

**REGIONAL DISTRICT OF NANAIMO**  
**ELECTORAL AREA PLANNING COMMITTEE**  
**TUESDAY, FEBRUARY 8, 2005**  
**6:00 PM**

*(RDN Board Chambers)*

**A G E N D A**

**PAGES**

**CALL TO ORDER**

**DELEGATIONS**

- 3                    **Mike Fowler, Can-Corp Ventures, re Proposed Highway Commercial Development.**

**MINUTES**

- 4-6                Minutes of the Electoral Area Planning Committee meeting held Tuesday, January 11, 2005.

**BUSINESS ARISING FROM THE MINUTES**

**PLANNING**

***OFFICIAL COMMUNITY PLAN***

- 7-38                Nanoose Bay Official Community Plan Update.

***AMENDMENT APPLICATIONS***

- 39-52              Zoning Amendment ZA0418 & ZA0419 -- Fern Road Consulting/Brookwater Homes and Pal -- MacPherson & Marshland Road, Area II.

***DEVELOPMENT PERMIT APPLICATIONS***

- 53-64              DP Application No. 60460 -- Miroslav Danielka and Margaret Chi -- Van Isle Road -- Area H.
- 65-76              DP Application No. 60504 -- Smith/Vectis Ventures -- 3645 Dolphin Drive -- Area E.
- 77-82              DP Application No. 60505 - Scott -- 961 Clark Road -- Area F.

***OTHER***

- 83-94 Request for Acceptance of Parkland Dedication – Newcastle Engineering Ltd.  
on behalf of Woodridge Holdings Ltd. & H. Bhatti – MacMillan Road – Area A.
- 95-106 Request for Acceptance of Parkland Dedication or Cash in Lieu & Relaxation of  
Minimum 10% Frontage – WR Hutchinson on behalf of Sweeney/Cochran –  
Storey & Yellow Point Roads Area A.

**ADDENDUM**

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**NEW BUSINESS**

**IN CAMERA**

**ADJOURNMENT**

**Burgoyne, Linda**

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**From:** Pearse, Maureen  
**Sent:** Friday, January 28, 2005 1:07 PM  
**To:** Burgoyne, Linda  
**Subject:** FW: Can-Corp Venture's Delegation Request for February 8th Electoral Area Planning Committee Meeting  
**Attachments:** Mike Fowler.vcf

nda,

or EAP Agenda.

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**From:** Mike Fowler [mailto:mfowler@cancorp.com]  
**Sent:** Thursday, January 27, 2005 4:13 PM  
**To:** Pearse, Maureen  
**Cc:** a.phil@telus.net  
**Subject:** Can-Corp Venture's Delegation Request for February 8th Electoral Area Planning Committee Meeting

Hello Maureen,  
Further to correspondence with the RDN Board of Directors requesting a delegation at the Directors at the February 8th Electoral Area Planning Committee Meeting, Dave Bartram responded to me and informed me that we should contact you directly to request a delegation to address the board with respect to our proposed Highway Commercial Development.  
If you could please confirm our request via email it would be much appreciated. If you require any additional information I would be pleased to provide.

Regards,  
Mike

**Mike Fowler, President**  
Canadian Corporate Consultants Ltd.  
Can-Corp Ventures Inc.  
250 - 11331 Coppersmith Way  
Richmond, BC V7A 5J9

Tel: 604.241.4400  
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Web: www.can-corp.com

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE  
MEETING HELD ON TUESDAY, JANUARY 11, 2005, 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
Alternate	
Director H. Webster	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. Lewellyn	Manager of Community Planning
N. Tonn	Recording Secretary

**DELEGATIONS**

**Bill Katerenchuk, re DP Application No. 60461 – Fairway Pointe Properties Ltd. (Quail's Landing) – 730 Barclay Crescent – Area G.**

Mr. Katerenchuk provided information with respect to Development Permit Application No. 60461 and made himself available for any questions from the Committee members.

**LATE DELEGATIONS**

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

CARRIED

**Bev Voigt, re DP Application No. 60463 – Bev & Gerd Voigt on behalf of 642703 BC Ltd. – off Kaye Road and the Island Highway – Area E.**

Ms. Voigt made herself available for any questions from the Committee members.

**MINUTES**

MOVED Director Stanhope, SECONDED Director Bartram, that the minutes of the Electoral Area Planning Committee meeting held December 14, 2004 be adopted.

CARRIED

**PLANNING**

**DEVELOPMENT PERMIT APPLICATIONS**

**Development Permit Application No. 60459 – Windley Contracting Ltd., on behalf of Jill Maibach (Maibach Industries) – 2093 South Wellington Road - Area A.**

MOVED Director Kreiberg, SECONDED Director Bartram, that Development Permit Application No. 60459 submitted by Windley Contracting, on behalf of Maibach Industries Ltd., to allow for the construction of a 557 m<sup>2</sup> warehouse within the Electoral Area 'A' Official Community Plan South Wellington Development Permit Area No. 1 for the property legally described as Lot 1, Section 12, Range 7, Cranberry District, Plan 18166 be approved, subject to the conditions outlined in Schedule Nos. 1, 2, 3 and 4.

CARRIED

**Development Permit Application No. 60461 – Fairway Pointe Properties Ltd. (Quail's Landing) – 730 Barclay Crescent – Area G.**

MOVED Director Stanhope, SECONDED Director Webster, that Development Permit Application No. 60461, submitted by Fairway Pointe Properties Ltd. (Quail's Landing) for the property legally described as Lot 1, District Lot 126, Nanoose District, Plan VIP76030 Except That Part in Strata Plan VIS5531 (Phases 1, 2, 3, 4, 5, 6 and 7) be approved, subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report and to the notification requirements pursuant to the *Local Government Act* with respect to the proposed variance.

CARRIED

**Development Permit Application No. 60462 – Anderson Greenplan Ltd. for Tycor Ventures Ltd. – 3702 Alberni Highway – Area F.**

MOVED Director Biggemann, SECONDED Director Bartram, that Development Permit Amendment Application No. 60462 submitted by Jack Anderson for Tycor Ventures Ltd. for the property legally described as Lot 2, District Lot 39, Newcastle District, Plan VIP54354 located at 3702 Alberni Highway in Electoral Area 'F' be approved, subject to the conditions outlined in Schedules No. 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 variance.

CARRIED

**Development Permit Application No. 60463 – Bev & Gerd Voigt on behalf of 642703 BC Ltd. – off Kay Road and the Island Highway – Area E.**

MOVED Director Webster, SECONDED Director Stanhope, that the request, submitted by Bev and Gerd Voigt, on behalf of 642703 Ltd., for a 2 lot subdivision and the dedication of a new road for property designated within the Watercourse Protection and Sensitive Ecosystems Development Permit Areas, as shown on the plan of subdivision of The Remainder of District Lot 44, Nanoose District, be approved subject to Schedules No. 1, 2 and 3 and to the notification procedures subject to the *Local Government Act* with respect to the proposed variances to Bylaw No. 500, 1987.

CARRIED

**DEVELOPMENT VARIANCE PERMIT APPLICATIONS**

**Development Variance Permit Application No. 90501 – Peloso – 650 Meadow Drive – Area G.**

MOVED Director Stanhope, SECONDED Director Bartram, that Development Variance Permit Application No. 90501, submitted by the property owners Albert Joseph Peloso and Whilliam (Willie) Cherie Peloso for the property legally described as Lot 20, District Lot 49, Nanoose District, Plan VIP76162 to relax the maximum height requirements from 8.0 metres to 8.9 metres in order to allow for the construction of a dwelling unit as proposed by the applicants be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

**NEW BUSINESS**

**Nanoose OCP Public Information Meeting.**

It was noted that a Public Information meeting with respect to the Nanoose Official Community Plan will be held at 7:00 pm, Tuesday, January 18, 2005 at Nanoose Place. All Directors are invited to attend.

**ADJOURNMENT**

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

CARRIED

TIME: 6:50 PM

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CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO	
FFB - 7 2005	
CHAIR	GMCPS
	GMCPS
CAO	GMDS
	GMES
EAP ✓	

# MEMORANDUM

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

**DATE:** February 1, 2005

**FROM:** Pamela Shaw  
Deputy Manager, Development Services

**FILE:** 6480 00 EAE

**SUBJECT:** Draft Nanoose Bay Official Community Plan  
All Electoral Areas

## PURPOSE

To receive Summary of Proceedings and Submissions to the Public Information Meeting held January 18, 2005 on the Draft Nanoose Bay Official Community Plan and direct staff to produce an Amended Draft Nanoose Bay Official Community Plan.

## BACKGROUND

The Nanoose Bay Official Community Plan (OCP) review process has been underway since early 2004. Recent actions on this planning project include the following:

- The Regional Board received the draft Nanoose Bay OCP at the December 18, 2004 Board Meeting.
- A public information meeting was held January 18, 2005 with approximately 300 persons in attendance.
- Pauline Bibby, the Electoral Area Director, resigned her position in late December 2004.
- Pursuant to the *Local Government Act*, a by-election for the new Electoral Area Director is to be held on March 19, 2005.

A Summary of Proceedings of the Public Information Meeting, along with written correspondence is included as *Attachment No. 1*. A summary of OCP related issues along with staff recommendations are included as *Schedule No. 1*.

## ALTERNATIVES

1. To receive the Summary of Proceedings and Written Submissions from the Public Information Meeting, receive the staff report containing the recommendations included in *Schedule No. 1*, then hold the process in abeyance pending the election of a new Director for Electoral Area 'E'.
2. To receive the Summary of Proceedings and Written Submissions from the Public Information Meeting and direct staff to amend the Draft Nanoose Bay Official Community Plan pursuant to the recommendations contained in *Schedule No. 1*, and direct staff to proceed with the amended Public Consultation Process included in *Schedule No. 2*, and report back following the election of a new Director for Electoral Area 'E'.

## PUBLIC CONSULTATION IMPLICATIONS

The Draft Nanoose Bay Official Community Plan is the result of a Board approved planning process involving public consultation with residents, property owners, stakeholders, municipal, provincial, and federal agencies. As the Committee is aware, this process involved several open houses, community meetings, a government agencies forum and the participation of community members in sixteen Working Group meetings.

As identified at the Public Information Meeting, there appears to be general acceptance of the Statement of Community Values that forms the foundation of the Official Community Plan. However, there are several issue areas where increased clarity or revisions are required, as follows:

- Coastal Development Permit Area- concerns have been expressed regarding the designation of the 15-metre development permit area on all coastal properties in Nanoose Bay and/or the content or clarity of the draft Coastal Development Permit Area guidelines.
- Environmentally Sensitive Development Permit Area- issue has been taken with both the comprehensiveness of the information and the location of some identified environmental features.
- Highway commercial development expansion at Northwest Bay Road and the Island Highway- the current Nanoose Bay Official Community Plan (Bylaw No. 1118, 1998) and the Draft Nanoose Bay Official Community Plan do not support expanded commercial activities adjacent to the Island Highway. Speakers at the Public Information Meeting indicated that this issue needs to be further discussed and the specific proposal presented to the community.
- Community Water and Sewer- comments have been received both in support of and against the expansion of sewer services and the consolidation of water services.
- Parkland- comments regarding the clarification of OCP wording on parkland acquisition have been received.
- OCP implementation through zoning- concern has been expressed as to the effect of the zoning implementation on individual properties with noted objections to the proposed change to the minimum parcel size from 2.0 ha to 8.0 ha for lands included within the A.I.R.

Each of these issues is discussed in *Schedule No. 1*, along with staff recommendations for action.

*Schedule No. 2* outlines an amended public consultation process for the Nanoose Bay Official Community Plan Project.

The current approved public consultation process did not consider the possibility of additional cycle of public consultation following the Public Information Meeting. The revised schedule recommends that, following amendments to the OCP, the new Draft be made available in the community and posted on the RDN's website. It is then recommended that a newsletter be direct mailed to all Nanoose Bay property owners to provide notification on the OCP's availability and request written comments on this amended Draft. The proposed deadline for written comments is proposed to be March 28<sup>th</sup>, 2005. The comments would then be presented to the April 2005 Electoral Area Planning Committee along with staff recommendations (as this is the first Electoral Area Planning Committee Meeting where the new Electoral Area 'E' Director will be in attendance). The staff report will also request the Committee's consideration of a Public Information Meeting or another form of Public Consultation to be scheduled for a date as decided by the Electoral Area Planning Committee at the April meeting.

## PROCEDURAL IMPLICATIONS

It is noted that the current version of the Nanoose Bay Official Community Plan is a draft document; The OCP has not been yet considered by the RDN as a bylaw for first and second reading, and has not been advanced to a public hearing. Therefore, the document can be amended as directed by the Committee.

Procedurally, once the Board approves 1<sup>st</sup> and 2<sup>nd</sup> reading for the OCP Bylaw, a public hearing will be scheduled and formal referrals will be sent to government agencies and stakeholder groups as identified in



the Terms of Reference for the Nanoose Bay OCP Planning Project. Following the public hearing, the OCP would again be presented to the Board along with the Summary of the Proceedings of the Public Hearing. Should the Bylaw be granted 3<sup>rd</sup> reading, the Bylaw would be referred to the Ministry of Community, Aboriginal and Women's Services for approval. In consideration of its approval, the Ministry will take into account the comments of the agencies to which the Bylaw has been referred. Following the Minister's approval, the Board may consider the Bylaw for adoption.

### LEGAL IMPLICATIONS

The final draft of the Nanoose Bay Official Community Plan must be consistent with the requirements of the *Local Government Act*; to be considered for adoption as bylaw. The Official Community Plan must also comply with the RDN Regional Growth Strategy as required pursuant to the *Local Government Act*.

### VOTING

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

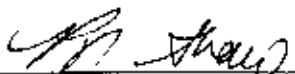
### SUMMARY

A Public Information Meeting on the Nanoose Bay Official Community Plan was held on January 18, 2005 with approximately 300 residents in attendance. The Summary of Proceedings and written submissions are attached for the Board's consideration.

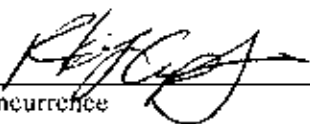
A number of issues were raised by speakers at the Public Information Meeting and through written submissions. In response to public comments, staff recommends Alternative No. 2, to make necessary amendments to the Draft OCP and to approve an amended public consultation process for moving the Nanoose Bay Official Community Plan forward. After the Committee receives additional comments on the amended Draft Plan, the recommendation also requests the Committee's consideration of a Public Information Meeting or another form of Public Consultation to be scheduled for a date as decided by the Electoral Area Planning Committee at the April meeting, after the Election of a new Electoral Area Director.

### RECOMMENDATIONS

1. That the Report of the Nanoose Bay Official Community Plan Public Information Meeting (held January 18, 2005) containing the Summary of Proceedings and Written Submissions be received.
2. That staff be directed to make the changes as recommended in Schedule No. 1 in response to public comments at the Public Information Meeting and written comments received on the Draft OCP and that the amended public consultation process as outlined in Schedule No. 2 be approved.
3. That following receipt of additional comments on the amended Draft OCP, staff reports back to the Committee with recommendations for additional amendments and recommendations on how to proceed with the process.

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

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

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

### COMMENTS:

devsvr/reports/6480 00 Nanoose Bay OCP for LAPC.doc

**SCHEDULE NO. 1**

**Draft Nanouse Bay Official Community Plan  
 Summary of Agency and Citizen Comments on the Draft OCP  
 and Staff Recommendations**

**Agency Comments**

<b>OCP Issue</b>	<b>Summarized Comment</b>	<b>Staff Recommendations</b>
Ministry of Transportation	Support for the inclusion of the proposed highway realignment of the Island Highway at Northwest Bay Road	No changes required
Ministry of Energy and Mines	No comments on the OCP at this time	No changes required
Land and Water British Columbia	Support for the expansion of the Tourist Commercial land use designation at Northwest Bay Road to include Crown Lands Support for the consideration of land use/development opportunities for Crown Lands as a land owner	No changes recommended to OCP
Ministry of Water, Land and Air Protection	Support for development permit areas, specifically the eagle tree designations and environmentally sensitive lands designation	No changes required
Agricultural Land Commission	Verbal response- No comments regarding the OCP at this time, but retain the right to comment on as part of a formal referral	No changes required

**Citizen and Stakeholder Group Comments**

OCP Issue	Summarized Comment	Analysis of Issues & Comments	Staff Recommendations
Coastal Development Permit Area	<p>Concern has been expressed regarding the designation of a 15-metre development permit area from the natural boundary of the sea for all coastal properties in Nanoose Bay.</p> <p>Specifically, residents have been concerned with limits being placed on the use of privately owned property.</p>	<p>The intent of the Coastal Development Permit is to protect the environmental sensitivity of the lands immediately adjacent (within 15 metres) of the natural boundary of the sea. Ecosystems in this interface zone have been established over many years and can be difficult or impossible to re-establish if disturbed. While the community supports the maintenance of established properties and necessary measures to protect property there has also been support to limit potential impacts to protect the environment. In order to achieve this balance, exemptions from the permitting requirement have been proposed, however some coastal property owners would like the permit area removed; others request clarification and broader exemptions particularly for established or built properties. In recognition of the community value to protect the environment it is proposed that a coastal development permit area continue to be part of the OCP but as a result of expressed concerns, the guidelines should be revised to include additional exemptions and clarification of permitted activities.</p>	<p>Separate DP's III, IV and V and provide a revised justification of DP areas specific to each environmentally sensitive condition.</p> <p>Broaden the scope of permissible activities within the DP area to permit the following:</p> <ul style="list-style-type: none"> <li>• Alteration of land and removal or deposit of soil with prescribed limits. (excavations or deposit up to 1.0 metre in depth and less than 9 cubic metres total)</li> <li>• Removal of up to 50% of existing native vegetation except that not more than 50% of trees with a diameter of 30 centimetres at the time of adoption may be removed.</li> <li>• Placement of non-structural construction, features or improvements (less than 1 metre in height) over an area up to 50 square metres.</li> </ul> <p>Consolidate other exemptions if not inclusive in new changes.</p> <p>Remove reference to external source documents as all information may not be applicable to DP guidelines.</p>

**Citizen and Stakeholder Group Comments**

<b>OCP Issue</b>	<b>Summarized Comment</b>	<b>Analysis of Issues &amp; Comments</b>	<b>Staff Recommendations</b>
Environmentally Sensitive Development Permit Area	Questions have been raised on the accuracy of the inventory of environmentally sensitive features. On different properties, the inventory is considered to be both too detailed and too generalized; features have been missed or represented on properties where they do not exist.	As part of the OCP review process, the inventory was updated and provided by the Conservation Data Centre (CDC). While the CDC would provide assurances on the reasonable accuracy of the information, it has always been anticipated that, on an application driven basis, properties would be 'ground truthed' to confirm the existence and extent of environmentally sensitive features.	<p>Implementation plan recommends ongoing improvements to the inventory.</p> <p>Separate DPs III, IV and V and provide a revised justification of DP areas specific to each environmentally sensitive condition.</p> <p>Clarify exemptions in Amended Draft OCP.</p> <p>Remove reference to external source documents as all information may not be applicable to DP guidelines.</p>
Highway Commercial Development at Northwest Bay Road & the Island Highway	<p>The current Nanoose Bay OCP and the Draft OCP do not support expanded commercial development at locations other than the Red Gap, Schooner Cove, and the future Fairwinds Neighbourhood Centre.</p> <p>Correspondence has been received that indicates this issue requires further discussion.</p> <p>Proponents of a proposed commercial development near Northwest Bay Road/Island Highway intersection have raised concerns that their proposal has not been given consideration by the community.</p>	<p>The current OCP (Bylaw No. 1118) and the draft OCP do not support the expansion of commercial lands adjacent to the Island Highway.</p> <p>The issue of expanded or new commercial areas was discussed as part of the Working Group process and support was given to an expansion of the Red Gap centre over the adding new lands to the commercial land base.</p> <p>An amendment to the Regional Growth Strategy would be required to create a new Urban Containment Boundary around a newly proposed commercial area...</p> <p>The position of the Ministry of Transportation to consider new proposals for development on the Highway does not require an amendment to the OCP if this type of development is not supported.</p>	No change to Amended Draft OCP.

**Citizen and Stakeholder Group Comments**

OCP Issue	Summarized Comment	Analysis of Issues & Comments	Staff Recommendations
Community Sewer	<p>The Draft provides new frameworks for the provision of sewer services in Nanoose Bay. Comments have been received both for and against sewer expansion. Clarification of this section has been requested.</p>	<p>The policies in this section indicate that expansion of the community sewer system is supported but the implementation framework provides background and presents a number of scenarios that would be considered in a feasibility review as part of the decision making process.</p> <p>The current OCP and draft plan identify a service area and restricted service area that are necessary to calculate the build-out or future development potential such that engineering standards and Development Cost Charge rates can be calculated. The proposed service areas correspond to the land use designations where there has been support for or evidence of the need for community sewers. The process to expand the community sewer system is by a separate bylaw pursuant to the Liquid Waste Management Plan.</p>	<p>Amend Section 5 Community Sewer as follows:</p> <p>Amend Policy No. 2 to indicate that there is support to proceed with a feasibility review to decide on how community sewer might be expanded in Nanoose Bay.</p> <p>Improve other wording in the section to indicate that the investigation of sewer costing and feasibility is supported as set out in the Implementation Framework.</p> <p>Delete Policy 11</p> <p>Amend Policy 17 to indicate that future right-of-way requirements may also be secured by agreement.</p> <p>Review Section for clarity.</p>
Urban Containment Boundary Issues	<p>The Draft OCP proposes an expansion of the Red Gap UCB</p>	<p>Public comment has been supportive of an expanded Red Gap boundary to accommodate new uses in the centre.</p> <p>It is noted that a Regional Growth Strategy amendment is required to proceed with this OCP amendment</p>	<p>Proceed with boundary amendment proposal</p>

**Citizen and Stakeholder Group Comments**

OCP Issue	Summarized Comment	Analysis of Issues & Comments	Staff Recommendations
Community Water	The Draft provides new frameworks for the provision of water services in Nanoose Bay. Concerns have been expressed regarding the consolidation of water service areas.	The consolidation of water services is already underway; connections among the six public water services are intended to address issues of low pressure/water shortfalls in some community water systems. Connections among the systems are also intended to benefit once bulk water is fully established in Nanoose Bay. Concerns have been expressed regarding the cost to residents following the consolidation of water systems, specifically on how varying investment, capital, maintenance and operational costs will be accounted for.	Amend Section 5 Community Water as follows:  Amend Map Reference in Policy 5 to Map 2  Add wording to Policy 8 to allow inclusion of properties where there is a threat to a domestic water supply or community water supply works.  Add a new Policy Statement to the Implementation Framework after Policy 3 indicating that process of evaluating the current assets and liabilities of exiting water service areas will be completed as part of the decision making process to amalgamate the service.  Add comment regarding the requirement for a bylaw to consolidate water service areas.  Review section for clarity.
Parkland-support for cash in lieu or land	Concern has been expressed regarding the OCPs position on the taking of cash in lieu instead of land as part of a subdivision proposal and that future park should only include larger contiguous areas and not small remnants.	Clarification of wording is required to ensure the process for accepting cash-in-lieu of parkland or parkland is linked to the Nanoose Bay Parks and Open Space Plan. A policy limiting the types of parkland that are to be accepted would not satisfy all of the objectives of the OCP or Parks and Open Space Plan. The RDN policy to refer proposal to Public Information meeting allows for a review of proposals.	Review Section for clarity and make reference to the Nanoose Bay Parks and Open Space Plan and consultation process with the community on specific proposals.

