

**REGIONAL DISTRICT OF NANAIMO**

**ELECTORAL AREA PLANNING COMMITTEE**

**TUESDAY, MARCH 23, 2004**

**6:30 PM**

*(RDN Board Chambers)*

**A G E N D A**

**PAGES**

**CALL TO ORDER**

**DELEGATIONS**

**MINUTES**

2-5 Minutes of the Electoral Area Planning Committee meeting held Tuesday, February 24, 2004.

**BUSINESS ARISING FROM THE MINUTES**

**PLANNING**

*AMENDMENT APPLICATIONS*

6-14 Zoning Amendment Application No. ZA0401 – Bob Colclough, on behalf of BC Building Corporation – 1329 Kipp Road – Area A.

*DEVELOPMENT VARIANCE PERMIT APPLICATIONS*

15-22 DVP Application No. 90323 – Huddy, Fordham/Roder – 1950 Eagle Ridge Place – Area E.

23-32 DVP Application No. 90405 – Deo – Fourneau Way – Area G.

*OTHER*

33-38 Review of Parkland Dedication in Conjunction with the Subdivision Application Process.

**ADDENDUM**

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**NEW BUSINESS**

**IN CAMERA**

**ADJOURNMENT**

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE  
MEETING HELD ON TUESDAY, FEBRUARY 24, 2004, AT 6:30 PM  
IN THE RDN BOARD CHAMBERS**

**Present:**

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

**Also in Attendance:**

B. Lapham	General Manager, Development Services
N. Tomm	Recording Secretary

**LATE DELEGATIONS**

MOVED Director Stanhope, SECONDED Director Bibby, that Doug Lum be permitted to address the Committee as a late delegation.

CARRIED

**Doug Lum, re DVP No. 90403 – Lehigh Cement/Lum – 920 Chatsworth Road – Area F.**

Mr. Lum provided information with respect to his development variance permit application, noting the improvements which have been made to the original site.

**MINUTES**

MOVED Director Biggemann, SECONDED Director Bartram, that the minutes of the Electoral Area Planning Committee meeting held January 27, 2004 be adopted.

CARRIED

**COMMUNICATION/CORRESPONDENCE**

**Mark Paulyshyn, re DVP 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement – M. Keen – 1012 Nanaimo River Road – Area C.**

MOVED Director Biggemann, SECONDED Director Bartram, that the correspondence from Mark Paulyshyn with respect to Development Variance Permit Application No. 90402 be received.

CARRIED

**Andrew deCunha, re DVP 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement – M. Keen – 1012 Nanaimo River Road – Area C.**

MOVED Director Biggemann, SECONDED Director Bartram, that the correspondence from Andrew deCunha with respect to Development Variance Permit Application No. 90402 be received.

CARRIED

**Daryl & Gail McDonald, re DVP 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement – M. Keen – 1012 Nanaimo River Road – Area C.**

MOVED Director Biggemann, SECONDED Director Bartram, that the correspondence from Daryl and Gail McDonald with respect to Development Variance Permit Application No. 90402 be received.

CARRIED

**Garry & Kathryn Seymour, re DVP 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement – M. Keen – 1012 Nanaimo River Road – Area C.**

MOVED Director Biggemann, SECONDED Director Bartram, that the correspondence from Garry and Kathryn Seymour with respect to Development Variance Permit Application No. 90402 be received.

CARRIED

**Stuart Fraser, re DVP 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement – M. Keen – 1012 Nanaimo River Road – Area C.**

MOVED Director Biggemann, SECONDED Director Bartram, that the correspondence from Stuart Fraser with respect to Development Variance Permit Application No. 90402 be received.

CARRIED

**Barbara Wheeler, re DVP 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement – M. Keen – 1012 Nanaimo River Road – Area C.**

MOVED Director Biggemann, SECONDED Director Bartram, that the correspondence from Barbara Wheeler with respect to Development Variance Permit Application No. 90402 be received.

CARRIED

**David Littlejohn, re DVP 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement – M. Keen – 1012 Nanaimo River Road – Area C.**

MOVED Director Biggemann, SECONDED Director Bartram, that the correspondence from David Littlejohn with respect to Development Variance Permit Application No. 90402 be received.

CARRIED

**Sheila Morley, re DVP 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement – M. Keen – 1012 Nanaimo River Road – Area C.**

MOVED Director Biggemann, SECONDED Director Bartram, that the correspondence from Sheila Morley with respect to Development Variance Permit Application No. 90402 be received.

CARRIED

## **PLANNING**

### **AMENDMENT APPLICATIONS**

**Zoning Amendment Application No. 9626 – Rondalyn Resort/Danron Holdings Ltd. – 1350 Timberlands Road – Area C.**

MOVED Director Stanhope, SECONDED Director Kreiberg,:

1. That the Report of the Public Hearing containing the Summary of the Minutes and Submissions held July 3, 2002 be received for information.

2. That the original Amendment Bylaw No. 500.287, 2002 which proposed to create the Rondalyn Resort Comprehensive Development Zone (CD13) with a maximum of 90 campsites be reconsidered and reintroduced as suggested in the staff report to reflect the existing legal non-conforming uses on the property and permit expansion of the facility to a maximum of 60 RV sites together with a number of existing accessory uses.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.287, 2002" be given 1<sup>st</sup> and 2<sup>nd</sup> readings as amended subject to Conditions of Approval as outlined in Schedule No. 1 of the staff report and be referred to public notification.
4. That the Regional Board waive the requirement for a Public Hearing pursuant to Section 893 of the *Local Government Act* and further, that adjacent landowners within 200 metres of the subject property be notified of the revised Amendment Bylaw No. 500.287, 2004 by way of direct mail and display ad in the local newspaper.
5. That the applicants be provided two years to resolve the waste management issues with respect to the 30 additional unauthorized RV sites. Should the applicants be unable to obtain the necessary provincial approvals and commence the zoning amendment process, the additional 30 sites must be removed within two years of the date of adoption of Amendment Bylaw No. 500.287, 2004. During this period the campsites would not be occupied and the future use of these sites would be subject to successfully rezoning the subject property.

CARRIED

#### DEVELOPMENT PERMIT APPLICATIONS

##### **DP Application No. 60403 and Request for Relaxation of Minimum 10% Frontage Requirement – G & B Duckett – 400 Lowry's Road – Area G.**

MOVED Director Stanhope, SECONDED Director Bibby, that the request, submitted by G & B Duckett to allow works associated with a subdivision proposal within a Watercourse Protection Development Permit Area and to relax the minimum 10% frontage requirement for the proposed parcels as shown on the plan of subdivision of Parcel A (DD 2666 N) of District Lot 20, Nanoose District, be approved subject to Schedules No. 1 and 2.

CARRIED

#### DEVELOPMENT VARIANCE PERMIT APPLICATIONS

##### **DVP Application No. 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement – M. Keen – 1012 Nanaimo River Road – Area C.**

MOVED Director Stanhope, SECONDED Director Bibby, that the request, submitted by Mark Keen to relax the minimum 10% frontage requirement for the Proposed Lots 1 and 2, as shown on the plan of subdivision of The West 40 Acres of Section 5, Range 3, Cranberry District as shown Coloured Red on Plan Deposited Under DD 1545-4F, Except Parcel A (DD 2849N) and Except Plans 3317, 25660 and 33499 and Except That Part Outlined in Red on Plan 450 RW, and Except Part in Plans 40918 and 41817, and to allow the creation of a non-contiguous parcel in conjunction with the proposed 3-lot subdivision, be approved subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

##### **DVP Application No. 90403 – Lehigh Cement/Lum – 920 Chatsworth Road – Area F.**

MOVED Director Biggemann, SECONDED Director Bartram, that Development Variance Permit No. 90403 submitted by Doug Lum, project supervisor, to legalize a recently constructed silo and vary the maximum height requirements 15 metres to 23.72 metres for the property legally described as Lot A, District Lots 9 & 18, Cameron Land District, Plan VIP67169 be approved subject to notification requirements pursuant to the *Local Government Act*.

CARRIED

**DVP Application No. 90404 – Lyle Hollingworth on behalf of Hollingworth & Jorgensen – 1410 & 1420 Pricc Road – Area F.**

MOVED Director Biggemann, SECONDED Director Bibby, that Development Variance Permit No. 90404, submitted by Lyle Hollingworth, on behalf of James Hollingworth, Dorrie Jorgensen, Robert Jorgensen and Donna Jorgensen to vary the bylaw provision for lot exempts from minimum lot size requirements in conjunction with the proposed lot line boundary subdivision of Lot 1, Plan 50612 and the Remainder of Lot 52, Plan 1964, Both of District Lot 156, Nanouse District, be approved subject to the conditions set out in Schedule Nos. 1, 2 and 3 and the notification requirements pursuant to the *Local Government Act*.

CARRIED

**ADJOURNMENT**

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

CARRIED

TIME: 6:52 PM

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CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO			
MAR 15 2004			
CHAIR		GMCrs	
CAO		GMDS	
GmCms		GMES	
		ETP	✓

**MEMORANDUM**

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**TO:** Robert Lapham  
General Manager, Development Services

**DATE:** March 12, 2004

**FROM:** Susan Cormic  
Senior Planner

**FILE:** 3360 20 0401

**SUBJECT:** Zoning Amendment Application No. ZA0401 – Bob Colclough, on behalf of BC Building Corporation  
Electoral Area 'A' – 1329 Kipp Road

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**PURPOSE**

To consider an application to rezone the subject property from Public 1 Subdivision District 'M' (PU1M) to Comprehensive Development 15 Subdivision District 'Z' (CD15Z) in order to facilitate the continuance of the existing industrial uses.

**BACKGROUND**

The Planning Department has received a zoning amendment application for the property legally described as Lot 1, Section 14, Range 6, Cranberry District, Plan 40297 and located at 1329 Kipp Road in the South Wellington area of Electoral Area 'A' (see Attachment No. 1 for location of subject property). The subject property, which is 3.62 ha in size, is currently zoned Residential 2 (RS2) and is within Subdivision District 'M' (minimum 1.0 ha parcel size without community services) pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987.

Pursuant to the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" (OCP), the subject property is designated within the Rural Residential Land Use Designation. However, OCP Policy No. 3 under the Industrial Lands section of the Bylaw No. 1240 supports the expansion to the Industrial Lands where the use was established prior to the adoption of the OCP. Therefore, the OCP recognizes and supports the use of this site for industrial uses.

