the location and type of future parks, the local government may determine whether the owner must provide land or cash. In this case, the "Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" specifies that park land dedication may be considered at the time of subdivision subject to meeting the preferred park land criteria

specified in the Plan. The maximum amount of park land the Regional District may request for this property is 5% or 2006 m² of the total site area.

Minimum 10% Perimeter Frontage Requirements

Four of the proposed parcels do not meet the minimum 10% frontage perimeter requirement pursuant to section 944 of the *Local Government Act*. These include:

Proposed Parcel Number	Required Frontage	Proposed Frontage	Perimeter %
5	23.8m	7.02 m	3.01%
6	20.8m	12.57 m	6.03%
7	20.1 m	9.12 m	4.52%
13	19.1m	10.79 m	5.63%

Therefore, as these proposed parcels do not meet the minimum 10% parcel frontage requirement, approval of the Regional Board of Directors is required.

ALTERNATIVES

1. To accept the request by the applicants for cash in-lieu-of park land and approve the request for the relaxation of the minimum 10% frontage requirement for proposed Lots 5, 6, 7, and 13.
2. To deny the request for cash in-lieu-of park land and require the applicants to dedicate park land and approve the request for the relaxation of the minimum 10% frontage requirement for proposed Lots 5, 6, 7, and 13.
3. To deny the requests for cash in-lieu-of dedication of park land and relaxation of the minimum 10% frontage requirement for proposed Lots 5, 6, 7, and 13.

DEVELOPMENT IMPLICATIONS

Official Community Plan Implications

Where the official community plan contains policies and designations respecting the location and type of future parks, the local government may determine whether the owner must provide land or cash or a combination of both. In this case, Electoral Area 'A' the Official Community Plan Bylaw No. 1240, 2001, contains park land related policies which stipulates that park land is desirable where preferred criteria may be met such as waterfront access, environmentally sensitive areas, providing trail linkages, or preserving viewpoints. As the subject property does not contain a preferred park and trail element, the OCP supports cash in-lieu-of park land.

Area 'A' Parks, Recreation and Green Space Advisory Committee Implications

The Area 'A' Parks, Recreation and Green Space Advisory Committee reviewed the proposal and have recommended that the offer to give cash in-lieu-of park land be accepted as there is no preferred park and trail element pursuant to the OCP or the Electoral Area 'A' Community Trails Study within the subject property.

Park and Recreation Implications

Parks and Recreation staff have reviewed this request for cash in-lieu-of park land and recommend that the request for cash in-lieu-of park land be supported.

Lot Configuration Implications

The requested variances for all the proposed parcels are necessary as these parcels are proposed to front cul-de-sac roads. The applicants' agent has provided a site plan that shows buildable site areas are available for each of the parcels requiring frontage relaxation. Therefore, these cul-de-sac parcels, despite the narrower frontages, will be able to support the intended residential use.

Ministry of Transportation

Ministry of Transportation staff has indicated that they have no objection to the request for relaxation of the minimum 10% frontage requirement.

ENVIRONMENTAL IMPLICATIONS

The Regional District of Nanaimo Environmentally Sensitive Areas Atlas indicates that there are no environmentally sensitive areas within the subject property.

FINANCIAL IMPLICATIONS

The subject property has an assessed value of \$363,000.00 according to the 2003 authenticated assessment roll. The valuation of the property for 5% cash-in-lieu of park land charges will be based on a certified appraisal of the land at the time of preliminary subdivision approval (PLA). Therefore, it is anticipated that the appraised market value would result in an approximately \$18,150.00 contribution to Electoral Area 'A' community parks fund.

VOTING

Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY

This is a request to provide cash in-lieu-of park land pursuant to section 941 of the *Local Government Act* as part of a 17-lot subdivision development and to relax of the minimum 10% perimeter frontage requirement for 4 of the proposed parcels pursuant to section 944 of the *Local Government Act*. With respect to the minimum 10% perimeter frontage requirement, the applicants' agent has supplied information supporting buildable site areas for these proposed parcels. The Ministry of Transportation staff has indicated that they have no objection to the request for the proposed minimum 10% frontage relaxations.

With respect to the park land requirement, the subject parcel does not contain a preferred park acquisition element as set out in the OCP. The Area 'A' Parks, Recreation and Green Space Advisory Committee support the applicants' request to give cash in-lieu-of park land.

Therefore, given that the Ministry of Transportation has no objections to the frontage relaxation request, that the OCP and Area 'A' Advisory Recreation and Parks Advisory Committee supports cash in-lieu-of park land dedication, staff recommend Alternative No. 1, to accept cash in-lieu-of park land and approve the 10% frontage relaxation on proposed Lots 5, 6, 7, and 13.

RECOMMENDATION

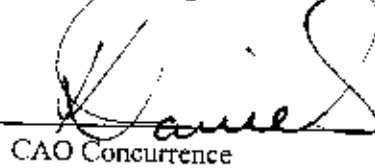
That the requests, submitted by WR Hutchinson, BCIS, on behalf of James Radzvil and Agnes Cochran, for cash in-lieu of park land dedication be accepted and to relax the minimum 10% frontage requirement for proposed Lots 5, 6, 7, and 13, as shown on the plan of subdivision of Lot 7 & 8, Section 12, Range 2, Cedar District, Plan VIP53334, be approved.



