

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

*(Nanaimo City Council Chambers)*

**A G E N D A**

**PAGES**

**CALL TO ORDER**

**DELEGATIONS**

2-

**Jerry Bordian, Englishman River Land Corporation, re Block 564.**

**MINUTES**

3-7

Minutes of the Electoral Area Planning Committee meeting held Tuesday, February 25, 2002.

**BUSINESS ARISING FROM THE MINUTES**

**PLANNING**

***AMENDMENT APPLICATIONS***

8-63

Proposed OCP & Zoning Amendment Application No. AA0304 – Michael Rosen & Associates on behalf of Englishman River Land Holdings Ltd. – Kaye Road – Area G.

***DEVELOPMENT PERMIT APPLICATIONS***

64-70

DP No. 60307 – Heringa – Lot 1, Miller Road – Area G.

71-79

DP No. 60308 -- Palleson/Allen – 931 McFeely Drive – Area G.

80-86

DP No. 60312 – Guy (Pecora Holdings/Coast Distributors) – 6855 Mart Road – Area D.

**ADDENDUM**

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**NEW BUSINESS**

**IN CAMERA**

**ADJOURNMENT**

**ENGLISHMAN RIVER LAND CORPORATION**  
1100 - 938 Howe Street  
Vancouver, B.C. V6Z 1N9

March 11, 2003

Regional District of Nanaimo  
Corporate Services  
6300 Hammond Bay Road  
Nanaimo, BC.  
V9T 6N2

**Attention: Ms. Linda Burgoyne - Administrative Assistant**

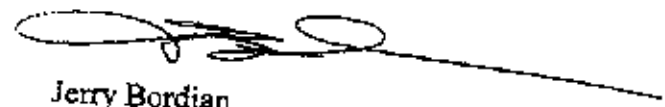
Dear Ms. Burgoyne:

**Re: Request to Appear as a Delegation - Electoral Area Planning Committee  
(March 25, 2003)**

We hereby request delegation status to present our Concept Plan to the Electoral Area Planning Committee regarding Block 564 (Englishmen River Valley).

Please confirm when our delegation request has been accepted. Thank you.

Yours truly,  
ENGLISHMAN RIVER LAND CORPORATION

  
Jerry Bordian

cc: Kelly Daniels - Chief Administrative Officer  
Bob Lapham - General Manager / Development Services  
Michael Rosen - Planning Consultant

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE  
MEETING HELD ON TUESDAY, FEBRUARY 25, 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
Alternate	
Director M. Klee	Electoral Area G
Director D. Bartram	Electoral Area H
Alternate	
Director A. Kruyt	Town of Qualicum Beach
Director L. Sherry	City of Nanaimo

**Also in Attendance:**

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

**DELEGATIONS**

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

Mr. Coath, representing the Electoral Area 'G' Parks and Open Space Advisory Committee, advised that any considered modifications of the original dedicated park proposal by the applicant should be such that concerns raised at the public information meeting are thoroughly addressed.

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

Mr. Hollingworth raised his concerns with respect to the proposed request for land exchange and provided a number of recommendations for the Board's consideration.

MOVED Director Haime, SECONDED Director Bartram, that the following late delegations be permitted to address the Committee.

CARRIED

**Helen Sims, re Request for Land Exchange – Fern Road Consulting Ltd. on behalf of R & L Todsén & McTay Holdings Ltd. – Hawthorne Rise & White Pine Way – Area G.**

Ms. Sims provided a short history of the park as well as an update with respect to the applicant's proposal for land exchange in order to better facilitate the subdivision layout. It was also noted that the applicant will assist with the construction of a pathway through the park land.

**Richard Dean, re Request for Land Exchange – Fern Road Consulting Ltd. on behalf of R & L Todsens & McTay Holdings Ltd. – Hawthorne Rise & White Pine Way – Area G.**

Mr. Dean noted the concerns that were raised by area residents during a neighbourhood canvas undertaken by the French Creek Residents Association which included retention of healthy trees, protection of native plants, park access and any proposal to trade any portion of the park for park access.

**MINUTES**

MOVED Director Haime, SECONDED Director Bartram, that the minutes of the Electoral Area Planning Committee meeting held January 28, 2002 be adopted.

**COMMUNICATION/CORRESPONDENCE**

CARRIED

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

MOVED Director Bartram, SECONDED Director Biggemann, that the correspondence received from the French Creek Residents Association with respect to Fern Road Consulting Limited's request for land exchange, be received.

CARRIED

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

MOVED Director Bartram, SECONDED Director Biggemann, that the correspondence received from Dennis and Anita Lawrence with respect to the subdivision proposal for the land legally described as Remainder of Lot 1, DL 49, Nanoose District, Plan 19351, be received.

CARRIED

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

MOVED Director Bartram, SECONDED Director Biggemann, that the correspondence received from the Hawthorne Rise Area Residents with respect to the parkland contained within the proposed development in the French Creek area, be received.

CARRIED

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

MOVED Director Bartram, SECONDED Director Biggemann, that the correspondence received from David and Ros Ross with respect to the application for an exchange of land for property legally described as the Remainder of Lot 1, DL 49, Nanoose LD, Plan 19351, be received.

CARRIED

**Gareth Rees, re Request for Land Exchange – Fern Road Consulting Ltd. on behalf of R & L Todsens & McTay Holdings Ltd. – Hawthorne Rise & White Pine Way – Area G.**

MOVED Director Bartram, SECONDED Director Biggemann, that the correspondence received from Gareth Rees with respect to the proposed changes to the boundary of the existing park located in the St. Evar subdivision, be received.

CARRIED

R.A. and Anna K. Bloxham, re Request for Land Exchange – Fern Road Consulting Ltd. on behalf of R & L Todsén & McTay Holdings Ltd. – Hawthorne Rise & White Pine Way – Area G.

MOVED Director Bartram, SECONDED Director Biggemann, that the correspondence received from R.A. and Anna Bloxham with respect to the proposed park boundary changes requested by the developer for the land legally described as Lot 1, District Lot 49, Nanoose District, Plan 19351, be received.

UNFINISHED BUSINESS

CARRIED

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

MOVED Director Bartram, SECONDED Director Bibby, 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*.

PLANNING

CARRIED

#### AMENDMENT APPLICATIONS

**Zoning Amendment Application No. 0303 – Haylock Bros./Sims – Melrose Road – Area G.**

MOVED Director Klee, SECONDED Director Haime,:

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 (RM1) 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. 500.290, 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, 2002" be delegated to Director Stanhope or his alternate.

CARRIED

#### DEVELOPMENT PERMIT APPLICATIONS

**DP Application No. 0305 – Thiessen & Marshall/Kyler – 1272 Seadog Road – Area E.**

MOVED Director Bibby, SECONDED Director Bartram, 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.

**DP Application No. 0306 – Yorke/Rowland – 1435 Private Road – Area G.**

CARRIED

MOVED Director Klee, SECONDED Director Haime, 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.

#### DEVELOPMENT VARIANCE PERMIT APPLICATIONS

CARRIED

**DVP Application No. 0303 – Buchanan – 5012 Seaview Drive – Area H.**

MOVED Director Bartram, SECONDED Director Bibby, 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*.

**DVP Application No. 0304 – Melvyn– Seaview Drive – Area H.**

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, 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.

CARRIED

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

MOVED Director Bibby, SECONDED Director Bartram, 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*.

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

CARRIED

MOVED Director Haime, SECONDED Director Klee, that Development Variance Permit Application No. 0306 by Stanley Neville Balance 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*.

**FRONTAGE RELAXATION**

CARRIED

**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. Radznil - Greive Road - Area A.**

MOVED Director Kreiberg, SECONDED Director Haime, that the requests, submitted by WR Hutchinson, BCLS, on behalf of James Radznil 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.

**OTHER**

CARRIED

**Request for Park Land Exchange - Fern Road Consulting Ltd. on Behalf of R & L Todsén & McTay Holdings Ltd. - Hawthorne Rise & White Pine Way - Area G.**

MOVED Director Klee, SECONDED Director Haime, 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.

**ADJOURNMENT**

CARRIED

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

**TIME: 7:28 PM**

CARRIED

CHAIRPERSON \_\_\_\_\_

**PAGE**  
**7**



MAR 17 2003

CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
		EAP	✓

MEMORANDUM

TO: Robert Lapham  
General Manager, Development Services

DATE: March 17, 2003

FROM: Susan Cormie  
Senior Planner

FILE: 6480 00 0304

SUBJECT: Proposed OCP & Zoning Amendment Application No. AA0304/Michael Rosen & Associates, on behalf of Englishman River Land Holdings Ltd.  
Electoral Area 'G' - Kaye Road

PURPOSE

To consider an application to amend the Englishman River OCP and Bylaw No. 500, 1987 to redesignate a portion of The Remainder of Block 564 Nanoose District from the Resource Management designation to the Rural Residential designation and rezone the subject property from Resource Management 1 (RM1) Subdivision District 'B' to Comprehensive Development 14 (CD14) in order to facilitate a 158-lot subdivision.

BACKGROUND

The Planning Department has received an amendment application for the property legally known as Block 564, Nanoose District, Except That Part Shown Outlined in Red on Plan 613-R and Except Parts in Plans 360RW, 3132RW, 31833, 39893, 42873, VIP66068, VIP67422, VIP69511 and VIP71158 (The Remainder of Block 564 Nanoose District), which is located adjacent to the Englishman River near the intersection of the Island Highway and the Parksville Bypass within Electoral Area 'G' (see Attachment No. 1 for location of subject property). Surrounding uses include ALR lands and the City of Parksville to the north; ALR and FLR lands and some smaller rural parcels in Electoral Area 'E' to the east; ALR and FLR lands and a rural property in Electoral Area 'F' to the south; and across the Englishman River, ALR and FLR lands in Electoral Area 'G'.

The subject property is presently not developed. However, there has been logging and gravel mining activities that have taken place within the site in recent years.

The Remainder of Block 564 is not situated within a community water or community sewer service area, nor is it included in the Arrowsmith Bulk Water Supply System. However, the property is within the Nanoose Fire Protection Area.

Official Community Plan

The Remainder of Block 564 is designated Resource Management pursuant to the Englishman River Official Community Plan Bylaw No. 814, 1990. Land within this designation is to have a minimum parcel size of 8.0 hectares. Permitted uses are generally to be limited to those activities associated with natural resource harvesting or extraction and outdoor recreation. It is noted that the Englishman River OCP does not designate the portion of the Englishman River within the OCP area as a development



permit area for the purpose of protecting the natural environment, its ecosystems or biological diversity. Consequently, riparian areas and sensitive ecosystems are currently vulnerable to impacts from development. The Plan was last reviewed and adopted on January 8, 1991 and previous initiatives to establish development permit areas within the Plan area were opposed.

As the applicant is proposing parcels less than 8.0 hectares in size, an amendment to the OCP from the Resource Management designation to the Rural Residential designation, which allows a minimum parcel size of 1.0 ha to be created, is required.

#### ***Current Zoning***

The subject property is currently zoned Resource Management 1 (RM1) and is located within Subdivision District 'B' (minimum parcel size 8.0 ha) pursuant to Bylaw No. 500, 1987. Permitted uses under the Resource Management 1 zone include Agriculture, Aquaculture, Extraction Use, Home Based Business, Log Storage & Sorting Yard, Primary Processing, Residential Use, and Silviculture. The RM1 zoning permits a maximum of one dwelling unit on parcels 8.0 hectares or less, and two dwelling units on parcels greater than 8.0 hectares. The minimum parcel size for the 'B' Subdivision District is 8.0 ha with or without community water and sewer services.

The applicant is requesting that Bylaw No. 500, 1987 be amended from Resource Management 1 Subdivision District 'B' (RM1B) (8.0 ha minimum parcel size) to Comprehensive Development 14 Zone (CD14) (1.0 ha minimum parcel size) in order to permit the creation of 158 parcels minimum 1 ha in size or greater.

#### ***Agricultural Land Commission***

A small portion of the subject property (approximately 33 ha) is located within the Provincial Agricultural Land Reserve (ALR). The applicant is proposing that these portions of the property remain within the Agricultural Land Reserve.

#### ***Proposal as Submitted***

The applicant is proposing to develop the subject parcel with 158 rural residential parcels with a minimum parcel size of 1.0 ha with community water and provide approximately 21.4 ha of land for regional park purposes (see Attachment No. 2 for Conceptual Plan). Areas proposed for regional park purposes includes the Craig Creek corridor that crosses the south portion of the property, a greenway and unnamed wetland corridor providing connections between the Craig Creek Corridor and the Englishman River, and those lands adjacent to the Island Highway corridor. (see Attachments No. 3 and 4).

In addition, the applicant has entered into an agreement with The Nature Trust of British Columbia to dedicate approximately 92.1 ha of the entire subject property to the Trust. These lands include the Englishman River Valley, lands located adjacent to the Island Highway, and that portion of Craig Creek located in the north area of the Remainder of Block 564 (see Attachment No. 5). It is proposed that these lands will be transferred to The Nature Trust as a fee simple parcel if the applicant anticipates that the rezoning application is likely to proceed, but in any case, prior to consideration of adoption of an amendment bylaw for this rezoning application. Staff have met with The Nature Trust and The Trust has agreed that if the lands are transferred to the Trust, they will consent to a rezoning of the lands to the ES1 Z (Conservation 1 Zone No Further Subdivision) and to recognize the RDN as having an interest in the lands with respect to securing public access, recreational use, and rights-of-way in accordance with a management plan for the property. It is currently intended that the lands would be leased to the Province to form part of the Englishman River wildlife management area.

In support of the application, the applicant has submitted a number of related reports. These include:

- Hydrogeological Assessment For Proposed Subdivision July 23, 2002, prepared by EBA Engineering Consultants Ltd.;
- Preliminary Hydrogeological Assessment of Water Supply for Proposed Rural Residential Subdivision January 2003, prepared by EBA Engineering Consultants Ltd.;
- Geotechnical Assessment November 18, 2002, prepared by EBA Engineering Consultants Ltd.;

- Preliminary Storm Water Management Plan Block 564 January 20, 2003, prepared by FBA Engineering Consultants Ltd.;
- Environmental Assessment for the Englishman River Rural Residential Community January 2003, prepared by EBA Engineering Consultants Ltd.;
- Report on the results of an Archaeological Overview Study Relating to a Subdivision Proposal for the Block 564 Lands Nanoose District January 9, 2003, prepared by The Bastion Group Heritage Consultants; and
- Summary of Findings, January 24, 2003, prepared by EBA Engineering Consultants Ltd.

These reports are being circulated to the Electoral Area Planning Committee under separate cover.

In addition to the Public Information Meeting held by the RDN, the applicant held its own Open House event last December, inviting adjacent neighbours and specific interest groups. As a result of the comments and suggestions heard at that meeting, the applicant made some revisions to their original application and it is the revised application that is being considered in this report.

#### ***Public Information Meeting***

A public information meeting was held on January 30, 2003 at the Ballenas Secondary School Auditorium. 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 200 metres of the subject property. Approximately 80 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. 6 'Proceedings of the Public Information Meeting'). Issues raised at the public information meeting included the following:

- Method of septic disposal;
- Impact of storm water on Englishman River and its banks;
- Aquifer protection;
- Fire protection requirements;
- Wildlife protection;
- Potable water standards;
- Types of green space;
- Protection of the Englishman River;
- Drainage concerns around Rascal Lane and Peterson Road;
- Protection of Craig Creek corridor from storm water runoff;
- Potential negative impact from adjacent existing uses including the rifle range and stump dump;
- Industrial traffic safety and access; and
- Potential impact of home based businesses.

#### **ALTERNATIVES**

1. To approve the application as submitted.
2. To approve the application in consideration of the applicant offering to undertake the conditions outlined in Schedule No. 'I' of this report.
3. To not approve the amendment application.

#### **GROWTH MANAGEMENT & OFFICIAL COMMUNITY PLAN IMPLICATIONS**

As the Board may recall, the proposed Regional Growth Strategy Bylaw No. 1309 has been referred back to allow for further public consultation. This means that this amendment proposal is being reviewed pursuant to the currently Regional Growth Strategy, Bylaw No. 985.01. As the proposed development

will ensure that the Englishman River Valley is retained as a large holding, areas are dedicated as Regional Park, and no parcel will be less than 1.0 ha, the proposal is considered to be consistent with the current Regional Growth Strategy as adopted by Bylaw No. 985.01.

It should also be noted that Bylaw No. 985.01 supports the protection of environmentally sensitive areas and the implementation of the Regional Parks System Plan. In this application, the applicant is proposing to protect the environmentally sensitive features on the site and provide for outdoor recreation and public access where appropriate and feasible, as determined in a future management plan.

The application is to amend the Englishman River Official Community Plan to permit the proposed development.

## DEVELOPMENT IMPLICATIONS

The applicant has offered to dedicate approximately 15.9 ha of land for the protection of the Craig Creek Corridor, an unnamed wetland and the greenway corridor linking these environmentally sensitive features. This proposed park land consists of a minimum of 5.9% of the area proposed to be rezoned. If the remainder of the land comprising 92.1 ha proposed to be transferred to The Nature Trust is considered, the minimum amount of land proposed to be protected is approximately 108 ha or 30% of the parcel as it exists today.

In addition, the applicant is also proposing to covenant additional areas over the proposed rural residential lots to limit vegetation and tree removal. This proposal will offer protection to the environmentally sensitive features of the site that would not otherwise be protected under current zoning and OCP regulations.

With respect to the area of the subject property located adjacent to the Island Highway and originally proposed to be retained as large rural parcels, as a result of discussions with staff, the applicant has agreed to dedicate that area as shown on Attachment No. 4 as regional park. This area contains 'older forests' which are considered as an environmentally sensitive feature in the Environmentally Sensitive Areas Atlas. In addition, the existing vegetation provides a buffer to the Island Highway at the gateway to the City of Parksville. Therefore, while the applicant has asked to retain sufficient lands to provide for a home site and possible riding ring, the conditions of approval will provide for the dedication of the remaining area including a minimum 30.0 m of land fronting the Highway. With respect to the area east of the Island Highway, the applicant initially proposed to retain these areas as part of the subdivision and develop the lands as large rural holdings. As a result of discussions with staff, the applicant is now prepared to transfer those portions of the lands in the vicinity of Craig Creek and the Island Highway as part of the transfer of lands to the Nature Trust. With respect to land uses within the site, the applicant, in an agreement with the previous land owner and The Nature Trust, proposes to prohibit currently permitted uses that may be detrimental to both the Englishman River watershed and the aquifer (such as gravel extraction and processing) to complement the area being transferred to The Nature Trust. Staff concurs that this proposed restriction to land use is in keeping with the overall development proposal and the protection of the aquifer. Therefore, staff recommends a restrictive covenant that will secure the protection of any lands, not referenced in the private party agreement, be secured as part of the amendment application. This covenant would prohibit the removal or processing of soil, sand and gravel other than that required for construction on the site as well as prohibit the removal of vegetation.

With respect to the land within the ALR, Land Commission staff has verbally indicated that they have no issues with the proposed subdivision.

A hydrogeological assessment of the proposed subdivision completed by EBA Engineering Consultants Ltd., on behalf of the applicant, indicates that the proposed subdivision can be developed on the site within the current parameters of existing legislation and regulations governing sewage disposal. The study concludes that the development of septic systems for the proposed development is not anticipated to detrimentally effect water quality in the Englishman River. It is recommended that the maximum parameters used by the Vancouver Island Health Authority within their policy for on-site sewage disposal and on-site-sewage disposal standards for subdivision be secured as part of the application.

The applicant also commissioned a study for water supply for the proposed development to assess the probability of obtaining a groundwater supply for the proposed development. The study found the presence of 2 aquifers and concluded that potable water is available from the Lower Aquifer. The study concludes that pumping the Lower Aquifer is unlikely to detrimentally effect the use of the River for aquatic habitat and while there is a minor reduction in the flow in the Englishman River, the amount is very small and is likely not measurable. This calculation was very conservative and did not assume any recharge from surface water sources.

It is also proposed that the water supply be developed as a community water system to be owned and operated by the RDN. In order to ensure potable water is available in the required quantity and quality, and there will be no measurable negative effect on the Englishman River, it recommended that the requirement to provide potable water, as outlined in the proposed CD14 zone (see Schedule No. 2) and in the conditions as outlined in Schedule No. 1, be secured as part of the application.

The applicant provided a preliminary storm water management plan, which indicates that it is feasible to manage storm water on site primarily through infiltration to the extensive sand and gravel deposits. In order to ensure that there will be no environmental impact from storm water, it is recommended that the development of a detailed storm water management plan be secured as outlined in Schedule No. 1 as part of this application.

### **PUBLIC CONSULTATION IMPLICATIONS**

In accordance with the Board's public consultation framework and the provisions of the *Local Government Act*, staff has prepared an outline of the process for consideration by the Board (see Schedule No. 3).

As part of the Public Consultation Framework, a Public Information Meeting was held on January 30, 2003. The Summary of Minutes from the public information meeting is included for information (see Attachment No. 6).

### **ENVIRONMENTALLY SENSITIVE AREAS ATLAS / ENVIRONMENTALLY SENSITIVE AREAS IMPLICATIONS**

The majority of the lands proposed to be held by The Nature Trust and for Regional Park purposes include the Englishman River Valley and the portions of the Craig Creek corridor crossing the subject property as well as the other environmentally sensitive areas outlined in the RDN Environmentally Sensitive Areas Atlas. Given that the subject property is not located within a development permit area, the environmentally sensitive areas of the site are proposed to be protected as regional park land, as public land held by The Nature Trust of BC, and by a number of covenant agreements as outlined in Schedule No. 1.

### **PARKS IMPLICATIONS**

The Regional Parks System Plan (approved in July of 1995) identifies the Englishman River corridor and estuary as a significant site at the provincial, regional, and community levels. During the Parks System Planning process, various interest groups and residents expressed interest in the protection of the Englishman River. As a result, the area has been deemed regionally significant because of its importance as a spawning habitat, its outdoor recreation potential, the presence of petroglyphs, and due to the proposed use of the river water, as a regional water supply.

Based on the size of Block 564, approximately 36, 8.0-ha parcels, could be permitted under the present zoning. Park land dedication, or payment in-lieu-of park land, would not be required should the subject parcel be subdivided into 8.0 hectare parcels. This means that the subject property could be developed under present zoning and no dedication of park land would be given. Staff recommends that the Craig Creek corridor, the greenway and unnamed wetland corridor as well as lands in proximity to the Island

Highway be transferred to the Regional District as a fee simple parcel(s) for regional park purposes as an amenity in consideration of the proposed development. The Nature Trust has agreed to recognize regional interests in the Englishman River Valley and will permit public access and recreation in accordance with a future management plan for the land.

### **MINISTRY OF TRANSPORTATION IMPLICATIONS**

The Ministry of Transportation have indicated that traffic generated by the proposal will not impact the operation of the existing Craig Bay interchange and the Kaye Road 4-way stop intersection, should continue to function adequately in its present form. To develop the site, the applicant is required to obtain subdivision approval from the provincial Approving Officer. As a result, the Ministry will conduct a complete review and all requirements of subdivision would be completed at that time.

### **MINISTRY OF HEALTH IMPLICATIONS**

The Ministry of Health has provided initial comments and has provided a list of required information in conjunction with the development of individual on-site sewage disposal systems. The Ministry has indicated that it is supportive of a community water system for the development.

