

**REGIONAL DISTRICT OF NANAIMO**  
**ELECTORAL AREA PLANNING COMMITTEE**  
**TUESDAY, JUNE 22, 2004**  
**6:30 PM**

*(RDN Board Chambers)*

**A G E N D A**

**PAGES**

**CALL TO ORDER**

**DELEGATIONS**

**MINUTES**

3-6 Minutes of the Electoral Area Planning Committee meeting held Tuesday, May 25, 2004.

**BUSINESS ARISING FROM THE MINUTES**

**COMMUNICATIONS/CORRESPONDENCE**

**PLANNING**

***AMENDMENT APPLICATIONS***

Zoning Amendment Application No. 0407 - North Cedar Improvement District -- Yellowpoint Road -- Area A. (Report to be circulated due to Public Information Meeting date.)

7-18 Zoning Amendment Application No. 0410 -- Keith Brown & Associates, on behalf of 646268 BC Ltd. (Country Kitchen) -- 1922 Schoolhouse Road -- Area A.

***DEVELOPMENT PERMIT APPLICATIONS***

19-25 DP Application No. 60413 - W. Erskine on behalf of Eric & Patricia Robinson -- 3027 & 3029 Landmark Crescent -- Area D.

26-41 DP Application No. 60423 & Request for Relaxation of the Minimum 10% Frontage Requirement -- Fern Road Consulting Ltd., on behalf of Forevergreen Properties Ltd. - Adjacent to Inland Island Highway accessed from Coldwater Road -- Area G.

42-48 DP Application No. 60429 - Bev & Gerd Voigt, on behalf of 642703 BC Ltd. -- off Kaye Road & the Island Highway -- Area E.

49-57 DP Application No. 60431 - Wiebe -- 6359 West Island Highway -- Area H.

***OTHER***

- 58-62 Request for Relaxation of the Minimum 10% Perimeter Requirement -- WR Hutchinson, BCLS, on behalf of BOA Enterprises Ltd. - South Forks Road Area C.
- 63-70 Electoral Area F Zoning & Subdivision Bylaw No. 1285 -- Finetuning Project -- ALR Properties.
- 71-86 Nanaimo Airport -- Official Community Plan & Zoning Bylaw Amendments -- 3350 Spitfire Road -- Area A.

**ADDENDUM**

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**NEW BUSINESS**

**IN CAMERA**

**ADJOURNMENT**

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE  
MEETING HELD ON TUESDAY, MAY 25, 2004, AT 6:30 PM  
IN THE RDN BOARD CHAMBERS

**Present:**

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

**Also in Attendance:**

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

**LATE DELEGATIONS**

MOVED Director Stanhope, SECONDED Director Kreiberg, that the following late delegations be permitted to address the Committee.

CARRIED

**Adele McKillop, re DP Application No. 60429 – Bev & Gerd Voigt, on behalf of 642703 BC Ltd. – off Kaye Road and the Island Highway – Area E.**

Ms. McKillop provided a verbal and written overview and history of the area and raised her concerns with the application process with respect to DP Application No. 60429. Ms. McKillop requested that the Board defer the application until such time as all required information is submitted by the applicant.

**John Barnum, re DP Application No. 60429 – Bev & Gerd Voigt, on behalf of 642703 BC Ltd. – off Kaye Road and the Island Highway – Area E.**

Mr. Barnum noted the importance of water to the neighbouring lots and asked that the Board consider the effect any development would have on water tables in the area.

**Bev Voigt, re DP Application No. 60429 – Bev & Gerd Voigt, on behalf of 642703 BC Ltd. – off Kaye Road and the Island Highway – Area E.**

Ms. Voigt provided an overview of their development permit application, noting that the property contains 2<sup>nd</sup> growth trees, which they will attempt to avoid disturbing, and that there will be a covenant attached to the application which will not allow any development for a minimum of 30 metres from Craig Creek. Ms. Voigt requested that the Board not defer their application.

**Gerd Voigt, re DP Application No. 60429 – Bev & Gerd Voigt, on behalf of 642703 BC Ltd. – off Kay Road and the Island Highway – Area E.**

Mr. Voigt declined his opportunity to speak at this time.

**MINUTES**

MOVED Director Stanhope, SECONDED Director Bibby, that the minutes of the Electoral Area Planning Committee meeting held April 27, 2004 be adopted.

CARRIED

**PLANNING**

**DEVELOPMENT PERMIT APPLICATIONS**

**Development Permit Application No. 60418 – Gunning – 1733 Admiral Tryon Boulevard – Area G.**

MOVED Director Stanhope, SECONDED Director Bartram, that Development Permit Application No. 60418 to vary the minimum setback from 8.0 metres to 1.1 metres to recognize the siting of the existing concrete retaining wall and to permit the construction of a rip rap retaining wall sited a maximum of 1 metre below the natural boundary of the sea, within the Watercourse Protection Development Permit Area on the property legally described as Lot 30, District Lot 28, Nanoose District, Plan VIP62528, 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*.

CARRIED

**Development Permit Application No. 60422 – Johnstone– Surfside Drive – Area G.**

MOVED Director Stanhope, SECONDED Director Biggemann, that Development Permit Application No. 60422, submitted by Bruce and Jeannette Johnstone to legalize the addition of two raised decks and a porch addition for a dwelling unit and to facilitate the renovation of the seawall located within the Environmentally Sensitive Areas and Hazard Lands Areas Development Permit Areas for the subject property legally described as Lot 5, District Lots 9 and 110, Newcastle District, Plan 15370 be approved, subject to the requirements outlined in Schedules No. 1 and 23.

CARRIED

**Development Permit Application No. 60424 – Fern Road Consulting Ltd., on behalf of Barbon Construction – Gainsberg Road – Area H.**

MOVED Director Bartram, SECONDED Director Stanhope,;

1. That Development Permit Application No. 60424 submitted by Fern Road Consulting Ltd., on behalf of Barbon Construction for the property legally described as Lot 1, District Lots 1 and 86, Newcastle District, Plan VIP70719, be approved, subject to the conditions outlined in Schedule Nos. 1, 2, 3 and 4 of the corresponding staff report and to the notification procedure subject to the *Local Government Act* with respect to the proposed variances to Bylaw No. 500, 1987.
2. That the following words be added under the heading “Storm Water Drainage Plan” of Schedule 1 to DP Application No. 60424:

“Applicant to obtain a Section 9 approval from Land and Water BC in consultation with the Ministry of Water, Land and Air Protection prior to realignment of the lower 50 metres of Hemsbrough Ditch.”

CARRIED

**Development Permit Application No. 60427 – Smith/Vectis Ventures – 3645 Dolphin Drive – Area E.**

MOVED Director Bibby, SECONDED Director Biggemann, that Development Permit Application No. 60427, submitted by Tim Ram of Vectis Ventures on behalf of Dan and Christina Smith for the installation of a terraced retaining wall and removal of an illegal structure for the property legally described as Lot B, District Lot 78, Nanoose Land District, Plan 44229, be approved as submitted subject to Schedules No. 1, 2 and 3.

CARRIED

**Development Permit Application No. 60428 – 43052 BC Ltd./Quest Homes – Garrod Road – Area H.**

MOVED Director Bartram, SECONDED Director D. Haime, that Development Permit Application No. 60428 submitted by Quest Homes for the property legally described as Lot A, District Lot 36 and part of the bed of the Strait of Georgia, Newcastle District, Plan VIP54987, be approved, subject to the conditions outlined in Schedule Nos. 1, 2, 3, 4 and 5 of the corresponding staff report and the notification procedure subject to the *Local Government Act* with respect to the proposed variances to Bylaw No. 500, 1987.

CARRIED

**Development Permit Application No. 60429 – Bev & Gerd Voigt, on behalf of 642703 BC Ltd. – off Kaye Road and the Island Highway – Area E.**

MOVED Director Bibby, SECONDED Director Stanhope, that the request, submitted by Bev and Gerd Voigt, on behalf of 642703 BC Ltd. to create new parcels and dedicate and construct a road as part of a 6-lot subdivision proposal within a Farm Land Protection Development Permit Area and to relax the minimum setback requirement for an existing barn building from 30.0 metres to 13.0 metres from the proposed new lot line as shown on the plan of subdivision of District Lot 44, Nanoose District Except Parts in Plans 39893, 3132 RW, be referred back to staff for further assessment of road access and effects on the Sensitive Ecosystem Protection Development Permit Area.

CARRIED

***DEVELOPMENT VARIANCE PERMIT APPLICATIONS***

**Development Variance Permit Application No. 90406 – Peake – 6235 West Island Highway – Area H.**

MOVED Director Bartram, SECONDED Director D. Haime, that Development Variance Permit Application No. 90406, submitted by Helen Sims of Fern Road Consulting Ltd. on behalf of W. Stephen Peake, to legalize the existing dwelling unit, over height fence and accessory buildings within the Residential 2 (RS2) zone by varying the minimum permitted setbacks from lot lines and from a watercourse (Nash Creek) for the property legally described as Lot A, District Lot 21, Newcastle District and Part Formerly the Bed of the Strait of Georgia, Nanaimo District, Plan VIP67028, be approved subject to Schedules No. 1, 2 and 3 and subject to the notification procedures pursuant to the *Local Government Act*.

CARRIED

**Development Variance Permit Application No. 90409 – C & J Ennals, on behalf of Mitchell – 1478 Northwest Bay Road – Area G.**

MOVED Director Stanhope, SECONDED Director Bibby, that Development Variance Permit Application No. 90409, submitted by Charles and Jill Ennals on behalf of Avis Mitchell, to legalize the siting of the existing dwelling within the Resource Management 1 (RM1) zone by varying the minimum setback requirement from 20.0 metres to 16.3 metres for the property legally described as District Lot 132, Nanoose Land District be approved as submitted subject to Schedules No. 1 and 2 and subject to the notification procedures pursuant to the *Local Government Act*.

CARRIED

**Development Variance Permit Application No. 90410 – Skollsberg – 3584 Outrigger Road – Area E.**

MOVED Director Bibby, SECONDED Director Bartram, that Development Variance Permit Application No. 90410, submitted by the property owners Jan-Wilhelm Skollsberg and Anne-Christine Skollsberg for the property legally described as Lot 7, District Lot 78, Nanoose District, Plan 19688 to relax the maximum permitted height to allow for the architectural style and construction of the proposed accessory building and to relax the front lot line setback requirements of an existing accessory building in order to legalize its siting be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

**Development Variance Application No. 90411 – Walsh/Collins – 1524 Haida Way – Area E.**

MOVED Director Bibby, SECONDED Director Biggemann, that Development Variance Permit Application No. 90411 to vary the minimum setback from the front lot line from 8.0 metres to 0.9 metres to permit the construction of an addition, and to vary the minimum setback from the side lot line from 2.0 metres to 1.7 metres to legalize the siting of an existing dwelling unit, on the property legally described as Lot 30, District Lot 52, Nanoose District, Plan 15921 be approved subject to the requirements outlined in Schedule Nos. 1, 2, 3 and 4 and subject to notification requirements pursuant to the *Local Government Act*.

CARRIED

**OTHER**

**Request for Relaxation of the Minimum 10% Frontage Requirement – Koers & Associates on behalf of Fairwinds Development – Bonnington Drive, Fairwinds (Phase 9B) – Area E.**

MOVED Director Bibby, SECONDED Director Bartram, that the request from Koers & Associates, on behalf of 3170497 Canada Inc., commonly known as Fairwinds Development, to relax the minimum 10% perimeter frontage requirement for Proposed Lots 7, 9, 10, 11 and 12 as shown on the Plan of Proposed Subdivision of Phase 9B be approved.

CARRIED

**ADJOURNMENT**

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

CARRIED

TIME: 7:11 PM

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CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO		
JUN 14 2004		
CHAIR		GMCrs
CAO		GMDS
GmS		GMES
EAPC ✓		

MEMORANDUM

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

**DATE:** June 11, 2004

**FROM:** Susan Cormie  
Senior Planner

**FILE:** 3360 30 0410

**SUBJECT:** Zoning Amendment Application No. ZA0410 – Keith Brown & Associates, on behalf of 646268 BC Ltd. (Country Kitchen)  
Electoral Area 'A' – 1922 Schoolhouse Road

PURPOSE

To consider an application to rezone the subject property from split zone Residential 2 Subdivision District F (RS2F) / Commercial 1 Subdivision District M (CM1M) to Comprehensive Development 18 Subdivision District 'Z' (CD18Z) in order to facilitate light industrial uses comprising of a mini warehouse use and a heavy equipment display / servicing use.

BACKGROUND

The Planning Department has received a zoning amendment application for the property legally described as Lot 1, Section 13, Range 6, Cranberry District, Plan 12009 and located at 1922 Schoolhouse Road in the South Wellington area of Electoral Area 'A' (see Attachment No. 1 for location of subject property). The subject property, which is approximately 0.81 ha in size, is currently split zoned Residential 2 Subdivision District F (1.0 ha minimum parcel size) (RS2F) / Commercial 1 Subdivision District 'M' (minimum 1.0 ha parcel size without community services) (CM1M) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

Pursuant to the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" (OCP), the subject property is designated within the South Wellington Industrial - Commercial Land Use Designation. The OCP policies for this designation recognize and support the use of the land for industrial uses.

In addition, Bylaw No. 1240 designates the subject property within the South Wellington Development Permit Area. If the zoning amendment proceeds, a development permit application may be considered by the Regional Board concurrently with consideration of adoption of the corresponding amendment bylaw.

Surrounding uses include Schoolhouse Road and the Trans Canada Highway to the west and south, Kipp Road to the north, and residential zoned parcels to the east.

The subject property is currently vacant. It is noted that a large amount of fill has previously been placed on the property.

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

The applicant is requesting that Bylaw No. 500, 1987 be amended from Residential 2 Subdivision District F (RS2F) (1.0 ha minimum parcel size / Commercial 1 Subdivision District M (1.0 ha minimum parcel size without community services) (CM1M) to Comprehensive Development 18 Zone Subdivision District 'Z' (no further subdivision) (CD18Z) in order to permit a mini warehouse use and a heavy equipment display with servicing of vehicles use.

The applicant has submitted a proposed site plan, proposed building profile plan, proposed landscaping plan, proposed drainage plan, stage 1 preliminary site investigation report, and septic disposal information as part of the submission.

### **Public Information Meeting**

As the Committee is aware, there have been a number of recent applications for rezoning parcels in the South Wellington area. As the proposal is consistent with the OCP and there has been relatively low attendance at similar public information meetings in the area, in consultation with the Electoral Area Director, it was decided that a public information meeting would not be held for this application.

### **ALTERNATIVES**

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

### **OFFICIAL COMMUNITY PLAN IMPLICATIONS**

The Electoral Area 'A' Official Community Plan No. 1240, 2001 policies support the proposal for a light industrial use in this location. Therefore, the rezoning of this parcel to a comprehensive development zone for light industrial uses is supported by the Official Community Plan.

### **DEVELOPMENT IMPLICATIONS**

To ensure the industrial uses are in keeping with the OCP direction to support light industrial uses, staff is recommending that a comprehensive development zone be created for this parcel which will permit light industrial uses currently found in the Industrial 1 zone, but will restrict outdoor sales use, which includes retail sales of automobiles, lumber, building products, recreational vehicles, mobile homes, and boats. The applicant is in concurrence with these zoning provisions.

The applicant has supplied building profiles, which show the maximum height of the proposed buildings at 8.0 metres for the heavy equipment display and servicing building and 5.5 metres for the mini storage



buildings. These measurements are shown from the finished grade, not the natural grade as required under Bylaw No. 500. Due to the cost of surveying, the natural grade has not yet been determined because the fill that is on the property. As a result, a variance to height will be necessary for the heavy equipment display and servicing building and may be required for the mini storage buildings. The applicant is aware of this requirement. Such a variance may be considered at the time of development permit. The applicant is also aware that a geotechnical report will be required prior to the issuance of building permits on this site.

The applicant is proposing to construct 2 free-standing signs with double facing to be located near the entrances to each proposed use. It is also noted that the applicant is proposing to place fascia signs for each use. As the Sign Bylaw No. 993 only permits a maximum of 2 signs per parcel, a variance to this bylaw would be required. Signage will be considered under the development permit.

The submitted landscaping plan and other details concerning the development of the site such as fencing, off-street parking areas, and finishes on buildings are outlined in Schedule No. 1 and would be included in the corresponding development permit.

As there are no community services in this area and as these services are not anticipated, a no further subdivision district is recommended. This is consistent with the direction of the Official Community Plan.

#### **PUBLIC CONSULTATION IMPLICATIONS**

If the application proceeds, a Public Hearing will be required as part of the zoning amendment process.

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

The Environmentally Sensitive Areas Atlas does not indicate the presence of any environmentally sensitive features within the subject property.

With reference to the protection of groundwater, the applicant has provided certification from the Vancouver Island Health Authority with respect to the septic disposal system on site for an industrial use. Since obtaining this permit, the applicant has indicated they would like to include a caretaker's residence on site. As the septic disposal permit is for an industrial use only, the applicant will have to apply to include a residential use on the current septic disposal permit. It is recommended that, if the Board considers the Amendment Bylaw for 1<sup>st</sup> and 2<sup>nd</sup> reading, the applicant provide the proposed location and design of the residential use and its corresponding septic disposal permit before the application proceeds to Public Hearing.

With respect to the storm water collection for the site, the applicant has provided an engineer's report setting out the proposed plan for drainage. Specifically for the proposed vehicle washing area, the applicant's engineer is proposing that it will be constructed complete with an approved water recycling / oil separator system in place. This can be secured by development permit.

The applicant also has completed a Waste Management Site Profile with respect to the subject property. Due to the placement of fill on site, the applicant is in the process of assessing the site for potential environmental contaminants and obtaining approval under the *Waste Management Act*. As this is not yet

accepted, staff recommends that if the amendment bylaw proceeds to Public Hearing, the Public Hearing not be held until approval has been obtained.

## INTERGOVERNMENTAL IMPLICATIONS

*Ministry of Transportation* – staff has indicated that the Ministry will support this application subject to a number of conditions being met, which the applicant has indicated can be met. It is noted that an amendment bylaw will be subject to the approval of the Ministry pursuant the *Highway Act*.

*Vancouver Island Health Authority* - there is a current Health permit on file with respect to this site for the proposed industrial uses. The proposed single dwelling unit use will require additional approval from the Vancouver Island Health Authority.

*Cranberry District Local Fire Chief* – The Planning Department, in consideration of fire safety issues, has been referring applications for rezonings or OCP amendments to local fire departments. To date, comments have not been received on this application, but the RDN will continue to keep local fire officials informed of proposed changes in their areas.

## VOTING

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

## SUMMARY

This is a request to amend Bylaw No. 500, 1987 to permit a mini warehousing use and equipment display and servicing use at 1299 Schoolhouse Road in the South Wellington area of Electoral Area 'A'. The public information meeting was waived due to the lack of attendance at other similar meetings. Preliminary referrals were forwarded to a number of agencies. Ministry of Transportation is prepared to issue a 180-day approval subject to some conditions being addressed. The applicant has indicated that these conditions can be met. It is noted that the subject property is within 800 metres of a highway interchange, the amendment bylaw would be subject to the approval of the Ministry pursuant to the *Highway Act*. The applicant has supplied certification of approval for on site septic disposal for this property for the proposed industrial uses, but will need to confirm that a septic disposal permit can be issued for a single dwelling use as well.

The OCP includes the subject property within the South Wellington Development Permit Area. As part of the application, the applicant has supplied a site plan, landscaping plan, and drainage plan. If the application proceeds, it is noted that a development permit would be required prior to construction of the site. As the development can be considered concurrently with the adoption of the amendment bylaw, it is recommended these conditions be included in the corresponding development permit as outlined in Schedule No. 1. The applicant's agent has indicated concurrence with these conditions.

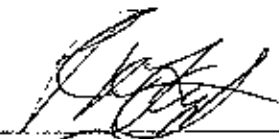
Given that the OCP supports the industrial use and the applicant's agent is in concurrence with the conditions outlined in Schedule No. 1, staff recommends Alternative No. 2, to approve the amendment application subject to the conditions set out in Schedule No. 1 for 1<sup>st</sup> and 2<sup>nd</sup> reading and to proceed to public hearing.

**RECOMMENDATIONS**

1. That Zoning Amendment Application No. ZA0410 submitted by Keith Brown & Associates, on behalf of 646268 BC Ltd. to rezone the property legally described as Lot 1, Section 13, Range 6, Cranberry District, Plan 12009, from split zone [Residential 2 Subdivision District F (RS2F) / Commercial 1 Subdivision District M (CM1M)] to Comprehensive Development 18 Subdivision District 'Z' (CD18Z) in order to facilitate light industrial uses comprising of a mini warehouse use and a heavy equipment display / servicing use be approved to proceed to public hearing.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.301, 2004" be given 1<sup>st</sup> and 2<sup>nd</sup> reading.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.301, 2004" proceed to public hearing.
4. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.301, 2004" be delegated to Director Kreiberg or his alternate.

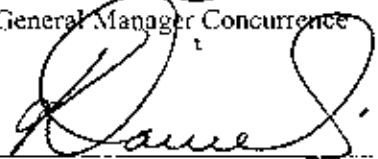
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Report Writer



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General Manager Concurrence



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CAO Concurrence

**COMMENTS:**

*de:scs/reports/2004/ZA3369 30 0410 Brown ju 1<sup>st</sup> and 2<sup>nd</sup>*

## SCHEDULE NO. 1

### Conditions

#### Zoning Amendment Application No. ZA0410

#### Lot 1, Section 13, Range 6, Cranberry District, Plan 12009 - 1922 Schoolhouse Road

1. The following conditions are to be completed prior to Amendment Bylaw No. 500.301, 2004 being forwarded to public hearing:
  - a. Applicant to provide approval from the Ministry of Water, Land, and Air Protection with respect to the Site Profile pursuant to the *Waste Management Act*.
  - b. Applicant to provide revised plan showing location and size of single dwelling unit (caretaker's unit).
  - c. Applicant to provide confirmation from the Vancouver Island Health Authority confirming septic disposal permit for single dwelling unit.
2. The following conditions are to be completed prior to Amendment Bylaw No. 500.301, 2004 being considered for adoption:

Applicant to enter into a development permit to include, at a minimum, the following requirement:

#### 1. Building / Site Development

- a. Applicant to confirm maximum height of buildings as measured from the natural grade. A request for variance to the maximum height requirement pursuant to Bylaw No. 500, 1987 is subject to the consideration of the Regional Board of Directors.
- b. The subject property shall be developed in accordance with the Site Plan as shown on Schedule No. 2. Applicant may amend this site plan to include provision for one dwelling unit.
- c. The buildings shall be designed and constructed, including the incorporation of building materials, as shown on Schedule No. 3. Applicant may amend building profile to include provision for one dwelling unit.
- d. The Heavy Equipment Display shall be located in area as shown on Schedule No. 2.

#### 2. Landscaping Requirements

- a. Landscaping to be provided as shown on Schedule No. 4 and shall, at the minimum, satisfy the following criteria:
  - i. Landscaping shall be totally comprised of biologically diverse and drought resistant plants.
  - ii. Individual plants to be used in the landscaping shall have normal, well developed branches and vigorous, fibrous root systems; such plants shall be healthy, vigorous and free from defects, decay, disfiguring roots, sunscald, injuries, abrasions of the bark, plant diseases, insect pests' eggs, borers and all forms of infestations or objectionable disfigurements.

- iii. All landscaping shall be permanently maintained in good condition with, at a minimum, the same quality and quantity of landscaping as was initially approved and without alteration of the approved design; the owner shall make provisions for the permanent irrigation works necessary to water the landscaping.
  - iv. The design of landscaping shall be such that the growth of roots, trunks, and branches of natural or introduced vegetation or the location of planted berms shall not conflict with the utilities, structures, necessary access, or require sight triangle.
  - v. A watering system for all landscaped areas.
  - vi. All landscaped areas shall be constructed completed with a permanent curbs a minimum of 15 cm in height to protect all landscaped areas from potential vehicular damage.
- b. A landscape security deposit, pursuant to Bylaw No. 500, is to be held by the RDN pending the completion of the required landscaping to the satisfaction of the Regional District of Nanaimo.
  - c. The subject property shall be fenced as shown on Schedule No. 2.

**3. Storm Water Drainage / Protection of the Aquifer**

- a. Site is to be developed in accordance with the submitted engineer's storm drainage plan subject to the approval of the Ministry of Transportation and the Regional District.
- b. No net increase in peak storm water runoff from the land to adjoining lands or the highway system will be permitted.
- c. An oil / water separator for the wash area to be constructed in the location as shown on the site plan. Oil / water separator to be designed and constructed to industry standard.

**4. Local Fire Protection / Fire Chief**

Local Fire Chief to approve site layout.

**5. Off-Street Parking Spaces and Aisle Ways**

All off-street parking areas shall be located behind the front face of the principle buildings. All parking areas, including aisle ways, shall be constructed to Bylaw No. 500 standards and all parking spaces shall be clearly delineated through the use of painted lines on paved surfaces or concrete parking stops on compacted and dust free surfaces.

