

REGIONAL DISTRICT OF NANAIMO

**ELECTORAL AREA PLANNING COMMITTEE
TUESDAY, OCTOBER 12, 2004
6:30 PM**

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 3-5 Minutes of the Electoral Area Planning Committee meeting held Tuesday, September 14, 2004.

BUSINESS ARISING FROM THE MINUTES

PLANNING

AMENDMENT APPLICATIONS

- 6-27 Zoning Amendment Application No. ZA0413 – Wendy Huntbatch – 2116 Alberni Highway – Area F.

DEVELOPMENT PERMIT APPLICATIONS

- 28-43 DP Application No. 60443 - Tenant/Fern Road Consulting Ltd., and DP Application No. 60444 – West Coast Rangers Ltd., Vincent, Stranaghan, Tennant and Bartzon/Fern Road Consulting Ltd. – Spider Lake Road and Horn Lake Road – Area H.
- 44-53 DP Application No. 60449 – Reilly – 1651 Admiral Tryon Boulevard – Area G.
- 54-68 DP Application No. 60450 – Kehoe Holdings/Fairwinds – Andover Road – Area E.
- 69-74 DP Application No. 60451 & Request for Relaxation of the Minimum 10% Frontage Requirement – C & I. Addison – Dan’s and McLean’s Roads – Area C.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 75-83 DVP Application No. 90416 – Clark – 3696 Bell Road – Area D.

OTHER

- 84-97 Consideration of Park Land Dedication – Timberlake-Jones Engineering Ltd., on behalf of Timberstone Developments – Northwest Bay Road – Area E.

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, SEPTEMBER 14, 2004, AT 6:30 PM
IN THE RDN BOARD CHAMBERS

Present:

Director E. 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
J. Llewelyn	Manager of Community Planning
N. Tonn	Recording Secretary

LATE DELEGATIONS

MOVED Director Stanhope, SECONDED Director D. Haime, that a late delegation be permitted to address the Committee.

CARRIED

Hans Heringa, Lost Lake Properties Ltd., re Consideration of Park Land Dedication – Area G.

Mr. Heringa, provided a summary of the subdivision application's history since 1993 and requested that the Board consider a cash-in-lieu of park land request with respect to the thirty-four lot subdivision development.

MINUTES

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

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60437 – Lajeunesse – 1539 Gordon Road – Area A.

MOVED Director Kreiberg, SECONDED Director Bibby, that Development Permit Application No. 60437 submitted by Rob Lajeunesse to approve the land alteration works that have been undertaken within the Streams, Nesting Trees, and Nanaimo River Floodplain Development Permit Area that consists of the introduction of large amounts of fill to create access to a proposed new lot on the property legally described as the North ½ of Section 17, Range 8, Cranberry District, Shown on Plan Deposited Under DD5657N, Except Parts in Plans 31020, 40229, and 2735 RW, be approved subject to the requirements outlined in Schedule No. 1.

CARRIED

Development Permit Application No. 60440 – Keith Brown & Associates on behalf of 646268 BC Ltd. (Country Kitchen) – 1922 Schoolhouse Road – Area A.

MOVED Director Kreiberg, SECONDED Director Bartram, that Development Permit No. 60440 submitted by Keith Brown & Associates, on behalf of 646268 BC Ltd., for the property legally described as Lot 1, Section 13, Range 6, Cranberry District, Plan 12009 and located at 1922 Schoolhouse Road, be approved, subject to the conditions outlined in Schedule Nos. 1, 2, 3, 4, 5 and 6 of the corresponding staff report and to the notification procedure subject to the *Local Government Act* with respect to the proposed variances.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90413 – Skollsberg – 3584 Outrigger Road – Area E.

MOVED Director Bibby, SECONDED Director Biggemann, that Development Variance Permit Application No. 90413, 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 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 Permit Application No. 90414 – Kawerau & Butler – 1405 Reef Road – Area E.

MOVED Director Bibby, SECONDED Director Biggemann, that Development Variance Permit Application No. 90414, submitted by the property owners Peter Kawerau and Karen Butler for the property legally described as Lot 23, District Lot 38, Nanoose District, Plan 21633 to legalize the siting of an existing dwelling unit and to facilitate the replacement of an existing attached deck within the front lot line setback area by relaxing the minimum required front lot line setback requirement from 8.0 metres to 3.3 metres and the minimum interior side lot line setback requirement from 2.0 metres to 1.6 metres, 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 Permit Application No. 90415 & Request for Relaxation of the Minimum 10% Frontage Requirement – Fern Road Consulting Ltd. on behalf of V & M Fritzsche – 1410, 1420 and 1424 Hodge's Road – Area G.

MOVED Director Stanhope, SECONDED Director Bartram, that this item be deferred.

CARRIED

OTHER

Consideration of Park Land Dedication – Lost Lake Properties Ltd., on behalf of McKin Estates – off Sumar Lane – Area G.

MOVED Director Stanhope, SECONDED Director Bartram, that the park land proposals submitted by Lost Lake Properties Ltd. be refused and that the Regional District require that park land be dedicated in conjunction with the proposed subdivision of Lots 1 and 2, Both of District Lot 28, Nanoose District, Plan VIP61866 in the location and amount detailed on Schedule No. 1 of the staff report.

CARRIED

Temporary Use Permit No. 0401 – James & Ellen Rothwell – 241 Hilliers Road North – Area G.

MOVED Director Stanhope, SECONDED Director Kreiberg, that Temporary Use Permit No. 0401, submitted by Jim and Ellen Rothwell for the property legally described as Lot 1, District Lot 91 and 42, Newcastle District and District Lot 144, Nanoose District, Plan 13306, Except Part in Plan VIP59597, to allow a temporary soil mixing and compost storage operation be approved, subject to the Conditions of Approval outlined in Schedule No. 1 and subject to comments received as a result of the notification requirements pursuant to the *Local Government Act*.

CARRIED

Request for Relaxation of the Minimum 10% Frontage Requirement – Dave Scott on behalf of 3170497 Canada Inc., Commonly Known as Fairwinds Development – Carmichael Road – Area E.

MOVED Director Bibby, SECONDED Director Kreiberg, that the request from David Scott, on behalf of 3170497 Canada Inc., commonly known as Fairwinds Development, to relax the minimum 10% perimeter frontage requirement for Proposed Lot 5 shown on the Revised Plan of Proposed Subdivision of Phase 9A be approved subject to Schedule No. 1 of the corresponding staff report.

CARRIED

Electoral Area ‘F’ – Delegation of Authority for Non-Farm Uses.

MOVED Director Biggemann, SECONDED Director Bartram,:

1. That the staff report be received for information.
2. That staff be directed to report back with a detailed assessment of the implications of assuming delegation of authority for non-farm uses in Electoral Area ‘F’ and prepare a draft delegation agreement to consider assuming delegation of authority for non-farm uses in Electoral Area ‘F’.

CARRIED

DIRECTOR’S AGENDA ITEM

Traffic Flow on Corcan Road.

MOVED Director Bartram, SECONDED Director Stanhope, that the Regional District of Nanaimo request that the Ministry of Transportation work with staff of the RDN to investigate both long and short term solutions to resolve the traffic flow problems on Corcan Road as part of their 2005-2006 work program.

CARRIED

ADJOURNMENT

MOVED Director D. Haine, SECONDED Director Bartram, that this meeting terminate.

CARRIED

TIME: 6:52 PM

CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO

OCT - 4 2004

CHAIR	GMCS	
CAO	GMDS	
COMM	GMES	

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

DATE: October 1, 2004

FROM: Keeva Kehler
Planner

FILE: 3360 30 0413

SUBJECT: Zoning Amendment Application No. ZA0413 – Wendy Huntbatch
Electoral Area 'F' – 2116 Alberni Highway

PURPOSE

To receive the Summary of the Minutes of the Public Information Meeting of September 16, 2004 and to consider an application to rezone the subject lot from A-1 (Agriculture 1) to CD-16 (Comprehensive Development Zone 16) in order to facilitate the development of a parrot refuge, accessory retail, and tourist commercial uses.

BACKGROUND

The Planning Department has received a zoning amendment application for the lot legally described as Lot 12, Salvation Army Lots, Nanoose District, Plan 1115, Except Part in Plan 734 RW and located at 2116 Alberni Highway in the Coombs area of Electoral Area 'F' (see Attachment No. 2 for location of subject property). The subject lot, which is approximately 8.0 ha in size, is currently zoned A-1 pursuant to the Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002.

Pursuant to the "Regional District of Nanaimo Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999" (OCP), the subject lot is designated within the Resource Lands within Agricultural Land Reserve Land Use Designation. The OCP policies for this designation recognize and support the use of the land for agricultural purposes.

The subject lot is located within the Provincial Agricultural Land Reserve (ALR). Therefore, the proposed accessory tourist commercial uses require approval from the Agricultural Land Commission prior to the RDN Board considering final adoption of an amendment bylaw to permit these uses.

Surrounding uses include A-1 zoned parcels to the north, south, east and west, with an area of rural residential lands to the north across the Alberni Highway.

Applicant's Land Use Proposal

The applicant is requesting that the zoning for the subject lot be amended in order to permit the development of a world parrot refuge housing over 400 parrots within a 2120m² building. The application also includes a proposal to expand the parrot refuge area in the future and develop accessory commercial tourist uses, specifically a souvenir store and food concession within six months on the subject property.

The site plan submitted with the application includes a reference to a dormitory for veterinarian students and volunteers but does not indicate a proposed location or size for this use. The proposal as submitted by the applicant includes the following uses:

- Two buildings measuring approximately 2120 m² each to hold parrots (2nd building to be built in the future).
- Building measuring approximately 670 m² proposed to contain souvenir retail store and food concession with a total of 100 seats.
- A 111 m² (1200 sq. ft.) building for office use.
- A dormitory for veterinary students and volunteers. Applicant mentioned in a meeting with staff that the dormitory is to contain 10 to 15 sleeping units.
- Applicant proposes a driveway 43 metres in length from the Alberni Highway to a parking lot that will measure approximately 3,000 m².
- A retention pond is proposed towards the front of the property to contain drainage run-off from the buildings

The applicant has stated that she intends to landscape the front of the property around the proposed pond and install an orchard for personal use in this location. The applicant may consider adding greenhouses in the future to maximum total lot coverage of 10%. Where possible the existing trees will be retained on site as a buffer.

Public Information Meeting

A public information meeting was held on September 13, 2004 at the Arrowsmith Agricultural Hall in Coombs. Notification of the meeting was advertised in the August 27, 2004 edition of the News and the RDN web site, along with a direct mail out to all property owners within 500 metres of the subject property. Approximately 15 people attended the information meeting and provided comments with respect to the proposal (*see Attachment No. 6 'Proceedings of the Public Information Meeting'*). The main issue raised at the public information meeting concerned the scale of proposed commercial tourist uses. Generally, the public had concerns that the proposed souvenir gift shop and concession uses be limited to an appropriate size for a lot within the ALR, outside Village Centres. Issues were raised with respect to protecting the rural area and preventing urban sprawl on agricultural lands. The attendants at the meeting were generally supportive of the keeping of parrots on the lot.

ALTERNATIVES

1. To not approve the zoning amendment application as submitted and request the applicant to apply for an OCP amendment application if they wish to continue with their application as submitted.
2. To approve the application as recommended by staff, and that "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.06, 2004" be given 1st and 2nd reading, subject to the applicant meeting the conditions outlined in Schedule No. '1' of this report, and proceed to public hearing.
3. To not approve the amendment application and pursue Bylaw Enforcement action against the property owner should they use the property contrary to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285, 2002".

OFFICIAL COMMUNITY PLAN IMPLICATIONS

Section 3: Agriculture of the OCP contains objectives to protect the agricultural land base for present and future food production or other agricultural uses. This section of the OCP includes a statement under Future Impact Policies that future higher density and intensity land uses shall be directed to the Village Centre to reduce development pressures on agricultural lands. It is important the proposed scale of accessory commercial uses on this property be limited to ensure that the rural integrity of the subject lot and surrounding lots is maintained.

In staff's opinion, the proposed scale of commercial use, and the establishment of residences for live-in veterinary students, constitutes a commercial use of the property that is not consistent with the 'Resource Lands within the Agricultural Land Reserve' Official Community Plan designation and the 'Resource Lands' designation of the Regional Growth Strategy. Therefore, an OCP amendment would be required prior to Board approval of the rezoning, as submitted. Staff indicated to the applicant that the proposed scale of tourist commercial use is not consistent with the OCP policies and asked for a revised proposal. The applicant has stated that she would be in agreement to limit these uses, but no correspondence has been received to date outlining an alternative proposal. Therefore, staff recommends an alternative scale of accessory commercial uses to allow the zoning amendment to proceed with staff support.

DEVELOPMENT IMPLICATIONS

The applicants propose to keep a minimum of 400 parrots on the property. Pursuant to Bylaw No. 1285, 2002, the proposed keeping of parrots meets the definition of a 'kennel,' and is not permitted in the A-1 zone. Therefore, although the use may be considered rural in nature, it is not considered a 'Farm Use' and requires a zoning amendment.

Despite RDN staff's written and verbal advice that the proposed use is not permitted under the zoning bylaw and requires Board approval, which is not guaranteed, the applicant has continued construction of the building that is proposed to house the parrots. Should the Board not approve the proposed keeping of parrots within the building, the applicant will only be able to use the building for agricultural purposes permitted in the A-1 zone. However, the A-1 zone states that a building housing livestock or storing manure must be at least 30 metres from all lot lines. It does not appear that this building meets that setback requirement, so if the zoning amendment does not proceed, a variance to the zoning bylaw may be required to permit the keeping of livestock or storage of manure within the building.

The applicant has requested permission to add an accessory food concession and retail souvenir store to the property as part of the application. The applicant proposed the addition of a building measuring approximately 670m² for the retail and concession use. The applicant proposes to include up to 100 seats in the concession. As noted, staff believes that this scale cannot be considered accessory to the rural use of the property and is not appropriate in this zone within the ALR. In addition, comments received at the Public Information Meeting indicate that there are significant concerns in the community with respect to the proposed size and scale of commercial uses on the lot. In order to comply with the objectives of the OCP and to address neighbourhood concerns, staff suggest that the Board consider limiting the maximum floor area for the food concession and retail store use to 50m². In addition, it is recommended that the food concession be limited to a maximum of 20 seats. These limits shall be included in "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.06, 2004."

The applicant proposes to add a second parrot building measuring approximately 2,120m² to the site in the future. Given the large area of the lot that is ultimately proposed to be covered with buildings and structures, the applicant will have to submit a storm water management plan prepared by a professional engineer to address drainage from building perimeters. The applicant has stated that they intend to direct drainage waters to a retention pond at the front of the site. However, in order to ensure that there are no negative impacts on adjacent lots, the Board needs to ensure that the retention pond is properly sized and designed to contain the volumes of run-off that may occur during peak rainfall events. Staff recommends that the applicant be required to submit a drainage plan prepared by a professional engineer prior to the Public Hearing so that the Board, the public, and staff can assess the drainage strategy prior to final adoption of the amendment bylaw.

Staff has significant concerns with respect to the proposed 10 to 15 unit dormitory to house veterinary students and volunteers. This proposed accommodation use is similar in nature to a commercial recreational use and is not considered appropriate in the ALR outside nodal Village Centre areas. Pursuant to the *Agricultural Land Reserve Use, Subdivision and Procedure Regulations*, the applicant can site a manufactured home on the lot without ALC approval. The ALC has jurisdiction over who can live in the second dwelling however; so, the applicant will have to request permission to house students within the manufactured home as part of their non-farm use application. Staff believes this density of use is appropriate for a rural area and is consistent with the OCP policies for containing sprawl and directing higher intensity commercial uses to Village Centre Areas.

Coombs-Hilliars Volunteer Fire Department

Due to the large size of the building and its proximity to adjacent residential lots, the proposal has been forwarded to the Coombs-Hilliars Fire Department for its review and comments. Recommendations received from the Fire Department will be incorporated into the Conditions of Approval prior to the proposed adoption of the zoning amendment bylaw.

Communication With Applicant

The applicant is completing the construction of the building on the site. They have made it clear that they intend to move the birds into the building in October, regardless of whether the use is permitted. Staff has facilitated Board consideration of this application as soon as possible in order to ensure that every attempt is being made to appropriately resolve the situation before legal action is necessary against the applicant. However, staff has had difficulty resolving the land use issues with the applicant because of an inability to adequately communicate with the applicant regarding this application. The communication between staff and the applicant is summarized below for the Board's information. The letters dated August 16, September 1, and September 13 are attached to this report (see Appendix A) for the Board's information.

- | | | |
|----------------------------------|---|--|
| August 16 th , 2004 | - | Rezoning application is made with little information provided. |
| August 16 th , 2004 | - | Acknowledgement letter is sent by staff requesting missing information. |
| August 30 th , 2004 | - | Site plan and information on proposed land uses received from applicant. |
| August 30 th , 2004 | - | During meeting with applicant's partner, staff ask that the applicant scale back the commercial uses on site, and requesting missing information. Applicant's partner agrees to make new submission. |
| September 1 st , 2004 | - | Letter from staff mailed to applicant suggesting that the applicant scale back commercial uses on site, and requesting missing information. |

- September 13th, 2004 - Letter from staff hand delivered to applicant asking applicant to contact staff to discuss scaled back commercial use, and requesting missing information.
- September 13th, 2004 - At PFM applicant is asked verbally to contact staff to discuss the commercial component of their application. Applicant agrees to contact staff to reduce scale of commercial use.
- September 20th, 2004 - Letter from staff mailed to applicant informing that staff shall recommend that the Board support a limited scale of commercial use on site.

The applicant has not contacted staff to discuss this application since the September 13th Public Information meeting.

PROVINCIAL GOVERNMENT IMPLICATIONS

Agricultural Land Commission

The subject lot is located within the Agricultural Land Reserve (ALR). Part 2(3)(b) of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* permits the breeding of pets or operation of a boarding facility without requiring approval from the Agricultural Land Commission (ALC). However, the commercial tourism component of the proposal will require approval from the ALC as a non-farm use. As the application process for the ALC takes approximately 3 months to complete and the applicant has indicated that the parrots will be housed on the site by the end of September, it is recommended that the zoning amendment application proceed but that the applicant be required to obtain approval from the ALC prior to final adoption of the zoning amendment bylaw. However, in order to ensure timely approval from the ALC, staff recommends that the applicant be required to submit a completed ALC non-farm use application to this office prior to the Public Hearing. The RDN will then forward the application to the ALC for its consideration.

Vancouver Island Health Authority

The subject property is served by private on-site well and septic disposal system. It is not anticipated that sewer or water services will be extended to this area in the near future. The applicant has been directed to contact the Vancouver Island Health Authority (VIHA) for confirmation that the existing sewage disposal system meets Provincial requirements for the existing and proposed uses. No information has been submitted by the applicant at this time. On August 30, 2004 VIHA representatives indicated that they had not received an application for on-site sewage for the subject lot. In this August 30, 2004 letter, VIHA stated that the property is "well known, with little to no soil for on-site disposal." VIHA also expressed concern with respect to water quality and quantity and food premises on site. As a result of these concerns, any approvals granted by the Regional Board should be conditional upon the applicant meeting VIHA requirements and satisfying concerns with respect to these items. Staff recommends that the applicant be required to submit VIHA approval to the RDN prior to the Public Hearing.

Ministry of Transportation

The applicant has not provided a copy of the Highways Access Permit issued by the Ministry of Transportation. It is anticipated that the proposed use will generate significant amounts of tourist traffic

and there could be potential safety implications with respect to tourists turning off the Alberni Highway to access the site. Although the applicant proposes to access the site from Alberni Highway, it is not yet known whether MOT will permit access in this location. At the Public Information Meeting, the applicant assured residents on Burgoyne Road that access would be from the Alberni Highway. For this reason, staff recommends that the applicant be required to submit the access approval from MOT prior to the public hearing so that the implications can be adequately assessed.

As the Provincial Ministries have jurisdiction over these items and the outcome of their approvals may impact the level and / or siting of development on the lot, it is recommended that the Board not proceed to Public Hearing until these issues have been addressed. This will enable the public to gain an accurate understanding of the proposal and its potential land use implications. However, given that the applicant has stated her intention to locate the parrots on the site by the end of September, there is some urgency in dealing with this application. Should the applicant not provide the requested information outlined in Schedule No. 1 by November 9, 2004, it is recommended that the application be referred back to Bylaw Enforcement as a non-compliant land use and that enforcement action proceed.

ENVIRONMENTALLY SENSITIVE AREAS IMPLICATIONS

There are no environmentally sensitive features indicated on the Environmentally Sensitive Areas Atlas or in the Official Community Plan (OCP) associated with this property.

VOTING

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

SUMMARY

This is a request to amend Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002 to permit the keeping of parrots and accessory tourist commercial uses on the property located at 2116 Alberni Highway in Coombs. A public information meeting was held on September 13, 2004 and members of the community raised concerns with respect to the proposed scale of tourist commercial uses and with respect to the non-farm use of agricultural lands. Preliminary referrals were forwarded to the Ministry of Transportation, the Ministry of Agriculture, Food and Fisheries, Vancouver Island Health Authority, the AIC and the Coombs-Hilliers Fire Department. As the subject property is within 800 metres of a highway interchange, the amendment bylaw would be subject to the approval of the Ministry pursuant to the *Highway Act*. Comments received from these agencies prior to the Electoral Area Planning Committee meeting will be attached as an addendum to the agenda and requirements may be added to the Conditions of Approval for the zoning amendment.

The proposed scale of tourist commercial uses, as submitted by the applicant are not consistent with the policies contained in the 'Electoral Area 'F' Official Community Plan Bylaw No. 1152, 2004,' and, in staff's opinion, are not considered appropriate for the property. However, staff feels that the keeping of parrots on site, as proposed, is acceptable as a rural use. Therefore, it is recommended that the Board limit, in "Amendment Bylaw No. 1285.06, 2004" the scale of the proposed retail store and food concession uses to a total maximum floor area of 50.0 m² for both uses, and further limit the concession area to 20 seats. It is also recommended that the conditions set out in Schedule No. 1 be met.

RECOMMENDATIONS

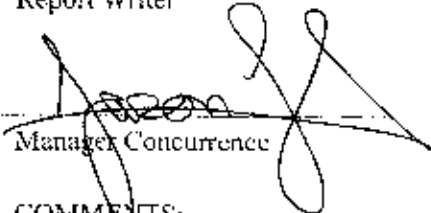
1. That the Report of the Public Information Meeting containing the Summary of the Minutes held on September 13, 2004 be received
2. That "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.06, 2004" be given 1st and 2nd reading, subject to the applicant meeting the Conditions of Approval outlined in Schedule No. 1.
3. That "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.06, 2004" proceed to public hearing, subject to the applicant meeting the Conditions of Approval outlined in Schedule No. 1.
4. That the public hearing on "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.06, 2004" be delegated to Director Biggemann or his alternate.
5. That the application be referred back to Bylaw Enforcement to commence legal proceedings if the applicant has not provided items No. 1 to 7 outlined in Schedule No. 1 (Conditions of Approval) by November 9, 2004.



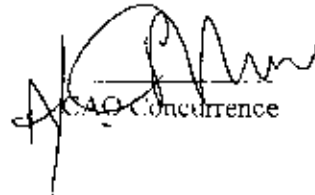
Report Writer



General Manager Concurrence



Manager Concurrence



Bylaw Enforcement Concurrence

COMMENTS:

devs\reports\2004\ZA0413 30 0413 on Huntbatch 1st and 2nd

SCHEDULE NO. 1
Conditions for Approval for
Zoning Amendment Application No. ZA0413
Wendy Huntbatch

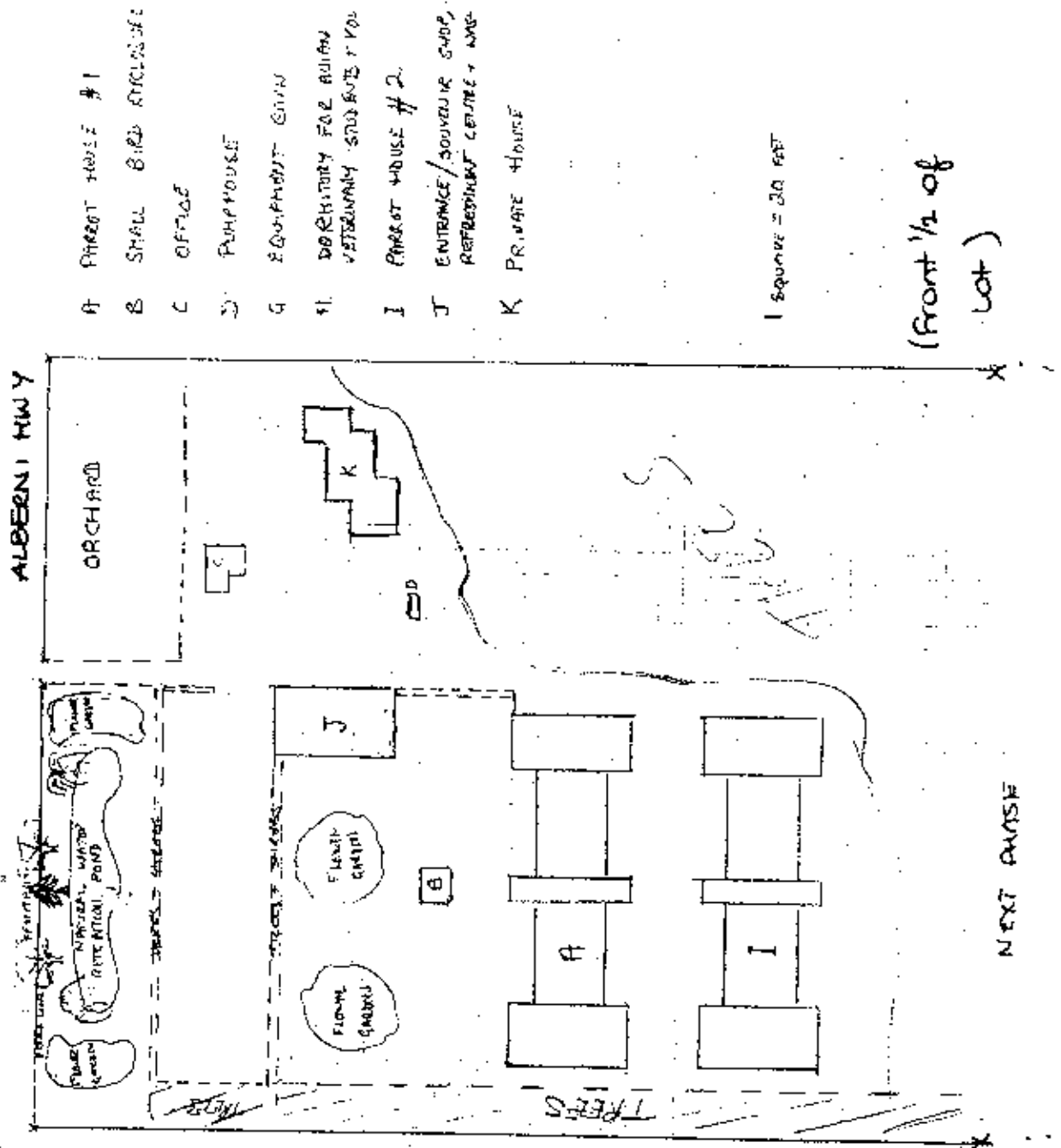
The following conditions (Nos. 1 to 7) must be met prior to the Public Hearing for the proposal:

1. Applicant to submit a copy of the access Permit issued by the Ministry of Transportation.
2. Applicant to submit confirmation of the sewage disposal permit from Vancouver Island Health Authority for the proposed parrot refuge, accessory retail store, accessory food concession and private residence. Applicant to submit comments from VIHA with respect to onsite water supply for the proposed concession uses.
3. Applicant to submit a storm water drainage management plan prepared by a professional engineer, including details on the size and location of proposed retention ponds and proposed outflow for drainage waters.
4. Applicant to provide a site plan prepared by a BC Land Surveyor indicating the location of all existing and proposed buildings and structures and their distances to lot lines.
5. Applicant to provide confirmation of the location, dimension and height of proposed signage.
6. Applicant to provide a scaled plan indicating all proposed parking spaces. Each space shall have a minimum width of 2.75 metres and a minimum length of 5.65 metres. A minimum of 29 spaces shall be provided, in addition to one space per employee (1 space per 3 seats in the concession (7) and 1 per 100m² of parrot refuge building floor area (22)). The parking plan shall show proposed entrance and exit routes and proposed traffic flows on the site.
7. Applicant to submit completed non-farm use application pursuant to the *Agricultural Land Commission Act* to the RDN planning department.

The following conditions (Nos. 8 to 11) apply to the development of the site:

8. Prior to final adoption, the applicant shall obtain written approval from the Agricultural Land Commission for the proposed accessory tourist retail and food concession uses and veterinary student use within a manufactured home.
9. The maximum floor area for the proposed retail store and food concession uses shall not exceed 50.0m². In addition, the food concession shall not have more than 20 seats.
10. Veterinary students shall only be housed in the applicant's principle dwelling unit or within one manufactured home not exceeding 9.0 metres in width, subject to ALC approval. No more than one permanent dwelling unit and one manufactured home shall be sited on the lot.
11. The accessory building at the rear of the lot shall not be used for accommodation and shall not contain sleeping, bathing or cooking facilities.
12. Burgoyne Road shall not be used for commercial access.