Report Writer


General Manager Concurrence

Manager Concurrence

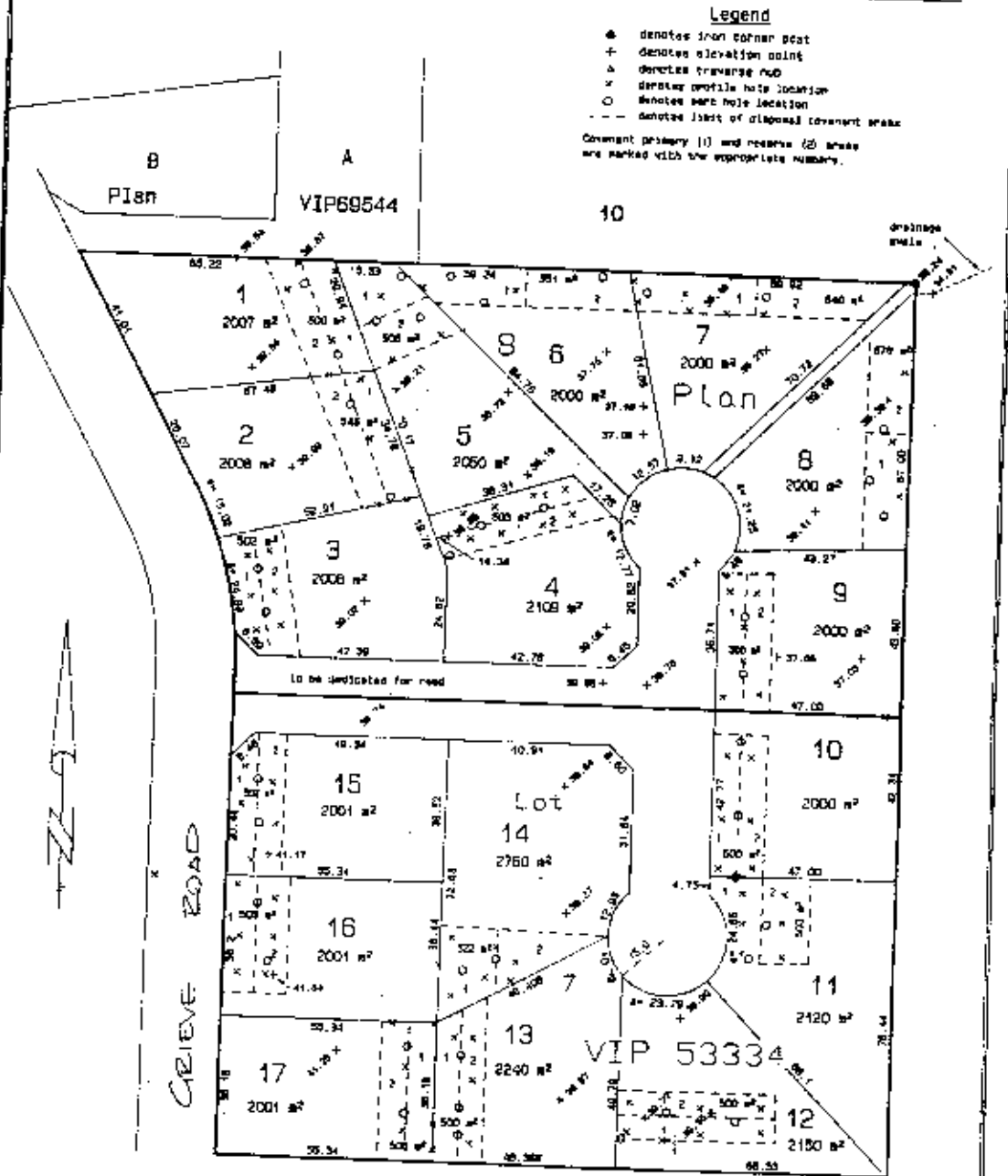

CAO Concurrence

COMMENTS:

de:vs/repori/2003/park frtge fe 3320 30 24929 radzvil doc

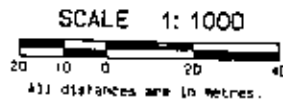
**ATTACHMENT NO. 2
 PROPOSED SUBDIVISION
 (as submitted by applicant)**

Plan of proposed subdivision of Lots 7 & 8,
 Section 12, Range 2, Cedar District, Plan VIP53334.



V.R. Hutchinson
 Land Surveying Ltd.
 512 Wentworth St.,
 Toronto, B.C.
 V6R 3E4
 753-2921

Elevations are based on a Bench Mark
 in a hydrant pole on Marland Road,
 elevation = 39.49





REGIONAL DISTRICT OF NANAIMO			
FEB 18 2003			
CHAIR		GMCrS	
CAO		GMDS	
PLNOM8		GMES	
EAP			

MEMORANDUM

TO: Pamela Shaw
Manager of Community Planning

DATE: February 19, 2003

FROM: Susan Cormie
Senior Planner

FILE: 3320 30 14994

SUBJECT: Request for Park Land Exchange - Fern Road Consulting Ltd. on behalf of R. & L. Todsen & McTay Holdings Ltd.
Electoral Area 'G' - Off Hawthorne Rise and White Pine Way

PURPOSE

To consider a request to exchange part of existing park land with a portion of the adjacent property as part of a subdivision proposal.

BACKGROUND

The applicant's agent, Fern Road Consulting Ltd has requested that a part of the dedicated park land be exchanged with the neighbouring property legally known as The Remainder of Lot 1 District Lot 49, Nanoose, Plan 19351 and located off White Pine Way in Electoral Area 'G' as part of a subdivision proposal for the Remainder of Lot 1 (see Attachment No. 1 for location). As part of the request, the applicants also have offered to construct a pathway through the park land including the provision of 2 culverts or foot bridges.

The existing park land was dedicated at the time of a previous subdivision application but has remained land locked and therefore, the park land has not been accessible for use by the general public. In 1994, the same park land was under consideration for a park exchange that also involved a park land purchase. The corresponding Bylaw No. 937 was given two readings and held pending until a purchase agreement was met. The purchase agreement has never been settled upon and as a result, the bylaw never proceeded.

The adjacent property is currently zoned Residential 1 (RS1) and is within Subdivision District 'Q' pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987. The applicant is proposing to subdivide the parent parcel into 29 lots. A portion of the existing park land infringes on the location where the applicant wishes to dedicate a road right-of-way. As a result, the applicant is requesting an exchange of land in order to better facilitate the subdivision layout (see Attachment No. 2 for proposed park exchange).

There is no additional park land dedication required as part of this subdivision application.

Electoral Area 'G' Recreation and Parks Advisory Committee

The park land exchange proposal was forwarded to the Electoral Area 'G' Recreation and Parks Advisory Committee. Concerning the first proposal, the Committee made the following recommendation:

That the Electoral Area 'G' Parks and Open Space Advisory Committee recommend that the RDN Board not approve the modification of the boundary of Park G-13 as part of the Todsén Design and Construction Ltd. subdivision plan insofar as the separate 1217 m² western portion is undesirable as park land and the park should be kept in one continuous parcel.

CARRIED

The Committee also provided a record of the discussion and general consensus of its members with respect to the proposal. Based on some of the suggestions from this committee, the applicant reconfigured the park land exchange proposal, which was presented at the Public Information Meeting.

Public Information Meeting

A public information meeting was held on February 12, 2003 at the St. Columba Presbyterian Church Hall. Notification of the meeting was advertised in the Parksville Qualicum News and the RDN web site, along with a direct mail out to all property owners within 100 metres of the subject property. Approximately 65 people attended the information meeting and provided their comments with respect to the proposal following the applicant's presentation of an overview of the proposal (*see Attachment No. 4 'Proceedings of the Public Information Meeting'*). Park related issues raised at the public information meeting included potential impact on wildlife; retention of trees within the park land; concern for the proposed park land adjacent to future White Pine Way and access to park land; concern for the possible dedication of unusable area for park due to location of watercourse; request for larger park area; and concern for a wide linear access area.

In addition to the Public Information Meeting, additional comments that have been received to date are attached (*see Attachment No. 5*).

From the comments received at the Public Information Meeting, the applicants submitted a further revised plan of park land exchange (*see Attachment No. 2*).

It is noted that the exchange of dedicated park land is pursuant to section 305.2 of the *Local Government Act*, which requires that the local government must provide a counter petition opportunity in relation to the proposed bylaw.

ALTERNATIVES

1. To accept the request by the applicant for park exchange and give Bylaw No. 1333 1st & 2nd reading subject to the conditions set out in Schedule No. 1 prior to proceeding to counter petition pursuant to section 305.2 of the *Local Government Act*.
2. To deny the request for park exchange.
3. To request the Area 'G' Recreation and Parks Advisory Committee to provide further comments and recommendations on the revised park land proposal as suggested by staff and shown on Attachment No. 3 of the staff report prior to the March 11, 2003 Board meeting.

PUBLIC CONSULTATION IMPLICATIONS

A Public Information Meeting was held on February 12, 2003, the minutes of which are attached for information (*see Attachment No. 4*). In addition to the comments and correspondence received at the Public Information Meeting, a number of letters have been received since the meeting and these letters are also attached to this report (*see Attachment No. 5*).