**6. Signage**

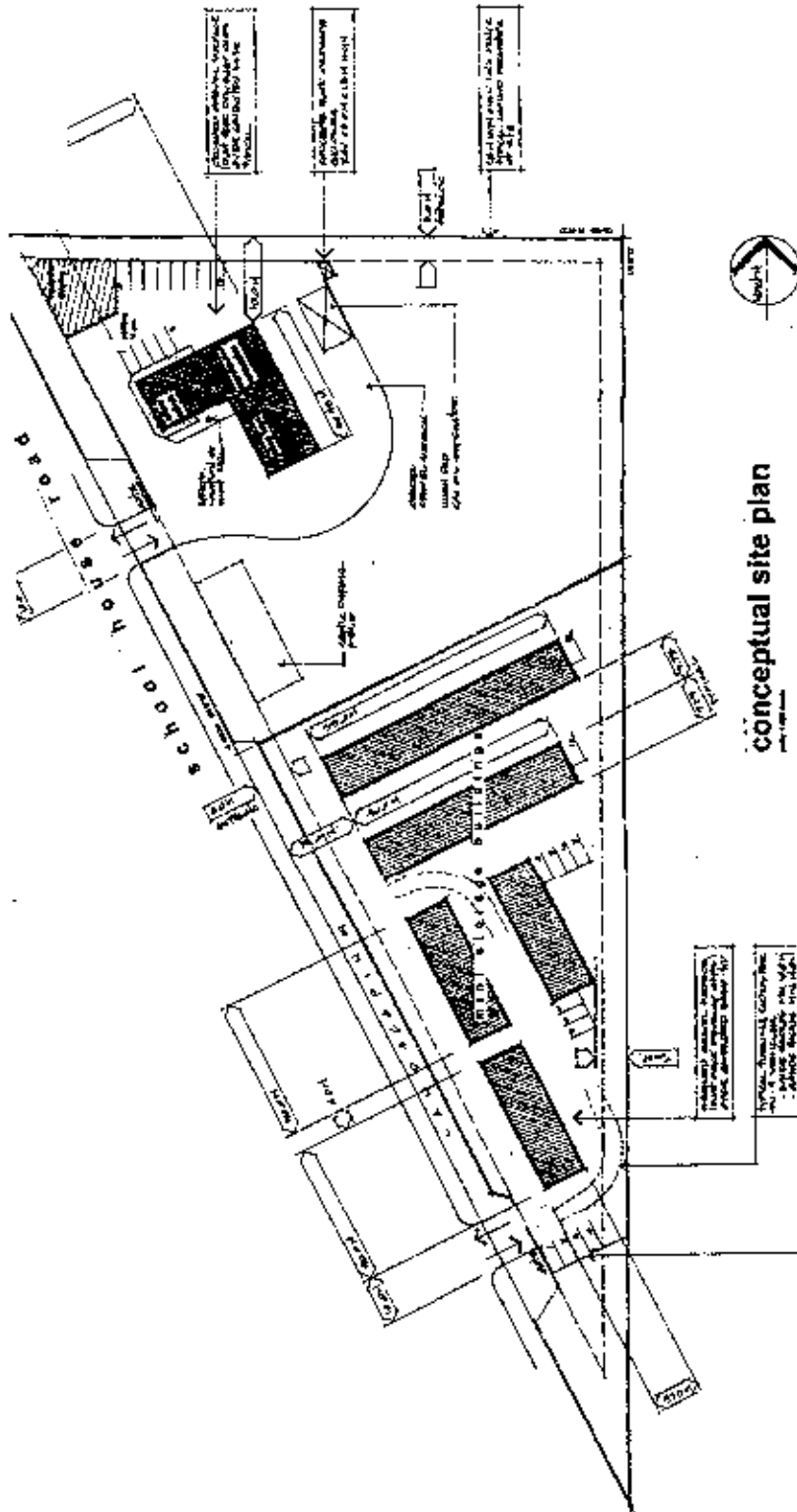
- a. Signage will be subject to a request for variance to Bylaw No. 993, 1995.
- b. A maximum of 2 free standing signs shall be permitted at each access to the development from Schoolhouse Road. Other sign design details and specific siting will be subject to development permit.

**7. Refuse Containers and Other Outdoor Storage**

The refuse containers shall be adequately screened with a combination of landscape plantings and fencing, and located as shown on Schedule No. 2.

SCHEDULE No. 2

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



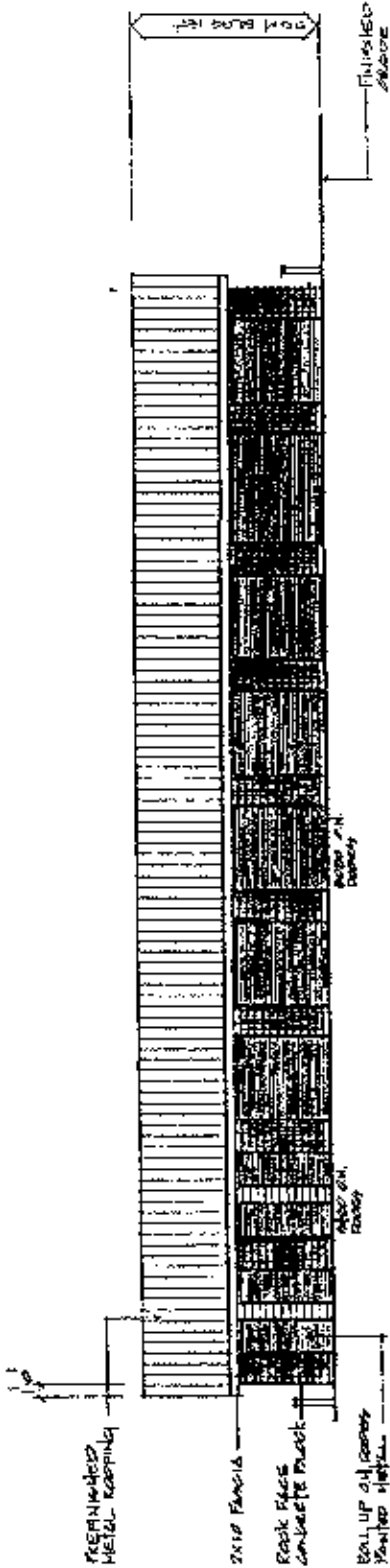
conceptual site plan

PROJECT DATA

LAND: 100,000 sq. ft. (2.28 acres)  
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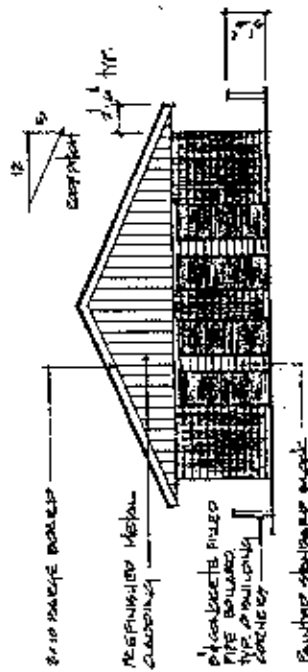
SCHEDULE No. 3 (1 of 2)

Building Profiles  
 (as submitted by applicant)  
 (reduced for convenience)



front elevation — typical mini storage

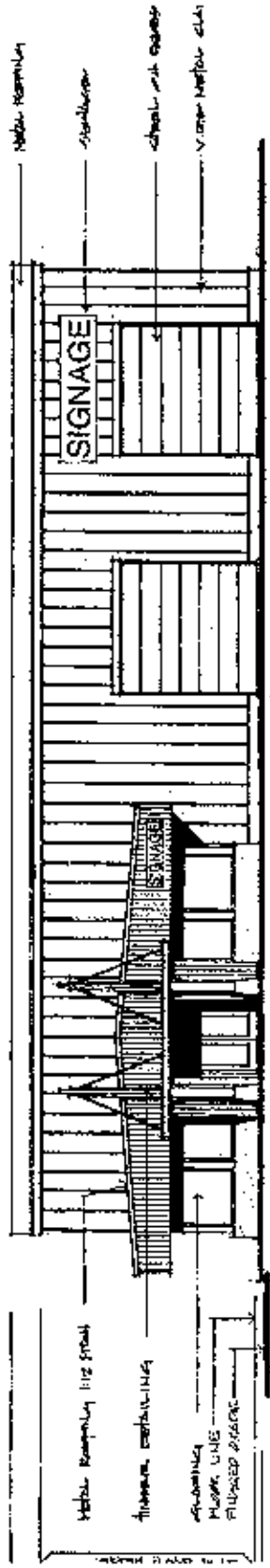
SCALE: 1/8" = 1'-0"



side elevation — typical mini storage

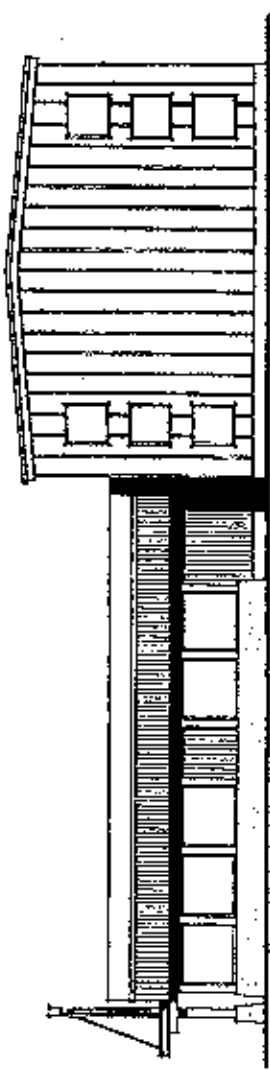
SCHEDULE No. 3 (2 of 2)

Building Profiles  
(as submitted by applicant)



west elevation — heavy equipment service

ASBUE 10/1/04

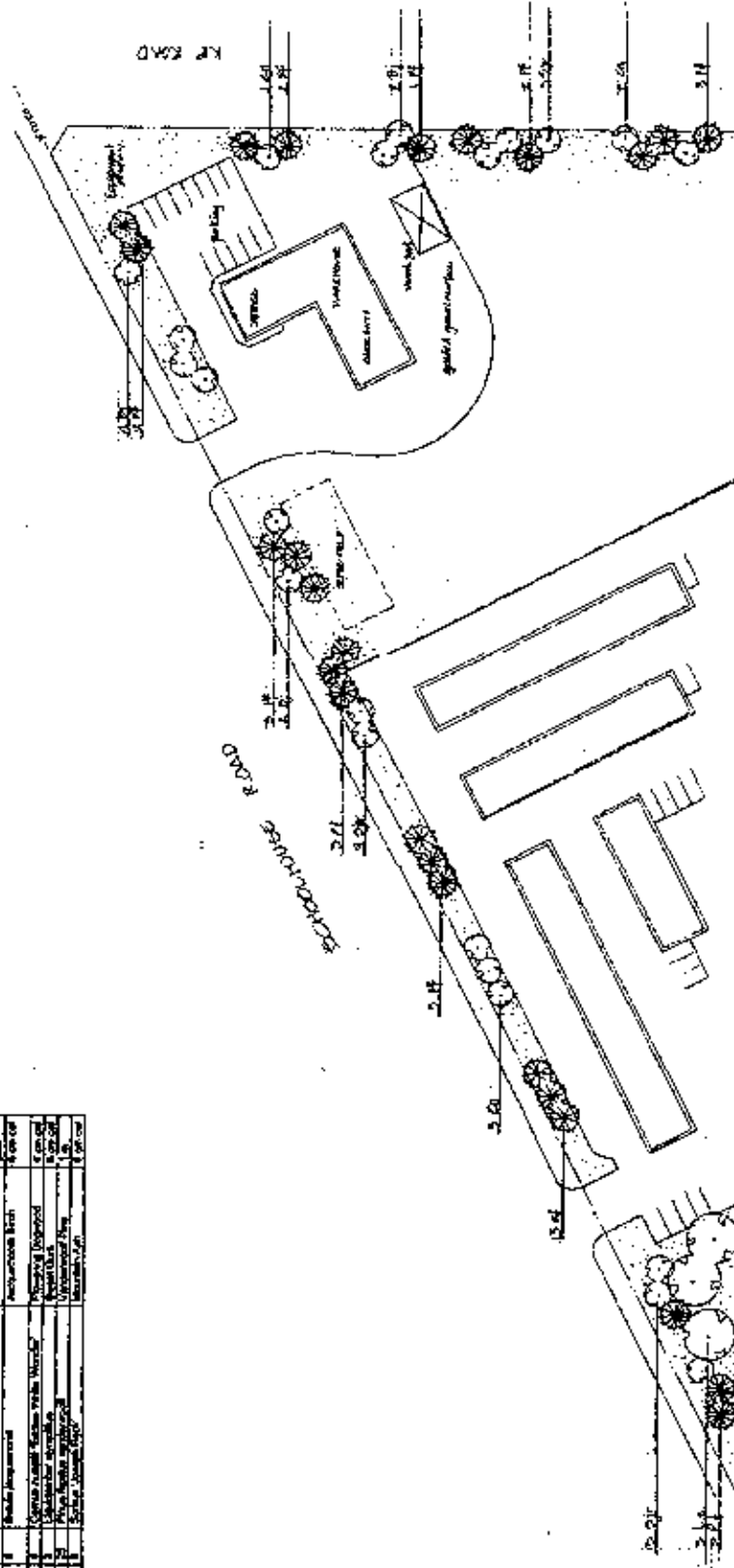


south elevation — heavy equipment service



SCHEDULE No. 4

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

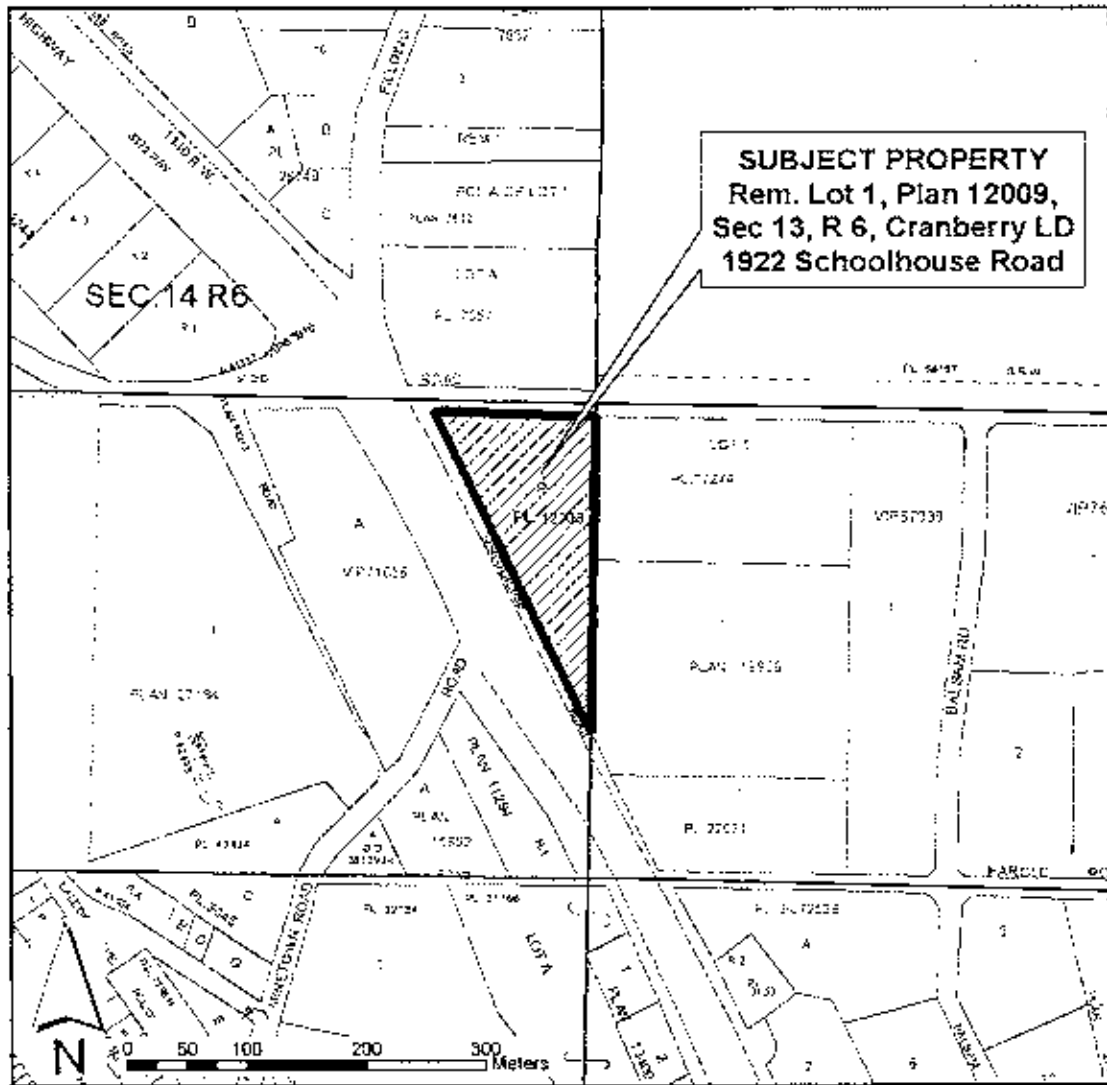


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ATTACHMENT No. 1

Location of Subject Property



PL 024495/STL 03/06/01/12/1



REGIONAL DISTRICT OF NANAIMO			
JUN 15 2004			
CHAIR		GMCrS	
CO		GMDS	
MEM		GMES	

MEMORANDUM

TO: Robert Lapham  
General Manager, Development Services

DATE: June 14, 2004

FROM: Blaine Russell  
Planner

FILE: 3060 30 60413

SUBJECT: Development Permit Application No. 60413 E Robinson – Erskine  
Electoral Area 'D' – 3027 & 3029 Landmark Crescent

PURPOSE

To consider an application to legalize the placement of clean fill within the Environmentally Sensitive Areas Development Permit Area pursuant to "Regional District of Nanaimo East Wellington - Pleasant Valley Official Community Plan Bylaw No. 1055, 1997."

BACKGROUND

The subject property, legally described as Lot 3, Section 20, Range 3, Mountain District, Plan 31215 located at 3027 and 3029 Landmark Crescent in the North Jingle Pot area of Electoral Area 'D' (see Attachment No. 1).

The subject property is zoned Rural 1 (RU1) Subdivision District 'D' pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." No variances to Bylaw No. 500 are requested as part of this application.

The Environmentally Sensitive Areas Development Permit Area, pursuant to the "Regional District of Nanaimo East Wellington - Pleasant Valley Official Community Plan Bylaw No. 1055, 1997" is designated over portions of the subject property due to the proximity of the Millstone River. The objective of this designation to protect productive fish habitat and the natural environment. To protect these areas, the construction of buildings or structures or the subdivision or significant alteration of land to accommodate new principle uses or subdivision requires a Development Permit.

The applicant has placed clean fill on the subject property in order to level a low-lying area of less than 1500 m<sup>2</sup> within the Environmentally Sensitive Areas Development Permit Area. The land slopes up to a moderate bank where two existing dwelling units are located.

The subject property is bordered by Landmark Crescent to the north, and other rural properties to the south, east and west. The subject property is within a Building Inspection Service Area and is on an individual well and septic disposal system.

ALTERNATIVES

1. To approve the requested development permit application subject to the conditions outlined in Schedules No. 1 and 2.
2. To deny the requested development permit.

## DEVELOPMENT IMPLICATIONS

The applicant has placed clean fill on the subject property in order to level a low-lying 1500 m<sup>2</sup> triangular shaped section towards the southwest side of the lot to improve its usability. This section of the property appears to be within the flood plain of the Millstone River and is more 40 metres from the rivers natural boundary. It should be noted that the property to the South, directly adjacent the River, is not within the development permit area (DPA) due to an exemption in the DPA guidelines for properties located within the Agricultural Land Reserve.

The Regional District became aware of the work within the DPA after the land was cleared, graded and had fill placed; consequently, the RDN has required the applicant to obtain a Development Permit Application.

The portion of the property where the fill was placed could potentially be prone to flooding, due to its low-lying nature and from drainage that flows onto the subject property, from Landmark Crescent by way of a system of ditches. As such, staff required the applicant to obtain and submit that a geotechnical report prepared by a professional engineer with expertise in that field. This report was to include the following:

- An impact assessment analyzing the impact that existing and proposed fill will have on drainage.
- Recommendations on methods to mitigate impacts of the fill on the drainage of the surrounding properties, including methods to reduce impacts on surrounding properties to pre alteration levels or better.

A geotechnical report was prepared by Don Kaluza, P. Eng. of AMEC Earth & Environmental on April 8, 2004 for specific application to the project.

The geotechnical report notes "the imported soil would have an impact on adjacent properties without a proper drainage plan". The report provides recommendations to mitigate the impact of drainage and concludes, subject to limitations, that the "proposed site grading and site drainage plan should not impact the drainage of the adjacent properties during normal precipitation flow periods". It is recommended that the geotechnical report be registered on title as a condition of approval.

Drainage is presently directed off the site by way of an existing 150 mm PVC pipe that crosses the adjacent property to the south where it subsequently drains into the Millstone River. The inlet of the pipe, located on the subject property, presently consists of a grate and drain rock. The geotechnical report recommends that "the existing inlet pipe should be designed to allow for the settlement of fine grained silt particles" to prevent sediments from entering the river and provides for various methods for how this could be accomplished. Staff also recommends that as a condition of this permit that sediment and erosion control measures be utilized to control sediment during any land alteration within the DPA and that revegetation should occur as soon as possible and reasonably practical.

The applicant is ultimately responsible to ensure that any discharge, and any works in or about the river are not in violation of Federal and Provincial legislation and regulations including, but not limited to, the *Fisheries Act*. The applicant is responsible to obtain all necessary approvals with regards to the drainage pipe and related discharge and it is recommended that the applicant be in contact with the DFO and WLAP prior to any modification to the drainage pipe, provided a professional engineer deems such modification necessary. It is recommended that the applicant, as a condition of approval, be required to comply with the recommendations of the geotechnical report prepared by Don Kaluza, P. Eng. of AMEC Earth & Environmental on April 8, 2004. It is also recommended that the applicant will be required to be supervised by the geotechnical engineer, as recommended in the April 8, 2004 report.

The geotechnical report is based on the assumption that the discharge pipe is sufficiently sized, but the engineer acknowledges that the sizing of drainage pipes and ditches are beyond the geotechnical engineers' scope of work. Therefore, staff recommends that the applicant be required to ensure that the existing drainage pipe and proposed ditches are adequate for the intended use and may need to obtain an engineers report prepared by a qualified Professional Engineer.

With respect to the placement of structures on the fill area, the geotechnical engineer concludes that "the fill should not be considered suitable for bearing structures"; therefore, it is recommended as a condition of this permit that no structures be permitted to be placed or constructed on the fill area or development permit area.

It is recommended that the applicants be required to prepare and register a Save Harmless Covenant on the property saving the Regional District harmless from any action or loss that might result from conditions that may exist on the property, including but not limited to acknowledging the flood risk associated with the fill placement and associated land alteration. It is also recommended that as a condition of this permit that the applicant obtain written permission for said property owner.

#### VOTING

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

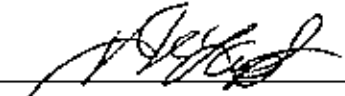
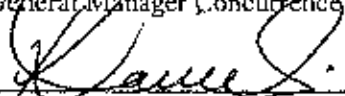
#### SUMMARY/CONCLUSIONS

This is an application for a development permit to legalize the placement of clean fill on a property located at 3027 and 3029 Landmark Crescent within the Environmentally Sensitive Areas Development Permit Area pursuant to the "Regional District of Nanaimo East Wellington - Pleasant Valley Official Community Plan Bylaw No. 1055, 1997." From staff's assessment of this application, the development permit area guidelines have been addressed provided the recommendations of the prepared geotechnical report and conditions of approval are adhered to. With the geotechnical report recommendation put into practice, the application has technical merit to be approved subject to the Conditions of Approval outlined in Schedule No. 1. Therefore, staff recommends approval of the request subject to the conditions outlined in Schedules No. 1 and 2.

#### RECOMMENDATION

That Development Permit Application No. 60413, submitted by the agent Wayne Erskine on behalf of Eric and Patricia Robinson to legalize the placement of clean fill within an Environmentally Sensitive Development Permit Area on the subject property legally described as Lot 3, Section 20, Range 3, Mountain District, Plan 31215 located at 3027 and 3029 Landmark Crescent in Electoral Area 'D' be approved, subject to the Conditions of Approval outlined in Schedules No. 1 and 2.

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

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

#### COMMENTS:

*devs/reports/2003/dp\_ju 3060 30 60413 Robinson - Erskine*

**Schedule No. 1  
Conditions of Approval  
Development Permit No. 60413**

The following conditions are to be completed as part of Development Permit No. 60413:

**Development of Site**

1. No structures shall be placed or constructed on the fill area or within the development permit area;

**Approvals**

2. The applicant is to be in contact with the Department of Fisheries and Ocean and the Ministry of Water Land and Air Protection prior to any modification to the drainage pipe and obtain any necessary approvals;

**Engineering**

3. The recommendations established by the geotechnical report prepared by Don Kaluza, P. Eng. of AMEC Earth & Environmental dated April 8, 2004 and subsequent reports shall be adhered to;
4. The applicant shall be supervised by the geotechnical engineer as recommended in the geotechnical report;
5. Any additional Engineering certification associated with this permit shall be provided to the Regional District of Nanaimo;
6. The applicant shall be required to ensure that the existing drainage pipe and proposed ditches are adequate for the intended use and may need to obtain an engineers report prepared by a qualified Professional Engineer.