**Citizen and Stakeholder Group Comments**

<b>OCP Issue</b>	<b>Summarized Comment</b>	<b>Analysis of Issues &amp; Comments</b>	<b>Staff Recommendations</b>
OCP Implementation through zoning	Concern has been expressed with the effect of zoning implementation on individual properties. Specifically, the increase in minimum permitted parcel sizes to 50 hectares for Resource Lands (non-ALR) and 8 hectares for Resource Lands (ALR) has been noted.	The proposed implementation through zoning is intended to support the Regional Growth Strategy and to recognize the objectives of the Agricultural Land Reserve to protect farmland. In order to protect resource land and limit the possibility of land use conflicts the plan separates settlement areas and proposes to limit future subdivision in these areas. In addition, the proposed zoning implementation for Coast Residential areas will enable the RDN to apply for federal grants to potential offset the costs of sewer expansions in Nanoose Bay.	Proceed with zoning implementation.
Housekeeping Amendments	Review and confirmation of policy numbers and order of policies, map features and map numbers	A finely detailed administrative review of the Draft OCP is required prior to the document proceeding for 1 <sup>st</sup> and 2 <sup>nd</sup> reading	Proceed with review.

**SCHEDULE NO. 2  
 AMENDED PUBLIC CONSULTATION PROCESS  
 DRAFT NANOOSE BAY OFFICIAL COMMUNITY PLAN**

<i>February</i>	<ul style="list-style-type: none"> <li>▪ <b>Comments on the Draft OCP</b> prepared by staff in response to public comments/written submissions from January 18<sup>th</sup> 2005 Public Information Meeting</li> <li>▪ <b>Report</b> to Electoral Area Planning Committee</li> <li>▪ <b>Amended Draft OCP</b> prepared (pending direction from the Electoral Area Planning Committee)</li> <li>▪ <b>Amended Draft</b> made available in the community and posted on the RDN's website (<a href="http://www.rdn.bc.ca">www.rdn.bc.ca</a>).</li> <li>▪ <b>Newsletter #6- Update on the Amended Draft Nanoose Bay Official Community Plan</b> Direct mailed to all Nanoose Bay property owners to provide notification on the OCP's availability and request written comments on this amended Draft.</li> </ul>
<i>March</i>	<ul style="list-style-type: none"> <li>▪ The deadline for written comments will be <b>March 28<sup>th</sup>, 2005</b>.</li> </ul>
<i>April</i>	<ul style="list-style-type: none"> <li>▪ <b>Comments</b> presented to the April 2005 Electoral Area Planning Committee along with staff recommendations.</li> <li>▪ The staff report will also request the Board's consideration of a <b>Public Information Meeting</b> or another form of Public Consultation to be scheduled, possibly in late April, or on a date as decided by the Electoral Area Planning Committee at the April meeting.</li> </ul>
<i>May 2005 to project completion</i>	<ul style="list-style-type: none"> <li>▪ <b>Report</b> to RDN Board requesting 1<sup>st</sup> reading of OCP</li> <li>▪ <b>Pre Referral Notification</b> to referral agencies (potentially resulting in amendments to OCP)</li> <li>▪ <b>Report</b> to RDN Board requesting 2<sup>nd</sup> reading of OCP</li> <li>▪ <b>Formal Referrals</b> to referral agencies</li> <li>▪ <b>Public Hearing</b></li> <li>▪ <b>Report</b> to Board requesting 3<sup>rd</sup> reading</li> <li>▪ <b>Notification</b> to province</li> <li>▪ <b>Report</b> to Board requesting 4<sup>th</sup> reading and adoption.</li> </ul>



**REGIONAL DISTRICT OF NANAIMO  
SUMMARY OF PROCEEDINGS OF  
THE PUBLIC INFORMATION MEETING  
HELD MONDAY, JANUARY 18, 2005 AT 7:00 PM  
AT NANOOSE PLACE, 2925 NORTHWEST BAY ROAD, NANOOSE BAY, BC  
ON THE  
DRAFT NANOOSE BAY OFFICIAL COMMUNITY PLAN**

**PRESENT:**

**Chairperson:**

Alternate Director Webster      Electoral Area 'E'

**Attending Directors:**

Director Kreiberg                  Electoral Area 'A'  
Director Hamilton                Electoral Area 'C'  
Director Haime                    Electoral Area 'D'  
Director Biggemann              Electoral Area 'F'  
Director Stanhope                Electoral Area 'G'  
David Bartram                    Electoral Area 'H'

**Staff:**

Robert Lapham                    General Manager, Development Services  
Pamela Shaw                      Deputy Manager, Development Services  
Keeva Kehler                      Planner, Development Services  
Brigid Reynolds                  Senior Planner, Development Services

There were approximately 300 people in attendance.

The Chairperson called the Hearing to order at 7:05 p.m., introduced those present at the head table, and outlined the procedures to be followed during the Hearing.

Staff provided a brief outline of the contents and known issues with respect to the Draft Nanoose Bay Official Community Plan.

The Chairperson called for questions or comments from those in attendance on the Draft Nanoose Bay Official Community Plan.

Jeannette Thomson indicated that the Working Group had no meeting on sewers, roads, or neighbourhoods. The Working Group did not come to consensus on these and yet they appear in the plan. Items working group wanted to be changed were not changed. Ms. Thompson indicated that the meetings were not satisfactory and more meetings are required.

Bernie Kaspar of Morello Road indicated that he purchased his property in 1958 and was assured by the ALC that he could take 5 acres for his family home. He indicated that no consultation had been held with farmers in the area occurred with respect to increasing the minimum parcel size – the increase to 8 ha will devalue his farm property. Mr. Kaspar wants his rights observed - he was promised development rights, and wants to maintain his right to develop his land. Taking away farmer's retirement options is objectionable.

Janet Farooq indicated that she was speaking on behalf of the NW Bay Area Residents Association Directors, not the entire membership. Ms. Farooq indicated that she had participated in the Working Group meetings and that the Directors are happy with 80% of the draft. Ms. Farooq indicated that protection of environment is a priority, that there is support for future growth being kept to UCBs, there are concerns regarding the sharing Local Service Area (LSA) cost (how will this be calculated to remain equitable and recognize past investment?), and effective consultation throughout OCP life is a priority. Ms. Farooq also indicated that the directors are supportive of a policy to not amend the OCP for 2.5 years. Ms. Farooq indicated that the directors have other issues that also need to be addressed, such as the extension of sewer and capital costs for infrastructure. Ms. Farooq indicated that the Directors believe more time is required for discussion of these issues. On the issue of the Coastal Development Permit Area, Ms. Farooq questioned how much control local government should have on activities on private lands, and noted that there are wide range of opinions in the community on this issue. Ms. Farooq noted that the Coastal DPA section needs to be rewritten to clarify the requirements, and provide assurances on the grandfathering of maintenance of existing landscaping.

Dr. Webster indicated that there is a meeting tomorrow on Arrowsmith water system, which Dr. Webster will attend to obtain some information on some of these issues, and agreed that DPA No. 4 needs more clarity.

Ron Kuhn indicated that he was speaking for the Nanoose Property Owners and Rate Payers Association (NPORA). NPORA placed an ad in the paper with respect to sewer issues. The Residents Association wants people in Nanoose Bay to pay attention to issues that the community should be aware of. Mr. Kuhn indicated that discussion on the sewer section came in at the late stage of the public process. Mr. Kuhn indicated that there is a number of contradictions throughout the process, and in particular noted concerns with the processes outlined in the OCP compared to the Liquid Waste Management Plan (LWMP).

Bob Lapham responded that the issue of sewer is complicated – there are separate bylaws to establish sewer service are not put in place by the OCP – and the LWMP outlines the process and separate consent of electors is needed. Mr. Lapham responded that the OCP says there are servicing options, and the plan advocates a feasibility study and public consultation. In addition, a boundary is needed to assist in designing infrastructure.

Vic Audley noted his concern with the discussion about properties adjoining sensitive areas, and indicated that approximately 80% of the ditches in Nanoose do not have water in them. There are drainage concerns with coastal lots, which gather the water from upland properties, which are not considered sensitive. Mr. Audley feels there is a safety concern due to steep driveways and emergency access to the homes on these lots. He is concerned with flooding on waterfront lots as a result of run-off from non-waterfront lots.

Kiwi Stanners indicated that he does not support the Coastal Development Permit Area, nor the need for covenants to be placed on properties. Mr. Stanners questioned comments regarding the need for development permit areas to protect fish habitat. Mr. Stanners requested that his neighbour, Mr. Jamieson, be permitted to describe his own experience with development permit area regulations.

David Jamieson, Acacia Road, indicated that he is a coastal property owner – his lot had an existing 50-year old cabin and in 1999 he built a retirement home. Mr. Jameson hired a local builder, met with RDN staff, was informed of setbacks, got a geotech engineer involved, had a variance approved for the zoning setback to the top of bank, then hired an arborist to remove 12 trees. Mr. Jameson met with the RDN to determine the location of environmental sites, eagle trees, but did not have an understanding of DP requirements restricting the removal of trees. Subsequent to the removal of some trees, the RDN issued a cease and desist order. Mr. Jamieson feels he was forced into an agreement to register a covenant in

favour of the RDN, including the development of a rehabilitation plan with a geotech's input. Mr. Jamieson believes the OCP public consultation process in 1998 was flawed, and feels that non permanent residents were not properly notified.

Warren Stevenson of Cancorp Ventures indicated that he represented a group interested in the commercial development of lands along Northwest Bay Road and the Island Highway. Mr. Stevenson said that he heard reference to a statement that the community has not supported commercial use on along the highway at previous meetings. Mr. Stevenson would like to investigate the inclusion of the intersection at NW Bay Road and the Highway as Commercial Lands, although he recognizes that originally the RDN dismissed his request to include this area as UCB due to proposed road realignment issues. Mr. Stevenson indicated that he has been consulting with the Ministry of Transportation and Minister and obtained a decision that the Highway won't be realigned for foreseeable future. Mr. Stevenson indicated that a partial realignment of the highway including upgrades to the bridge has been discussed. There is potential to include this intersection as commercial and to get safety improvements for Nanoose. Mr. Stevenson indicated that this proposal should be considered by the community.

Colin Springford indicated that he purchased his property in 1950- he now owns 225 acres of agricultural land. He had questions about changes to the minimum lot size for agricultural land. Is this changing as a desire of the Board and staff or as a recommendation of the working group? Mr. Springford indicated that he had heard that the Working Group is made up of 20 people – he feels that this is not representative of all Nanoose residents. Mr. Springford indicated he has \$1m invested in the purchase of a large tract of farm land and feels that the proposed changes to the minimum parcel size devalues his land by ½. Agricultural land is only valued on real estate value not on agricultural production -- the proposed reduction in size is a personal issue for him.

Bob Lapham responded that subdivision is restricted by the ALC with some exemption under the Homesite Severance Provision.

Pauline Bibby indicated that people who support the process and the OCP need to get involved in the process to have a say.

Len Greaves indicated that his daughter owns farm on Claudet – he had questions on uses permitted on Resource Lands -- his family has invested in the land that is not ALR and he doesn't want to see changes to the permitted farm uses on Rural 5 lots.

Charles Brukker indicated that he is a Working Group meeting member, and the RDN and Director Bibby advertised every meeting. If people have comments on the OCP they have had ample opportunity to participate in the process.

Coastal property owner indicated concern that the coastal DPA is bureaucratic, not necessary, that coastal property taxes are very high, and he does not think it is fair for a property owner to have to give 45 feet to the community as they cannot develop their land. The owner indicated he holds 2.5 acres of oceanfront, and zoning regulations should be cut in ½.

Jeanette Thomson indicated that more meetings are needed.

Mike Grey indicated that he represented the Association of Coastal Property Owners. Mr. Grey asked if the Board members present would go on record to tell staff to answer letters received asking for clarification? Mr. Grey indicated that the NWNRA had asked for clarification of budget figures for Nanoose OCP but there was a delayed response from the RDN. Mr. Grey asked how do we interpret

money budgeted for Nanoose OCP: how can we say that the money has all been spent? Mr. Grey indicated that he wished to point out that the Working Group is not responsible for everything in the draft. The DPA established in 1998 was not discussed with the Working Group at that time.

Dr. Webster responded that this is not a convened meeting of EAPC Board members, and therefore there will be no commitment on behalf of Board given at this meeting.

Mr. Lapham noted that existing environmental covenants for areas covered by DP guidelines will be reviewed.

Peter Bibby indicated that, in response to Mike Grey's comments, Mr. Bibby wrote to Mike Grey asking for information on the exact number of members in the Residents Association and did not receive an initial response. However, Mr. Bibby indicated that he then received a letter stating that his request was being referred to legal counsel. Mr. Bibby suggested that the Board respond in same manner to Mr. Grey's request. Three of Nanoose's Residents Associations have 60-70% of their catchment areas. Mr. Bibby believes that although Jim Lettic says the Residents Association has 300+ members - he has concerns that this is not true - no one could not confirm exact numbers when he asked for the information. Mr. Bibby feels that the Residents Associations may stretch the truth in terms of representation of Nanoose residents. Peter Bibby stated that NPORA purports to represent residents in Nanoose, yet there was no unanimous decision at their Board meeting. Mr. Bibby is concerned that some Directors are misleading the Board by indicating that they represent the RA Board, when they are actually acting as individuals.

Diane Pertsen of Dolphin Drive indicated that many people dedicated hours to the Working Group; not everyone is satisfied with all of the results, but this doesn't diminish the Working Group efforts and the time invested. In Ms. Pertsen's opinion, this reaffirms the need for the OCP to go back to Working Group discussions. Ms. Pertsen felt there was not enough time to absorb all the information and provide adequate input. The Terms of Reference refer to the draft being presented to the Working Group and the public and receiving general acceptance. Ms. Pertsen is concerned with Section V Sewer Implementation Options. The Plan clearly states on Page 8, plans are being made to provide these restricted Sewer Development Areas with sewer service. Ms. Pertsen is concerned that the RDN can take OCP policies to the province to incorporate plan areas into LWMP.

Bob Lapham responded that the plan contains information on the pre-design funding from province - people want some idea of costs.

Dianne Pertsen indicated that the life of OCP is five years - she doesn't want this plan to discuss sewer when sewer is far away on the horizon.

Bob Lapham responded that separate bylaws are needed for sewer implementation; the Plan is consistent with LWMP; the Plan doesn't support the expansion without feasibility and consultation.

Dianne Pertsen questioned why have the framework in the OCP? She feels the wording gives the RDN a tool to proceed with something that is not wanted. Sewer should only be considered with health/environmental concerns.

Bob Lapham responded that the treatment plant is currently operating at phase 1 – the plant is designed to be expanded as needed, up to 15,000 capacity if required, with secondary treatment.

Floyd Perry indicated that he is a retired resident, not a Working Group member. He felt well served by neighbours who did attend sessions. Director Bibby tried harder than any politician to involve him in the process. He is concerned with sewer issues – he stated he did not take the opportunity to show his concern at the meetings, however, it doesn't help to be at each other's throats. It is now up to Board and RDN to lead us back to where we need to be. Mr. Perry indicated that there is not a lot of difference between the sides; and the public process can bring us back to where we need to be.

Maurice Hedges indicated that, by way of explanation, the ALR is the provincial organization; RDN has no control over ALR. RDN doesn't prevent subdivision of ALR land – ALR must give support first. Mr. Hedges indicated that public participation is key – the election is approaching and we need new people. Mr. Hedges encouraged residents to run for office.

Carmen Monmart indicated that she spoke as an owner of land near the Petro Canada. She supports changes in uses along the highway. According to MOT, the proposed realignment won't happen in the near future. She wants to be on record that they support Can Corp and its proposals for commercial uses on the highway. Ms. Monmart indicated that the landowners need help to make their land useful.

Dave Weiner of Northwest Bay Road requested clarification on the DPA: What does it mean for me; what are the tax implications; what's the next step?

Bob Lapham responded that some properties are in DPAs – exemptions apply; dependent upon features. Property owners can contact the planning department for clarification of the potential implications.

Dave Weiner indicated that he is concerned with the impact of growth. He wants it done in the correct manner. He wants protection of ESAs, but thinks a balancing act is needed.

Dianne Pertson indicated that it shouldn't be necessary for people to get clarification from RDN staff on DPAs and the effects on their land; OCP should clarify this so everyone can understand it. Ms. Pertson did not want the RDN to lump the 3 Development Permit areas together. Ms. Pertson indicated that the exemptions were confusing.

Bob Lapham responded that the RDN will be separating Development Permits. The RDN is bound by federal and provincial legislation in some cases on what needs to be in the OCP.

Dianne Pertson indicated that she supports the RDN in protecting environment. Errors continue to be in the SEI maps; names of documents are wrong – 7 SEIs should be named and protected. Coastal Bluff is the rarest of these; Ms. Pertson indicated that these changes must be made.

Kirk McMillan of Madrona Point indicated that he is a P.Eng, forestry background. Mr. McMillan wrote a letter seeking clarification on DPA 4. In the Working Group meeting, he asked for a reply to this letter. Mr. McMillan tried to obtain documents referenced in Plan and found it difficult. He made reference to the Coastal Shore Stewardship – Guide for Planners, Builders on Pacific Coastal Shore. Funding for this

document was provided by DFO, MELP, Georgia Basin, WIAP. On page 44 of the publication, OCPs are discussed and stakeholder involvement is discussed; recommendations listed potential stakeholders. Mr. McMillan felt his attempts to arrange discussion with staff and Board were met with opposition. In the Nanoose DPA #4 Mr. McMillan felt that the justification using the Fisheries Act was nonsensical. He contacted DFO habitat biologist, who said that a copy of OCP was not provided to him. What involvement did DFO have with the draft Plan? Scott Northrup of DFO said he had never been consulted with on the Draft OCP. Mr. McMillan found it alarming that RDN didn't meet with DFO during the process.

Virginia Brukker of Powder Point Road indicated that there is a contradiction from people who want to protect environment, but do not want to be told what to do. Ms. Brukker felt that there had been a lot of reference to property assessments during the meeting. Ms. Brukker indicated that people with expensive properties should have more input than others with lower assessments. Ms. Brukker stated that people don't respect their land – that is why we need rules and a vision for the community; there are reasons for those rules that protect the vision. Everyone should have equal rights regardless of property tax assessments. Ms. Brukker did not believe that anyone has less valuable time than others, some people chose to spend their time trying to better the community, others chose not to.

Perry Grue, coastal lot owner, indicated that he had many problems with building on his lot. If covenants can be removed, this should be done immediately. Covenants are detrimental to the sale of land. Mr. Grue indicated that his property is affected by too many regulations. Mr. Grue was not sure the foreshore is environmentally sensitive as stated by the RDN. He felt that this is too strong of a statement to come from RDN, and it should come from Minister of Environment, if anyone. What about the rest of Vancouver Island? What authority has the RDN to declare the ocean as environmentally sensitive? Mr. Grue feels that the designation is not related to fish habitat.

Karen Zaborniak indicated that the OCP states the sewage treatment plant could be moved to Crown Land – where and who would pay for it?

Bob Lapham responded that appropriateness of location will be reviewed and a determination made; feasibility to be reviewed.

Jeanette Thompson indicated that the DPAs need clarifying.

Don Stewart indicated that he agrees with the former submissions. Mr. Stewart said that he appreciates protection of the environment but also private property rights. Mr. Stewart did not think the RDN has a right to infringe on waterfront property owners.

Deirdre Santesso thanked staff for clarifying the Page 2 Review. Ms. Santesso indicated that she is seeking a plan that acts as a working document; clarity and certainty to landowners is key. Ms. Santesso thought the points made tonight indicate this has not been achieved. Ms. Santesso felt that it was a good reason to resume working group meetings.

There being no further comments, the Chairperson adjourned the Hearing at 9:35 p.m.

*Certified true and correct this 25<sup>th</sup> day January 2005.*

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Keeva Kehler  
Recording Secretary

refer to Appendix A for submissions to the Public Information Meeting

refer to Appendix B for consolidated 'Comments and Questions' submitted at the PIM

Appendix A

1790 Rena Road  
Nanoose Bay, B.C. V9P 9B1  
January 17, 2005

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

Re. Nanoose Bay Official Community Plan

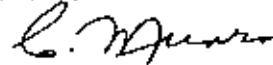
Dear Sirs,

After speaking with Pam Shaw of the RDN, and on her advice, I am writing this letter to bring to your attention a concern which we have, as property owners, with the above mentioned OCP. We own a parcel of land in Area E of the Regional District of Nanaimo. When we purchased this piece of land a few years ago, it was with the knowledge that it was zoned RM3B, Resource Management, with a minimum parcel size of 8 hectares. We made our purchase decisions based on this knowledge.

On perusing the Draft copy of the Nanoose Bay OCP, we see that there are plans to change this minimum parcel size to 50 hectares on lands that are zoned RM, and outside of the ALR, which ours is. This change is onerous to us, and completely unacceptable. We would like to leave all zoning affecting our parcel of land exactly as it is at this present date, and as it was when we purchased it.

We trust that you will make the changes necessary to the OCP in the next revision. Thanking you in advance,

Dennis and Christine Munro





January 18, 2005

Board of Directors  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, B. C.  
V0R 2H0

Dear Sirs:

Re: Proposed change of minimum lot size for ALR land from 2 hectares (5 acre lots) to 8 hectares (20 acre lots) in the Draft of the Nanoose OCP

As registered owner of the property situated at 2183 Motelle Road, Nanoose Bay, I am in objection to the above proposed change for the following reason:

Long term land owners such as myself – I have owned my property since 1958 – were assured when the concept of ALR land was proposed it had the provision of allowing the land owner to “grandfather” the removal of 5 acres and his home from the property.

I have the following question for the panel:

With the proposed change as documented in the Draft Copy of the Nanoose OCP, does the landowner now have to retain 20 acres with no option to subdivide a 5 acre parcel off his property?

If so, then the agreement reached with the concept of ALR land was not made in good faith.

~~I would ask that the panel take into consideration past agreements, reasons for wishing to sub-divide a five acre parcel off the total parcel. I have in mind owners who wish to have family members close by as they become less able to look after themselves and wish to remain in their own home and on the property they have held for so many years.~~

Yours truly,

  
Bernard Kaspar

(Kaspar Farm)

## Directors Electoral Areas A to H

### RDN staff

I am Kwi Stanners, I live on Dolphin Drive and am part of the coastal property owners committee. I have a few short points to make on the subject of DPA IV.

There has been a lack of consensus building between the RDN and the coastal property owners; this despite the many meetings we have attended. Regrettably, this has resulted in a relatively wasteful expenditure of time and funds. The coastal property owners committee would like to see a true consensus reached on DPA IV and have worked toward that goal with minimal progress to date. We live on the coast because we love the ocean, the greenery and the local environment in general and, with very rare exception, we are the last people who would destroy such beauty and tranquility.

We are very concerned about the regulations as laid out in the Draft OCP and, without going into excess detail at this time, the following points require consideration.

1. All coastal areas in the Nanoose Bay OCP should not be classified as environmentally sensitive. If there are specific sites that are considered environmentally sensitive, they should be identified, complete with the justification for such designation as well as which federal or provincial ministry has defined that sensitivity. Care should also be taken to mitigate the impact of that designation on the affected coastal property owners.
2. With the exception of the mouths of streams or rivers that flow into the ocean, there is little cause for concern regarding fish habitat above the high tide mark. The major concern that should be addressed is the need to prevent pollutants from reaching the ocean. We believe that DFO regulations are all that is required in this regard.
3. Regulation of trail construction and foreshore access may be justified in parks and public waterfront access areas but, is absolutely not required on single family coastal properties.
4. Development permits may be required for major construction projects, however, with the exception of standard building permits, there should be no requirement for development permits, environmental assessments, geotechnical surveys nor professionally engineered drawings for minor construction on private single family coastal property within the 15 metre setback.
5. There should be no need for covenants to be placed on the privately owned 15 metre coastal setback. To highlight the ridiculous level to which such covenants have risen, I ask David Jamieson to give you his personal experience.

**Nanoose Bay OCP  
Public Information Meeting  
Speaking Notes**

Directors, RDN staff, ladies and gentlemen, my name is Kirke MacMillan and I am a relative new comer to Nanoose Bay. We moved into our home on Madrona Drive in May 2003, joined the Northwest Nanoose Residents Association and are very pleased we choose Nanoose Bay as our retirement community. I am also a member of the Coastal Property Owners Committee. Prior to retiring in 1998, I was with the forest industry for 35 years and have had some involvement in environmental issues. I am a professional engineer and since my retirement have established and managed our boutique consulting company.