The subject property is surrounded by residentially zoned parcels. The Committee may recall that it recently considered a subdivision application proposing to reconfigure the surrounding residential parcels to 5 new parcels with a portion of the property (17.4 ha) being transferred to the Regional District for park land.

The subject property currently supports an assembling use, a manufacturing use, a warehousing use, and a marshalling yard use. The site was originally used for the provincial highway's maintenance yard and the current uses, while not fully being used by the Ministry, are related or similar uses. The majority of the site, which contains 2 major buildings plus a number of accessory buildings, is fenced. A travel trailer is being used for a caretaker's residence. Approximately 2/3 of the fenced outdoor area is paved. There is a small area near the entrance that contains some landscaping elements (See Attachment No. 2 for site plan).

The subject property is served by private on-site well and septic disposal system. The applicant has supplied septic disposal permit and well information. There are no community water or community sewer services within the area nor are services anticipated in the future. The subject property is within an RDN Building Inspection area.

The applicant is requesting that Bylaw No. 500, 1987 be amended from Public 1 Subdivision District 'M' (RS2M) (1.0 ha minimum parcel size without community services) to Comprehensive Development 15 Zone Subdivision District 'Z' (CD15Z) (no further subdivision) in order to continue the existing assembling, manufacturing, warehousing, and marshaling yard uses. The applicant is not proposing any new buildings or uses or any other changes to the property.

In addition, the applicant is offering to transfer the north portion of the subject property to the Regional District for park purposes. This portion of the subject parcel is partially treed and slopes to a small wetland on the adjacent property, which will be protected partially, by covenant and partially by land transfer to the Regional District once the subdivision application for this adjacent property is finalized and registered.

#### **Public Information Meeting**

A public information meeting was held on March 10, 2004 at the Cranberry Community Hall. Notification of the meeting was advertised in the Harbour City Star and the RDN web site, along with a direct mail out to all property owners within 100 metres of the subject property. Signage indicating there is a proposal to rezone has also been placed in the subject property. 7 people attended the information meeting and provided comments with respect to the proposal (see Attachment No. 2 'Proceedings of the Public Information Meeting').

#### **ALTERNATIVES**

1. To approve the amendment application as submitted for 1<sup>st</sup> and 2<sup>nd</sup> reading and proceed to public hearing.
2. To approve the application, in consideration of the applicant offering to undertake the conditions outlined in Schedule No. 1 of this report, for 1<sup>st</sup> and 2<sup>nd</sup> reading and proceed to public hearing.
3. To not approve the amendment application.

#### **OFFICIAL COMMUNITY PLAN IMPLICATIONS**

The Electoral Area 'A' Official Community Plan No. 1240, 2001 related policies recognizes the continuation of industrial uses within this property. Therefore, the rezoning of this parcel to industrial uses is supported by the Official Community Plan. OCP Policy No. 3 of the Industrial Lands also recommends that the subject property be included within a development permit area. As this would involve an amendment to the OCP, staff recommends that the applicable development permit guidelines be secured at rezoning time and that this amendment to the OCP be done as a housekeeping amendment at a later date.

#### **DEVELOPMENT IMPLICATIONS**

The subject property currently supports industrial land uses that are permitted in the Industrial 1, Industrial 2, and Industrial 3 zones of Bylaw No. 500. To ensure the industrial uses are in keeping with the OCP direction to support current uses, staff is recommending that a comprehensive development zone be created for this parcel. This would ensure that industrial uses that are not consistent with the present use of the site are not located on site at a later date. The CD15 zone also proposes to restrict the size of areas used for marshaling yard and outdoor storage which is in keeping with the OCP direction.

Although the applicant is not proposing any changes to the current uses of the site at this time, staff recommends that related development permit guidelines be secured at the time of rezoning. These conditions are outlined Schedule No. 1 of this report. It is noted that the South Wellington Development Permit Area No. 1 includes guidelines such as the provision of landscaping, groundwater protection, and

the location of off-street parking and outdoor storage areas. While many of these guidelines may be applied to the site specific, due to the fact that the site is already built, it is onerous to apply some of the guidelines such as full landscaping provisions. The applicant is in concurrence with these conditions as outlined in Schedule No. 1.

With respect to the caretaker's residence, the applicant is in concurrence to remove this travel trailer. It is noted that the CD15 zone, if adopted, would permit 1 dwelling unit on the subject parcel.

As there are no community services in this area and as these services are not anticipated, a no further subdivision clause is recommended to be included within the comprehensive development zone.

#### **PUBLIC CONSULTATION IMPLICATIONS**

A Public Information Meeting was held on March 10, 2004. The Summary of Minutes from the public information meeting is included for information (*see Attachment No. 2*). There were no issues raised at this meeting.

#### **ENVIRONMENTALLY SENSITIVE AREAS IMPLICATIONS**

There are no environmentally sensitive features within the subject property. However, there is a small wetland located on the adjacent property near the north boundary of the subject property. As mentioned earlier, this wetland will be protected by covenant and the transfer of land to the RDN for park purposes once the subdivision of the adjacent property is registered. The applicant has offered, to transfer the portion of the subject property adjacent to this wetland to the Regional District for park land purposes. This portion of the property is treed and slopes towards the wetland. It will act as a buffer to the industrial uses and provide a larger riparian area for the wetland.

With reference to the protection of groundwater, the applicant has provided certification from the Ministry of Health with respect to the septic disposal system on site. The applicant also has completed a Waste Management Site Profile of the site, which has been accepted by the Ministry of Water Land and Air Protection. It is also recommended that no commercial vehicle washing be allowed on the site unless an approved water recycling / oil separator system is in place and that outdoor storage be limited in area and not include the storage of items which may negatively impact the groundwater.

#### **INTERGOVERNMENTAL IMPLICATIONS**

*Ministry of Transportation* – staff has indicated that the Ministry has no objections to this application. It is noted that an amendment bylaw is subject to the approval of the Ministry pursuant the *Highway Act*.

*Ministry of Health* - there is a current Health permit on file with respect to this site.

*Cranberry District Local Fire Chief* – The Fire Chief has indicated support of this rezoning application.

#### **VOTING**

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

#### **SUMMARY**

This is a request to amend Bylaw No. 500, 1987 to permit the existing assembling, manufacturing, warehousing, and marshaling yard uses at 1329 Kipp Road in the South Wellington area of Electoral Area 'A' to continue. A public information meeting was held on March 10, 2004 and no issues were raised at this meeting. Preliminary referrals were forwarded to a number of agencies. Ministry of Transportation




has no issues with the proposed rezoning at this time; however, as the subject property is within 800 metres of a highway interchange, the amendment bylaw would be subject to the approval of the Ministry pursuant to the *Highway Act*. The applicant has supplied certification of approval for on site septic disposal for this property.

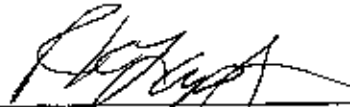
The OCP recommends the inclusion of the subject property into a development permit area. As this would involve an OCP amendment process, staff recommends that this be done as a housekeeping amendment at a future date. However, the applicable development permit guidelines may be secured at rezoning time. These are outlined as conditions in Schedule No. 1. The applicant's agent has indicated concurrence with these conditions. It is noted that as the site is fully developed, it is considered onerous to apply some guidelines such as full landscaping provisions. Given that the OCP supports the industrial use, that there were no issues raised at the public information meeting, and the applicant's agent is in concurrence with the conditions outlined in Schedule No. 1, staff supports Alternative No. 2, to approve the amendment application subject to the conditions set out in Schedule No. 1, for 1<sup>st</sup> and 2<sup>nd</sup> reading and to proceed to public hearing.

### RECOMMENDATIONS

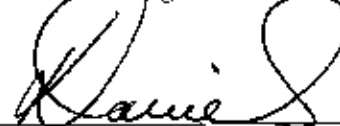
1. That the report of the Public Information Meeting held on March 10, 2004 be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.299, 2004" be given 1<sup>st</sup> and 2<sup>nd</sup> reading.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.299, 2004" proceed to public hearing.
4. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.299, 2004" be delegated to Director Kreiberg or his alternate.



Report Writer



General Manager Concurrence



CAO Concurrence

### COMMENTS:

*devsw/reports/2004/ZA3360 30 0401 Colclough RCBC nr 1<sup>st</sup> and 2<sup>nd</sup>*