### **SCHOOL DISTRICT 69 IMPLICATIONS**

The Parksville Qualicum School District No. 69 has indicated that it has no objection to this proposal.

### **CITY OF PARKSVILLE IMPLICATIONS**

The applicants have met with both the City of Parksville staff and Council to review the application. In addition, the City was invited to the applicant's open house event and was notified of the public information meeting. RDN staff and elected representatives have met with City staff and elected representatives on various occasions. While the City would appear to have specific jurisdictional interests that it may like to secure on the property, the land is situated in Electoral Area 'G' and the recommendations and conditions for approval, as outlined in this report, would appear to address the concerns of the City with respect to the proposed development and land use. The concerns expressed in meetings with the City were for the protection of Englishman River, adequate capacity to supply water and manage sewage disposal as well as to protect the highway corridor from development.

The City has requested that the some of the City's interests, specifically in relation to future water works be secured directly through the Arrowsmith Water Service. This was previously proposed by securing statutory rights-of-way over the land in favour of the RDN and Arrowsmith Water Service. The City was also under the impression that certain lands were promised to be transferred to the City by the applicant or RDN. It is staff's understanding that this was not the intention of the applicant, but rather that the RDN would endeavor to secure Parksville's 'interests'. Staff direction to the applicant was to secure lands for Regional Park and to work with other agencies to secure the management of the lands. The proposed amendments to the Englishman River Official Community Plan and Zoning Bylaw will be referred to the City of Parksville after 1<sup>st</sup> reading for formal comment pursuant to the *Local Government Act*.

### **FINANCIAL IMPLICATIONS**

The opportunity to protect the Englishman River Valley is consistent with the goals and objectives of the Regional Park System Plan and is also considered to be important to enable added protection of the River as a potable water source to the Regional Bulk Water Service Area. An agreement with The Nature Trust to secure regional interests in the Englishman River Valley and the initiative by the Trust to secure the preparation of a management plan for the lands will achieve regional park, domestic water supply, and environmental protection objectives.

The contribution of additional lands to the Regional Parks function will result in a future management obligation for the Regional District. However, these areas should be dedicated in form that does not present any immediate liability to the Regional District but is more contingent on future initiatives to construct trails or other park facilities.

## VOTING

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

## SUMMARY

Amendment Application No. AA0304 proposes to amend the Englishman River Official Community Plan and to amend Bylaw No. 500 to allow for the potential subdivision of 158 parcels with a minimum parcel size of 1.0 ha to be served by community water system and individual septic disposal fields. The applicant is offering to contribute approximately 15.9 ha of the site as a regional park amenity including parts of the Craig Creek Corridor, an unnamed wetland, and a greenway connecting the Englishman River Valley to Craig Creek as well as lands in proximity to the Island Highway. In addition, the applicant has indicated that they have reached an agreement with The Nature Trust of BC to transfer approximately 92.1 ha of the existing property to the Trust. In discussions with Trust, the Trust has agreed to protect regional interests in the lands including public access, recreation, and access to water supply in accordance with a future management plan to be prepared for the property.

The proposed amendment to the Englishman River OCP is to change the designation of the lands from Resource Management to Rural Residential and to amend the zoning of the property under Bylaw No. 500 from Resource Management 1 (RMI) Subdivision District 'B' to Comprehensive Development 14 (CD14) (see Schedule No. 2 for CD14 zone).

As part of the application requirements, the applicant has provided a series of technical reports in support of the application assessing the availability of a water supply including an evaluation of the aquifer and groundwater characteristics, suitability of the site for sewage disposal, proposed storm drainage, site conditions relative to hazards as well as an environmental impact assessment. Preliminary referrals were forwarded to a number of agencies. Ministry of Transportation has no issues with the proposed rezoning at this time. It is noted that the Ministry's requirements would be fulfilled through the subdivision process. The Ministry of Health has provided conditions to be met prior to septic disposal approval and supports the proposal to service the development with a community water system if the application proceeds. School District No. 69 has no issues. The Ministry of Water, Land and Air Protection supports the protection of the Englishman River Valley through dedication of land to a public body. The City of Parksville appears to have specific jurisdictional interests that it may like to secure on the property, however the conditions included in Schedule No. 1 would address concerns with respect to the protection of Englishman River, adequate capacity to supply water and manage sewage disposal as well as to protect the highway corridor from development. Some of the City's direct interests will also be secured through the Arrowsmith Water Service.

A public information meeting was held for this application and residents have indicated that concerns with respect to storm water management, protection of the Englishman River and groundwater aquifer, protection of environmentally sensitive features, confirmation of an adequate water supply and sewage disposal capability must be addressed if the application is to proceed. In response, staff has worked with the applicant to propose a number of conditions outlined in Schedule No. 1 that would be secured as a restrictive covenant over the lands prior to the consideration of adoption of the proposed amendment bylaw.

In addition, a site-specific comprehensive development zone CD14 has been prepared to provide for specific provisions in consideration of the proposed development. These include recognition of the transfer of certain lands to the Regional District as an amenity as well as specific recognition of the maximum number of parcels that could be created with the provision of a community water system, specific standards in relation to the water system and fire protection, restrictions on permitted uses, lot

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coverage, setbacks, building height accessory building size, home based business and the keeping of animals. In consideration of the proposed provisions of the zone and subject to the conditions as outlined in Schedule No. 1, staff recommends Alternative No. 2.

### RECOMMENDATIONS

1. That the proposed public consultation strategy for the proposed amendment to the Englishman River Official Community Plan and Bylaw No. 500, 1987 for the Remainder of Block 564 Nanoose District be approved.
2. That "Regional District of Nanaimo Englishman River Official Community Plan Bylaw Amendment Bylaw No. 814.08, 2003" amending the land use designation for a portion of The Remainder of Block 564 Nanoose District from Resource Management to Rural Residential, be given 1<sup>st</sup> reading and referred to agencies in accordance with the *Local Government Act*. <sup>1<sup>st</sup> & 2<sup>nd</sup></sup>
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.291, 2003" be given 1<sup>st</sup> reading, subject to the completion of the conditions and undertaking outlined in Schedule No. 1 of the staff report.

*acomie*

Report Writer

*[Signature]*  
General Manager Concurrence

*[Signature]*  
CAO Concurrence

### COMMENTS:

devsvs/reports/2003/AA3360 30 0304 mr Block 564.doc

**SCHEDULE NO. 1**  
**Conditions for Approval for**  
**OCP & Zoning Amendment Application No. AA0304**  
**Englishman River Land Corporation**

The applicant has agreed to enter into this agreement securing all conditions listed below and to register it against the title to the Land as a covenant and indemnity under section 219 of the *Land Title Act* prior to the consideration of the adoption of Bylaw No. 500.291, 2003.

**DEVELOPMENT COVENANTS**

The applicant agrees that all requirements set out in these conditions must be fulfilled prior to final approval of subdivision of any portion of the land. All covenants are to be prepared and registered by the applicant to the satisfaction of the Regional District.

**Park Land**

1. The applicant will transfer, as a fee simple parcel(s), the following lands as regional park land within Block 564, Nanoose District, Except That Part Shown Outlined in Red on Plan 613-R and Except Parts in Plans 360RW, 3132RW, 31833, 39893, 42873, VIP66068, VIP67422, VIP69511 and VIP71158 (The Remainder of Block 564, Nanoose District) as shown on Attachment No. 3.
  - a) Craig Creek Corridor including the Bed of the Creek up to and including 30.0 metres as measured from the top of the bank and that part of the land east and south of Craig Creek to the boundary of the lands, as generally shown on the conceptual plan of subdivision; and
  - b) The greenway and unnamed wetland corridor providing connections to the Craig Creek Corridor (both portions in the southern area of parcel) and the Englishman River as shown on the conceptual plan of subdivision. The greenway shall be a minimum of 15.0 metres in width.
2. The applicant will transfer, as a fee simple parcel(s), the following lands as regional park land within Block 564, Nanoose District, Except That Part Shown Outlined in Red on Plan 613-R and Except Parts in Plans 360RW, 3132RW, 31833, 39893, 42873, VIP66068, VIP67422, VIP69511 and VIP71158 (The Remainder of Block 564, Nanoose District) as shown on Attachment No. 4:
  - a) That portion of land located between DL 57 Nanoose District and the Island Highway that includes all of the area 200 metres south of the Remainder of DL 40 Nanoose District;
  - b) That portion of land located between the west boundary of DL 57, Nanoose District and the top of the bank of the Englishman River Valley;
  - c) A 30.0-metre wide strip of land located adjacent to the west side of the Island Highway up to Kaye Road; and
  - d) A 30.0 metre wide strip of land located west of that portion of Lot 1, Block 564 and DL 171 Nanoose District Plan VIP71158 that fronts the Island Highway.

**Englishman River Access**

3. The applicant will dedicate as regional park land (one 20-metre access for every 400 metres of frontage on the Englishman River and South Englishman River) provided such access is accepted as access in lieu of the *Land Title Act* requirements for access to water. These accesses may be combined to provide constructable access and avoid locations where there are hazardous slopes.

**Community Water and Fire Protection**

4. The applicant will provide proof of a potable water source to serve the development in a quality and quantity to the satisfaction of the RDN. Proof of water source is to include:
  - a) an engineer's report prepared by a professional engineer with expertise in hydrogeology confirming that assumptions and conclusion of the hydrogeology report dated January 2003 remains valid and reviewing any new information;



- b) performing aquifer pumping tests to meet Bylaw No. 500, 1987 Community Water System Standards and/or the standards as specified in the CD14 zone for a design population of 380 persons, including but not limited to a groundwater supply source(s) capable of providing a minimum of 100 imperial gallons per minute with no individual producing less than 30 imperial gallons per minute, a minimum 100,000 imperial gallon water storage reservoir, and fire hydrants distributed every 300 m;
  - c) analyzing water samples to determine water quality that meets the health and aesthetic guidelines as set out in the current Guidelines for Canadian Drinking Water Quality as published by the Government of Canada.
5. The applicant will construct a community water system including the collection system, the distribution system, and service connections to all proposed parcels less than 8.0 ha in size within the development. This system is to be built to meet Bylaw No. 500, 1987 Community Water System Standards and/or the standards as specified in the CD14 zone, to the satisfaction of the RDN.

#### **Septic Disposal**

6. The applicant will meet all conditions with respect to sewage disposal, as set out by the Vancouver Island Regional Health Board, and further will comply with the Standards for Approving Sewage Disposal Systems as published by the Central Vancouver Island Health Unit of the Vancouver Island Regional Health Board.

#### **Storm Water Management**

7. The applicant will provide an engineered storm water management system for the subject property designed to be contained within the greenway areas and engineered and constructed to the satisfaction of the RDN subject to:
- a) ensuring that the management of storm water is integral in the water balance for the aquifer and to maintaining adequate base flows in the Englishman River and Craig Creek systems;
  - b) taking maximum advantage of the ability of the granular soils exposed on site to infiltrate storm water and maintain the base flows in the Englishman River and Craig Creek systems; and
  - c) ensuring through good engineering practice, no accumulated storm water drainage is to be directed over the Englishman River banks nor is it to negatively impact the stability of the Englishman River banks as determined as determined by a registered BC professional engineer experienced in geotechnical engineering.

#### **COVENANTS RUNNING WITH THE LAND**

The applicant agrees that all requirements set out in these conditions must be fulfilled prior to final approval of subdivision of any portion of the land. All covenants are to be prepared and registered by the applicant to the satisfaction of the Regional District.

#### **Septic Disposal on Private Parcels**

1. The applicant will register a section 219 covenant on all parcels that will be less than 8.0 ha in size, restricting that septic disposal systems are inspected and upgraded as required to ensure good working order at a minimum every 3 years.

#### **Geotechnical Requirements**

2. The applicant will enter into a section 219 covenant establishing a minimum 15.0-metre setback distance from the top (crest) of the slope except where the top of the bank adjacent to a watercourse within 30.0 m of the natural boundary of the watercourse; then the covenant area shall be extended to 30.0 metres:

- a) restricting the placement of buildings and/or structures, including fences unless recommendation for a relaxation is based on detailed investigation for site specific parcels as determined by a registered BC professional engineer experienced in geotechnical engineering, with the exception of site E as set out in the geotechnical report prepared by EBA Engineering Consultants Ltd. And dated November 18, 2002; and
  - b) restricting the removal of any vegetation or the alteration of land, except for the removal of hazardous trees or pruning limbs so as not to damage the health of a tree or negatively affect the stability of the land in accordance with the geotechnical reports provided written permission from the Regional District has been received prior to works commencing.
3. The applicant will enter into a 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 erosion, land slip, rock falls or subsidence for all proposed parcels adjacent to the Englishman River or the South Englishman River.

#### **Land Uses on Individual Parcels**

4. The applicant is to enter into a section 219 covenant for all parcels within the development restricting:
- a) any drainage discharge from any source from being directed over any portion of the bank of the Englishman River;
  - b) the drilling or digging of any groundwater wells except wells that are owned and operated by the RDN; and
  - c) inclusion into the provincial Agricultural Land Reserve.

#### **Protection of Vegetation within Proposed Private Parcels**

5. The applicant is to enter into a section 219 covenant that prior to any application for subdivision for the Remainder of Block 564 Nanoose District, the owner will provide a vegetation assessment of the parcel to determine the areas of possible vegetation retention and enhancement. This assessment is to be at the owner's expense and to the satisfaction of the Regional District of Nanaimo. These areas of vegetation retention and enhancement to be protected by section 219 covenant prior to final approval of subdivision.

**SCHEDULE NO. 2**  
**OCP & Zoning Amendment Application No. AA0304**  
**Englishman River Land Corporation**

Section 3.4.112

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**ENGLISHMAN RIVER (BLOCK 564)**  
**COMPREHENSIVE DEVELOPMENT ZONE 14**

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**CD14**

**Section 3.4.112.1 Permitted Uses, Density, and Park Amenity**

**Permitted Uses**

- a) Residential Use
- b) Home Based Business Use
- c) Agriculture use, within that part of the zone within the ALR

**Density and Park Amenity**

- a) The maximum number of parcels that may be created by subdivision within the area as shown outlined on Schedule No. 2 of the CD 14 zone shall be:
  - i) 158 where the Regional Park amenity referred to in section b) of Section 3.4.112.1 is provided to the Regional District; or
  - ii) 36 parcels where the Regional Park has not been provided.
- b) The Regional Park amenity is the transfer of the following portions of the lands legally described as the Remainder of Block 564, Nanoose District, Except That Part Shown Outlined in Red on Plan 613-R and Except Parts in Plans 360RW, 3132RW, 31833, 39893, 42873, VIP66068, VIP67422, VIP69511 and VIP71158 (The Remainder of Block 564, Nanoose District) for Regional Park:
  - i) A greenway corridor not less than 15.0 metres in width linking a minimum of one (1) accessible location from the top of the bank of the Englishman River to the two (2) locations where Craig Creek crosses the lands and to the location of the unnamed wetland located near the south boundary of the lands;
  - ii) The Craig Creek Corridor and that part of the land east and south of Craig Creek situated west of the Island Highway, including the Bed of the Creek and a minimum 30.0 metres as measured from the top of the bank of the Creek;
  - iii) That portion of land located between DL 57, Nanoose District and the Island Highway that includes all of the area 200 metres south of the Remainder of DL 40 Nanoose District;
  - iv) That portion of land located between the west boundary of DL 57, Nanoose District and the top of the bank of the Englishman River Valley;
  - v) A 30.0-metre wide strip of land located adjacent to the west side of the Island Highway from the south boundary of the Remainder of DL 40, Nanoose District to Kaye Road; and
  - vi) A 30.0 metre wide strip of land located west of that portion of Lot 1, Block 564 and DL 171 Nanoose District Plan VIP71158 that fronts the Island Highway.

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**3.4.112.2 Maximum Number and Size of Buildings and Structures**

Accessory buildings	Combined floor area 400 m <sup>2</sup>
Dwelling units/parcel	1
Height of buildings	9.0 m
Parcel coverage	10%

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**3.4.112.3 Minimum Setback Requirements**

Watercourse	30.0 metres
Top of the bank adjacent to a watercourse	15.0 metres
All other lot lines	8.0 metres

Where the top of the bank adjacent to a watercourse is within 30.0 metres of the natural boundary of a watercourse then the setback shall be a minimum of 30.0 metres from the natural boundary of the watercourse or 15.0 metres from the top of the bank, which ever is greater.

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**3.4.112.4 Minimum Parcel Size**

Despite sections 4.1 and 4.4.4 of this Bylaw, the following subdivision regulations apply:

- a) for a parcel with a connection to a community water system 1.0 ha
- b) for a parcel without a connection to a community water system or community sewer system 8.0 ha

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**3.4.112.5 Other Regulations**

For the purpose of this zone:

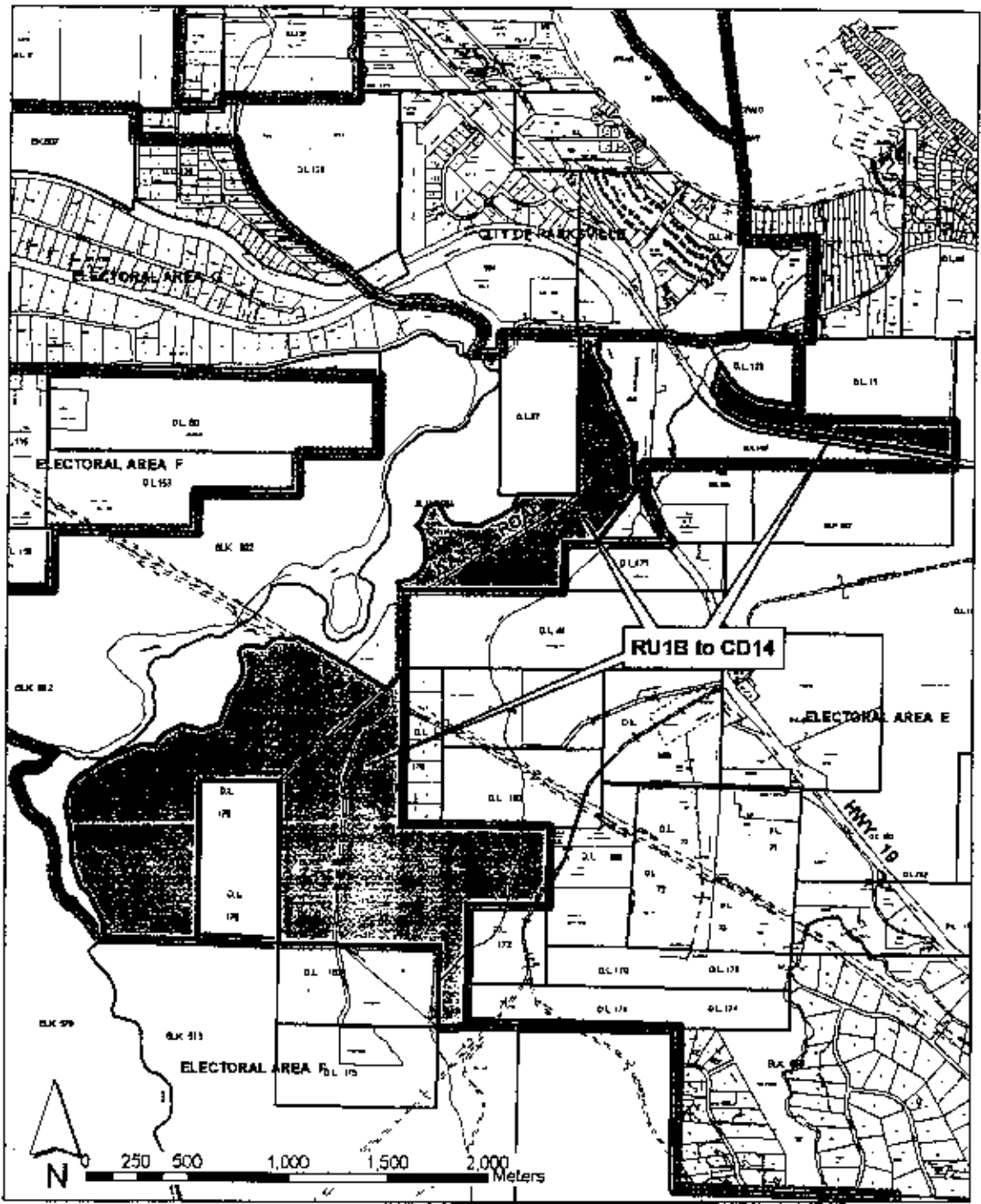
- a) Where land in this zone is not within the ALR, the keeping of animals, as set out in section 3.3.5 of this bylaw is further restricted to a maximum of 2 livestock animals that may be kept on a parcel at the same time except that no livestock shall be kept on those parcels that front the public lands adjacent to the Englishman River and South Englishman River.
- b) Home Based Business Use - the regulations set out in section 3.3.12 applicable to the Rural 5 zone apply to this zone.

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**3.4.112.6 Community Water System Standards Applicable to this zone.**

For the purpose of this zone:

- a) The design population to be used in calculating water demand as referred to in section 2.3 of Schedule 4C of this bylaw shall be 380 persons.
- b) The water supply quality as referred to in section 2.5 of Schedule 4C of this bylaw shall meet or exceed both potable and aesthetic standards according to the current Canadian Drinking Water Standard.
- c) The ground water supply source as referred to in section 2.6 of Schedule 4C of this bylaw shall provide for a minimum demand of 100 imperial gallons per minute developed in accordance with the specifications and testing procedures of Schedule 4C of this bylaw.
- d) The reservoir size for water storage as referred to in section 2.7 (1) of Schedule 4C of this bylaw shall be a minimum of 100,000 imperial gallons and may be located outside the CD14 zone provided the site area of the reservoir and access to the site is secured by statutory right-of-way.
- e) The standard for fire hydrant distribution, as referred to in section 2.10 of Schedule 4C of this bylaw, shall be the spacing of fire hydrants such that the maximum distance from a hydrant to the centroid of any parcel measured along the centreline of the highway and perpendicular to a highway, is 300 metres.
- f) No community wells shall produce less than 30 imperial gallons per minute



### SCHEDULE NO. 3

Application No. AA0304

Englishman River Land Corporation

Proposed Amendment to Englishman River Official Community Plan Bylaw No. 814, 1990

Public Consultation Strategic Format

#### Goals and Objectives

The goal of the proposed amendment to the "Englishman River Official Community Plan Bylaw No. 814, 1990" is to designate the property known as the Remainder of Block 564 Nanoose District from a Resource Management designation to a Rural Residential designation.

The owners of the subject property have initiated this proposed amendment for the purposes of developing the site into 158 minimum 1.0 ha sized parcels.

The consultation plan includes the following:

- Ongoing information shall be provided to the public and the public shall be encouraged to provide comments throughout the process.
- A Public Information Meeting was conducted on January 30, 2002. The proceedings of this meeting are attached.
- Referrals shall be made to City of Parksville, School District 69, Nanoose First Nation, Qualicum First Nation, Department of Fisheries and Oceans, Ministry of Environment, Lands and Parks, Ministry of Transportation, and Central Vancouver Island Health Region.
- Public consultation shall conclude with a Public Hearing pursuant to the requirements of the *Local Government Act*.

#### Methodology

The proposed bylaw amendment has generated a great deal of community interest from residents throughout the Nanoose Bay, Parksville, and French Creek areas. Numerous telephone and in-person inquiries and written correspondence have been received on this issue. To date, the RDN Planning Department has consulted with the Ministry of Health, Ministry of Transportation, Ministry of Water, Land and Air Protection, School District 69, and the City of Parksville on this issue. Additional referrals shall be made to agencies as specified above.