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PAGE

RECREATION AND PARKS DEPARTMENT / ELECTORAL AREA 'G' PARKS AND OPEN SPACE ADVISORY COMMITTEE IMPLICATIONS

RDN Recreation and Parks staff has reviewed the amended plan of the proposed park land exchange noting the objectives of the applicable OCP criteria and guidelines can be met.

The Electoral Area 'G' Parks and Open Space Advisory Committee have not reviewed the amended plan. It is noted that staff has received comments from the public, and some members of the advisory committee requesting the amended park land exchange proposal be referred back to the Electoral Area 'G' Parks and Open Space Advisory Committee for further comments and recommendations.

LOT CONFIGURATION IMPLICATIONS/MINISTRY OF TRANSPORTATION

In response to comments heard at the Public Information Meeting, the applicants amended their proposal by removing the proposed park land running adjacent to the future White Pine Way where an existing Highway's right-of-way is located for providing access to the park land. (It is noted that there is a drainage ditch within this 3.0 metre wide right-of-way). Ministry of Transportation staff has indicated that the dedication of White Pine Way, including where the Ministry's statutory right-of-way is located, will be required to be dedicated at time of subdivision. Therefore, as this portion of the property will be a public road, park land dedication is not necessary.

It is also noted that the same statutory right-of-way extends south from White Pine Way to the existing north boundary of the park. Next to this right-of-way, the drainage course runs to approximately the middle of the proposed park boundary in this location. Therefore, staff recommends that the portion of the park exchange land that is proposed to connect to White Pine Way include only 13.0 metres of proposed area. This will include the current statutory right-of-way and the drainage course as well. The balance of the park land exchange area is recommended to be added to the north / south boundaries of the park adjacent to proposed Lots 16/17 (*see Attachment No. 3 for suggested changes*).

ENVIRONMENTAL IMPLICATIONS

The Regional District of Nanaimo Environmentally Sensitive Areas Atlas indicates that there are no environmentally sensitive areas within the subject property. Therefore, there is no corresponding development permit area for the protection of the natural environment designated on this site. It is noted however, that the small stream crossing the subject property and park land is considered a watercourse and the Approving Officer may request protection of this watercourse as part of the subdivision review. In consideration of the location of the watercourse, the applicants have offered to register vegetation retention/no buildings or structures covenant on proposed Lot 15 for the purposes of providing additional protection for the watercourse due to its close proximity to Lot 15's rear lot line boundary.

VOTING

Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY

This is a request to exchange a part of existing park land with a portion of private land. The original request was forwarded to the Electoral Area 'G' Park and Open Space Advisory Committee for comments and recommendations. Based on some of the suggestions from this Committee, the applicant reconfigured the park land exchange proposal, which they presented at a Public Information Meeting held to gather comments from residents. From the comments received at this meeting, the applicants further reconfigured the park land exchange proposal (see Attachment No. 2). This latest proposal includes a 21-metre wide access from the future White Pine Way and small adjustments adjacent to proposed Lots 16 and 17. It is noted that this revised proposal has not been considered by the Electoral Area 'G' Park and Open Space Advisory Committee.

Given public comments suggesting the linear portion of the proposed park land be reduced to 4.0 metres and that the statutory right-of-way for access is located within the proposed park land area, staff recommends that, as a compromise, the park land proposal be further reconfigured by narrowing the linear portion of the park land to 13.0 metres in width which will include the right-of-way and drainage course and by adding the balance of the linear portion to the north/south boundaries of the park land adjacent to proposed Lots 16/17.

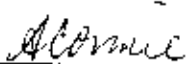
There is currently no agreement with the applicants on the suggested staff alternative (see Attachment No. 3), but it is felt that this alternative offers a solution and as a result, comments from the Parks Advisory Committee is recommended. It is noted that this alternative offers a narrower linear access and still retains the drainage course within the proposed park land boundary, therefore meeting the objectives of the French Creek Official Community Plan.

It is further noted that the applicants have withdrawn their offer to construct a pathway through the park land as of the date of this report.

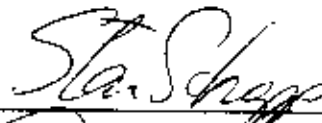
As a result of the further proposed changes to the park land exchange configuration as suggested by staff, it is recommended that, as outlined in Alternative No. 3, this request be forwarded to the Electoral Area 'G' Parks and Open Space Advisory Committee for recommendations.

RECOMMENDATION

That the Electoral Area 'G' Parks and Open Space Advisory Committee be requested to provide further comments and recommendations on the revised park land exchange proposal as suggested by staff prior to the March 11, 2003 Board meeting.