**Covenants**

7. The geotechnical report prepared by Don Kaluza, P. Eng. of AMEC Earth & Environmental on April 8, 2004 and subsequent reports are required to be registered on the Certificate of Title.
8. The applicants shall enter into a Restrictive Covenant saving the Regional District of Nanaimo harmless from any action or loss that might result from conditions that may exist on the property, including but not limited to acknowledging the flood risk associated with the fill placement and associated land alteration. This Covenant must be registered on the Certificate of Title prior at Land Titles Office Victoria to the satisfaction of the Regional District. All costs borne by the applicant.

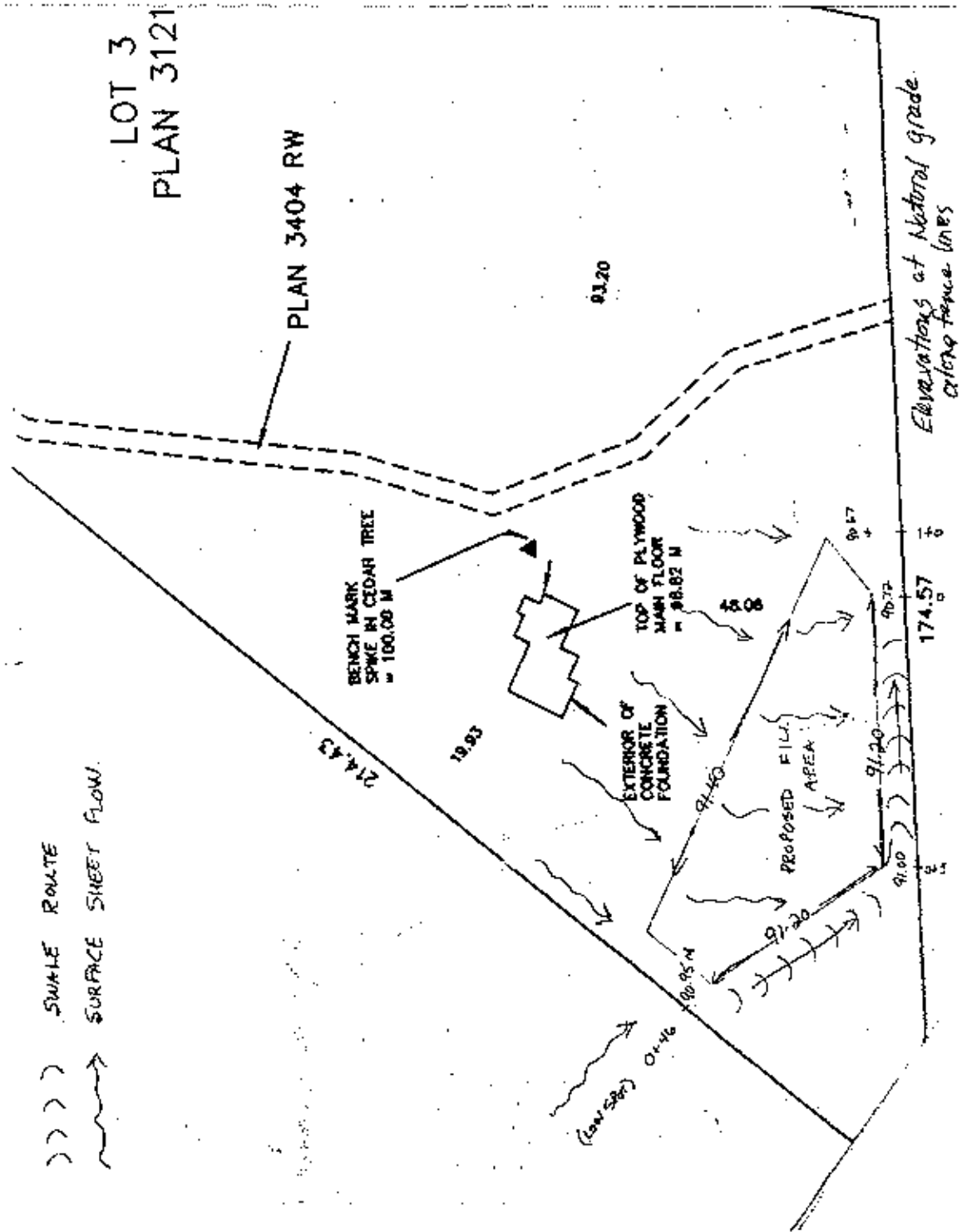
**Sediment and Erosion Controls**

9. Sediment and erosion control measures must be utilized to control sediment during any land alteration on site. These measures must include:
  - Tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be onsite;
  - Direct run off flows away from Strait of Georgia using swales or low berms;
  - Exposed soils must be seeded immediately after disturbance. Soil surfaces to be treated should be roughened;
  - Cover temporary fills or soil stockpiles with polyethylene or tarps;

**Vegetation**

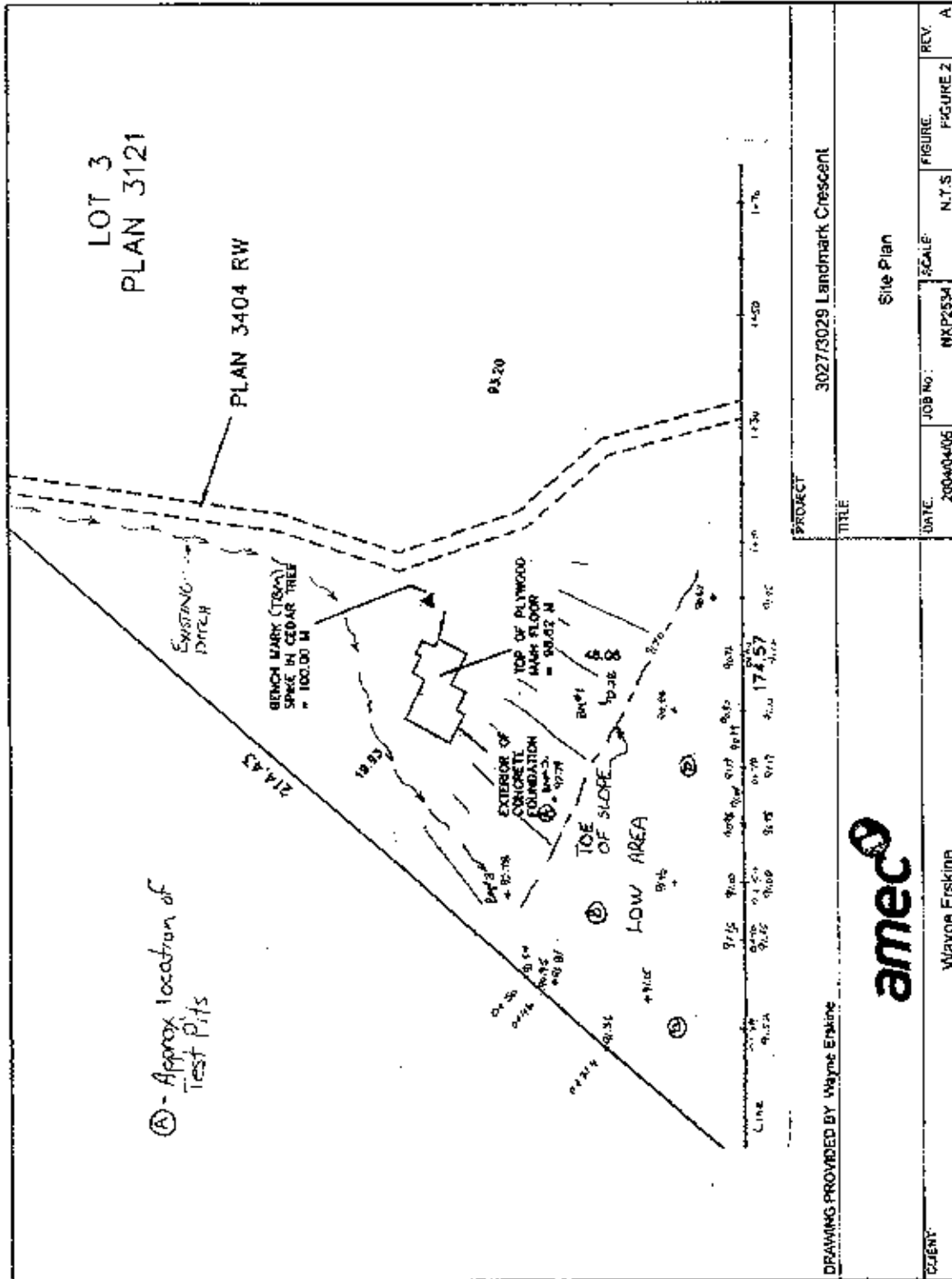
10. Vegetation within the Development Permit Area shall be replanting as soon as is possible and reasonably practical.

Schedule No. 2 (part 1 of 2)  
Site Plan  
Development Permit No. 60413



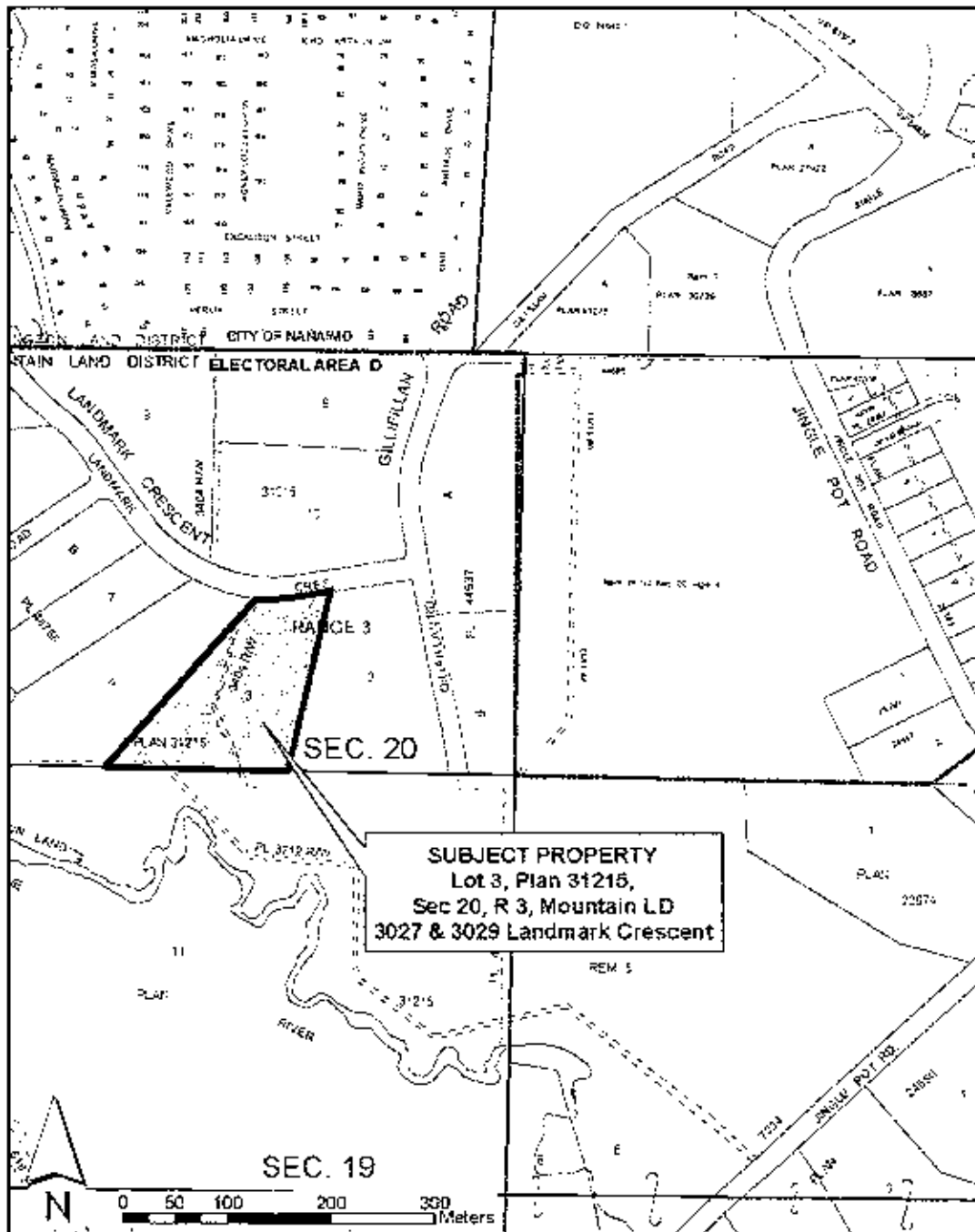
Schedule No. 2 (part 2 of 2)  
 Site Plan  
 Development Permit No. 60413

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





**Attachment No. 1**  
**Subject Property**  
**Development Permit No. 60413**



3005 MR-9-EST & 95 03022



REGIONAL DISTRICT OF NANAIMO			
JUN 15 2004			
CHAIR		GMC+S	
CMO		GMDS	
CMES		GMES	
EAPC ✓			
DATE:		June 15, 2004	
FILE:		3060 30 60423 3320 30 25651	

MEMORANDUM

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

**FROM:** Susan Cormie  
Senior Planner

**SUBJECT:** Development Permit Application No. 60423 & Request for Relaxation of the Minimum 10% Frontage Requirement  
Applicant: Fern Road Consulting Ltd., on behalf of Forevergreen Properties Ltd.  
Electoral Area 'G', Adjacent to Inland Island Highway accessed from Coldwater Rd.

PURPOSE

To consider a development permit application for a proposed 10 lot subdivision for property within the Watercourse Protection and Inland Island Highway Development Permit Areas and to consider a request to relax the minimum 10% perimeter frontage requirement for one of the proposed lots.

BACKGROUND

This is an application for a development permit and a request to relax the 10% perimeter frontage requirement for 1 lot within a 10 lot subdivision that is proposed for a property located adjacent to the Inland Island Highway within the Electoral Area 'G' and legally described as Lot A, Block 1438, Plan VIP64704 and Proposed Closed Road, Plan 742, Both of Nanoose District and (see Attachment No. 1 for location of parent parcel). The subdivision will be accessed from Coldwater Road off Church Road.

Surrounding uses include the E & N Railway and the City of Parksville to the north; industrial zoned property to the east; the E & N Railway, Inland Island Highway, and rural zoned property to the south; and the inland Island Highway and rural zoned property to the west. It is noted that the City of Parksville community water source is located to the north of the subject property.

The subject property is currently zoned Rural 1 (RU1) and is within Subdivision District 'D' pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987. The applicant is proposing to subdivide the portion of the parent parcel between the E & N Railway rights-of-way into 9 parcels with the remainder as the 10<sup>th</sup> parcel. All parcels are proposed to be greater than the 2.0 ha minimum parcel size, therefore meeting the minimum parcel size requirement (see Schedule No. 2 for proposed subdivision). Each proposed parcel would be able to support 2 dwelling units.

In addition to the zoning, a portion of the parent parcel is designated within the Watercourse Protection and Inland Island Highway Development Permit Areas pursuant to the French Creek Official Community Plan Bylaw No. 1115, 1998. As the proposed subdivision development does not meet the exemption provisions of these development permit areas, a development permit is required.

The new parcels are proposed to be served by individual private septic disposal systems and private water wells.

In addition, the applicant has also petitioned the Regional District to be included within a local service area for management of storm water associated with the proposed development.

#### *10% Minimum Frontage Requirement*

Proposed Lot 5, as shown on the plan of subdivision as submitted by the applicant, does not meet the minimum 10% perimeter frontage requirement pursuant to section 944 of the *Local Government Act*. The requested frontage for proposed Lot 5 is as follows:

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% of Perimeter</i>
5	93.5 m	31.6 m	3.4 %

Therefore, as proposed Lot 5 does not meet the minimum 10% parcel frontage requirement pursuant to section 944 of the *Local Government Act*, approval of the Regional Board of Directors is required.

#### *Application Information Submitted*

As part of the proposal, the applicant has submitted the following information in addition to the proposed plan of subdivision:

- Hydrogeologic Study prepared by EBA Engineering Consultants Ltd., March 2004
- Storm Water Management Report, prepared by Park City Engineering Ltd., June 9, 2004

The applicant is also proposing to register section 219 covenants with respect to the following:

- providing protective covenant for the portion of Romney Creek which crosses the subject property (Proposed Lots 8 and 9);
- providing a 30-metre wide covenant to provide a vegetative buffer next to the Inland Island Highway;
- restricting permitted uses including agriculture, aquaculture, and produce stand; animals to household pets only;
- restricting silviculture to a maximum 50% of each parcel only; and
- restricting future owners to comply with recommendations as outlined in the Hydrogeological Report.

#### *Comments from the City Parksville*

The subdivision application was referred to the City of Parksville for comment by the Provincial Approving Officer. The City has submitted comments to the Approving Officer and copied this information to the RDN for information (*see Attachment No. 2*). The City has numerous concerns about the possible impacts the subdivision may have on ground water, storm water, and the City water supply. The majority of these comments will be considered by the Approving Officer; however, the applicant has provided a Hydrogeologic Study in support of the application, which was copied to the RDN and City of Parksville together with a reply that is attached. (*see Attachment No. 3*) The applicant has indicated that they have addressed all of the concerns necessary for the subdivision to be considered for approval.

#### **ALTERNATIVES**

1. To approve the request for the relaxation of the minimum 10% frontage requirement for proposed Lot 5 and approve the development permit application as submitted, subject to Schedule Nos. 1 and 2.
2. To deny relaxation of the minimum 10% frontage requirement and the development permit application as submitted and provide staff with further direction.

### **WATERCOURSE PROTECTION IMPLICATIONS**

The French Creek Official Community Plan Bylaw No. 1115, 1998 designates portions of the subject property within the Watercourse Development Permit Area, specifically for the protection of Romney Creek. The applicant has offered to register a protective covenant as measured 15.0 metres from the natural boundary of the watercourse, which corresponds with the development permit guidelines. The covenant will include restrictions prohibiting the removal of vegetation, the placement of buildings or structures, placement of soils, or any alteration of the land by man.

### **INLAND ISLAND HIGHWAY PROTECTION IMPLICATIONS**

With respect to the Inland Island Highway Development Permit Area, the applicant has offered to register a protective covenant for the purposes of retaining the existing vegetation and restricting buildings or structures within the buffer area. It is noted that there are existing gas and hydro statutory rights-of-way crossing the subject property adjacent to the Inland Island Highway, which cannot be vegetated. This covenant is in keeping in the Vancouver Island Inland Island Highway Implementation Agreement and will meet the guidelines of the development permit.

### **FRONTAGE RELAXATION IMPLICATIONS**

With respect to the request for relaxation of the frontage requirement for proposed Lot 5, this parcel is proposed to be located on the cul-de-sac portion of the proposed road. Despite the reduced frontage for this parcel, buildable site areas will be available to support the intended uses. With respect to access, Ministry of Transportation staff has indicated that access to the proposed parcel will meet Ministry standards and therefore, have no concerns at this time with this request for relaxation of the minimum 10% frontage.

### **STORMWATER MANAGEMENT IMPLICATIONS**

With respect to the storm water management proposal as submitted by the applicant's agent, the proposal includes the construction of a storm water management system consisting of interceptor ditches and detention ponds system which would be designed to reduce post development flows to pre development flow levels. The applicant was initially proposing to include the proposed storm water works in a Statutory Right-of-Way, to be granted to the Ministry of Transportation however now is intending to petition the Regional District to request that a Local Drainage Service Area be established. This would involve the Regional Board's consideration of establishment and service area bylaws.

Staff would also recommend that if the parent parcel is included in a local service area for drainage, the proposed storm water management system be subject to engineering specifications and design acceptable to the RDN Manager of Engineering and Utilities. Staff has discussed the proposal with the City of Parksville staff, and while the City has advised the Provincial Approving Officer of numerous concerns, City staff acknowledge that if the subdivision does proceed, a drainage local service area would provide for better management of the proposed development. If the Board does not authorize the establishment of a Local Drainage Service Area the applicant would have to design alternative works that are acceptable to the Ministry of Transportation or consider developing a bare land strata subdivision.

### **VOTING**

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

## SUMMARY

This is a request to relax the minimum 10% perimeter frontage requirement for 1 proposed parcel as part of a 10-lot subdivision proposal. This is also a request for a development permit to facilitate a 10-lot subdivision proposal within the designated Watercourse Protection and Inland Island Highway Development Permit Areas. Ministry of Transportation staff has indicated that the Ministry has no objection to the request for the proposed minimum 10% perimeter frontage relaxation. The reduced frontage will not negatively impact buildable site areas within the proposed parcel.

Due to the close proximity to the City of Parksville Community Water source, the applicant has offered to restrict some of the land uses currently permitted under the Rural 1 zone such as the keeping of animals restricted to household pets, agriculture, aquaculture, and produce stand uses.

With respect to the Watercourse Protection Development Permit Area, the applicant has offered to register a protective covenant over Romney Creek and its adjacent riparian area, therefore meeting the applicable development permit guidelines. With respect to the Inland Island Highway Development Permit Area, the applicant has offered to provide a covenant restricting removal of vegetation and the placement of buildings or structures within the 30-metre wide strip. Therefore, the guidelines of this development permit area can be met.

Therefore, in consideration of the applicants' concurrence to provide covenants for the protection of Romney Creek, to restrict land uses which reduce the potential for a possible negative impact on the nearby City of Parksville community water source; and to protect the removal of vegetation from the Inland Island Highway buffer area, staff recommends Alternative No. 1, to approve relaxation of the minimum 10% perimeter frontage for the proposed new parcels and to approve the development permit subject to Schedule Nos. 1 and 2.

## RECOMMENDATION

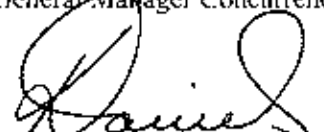
That the request, submitted by Fern Road Consulting Ltd., on behalf of Forevergreen Properties Ltd., to allow the creation of a subdivision within the Watercourse Protection and Inland Island Highway Development Permit Areas and to relax the minimum 10% frontage requirement for proposed Lot 5 as shown on the plan of subdivision of Lot A, Block 1438, Plan VIP64704 and Proposed Closed Road, Plan 742, Both of Nanoose District, be approved subject to Schedules No. 1 and 2.



Report Writer



General Manager Concurrence



CAO Concurrence

## COMMENTS:

*devs.s.report.2004/ 3320 20 25651 jn dp60423 forevergreen.doc*

**SCHEDULE NO. 1**  
**Conditions of Approval**  
**Development Permit Application No. 60423**

The following sets out the conditions of approval with respect to Development Permit Application No. 60423.

**Watercourse Protection Covenant for Romney Creek:**

The applicant shall prepare and register a section 219 covenant for the protection of the watercourse and its 15.0 metre riparian area, as measured from the natural boundary, restricting the use to a vegetation retention (no removal of vegetation other than noxious weeds) / no building or structures including fences, decks, and patios, outdoor storage, septic fields, wells, and placement of soils; or any alteration of the land by man. This covenant is to be reviewed and accepted by the Regional District prior to being registered on title concurrently with the plan of subdivision at Land Title Office.

**Subdivision:**

1. The subdivision shall be in substantial compliance with Schedule No. 2.
2. No construction shall occur within the riparian area of the watercourse located adjacent to the west lot line of the parent parcel in association with the subdivision development and the following measures shall be taken:
  - a. 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:
    - i. Tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be onsite during works.
    - ii. Cover temporary fills or soil stock piles with polyethylene or tarps.
    - iii. Exposed soils must be seeded immediately after disturbance. Soil surfaces to be treated should be roughened in advance of seeding.
  - b. The use of temporary fences (snow fences) adjacent to the 15.0 metre protection area of Romney Creek to be installed during the construction phase.