A Public Information Meeting was conducted which provided an opportunity for citizens to provide comments and ask questions on the proposed amendment bylaw.

Public notification will be provided with a copy of the Public Hearing notice delivered by direct mail and by advertisements in the local newspaper and on the RDN Web site in accordance with the provisions of the *Local Government Act*. In addition, the Public Hearing notice will advise citizens that further information is available at the RDN Planning Department on the proposed bylaw amendment.

#### Tools and Tasks

The Public Hearing will be advertised as per the notification requirements specified in the *Local Government Act*.

The Public Hearing notice will also be posted on the RDN website ([www.rdn.bc.ca](http://www.rdn.bc.ca)).

Staff will remain available throughout the bylaw amendment process to respond to questions, concerns, or to discuss the process.

A staff report summarizing the proceedings of the Public Hearing and including copies of all written correspondence on the proposed amendment shall be forwarded to the RDN Board for the Board's consideration.

### **Outcomes and Products**

The intent of OCP Bylaw Amendment process is to designate the Remainder of Block 564 Nanoose District as a Rural Residential area.

### **Schedule**

April 8, 2003 - Report to RDN Board requesting 1<sup>st</sup> reading on proposed OCP and Zoning Amendment.

April 9, 2003 - Referrals to affected agencies.

May 13, 2003 - Report to RDN Board reporting on any new information and requesting consideration of 2<sup>nd</sup> reading for Amendment Bylaw.

Mid May 2003 - Notification of Public Hearing posted in local newspapers and direct mail out to adjacent property owners.

Late May - Public Hearing held pursuant to Sections 890 and 892 of the *Local Government Act*.

June 10, 2003 - Report to RDN Board reporting on Public Hearing and requesting consideration of 3<sup>rd</sup> reading for Amendment Bylaws.

June 11, 2003 - OCP Amendment Bylaw forwarded to Minister responsible for the Ministry of Community, Aboriginals, and Women's Services for approval pursuant to section 882 of the *Local Government Act*,

June 11, 2003 - zoning amendment bylaw forwarded to Ministry of Transportation for approval pursuant to section 54 of the *Highway Act*.

July 8, 2003 - Report to RDN Board requesting consideration of 4<sup>th</sup> reading and adoption (*pending receipt of approval from the Ministry of Community, Aboriginals, and Women's Services, and Ministry of Transportation*).

### **Resources**

Existing staff resources will: research, investigate, and provide recommendations, and administer the official community plan bylaw amendment including the public information meeting and public hearing processes.

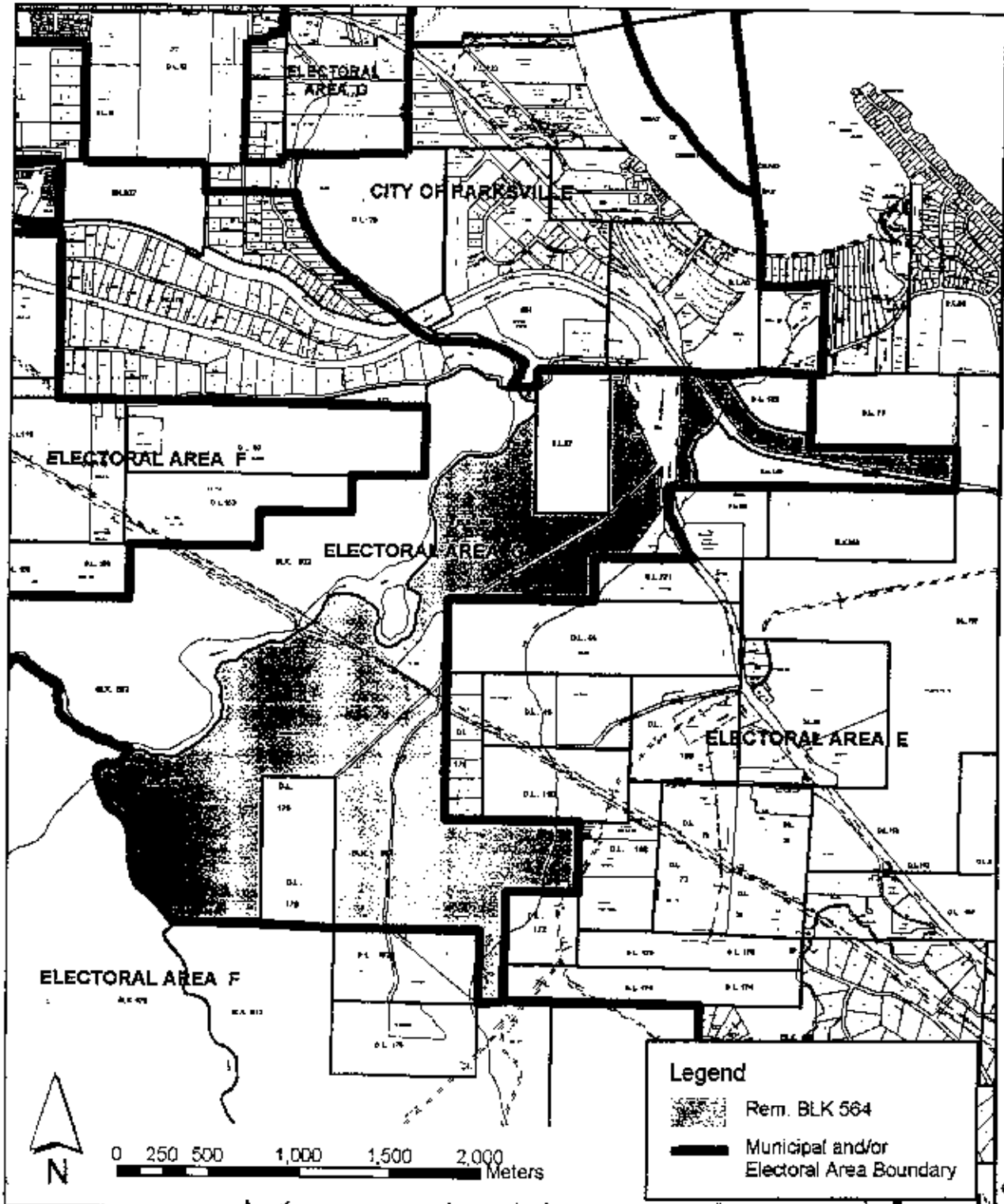
### **Budget**

Staff time budgeted as part of regular work program in 2003 Development Services Department Provisional Budget. Total cost of mapping services, public information meeting, public hearing, mailings, advertising, and meeting room rentals estimated at approximately \$1,500.00.

### **Monitoring and Evaluation**

The process will be evaluated pursuant to the successful completion of the consultation requirement specified in the *Local Government Act*.

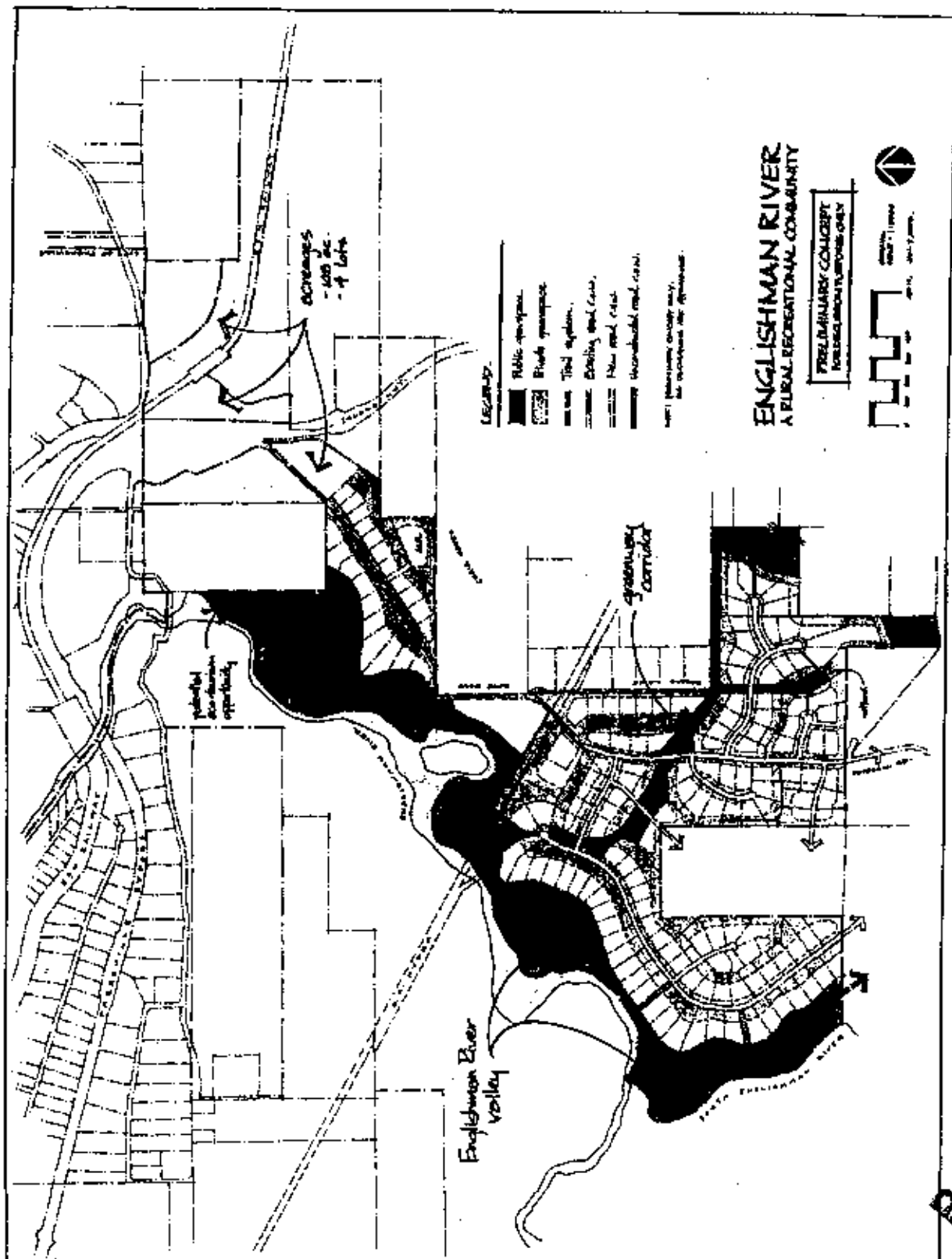
ATTACHMENT No. 1  
Location of The Remainder of Block 564 Nanoose District



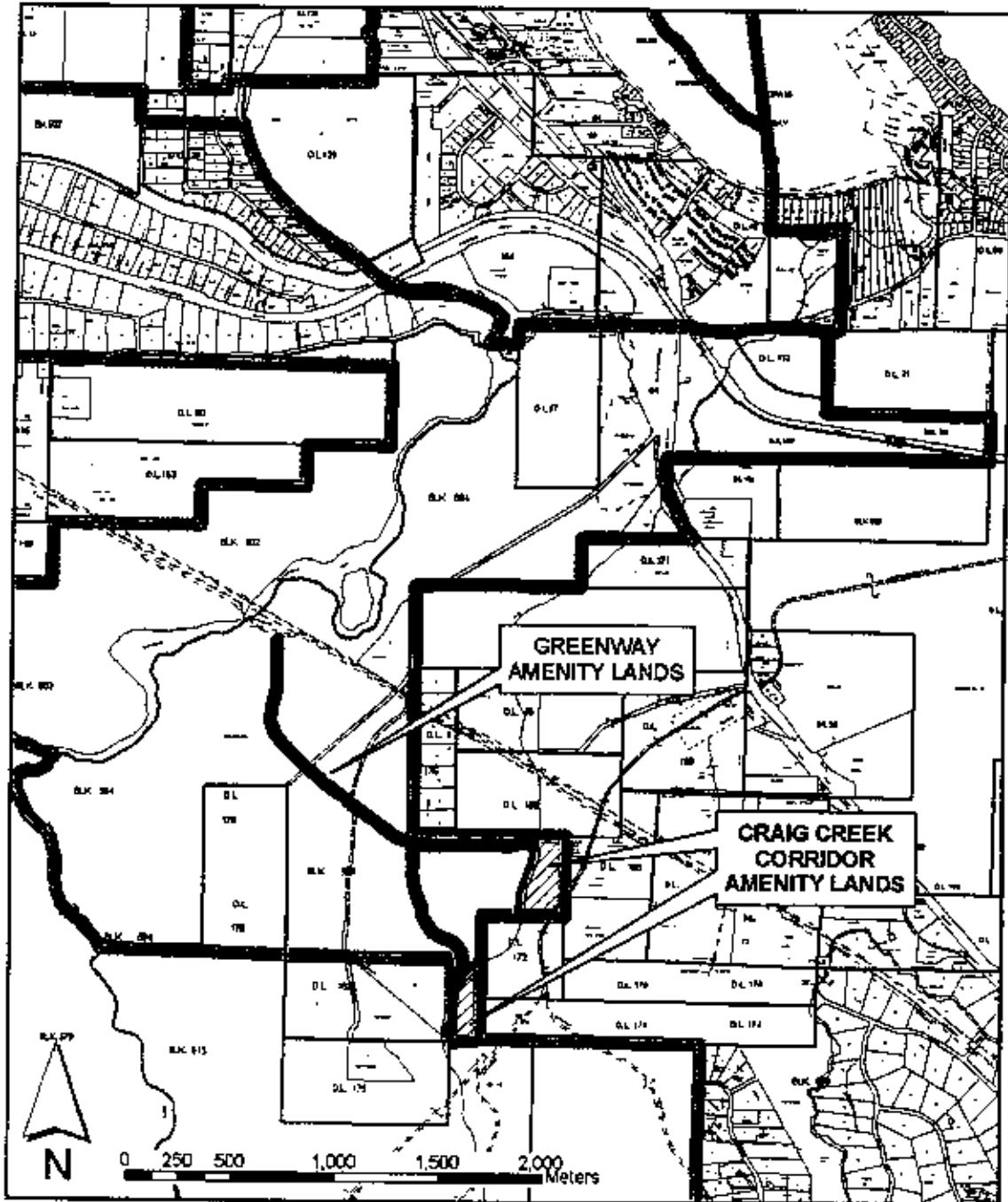
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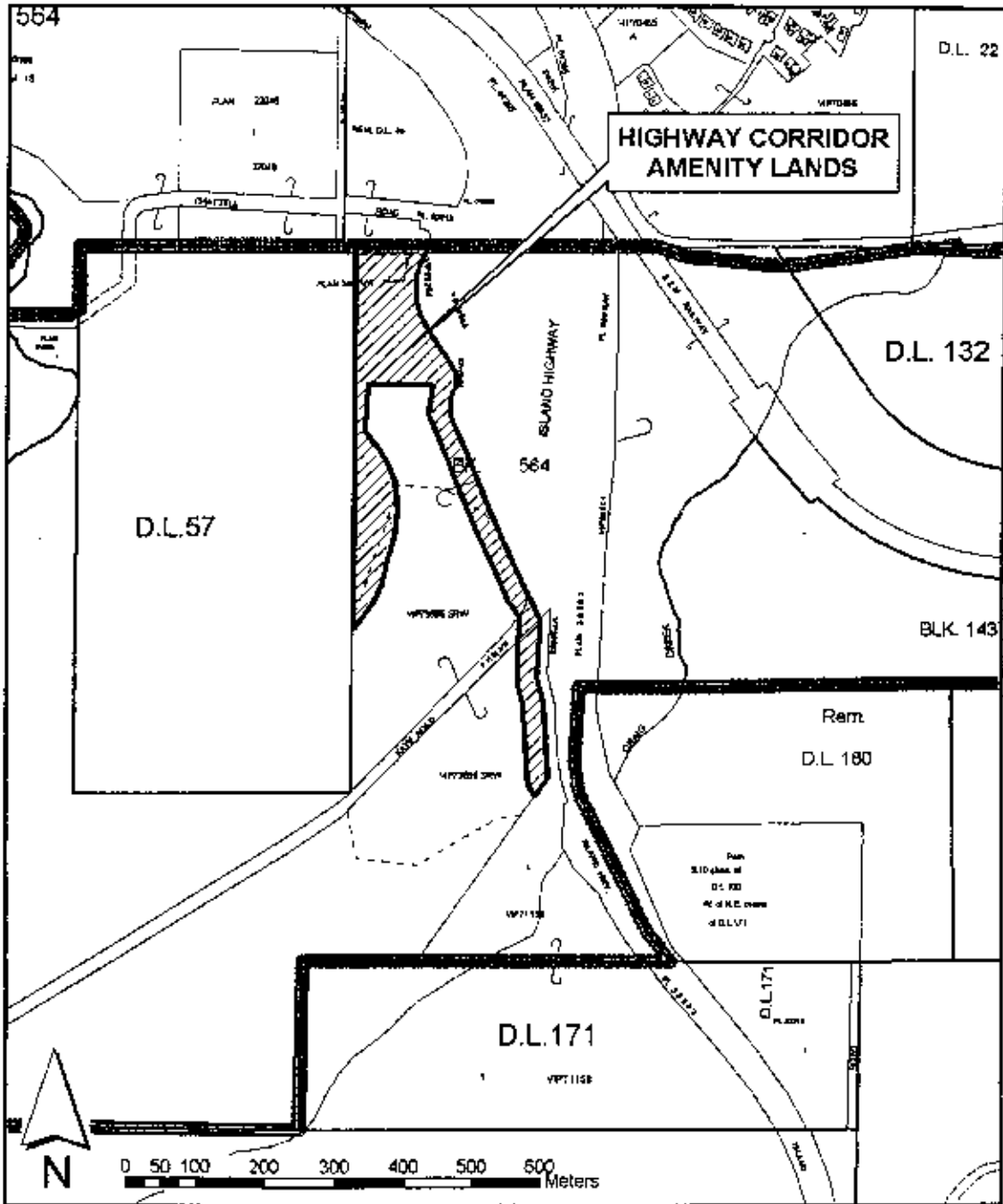
ATTACHMENT No. 2  
Conceptual Plan of Subdivision  
(as submitted by applicant)  
(reduced for convenience)



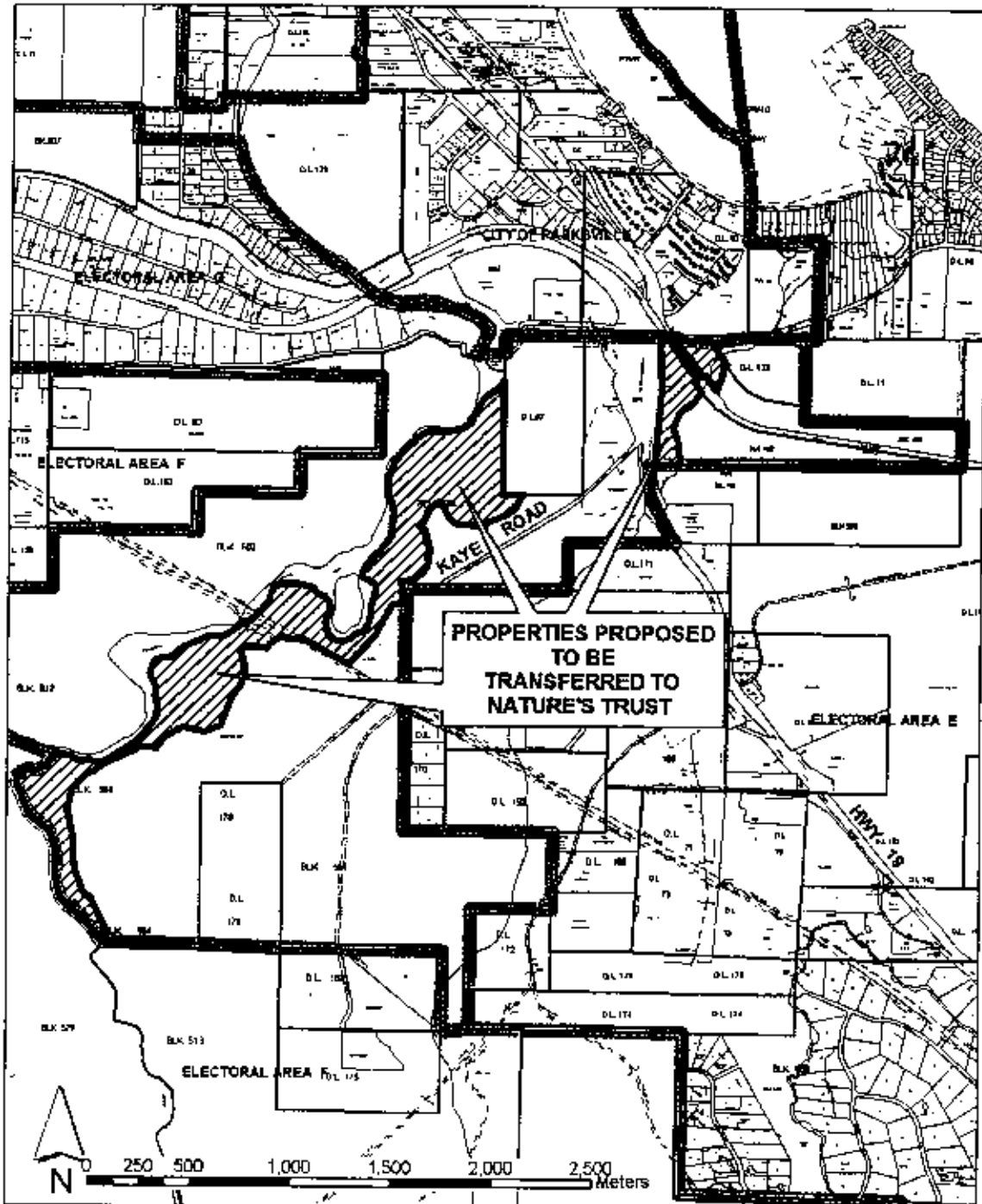
ATTACHMENT No. 3  
Proposed Regional Park Land - Craig Creek Corridor and Greenway



ATTACHMENT No. 4  
Proposed Regional Park Lands - Highway Corridor Amenity



ATTACHMENT No. 5  
Proposed Nature Trust Lands



ATTACHMENT No. 6

Report of the Public Information Meeting  
Held at Ballenas Secondary School Auditorium  
135 Pym Street, Parksville, BC  
January 30, 2003 at 7:00 pm

**Summary of the Minutes on Proposed OCP & Zoning Amendment  
Application for a The Remainder of Block 564 Nanoose District**

*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 approximately 80 persons in attendance.

**Present for the Regional District:**

Chairperson Joe Stanhope, Electoral Area 'G'  
Director Pauline Bibby, Electoral Area 'E'  
Director Teunis Westbroek, Town of Qualicum Beach  
Robert Lapham, General Manager, Development Services  
Susan Cormie, Senior Planner

**Present for the Applicant:**

Mr. Gerry Bordian, applicant  
Mr. Michael Rosen, agent for applicant  
Mr. John Balfour, hydrogeologist for applicant  
Mr. Tim Bekhuys, biologist for applicant  
Mr. Brent Kaplar, field operations manager for applicant

**Director Joe Stanhope** opened the meeting at 7:00 pm and outlined the agenda for the evening's meeting and introduced the head table. The Chairperson then introduced Mr. Michael Rosen, agent on behalf of the applicant, and requested that he introduce the applicant's representatives. Mr. Rosen introduced the applicant's representatives. 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. Michael Rosen, agent on behalf of the applicant, to give a presentation of the proposed zoning amendment. Mr. Rosen gave an overview of the proposal and then called upon Mr. John Balfour, the applicant's hydrogeologist to give a presentation on the proposed water supply, sewage disposal, and storm water elements of the proposal.