ATTACHMENT NO. 1
 Proposed Sketch Plan of Development
 (as submitted by applicant, reduced for convenience)

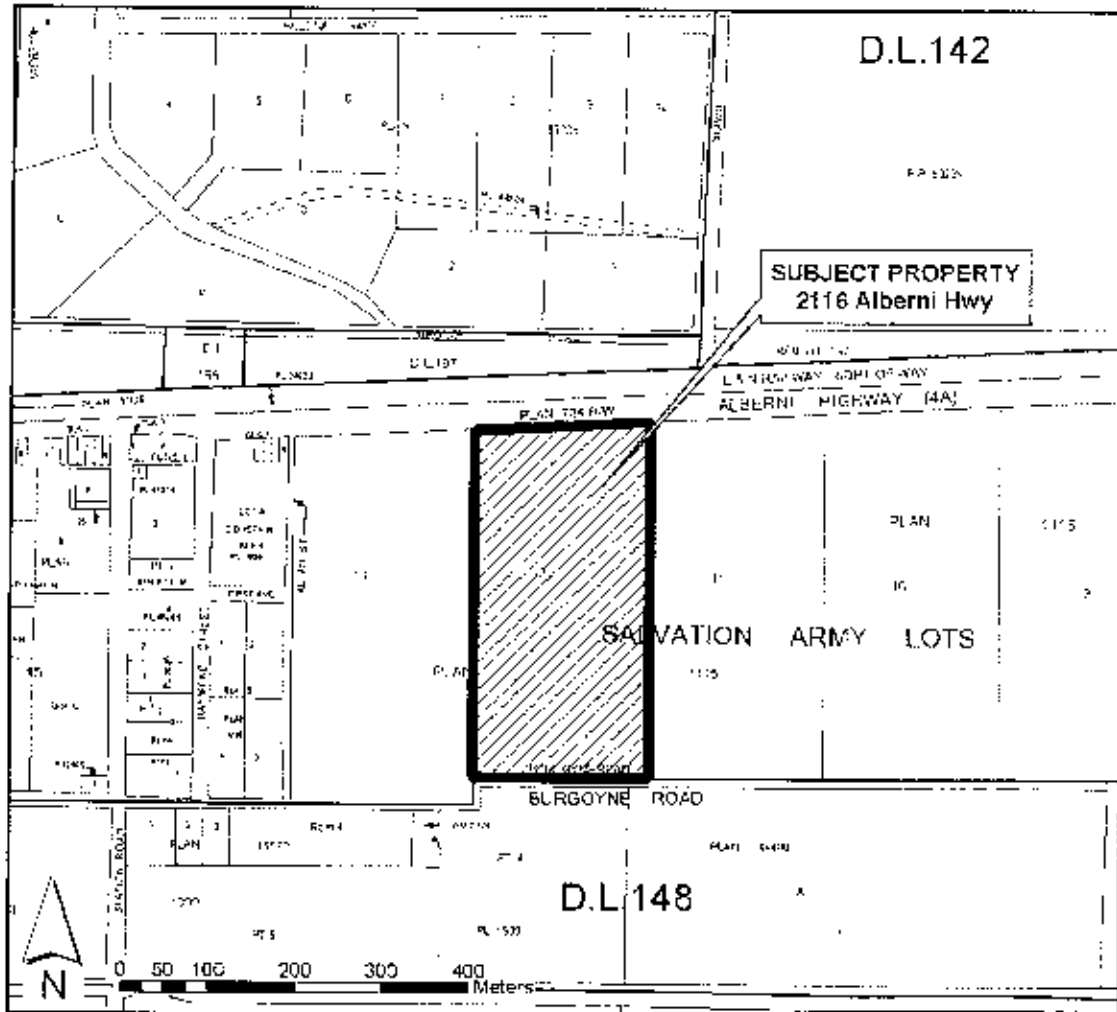


- A PARROT HOUSE #1
- B SMALL BIRD ENCLOSURE
- C OFFICE
- D PUMP HOUSE
- E EQUIPMENT ROOM
- F DORMITORY FOR ASIAN VETERINARY STUDENTS + VOL
- G PARROT HOUSE #2
- H ENTRANCE/SOUVENIR SHOP, REFRESHMENT CENTRE + AMB
- K PRIVATE HOUSE

1 square = 20 feet

(Front 1/2 of Lot)

ATTACHMENT No. 2
Location of Subject Property



8005 MAPSHEET NO. 80F 03621

ATTACHMENT No. 3
Report of the Public Information Meeting
Held at Arrowsmith Agricultural Hall
1018 Ford Street, Coombs, BC
September 16, 2004 at 7:00 pm

**Summary of the Minutes on Proposed Zoning Amendment
Application for a Lot 12, Salvation Army Lots, Nanoose District,
Plan 1115, Except Part in Plan 734 RW**

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

There were approximately 15 persons in attendance.

Present for the Regional District:

Chairperson Lou Biggemann, Electoral Area 'F'
Jason Llewellyn, Manager, Community Planning
Keeva Kehler, Planner

Present for the Applicant:

Ms. Wendy Huntbatch
Mr. Horst Neumann

Director Lou Biggemann, Chairperson opened the meeting at 7:05 pm and outlined the agenda for the evening's meeting and introduced the head table. The Chairperson then introduced Ms. Huntbatch and Mr. Neumann.

The Chairperson then invited Ms. Huntbatch, applicant, to give a presentation of the proposal. Ms. Huntbatch discussed her proposal to open a world parrot refuge on the subject property. Ms. Huntbatch proposes to educate the public on the plight of parrots held as pets in inadequate living conditions. The public will be invited to view the parrots and the proposal includes a souvenir gift shop and food concession to serve these patrons.

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

John Mausell, Errington, asked how the building got started before permission was granted from the RDN.

Mr. Neumann stated that the realtor told them that there were no requirements to obtain a building permit.

Barb Smith, Salvation Army Lot 11, asked about the dimensions of the buildings.

Ms. Huntbatch, indicated that the building at the rear near Burgoyne is 40 feet by 120 feet and the main parrot building is 100 feet by 300 feet and the accessory tourist uses will be small scale. Ms. Huntbatch added that veterinary students would benefit from studying the parrots.

Cynthia Bowen, Parksville asked when the applicants intended to open and if the Abbotsford site has been sold or will be maintained?

Ms. Huntbatch explained that the site in Abbotsford is fragmented and difficult to run. The Coombs site will be landscaped and easier to maintain as a parrot refuge.

Derek Wahlberg, Errington, stated that he supports the use and asked if the avian flu had any impact on the decision to move to Coombs. Mr. Wahlberg asked if the Abbotsford site is in the ALR.

Ms. Huntbatch indicated that there are air quality concerns for humans and birds in the valley, but that the parrots cannot contract or pass on the avian flu. From a logistics point of view the Coombs site is perfect for their needs.

Pauline List, Ruffels Road, stated that she is opposed to business on this property in the ALR. She stated that commercial uses should be located in commercially zoned properties.

Horst Neumann stated that they do not need to open to the public as they can survive without the commercial aspect.

Reg Nosworthy, Errington, asked what needs to be approved if the ALR permits the use.

Howard Fowler, Virginia Road, stated that he fully supports the proposal. He stated that the development will bring jobs to the area. He did not feel that the property was an agricultural property.

Red Williams, Coombs, stated that he supports the use as it is more agricultural than other uses.

Steve Chomolok stated that the OCP contains policies about limiting urban sprawl in rural areas.

Horst Neumann stated that the proposal will keep the rural landscape.

John Mansell, Errington, stated that he was concerned about the accessory tourist commercial uses.

Horst Neumann stated that between 25 and 35 jobs will be created by this proposal.

John Mansell stated that the hesitation comes from previous experience in the area where businesses start off small and rural and then grow to an extent that ruins the neighbourhood such as the mill in Errington.

Reg Nosworthy stated that he is fully supportive of the proposal. Coombs is internationally known for tourism and this use ties in with the area.

Red Williams asked the applicants if they had explored the tax implications of obtaining commercial zoning on the lot.

Barb Mansell asked why the zoning would be site specific when this was intended to recognize existing uses only.

Keeva Kehler, RDN Planner, explained that the zone would be a Comprehensive Development zone which recognizes site specific uses – there is no existing land use zone in the bylaw that permits the proposed parrot refuge, accessory commercial and agricultural uses.

Howard Fowler reiterated his support for the proposal.

Dave Keddy, Hilliers, stated that he is supportive of the proposal.

Shane Gallop, Burgoyne Road, asked what level of commercial traffic would there be on Burgoyne Road.

Ms. Huntbatch indicated that there would be no commercial access off Burgoyne. Access will be from Alberni Highway.

Dave Munro stated that the building looked attractive and he feels it is a good use of farmland.

Steve Chomolok asked what class of soil the property has? He stated his concern with commercial and retail development occurring outside of nodal areas, contrary to the policies in the OCP.

Horst Neumann responded that the soil consists of clay and silty clay.

Pauline List stated that she was concerned with people's attitude towards A/R land and increasing development pressure on large tracts of land. We need to be careful to preserve large areas of land for future food production.

Dave Keddy stated that there is a shortage of water in the area which is a challenge to developing agricultural uses.

Murray Chantler, Errington stated he was concerned that due process was not followed. The community is concerned with the RDN and ALC's lack of guts to act on infractions to the bylaw. He felt that this development was precedent setting and he was concerned with the level of commercial use on the property. Specifically, Mr. Chantler asked what size of restaurant is proposed and would the ALC remove the land due to the extent of non-farm use development.

Ms. Huntbatch stated that one acre in the front of the lot will be an orchard and they will be developing agricultural uses on the property and growing their own food.

Mr. Chantler reiterated the community's concern with the tourist commercial uses and asked how the application came to be submitted to the RDN.

Horst Neumann stated that the Bylaw Enforcement Officer came to the property and told them that a zoning amendment was required for the parrots.

Mr. Chantler asked why they are applying for commercial uses and how much land will be covered by buildings and parking lots. What exactly is planned for commercial use on the site?

Horst Neumann stated that they will work with the RDN to scale down the commercial use to a size that is agreeable to both parties. They want a low key commercial use.

Keeva Kehler explained the RDN zoning requirements and which aspects of the project need approval from the ALC (tourism component).

John Mansell asked the applicants if they understood the concerns in the neighbourhood with respect to commercial uses. Uses along the lines of the North Island Wildlife Recovery Centre or Butterfly World would be acceptable.

Pauline List stated that the preservation of the community was a major concern. She asked why the rules are not being adhered to in new developments. She was disappointed that the applicants decided to build the structures before getting approval. Ms. List voiced her opposition to infringement on the rural environment.

Steve Chomolok stated the OCP provides objectives for the preservation of the agricultural land base for present and future uses.

Ms. Huntbatch reiterated her intention to use the property for agricultural uses, but she must tend to the parrots issues first.

Murray Chantler stated that the applicants have an obligation to abide by the rules. He was not concerned with the parrot uses. The land must remain in the ALR and should be used for agricultural purposes.

Jason Llewellyn, Manager of Community Planning stated that the issue really centres on the extent of commercial uses. The current proposal from the applicants is not acceptable to the planning department and staff will be meeting with the applicants again to discuss what is appropriate for commercial uses.

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

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

The meeting concluded at 9:35 pm.

Keeva Kehler

.....
Keeva Kehler
Recording Secretary

Appendix A
Correspondence – April 16, September 1, and September 13, 2004
(8 Pages)



August 16, 2004

COPY

Wendy Norma Huntbatch
Box 645
Goombs, BC V0R 1M0

Dear Wendy Norma Huntbatch:

*Re: Application for Rezoning Pursuant to RDN Zoning and Subdivision Bylaw No. 1285, 2002
Lot 12, Plan 1115, Except Part in Plan 734RW, Salvation Army Lots,
Nanoose Land District
2116 Alberni Highway
Electoral Area 'F' RDN Map Reference No.: 92F.038.2.2*

Thank you for submission of your application to rezone the subject property pursuant to 'Regional District of Nanaimo Zoning and Subdivision Bylaw No. 1285, 2002' in order to accommodate the development of a parrot refuge boarding facility on the above noted property.

In order to complete your application, the following items are required. Please note that our request for this additional information is made pursuant to the Regional District of Nanaimo Impact Assessment Bylaw No. 1165, 1999.

1. A brief statement that describes the proposal, along with a list of your proposed future ancillary uses. In the meeting with RDN staff on August 16, 2004 you indicated that you wish to host educational tours, add a souvenir gift shop and possibly a concession use in the near future. Please provide information on the proposed scale of these uses, such as approximate floor areas and potential number of seats. This information assists the RDN in developing a clear understanding of the intent of the application. (Please note, non-farm uses such as the souvenir and concession uses will require approval from the Agricultural Land Commission prior to commencing the uses on the property. As discussed, should the RDN consider granting zoning approval for these uses, the approval will be conditional upon the ALC granting permission for the uses).
2. A copy of the *Certificate of Title* for the subject property, dated within the last 30 days.
3. A scaled site plan of the proposal. Please include the following on the site plan: the proposed location and dimensions of all existing and proposed buildings, structures and uses; off-street parking and loading areas; access points; refuse disposal locations; proposed future landscaping, signs, and outdoor storage areas; septic disposal areas, potable water supply, and location of stormwater management facilities (i.e. pond and drainage system). For further information on this requirement, please contact Development Services staff.
4. A copy of the access permit, as issued by the Ministry of Transportation, which confirms that access for the proposed use has been approved by the Ministry.
5. A copy of the septic disposal permit, as issued by the Ministry of Health, which confirms that a septic disposal system for the proposed use is available and has been approved by the Ministry.

6230 Hammond Bay Rd.
Nanaimo, B.C.
V9T 5H7

Ph: (250)396-4111
Toll Free: 1-977-607-4111
Fax: (250)396-4163

RDN Website: www.rdn.bc.ca

Huntbatch
August 16, 2004
page 2 of 2

6. Please be aware that as part of the zoning amendment application, the RDN will refer the proposal to the local fire commissioner to ensure compliance with the requirements of the fire department. The intent of this requirement is to ensure the local fire department is capable of responding to any emergencies that may occur as a result of the proposed development.

At the meeting with RDN staff, you expressed some urgency with respect to dealing with this zoning amendment application. Therefore, in order to expedite the processing of the application, please provide this information by August 27, 2004. Once this additional information is received, staff will contact you to arrange the Public Information Meeting for your application. Subsequent to the Meeting, it may be necessary for staff to request additional information in order to clarify any issues raised by the public prior to finalizing the staff report.

While the current A-1 zoning permits the construction of agricultural buildings, the buildings are not permitted to be used for the housing of pets or to be operated as a boarding facility such as a parrot refuge. Should you continue construction of this building without zoning amendment approval, you do so at your own risk. Should the Board not approve the proposed use, the building may only be used for farm use as permitted by the A-1 zone.

The fees that you have already submitted to this office, in the amount of \$2600.00, will be held until the information requested above has been received.

Keeva Kehler will be the staff contact for this application. If you have any questions or comments, please call (250) 954-3798 or toll free in BC 1-877-607-4111 and Keeva will be happy to assist you.

Sincerely,



Robert Lapham
General Manager of Development Services

cc: *RDN Bylaw Enforcement*
Mr. Lou Biggemann, Director, Electoral Area 'F'



REGIONAL
DISTRICT
OF NANAIMO

September 1, 2004

Ms. Wendy Norma Huntbatch
Box 645, Coombs, BC
V0R 1M0

Dear Ms. Huntbatch

**RE: Application for Rezoning
Lot 12, Salvation Army Lots, Nanoose District, Plan 1115, Except
Part in Plan 734 RW,
2116 Alberni Highway, Electoral Area F
RDN Map Reference No. 92F.038.2.2**

Dear Ms. Huntbatch:

Thank you for the information provided by yourself and Mr. Neumann on August 30th, 2004 regarding your application to amend the "Regional District of Nanaimo Zoning and Subdivision Bylaw No. 1285, 2002."

You have made the decision to construct the above noted building with the knowledge that your intended use is not permitted pursuant to "Regional District of Nanaimo Zoning and Subdivision Bylaw No. 1285, 2002." This building cannot be legally used for the uses you propose prior to the successful completion of the rezoning process, and receiving permission from the Agricultural Land Commission. As a result of this situation we have placed a priority on processing your application, for your benefit.

Our letter of August 16th, 2004 outlined the initial information we required to evaluate your application further. We received your fax in response to our request for information on August 30th, 2004. Also, on the afternoon of August 30th Mr. Horst Neumann brought the requested site plan into our office and discussed your application with us further.

We have the following comments regarding the information provided by you and Mr. Neumann on August 30th, 2004.

1. The site plan provided identifies the following new buildings that are proposed to contain uses accessory to the parrot refuge.

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Nanaimo, B.C.
V9T 6N2

Ph: (250)390-4111
Toll Free: 1-877-607-4111
Fax: (250)390-4163

RDN Website: www.rdn.bc.ca

- A 557 m² (6,000 sq. ft.) building to house the gift shop, food concession, classrooms, and other miscellaneous uses.
- A 111 m² (1200 sq. ft.) building for office use.
- A 297 m² (3200 sq. ft.) building to be used as a dormitory for avian veterinary students and volunteers.

The scale of the commercial use of the property goes beyond what can be rationalized as accessory to the agricultural use of the property. You propose a food concession area with 100 seats. Our discussions with Mr. Neumann reveal that the gift shop area is proposed to be hundreds of square feet in area. This scale of commercial use and the establishment of residences for live in veterinary students constitutes a commercial use of the property that is not consistent with the "Resource Lands within the Agricultural Land Reserve" Official Community Plan designation and the "Resource Lands" designation of the Regional Growth Strategy. Further this does not appear to be consistent with the Agricultural Land Commission Act and regulations.

The Agricultural Land Commission Act, and the Agricultural zone allow you to locate a manufactured home on the property in addition to the principle dwelling. Up to three veterinary students may be accommodated in this manufactured home. You should confirm with the Agricultural Land Commission that this type of veterinary school or training on site is allowed according to the Agricultural Land Commission Act and regulations.

Please consider significantly reducing the seating capacity for the food concession area, and reducing the retail sales area, to a level in line with your initial proposal for a parrot refuge centre with limited accessory retail sales and food service. Once you have reconsidered your proposal please provide us with written confirmation of the size of the area and new seating capacity you propose for the food concession and the size of the area you propose to be used for retail sales.

Please provide a revised site plan showing the new buildings scaled to accommodate these uses. The revised site plan should also clearly show building dimensions, on-site traffic movement patterns, the proposed width of the site access, the size and location of signage proposed on the site, and details of the site drainage plan and storm water retention pond. Also, please provide information regarding the steps to be taken to ensure bird waste does not impact the quality of stormwater leaving the site.

As previously discussed the Regional District of Nanaimo cannot proceed to Public Hearing and third and final reading of any rezoning

bylaw until the Agricultural Land Commission has provided written confirmation that the non-farm uses including the concession and retail sales uses are approved.

2. An access permit has not been provided. We note that your fax says you shall be meeting with the Ministry of Transportation this week.
3. A copy of the septic disposal permit has not been provided. We note that we have received comment from the Vancouver Island Health Authority that no application has been made to them for on-site sewage disposal for your new buildings. The Health Authority further notes that your property may be problematic with respect to on-site disposal.

We encourage you to begin discussions with the Health Authority as soon as possible. You may contact Glenn Gibson at the Health Authority at (250) 248-2044. We must ensure that the appropriate sewage disposal permits from the Vancouver Island Health Authority are in place prior to completing our review of your application.

We cannot complete our evaluation of your application and forward it to the Electoral Area Planning Committee prior to receiving the outstanding information discussed above. Given the outstanding information and concerns with your current proposal your application cannot proceed to the September 14th meeting of the Electoral Area Planning Committee, and the September 28th meeting of the Board.

We have scheduled and advertised a Public Information Meeting for September 13th, 2004 at 7:00 pm at the Arrowsmith Agricultural Hall at 1018 Ford Road in Coombs. We must confirm the details of your application prior to that meeting. Please provide the required information by Friday, September 10th, 2004 to allow staff sufficient time to review the information and prepare for the meeting.

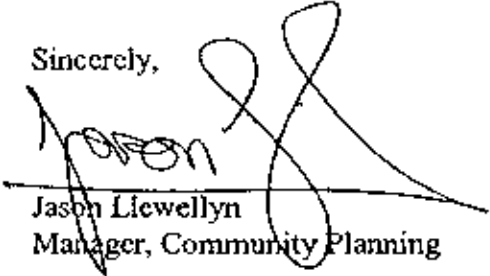
We again stress for your information that the building you are constructing cannot be legally used for the uses you propose, including the bird sanctuary use, prior to the successful completion of the rezoning process. Staff or Board support for the necessary rezoning is in no way guaranteed. We again advise that you continue construction of this building at your own risk.

I note that Mr. Horst Neumann has not been authorized as your agent to represent you on this application. Please provide us with a letter authorizing him to represent you with respect to this application.

Keeva Kehler continues to be your staff contact person for this application. If you have any questions or comments please call (250) 954-3798 or toll free in BC 1-877-607-4111 and Keeva will be happy to assist you. We look forward

to working with you to successfully resolve these issues to our mutual satisfaction

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Llewellyn", is written over a horizontal line. The signature is stylized and includes a large loop at the end.

Jason Llewellyn
Manager, Community Planning

cc: RDN Bylaw Enforcement
Mr. Lou Biggemann, Electoral Area 'F'
Bob Lapham, Director, Development Services



REGIONAL
DISTRICT
OF NANAIMO

September 13th, 2004

COPY

Ms. Wendy Norma Huntbach
Box 645, Coombs, BC
V0R 1M0

Dear Ms. Huntbach

**RE: Application for Rezoning
Lot 12, Salvation Army Lots, Nanoose District, Plan 1115, Except
Part in Plan 734 RW,
2116 Alberni Highway, Electoral Area F
RDN Map Reference No. 92F.038.2.2**

Dear Ms. Huntbach:

On August 30th, 2004 we met with Mr. Neumann regarding your application to amend the "Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002." At this meeting the importance of clarifying the proposed scale of commercial use of the property, and obtaining the required information as soon as possible was stressed. We also specifically stressed the importance of receiving this information before the public information meeting to be held on September 13, 2004.

We offered to hand deliver our letter dated September 1st 2004, which discusses your application and clarifies the information we require. We were told that we should instead mail the letter to your post office box. We are disappointed to hear today that our September 1st correspondence has not yet been picked up from the post office box. Further, you have no further information or clarification for us regarding your application prior to the public information meeting tonight.

Given the possibility of future legal action should you use the subject property or building under construction contrary to "Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" we are not willing to further delay processing your application because of a lack of information. Therefore, we plan to proceed with your application to the October 12th, 2004 meeting of the Electoral Area Planning Committee, and the October 26th, 2004 meeting of the Board. If you have not provided the required information, and clarified the

6300 Hammond Bay Rd.
Nanaimo, B.C.
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Fax: (250) 390-4163

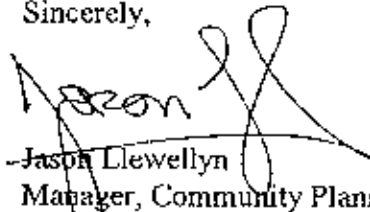
RDN Website: www.rdn.bc.ca

nature of your proposed development we shall proceed with processing the application with the information received.

Our desire is to reach a mutually acceptable resolution to this land use issue. To achieve this resolution we must begin discussions immediately. To facilitate this please provide the information requested in our letter dated September 1st, 2004. This letter is attached for your convenience.

Keeva Kehler continues to be your staff contact person for this application. If you have any questions or comments please call (250) 954-3798 or toll free in BC 1-877-607-4111 and Keeva will be happy to assist you. We remain hopeful that we can work with you to successfully resolve these issues to our mutual satisfaction

Sincerely,


-Jason Llewellyn
Manager, Community Planning

cc: RDN Bylaw Enforcement
Mr. Lou Biggemann, Electoral Area 'F'
Bob Lapham, Director, Development Services

Attachment: Letter dated September 1st, 2004 from Jason Llewellyn, Manager of Community Planning to Ms. Wendy Norma Huntbatch.



REGIONAL DISTRICT OF NANAIMO	
OCT - 4 2004	
CHAIR	GMCrs
CAO	GMDS
CMO	GMES
AP ✓	

MEMORANDUM

TO: Jason Jewell
Manager, Community Services

DATE: October 4, 2004

FROM: Brigid Reynolds
Senior Planner

FILE: 3060 30 60443
3060 30 60444

SUBJECT: Development Permit Application No. 60443 – Tenant/ Fern Road Consulting Ltd. and
Development Permit Application No. 60444 - West Coast Rangers Ltd, Vincent, Stranaghan, Tennant, and Bartzen/Fern Road Consulting Ltd.
Electoral Area 'H' – Spider Lake Road and Horne Lake Road

PURPOSE

To consider two development permit applications to facilitate the subdivision of land within the Environmentally Sensitive Features Development Permit Area and to consider a request to relax the minimum 10% frontage requirement in order to facilitate the creation of a total of 16 new parcels.

BACKGROUND

Zoning amendment applications are currently under consideration by the Regional Board for the purpose of rezoning the following five subject properties from Subdivision District 'B' (8.0 ha minimum parcel size) to Subdivision District 'D' (2.0 ha minimum parcel size) in order to facilitate subdivision of each parent parcel:

- Lot 5, Blk 347, Newcastle and Alberni Districts, Plan 33670 (West Coast Rangers Ltd) to facilitate the subdivision of the parcel into three lots – 2 lots with a minimum parcel size of 2.0 ha and one lot with a minimum parcel size of 4.0 ha;
- Lot 4, Blk 360, Newcastle and Alberni Districts, Plan 35096 (Vincent) to facilitate the subdivision of the parcel into three lots – two lots with a minimum parcel size of 2.0 ha and one lot with a minimum parcel size of 4.0 ha;
- Lot 5, Blk 360, Newcastle and Alberni Districts, Plan 35096 (Stranaghan) to facilitate the subdivision of the parcel into three lots – two lots with a minimum parcel size of 2.0 ha and one lot with a minimum parcel size of 4.0 ha;
- Lot 17, Blk 360, Newcastle District, Plan 36512 (Tennant) to facilitate the subdivision into four lots with a minimum parcel size of 2.0 ha; and
- Lot 18, Blk 360, Newcastle District, Plan 36512 (Bartzen) to facilitate the subdivision of the parcel into three lots – two lots with a minimum parcel size of 2.0 ha and one lot with a minimum parcel size of 4.0 ha.

The subject properties are located in the Spider Lake area of Electoral Area 'H' (see Attachment No. 1 for location of subject property).

The corresponding Amendment Bylaw Nos. 500.302, 500.303, 500.304, 500.305, and 500.306, 2004 have received 3 readings. Once all the conditions of the zoning amendments have been met to the satisfaction of the Regional District, the Regional Board may consider the amendment bylaw for adoption.

Environmentally Sensitive Features Development Permit Area

One condition of the rezoning is that the applicants enter into a development permit as all five properties are designated within the Environmentally Sensitive Features Development Permit Area pursuant to the Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003 for the purposes of protecting the aquifer. In addition, Lot 17, Block 360, Newcastle District, Plan 36512 (Tenant) is also designated as being within the Environmentally Sensitive Features Development Permit Area due to a pond located within the parcel.

These development permit applications may be considered by the Regional Board concurrently with consideration of adoption of the corresponding amendment bylaw.

As part of the zoning amendment applications, the applicants submitted a hydrogeological assessment prepared by EBA Engineering Consultants Ltd. dated August 31, 2004. This report indicates that the aquifers have high potential to supply adequate quantities of water for residential use for the proposed parcels and provides recommendations for development.

The applicants also submitted a report prepared by Bob Davey of Davey Consulting and Engineering, dated February 11, 2004 that examined the geological and hydrogeological conditions of each of the properties.

10% Minimum Frontage Requirements

Three of the applications include proposed parcels that do not meet the minimum 10% frontage requirement pursuant to section 944 of the *Local Government Act*. The requested frontages on these proposed parcels are as follows:

<i>Amendment No</i>	<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% of Perimeter</i>
ZA0402	Lot C	155.7 m	23.2 m	1.5%
ZA0403	Lot C	112.6 m	7.2 m	0.64%
ZA0404	Lot C	135.3 m	9.8 m	0.72%

Therefore, as these proposed lots do 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 Development Permit Application Nos. 60443 and 60444 as submitted.
2. To approve the request for relaxation of the minimum 10% frontage requirement for ZA0402, proposed Lot C; ZA0403, proposed Lot C; and ZA0404, proposed Lot C.

3. To deny the development permits as submitted.
4. To deny the request for relaxation of the minimum 10% frontage requirement.

LAND USE AND DEVELOPMENT IMPLICATIONS

Approving the development permits would facilitate the subdivision of five parcels into a total of 16 parcels (8 – 2 ha parcels and 8 – 4 ha parcels). Pursuant to the OCP policies, as a condition of the zoning amendment applications for the proposed 2 ha lots, the number of dwelling units is limited to one.

The hydrological report prepared by EBA Engineering Ltd. states that there are two unconfined aquifers within the study area and considers these aquifers to have high potential to supply adequate quantities of water for residential use. The report recommends that low impact development solutions should be used during the development of the properties to minimize groundwater extraction. EBA also recommends that a professional hydrogeologist should be retained during the development of the lots to characterize the water quality through appropriate analytical testing to ensure the water is potable, to make recommendations pertaining to appropriate well head and aquifer protection and to collect and compile information pertaining to the new wells. These recommendations are included as conditions of approval of this development permit.