**SCHEDULE NO. 1**

**Conditions**

**Zoning Amendment Application No. ZA0401**

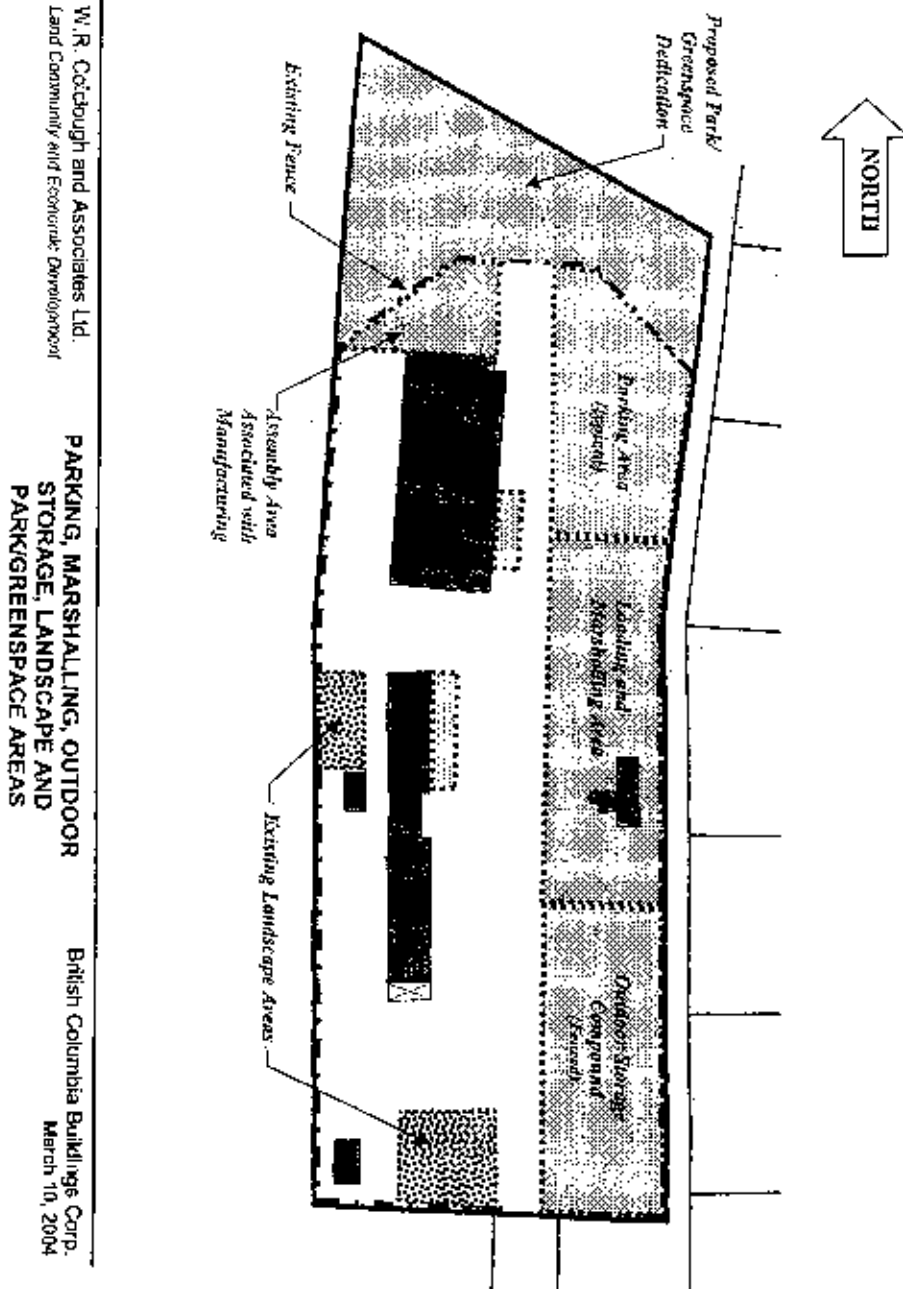
**Lot 1, Section 14, Range 6, Cranberry District, Plan 40297 - 1329 Kipp Road**

The following conditions are to be completed prior to consideration of Amendment Bylaw No. 500.299, 2004 for final reading:

1. The applicant is to transfer that portion of the property shown as park land on Schedule No. 2 to the Regional District of Nanaimo.
2. The applicant is to remove from the site the travel trailer, the trailer located behind Building No. 2, and the metal shed located adjacent to the south property line.
3. The applicant to remove outdoor storage area located adjacent to landscaped area adjacent to the south property line.
4. The applicant is to remove all outdoor equipment storage at the north and west sides of the property.
5. The applicant is to remove all outdoor sign storage.
6. The landscaped area located at the entrance to Kipp Road to be enhanced with additional landscaping.

SCHEDULE No. 2

Site Plan  
(as submitted by applicant)  
(reduced for convenience)



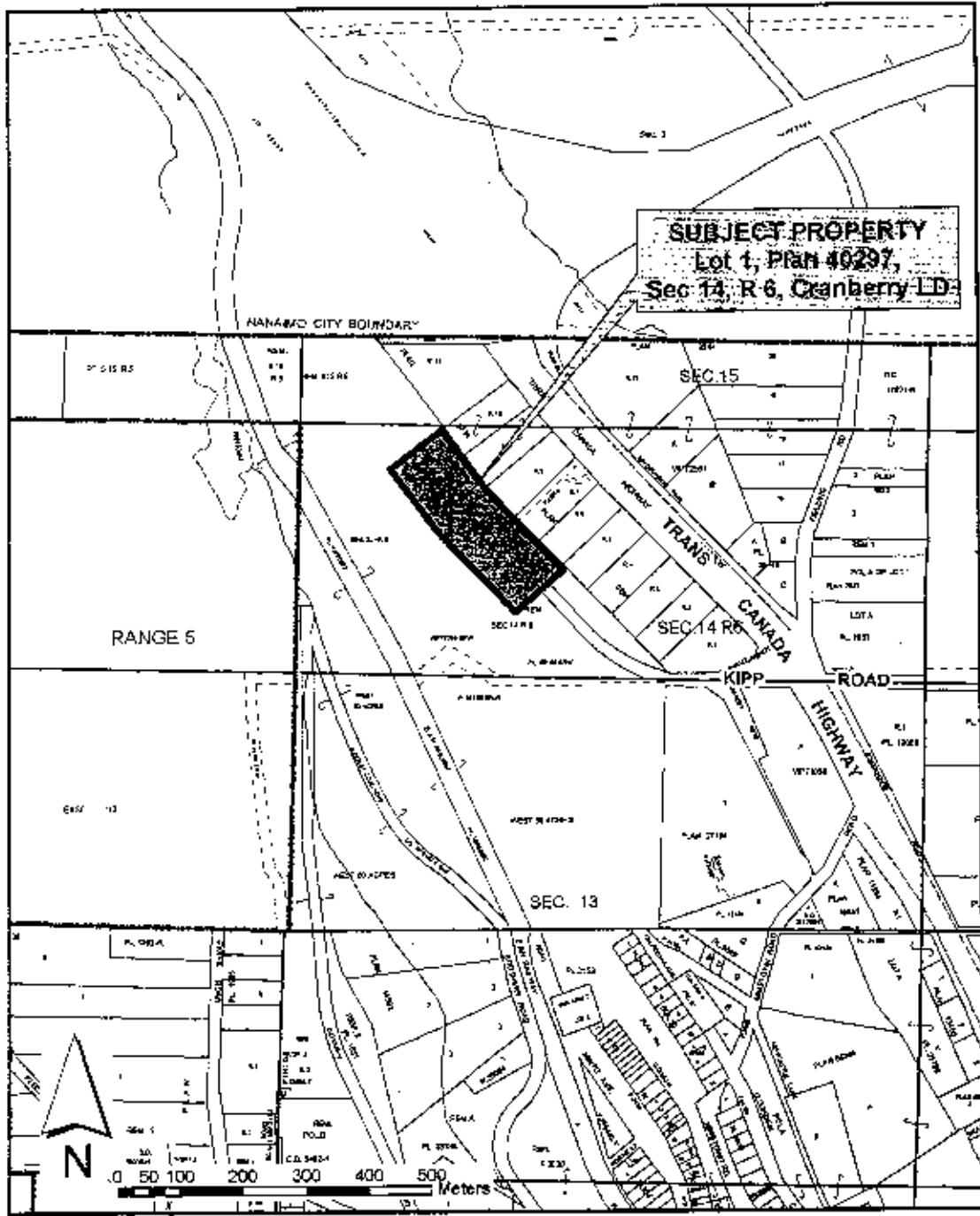
W.R. Cotbough and Associates Ltd.  
Land Community and Economic Development

PARKING, MARSHALLING, OUTDOOR  
STORAGE, LANDSCAPE AND  
PARK/GREENSPACE AREAS

British Columbia Building Corp.  
March 10, 2004

ATTACHMENT No. 1

Location of Subject Property



**ATTACHMENT No. 2**

**Report of the Public Information Meeting  
Held at Cranberry Community Hall  
1555 Morden Road, South Wellington, BC  
March 10, 2004 at 7:00 pm**

**Summary of the Minutes on Zoning Amendment Application for  
Lot I, Section 14, Range 6, Cranberry District, Plan 40297**

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

There were 7 persons in attendance.

**Present for the Regional District:**

Chairperson Henrik Kreiberg  
Susan Cormie

Director, Electoral Area 'A'  
Senior Planner

**Present for the Applicant:**

Mr. Robert Colclough, agent for the applicant

**Director Henrik Kreiberg** opened the meeting at 7:02 pm and outlined the agenda for the evening's meeting and introduced the head table. The Chair then stated the purpose of the public information meeting and requested the senior planner to provide background information concerning the official community plan and zoning amendment process. The senior planner gave a brief outline of the application process.

**The Chairperson** then invited Mr. Bob Colclough, agent on behalf of the applicant, to give a presentation of the proposed zoning amendment.

**Mr. Colclough** gave a short history of the site, described the present uses and current water and septic conditions, and explained that the reason for the zoning amendment is to recognize the existing uses as is, but held privately. Mr. Colclough also explained that the site has been cleaned up from an environmental perspective.

**The Chairperson** invited questions and comments from the audience.

**Malcolm Hargrove, 1333 Kipp Road**, asked if there is a plan to sell the property.

**Mr. Colclough, agent for the applicant**, explained that the property is considered surplus and will be sold.

**Tony Menard, 1333 Kipp Road**, asked if the purpose of this meeting is for the community to look at the proposal.

**The Chairperson** explained that yes, the purpose of this meeting is to give the community an opportunity to provide comments and have questions answered with respect to the proposal. The Chairperson went on to outline the next steps in this planning process.

**Mr. Menard** commented that he has been a tenant on the property for the last 12 years and he is a perspective purchaser of the site.

**The Chairperson** outlined the non-conforming aspect of the site.

**Mr. Menard** explained that when he first moved his business there, he was not aware of any issues.

**Malcolm Hargrove, 1333 Kipp Road** asked if this property falls within any planning process.

**The Senior Planner** explained that the subject property is within a building inspection area and will be placed in a development permit area in the future.

**Ed Garner, 1860 Kelsey Road**, asked if there is an amendment to the OCP required for site.

**The Chairperson** explained no, there is not an amendment required. Mr. Garner was shown the applicable section of the OCP.

**Mr. Menard, 1333 Kipp Road**, asked about the parcels between the Trans Canada Highway and the site.

**Bob Colclough, agent for the applicant**, explained that these properties are residential and are owned by the Crown. Mr. Colclough then explained the subdivision proposal on the adjacent site.

**Ed Garner, 1860 Kelsey Road**, asked if this is the only public information meeting for this proposal.

**The Chairperson** explained the planning process and outlined the next steps.

**The Chairperson** invited more questions and comments from the audience.

There were no questions or comments from the audience.

**The Chairperson** asked again if there were any questions or comments.

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

The meeting concluded at 7:22 pm.