Following the applicant's presentation, the Chairperson invited questions and comments from the audience.

**Rob Wiebe, Nanoose Bay**, asked what is being proposed for coming into the public domain and what does public domain mean?

The applicant's agent stated that it was critically important to save the river valley and while there were no firm details yet, the river valley will not be part of the proposed developed area and will be in the public domain whether with a group like the Nature Conservancy or as park land.

The General Manager of Development Services explained that as part of the amendment process, details concerning land being dedicated to a public body will be negotiated with the applicant. The General Manager further explained that the lands would become public lands.

**Mike Rich, Nanoose Bay**, stated that septic waste is obviously a concern to the applicant, yet the applicant has not mentioned a community sewer system as an alternative means of sewage disposal.

The applicant's agent stated that community sewers are not an option for the proposal.

Rhonda Murdock, Parksville, asked if the applicant when considering water quality and quantity was the effect of climate change included in the calculations?

The applicant's hydrogeologist stated that climatic changes were not accounted for in the study.

Sheila Berry, Block 178 Nanoose District, stated that she was concerned about sewage disposal for the property and asked if the applicant had looked into other sewage disposal systems such as solar aquatic systems?

The applicant's hydrogeologist stated that alternate systems are only used when conventional systems (in-ground) do not work and the Ministry of Health will only accept conventional systems at subdivision time.

Eric Smith, Nanoose Bay, commented that he was concerned about directing storm water to areas of the river where there have been large wash outs on the river bank, specifically the area by the gravel pit that is unstable. Mr. Smith felt that this situation may cause more harm.

The applicant's hydrogeologist stated that he is aware of several areas of instability, but the instability is from the river, not erosion from groundwater, but agreed that storm water runoff would be looked at a detailed stage of the proposal including the water table, direction of storm water, where the storm water will come out, and if there is a concentration.

Scott McKillop, Nanoose Bay, stated that the bank instability is not a result of change in the river flow. Mr. McKillop asked how much wastewater does an average house generate per day and how much do 158 houses generate?

The applicant's hydrogeologist stated that Ministry of Health standards are based on 300 imperial gallons per day and a calculation for the total number of dwellings has not been done.

Mr. McKillop then asked how much wastewater would reach the escarpment?

The applicant's hydrogeologist stated that the discharge of wastewater from septic systems is distributed over the property and will not affect the river bank. With respect to storm water, the plan is to collect the water and have it come out in specific locations.

Ross Peterson, Nanoose Bay, stated that he was concerned with sewage disposal and assumed that the engineering calculations were based on the total proposal, but that septic fields fail eventually. Mr. Peterson asked if regular maintenance of septic systems will be titled by covenant?

The applicant's hydrogeologist stated that all fields must be built to Ministry of Health standards.

Mr. Peterson further stated that these calculations are based on the fact that all systems will always operate correctly.

The applicant's agent stated that he agreed with the point that if we were going to alternate systems, a covenant would be a good idea.

Mr. Peterson stated that we are living in an area where we are measuring failed systems all around.

The General Manager explained that the Ministry of Health has been contacted by the Regional District and will provide comments prior to the application being forwarded for consideration by the Electoral Area Planning Committee.

Trevor Wicks, Errington, commented that this might be the first of other similar developments in the area and asked if the cross section drawing showing the aquifer has been exaggerated?

The applicant's hydrogeologist stated that the vertical of the drawing was exaggerated to demonstrate the point.

Mr. Wicks asked if the aquifer is confined, does the applicant agree it would run out of water?

The applicant's hydrogeologist stated that he did not agree that the aquifer would run out of water.

**John Newall, Nautoose Bay,** asked the applicant to speak to the fire fighting requirements of the site?

The applicant's agent stated that a requirement of rezoning would be in provide fire-fighting provisions.

The General Manager explained that if the application proceeds, water supply for fire protection purposes would be required.

**Haida Kristiansen, Parksville,** asked what wildlife lives in the area and where will they live? Ms. Kristiansen also asked what are some of the main mammals species?

The applicant's biologist stated that they are proposing to protect 4 areas – the Englishman River, Craig Creek, an unnamed wetland, and 2 older forest areas and link these areas by a greenway.

**Caroline, no address given,** asked who enforces the covenants such as water management, building, septic, etc.?

The General Manager explained the different covenants including storm water and community water would be administrated by the RDN; the developer would administer a building scheme except what is regulated by zoning and tree retention on private property; and a geotechnical covenant would be held by the province or the RDN.

**Charles Seamone, French Creek,** asked if the water standard will be to RDN bylaw requirements and has research been done for where the wells will go?

The General Manager explained that the proof of water would be to the standard requirements and a community system would be built to current standards as well.

The applicant's hydrogeologist explained that the location of wells would be in the greenway corridor and that more than 1 well will be required. Details would be done at the proof of water stage.

**No name given, no address given,** asked is anyone drawing water from the upper aquifer?

The applicant's hydrogeologist stated that there are some shallow dug wells in the surrounding area and that there are no shallow wells within the site.

**Carol Cornish, Parksville,** asked who owns the private green space?

The General Manager explained that there are 2 types of green space – private green space owned by private interests and public green space for use by the general public. The General Manager also explained that the applicant is proposing a covenant over the private green spaces to retain trees.

**Mrs. Carpenter, Allsbrook Road,** asked what was the period of time the studies were done by the applicant?

The applicant's hydrogeologist stated that the studies were carried out since last October.

**Mrs. Carpenter** commented that the river is not static and it changes its banks 40 to 50 feet and the aquifer has changed too. Mrs. Carpenter stated that it seems strange that the applicant is showing one time and not in the future and if other developments follow, it will be a mess.

The applicant's hydrogeologist stated that the aquifer does not change, but water in the aquifer can change over time. The applicant's representative stated that the computer model did not indicate a drying trend and in his experience, there is more likely to be a wet trend.

**Mrs. Carpenter** asked about the changes to the banks in the river?

The applicant's hydrogeologist stated that changes in the banks of the river are a stability issue for houses and buildings locating at the top of the bank.

**Antan Phillips, Peterson Road,** commented that there are wash outs on Peterson Road and into the gravel pit that he is concerned about. Mr. Phillips said he was also concerned about a proposal for a sewage disposal composting use on DL 182, which would feed the aquifer.

The General Manager stated that the RDN cannot regulate the agriculture uses on lands within the ALR such as DL 182. The General Manager explained that DL 182 is situated in Area 'F' where until recently

there was no zoning and noted that the Ministry of Environment has been asked to review the land clearing debris located on this property.

**Mr. Phillips** commented that if he were the developer, he would be concerned about this land use upstream from his lands.

**The General Manager** explained what uses could be placed on the subject property under the current zoning including gravel extraction, processing of logs, and intensive agricultural uses. **The General Manager** also noted that there would be no park land requirement if the property was subdivided into 20 acre sized parcels.

**Murray Hamilton, Parksville**, asked; first there is this option to develop 158 parcels and then there is option 2; to create 20 acre sized parcels – how many parcels would this be?

**The applicant's agent** stated that there are 36 or 38 parcels proposed with no park land dedication and the lots would go down to the Englishman River high water mark.

**Hans Heringa, Rascal Lane**, asked if any septic tests have been done and what was the average depth of these tests?

**The applicant's hydrogeologist** stated that 13 test pits have been done, but no perc tests yet.

**Mr. Heringa** stated that he thinks there will be concern with septic disposal for part of the property namely the wetland at the bottom of Rascal Lane and Peterson Road, which was not included in the environmentally sensitive areas. **Mr. Heringa** thought that draining this area may not be the answer.

**The applicant's agent** stated that if a wetland area was incorrectly shown on the mapping, they will adjust their information.

**Mr. Heringa** stated that there is a much larger wetland in the Peterson Road area where the water has no where to drain.

**The applicant's hydrogeologist** stated that they are aware of a poorly drained area and are proposing to divert the water away from the area.

**Harold, Craig Bay**, asked how important a role is Craig Creek going to play in the management of the storm water on the property?

**The applicant's hydrogeologist** stated that 30% of the property is in the Craig Creek catchment area and noted Craig Creek is not in a well defined channel, therefore they are sensitive to the amount of flow in the creek. **The applicant's hydrogeologist** stated they are proposing to discharge storm water into the creek with use of retention ponds to prevent a surge of water into the creek.

**Harold** asked if the applicant has considered the spawning salmon in that area?

**The applicant's biologist** stated they have considered the salmon in the area and note that there are no published records, but still assume there are salmon present. As a result, they are using the same recommended guidelines as the province and federal fisheries uses as if there were salmon in the creek.

**The applicant's hydrogeologist** explained the location of the retention ponds.

**Mike Davis, San Pareil**, asked what is a wetland and has a full topographical study been done based on less than average weather?

**The applicant's hydrogeologist** stated that a wetland feature is a natural feature.

**The applicant's biologist** explained that RDN mapping was used to identify the wetland areas found on site and a field investigation was conducted, but they did not observe the area of flooding by Peterson Road. This area is not considered to be a natural wetland area.

**The applicant's hydrogeologist** stated that topographical mapping from the Provincial surveying branch was used as well.



**Herman Vanderbyl, San Pareil**, stated that better septic disposal systems are available, but it is up the Health Inspector to approve the septic disposal systems. Mr. Vanderbyl then asked has the applicant considered the impact of the Rifle Range, which is located next to the site? Mr. Vanderbyl also commented that over 200 salmon were counted this fall in Craig Creek beyond the highway.

**Ken Aarbo**, future owner of DL 178, asked what future covenants are being proposed?

The applicant's agent explained that there are a number of different covenants and they will be placed on the property at different times. The agent explained that this the conceptual stage only and most covenants are placed on parcels at the subdivision stage.

The General Manager explained that the Regional District will be securing some covenants at the rezoning stage.

**Hans Krutz, Qualicum Beach**, stated that his main concern is the water and sewage disposal because in other areas these services have been put in shoddily. Mr. Krutz noted that water is a scarce commodity and that people want to know they have good drinking water.

The applicant's agent agreed.

**Larry Blair, Parksville Qualicum Game Association**, stated that the rifle range operates from 9 am to dusk and is noisy and the applicant should be aware of this land use.

**John, Parksville**, commented that there are drainage problems and flooding in the Peterson Road area and asked how will this development solve the drainage problem?

The applicant's hydrogeologist stated that calculations to this detail have not been done yet; however, they are aware of the locations on the property that have high water tables.

**Fay Smith, Qualicum Beach** asked is there any advantage of the current zoning option over the proposed rezoning option?

The General Manager stated that under the current zoning ongoing gravel extraction, forestry and agricultural uses can continue. The Manager noted that this zoning reflected the historical use of the property.

**Ms. Smith** commented that it seems there will be more impacts to the environment under the current zoning than 158 families.

The General Manager explained that the Englishman River is regionally significant both environmentally and as a water source and that this application is proceeding because the applicant has addressed the RDN's concerns to this point.

**Ms. Smith** commented that the least amount of impact will be with the rezoning.

The General Manager stated that it is difficult to say.

The applicant's agent stated this subdivision proposal can have 76 houses as well as gravel extraction, forestry and agricultural uses where the rezoning proposal is proposing 158 houses with no gravel extraction and such uses.

**Rhonda Murdock, Parksville**, asked how important is it that the aquifer is a confined aquifer?

The applicant's hydrogeologist stated it is important from the point of water quality and that the situation where till over the top of the aquifer protects the water in the aquifer.

**Ms. Murdock** stated that she was at a hearing recently where it said that no one can say that an aquifer is confined and specifically on Vancouver Island, it cannot be guaranteed that the aquifer is confined.

The applicant's hydrogeologist stated that he cannot guarantee that this aquifer is confined in all locations, but that his conclusions and recommendations remain the same.

**Eric Smith, Nanoose Bay**, stated that the collapse of the river bank was not there before the gravel pit came into operation and that the stability of the river bank may be a direct result of the concentration of

water over the bank. Ms. Smith recommended that the RDN look at this situation seriously and look to diverting the storm water elsewhere.

The applicant clarified the location of the gravel pit in relation to the river bank.

**Hans Heringa, Rascal Lane**, stated that Kaye Creek is missing from the maps. Mr. Heringa also stated that the stump dump at the end of Kaye Road has trucks running back and forth and that Englishman Aggregates may use Peterson Road as a possible route to haul gravel and as a result, the developer should be aware of this traffic and uses that were there first. Mr. Heringa also stated that there is a collapse at Kaye Road and the realignment of this road was discussed with Highways and the McKillop family.

**Adele McKillop, Parksville**, stated that there has never been a Kaye Creek and that she has checked with the Ministry of Environment and they have no knowledge of its existence. Ms. McKillop also said that, to her knowledge, the Ministry of Environment has never approached her family to straightened out the bend in Kaye Road.

**Trevor Wicks, Errington**, asked if home based businesses will be allowed on the properties?

The General Manager stated that the standard zoning provisions would apply and that this has not been discussed with the applicant. The General Manager outlined what can be done under the current provisions.

**Unknown, no address given**, commented that Kaye Road is not adequate and Peterson Road is not developed at all and asked if the roads will be paved at 20 metres in width to the end of the last lot?

The applicant's field operations manager indicated that road standards would be determined by the Ministry of Transportation

The General Manager stated that the Ministry of Transportation would require a paved road standard.

**Sheila Berry, DL 178, Nanoose District** stated that it is better to be safe than sorry and stressed the use of alternative septic disposal systems such as solar aquatic systems. Ms. Berry also asked if the applicant has considered using the water from the current piping for the proposal?

The General Manager explained that this area is outside of the bulk water supply and is not eligible for hooking into that system.

The Chairperson asked if there were any other questions or comments.

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

The meeting concluded at 9:12 pm.

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Susan Cormie  
Recording Secretary

**THE FOLLOWING CORRESPONDENCE IS TRANSCRIBED FOR  
CONVENIENCE ONLY**

**HANDWRITTEN ORIGINAL IN CORRESPONDING FILE**

Feb 3, 2003

To: Mr. Robert Lapham  
GM, Development Services  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC  
V9T 6N2

From: Clive Jones  
859 Savary Drive  
Qualicum Beach,  
BC V9K 1R8

Subject: Public Information Meeting of Jan 30, 2003 Application to amend  
Englishman River OCP

Introduction

That it is the intent of the Regional District of Nanaimo to allow for the amendment of the Englishman River Official Community Plan and to re-zone the parcel located in electoral Area, 'G' as shown on the map from a Resource Management 1 (CM1) zone Subdivision District 'B' (8.0 ha minimum parcel size) to a comprehensive development zone in order to permit a rural residential development.

That the applicant, Texada Land Corporation, has submitted two proposals to develop this parcel of land, both of them to adopt a stand alone conventional septic system. Their proposal of preference calls for 158 parcels, a minimum of 1.0 ha in size, together with parkland, greenways and a small wetland area in the south-east corner.

Background

Whereas the undersigned attended "Englishman River" celebrations last summer and was privy to several presentations, not least from a well known local biologist, Ron Buechert. The common consensus of opinion was that both the water quality and quantity of the Englishman River has been severely compromised during the past decade.

Similarly there are well-documented concerns relative to water quality from residents of other areas ie. Nanoose, Chartwell, Sandpiper.

Water is universally recognized as the number one resource, one that sustains all present life forms.

Let it be known that we live on this blessed island whose natural resources are undetermined and yet appear to become increasingly strained by a burgeoning population.

### Recommendation

That the Regional District of Nanaimo reject both of these development proposals and applications unless this said developer is prepared to modify either one or both proposals by the inclusion of water and sewer lines in lieu of septic fields to ensure the protection and survival of such an important waterway.

### Reasons

1. The Plan to use a conventional septic system, which co-incidentally is not "state of the art" poses serious concerns relative to water quality, notwithstanding the applicant's assurance that the prevalence of sand and gravel in the area would serve as natural filtration and that combined with the soil would prevent the movement of pathogens to the river system or to the pumped aquifer. This problem would be made worse in the event that a significant number of homeowners became negligent in the cleaning of their septic systems.
2. While the applicant appeared to have done some homework vis-à-vis water supply, waste water, nitrate concentrations and stormwater management relative to his presentation, the agent and the biologist were less than confident in answering questions from the audience regarding flora and fauna and river bank erosion.
3. Similarly, the applicant displayed ignorance about existing operations within this designated area – namely the removal of gravel and trucking of same between Peterson Road and the N. W. Bay Rd. – as well as recreational activities e.g. the shooting range – and their likely impact upon future residential development.
4. That their studies appear somewhat superficial, possibly arising from a compressed time frame from October 2002 to the present.
5. That the applicants secondary proposal of developing 20 acre lots within the same area albeit with less highlights seems to be a ploy to direct greater attention to their primary objective of the 158 parcel project. The latter presumably promises far greater return on investment.
6. It is significant that the developer wishes to position himself in the marketplace so that all of the lots can be sold within a short time frame (unspecified). On the assumption that all costs associated with the installment of proper water and sewer lines were borne by this developer, it is questionable whether this objective could be realized within the parameters of the existing housing market.
7. The applicants definition of restructuring the keeping of livestock was rather vague.

Costs  
Unknown

Conclusion

Since it is likely that this development application will be the precursor of others, the decision to be rendered by the RDN in this instance will have long term implications.

Consequently, it is recommended that both of these development applications be denied unless they are amended to include underground water and sewer lines.

Appendices

- A. See notice of Public Information Meeting
- B. Englishman river - "A Rural Recreational Community"

cc: Town of Qualicum Beach  
J. Stanhope, Director Area 'G'  
H. Kratz, President, Qualicum Beach Residents Association



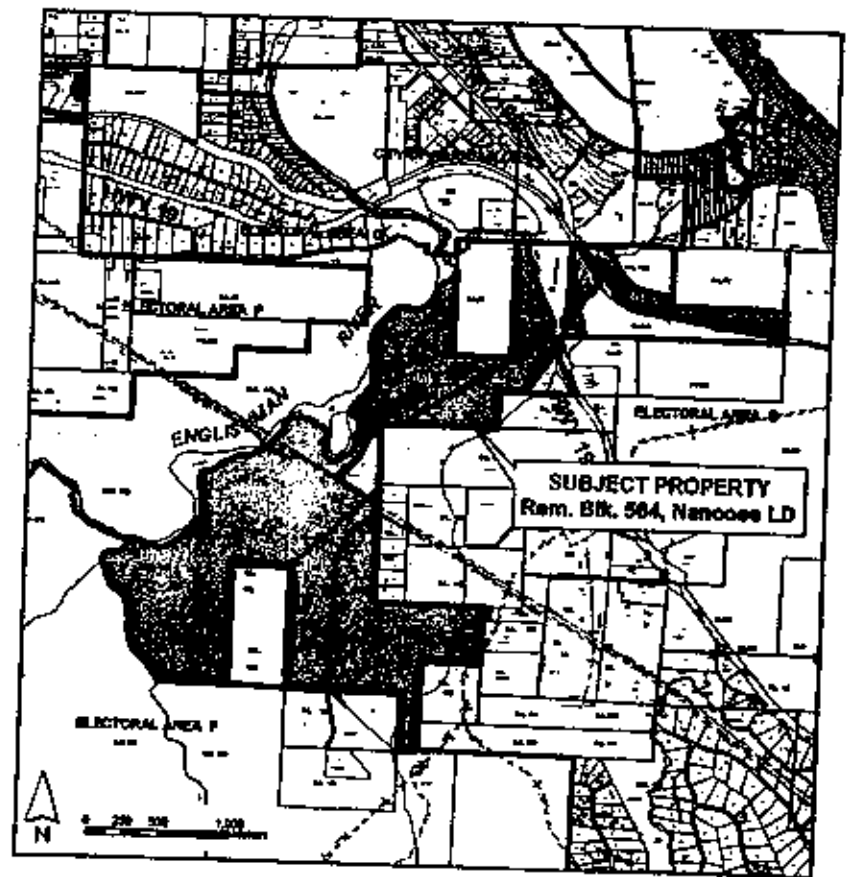
# Notice of a Public Information Meeting

As part of the application review process, a Public Information Meeting will be held concerning an application to amend the Englishman River Official Community Plan and to rezone the parcel located in Electoral Area 'G' as shown on the map below from a Resource Management 1 (RM1) zone Subdivision District 'B' (8.0 ha minimum parcel size) to a Comprehensive Development zone in order to permit a rural residential development. Additional information about the development proposal and the application, as submitted by the applicant, may be viewed at the Regional District of Nanaimo offices, 6300 Hammond Bay Road, Nanaimo, BC.

The applicant's stated intention is to develop the parcel shown below as a rural residential development comprised of 158 parcels a minimum of 1.0 ha in size and providing 115 ha of land (32% of the total parcel) for park purposes including the Englishman River Valley, a greenway that links the Craig Creek corridor, and a small wetland area located in the south east corner of the subject parcel, with the Englishman River.

Comments received at this Public Information Meeting will be provided to the Electoral Area Planning Committee as part of the application review process. In addition, the applicant may respond to the issues by revising their application before it proceeds for consideration by the Regional District.