As a condition of the development permit applications the report prepared by EBA Engineering Ltd. is required to be registered on the title of each of the properties.

MINISTRY OF TRANSPORTATION IMPLICATIONS

This request to reduce the minimum 10% frontage applies to three 4 ha parcels which have a panhandle configuration. Once the subdivision has been complete, access for four parcels is proposed to be by easements as follows:

ZA0402 (West Coast Rangers Ltd.) - Proposed Lot C is a panhandle lot and does not meet the 10 % frontage requirement. Access for Lots A and B is proposed to be by easement over a portion of the panhandle.

ZA0403 (Vincent) - Proposed lot C is a panhandle lot and does not meet the 10% frontage requirement. An access easement is proposed in addition to the panhandle and access is proposed to be shared with the adjacent parcel (Lot 5, Plan 35096, Block 360, Newcastle and Alberni Districts). The total width of the two panhandles is 20 m.

ZA0404 (Stranaghan) - Proposed lot C is a panhandle lot and does not meet the 10% frontage requirement. The panhandle is located on the northern lot line, however an access easement is proposed across proposed lot B as this is the existing access to the dwelling unit on proposed lot C.

Ministry of Transportation staff has indicated that they have no objection to these proposed zoning amendment applications and frontage relaxations. It is noted that if the amendment application proceeds, the applicants will be required to apply to the Ministry for subdivision approval.

As a condition of the three zoning amendment applications (ZA0402, ZA0403, and ZA0404) staff has recommended that the applicants be required to register a section 219 covenant restricting further

subdivision as this requirement is consistent with the OCP policies to not permit the creation of 2.0 ha parcels with frontage relaxations. The restriction on further subdivision would also apply to subdivisions proposed pursuant to the *Strata Property Act* and is considered necessary to ensure that the integrity of the Plan policies restricting access and road dedication for the creation of 2.0 ha parcels is maintained.

ENVIRONMENTAL IMPLICATIONS

The report prepared by EBA Engineering recommends that low impact development solutions be utilized during the development of the lots to minimize groundwater extraction and to ensure the long-term sustainability of the ground water resource. The applicants are in concurrence to enter into a section 219 covenant to register the report on title.

Additionally, reports were prepared by Davey Consulting and Engineering for each of the applications and they state that the hydrology would not be adversely affected by the subdivision of the lots as the groundwater levels are below the area for septic discharge and groundwater flows are away from Spider Lake.

The pond on Lot 17, Blk 360, Newcastle District, Plan 36512 (Tennant) is designated as a watercourse protection Development Permit Area, which is measured 15.0 metres from the natural boundary. The applicant is in concurrence to enter into a Section 219 covenant to restrict the removal of vegetation.

VOTING

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

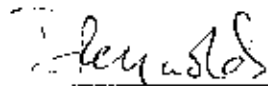
SUMMARY

This is an application for a development permit for five properties designated within the Environmentally Sensitive Features Development Permit Area pursuant to the Electoral Area 'H' OCP specifically for the purposes of protecting the aquifer. This is also an application for a development permit for one property designated within the Environmentally Sensitive Features Development Permit Area pursuant to the Electoral Area 'H' OCP specifically for the purposes of protecting the watercourse on the property. The subject properties are currently at third reading to amend the subdivision district from 'B' (8.0 ha minimum parcel size) to 'D' (2.0 ha minimum parcel size). A condition of the zoning amendment application is that the applicant enters into a development permit. The applicants have agreed to enter into section 219 covenants to register the reports prepared by EBA Engineering Ltd. and Davey Consulting and Engineering.

Three applications (ZA0402, ZA0403, and ZA0404) are requesting a relaxation of the 10% minimum frontage requirement. Staff recommends a section 219 covenant be registered on the title of the properties to restrict any further subdivision in order to address the implications associated with this requested relaxation of the subdivision standards.

RECOMMENDATIONS

1. That Development Permit Application No. 60443, submitted by Fern Road Consulting, for the properties legally described as
Lot 5, Blk 347, Newcastle and Alberni Districts, Plan 33670;
Lot 4, Blk 360, Newcastle and Alberni Districts, Plan 35096;
Lot 5, Blk 360, Newcastle and Alberni Districts, Plan 35096;
Lot 17, Blk 360, Newcastle District, Plan 36512; and
Lot 18, Blk 360, Newcastle District, Plan 36512, be approved, subject to the conditions outlined in Schedule No. 1
2. The Development Permit Application No. 60444, submitted by Fern Road Consulting, for the property legally described as Lot 17, Blk 360, Newcastle District, Plan 36512, be approved, subject to the conditions outlined in Schedule No. 1.
3. That the request from Fern Road Consulting to relax the minimum 10% frontage requirements for
Lot 5, Blk 347, Newcastle and Alberni District, Plan 66370;
Lot 4, Blk 360, Newcastle and Alberni Districts, Plan 35096;
Lot 5, Blk 360, Newcastle and Alberni Districts, Plan 35096; and
for proposed Lot C, shown on the proposed subdivision, be approved subject to the conditions outlined in Schedule No. 1.



Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devs/reports/2904/dp oc 3060 30 60443 and 60444 and 10% frontage relaxation

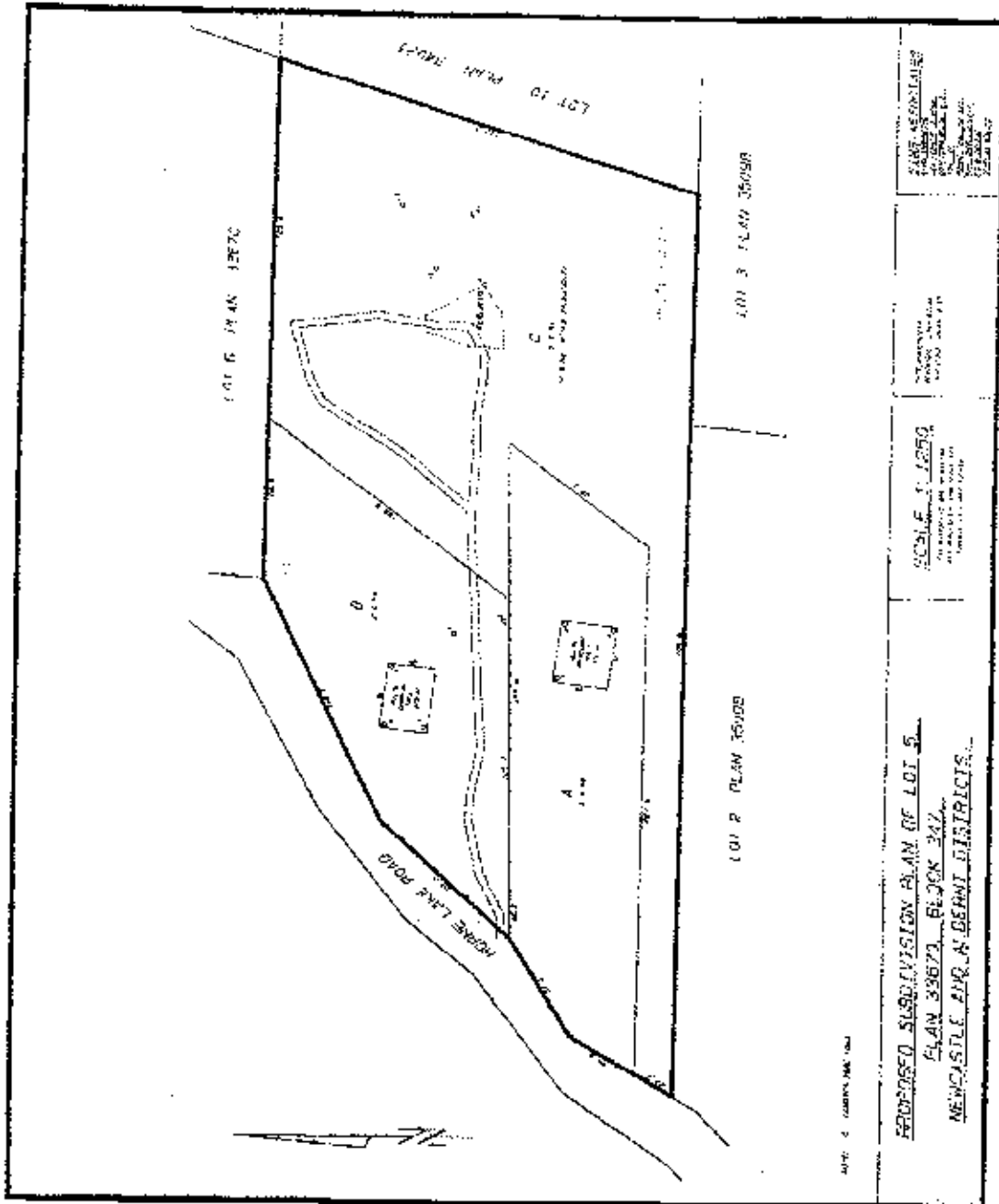
SCHEDULE NO. 1
Conditions for Approval

The registration of the following section 219 covenants. All covenants are to be prepared and registered by the applicant to the satisfaction of the Regional District prior to final approval of the corresponding zoning amendment bylaw.

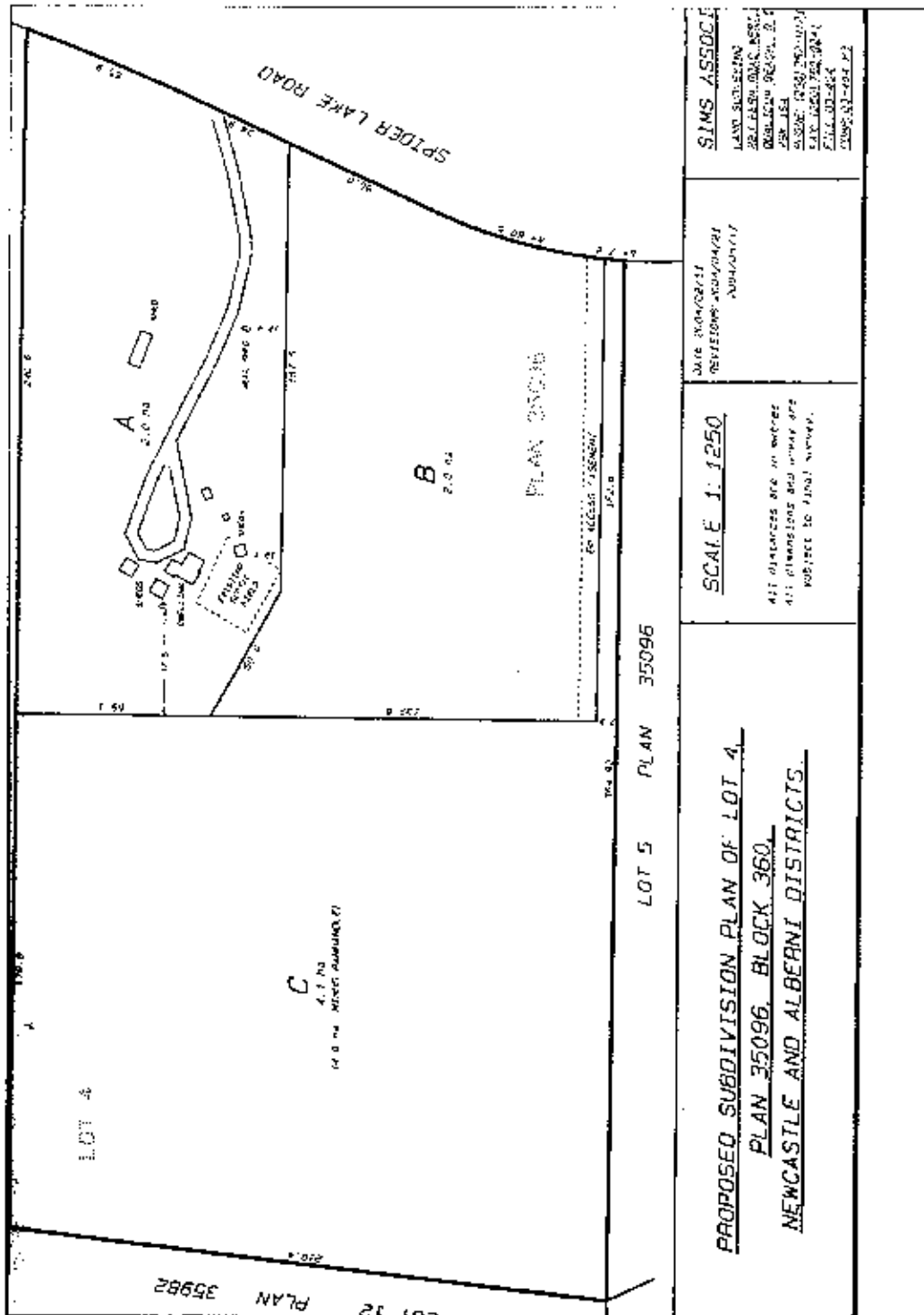
1. For the following properties:
Lot 5, Blk 347, Newcastle and Alberni Districts, Plan 33670;
Lot 4, Blk 360, Newcastle and Alberni Districts, Plan 35096;
Lot 5, Blk 360, Newcastle and Alberni Districts, Plan 35096;
Lot 17, Blk 360, Newcastle District, Plan 36512; and
Lot 18, Blk 360, Newcastle District, Plan 36512,
the following section 219 shall be registered: The hydrogeological assessment prepared by EBA Engineering Consultants Ltd. on August 31, 2004.
2. For Lot 17, Blk 360, Newcastle District, Plan 36512 the following section 219 covenant shall be registered: No removal of vegetation within 15 metres of the natural boundary of the pond.
3. For the following properties:
Lot 5, Blk 347, Newcastle and Alberni Districts, Plan 33670, the proposed 4 ha lot (C);
Lot 4, Blk 360, Newcastle and Alberni Districts, Plan 35096, the proposed 4 ha lot (C); and
Lot 5, Blk 360, Newcastle and Alberni Districts, Plan 35096, the proposed 4 ha lot (C);
the following section 219 covenant shall be registered: No further subdivision or subdivision pursuant to the *Strata Property Act*.

SCHEDULE No. 2 (1 of 5)
Site Plan for Zoning Amendment Application No. 0402
(as submitted by applicant)
(reduced for convenience)

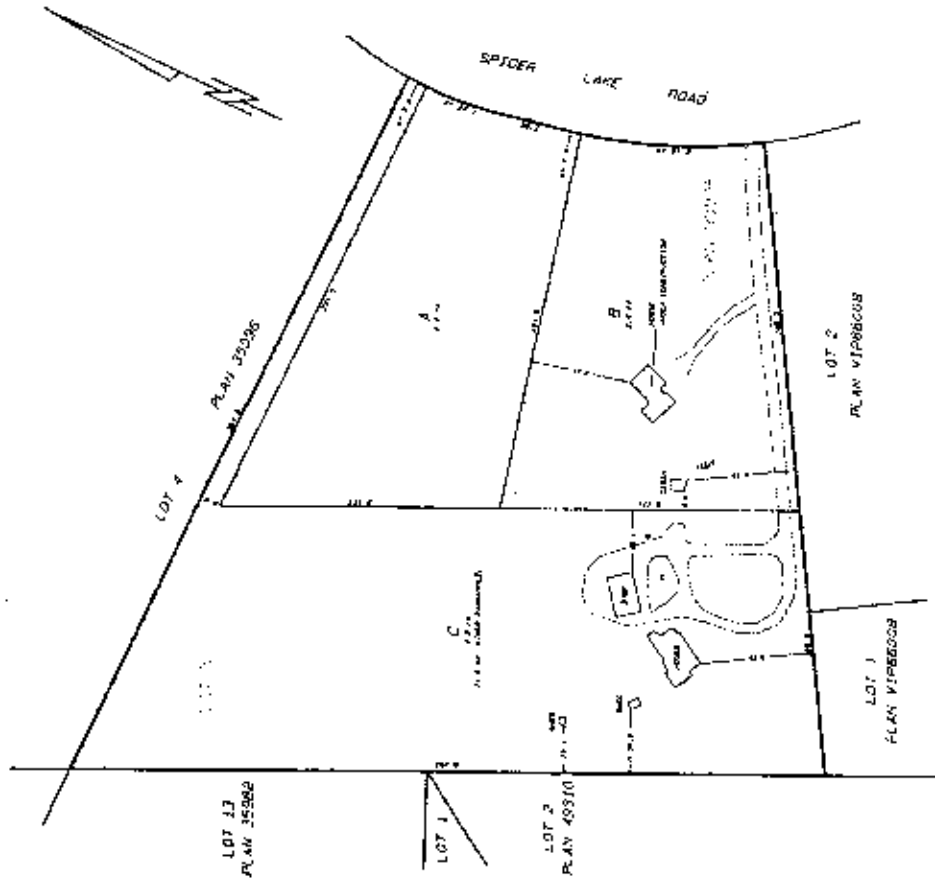
Scp 00 04 11:204 Sims R5500- 7029241 P-2



SCHEDULE No. 2 (2 of 5)
Site Plan for Zoning Amendment Application No. 0403
(as submitted by applicant) (reduced for convenience)



SCHEDULE No. 2 (3 of 5)
Site Plan for Zoning Amendment Application No. 0404
(as submitted by applicant)
(reduced for convenience)



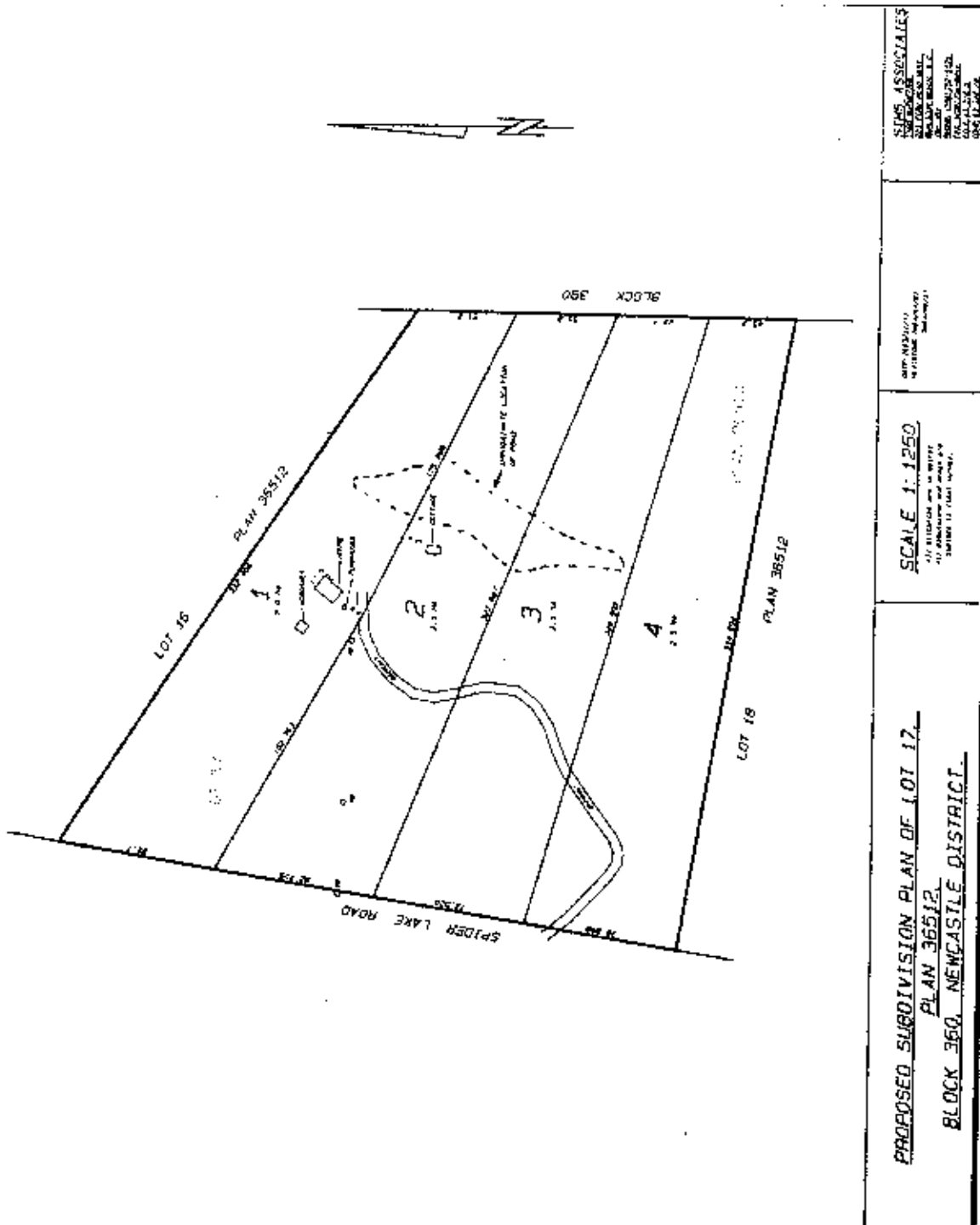
SIMS ASSOCIATES
ARCHITECTS
10000 146TH STREET, S.W.
RENO, B.C. V2Y 1C1
TEL: (604) 873-1111
FAX: (604) 873-1112
WWW.SIMSARCHITECTS.COM

DATE PREPARED: 10/04/04
DRAWN BY: J. SIMS
CHECKED BY: J. SIMS
SCALE: AS SHOWN

SCALE: 1:1250
ALL DIMENSIONS ARE IN METERS
UNLESS OTHERWISE SPECIFIED

PROPOSED SUBDIVISION PLAN OF LOT 2,
PLAN 35586, BLOCK 360,
NEWCASTLE AND ALBERTA DISTRICTS.

SCHEDULE No. 2 (4 of 5)
Site Plan for Zoning Amendment Application No. 0405
 (as submitted by applicant)
 (reduced for convenience)



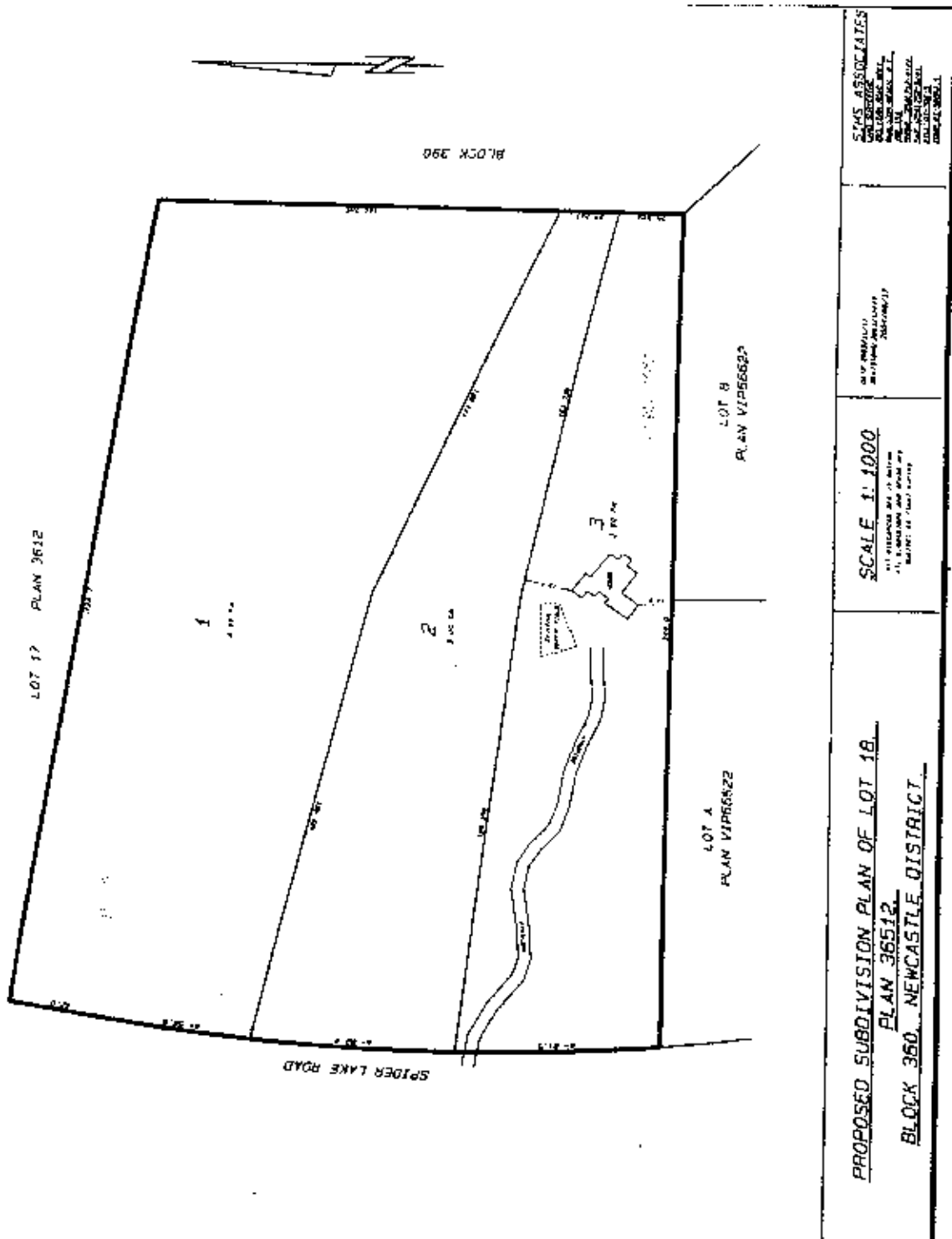
SIMS ASSOCIATES
 100-1000 100th Ave. S.E.
 Suite 100
 Bellevue, WA 98004
 Phone: (206) 276-1100
 Fax: (206) 276-1101
 Email: info@simassociates.com

DATE PREPARED:
 10/04/04

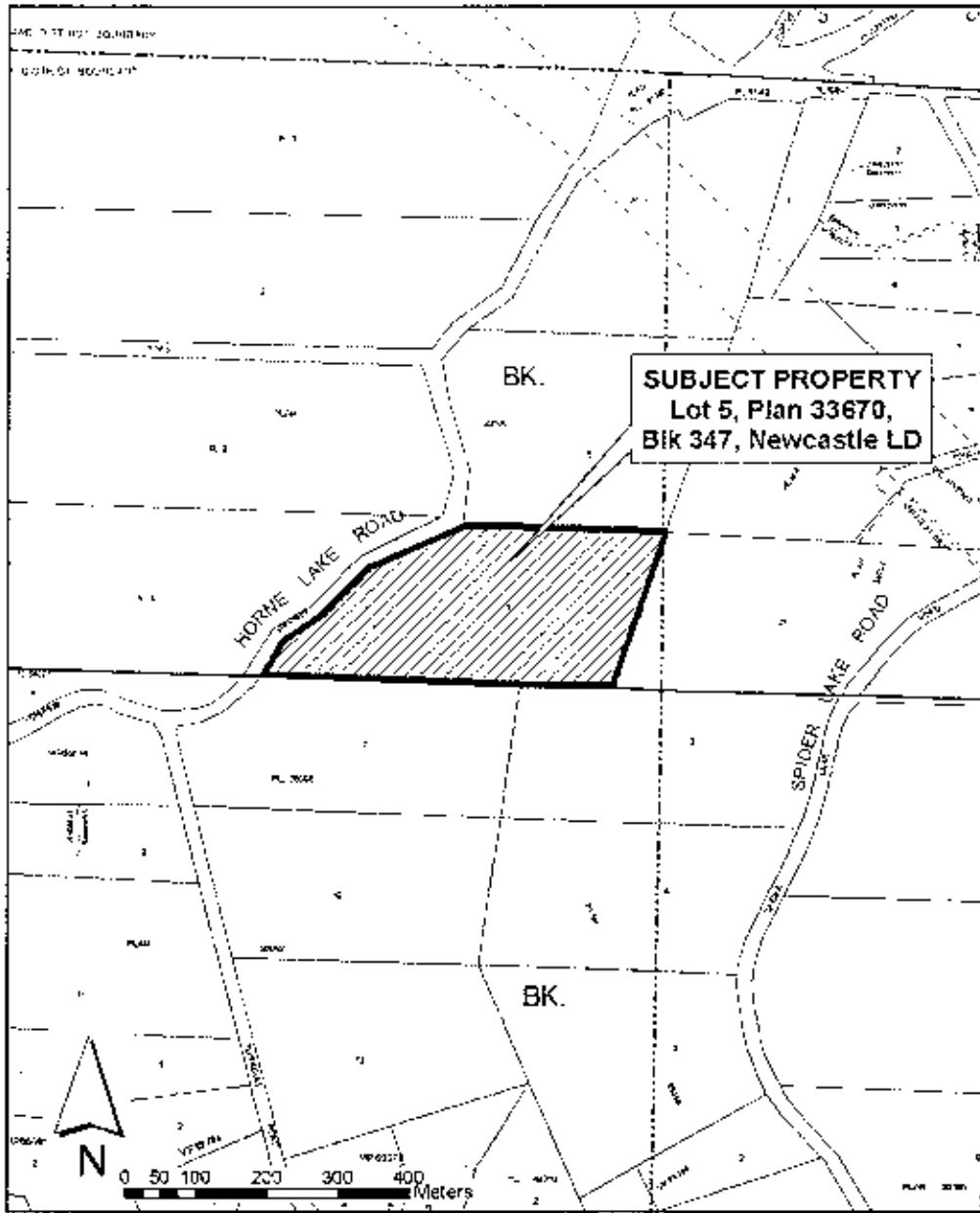
SCALE: 1" = 1250'
 ALL DIMENSIONS ARE IN FEET
 UNLESS OTHERWISE NOTED
 SECTION 11 (PLAN NUMBER)