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Susan Cormie  
Recording Secretary



REGIONAL DISTRICT OF NANAIMO			
MAR 15 2004			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
EAP ✓			
TO:		DATE:	
FROM:		FILE:	
SUBJECT:			

MEMORANDUM

**TO:** Robert Lapham  
General Manager, Development Services

**DATE:** March 12, 2004

**FROM:** Kceva Kehler  
Planner

**FILE:** 3060 30 90323

**SUBJECT:** Development Variance Permit Application No. 90323 – Huddy, Fordham / Roder  
Electoral Area 'E' – 1950 Eagle Ridge Place

PURPOSE

To consider an application to legalize the existing retaining wall, raised deck, and swimming pool structures within the side yard setback pursuant to 'Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987.'

BACKGROUND

The subject property, legally described as Lot 23, District Lot 78, Nanoose District, Plan 25828, is located on Eagle Ridge Place adjacent to Dolphin Drive in Electoral Area 'E' (see Attachment No. 1).

The subject property is zoned 'Residential 1 (RS1)' 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 as follows; 8.0 metres from the front lot line, 2.0 metres from the interior side and rear lot lines and 5.0 metres from other lot lines.

The applicant is requesting to vary the minimum setback requirement for the interior side lot line from 2.0 metres to 0.0 metres to legalize the existing retaining wall, raised deck and swimming pool structures. The structures were erected in 1980 and at that time the property was zoned Residential 1 pursuant to RDN Bylaw No. 53, 1973. The retaining wall is 2.6 metres tall and the deck structure extends vertically approximately 2 metres above the retaining wall. For the purpose of the application, a variance is requested for all three structures as a small portion of the pool may be within the current 2.0 metre side yard setback. The lot is relatively steep and abuts Blueback Drive to the rear. The subject property is located in a residential area and the properties to the east and west of the subject property are currently vacant.

ALTERNATIVES

1. To approve the requested Development Variance Permit subject to the conditions outlined in Schedules No. 1, 2 and 3.
2. To deny the requested Development Variance Permit.

## LAND USE AND DEVELOPMENT IMPLICATIONS

Approval of the requested variance would legalize the existing retaining wall, raised deck and swimming pool within the interior side lot line setback. As mentioned above, the retaining wall, deck and pool were installed in 1980. The deck and swimming pool cover approximately 175 square metres in area. The deck is a split level structure and houses the pool and a hot tub. At the time of construction, land use on the property was regulated by RDN Bylaw No. 53, 1973 and the required setback for buildings and structures, including swimming pools and retaining walls, was 5 feet (1.52 metres) from the side lot line. Therefore the retaining wall, deck and pool were required to meet these setbacks or apply for a variance prior to construction. The pool itself is located outside the required 5 foot setback, but a portion may be within the current 2.0 metre setback pursuant to Bylaw No. 500, 1987. The retaining wall and deck structure require variance approval as they are located within the side yard setback area defined by Bylaw No. 53, 1973.

Although the applicants employed an engineer to construct the retaining wall, deck and pool in 1980, no variance approval or building permit were issued at the time of construction. The property was recently sold and confirmation of the zoning setback requirements was requested prior to the completion of the sale. It was then discovered that the retaining wall and deck structures were built within the minimum setback area pursuant to the zoning regulations. Staff requested a survey in order to process the variance application and it was discovered that a 0.2 metre portion of the retaining wall encroached onto the adjacent Lot 22 (*see Schedule No.2*). The applicants have contacted the property owners of Lot 22 and propose to resolve the encroachment by way of an easement agreement. The easement document between the two property owners will include an agreement that the adjacent property owners will not permit any action to be taken to undermine the integrity of the retaining wall or its footings.

The applicants request that the encroaching retaining wall structure be granted a variance to zero lot line for both properties as part of this Development Variance Permit.

Building Inspection is requiring that the applicants apply for a building permit to legalize the existing structures if the Board grants approval for the variance.

## SITING IMPLICATIONS

The retaining wall, raised deck and pool have been in existence on this property for 23 years. As the adjacent property is vacant, there have been no bylaw enforcement complaints received with respect to the structures. However, it can be expected that the adjacent property will be developed at some time in the future and so potential land use impacts that may arise from approving the variance request must be addressed. The swimming pool is located approximately 2.0 metres from the interior side lot line. Portions of the deck and retaining wall are coincident with the lot line and a portion of the retaining wall extends 0.2 metres onto the adjacent property, hence the request to vary the setback to 0.0 metres for both properties.

There are large, dense evergreen trees (cedars and firs) directly adjacent to the deck, which will reduce the potential noise, visual and privacy impacts that may arise due to the close proximity of a swimming pool and pool deck to the adjacent lot. Staff feel that the potential impacts on adjacent properties would



not be reduced if the deck structure were located entirely outside the required setbacks and therefore, in staff's opinion, approving the variance will not result in any further negative impact on the adjacent property.

Views from the existing dwellings along Eagle Ridge Place and Crow's Nest Place will not be impacted by approving the requested variance. Due to the topography of the surrounding area, the properties to the north of the subject property are barely visible from the pool deck, as the land slopes relatively steeply to the ocean. As the pool and deck structure are located at the rear of the subject property, they are not visible from properties on the south side of Eagle Ridge Place. Existing vegetation on the subject property provides a visual buffer for the adjacent vacant lots.

### **GEOTECHNICAL IMPLICATIONS**

A geotechnical report was completed by Davey Consulting and Engineering and it states "the structure ... meets the safety concerns of modern building code and does not present a hazard to the safety of occupants of the residences and can be considered safe for the intended use." Further, the report states that the retaining wall is steel reinforced and approximately 200 mm thick. According to the engineer's report, no deterioration of the internal steel appeared to be evident. It is recommended that this geotechnical report be registered on the title of the subject property for the benefit of future landowners.

In addition to the geotechnical report, it is recommended that the applicants be required to prepare and register a Save Harmless Covenant on the property saving the Regional District harmless from any action or loss that might result from hazardous conditions that may exist on the property due to the works. This covenant must be prepared to the satisfaction of the RDN.

### **ENVIRONMENTAL IMPLICATIONS**

The property is not designated within a Sensitive Ecosystem or Watercourse Development Permit Area pursuant to the Nanoose Bay Official Community Plan Bylaw No. 1118, 1998. There are no sensitive features evident on the property. However, should the Board consider approving the variance request, staff recommend that the applicants be required to maintain the existing vegetative buffer along the property line adjacent to the retaining wall as a condition of the variance approval. This will ensure that the bank remains stabilized to prevent any potential landslip or erosion in the future.

### **PUBLIC CONSULTATION IMPLICATIONS**

As part of the required public notification process pursuant to the *Local Government Act*, adjacent and nearby property owners located within a 50 metre radius will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board's consideration of the permit.

### **VOTING**

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

**SUMMARY/CONCLUSIONS**

This is an application to legalize the existing retaining wall, raised pool deck and swimming pool located within the interior side lot line setback pursuant to 'Regional District of Nanaimo Subdivision and Land Use Bylaw No. 500, 1987'.

From staff's assessment of this application, existing vegetation and the surrounding topography mitigate the potential negative impacts from the structures. The structures were erected in 1980 and there have been no bylaw enforcement complaints to date. Adjacent landowners will be afforded an opportunity to comment on the requested variance prior to the Board's consideration of the application. Therefore, staff would suggest that the application has technical merit to proceed, and the application is recommended to be approved, subject to consultation resulting from the public notification process and subject to the Conditions of Approval.

**RECOMMENDATION**

That Development Variance Permit Application No. 90323, submitted by Rosalinda Roder and Hans Roder on behalf of Simon Huddy and Jane Fordham to vary the minimum setback requirement for the interior side lot line from 2.0 metres to 0.0 metres to legalize the existing retaining wall, raised pool deck, AND swimming pool structures on the subject property legally described as Lot 23, District Lot 78, Nanoose District, Plan 25828 be approved, subject to the requirements outlined in Schedules No. 1, 2 and 3 and subject to notification requirements pursuant to the *Local Government Act*.



Report Writer

  
General Manager Concurrence

  
CAO Concurrence

**COMMENTS:**

*devrs/reports/2004/dvp nr 3090 30 90323 Roder/ Huddy, Fordham*

**Schedule No. 1**  
**1950 Eagle Ridge Place**  
**Conditions of Approval**  
**Development Variance Permit Application No. 90323**

**Retaining Wall**

- a) The applicants will register an easement agreement with the owners of Lot 22 to address the encroaching portion of the existing retaining wall. The easement agreement shall include language pertaining to the protection of the integrity of the retaining wall and its footings on the adjacent Lot 22.
- b) The applicants will obtain a building permit from the RDN Building Inspection Department. The applicants will be required to meet any conditions that the Building Inspection Department requires as part of the building permit process.