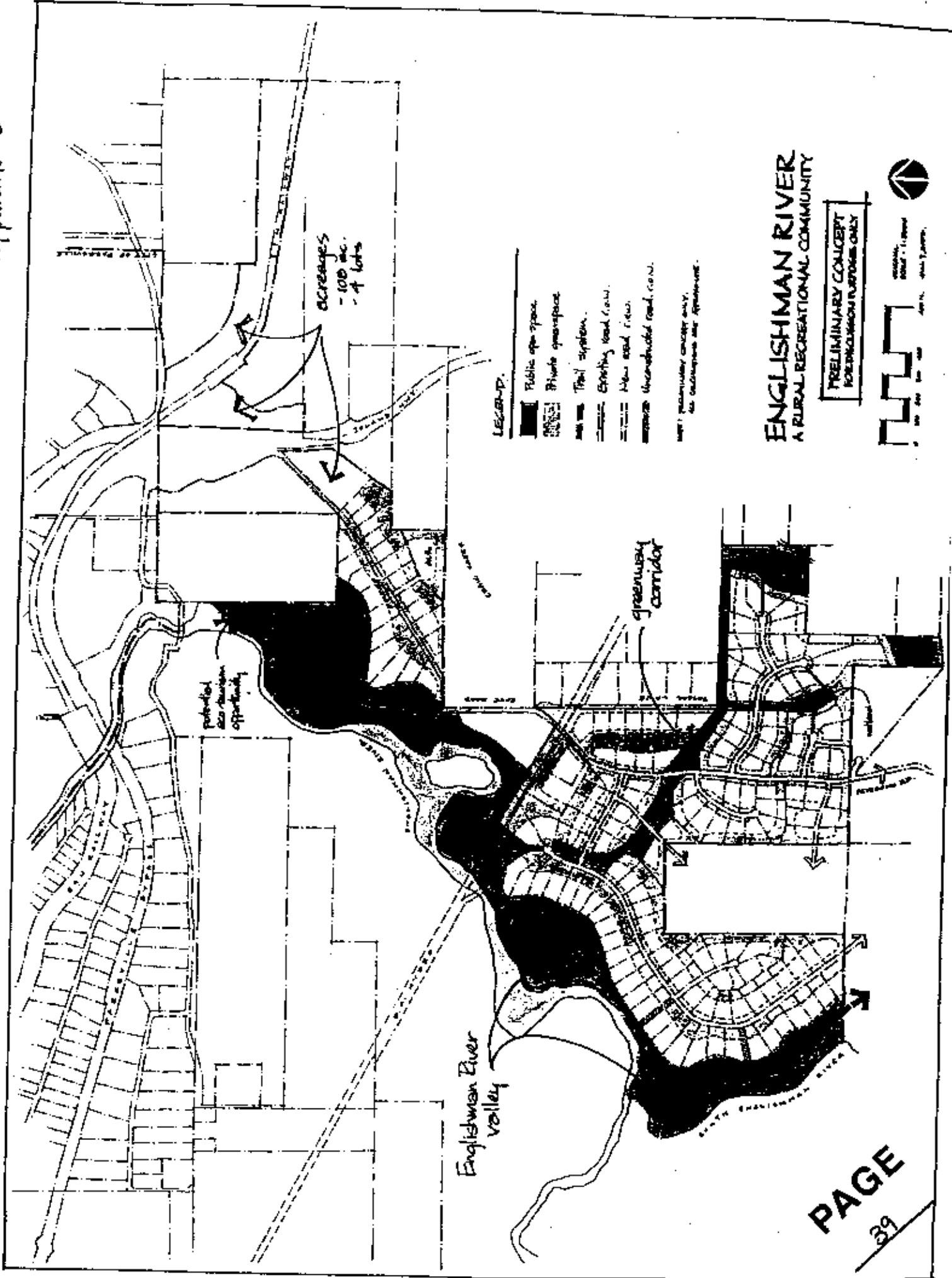
The Public Information Meeting will be held at: **Ballenas Secondary School Auditorium**  
135 Fym Street, Parksville, BC  
on: **Thursday, January 30th, 2003**  
time: **7:00 pm**



For more information on the application, please contact the RDN Planning Department  
Phone 390-6510 or 954-3798 or toll free in BC 1-877-607-4111 Fax (250) 390-7511  
email [planning@rdn.bc.ca](mailto:planning@rdn.bc.ca)

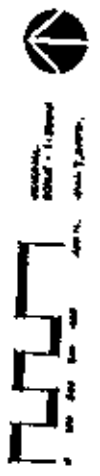
6300 Hammond Bay Road, Nanaimo, BC V9T 6N2

*Please note: this Public Information Meeting is not a Public Hearing. Should the application proceed, a Public Hearing will be held at a later date.*



**ENGLISHMAN RIVER**  
A RURAL RECREATIONAL COMMUNITY

PRELIMINARY CONCEPT  
FOR INFORMATION PURPOSES ONLY



# ENGLISHMAN RIVER: A RURAL RECREATIONAL COMMUNITY

## VISION

*To create a rural residential community that has the open spaces of the Englishman River Valley as its central unifying feature*

## PRINCIPLES

- Preserve and protect the Englishman River Valley
- Protect the water quality in the Englishman River
- Utilize the natural environment as the recreational focus of the community
- Provide greenway connections to the river valley
- Retain the rural character of the area
- Avoid low density urban development
- Create a unique recreational community through comprehensive planning
- Place limitations on the keeping of domestic livestock
- Utilize the existing road network where possible
- Provide buffers along the edges of the property that abut existing lots
- Protect the green gateway entrance to the City of Parksville

## DEVELOPMENT OBJECTIVES

- Seek to find a balance of community and developer interests
- Create a development plan that will be marketable, bankable, and approvable
- Be positioned in the marketplace so that all the lots can be sold in a short time frame
- Create freehold tenure lots and minimize use of strata subdivision

## HIGHLIGHTS OF THE CONCEPT PLAN

- Close to 32% (285 acres) of the entire holdings (895 acres) would become part of the public domain, that being the river valley, the major east/west greenway corridor, the Craig Creek riparian area, and the small wetland in the southeast corner
- Covenanted private green space would enhance the rural character
- A site along the river has been selected as a potential eco-tourism opportunity
- Lands along the highway would be held as large acreages
- A total of 158 lots would be created, equating to an average lot size of 1 lot per 5.7 acres
- The minimum lot size would be 2.5 acres
- A building scheme would be registered on the title of all the lots and would address such items as: architectural design, landscape treatment, vegetation retention, and the keeping of domestic livestock

## LAND USE SUMMARY

	AREA (acres)	PERCENTAGE OF TOTAL AREA	NUMBER OF LOTS	AVERAGE LOT SIZE (acres)
<b>PUBLIC OPEN SPACE</b>	<b>285.0</b>	<b>32.0</b>		
Englishman River Valley	225.0			
Greenspace Corridor	60.0			
<b>RURAL RECREATIONAL AREAS</b>	<b>578.5</b>	<b>64.5</b>	<b>158</b>	<b>3.7</b>
Enclaves	470.5		154	3.0
Acreages	108.0		4	27.0
<b>ROADS</b>	<b>31.5</b>	<b>3.5</b>		
New R.O.W.	30.5			
Unconstructed R.O.W.	1.0			
<b>TOTAL</b>	<b>895.0</b>	<b>100.0</b>	<b>158</b>	<b>5.7</b>



**Hans Heringa, P.Eng.**  
 1080-B Industrial Way  
 Parksville, B.C. V9P 2W8  
 Phone 250-248-8155 Fax 250-248-4894

Attention: Bob Lapham  
 Manager of Planning  
 Regional District of Nanaimo

December 12, 2002

Re: **Englishman River Land Corp.**  
**Proposed REZONING to 178 Lots**  
**On (895-250 =) 645 Acres or 3.62 Acre Average Lot Size**

Dear Sir:

Could you please explain your rationale for supporting the rezoning here (and up-zoning), while at the same time downzoning various lands on Northwest Bay Road between Terrien Road and Madrona, all as part of the same RGMP?

At 1610 Northwest Bay Road:

- a) We had zoning to 700 m<sup>2</sup> lots.
- b) We have lots of good water.
- c) Sanitary Sewer is not far away (at Terrien and the Ocean).
- d) We have owned the Land for over 10 years.
- e) The lands are already serviced with road (NW Bay Road), water, hydro & tel, etc. which is a RGMP requirement, for development efficiency.

Yet the RDN wants to down-zone these particular lands to 2.5 acre minimum, as part of the RGMP.

At this former Weyerhaeuser property:

- a) It was/is really FLR land.
- b) It presently has 20 acre zoning. 895 Acres ÷ 20 Acres = 45 Home Sites permissible only after Subdivision.
- c) It gets a chance to be rezoned down to a 3.62 Acre average, not 5.0 Acre, and is even given consideration for some parcels down to 40 - 1 Acre parcels in size.
- d) It has no good or secure water supply, proven as yet.
- e) Septic problems (although not insurmountable) likely also exist on some of the Lands, due to water tables and inadequate soils.
- f) It has been owned for less than 1 year.

In addition:

- 1) The ALR has recently allowed the creation of only 10 Acre size lots on H&F Ventures' adjoining Peterson Road property, and not the 5 Acre parcels that were requested.

- 2) The existing subdivision at Rascal Lane is based on 5 Acre Lots, and that is the only density and opportunity that Rascal Trucking Ltd. was offered here, earlier.

There are also some other inconsistencies:

- 1) The RDN doesn't want our 1610 NW Bay Road well, but then wants control of this Englishman River Water System?
- 2) Our proposed subdivision of 36 lots at 1610 NW Bay Road gets defeated, because the RDN withholds Sanitary Sewer approval, even when sewer is available, but yet appears to condone 178 possible new Septic Fields, for this other Englishman River Subdivision, and Septic Fields for Lots as small as 1 Acre, in a much more sensitive area.
- 3) We, the pre-existing long term Land Owners, are down-zoned at NW Bay Road, and yet the newcomer on the block, not very far away, Englishman River Land Corp. gets up-zoned at the same time. (At least, it's very interesting.)
- 4) Englishman River appears to me, to be butting into the head of the line up, with its development approvals and the RGMP seeming to be already ratified by the RDN for 178 parcels. This adversely affects all other Developers and developments in the adjoining vicinity.

My real questions are:

- Why can't we develop our proposed 36 lots along NW Bay Road?
- Why can't you change the RGMP to allow 700 m<sup>2</sup> lots on sewer and water?
- Why should Fairwinds and now Englishman River Land Corp. be granted virtual monopolies on development?

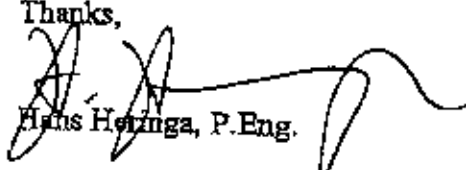
My point is:

- Some of us other Land Owners should also be able to develop along NW Bay Road, and first, and certainly before Englishman River Land Corp. is allowed to do so here. The timing is outrageous. The treatment of Land Owners is not consistent and very unfair. This cannot be good planning.

We therefore need to know your rationale, or the RDN's rationale, here, so we can decide whether or not to support the Englishman River Land Corp's proposal.

We await your reply.

Thanks,

  
Hans Heringa, P.Eng.

- cc: Joe Stanhope, Chairman, Director, Area "G" (French Creek)
- cc: Pauline Libby, Director, Area "B" (Nanoose)
- cc: Wayne Diedrichsen, Land Owner
- cc: Andrew Pearson, Land Owner
- cc: Bill Gilmour, Land Owner
- cc: Bob Press, Land Owner

HH/mv/Lapham

**Natural Aggregates Ltd.**  
1080-B Industrial Way  
Parksville, B.C. V9P 2W8  
Phone 250-248-8155 Fax 250-248-4894

Attention: Susan Cormie  
Planning Committee  
RDN

Re: Rem. Block 564, Nanoose Land District  
Englishman River Land Corporation

February 10, 2003  
SEP  
02-21-2003  
RECEIVED

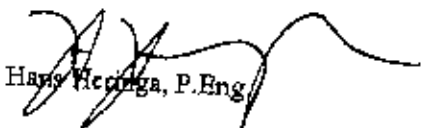
We have a Permit for gravel extraction on the neighbouring lands, or on Block 579, owned by TimberWest.

1. We were required to provide a 50 m setback from the top of the bank of the South Englishman River as part of our approval process for gravel extraction. We also have to stay 200 metres away from the natural boundary of Centre Creek. See attached. We also understand that Allgard Properties Ltd. has to stay 60 metres away from top of bank for the Little Qualicum River. We don't see anything close to a 50 m setback from the top of the bank of the Englishman River in this preliminary concept. The rules should be the same or at least similar for everyone, and the rules ought to be applied consistently to all properties for all things. What are the proposed setbacks here from top of Bank? Why the difference?
2. Peterson Road is a proposed haul road into Parksville for our proposed gravel pit. Peterson Road connects to Northwest Bay Road, through DL 182, across Craig Creek, and minimizes the distance on the Weyerhaeuser industrial road, and avoids further impact and noise and dust nuisance by our dump trucks in the future on the Weyerhaeuser shop and office complex on Northwest Bay Road. The immediate concern is that all the new residents here will now object to our use of Kaye and Peterson Road as a truck route. Our Gravel Permit Application was first, and ought to be respected. In any event, our future unfettered ability to use Peterson and Kaye Road ought not to be defeated, by any subsequent subdivision development here. These are presently zoned Resource Lands. Kaye and Peterson Road ought to remain as an Industrial Road for dump trucks.
3. It was always contemplated by Natural Aggregates Ltd. that FLR or Resource Management Lands would remain as such, next to our Lands and to our proposed Pit on Block 579, or at least until the time that there was a real market demand for rezonings, or a need for further land for residential development. We don't think that there is any need for more residential lands at this time. There are lots of existing zoned lands, still available for residential use, that are not yet developed, and can be easily developed only by providing the necessary services. Therefore, it makes no sense at the present time to allow this rezoning.
4. The rezoning, and an OCP amendment here, is going to be a precedent setting step, that may well open the floodgates for many more similar applications, by other Resource Management Lands in the future. This defeats the intent of the present existing zoning. And if all other Resource Management Lands can't also be later granted comprehensive rezoning, then this single Application is receiving special, favorable treatment, which is also not proper. All applications to rezone Resource Management Lands ought to be treated in the same consistent way, so this application warrants special attention.

We see absolutely no advantages for our Company, and only problems and extra costs and damages, with a Comprehensive Rezoning here, of these Resource Management Lands at the present time.

Please leave the Rem. Block lands as they are presently zoned, and as Resource Management Lands.

Regards,

  
Hans Hedenga, P.Eng

cc: Joe Stanhope, Chairman, Director, Area "G" French Creek  
cc: Pauline Libby, Director, Area "E" Nanoose

Please Distribute  
←

NOTE

HE/lw/RDN

PAGE 43

**H&F Ventures Ltd.**  
 1080-B Industrial Way  
 Parksville, B.C. V9P 2W8  
 Phone 250-248-8155 Fax 250-248-4894

2 Pages

February 10, 2003

Attention: Susan Cormie  
 Planning Committee  
 RDN

Re: Rem. Block 564, Nanoose Land District  
 Englishman River Land Corporation

For your information, the ALR recently just allowed a 10 acre minimum parcel size subdivision, of open zoned ALR Lands along the top end of Peterson Road, both sides, based on an Application to subdivide within the ALR by H&F Ventures Ltd. See the attached plan. H&F had asked for 5 acre parcels, but this was rejected. Thus a maximum 10 acre parcel size ought to be the pattern here, at least for the ALR portions, and to remain consistent with the surrounding land uses.

895 acres x 2/3 Developable (1/3 for roads, wetlands, setbacks) ÷ 20 acres (as zoned) = 30 parcels, @ 10 acres each.

What's wrong with 30 parcels as is permitted by the present zoning, and create and allow the 30 parcels but @ 10 acres each? And the balance of the land is Park, Wetlands, Steep Slopes, Setbacks, or Greenspace?

30 Septic Fields above the Englishman River would have a lot less impact than 158 Septic Fields. 30 homes would also have a lot less impact than 158 homes. 30 parcels at 10 Acres is consistent with the recent ALR decision in regard to H&F Venture's lands, adjacent to these lands.

We might otherwise support the overall concept with more Wetlands, Greenspace Corridors, and greater Top of Bank Setbacks, and with reduced densities of 30 parcels and a maximum of 60 home sites as presently zoned.

There still ought to be a hiatus here, and at least a 5 year wait or postponement, if not 10 years, and until all other similar existing property has first been allowed to proceed to subdivision and to be sold. What is the urgency here?

These former Weyerhaeuser lands should simply not be given expedited development approvals, at the expense of all other Property Owners patiently waiting for markets and subdivision approvals, paying substantial taxes every year. It's quite outrageous really.

±\$2.4 Million for land + 30 parcels = \$80,000/parcel for the Land and \$40,000 - \$50,000/parcel to develop for a total cost of \$120,000 - \$130,000/parcel, and then sell @ \$160,000 - \$200,000/parcel, leaving a margin for interest, commissions, and profit. It still works.

Please consider our independent input before you make a decision here.

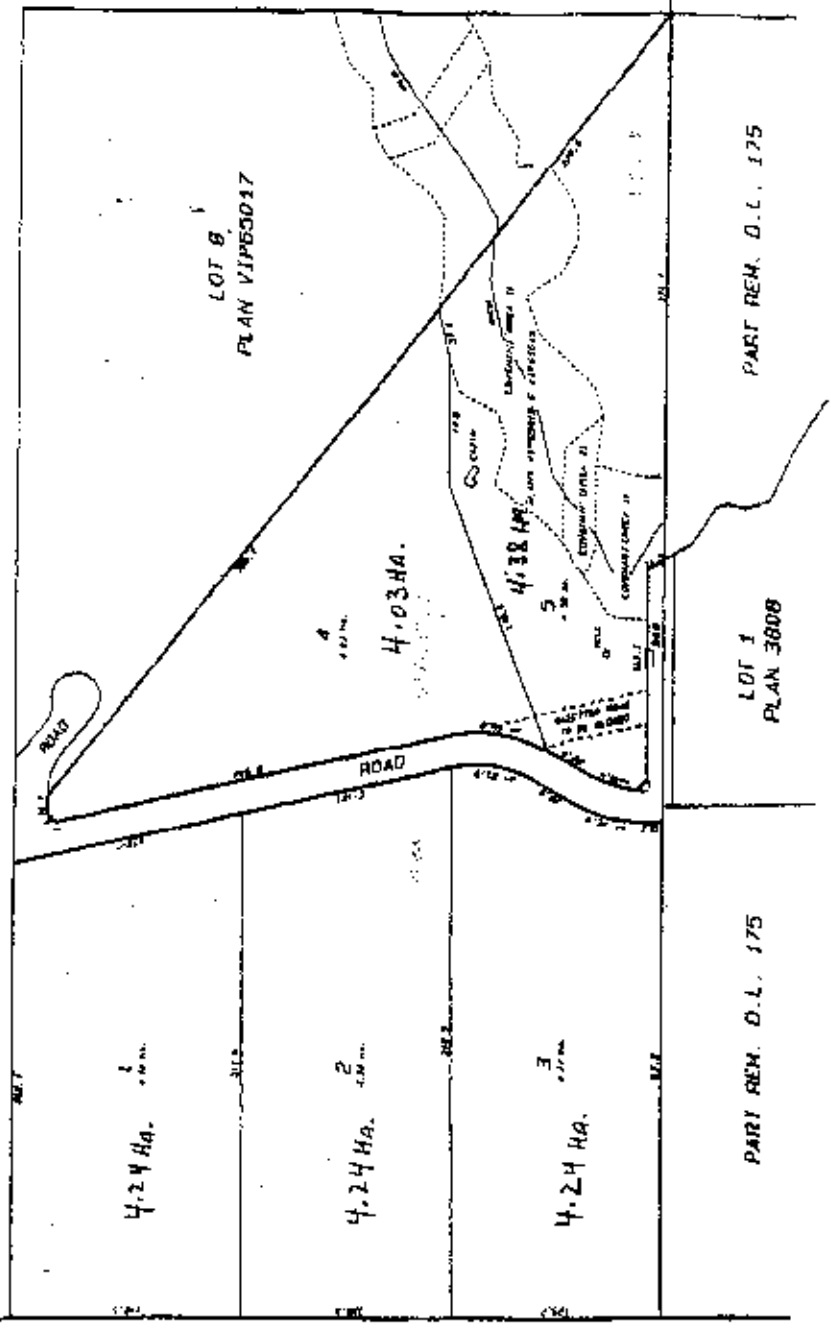
  
 Hans Heringa, P.Eng.

cc: Joe Stanhope, Chairman, Director, Area "G" French Creek  
 cc: Pauline Libby, Director, Area "E" Nanoose  
 HW/mvrdn

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BLOCK 564

D.L. 178



BLOCK 513

PART REM. D.L. 175

LOT 1  
PLAN 3808

PART REM. D.L. 175

<p><b>SIGN ASSOCIATES</b>          VAN JARUM          101/102/103/104/105          106/107/108/109/110          111/112/113/114/115          116/117/118/119/120          121/122/123/124/125          126/127/128/129/130          131/132/133/134/135          136/137/138/139/140          141/142/143/144/145          146/147/148/149/150          151/152/153/154/155          156/157/158/159/160          161/162/163/164/165          166/167/168/169/170          171/172/173/174/175          176/177/178/179/180          181/182/183/184/185          186/187/188/189/190          191/192/193/194/195          196/197/198/199/200</p>	<p>ALL PROVISIONS          PERTAINING TO          THIS SUBDIVISION</p>	<p>SCALE 1:2000          ALL DIMENSIONS ARE IN METERS          ALL DIMENSIONS AND AREAS ARE          BASED ON THE PLAN</p>	<p>PROPOSED SUBDIVISION PLAN OF LOT A,          PLAN VIP65017          DISTRICT LOT 192, NANDOSE DISTRICT.</p>
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# RASCAL TRUCKING LTD.

1080-A Industrial Way  
Parksville, B.C. V9P 2W8

Telephone: (250) 248-8155  
Fax: (250) 248-2300

Attention: Jerry Bordian  
MacDonald Development Corporation  
Englishman River Land Corporation  
Fax 604-331-6048

January 15, 2003

Dear Sir:                    Re: **Rascal Lane, Kaye Road and Peterson Road**

To confirm once again that extensive flooding occurred on the weekend of January 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup>, 2003.

Overflow waters ran northward, across Kaye Road, and down both sides of Kaye Road, with the western ditch side of Kaye Road discharging into the Englishman River at the bend in the road, and the eastern ditch discharging all the way down Kaye Road, into the gravel pit near the weigh scales and eventually into Craig Creek.

A Mr. Trevor Wicks (an independent) was out with a video camera, and filmed most of the flooding. The residents can confirm the flooding too.

We also have 2 sets of some pictures on file, to confirm the events here, that are available for review if you wish.

In effect, there was 6" of flooding on Kaye Road, and about 1 foot of flooding on Peterson Road, with water following down Kaye Road right up to the weigh scales/Seven Springs Ranch.

The proper long term solution, in my opinion, is to probably divert ½ of the storm flows into the Ministry of Transportation pit and into the Englishman River, and the other ½ into Craig Creek, by way of the existing ditch and lowering of the berm towards Craig Creek, or perhaps by way of storm piping to control the amount of water to Craig Creek.

This annual flooding should certainly be addressed, and it does exist.

Regards,



Hans Heringa, P.Eng.

cc: Michael Rosen, Planning Consultant, Fax 604-925-0946  
cc: Bob Lapham, Manager of Planning, RDN  
cc: Wayne Mookman, P.Eng., RDN  
cc: Adele McKillop, S. McKillop Logging Ltd.,  
cc: Bill Hollingshead, Ministry of Environment, 751-3103  
cc: Nick Vandermolten, Ministry of Transportation  
HH/tn/T/Bordian

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**Cornie, Susan**

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**From:** Beetstra, Marion  
**Sent:** Thursday, January 30, 2003 2:21 PM  
**To:** Cornie, Susan; Shaw, Pamela; Lapham, Bob  
**Subject:** FW: Amendment to Englishman River Community Plan/application review

-----Original Message-----

**From:** Hans Kratz [mailto:hkratz@macn.bc.ca]  
**Sent:** Thursday, January 30, 2003 12:46 PM  
**To:** Beetstra, Marion  
**Cc:** hkratz@macn.bc.ca; rickdor@shaw.ca; mohearn@sd69.bc.ca;  
douglen@shaw.ca; margandfrank@shaw.ca; pat@island.net;  
aerie@qualicum.ark.com; Thomas McArthur; mjessen@island.net;  
esmith@macn.bc.ca; grpeterson1@shaw.ca; djshep@shaw.ca;  
jimbev@shaw.ca; dlavoie@telus.net; gsmoul@shaw.ca  
**Subject:** Amendment to Englishman River Community Plan/application review

Should Englishman River Development Corporation wish to develop the area as per your notice (Public Information Meeting ,January 30th at Ballenas Secondary)then the developer should be forced to supply,prior to the sale of any properties, an adequate municipal water treatment plant as well as a adequate sewage treatment plant,and connection of all properties to the water treatment plant and the sewage treatment plant.  
Hans Kratz

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**Lynda MacKenzie**  
2358 Rascal Lane  
Nanoose Bay, B.C. V9P 9A4  
Phone 250-248-2418 Fax 250-248-6378

December 12, 2002

Attention: Bob Lapham, (390-7511)  
Manager of Planning  
Regional District of Nanaimo

Re: **Englishman River Land Corp.**  
**Proposed Rezoning of Block 564**

Dear Sir:

My husband and I own Lot G, Plan VIP52459, DL 176, Nanoose LD, also known as 2358 Rascal Lane.