**PROPOSED SUBDIVISION PLAN OF LOT 17,
 PLAN 36512,
 BLOCK 360, NEWCASTLE DISTRICT.**

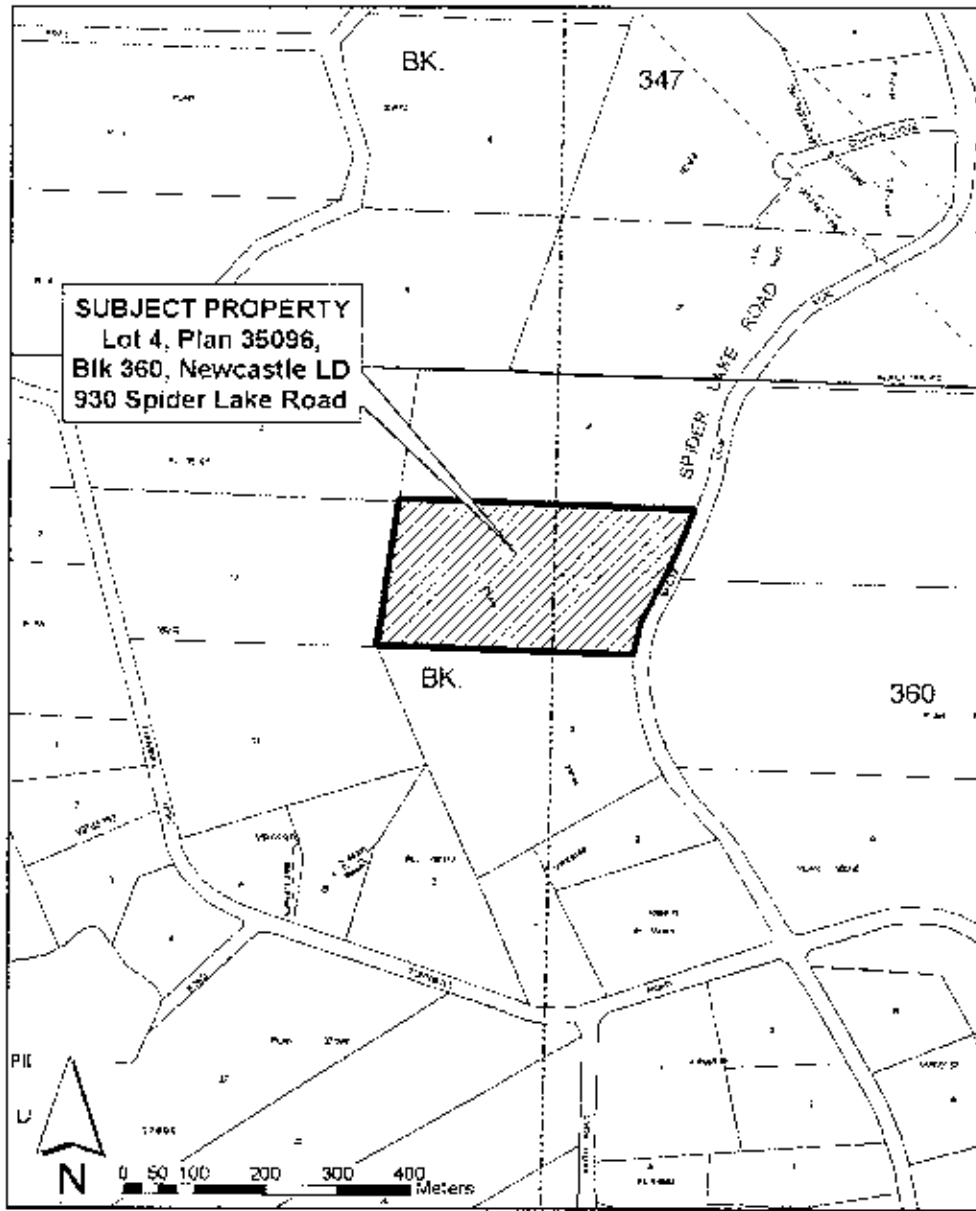
SCHEDULE No. 2 (5 of 5)
Site Plan for Zoning Amendment Application No. 0406
(as submitted by applicant)
(reduced for convenience)



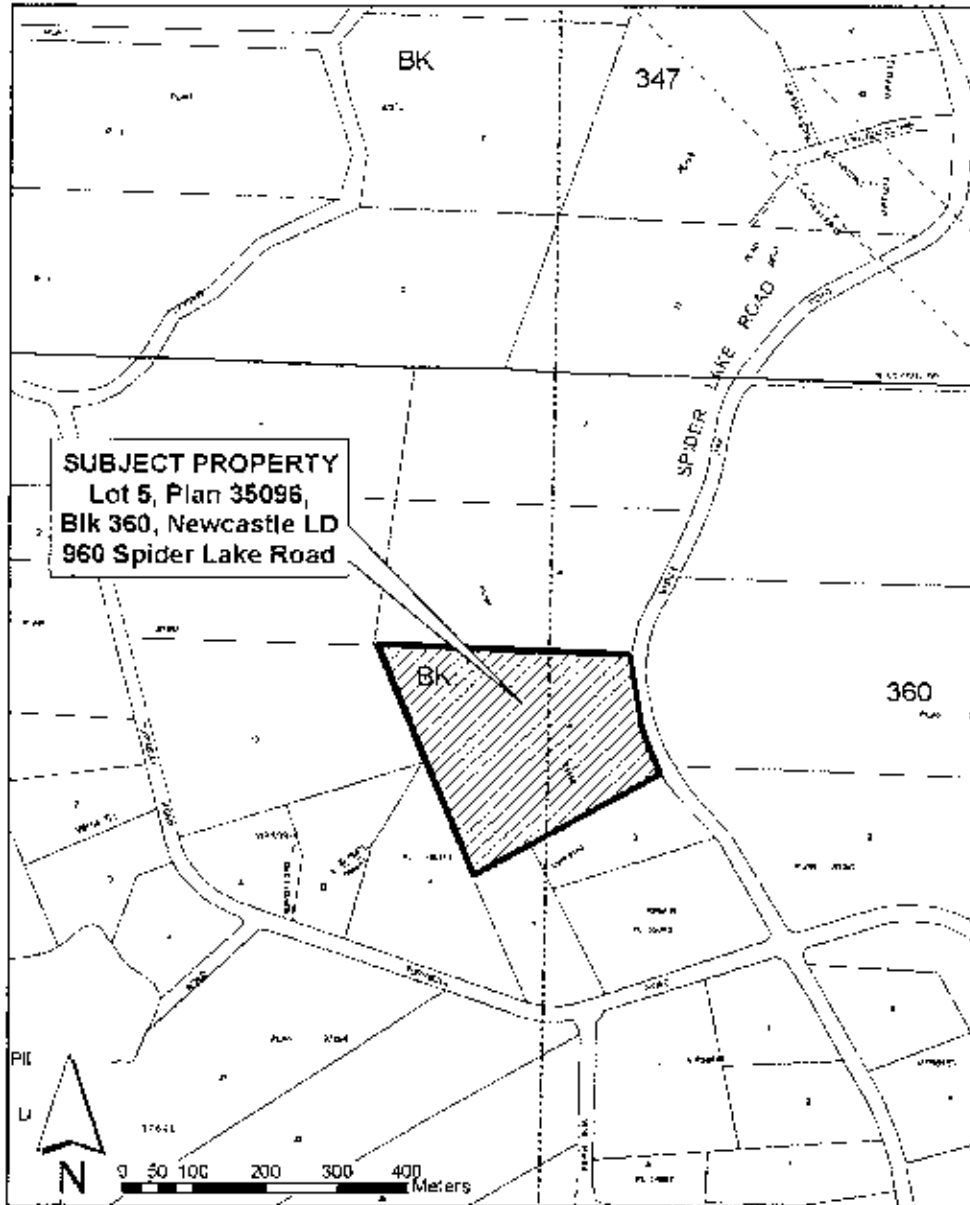
ATTACHMENT No. 1 (1 of 5)
Location of Subject Property
Zoning Amendment Application No. ZA0402



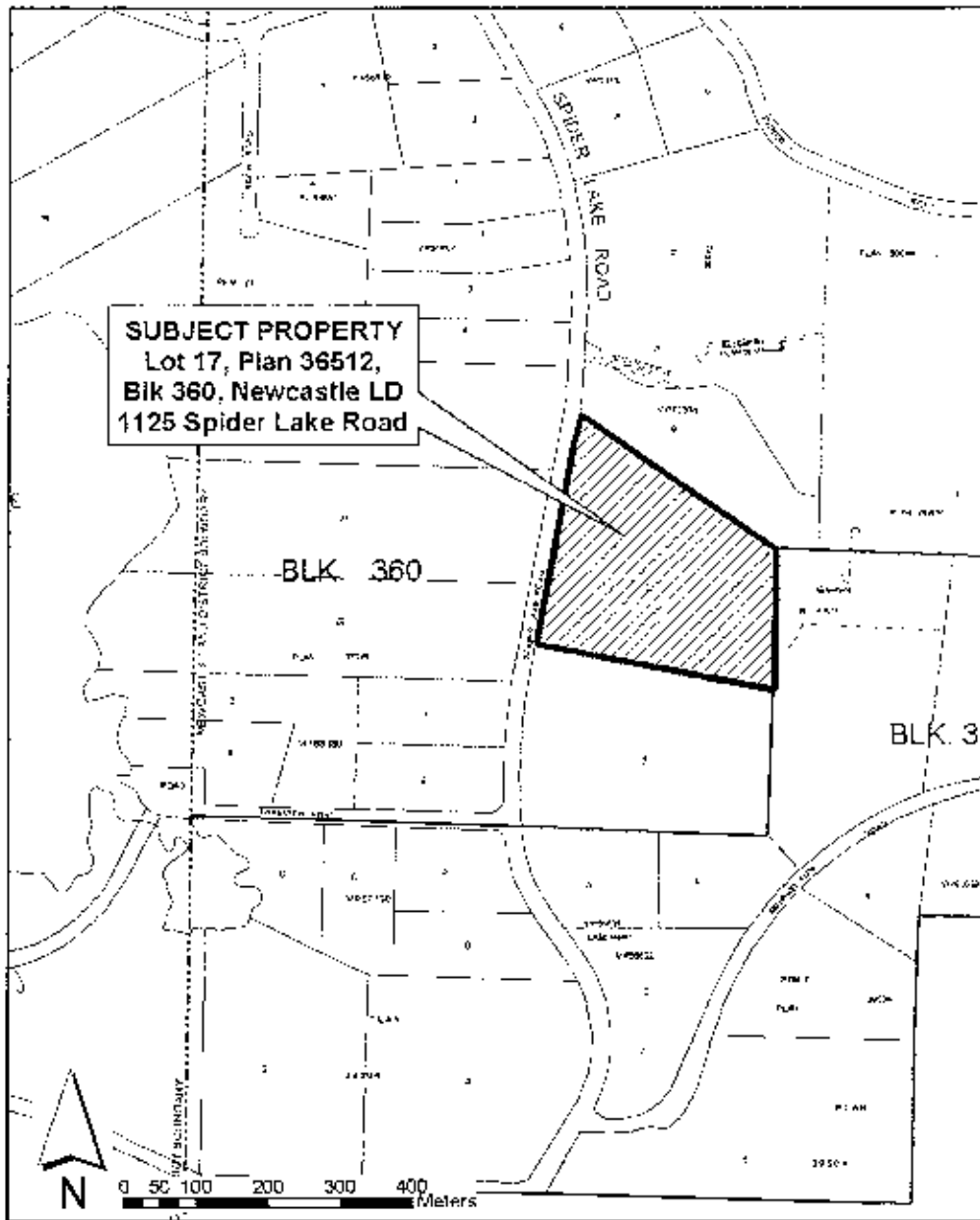
ATTACHMENT No. 1 (2 of 5)
Location of Subject Property
Zoning Amendment Application No. ZA0403



ATTACHMENT No. 1 (3 of 5)
Location of Subject Property
Zoning Amendment Application No. ZA0404

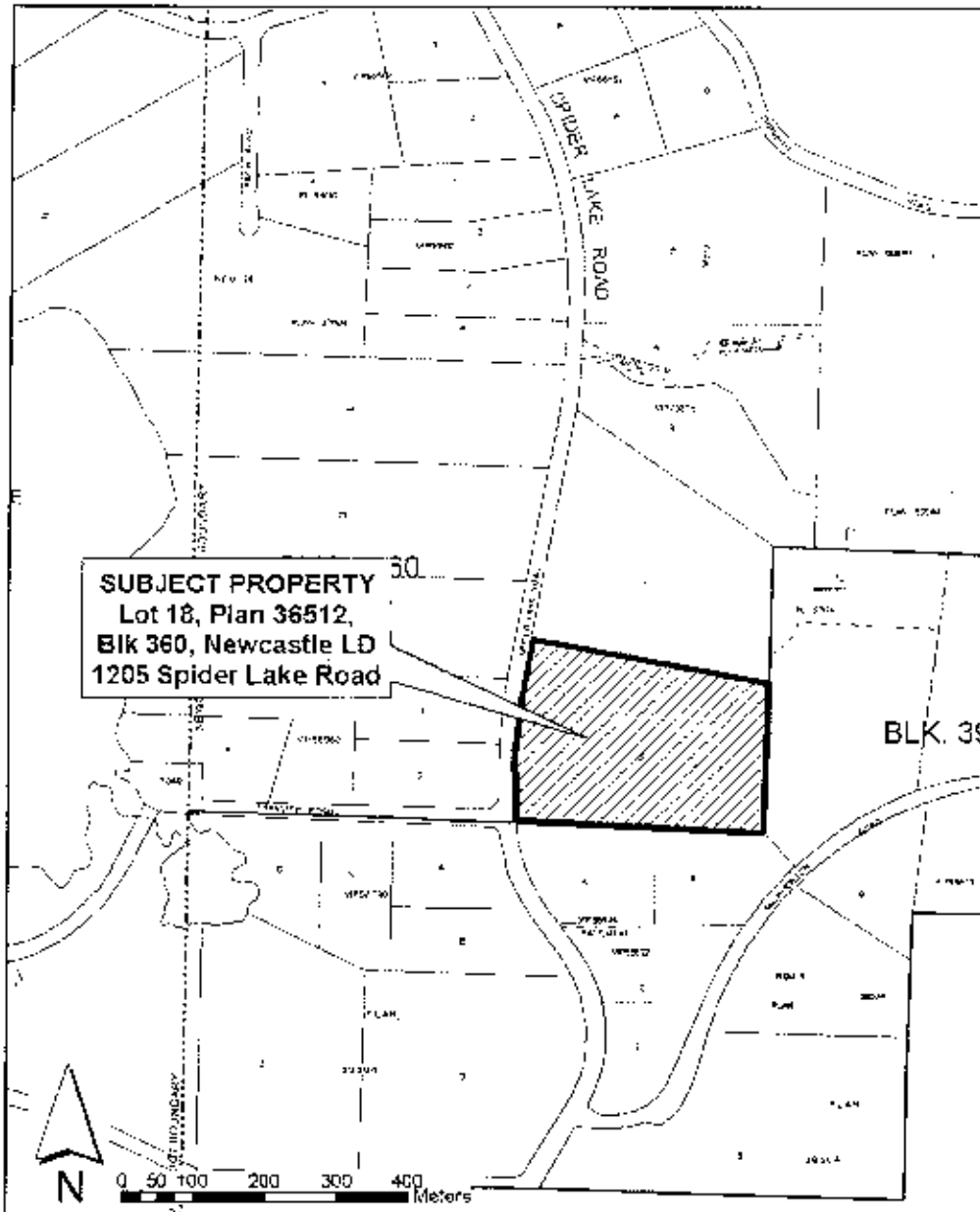


ATTACHMENT No. 1 (4 of 5)
Location of Subject Property



GIS Map Created by 20701724

ATTACHMENT No. 1 (5 of 5)
Location of Subject Property





REGIONAL DISTRICT OF NANAIMO	
OCT - 1 2004	
CHAIR	EMCS
CAO	GMOS
GMOS	GMES
EAPC L ✓	
DATE	

MEMORANDUM

TO: Robert Lapham
General Manager of Development Services

FROM: Keeva Kehler
Planner

SUBJECT: Development Permit Application No. 60449 - Reilly
Electoral Area 'G' - 1651 Admiral Tryon Boulevard

FILE: 3060 30 60449

PURPOSE

To consider an application to vary the minimum setback from the sea for an existing concrete retaining wall and to approve erosion protection works, specifically the addition of rip-rap in front of the retaining wall, within the Watercourse Protection Development Permit Area.

BACKGROUND

The subject property, legally described as Lot 22 District Lot 28, Nanoose District Plan 22290, is located at 1651 Admiral Tryon Boulevard adjacent to the Strait of Georgia within Electoral Area 'G' (see Attachment '1' for location). The property is zoned Residential 1 (RS1) pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987. The minimum setback requirements for buildings and structures, including retaining walls measuring 1.0 metres in height or greater, is 8.0 metres horizontal distance from the natural boundary of the ocean.

Pursuant to the 'French Creek Official Community Plan Bylaw No. 1115, 1998,' the subject property is designated within a Watercourse Protection Development Permit Area (DPA) and alteration of the land within 15.0 metres of the natural boundary of the ocean requires approval from the Regional Board.

The applicants are requesting permission to install rip-rap erosion protection works in front of the existing wall to provide additional energy dissipation and to protect portions of the property that may be subject to marine erosion during storm events.

The RDN has received a number of applications for the installation of new retaining walls and renovation to existing structures over the past year. It is recognized that there are numerous existing retaining walls that are not legally sited throughout the region. In an effort to ensure a consistent approach in addressing these issues, the Board directed staff to prepare a report for the Board's consideration outlining recommendations on the application process and mitigation of environmental impacts for retaining walls adjacent to the foreshore. The Board will consider a policy with respect to retaining walls at its next regular Board Meeting. This application has been processed in accordance with the policy, which requires the submission of a geotechnical report with the application which must consider the implications of the erosion protection works on adjacent properties.

ALTERNATIVES

1. To approve Development Permit Application No. 60449, subject to the Conditions of Approval outlined in Schedule No. 1 and subject to the comments received as a result of notification requirements pursuant to the *Local Government Act*.
2. To deny Development Permit Application No. 60449 as submitted.

LAND USE AND DEVELOPMENT IMPLICATIONS

The applicants purchased the property last year and a previous owner had constructed a flat-faced concrete retaining wall close to the natural boundary. The dwelling unit was constructed in 1977 and there is no reference to a retaining wall in the building permit file. The survey submitted with the application indicates that the existing concrete wall is exactly 1.0 metre above natural grade and therefore, as the wall retains more than a cubic metre of earth, it requires a variance to the minimum setback requirements to the sea pursuant to RDN Bylaw No. 500, 1987.

As part of the development permit application, the applicant provided the following:

1. A report prepared by an professional engineer confirming the need to install the erosion protection works and assessing potential impacts on the adjacent properties, which currently do not have retaining walls.
2. A copy of application to the Ministry of Transportation to access the foreshore from the adjacent public right of way (park land) to undertake works.
3. A legal survey confirming the location of the existing retaining wall (a maximum of 1.0 metres beyond the present natural boundary and a minimum of 1.0 metre above the title boundary) and the height above natural grade (1.0 metres).

In addition to the Development Permit, the applicant will also need to apply for a building permit for the existing wall and the RDN Building Inspection Department will require that the rip-rap works are engineered

The applicants submitted a geotechnical report prepared by Davey Consulting and Engineering Ltd and date stamped September 21, 2004. This report states that this site is typically exposed to northeast winds that can damage sea walls that are not properly constructed. The subject property requires additional remedial works to provide full stabilization of the foreshore in this area. The engineer's report states that invasive stabilization works are required at the northeast section of the property, which is adjacent to RDN park land. In order to mitigate potential negative effects on the park land, rip-rap will be installed at a 45 degree angle so that wave energy will be dissipated to minimize erosion effects on the park property. The report contains details for the construction and installation of the rip-rap wall. The applicants will be required to follow the engineer's recommendations as part of the Development Permit approval.

The geotechnical report recommends using the northwest portion of the property as a beach access. Access should be constructed of rock, preferably native basalt or other dense and abrasion resistant rock that can be used to make a series of steps to the foreshore. It appears that accretion is presently occurring in this location.

In the engineer's opinion, the present seawall is not contributing to erosion of the adjacent westerly lot; however, during extreme tidal variations erosion on this property may occur as a result the present landscaped material installed on the subject property. Severe storm events may cause erosion if marine waters reach higher than normally would be expected.

ENVIRONMENTAL IMPLICATIONS

Marine shorelines are sensitive and biologically distinctive environments for fish and other marine wildlife. The beach in this area consists of sand and gravel, which is often unstable and subject to erosional forces of the ocean. Common Law grants property owners riparian rights, which allow them to protect their property from loss due to marine erosion. Engineered retaining walls have proven to be an effective erosion protection device.

As the concrete retaining wall exists, it is likely that removing this structure would result in further damage to the foreshore environment and considerable cost to the property owner. In addition, as common law allows property owners to protect their property from erosion and they would likely propose to reinstall a rip-rap retaining wall in the same location. Fisheries and Oceans Canada have Best Management Practices (BMPs) that must be followed for the installation of any works on the foreshore. In addition to the BMPs there are 'fisheries windows' during which alteration of the foreshore will have less impact on marine species than at other times, such as during spawning season. The applicants will be required to meet the BMPs and construct the works at the appropriate time so as to mitigate any potential environmental impacts.

Staff recommends as a condition of this permit, that the applicant be required to undertake plantings of native sea grasses between the rip rap rocks to accelerate the naturalization of the rip rap installation. In addition, there is very little native vegetation within the 15.0 metre leave strip, so as part of this application, staff recommends replanting of this area with native salt-tolerant plants to mitigate soil erosion.

PUBLIC CONSULTATION IMPLICATIONS

As the existing retaining wall requires a variance to the minimum setback requirements from the natural boundary of the ocean, notification requirements pursuant to the *Local Government Act* is required prior to the Regional Board's consideration of the application.

OTHER LAND USE CONSIDERATIONS

During the site inspection, staff discovered a number of unrelated land use issues that must be dealt with. There is a shed structure located at the front of the property, which encroaches into the adjacent road right of way over which the RDN holds a license for park. This park is highly valued and well used in the community as an important beach access. The foundation of the building encroaches approximately 1.2 metres into the park land property. The encroaching portion of the building is approximately 2.5 metres in length. Staff considers this to be a substantial encroachment into a public beach access and have obtained a commitment from the property owner to remove the structure immediately.

In addition, there is a covered deck addition, which did not receive a building permit that encroaches into the side lot line setback area. Due to the location of a road right of way adjacent to this property line, the minimum setback requirement is 5.0 metres. Staff has obtained a commitment from the property owners that they will bring this structure into compliance with the RDN Land Use and Subdivision Bylaw No. 500, 1987.

VOTING

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

SUMMARY/CONCLUSIONS

This is a Development Permit Application with variances to legalize an existing concrete retaining wall within the required setback to the sea and to request permission to install rip-rap erosion protection works for a waterfront property located at 1651 Admiral Tryon Boulevard in French Creek. The applicants have submitted a geotechnical report and a survey to support their application and will be required to adhere to Federal Fisheries Best Management Practices during the installation of the rip-rap. In addition, staff recommends that the applicants replant the area within 15.0 metres of the present natural boundary with native salt-tolerant plants to provide additional protection against erosion.

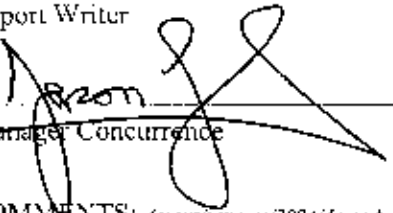
Staff discovered two unrelated land use issues on the property, which the applicants have agreed to remedy to bring the property into compliance with Provincial and RDN regulations. There is an illegal encroachment on to the adjacent park land located within a Ministry of Transportation road right of way that must be removed immediately. There is also a covered deck addition that encroaches into the minimum required setback for the side lot line, which is 5.0 metres in this case, which must be modified in order to comply with the RDNs regulations. Should the applicants not begin the process to bring the infractions into compliance within thirty (30) days of the issuance of the permit, staff recommends that enforcement action proceed immediately to deal with these issues.

RECOMMENDATION

That Development Permit Application No. 60449, to vary the minimum setback from 8.0 metres to 1.0 metre 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 22, District Lot 28, Nanoose District, Plan 22290, be approved subject to the Conditions of Approval outlined in Schedules No. 1, 2, 3 and 4 of the corresponding staff report and subject to the comments received as a result of public notification pursuant to the *Local Government Act*.



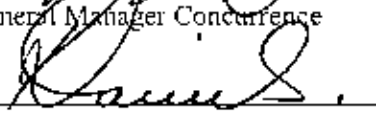
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

COMMENTS: [davis/reports/2004/ty oc brd 3060 30 60449 Reilly](#)

Schedule No. 1
Conditions of Approval (page 1 of 2)
Development Permit No. 60449

Undertakings as agreed by the Applicant

1. Applicant to remove existing accessory building and deck cover located on the east property line. Accessory building may be relocated outside setback areas and development permit area.

Development of the Site

1. Applicants must obtain a building permit for the existing concrete retaining wall from the RDN Building Department.
2. All development on the site shall be in accordance with the RDN Land Use and Subdivision Bylaw No. 500, 1987 and with Schedules No. 2, 3 and 4 attached to and forming part of this Permit.

Environmental Protection

3. Foreshore construction should take place during the period of June 1 and December 1 of any calendar year.
4. Federal Fisheries and Oceans (DFO) must be informed of the proposed works a minimum of five days in advance.
5. Excavated beach materials shall be kept to a minimum and shall be evenly distributed on the beach and not stockpiled.
6. No soils or fine silt shall be introduced into the marine environment.
7. Construction is not to include the use of native beach materials (boulders, cobble, gravel, and drift logs).

Geotechnical Issues

8. Applicants shall register the geotechnical reports prepared by Davey Consulting and Engineering Ltd., dated September 21, 2004 and amended October 1, 2004 as a section 219 covenant on the title of the subject property. This section 219 covenant shall also contain a clause acknowledging the flood risk associated with the property and saving the RDN harmless in the event of any loss or damage as a result of flooding on the property. All costs to be borne by the applicant. Draft copy of the covenant to be submitted with a letter of undertaking to register the covenant from the applicants' solicitor within 30 days of issuance of the Permit.

Rip-Rap Retaining Wall

9. Recommendations detailed in the Geotechnical Report prepared by Davey Consulting and Engineering dated September 21, 2004 shall be incorporated into the proposed development.
10. The installation of the rip-rap wall shall be undertaken under the supervision of a professional engineer with experience in shoreline processes and the installation of shoreline retaining devices.

Schedule No. 1
Conditions of Approval (page 2 of 2)
Development Permit No. 60449

11. Rock used for the rip-rap wall should be angular blast rock, clean and free of fines. The rock should be of a size that will not move and require maintenance.
12. The 'toe' of the rip rap seawall shall not extend more than 1.0 metre below the natural boundary.
13. The rip rap retaining wall shall be less than 1.0 metre in height as measured above natural grade.
14. Planting of native salt tolerant vegetation (e.g. beach grass) shall be interspersed in rip-rap wall.
15. The rock wall should have a mechanism to drain soils from the upland through the rock without allowing for the loss of upland soils to the freshwater or marine environment. A filter fabric barrier to restrain upland soils is recommended.

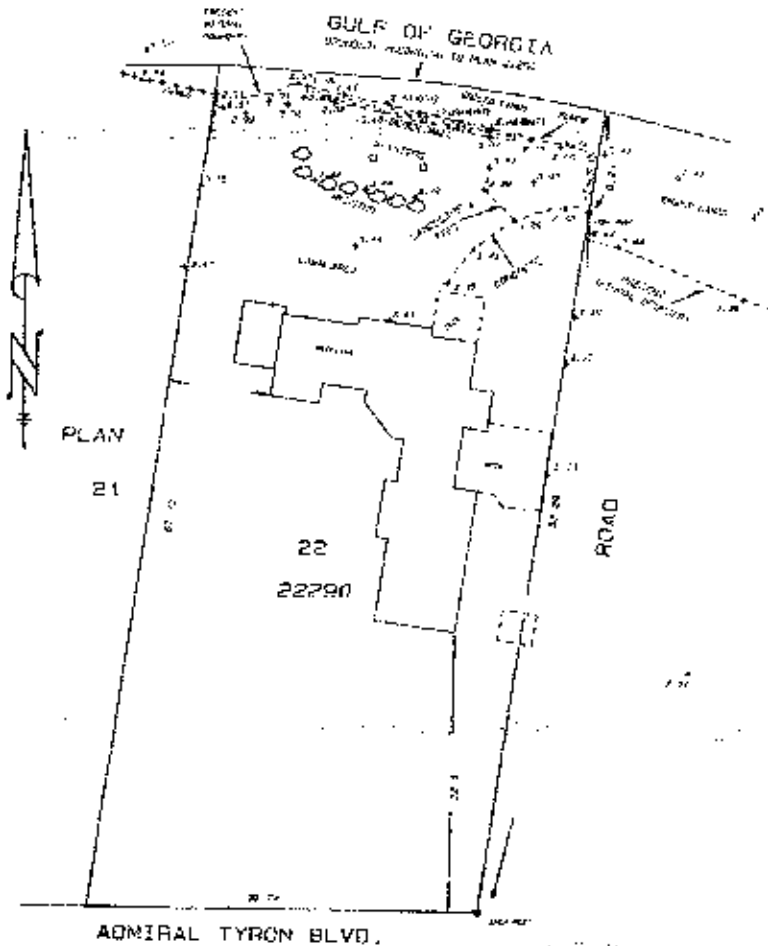
Machinery

16. The machine 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.
17. A spill kit shall be on-site to prevent the introduction of any fuels in the event of a spill. If a spill occurs, the Provincial Emergency Program must be contacted.
18. Applicants to provide confirmation of approval from the Ministry of Transportation to use the road right of way for access to the foreshore.
19. Heavy equipment machinery on the beach shall be limited to a maximum of two days.