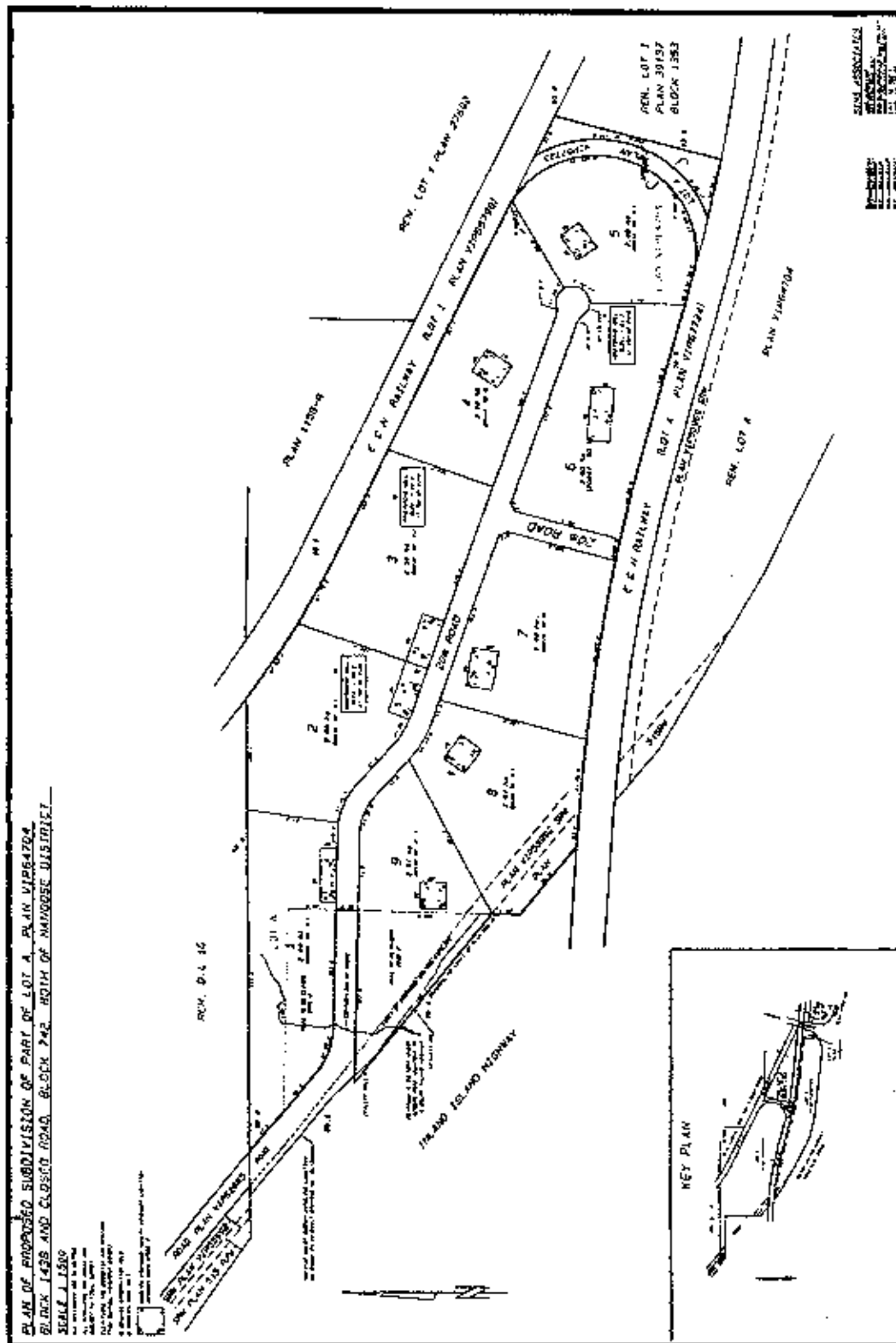
**30-metre buffer strip adjacent to the Inland Island Highway:**

The applicant shall prepare and register a section 219 covenant for Inland Island Highway restricting the following:

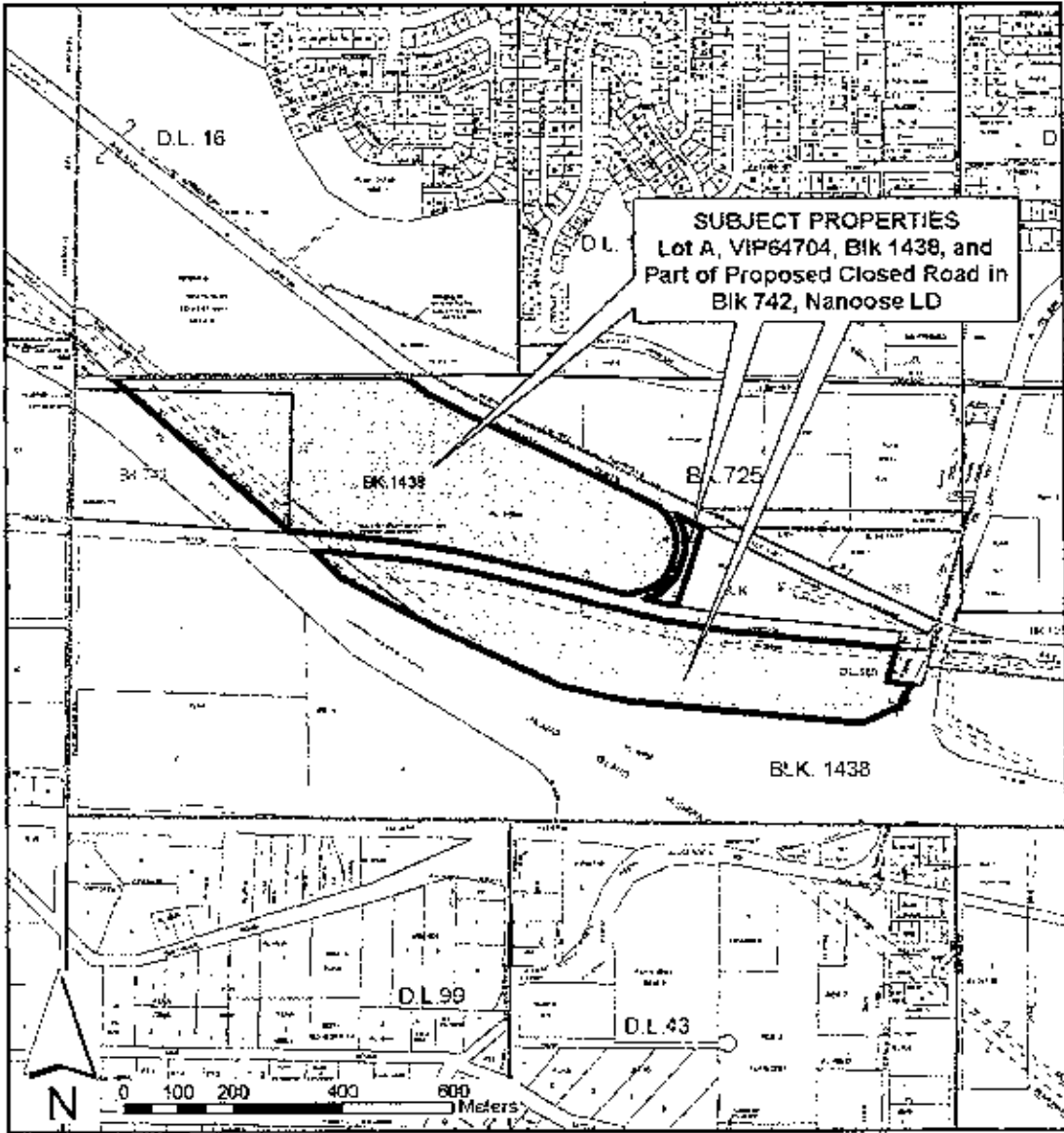
1. No septic disposal fields, wells, driveways, outdoor storage, or other site improvements shall be located within 30.0 metres from the Inland Island Highway.
2. No removal of the existing trees and other vegetation other than invasive plants such as Himalayan blackberries, Scotch broom, morning glory, and purple loosestrife provided they are replaced with native species to enhance the buffer area.

This covenant is to be reviewed and accepted by the Regional District prior to being registered on title concurrently with the plan of subdivision at Land Title Office.

**SCHEDULE NO. 2**  
**Proposed Plan of Subdivision**  
(as submitted by applicant)



ATTACHMENT NO. 1  
SUBJECT PROPERTY LOCATION



RCGS MAPS INC. 971-031 12



ATTACHMENT NO. 2 (5 pages)

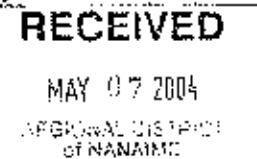


City of PARKSVILLE

PO Box 1390, 100 E. Jensen Avenue, Parksville, BC, V9P 2H3  
Telephone: (250) 248-6144 Fax: (250) 248-6650 www.city.parksville.bc.ca

May 3, 2004

By Fax Followed by Mail  
(250)751-3289



Ministry of Transportation  
Vancouver Island District  
South Coast Region  
3<sup>rd</sup> Floor - 2100 Labieux Road  
Nanaimo, BC V9T 6E9

Attention: Mr. Rob Howat, Approving Officer

Dear Sirs:

Reference: Subdivision of Lot A., Block 1438, Nanoose District,  
Plan VIP 64704 - Your File: 01-002-25651  
City of Parksville File: 3030

This is further to our meeting on April 27, 2004 (also attended by the Director of Community Planning, Gayle Jackson) regarding the above-referenced development. The following, additional comments are presented after a preliminary review of the Hydrogeologic Study dated March, 2004, prepared by EBA Engineering Consultants Ltd:

1. The proposed source of potable water for this development is groundwater, which would be drawn from the same aquifer as that used by the City of Parksville to meet a significant portion of City water demands (i.e. the Springwood Well Field).

It is realized that 'use' of the aquifer by parties other than the City of Parksville is not, in and of itself, unusual or improper. However, it is hoped that protection of the long-term water quality and demands associated with a publicly funded municipal utility will be considered paramount when deciding whether or not the development is in the overall public interest.

2. One of the conclusions presented in the EBA Study is that the long-term impact of the development will be a reduction in the "safe available drawdown in City of Parksville Springwood Cluster of 1 to 4% over 20 years".

This conclusion is of serious concern and we do not accept, on the basis of the information provided, that this is a minor impact. The long-term trend in terms of drawdown of the aquifer is a specific concern that City staff has been investigating. The fact that this initial technical investigation concludes there will be a long-term reduction in available 'drawdown' (resulting from this proposed development) seems to validate such concern. We therefore consider that additional information is required to confirm the long-term viability of the aquifer for use by the City (and, if feasible, others). Such information should probably include identification of any long-term impacts and related costs to the City.

ENGINEERING AND OPERATIONS DEPARTMENT

1116 Herring Gull Way Telephone: (250) 248-5412 Fax: (250) 248-6140

Director of Engineering & Operations  
Direct Line: (250) 954-4659

Manager of Operations & Information Systems  
Direct Line: (250) 954-4667

3. It is proposed that liquid waste be disposed of utilizing household septic systems. The EBA study notes that there is an impermeable till layer protecting the subject aquifer from contaminant migration through seepage. It is also noted however, that "it would take an average of greater than 10 years for any water from surface to percolate through the till layer".

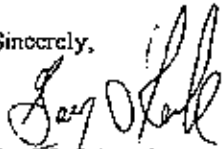
It is probably reasonable to conclude that it would be extremely challenging to verify that the till layer is continuous across the site (i.e. there may be areas where the soils above the aquifer do not protect the aquifer from contaminant migration from the surface to the extent noted). Also, 10 years is a relatively short time frame in terms of protecting water quality. It is therefore deemed essential that these issues be clarified before any conclusion is made regarding the susceptibility of the groundwater supply to surface contamination.

4. It is not clear what the anticipated method of handling stormwater runoff will be for the site. There may be impacts to downstream lands and infrastructure within City of Parksville boundaries, depending on the specific technical design approach and parameters utilized. Further details are required before we are able to provide detailed comments in this regard.

It is hoped that the above helps to clarify City of Parksville concerns respecting the subject development. These concerns are complex in nature, and if you have any questions or wish to further discuss the matter, please contact me at your convenience, at (250)954-4659.

It is deemed important to reiterate that under no circumstances will the City of Parksville support a development that poses any risk to the City's water supply.

Sincerely,

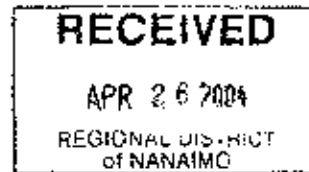


Gary J. O'Rourke, P.Eng.  
Director of Engineering & Operations

GOR/re

GARY\Dev.-General\Block 1438\Howal,May 3,2004.doc

c Ministry of Health  
Regional District of Nanaimo  
Director of Community Planning  
Engineering Technologist (Owen Jonsson, A.Sc.T.)



City of Parksville, 1100 R. J. Hunter Avenue, Parksville, B.C. V9T 2G7  
Telephone: (250) 245-6144 Fax: (250) 248-0667  
www.city.parksville.bc.ca

April 22, 2004

VIA FAX: (250)751-3289

PAGE 1 OF 3

Ministry of Transportation  
Vancouver Island District  
South Coast Region  
3<sup>rd</sup> Floor – 2100 Labieux Road  
Nanaimo, BC V9T 6E9

COPY

ATTENTION: NICK VANDERMOLEN, DEPUTY APPROVING OFFICER

Dear Sirs:

SUBJECT: SUBDIVISION OF LOT A, BLOCK 1438, NANOOSE DISTRICT, PLAN  
VIP64704 – YOUR FILE 01-002-25651

Thank you for the referral of the above noted subdivision application. The City has a number of concerns and items for you to note with respect to this application:

- The subject property is in very close proximity to well fields which provide a significant amount of the municipal drinking water supply. Therefore, there is great concern that development of this property and subsequent use of this property could negatively impact the City's wells. In this regard, the presence of septic fields, keeping of animals, use of fertilizers and pesticides, and similar activities would be of concern. On this point alone, the City questions whether approval of a subdivision of this scope and density is in the public interest.
- The impact of any new wells on the local groundwater regime is also a serious concern. The EBA Engineering report predicts a "minor" (i.e. 1% to 4%) long-term drawdown of the water level at the City's wells as a result of the development. The City questions whether any such impact or associated risk is in the public interest.
- This property has a watercourse running through it. This watercourse (Romney Creek) is shown as being within a Fisheries Planning Boundary in the Environmentally Sensitive Areas Atlas.
- This property appears to fall within the Highway corridor area which is subject to the Vancouver Island Highway Agreement.

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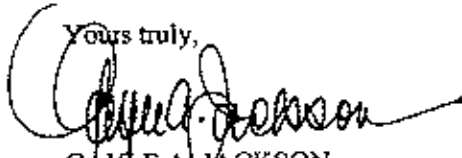
Mr. N. Vandermolten  
April 22, 2004  
Page 2

- We understand that the property is within 2 designated development permit areas; one which sets out a requirement for a 30 metre buffer from the Highway, and, the other with respect to the Creek. The proposed layout does not appear to acknowledge either condition.
- The subject property is within the Parksville Fire Protection area. Response time could be improved if an emergency access could be made available from the Alberni Highway.
- With respect to technical aspects of the application, it does not appear that storm water disposal is adequately addressed, and also, there is a concern with respect to the fact that . . . "aquifer characteristics were compiled from previous reports and available information" rather than primary research (see pg 9 EBA Engineering Study).

The City is not clear on what the Ministry's technical requirements might be for a subdivision of this nature and more specifically whether they would be strengthened, as necessary, to acknowledge the proximity to a municipal water supply.

In summary, there are a number of concerns and considerations which we believe we need to explore further through discussions with you. I'm sure you appreciate that under no circumstances is the City willing to support a development that poses any risk to the City's water supply. Gary O'Rourke, Director of Engineering and I look forward to meeting with you next week.

Yours truly,

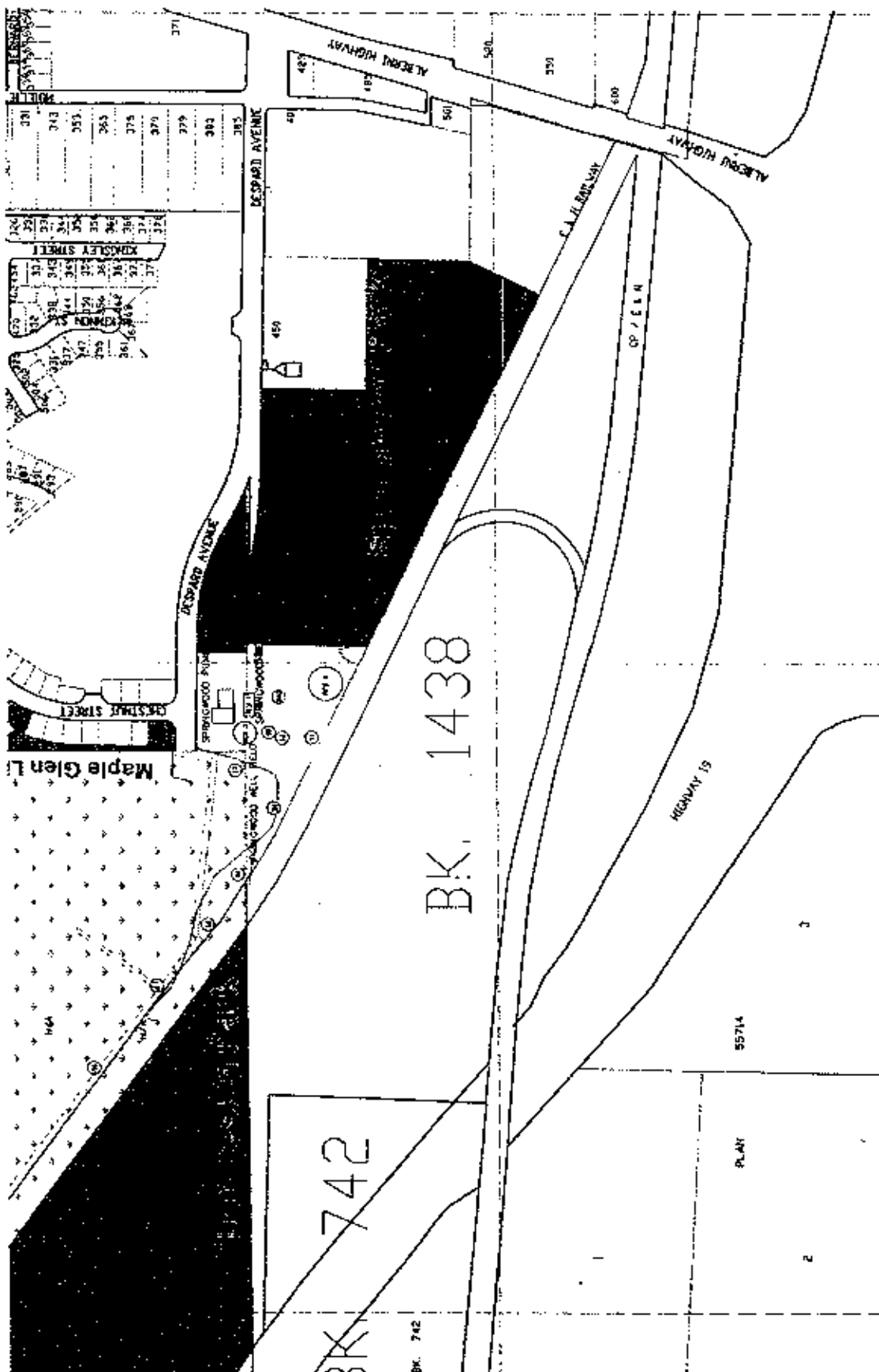
  
GAYLE A. JACKSON  
Director of Community Planning

GAJ/sh

GJ/0410-20-MOTH/Vandermolten-3.

pc Ministry of Health  
Regional District of Nanaimo  
G. O'Rourke, P. Eng., Director of Engineering and Operations

1.4. A map showing the city's wells proximate to the subject property is attached.



ATTACHMENT NO. 3 (4 pages)

## **EBA Engineering Consultants Ltd.**

Creating and Delivering Better Solutions

May 19, 2004

File No. 0802-2840131

City of Parksville  
Box 1390 – East Jensen Avenue  
Parksville, BC, V9P 2H3

Attention: Gayle A. Jackson, Director of Community Planning

Regarding: Subdivision of Lot A, Block 1438, Nanose District, plan VIP64704 -  
MOT file: 01-002025651

Dear Ms. Jackson:

EBA Engineering Consultants Ltd. (EBA) is submitting this letter in response to your letters dated May 3, 2004 (author: Gary O'Rourke), April 22, 2004 (author: Gayle Jackson), and RDN's letter dated May 12, 2004 (author: Robert Laphara).

Concerns are expressed regarding:

- a. Impact of surface activity on groundwater quality; and
- b. Impact of proposed groundwater extraction on City of Parksville water supply.
- c. Specific issues raised by RDN's letter dated May 12, 2004.

This letter provides an answer and comments on these three points.

### **I. IMPACT ON WATER QUALITY**

EBA has completed a hydrogeological study<sup>1</sup> for Forevergreen at a resolution similar or greater than what is typically done in BC for proposed development of this size. The impact of the proposed development on water quality was assessed, and a professional opinion expressed based on an understanding of the surface and subsurface conditions. Particular issues were mentioned in your correspondence:

1. Impact due to septic fields: EBA's report has been submitted to Vancouver Island Health Authorities. They have jurisdiction on the treatment of liquid waste through

<sup>1</sup> Hydrogeological Study Forevergreen Properties Phase I, March 2004

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-2-

May, 2004

ground disposal. EBA is available to provide further comments or studies, should it be required by VIAH.

2. Potential impact due to animals: As mentioned in Fern Road Consulting letter dated May 5, 2004, animals would be restricted to household pets. It is EBA's opinion that the waste generated by these animals would have a negligible impact on the groundwater quality.
3. Use of fertilizer and pesticide: The hydrogeological report discussed how nitrate loading is not considered a problem. There is a risk that herbicides and pesticides may be used by property owners for landscaping purposes. Presently, EBA considers that the best way to mitigate this risk would be through public education.

## 2. IMPACT ON WATER QUANTITY

EBA modelled the groundwater regime in the area proposed for development to assess the long-term impact of the operation of the proposed wells. Using conservative assumptions, the overall impact (measured as impact on the available drawdown of the CoP's wells due to interference) has been estimated to be in the order of 1 to 4 %. Since the issue of the report, EBA has received information on CoP groundwater consumption from their well fields. In 2003, 907,902 m<sup>3</sup> were extracted from the ground by CoP. The following table shows the ratio between what Forevergreen development would extract compared to the volume of water extracted by CoP, using two scenarios. Scenario 1 considers a daily average extraction of 2.23 m<sup>3</sup>/day (MOT PLA Standards) and Scenario 2 considers consumption by water efficient properties (0.47 m<sup>3</sup>/day).

Estimated Water Demand Forevergreen Projected Use (m <sup>3</sup> /year)		City of Parksville Consumption (m <sup>3</sup> /year)	Ratio
PLA Standard (2.23 m <sup>3</sup> /day/connection)	16,279	907,902	0.018 (or 1.8%)
Water Efficient Homes (0.47 m <sup>3</sup> /day/connection)	3,431	907,902	0.004 (or 0.4 %)



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-3-

May, 2004

This confirms that the impact would probably be in the order of 1 %. In addition, Forevergreen has recently drilled one water well. The well was completed in Aquifer 3 (aquifer numbering refers to the numbering used in EBA March 2004 report), the aquifer below Aquifer 2 (the aquifer used by CoP well field). Therefore, the long-term impact on CoP water supply is even anticipated to be less than 1%.

In your letter, you question the fact that the proposed development would be of public interest. EBA considers that the proposed development has been designed with a responsible vision to build a low impact development (LID) minimizing its "footprint" on the environment and on the natural resources. Based on EBA's understanding of water management in Parksville, the CoP has no short term or long term operation and monitoring plan and no intent to minimize the present water consumption. EBA is not aware of any report that presents a global approach to monitor, characterize and protect the groundwater resources presently consumed by CoP. Therefore EBA considers that the development proposed by Forevergreen Properties is a step in the right direction to develop land in a responsible manner, with a long-term vision and a public interest that should be promoted.

### 3. ISSUES BROUGHT IN RDN'S LETTER DATED MAY 12, 2004

Point 4 of the letter mentions that proof of potable water to Bylaw No. 500, 1987 standards should be provided. EBA understands Bylaw No. 500 applies to community water systems. What Forevergreen proposes is an individual water supply for each lot and therefore the development should meet Ministry of Transportation's requirements.

Point 5 of the letter is a misinterpretation of the 2<sup>nd</sup> paragraph, p. 14 of EBA's report. It states: "The low percolation rate and less depth to winter water level on Lot 1 means that only one residence is possible for Lot 1 *or further investigation is required to better assess the subsurface conditions at shallow depths on this lot.*" The second half of the sentence (in italics) indicates that limited investigation was completed and that a detailed investigation of the lot may identify a suitable location for a disposal field for a second residence.





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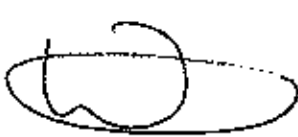
-4-

May, 2004

We hope this letter clarifies items of concerns. Please call me if you have any questions.

Respectfully submitted,

EBA Engineering Consultants Ltd.



Giltes Wendling, Ph.D., P.Eng.

Senior Hydrogeologist

Cc: Forevergreen Properties, Nick Andreeff  
Fern Road Consulting Ltd., Helen MacPhail Sims  
RDN, Susan Cormie, Senior Planner  
RDN, Robert Lapham, General Manager, Development Services  
RDN, Director Electoral Area G, J. Stanhope  
City of Parksville, G. O'Rourke, Director of Engineering and Operations  
Ministry of Transportation, Nick Vandermolen, Deputy Approving Officer  
Vancouver Island Health Authorities, Glen Gibson,



REGIONAL DISTRICT OF NANAIMO			
JUN 15 2004			
CHAIR		GMCrs	
CAO		GMDS	
COM		GMES	
		EAFC	✓

MEMORANDUM

TO: Robert Lapham  
General Manager, Development Services

FROM: Susan Cormic  
Senior Planner

SUBJECT: Development Permit Application No. 60429  
Applicant: Bev & Gerd Voigt, on behalf of 642703 BC Ltd.  
Electoral Area 'E', off Kaye Road and the Island Highway

PURPOSE

To reconsider a development permit application for a parcel designated within the Farm Land, Watercourse Protection, and Sensitive Ecosystems Protection Development Permit Areas, with a variance to the minimum setback requirement to accommodate the siting of an existing building, in conjunction with a proposed 6-lot subdivision development.