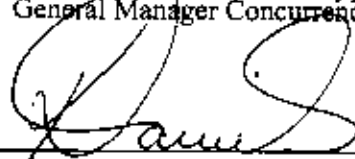
Report Writer



General Manager Concurrence



Per Manager Concurrence

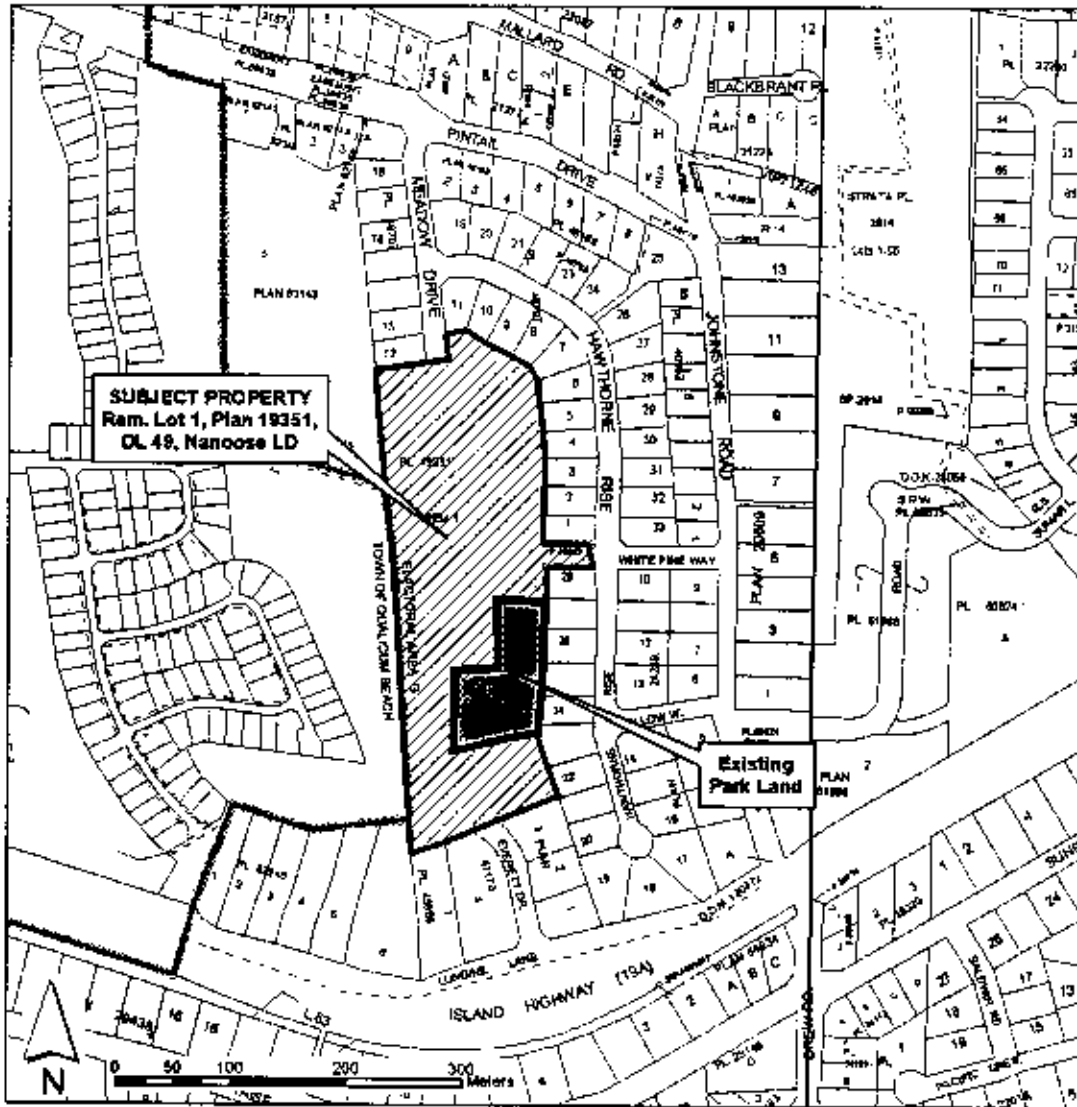


CAO Concurrence

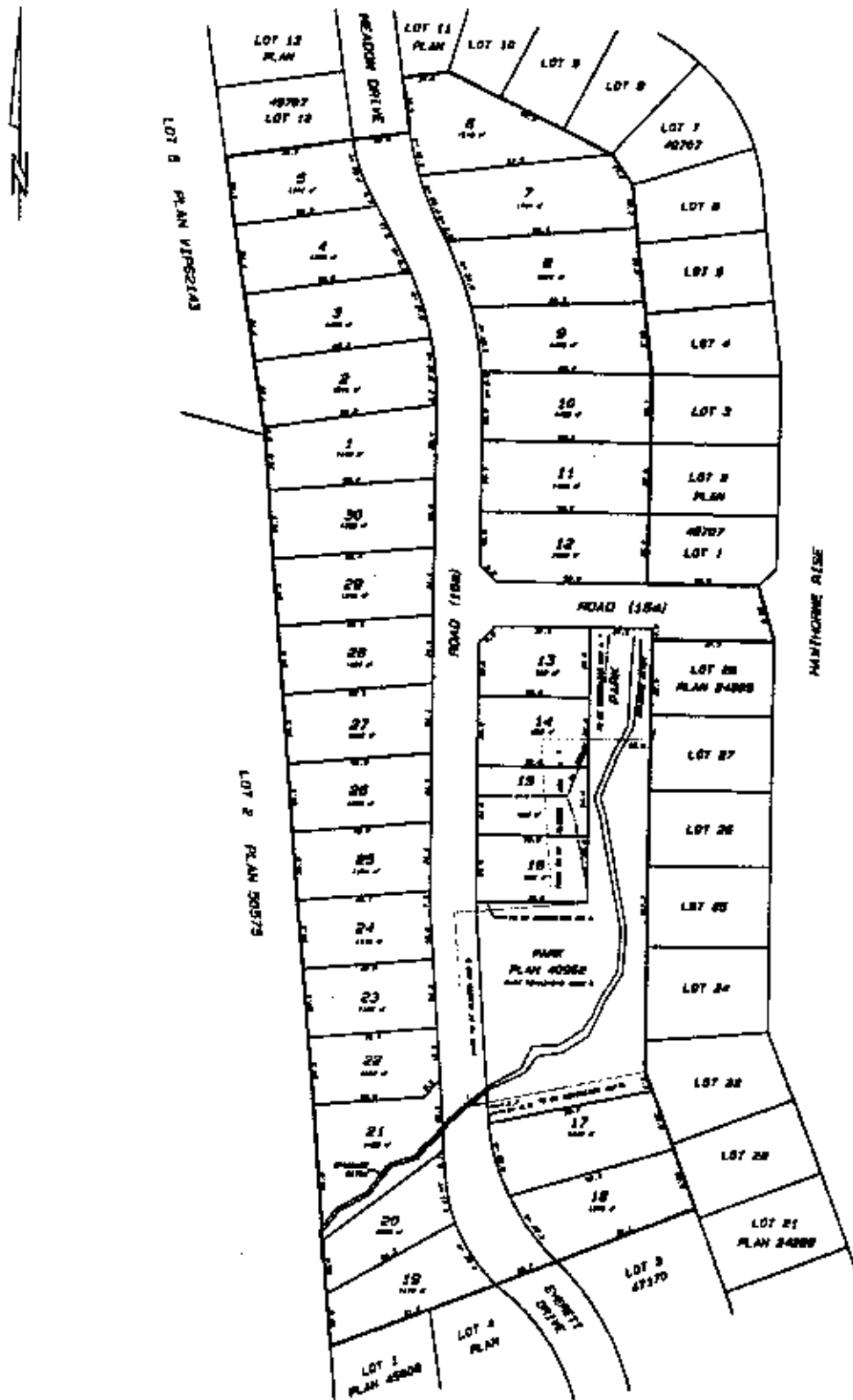
COMMENTS:

devsvs/report/2003/park_fe_3320_30_14994_todsen/fern_raod.doc

ATTACHMENT NO. 1
SUBJECT PROPERTY LOCATION

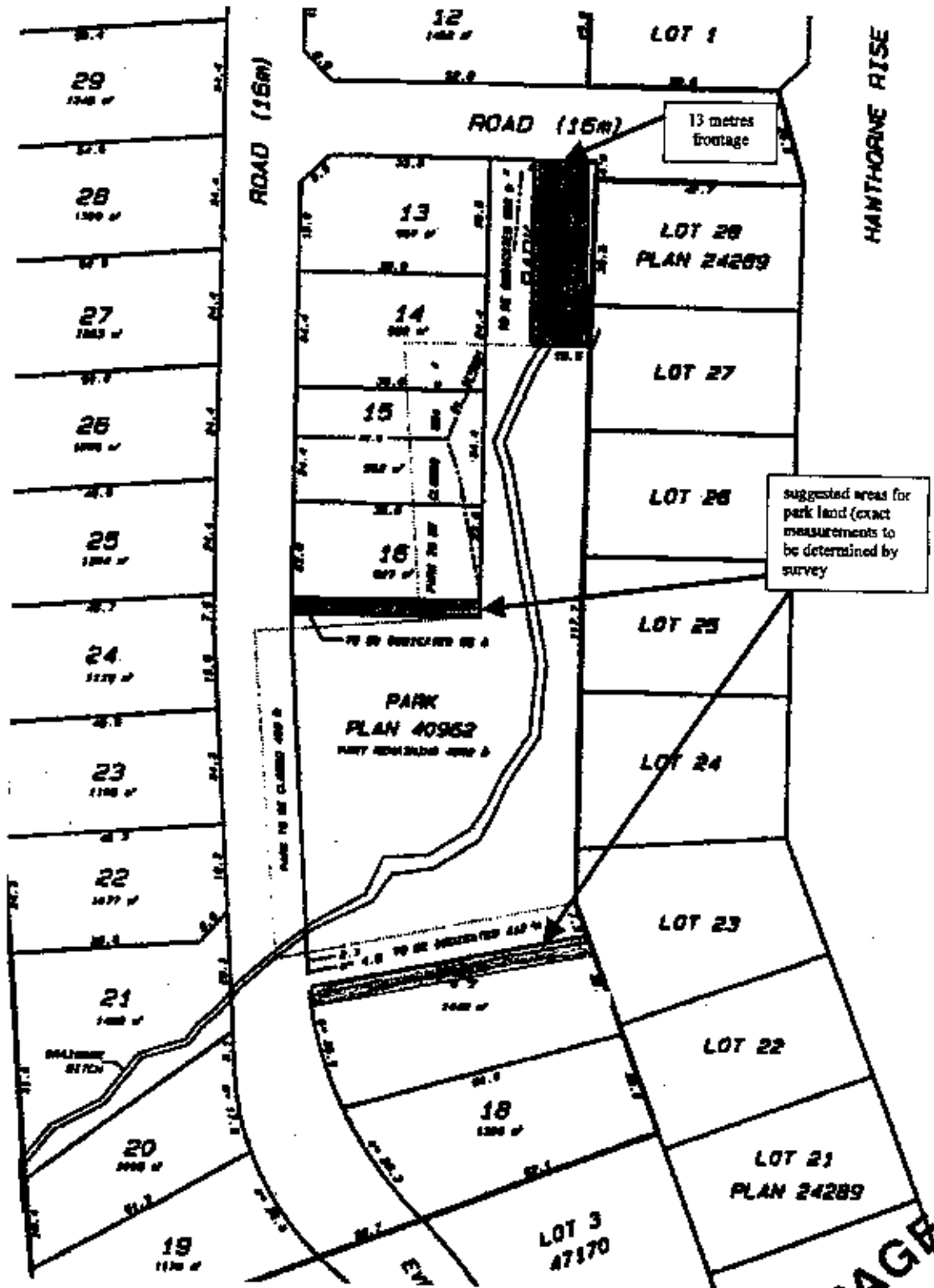


ATTACHMENT NO. 2 (1 of 2)
PROPOSED PARK LAND EXCHANGE
(as submitted by applicant)



ATTACHMENT NO. 3

SUGGESTED PARK LAND CONFIGURATION



ATTACHMENT NO. 4
PUBLIC INFORMATION MEETING
REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE PUBLIC INFORMATION MEETING HELD
WEDNESDAY, FEBRUARY 12, 2003 AT 7:00 PM AT ST. COLUMBA'S
PRESBYTERIAN CHURCH HALL 921 WEMBLEY ROAD, FRENCH CREEK
TO CONSIDER THE APPLICANTS' PROPOSAL TO AMEND THE EXISTING PARK
BOUNDARY AS PART OF A SUBDIVISION APPLICATION FOR
THE REMAINDER OF LOT 1, DISTRICT LOT 49, NANOOSE DISTRICT PLAN 19351

Note that these minutes are not a verbatim recording of the proceedings, but are intended to summarize the comments of those in attendance at the Public Information Meeting.

Present for the RUN:

Mable Klee	Alternate Director, Electoral Area 'G' - Chairperson
Susan Cormie	Senior Planner
Keeva Kehler	Planner

Present for the applicant:

Helen Sims
Rick Todsén
Linda Todsén
Robert Taylor

There were approximately 65 people in attendance.

The Chairperson opened the meeting at 7:05 pm, and introduced staff at the head table. The applicants and their agent, Helen Sims were also introduced. Director Lou Biggemann, Electoral Area 'F', Mayor Teunis Westbrook, Qualicum Beach and Councilor Anton Kruyt, Qualicum Beach were also in attendance.

The Senior Planner provided an overview of the applicants' proposal to exchange a part of park land with a portion of Remainder of Lot 1, District Lot 49, Nanoose District, Plan 19351. The proposal would establish a new park boundary but would not result in a change in area for the park. The application has been forwarded to the Area 'G' Parks Advisory Commission for comments and recommendations. The minutes from the Electoral Area 'G' Parks and Open Space Advisory Committee have not yet been released.

Ms. Helen Sims, agent for the applicants, provided a history of the park and the original subdivision. The park was dedicated in 1983 and the Area Director at the time made the decision on the park shape and area. The park represents 5% of the area proposed for subdivision. Ms. Sims outlined the road dedication requirements for the Ministry of Transportation (MOT). Ms. Sims explained that the Electoral Area 'G' Parks and Open Space Advisory Committee rejected the first proposal, which offered an isolated portion of park across the road. The amended proposal allows for a linear connection with trails crossing the drainage culvert. The applicants are offering a small culvert or bridge in two places to allow for the trail construction.

The Chairperson invited comments from the audience.

Harry Lewis, 1313 Leeward Way, Qualicum Beach asked what the setbacks are for the houses developed on the lots? Mr. Lewis also commented that he was concerned about a particular section of the proposed subdivision.

Ms. Sims answered that the properties will be zoned Residential 1 and have standard setbacks from the rear lot line, 2 m in this case. The Senior Planner confirmed the rear setbacks.

Deborah Simpson, 1371 Lundine Lane –asked if there would be a set of lights at Johnstone and if the proposal to block Lundine Lane is going ahead.

Ms. Sims answered that MOT is discussing this option at the moment and no final decision has been made yet.

Ms. Simpson stated that the addition of 30 lots would affect their access to their home.

Ms. Sims indicated that the long-term plan is to install a set of lights at Johnstone Road and traffic will go from White Pine Way to Willow Way to Johnstone Road. Ms. Sims indicated that the Ministry of Transportation will set the time line for the lights.

Pauline Young, 632 Hawthorne Rise wanted to know if any study has been done to assess the potential impacts on wildlife in the park and would the road have a negative impact on the wildlife?

The Senior Planner clarified that a study has not been done and the Ministry of Transportation would be the agency to refer the subdivision application to the Ministry of Water, Land and Air Protection (WLAP) before final approval is issued.

Ms. Sims reiterated that the park will be a different configuration, but the area will remain the same.

Gary Rees, 610 Hawthorne Drive wanted information on the easement over Alexander Creek, which he claims is an active salmon bearing stream and that he stated that he has seen salmon come up the stream. Mr. Rees wanted to know how many trees would be retained on the entire property.

Ms. Sims explained that the trees in the park would not be touched. The park is owned by the RDN.

Mr. Rees questioned why the applicants would propose a trail over top of an open easement.

Ms. Sims explained that there is no access to the park at the moment. Ms. Sims stated that the Ministry of Transportation standards have changed and they will not require a 20 m wide road dedication, 16 m will suffice. Ms. Sims also stated that constructing a trail to provide access along the road is a nicer and safer way for people to access the park that the drainage ditch will be culverted, and access will be provided by way of a trail over the watercourse.

Mr. Rees indicated that he was surprised that there was no representative from Ministry of Transportation present at the meeting to answer questions that fell under their jurisdiction.

Ms. Sims said she has a letter from the Ministry supporting the 16 m roadway in principle.

Mach Stone, 524 Dalmatian Drive, read a statement concerning the proposal, a copy of which is attached to these minutes.

Elizabeth Dean, 530 Meadow Drive wanted to know if the trail along White Pine is included in the park area.

Ms. Sims stated that there is no increase in the park area; the exchange represents an equal trade.

Ms. Dean felt that the trail along the roadway is not really a park and should not form part of the park area. Ms. Dean questioned the width of the panhandle in the original plan and noted that the panhandle is wider in the current proposal and she wanted to know why this was the case?