**Schedule No. 2
Site Survey
(as submitted by applicant, reduced for convenience)
Development Permit No. 60449**

PLAN OF SURVEY OF LOT 22, DISTRICT LOT 28,
NANOOSE DISTRICT, PLAN 22290
PID 000-158-104

SCALE: 1:500
ALL DISTANCES ARE IN METERS



PETER T. AMOS
SUITE 100, COLUMBIA LAKE OFFICES
205 BAYVIEW ROAD
COLUMBIA LAKE, B.C.
V0P 0E1

TEL: 604-771-4774
FAX: 604-771-8787
FILE: 20-000 (AMC) 17-00000 (M)

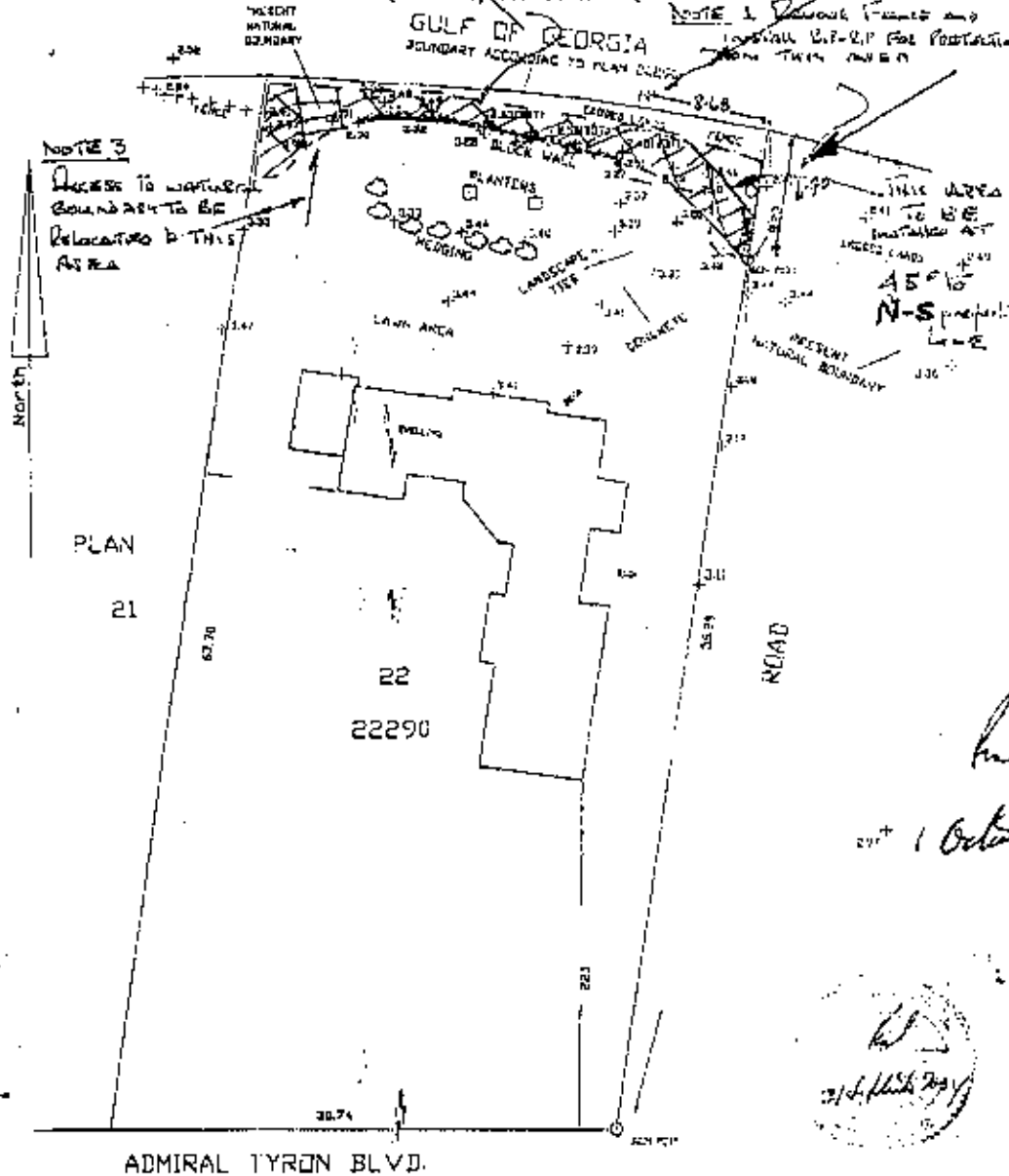
DESIGNED AND DRAWN BY PETER T. AMOS, P.E.
SURVEYED BY PETER T. AMOS, P.E.
PLAN NUMBER: 20-000 (AMC) 17-00000 (M)
Peter T. Amos
PETER T. AMOS, P.E.

Schedule No. 3

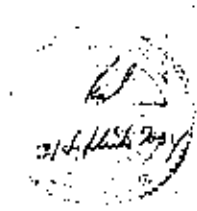
Geotechnical Site Plan - location of proposed works
(As submitted by applicant, reduced for convenience)
Development Permit No. 60449

PLAN OF SURVEY OF LOT 22, DISTRICT LOT 28,
NANOOSE DISTRICT, PLAN 22290
PID 000-45B-104

SCALE: 1/250
ALL DISTANCES ARE IN METRES



Handwritten signature
1 October 2004



PETER T. HASON
BRITISH COLUMBIA LAND SURVEYOR
220 BAYVIEW ROAD
SALISBURY BAY, B.C.
V9N 8G1
TEL: (250) 737-8788
FAX: (250) 737-8789

SURVEYED AND PREPARED BY PETER T. HASON, B.C.L.S.
SURVEYED SEPTEMBER 2003
PLAN PREPARED SEPTEMBER 2004

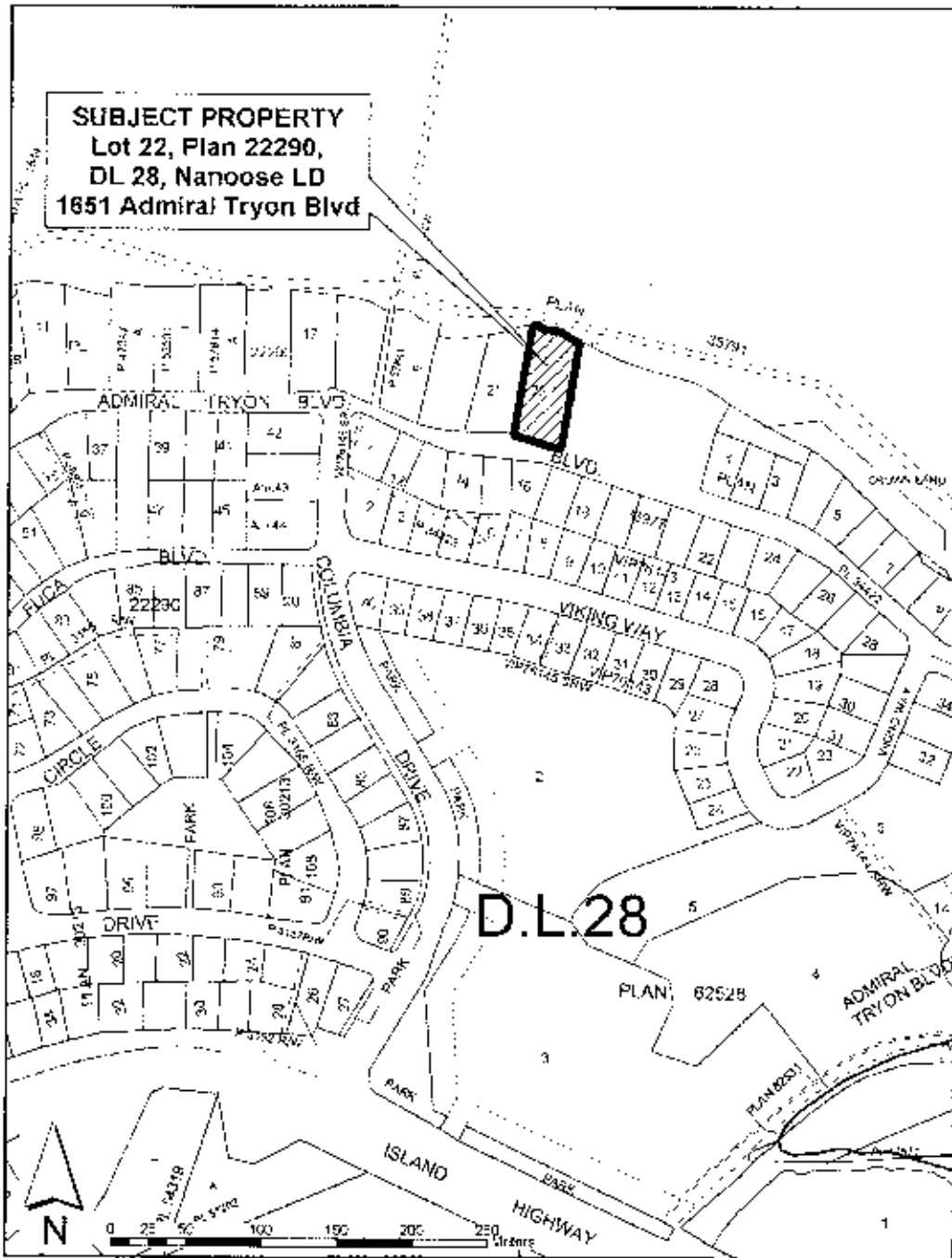
PETER T. HASON, B.C.L.S.

Schedule No. 4
Requested Variances
Development Permit No. 60449

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 3.3.9 Setbacks – Sea is requested to be varied from 8.0 metres horizontal distance from the natural boundary to 1.0 metres in order to legalize a concrete face retaining wall.

Attachment No. 1
Subject Property
Development Permit No. 60449





REGIONAL DISTRICT OF NANAIMO			
OCT - 4 2004			
CHAIR		GMCrS	
CAO		GMDS	
GMCmG		GMES	
EAPB			

MEMORANDUM

TO: Bob Lapham
General Manager, Development Services

DATE: October 1, 2004

FROM: Jason Llewellyn
Manager, Community Planning

FILE: 3060 30 60450

SUBJECT: Development Permit Application DP 60450 - Kehoe Holdings / Fairwinds
Electoral Area 'E', Andover Road

PURPOSE

To consider an application for a development permit with variances to allow a phased seven unit strata development in the Fairwinds Area of Electoral Area 'E'.

BACKGROUND

The subject property, legally described as Lot 1, District Lot 8, Nanoose District, Plan VIP72015, is accessed via Andover Road within Electoral Area 'E' (see Attachment '1' for location).

Surrounding uses include a strata development (Residential 5, Subdivision District N) to the north, a strata development (Residential 8, Subdivision District N) to the west, Fairwinds Golf Course to the east (Recreation 1, Subdivision District Z), and federal lands controlled by the DND to the south (no zoning).

The property, which is approximately 0.04089 hectares in size and currently vacant, is zoned Residential 8, Subdivision District N (RS8N) pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987. The permitted use in this zone is a Multiple Dwelling Unit Development. Given the availability of full services to the site, the zoning allows for the potential development of approximately 13 residential units. The applicant is proposing only 7 units given the site constraints and the character of the area. The 7 units are in two duplexes and one triplex. A detached three bay garage is also proposed (see Schedule Nos. 3 and 4 for proposed layout and building designs). Construction is proposed to be completed in 2 phases pursuant to the *Strata Property Act*.

The proposed units are sited to fit the topography of the subject property, which slopes from the northwest corner down towards the road. The garage at the northwest corner of the site is set into the bank and blasting of rock shall be required to create the building site.

Servicing of the site is proposed to be with community water and sewer (Fairwinds Local Service Areas). The required development cost charges will be collected at the time of issuance of building permits.

The subject property is located within Development Permit Area No.1- Form and Character pursuant to the Nanoose Bay Official Community Plan Bylaw No. 1118, 1998. The purpose of this Development

Permit Area (DPA) is to establish objectives and guidelines for the form and character of commercial, industrial and multiple family residential development in Nanoose Bay. The justification for this DPA is primarily to ensure that the form of the development is compatible with the form of development on surrounding lands. The objectives and guidelines require that developments in this DPA blend with the surrounding landscape, complement the unique topographical features of the area, and that the developments be designed and situated to minimize the disturbance of significant natural vegetation.

In addition to the zoning and development permit requirements, there are a number of restrictive covenants and other charges registered on the title of the subject property. Several of these are RDN covenants, which were registered on the larger parent parcel and have carried through to the title of the subject property (including covenants registered at the time of subdivision concerning parcel averaging and development permits issued for other parcels subdivided from the parent parcel). In addition, various easements and Statutory Right of Ways are registered on the title (for servicing adjacent property). It does not appear that the easements or Statutory Right of Ways shall be negatively impacted by the proposed development; and it is the developer's responsibility to ensure that the development of their site does not impact their ability to meet their responsibilities under the easements and Statutory Right of Ways.

Proposed Bylaw Variance

All relevant provisions of Bylaw No. 500 apply to this application. Minimum setback provisions in a RS8 zone are 10 metres from all lot lines. Maximum height for all buildings and structures is 15.0 metres. Parking requirements are 2 stalls per unit and 2 visitor parking stalls for the 7 units.

A variance is required to the 10 metre setback provisions of Bylaw No. 500 for the Residential 8 (RS8) zone. The applicant is proposing to reduce this setback from the west, north, and south property line to 4 metres. From the east or front yard property line the setback is proposed to be reduced to 8 metres. The proposed variances are summarized in Schedule No. 2 and may be considered with this development permit application.

ALTERNATIVES

1. To approve the development permit as submitted with the variances subject to the conditions outlined in Schedule Nos. 1 to 6 and the notification procedure pursuant to the *Local Government Act*.
2. To deny the development permit as submitted and provide staff with further direction.

DEVELOPMENT IMPLICATIONS

The application is consistent with the Nanoose Bay Official Community Plan guidelines for the Form and Character Development Permit Area. The applicant has reduced the number of units that could be constructed pursuant to the zoning on this site to ensure the development density and form is compatible with nearby strata development and residential development. In addition, the applicant is proposing finish materials for the units (cedar wall shingles, natural stone masonry, stone retaining walls, and natural colour schemes) that are in keeping with existing development in the Fairwinds Area.

The applicant is proposing to reduce the 10-metre setback to a minimum of 4 metres along the side and rear property lines and 8 metres from the front of the property to accommodate the buildings as proposed. This setback would allow adequate separation of the proposed use from adjacent lands. The properties to the north and west are separated from the proposed buildings by a notable elevation change. The land to the south is forested and vacant, and the land across Andover Road is golf course.

The applicant is proposing a phased strata plan. This will involve an internal lot line being created as the phases are built. When the phasing is completed, the internal phases will be consolidated, thus eliminating any internal lot lines created by the phased subdivision. Therefore, to ensure that there are no issues with minimum setback requirements being met during the phased subdivision of the site, staff recommend that a variance to 0 metres for setbacks for the phased lot lines be permitted. Phase 1 shall be the duplex and triplex buildings on the southern portion of the site. The road and all servicing shall be provided in phase 1.

As part of the building permit process the applicant will be required to submit a geotechnical report dealing with the siting of the proposed buildings at the base of a steep bank. In addition staff recommend that the blasting work on site be overseen by an engineer to ensure that the integrity of the slopes are maintained and properties above the subject property are not negatively impacted.

The site development plan makes significant use of retaining structures given the unique topography of the site. A cross section of the transition from building to retaining structures to rock face at the northwest corner of the site has been provided on Schedules 6 and 7. All retaining structures 1 metre or over in height are required to be engineered. A variance to accommodate the retaining structures as proposed is also included in this development permit.

PUBLIC CONSULTATION IMPLICATIONS

Should this application proceed as requested, property owners in the area will be notified pursuant to the requirements of the *Local Government Act* given that variances to Bylaw No. 500 are being considered as part of the application.

VOTING

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

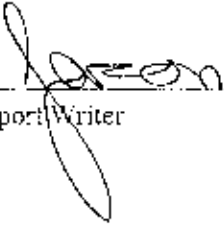
SUMMARY

This is an application for a development permit for a property located within the Fairwinds Area of Electoral Area 'E', accessed from Andover Road. The subject property is within the Form and Character Development Permit Area pursuant to the Nanoose Bay Official Community Plan. The applicant is proposing to develop a 7-unit multiple residential strata in 2 phases of construction. The applicant has supplied a geotechnical report supporting the location of the proposed units. Under Bylaw No. 500, 1987, a landscape deposit will be held by the RDN to secure completion of the landscaping works. As part of the development permit application, the applicant is requesting relaxation of the setback provisions from 10 metres pursuant to Bylaw No. 500 from three lot lines to a minimum of 4 metres, and from the front property line to a minimum of 8 metres. In addition, variances to 0.0 metres will be required to accommodate the phased strata lot lines and retaining structures as proposed.

Given that this Development Permit Application is consistent with the Nanoose Bay Official Community Plan guidelines for the Form and Character Development Permit Area and given the variances to Bylaw No. 500 are considered acceptable given the site characteristics, staff recommend Alternative No. 1, to approve the development permit subject to conditions outlined in Schedule Nos. 1 to 6 inclusive, and to notification procedures pursuant to the *Local Government Act* with respect to the proposed variances.

RECOMMENDATION

That Development Permit No. 60450 for Kehoe Holdings Ltd for the property legally described as Lot 1, District Lot 8, Nanoose District, Plan VIP 72015 be approved subject to the conditions outlined in Schedule Nos. 1, 2, 3, 4, 5 and 6 of the corresponding staff report and to the notification requirements pursuant to the *Local Government Act* with respect to the proposed variances to Bylaw No. 500, 1987


Report Writer


General Manager Concurrence


CAO Concurrence

COMMENTS:

Schedule No. 1 (Page 1 of 2)
Conditions of Approval
Development Permit Application No. 60450

The following sets out the conditions of approval:

1. Building Development

- a) A maximum of 7 residential units may be located on site as shown on Schedule No. 3.
- b) The buildings shall be designed and constructed, including the incorporation of building materials, as shown on Schedule No 4.

2. Landscaping Requirements

- a) Landscaping to be provided as shown on Schedule No. 3 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 herbs 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 permanent curbs a minimum of 15 cm in height to protect all landscaped areas from potential vehicular damage.
- b) The landscape security deposit shall be held by the RDN pending the completion of the required landscaping to the satisfaction of the Regional District of Nanaimo.
- c) All postage boxes and electric closets within the 'landscaped buffer area' shall be screened from adjoining residential property with hedging and vegetation retention.

3. Community Water and Sewer

Community water and sewer services shall be supplied to serve the development to the satisfaction of the RDN.

**Schedule No. 1 (Page 2 of 2)
Conditions of Approval
Development Permit Application No. 60450**

4. Storm Water Management Plan

A storm water management plan to be implemented on site shall be prepared by a qualified Engineer to the satisfaction of the RDN and Ministry of Transportation prior to the issuance of a building permit. This plan must address how the site accommodates storm water from other surrounding properties.

6. Off-Street Parking Spaces and Aisle Ways

- a) Parking spaces shall be provided as shown on Schedule No. 3.
- b) 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.
- c) No off-street parking spaces shall be located within the traveled portion of the internal roadways.

7. Signage

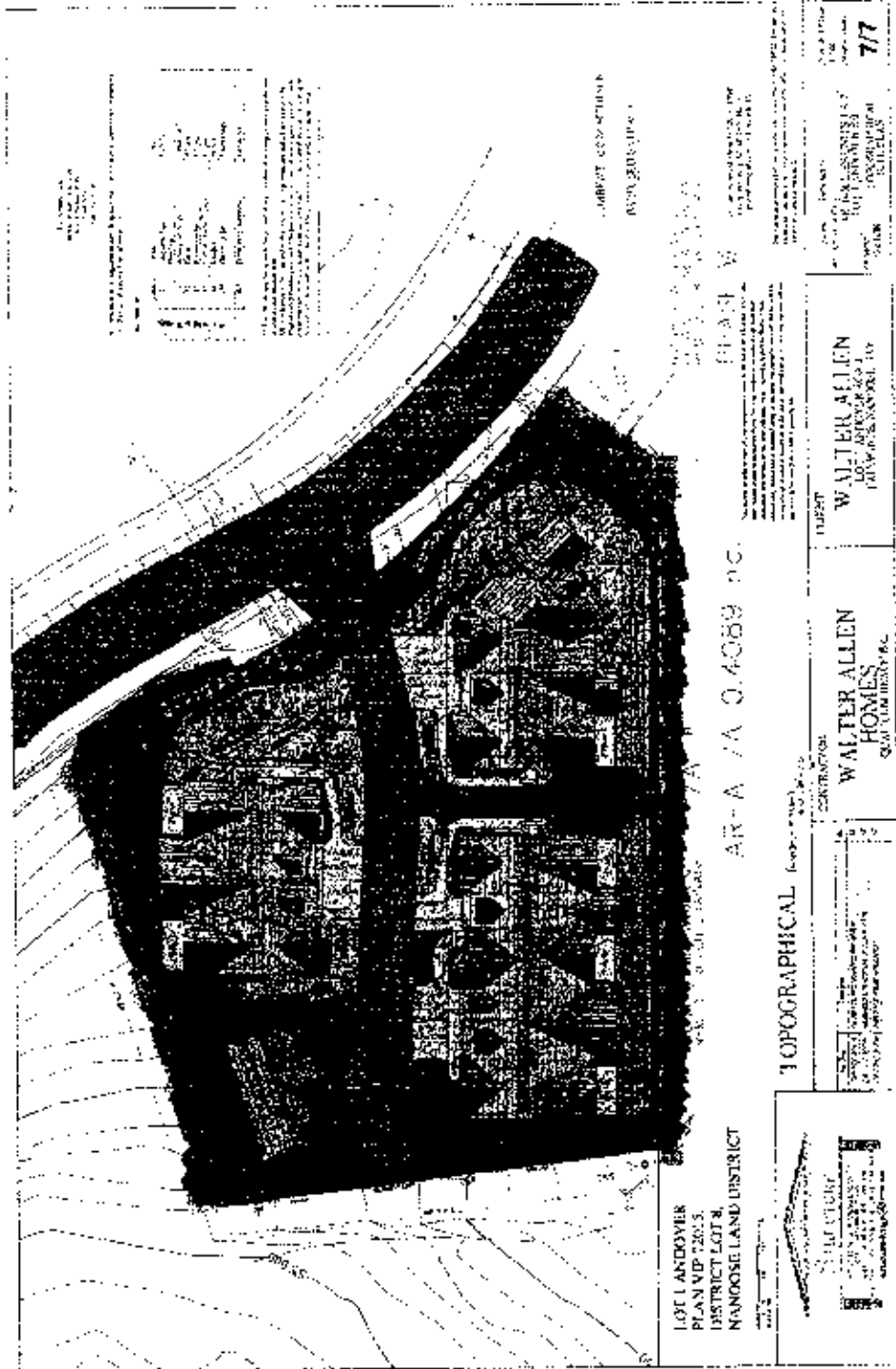
A maximum of 1 identification sign not to exceed 3 m² in area or exceed a height of 2 m shall be permitted at the entrance to the development. This sign shall be incorporated into the landscaping and be aesthetically pleasing with a minimal amount of lighting or boldness.

Schedule No. 2
Bylaw No. 500, 1987 – Requested Variances
Development Permit Application No. 60450

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

1. Setbacks from the interior lot lines are varied from 10.0 metres to 4 metres to accommodate the siting of the structures as shown on Schedule 3.
2. Setback from the front lot line is varied from 10.0 metres to 8 metres to accommodate the siting of the structures as shown on Schedule 3.
3. Setbacks from lot lines are varied from 10.0 metres to 0 metres in for retaining structures located in general accordance with the site plan Shown on schedule 3.
4. Setbacks from internal lot lines created during the phased subdivision of the property be varied from 10.0 metres to 0.0 metres to accommodate the subdivision phasing stage.

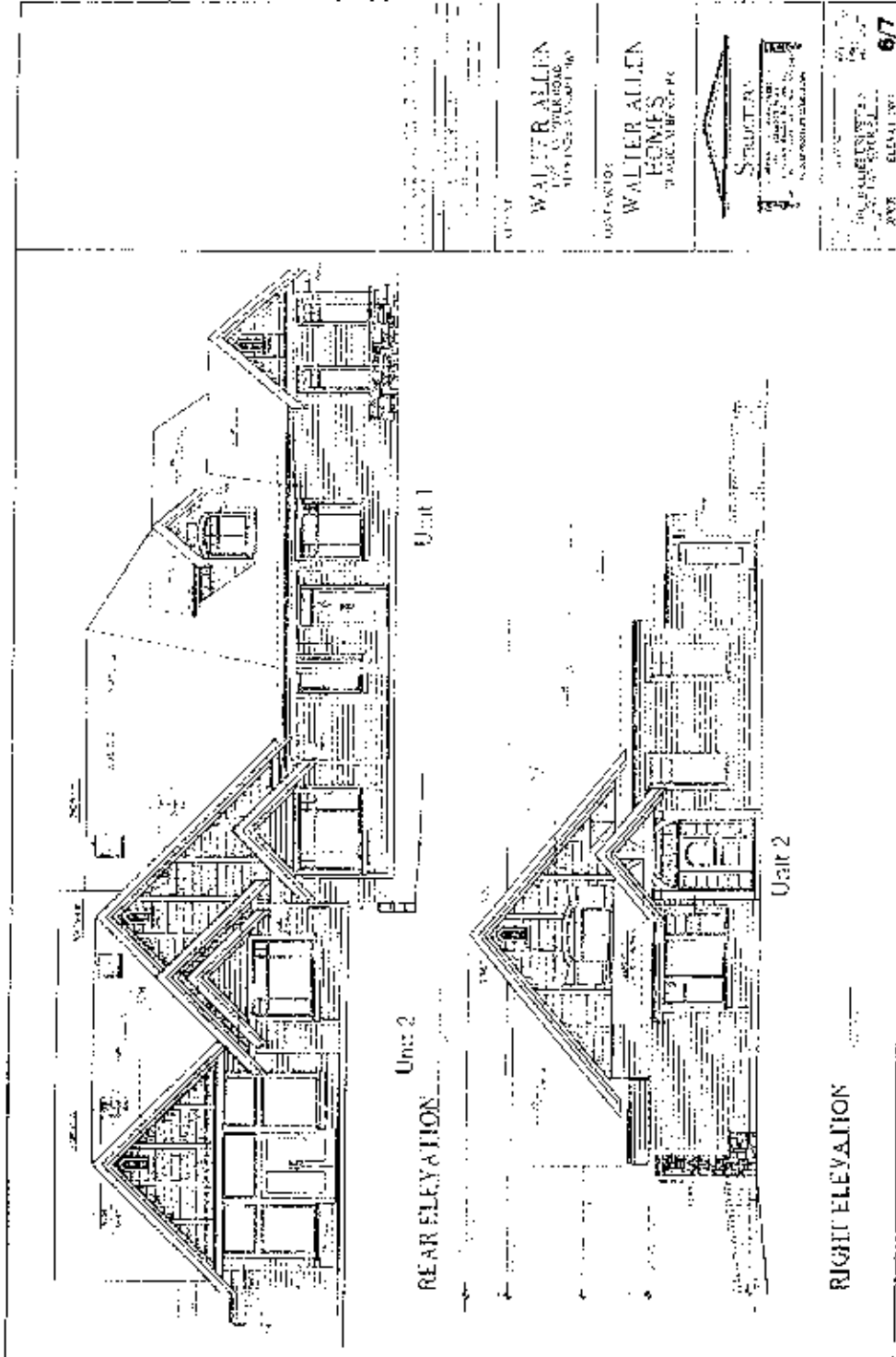
Schedule No. 3
Proposed Site Layout and Landscaping Plan
Development Permit Application No. 60450
 (as submitted by applicant/reduced for convenience)



Schedule No. 4 (Page 1 of 5)
 Elevation Drawings
 Development Permit Application No. 60450
 (as submitted by applicant/reduced for convenience)

MATERIALS LEGEND 1. SIPS 2. SIPS 3. SIPS 4. SIPS 5. SIPS 6. SIPS 7. SIPS 8. SIPS 9. SIPS 10. SIPS	<p>FRONT ELEVATION</p> <p>View 2</p>	ARCHITECT WALTER ALLEN HOMES 9000 KALANANĪHĀNA DRIVE HONOLULU, HI 96817 (808) 943-1111	ARCHITECT WALTER ALLEN HOMES 9000 KALANANĪHĀNA DRIVE HONOLULU, HI 96817 (808) 943-1111	<p>WALTER ALLEN HOMES 9000 KALANANĪHĀNA DRIVE HONOLULU, HI 96817 (808) 943-1111</p>	SHEET NO. 5/7 ELEVATION
	<p>LEFT ELEVATION</p> <p>View 1</p>				

Schedule No. 4 (Page 2 of 5)
Elevation Drawings
Development Permit Application No. 60450
(as submitted by applicant/reduced for convenience)



Schedule No. 4 (Page 3 of 5)
 Elevation Drawings
 Development Permit Application No. 60450
 (as submitted by applicant/reduced for convenience)

The Hollies
at Kapaeha

FRONT ELEVATION UNITS 3, 4 & 5

	CONTRACTOR WALTER ALLEN HOLLIES 3111 Kapaeha Lane	CLIENT WALTER ALLEN HOLLIES 3111 Kapaeha Lane	DATE 10/1/04 DRAWN BY WALLEN CHECKED BY WALLEN SCALE AS SHOWN PROJECT NO. 60450 SHEET NO. 7/110
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Schedule No. 4 (Page 4 of 5)
 Elevation Drawings
 Development Permit Application No. 60450
 (as submitted by applicant/reduced for convenience)

The Hollies
at Fairwinds

FRONT ELEVATION UNITS 3, 4 & 5

	CONTRACTOR WALTER ALLEN HOMES <small>CONSTRUCTION INC.</small>	CLIENT WALTER ALLEN OF LAND DEVELOPMENT <small>EXETER, NEW HAMPSHIRE</small>	DATE 8/10
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Schedule

Schedule No. 4 (Page 5 of 5)
Elevation Drawings
 Development Permit Application No. 60450
 (as submitted by applicant/reduced for convenience)

MATERIALS LEGEND

1	WOOD SHAKES
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47	WOOD SHAKES
48	WOOD SHAKES
49	WOOD SHAKES
50	WOOD SHAKES

FLOOR PLAN — GARAGE AREA 256' 00" sq. ft.