BACKGROUND

At the Regular Board held on June 8, 2004, the Board passed the following resolution:

*That the request, submitted by Bev and Gerd Voigt, on behalf of 642703 BC Ltd. to create new parcels and dedicate and construct a road as part of a 6-lot subdivision proposal within a Farm Land Protection Development Permit Area and to relax the minimum setback requirement for an existing barn building from 30.0 metres to 15.0 metres from the proposed new lot line as shown on the plan of subdivision of District Lot 44, Nanoose District Except Parts in Plans 39893, 3132 RW, be referred back to staff for further assessment of road access and effects on the Sensitive Ecosystem Protection Development Permit Area.*

CARRIED

As a result of this direction, the applicant has submitted a revised plan of subdivision (see Schedule No. 2) for the property legally described as District Lot 44 Nanoose District Except Parts in Plans 39893, 3132 RW and located at 2070 Kaye Road within Electoral Area 'E' (see Attachment No. 1 for location of parent parcel). In addition, the applicant has also submitted a report prepared by a registered professional biologist who evaluated the presence of any sensitive ecosystems on the development portion of the subject property. The study did not evaluate the presence of any sensitive ecosystems within the ALR as the Farm Protection (Right to Farm) Act does not permit local government bylaws to impede 'normal farm practices'. The Ministry of Agriculture has an obligation to ensure that normal farm practices do not harm the environment.

As outlined in the previous staff report, the subject property is currently zoned Rural 5 (RU5) and is within Subdivision District 'D' pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is also partially situated within the Provincial Agricultural Land

Reserve (ALR). The applicants are proposing to subdivide along the ALR boundary separating the ALR portion of the parent parcel from the non-ALR portion and creating 5 non-ALR parcels for a total of 6 parcels which will be greater than the 2.0 ha minimum parcel size, therefore meeting the minimum parcel size requirement (see Schedule No. 2 for proposed subdivision).

The proposed subdivision is within three Development Permit Areas pursuant to the Nanoose Bay Official Community Plan Bylaw No. 1118, 1998 (OCP): Farm Land Protection, Watercourse Protection, and Sensitive Ecosystems Development Permit Areas. As outlined in the previous staff report, the applicants are proposing to create new parcels and dedicate and construct a road within the Farm Land Protection Development Permit Area. Therefore, a development permit is required.

With respect to the Sensitive Ecosystems Development Permit Area, as subdivision activity is not exempt from requiring a development permit, a development permit is also required. It is noted however, that farming activity is exempt from requiring a Sensitive Ecosystems Development Permit.

Bylaw No. 1118 provides that where property is subject to more than one development permit area, a single development permit is required.

In addition, as outlined in the previous staff report, a portion of Craig Creek crosses the ALR portion of the subject property and is designated within the Watercourse Protection Development Permit Area. However, in this case, the applicants do not require a development permit as the exemption provisions can be met. Despite this, the applicants are in concurrence to provide a 30-metre covenant for the protection of the Creek and its riparian area.

As outlined in the previous staff report, the applicants have also requested that the minimum setback requirement for an existing barn building be relaxed from a lot line proposed to be created at time of subdivision from 30.0 metres for an agricultural building housing livestock or storing manure to 13.0 metres from the new lot line. As this building will not meet the required minimum setbacks of 30.0 metres, a variance to Bylaw No. 500 provisions is required. Therefore, the applicant, as part of the development permit application, is requesting to vary this minimum setback requirement.

While the new parcels are proposed to be served by individual private septic disposal systems and private water wells, the applicants have indicated that they wish to petition for inclusion into the neighbouring Englishman River Community Water Service Area. This request for petition is currently under review at a staff level, and such a request would be considered separately from the development permit application process.

## ALTERNATIVES

1. To approve the request for the relaxation of the minimum setback requirement and approve the development permit application as submitted, subject to Schedule Nos. 1 and 2.
2. To deny the request for relaxation of the minimum setback requirement and the development permit application.

## DEVELOPMENT IMPLICATIONS / ENVIRONMENTAL IMPLICATIONS

The applicants have submitted a revised plan of subdivision, which has been accepted by the Ministry of Transportation Approving Authority (*see Schedule No. 2*). Concerning the issue of providing access to lands beyond, the applicant is to provide proof of compliance with respect to access to the neighbouring property (West 1318 feet of District Lot 45 Nanoose District) to the satisfaction of the Approving Authority.

With respect to the Sensitive Ecosystems Development Permit Area, the biophysical site investigation report, prepared by EBA Engineering Consultants Ltd. dated June 11, 2004, examined the non-AIR portion of the site where the subdivision development is proposed. The report notes that the study area does not contain major fish or wildlife issues that could significantly influence the development. However, the report does state that the property offers habitat for songbird species, cavity nesting birds, and accipiters (hawks) and recommends land clearing be restricted to outside the period from April 1 to July 15 or have a biologist examine the site to identify the location of nesting birds and to ensure that active nests are protected during land-clearing operations. Staff recommends that this recommendation be included in the corresponding development permit.

The AIR portion of the subject property includes a portion of Craig Creek and the seasonally flooded agricultural field noted as a sensitive ecosystem in the OCP. The applicants have offered to register a 30-metre protective covenant over the riparian area of Craig Creek, which will meet the objectives of the Watercourse Protection Development Permit Area. With respect to the seasonally flooded field designation, as this portion of the property is within the AIR and is considered agricultural land, the *Farm Protection (Right to Farm) Act* does not permit local government bylaws to impede 'normal farm practices', and as a result, the owner may conduct farming activities. The applicants have indicated that the AIR portion of the property will continue to be farmed and therefore, the seasonally flooded agricultural field will remain.

It is the staff's understanding that the Approving Authority did not consider it necessary that this field be protected by flood covenants, as there are alternative building sites available within the proposed Remainder of DL 44.

With respect to the Farm Land Protection Development Permit Area, as set out in the previous staff report, a 15-metre vegetative buffer area, offering some protection from future intensive agriculture uses is recommended to be included in the development permit for the protection of farm land. The permit would allow the construction of the future road, which allows access to the proposed Remainder of DL 44 and recognize the siting of the existing barn.

With respect to the existing barn, a variance has been requested to relax the minimum setback requirement for an existing barn building from a lot line proposed to be created at time of subdivision. This request is subject to the notification procedures pursuant to the *Local Government Act*.

## VOTING

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

## SUMMARY

This is a request for a development permit to create new parcels and dedicate and develop a new road within the Farm Land Protection, Watercourse Protection, and Sensitive Ecosystems Development Permit Areas pursuant to the Nanoose Bay Official Community Plan Bylaw No. 1118, 1998 in association with a 6-lot subdivision proposal. The applicants have submitted a biophysical site investigation report indicating the study area does not contain fish or wildlife issues and recommends the restriction of land clearing during the period of time that songbirds, cavity nesting birds, and accipiters (hawks) nest. This report will be attached to and form part of the development permit with the requirement restricting times of land clearing will be included.

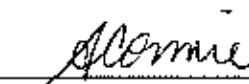
The Watercourse Protection Development Permit Area is designated over the subject property as a portion of Craig Creek crosses the subject property. Despite being exempt from requiring a development permit for watercourse protection, the applicants are in concurrence to provide a 30-metre covenant for Craig Creek and its riparian area.

This is also a request to vary the minimum setback requirement for an existing barn building from a lot line proposed to be created at time of subdivision. The subject property is partially located within the Provincial Agricultural Land Reserve. In this case, as the boundary of the proposed subdivision lot coincides with the ALR boundary, approval from the Commission is not required. The applicant has submitted a revised plan of subdivision, which is acceptable to the Approving Authority.

Therefore, in consideration of the applicants' concurrence with the registration of a protective covenant at time of subdivision for the watercourse protection and that the biologist's report indicates that there are limited fish and wildlife values on the property, staff recommends Alternative No. 1, to approve the development permit with the requested variance for the existing barn building from the proposed new lot line from 30.0 metres to 13.0 metres subject to Schedule Nos. 1 and 2 and the notification procedures of the *Local Government Act*.

## RECOMMENDATION

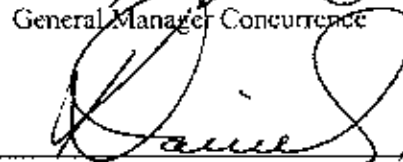
That the request, submitted by Bev and Gerd Voigt, on behalf of 642703 BC Ltd., to create new parcels and dedicate and construct a road as part of a 6-lot subdivision proposal for property designated within the Farm Land Protection, Watercourse Protection, and Sensitive Ecosystems Development Permit Areas and to relax the minimum setback requirement for an existing barn building from 30.0 metres to 13.0 metres from the proposed new lot line as shown on the plan of subdivision of District Lot 44 Nanoose District Except Parts in Plans 39893, 3132 RW, be approved subject to Schedules No. 1 and 2 and the notification procedures pursuant to the *Local Government Act*.



Report Writer



General Manager Concurrence



CAO Concurrence

## COMMENTS:

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**SCHEDULE NO. 1**  
**Conditions of Approval**  
**Development Permit Application No. 60429**

The following sets out the conditions of approval with respect to Development Permit Application No. 60429:

**Farm Land Protection 15-metre buffer strip adjacent to Agricultural Land Reserve:**

1. No buildings or structures, including signs, decks, and patios, shall be located within 15.0 from the ALR boundary crossing District Lot 44 other than the existing barn located on proposed Lot 4.
2. No septic disposal fields, wells, driveways, outdoor storage, or other site improvements shall be located within 15.0 metres from the ALR boundary crossing District Lot 44 other than the proposed public road a maximum of 20.0 metres in width to provide access to the proposed Remainder of District Lot 44.
3. The existing natural wooded character of the 15.0 metre buffer area shall be maintained and existing trees shall not be removed. Invasive plants such as Himalayan blackberries, Scotch broom, morning glory, and purple loosestrife may be removed and replaced with native species to enhance the buffer area.
4. The enhancement of the buffer area with the additional native vegetation shall be permitted.

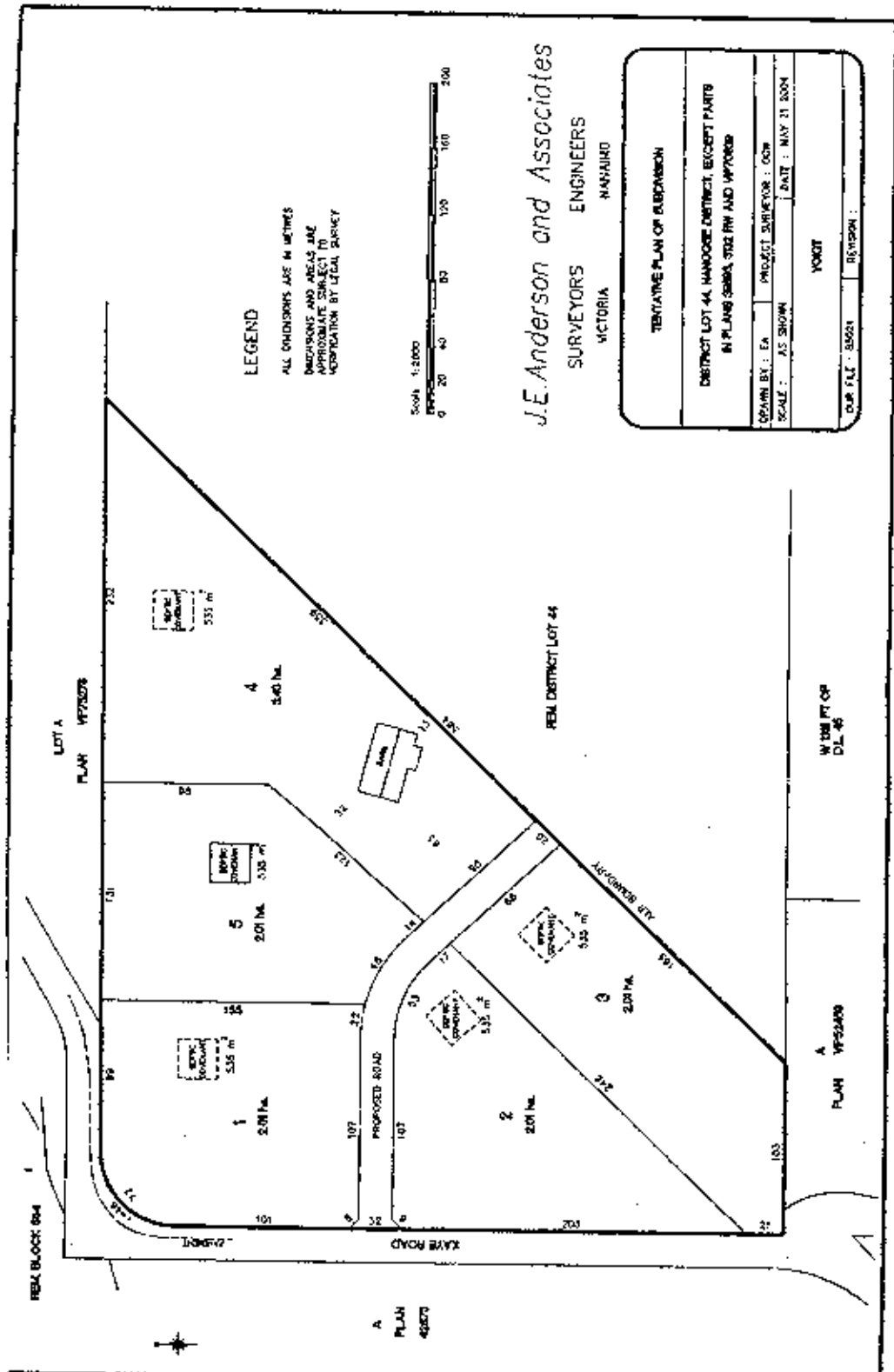
**Subdivision:**

Applicant to prepare and register a section 219 covenant for the protection of Craig Creek and its riparian area a minimum of 30.0 metres as measured from the natural boundary including no removal of vegetation. Draft covenant is to be submitted to the Regional District for approval.

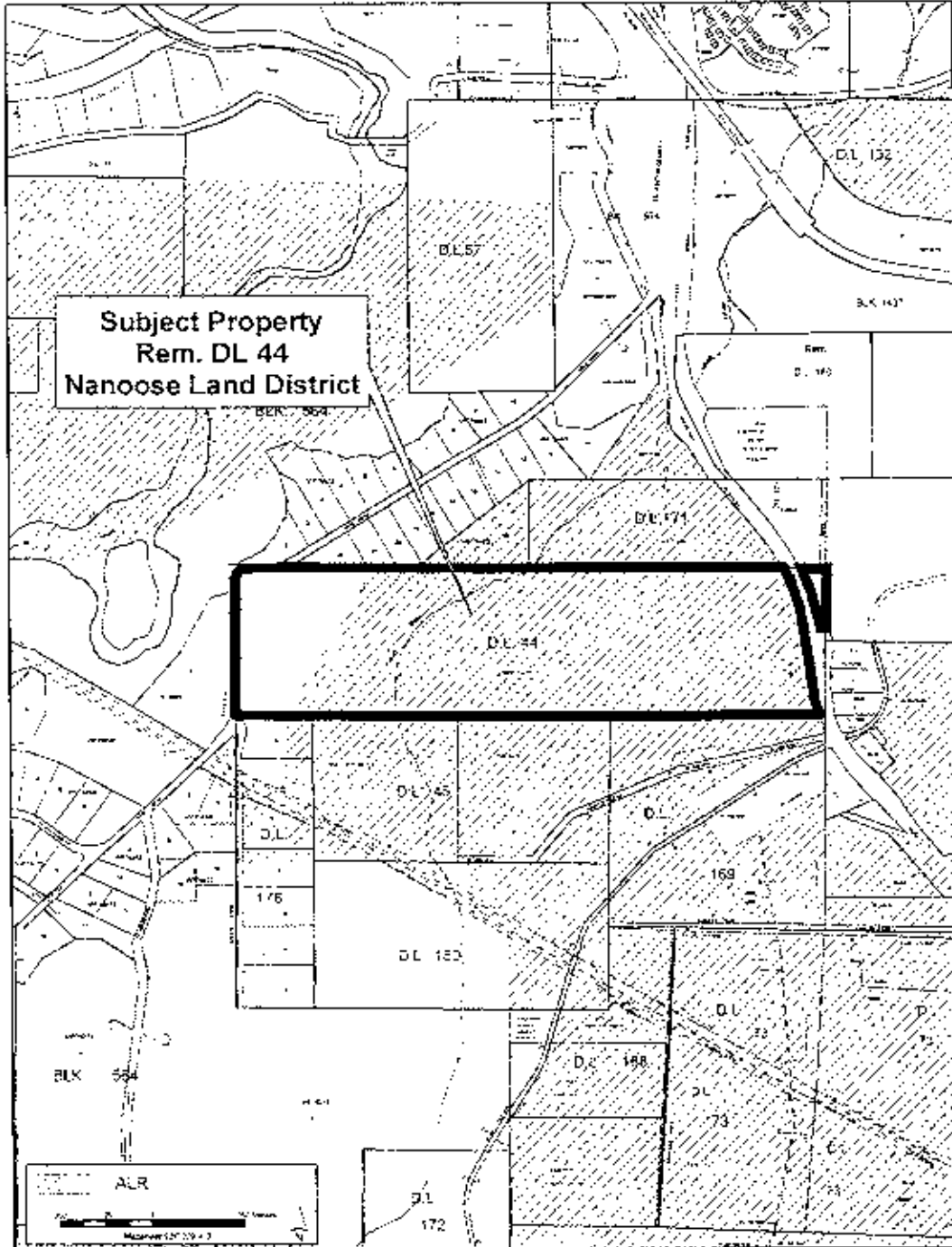
**Sensitive Ecosystem Areas:**

Land clearing on proposed Lots 1 to 5 inclusive is not to occur during the time period from April 1 to July 15 annually or unless a biologist examines the site to identify the location of nesting birds and to ensure that active nests are protected during land clearing operations, as set out in the report prepared by EBA Engineering and Associates and dated June 11, 2004 which is attached to and forms part of this Development Permit.

**SCHEDULE NO. 2**  
**Development Permit Application No. 60429**  
**Conceptual Plan of Subdivision**  
**(as submitted by applicant)**



**ATTACHMENT NO. 1**  
**Subject Property Location**







REGIONAL DISTRICT OF NANAIMO			
JUN 15 2004			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
EAPL ✓			
DATE:			

MEMORANDUM

TO: Robert Lapham  
General Manager of Development Services

FROM: Brigid Reynolds  
Senior Planner

SUBJECT: Development Permit Application No. 60431 - Wiebe  
Electoral Area 'H' - 6359 West Island Highway

DATE: June 15, 2004

FILE: 3090 30 60431

PURPOSE

To consider an application to vary the maximum height of a recently constructed dwelling unit and garage with a dwelling unit and to permit land alteration works within the Environmentally Sensitive Area Development Permit Area pursuant to the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2004".

BACKGROUND

The subject property, legally described as Lot 1, District Lot 22, Newcastle District, Plan 19682, is located at 6359 West Island Highway in the Nile Creek area of Electoral Area 'H' (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 maximum height for dwelling units is 8.0 metres. The two recently constructed dwelling units both measure 8.2 metres in height and therefore require a variance.

The Environmentally Sensitive Areas Development Permit Area was established to protect the natural boundary. The development permit area is measured 30 metres from the natural boundary of the ocean and 15 metres from the natural boundary or top of bank of a stream. The dwelling unit is located a minimum of 27.8 metres from the natural boundary of the ocean and the septic field is proposed to be located within the development permit area (see Schedule No. 2 for the site plan).

This application was made as a result of a bylaw enforcement action. Construction for the dwelling units began in early March before the Official Community Plan was adopted, therefore no development permit was applied for at that time.

The zoning permits 2 dwelling units provided there is adequate site area (2000 m<sup>2</sup>) for either dwelling unit. The suite above the garage is considered a dwelling unit as the habitable space is not connected to the habitable space in the main dwelling unit (see Schedule No. 3 for the building plans).

The property is adjacent to the marine foreshore and the mouth of Nash Creek. The property slopes down from the Island Highway to the dwelling unit site. The property was previously developed and the applicants replaced the old dwelling unit. The septic field is being located in the same location as the previous field and a health permit has been submitted as part of this application.

The majority of the rip rap retaining wall is not located on the subject property but on Crown land below the natural boundary. It was apparently constructed by the then Ministry of Environment, Water Management Branch through the Provincial Emergency Program to contain the channel of Nash Creek after a high storm event in the mid-90s caused the creek to blow its banks. The history of this wall is difficult to confirm due to the timing of the works and that there is no longer a Flood Management Branch within the Province. The rip rap begins on the adjacent lot to the south, runs through the south east corner of the property and continues on to the marine foreshore. The channel of Nash Creek flows on the west side of the rip rap on the marine foreshore. The rip rap retaining wall is over 1 metre in height but is not being considered as part of this application.

#### ALTERNATIVES

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

#### LAND USE AND DEVELOPMENT IMPLICATIONS

Approval of the requested variance would legalize two recently constructed over height dwelling units. The main dwelling unit is two storeys on a crawl space. The elevation of the crawl space and the pitch of the roof results in the dwelling unit height being over height by 0.2 m. The garage contains a second story with a suite and together with the roof pitch that matches the main dwelling unit results in the second dwelling unit being over height by 0.2 m. Even though the property slopes down from the Highway, views from the properties to the west, across the Island Highway, have been impacted by the construction. However, according to the applicant and one of these property owners, their views would still be impacted if the buildings met the maximum height and would likely only not be impacted if the buildings had a flat roof. Dwelling units located on the properties to the north and south of the subject property are parallel to the recently constructed dwelling units, therefore their views should not be impacted.

The secondary dwelling unit (the suite above the garage) is permitted pursuant to the zoning (RS2) as there is sufficient site area for both. Two dwelling units are recognized in the health permit and a separate water connection is recommended to be required as a condition of approval.

The septic field has not yet been installed. The applicants are proposing to replace the existing septic field that has been there many years and locate the new one replace it in the same location between the dwelling units and the marine foreshore. A health permit has been obtained and the proposed location meets the setbacks pursuant to the Health Regulations. This location is preferred by the applicants as the property slopes down from the Highway and levels out approximately 30 metres into the property. This area has been used as a driveway and contains a depression that is proposed to be filled such that drainage can be directed away from the dwelling unit and to the sides of the property.

The rip rap wall was constructed due to flooding of Nash Creek and appears to have been engineered and received the necessary permissions of the day. As the majority of the wall is not on the subject property but located on accreted lands and has formed the natural boundary, staff recommend that it not be included as part of this application.

## ENVIRONMENTAL IMPLICATIONS

The subject property was previously developed and the majority of the vegetation cleared. Most recently the property owner has removed some of the mature vegetation at the Highway but is not proposing to remove any more. The soils are generally comprised of marine gravel and sands that are well draining. The applicant proposes to direct the perimeter drains and roof leaders to depressions located on the side yards thereby directing the drainage away from the dwelling units.

Nash Creek flows on the marine foreshore by the time it reaches the subject property. The buildings are located more than 30 metres from the creek and should therefore not have any negative impact to the creek.

The applicants are proposing to undertake landscaping within the development permit area adjacent to the marine foreshore. The landscaping is proposed to consist of low maintenance, drought tolerant, and salt resistant native plants.

Works undertaken within the 30 metre development permit area are proposed to be subject to erosion and sediment control provisions which should avoid negative impacts to both Nash Creek and the marine environment.

## PUBLIC CONSULTATION IMPLICATIONS

As the existing two dwelling units require a variance to the maximum height, notification of adjacent property owners is required between the EAPC and Regional Board meetings, pursuant to the *Local Government Act*.

## VOTING

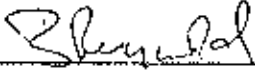
Electoral Area Directors – one vote, except Electoral Area 'B'.

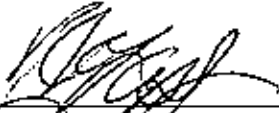
## SUMMARY/CONCLUSIONS

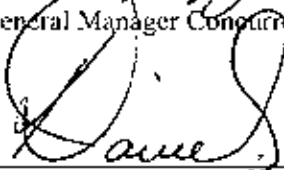
This is an application to vary the maximum dwelling unit height from 8.0 metres to 8.2 metres to legalize two recently constructed dwelling units (1 of which is a suite above the garage). Views for adjacent properties to the west of the subject property have been impacted, however this could not have been prevented unless the roof was more or less flat. The main dwelling unit is located a minimum of 27.8 metres from the natural boundary of the ocean and the foundation pored before the OCP establishing the development permit areas was adopted. The septic field is proposed to be located within the development permit area and is the same location as the existing field, which is being replaced. A health permit was issued December 2003. The soils are well draining and with regular maintenance, the septic system should not adversely impact the marine environment. As the variance is minimal and views would be impacted if a height variance was not requested, and conditions of approval will seek to reduce any negative impacts to the natural environment, staff recommends approval of this application.