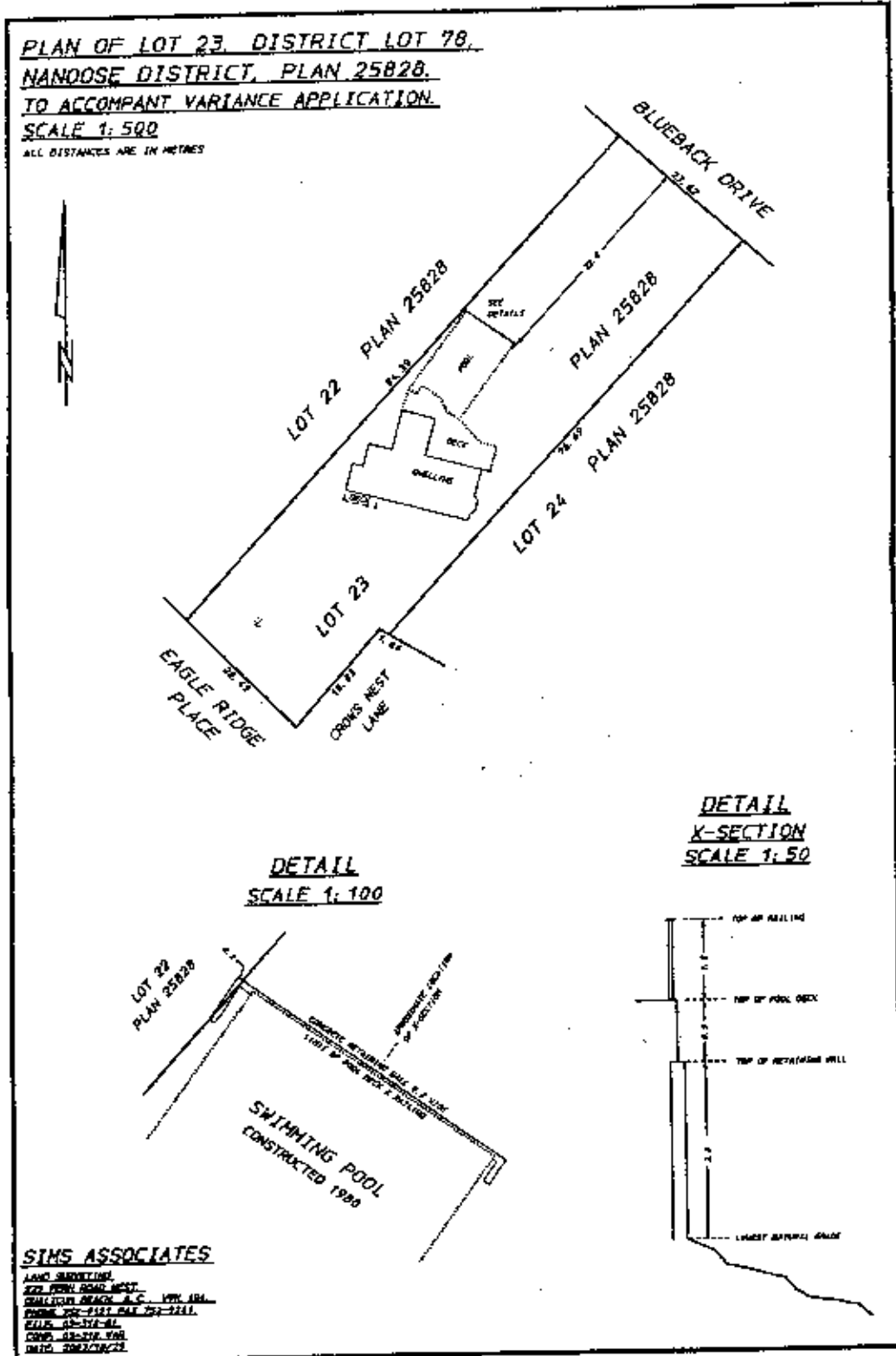
**Geotechnical Report and Save Harmless Covenant**

- a) The Geotechnical Report prepared by Lowkowich Geotechnical Engineering Ltd. shall be registered on the Certificate of Title as a condition of issuance of the development permit. This Covenant must be registered on the Certificate of Title prior to issuance of the building permit.
- b) The applicant shall include a clause saving the Regional District of Nanaimo harmless from any action or loss that might result from hazardous conditions associated with the existing construction and occupancy of the property.

**Swimming Pool and Deck Structure**

- a) The existing vegetation bordering the pool and deck shall be maintained in its current condition to mitigate any potential visual, noise or privacy impacts on the adjacent Lot 22. In addition retention and maintenance of the existing vegetation will reduce the potential for landslip, erosion or slope instability adjacent to the retaining wall.

Schedule No. 2  
 1950 Eagle Ridge Place  
 Site Plan (As submitted by Applicants)  
 Development Variance Permit Application No. 90323

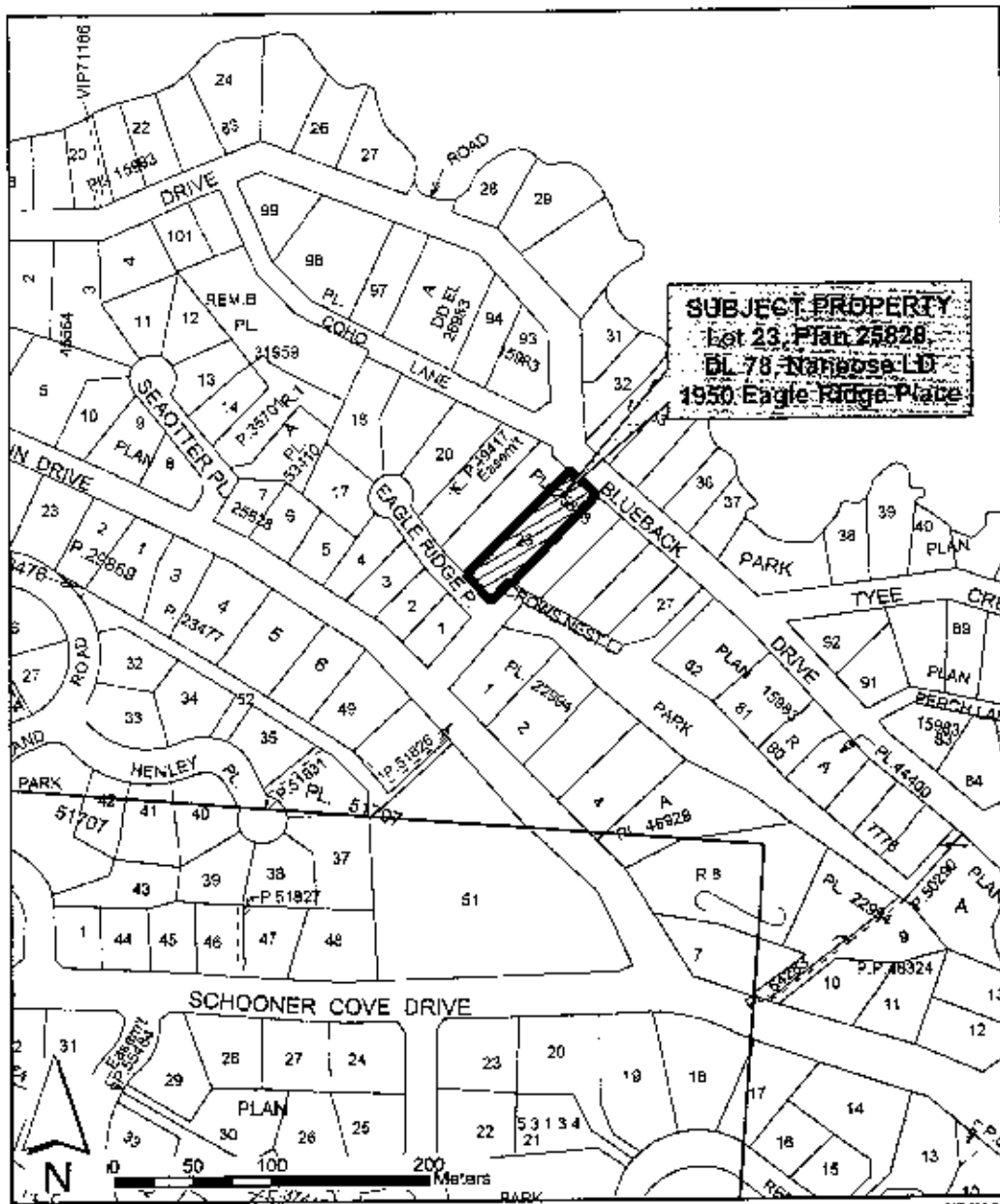


**Schedule No. 3**  
**1950 Eagle Ridge Place**  
**Requested Variances**  
**Development Variance Permit Application No. 90323**

With respect to the lands, the following variance to 'Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987' is requested:

1. Section 3.4.62 Minimum Setback Requirements – Interior side lot line is requested to be varied from 2.0 metres to 0.0 metres in order to legalize the existing retaining wall, raised deck and pool structures.

**Attachment No. 1**  
**1950 Eagle Ridge Place**  
**Subject Property Location**  
**Development Variance Permit Application No. 90323**





REGIONAL DISTRICT OF NANAIMO	
MAR 15 2004	
CHAIR	GMCrS
CAO	GMDS
GMCms	GMES
EAP ✓	

MEMORANDUM

TO: Robert Lapham  
General Manager, Development Services

DATE: March 12, 2004

FROM: Blaine Russell  
Planner

FILE: 3090 30 90405

SUBJECT: Development Variance Permit Application No. 90405 — Deo  
Electoral Area 'G' — Fourneau Way - RDN Reference Map No. 92F.039.2.1

PURPOSE

To consider an application for a Development Variance Permit to facilitate the construction of a dwelling unit with the proposed variance to the maximum permitted height to allow for the architectural style of construction as proposed by the applicant.

BACKGROUND

The subject property, legally described as: Lot A (DD EB20873) of Lot 16, Block 419, Nanoose District, Plan 36697 on Fourneau Way in the Englishman River area of Electoral Area 'G' (see Attachment No. 1).

The subject property is zoned Rural 1 (Rural 1) subdivision district 'F' pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

The applicant is requesting a relaxation to the maximum permitted height of Section 3.4.81 pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" from 9.0 metres to 11.44 metres to accommodate the proposed construction of a new dwelling unit.

The subject property is bordered by other rural zoned properties to the east and west and to the north is Fourneau Way and to the South is the Inland Island Highway. The Fourneau Way area is relatively flat area with the elevation slightly decreasing towards the north side of the road. Marginal views of Georgia Strait are sometimes possible to the north along Fourneau Way, depending on the tree cover present. It should be noted the subject property and the two adjacent properties are all approximately 1.0 hectare in size.

The proposed general siting and dimensions of the dwelling unit are shown on Schedule 2.

The property is located within a building inspection service area; therefore building permits will be required.

ALTERNATIVES

1. To approve Development Variance Permit No. 90405 subject to the conditions outlined in Schedules No. 1, 2 and 3.
2. To deny the requested permit.

## **DEVELOPMENT IMPLICATIONS**

As the proposed dwelling unit is to be located on the south side of Fourneau Way there will not be any impact on the potential views of surrounding properties. The only view to the south is a row of trees adjacent to the Inland Island Highway and the only views to the east and west are other dwelling units.

The proposed dwelling unit is generally in line with the dwelling unit at 324 Fourneau Way and is farther away from the road than dwelling unit at 340 Fourneau Way. The neighbouring dwelling unit to the east at 324 Fourneau Way is 41.7 metres (136.81 feet) from the road at its closest point and the neighbouring dwelling unit to the west at 340 Fourneau Way is 21.01 metres (68.93 feet) from the road at its closest point. It should be noted that the two neighbouring dwelling units are both located closer to the subject property than they are to the other properties that they are adjacent. The dwelling unit located to the north at 331 Fourneau Way is closer to Fourneau Road at 24.38 metres (80.0 feet) than the dwelling unit proposed by the applicant.