FRONT ELEVATION

REAR ELEVATION

RIGHT ELEVATION

LEFT ELEVATION

WALTER ALLEN
 ARCHITECTURE
 1000 W. 10TH AVE.
 DENVER, CO 80202

WALTER ALLEN HOMES
 QUALITY BUILDERS

SYNCHRO
 STRUCTURAL ENGINEERING
 1000 W. 10TH AVE.
 DENVER, CO 80202

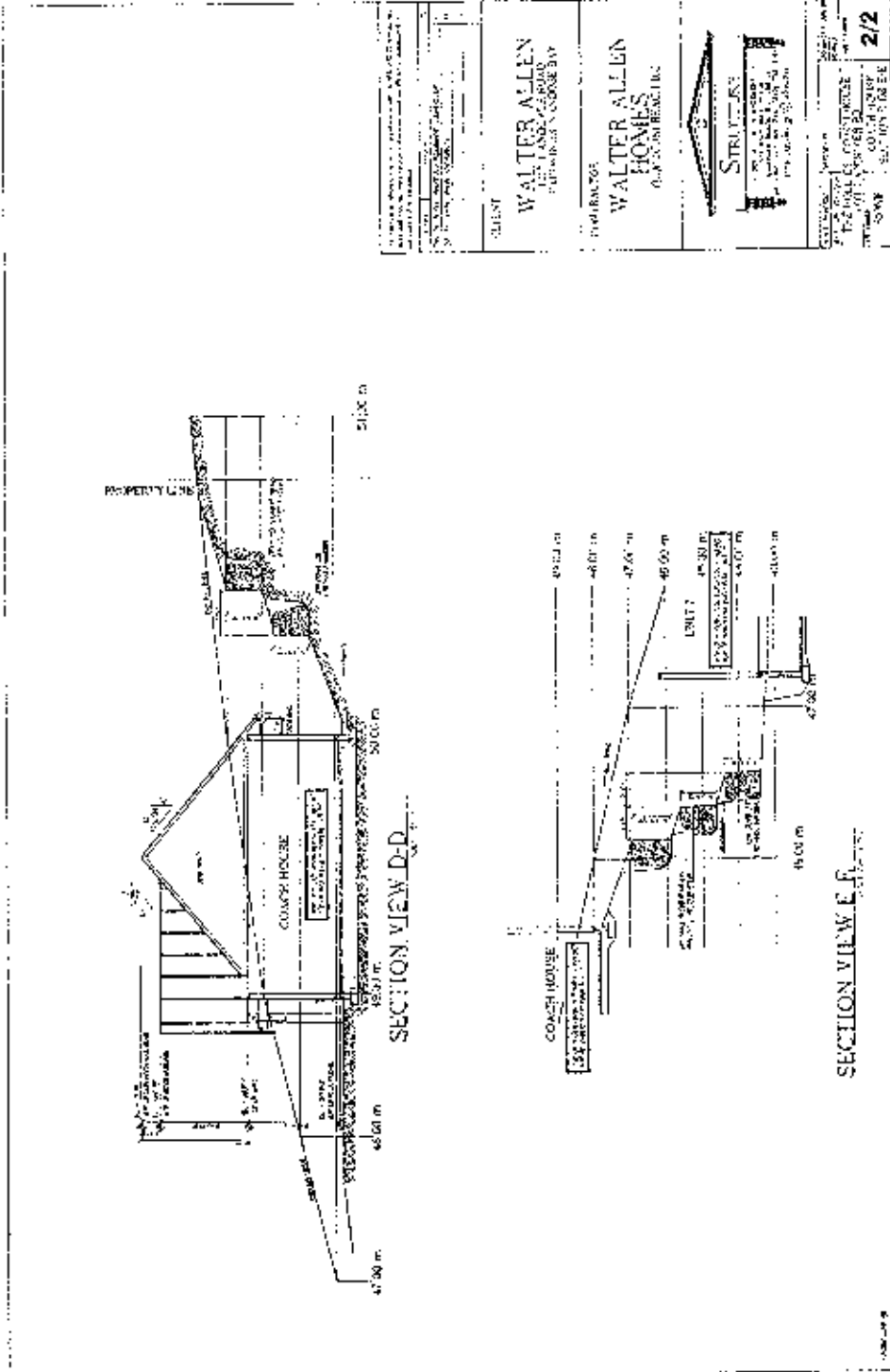
THE BETA COMPANY
 1000 W. 10TH AVE.
 DENVER, CO 80202

1/1

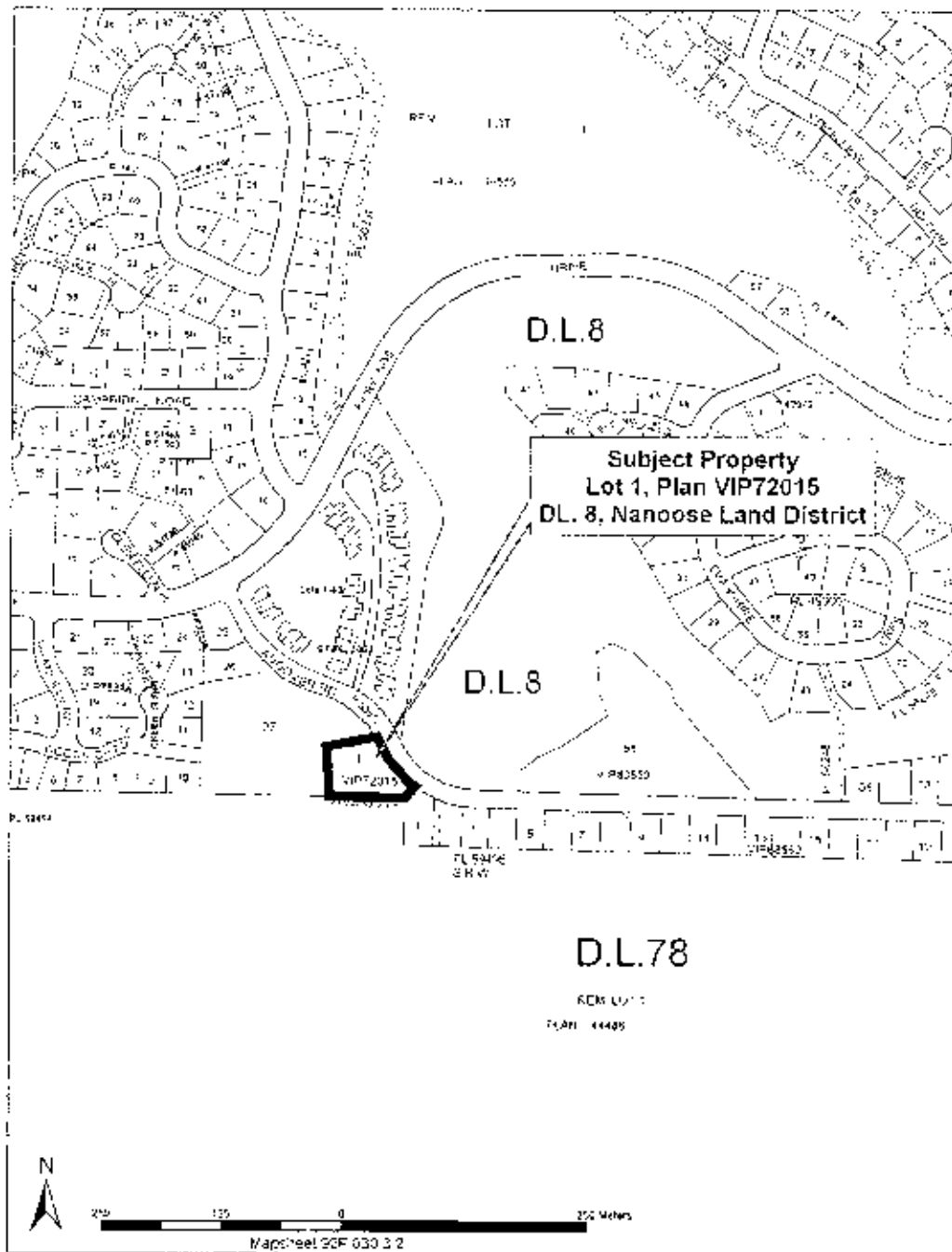
GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF DENVER BUILDING CODE AND THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC).
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE.
3. ALL MATERIALS SHALL BE APPROVED BY THE ARCHITECT PRIOR TO INSTALLATION.
4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
5. ALL UTILITIES SHALL BE PROTECTED AND MARKED PRIOR TO EXCAVATION.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
7. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
8. THE CONTRACTOR SHALL MAINTAIN A NEAT AND SAFE WORK SITE AT ALL TIMES.
9. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DISPOSING OF ALL DEBRIS AND WASTE MATERIALS.
11. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF DENVER.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE.
13. ALL MATERIALS SHALL BE APPROVED BY THE ARCHITECT PRIOR TO INSTALLATION.
14. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
15. ALL UTILITIES SHALL BE PROTECTED AND MARKED PRIOR TO EXCAVATION.
16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
17. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
18. THE CONTRACTOR SHALL MAINTAIN A NEAT AND SAFE WORK SITE AT ALL TIMES.
19. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.
20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DISPOSING OF ALL DEBRIS AND WASTE MATERIALS.

Schedule No. 6
Cross Sections of Retaining Structures around Garage
Development Permit Application No. 60322
(as submitted by applicant/reduced for convenience)



Attachment No. 1
Location of Subject Property





REGIONAL DISTRICT OF NANAIMO			
OCT - 4 2004			
CHAIR		GMCS	
CAO		GMDS	
GMCS		GMES	
EAPC			✓

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

DATE: October 1, 2004

FROM: Susan Cormic
Senior Planner

FILE: 3060 30 60451
3320 30 25926

SUBJECT: Development Permit Application No. 60451 & Request for Relaxation of the Minimum 10% Frontage Requirement
Applicants: C & L Addison
Electoral Area 'C', Dan's and McLean's Roads

PURPOSE

To consider an application for a development permit within Watercourse Protection and Farm Land Protection Development Permit Areas and to consider a request to relax the minimum 10% perimeter frontage requirement in conjunction with a proposed two-lot subdivision development on property in Electoral Area 'C'

BACKGROUND

The subject property, legally described as Lot A, Section 7, Range 3, Cranberry District, Plan VIP57090 Except Plan VIP73826, is located adjacent to Dan's and McLean's Roads within in the Nanaimo River Road area of Electoral Area 'C' (See Attachment No. 1 for location).

The parent property, which is 6.461 ha in size, is currently zoned Rural 9 (RU9) and is within Subdivision District 'D' (minimum 2.0 ha parcel size) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The applicants are proposing to subdivide the parent parcel into 2 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 plan of subdivision).

Surrounding land uses include Rural 1 zoned parcel and Stark's Lake to the north, a Rural 9 zoned parcel within the Agricultural Land Reserve to the east, Rural 1 and Rural 9 zoned parcels and Blind Lake to the south, and a Rural 6 zoned parcel to the west.

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

The parent parcel is designated within the Watercourse Protection Development Permit Area pursuant to the Arrowsmith Benson – Cranberry Bright Official Community Plan Bylaw No. 1148, 1999. The Development Permit Area, in this case, was established for the protection of Stark's and Blind Lakes and their riparian areas. The property is also designated within the Farm Land Protection Development Permit Area as there are adjacent lands situated within the Provincial Agricultural Land Reserve.

Therefore, as the applicant is proposing a 2-lot subdivision of the parent parcel, a development permit is required.

10% Minimum Frontage Requirement

Proposed Lots 1 and 2, as shown on the plan of subdivision submitted by the applicants, do not meet the minimum 10% perimeter frontage requirement pursuant to section 944 of the *Local Government Act*. The requested frontages on these proposed parcels are as follows:

Proposed Lot No.	Required Frontage	Proposed Frontage	% of Perimeter
1	92.3 m	80.1 m	8.7 %
2	106.9 m	20.5 m	0.2 %

Therefore, as these proposed parcels do 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 for the relaxation of the minimum 10% frontage requirement for proposed Lots 1 and 2 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 10% frontage requirement and the development permit application.

DEVELOPMENT IMPLICATIONS

Ministry of Transportation staff has indicated that the Ministry will not be asking for additional road dedication in conjunction with this subdivision application. Therefore, the Ministry has no objection to the request for relaxation of the minimum 10% frontage requirement.

There are a number of accessory buildings located on proposed Lot 2, which will not be supported by a principle use. As Bylaw No. 500, 1987 does not permit accessory uses unless in conjunction with a principle use, staff recommends that a covenant be registered on title restricting the use of these buildings until a principle use has been established. The applicants have indicated that they wish to construct a dwelling unit in the near future and are in concurrence with this covenant.

OFFICIAL COMMUNITY PLAN / ENVIRONMENTAL IMPLICATIONS

The Arrowsmith Benson – Cranberry Bright Official Community Plan Bylaw No. 1148, 1998 designates portions of the subject property within the Watercourse Development Permit Area, specifically for the protection of Stark's and Blind Lakes and their riparian areas. There is currently a section 219 covenant registered on title which prohibits the placement of buildings and the removal of vegetation within 40.0 metres of the natural boundary of Stark's Lake and 15.0 metres from the natural boundary of Blind Lake. Therefore, the applicable development permit guidelines are being met under the covenant provisions. The applicants are not proposing any development within the Watercourse Development Permit Area or the covenant areas.

With respect to the Farm Land Development Permit Area, access to proposed Lot 2 is proposed to be within the 15.0-metre development permit area. This proposed access coincides with the existing driveway that was constructed a number of years ago, prior to the development permit area being designated. The balance of the 15.0-metre development permit area is mostly vegetated or consists of rock outcrop. The applicants are in concurrence to retain the vegetated buffer outside the existing driveway access.

VOTING


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

SUMMARY

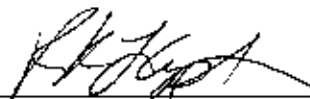
This is a request to relax the minimum 10% perimeter frontage requirement for both proposed parcels as part of a 2-lot subdivision proposal. This is also a request for a development permit to allow an existing driveway access to remain within the designated Farm Land Protection Development Permit Area and to permit the subdivision within a Watercourse Protection Development Permit Area. Ministry of Transportation staff has indicated that the Ministry has no objection to the request for the proposed minimum 10% perimeter frontage relaxation. There are existing section 219 covenants registered on title which protect Stark's and Blind Lake and their riparian areas; therefore, meeting the development permit guidelines. Access to proposed Lot 2 is only available through a portion of the Farm Land Protection Development Permit Area. Therefore, as the Ministry of Transportation is not requiring additional road dedication and as there is a covenant in place protecting the lakes and their riparian areas, 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 Development Permit No. 60451 submitted by C & L Addison, to allow a driveway access within a Farm Land Protection Development Permit Area and a subdivision within a Watercourse Development Permit Area and to relax the minimum 10% frontage, for the property legally described as Lot A, Section 7, Range 3, Cranberry District, Plan VIP57090 Except Plan VIP73826 be approved, subject to the conditions outlined in Schedule Nos. 1 and 2 of the corresponding staff report.



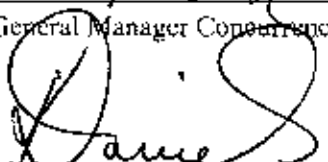
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devis/repord/2003/oc 3320 30 25926 ap60451 / 10% addison doc

**SCHEDULE NO. 1
Conditions of Approval
Development Permit Application No. 60451**

The following sets out the conditions of approval with respect to Development Permit Application No. 60451:

Farm Land Protection Development Permit Area:

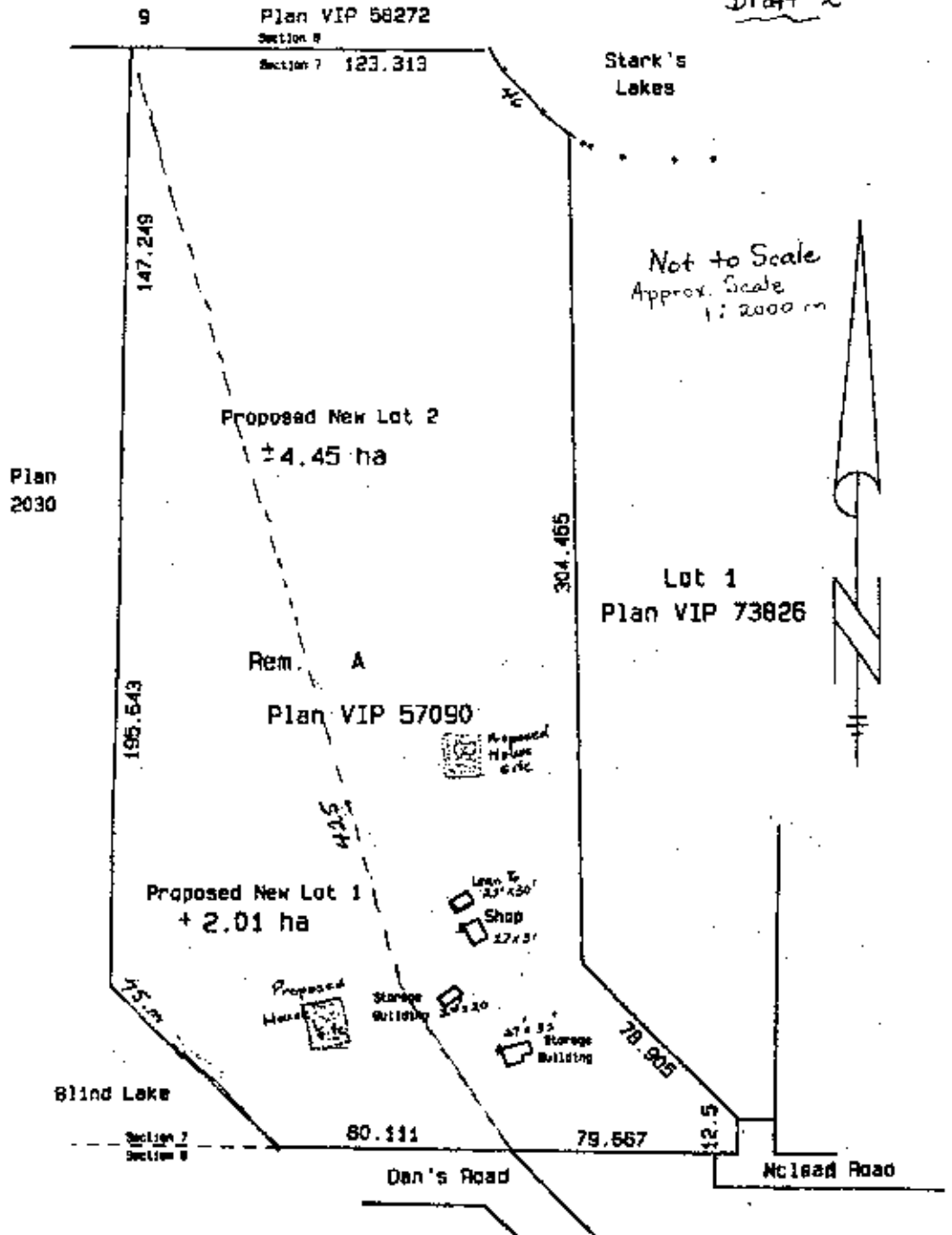
Other than the existing driveway access to Proposed Lot 2, existing native vegetation shall be retained in a 15.0 metre wide strip adjacent to the east lot lines of proposed Lot 2 to provide protection to the adjacent ALR lands.

Subdivision:

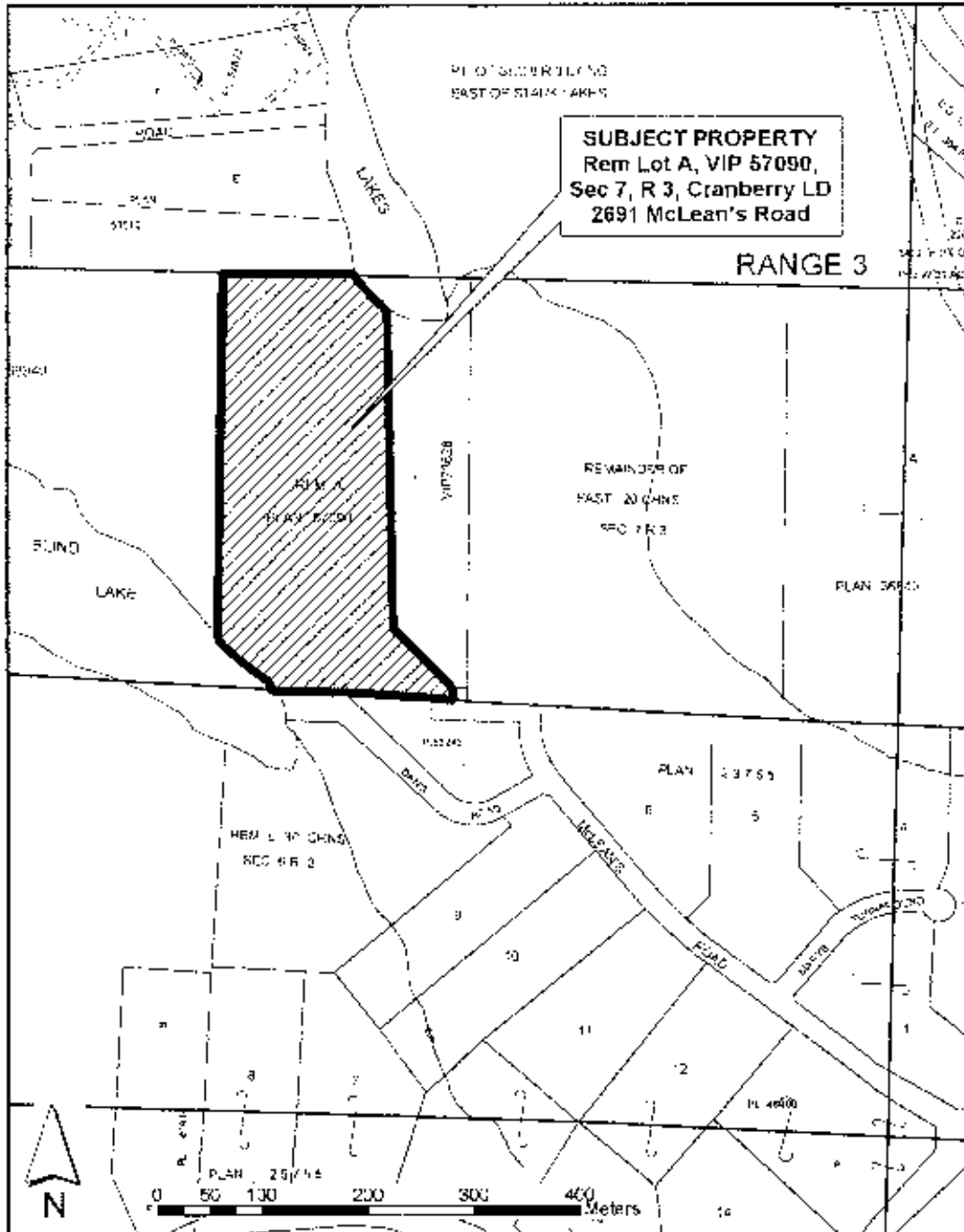
The subdivision shall be in substantial compliance with Schedule No. 2.

SCHEDULE NO. 2
Plan of Proposed Subdivision
Development Permit Application No. 60451
(as submitted by applicant)

Plan of Proposed Subdivision on: Lot A,
Section 7, Range 3, Cranberry District Plan
P 57090 Except Part in Plan VIP 73826



Attachment No. 1
Location of Subject Property



BOOSE MAPSHEET NO. 550 001 54



REGIONAL DISTRICT OF NANAIMO	
OCT - 4 2004	
CHAIR	GMCrs
CAO	GMCS
GMCms	GMES
EAPC ✓	
DATE:	

MEMORANDUM

TO: Robert Lapham
General Manager, Development Services

FROM: Blaine Russell
Planner

SUBJECT: Development Variance Permit Application No. 90416— Clark
Electoral Area 'D' -3696 Bell Road - RDN Reference Map No. 92F.020.4.3

FILE: 3090 30 90416

October 1, 2004

PURPOSE

To consider an application for a Development Variance Permit to facilitate the construction and siting of a new accessory building with a proposed relaxation to minimum setback requirements of 2 exterior lot lines to facilitate the construction of an accessory building for the purpose of personal storage including the storage of a recreational vehicle.

BACKGROUND

The subject property, legally described as: Lot B, Section 18, Range 3, Mountain District, Plan 22702 at 3696 Bell Road in Electoral Area 'D' (*see Attachment No. 1*).

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

The property is situated within the Provincial Agricultural Land Reserve (ALR) subject to the *Agricultural Land Commission Act*.

The applicant is requesting a relaxation to minimum permitted setback from all lot lines from 8.0 metres to 4.3 metres, in this case the lot line adjacent Bell Road, and from 8.0 metres to 7.8 metres, in this case the lot line adjacent Andres Road, pursuant to Section 3.4.8.1 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", for all other building and structures.

The subject property is bordered to the North and East by other Rural 1 (RU1) zoned properties, and is bordered to the South by Andres Road and to the West by Bell Road, with other RU1 zoned properties located on the other side of each road.

Development Variance Permit No. 8535 has been issued on the subject property in 1986 for an existing garden shed and green house.

The proposed siting and general dimensions of the existing and proposed accessory buildings are shown on *Schedule 2*.

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

The property is on an individual well and septic disposal system.

ALTERNATIVES

1. To approve Development Variance Permit No. 90416 subject to the conditions outlined in Schedules No. 1, 2, and 3.
2. To deny the requested permit.

DEVELOPMENT IMPLICATIONS

The accessory building is proposed to be located adjacent to a large stand of trees that line Andres Road. This large stand of trees will screen the building from view from properties on the south side of Andres Road. Although the proposed accessory building will be visible from Bell Road, properties across the road are well screened with trees. With the extent of the vegetative screening both on the property and on nearby properties, it is unlikely that there will be impacts attributed to the siting of the proposed accessory building.

The subject property has dimensions, natural features and improvements that make the proposed location most suitable for the applicant and cause the least amount of disturbance on the property. The subject property is 4856 m² in area and trapezoid shaped with the property narrowing towards Bell Road. As the proposed structure is intended to allow for storage of a recreational vehicle, the proximity to the driveway access is one of the items that would have to be considered. The proposed location is directly adjacent to the existing driveway, which will cause the minimum amount of change. There are two minor seasonal drainage courses and a drop in elevation that would limit siting the accessory building farther away from Bell Road. Siting the accessory building farther away from Andres Road would involve rerouting the existing driveway and removal of an existing garden and would place the structure in a more visually obtrusive location.

While the application is for a significant variance to the minimum setback permitted in the rural zone for an accessory building, there are siting constraints that support the rationale of location of the proposed location.

There is an existing vehicle tent and hoist that encroach into the 8.0 metre setback. The applicant is willing to bring these structures into compliance either through removal or relocation. As a condition of approval staff recommends that prior to the occupancy permit being issued that the hoist and vehicle tent be removed or relocated to be compliant.

Ministry of Transportation

The Ministry of Transportation has indicated in their letter dated May 7, 2004, that there is no objection in principle to the proposed relaxation, subject to RDN approval.