I first became aware of the Nanoose Bay Official Community Plan in May of 2004, but it was not until early November that I read the preliminary draft of the Nanoose Bay OCP. Being an engineer, I tried to figure out how it all worked. I talked to my neighbours and soon learned that many of them were just as confused as I was. On November 10<sup>th</sup>, I drafted a letter to the Regional Director, Area E, that was also signed by several of my neighbours, seeking clarification on a number of issues including the foundation on which the justification for DPA IV was based. At a subsequent working group meeting, when I asked when we might expect a reply to our letter, I was advised that a reply to our letter was not a high priority item on the Director's agenda. While somewhat surprised by the reply, I decided to press on and investigate Section VIII in further detail.

While trying to locate and obtain copies of the 300 pages of guidelines referred to for the planting of trees and shrubs under Section i) of the Exemptions for all Environmental Development Permit Area, I came across one another of The Stewardship Series of publications titled "Coastal Shore Stewardship: A Guide for Planners, Builders and Developers on Canada's Pacific Coast". I found it unusual that this recent Stewardship Series publication had not been referred to at any of the public meetings I had attended as a number of the questions raised in our November 10<sup>th</sup> letter were answered in this publication. (Funding for this publication was provided by: The Oceans Directorate of Fisheries and Oceans Canada, Environment Canada, Georgia Basin Ecosystem Initiative, Canadian Wildlife Service, Duck Unlimited, Ministry of Water, Land and Air Protection, and the David Suzuki Foundation.)

On page 44 of this publication, under the title of "Coastal Stewardship Policies in Regional Growth Strategies and Community Plans", "Stakeholder Involvement", I found some recommendations that appeared reasonable and I quote "A list of coastal stakeholders may include coastal landowner groups, industries, recreational users and conservation organizations." I now understood why the publication was never mentioned. Every attempt that was made to encourage active dialogue between our Director, RDN staff and coastal landowners was met with strong opposition.

The paragraph mentioned above goes on to say "Institutional stakeholders may include port corporations, harbour authorities and regional offices of Fisheries and Oceans Canada, Environment, Land and Water B.C., and the Ministry of Water, Land and Air Protection (MWALP)." Another reasonable statement, or so it appeared to me, that was deserving of further investigation.

Turning now for a moment to the Nanoose Bay OCP, the last paragraph in the Development Permit Area IV, Justification: Coastal Areas reads as follows: "According to the Federal Fisheries and Oceans (DFO) the riparian area is considered 'fish habitat'. It is a violation of the Fisheries Act to cause harmful alteration, disruption or destruction of fish habitat (HADD), therefore any land alteration within the riparian area must be undertaken with due diligence." This justification made no sense whatsoever to me although I do not take issue with the first phrase of the last sentence. However, I was optimistic that Fisheries and Oceans Canada could shed some light on it, so, in late December, I scheduled a meeting with the Fisheries and Oceans Canada Foreshore Habitat Biologist responsible for liaison with the Regional District of Nanaimo. I brought along a friend, a biologist who had been employed by the International Pacific Salmon Foundation for over 20 years as well as Fisheries and Oceans Canada prior to his retirement. We provided a copy of the latest Nanoose Bay OCP to Mr. Scott Northrup and asked him to explain what involvement Fisheries and Oceans Canada had had in the preparation of the Nanoose Bay OCP. Mr. Northrup replied that he had never seen the Nanoose Bay OCP nor had he discussed the justification for the DPAs with his counterpart at the Regional District of Nanaimo. We found it extremely alarming to learn that those responsible for the drafting of the Nanoose Bay OCP had not even met with representatives of Fisheries and Oceans Canada, yet they were citing the Fisheries Act as their justification for DPAs.

Also on page 44 of the Coastal Shore Stewardship publication, under "Environmentally Sensitive Areas" it states: It is desirable to regulate development or avoid it in areas where coastal shores are physically or biologically sensitive or subject to natural hazards. This can be done through an OCP or RGS by:

- Identifying Environmentally Sensitive Areas (ESAs) and hazard areas,
- Working to acquire those areas for parks and greenways along the coast,
- Designating development permit areas for the protection of the ESAs that establish conditions for development,
- Fostering community awareness of coastal stewardship, encouraging and supporting volunteer actions."

It is clear that the intended identification of environmentally sensitive areas was to be site specific and not intended to blanket the entire coastline of an OCP or RGS area.

In closing, I would like to thank you for your attention. I would be pleased to attempt to answer any questions the Area Directors may have.

The Stewardship Series

# Coastal Shore Stewardship:

*A Guide for Planners, Builders and Developers*



*on Canada's Pacific Coast*

Canada

 Province of  
British Columbia

## Coastal Stewardship Policies in Regional Growth Strategies and Community Plans

### *Stakeholder Involvement*

A stakeholder review is useful, either as a part of the main community plan process or as an adjunct to the planning process. It identifies issues that affect planning and management of coastal areas in the community or region.

A list of coastal stakeholders may include coastal landowner groups, industries, recreational users and conservation organizations. Institutional stakeholders may include port corporations, harbour authorities and regional offices of Fisheries and Oceans Canada, Environment Canada, Land and Water B.C. and the Ministry of Water, Land and Air Protection (MWLAP).

### *Setting goals*

An Official Community Plan or Regional Growth Strategy may contain a variety of goals specific to coastal stewardship - such as:

- ~ Developing tactics to protect, restore and enhance natural coastal systems
- ~ Providing opportunities for public recreational use and enjoyment of coastal areas.
- ~ Planning for marine oriented industrial and commercial development.
- ~ Planning an integrated coastal strategy with other levels of government.

### *Partnership policies*

Local governments can use intergovernmental agreements and partnerships with non-governmental organizations to help achieve community goals for coastal areas - for example:

- ~ Coordinate inventory and shore mapping with the provincial Coastal Management and Planning Office, the Conservation Data Centre, etc.
- ~ Develop awareness of best management practices, and run workshops for agencies, developers, waterfront landowners, NGOs and staff.
- ~ Establish a Coastal Zone Technical Committee.

### *Environmentally Sensitive Areas*

It is desirable to regulate development or avoid it in areas where coastal shores are physically or biologically sensitive or subject to natural hazards. This can be done through an OCP or RGS by:

- ~ Identifying Environmentally Sensitive Areas (ESAs) and hazard areas,
- ~ Working to acquire these areas for parks and greenways along coasts.
- ~ Designating development permit areas for the protection of ESAs that establish conditions for development,
- ~ Fostering community awareness of coastal stewardship, encouraging and supporting volunteer actions.

### *Development policies*

Encourage development in appropriate areas by:

- ~ Designating shore areas that are most suitable for development (see examples of coastal classification systems on the next page),
- ~ Specifying best management practices to be used in these areas,
- ~ Encouraging desired forms of development.

### *Recreation policies*

Recognize recreational resources as community assets by setting policies that:

- ~ Provide continuity of public access through the development of interconnected greenways
- ~ Provide access for water-based sports and recreation on the shores that can best support these amenities
- ~ Ensure that recreational uses and the structures that support them (such as docks) do not adversely impact coastal processes

### *Water quality policies*

Policies and guidelines that reinforce ways to manage liquid waste and stormwater can reflect coastal concerns. Suggested strategies:

- ~ Identify areas with high septic system failure rates. Inform landowners about proper maintenance of on-site sewage disposal and stormwater systems. Promote testing to ensure that systems are properly installed and well maintained.
- ~ Promote demand management strategies to reduce the impact of industrial and commercial sewage
- ~ Reduce the impact of non-point source (NPS) pollution by increasing public awareness
- ~ Work with such high-risk businesses as car washes and gas stations to develop site-specific NPS plans, work with municipal engineering and public works to develop local strategies to minimize the impacts of NPS.

### *Marine resource policies*

Many municipal and regional district boundaries extend over coastal areas covered by water. Official community plans can include strategies that protect such nearshore marine resources as shellfish concentrations, eelgrass beds, etc:

- ~ Collaborate with, or ask senior agencies to conduct mapping and inventory of nearshore resources and locate rare or sensitive species and habitat.
- ~ Protect shellfish and other sensitive marine resources from impacts of upland land uses,
- ~ Develop programs to periodically check the health and quality of nearshore resources.

Janet Farooq  
x 468 7286

**Nanoose Bay Official Community Plan – Presentation on behalf of the Directors of the Northwest Nanoose Resident's Association**

Quite a number of the Directors and residents of our association actively participated in the OCP review and preparation process. Tonight I am speaking only for the Directors in terms of the common position we have on several central issues. We feel that a lot of progress has been made in the drafting of the OCP. We are about 80 percent there but there are a few issues that require further work in order to arrive at a draft acceptable to the community of Nanoose.

In terms of provisions on which we are in agreement with the draft, the protection of the natural environment has been a priority, with established sensitive ecosystems, coastal environment, streams and rivers, wetlands, eagle nesting trees, and other important features being important to us and requiring various forms of protection. We recognize that the protection of these assets may take the form of land purchase, parkland dedication, guidelines for property development and private land maintenance. The NNRA Directors recommend that a more thorough inventory of environmental assets be undertaken to clearly identify what features we mean by important, where they are located and what priority we should be placing on them.

The NNRA Directors agree with the strong desire expressed by the Working Group to protect the present diversity of land uses and we endorse the initiatives to increase minimum parcel size of resource lands. This is urgent given the uncertain future for the Defense lands and for the Weyerhaeuser lands. We also agree with the move to minimize the subdivision potential of rural residential lands by not supporting strata designations. We strongly back the intention to amend the Zoning Bylaw asap following the OCP Bylaw passage to reflect the OCP zoning designations.

The Directors support the understanding that future growth in the Nanoose Area be primarily kept within defined Urban Containment Boundaries and agree that there is a need to expand Red Gap Centre as a community and service center with public and commercial facilities grouped there.

We support the initiative to have short-term, immediate, or continuous implementation schedules for OCP provisions and the issuing of annual public reports on progress being made. This will be our opportunity to judge

how well we and the RDN are doing in carrying out the OCP policies. And we believe that this initiative should be directly connected with an effective public consultation process throughout the life of the OCP. We also back the provision that amendments to the OCP not be considered for a period of at least 2 1/2 years following RDN adoption of the Plan.

Now I should like to turn to the issues where we have unresolved questions. The draft OCP states that community water should continue to be provided to local service areas only (mainly Coastal Residential and Urban Containment Areas). However, the RDN staff is suggesting that water service be amalgamated for all regions of Nanoose Bay. NNRA Directors' position is that while this may be desirable in the long run for internal administrative purposes, there is no methodology offered as to how to achieve it, either in a physical or a financial sense. With service in various stages of development, it begs the question of how to share costs equitably, given that some Local Service Areas carry debt, some are in the late stages of debt amortization, and some have no debt at all.

Similarly, the draft states that provision of sewer should be expanded in the Urban Containment Areas and may be provided to Coast Residential areas where deemed appropriate to resolve health and environmental problems. Yet the RDN's suggested Nanoose-wide consolidation of sewer services, in our view, finds little favor without adequate explanation of the facilities proposed to provide area-wide service, the capital and operating costs, and the method of cost-sharing involved. None of this is apparent in the OCP draft, nor has it emerged from discussions to date. Consequently, the NNRA Directors strongly request that more time be allocated for resolution of these two issues.

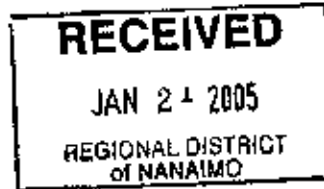
The most controversial issue for our Northwest Bay Area is Development Permit Area IV (Coastal Protection) which is intended to protect the marine coastal environment. There has been considerable debate on this issue, at the center of which is the question of how much, if any, control local government should have in directing activities on private property. The RDN staff says they favour some level of local government control over development activities which pose significant risks to the coastal environment, while exempting most activities that are normal or routine. Property owners have responded to this in several ways. Some have said that RDN should have no control at all over private property activities. Some



suggest that voluntary protection measures would be adequate – bolstered by an information and education program by RDN on property owner responsibility and protective actions. Other residents acknowledge that some control is necessary and would accept it provided that it was not unduly restrictive of their day-to-day activities. In considering the options, the NNRA Directors have been mindful that the objective is the protection of the environment, an objective on which the whole community has agreed. The debate therefore should focus only on how we do it.

We therefore agree that some form of regulation is needed to ensure environmental protection with respect to large subdivision developments, new construction, and significant alterations of existing built properties. We support retention of the DPA IV designation for coastal properties, but request that the section be rewritten in clearer language and that the protection provisions be clearly limited to significant developments only. This would essentially grandfather the maintenance of existing property landscaping, a concern to many of our residents. And so the important consideration in the implementation of this DPA is how to determine what is a significant development. This is where more time and attention is needed to clarify and modify the drafting of the text.

In conclusion I should like to stress the willingness of the NNRA executive to continue to cooperate with the RDN Directors and staff to finalize the OCP document. We trust that our request for more time to be spent on the water and sewage issue and on DPA IV will be granted.



January 18, 2005

File: 58000-35/05-RD19E  
2004VIN0593

Regional District of Nanaimo  
6300 Hammond Bay Rd  
Nanaimo BC V9T 6N2

ATTENTION: Pamela Shaw  
Deputy Manager, Development Services

Dear Pamela Shaw:

Re: Nanoose Bay (Area E) Official Community Plan

We are in receipt of the RDN November 25, 2004 draft of the Area E, OCP for Nanoose Bay. As requested, we have reviewed the draft for its consideration to environmental values and sensitivities. Our review shows that the document clearly demonstrates strong community values respecting environmental features and function in this electoral area, and is generally consistent with the ministry's recently released Urban and Rural Best Management Practices for Land Development. Note that the latest draft of this document has just been posted to the web at:  
[http://wlapwww.gov.bc.ca/wld/documents/bmp/urban\\_ebmp/urban\\_ebmp.html](http://wlapwww.gov.bc.ca/wld/documents/bmp/urban_ebmp/urban_ebmp.html).

As previously discussed with Brigid Reynolds, the revisions of the policies throughout Section 2: *Protection of the Natural Environment* appear to have increased flexibility for planning and decision-making, and this can be expected to minimize delays and disruptions for the development community, and your approval process. The minor revisions of Section 2.2, in particular, have clarified the wording of the previous OCP regarding the protection of coastal zones. We believe that these changes should enhance the fairness and operational effectiveness of your Coastal Zone Development Permit process, while ensuring continued protection for the sensitive ecology of these biologically diverse, transition zones.

.../2

Ministry of  
Water, Land and  
Air Protection

Vancouver Island Region  
Environmental Stewardship Division

Mailing Address:  
2080A Labieux Rd  
Nanaimo BC V9T 6J9

Telephone: 250 751-3100  
Facsimile: 250 751-3208  
Website: <http://wlapwww.gov.bc.ca>

Regional District of Nanaimo

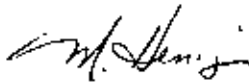
- 2 -

January 19, 2005

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With respect to policy 2 of Section 2.2, note that we hope to explore opportunities over the next few months to establish partnerships that will improve the existing provincial coastal zone mapping for use by local governments. We would be happy to discuss this initiative with you.

Yours truly,



M.E. Henigman  
Ecosystems Officer  
Environmental Stewardship, Nanaimo

cc: Birgid Reynolds, Environmental Coordinator, Nanaimo Regional District

## Appendix B

### Consolidated Comments and Questions:

*(transcribed for convenience only)*

1. We need more meetings regarding community sewer plan for the Nanoose Bay area, including changing the by-laws that can hinder such a plan. *Sam Bau*
2. We live on Leisure Road. In the last OCP Plan may we were outside the Red Gap Village node. Now you have included a much larger area in the village -- subject to much denser housing development. We came here for the small village atmosphere and do not wish Nanoose to become a City. *S. Hansel*
3. This Plan needs more input. *Leigh Jeffs*
4. The energy and commitment Pauline Bibby and the RDN staff brought to Nanoose's Growth Plan is appreciated by many. Having an office at the library was a great idea. I think we lost a terrific director. Pauline responded to emails phone calls and letters promptly. Her drop-in meetings were very handy. I wish our new director every success and hope that he/she will incorporate Pauline's high standard of excellence. *Virginia & Charles Brucker*
5. Re: Cost of Sewer Service Installation. I trust the homeowner will have the option of paying 'upfront' as an option (this option was allowed French Creek residents recently). Allowing this option for the ratepayer will consequently reduce the amount needed to be borrowed -- hence, reduce borrowing costs - hence, reducing tax costs to those who do not or cannot choose the upfront lump sum payment option. *David Bird*
6. Three years ago we had a great water shortage in Fairwinds. To overcome this problem we had to have meters. Now we have double the housing, condos and new subdivisions- no shortage of water. Was it just a Big \$ grab for the RDN. *unsigned*
7. Remove the 15 m rule for waterfront. It is not an environmental issue but rather an unnecessary intrusion and trespass on private property rights. If you are really concerned with the environment, stop the new subdivision in an area already on water restrictions and install sewers to replace septic tanks, but don't tell me I can't plan pansies or improve my path to the water to make it safer. Leave us alone. *B Brezik*
8. a) I think RDN has done amazing job on the OCP. It shows insight and sensitivity to the future needs of N.B. It is unfortunate that a few dissenters (who seem to object to all forward movement) are so vocal in spite of the errors in their info.  
b) Pauline Bibby did a phenomenal job -- she did exactly what she said she would before she was elected. She kept the public informed -- invited participation and made it easy to access her personally. She was most DEMOCRATIC in her behaviour. Again shame on the few who caused her to resign (the nay sayers) and the RDN for not supporting her. Her loss is a great loss for residents of Nanoose Bay. She is owed a public apology from her co-directors and should be encouraged to run again! Speakers generally raised valid points of concerns. It appears RDN is "at fault" on several of these issues i.e.) water from (illegible) properties seeping into the oceanfront properties. Is this a valid concern? Coastal property owners need some control over what they do on their property. Do Not give in to those who want no development permits (15 meter) foreshore setback. We don't want boat houses, wharfs, personally designed landscape. Hold fast on this one. Please do not be swayed by "single issue" antagonists. Your plan is thorough, thoughtful and has more merit than concerns. *B. Watson*

9. 1) We think highways should be urged to follow through on the proposed alignment at Petro Canada intersection. No new development should be allowed which would hinder or preclude this realignment as shown on Map #3 urgently needed for safety. 2) We agree with the increased parcel sizes on rural and resource lands. *R. Schippers*
10. The OCP is one huge bureaucratic nightmare. All presentations were very vague. To my understanding of the RDN it is the greatest non-democratic process. It is apparent that directors of the RDN are unable to represent the interests of citizens in all the various areas. I feel very strongly that Nanoose Bay interests would be best represented by incorporating Nanoose Bay and have their own council govern this area. The RDN has failed the interests of Nanoose Bay citizens. *DS*
11. I am against requiring all waterfront property owners to hook up to a sewer system. It makes more sense to me to have the septic systems that are failing to be upgraded rather than have all waterfront property owners whose systems may be working fine obligated to hook up to a sewer system. When I bought my property 15 years ago, I was required to update my septic system. It cost me \$12,000.00. I have my system pumped out regularly. Why should I be required to hook up to a sewer system and incur unnecessary personal expense. Why can't we require individual property owners to upgrade their systems and show proof that their systems being maintained on a regular basis? This could easily be monitored by requiring property owners to produce a Certificate indicating that their system is in good working order and every three years to produce a certificate that their system has been pumped out. This could be done at the time property taxes are paid. *Carol Bell*
12. Can For would be a mistake -- it would take the business away from the Red Gap and Powder Point Area. *Alera Sturrys*
13. While some fine tuning of the Development Permit section is required, overall the draft OCP represents an excellent vision for the community for the next decade. The plan endeavors to preserve the attributes the community values while recognizing the need for growth in designated areas. I must also commend the Board and staff on the public participation process that has been followed in developing the draft plan. *Jackie Fenelow*
14. Obviously after hearing comments at this meeting (DPA) IV needs considerable rethinking and re-draft to protect the rights of coastal land owners. There should be "no covenants" and any existing should immediately dismissed. We are very proud of our property and are sensitive to the shoreline we share. I'm sure we are capable of managing our own property that is in the 15 metre limit. The 15 meter clause must be removed!! *Raymond Lott*
15. The Nov/04 "DRAFT" does not reflect all of the input/concerns/visions of the working group. I attended all sessions in the spring/summer of 2004, starting in March 2004. I did not attend sessions in September because I was not informed of the times or dates even though I had specifically requested to be involved in the "Rural Integrity" session. I attended meetings in late Oct/04 & early Nov/04. I was appalled since the Nov/04 meeting presented new (many pages) material related to Water & Sewer Servicing – one of which had been discussed at any working group session. I am very disappointed that the DRAFT does not represent the visions of the working group – namely 1) Transportation Corridors (other than Highway); 2) Industrial Lands near Arbutus Meadows & Big Boys Toys; 3) Economy (not addressed at all); 4) Large Land issues; 5) Electoral Area Boundaries; 6) Incorporation of Nanoose Bay (part) – All of these were identified @ the first few meetings. Regarding changes to minimum parcel size of Resource ALR lands -- the working group NEVER discussed the proposed changes to 8 ha minimum. I know this since I attended almost all the working group sessions. I asked, on two separate occasions, whether the OCP minimum parcel sizes would be changed to match the current zoning – 2 ha minimum. On both occasions I was told that neither the zoning bylaw nor the OCP would

change as it pertains to the minimum parcel size on ALR lands with "Resource" Land use. Also, on many occasions, especially at the beginning of the process in March 04, I suggested that the owners of large lands, especially ALR lands & forestry lands, were NOT appropriately represented at the working group sessions and should be recruited to attend working group sessions. – *Adele McKillop*.

16. We do not believe that these are some major flaws in the process that is happening. The majority of Nanoose Bay did not attend working groups (to our shame). As the draft OCP has been published many people have come forward to voice concerns. We believe education and information is a key at this time as the majority are uninformed. We believe that even the working groups were not listened to - that the RDN came up with the draft of what they believe is the best for the residents of Nanoose. Why the rush to push this through? It is very obvious that there is much contention about this and much more time should be given to really hear the residents and all of the concerns, and to address the confusion. We do all basically want the same things – protection of the environment, and a good quality of life for each individual. We do not need to have such onerous legislation – there is a personal responsibility and desire for each resident to protect our quality of life. As this OCP has such a major impact on the environment and the lives & livelihood of the residents of Nanoose, we would ask that you slow down this process, that you really listen to the residents, that you undertake to educate and inform all residents of what is happening, i.e. – a mail out to all residents a copy of the draft with a request for input. We also strongly believe that an issue of this importance should go to a public referendum and not be left in the hands of a few individuals. *Mark & Pauline Jones*



REGIONAL DISTRICT OF NANAIMO	
FFB 1 2005	
CHAIR	GMCT-5
	GMCT-5
CMO	GMDS
	GMES
COW ✓	
Planning	

# MEMORANDUM

**TO:** Jason Llewellyn  
Manager, Community Planning

**DATE:** February 1, 2005

**FROM:** Susan Cormie  
Senior Planner

**FILE:** 3360 30 0418 & 0419

**SUBJECT:** Zoning Amendment Application Nos. ZA0418 & ZA0419 – Fern Road Consulting, on behalf of Brookwater Homes Inc. and Pal Electoral Area 'II' – MacPherson Road and Marshland Road, Spider Lake Area

## PURPOSE

To consider two applications to rezone properties in the Spider Lake area of Electoral Area 'II' in order to facilitate the subdivision of the parcels.

## BACKGROUND

The Regional District has received two applications to rezone two parcels in the Spider Lake area of Electoral Area 'II'. Both subject properties are currently zoned Resource Management 1 and are situated with Subdivision District 'A' (RM1A) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The agent, which is the same for both applications, has requested that the applications be considered jointly. The applicants are in concurrence with this request.