**RECOMMENDATION**

That Development Permit Application No. 60431 submitted by Rob Wiebe to vary the maximum height of two recently constructed dwelling units (1 of which is a suite in a detached garage) from 8.0 metres to 8.2 metres to recognize their height and to permit the installation of a septic field within the Environmentally Sensitive Areas Development Permit Area on the property legally described as Lot 1, District Lot 22, Newcastle District, Plan 19682, be approved subject to the requirements outlined in Schedule Nos. 1, 2, 3, and 4 and subject to notification requirements pursuant to the *Local Government Act*.

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

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

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

COMMENTS:  
*devs:ireports/2004/4p/jn 3060 30 60431 Wiebe*

**Schedule No. 1  
Conditions of Approval  
Development Permit No. 60431**

**Landscaping Requirements**

1. Landscaping to be provided within the development permit area shall, at the minimum, satisfy the following criteria:
  - a) Landscaping shall be totally comprised of biologically diverse and drought resistant plants.
  - b) Individual plants to be used in the landscaping shall have normal, well developed branches and vigorous, fibrous root systems; such plants shall be healthy, vigorous and free from defects, decay, disfiguring roots, sunscald, injuries, abrasions of the bark, plant diseases, insect pests' eggs, borers and all forms of infestations or objectionable disfigurements.
  - c) All landscaping shall be permanently maintained in good condition with, at a minimum, the same quality and quantity of landscaping as was initially approved and without alteration of the approved design; the owner shall make provisions for the permanent irrigation works necessary to water the landscaping.
  - d) The design of landscaping shall be such that the growth of roots, trunks, and branches of natural or introduced vegetation or the location of planted herbs shall not conflict with the utilities, structures, necessary access, or require sight triangle.

**Septic System Works**

2. For the septic system works, a temporary fence (snow fence) shall be erected at the outside of the proposed location of the septic field to prevent machinery from encroaching further into the development permit area.
3. The machinery must be in good working order and no fuels, lubricants or construction wastes are permitted to enter the marine environment. No refueling of machinery is to be conducted within 100 m of the marine environment.

**Sediment and Erosion Control**

4. 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:
  - a. Tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be onsite during works.
  - b. Cover temporary fills or soil stock piles with polyethylene or tarps.
  - c. Exposed soils must be seeded immediately after disturbance. Soil surfaces to be treated should be roughened in advance of seeding.

**Secondary Dwelling Unit (suite above garage)**

5. Confirmation of a second water connection shall be obtained and provided to the Regional District of Nanaimo prior to occupancy.
6. No bed and breakfast business shall be operated out of this secondary dwelling unit.

**Drainage Works**

7. Drainage from the perimeter drains and roof leaders shall not be directed directly onto the marine foreshore and where feasible, shall be infiltrated back into the ground.

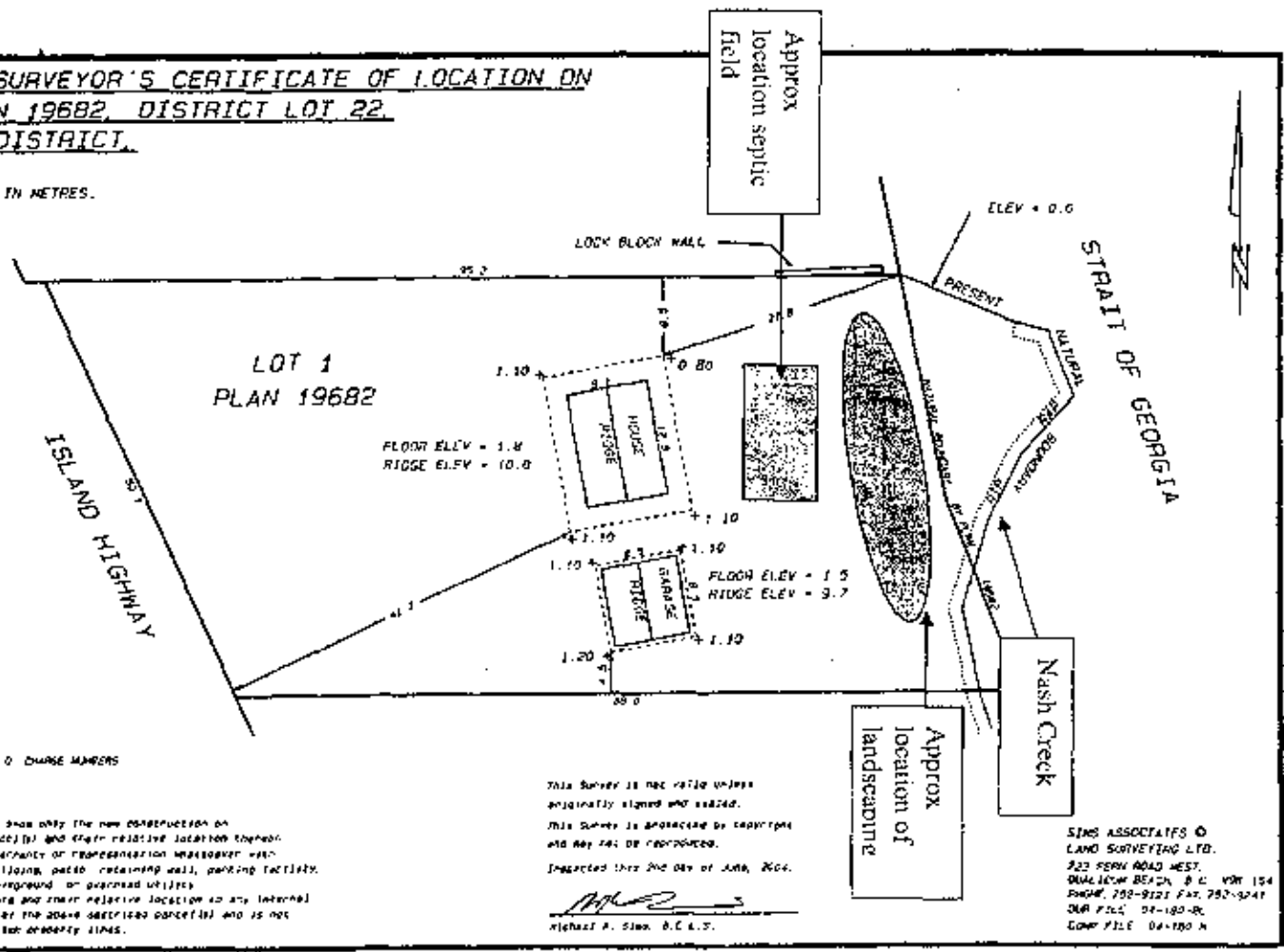
**Development Permit Area**

8. No buildings, structures, or paved surfaces shall be permitted within the Development permit area.

**B. C. LAND SURVEYOR'S CERTIFICATE OF LOCATION ON  
LOT 1, PLAN 19682, DISTRICT LOT 22,  
NEWCASTLE DISTRICT.**

SCALE 1:500  
ALL DISTANCES ARE IN METRES.

**LEGEND**  
+ SPOT ELEVATION  
----- OVERHANG



**NOTE**  
THIS LOT SUBJECT TO L.T.O. CHARGE NUMBERS  
W76300

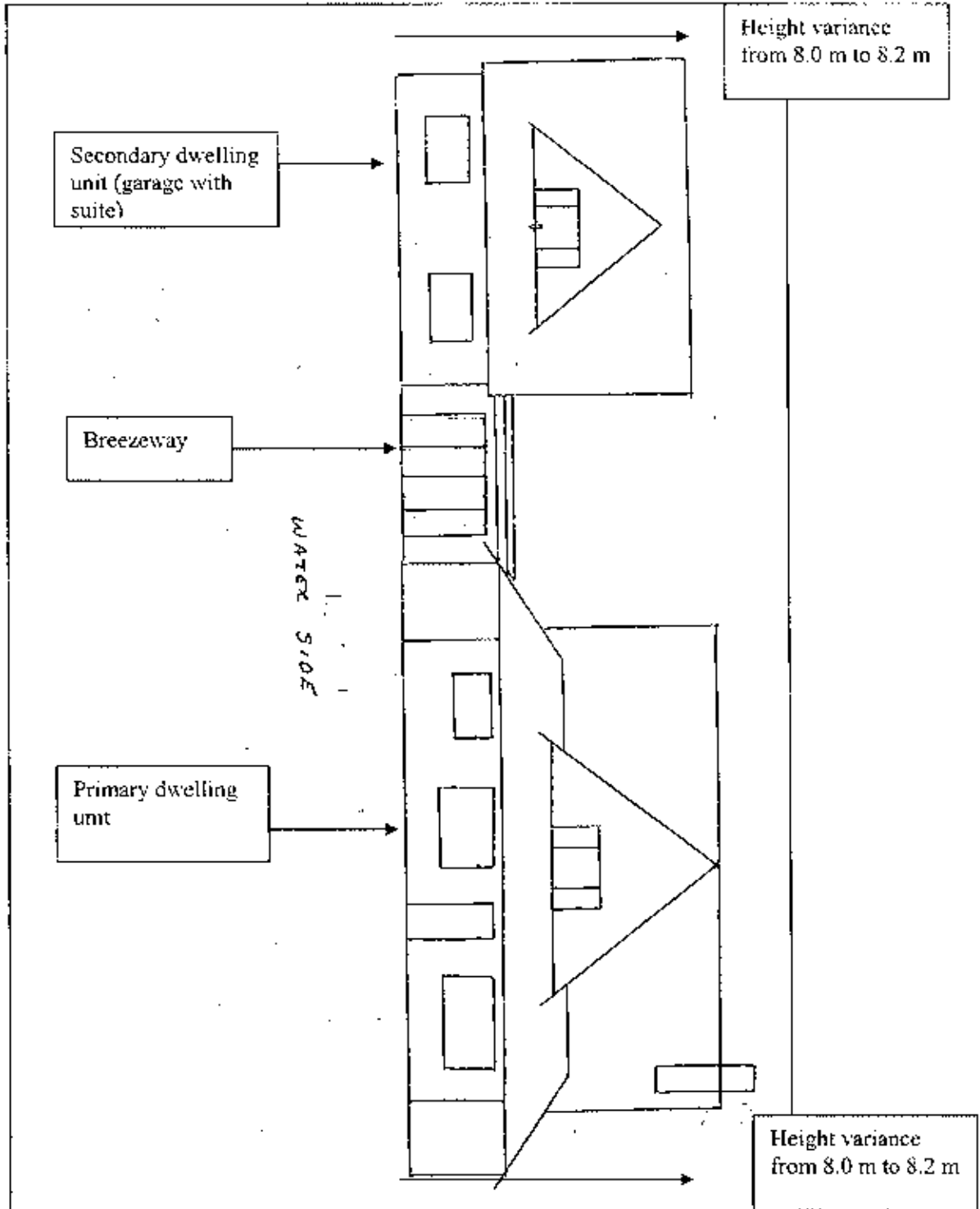
This Survey purports to show only the new construction on the above described parcel(s) and their relative location thereon. This Plan obviates the necessity of re-examination whatsoever with respect to any other buildings, paths, retaining wall, parking facilities, fences, underground, aboveground, or overhead utilities, or any other improvements and their relative location to any internal or external boundaries of the above described parcel(s) and is not to be used to re-establish boundary lines.

This Survey is not valid unless originally signed and sealed.  
This Survey is protected by copyright and may not be reproduced.  
Inspected this 2nd day of June, 2004.  
*[Signature]*  
Michael A. Sinn, B.C.L.S.

SIMS ASSOCIATES ©  
LAND SURVEYING LTD.  
222 FERRIS ROAD WEST,  
QUALIKUM BEACH, B.C. V0N 1S4  
PHONE: 250-9121 FAX: 250-9241  
OUR FILE: 04-180-B  
COMP FILE: 04-180-A

Schedule No. 2  
Site Survey  
Development Permit No. 60431

Schedule No. 3  
Building Plan  
Development Permit No. 60431



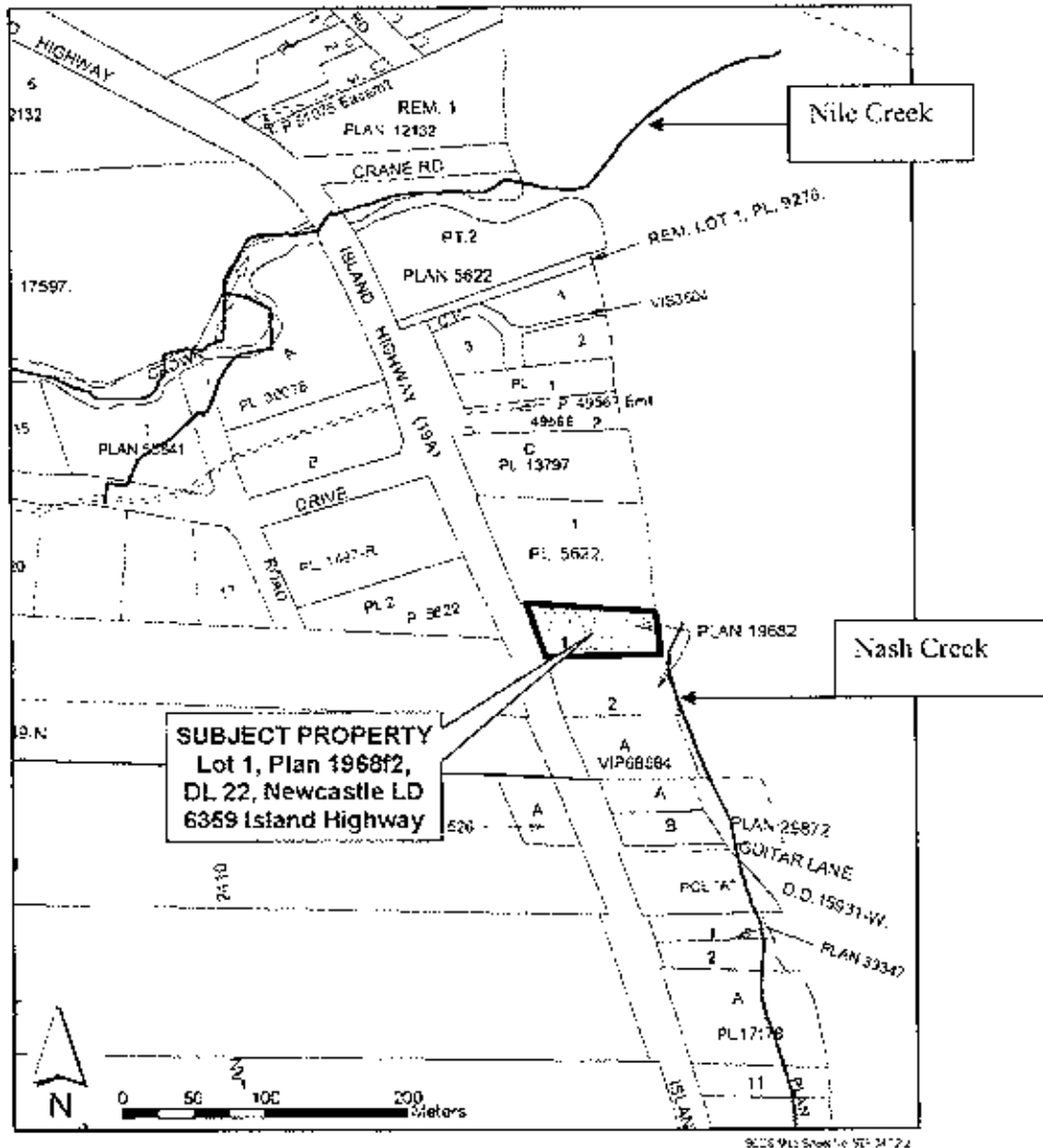
**Schedule No. 4  
Requested Variances  
Development Permit No. 60431**

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

1. Section 3.4.62 **Maximum Number and Size of Buildings and Structures** - maximum dwelling unit height is requested to be varied from 8.0 metres to 8.2 metres to legalize two recently constructed dwelling units (1 of which is a suite above the garage).



**Attachment No. 1**  
**Subject Property**  
**Development Permit No. 60431**





REGIONAL DISTRICT OF NANAIMO		
JUN 14 2004		
CHAIR	GMCrS	
CAO	GMDS	
COMS	GMES	
EAPC ✓		

MEMORANDUM

TO: Robert Lapham  
General Manager, Development Services

DATE: June 10, 2004

FROM: Susan Cormie  
Senior Planner

FILE: 3320 20 25647

SUBJECT: Request for Relaxation of the Minimum 10% Perimeter Requirement  
WR Hutchinson, BCLS, on behalf of Boa Enterprises Ltd.  
Electoral Area 'C' – South Forks Road

PURPOSE

To consider a request to relax the minimum 10% perimeter frontage requirement in order to facilitate the creation of 1 parcel as part of a phased subdivision.

BACKGROUND

This is an application requesting relaxation of the minimum 10% perimeter frontage requirement for a proposed parcel as part of a phased subdivision for the property legally described as District Lot 3, Douglas District, Except Part Shown Coloured Red on Plan 163RW, and Except Part in Plan VIP73765 and located adjacent to South Forks Road within Electoral Area 'C' (see Attachment No. 2 for location of parent parcel).

The subject property is currently zoned Rural 9 (RU9) and is within Subdivision District 'D' pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987. The applicants are proposing to subdivide one parcel as part of the second phase of a 19-parcel subdivision (8 parcels have been created to date). This proposed new parcel will be greater than the 2.0 ha minimum parcel size, therefore meeting the minimum parcel size requirement (see Attachment No. 1 for proposed subdivision).

As part of the original subdivision review, the Regional Board accepted the applicant's offer to dedicate 14.9% or 9.7 ha park land, which the applicant is dedicating portions of with each phase of subdivision. Under this phase, approximately 1.1 ha will be dedicated for park land purposes. The balance will be dedicated at the time of the future phases.

The subject property is also designated within the Watercourse Protection Development Permit Area pursuant to the Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw No. 1148, 1999. As the watercourses are or will be protected through the dedication of park land, the applicable guidelines of the development permit area will be met and as a result, the applicant is exempt from requiring a development permit.

The new parcel is proposed to be served by individual private septic disposal systems and private water wells.

*10% Minimum Frontage Requirement*

Proposed Lot A as shown on the plan of subdivision submitted by the applicant, does not meet the minimum 10% perimeter frontage requirement pursuant to section 944 of the *Local Government Act*. The requested frontage is as follows:

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% of Perimeter</i>
A	142.7 m	32.0 m	2.2 %

Therefore, as this proposed parcel does not meet the minimum 10% parcel frontage requirement pursuant to section 944 of the *Local Government Act*, approval of the Regional Board of Directors is required.

**ALTERNATIVES**

1. To approve the request to relax the minimum 10% perimeter frontage requirement for proposed Lot A.
2. To deny the request to relax the minimum 10% perimeter frontage requirement.

**DEVELOPMENT IMPLICATIONS**

The original proposal for this phase of the overall subdivision included 3 parcels with a cul-de-sac road. Due to the costs associated with the construction of the cul-de-sac road, the applicant has amended the subdivision to create 1 parcel with a panhandle access. The panhandle portion of the proposed parcel will meet the minimum width requirement pursuant to Bylaw No. 500, 1987. Ministry of Transportation staff has indicated that access to the proposed parcel will meet Ministry standards and therefore, have no concerns at this time with this request for relaxation of the minimum 10% frontage. The adjacent property accepted for park land will be dedicated at the time of registration of the proposed subdivision. As the proposed access to the parcel is sufficient to be dedicated as a future road staff recommends that the request be approved.

**VOTING**

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


**SUMMARY**

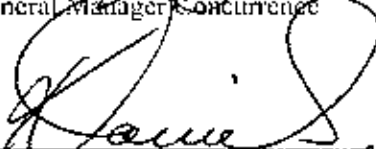
This is a request to relax the minimum 10% frontage requirement pursuant to Section 944 of the *Local Government Act* in order to facilitate the creation of a new parcel as part of a phased subdivision proposal. The overall subdivision includes the dedication of 14.9% of the land base for park land purposes. Given that staff and the Ministry of Transportation are satisfied that the proposed access is achievable, staff recommend Alternative No. 1, to approve the relaxation of the minimum 10% frontage for proposed Lot A.

**RECOMMENDATION**

That the request from WR Hutchinson, BCLS, on behalf of Boa Enterprises Ltd., to relax the minimum 10% frontage requirement for proposed Lot A, as shown on the plan of subdivision of District Lot 3 Douglas District, be approved.

  
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Report Writer

  
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General Manager Concurrence

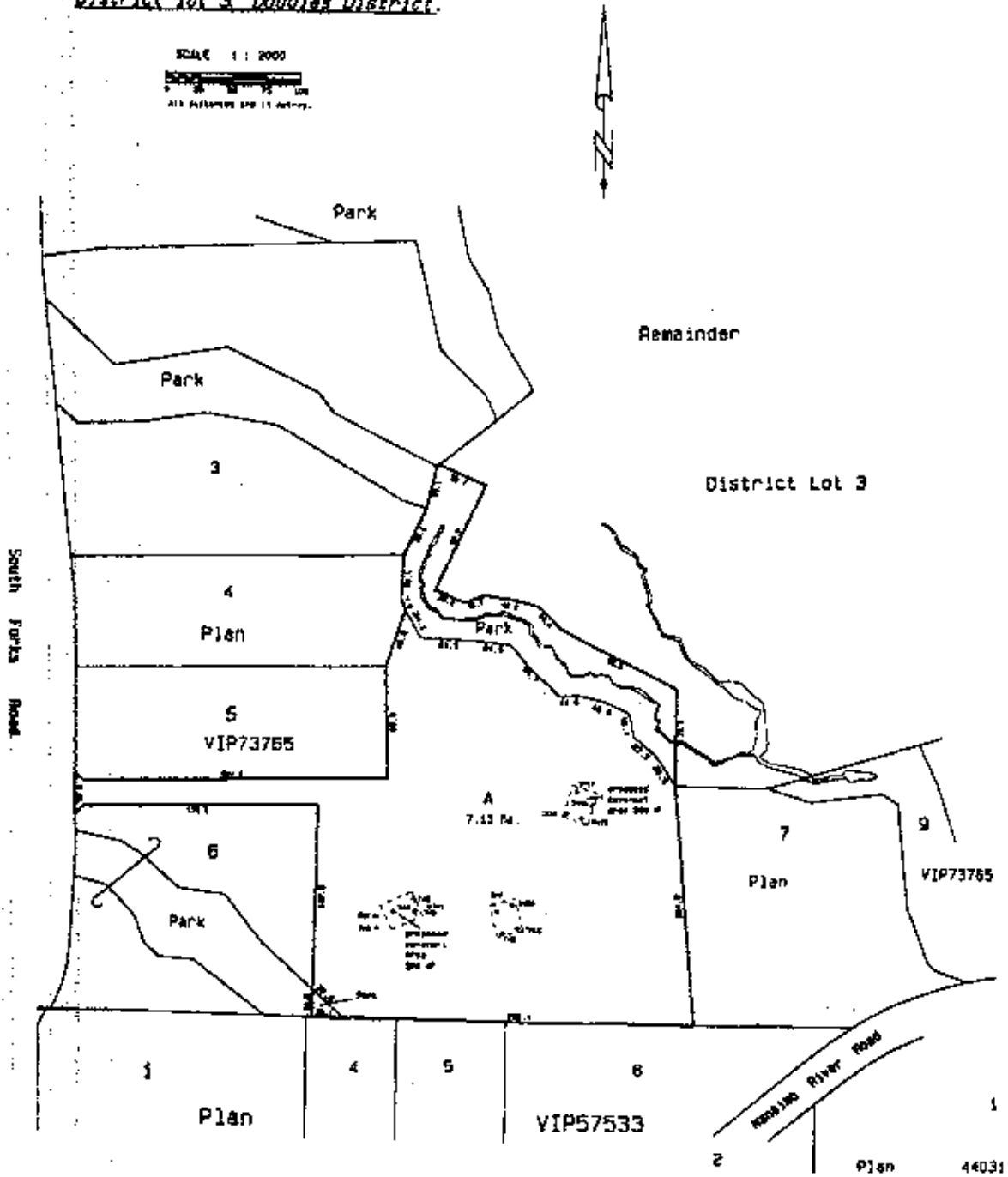
  
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CAO Concurrence

**COMMENTS:**

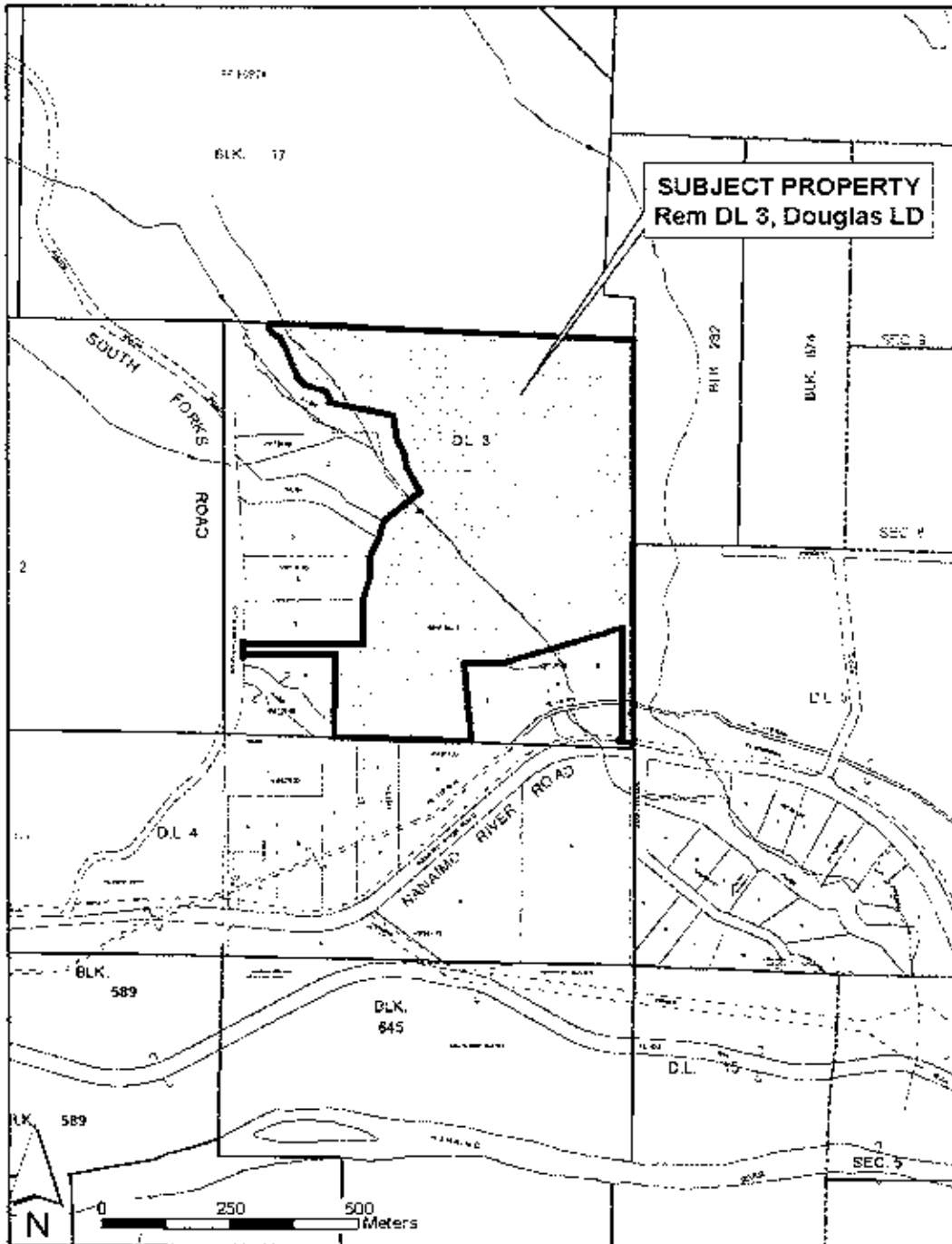
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Attachment No. 1  
Proposed Plan of Subdivision  
(As Submitted by Applicant)

Plan of Proposed Subdivision of part of  
District lot 3, Douglas District.