PUBLIC CONSULTATION IMPLICATIONS

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

VOTING

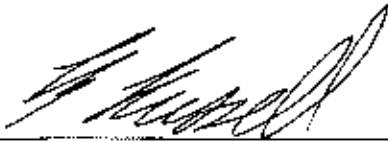
Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS


To consider an application for a Development Variance Permit, on the subject property located at 3696 Bell Road, to facilitate the construction and siting of a new accessory building with a proposed relaxation to minimum setback requirements of 2 exterior lot lines for the purpose of personal storage including the storage of a recreational vehicle. The proposed setback relaxation does not appear to have any impacts that might affect neighbouring property owners. Therefore, staff recommends approval of the request subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to the notification requirements pursuant to the *Local Government Act*.

RECOMMENDATION

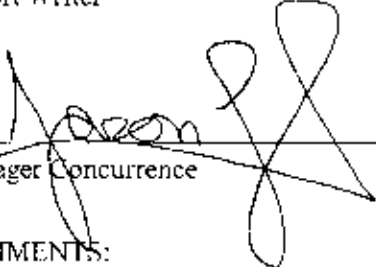
That Development Variance Permit Application No. 90416, submitted by the property owners David Roland Clark and Kathleen Ann Clark for the property legally described as Lot B, Section 18, Range 3, Mountain District, Plan 22702 to relax the minimum setback requirements from 2 exterior lot lines to facilitate the construction of an accessory building, 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*.



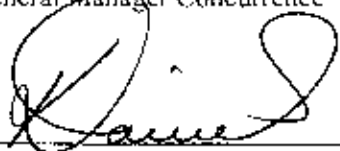
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

**Schedule No. 1
Conditions of Approval
Development Variance Permit No. 90416**

Siting

1. The accessory building shall be sited as shown on Schedule No. 2 and shall generally appear as shown on Schedule No. 3.
2. Except as varied by this permit and Development Variance Permit No. 8535 all structures shall be in compliance with "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" setback and height requirements.

Uses

3. Housing livestock or storing manure shall not be permitted within the accessory building.

Survey

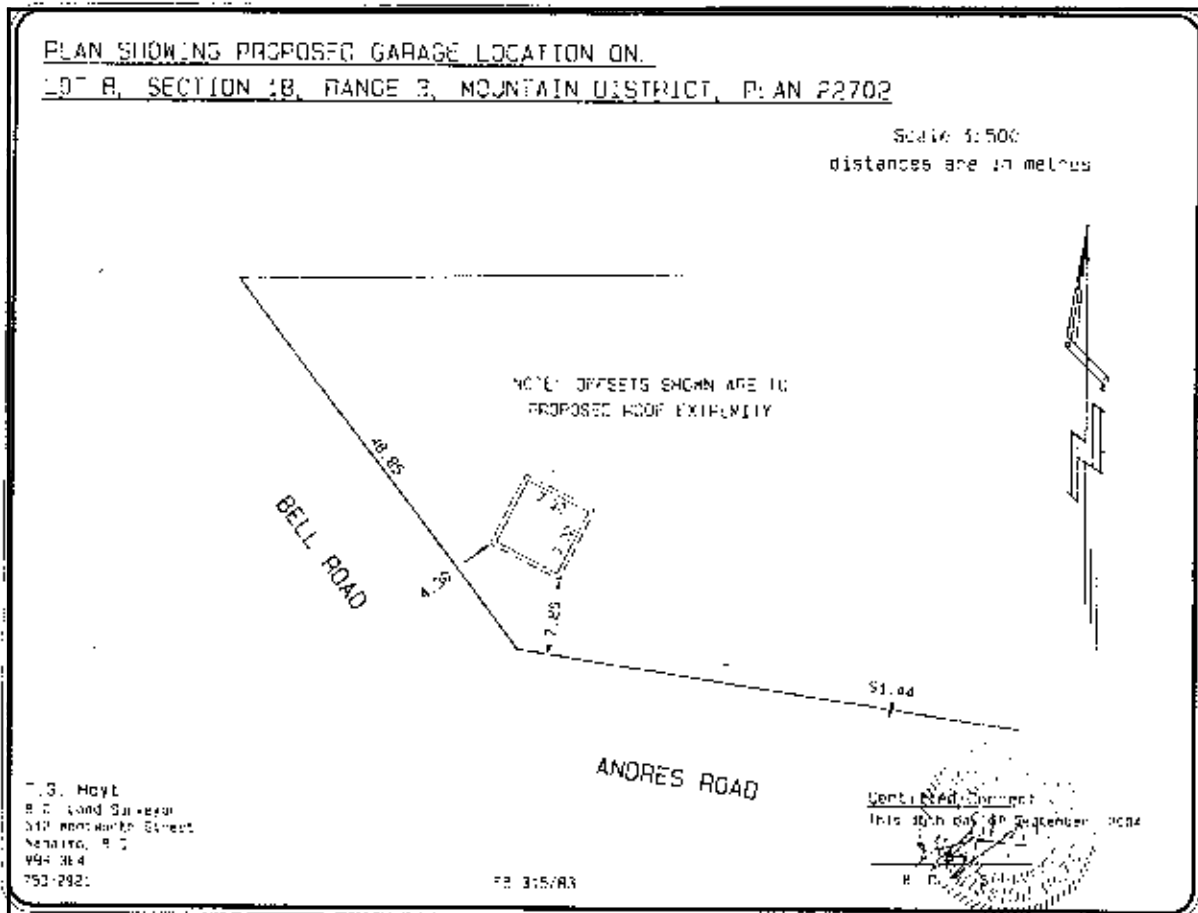
4. A survey by a British Columbia Land Surveyor (BCLS), that is prepared to the satisfaction of the Regional District of Nanaimo, shall be required upon completion of the accessory to confirm its siting and height if deemed necessary by the Chief Building Inspector. An official copy of this survey must be provided to the Regional District of Nanaimo. This survey should include indication of the outermost part of the building such as the overhang, gutters etc;

Geotechnical

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

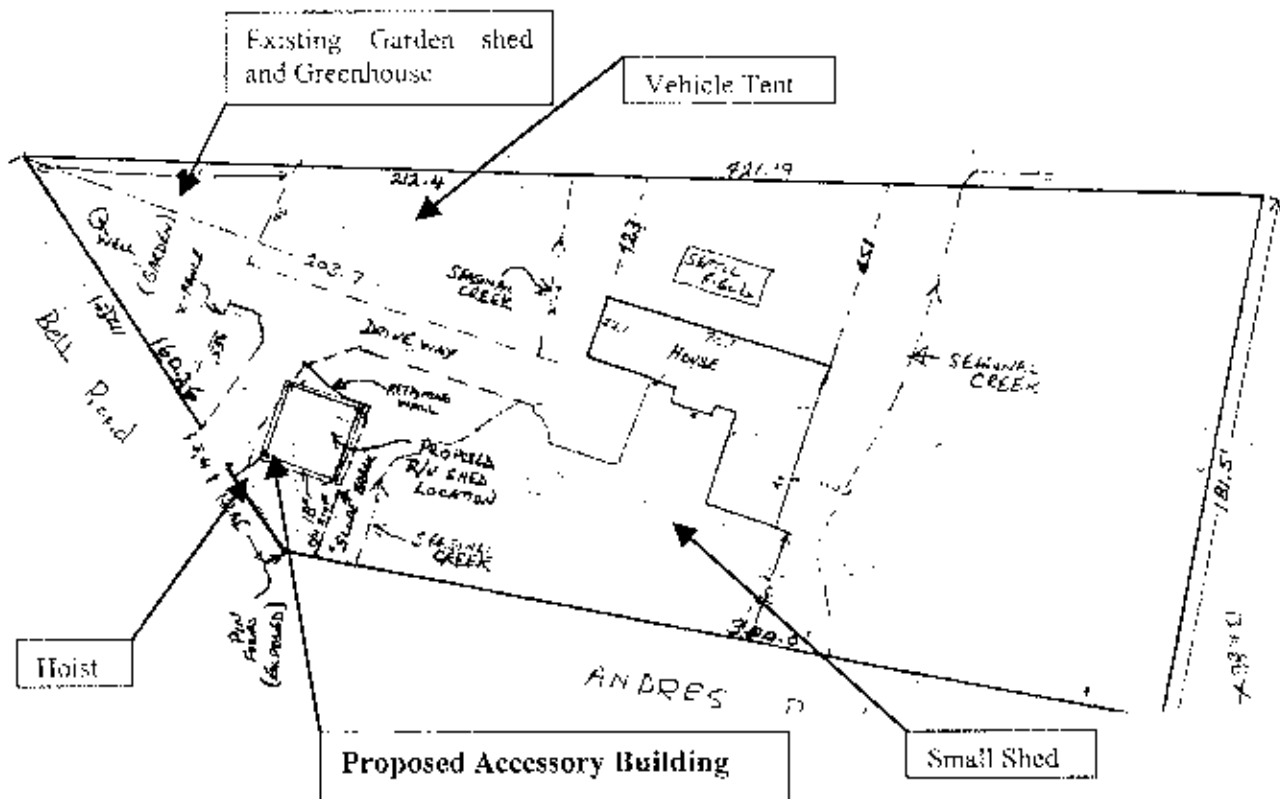
Schedule No. 2 (Part 1 of 2)
Site Plan
Development Variance Permit No. 90416

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

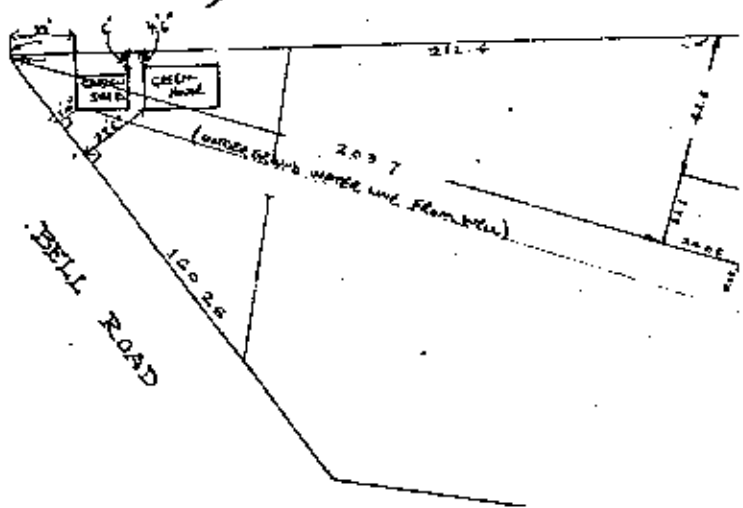


Schedule No. 2 (Part 2 of 2)
 Site Plan
 Development Variance Permit No. 90416

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

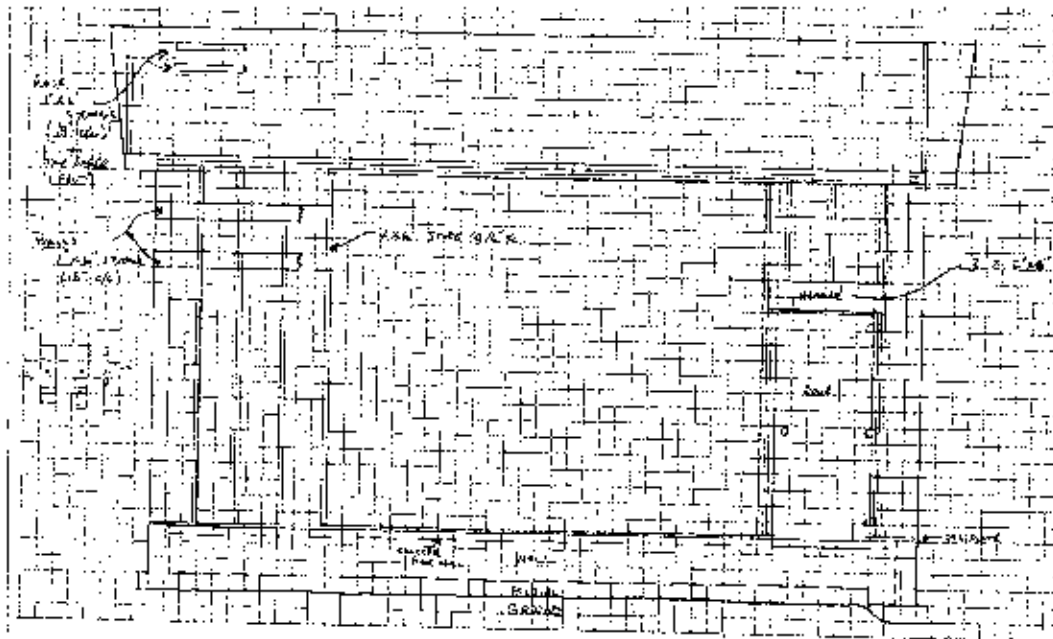
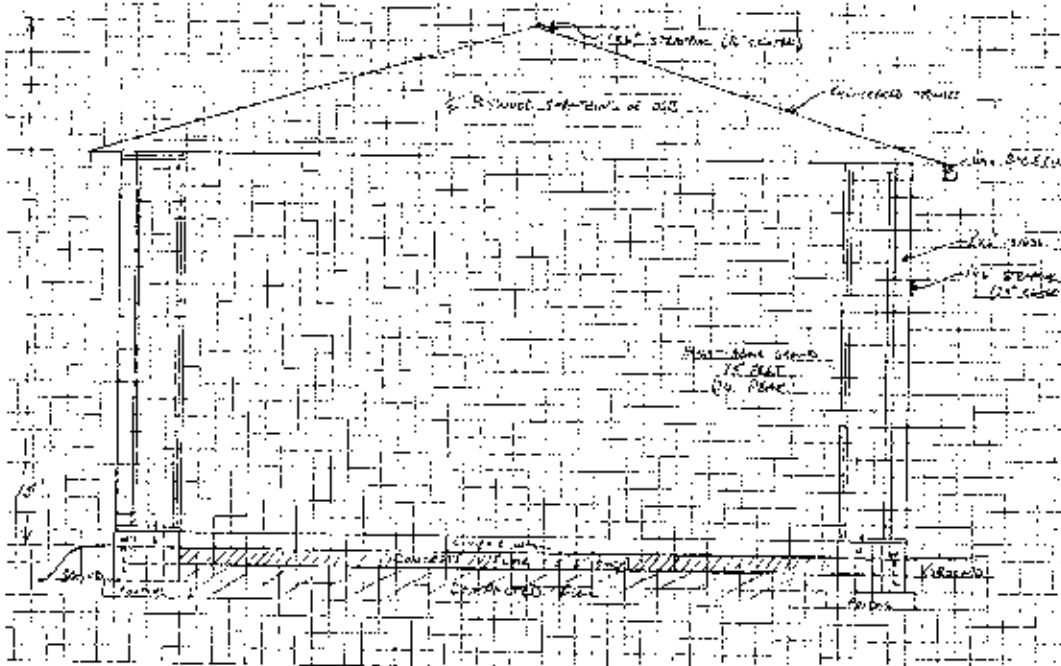


Excerpt of detailed site plan showing location of Existing Garden shed and Greenhouse



Schedule No. 3
Profile Plan
Development Variance Permit No. 90416

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



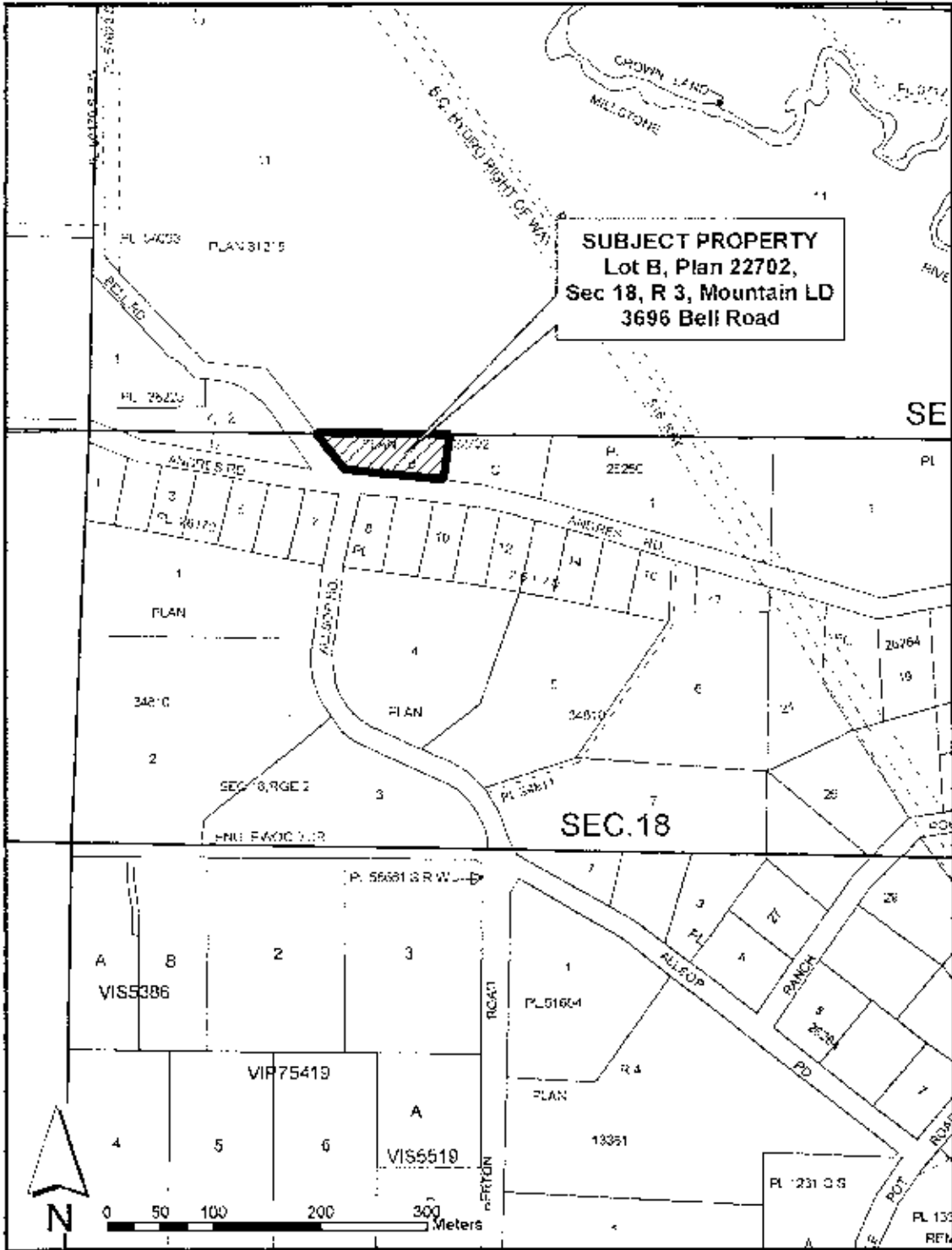
Schedule No. 4
Requested Variances
Development Variance Permit No. 90416

Development Variance Permit No. 90416 is proposed to vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987":

1. By relaxing **Section 3.4.81 – Minimum Setback Requirements** – the minimum setback requirement for all lot lines, in this case the lot line adjacent Bell Road, from 8.0 metres to 4.3 metres in order to accommodate the siting of the accessory building.

2. By relaxing **Section 3.4.81 – Minimum Setback Requirements** – the minimum setback requirements for all lot lines, in this case the lot line adjacent Andres Road, from 8.0 metres to 7.8 metres in order to accommodate the siting of the accessory building.

Attachment No. 1
 Subject Property Map



BGS MAPSHEET NO 905 320 4 3



REGIONAL DISTRICT OF NANAIMO			
OCT - 5 2004			
CHAP		GMCrS	
ASD	W	GMDS	
MS		GMES	
EAR			✓

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Services

DATE: October 1, 2004

FROM: Susan Cormie
Senior Planner

FILE: 3320 20 25850

SUBJECT: Consideration of Park Land Dedication
Timberlake-Jones Engineering Ltd. on behalf of Timberstone Developments
Electoral Area 'E' - Northwest Bay Road

PURPOSE

To consider the dedication of park land as part of a proposed phased 91-lot subdivision development.

BACKGROUND

This is a subdivision application which is subject to the consideration of park land or cash in-lieu-of park land or a combination of both for the properties legally described as Lot 1, DL 68 Nanoose District, Plan 3940 & District Lot 68 Nanoose District Except Amended Parcel A Thereof and Except Those Parts in Plans 3940, 26680, 27026, 27376 and 30341 and located in the Madrona area of Electoral Area 'E' (see Attachment No. 1 for location of subject properties).

In this case, the applicant has submitted a proposal offering the dedication of park land.

Park Land Requirements

Where an official community plan contains policies and designations respecting the location and type of future parks, the local government may determine whether the owner must provide land or cash or a combination of both. In this case, the Nanoose Bay Official Community Plan Bylaw No. 1118, 1998 specifies that park land dedication may be considered at the time of subdivision subject to meeting the preferred park land criteria set out in the Plan. Pursuant to the Local Government Act, the maximum amount of park land that the Regional District may request for this property is 5% of the total site area, in this case approximately 1.0 ha.

In addition to the policies contained in the OCP, Electoral Area 'E' has a Parks and Open Space Plan, which also provide criteria when considering the acquisition of park land.

Proposal:

The applicant is proposing to dedicate a 0.98 ha rectangle shaped area for park land adjacent to which contains an eagle nest tree and a .06 ha triangle shaped area with a trail connection adjacent to Northwest Bay Road, which equal 5% of the total parcel area. The applicants' agent also confirmed that the applicants have offered to provide and construct fencing around the eagle nesting tree; clean up the proposed park land area by removing stumps and fallen trees and fill in test holes; construct the proposed trail; and provide service connections to the proposed park land.

The park land proposal was referred to the Nanoose Bay Parks and Open Space Advisory Committee on September 9, 2004 and presented at a Public Information Meeting held on September 30, 2004.

ALTERNATIVES

1. To accept the park land proposal as originally submitted by the applicant for 5% park land dedication that was revised following the Parks and Open Space Advisory Committee meeting, as shown on Attachment No. 2.
2. To accept the park land proposal as submitted by the applicant following the Public Information Meeting in the amount of 5% of the total properties in the location as shown on Schedule No. 1.
3. To not accept any of the park land proposals as submitted by the applicant and refer the proposal back to staff with further direction.

DEVELOPMENT IMPLICATIONS

Official Community Plan Implications

The Nanoose Bay Official Community Plan Bylaw No. 1118, 1998, contains park land related policies which stipulates that park land is desirable where preferred criteria may be met such as improving waterfront access, protecting environmentally sensitive areas or archaeological features, or providing opportunities for nature appreciation. The Parks and Open Space Plan for Nanoose Bay include similar preferred criteria to be considered when park land is being acquired. In this case, the applicant is offering a park land, which includes an eagle nest tree, which is considered an environmental sensitive feature. Therefore, the proposed park land meets the preferred criteria set out in the OCP and the Parks Plan.

Nanoose Bay Parks and Open Space Advisory Committee Implications

The Nanoose Bay Parks and Open Space Advisory Committee did not support the park land proposal as originally submitted. Rather, the Advisory Committee made a number of comments to be considered by the developer, the RDN staff, and the Electoral Area Planning Committee (*See Attachment No. 3 for Advisory Committee comments*). These comments were included with the information circulated at the Public Information Meeting and were discussed at the meeting.

PUBLIC IMPLICATIONS

A Public Information Meeting (PEM) was held on September 30, 2004. Approximately 20 persons attended this meeting. (*see Attachment No. 4 for minutes of Public Information Meeting*).

PARK LAND IMPLICATIONS

Both the public and the Advisory Committee voiced concerns with respect to the location of the eagle nest tree within the proposed park land, which may impact the park land being used as an activity park. As a result, the applicants' agent has revised the proposed plan of subdivision to exclude the eagle tree from the park land and has offered to register a section 219 covenant for a maximum 30.0 metre area around the tree. The covenant will be included within 1 parcel.

With respect to the Best Management Practices, for the protection of eagle trees, the Provincial Approving Officer may refer the proposed subdivision to the Ministry of Water, Land and Air Protection for comment and RDN will recommend that the Best Management Practices be followed with respect to securing protection for the eagle tree and surrounding area as part of the consideration of approval of the proposed subdivision. While the 30.0 metre buffer area will not fully satisfy the Best Management

Practices, as there is no statutory requirement for protecting the area around an eagle nest tree, the covenant over the private lot may offer both protection for the tree as well as an expanded area of usable parkland, in keeping with the input from the public. Staff would recommend that part of the proposed parkland area, within 60 metres of the eagle tree, be used to supplement the covenant area as an additional buffer area. This should not have a significant impact on the usability of the park land given the location of the tree. In addition it is noted that the applicant will provide fencing and some improvements to the condition of the land as part of the proposal.

VOTING

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

SUMMARY

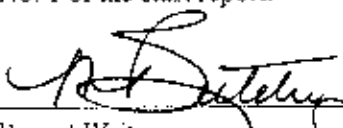
This is request for consideration of park land dedication as part of a 91-lot subdivision development for properties located in the Madrona area of Electoral Area 'E'

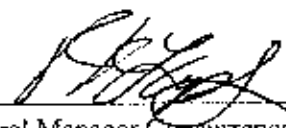
The park land proposal, as submitted by the applicant, was referred to the Nanoose Bay Parks and Open Spaces Advisory Committee, which did not support the park land as originally proposed, but did provide a number of comments to assist in determining the future park land location. As a result of the Advisory Committee comments, the applicants' agent revised the park land location and this was presented at the Public Information Meeting held on September 30, 2004. As a result of public input and comments at the meeting and further direction from staff, the applicants' agent reconfigured the park land to address the comments received at the PIM. This includes separating the park land from the eagle nest tree and offering a section 219 covenant with a 30-metre radius buffer protection area.

Therefore, given that the applicant has revised the proposed location of the park land based comments received at the Public Information Meeting and the comments received from the Parks and Open Space Advisory Committee, staff recommends Alternative No. 2 to accept the park land dedication proposal as shown on Schedule No. 1.

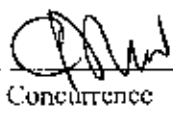
RECOMMENDATION

That the revised park land proposal submitted by Timberlake-Jones Engineering Ltd., on behalf of Timberstone Development in conjunction with the subdivision of Lot 1, DL 68 Nanoose District, Plan 3940 & District Lot 68 Nanoose District Except Amended Parcel A Thereof and Except Those Parts in Plans 3940, 26680, 27026, 27376 and 30341 be accepted subject to the conditions set out in Schedule No. 1 of the staff report.


Report Writer


General Manager Concurrence


Manager Concurrence


CAO Concurrence

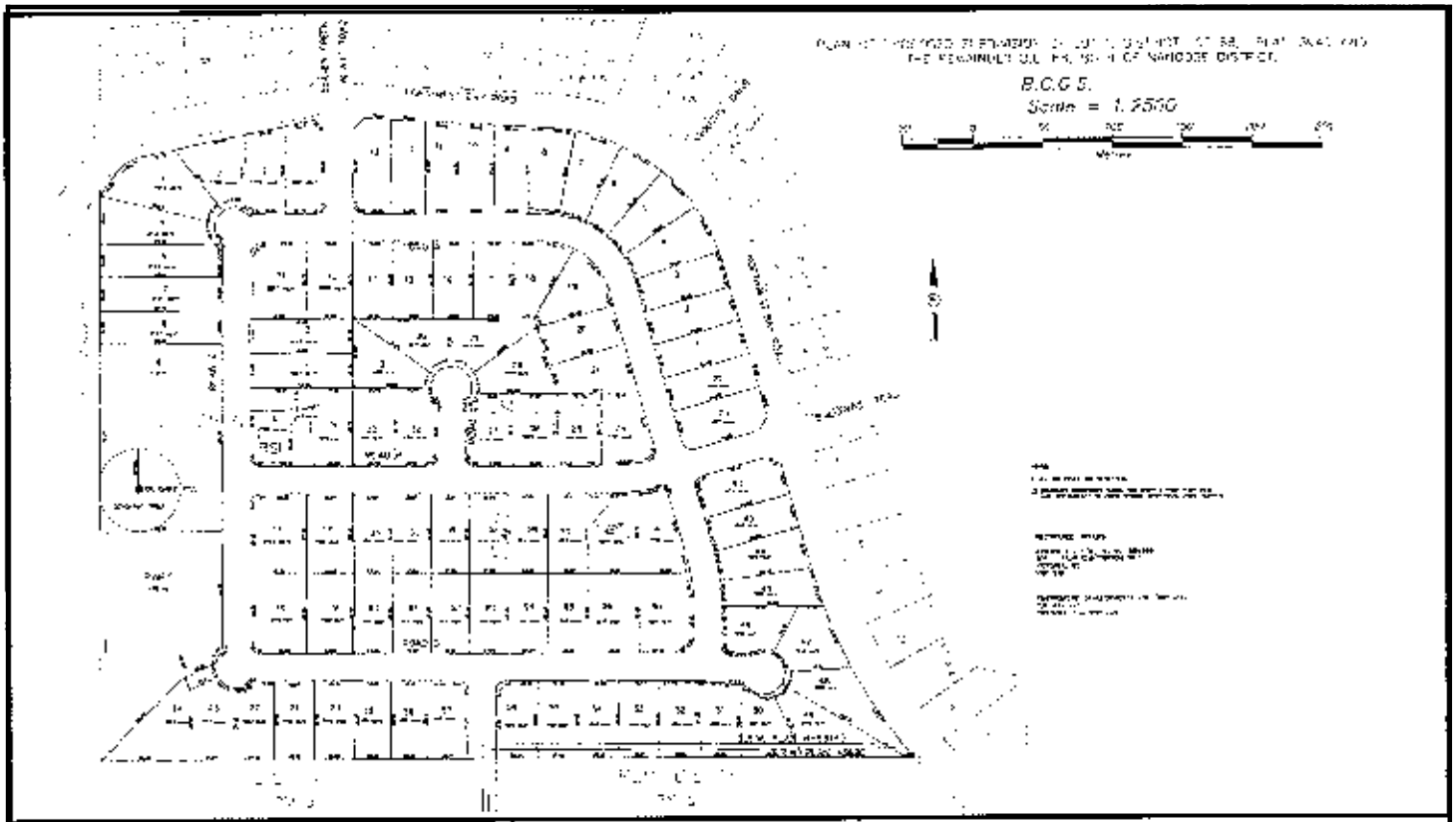
COMMENTS

Devars/reports/2004/see park land 3320 20 25859 Timberlake Jones DL68.doc

**Schedule No. 1
 Required Park Land**

In conjunction with the subdivision application for the properties legally described as of Lot 1, DL 68 Nanoose District, Plan 3940 & District Lot 68 Nanoose District Except Amended Parcel A Thereof and Except Those Parts in Plans 3940, 26680, 27026, 27376 and 30341

1. A minimum of 5% dedication of park land to be dedicated in the location as shown below;
2. The applicant has agreed to provide general clean up of the proposed park land site, include service connections as part of the proposed subdivision and install fencing surrounding the expanded eagle tree protection area.