The proposals are as follows:

Application No. & Applicant	Civic Address	Legal Description	Proposal	Parcel Size	Frontage Relaxation
ZA0418 Brookwater Homes Inc.	MacPherson Road	Lot 5, Block 390, Newcastle District, Plan 39504	To subdivide the parent parcel into three parcels - two parcels with a minimum parcel size of 2.0 ha and one parcel with a minimum parcel size of 4.0 ha	8.5 ha	Yes
ZA0419 Pal	Marshland Road	Lot 2, Block 390, Newcastle District, Plan 39504	To subdivide the parent parcel into three parcels with a minimum parcel size of 2.0 ha	7.5 ha	No

### Summary of Applications

#### ZA0418 - Brookwater Homes Inc., Lot 5, Block 390, Newcastle District, Plan 39504

The majority of Lot 5 is currently vacant and is mostly vegetated with a combination of Douglas fir, western cedar, and alder. The property, which is located at the corner of MacPherson and Spider Lake Roads, slopes away from Spider Lake Road. There is a steep slope between MacPherson Road and the subject property.

Surrounding land uses include MacPherson Road and Rural zoned parcels to the north and Resource Management zoned properties to the east, south, and west.

The applicants' agent has supplied the following documentation in support of this amendment application:

- hydrogeological assessment prepared by EBA Engineering Ltd., dated December 3, 2004; and,
- geotechnical and septic disposal report prepared by Davey Consulting and Engineering dated November 10, 2004.

The subject property is designated within the Environmentally Sensitive Areas Development Permit Area pursuant to the Electoral Area 'H' OCP Bylaw No. 1335, 2003 (OCP) specifically for the protection of the aquifer. Therefore, this amendment application is subject to a development permit, which may be considered concurrently with the amendment application.

Lot C is proposed to be a panhandle lot with a frontage of 20.47 metres or 2.0% of the total perimeter frontage requirement. Therefore, as the minimum 10% perimeter frontage requirement cannot be met pursuant to section 944 of the *Local Government Act*, the applicants' agent has requested relaxation of this provision. This request for relaxation of the minimum 10% frontage requirement may be considered concurrently with the amendment application.

There are buildable sites on each of the proposed parcels. The parcels are proposed to be serviced by individual on-site septic and water wells.

#### ***ZA0419 – Pal, Lot 2, Block 390, Newcastle District, Plan 39504***

Lot 2, which fronts onto Spider Lake and is currently vacant, is heavily vegetated with Douglas fir, Arbutus, cedar, and alder and contains an abundant understory. The parcel is generally level at Marshland Road, but contains some rolling hills and ridges including a small outcrop area.

It is noted that Lot 2 has a statutory right-of-way registered to BC Hydro; and a covenant for floodplain, no removal of vegetation, and no buildings for Spider Lake and watercourses registered to the Province of BC. This covenant includes no removal of vegetation for 7.0 metres as measured from the high water mark of Spider Lake and no buildings within 7.5 metres of the natural boundary of Spider Lake.

Surrounding land uses include a portion of Spider Lake (lagoon) and Rural zoned parcels to the north, Resource Management zoned property to the east, Marshland Road and Resource Management zoned property to the south, and Spider Lake Provincial Park to the west.

The applicants' agent supplied the following documentation in support of this amendment application:

- hydrogeological assessment prepared by EBA Engineering Ltd., dated December 3, 2004; and,
- geotechnical and septic disposal report prepared by Davey Consulting and Engineering, dated January 21, 2005.

The subject property is designated, pursuant to the OCP, within the Environmentally Sensitive Areas Development Permit Area specifically for the protection of the aquifer, the protection of Spider Lake and its riparian area, and the protection of a stream crossing the southwest corner of the parent parcel. Therefore, this amendment application is subject to a development permit, which may be considered concurrently with the amendment application.

#### ***Official Community Plan***

Pursuant to the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" (OCP), the subject properties are designated within the Rural Lands Designation. Policy



No. 5.3.4 allows for the consideration of applications to rezone to a minimum permitted parcel size of 2.0 ha where the proposal meets the following criteria:

- a) One dwelling unit per parcel;
- b) Bare Land Strata subdivision shall not be permitted;
- c) No frontage relaxation required;
- d) No further road dedication to accommodate parcel frontage or additional parcels (verified as of the date of adoption of this Plan); and,
- e) Provision of a comprehensive plan for subdivision of the area being rezoned with a report from a recognized professional with geotechnical and geohydraulic experience indicating an assessment of the environmental suitability of the subdivision that is accepted by the RDN, Water, Land and Air Protection, and the Environmental Health Officer.

Therefore, if this criteria can be met to the Regional District's satisfaction, an amendment to the OCP is not required. The Electoral Area Planning Committee may recall that there have been five zoning amendment applications recently considered by the Board, which included conditions to register covenants on title including those proposed 4.0 ha sized parcels in order to meet the criteria of the OCP.

#### **Public Information Meeting**

A Public Information Meeting was held on January 27, 2005 at the Lighthouse Community Centre. Notification of the meeting was advertised in *The News* newspaper and on the RDN website, along with a direct mail out to all property owners within 200 metres of the subject properties. Signage was also posted on the subject properties. Four persons attended the information meeting and provided their comments with respect to the proposals following a presentation of the proposals by the applicants' agent (see Attachment No. 2 'Proceedings of the Public Information Meeting'). Land use issues raised at the public information meeting included the following:

- Access to proposed parcels for Lot 5 (ZA0318 – Brookwater Homes Inc.);
- Wells and the possibility of the effect of new wells on the water table and contamination from septic fields;
- Road upgrading; and,
- Covenant requirements for watercourses.

#### **ALTERNATIVES**

1. To approve the application to rezone the subject properties from Resource Management 1 Subdivision District 'A' (RM1A) to Rural 1 Subdivision District 'D' (RUID) subject to the conditions outlined in Schedule No. 1.
2. To not approve the amendment applications.

#### **PROCESS IMPLICATIONS**

The applicants have requested that the advertising fee required as part of a zoning amendment application be shared among the applicants, thereby reducing the costs. The applicants are in concurrence that the applications will proceed together.

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

Approval of these zoning amendment applications to reduce the minimum parcel size from 8.0 ha to a minimum of 2.0 ha will result in a total of 6 parcels including the 2 remainder parcels. Both applicants have supplied engineers' reports considering the availability of potable water, geotechnical evaluation, and septic disposal conditions and are in concurrence to register these reports on title. It is noted that proof of potable water is a requirement of subdivision and is subject to the approval of the Regional Approving Officer at the time of subdivision.

The following sets out the specific land use and development implications for each application.

***ZA0418 - Brookwater Homes Inc., Lot 5, Block 390, Newcastle District, Plan 39504***

With respect to the OCP criteria No. 3a), b), and c) concerning a maximum of one dwelling unit per parcel; no Bare Land Strata subdivision permitted; and no frontage relaxation permitted, the applicant's agent has indicated in writing that the applicants are in concurrence to register a section 219 covenant on title of proposed Lots 1 and 2 restricting these criteria concurrently with the plan of subdivision. A letter undertaking to register this covenant concurrently with the Plan of Subdivision at Land Title Office from the applicant's solicitor would be required to be submitted if the application proceeds.

With respect to OCP Criterion No. d) concerning additional dedication of road to serve the proposed subdivision, no additional road is proposed to be dedicated, therefore the criterion can be met.

With respect to OCP Criterion No. e) concerning the protection of the aquifer in this case, the applicants are in concurrence to register the submitted hydrogeological report on title, which cites that there is a high probability of supplying adequate water for residential purposes to the proposed parcels. The report also recommends that a professional hydrologist be retained during the development of the lots to make recommendations pertaining to the appropriate well head and aquifer protection and that all works be completed in accordance with the new BC Groundwater Regulation.

With respect to septic disposal conditions, the applicants submitted an engineer's report prepared by Davey Consulting and Engineering, which states that previous studies in the Spider Lake area, combined with his field work, support that the natural environment and hydrology would not be adversely affected by the proposed subdivision. The report states that the groundwater levels are considerably below the area for septic discharge and that groundwater flows away from Spider Lake and should therefore not have any significant environmental effects to the groundwater. The applicant is in concurrence to register this report on title.

With respect to the request for relaxation of the minimum frontage requirement for the proposed 4.0 ha sized parcel (Lot 3), the applicant is in concurrence to register a section 219 covenant restricting further subdivision. This 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. As with the required covenants above, a letter from the applicants' solicitor undertaking to register the covenant at time of subdivision would be required if the application proceeds. This covenant requirement is in keeping the recently considered amendment applications in the Spider Lake area.

***ZA0419 - Pal, Lot 2, Block 390, Newcastle District, Plan 39504***

With respect to the OCP criteria No. 3a), b), and c) concerning a maximum of one dwelling unit per parcel; no Bare Land Strata subdivision permitted; and no frontage relaxation permitted, the applicants' agent has indicated in writing that the applicants are in concurrence to register a section 219 covenant on title of proposed Lots 1 and 2 restricting these criteria concurrently with the plan of subdivision. A letter undertaking to register this covenant concurrently with the Plan of Subdivision at Land Title Office from the applicants' solicitor would be required to be submitted if the application proceeds.

With respect to OCP Criterion No. d) concerning additional dedication of road to serve the proposed subdivision, no additional road is proposed to be dedicated, therefore the criterion can be met.

With respect to OCP Criterion No. e) concerning the protection of the aquifer in this case, the applicant is in concurrence to register the submitted hydrogeological report on title, which cites that there is a high

probability of supplying adequate water for residential purposes to the proposed parcels. The report also recommends that a professional hydrologist be retained during the development of the lots to make recommendations pertaining to the appropriate well head and aquifer protection and that all works be completed in accordance with the new BC Groundwater Regulation.

With respect to septic disposal and geotechnical conditions, the applicants submitted an engineer's report prepared by Davey Consulting and Engineering, which indicates that there is a safe margin for establishing septic fields within the top 1 m of the land surface. This report also recommends that removal of vegetation should be limited to residential development and driveway construction due to the rapidly draining surface environment. In addition, the Davey Report recommends that buildings if not placed on the underlying impervious tills or rock would need to be placed a minimum of 15.0 metres from the crest of each slope where the crest is designed as a change in slope of more than 5.0 metres vertical in a 5.0 metre horizontal distance. The applicant is in concurrence to register this report on title.

### **ENVIRONMENTALLY SENSITIVE AREAS IMPLICATIONS**

The applicants are in concurrence with the condition to enter into a development permit as outlined in Schedule No. 1 and will each submit an application for a development permit if the zoning amendments proceed. The development permits would run concurrently with the amendment application.

Specifically, with respect to the protection of the aquifer, both applicants are in concurrence to register the submitted EBA hydrogeological reports on title. These reports provide recommendations concerning well development and the protection of the aquifer.

#### ***ZA0419 – Pal, Lot 2, Block 390, Newcastle District, Plan 39504***

With respect to the protection of Spider Lake and its riparian area and the watercourse crossing the southwest corner of Lot 2 (ZA0319 - Pal), the applicants are in concurrence to prepare and register an updated covenant to include no removal of vegetation or placement of buildings or structures within 15.0 metres of the natural boundary of Spider Lake and watercourse. The 15.0 metre riparian area of a wetland located on the adjacent Spider Lake Provincial Park may require a covenant if applicable. This may be confirmed at time of subdivision. It is noted that the current covenant registered on title includes the floodplain requirements. The Ministry of Transportation Approving Authority will consider floodplain protection at the time of subdivision application.

### **PUBLIC CONSULTATION IMPLICATIONS**

Issues raised by the public, along with applicant and staff comments, are outlined below:

***Concern for the accesses to proposed parcels fronting MacPherson Road (Lot 5 ZA0318 – Brookwater Homes Inc.)*** - The Ministry of Transportation is responsible to ensure there is sufficient access to proposed parcels at the time of subdivision application. Ministry staff has indicated that, due to the steep slope off MacPherson Road, the applicants will be required to fully construct the accesses to the proposed parcels as a requirement of subdivision.

***Possibility of well contamination from septic fields*** – Provincial health regulations require that wells cannot be located in close proximity to other wells. The engineering reports, prepared by Davey Engineering, noted that the lands are capable of meeting the Provincial standards.

***Road upgrading*** – The Ministry of Transportation is responsible for roads. This item will be considered as part of the review of the proposed subdivisions.

**Covenant requirements for watercourses** – as part of the zoning amendment, staff are recommending the protection of the watercourses within or adjacent to Application No. ZA0819 (Pal) by covenant. These include Spider Lake, a stream crossing the southwest corner of the parent parcel, and an adjacent wetland all as measured 15-metre from the natural boundary.

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

#### **INTERGOVERNMENTAL IMPLICATIONS**

**Ministry of Transportation** – Ministry staff has verbally indicated that the Ministry has no objection to these applications. Specifically, with respect to Amendment Application No. 0418 (Brookwater), the Ministry has indicated that they have no issues with the proposed panhandle access to Lot 3. It is noted that due to the steep slope off MacPherson Road, Ministry staff have indicated that the construction of accesses to the proposed parcels will be a requirement of subdivision approval.

**Vancouver Island Health Authority (VHA)** - The health inspector has indicated that the soils in the Spider Lake provide good percolation and filtration.

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

**Parks BC** - Parks BC staff have indicated that a number of concerns with respect to amendment application No. 0319 (Pal), which is located adjacent to Spider Lake Provincial Park including:

- a) any runoff does not affect the water quality in Spider Lake and the lagoon;
- b) a setback that protects the immediate lake area from foreshore development;
- c) an acknowledgement that water levels are as found today;
- d) a treed buffer be left on the parks side of the proposed subdivision boundary; and,
- e) no new trails leading in or through the park are developed.

A treed buffer of 8.0 metres is recommended to be established along the west lot lines of proposed Lot 1. This requirement can be protected by covenant. The concern that no new trails be built into the Provincial Park from proposed Lot 1 can also be included in such a covenant. The concerns with runoff into Spider Lake, the establishment of setbacks, and maintaining water levels will be contained in the recommended covenants outlined above.

#### **VOTING**

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

#### **SUMMARY**

This report concerns two requests to amend Bylaw No. 500, 1987 to allow rural residential uses and permit the subdivision of properties located in the Spider Lake area of Electoral Area 'H'. A Public Information Meeting was held on January 27, 2005 and a number of issues were raised by residents at this meeting. Issues raised at this meeting included access to some of the proposed parcels and concern for the protection of surrounding wells. These issues will be considered through the subdivision approval process in that the applicants will be required to meet the Provincial standards for access and septic disposal.

Amendment Application No. ZA0418 (Brookwater Homes Inc.) includes a request to relax the 10% minimum frontage requirement. As noted above, staff recommends a section 219 covenant be registered

on the title of the property to restrict any further subdivision, including subdivision pursuant to the *Strata Property Act*, in order to address the implications associated with this requested relaxation of the subdivision standards.

Both subject properties, pursuant to the Electoral Area 'H' OCP, are designated within the Environmentally Sensitive Features Development Permit Area – ZA0318 (Brookwater Homes Inc.), specifically for protection of the aquifer, and ZA0319 (Pal), specifically for the protection of the aquifer, Spider Lake and its riparian area, and a small stream crossing the southwest corner of the parent parcel. With respect to the aquifer, both applicants have provided reports prepared by a professional engineer that addressed the availability of potable water for the proposed lots, assurances that the new wells will not adversely impact existing surrounding wells, Spider Lake, and the watercourse.

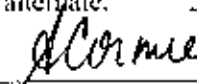
The applicants have also provided geotechnical/septic disposal assessments prepared by an engineer, which indicate that there is a safe margin for establishing septic fields. Staff recommends that these reports be registered on title as a condition of rezoning. The requirement to provide proof of potable water is considered by the Approving Officer at time of subdivision.

Ministry of Transportation staff has indicated they have no issues with the proposed applications. The Vancouver Island Health Authority has indicated that it will support the proposed applications. The concerns raised by BC Parks can be addressed by covenants.

Given that the applicants are in concurrence to provide covenants in response to the environmental and adjacent park concerns, enter into development permits as part of the amendment process, and as the proposals are more in keeping with the rural character of the Spider Lake neighbourhood, staff supports Alternative No. 1, to approve the amendment application subject to the conditions set out in Schedule No. 1, for 1<sup>st</sup> and 2<sup>nd</sup> reading and to proceed to public hearing.

## RECOMMENDATIONS

1. That the minutes of the Public Information Meeting held on January 27, 2005 be received.
2. That Zoning Amendment Application Nos. ZA0418 and ZA0419 as submitted by Fern Road Consulting to rezone Lots 2 & 5, Both of Block 390, Newcastle District, Plan 39504 from Resource Management 1 Subdivision District A (RM1A) to Rural 1 Subdivision District D (RU1D) be approved to proceed to public hearing subject to the conditions included in Schedule No. 1.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw Nos. 500.312, 2005 and 500.313, 2005" be given 1<sup>st</sup> and 2<sup>nd</sup> reading.
4. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw Nos. 500.312, 2005 and 500.313, 2005" proceed to public hearing.
5. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw Nos. 500.312, 2005 and 500.313, 2005" be delegated to Director Bartram or his alternate.

  
Report Writer

  
Manager Concurrence

  
General Manager Concurrence

  
CAO Concurrence

COMMENTS:  
devs/reports-2005/za 3360 30 0418/19 fe Brookwater/Pal 1<sup>st</sup> and 2<sup>nd</sup> P11

**Schedule No. 1**  
**Conditions of Approval for**  
**Zoning Amendment Application Nos. ZA0418 and 0419**

The applicant is to provide the following documentation prior to the amendment applications being considered for 4<sup>th</sup> reading:

All covenants are to be prepared and registered by the applicant to the satisfaction of the Regional District. Draft covenant documents are to be forwarded to the RDN for review prior to consideration of 4<sup>th</sup> reading. Applicants' solicitors are to submit letters undertaking to register these covenants at Land Title Office concurrently with the Plans of Subdivision.

*In conjunction with Amendment Application No. ZA0418 - Brookwater Homes Inc., Lot 5, Block 390, Newcastle District, Plan 39504:*

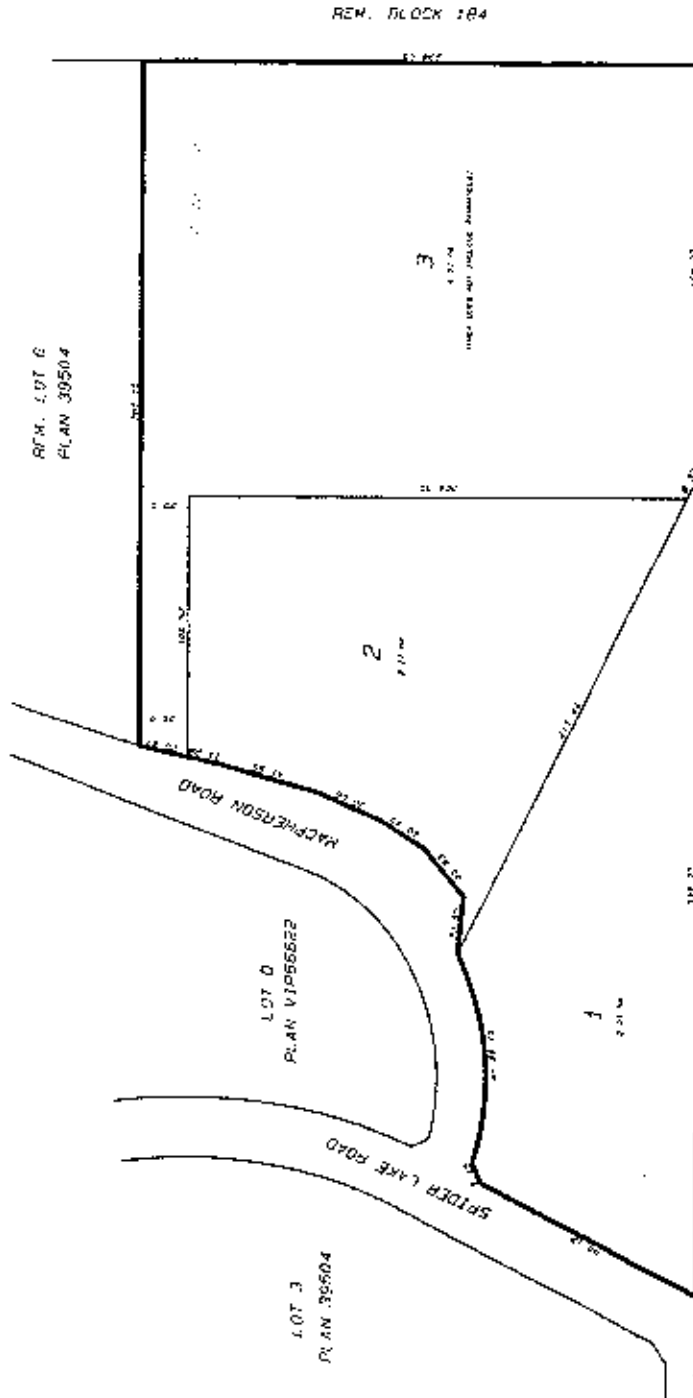
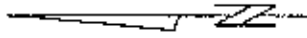
- a) For the proposed 2 ha sized parcels, a section 219 covenant shall be registered on title restricting the following:
  - i) A maximum of one dwelling unit per parcel;
  - ii) No further subdivision of the land, including a Bare Land Strata Subdivision;
  - iii) No frontage relaxation; and,
  - iv) No further road dedication to accommodate parcel frontage or additional parcels.
- b) For the proposed 4 ha sized parcels, a section 219 covenant shall be registered on title restricting the following:
  - i) No further subdivision of the land, including a Bare Land Strata Subdivision, or subdivision pursuant to the *Strata Property Act*.
- c) For all proposed parcels, a section 219 covenant shall be registered to include the report prepared by Davey Consulting and Engineering for Lot 5, Block 390, Newcastle District, Plan 39504, dated November 12, 2004.
- d) For all proposed parcels, a section 219 covenant shall be registered to include the Hydrogeological Assessment Report prepared by EBA Engineering for Lot 5, Block 390, Newcastle District, Plan 39504, dated December 3, 2004.
- e) Applicant to apply for a development permit.

*In conjunction with Amendment Application No. ZA0419 - Pal, Lot 2, Block 390, Newcastle District, Plan 39504:*

- a) For all proposed parcels, a section 219 covenant shall be registered on title restricting the following:
  - i) A maximum of one dwelling unit per parcel;
  - ii) No further subdivision of the land, including a Bare Land Strata Subdivision;
  - iii) No frontage relaxation; and,
  - iv) No further road dedication to accommodate parcel frontage or additional parcels.
- b) For all proposed parcels, a section 219 covenant shall be registered on title restricting the following:

- i) no removal of vegetation, no buildings or structures including septic disposal fields, wells or fences, or alteration of land shall occur within 15.0 metres of the natural boundary of Spider Lake; and
  - ii) no runoff directed into Spider Lake or the watercourse.
- c) For proposed Lot 1, a section 219 covenant shall be registered on title restricting the following:
  - i) no removal of vegetation, no buildings or structures including septic disposal fields, wells or fences, or alteration of land shall occur within 15.0 metre of the natural boundary of the watercourse crossing the subject property and if applicable from the watercourse located within the adjacent park land.
- d) For proposed Lot 1, a section 219 covenant shall be registered on title restricting the following:
  - i) no removal of vegetation or alteration of land within 8.0 metre from the lot line adjacent to the Spider Lake Provincial Park Boundary, and
  - ii) no additional access into Spider Lake Provincial Park from proposed Lot 1.
- e) For all proposed parcels, a section 219 covenant shall be registered to include the report prepared by Davey Consulting and Engineering for Lot 2, Block 390, Newcastle District, Plan 39504, dated January 21, 2004.
- f) For all proposed parcels, a section 219 covenant shall be registered to include the Hydrogeological Assessment Report prepared by EBA Engineering for Lot 2, Block 390, Newcastle District, Plan 39504, dated December 3, 2004.
- g) Applicant to apply for development permit.