As the property owners that will be most affected by the proposed "cluster units" of 1 acre lots, I would like to know why you would allow this rezoning from 20 acre parcels down to 1 acre parcels. Why not just more 5 acre lots or 10 acre lots, like those that have already been approved in this area? Why so many, and such small parcels?

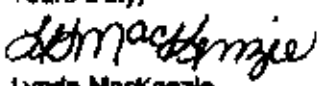
Some of the proposed 2 1/2 acre parcels will be located on a portion of land (Intersection of Rascal Lane, Peterson Road and Kaya Road) that floods every winter. This flooding problem should be addressed first.

Why would you allow 178 new septic fields in an area so close to the environmentally sensitive areas of the Englishman River and Craig Creek? What does the Ministry of Health say about this? This is upriver from the City of Parksville's drinking water intake on the Englishman River. When the flooding occurs every winter in this area, a lot of the runoff goes into the Englishman River, upstream of the City of Parksville's water supply intake. This flooding would also affect the septic fields saturation levels, and any wells.

Why not leave this land at the 20 acre size that presently exists? Why is this proposal being pushed through in such a hurry? Shouldn't areas in higher density locations such as those between the Island Highway and Fairwinds be infilled first? Isn't that more efficient? Doesn't that raise the tax base without raising the infrastructure costs too much? I thought the RDN was in favour of "infilling" rather than "expansion" into rural areas.

Please advise why this particular developer should be given any consideration to vary from the existing zoning.

I oppose the creation of such high density lots on Block 564.

Yours truly,  
  
Lynda MacKenzie

- cc: Joe Stanhope, Chairman, Director, Area "G" (French Creek), 390-4163
- cc: Pauline Libby, Director, Area "E" (Nanoose), 390-4163
- cc: Randy Longmuir, Mayor, Parksville, 248-6650
- cc: Parksville City Council, 248-6650

✓ Re: FILE

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Cormie, Susan

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From: Lapham, Bob  
Sent: Tuesday, December 17, 2002 4:47 PM  
To: Cormie, Susan  
Subject: FW: Texada Block 564 Development Proposal

This was previously received. Please add to file. Thanks.

-----Original Message-----

From: J Stanhope [mailto:jstanhope@shaw.ca]  
Sent: Friday, September 06, 2002 4:32 PM  
To: Lapham, Bob; gloria & bob miller  
Subject: FW: Texada Block 564 Development Proposal

Bob, the attached FYI and comments to me if any. M. Jesson is also on the FCRAss'n, and is indicative of the comments I've been hearing.

Regards, Joe

----- Original Message -----

From: "M Jessen" <mjessen@island.net>  
To: "Joe Stanhope, Dir." <jstanhope@shaw.ca>  
Cc: "Trevor Wicks" <twicks@mail.island.net>; "Tom McArthur" <t-mcarthur@shaw.ca>  
Sent: Friday, September 06, 2002 11:30 AM  
Subject: Texada Block 564 Development Proposal

> Joe:

- >
- > I'm just heading off for 10 days to visit my ailing mother in Victoria  
> and then on to visit my father-in-law in Cranbrook
- >
- > It is truly sad that the work that has gone into the Growth Management  
> Plan review by many members of the general public over the past year is  
> modified by the staff and directors in the space of a couple of weeks.  
> Why do we bother participating? What are you going to do when the next  
> developer comes along? Spend the time to amend the newly named Strategy  
> again? Publish it as a strategy but don't bother calling it a bylaw. You  
> just create needless hassles for yourselves every time you have to  
> consider an amendment. I could be wrong, but I don't think that the  
> Local Government Act requires a growth management plan.
- >
- > Specifically on this proposal, I would recommend that the RDN either  
> up-front or after you approve it, change the sewage disposal  
> requirements to call for either pump-and-haul or community sewer. This  
> area is in what would in other circumstances be designated as a  
> community water source. Because the main water supply for Oceanside is  
> groundwater, a line in the sand is eventually going to have to be drawn  
> to severely curtail the use of septic systems for the disposal of human  
> waste.
- >
- > If the septic system of waste disposal is accepted then each landowner  
> should be required to execute a soils investigation that possibly should  
> include up to three cored holes. Maybe they should also be required to  
> install at least one observation well on the extreme low point of their  
> property - such observation well to be checked at least once per year.
- >
- > Reference is made to the hydrogeological work by EBA Engineering. Their  
> work last fall was severely criticized and their opinion and advise is  
> probably questionable. Further, the virtually unqualified approval of an  
> industrial septic system in the Church Road area by the VIHA suggests  
> that that this organization and its regulations cannot be trusted to  
> protect the groundwater supplies for over 20,000 people.

>  
> EBA has commented on the compliance of the subdivision with respect to  
> sewage disposal. Has EBA commented on the supply of domestic water? Is  
> every lot going to be able to obtain the required volumes of safe  
> groundwater? Will this subdivision be dependent on the Arrowsmith bulk  
> water to which we understand it is not a member? Will the developer buy  
> into Arrowsmith now as insurance and will they be advised of the buy-in  
> price at some later date if their groundwater sources begin to fail?  
>  
> It is our understanding that the French Creek Residents Association has  
> been trying for over a year to have the GMP based on a water-capacity  
> model with virtually no acknowledgement from the RDN. Yet a developer in  
> the space of two months can have the GMP rescinded and amended.  
>  
> The dedication of major portions of the east bank of the Englishman  
> River valley is very appealing. However, assurances must be given both  
> by Texada and the RDN that whoever ends up with the responsibility for  
> this land will leave it in its natural state. Some stretches of this  
> proposed "buffer" are of some concern and should be reviewed by  
> independent riparian experts.  
>  
> The handling of storm water is also critical in the consideration of  
> this proposal. I believe that there are some good comments about  
> minimizing the removal of vegetation etc. I think the RDN must go  
> further and start implementing development requirements in the vane of  
> St. Albert, Edmonton and Calgary. Storm water must be retained on any  
> given developed property for a significant period of time and must not  
> exit any faster than the natural rate prior to development. This would  
> be achieved through forested and vegetated buffers around the lowest  
> edges of each property or by storm water retention and settlement ponds.  
> It would be a great opportunity for this land developer to move the  
> technology forward, in a region where water is so important to humans  
> and fish.  
>  
> The object of what we are suggesting above is to create economic hurdles  
> that legitimize the business decision process. The developer and his  
> customers must bear ALL the costs of putting this project on stream.  
> Every effort must be made to ensure that 10 or 15 years down the road  
> the rest of us will not be paying to correct damage or deficiencies in  
> their work, long after they have folded their tent and moved on to the  
> next project.  
>  
> Michael Jessen, P.Eng.  
> Chair, Arrowsmith Watersheds Coalition Society  
>  
>  
>

**Cormie, Susan**

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**From:** Lapham, Bob  
**Sent:** Tuesday, December 17, 2002 4:47 PM  
**To:** Cormie, Susan  
**Subject:** FW: Texada Land ... connections

This was previously received. Please add to file. Thanks.

-----Original Message-----

**From:** The Stanhopes [mailto:stanhope@island.net]  
**Sent:** Monday, October 07, 2002 4:02 PM  
**To:** Lapham, Bob  
**Subject:** Fw: Texada Land ... connections

Bob, another one. Any comments?  
 Joe

----- Original Message -----

**From:** Trevor & Eileen Wicks  
**To:** Tim Clermont  
**Cc:** Joe Stanhope ; Fred Demmon ; Henigman, Margaret ELP:EX ; Bert Reid  
**Sent:** Sunday, October 06, 2002 12:26 PM  
**Subject:** Texada Land ... connections

Hi Tim, The two people I have spoken with in relation to the block 564 proposal are:

Michael Rosen    Planning consultant    604 925 - 0977    [mrosen@telus.net](mailto:mrosen@telus.net)

Jerry Bordian    Macdonald Development Corporation    604 331 - 6018

The Arrowsmith Watershed Stewardship Team would like to be involved with input and comment on future development proposals on Block 564. This area potentially has a major impact on the Englishman River and possibly is **only the first** major development on the south side of the river. This project could proceed as an innovative, ecologically sensitive example using the best practices in land planning and development. Environmentally sustainable communities are developed in many places in North America and the world, enhancing the land values and quality of life for all of the areas residents.

The typical rural residential subdivision in this area has a very high environmental impact with compounding effects that can degrade the whole regions quality of life and natural ecosystems. I would be pleased to take you on a tour of the area and show you some of the concerns.

### ***Draft for discussion***

The types of development practices could include:

- Locating the rural residential house-sights in clusters of say 6 to 12 units with the equivalent land area placed in conservation covenants
- Replanting logged or cleared areas to natural forest
- Identifying, conserving, and/or enhancing and protecting all water features, i.e. ephemeral streams, wetland areas etc.
- Implementing innovative storm-water management techniques, limiting ditching and large

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- diameter culverts, creating run-off retention and infiltration areas
- Limiting the number and depth of private wells and the overuse of water
  - Ensuring the disposal of wastewater, animal waste, storm-water, and solid waste meets the highest standards
  - Minimizing the amount of land used for roads, driveways and other impervious surfaces
  - Strict limitation to the number of domestic animals and pets
  - Controls as to the type and size of home based businesses

Hope this helps.

Regards Trevor

12/18/2002

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**Cormie, Susan**

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**From:** Beetstra, Marion  
**Sent:** Monday, February 03, 2003 3:41 PM  
**To:** Cormie, Susan  
**Cc:** Lapham, Bob; Shaw, Pamela  
**Subject:** FW: Englishman River Official Community Plan

-----Original Message-----

**From:** Haida Kristiansen [mailto:haidack@highspeedplus.com]  
**Sent:** Monday, February 03, 2003 2:25 PM  
**To:** Beetstra, Marion  
**Cc:** Fran Harrop; Janice LeClerc  
**Subject:** Englishman River Official Community Plan

I am concerned about the application to ammend the Englishman River Official Community Plan which the public was informed about at Ballenas Secondary School last Thursday. My concern is mainly to do with the amount of wilderness space allotted for the mammals and birds that currently inhabit the area proposed for development.

Could you please answer the following questions? How many mammals and birds currently live in the proposed area proposed for development? How much wilderness space (in acres) is being suggested for these animals? Can we double that space?

Personally, I would prefer to see a kilometer on either side of the river allotted for wilderness, after all the animals have as much right to their living space as humans. I would also like to see most lots being 4 acres. What is the average lot size?

Thank you in advance for answering my questions and considering my concerns.

Respectfully,  
Haida Kristiansen  
Parksville, BC

05 Feb 2003

To : RDN Planning Department

Re : Application for re-zoning by the Englishman River Land Corporation

My wife, Janet and I attended the public information meeting at Ballenas Secondary School on 30 January 2003 regarding the application by the Englishman River Development Corporation to re-zone part of Block 564 Nanoose LD from RMI to Comprehensive Development. The zoning change would result in the subdivision of up to 158 separate parcels with a minimum size of 1 hectare.

As 27 year residents of the property on the end of Peterson Road (Nanoose LD175), we are very much in favour of such a controlled development as we have experienced the alternative. Without such a subdivision and associated restrictions on land use, the area in question can and will develop to the detriment of the Englishman River and Craig creek watersheds, at the expense of public access to a large section of the Englishman River and to the overall diminishment of the quality of the Central Island Community. The representatives of the Developers outlined a plan where significant green spaces, trails and river access were guaranteed while addressing concerns with land use, water runoff and groundwater contamination. Kaye and Peterson Roads would also be brought up to the required standard.

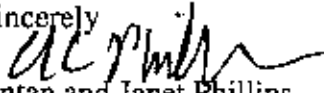
By contrast, in the last 6 years, all of NLD 182 and most of block 564 near Peterson Road have been logged without any consideration to the effect on the watersheds of Craig Creek or the Englishman river. The immediate result was that Peterson Road completely washed out on several occasions and created extensive flooding at the junctions of Peterson and Rascal lanes. Uncontrolled runoff coupled with previous development of gravel pits in that area has lead to flooding of residences on Rascal Lane and has contributed to erosion of sections of the bank of the Englishman River directly below those pits. In the recent past a stump dump has developed on agricultural land on Block 182 in direct violation of agricultural land use policy. Additionally, an application to compost sewage and wood waste on that property was (fortunately) withdrawn. That property has little soil permeability and lies upstream of the water supplies of Parksville and those residents using the Craig creek aquifer.

Peterson Road, which is not on its gazetted right of way and very much below standard for a public road, is now being used as an industrial haul road. It is in many places too narrow for two vehicles to pass and the high volume of large truck traffic make this road very dangerous. Kaye Road cannot sustain the current level of residential traffic without significantly increased maintenance. If uncontrolled development were to occur on Block 564 under the present zoning, the number of residences located on those properties could still amount to nearly half of those proposed by the controlled subdivision. This would be classic "Default Development" the results of which are well known in a number of areas in the RDN.

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I believe the proposed development to be basically sound although I believe there will be a number of issues needing resolution during the actual subdivision planning stage. I further believe this offers the best opportunity for the RDN to influence the community structure of this unique area which is sure to see extensive development in the near future. I strongly urge you to consider the long-term vision for a planned, environmentally and aesthetically wholesome Central Island Community in making your decision and support this re-zoning application.

Sincerely



Antan and Janet Phillips  
2632 Peterson Rd,  
Nanoose Bay V9P 9A4  
248-6733  
janetp@island.net



Northwest Nanoose Residents Association

P.O. Box 216 . Nanoose Bay, B.C. V9P 9J9

Feb. 6, 2003

RDN Board  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, B.C.

Board Members;

Re: Public Comment on Proposed Englishman River Development on Block 564.

REGIONAL DISTRICT OF NANAIMO	
FEB 12 2003	
CHAIR	GMCrs
CAO	GMDS
GMCrs	GMES
<i>Clayton D. ...</i>	

The Northwest Nanoose Residents Association has an interest in this proposed development with respect to the potential effects on water quality and the environment, and in terms of the procedures RDN may use for its consideration.

At the Public Information Meeting, held Jan. 30, 2003 on the application to amend the Englishman River Official Community Plan by the Englishman River Land Corporation, the Corporation's consultant, Michael Rosen commented that in his view much of what had been raised by the public at the meeting was detail that may be more appropriately addressed at a later, more detailed phase of his client's development proposal (our words).

We clearly hope that this is not a position shared by the RDN Board and staff. Public concerns over water supply and water quality, sewage disposal and environmental protection are not issues that can be left to later detailed planning when decisions have been made and opportunities for improvements narrowed. Since this development proposal is seeking an exemption from, or an alteration to the Englishman River Official Community Plan, rather than being simply an application that meets the OCP criteria, it requires *greater* analysis and due diligence on behalf of the RDN review process. Hence, issues of significant public concern must be addressed before, not after, the fact.

Several of the consultants' conclusions of minimal effect on hydrology, water quality and environmental integrity were based on very preliminary observations and examinations of government data, and may not stand up to more rigorous testing.

For example, the disposition of stormwater, sewage effluent, irrigation water, etc. seemed to the consultant to pose no potential problem to the integrity of the river bank. Experience elsewhere in BC and the comments of several knowledgeable members of the public at the meeting would suggest that the whole issue of the direction of surface flows

*Preserve ... the quiet, clean and peaceful atmosphere of our neighbourhood*

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is important to the "minimum effect" objective of the proposed development, and requires more study before any decision can be made to pursue this proposal.

Also, domestic sewage disposal plans and effects on the environment are based on the assumption of the effective working of septic field systems; but without percolation tests having been conducted. As well, there is no consideration of other sewage treatment/disposal methods being employed; despite the recognized short life-span of conventional septic field systems and the relatively high rate of operational failure. Surely, in a new development proposal such as this, new technology should be explored.

In our view, these are examples of significant information gaps that must be addressed before RDN can consider advancing this development proposal to the next stage.

Sincerely,

A handwritten signature in black ink, appearing to read "Ross Peterson". The signature is fluid and cursive, with a large initial "R" and "P".

Ross Peterson, President

is important to the "minimum effect" objective of the proposed development, and requires more study before any decision can be made to pursue this proposal.

Also, domestic sewage disposal plans and effects on the environment are based on the assumption of the effective working of septic field systems; but without percolation tests having been conducted. As well, there is no consideration of other sewage treatment/disposal methods being employed; despite the recognized short life-span of conventional septic field systems and the relatively high rate of operational failure. Surely, in a new development proposal such as this, new technology should be explored.

In our view, these are examples of significant information gaps that must be addressed before RDN can consider advancing this development proposal to the next stage.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ross Peterson". The signature is written in black ink and is positioned above the printed name.

Ross Peterson, President

**Cormie, Susan**

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**From:** Beetstra, Marion  
**Sent:** Friday, March 14, 2003 11:19 AM  
**To:** Cormie, Susan  
**Subject:** FW: Proposal of subject Rem.Blk, Nanoose LD

-----Original Message-----

**From:** J. Manoin [mailto:jmanoin@nanaimo.ark.com]  
**Sent:** Friday, March 14, 2003 11:10 AM  
**To:** Beetstra, Marion  
**Subject:** Proposal of subject Rem.Blk, Nanoose LD

To Whom This May Concern:

We are residents living on Lot D DL 176 of Rascal Lane which is located directly across from the proposed subdivision. We are in favor of the proposed 150 lot subdivision and feel a development of this magnitude would be beneficial to the area. We do however, have some concerns as to the disposal of septic in relation to our existing water wells. We have never experienced any water shortage or contamination and would like to keep it that way. Also, we would like to see quality homes and not mobile homes or acreage used for farm animals.

Thank you,  
John & Charmaine Manoin

MARCH 13, 03

CHAIRPERSON

AREA 'C' PARKS AND OPEN SPACE ADVISORY COMMITTEE,  
REGIONAL DISTRICT OF NANAIMO.

RE REQUEST FOR LAND EXCHANGE, LUNDINE PARK,  
FRENCH CREEK.

DEAR BRIAN,

I REPRESENT 34 OUT OF A POSSIBLE 57  
HOUSEHOLDS (INCLUDING MY OWN) THAT LIE WITHIN 100m  
OF THE LUNDINE PARK SUBDIVISION BOUNDARIES. (THIS  
CRITERIA WAS USED BY THE R.D.N FOR PARK MAIL OUT  
INFORMATION.)

LETTERS FROM THESE 34 HOUSEHOLDS, OBJECTING TO  
THE PROPOSED LAND EXCHANGE, WERE SUBMITTED TO THE  
RDN PLANNING COMMITTEE ON FEB. 18, 03.

IT IS OBVIOUS THAT THE DEVELOPERS REQUIRE 2  
PARCELS OF PARK FOR 2 DIFFERENT PURPOSES. THESE ARE:-

1) THE 483m<sup>2</sup> PORTION IS NEEDED FOR ROAD  
ALIGNMENT AND WE ARE IN AGREEMENT THAT IT CAN GO  
INTO LOT 17.

2) THE NORTHERN PARCEL REQUIRED ENABLES THE  
DEVELOPERS TO CREATE 4 LOTS. SPACE AROUND THE PARK  
AS IT EXISTS ALLOWS FOR ONLY 3 LOTS.

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THE NORTHERN PARCEL EXCHANGE IS REGARDED AS UNACCEPTABLE BECAUSE OF THE FOLLOWING:-

- 1) PARKLAND IS BEING USED TO CREATE A 4TH LOT (LOT 16) MARKET VALUE OF THIS LOT IS LIKELY TO EXCEED \$100,000 WHEN SERVICED.
- 2) THE ONLY AREA THE DEVELOPER CAN 'DUMP' THIS PARCEL IS WHERE HE CANNOT BUILD. IE THE DRAINAGE DITCH SECTION OF ALEXANDER BROOK. PLACING THE LAND INTO LOT 17 AND 18 WOULD MAKE THEM TOO NARROW.
- 3) THE PARK LAND IN LOT 16 IS HIGH, DRY AND WELL TREED. THE AREA PROPOSED FOR EXCHANGE HAS A 3m HIGHWAYS' EASEMENT, VIRTUALLY NO TREES, AND AN UGLY, MANMADE WATER COURSE WITH FLOODING LIABILITY. THIS EXCHANGE WOULD CREATE A 90m LONG STRIP AS 30% OF PARK WITH EXTRA MAINTENANCE NEEDED.
- 4) THE RETENTION OF HEALTHY TREES IS OUR MAJOR CONCERN. BUILDING ON LOT 16 WILL REQUIRE THE REMOVAL OF NUMEROUS TREES AND NATURAL VEGETATION.

THE RDN REQUESTED THAT YOUR COMMITTEE, "PROVIDE COMMENTS AND RECOMMENDATIONS AS SUGGESTED BY STAFF".

WHILE WE QUESTION THE PLANNING STAFF'S ACTION IN OFFERING A "COMPROMISE PROPOSAL", WE FEEL YOUR MOTION OF MARCH 5, 03 DID NOT ADDRESS THE STAFF'S REQUEST. WE ALSO STRONGLY OBJECT TO

PAGE  
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C.C. JOE STANHOPE

(RICHARD) JOHN

C.C. MR. NICK VANDERMOLEN, MOTH

C.C. TOM McARTHUR, FCRA

(SEE ATTACHMENT)

IT MUST BE OBVIOUS TO THE DEVELOPERS THAT IF THE RDN GIVES THIS 1ST, 2ND AND 3RD READINGS, THE COUNTER PETITION THAT WILL FOLLOW CAN EASILY ACHIEVE THE TARGET OF 255 SIGNATURES FROM 5084 AREA G VOTERS:

RESIDENTS ARE CONFIDENT THAT THE HIGHWAYS' EASEMENT FROM HAWTHORNS VIA WHITEPINE TO THE PARK CAN BE UTILIZED TO PROVIDE ACCESS. THE MOTH SUGGESTS A REQUEST FROM THE RDN WILL FACILITATE ACCESS - CREATING A PUBLIC GREENWAY. IF THE DEVELOPERS CANNOT ACCEPT LIABILITY FOR THIS STRIP IT CAN BE RETURNED TO CROWN AND BECOME A PUBLIC GREENWAY.

IF THE PARK EXCHANGE IS APPROVED BY THE RDN AND A SUCCESSFUL COUNTER PETITION FOLLOWS, THE DEVELOPERS MUST GIVE THE FOLLOWING PROPOSAL SERIOUS CONSIDERATION - BEFORE THIS COULD HAPPEN.

THE DEVELOPERS' FIRST PROPOSAL, REJECTED BY YOUR COMMITTEE, INCLUDED 29 LOTS. LATER PROPOSALS WERE FOR 30 LOTS (INCLUDING PRESENT SUBDIVISION APPLICATION).

THE DEVELOPERS' INTRANSIGENCE REGARDING LOT 16 MUST END.