Ms. Sims stated that the panhandle is 21 m in width on this option.

Ms. Dean asked if Dalmation Community Park includes the pedestrian access as part of the parkland.

The Senior Planner explained that pedestrian access to a park is usually used to calculate the park area.

Ms. Dean was questioning if it is normal to accept access as part of the park.

Tennis Westbrook, Willow Road, Qualicum Beach questioned how the developer would be providing water to service the new lots.

Ms. Sims explained that Breakwater Enterprises would provide water to the properties. No additional pressure will be place on the Sandpiper water system.

Mr. Westbrook noted his concern to the proposal because the Town of Qualicum cannot provide water to residents outside the town boundary and that before development proceeds, the developer should prove that quality water is available.

Jackie Cronin, 1405 Mallard Road indicated that she was the former Chair of the Electoral Area 'G' Parks and Open Space Advisory Committee and she supports the proposal for the park exchange. Ms. Cronin stated that she felt the proposal provided for public access, preserved the trees, provided linkage to walking routes, and created a pedestrian trail.

Tony Bloxham, 654 Hawthorne Rise felt the developer should be willing to enlarge the park area to show good faith and enhance his reputation as a developer in the area. Mr. Bloxham also commented the developer did have a good reputation up to this point and losing a lot would not be detrimental to the developer but would result in a benefit to the community.

Rick Todsén, applicant, stated that they had offered an additional 340 square metres of park land but the Electoral Area 'G' Parks and Open Space Advisory Committee rejected the offer because the area contained a pond and was isolated from the remainder of the park. Mr. Todsén also noted that the Committee did not want to see park in two separate sections.

Brian Coath, Chair of the Electoral Area 'G' Parks and Open Space Advisory Committee explained that the area offered with a pond would be more expensive to maintain and posed some liability risks. Mr. Coath further explained that the Committee wanted to see the park in one contiguous piece and they wanted an area of dry usable land to be used for park.

Lawrence Hill, 521 Hawthorne Rise wanted to know who said that there were no fish present in Alexander Creek.

Ms. Sims explained that the drainage ditch is not shown as a fish bearing stream on the Environmentally Sensitive Areas Atlas (ESA) published by WLAP.

Jill Pinkerton, 536 Hawthorne Rise commented there is no access to the dedicated park as it exists and nobody can use the park now. Ms. Pinkerton stated that she wants to see the area opened and access provided so it can be used after being a park for 20 years and that she has no problem with the re-configuration if it means the park will be accessible. Ms. Pinkerton also commented that she would like to see the developer retain as many trees as possible in the entire development and that the bottom line is that Ms. Pinkerton would like a useable park.

Richard Dean, 530 Meadow Drive quoted Ms. Sims as saying the Parks Advisory Committee supported a linear connection and he wondered how Ms. Sims knew this information considering that the minutes have not been released or approved. Mr. Dean asked how Ms. Sims could quote their recommendation when it is not finalized.

Ms. Sims stated that the OCP for the area supports linear connections and she discussed the outcome of the meeting with Parks Department staff to determine if they needed to review the proposal.

Mr. Dean wanted to know why there was a 21 m strip of land along the roadway for a linear pedestrian connection and that he felt the park exchange was merely to suit the amended lot configuration.

Ms. Sims reiterated that an L-shaped park exists already.

Robert Taylor, applicant explained that they hope to develop the park as a focus point for the community, for existing and future residents and that the current configuration results in a dead end. Mr. Taylor was concerned that people would find the park less useful if there were only one access. Mr. Taylor also stated that he wanted people to have a safe and enjoyable area to walk through and felt the current proposal was in the best interests of the community. Mr. Taylor further stated that it is the desire of the applicants to work with the Region and the community to develop trails and improve the park.

Lyle Hollingworth, Director of the FCRA stated that that he has a blueprint showing that there currently is access to the park. Mr. Hollingworth stated that the area dedicated as park is a stream and there would be setbacks anyway under the RDN regulations that limit the use of the area for buildings. Mr. Hollingworth also stated that the creek would have to be left as open space regardless of the park dedication.

Glen Cooper – 568 Hawthorne Rise – Former president of the French Creek Residents' Association – made a presentation and submitted a written comment to the Chairperson. Mr. Cooper mentioned that some of the trees in the park and in the area proposed for subdivision suffer from root rot. Only Douglas fir trees are affected. Trees that suffer from root rot may pose a safety risk. Mr. Cooper also mentioned that creeks pose a liability

Craig Young, Area 'G' Parks Advisory Committee asked when will White Pine Way be opened, will it be part of the first phase of construction?

Ms. Sims stated that it may be, but this has not been finalized. The time frame has not been set.

The Chairperson noted that correspondence from Linda Skogstad was received. All correspondence received prior to the close of this meeting is attached.

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The **Chairperson** asked if there were any final questions or comments. Being none, the Chairperson thanked those in attendance and announced that the public information meeting was closed.

The meeting concluded at 8:00 pm.

Keeva Kehler
Recording Secretary

Lapointe Engineering Ltd.
facsimile transmittal

322 Industrial Avenue
Kitimat, B.C. V8C 2E9

Tel: 250-839-9252
Fax: 250-839-9255

Date: February 10, 2002
To: Susan, Planning Department
Regional District of Nanaimo
From: Linda Skogstad

File No.:
Fax No.: 250-390-7511
Number of pages: 2
Original to follow by mail (yes/no): No

Further to our telephone conversation on February 7, 2003 and your subsequent fax, following is my letter voicing our concern regarding the proposed change to the Park Boundary.

I appreciate your expressing our concern at the February 12, 2003 Information meeting. I will phone you on February 13, 2003 to discuss the outcome of that meeting.

If you wish to fax me information either before or after the meeting, please phone me first at 250-639-9252 and I will go out to the fax machine to get your fax.

Thanks for your help,

Linda Skogstad

We intend this fax for the person named above. If you are not the addressee, please notify us immediately by telephone.

PAGE
127

21 Brant Street
Kitimat, BC
V8C 1R5
February 10, 2003

VIA FAX

RDN Planning Department
6300 Hammond Bay Road
Nanaimo, BC
V9T 6N2

ATTENTION: Susan
Planning Department

Dear Susan:

RE: Notice of a Public Information Meeting Regarding a Proposed Change
to the Existing Park Land Boundary Adjacent to the Remainder of Lot 1,
District Lot 49, Nanoose District, Plan 19351

Thank you for faxing me the Plan of the Proposed Subdivision of Part Lot 1, Plan 19351, District Lot 49, Nanoose District.

My husband and I reviewed the proposed change to the existing park boundary, and are strongly opposed to this change. We purchased the house and property shown as Lot 25 in November 2003, as our retirement home, mainly because this lot does back onto a wide stretch of Park Land. Prior to signing the purchase agreement, our Remax agent assured us that the existing Park Land boundary would not change when the owner of the remainder of Lot 1 developed that property, and that the zoning for Lot 1 would remain as single family residential.

The proposed narrowing of this park area would negate the rural privacy of our back yard and, in our opinion, would also devalue our property.

Because we currently live in northern BC, we are unable to attend the February 12, 2003 Information Meeting. We trust that you will voice our opposition, and will phone you on February 13, 2003.