Schedule No. 2 (page 1 of 2)  
 Proposed Plan of Development ZA0418  
 (as submitted by applicant)  
 (reduced for convenience)

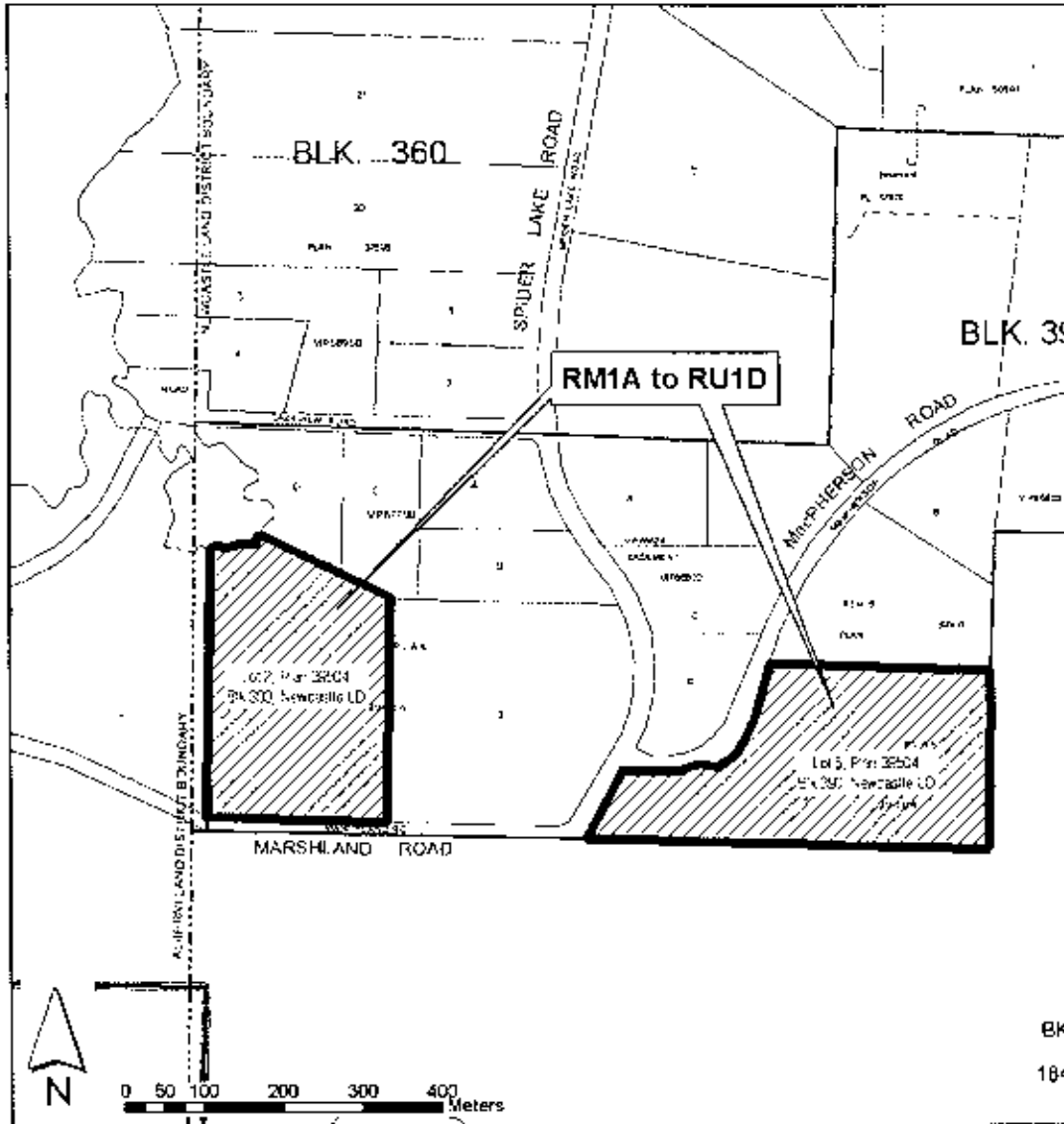


<p>SCALE 1:1250                  ALL DISTANCES ARE IN METERS                  ALL DIMENSIONS AND AREAS ARE                  SUBJECT TO FIELD SURVEY</p>	<p>THESE ASSOCIATES                  AND ASSOCIATES                  10000 101                  10000 101                  10000 101                  10000 101                  10000 101</p>	<p>PROPOSED SUBDIVISION PLAN                  OF LOT 5, BLOCK 390,                  MERCASILE DISTRICT, PLAN 39504</p>
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Attachment No. 1  
Location of Subject Properties  
ZA0418 & ZA0419



BCOS Vba Sheet No 02F 037 24

**Attachment No. 2  
Summary of the Minutes of the Public Information Meeting**

**Report of the Public Information Meeting  
Held at Lighthouse Community Centre  
240 Lions Way, Qualicum Bay, BC  
January 27, 2005 at 7:00 pm**

**Summary of the Minutes on Proposed Zoning Amendment Application  
Nos. ZA0318 & ZA0319**

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 four persons in attendance.

**Present for the Regional District:**

Director Dave Bartram, Electoral Area 'H' Director  
Susan Cormie, Senior Planner

**Present for the Applicants:**

Ms. Helen Sims, agent for applicants

Chairperson Bartram opened the meeting at 7:05 pm and outlined the agenda for the evening's meeting and introduced the head table and Ms. Helen Sims, agent on behalf of both the applicants. The Chair then stated the purpose of the Public Information Meeting and requested the Senior Planner to provide background information concerning the official community plan and zoning amendment process.

The Senior Planner gave a brief outline of the application process.

The Chairperson then invited Ms. Helen Sims, agent on behalf of the applicants, to give a presentation of the proposed zoning amendment. Ms. Sims presented the proposed amendment applications including subdivision layouts.

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

Dave Walker, 2675 MacPherson Road, stated that he has walked through the parcel and there is a lot of garbage including an old camper and washing machine and asked what was happening with the garbage.

Helen Sims, applicants' agent, stated that the owner just purchased the property and would probably clean it up.

Mr. Walker, asked if the access points are achievable with the steep slope on MacPherson Road.

Ms. Sims, stated that the accesses will be built at time of subdivision.

Mr. Walker, stated that they are worried about their well and possible effect on the water table and whether their well will be affected.

Ms. Sims, stated that to her knowledge there has never been any interference with existing wells and septic disposal systems on record in the Spider Lake area.

Mr. Walker, stated that he is concerned about septic fields and existing wells.

Ms. Sims, stated that the Health regulations require minimum setbacks for septic fields from existing wells.

Jason Davies, no address given, asked if the high water mark had been set yet for the subdivision next to Spider Lake.

Ms. Sims, stated that the existing covenant is for 7 metres only and a 15-metre covenant will probably be required at rezoning.

Mr. Davies asked for clarification on the wetland located in Spider Lake Park and the covenant requirements.

Ms. Sims stated that the covenant would be 15 metres from the natural boundary of the wetland and if the 15 metre is outside the proposed parcel, a covenant would not be necessary.

Mr. Davies asked about the buffer from the Spider Lake Provincial Park boundary.

The Senior Planner explained that the exact buffer area was not yet established and this information would be forthcoming soon.

Mr. Walker, asked about the road surface of MacPherson and if it would be upgraded.

The Chair explained that the road is under the jurisdiction of the Ministry of Transportation and that would be a requirement of subdivision.

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 7:27 pm.

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Susan Cormie  
Recording Secretary



REGIONAL DISTRICT OF NANAIMO	
JAN 31 2005	
CHAIR	GMCS
	GMCS
CAO	GMDS
	GMES
EAP ✓	
Planning	

MEMORANDUM

**TO:** Jason Llewellyn  
Manager of Community Planning

**DATE:** January 28, 2005

**FROM:** Greg Keller  
Planner

**FILE:** 3060 30 60460

**SUBJECT:** Development Permit Application No. 60460 - Miroslav Danielka and Margaret Chi  
Electoral Area 'H' – Van Isle Road

PURPOSE

To consider an application for a development permit, with variances, to facilitate the construction of a dwelling unit and accessory building within the Hazard Lands and Environmentally Sensitive Features Development Permit Areas for property in Electoral Area 'H'.

BACKGROUND

This application is for the property legally described as Lot A, District Lot 16, Newcastle District, Plan 25618. The subject property is 4900 m<sup>2</sup> in area, and is located on Van Isle Road in Electoral Area 'H' (see Attachment No. 1). It is zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The subject property is located within the Hazard Lands, Environmentally Sensitive Features, and Highway Corridors Development Permit Areas pursuant to "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003."

The Hazard Lands Development Permit Area is designated to protect properties from potential hazardous conditions. The Environmentally Sensitive Development Permit Area is designated to protect the natural environment, its ecosystems, and biological diversity. The Highway Corridors Development Permit Area is designated for the preservation and enhancement of the form and character of commercial, industrial, or multi-family development. A development permit is required in order to construct the proposed single dwelling unit, accessory building, and driveway.

The adjacent property to the south contains 'Fletcher Creek' (see Schedule No. 2). Fletcher Creek and the area within 15 metres from the top of the bank are designated as an Environmentally Sensitive Features Development Permit Area. The proposed gravel-surfaced driveway would run parallel to the south property line of the subject property, and is approximately 9.0 metres from the present natural boundary of Fletcher Creek, therefore it is within the development permit area. No development is proposed within the Highway Corridors Development Permit Area.

The subject property is not within a building inspection area; therefore, "Regional District of Nanaimo Flood Management Bylaw No. 843, 1991" does not apply.

The Qualicum Bay – Horne Lake Waterworks District services the property with Community Water and the applicants have submitted health approval for a proposed septic system located southwest of the proposed single dwelling unit and accessory building.

This application includes a request to vary Section 3.4.62 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" – **Maximum Number and Size of Buildings and Structures** to increase the maximum dwelling unit height from 8.0 metres to 8.9 metres and the maximum allowable accessory building height from 6.0 metres to 6.5 metres.

## ALTERNATIVES

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

## DEVELOPMENT IMPLICATIONS

### *Geotechnical Implications*

The Hazard Lands Development Permit Area guidelines require a geotechnical assessment to be conducted on the subject property in order to ensure that the site is safe for the proposed use. The development permit area guidelines require the site to be assessed based on the hazard risks associated with the subject property. Therefore, a geotechnical evaluation has been conducted for the subject property. The report establishes a safe flood construction level, and provides recommendations related to on-site drainage and environmental impacts.

The report found the site to be stable from a geotechnical perspective and suitable for the intended use if developed in accordance with its recommendations. The report recommends the residential living area within the foundation of the dwelling unit be elevated to a point a minimum of 1.56 metres above the present natural boundary of Fletcher Creek "Top of Bank" with foundations designed to meet a ground bearing load of at least 72 kpa. The geotechnical report also recommends that drainage from perimeter drains and roof leaders be directed by solid (non-perforated) pipe to a rock pit or similar temporary storage system not less than 1.5 m<sup>3</sup> in volume to be located near the northwest property line. The applicants are proposing to follow all recommendations contained within the geotechnical engineers report.

Since the applicants are not proposing to raise the foundations of the existing accessory building to meet the 1.56 m Flood Construction Level as established in the geotechnical report, staff recommends that as a condition of approval, the storage of goods damageable by floodwaters be prohibited below an elevation of 1.56 metres above the present natural boundary of Fletcher Creek.

Staff recommends, that as a condition of approval, the applicant, at their expense, be required to prepare and register a Section 219 restrictive covenant on title to include the geotechnical report to save the Regional District of Nanaimo harmless from all damages as a result of floodwaters. The applicant has verbally concurred with this request.

### *Environmental Implications*

Portions of the proposed driveway are designated within the Environmentally Sensitive Features Development Permit Area. Construction of the proposed driveway will require alteration of land and minor vegetation removal a minimum of approximately 9.0 metres from the top of the bank of Fletcher Creek. Therefore, staff recommend, as a condition of approval, a number of protective measures to ensure the intent of the development permit guidelines are met including the installation of temporary

fencing and sediment control measures, and planting of native vegetation along the south portion of the property line as shown on *Schedule No. 2* in order to reduce the risk of silt entering Fletcher Creek. Please note, driveway construction, stability, and drainage is addressed in the geotechnical report submitted by the applicants.

Due to the relatively flat topography and geotechnical recommendations for construction, it is not anticipated that siltation and erosion will negatively impact on Fletcher Creek. In addition, Environmental Protection measures, including the use of sandbags, covering of fill piles with polyurethane tarps, reseeding areas of disturbed soils, planting of native vegetation along the property line adjacent to Fletcher Creek, and temporary fencing are being included in the conditions of approval in order to reduce the risk of silt and other contaminants from entering Fletcher Creek.

#### *Zoning requirements*

The subject property is currently zoned Residential 2 (RS2) pursuant to Bylaw No. 500. In addition, a minimum setback of 15.0 metres horizontal distance from the natural boundary or 18.0 metres horizontal distance from the centerline of Fletcher Creek, whichever is greater, is required. No variances are proposed to any setback provision pursuant to Bylaw No. 500.

The applicants are requesting a height variance for the single dwelling unit from 8.0 metres to 8.9 metres, and for the accessory building from 6.0 metres to 6.6 metres. The proposed height variance for the single dwelling unit is required in order to meet the safe flood construction level as established by Davey Consulting and Engineering and to allow for the proposed two storey single dwelling unit design wanted by the applicants.

The applicants are proposing the current location of the single dwelling unit and accessory building in order to maintain the existing vegetation and to provide a buffer between the subject lot and the Island Highway. The applicants are proposing to maintain a minimum of a 5.5 metre interior lot line setback on the north side of the property in order to provide adequate separation distance between the subject property and the adjacent property.

#### **VOTING**

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

#### **SUMMARY/CONCLUSIONS**

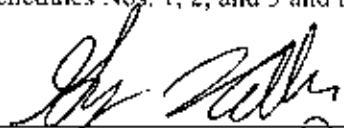
This is an application for a development permit to facilitate the construction of a single dwelling unit, accessory building, and driveway within the Hazard Lands and Environmentally Sensitive Features Development Permit Area. This application includes a request for a variance to increase the maximum height pursuant to Section 3.4.62 of Bylaw No. 500 from 8.0 metres to 8.9 metres for the proposed dwelling unit in order to accommodate a safe flood construction level of 1.56 metres above the present natural boundary of Fletcher Creek and from 6.0 metres to 6.5 metres for the proposed accessory building to accommodate the architectural preference of the applicants.


The site is considered safe from a geotechnical perspective, and acceptable from an environmental protection perspective provided the applicants develop the site in accordance with the recommendations contained in the report.

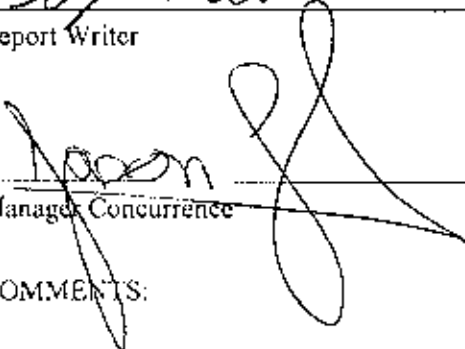
In staff's assessment the proposed development appropriately addresses the hazard and environmental concerns, and the proposed variances are not expected to have any negative impact of the surrounding area; therefore, it is recommended that the Board approve the proposal subject to public notification.

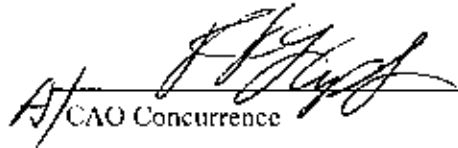
**RECOMMENDATION**

That Development Permit Application No. 60460 submitted by Miroslav Danielka and Margaret Chi to facilitate the construction of a single dwelling unit, accessory building, and driveway, with variances attached as Schedule No. 4, within the Electoral Area 'H' Official Community Plan Hazard Lands and Environmentally Sensitive Features Development Permit Areas for the property legally described as Lot A, District Lot 16, Newcastle District, Plan 25618, be approved, subject to the requirements outlined in Schedules Nos. 1, 2, and 3 and notification requirements pursuant to the *Local Government Act*.

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

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

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

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

COMMENTS:



**Schedule No. 1 (1 of 2)  
Conditions of Approval  
Development Permit No. 60460  
Van Isle Road**

**Development Permit Area Protection Measures**

1. Sediment and erosion control measures must be utilized to control sediment during construction and land clearing works and to stabilize the site after construction is complete. These measures must include:
  - b) Tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be onsite.
  - c) Direct run off flows away from Fletcher Creek using sand bags, swales, or low berms.
  - d) Exposed soils must be seeded immediately after disturbance. Soil surfaces to be treated should be roughened.
  - e) Cover temporary fills or soil stock piles with polyethylene or tarps.
2. Temporary construction fencing to be erected along the south property line as shown on attached Schedule No. 2 to reduce any potential bank destabilization.
3. All surface drainage collected from roof leaders and perimeter drains shall be discharged into a rock pit not less than 1.5 m<sup>3</sup> in volume, located adjacent to the northwest property line.
4. The removal of invasive plants or noxious weeds on a small scale shall be permitted within the Environmentally Sensitive Features Development Permit Area including; but not limited to: Scotch Broom, Himalayan Blackberry, Morning Glory, and Purple Loosestrife, provided that erosion protection measures to avoid sediment or debris being discharged into the watercourse are taken.
5. The planting of trees, shrubs, or groundcovers for the purpose of enhancing the habitat values and/or soil stability within the Development Permit Area shall be permitted provided the planting is carried out in accordance with the guidelines provided in Stream Stewardship, 1993 and Land Development Guidelines, 1992 published by DFO and MELP and the Environmental Objectives, Best Management Practices and Requirements for Land Developments, February 2000, published by MELP, or any subsequent editions.

**Development of Site**

6. Subject property to be developed in accordance with Schedules Nos. 1, 2, 3, and 4.
7. All construction of buildings and structures to be undertaken must be consistent with Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987, except as where varied by this permit.
8. Maximum height of the dwelling unit shall not exceed 8.9 metres as measured from natural grade.
9. Maximum height of the accessory building shall not exceed 6.5 metres as measured from natural grade.
10. The subject property shall be developed in accordance with all recommendations contained with the geotechnical report dated January 07, 2005 prepared by Davey Consulting and Engineering.
11. The Applicants shall prepare and register on title, at their expense, and to the satisfaction of the Regional District of Nanaimo, the geotechnical report dated January 07, 2005 prepared by Davey Consulting and Engineering of the subject property within 90 days of the date of issuance of this permit.

**Schedule No. 1 (2 of 2)**  
**Conditions of Approval**  
**Development Permit No. 60460**  
**Van Isle Road**

12. A final survey plan prepared by a British Columbia Land Surveyor shall be submitted by the applicants to the Regional District of Nanaimo showing the final siting and height of the dwelling unit, accessory building, and location of the driveway.

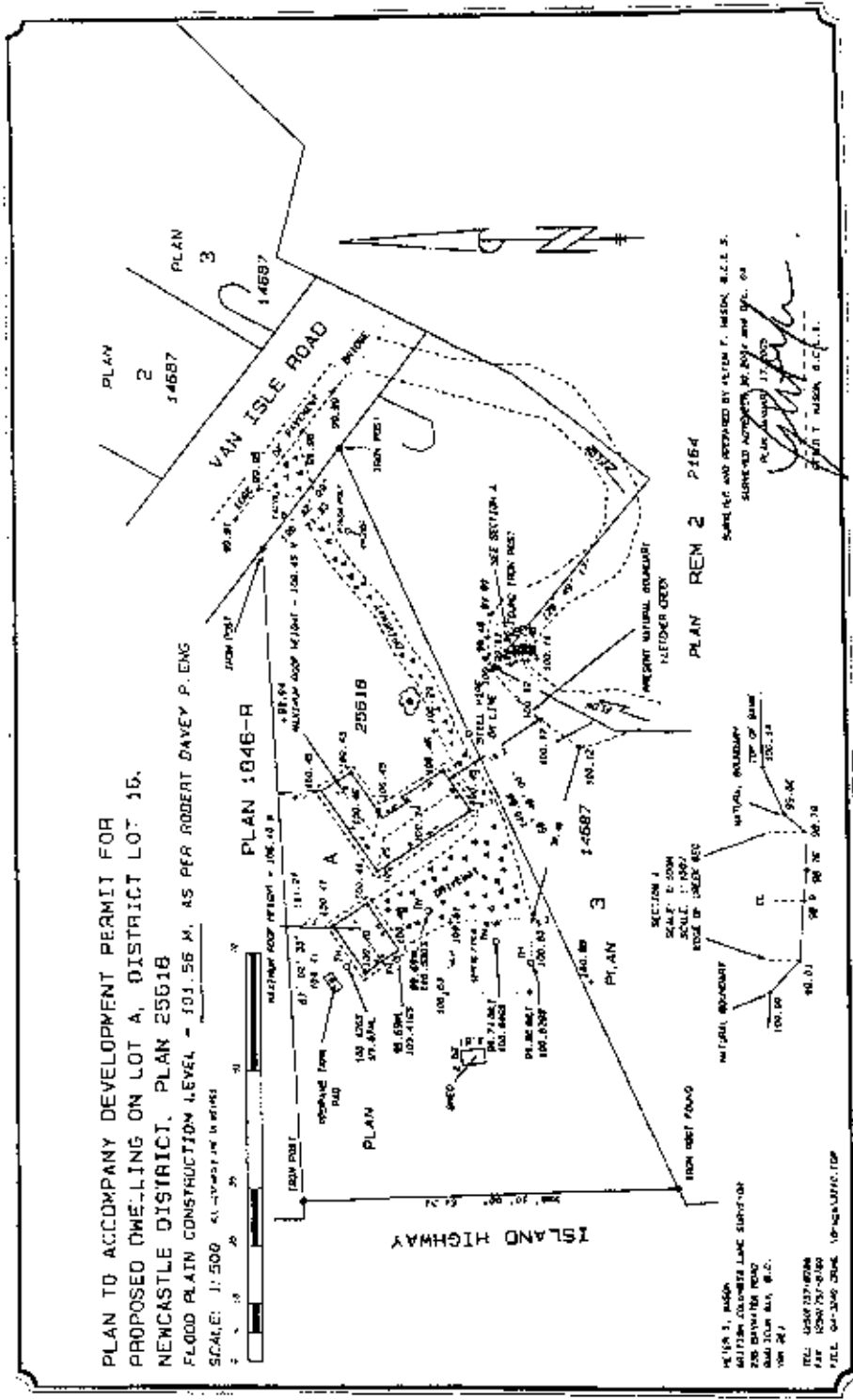
**Revegetation**

13. The planting of native trees, shrubs, or groundcovers for the purpose of enhancing the habitat values and/or soil stability shall be conducted on the subject property along the south property line a minimum of 0.5 metres in width as shown on attached Schedule No. 2.
14. All planting shall be carried out in accordance with the guidelines provided in Stream Stewardship, 1993 and Land Development Guidelines, 1992 published by DFO and MELP and the Environmental Objectives, Best Management Practices and Requirements for Land Developments, February 2000, published by MELP, or any subsequent editions.
15. In the selection of introduced vegetation, species shall be selected which are adapted to the site-specific conditions of the soil, climate, and topography on which the vegetation is to be planted. All plants used in landscaping shall have well developed branches and vigorous fibrous root systems and shall be free from defects, decay, disfiguring roots, sunscald, injuries, abrasions of the bark, diseases, insects, pests and all forms of infestation or objectionable disfigurements.
16. All planting shall be undertaken in the late fall or spring when plants are best able to establish roots and temperatures are not extreme.