Attachment No. 2  
Location of Subject Property



©2003 Map Sheet No. 976 231 2 3



REGIONAL DISTRICT OF NANAIMO			
JUN 14 2004			
CHAIR		GMCrs	
CAO		GMDS	
		GMES	

MEMORANDUM

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

**DATE:** June 11, 2004

**FROM:** Brigid Reynolds  
Senior Planner

**FILE:** 3360 30 0307

**SUBJECT:** Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002  
'Finetuning Project' – ALR Properties

PURPOSE

To provide a follow up report on the process to recognize non-farm uses on ALR land and to revise the Terms of Reference for the 'Finetuning' project.

BACKGROUND

At the regular Board meeting on January 13, 2004 the Board approved a revised Terms of Reference schedule for site-specific zoning requests within the ALR. The schedule was amended to enable landowners to receive approval from the Agricultural Land Commission (ALC) prior to the introduction of an amendment bylaw to recognize these pre-existing uses. On February 19, 2004, a letter was sent to property owners that have made requests advising them to submit their application to the ALC by March 31, 2004. It was intended that should these applications be approved by the ALC, the RDN would amend Bylaw No. 1285 providing they meet the criteria defined in the OCP. Once this amendment has been completed any subsequent request to recognize pre-existing uses would require an individual zoning amendment application and it would have to follow the regular process.

On February 24, 2004 a resident submitted a proposal to the ALC and the RDN regarding the recognition of second dwelling units. Their proposal defined criteria for evaluating such requests including the provision for a reduced application fee for the ALC (See Attachment No. 1 for a copy of the proposal).

At the regular Board meeting on April 13, 2004 two resolutions were made by the Board as follows:

*That staff be directed to bring forward a report on the proposed ALC application requirement for properties in the ALR in Area 'F' which presently have two dwellings on their property and that any actions be held in abeyance until the report has been reviewed by the Board.*

**CARRIED**

*That staff be directed to report back to the Electoral Area Planning Committee with proposed Terms of Reference for the Electoral Area 'F' 'Finetuning Project' after meeting with ALC.*

**CARRIED**

Staff and the Electoral Area 'F' Director met with the ALC staff and commissioners on April 14, 2004. The ALC reiterated that the \$600 fee could not be reduced as it is set by regulation. In addition, the ALC

proposed that the RDN assume delegated powers to make decisions related to non-farm uses in Electoral Area 'F' (See Attachment No. 2 for a copy of the follow up letter from the ALC). Staff continues to work with the ALC regarding delegation and will report to the Board in the future on this issue.

Since the finetuning process began 42 requests have been made by property owners with pre-existing uses on lands in the ALR.

As the Board is aware the *Agricultural Land Commission Act* defines permitted uses and any use that is not permitted is considered a 'non-farm use' and requires approval from the ALC. Second dwelling units that are not manufactured homes are considered a 'non-farm use'.

Since January 2004, 6 applications to the ALC have been received from property owners requesting that pre-existing uses be recognized. Thus far 2 requests have been approved by the ALC.

As a result of the delay in the finetuning process for ALR properties, staff request that a new deadline be set in order that property owners who have been part of this process have adequate time to make their application to the ALC prior to staff proceeding with further amendments to Bylaw No. 1285.

## ALTERNATIVES

1. To receive the staff report and approve the revised 'finetuning' project schedule.
2. To revise the 'finetuning' project schedule and direct staff to proceed.
3. To not proceed with this revised schedule.

## LAND USE AND DEVELOPMENT IMPLICATIONS

The 42 requests for non-farm uses are as follows:

- 4 are exempt for the ALR due to lot size and the date of subdivision;
- 8 received ALC approval stating that the use may continue in its current size and location;
- 12 are for a second dwelling unit that is not a manufactured home (1 of which is a duplex);
- 9 are for multiple dwelling units; and
- 9 are for other 'non-farm uses', for example, wrecking yard, towing company, gravel extraction.

In order for pre-existing uses to be recognized in the Zoning Bylaw, the ALC must grant permission for the use. Should the ALC grant permission for these requests, the RDN will still require approvals from senior agencies, if required, for example, health permits, prior to presenting an amendment bylaw to the Regional Board.

## PUBLIC CONSULTATION IMPLICATIONS

The property owners who have submitted requests for site specific zoning on ALR land will be contacted directly to inform them of the modified time line.



The public consultation process for this 'finetuning' project has been extensive. Three newsletters were mailed directly to all property owners in Electoral Area 'F' in the summer of 2003. A site office was opened at the Pine Tree Centre for two weeks in September and that was well advertised. Additionally, public notice advertising the Public Hearing for the Amendment Bylaw was placed in two editions of the Parksville/Qualicum News. The Public Hearing and Amendment Bylaw has also been posted on the RDN website. As well, an article in the Parksville/Qualicum Beach News on this issue generated numerous inquiries. As a result, property owners in Electoral Area 'F' have been well informed of the process.

## **INTERGOVERNMENTAL IMPLICATIONS**

The RDN has met with the ALC twice: October 24, 2003 and April 14, 2004. These meetings have confirmed that the ALC requires that property owners must make individual applications to request that pre-existing non-farm uses be recognized. In addition, the \$600 application fee is required.

As a result of the most recent meeting with the ALC where the Land Commission suggested the RDN assume delegated powers to make decisions regarding requests for 'non-farm' uses in Electoral Area 'F', staff are gathering more information on the implications of assuming delegation authority and will report back to the Board.

## **LEGAL IMPLICATIONS**

Bylaw No. 1285, as a regulatory bylaw, establishes and regulates permitted uses, site regulations and subdivision standards for individual parcels of land. Despite the adoption of Bylaw No. 1285 and the public consultation process that has been undertaken as part of this 'finetuning' exercise, some existing uses will remain non-conforming or illegal. In the case of properties in the ALR, if the use required approval from the ALC, but none was ever received, these uses are considered to be illegal. The uses that are illegal are not exempt from future enforcement action if complaints are received from adjacent property owners, and/or if this use is causing problems for adjacent property owners. These parcels may be subject to standards as they are further developed or subdivided or proposed to legalize an illegal use.

## **PROCESS IMPLICATIONS**

In the original Terms of Reference for the 'Finetuning' Project it was anticipated that site-specific zoning requests for properties in the ALR would only be considered where they had previous approval. However, given the number of requests that were made at the beginning of the process and the number of subsequent inquiries that have been made since the Notice of Public Hearing for pre-existing uses with no ALC approval, staff recommends this revised schedule to reduce the number of illegal uses in Electoral Area 'F'.

An Area 'F' resident submitted a proposal to the ALC regarding the recognition of second dwelling units. Some of the requirements are as follows: the second dwelling is less than 140 m<sup>2</sup>, it was built before June 25, 2002, and the fee be \$75. There is no criteria by which to limit the size of a second dwelling unit and as stated above, the ALC application fee is \$600 and cannot be varied.

The ALC requires approximately four months to process an application. Therefore a revised schedule has been drafted as part of this 'Finetuning' Project (See Attachment No. 3).

In order for the RDN to amend Bylaw No. 1285 to recognize pre-existing non-farm uses, the ALC must grant their approval, other related senior agencies must grant their approval, the proposed use must be compatible with the surrounding properties and the character of the area, and the use must not negatively impact groundwater, surface water or the natural environment. Providing these pre-existing uses meet the above criteria, staff will proceed with drafting an amendment bylaw to recognize these uses. Once this bylaw has been drafted any subsequent request to recognize pre-existing uses will require an individual zoning amendment application.

## VOTING

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

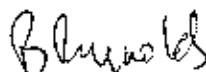
## SUMMARY/CONCLUSIONS

As part of the 'Finetuning' Project for Bylaw No. 1285, the RDN has received requests to recognize pre-existing uses on ALR lands where no previous approval had been received by the ALC. In consultation with the ALC, individual applications must be made to the Commission and their approval granted prior to the RDN amending Bylaw No. 1285. Therefore a revised schedule is proposed such that requests can be made to the ALC prior to the drafting of another Amendment Bylaw.


Staff recommends approval of this revised schedule to reduce the numbers of illegal uses in Electoral Area 'F'. Providing these pre-existing uses meet the above criteria, staff will proceed with drafting an amendment bylaw to recognize these uses. Once this bylaw has been drafted any subsequent request to recognize pre-existing uses will require an individual zoning amendment application.

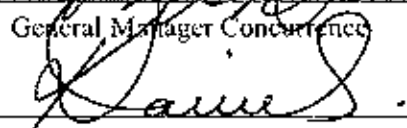
## RECOMMENDATIONS

1. That the staff report on the revised Electoral Area 'F' Zoning Bylaw Finetuning Project be received.
2. That the revised Terms of Reference as outlined in Attachment No. 3, be endorsed by the Board.



Report Writer

  
General Manager Concurrence

  
CAO Concurrence

## COMMENTS:

dcvsvs/reports/2004/3360 30 0307 jn EA F ALR 552

Attachment No. 1  
Proposal

*Please copy to all  
Directors, as per Director Stanhope.*

Trevor and Eileen Wicks  
P.O. Box 196 Errington  
V0R 1V0  
250 248 9824  
Feb 23<sup>rd</sup> 2004

Regional District of Nanaimo  
Planning Dept.

Roger Cheetham  
Provincial Agricultural Land Commission  
133-4940 Canada Way  
Burnaby, BC  
(Canada) V5G 4K6

**Re: RDN Zoning Bylaw no.1285 and The second residence on ALR land issue:**

Further to discussions with Roger Cheetham, and Ron Wallace of the Agricultural Land Commission, and several members of the Regional District of Nanaimo staff and Directors, I have formulated the following Draft proposal.

The zoning of ALR land in Area 'F' will not be satisfactory until the issue of a second residence is resolved.

I have spoken to a number of close neighbours in the last few days, who were shocked and upset when they found out that their properties will be deemed non-conforming under the new Bylaw 1285.

The following DRAFT would in effect provide the ALC a means to grandfather the established residences, and maintain the new bylaws for future land uses.

Please could the two levels of Government arrange to convene a meeting with representatives of the community to work out a strategy to resolve this issue?

As Time is of the Essence, I look forward to your reply.

Trevor Wicks on behalf of area residents.

## Application to the Agricultural Land Commission by a Land Owner

For the approval of existing second residence on ALR land under Specific and Limited Circumstances

# DRAFT PROPOSAL

### Background:

- *Electoral Area 'F' in the Regional District of Nanaimo (RDN) has had no zoning or enforced land use regulations until the 25<sup>th</sup> of June 2002 when the Zoning Bylaw no. 1285 was approved.*
- *An estimated two hundred, second residences, were constructed in the area on ALR Land because the area has been advertised and considered un-zoned.*
- *An objective of the Electoral Area 'F' Official Community Plan and Zoning process was to grandfather and zone as many existing land uses as possible.*
- *The Regional District of Nanaimo zoning bylaws allow two dwellings per lot providing that one of the dwelling units is a 'manufactured' home. Also Accessory Buildings and Structures and Home Based Businesses are allowed under the Bylaw.*
- *Because most of the parcels of land with two residences have changed hands at least once since the since the Act was implemented. Many property owners are unaware that the second (not manufactured) residence is now illegal and non-conforming under the new zoning bylaws.*
- *The RDN cannot legally remove the word 'manufactured' from the A1 Agricultural zoning classification for existing second residences.*
- *This application would legitimize the existing second residence and allow the property to conform to the zoning bylaw. This will in turn prevent hardship to the property owner with reduced property value and by possibly making an insurance claim invalid because the second residence was not manufactured.*

### Conditions and limitations:

- This application will only apply to one residence in addition to the primary residence
- The parcel of land is located within Electoral Area 'F' in the Regional District of Nanaimo.
- The second dwelling was constructed before the 25<sup>th</sup> of June 2002
- The second dwelling is less than 140 sq. meters or 1500 sq. feet in size
- This application does not precede an application to subdivide or remove lands from within the Agricultural Land Reserve

### Requirements:

The following information will be required by the Regional District of Nanaimo and the Agricultural Land Commission.

1. Applicant and ownership information
2. Land location and legal description
3. Site plan or sketch showing specific information about the property
4. At least two photographs of the primary and secondary residences
5. Proof that both residences were constructed before 25<sup>th</sup> of June 2002
6. A processing fee of \$75 dollars must be enclosed

Attachment No. 2  
Letter from the Agricultural Land Commission

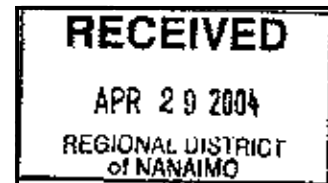


**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604-660-7000  
Fax: 604-660-7033  
www.alc.gov.bc.ca

April 26, 2004

Reply to the attention of Roger Cheetham

Director Lou Biggemann  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2



Dear Sir:

Re: Illegal Uses in the ALR: Electoral Area "F"

Our Ref: S - 34048

The Commission wishes to thank you for the constructive meeting that took place with you and Regional District staff on 14<sup>th</sup> April 2004.

As discussed at the meeting the Commission is not in a position to waive the application fee for uses requiring the Commission's approval. In any event to do so would set an undesirable precedent and would be tantamount to treating uses established illegally more favorably than uses that followed the approval process laid down in the legislation.

We believe that, as pointed out in our letter dated 19<sup>th</sup> December 2003 and discussed at the meeting, the Regional District is closer to the issues that pertain to the area. Accordingly there would be value in the Regional District assuming delegated powers to make decisions relating to non-farm land uses therein.

As arranged at the meeting, we will be liaising with your staff with a view to drawing up an appropriate agreement for consideration by our respective organizations. We would also be pleased to assist the Regional District with regard to any public information process that is embarked upon, should it be so desired.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

PER:

A large, handwritten signature in black ink, appearing to be "KB", written over the "PER:" label.

K. B. Miller, Chief Executive Officer

Cc: Bob Lapham, Manager, Planning Services, Regional District of Nanaimo  
Trevor Wicks

RC/iv

**Attachment No. 3**

**Revised Terms of Reference**

Date	Action
End of July	Contact 42 property owners in ALR with site specific zoning requests
September 30, 2004	Final date for all applications to be made to ALC
Fall 2004	Report to Electoral Area Planning Committee on proposed bylaw amendments and recommend 1 <sup>st</sup> and 2 <sup>nd</sup> reading for Proposed Amendment Bylaw
Fall 2004	Report to RDN Board on proposed bylaw amendments and recommend 1 <sup>st</sup> and 2 <sup>nd</sup> reading for Proposed Amendment Bylaw.
Winter 2004	Hold Public Hearing pursuant to Section 890 and 892 of the <i>Local Government Act</i>
Winter 2004	Referral to Ministry of Transportation requesting approval of Amendment Bylaw
Winter 2004	Report to RDN Board requesting consideration of 4 <sup>th</sup> reading and adoption (pending receipt of approval from Ministry of Transportation)



REGIONAL DISTRICT OF NANAIMO			
JUN 17 2004			
CHAIR		GMCRS	
CAG		GMDS	
GMERS		GMES	
Call ✓			

MEMORANDUM

TO: Robert Lapham  
General Manager, Development Services

DATE: June 15, 2004

FROM: Pamela Shaw  
Deputy Manager, Development Services

FILE: 6640-01 NAN

SUBJECT: Nanaimo Airport- Official Community Plan and Zoning Bylaw Amendments  
Electoral Area 'A' – (3350 Spitfire Road)

PURPOSE

To present proposed amendments to the Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001 and the RDN's Land Use and Subdivision Bylaw No. 500, 1987 to support an expanded range and location of land uses at the Nanaimo Airport.

BACKGROUND

The Nanaimo Airport is located on approximately 202 hectares (500 acres) of land, 12 kilometres south of the City of Nanaimo. The airport lands are situated almost entirely within the Regional District of Nanaimo; a small portion at the south end of the property is within the Cowichan Valley Regional District. The federal government acquired the airport lands in 1942, and held superseding land use jurisdiction over all other provincial and municipal authorities; therefore, the airport itself and its accessory uses were established while under federal exempt status. In the late 1990's the management of the airport was transferred to the Nanaimo Airport Commission. The airport and its accessory uses are now considered to be equivalent to a legal non-conforming use on the lands and despite the federal status of the airport operation, the Commission has agreed that it follow the process of establishing appropriate Official Community Plan designations and zones for existing and future uses.

Until April 1997, the airport property was entirely in the Agricultural Land Reserve (ALR). The airport received approval from the Land Reserve Commission to exclude approximately 50 ha (122 acres) from the ALR to allow for the addition of 'airport related' uses along the portion of the airport adjacent to the Island Highway. The Commission also granted 'special use status' for a 40 ha parcel (approximately 100 acres) for commercial/recreational use (the golf course) to the east of the airport runway.

Official Community Plan Policies

Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001 contains detailed policies with respect to the future development of the Airport lands. The OCP designates the majority of the subject properties as Airport Lands and the balance as Aviation Related Lands.

Land use policy for the Airport Lands focuses on those uses integral to flight operations including air terminal, air traffic control, runways/taxiways, security and policing facilities, aircraft fuelling, outdoor recreational uses and agriculture. The land use policy for the Aviation Related Lands focuses on the development of 'aviation oriented' commercial and light industrial uses that provide services to the

airport and air travelers. The OCP policies support a zoning amendment application for the Airport without an amendment to the OCP to develop uses that include:

- aircraft maintenance & detailing;
- aircraft sales;
- flying schools;
- military flight operations;
- aircraft manufacturing and painting;
- aeronautic research and development;
- aviation related vehicle washing/maintenance;
- aviation related vehicle rental operations;
- brokerage facilities;
- aviation related warehousing and storage facilities;
- aviation related shop/retail merchandising;
- airline catering and food services;
- aviation/airport consulting services;
- aircraft hangars;
- corporate aviation;
- government flight operations;
- tanker base – fire/disaster response;
- shuttle bus, taxi, limousine operations;
- vehicle parking and storage;
- aircraft upholstery and avionics operations;
- office/conference/trade show facilities;
- aviation museums and static aircraft display;
- accommodations and restaurant facilities; and
- air cargo and freight couriers

The Official Community Plan also designates the Nanaimo Regional Airport as Development Permit Area No. 4, which addresses Form and Character of Industrial and Commercial Development as well as Environmentally Sensitive Areas. All future development of Aviation related uses would be subject to the DPA guidelines that focus on managing the character of development on these gateway lands as well as discouraging land uses that would have a negative impact on the quality or quantity of ground and surface water.

The framework for the existing airport OCP policies reflect the view that the expansion of market driven uses across the highway from the Cassidy Village Centre area could possibly result in the airport being developed at cross purposes to the ultimate objectives of the residents of Cassidy. During the planning process in 2001, it was felt that future development at the airport should promote the airport as the hub for air travel and air-related services for Vancouver Island, not focus on local commercial services. While there may be some services that benefit residents in the immediate vicinity of the airport, the community felt that the designation in the OCP should recognize the larger role of the airport and should protect the airport lands for the 'highest and best uses' that would benefit from a location at the airport.

### ***Regional Growth Strategy***

Reflecting the policies contained in the Electoral Area 'A' OCP, the Regional Growth Strategy designates the majority of the subject property as 'Resource Lands and Open Space', with the balance of the area as Industrial. This designation recognizes the OCP direction and promotes the development of aviation related uses at the airport.

### ***Zoning***

The subject property is zoned Rural 4 Subdivision District 'D' pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987. The permitted uses in this zone are: agriculture, aquaculture, domestic industry use, extraction use, home occupation use, produce stand, residential use, and silviculture. The minimum parcel size in Subdivision District 'D' is 2.0 ha irrespective of the level of servicing available. The current zoning on the property does not reflect actual land uses as the zoning was put in place when the airport held federal exempt land status.



## AMENDMENT PROPOPOSALS

From a land use and development perspective, the Draft Airport Master Plan (See Attachment Nos. 1 & 2) includes a number of recommended implementation actions. Central to this is the Master Plan's recommendation that the Airport Commission prepare an OCP and zoning amendment application to redesignate all airport lands to one overall designation with policy and regulations to accommodate the direction and focus of the land use strategy contained in the draft Master Plan.

Based on past input from the community and discussions between Airport Commission and RDN Board representatives, the approach recommended in the draft Master Plan would be difficult to advance however, the RDN and Airport representatives have worked together to propose an OCP and zoning amendment that moves in the direction of the Master Plan, but still differentiates between lands used for airport operations, airport related and recreational lands. The proposed OCP amendment and zoning would also only recognize an area and location for airport related activity that is considered to be necessary, given projected airport growth as estimated by the draft Master Plan, and that can fit with a future resolution of safe highway access issues. In the interest of recognizing that the airport is a major economic driver and important to future growth in the region, OCP policies would also to recognize that there will be future phases of expansion to the airport related land use designation to be considered as part of future amendments to the OCP and zoning bylaw. (See Schedule No. 1, 2 and 3)

Further, it is recommended that the issue of approach path zoning for the Nanaimo Airport be included in the proposed OCP and airport lands zoning amendment. The establishment of this zoning would bring the recommended federal regulations pertaining to airspace surrounding an airport into effect. In addition to the zoning bylaw being prepared and presented to the RDN Board and public, the RDN will also be required to draft an agreement pursuant to Section 176 of the *Local Government Act*. This section provides that a local government may enter into agreements with public authorities (in this case, Transport Canada) to provide for safe operation and enforcement of the public authorities service area.

## ALTERNATIVES

1. To receive this report for information and proceed with proposed amendments to the Electoral Area 'A' Official Community Plan and RDN Land Use and Subdivision Bylaw No. 500 at the Nanaimo Airport.
2. To receive this report for information and not proceed with amendments to the Electoral Area 'A' Official Community Plan and RDN Land Use and Subdivision Bylaw No. 500 at the Nanaimo Airport.

## LAND USE AND DEVELOPMENT IMPLICATIONS

When the Electoral Area 'A' Official Community Plan underwent an interim review in 1998 (to rationalize the OCP with the newly adopted Regional Growth Management Plan), the Airport and future land uses at the Airport was widely discussed among area citizens. The OCP was amended to include clear direction on this issue and this section was carried forward to the 2001 OCP.