As the property is one hectare in size the proposed siting the impact of the mass of the dwelling unit should be minimal. The dwelling, at its foundation, is proposed to be approximately 44.73 metres (146.75 feet) from the front lot line and approximately 20.98 metres (68.84 feet) from the nearest interior side lot line. While the application is for a significant variance to the maximum permitted height in the rural zone, there is an increasing desire by some area residents to build larger homes with increased emphasis on architectural features that maximize the potential of larger rural lots. This can impact adjacent property owners in some rural areas however given the characteristics of the subject rural neighbourhood there does not appear to be any impact from the proposed construction.

## **PUBLIC CONSULTATION IMPLICATIONS**

As part of the required public notification process pursuant to the *Local Government Act*, adjacent and nearby property owners located within a 50 metre radius will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board's consideration of the permit.

## **VOTING**

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

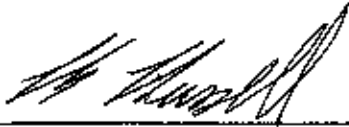
## **SUMMARY/CONCLUSIONS**

This is an application for a development variance permit to vary the maximum permitted height from 9.0 metres to 11.44 metres to accommodate the proposed construction of a new dwelling unit on Fourneau Way in Electoral Area G. The proposed height variance does not appear to impact views or have other impacts on neighbouring property owners due to the size of the property and characteristics of the neighbourhood. Therefore, staff recommend approval of the request subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to the notification requirements pursuant to the *Local Government Act*.



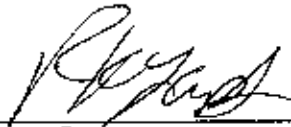
**RECOMMENDATIONS**

That Development Variance Permit Application No. 90405, submitted by the property owners Anthony Deo and Cecilia Deo for the property legally described as Lot A (DD EB20873) of Lot 16, Block 419, Nanoose District, Plan 36697 to relax the maximum height requirements from 9.0 metres to 11.44 metres in order to allow for the construction of a dwelling unit as proposed be the applicants 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*.



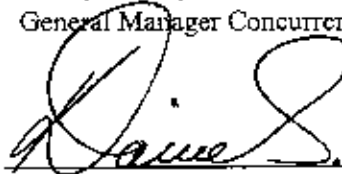
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Report Writer



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General Manager Concurrence



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CAO Concurrence

COMMENTS:

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**Schedule No. 1**  
**Conditions of Approval**  
**Development Variance Permit No. 90401**

**Siting**

1. The dwelling unit shall be generally sited as shown on Schedule No. 2 and shall generally appear as shown on Schedule No. 3.

**Maximum Height**

2. The dwelling unit shall not exceed 11.44 metres in height as indicated on Schedule No. 2

**Survey**

3. A survey by a British Columbia Land Surveyor (B.C.L.S), that is prepared to the satisfaction of the Regional District of Nanaimo, shall be required upon completion of the dwelling unit to confirm its siting and height; An official copy of this survey must be provided to the Regional District of Nanaimo; This survey should include indication of the outermost part of the building such as the overhang, gutters etc.;

**Geotechnical**

4. A Geotechnical report prepared by a Geotechnical Engineer to the satisfaction of the Regional District of Nanaimo shall be required if deemed necessary by the Chief Building inspector.

Schedule No. 2  
Site Plan  
Development Variance Permit No. 90405

(As Submitted by Applicant / Modified to Fit This Page)

J.E. ANDERSON & ASSOCIATES  
P.C. Land Surveyors - Consulting Engineers  
Victoria, British Columbia, B.C.  
P.O. Box 4081 Fax 780-420-4200

SKETCH PLAN

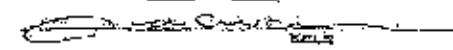
Plan: 88016

Legal: Parcel A (GD 8800873) of Lot 10, Block 40, Neptunus Subdiv. Plan 88007

City: Courtenay, B.C.

Project #:

Multiple Occupancy: 4th Reg. of B.C. 1994



Scale: 1" = 30' ft

All dimensions are in feet

Subject to approval of the City of Courtenay (P.L.N. 2003-038-012)

Dimensions are based on bench mark 8200 = 100.00 ft

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This document is not valid unless original  
signed and sealed.



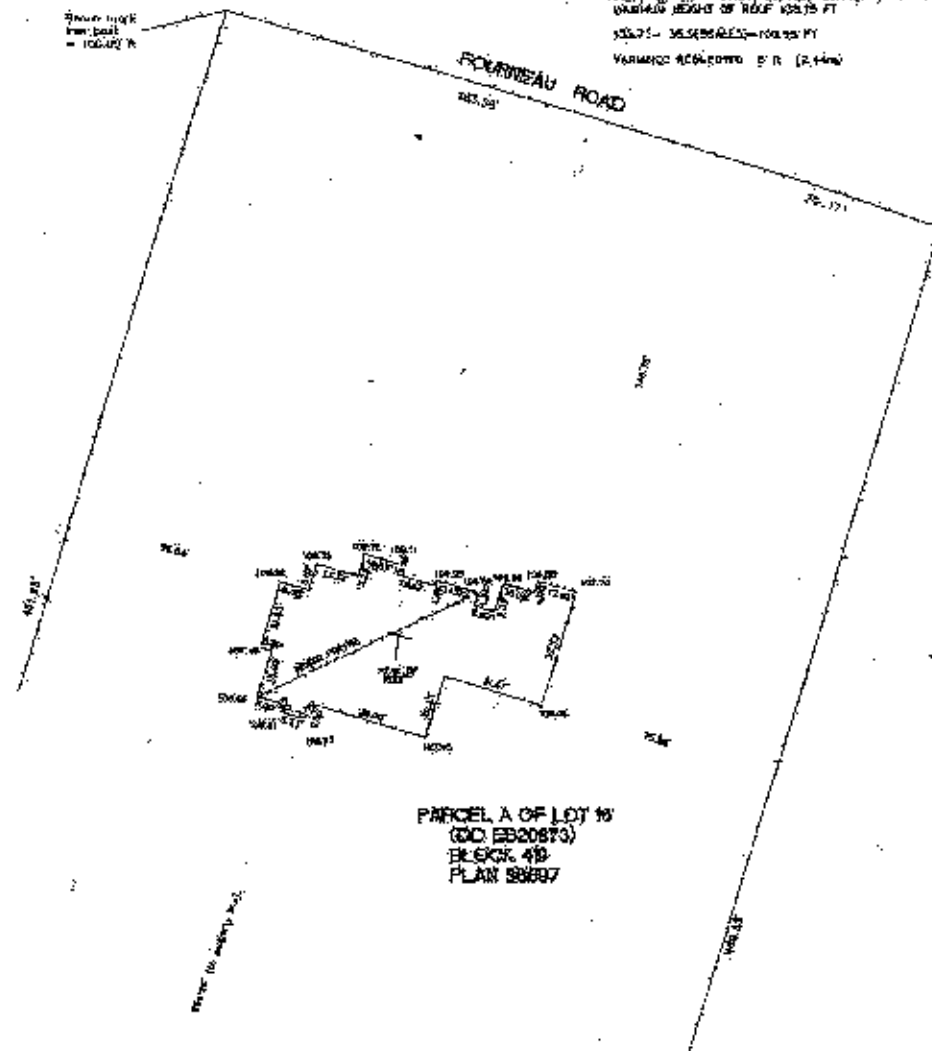
HEIGHT CALCULATION

100.00 - 100.00 = 0.00

0.00 + 100.00 = 100.00

100.00 - 100.00 = 0.00

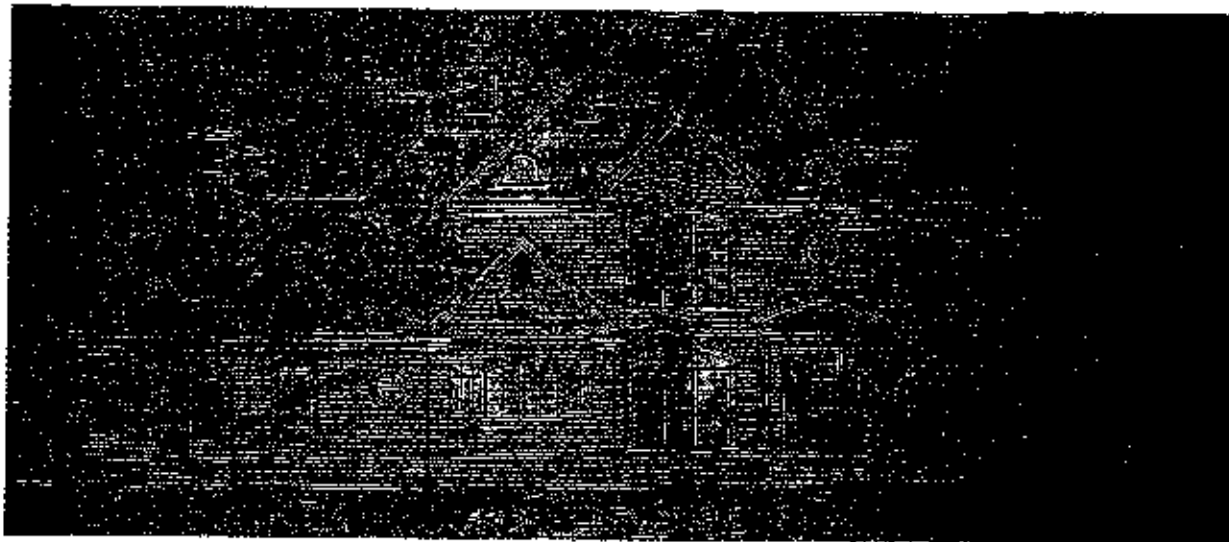
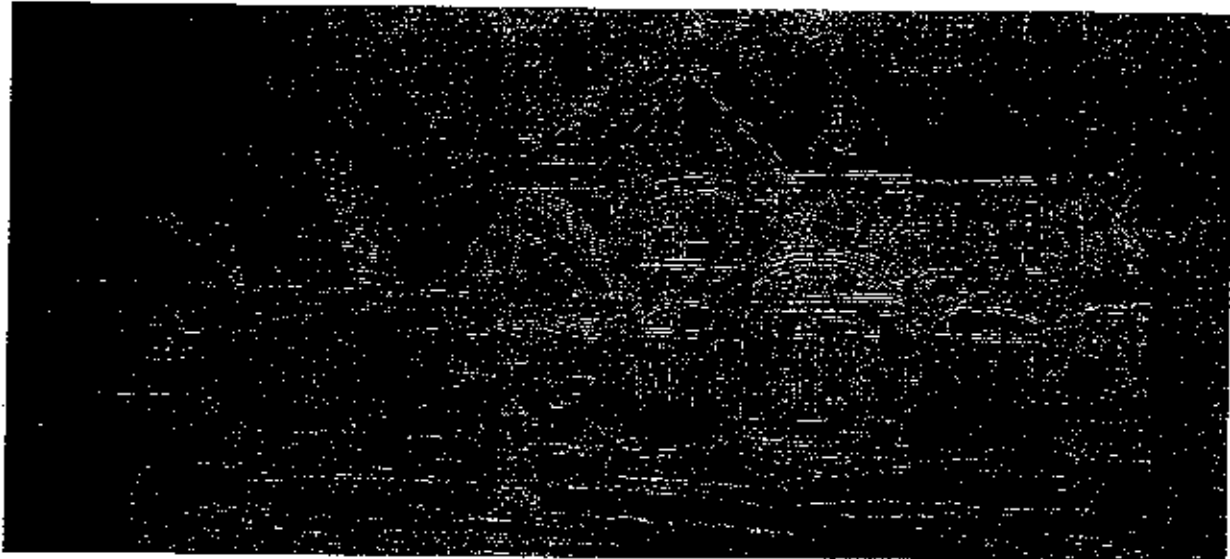
Variance Application # 90405