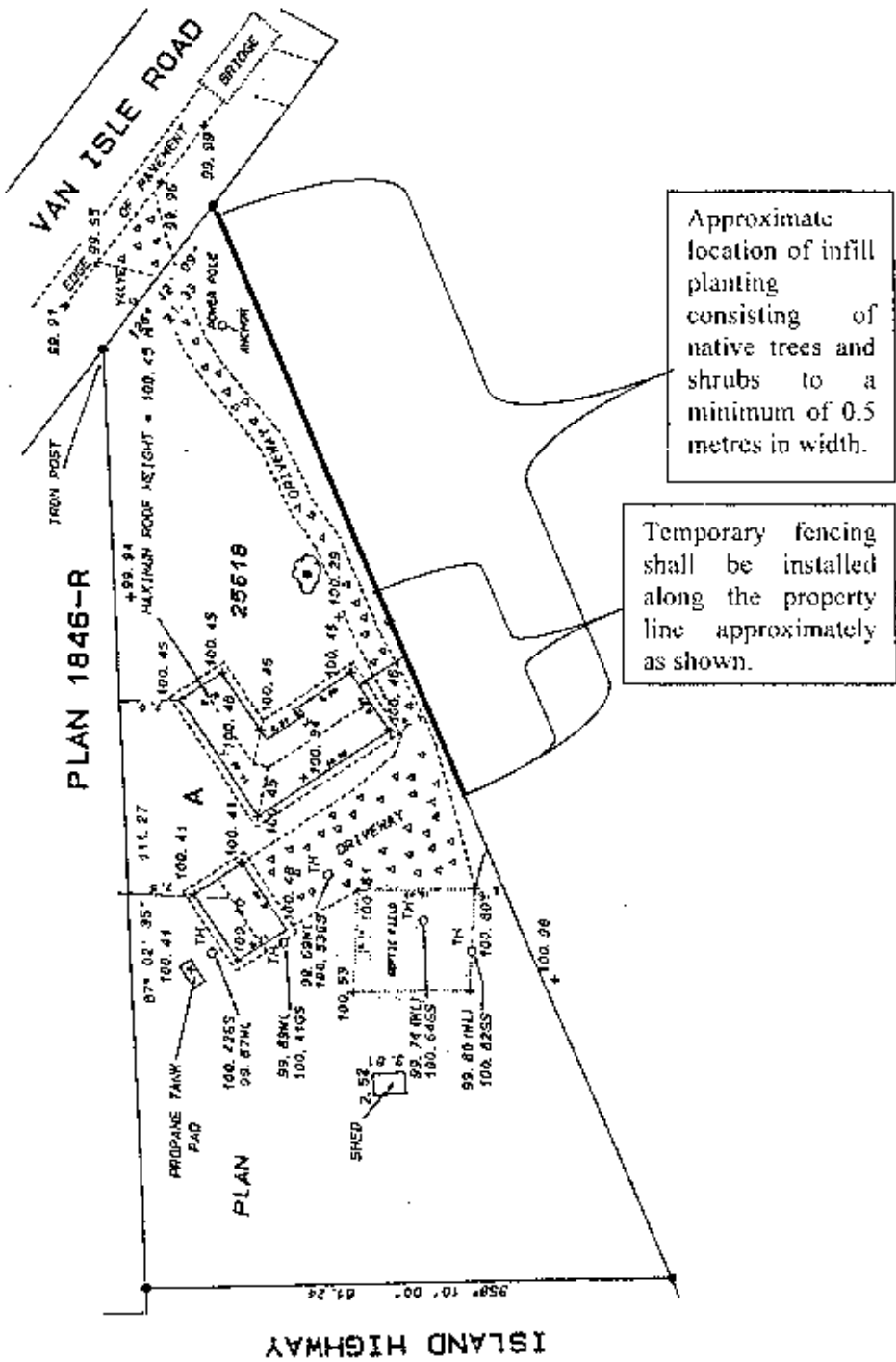
**Use of Site**

17. No storage of goods damageable by floodwaters shall occur at an elevation below 1.56 metres above the natural boundary of Fletcher Creek "Top of Bank" elevation as established by Peter Mason, BCL.S.
18. The accessory building shall not be used for habitation.

Schedule No. 2 (1 of 2)  
 Site Plan (reduced for convenience)  
 Development Permit No. 60460  
 Van Isle Road



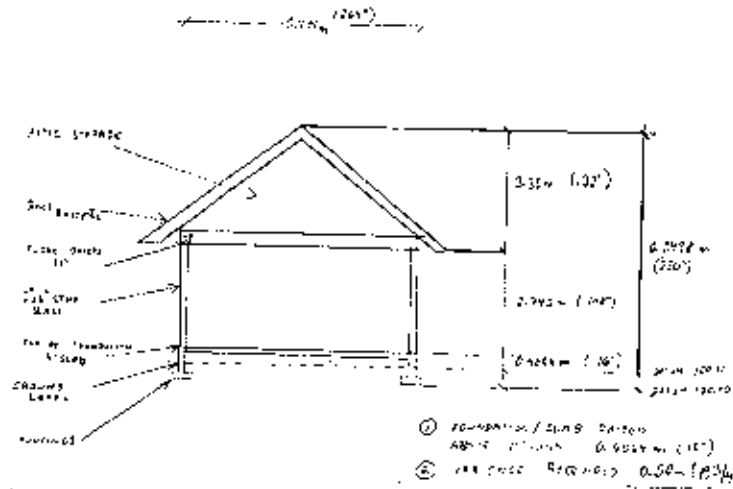
Schedule No. 2 (2 of 2)  
Site Plan (modified to fit this page)  
Development Permit No. 60460  
Van Isle Road



**Schedule No. 3 (1 of 2)**  
**Building Height Cross Section**  
**Development Permit No. 60460**  
**Van Isle Road**

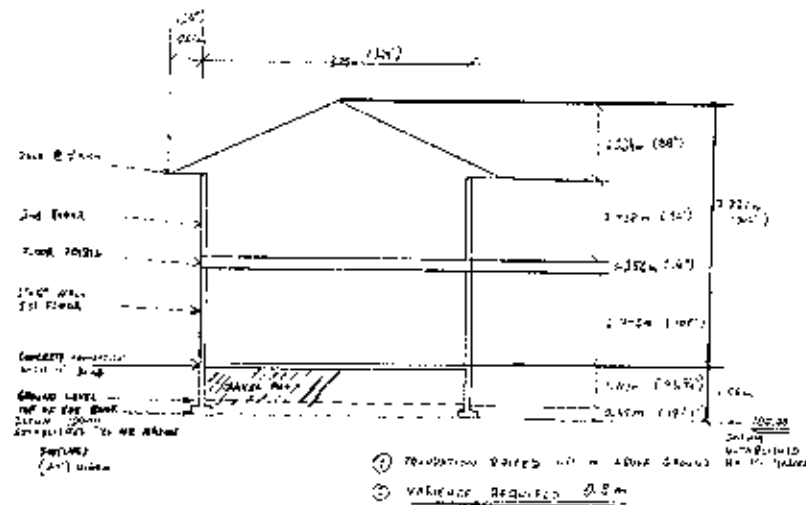
MIROSLAV DANIELA & MARGARET CNL  
 1700 VAN ISLE RD. GALLIENH BRIDGE, V9W 1Z2

DRG 2005 010112 - SWN PROPOSED  
 SCALE 1:100 (1" = 100 mm)

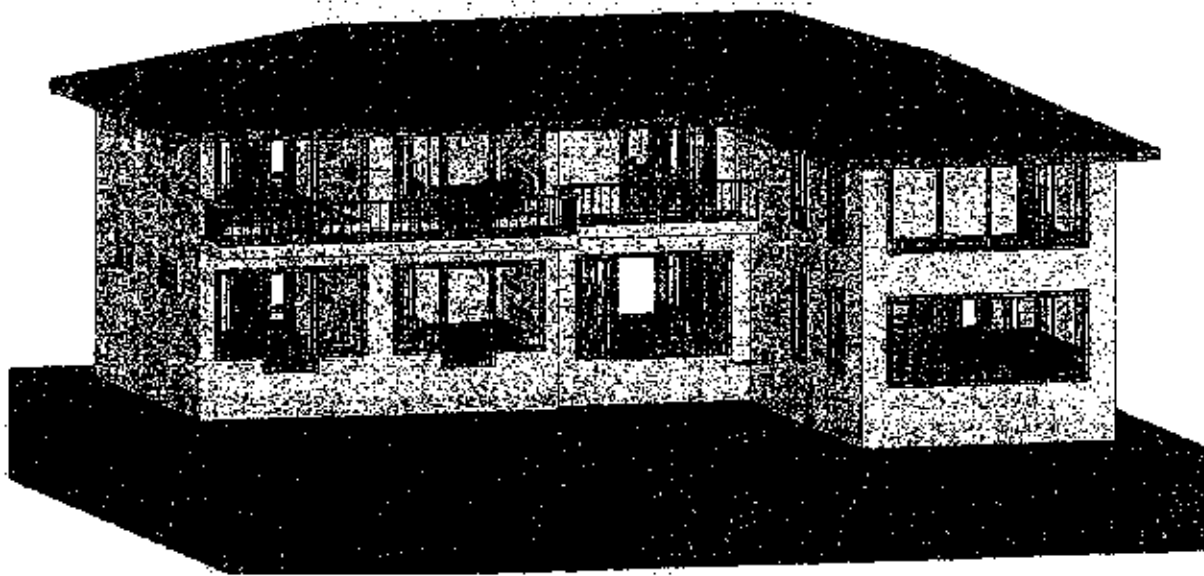


MIROSLAV DANIELA & MARGARET CNL  
 1700 VAN ISLE RD. GALLIENH BRIDGE, V9W 1Z2

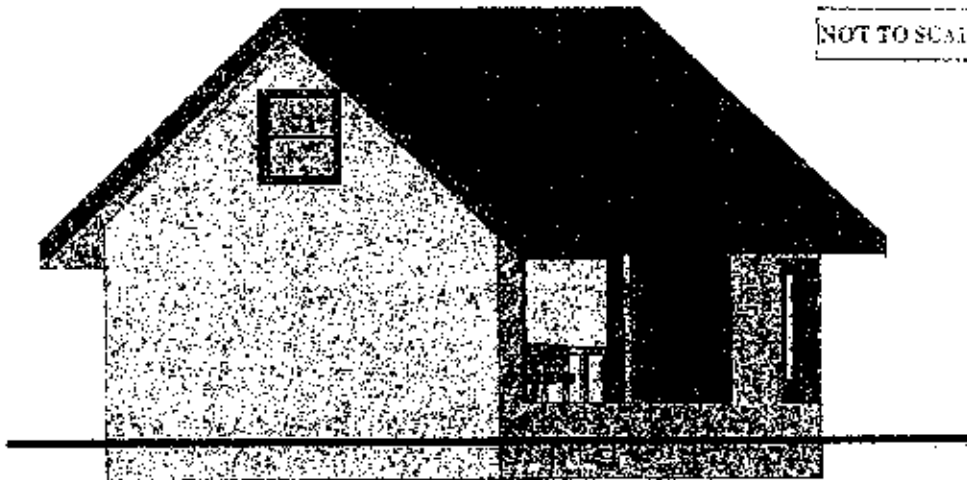
DRG 2005 010112 - SWN PROPOSED  
 SCALE 1:100 (1" = 100 mm)



Schedule No. 3 (2 of 2)  
Building Elevations  
Development Permit No. 60460  
Van Isle Road



East Elevation from Van Isle Road



Concrete  
- Pitch 10'  
- Overhang 32'  
- Sill 24'

Accessory Building Elevation

**Schedule No. 4  
Requested Variances  
Development Permit No. 60460  
Van Isle Road**

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

1. Section 3.4.62 - Maximum Number and Size of Buildings and Structures -- is varied from 8.0 metres to 8.9 metres for the dwelling unit in order to accommodate a safe flood construction level of 1.56 metres above the natural boundary of Fletcher Creek.
2. Section 3.4.62 - Maximum Number and Size of Buildings and Structures -- is varied from 6.0 metres to 6.5 metres for an accessory building.







REGIONAL DISTRICT OF NANAIMO	
JAN 31 2005	
CHAIR	GMCMS
	GMCMS
CAO	GMS
	GMS
ERP V	

MEMORANDUM

TO: Jason Llewellyn  
Manager, Community Planning

DATE: January 28, 2005

FROM: Keeva Kehler  
Planner

FILE: 3060 30 60504

SUBJECT: Development Permit Application No. 60504- Smith/Vectis Ventures  
Electoral Area 'E' - 3645 Dolphin Drive, Nanoose Bay

PURPOSE

To consider an application for a Development Permit to permit works within the Watercourse Protection Development Permit Area pursuant to the "Nanoose Bay Official Community Plan Bylaw No. 1118, 1998."

BACKGROUND

This is an application for a Development Permit to demolish the existing dwelling unit, cabin and deck and construct a new dwelling unit on the property legally described as Lot B, District Lot 78, Nanoose District, Plan 44229 (see Attachment No. 1). The subject property is a 0.142 hectare waterfront parcel located at 3645 Dolphin Drive. The Board issued Development Permit No. 60427 in June 2004 to facilitate renovations to the retaining wall located at the present natural boundary.

The subject property is located within the Coast Residential designation in the "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1118, 1998". Portions of the property are located within the Watercourse Protection Development Permit Area (DPA) designated by this Official Community Plan.

The subject property is zoned Residential 1, Subdivision District 'N' (RS1N) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The minimum setback requirements for buildings and structures in this zone are: 8.0 metres from the front lot line; 2.0 metres from the interior side lot lines, 2.0 metres from the rear lot line and 8.0 metres horizontal distance from the top of a slope of 30% or greater for a coastal watercourse. As part of this application, the applicants are requesting a number of variances in order to accommodate the siting of the proposed dwelling unit.

Proposed Variances

As part of the development permit application, the applicants are requesting a relaxation of Section 3.3.9 'Setbacks - Sea' in order to accommodate the proposed siting of the new dwelling unit within 4.75 metres of the top of a slope of 30% or greater adjacent to the ocean. The application also includes a request to vary Section 3.4.61 'Minimum Setback Requirements Front Lot Line' from 8.0 metres to 7.0 metres to accommodate an encroachment of a portion of the front porch, specifically a planter box. Finally, the applicants request a relaxation of Section 3.4.61 'Maximum Number and Size of Buildings and Structures Dwelling Unit Height' from 8.0 metres to 8.5 metres.

## ALTERNATIVES

1. To approve Development Permit No. 60504 subject to the conditions outlined in Schedule Nos. 1, 2, 3, 4 and 5 and subject to public notification pursuant to the *Local Government Act*.
2. To deny the requested permit.

## LAND USE AND DEVELOPMENT IMPLICATIONS

The property is an oceanfront lot located on Dolphin Drive in Nanoose Bay. There is an unauthorized structure and deck located within the oceanfront setback area and DPA. During the review of the property's history for DP No. 60427, staff discovered previous correspondence from the Building Inspection Department stating that this cabin was to be removed prior to occupancy being issued on the existing dwelling unit. However, the cabin was not removed. For this reason, as a condition of issuance of DP No. 60427, the applicants will be removing the cabin and deck as part of this proposed redevelopment of the parcel.

The surrounding lots are mostly waterfront properties with unobstructed views of the Strait of Georgia. The present natural boundary in this location has been eroded since the subdivision plan was deposited in 1986. The retaining wall was renovated last summer to provide erosion protection and stabilize the bank above for a proposed renovation of the dwelling unit.

The applicants propose to complete some of the conditions of DP No. 60427 in conjunction with the conditions of this Development Permit, namely registration of the updated geotechnical report and removal of the non-conforming cabin and deck at the natural boundary.

As the subject property is located within a Building Inspection area, the applicants will be required to obtain a building permit and comply with any conditions imposed by the Building Inspection Department. Specifically, "RDN Floodplain Management Bylaw No. 843, 1992" establishes minimum setbacks from the sea and required flood levels for residential construction. Section 3.2.2 of the Bylaw states that the setback to the sea may be reduced to 8.0 metres from the natural boundary of the sea where the sea frontage is protected from erosion by works designed by a professional engineer and maintained by the owner. In this case, the applicants propose to locate the new dwelling unit 9.8 metres from the present natural boundary (as measured to the building overhangs).

### *Development Permit Implications*

The Watercourse Protection Development Permit Area (DPA) was established to protect the natural environment: its ecosystems and biological diversity. The "Nanoose Bay Official Community Plan Bylaw No. 1118, 1998" contains guidelines for development within a Watercourse Protection Development Permit Area. The guidelines stipulate that development should only be considered where historical subdivision or construction has occurred prior to the designation of the DPA. In this case, the property was subdivided in 1986 and pre-dates the inception of the DPA in 1998. The applicants are not removing any of the existing vegetation as part of the redevelopment of the property and are replacing the existing dwelling mostly within the same footprint. The closest portion of the dwelling unit is proposed to be sited 9.8 metres from the natural boundary of the ocean. The applicants propose to collect the perimeter drainage from the proposed dwelling unit and construct a pipe to take the run-off across the DPA and out to the ocean. The drainage works shall be constructed in accordance with the conditions outlined in Schedule No. 1.

### ***Zoning Implications***

As mentioned above, this application includes a request to vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" as outlined in Schedule No. 5.

The applicants are requesting to vary the maximum permitted height of the proposed dwelling unit from 8.0 metres to 8.5 metres as shown on the plan of survey attached as Schedule No. 2. The proposed building layout and profiles are attached as Schedules No. 3 and 4. Due to the steeply sloping topography in this area, the adjacent properties to the south on Dolphin Drive are at a much higher elevation than the subject property and it is not anticipated that the height variance will impact the view corridors for these properties.

The applicants are requesting a variance to the minimum setbacks to the front lot line to accommodate a portion of a planter box attached to the front porch. This planter box is considered part of the dwelling unit and therefore needs a variance approval from the Regional Board of Directors. Staff believe this to be a minor encroachment with no potential impacts on adjacent properties, and therefore is supportive of this request.

### ***Geotechnical Implications***

The applicants are requesting a variance to the required minimum setback from the top of a slope 30% or greater to accommodate the proposed new dwelling unit. In support of this request, the applicants have provided a geotechnical report prepared by Lewkowich Geotechnical Engineering Ltd. dated January 27, 2005, which addresses the safety of proposed siting. The geotechnical report states "the proposed setback from the ocean-facing slope is adequate for protection of the house ... provided our recommendations are followed during design and construction." In order to ensure that the recommendations are followed, staff recommends that the geotechnical report be registered as a Section 219 covenant on the Certificate of Title as a condition of approval and that the applicant be required to undertake the recommendations in the report during demolition and construction. In addition to the registration of the report, should the Board consider relaxing the minimum setback to the top of the slope, staff recommends that the applicants be required to include a clause saving the RDN harmless from any loss resulting from potential flood, erosion, land-slip or any other action on the lands due to the siting of the dwelling unit.

As further justification for this request, the applicants cite the location of the septic field at the front of the lot, the desire to retain all existing trees on the property and the required front lot line setbacks as mitigating factors. Staff is in agreement that the site constraints and additional setbacks due to the oceanfront location appear to make siting a dwelling of this size difficult without obtaining a variance to the zoning setbacks.

Following a site visit to the subject property, staff concluded that neighbouring ocean front properties will not be negatively impacted by the reduced setback to the sea requested for the dwelling unit. There is a row of evergreen vegetation on the eastern property line, which acts as a buffer for the adjacent lot. The dwelling unit on the western property faces directly north away from this property. Both neighbouring properties face the Strait of Georgia and will continue to have unimpeded views of the ocean should the variances be approved.

For the reasons cited above, staff supports the requested variances and feel that the application has technical merit to proceed to the Electoral Area Planning Committee for its consideration.

**PUBLIC CONSULTATION IMPLICATIONS**

As the application includes a request to vary the zoning bylaw requirements in order to site the proposed dwelling unit, the Regional District is required to notify adjacent landowners of the Development Permit application in accordance with the notification procedures of the *Local Government Act*. In this case, all property owners within 50 metres of the subject property will receive direct notice of the proposal.

**VOTING**

Electoral Area Directors – one vote, except Electoral Area ‘B’.

**SUMMARY/CONCLUSIONS**

This is an application for a Development Permit with variances in order to facilitate the demolition of the existing dwelling unit and non-conforming cabin and deck and the construction of a new dwelling unit on the subject property designated within the Watercourse Protection Development Permit Area. Given that the proposal does not appear to impact any neighbouring properties and a geotechnical assessment has been submitted, which states that the property is safe and suitable for the proposed development, staff recommends this application be approved subject to the Conditions of Approval outlined in Schedules Nos. 1, 2, 3, 4 and 5 and subject to the comments received as a result of public notification in accordance with the *Local Government Act*.

**RECOMMENDATION**

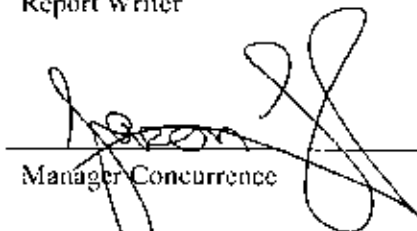
That Development Permit Application No. 60504, submitted by Tim Rann of Vectis Ventures on behalf of Dan and Christina Smith for the demolition of the existing dwelling unit, non-conforming cabin and deck and construction of a new dwelling unit with variances to RDN Bylaw No. 500, 1987 as outlined in Schedule No. 4 for the property legally described as Lot B, District Lot 78, Nanoose Land District, Plan 44229, be approved as submitted subject to Schedules Nos. 1, 2, 3, 4 and 5 and subject to the comments received as a result of public notification pursuant to the *Local Government Act*.



Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

**Schedule No. 1  
Conditions of Approval (Page 1 of 2)  
Development Permit Application No. 60504**

**General Requirements**

1. The proposed development shall be conducted in accordance with the provisions of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," and with Development Permit No. 60427, except as varied by this Development Permit. The new dwelling unit shall be located not less than 4.75 metres from the top of the slope of 30% or greater, as measured from the outermost portion of the dwelling.
2. The cabin and deck shall be removed prior to occupancy of the new dwelling unit. This area shall be reclaimed with native vegetation only.
3. The applicants shall comply with conditions imposed by the RDN Building Inspection Department and shall obtain a building permit prior to commencing works on the land.
4. There shall be no further alteration of land within the 15 metre leave strip as established by the "Nanoose Bay Official Community Plan Bylaw No. 1118, 1998" Watercourse Protection Development Permit Area, or any subsequent bylaw, without written approval from the Regional District of Nanaimo. This includes removal of vegetation and installation of irrigation systems, except that noxious weeds may be removed and existing vegetation is permitted to be maintained. The replanting of native species is encouraged within the leave strip.
5. The drainage waters from the perimeter drains and roof leaders shall be collected in a perforated pipe and dispersed onto solid rock in a manner that will not cause erosion of the foreshore.

**Geotechnical Report**

1. Recommendations established by the Geotechnical Report prepared by Lewkowich Geotechnical Engineering Ltd., date stamped January 27, 2005 shall be undertaken during the development of the erosion protection measures at the present natural boundary. As a condition of approval, the Geotechnical Report prepared by Lewkowich Geotechnical Engineering Ltd. will be required to be registered on the Certificate of Title as a Section 219 Covenant. This will ensure that the recommendations contained within this report will be undertaken.
2. The applicant shall include a clause within the Restrictive Covenant saving the Regional District of Nanaimo harmless from any action or loss that might result from hazardous conditions and acknowledging the flood and potential erosion risk associated with the construction on the property. This Covenant must be registered on the Certificate of Title prior to occupancy.

**Development Permit Protection Measures**

1. Sediment and erosion control measures must be utilized to control sediment during construction and land clearing works and to stabilize the site after construction is complete. These measures must include that:
  - tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be onsite.
  - direct run off flows away from Strait of Georgia using swales or low berms.
  - exposed soils must be seeded immediately after disturbance. Soil surfaces to be treated should be roughened.
  - temporary fills or soil stockpiles are to be covered with polyethylene or tarps.