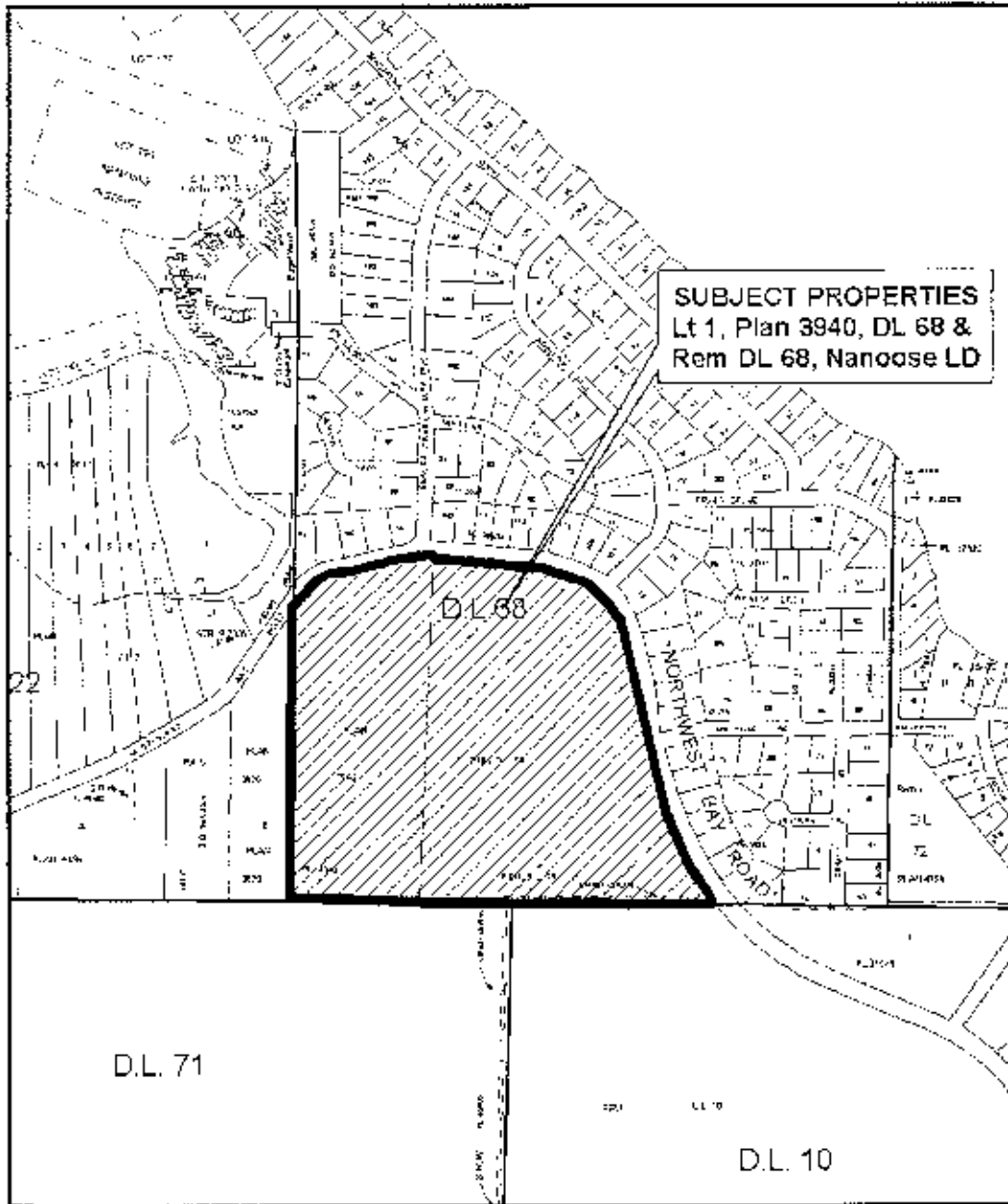


Timberlake-Jones
 engineering

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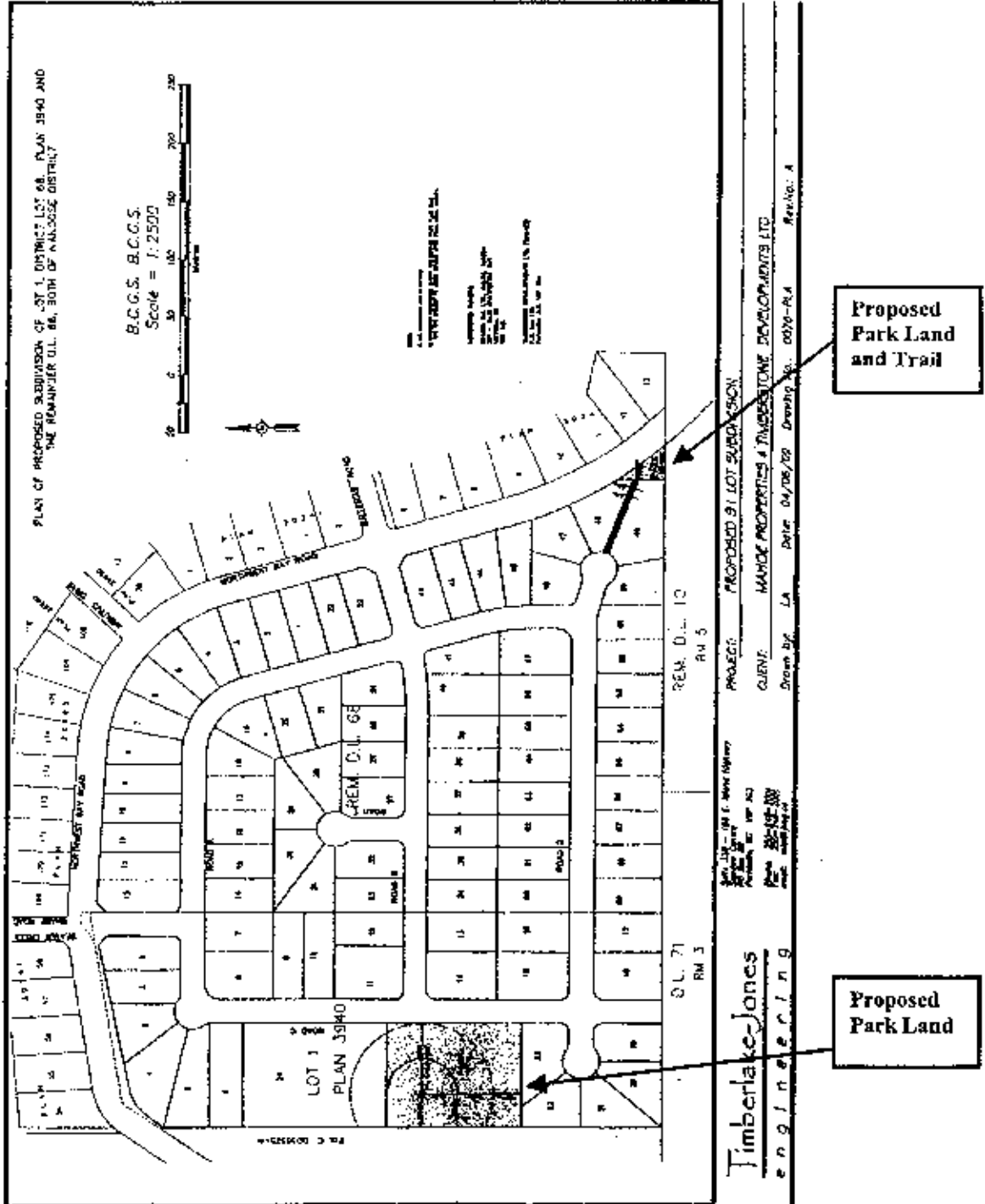
PROJECT: PROPOSED 81 LOT SUBDIVISION
 CLIENT: MAHOE PROPERTIES & TIMBERSTONE DEVELOPMENTS LTD.
 DRAWN BY: LA Date: 04/08/04 Drawing No: 1076-01A Rev: 5

Attachment No. 1
Location of Subject Property

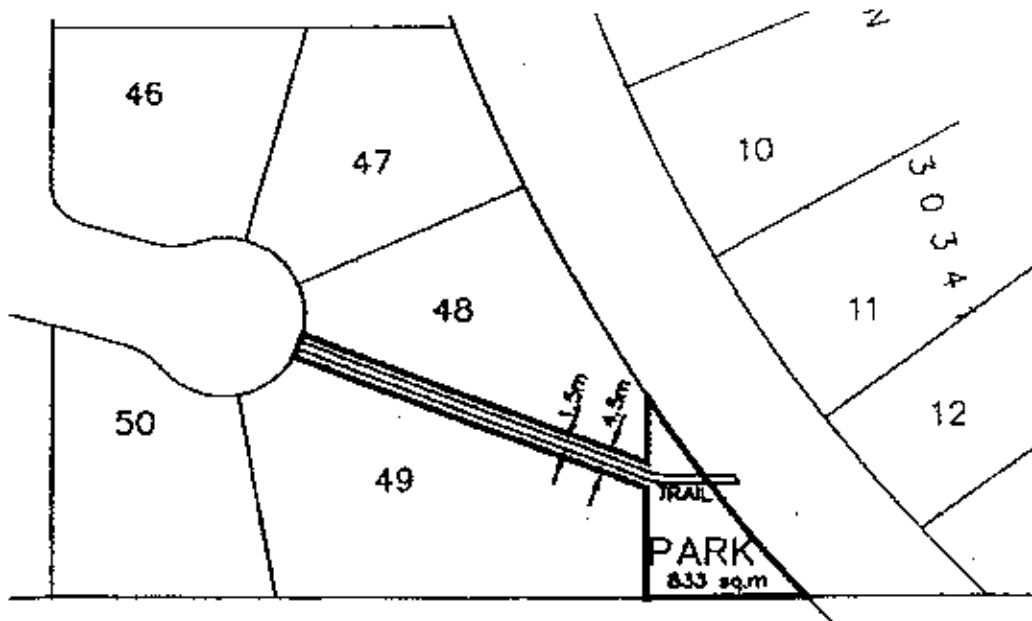
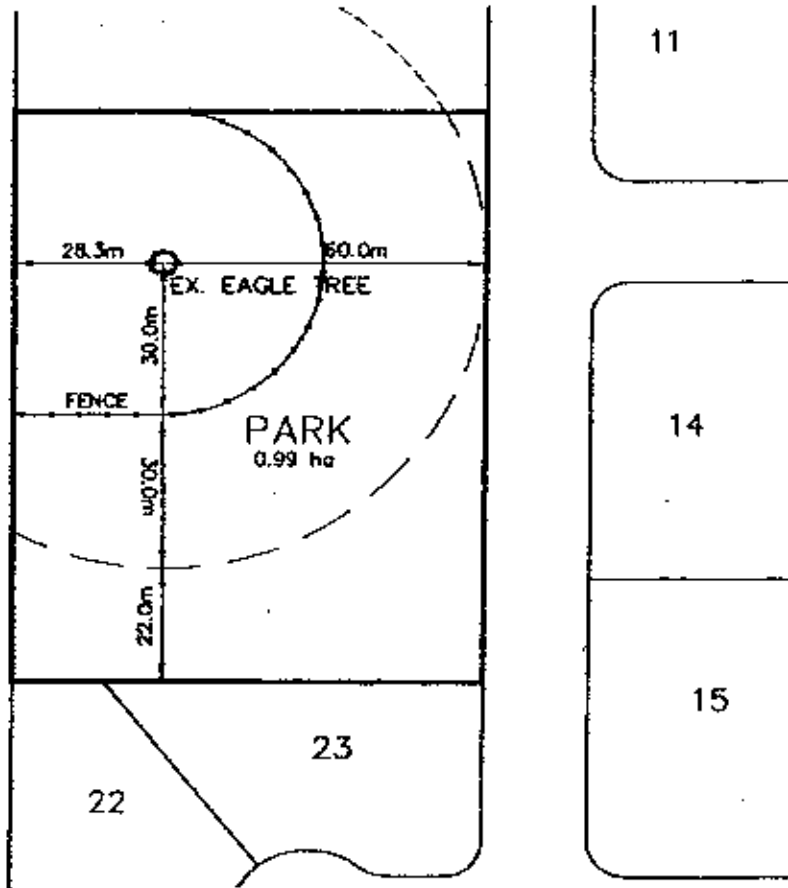


EGS APP SHEET NO. 04/03920

Attachment No. 2
 Conceptual Plan of Subdivision including Revised Park Land Proposal
 (as submitted by applicant)



Attachment No. 2 cont'd
Revised Park Land Proposal - Enlarged
(as submitted by applicant)



Attachment No. 3
Correspondence from the Electoral Area 'E' Parks & Open Space Advisory Committee



PARK LAND DEDICATION REVIEW
Referral Form
Parks and Open Space Advisory Committee

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

Proposed Park Land as part of a Conceptual Plan of Subdivision of Lot 1, DL 68 Nanoose District, Plan 3940 & District Lot 68 Nanoose District Except Amended Parcel A Thereof and Except Those Parts in Plans 3940, 26680, 27026, 27376 and 30341.

and located at Northwest Bay Road, Nanoose Bay, Electoral Area 'E'

Attachments provided to the Committee included:

- ✓ Location map
- ✓ Park Proposal Map
- ✓ Other – Memo from Susan Cornie (RDN Senior Planner), excerpts from Nanoose Bay Parks and Open Space Plan and from Nanoose Bay OCP (Bylaw 1118), and a copy of Parkland Dedication Referral Policy.

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

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

Comments:

Further to reaching the recommendation to not support the parkland dedication as proposed, the Committee asks that the following comments be considered by the Developer, RDN Planning staff, and the Electoral Area Planning Committee:

- The Committee requests the developer(s) provide protection of the eagle tree and adjust the park location to provide for more active park uses.
- An alternative location for the park area could include moving the park area to the south (in the vicinity of lots 22, 23, 24), and keeping the eagle tree within a park area.
- Or, if the tree could be protected outside of including it in a park, alternative park locations discussed by the Committee included the bottom south-west corner (lots 18-24 or parts thereof), or 4 or 5 lots in the centre of the proposed subdivision.
- A trail linkage from the proposed park area to Northwest Bay Road along the west boundary of proposed lots 5 & 6 leads to a curve on a busy road with little margin of safety. Trail linkages are supported but safety comes first - sidewalks may provide off-road access to the park, or access between proposed lots 2 & 3 may work.
- The Committee requested some value added amenities of the developer(s), such as a fence around the eagle tree (perhaps split rail at a distance of 30 metres from the tree), eagle tree signs installed for the tree, services such as water and electricity to the edge of the park (wherever it might be), and the park (in which ever location is finalized) be in a tidy condition (not covered in stumps, or construction waste or other garbage). A recent subdivision in French Creek saw the developers install a split rail fence along the road frontage of the park dedication, along with construction of a footbridge and bark mulch trails within the park.

Chairperson

Secretary

**Attachment No. 4
Minutes of a Public Information Meeting**

**Held at the Nanoose Place Multi Purpose 1
2925 Northwest Bay Road, Nanoose Bay on September 30, 2004 at 7:30 pm
Subdivision Application No. 25850**

**For the properties legally described as Lot 1, DL 68 Nanoose District, Plan 3940 & District Lot 68
Nanoose District Except Amended Parcel A Thereof and Except Those Parts in Plans 3940,
26680, 27026, 27376 and 30341**

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

Present:

Public in attendance: approximately 20 persons

For the Applicant:

Michelle Jones, Timberlake Jones Engineering Ltd.

For the RDN:

Chair: Director Pauline Bibby

Robert Lapham, General Manager, Development Services

Susan Connie, Senior Planner

The Chair opened the meeting at 7:32 pm and followed with greetings to the public and an introduction of the staff and applicant's agent.

The Chair stated the purpose of the public meeting and asked the General Manager provide an overview of the statutory provisions as it relates to park land provision.

The Chair then asked the applicant's agent to give an overview of the park land proposal.

The applicants' agent provided a description of the park land proposal highlighting that the property contains 2nd growth forest and the second tree identified by the environmental monitors is located next to Northwest Bay Road across from Beaver Creek Wharf Road. This tree has no nest or other eagle related activity at this time, but may possibility be a future eagle perch or nest tree.

The Chair then invited comments and questions from the audience.

Gerry Klassen, 1848 Douglas Crescent stated that getting out of Ballenas can be difficult with a hill one way and a curve in the road the other way and asked if Highway's is addressing this concern. Mr. Klassen also asked if the road will be left as it is now. Mr. Klassen stated he supports park land instead of cash because in 25 years the cash will be gone but the park will still be there.

The General Manager explained that the Ministry of transportation will review the sight distances when they conduct a full comprehensive review of the subdivision application and that park land is one of the first steps in the review.

Janet Farooq, Madrona Drive, asked about the 2 owners and the proposal that park land is only on one of the parcels?

The applicants' agent explained that the park land is proposed on one parcel in order to achieve one larger park rather than 2 smaller parks and that the applicants are working together.

Janet Farooq stated that with the traffic concerns opposite Beaver Creek Wharf Road and the location of the potential eagle tree there, there should be consideration for the protecting of this tree. Ms. Farooq also asked if other walking trails were investigated and felt that the proposed trail leads nowhere.

The General Manager explained that trails are often developed to provide interconnections between areas and in this case there is an interest to connect the cul-de-sac road to the Northwest Bay to provide a pedestrian route into the subdivision.

Ross Peterson, Madrona, asked if the park land becomes a Regional asset?

The General Manager explained that in this case, the park land would be a community park and therefore an asset to Electoral Area 'E'.

Mr. Peterson stated that the park land would have to fit in with Electoral Area 'E' parks.

The General Manager explained that there are two considerations – one, the Regional Parks System and how it fits with community parks and two, the local goals of the neighbourhood. The Regional District evaluates both and in the case of a community park reviews if and where a proposed park land fit into the neighbourhood or would cash be more effective.

Mr. Peterson asked if this park proposal is for the local neighbourhood or for the benefit of the whole community?

The General Manager explained it would be for the benefit of the whole community.

Neil Watson, 1616 Arbutus Drive, stated that he was speaking as a Northwest Nanoose Residents Association member and stated that it appears we are integrating a park land with a eagle nest tree and one is overlapping the other. Mr. Watson noted that the Best Practices for eagle trees is a protected area 1½ times the height of the tree and asked if the owner of Lot 1 can have a covenant placed over his property?

The General Manager explained that it might be possible to restrict by covenant.

Mr. Watson asked if the eagle tree is following the 1½ height rule?

The General Manger explained that the proposal is to fence at 30 metres in order to limit any activity and to retain vegetation at 60 metres distance.

Mr. Watson asked if we should be looking at 2 distinct areas?

The General Manager explained that the statutory requirements are limited to the nest only and the Ministry of Transportation Approving Authority is not obliged to protect the surrounding riparian area and it is not lawfully binding to do so.

Mr. Watson asked about the other tree?

The applicants' agent explained that the applicants will try to protect the potential eagle tree, but cannot guarantee this.

Mr. Watson stated that the Kaye Road subdivision was a success partly due to the size of the parcels and that in this case the adjacent 2 ½ acre parcel would be beneficial to the eagle tree.

Diane Pertson asked if any consideration has been given to situate the park land for a buffer for the farm land?

The General Manager explained that there is a 15.0 metre wide Farm Land Protection Development Permit Area that will require no buildings or removal of vegetation within the buffer area. The General Manager also explained the importance of the eagle tree to an area of vegetation around it.

Ms. Pertson asked if any consideration was given to placing the park land on Northwest Bay Road?

The General Manager explained that the Advisory Committee felt that there were safety issues involved with placing the park in that location.

Ms. Pertson asked will there is parking in the park land?

The General Manager explained that the parking would be on street parking only.

Ms. Pertson asked what was the zoning of this property previously?

The General Manager explained the zoning has been in place since 1984 and that the size of lots is based on the level of servicing.

Ms. Pertson stated that the Official Community Plan states the property should be 1 ha in size.

The General Manager explained that because the property was already in a water service area, it was capable of supporting the smaller sized parcels.

Jackie, Northwest Bay Road asked where are people going to park between Lots 48 and 49?

The General Manager explained that parking would be on the road right-of-way.

Jackie asked what do you propose for parking on Northwest Bay Road and felt that attention needs to be given to parking in this area.

Gay Cartledge, Garry Oak Drive, explained that she is a former member of the Parks Advisory Committee and can say that trail linkages were considered. Ms. Cartledge stated that the siting of the park was given to the eagle tree only and not to other aspects and that it appears to be ill-sited for future trail connections. Ms. Cartledge asked was siting given to other connections?

The applicants' agent explained that the OCP guidelines recommends the protect of eagle trees and did not see any good linkages to surrounding lands from the site.

Frank VanEynde, Beaver Creek Wharf Road, Advisory Committee Chair, stated that the Committee talked about the eagle tree and linkage to the park. Mr. VanEynde suggested cash be taken instead of park land.

Gay Cartledge stated that because this is such a big subdivision, a big activity park is desired.

Diane Pertson stated that parks are detrimental to eagles.

Bruce Frampton, Northwest Bay Road stated that he heard there is a proposal to extent a road to the Rocking Horse area and asked if this was true?

The Chair explained she had no knowledge of that.

The General Manager explained that this proposal is one of the last remaining large properties to be developed in the area.

Mr. Frampton asked if the parcels will be served by septic disposal?

The General Manager explained that community sewers are under consideration for this subdivision.

Mr. Frampton stated that park land would be great, but Northwest Bay Road is really busy now and this needs to be considered with this application.

The General Manager suggested he contact the Ministry of Transportation with his concerns.

Jeanette Thomson, Sea Lion Crescent, stated that the roads are dangerous now and how did the subdivision application get this far?

The applicants' agent explained that the proposed road network for the subdivision was development from a point of view for fire trucks and other emergency vehicles looking at sight distances and the existing road points.

Ms. Thomson commented that stop signs will be on Northwest Bay Road.

The General Manager explained that the subdivision layout is conceptual and this is the safest design. The General Manager also suggested that stop signs or traffic lights would probably not be considered on Northwest Bay Road at this time.

Ms. Thomson stated that the potential tree should be saved and that the park should be left natural and not cleaned out.

The applicants' agent explained the intention is to clean up the stump piles only and to leave the park land natural.

Ms. Thomson asked for confirmation that the buffer on Springford Farm is 15 metres.

Ross Peterson, stated that he is not convinced that a yard stick approach is the best way to measure a protective area and asked if 30 metres or 60 metres has been proven to be effective to protect an eagle tree?

The General Manager explained that the Best Practices is based on real practice in the field. The General Manager explained that this park would be a nature park with some limited activity on part of it as opposed to a active recreation site and, to date, preference has been to blending natural areas with some limited activities.

Mr. Peterson asked does this work though and can we ask the Province to confirm this?

The General Manager explained that sourcing of the data is available.

Frank VanElynde asked what is the area of the 5% and commented that we are giving up 1/5 of the park land for an eagle tree.

The General Manager explained that there are pros and cons to both.

Mr. Watson stated that there may be 3 trees identified and that perch trees play an important role and asked about the road between Lots 18 and 19?

The applicants' agent explained that this road is to provide access to lands beyond and is a statutory requirement.

Mr. Watson asked if that road will allow the farmer to bring his spreader through the subdivision.

Ms. Pretson reviewed her knowledge of eagle trees in the area and recommended 5% park land plus the eagle tree protection area.

Ross Springford, DL 10 and 71, asked does the 15 metre buffer include the road way; do we lose the existing easement access; is there a conceptual plan for park for Lots 19 -24; and is there another conceptual plan if sewer is not available?

The General Manager explained that the access may be built to the property, but that depends on the adjacent owner and suggested he write to the Ministry about this. The General Manager explained that a conceptual layout without sewers would place the lots at ½ acre sizes and that the Health regulations are going to get more permissive. The General Manager further explained that there is not a conceptual plan for the lots in the corner next to the farm land.

Jeanette Thomson stated do not forget the other potential tree and asked if it were possible to get a row of trees along Northwest Bay Road so we do not have to see the subdivision and this will give a more rural feeling.

The applicants' agent explained that the houses will face internally and it is her vision to leave the trees and further the developer may choose to plant new ones.

Ms. Thomson stated that was done in Beachcomber and it looks great and suggested trees along the farm land buffer too.

Janet Farooq stated that the park land should be outside the eagle tree area, but in the same area; the developers need to consider left turn lanes with Ministry of Transportation; and there needs to be consideration for connecting parks and trails.

Ross Peterson noted that the General Manager stated that sewers will go forward if the subdivision is approved and asked is this not the other way around?

The General Manager explained that yes, the process is intertwined.

Mr. Peterson asked if it is the intention to sewer the property?

The General Manager explained that staff support the construction of community services to this subdivision.

Mr. Peterson asked what is the faint line on the conceptual plan along the south boundary?

The applicants' agent explained that is the statutory right-of-way and easement areas and that this area is not vegetated at this time.

Neil Watson suggested placing a road along the south property line that would remove the need to access onto the arched portion of Northwest Bay Road.

Gay Cartledge recommended that the subdivision deserves a full 5% park land with the eagle tree being considered separately, but it still needs protection.

Jeanette Thomson asked if we have to rely on Victoria for everything and what about the community's needs?

The General Manager stated that we do not want to create an expectation that the RDN cannot meet.

The Chair asked if there were any further submissions. There being none, the Chair thanked those in attendance and closed the public information meeting.

The meeting concluded at 8:37 pm.

Susan Cormie
Recording Secretary

Submission following PIM

From: Marilyn Green [mailto:marlynjg@shaw.ca]
Sent: October 01, 2004 12:19 PM
To: Pauline Bibby
Cc: Beetstra, Marion
Subject: Lot 1, DL 60, Nanoose District - Public Info Meeting - Thursday Sept 30 2004.

Hi,

While I did not avail myself of your invitation to speak last night, in an effort to avoid repetition of points already raised by my neighbours, and other members of the community, I do wish to place on record some comments, re. the above

Safety. Agreed, this was not the issue on the table, but, there was reference to same, and I would further comment, from many years of experience of commercial development, specifically from/to highways..... that with the access roads, as shown for the proposed development, without some widening/alignment/turnoff adjustment, whatever, we have the ingredients for a major problem. The stretch of Northwest Bay Road under review, possesses "fixed" issues, a bend, plus a gradient, and the "variables"....available daylight hours, pedestrian crossing, weather conditions, vehicle speed and volume flow (current/ future provision). A combination of any two or more can contribute to safety concerns. May we accept that highways will be providing the necessary input to this issue ?

Eagle Trees. The need to provide for the preservation of eagle tree/s is desirable, and community representative/s did speak to this concern. To combine both this "preservation/protection" and parkland as a single package, is a non-starter, they are separate issues, if only that one could defeat the other. The latter (parkland) likely maturing into a canine exercise compound et al., maybe not that bad in itself, (I like dogs !)but not conducive to eagle perching, owing to noise and people movement.

Parkland. The community has a plethora of small parcel/green spaces, resulting from the required % contributions from developers, over past years.....generally amounting to marginal benefit, at best, to the community at large. I suggest, in the development under review, it is preferable to accept the cash in lieu option, and by accruing funds from other future developments, provide for a meaningful park/green space development, benefiting the whole community, as opposed to that which is being considered. I have no fault with the Developer, who appears sensitive to the demands of the RDN, community et al

As to buffer zones, people wishing to relocate alongside ALR land parcels, make their choice, and can have little argument with permitted farming activities, including some may cause some odour etc. Surely this adds to the near "rural" ambience ! I agree there should be a buffer, which will likely be more aesthetic than practical. However, I did not hear last night, any reference to a buffer, along the highway, with a liberal planting of trees, shrubs etc, to protect us visually from the development.....is this planned ?

Nothing really new, just wished to convey some thoughts.....Martyn J. Green.