PARCEL A OF LOT 10  
(GD 8800873)  
BLOCK 40  
PLAN 88007

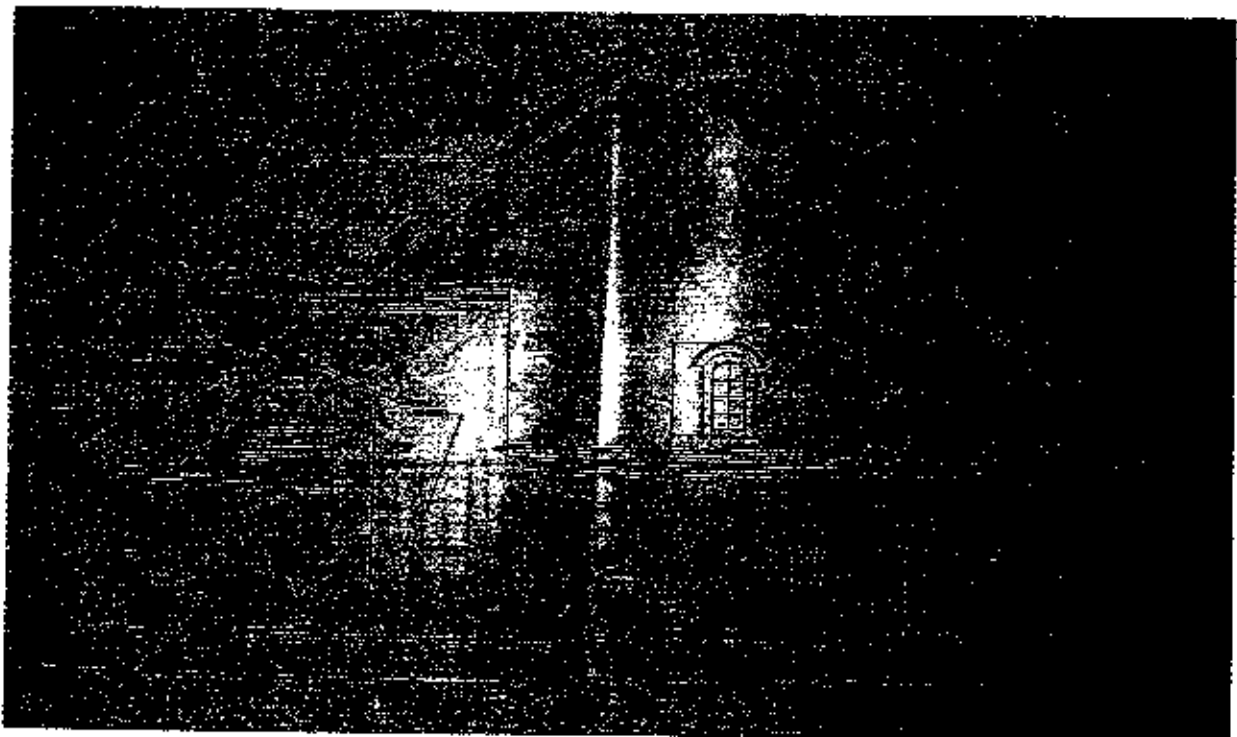
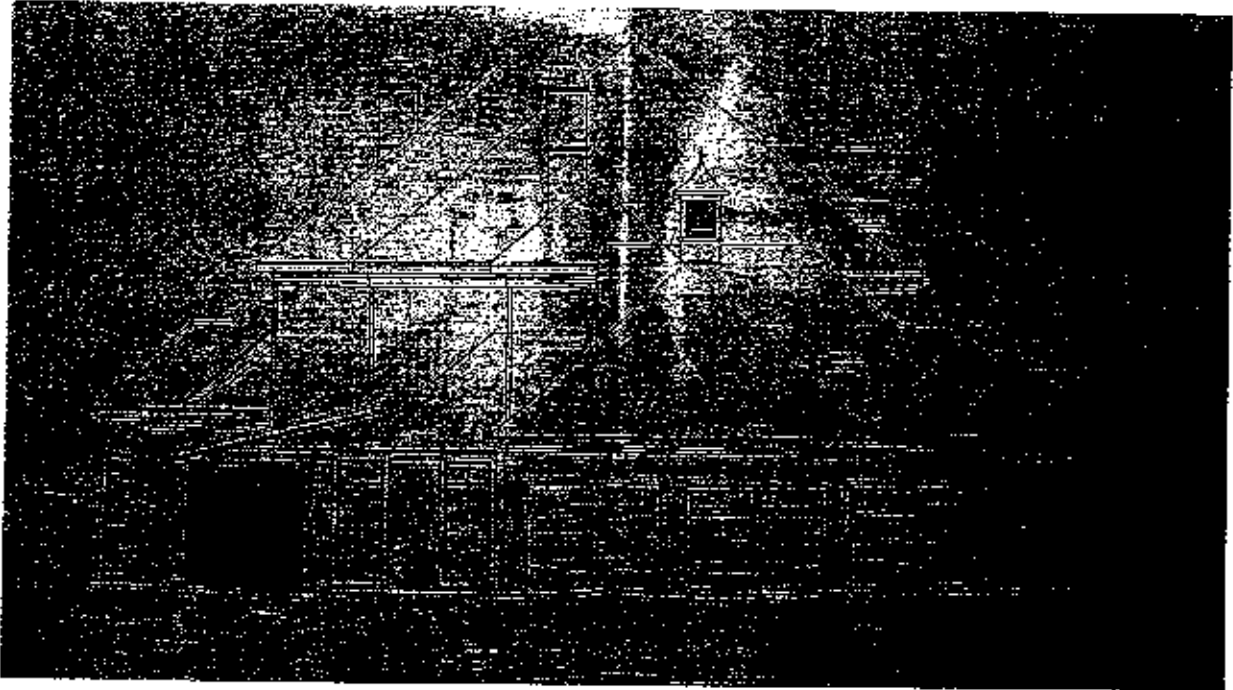
**Schedule No. 3 (part 1 of 3)**  
**Profile Plan**  
**Development Variance Permit No. 90405**

**(As Submitted by Applicant / Modified to Fit This Page)**



**Schedule No. 3 (Part 2 of 3)**  
**Profile Plan**  
**Development Variance Permit No. 90405**

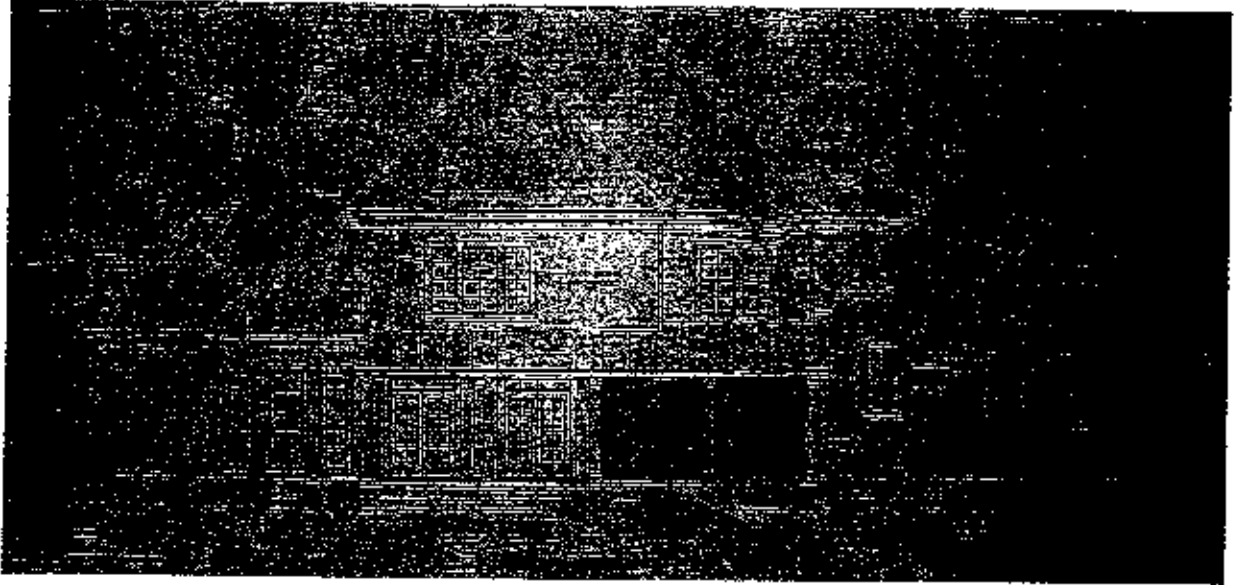
**(As Submitted by Applicant / Modified to Fit This Page)**



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**Schedule No. 3 (Part 3 of 3)**  
**Profile Plan**  
**Development Variance Permit No. 90405**

**(As Submitted by Applicant / Modified to Fit This Page)**



**Schedule No. 4**  
**Requested Variances**  
**Development Variance Permit No. 90405**

Development Variance Permit No. 90405 is proposed to vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987":

1. By relaxing Section 3.4.81 – **Maximum Number and Size of Building and Structures – Height** – the maximum height requirement from 9.0 metres to 11.44 metres in order to accommodate the dwelling unit.