**Schedule No. 1**  
**Conditions of Approval (Page 2 of 2)**  
**Development Permit Application No. 60504**

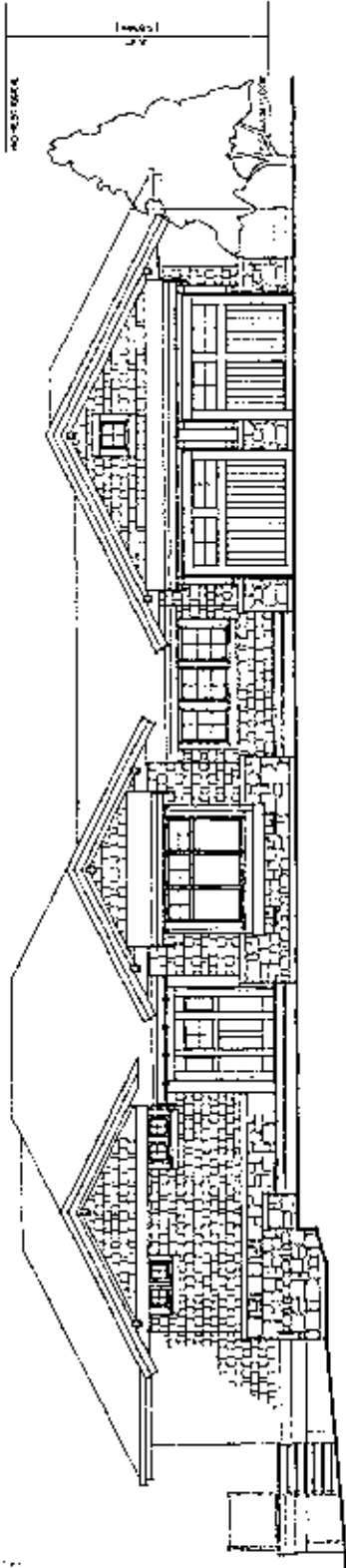
2. Existing vegetation inland above the proposed wall within the Watercourse Protection Development Permit Area (i.e. within 15.0 metres of the present natural boundary) shall be retained where possible and replanting of native species is encouraged to reduce the potential for erosion due to wind, tidal and precipitation activities.



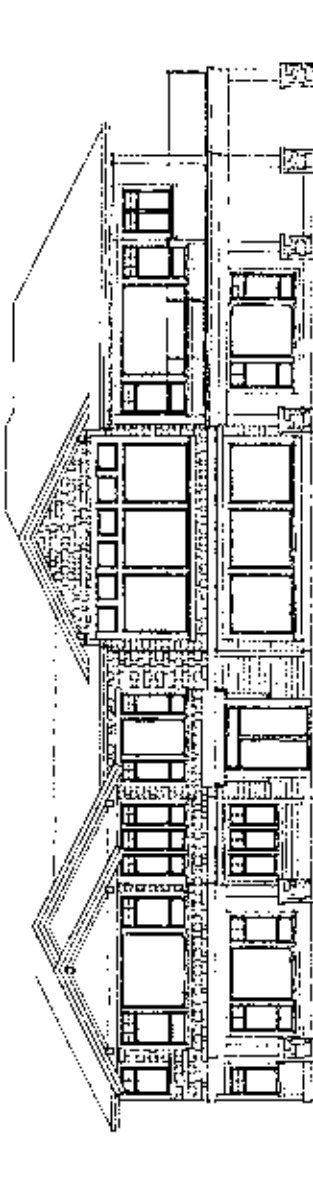




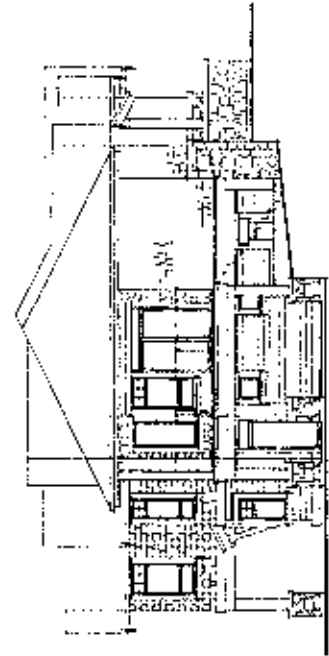
Schedule No. 4  
Proposed Building Profiles (Submitted by applicant)  
Development Permit Application No. 60504



South Elevation (front)  
Street Front - Dolphin Drive



North Elevation (rear)  
View: Straight off Corridor



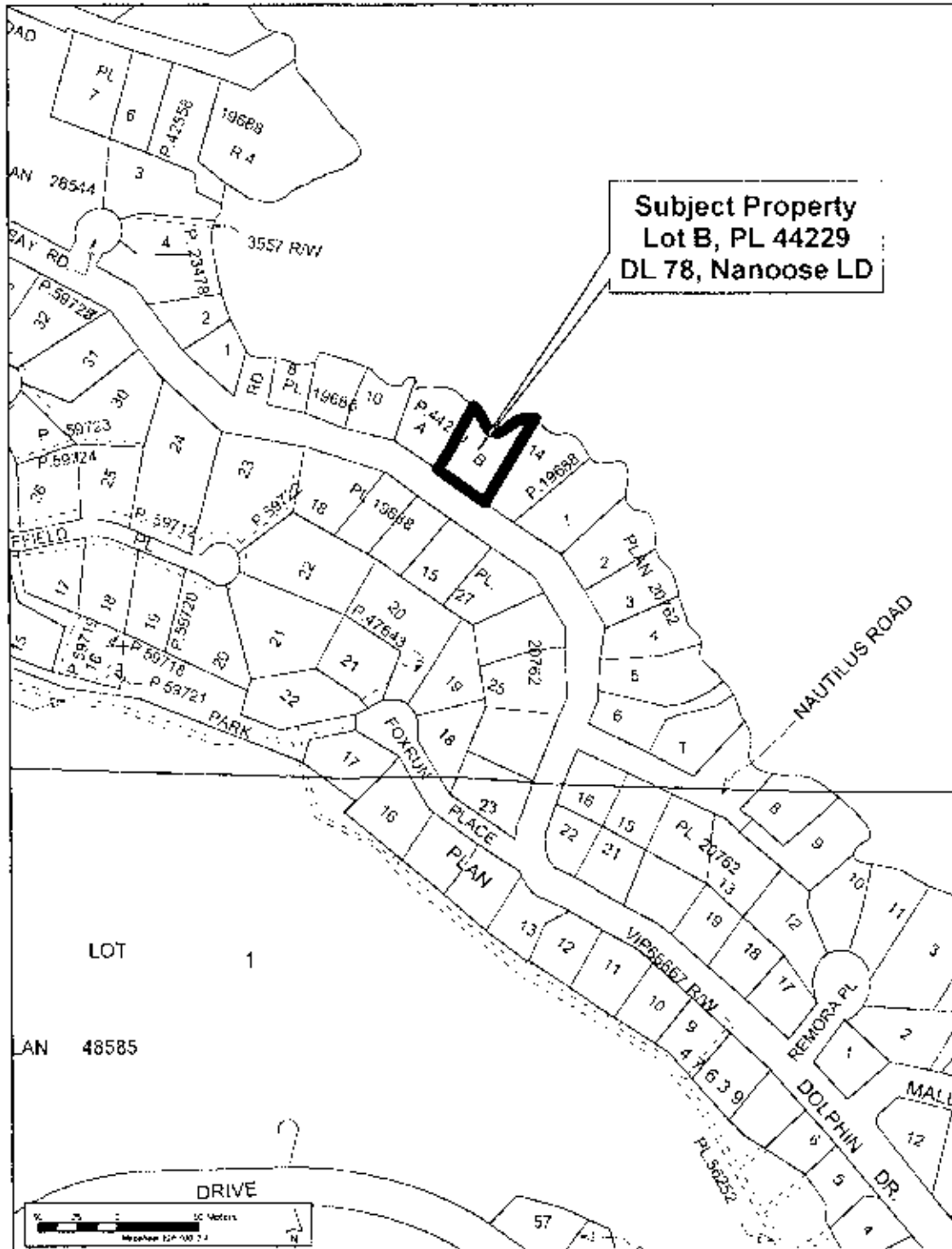
West Elevation (left)  
View: West of 1st St

**Schedule No. 5  
Proposed Variances  
Development Permit Application No. 60504**

With respect to the Lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is proposed to be varied as follows:

1. **Section 3.3.9 Setbacks – Sea** is proposed to be varied from 8.0 metres horizontal distance inland from the top of a slope of 30% or greater to 4.75 metres horizontal distance inland from the top of a slope of 30% or greater to accommodate the proposed siting of the new dwelling unit.
2. **Section 3.4.61 Maximum Number and Size of Buildings Dwelling Unit Height** is proposed to be varied from 8.0 metres to 8.5 metres to facilitate construction of the proposed dwelling unit.
3. **Section 3.4.61 Minimum Setback Requirements Front Lot Line** is proposed to be varied from 8.0 metres to 7.0 metres to allow for an encroachment of a portion of the proposed front porch (planter box).

**Attachment No. 1**  
**Subject Property Map**  
**Development Permit Application No. 60504**



Attachment No. 2  
Correspondence from Applicants' Agent  
Development Permit Application No. 60427

# Vectis Ventures

General Contractor  
3387 Blueback Drive Nanoose Bay B.C. V9P 9H9  
E-mail: timrogue@island.net

Tim Rann  
Licensed Home Builder  
Ph: 250-468-1917 or 250-616-9365

11th May 2004

The Planning Dept.  
RDN  
Nanaimo

Dear Sirs

Re: Development Permit application for Lot B Plan 44229,DL78.

My clients have been notified that a demolition order has been found from 1977 pertaining to the existing cabin and deck as shown on Sims and Associates survey dated 4th May 2004. They understand that this order is not reversible and that any development permit issued would be conditional on the removal of the cabin and deck.

Please find my revised sketch of the terraced rock wall continuing across the area that was taken by the cabin and deck, we would propose to remove the cabin and deck as part of the wall construction process.

My clients are also aware of the woodshed encroaching on the neighbors lot, this woodshed is due to be demolished as part of the future renovation of their home later this year.

If you require further information please do not hesitate to contact me.

Yours sincerely



T. Rann D.B.A. Vectis Ventures



REGIONAL DISTRICT OF NANAIMO	
JAN 31 2005	
CHAIR	GMCN:5
	G1CFS
CAO	GMS
	GMES
EAP ✓	

MEMORANDUM

TO: Jason Llewellyn  
Manager, Community Planning

DATE: January 28, 2005

FROM: Keeva Kehler  
Planner

FILE: 3060 20 60505

SUBJECT: Development Permit Application No. 3060 30 60505 – Scott  
Electoral Area ‘F’, 961 Clark Road

PURPOSE

To consider the issuance of a Development Permit as part of a two lot subdivision proposal along a watercourse.

BACKGROUND

This is an application for a Development Permit to facilitate a two-lot subdivision for the lot legally described as Parcel A (DD 3792N) of Lot 1, District Lot 74, Newcastle District, (Part of which is situated in Cameron District), Plan 2002, Except Part in Plan VHP72673) (see Attachment No. 1). The subject lot is a 16.26-hectare agricultural lot located at 961 Clark Road. The subject lot is located within the Agricultural Land Reserve (ALR) and the Agricultural Land Commission (ALC) granted approval for the subdivision as proposed by Resolution # 66/2004.

The subject lot is located within the ‘Resource Lands within the ALR’ designation in the “Regional District of Nanaimo Electoral Area ‘F’ Official Community Plan Bylaw No. 1152, 1999”. The lot contains an unnamed tributary of Crocker Creek, which is located within the Watercourse Protection Development Permit Area (DPA) designated by this Official Community Plan.

The subject lot is zoned A-1 Agriculture 1 pursuant to “Regional District of Nanaimo Zoning and Subdivision Bylaw No. 1285, 2002.” The minimum setback requirements for buildings and structures in this zone are: 4.5 metres from the front and exterior lot lines; 2.0 metres from all other lot lines and 15.0 metres from the natural boundary of a watercourse. There are no variances requested as part of this application.

ALTERNATIVES

1. To approve the request for a development permit subject to the conditions outlined in Schedules No. 1 and 2.
2. To not approve the request for a development permit as submitted.

LAND USE AND DEVELOPMENT IMPLICATIONS

Official Community Plan / Development Permit Implications

Portions of the subject lot are designated within the Watercourse Protection Development Permit Area pursuant to the “Electoral Area ‘F’ Official Community Plan Bylaw No. 1152, 1999.” This Development Permit Area was established to protect the natural environment, its ecosystems and biological diversity.

The Development Permit Area contains guidelines for the development of lands adjacent to watercourses. In certain situations, the subdivision of land is exempt from the requirement to apply for a Development Permit. Guideline 4.1.2 states that no development permit application is required where all development in relation to the subdivision will occur on land outside the Watercourse Development Permit Area (DPA). However, in this instance, the proposed lot line will coincide with the natural boundary of the watercourse and the surveying and potential works to upgrade access to the newly created lots may occur in the Watercourse DPA. In addition, the subdivision itself is considered a form of development. The applicants have indicated that they do not propose to remove any of the existing vegetation, however, the property has been actively farmed for years and cleared for pasture, except for a vegetated buffer of approximately 2 metres adjacent to the natural boundary of the watercourse.

As this permit is being requested to facilitate a subdivision it is recommended that the applicants be required to register a Section 219 covenant on the titles of both proposed parcels for the protection of the creek and its riparian area. This covenant will be required to be registered prior to final approval of the subdivision.

#### ***Zoning Implications:***

There are no variances required pursuant to Bylaw 1285, 2002. However, during a site inspection conducted by RDN staff, it was evident that there is an agricultural building adjacent to the creek on Proposed Lot 1. The minimum setback requirement from the natural boundary of a watercourse for a building housing livestock or storing manure is 30 metres. The applicants measured the distance and indicated that the outermost portion of the barn is more than 30 metres from the natural boundary of the creek. However, staff recommends that the surveyor confirm this distance when preparing the plan of subdivision. If it is determined that the barn does not meet the minimum setback requirement of 30 metres, the applicant will be required to register a Section 219 covenant prior to final approval of the subdivision that restricts the housing of livestock and/ or storage of manure within the barn unless a variance has been granted by the Regional Board of Directors.

The A-1 zone permits one dwelling unit and one manufactured home per lot. There are two dwelling units in existence on Proposed Lot 2. These dwellings pre-date the inception of the zoning bylaw and are therefore afforded non-conforming status pursuant to Section 911 of the *Local Government Act*.

Due to the location of the creek across the entire lot, essentially forming a natural break between the north and south portions of the lot, the applicants felt that the creek posed a significant obstacle to farming the property as one single lot. The Agricultural Land Commission approved the creation of the lots as proposed. However, as the Proposed Lot 1 does not meet the minimum parcel size of 4.0 hectares, the applicants will have to apply to create the subdivision pursuant to Section 6.7.2 (Lots Exempt from Minimum Lot Size Requirements) of "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002." At the time of subdivision, the applicants will be required to register a Section 219 covenant in favour of the RDN prohibiting further subdivision of the lands.

#### ***Other Agencies Implications***

The applicants have obtained approval for the proposed 2-lot subdivision from the A.L.C. The applicants have been in discussion with the Vancouver Island Health Authority and do not foresee any issues with respect to installation of the septic field on the proposed Lot 1. The applicants will be required to meet the conditions of the RDN and the Approving Officer at the time of subdivision.


**SUMMARY**

This is an application for a development permit on lands designated within the Watercourse Protection Development Permit Area pursuant to the "Electoral Area 'F' Official Community Plan, Bylaw No. 1152, 1999" as part of a 2-lot subdivision development. The application does not include any requests to vary the requirements of RDN Bylaw No. 1285, 2002, however confirmation as to the location of an existing agricultural building in relation to the proposed lot lines and the natural boundary of the watercourse is required.

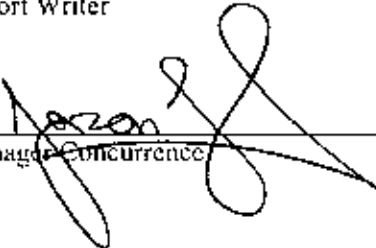
The applicant will be required to register covenants protecting the creek and its riparian area and limiting further subdivision concurrently with the plan of subdivision.

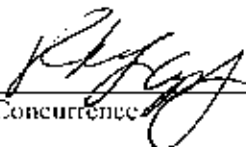
**RECOMMENDATION**

That Development Permit Application No. 60505, submitted by Karen and Brad Scott to permit the subdivision of the property legally described as Lot 1, Parcel A (DD3792N), District Lot 74, Newcastle District and partially designated within the Watercourse Protection Development Permit Area, be approved as submitted subject to the Conditions of Schedules No. 1 and 2.

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

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

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

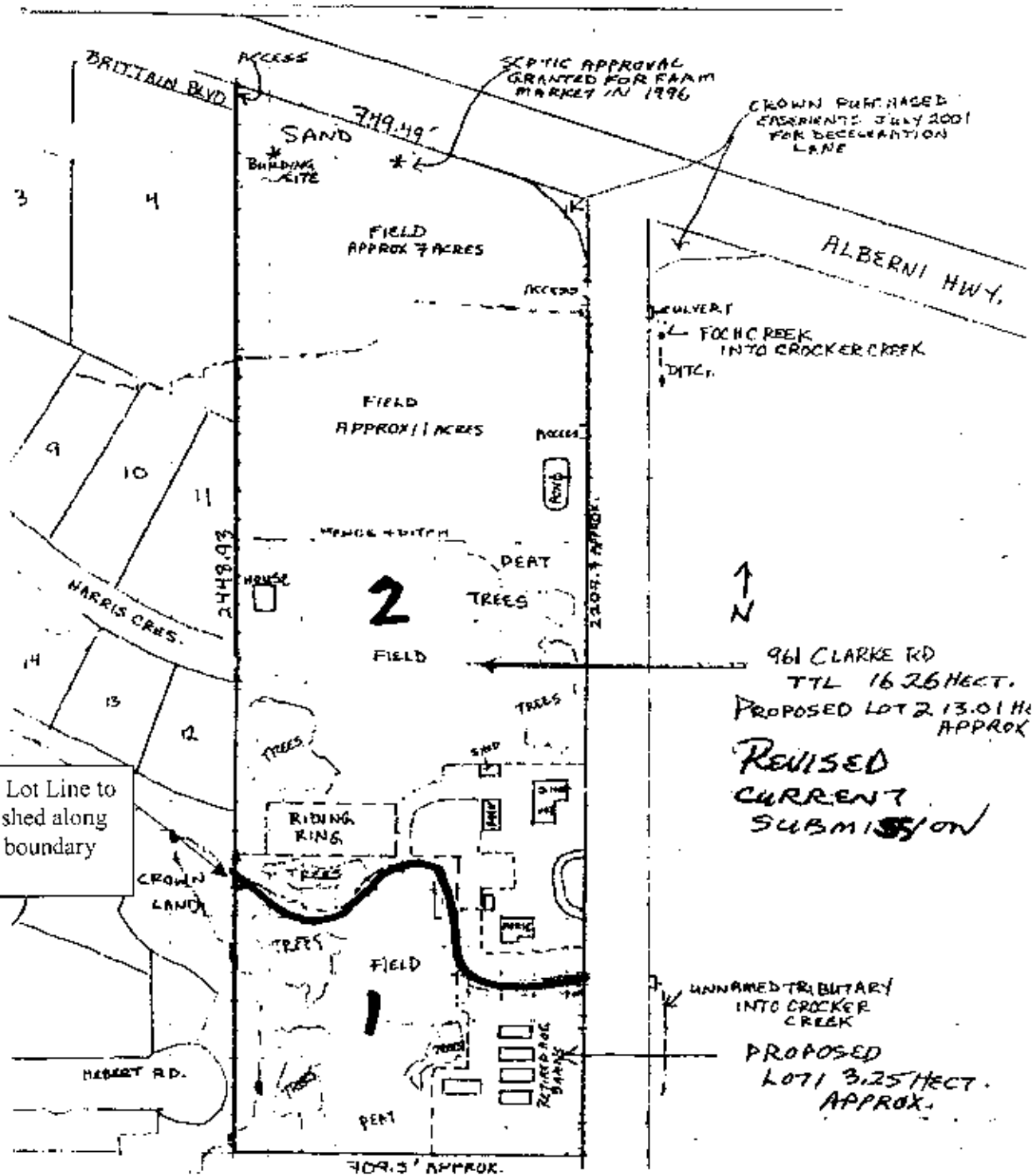
  
\_\_\_\_\_  
A/CAO Concurrence

**Schedule No. 1  
Conditions of Approval  
Development Permit Application No. 60505**

1. The applicants are to register a Section 219 covenant concurrently with the Plan of Subdivision for the protection of the tributary creek crossing the subject lot and its adjacent 15-metre riparian areas, shown as the boundary between Lots 1 and 2 on the attached plan (Schedule No. 2). Covenant restrictions within the covenant areas to include no removal of vegetation, no buildings or structures to be located, no septic fields, no wells, no storage of materials or goods, no removal of fill or soil, and no placement of fill or soil.
2. The applicants' BCLS is to provide written confirmation as to the distance of the agricultural building on Proposed Lot 1 from the natural boundary of the creek. Should this distance be less than 30.0 metres from the outermost portion of the agricultural building, the applicants shall be required to register a Section 219 covenant on the title of the Proposed Lot 1 that prohibits the use of the building for housing livestock or storing manure, unless a variance has been granted by the Regional Board of Directors. This covenant shall be registered concurrently with the plan of subdivision.
3. Pursuant to Section 6.7.2 of "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002," as part of the subdivision process, the applicants may be required to enter into a Section 219 covenant in favour of the RDN prohibiting the further subdivision of the lands.



Schedule No. 2  
Development Permit Application No. 60505  
Proposed Plan of Subdivision  
(as submitted by the applicant)

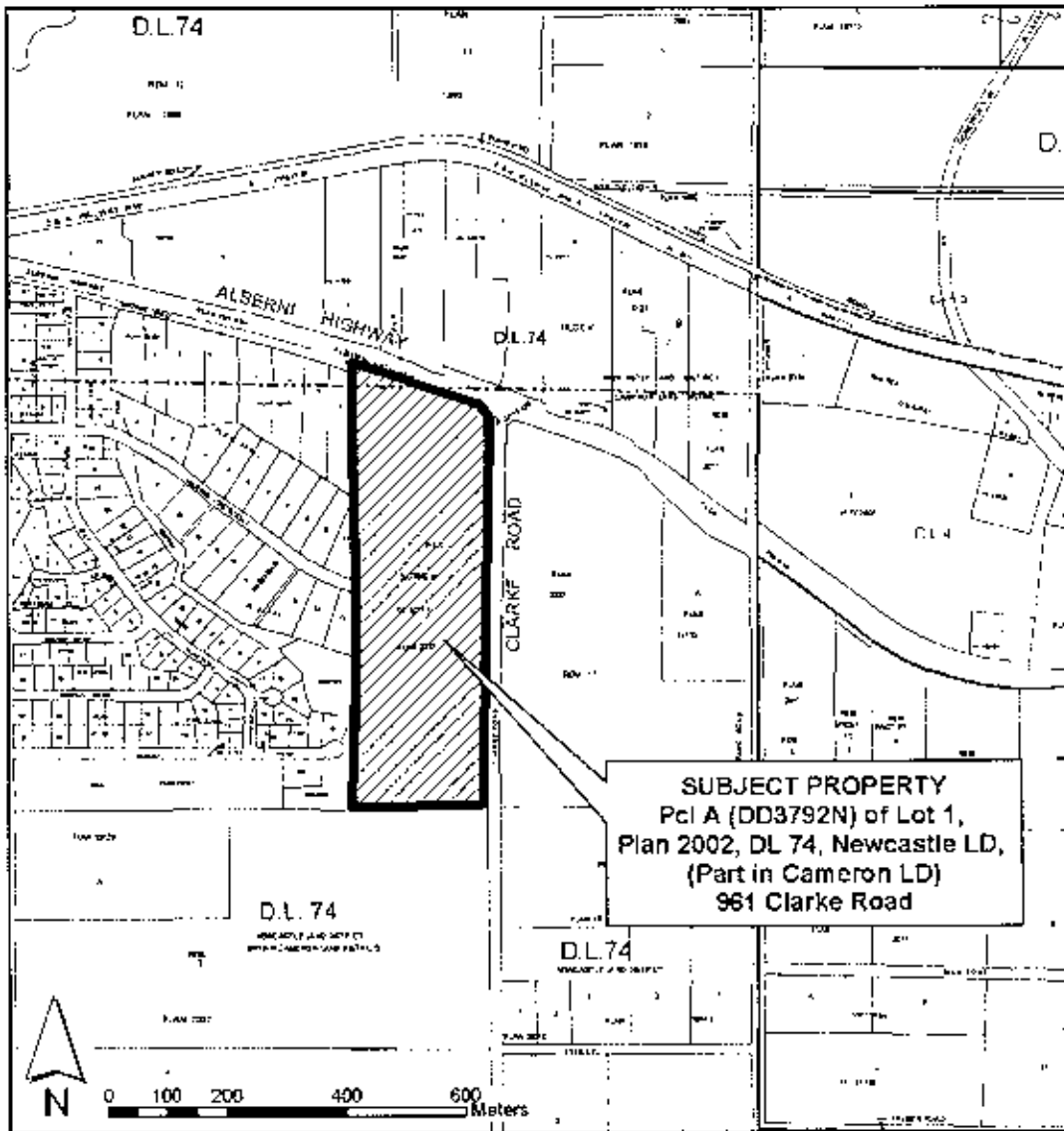


Proposed Lot Line to be established along the creek boundary

961 CLARKE RD  
TTL 16.26 HECT.  
PROPOSED LOT 2 13.01 HECT.  
APPROX  
**REVISSED  
CURRENT  
SUBMISSION**

UNNAMED TRIBUTARY  
INTO CROCKER CREEK  
PROPOSED  
LOT 1 3.25 HECT.  
APPROX.