In summary, the goal of the OCP is to encourage the development of high quality and well-designed aviation related uses that will not detract from or compete with uses within the Cassidy area or other commercial or industrial areas of the RDN. These guidelines were developed from extensive public consultation through two official community plan processes and mirror the concerns of citizens in the Area and the member municipalities of the RDN.

A comparison of the existing OCP policy to the Nanaimo Airport Master Plan reveals a high degree of congruency between the two planning documents, with two noted exceptions. That is, while the majority of the airport operation and airside policies contained within the draft Master Plan for the Nanaimo Regional Airport reflect the intent of the Electoral Area 'A' OCP, the policies and proposed land uses for the *Landside District* and for the *Flex District* do not fully coincide with the strategic direction of the OCP. In these areas, the Master Plan focuses on stand-alone or destination retail, office, commercial and industrial uses. The consideration of the full range of uses proposed for these two land districts would require a significant departure from the existing OCP policies and have the potential to direct commercial and industrial growth away from nodal areas and other areas within urban boundaries.

Therefore, it is suggested that these sections be amended to more fully reflect the intent of the current OCP land use designations and guidelines for the Airport. In particular, it is recommended that light industrial uses be removed from the Landside District, and that 'big box commercial' be removed from the Flex District. Airport representatives are in agreement with these recommendations.

Conversely, as the Nanaimo Airport operation is primarily funded by user fee and lease revenue, the Airport Commission is requesting that the list of airport related uses be expanded to include not only 'airport related' uses but other uses that would recognize the airports role as a transportation and transshipment centre.

#### **PUBLIC CONSULTATION IMPLICATIONS**

In keeping with the requirements of the *Local Government Act* and RDN Board policy for an OCP and zoning amendment, a consultation strategy needs to be considered as part of the proposal. (See *Schedule No. 4*) As is normal process, the application from the Airport would first proceed to a Public Information Meeting, then to consideration by the Electoral Area Planning Committee. Additionally, the Board has appointed a Nanaimo Airport Select Committee that will meet with the Nanaimo Airport Commission to discuss any concerns or issues with respect to this application. Should necessary approvals be given, the proposed amendments would proceed to Public Hearing and formal referrals would be made to relevant local government, provincial and federal agencies prior to final consideration by the RDN Board.

#### **ENVIRONMENTAL IMPLICATIONS**

It is noted that the Nanaimo Airport lies over the Cassidy Aquifer, an extensive source of groundwater supply that provides potable water and satisfies irrigation requirements for local residents and agricultural operations. In the past, concerns have been expressed by residents in the Cassidy area (across the Island Highway from the airport) regarding the impact of expanded industrial and commercial development on the aquifer. These concerns also relate to future development at the airport and are recognized in the existing Development Permit designation for the airport lands.

The Nanaimo Airport Master Plan notes concerns with the protection of the Cassidy Aquifer and provides commentary on the development of infrastructure and environmental protection. As a high-level planning document, the Master Plan does not provide detail on this issue. However, it is recognized that the Nanaimo Airport Commission shares the RDN's concerns and is committed to the protection of the lands and groundwater. It is anticipated that more detailed plans will be provided as part of the OCP and zoning amendment application.

#### **INTERJURISDICTIONAL ISSUES**

Cross-jurisdictional issues with the Cowichan Valley Regional District (CVRD) and Ministry of Transportation need to be addressed during any official community plan amendment process. Specifically, the CVRD borders the Nanaimo Airport lands to the south and east; CVRD staff have

indicated that the Board of the CVRD remain concerned with the potential for environmental and land use conflicts with any future development at the Airport.

The Airport Master Plan does not provide detail on how neighbouring concerns will be addressed. Therefore, as part of the consultation process input will be received at a Public Information Meeting and from inter-jurisdictional referrals before a proposed amendment bylaw is considered for 1<sup>st</sup> and 2<sup>nd</sup> reading by the Board.

#### VOTING

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

#### SUMMARY

Given the location, land base and role of the airport as the regional transportation hub, staff is of the opinion that a significant opportunity exists to foster development at the Nanaimo Airport.

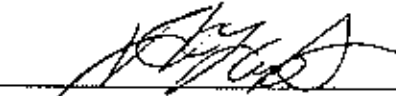
Staff suggests that revisions to the proposed Airport Master Plan could be considered together with amendments to the Electoral Area 'A' OCP and RDN Land Use and Subdivision Bylaw No. 500 that are consistent with the general direction of the Region's Growth Strategy. It is recommended that Regional District of Nanaimo and the Nanaimo Airport proceed with concurrent amendments to the Electoral Area 'A' Official Community Plan and the RDN's Land Use and Subdivision Bylaw No. 500 to recognize existing and planned uses as well as proceeding with Airport Approach Path Zoning for the Nanaimo Airport.

#### RECOMMENDATIONS

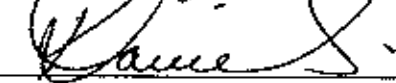
1. That the report on the proposed amendments to the Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001 and RDN Land Use and Subdivision Bylaw No. 500 for the Nanaimo Airport be received for information.
2. That the Consultation Strategy for the proposed amendments to the Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001 and RDN Land Use and Subdivision Bylaw No. 500 current zoning for the Nanaimo Airport be approved.
3. That a public information meeting be scheduled on the proposed amendments to the Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001 and RDN Land Use and Subdivision Bylaw No. 500 current zoning for the Nanaimo Airport.
4. That the Public Information Meeting be chaired by Director Henrik Kretberg or his alternate (Electoral Area 'A').
5. That the proposed OCP and Zoning Amendments be referred to the Nanaimo Airport Select Committee after the Public Information Meeting is held and preliminary referral responses are received from other jurisdictions.



Report Writer



General Manager Concurrence



CAO Concurrence

#### COMMENTS:

*devsvs/reports/2004/6640 01 jn nan airport master plan.doc*

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## Schedule No. 1- Proposed OCP Amendment

### NANAIMO REGIONAL AIRPORT



The Nanaimo Regional Airport is located on 211 hectares of land 12 kilometres south of the City of Nanaimo. The airport is partially situated within the Cowichan Valley Regional District. The federal government acquired the airport lands in 1942 and held superseding land use jurisdiction over other provincial and municipal authorities. The Nanaimo Airport Commission (a non-profit, non-governmental commission) now has jurisdiction over the airport. The airport is subject to all local government land use

regulations, although the airport itself operates in accordance with the Federal *Aeronautics Act*.

Conditional until April 1997, the airport property was entirely in the Agricultural Land Reserve (ALR). The airport received approval from the Land Reserve Commission to exclude approximately 50 hectares from the ALR to allow for the addition of 'airport related' uses along the portion of the airport adjacent to the Trans Canada Highway. The Commission also granted 'special use status' for a 40-hectare parcel for recreational use (Cottonwood Golf Course) to the east of the airport runway.

The Nanaimo Airport lies over the Cassidy aquifer, a source of groundwater supply that provides potable water and irrigation requirements for local residents and agricultural operations. In the past, concerns have been expressed by residents in the Cassidy area regarding the impact of expanded industrial and commercial development on the aquifer. These concerns also relate to future development at the airport.

### OBJECTIVES

1. *Recognize* the importance of the Nanaimo Regional Airport as an economic and transportation hub for the Regional District of Nanaimo and Vancouver Island.
2. *Focus* development on airport-related commercial and industrial uses, with future land use being evaluated by 'highest and best use' criteria, for the lands where development activities will be concentrated.
3. *Acknowledge* the sensitivities associated with the Cassidy aquifer, adjacent ALR lands, streams, and surrounding residential areas, and avoid any negative impacts from development.

## POLICIES

1. Lands currently held by the Nanaimo Airport Commission shall be designated as Airport Lands, Aviation Related Lands and Airport Recreation Lands as shown on Map No. 1.
2. The Airport Lands, Aviation Related Lands and Airport Recreation Lands are designated as a Development Permit Area shown on Map No. 5.
3. The Airport Lands designation recognizes land uses which are required to operate and maintain the airport, air terminal, air freight and aircraft maintenance as well as other 'air side' uses which are those uses dependent on direct access to the runway or that must be located 'air side' for customs and security reasons.

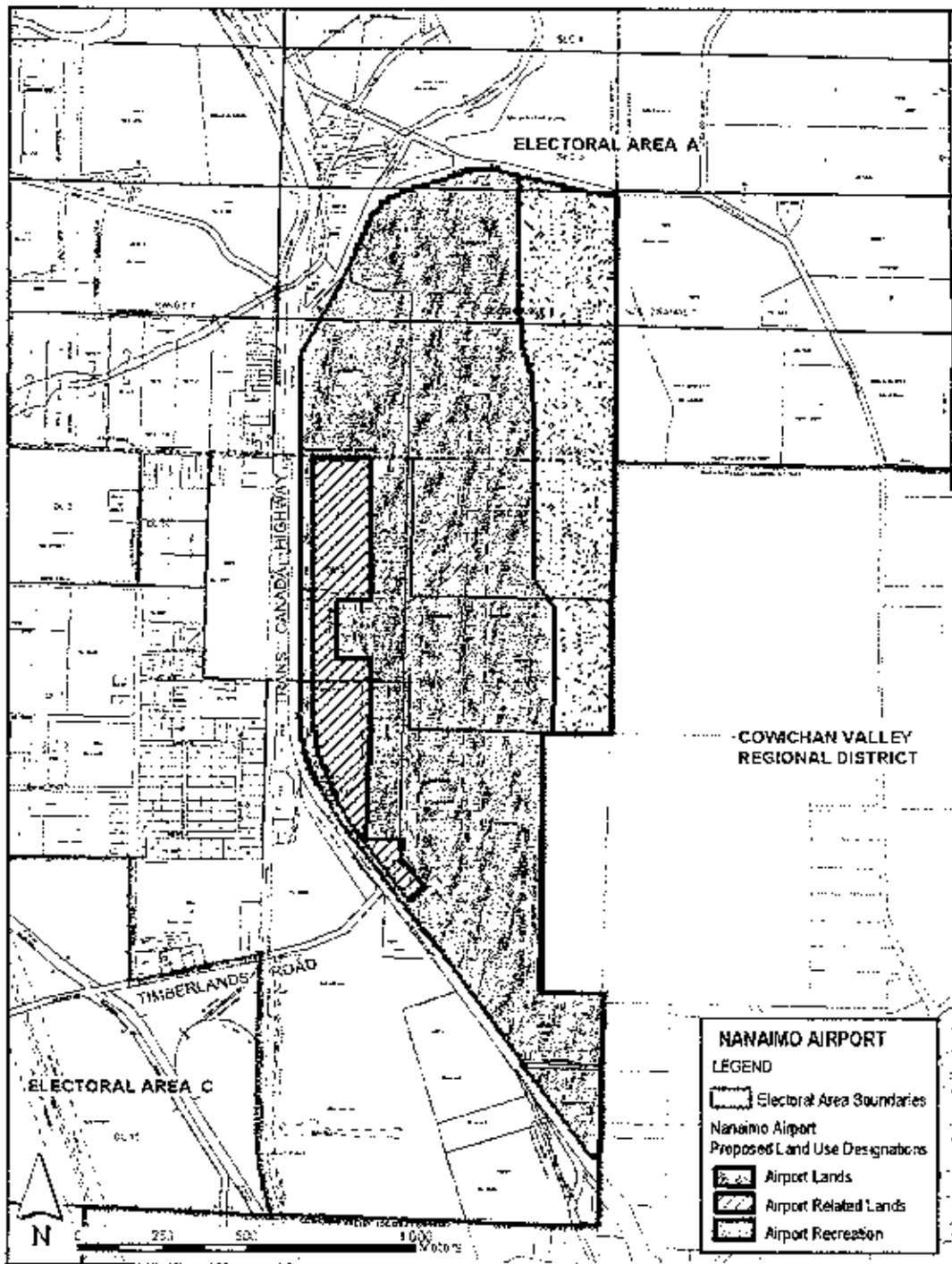
Expanded airport operations uses may occur within the Airport Lands designation area without an amendment to this Plan however, the Nanaimo Airport Commission should consult with the community and the RDN to address specific issues related to airport expansion including but not limited to the following:

- b) Studies to mitigate aircraft disturbance by establishing and regulating flight pats and hours of usage criteria;
  - c) A hydrological assessment and the preparation of storm water management and waste management plans that assess the impact of development and provide recommendations for mitigation to ensure ground water and watercourses are protected;
  - d) A sensitive ecosystem inventory that identifies environmentally sensitive areas that should be preserved due to the contribution they make to existing local ecosystems particularly in relation to supporting and enhancing existing watercourses;
  - e) A comprehensive traffic impact study to ensure safe and efficient access and traffic circulation with a limited disturbance on neighbouring properties; and
  - f) Airport design guidelines to ensure architectural standards are met and that screening is provided for outdoor storage or unsightly uses.
4. Within the Aviation Related Lands designation, 'aviation related' uses are supported provided that the uses are related to and compatible with airport operations. These uses should be typically be related to the operation of the airport or be servicing the aviation industry and should primarily be providing goods and services to people or businesses utilizing the airport or directly involved in the aviation industry. In recognition of the airport's role as a transportation and transshipment centre, general warehousing, distribution, transportation services and a gasoline service station are support within the 'aviation related' lands designation.
  5. Within the Airport Recreation Designation, low intensity recreational uses are supported provided that the use is compatible with airport operations and can be designed with restrictions to building height, to avoid the potential for noise reflection and to limit any impacts on groundwater or surface water systems.

6. The issuance of temporary use permits for non-aviation related commercial or industrial uses may be considered within the Airport Lands designation area or Aviation Related designation area for the purpose of providing short term lease income to support airport operations subject to the following criteria:
  - a) uses shall be orientated away from the airport terminal and other public gateway areas;
  - b) there shall be no direct access to the Trans Canada Highway;
  - c) all environmental protection measures of this Plan are met;
  - d) where there is direct exposure to the Trans Canada Highway, entranceway landscaping shall be provided to enhance the appearance of the development from the Highway;
  - e) signage shall be consolidated to the entrance of the development and be visually unobtrusive to the Trans Canada Highway corridor; and
  - f) outdoor storage shall be screened from view.
  
7. The Nanaimo Airport Commission is encouraged to prepare a comprehensive Waste Management Plan in consultation with the RDN, including consideration of joint funding by the users for a system to supply tertiary treatment for liquid waste generated by the Airport and the Cassidy Village Centre. In addition to planning for the disposal of sanitary liquid waste, the plan should include methods and guidelines for the collection and treatment of storm water and other waste products or discharges from the airport.
  
8. It is acknowledged that in the future, the Nanaimo Airport Commission may wish to request that the area designated for 'airport related' uses be expanded due to increased airport activity or to provide additional services to airport dependent businesses and industry. This plan supports the review of a proposed expansion to the 'airport related' land use designation, when airport activity or projected airport growth exceeds the capacity of the lands in this designation, subject to the necessary studies and with input from the community and other jurisdictions.

Schedule No. 2

PROPOSED OFFICIAL COMMUNITY PLAN LAND USE DESIGNATIONS



**Schedule No. 3- Proposed Zoning Amendment**

Section 3.4.114

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**NANAIMO AIRPORT**

**CD16**

**COMPREHENSIVE DEVELOPMENT 16**

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**Section 3.4.114.1**

**Development Area A (Airport Lands)**

**Permitted Uses**

- a) air terminal operations;
- b) aviation infrastructure;
- c) freight quarantine and holding and customs facilities;
- d) air traffic control and weather services;
- e) airport runways and taxiways;
- f) airport security and policing facilities;
- g) airport maintenance facilities;
- h) airport emergency response facilities;
- i) aircraft refuelling and handling;
- j) aircraft maintenance and detailing;
- k) aircraft sales;
- l) flying schools and clubs;
- m) fixed base operators including military operations;
- n) aircraft hangers; and
- o) air cargo and freight couriers

**Section 3.4.114.2**

**Development Area B (Airport Lands for Airport Related Uses)**

**Permitted Uses**

- a) airline catering and food services;
- b) airport hotel/restaurant/conference/trade show facilities;
- c) aviation and accessory airport retail stores, personal service, and office uses;
- d) aviation related manufacturing, service and repair;
- e) aviation related vehicle, rental, washing/maintenance;
- f) aviation museums and static aircraft display;
- g) aeronautic research and development;
- h) brokerage facilities;
- i) gasoline service station;
- j) shuttle bus, taxi, limousine operations;
- k) vehicle parking and storage; and,
- l) warehousing, distribution and storage facilities;



**Section 3.4.114.3**

**Development Area C (Airport Lands for Airport Recreational Uses)**

**Maximum Number and Type of Permitted Uses**

- a) Golf course;
- a) Driving range;
- a) Outdoor recreation; and
- a) Aircraft viewing areas.

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**Section 3.4.114.4**

**Maximum Number and Size of Buildings, Structures and Uses**

Maximum height of buildings and structures: 10 metres

Maximum lot coverage: 50%

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**Section 3.4.114.5**

**Minimum Parcel Size**

1 ha- without Community Water and Community Sewer Services

2000 m<sup>2</sup>- with Community Water and Community Sewer Services

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**Section 3.4.114.6**

**Minimum Setback Requirements**

Buildings and structures: 5 metres from all lot lines

Except where:

- a) where the adjoining parcel is zoned 'Airport Related' then the setback from the common interior side lot line may be reduced to zero;
- b) any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.3.8 shall apply.

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**Section 3.4.114.7**

**Other Regulations**

Schedule No. 4

# Nanaimo Airport

## Public Consultation Strategy

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### *PUBLIC CONSULTATION STRATEGY*

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The Public Consultation Strategy provides the work program and serves as a 'checklist' to ensure the project successfully achieves its goals; in addition, in support of the RDN's public involvement policies, this document outlines an approach for fully involving the citizens in the planning process.

The *Local Government Act* also sets out specific procedural requirements that must be met in the process of amending an official community plan. Specifically, the *Act* establishes referral and notification requirements, sets out standards for advertising and the holding of a public hearing.

While the *Local Government Act* sets out these minimum requirements, it is the intent of this Public Consultation Strategy to go well beyond the requirements of the *Act*. The success of the strategy will be achieved through meeting the following goals:

- Providing meaningful opportunities for public input and participation.
- Presenting information to the public in a clear, understandable and concise form.
- Making available for review all public input gained during the planning process.
- Accurately and objectively recording and assessing public input.

### *AMENDMENT PROPOSAL*

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The Nanaimo Airport has provided the RDN with an Airport Master Plan that encourages new development at the Airport (see *attached staff report for detailed information*).

Central to this is the Master Plan's recommendation that the Airport Commission prepare an OCP and zoning amendment application to redesignate all airport lands to one overall designation with policy and regulations to accommodate the direction and focus of the land use strategy contained in the draft Master Plan. This document provides the public consultation strategy for the proposed zoning and official community plan amendments at the Nanaimo Airport.

## ***PUBLIC AND AGENCY CONSULTATION***

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Pursuant to the *Local Government Act*, the Board of the Regional District must specifically consider whether consultation is required with the Board of any regional district that is adjacent to the area covered by the official community plan, the council of any municipality that is adjacent to the area covered by the plan, first nations, school district boards, greater boards and improvement district boards, and the Provincial and Federal governments and their agencies. The Board of the Regional District makes this determination with their approval of the Public Consultation Strategy. The following lists referral agencies that will be provided with ongoing information and referrals through the planning process:

- **General Public** (*including specific Local Government Act provisions for notification to adjacent land owners*)
- **Member Municipalities**
  - Town of Qualicum Beach
  - City of Parksville
  - District of Lantzville
  - City of Nanaimo
- **Provincial Agencies**
  - Ministry of Community, Aboriginal and Women's Services
  - Ministry of Transportation
  - Ministry of Water, Land and Air Protection
  - Agricultural Land Commission
- **Other Organizations and Authorities**
  - Snuneymuxw First Nation and Chemainus First Nation
  - Cowichan Valley Regional District
  - Town of Ladysmith
  - North Cedar Improvement District
  - North Oyster Fire Department
  - Oceanside Construction and Development Association
  - School District No. 68
  - Vancouver Island Health Authority

## **SCHEDULE**

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The following outlines the schedule of events and publications, and sets out the key elements of each step in the review process.

- |                                 |  |
|---------------------------------|--|
| <i>June</i>                     | <ul style="list-style-type: none"><li>• <b>Report to the Electoral Area Planning Committee on Airport Proposal</b></li></ul>   |
| <i>July</i>                     | <ul style="list-style-type: none"><li>• <b>Request approval of Public Consultation Strategy</b></li><li>• <b>Report to the Board on Airport Proposal</b></li><li>• <b>Request approval of Public Consultation Strategy</b></li><li>• <b>Notification to all referral agencies</b></li><li>• <b>Advertisement of Public Information Meeting #1</b></li><li>• <b>Public Information Meeting on Airport Proposal</b></li><li>• <b>Meeting with Airport Select Committee – review of input from Public Information Meeting</b></li></ul> |
| <i>August</i>                   | <ul style="list-style-type: none"><li>• <b>Potential amendments to proposal</b></li></ul>  |
| <i>September</i>                | <ul style="list-style-type: none"><li>• <b>Advertisement of Public Information Meeting #2</b></li><li>• <b>Public Information Meeting on Airport Proposal</b></li><li>• <b>Meeting with Airport Select Committee – review of input from Public Information Meeting</b></li></ul>   |
| <i>October</i>                  | <ul style="list-style-type: none"><li>• <b>Report to EAPC requesting 1<sup>st</sup> and 2<sup>nd</sup> reading of amendments</b></li><li>• <b>Report to Board requesting 1<sup>st</sup> and 2<sup>nd</sup> reading of amendments</b></li></ul>   |
| <i>November</i>                 | <ul style="list-style-type: none"><li>• <b>Formal referrals to agencies</b></li><li>• <b>Public Hearing on proposed amendments</b></li></ul>   |
| <i>Year end/<br/>early 2005</i> | <ul style="list-style-type: none"><li>• <b>Report to Board requesting 3<sup>rd</sup> reading</b></li><li>• <b>Request for approval to Ministry of Transportation</b></li><li>• <b>Report to Board requesting 4<sup>th</sup> reading and adoption.</b></li></ul>  |

## **TIMEFRAME**

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It is proposed that the amendments will be finalized by year-end 2004 and adopted in 2005.

## **RESOURCES & BUDGET**

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All work to gather and collate data, consult with the public, produce and design documents/consultation materials and draft the amendments will be completed by RDN staff as outlined in the 2004 RDN budget.

One staff member and mapping resources will be assigned to the project to completion.

ATTACHMENT NO. 1

**NANAIMO AIRPORT MASTER PLAN RECOMMENDATIONS**

A new Nanaimo Airport Master Plan was recently completed by the Nanaimo Airport. The stated intent of the Master Plan is to actively pursue new aviation/aerospace businesses and to provide space for other uses that will provide services for travelers, local residents, and other commercial businesses that are 'airport compatible'. This Master Plan builds on previous planning initiatives and recommends significant development of non-aviation related airport lands as well as the expansion of the airport services. The draft Master Plan indicates that, given the location of the airport adjacent to the Island Highway, there is considerable potential to develop stand-alone commercial, office and retail uses. The draft Master Plan seeks to provide sufficient commercial and industrial lands to financially support the airport.

The Plan identifies a series of 6 land use districts that are intended to guide the Airport Commission in allocating uses on the airport lands. These designations are illustrated in *Attachment No. 2* and include the following uses:

<u>Designation</u>	<u>Uses</u>	<u>Designation</u>	<u>Uses</u>
Operational Reserve	<ul style="list-style-type: none"> <li>▪ Terminal Building</li> <li>▪ Parking Lot</li> <li>▪ Combined Services Building</li> <li>▪ Glycol Catchment Area</li> <li>▪ Sewage Treatment Facility</li> <li>▪ Airport Operations</li> </ul>	Airside District	<ul style="list-style-type: none"> <li>▪ Terminal Building</li> <li>▪ Parking Lot</li> <li>▪ Combined Services Building</li> <li>▪ Glycol Catchment Area</li> <li>▪ Sewage Treatment Facility</li> <li>▪ Airport Operations</li> </ul>
Airfield Reserve	<ul style="list-style-type: none"> <li>▪ Runways/Taxiways</li> <li>▪ Aprons</li> <li>▪ Aircraft Viewing Area/Trails</li> </ul>	Landside District	<ul style="list-style-type: none"> <li>▪ Office Buildings</li> <li>▪ Light Industrial</li> <li>▪ Warehousing/Distribution Centres</li> <li>▪ Hotel/Motel</li> <li>▪ Gas Station</li> <li>▪ Car Wash</li> <li>▪ Retail Sales</li> <li>▪ Aviation Related Industrial and Commercial Businesses</li> </ul>
Airport Recreation	<ul style="list-style-type: none"> <li>▪ Driving Range</li> <li>▪ Golf Course Expansion</li> <li>▪ Aircraft Viewing Area/Trails</li> <li>▪ Accessory Golf Course Uses</li> </ul>	Flex District	<ul style="list-style-type: none"> <li>▪ Reserve for expanded Commercial and Industrial uses</li> </ul>

Source: *Draft Nanaimo Airport Master Plan, March 2003*

ATTACHMENT NO. 2  
 NANAIMO AIRPORT MASTER PLAN EXCERPT  
 FUTURE LAND USE CATEGORIES - FIGURE 15