REGIONAL DISTRICT OF NANAIMO		
MAR 16 2004		
CHAIR		GMCrs
CAO		GMDS
GMCms		GMES
DATE		

**MEMORANDUM**

**TO:** Kelly Daniels  
Chief Administrative Officer.

**FROM:** Neil Connelly  
General Manager, Community Services

**SUBJECT:** Review of Park Land Dedication in Conjunction with the Subdivision Application Process

**FILE:** 6130-01 park land

**PURPOSE**

To consider a Board policy that includes procedures for Park Advisory Committee and public review of park land dedication as it applies to the subdivision application process.

**BACKGROUND**

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 the dedication of park land or the provision of cash in-lieu-of park land or the combination of both. Currently, for subdivision applications where park land is to be determined by the Regional Board, planning staff prepares a report for the consideration of the Electoral Area Planning Committee (EAPC), who in turn provides a recommendation to the Regional Board for its consideration. The staff report includes an evaluation of the park land provisions relative to the applicable Official Community Plan objectives and policies. Other site and evaluation factors are also taken into consideration in the preparation of the staff report.

Current procedures provide for staff to forward a subdivision application involving the Board's consideration of parkland to the applicable Parks and Open Space Advisory Committee for comments. There are four electoral area Park Advisory Committees in place, Electoral Areas 'A', 'B', 'E' and 'G'. The Advisory Committee, in response to the referral, considers the park land aspects of the subdivision proposal at their meeting and provided recommendations to the Regional Board. The Area 'B' Committee is the exception as subdivision on Gabriola Island is administered by the Islands Trust. Advisory Committee Meetings have included both Planning and Parks Departments input and, in some cases, representation from the developer or the developer's agent, and members of the public. In several instances, the Advisory Committee, in developing comments to be forwarded to the Regional Board, have held additional meetings and/or undertaken further discussion with the developer on issues related to the proposed subdivision layout and the approach to park land requirements.

It is noted that the current Terms of Reference for the Advisory Committees provide for recommendations and advise to be forwarded to the Regional Board on a wide range of parks and open space issues, including the acquisition, development, and maintenance of community park sites.

In order to ensure expediency in the subdivision review process as it relates to the dedication of parkland, staff recommends a Board policy be adopted, which provides for broader public consultation opportunities and clarifies the process. While the proposed policy includes retaining the present referral process to applicable Parks and Open Space Advisory Committees for comments to the Regional Board,

the policy also includes the provision for holding a Public Information Meetings (PIM) in conjunction with proposed park land proposals.

A corresponding staff report on a park land proposal in connection with a subdivision application would continue to be forwarded to the Electoral Area Planning Committee for its consideration. Such a report would include any comments submitted by the applicable Parks and Open Space Advisory Committee as well as the summary of proceedings received at the Public Information Meeting.

It is noted that during 2003, six staff reports were forwarded to the Electoral Area Planning Committee, which dealt with park land requirements at time of subdivision (for Electoral Area 'E' – 2 applications; Electoral Area 'F' – 1 application, and Electoral Area 'G' – 3 applications).

### **ALTERNATIVES**

1. That the Board policy entitled "Review of the Consideration of Park Land Dedication in Conjunction with the Subdivision Application Process" be approved.
2. That the proposed policy be revised as directed.

### **OFFICIAL COMMUNITY PLAN / PARKS PLAN IMPLICATIONS**

In addition to official community plans, Electoral Areas A and E have had parks/trails related documents prepared for those communities (Electoral Area 'A' - Parks and Trails Study and Electoral Area 'E' - Parks and Open Space Plan). Both these documents have been received by the Regional Board to be used as guiding documents for parks, trails and open space planning and management. While the information in these documents is useful in reviewing applications, it is the official community plans that provide the statutory provisions in dealing with the acquisition of park land.

### **PUBLIC CONSULTATION IMPLICATIONS**

Under this proposed Board policy, Parks and Open Space Advisory Committees would continue to have the opportunity to provide comments to the Regional Board on parkland dedication in conjunction with a subdivision application. It is suggested that the referral process include a standard format, which the Advisory Committee would complete, upon review of a proposal. This form is attached to the proposed policy. The policy also provides for staff to coordinate the scheduling of the Park Advisory Committee and/or the Public Information Meeting (PIM) with the applicable Area Director. It is anticipated that the Park Advisory Committee would arrange to meet on the referrals on an 'as required' basis in advance of the PIM.

In addition, the proposed policy provides for a community consultation process through the holding of Public Information Meetings. The PIMs would be advertised in an edition of a local newspaper and adjacent land owners would be notified by mail. As part of the meeting format, the applicant would be asked to present the park land proposal. Staff would also be in attendance to provide information and record the proceedings of the Meeting. This additional public consultation process would provide residents an opportunity to give input on a park land issue from a local neighbourhood and community perspective.

In addition to providing an Advisory Committee perspective at its meetings, an individual Committee member would be able to attend the PIM and have an opportunity to provide comments as a member of the community.

**FINANCIAL IMPLICATIONS**

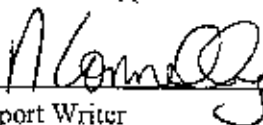
The use of Public Information Meetings would incur additional direct and indirect costs to the Development Services work program. Such costs, estimated at \$400.00 per meeting, would include the cost of advertising, mail out of notices, room rental, and staff time. As a parks-related public information meeting does not fall under the Procedures Bylaw, the ability to recover some of these costs directly from the applicant is not possible, other than by way of increasing subdivision application fees. As noted above, six staff reports concerning park land at time of subdivision were considered by the Board during 2003. Staff will monitor the costs associated with the proposed policy with a view to updating the Board as part of future planned subdivision fee review proposal.

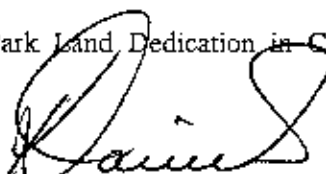
**SUMMARY**

This report is requesting the Board's consideration of a policy concerning the review of the provision of park land as part of the overall review of subdivision proposals. The proposed policy includes an additional public consultation process to be conducted as part of the review of the consideration of park land as part of a subdivision application. This would be achieved by conducting a Public Information Meeting in addition to the current referral process to the applicable Parks and Open Space Advisory Committee. It would ensure that all residents and landowners are given an opportunity to comment on proposed parkland dedications, thus allowing for broader public input. Information from both the Advisory Committee and the PEM would be included in the report by staff that the Regional Board would consider in its consideration of a park land dedication matter.

**RECOMMENDATION**

That the Policy "Review of The Consideration of Park Land Dedication in Conjunction with the Subdivision Application Process", be approved.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
CAO Concurrence

COMMENTS:

## REGIONAL DISTRICT OF NANAIMO

### POLICY

SUBJECT: <i>Review of The Consideration of Park Land in Conjunction with the Subdivision Application Process</i>	POLICY NO:
EFFECTIVE DATE:	APPROVED BY: Board
REVISION DATE:	PAGE: 1 of 2

#### PURPOSE

To provide a consistent approach and procedures for the review of park land dedication or cash in-lieu-of park land dedication or a combination of both as part of subdivision review process where an Electoral Area Official Community Plan provides this option to the Regional Board.

#### BACKGROUND

Pursuant to the *Local Government Act*, where official community plan policies are in place with respect to the provision of park land, the Regional District will require an applicant, as part of a subdivision application, to provide park land or cash-in-lieu of park land or a combination of both.

#### PROCEDURES

1. Applications for subdivision, where the applicable official community plan provides direction to the Regional Board in its consideration of park land pursuant to section 941 of the *Local Government Act* and the park land proposal is consistent with the applicable OCP policies, will be forwarded to the applicable Electoral Area Parks and Open Space Advisory Committee requesting Advisory Committee comments.
2. The park land referral to the Advisory Committee will include the relevant application information, applicable OCP policies, applicable Park Plan policies, and any other relevant information.
3. The Advisory Committee will, in its evaluation of the request take into account applicable park land policies, park land operational matters, and any other issues that the Committee may wish to have taken into consideration by the Regional Board in its assessment of the submitted request.

4. The park land referral to the Advisory Committee will specify a return date for Advisory Committee comments.
5. The Advisory Committee will forward its comments with respect to the request in the sample form attached to the policy.
6. The Planning Department, in consultation with the Electoral Area Director, will directly arrange for the holding of a Public Information Meeting (PIM) on the park land dedication proposal.
7. Notification for a Public Information Meeting will include 1 newspaper advertisement not less than 3 days nor more than 10 days prior to the date of the meeting, notices of the meeting mailed to all property owners within 100 metres of the subject property, and notice of the meeting forwarded to the members of the applicable Parks and Open Space Advisory Committee.
8. Staff reports that are prepared for the Electoral Area Planning Committee of the Regional Board on the evaluations of subdivision proposals that involve park land dedication or cash in-lieu-of park land dedication or a combination of both will include the following information, but not be limited to:
  - a) The referral form and comments from the applicable Electoral Area Parks and Open Space Advisory Committee;
  - b) The summary proceedings from the Public Information Meeting; and,
  - c) A technical evaluation that includes applicable official community plan objectives and policies and other matters, relative to the proposal.



# PARK LAND DEDICATION REVIEW

## Referral Form

### Parks and Open Space Advisory Committee

In conjunction with the subdivision application for the property legally described as:

\_\_\_\_\_

and located at \_\_\_\_\_

Attachments:

- Location map
- Park Proposal Map
- Other \_\_\_\_\_

The \_\_\_\_\_ Advisory Committee has considered the request submitted by the applicant/owner and forwarded by the Regional District Planning Department for either dedication of park land or cash in-lieu-of park land or a combination of both and has the following advisory comments:

- Support park land in the amount and location as proposed.
- Do not support park land in the amount and location as proposed.

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary

Meeting held on (date): \_\_\_\_\_