PROPOSAL (SEE P.4)

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62

## PROPOSAL

- THIS RELATES TO MARCH 7 LOT DESIGN & SIZE
- 1) <sup>PART OF</sup> THE WESTERN PARCEL SHOULD BE EXCHANGED FOR LAND IN LOT 17 (ADJACENT TO PARK)
  - 2) PARK LAND IN LOTS 14 AND 15 BE EXCHANGED FOR LAND IN LOT 16. PART OF THE WESTERN PARCEL CAN BE USED FOR ANY DEFICIENCY AND TO PROVIDE THE 153 m<sup>2</sup> PARCEL TO THE SOUTH OF LOT 16. (SEE ATTACHMENT)
  - 3) \$7,500 SHOULD BE MADE AVAILABLE BY THE DEVELOPER FOR PARK IMPROVEMENTS UNDER THE SUPERVISION OF PARKS STAFF. (THIS WOULD BE PART COMPENSATION FOR TREES THAT WILL BE REMOVED IN LOTS 14, 15 AND THE WESTERN PARCEL)

NOTE: THIS PROPOSED EXCHANGE IS EQUAL IN LAND. THE DEVELOPERS WILL ACHIEVE THEIR ORIGINAL GOAL OF 29 LOTS.

WE URGE YOUR COMMITTEE TO APPROVE THIS PROPOSAL AND RECOMMEND IT TO THE R.D.N. FOR THEIR APPROVAL

AS THE DEVELOPERS HAVE REJECTED YOUR MARCH 5, 03 PROPOSAL (THEY HAVE NOT PROVIDED WRITTEN CONFIRMATIONS (AS REQUESTED)) THIS ISSUE REQUIRES YOUR IMMEDIATE ATTENTION.

YOURS TRULY,  
R.D. Dean  
RICHARD DEAN

C.C. JOE STANHOPE

C.C. MR. NICK VANDERMOLLEN, MOTH

C.C. TOM MCARTHUR, FCRA

PAGE  
103/14





Ministry of Water, Land, and Air Protection. One covenant was required for the purposes of defining a flood construction elevation of 3.0 metres above the natural boundary of French Creek and the other two covenants restricted the removal of vegetation and the construction of buildings within the covenant area. These are registered on the title of Strata Lot 1. A five (5) metre wide registered easement for a sewer line crosses the middle portion of the property adjacent to the covenant areas. There is also a building scheme registered on title.

## ALTERNATIVES

1. To approve the 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 development permit would permit the construction of a rancher style dwelling unit (see Schedule No. 3).

There is a flood hazard associated with this property. As the subject property is located within the Building Inspection area "Regional District of Nanaimo Floodplain Management Bylaw No. 843, 1991" applies and requires the dwelling unit be raised 3.0 metres above the natural boundary of French Creek and that the area below shall not be habitable. In addition to the bylaw requirements, there is a covenant defining the flood construction elevation, which has been registered on title. The proposed development meets this flood construction elevation requirement.

## ENVIRONMENTAL IMPLICATIONS

The proposed location for the dwelling unit is more than 40.0 metres from the natural boundary of French Creek. The surface elevation of the parcel has been substantially raised due to the introduction of non-native fill. The geotechnical report conducted by Ballenas Engineering Ltd. states that the existing fill, wood and any root zones should be excavated from the building area to expose the underlying, undisturbed sands and gravels. Excavations of up to 2.5 m should be anticipated. The design subgrade elevation should then be restored with compacted native soils in suitable weather conditions to meet the standards of structural fill.

Drainage for the perimeter drains and from the roof leaders will be directed into settlement/ detention ponds at the rear of the parcel. Sediment and erosion control measures must be incorporated into the construction of the dwelling unit to reduce the potential to introduce sediment into French Creek. The applicants state that excavation work will be suspended during periods of heavy rain. A granular berm will be constructed at the bottom of the existing laneway and at the lower right rear corner of the building site to collect water run off and sediments from the site (See Schedule No. 1 Conditions of Approval.)

The Building Inspection Department has indicated that it will require a detailed geotechnical report outlining the site-specific hazards on the property and the mitigative measures to be taken during construction of the residence. The geotechnical report submitted by the applicants will be sufficient for Building Inspection's requirements.

The applicants propose to remove clumps of alders from the area between the existing driveway and the new house site and Miller Road. This area is within the covenant area shown on the site plan (see Attachment No. 1). The applicants intend to replant all of the disturbed areas with various evergreens or deciduous species such as mountain ash. Staff contacted the Ministry of Water, Land and Air Protection (WLAP) on March 13, 2003 to discuss the removal of vegetation from the covenant area. The ministry representative responsible for covenants granted verbal approval for the removal of the alders adjacent to the proposed dwelling unit, subject to the area being replanted with native species that would provide a similar ecological function on the property.

**VOTING**

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

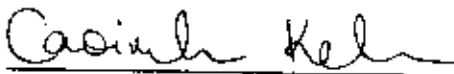
**SUMMARY/CONCLUSIONS**

This is an application to permit the construction of a dwelling unit within a Sensitive Lands Development Permit Area pursuant to the French Creek Official Community Plan. The entire parcel is located within the Development Permit Area; therefore, there are no means to reduce or eliminate the encroachment into the Development Permit Area. There is a flood hazard associated with this parcel; however, the dwelling unit is required to have a flood construction elevation of 3.0 metres above the natural boundary of French Creek thereby reducing the flood hazard. The proposed building site, which is on the northeast portion of the parcel, contains a substantial amount of introduced soil and fill materials. As a result extensive excavation will be required to undertake this development; therefore, sediment and erosion control measures must be utilized during the proposed construction works. In addition, a detailed geotechnical report is required as a condition of approval to outline mitigation measures and vegetation protection and retention measures. The geotechnical report will be required to be registered on title if the permit is approved.


As there is no building site available outside the Development Permit Area and the applicant is agreeable to the conditions of the permit including measures to reduce the potential hazard and negative impacts to the natural environment, staff support the issuance of the development permit subject to the conditions set out in Schedule Nos. 1 to 3 of the staff report.

**RECOMMENDATION**

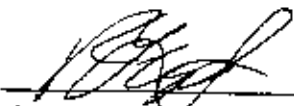
That Development Permit Application No. 60307 by Connie and Hans Heringa, to construct a dwelling unit in a Sensitive Lands Development Permit Area pursuant to the Regional District of Nanaimo French Creek Official Community Plan Bylaw No. 1115, 1998 on the property legally described as Strata Lot 1, District Lot 28, Nanoose District, Plan VIS4363 be approved, subject to the conditions outlined in Schedule Nos. 1 to 3 of the corresponding staff report.



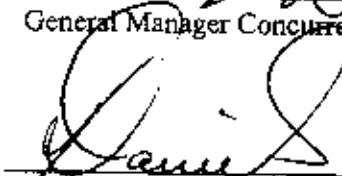
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

**Schedule No. 1  
Conditions of Approval  
Development Permit Application No. 60307**

**1. Covenants**

- a.) No construction is to occur in the covenant areas.
- b.) The applicants will replant native species in the disturbed covenant area.
- c.) No vegetation removal is to occur in the Watercourse Development Permit Area covenant area without written permission from the RDN.

**2. Sediment and Erosion Control**

Sediment and erosion control measures must be utilized to control sediment during construction and to stabilize the site after construction is complete. These measures must include the following:

- a.) Exposed soils must be seeded as soon as possible to reduce erosion during rain events;
- b.) Tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be onsite during the works;
- c.) Cover temporary fill or soil stockpiles with polyethylene or tarps.
- d.) A temporary granular berm will be installed to collect run-off and sediment during construction. The berm will be removed and the area reclaimed upon completion of the works.

**3. Drainage Mitigation**

Drainage from perimeter drains and roof leaders is to be directed into a rock drainage pit/ settlement pond for energy dissipation and infiltration and no surface drainage is to be directed into the waters of French Creek

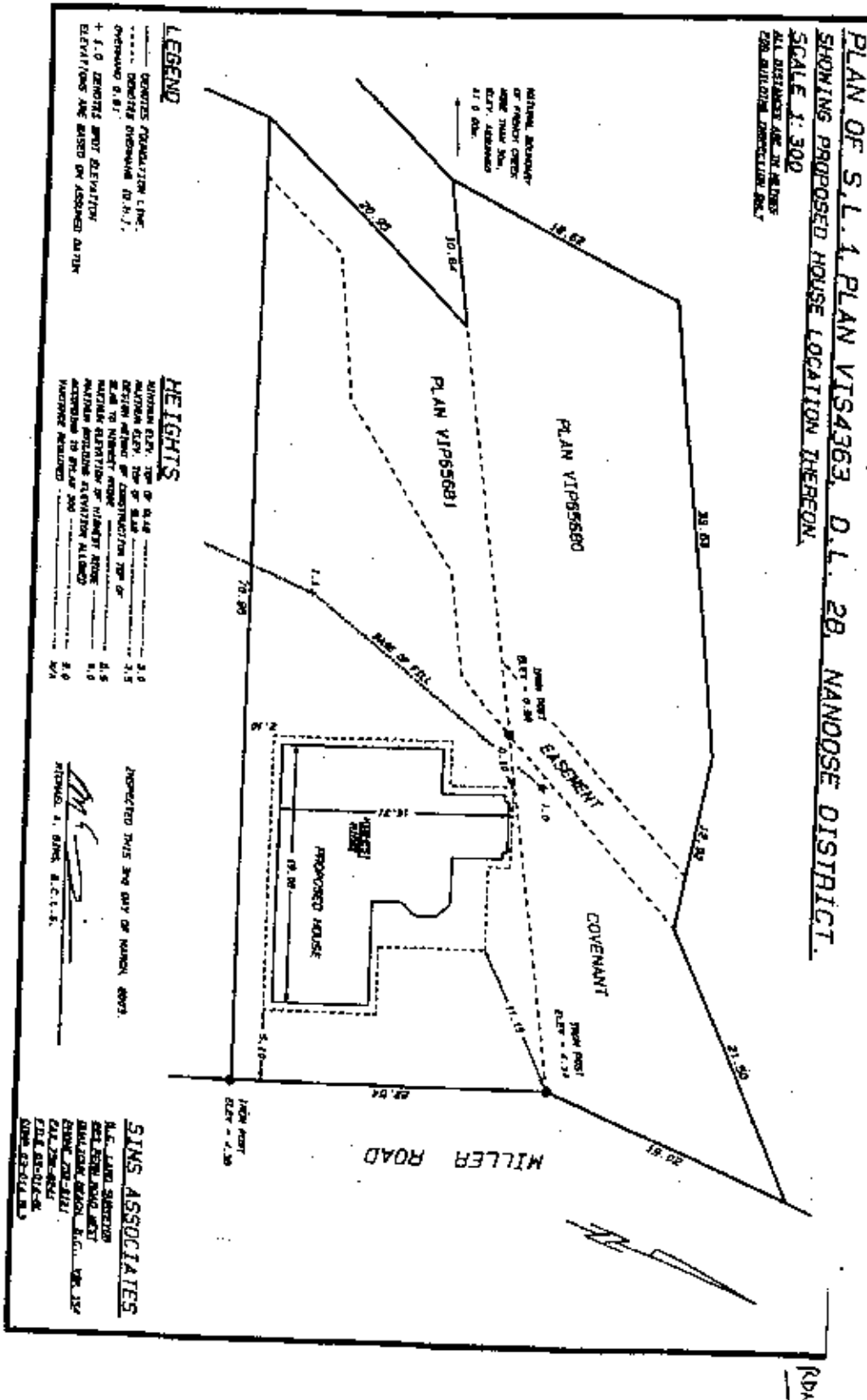
**4. Geotechnical Report**

- a.) The Geotechnical report submitted with the application is required to be registered on title prior to the Building Inspection Department issuing an occupancy permit.

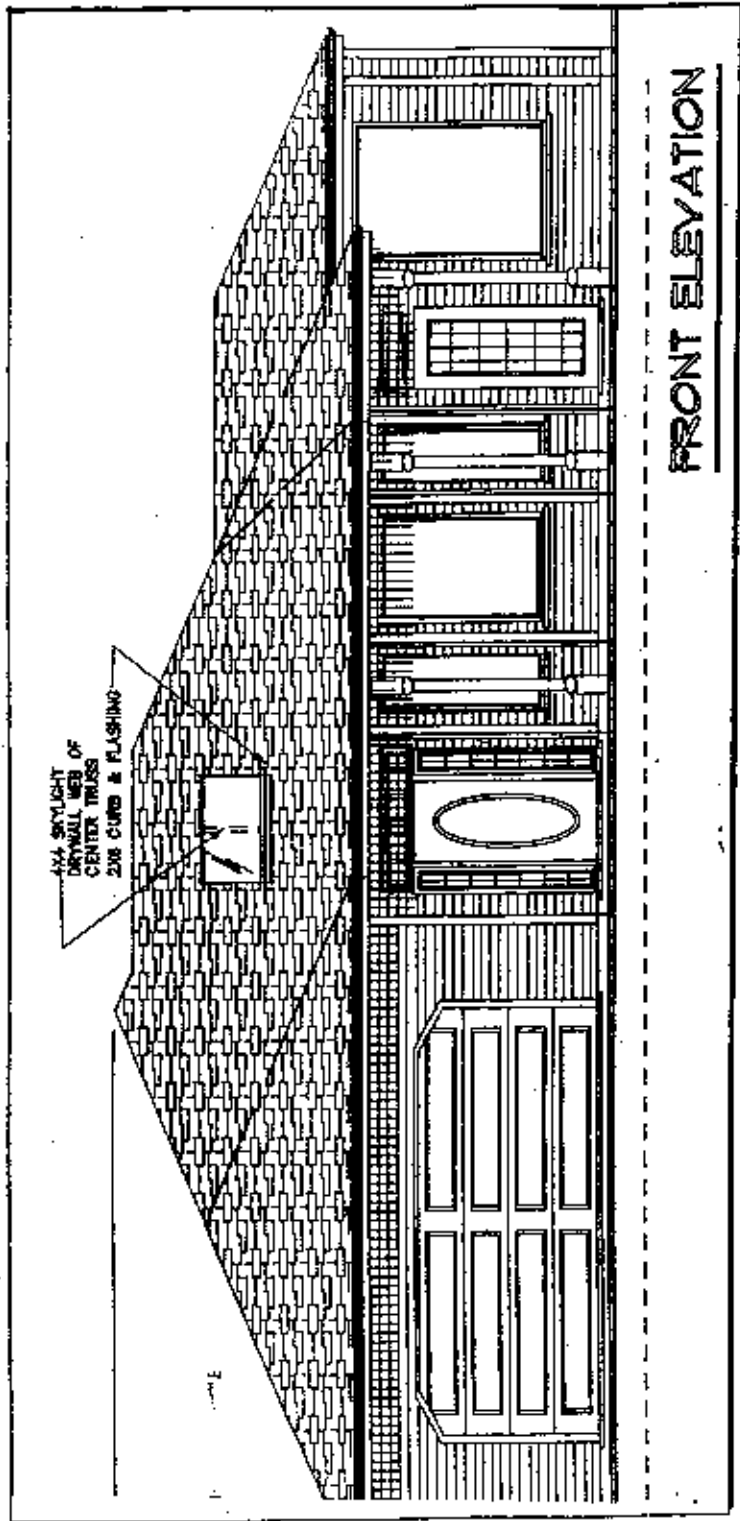
**5. Development of Site**

- a.) The subject property is to be developed in accordance with Schedule Nos. 1, 2 and 3.
- b.) All construction of buildings and structures to be undertaken must be consistent with "Regional District of Nanaimo Subdivision and Land Use Bylaw No. 500, 1987."

Schedule No. 2  
 Site Plan  
 Development Permit Application No. 60307  
 (As Supplied by Applicants)



Schedule No. 3  
Building Profile  
Development Permit Application No. 60307  
(As Supplied by Applicants)







REGIONAL DISTRICT OF NANAIMO			
MAR 17 2003			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
		EAP	✓

MEMORANDUM

TO: Pam Shaw  
 Manager of Community Planning

DATE: March 14, 2003

FROM: Blaine Russell  
 Planning Assistant

FILE: 3060 30 60308

SUBJECT: Development Permit Application No. 60308 - Palleson/Allen  
 Electoral Area 'G' - 931 McFeely Drive

PURPOSE

To consider an application to vary the maximum dwelling unit height from 8.0 metres to 8.3 metres within the 'Natural Hazard and Environmentally Sensitive Areas' Development Permit Area 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 6, District Lot 9, Newcastle District, Plan VIP69413, is located at 931 McFeely Drive adjacent to the Strait of Georgia and near the Little Qualicum River Estuary in Electoral Area 'G' (see Attachment No. 1).

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 adjacent to the sea are 8.0 metres horizontal distance from the natural boundary. The maximum height for buildings and structures is 8.0 metres. The applicant is requesting to vary the maximum dwelling unit height to 8.3 metres in order to meet the Flood Construction Level and maintain the proposed dwelling unit design. The lot is relatively level and is 'walk-on' waterfront property.

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 15.0 metres from the natural boundary of the sea, except that this setback may be reduced to 8.0 metres where the sea frontage is protected from erosion by works designed by a professional engineer and maintained by the owner. It should be noted that engineered erosion works are not being proposed and thus the minimum 15.0 metre floodplain setback would be required. In addition, Bylaw No. 843 requires a flood construction elevation of 3.8 metres GSC on the subject property.

The Environmentally Sensitive Area Development Permit Area was established to protect the natural environment; this portion of the Development Permit Area is measured 15.0 metres from the natural boundary. The Hazard Lands Development Permit Area was established to protect development from hazardous conditions. The entire subject property is designated as being within the Natural Hazard Development Permit Area due to the potential flood hazard.

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The subject property is bound by residential lots to the east and west, to the north by the Strait of Georgia and to south by McFeely Drive. Across from McFeely Drive is the 'Conservation 1 (ESI)' zoned Marshall-Stevenson Wildlife Sanctuary that features the Little Qualicum River Estuary.

Both Building Scheme and Geotechnical Covenants are registered on title of the subject property.

#### **ALTERNATIVES**

1. To approve the requested variances and development permit subject to the conditions outlined in Schedule Nos. 1, 2, 3, and 4.
2. To deny the requested variances and development permit.

#### **LAND USE AND DEVELOPMENT IMPLICATIONS**

Approval of the requested variance would permit the construction of a dwelling unit of 8.3 metres in height. All other lot line and watercourse setbacks are proposed to be compliant.

The Building Scheme Covenant registered on the title of the subject property does not address dwelling unit height or setbacks requirements; it does however, require that a two car garage be attached or immediately adjacent to the dwelling unit. The applicant is proposing a breezeway to connect the garage to the dwelling unit. It should be noted that the RDN is not a signatory on this or any other building scheme and thus does not have the authority to enforce Building Scheme Covenants.

The dwelling unit is proposed to be sited over 30.0 metres from the natural boundary; this exceeds the minimum 15.0 metres watercourse setback requirement of the Regional District of Nanaimo. By meeting or exceeding 15.0 metre setback requirements the proposed dwelling unit does not require a site-specific exemption from the Ministry of Water, Land and Air Protection provided Flood Construction Level elevation requirements are met for all habitable portions. In addition, the dwelling unit's proposed siting exceeds the 20.0 metre geotechnical recommendations.

#### **SITING IMPLICATIONS**

Views of adjacent Lots 5 and 7 are likely to be marginally impacted by the siting of the dwelling unit, as they are located on adjacent to the interior side lot lines of the subject property. At this time, Lot 5 contains a dwelling unit but Lot 7 is unoccupied. The property's view that would be most effected by the height variance is the 'Conservation 1' zoned property across McFeely Drive. As the estuary is not developable, the issuance of a height variance should be negligible. It should also be noted that Board of Variance has issued other similar height variances within the VIP69413 subdivision.



## GEOTECHNICAL AND FLOOD ELEVATION IMPLICATIONS

A geotechnical report was completed by Lewkowich Geotechnical Engineering Ltd., December 18, 1996 that states "the site is geotechnically safe and suitable for the intended use provided the recommendations of the report are followed during the design and construction of the proposed development". This report was registered on the title of the subject property at time of subdivision.

The geotechnical report concludes that "the position of the shoreline has fluctuated over the years" and therefore recommends that "a buffer to protect proposed residential structures should be provided, based on a setback of 20 metres south of a line established as the combination of the previously described historic and present natural boundaries dating back to the early 1960's".

The dwelling unit is proposed to meet the 3.8 metre GSC flood elevation requirements is proposed to be more than 30.0 metres from the natural boundary.

## ENVIRONMENTAL IMPLICATIONS

Given the location of the property on the foreshore and proximity to the Conservation Area, it will be required that drainage from the perimeter drains, roof leaders and other hard surfaces shall be directed to a catch basin and drainage from the driveway will be directed to an oil/water separator prior to being discharged.

## 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. As part of this notification process all 8 lots within the subdivision, will be notified, this will ensure that they have an opportunity to comment.

## VOTING

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

## SUMMARY/CONCLUSIONS

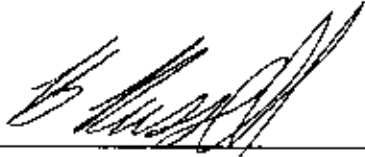
This is an application to vary the Bylaw No. 500, 1987 maximum building height from 8.0 metres to 8.3 metres to permit the construction of a dwelling unit within an Environmentally Sensitive Areas and Natural Hazard Lands Development Permit Area.

From staff's assessment of this application, it is clear that previous erosion of the parcel and the restriction on the building site related to the flood protection setback and elevation requirements has resulted in constraints to the development of the property. The requested variances are directly related to

the site constraints and the flood plain requirements for the subject property. 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.

**RECOMMENDATION**

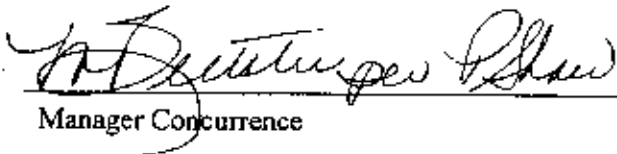
That Development Permit Application No. 60308, submitted by Walter Allen on behalf of Palleson to vary the maximum building height for a proposed dwelling unit from 8.0 metres to 8.3 metres on the subject property legally described as Lot 6, District Lot 9, Newcastle District, Plan VIP69413 be approved, subject to the requirements outlined in Schedules No 1, 2, 3, and 4 and subject to notification requirements pursuant to the *Local Government Act*.



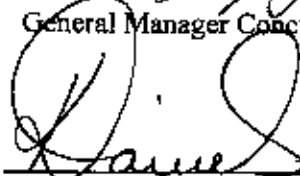
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

**COMMENTS:**

*devsvs/reports/2002/dp nr 3060 30 60308 Allen (Palleson)*

**Schedule No. 1  
Conditions of Approval  
Development Permit No. 60308**

**Development of Site**

1. Subject property to be developed in accordance with Schedule Nos. 1, 2, 3, & 4.
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. Confirmation of connection to the Community Sewer System must be submitted to the RDN prior to the issuance of a Building Permit.

**Geotechnical Report**

4. That all recommendations established by the Geotechnical Report of Lekowich Geotechnical Engineering Ltd, date stamped December 18, 1996 and registered as a Section 219 Covenant on the subject property shall be undertaken.

**Development Permit Protection Measures**

5. No habitation, storage or building machinery shall be located below the flood elevation of 3.8 metres GSC.
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:
  - b) Tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be onsite.
  - c) Direct run off flows away from Strait of Georgia using swales or low berms.
  - d) Exposed soils must be seeded immediately after disturbance. Soil surfaces to be treated should be roughened.
  - e) Cover temporary fills or soil stockpiles with polyethylene or tarps.
7. All surface drainage collected from the perimeter drains, roof leaders and other hard surfaces shall be directed to a catch basin and drainage from the driveway will be directed to an oil/water separator prior to being discharged.