Sincerely,


Linda Skogstad

Untitled

LUNDINE PARK, FENCH CREEK, RDN Area G Acceptable Modifications

1/ The location of the park must remain essentially as Everett Lundine showed us and promised to us who bought lots in St. Evar, and built on them, hoping to see the day we could enjoy the park, and bring visitors, including grandchildren in perfect safety and harmony with nature, especially the trees and birds.

2/ The park must remain in one piece only, on the east side of the planned main through road, much as planned originally.

3/ The park should be essentially rectangular, with the absolute minimum area in any sort of panhandle, i.e. running north & south.

4/ Those existing lots on Hawthorne Rise that were to be contiguous to the park, must remain so. Any other lots on the west side of that street that were not planned to be adjacent to any part of the park, must remain so. In other words the eastern side of the park should not -- * -- be tampered with. The people who bought lots there had certain expectations, and these should be honoured, and remain intact.

5/ If there is to be an exchange of a strip of park land, to allow for a sensible street alignment, then the land the park is to receive must be equal or better than the strip in terrain, usefulness, dryness and free from present or future flaws or dangers that could detract from safety or cost or enjoyment by the residents at the earliest feasible date.

It must be recognized that the RDN has no money for remedial works on land acquired for parks. The tiny maintenance budgets for park upkeep in each area are for such things as mowing grass, limbing dangerous trees, replenishing bark mulch paths, and the like. There are capital funds but these are restricted to the acquisition of land, not for altering its terrain, or even for making it safe.

Further, there has never been any suggestion of possible need for raising money from service clubs, charitable benefactors, or from taxpayers in area G to provide remedial works so the park can be fully and safely used from the outset. For the present owners to make any exchange proposals that would lead in that direction would be to set any opening back at least a decade, and it would break faith with the covenants that were understood when St. Evar was developed. Surely the RDN can not now be asked to approve or allow such a travesty to occur. We strongly suggest the developers rethink their plans and forego one or two building lots, if that is what is necessary to provide the park as originally planned, or EQUAL, in area G

* "tampered with" --- with a quite possible exception of an extension southward, of as much as 7,8, or 9 metres (back of lot 17) or a related exchange, to benefit the park.

J. C. Cooper
568 Hawthorne Rise
Parksville V9P 2K3

February 12, 2003

To: RDN Planning Department

Re: The Remainder of Lot 1, District Lot 49, Nanoose District, Plan 19351

My name is Jacquie Cronin. I am the former chairman of the French Creek Parks and Trails Committee —a group that was formed to incorporate a parks and trails system into the French Creek Official Community Plan.

I am in favour of this plan presented tonight because it provides:

1. Public Access to Parkland
2. Preserves trees
3. Allows for various walking loops
4. Provides linkages to other walking routes

All of the above are very important to the residents of the area.

It was always my understanding that any development of these lands would require some exchanging and re-alignment of the parkland, and I believe that the plan as it has been presented is a good one.

Sincerely,



Jacquie Cronin
1405 Mallard Rd.
Parksville, B.C. V9P 2A3

Submitted in person at Public Information meeting. Fe 12 03

Lundine Park, St. Evar, French Creek

Comments by C. M. Stone to Information meeting 12 February 2003

As a former president of the French Creek Residents' Association and member of the Advisory Planning Commission, I am familiar with the history of Lundine Park, and have been authorized by the Association to speak to this meeting on the subject as it pertains to the proposed development of area lands.

All residents were very grateful to Everett when he had the foresight to dedicate the full area for park in St. Evar even though he was not developing all the land at the time. It meant that the greater community would receive a usefully sized and shaped parcel in a location to become accessible and practical for park development in the future. The future is now here, and it is essential that we, as affected residents, ensure that actions taken during development fulfill the original plan, and deliver the recreational amenity expected and paid for by the previous homebuyers in the community.

This requires certain conditions be met. These include:

1. The original area, or its equivalent, in a single parcel with no separate, small parcels or lots divided from the main parcel by roads.
2. The boundaries kept as regular as possible to make development and improvement practical.
3. The drainage ditch on White Pine Road and the panhandle containing the ditch leading to White Pine were not in the original park as they are completely unsuitable for park uses, and carry potential risks of high costs for development and maintenance, and liability. These should continue to be excluded from the park, and excluded from the calculation of required park area.

Several alternate ways of achieving these conditions have been identified. Some discussion with the developer has occurred, and there should be further discussions. It is proposed that the Residents' Association review possibilities with the immediately affected residents and present possible park arrangements to the developer. The French Creek Residents' Association should take the lead in these discussions being the legally constituted voice of area residents. Further, it is recommended that no approval of the proposed subdivision be given until these options have been explored and a plan designed that is acceptable to both the developer and the affected residents.

11 February 2003

Submitted in person at public informational meeting. Fe. 12. 03.

ATTACHMENT NO. 5
SUBMISSIONS RECEIVED AFTER THE PUBLIC INFORMATION MEETING

**Todsen Design & Construction Ltd.
McTay Holdings Ltd.**

February 13, 2003

Regional District of Nanaimo
Planning Department
6300 Hammond Bay Road
Nanaimo BC. V9T 6N2

Attention: Ms. Susan Cornie

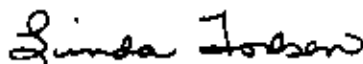
Subject: Development of St. Evar Property/Exchange of Parkland

We are pleased to have had the opportunity at the Public Information Meeting held on February 12, 2003 to present our proposal to exchange part of the existing Park Land with a portion of the remainder of Lot 1, know as the St. Evar property in French Creek, Electoral Area "G".

There are several comments we would like to offer to the Electoral Area "G" Committee:

- Our interest is in making the proposed Park area, which has been locked up for years, an attractive focal point for the entire community including new residents who will build homes in the subdivision and live with all of us in French Creek.
- We feel that the dead-end Park, under the existing layout, will be unattractive to the community as there would be only one way in and out of the Park. It could also represent a security concern as the far end of the existing Park is quite a long way from the proposed extension of Everett Drive. Police, Fire and Emergency officials could be concerned unless there is dual access to the Park lands as proposed.
- We have offered to work with the Regional District of Nanaimo to develop and pay for improvements within the Park that would assist with the creation of a proper walking trail through the Park.

We would be pleased to provide any addition information the Region may require.



Todsen Design and Construction Ltd.


McTay Holdings Ltd.

Robert F. Taylor
McTay Holdings Ltd.
1323 Pintail Drive
Qualicum Beach, BC. V9K 2K5
(250) 752-4574

February 13, 2003

Regional District of Nanaimo
Planning Department
6300 Hammond Bay Road
Nanaimo BC. V9T 6N2

Attention: Ms. Susan Cormie

Subject: Development of St. Evar Property/Exchange of Parkland

I attended the Public Information Meeting held on February 12, 2003 concerning our proposal to exchange part of the existing Park Land area with a portion of the remainder of Lot 1, known as the St. Evar property in French Creek, Electoral Area "G".

I was particularly interested in the presentations made by the Board Members of the French Creek Residents Association. I believe the presentations at the meeting by Mr. G. A Cooper and Mr. C. M. Stone merit some comment on our part.

I believe the issues raised by these gentlemen have already been address in our proposal:

- The original Park location is retained and the Park as proposed is a single contiguous parcel.
- Existing residents on Hawthorn Rise continue to enjoy the Park at the back of their property and in our proposal this benefit has been extended to additional residents.
- The boundaries of the Park are regular.

- We have removed the area along White Pine Way from the land to be exchanged, as suggested, and have ensured that the total area of the proposed Park Lands is unchanged from the original Park area.
- The question of enjoyment of the Park for residents, visitors, and children "in perfect safety and harmony with nature" has been addressed by extending the northern boundary of the Park to meet White Pine Way. This revised configuration eliminates the safety issue posed by the present dead-end and allows for access to the Park from White Pine Way and the proposed extension of Everett Drive, permitting the development of safe walking trails through the Park.
- We have proposed to assist with support for the creation of a walking trail in the Park. At no time have we suggested any delay in providing access to the Park lands nor third party fund raising for the improvements. We would be pleased to work with the Regional District of Nanaimo to define an acceptable plan of action in this regard.

In our discussions with residents living adjacent to the area we believe there is solid support for our proposal and eager anticipation of the completion of the development and the opening of the Park for public enjoyment.

We would be pleased to provide any additional information you may require.

Sincerely,



Robert F. Taylor

John House
1347 Pintail Drive
Qualicum Beach, BC.
V9K 2K5
(250) 752 -2998

February 13, 2003

Regional District of Nanaimo
Planning Department
6300 Hammond Bay Road
Nanaimo BC. V9T 6N2

Attention: Ms. Susan Cormie

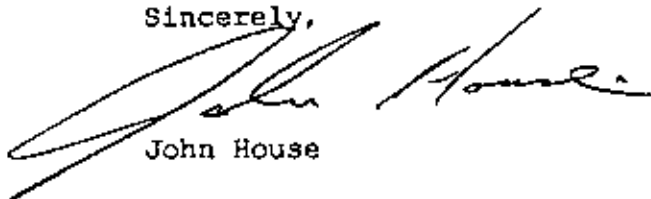
Subject: Development of St. Evar
Property/Exchange of Parkland

I attended the Public Information Meeting held on February 12, 2003 concerning the request by the Developer to exchange part of the existing Park Land area with a portion of the remainder of Lot 1, known as the St. Evar property in French Creek, Electoral Area "G".

I wish to register my support for the proposed exchange of Land and the opening of the Park which will result from the development of the new Subdivision.

I am particularly supportive of the proposed access from White Pine Way, which will result in access to the Park from this road and from Everett Drive. The proposal will result in a proper walking trail through the Park and improved safety for those using the Park.

Sincerely,



John House

February 13, 2003

Regional District of Nanaimo
Planning Department
6300 Hammond Bay Road
Nanaimo BC. V9T 6N2

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Subject: Development of St. Evar Property/Exchange of Parkland

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As a resident of the area I am particularly pleased that the Park will be opened to the public as a result of this development going ahead. We have been looking forward to this for a long time.

I support the proposed exchange of Land including the "pan handle" which will give residents increased access to the Park lands. I also support the improved road configuration that will result from the exchange, as recommended by the developer.

Sincerely,

Edith Lundberg
671 Everett Dr.
Parksville B.C. V9P 2A4
Ph. 752 6654

Richard M Todsén
1331 Pintail Drive
Qualicum Beach, BC.
V9K 2K5
(250) 752-1981

February 13, 2003

Regional District of Nanaimo
Planning Department
6300 Hammond Bay Road
Nanaimo BC. V9T 6N2

Attention: Ms. Susan Cormie

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Richard M. Todsén

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Sincerely,

Name:

Ca Coland

Address:

3227 Point
merger DR

Phone:

702 4213

February 13, 2002

Regional District of Nanaimo
Planning Department
6300 Hammond Bay Road
Nanaimo BC. V9T 6N2

Dear Sir:

Subject: Proposed Park Land Exchange in French Creek

I have recently had the opportunity to review the plans for a residential development on the St. Evar property in French Creek, BC. that is to be undertaken in the near future.

I understand that the developer is proposing an exchange of land with the existing Park lands that will result in improving the access to the Park by local residents as well as an improved road alignment for the subdivision.

I support the proposed exchange of land and the opening of the Park which will result from the proposed exchange of lands.

Yours truly,

Name: OWEN DUNN

Address: 408 FIRST AVE. W.
QUALICUM BEACH

Phone: 752-7973

February 13, 2002

Regional District of Nanaimo
Planning Department
6300 Hammond Bay Road
Nanaimo BC. V9T 6N2

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I support the proposed exchange of land and the opening of the Park which will result from the proposed exchange of lands.

Yours truly,

Name: Dean Williams

Address: 717 Phillips Street
Parksville BC

Phone: 248-5330

February 13, 2003

Regional District of Nanaimo
Planning Department
6300 Hammond Bay Road
Nanaimo BC. V9T 6N2

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Sincerely,

Name: MARK SPENSLEY

Address: Box 203

COOMBS B.C.

2120 SLURKING RD

Phone: 248-8440

February 13, 2003

Regional District of Nanaimo
Planning Department
6300 Hammond Bay Road
Nanaimo BC. V9T 6N2

Attention: Ms. Susan Cormie

Subject: Development of St. Evar
Property/Exchange of Park Land

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As a resident of the area I am particularly pleased that the Park will be opened to the public as a result of this development going ahead. We have been looking forward to this for a long time.

I support the proposed exchange of Land including the "pan handle" which will give residents increased access to the Park lands. I also support the improved road configuration that will result from the exchange, as recommended by the developer.

Sincerely,



Andrew Slack
543 Hawthorn Rise
Qualicum Beach, BC.
V9K 1A5
(250) 752-8242

February 13, 2003

Regional District of Nanaimo
Planning Department
6300 Hammond Bay Road
Nanaimo BC. V9T 6N2

Attention: Ms. Susan Cormie

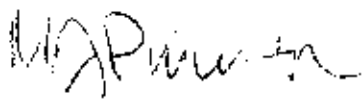
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Sincerely,



M.J. PINKERTON
536 HAWTHORNE RISE
(250) 752-3802.

February 13, 2002

Regional District of Nanaimo
Planning Department
6300 Hammond Bay Road
Nanaimo BC, V9T 6N2

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Yours truly,

Ian J. Baker
520 Hawthorn Rise
Qualicum Beach BC.
V9K 1A5
(250) 752-5698



February 13, 2002

Regional District of Nanaimo
Planning Department
6300 Hammond Bay Road
Nanaimo BC. V9T 6N2

Dear Sir:

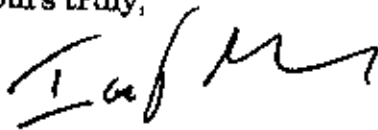
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520 Hawthorn Rise
Qualicum Beach BC.
V9K 1A5
(250) 752-5698

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Sincerely,



1341 POINT MERCER DRIVE

QUALICUM BEACH, BC.

V9K 2K5

(250) 752-7475

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Nanaimo BC. V9T 6N2

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1341 POINT MELCER DRIVE

QUALICUM BEACH, BC.

V9K 2K5

(250) 752-7475.

February 13, 2003

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Sincerely,

Name: J. Paman

Address: 1203 Pintail Drive

Qualicum Beach, B.C.

V9K1C8

Phone: 752-3395

Robert R Daman
1203 PINTAIL DR
QUALICUM BEACH, BC
V9K 1C8
(250) 752-3395

February 13, 2003

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Planning Department
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Nanaimo BC. V9T 6N2

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Robert R. Daman