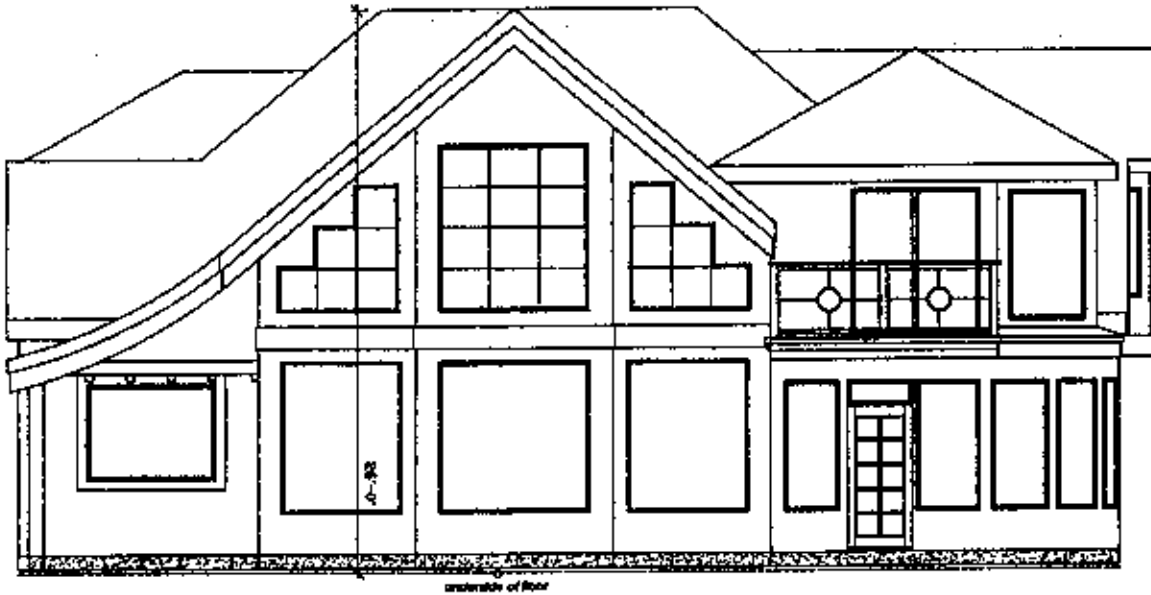
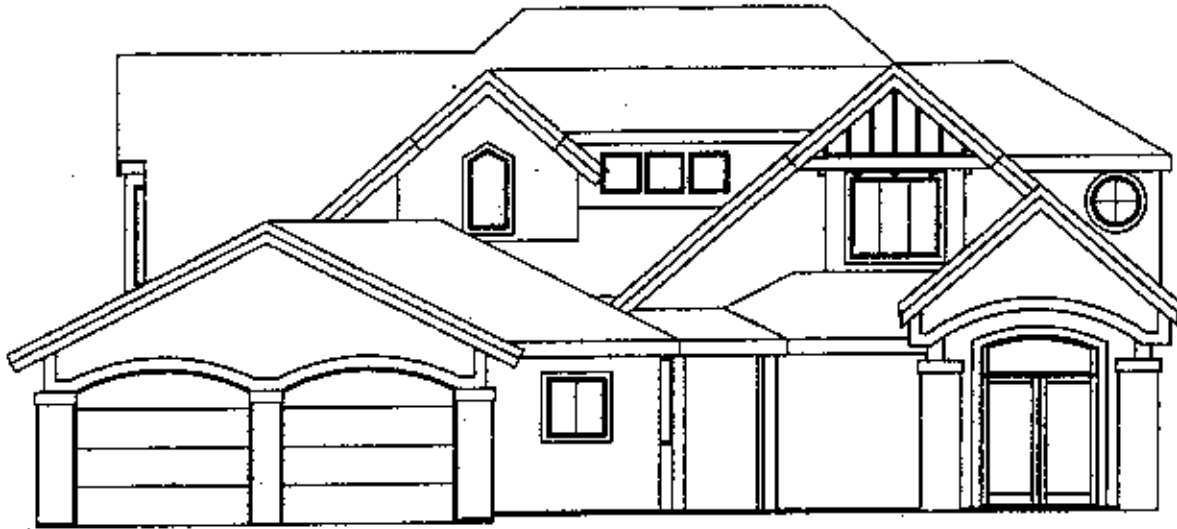
**Schedule No. 2  
Requested Variances  
Development Permit No. 60308**

With respect to the lands, the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987, the following variances are proposed:

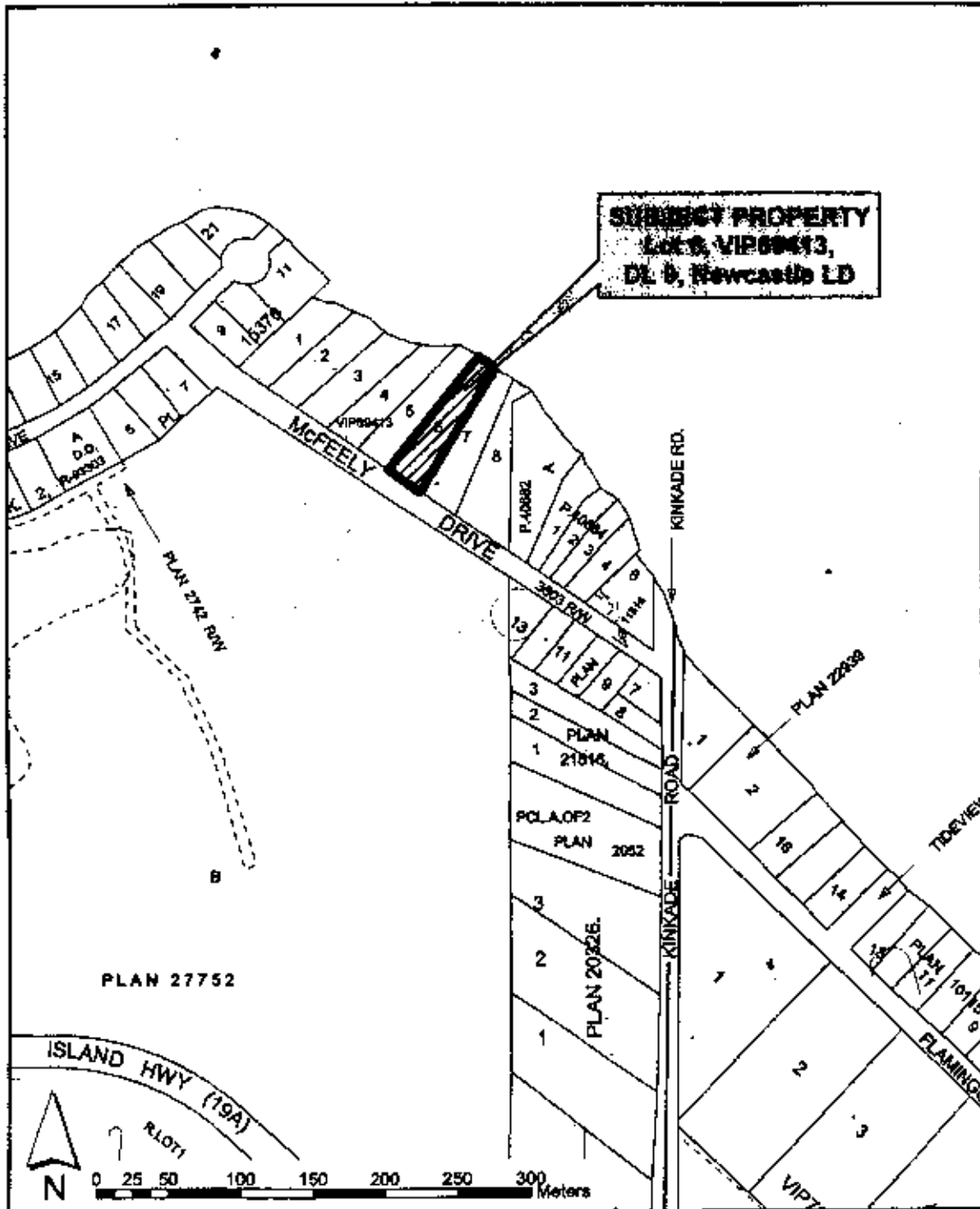
1. Section 3.4.62 Maximum Number and Size of Buildings and Structures – Dwelling Unit Height varied from 8.0 metres to 8.3 metres.



**Schedule No. 4**  
**Profile Plan**  
**Development Permit No. 60308**



Attachment No. 1  
Subject Property  
Development Permit No. 60308





REGIONAL DISTRICT OF NANAIMO			
MAR 19 2003			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
		EAP	✓

MEMORANDUM

TO: Pamela Shaw  
 Manager, Community Planning

DATE: March 19, 2003

FROM: Blaine Russell  
 Planning Assistant

FILE: 3060 30 60312

SUBJECT: Development Permit Application No. 60312 - Guy (Pecora Holdings / Coast Distributors)  
 Electoral Area 'D' - 6855 Mart Road

PURPOSE

To consider a development permit application with a variance to facilitate an addition to an existing warehouse in the Lantzville industrial area.

BACKGROUND

This is a development permit application with a variance to allow for the construction of an addition to an existing warehouse and the removal of an existing Quonset hut on the subject property legally described as Lot 11, District Lot 44, Wellington District, (situate in Nanoose District), Plan 15245 and located at 6855 Mart Road. This application is a revision of DP No. 0302.

The subject property is currently zoned 'Industrial 1' (IN1) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The permitted uses of the 'Industrial 1' zone are: Light Industry, Heavy Equipment Display and Residential Use. In addition, the subject property is designated within the 'Metro Mart Industrial Permit Area' of the "Regional District of Nanaimo Lantzville Official Community Plan Bylaw No. 974, 1995" for the purpose of form and character and aquifer protection. Four development permits have been issued on the subject property. The subject property is currently connected to community water and has a private septic disposal system.

The wholesale business located on the subject property distributes a wide variety of goods such as garden supplies, electrical supplies, and other hardware store type merchandise.

Proposal

The applicant is proposing a 301 m<sup>2</sup> addition to an existing 752.49 m<sup>2</sup> warehouse on a 2136.70 m<sup>2</sup> property. The proposed addition brings the total parcel coverage to 49.3 percent. The maximum permitted parcel coverage is 60 percent in the 'Industrial 1' zone. The addition will be of a similar form and style to that of the existing structure. The proposal provides for 12 parking stalls, in total, that are 3.0 metres wide and 5.8 metres long to the curb and also provides for 2 loading bays. Parking stalls and loading bays are proposed to be Bylaw No. 500, 1987 compliant. Landscaping exists along the front driveway of the property and the applicant is proposing to enhance the landscaping along the perimeter of the property that is adjacent to the Esquimalt and Nanaimo Railway. There are 2 existing fascia signs and no new signage is being proposed as part of this application.



At the February 11, 2002 Board Meeting, the Board considered and approved DP No. 0302, which permitted an addition to the existing building on the site. However, subsequent to the Board's approval of DP No. 0302, the applicant has substantially amended the layout of the proposed new addition, therefore an application for a new development permit is required as is reconsideration by the Board.

It should be noted that the area and general location of the proposed addition would remain the same. Parking has been reduced by one space from that which was proposed in DP No. 0302 in order to meet maneuvering aisle requirements for off-street parking. The applicants proposed parking spaces and loading bays exceed Bylaw No. 500, 1987 Off-Street Parking requirements of 6 parking stalls and 1 loading bay.

#### **Requested variance**

The applicant is requesting that the 'other lot line', under the 'Industrial 1' zoning, be relaxed from 5.0 metres to 0.0 metres. The requested relaxation is located along the portion of the subject property that is adjacent to the Esquimalt and Nanaimo Railway, and it is intended to allow for the construction of an addition to a warehouse as submitted by the applicant. The subject property is bound by two other 'Industrial 1' properties to the north and to the west. In addition, Mart Road binds the subject property to the east, and the E&N Railway to the south (*See Attachment No. 1 for location of property*).

The applicant is proposing to modify the length along the proposed 0.0 metre 'other lot line' setback from 10.97 metres to 15.58 metres in length.

#### **ALTERNATIVES**

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

#### **DEVELOPMENT IMPLICATIONS**

The proposal to allow for an addition to an existing warehouse follows the guidelines of the 'Metro Mart Industrial Permit Area'. The proposal complies with the permitted use, and parcel coverage requirements of the 'Industrial 1' zone and meets or exceeds the parking and signage requirement of Bylaws 500, 1987. The form of the addition will be similar in appearance, construction, and height to that of the existing warehouse.

There would be little if any impact on adjacent properties if the property line setback, adjacent the E&N Railway, was relaxed from 5.0 metres to 0.0 metres as the property is adjacent to a 3.5 metre high bank. It should be noted that prior to the recent change in zoning of the E&N Railway to Public Utility 3 (PU3), the section of railway adjacent the subject property was zoned Industrial 1 (IN1) and this would have allowed a setback of 0.0 metres. The prospects for improved landscaping along Mart Road are limited due an existing retaining wall, thus no additional landscape is requested along Mart Road. The applicant has proposed landscaping adjacent to the E&N Railway. It should be noted that landscaping of natural vegetation has been proposed on previous development permits but due to the fact that the asphalt parking lot extends to the property line, it is uncertain on how it was implemented. The physical layout of the subject property makes it unnecessary for any additional landscaping adjacent to the railway. The

elevation of the subject property is 3.5 meters below the railway, due to a steep bank, and thus would make any additional landscaping redundant. The bank itself is treed and provides screening.

In general, outdoor storage on the subject property occurs on the paved parking surface to the side of the existing structure. As the parking surface is well screened, its use as an outdoor storage area should have minimal visual impact. There may be issues if outdoor storage interferes with parking or reduces parking to less than Bylaw No. 500 requirements. As part of the Board's consideration of the most recent development permit application for the subject property, the applicant verbally agreed to remove the outdoor storage at the front of the property; these works are underway. In addition, a structure on the property that straddles the property line and is within the 5.0 metre buffer, adjacent the E&N railway and established under DP No. 9920, will be required to be removed. It is anticipated that with the proposed addition of the warehouse, that there will be less of a need to utilize outdoor storage.

**PUBLIC CONSULTATION IMPLICATIONS**

As part of the required public notification process pursuant to the *Local Government Act*, adjacent and nearby 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 for a Development Permit in the 'Metro Mart Industrial Permit Area' with variance to allow for an addition to an existing warehouse. As part of the application, the applicant has requested that the 'other lot line' setback be relaxed from 5.0 to 0.0 metres to allow for the proposed addition.

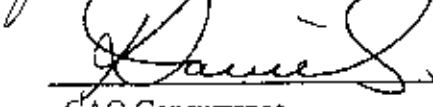
**RECOMMENDATION**

That Development Permit Application No. 60312 by Jack Anderson of Anderson Greenplan on behalf of Pecora Holdings - Coast Distributor Ltd. with a 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, (situate in Nanoose District), Plan 15245 to accommodate an addition to a warehouse, be approved subject to Schedules No. 1 and 2 and the notification requirements pursuant to the *Local Government Act*.

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

  
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
General Manager Concurrence

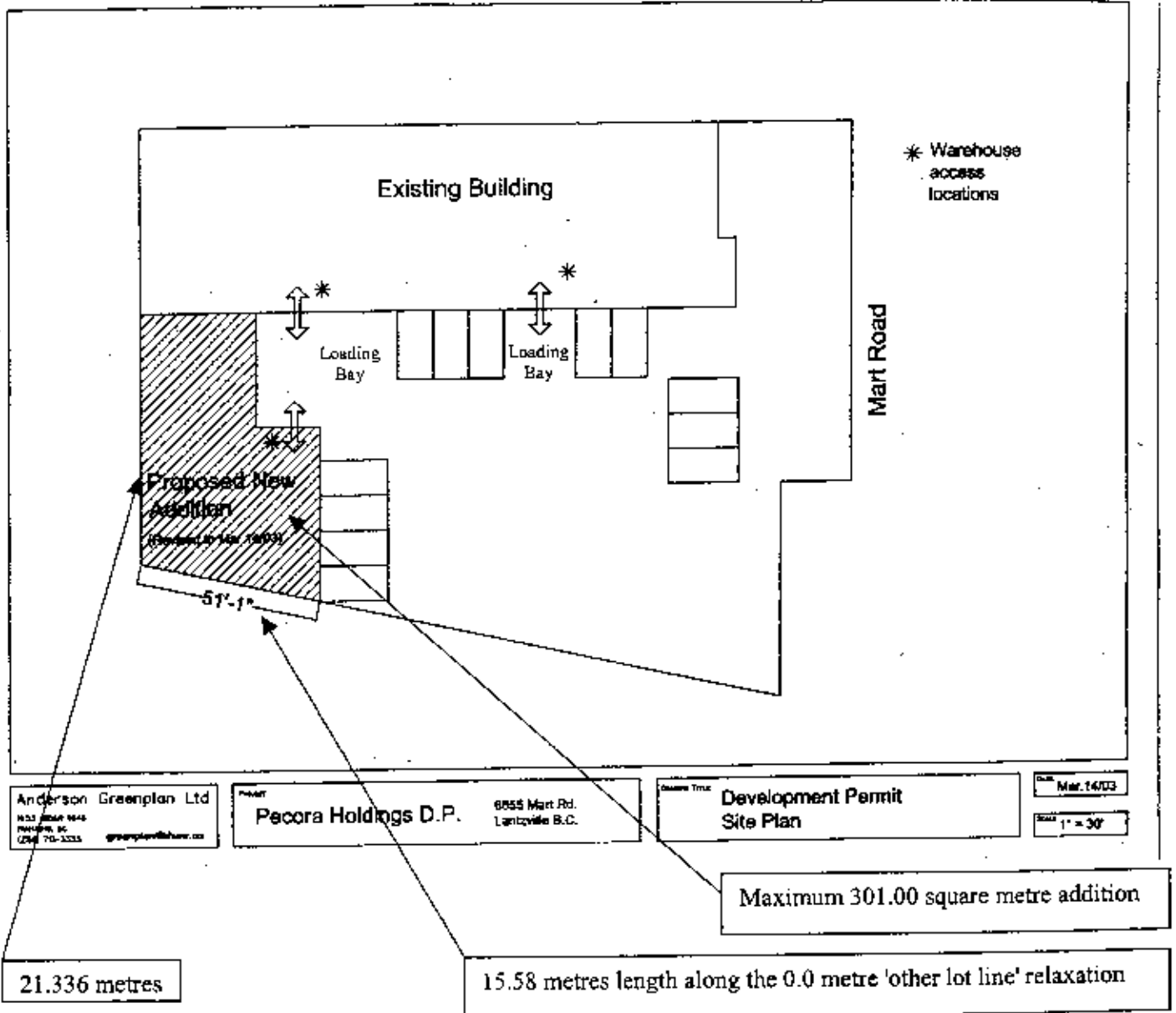
  
\_\_\_\_\_  
CAO Concurrence

COMMENTS:

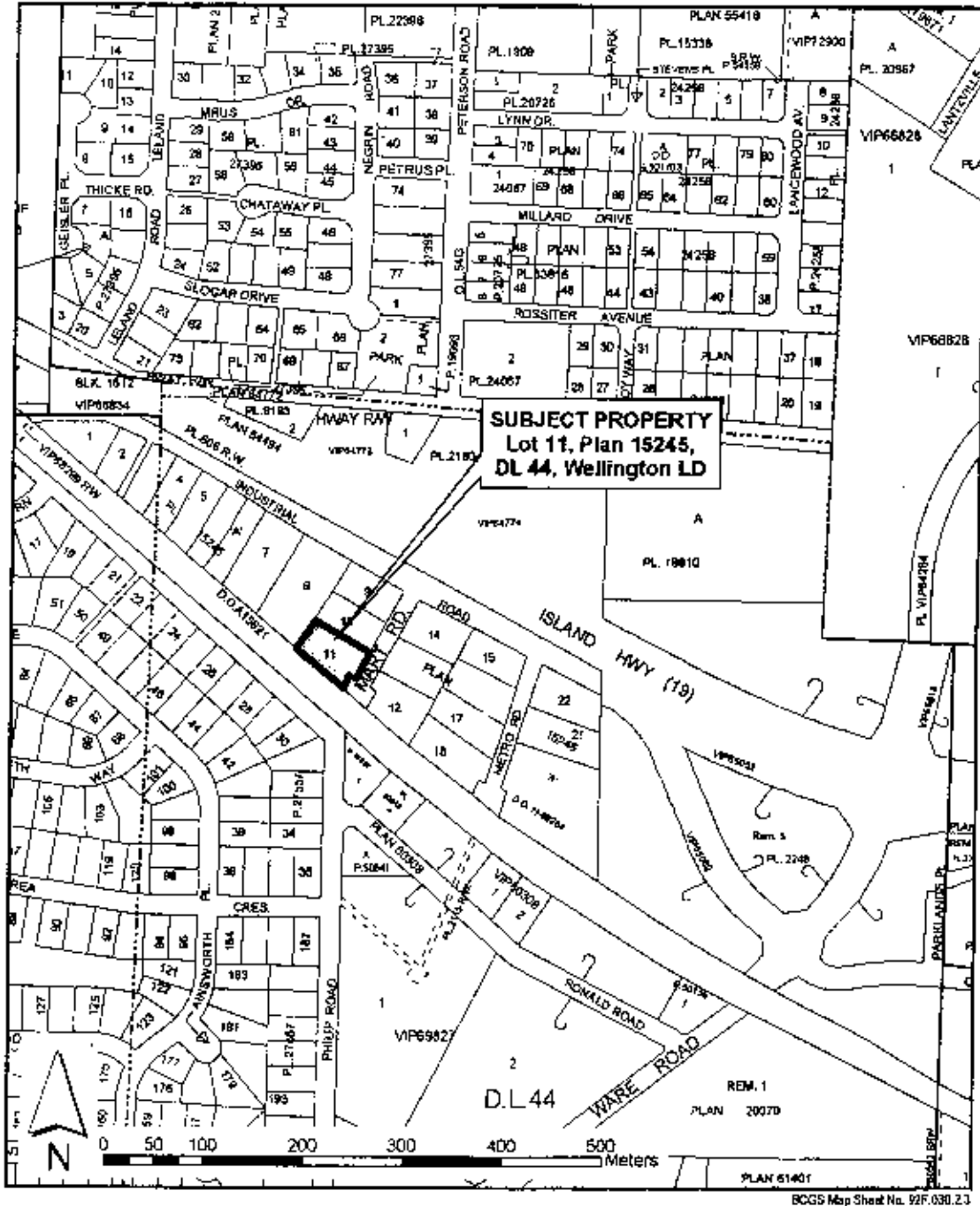
**Schedule No. 1**  
**Conditions of Approval for Development Permit No. 60312**

1. No outdoor storage is to occur in the enclosed septic field area at the front of the property or within 5.0 metres of the property line adjacent to the E&N Railway.
2. There shall be available, a minimum of 6 parking spaces, 1 loading bay, required aisle and access areas, pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" that are free from outdoor storage.
3. Parking stalls and loading areas shall be clearly delineated on site.
4. Contaminants that may be harmful to the nearby aquifer may not be stored on the subject property.
5. The addition shall not exceed a maximum of 301.00 square metres.
6. The 'other lot line' setback relaxation to 0.0 metres shall not exceed 15.58 metres in length along the lot line.

Schedule No. 2  
Proposed Site Plan



Attachment No. 1  
Location of Subject Property



Attachment No. 2  
Profile of Existing Building