Attachment No. 1  
Development Permit Application No. 60441  
Location of Subject Property



8009 Map Sheet No. 95H 036 1 2



REGIONAL DISTRICT OF NANAIMO	
JAN 31 2005	
CHAIR	GMCDS
	GMCDS
CFO	GMDS
	GMES
EARV	

# MEMORANDUM

**TO:** Jason Llewellyn  
Manager, Community Services

**DATE:** January 31, 2005

**FROM:** Susan Cornie  
Senior Planner

**FILE:** 3320 20 25989

**SUBJECT:** Request for Acceptance of Park Land Dedication  
Newcastle Engineering Ltd., on behalf of Woodridge Holdings Ltd. & H. Bhatti  
Electoral Area 'A' - MacMillan Road

## PURPOSE

To consider a request to accept the dedication of park land as part of a proposed 22-lot subdivision proposal.

## 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, Section 17, Range 8; Part of the South 1/2 of Section 17, Range 8, with exceptions; and Road Closure, All of Cranberry District and located adjacent to MacMillan Road within the Cedar area of Electoral Area 'A' (see Attachment No. 1 for location of subject property). In this case, the applicants have submitted a proposal offering the dedication of park land.

The subject properties are currently zoned Residential 2 (RS2) and are within Subdivision District 'M' (minimum 2000 m<sup>2</sup> with community water) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The applicants are proposing to subdivide the parent parcel into 22 parcels including the remainder, all of which are greater than 2000 m<sup>2</sup> in size, therefore meeting the minimum parcel size requirements of Bylaw No. 500 (see Schedule No. 2 for proposed subdivision).

Pursuant to the Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001 (OCP), the parent parcel is designated within the Streams, Nesting Trees, & Nanaimo River Floodplain Development Permit Area No. 5, in this case for the protection of a wetland and its 15.0 metre riparian area.

Surrounding land uses include the Duke Point Connector to the north and west, MacMillan Road and residential and commercial zoned parcels to the east, and residential zoned parcels to the south.

The parcels are proposed to be serviced by individual private septic disposal systems and community water supplied by the North Cedar Improvement District.

### **Park Land Requirements**

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 OCP 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 6063 m<sup>2</sup>.

***Park Land Proposal:***

The applicants are proposing to dedicate a 1.9 ha or 19,000 m<sup>2</sup> (approximately 15% of the total site) area, which consists of a wetland and its riparian area. The applicants' agent has also confirmed that the applicants would provide a backhoe and operator for a period of one week to assist in constructing a trail corridor adjacent to the wetland area.

The park land proposal was referred to the Electoral Area 'A' Parks and Green Space Advisory Committee on January 20, 2005 and presented at a Public Information Meeting held on January 26, 2005.

**ALTERNATIVES**

1. To accept the offer of park land in the amount and location as set out in Schedule No. 1 of the staff report.
2. To not accept the offer of park land in the amount and location as proposed and instead require the applicants to dedicate park land in a different location and amount.
3. To not accept the park land proposal as submitted and require the applicants to provide 5% cash-in-lieu of park land.

**DEVELOPMENT IMPLICATIONS**

***Official Community Plan Implications***

Where the official community plan contains policies and designations respecting the location and type of future parks, the local government may determine whether the owner must provide land or cash or a combination of both. The Electoral Area 'A' OCP contains park land related policies, which stipulate that park land is desirable where preferred criteria may be met such as waterfront access, environmentally sensitive areas, providing trail linkages, preserving viewpoints, or providing sites for passive outdoor recreation activities. In this case, the proposed park land includes a wetland and its adjacent riparian area, which is partially vegetated with native plantings. There is opportunity to provide a trail corridor and a viewing platform. The main access is proposed to be off the proposed cul-de-sac road. Therefore, this proposal meets a number of the criteria of OCP.

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

The proposal for park land shown on *Attachment No. 2* was referred to the Electoral Area 'A' Parks and Green Space Advisory Committee. The Committee recommended the park land dedication of the wetland with minor boundary changes. The Advisory Committee provided the following recommendation (*see Attachment No. 2 for Advisory Committee comments*):

- That park land is supported to include the wetland area as measured from the top of the bank along the north and west side and 15 metres from the natural boundary along the south and east sides.
- That trail development along west and north of wetland would be difficult and is not desirable as these areas are steep and removal of considerable native vegetation would be required. As a

result, the Committee proposes focusing on trail development along the eastern edge of the wetland in collaboration with developer.

- That it is suggested that a destination trail with observation platform at the north end and picnic area to the south (near the end of the proposed cul-de-sac) be considered.

These comments from the Advisory Committee were included with the information circulated at the Public Information Meeting.

#### ***Proposed Road Closure Implications***

As part of the subdivision proposal, the applicants are requesting a portion of the dedicated road (not constructed) be exchanged for dedication of a portion of the cul-de-sac road. Comments received at the Public Information Meeting from an adjacent landowner included a preference that the road right-of-way remains open. Ministry of Transportation staff indicated that they support the road closure as the road cannot be connected due to the location of the wetland area. Ministry staff also indicated that the adjacent owner may apply to buy a portion of road. Staff relayed this information to the property owner. If the adjacent owner purchases a portion of the road, other than minor adjustments, the subdivision layout, as proposed, is not expected to change.

#### **PUBLIC IMPLICATIONS**

A Public Information Meeting (PIM) was held on January 26, 2005. Twenty-three (23) persons attended this meeting. A park land-related issue was raised concerning the availability of vehicle parking for park land visitors. No other alternative park land site was suggested by the public. *(see Attachment No. 3 for Minutes of Public Information Meeting).*

#### **ENVIRONMENTAL / PARK LAND IMPLICATIONS**

Based on the size of the parcel, the maximum amount of park land the Regional Board may request (5%) would be approximately 6065 m<sup>2</sup>. The applicant is offering to dedicate 1.9 ha (19000 m<sup>2</sup>) or approximately 15% of the total area of the parent parcel. The park land proposal encompasses a wetland area and its 15.0 metre riparian area as measured from the natural grade. The Advisory Committee recommended a portion of the proposed park land be measured from the top of the bank, and not include the entire 15-metre riparian area as defined in the development permit area. Staff feel that the entire 15-metre riparian area should be included in the park land as this will ensure better protection of the wetland and allow for the possibility of future trail access around the park land area. This would also eliminate a portion of the development permit area being situated within private property. If the park land were dedicated to include the 15-metre riparian area, a development permit would not be required. The development permit guidelines also provide an exemption where trail construction is being done provided it is approved by the Regional District. The applicants have offered to provide a backhoe and operator for a period of one week to assist with the trail construction. In addition, the applicants are in concurrence to redefine the 15-metre boundary as measured from the natural boundary of wetland along the east boundary of the proposed park land in order to ensure the trail can be easily built in that location. The applicants are also in concurrence to adjust a portion of the park land to the north to coincide with the north lot line, which will give a more uniform boundary line.

Staff feel that it would be advantageous to have the trail built concurrently with the subdivision, as that would establish the park land use prior to the proposed parcels being sold. The applicants are in concurrence with the building of the trail during the construction of the subdivision and will work with RDN Recreation and Parks staff to coordinate this trail project.

With respect to the public comments about the need for parking, as this proposed park land is a passive park, vehicular traffic is not expected to be high. However, it may be possible to have 2 pull-in vehicle spaces located at the access area. In addition, the proposed cul-de-sac road should be able to support 2 or 3 vehicles.

The proposed park land area contains a statutory right-of-way in favour of the Greater Nanaimo Water District. The applicants have spoken with the Water District staff, which indicated they have no issues with the park land proposal. It is noted that, as park land is not titled, the transfer of land must be made as a fee simple parcel to the Regional District.

### **FINANCIAL IMPLICATIONS**

The subject property has an assessed value of \$393,900.00 according to the 2005 assessment roll (not including the proposed area of the proposed road closure). The valuation of the property for 5% cash-in-lieu of park land charges would be based on a certified appraisal of the land at the time of preliminary subdivision approval (PLA). Therefore, if cash-in-lieu of park land were to be required, it is anticipated that the appraised market value would result in an approximately \$19,695.00 contribution (based on a full 5%) to Electoral Area 'A' community parks fund.

With respect to the proposed trail construction, Recreation and Parks Department staff has indicated that there will be staff time and funds available to support this construction. Staff note that the cost of supplying a machine and operator, which the applicants have offered, is usually the most expensive component in the overall cost of building a trail.

### **VOTING**

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

### **SUMMARY**

This is a request for consideration of park land dedication as part of a 22-lot subdivision development for properties located in the Cedar area of Electoral Area 'A'. The Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001 contains park land evaluation criteria which supports the proposal.

The park land proposal, as submitted by the applicants, was referred to the Electoral Area 'A' Parks and Green Space Advisory Committee, which supports the dedication of a trail corridor as proposed by the applicants with minor boundary adjustments and some comments for value added works. Staff support the inclusion of the 15-metre riparian area, as measured from the natural grade, as this will coincide with the area of the Streams, Nesting Trees, and Nanaimo River Floodplain Development Permit Area. In addition, the applicants have offered to donate a backhoe and operator for a period of one week to assist in the trail building through the proposed park land.


A Public Information Meeting was held on January 26, 2005 with respect to this park land proposal. Park land related comments including a concern for available vehicular parking for park users. As this proposed park land is for passive use, vehicular traffic is not expected to be high. However, it may be possible to designate 2 pull-in vehicle spaces located at the access area if needed at a future date. In addition, the proposed cul-de-sac road should be able to support 2 or 3 vehicles.

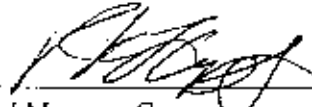
Therefore, given that the applicants are in concurrence to adjust the final park land boundary along the north and east boundaries of the park land, that the applicants will provide assistance in the construction of a trail through the park land, and as the Electoral Area 'A' Parks and Green Space Advisory Committee

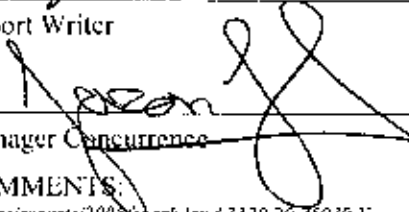
supports the dedication of the wetland as park, staff recommends Alternative No. 1 to accept the park land dedication proposal as outlined in Schedule No. 1 of the staff report.

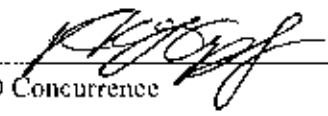
**RECOMMENDATION**

That the park land proposal submitted by Newcastle Engineering Ltd., on behalf of Woodridge Holdings Ltd. & H. Bhatti in conjunction with the subdivision of Lot 1, Section 17, Range 8, Part of the South ½ of Section 17, Range 8, With Exceptions; and Road Closure; All of Cranberry District be accepted subject to the conditions and as outlined in Schedule No. 1 of the staff report.

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

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

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

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

COMMENTS:  
*Devs/reports/2005/park land 3320 20 25989 Newcastle Eng. doc*

**Schedule No. 1  
Park Land Dedication and Conditions**

In conjunction with the subdivision application for the property legally described as Lot 1, Section 17, Range 8; Part of the South ½ of Section 17, Range 8. Except Parts in Plan 7978, 1337R, 2735 RW, and VIP62879; and Road Closure, All of Cranberry District

1. The park land area, as shown on Schedule No. 2 and with the minor adjustments outlined in No. 2 of Schedule No. 1, shall be transferred to the Regional District for park purposes.
2. The applicants will adjust the boundary of park land, in consultation with RDN staff, as follows:
  - a) along the east side to ensure that a trail corridor can be constructed. Note that the park land boundary shall not be measured less than 15 metres from the natural boundary of the wetland;
  - b) along the north side of the park land to coincide with the original boundary line where practical; and
  - c) the access from the proposed cul-de-sac.

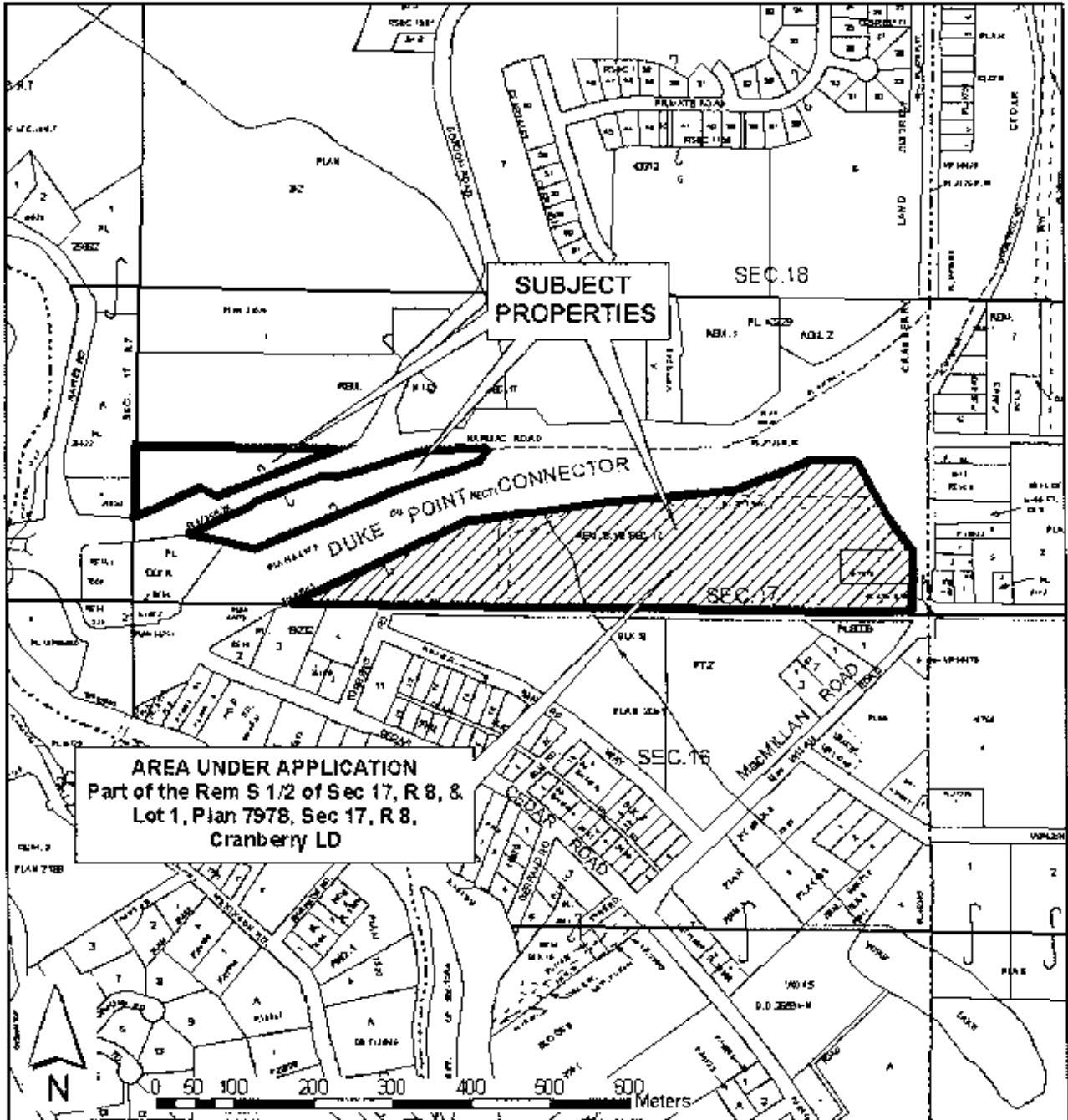
Applicants' survey to verify these adjustments.

3. The applicants have offered to assist the Regional District in the construction of a trail corridor through the proposed park land by providing a backhoe and operator for a period of 1 week. The applicants are requested to contact the Recreation and Parks Department for coordinating the construction of the trail corridors.





Attachment No. 1  
Location of Subject Property



Attachment No. 2  
Correspondence from the Electoral Area 'A' Parks & Green 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:

**Lot 1, Section 17, Range 8, Part of the South ½ of Section 17, Range 8, Except Parts in Plan 7978, 1337R, 2735 RW, and VIP62879, and Road Closure, All of Cranberry District,**

and located at **MacMillan Road, Electoral Area 'A'.**

Attachments:

- ✓ Location map
- ✓ Park Proposal Map
- ✓ Other - Referral memo from RIDN Planner, copy of Parkland Dedication Policy, excerpt from OCP.

The Electoral Area 'A' Parks and Green 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:

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

Comments:

*Do not support park land in the amount and location as proposed*

*We support the idea of parkland as opposed to cash in-lieu. However, trail development along west and north of wetland would be difficult and not desirable as these areas are steep and removal of considerable native vegetation would be required. We propose focusing on trail development along eastern edge of wetlands in collaboration with developer. We suggest a destination trail with observation platform at north end and picnic area to the south (near end of proposed cul-de-sac).*

**Judy Burgess**  
Chairperson

Secretary

Regular Committee meeting held January 20, 2005.  
Site meeting held on (date): January 22, 2005.

**Attachment No. 3  
Minutes of a Public Information Meeting**

**Held at the Woodbank Elementary School Gymnasium  
1984 Woodbank Road, Nanoose Bay on January 26, 2005 at 7:00 pm  
Subdivision Applications No. 26022 & 25989**

**For the properties legally described as**

- **Lot 1, Section 12, Range 2, Cedar District, Plan VIP53334, Except Part in Plans VIP64754, VIP71957, & VIP73838**
- **Lot 1, Section 17, Range 8, Cranberry District and Part of the South ½ of Section 17, Range 8, Except Parts in Plan 7978, 1337R, 2735 RW, and VIP62879, Cranberry District and Proposed Road Closure**

*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 23 persons

**For the Applicant:**

Jim Radzuil, Subdivision Application No. 26022

Rod Smith, Subdivision Application No. 25989

**For the RDN:**

Chair: Director Henrik Kreiberg

Susan Cormie, Senior Planner

The Chair opened the meeting at 7:01 pm and followed with greetings to the public and an introduction of the staff and applicants' agent.

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

The Senior Planner provided the statutory provisions and gave an overview of the proposal.

The Chair then asked the applicants' agent for Subdivision Application No, 26022 to give a summary of the park land proposal.

Jim Radzuil, the applicant for Subdivision Application No. 26022, provided a description of the park land proposal highlighting that the original park land proposal is to provide a trail corridor between proposed Lots 5 and 6, which would connect Yellow Point Road and the schools. Mr. Radzuil stated that a second trail recommended by the Advisory Committee between proposed Lots 1 and 2 would be located next to septic fields and would only reduction the walking distance by about 50 metres. Mr. Radzuil also stated that he felt the proposed trail is not in a good location where people meeting traffic is not desirable.

The Chair then invited comments and questions from the audience with respect to the park land proposal for Subdivision Application No. 26022.

Armand Gantner, 2048 Storey Road stated that the proposed trails are no benefit, especially the one onto Yellow Point Road. Mr. Ganter commented that he did not think there was a crosswalk there and asked if the RDN would maintain the trail.

The Chair explained that the trail would be constructed with a crushed rock and that the Regional District would maintain it. The Chair also clarified that there is a crosswalk at Yellow Point Road near the proposed trail.

Sheila Gourlay, 2800 Twin Oaks Drive, asked if there is any consideration to have a public walkway along Yellow Point and Cedar Roads for the children going to North Cedar School.

Mr. Radzuil explained that he couldn't dedicate park land outside his property, as it does not belong to him.

Ms. Gourlay suggested that the RDN consider this walkway along the roadways.

Joan Dunn, 2323 Brad's Lane stated that she does not see any advantage to having the trails there. Ms. Dunn felt that the trails would become another area for young people to hang out. Ms. Dunn also felt that the trails would encourage vandalism. Ms. Dunn also expressed that Yellow Point Road is treacherous as it is now. Ms. Dunn commented that the new Fire Hall property would look at providing a walkway along Yellow Point Road.

Jim Radzuil stated that walkways would expose backyards to vandalism and that the second walkway will result in pedestrian traffic coming out into the middle of a street.

Joan Moore, 463 Fiddick Road, asked if the developer was given a choice to put the walkway in different location for example onto Cedar Road.

Mr. Radzuil stated that there is not enough property to provide access onto Cedar Road.

John Dunn, 2323 Brad's Lane, stated that he agreed with the other comments that this walkway will not provide a destination route for kids going to school and that there is no advantage to having this walkway.

The Chair asked if there were any further submissions with respect to the park land proposal for Subdivision Application No. 26022. There being none, the Chair then asked the Senior Planner to provide an overview of the statutory provisions as it relates to park land provision.

The Senior Planner provided the statutory provisions and gave an overview of the proposal.

The Chair then asked the applicants' agent for Subdivision Application No. 25989 to give a summary of the park land proposal.

Rod Smith, applicants' agent for Subdivision Application No. 25989, presented an overview of the proposed park land outlining that the area consists of a natural wetland. Mr. Smith explained that the while the wetland would be protected under regulations, the applicants felt it would be better to have it as a public park for the Area residents to enjoy. Mr. Smith explained that the offer is for about 20% of the total parcel size, which is well above the required 5%. Mr. Smith also stated that the applicants have offered to provide a backhoe and operator for a period of one week to assist with trail building within the park land.

The Chair then invited comments and questions from the audience with respect to the park land proposal for Subdivision Application No. 25989.

Richard Dutka, 1605 MacMillan Road, asked if there is going to be a public hearing for the subdivision. Mr. Dutka stated that he is concerned about the road closure next to their property because they always thought there would be a road there and not a number of houses. Mr. Dutka also asked where people are going to park their vehicles when visiting the park land? Mr. Dutka stated that he would not be happy to live in the cul-de-sac area if it was going to be full of vehicles and he did not see access to the park land as being convenient.

Mr. Smith stated that this is not the type of park land, which attracts large numbers of vehicles and people. Mr. Smith also stated that this would be a nature-type park and hopefully be part of a larger trail system some day.

Mr. Dutka commented that if it is a nature park, why a picnic table.

The Chair clarified that the Advisory Committee felt that this proposed park land would not be a destination park and that it would provide values to the community and serve the immediate neighbourhood.

Mr. Dutka stated that he felt parking needs to be sorted out and that the developer needs to look at providing at least some parking, 3 to 4 vehicles.

The Chair asked if there were any further submissions with respect to Subdivision Application No. 25989.

There being none, the Chair thanked those in attendance and closed the public information meeting.

The meeting concluded at 7:35 pm.

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Susan Cormie  
Recording Secretary



REGIONAL DISTRICT OF NANAIMO	
FEB 1 2005	
CPWR	GMCMS
	GMCrS
CAO	GMDs
	GMES
EAP ✓	

# MEMORANDUM

**TO:** Jason Llewellyn  
Manager, Community Services

**DATE:** January 31, 2005

**FROM:** Susan Cormie  
Senior Planner

**FILE:** 3320 20 26022

**SUBJECT:** Request for Acceptance of Park Land Dedication or Cash in-lieu-of Park Land & Relaxation of the Minimum 10% Frontage Requirement  
WR Hutchinson, BCLS, on behalf of Ms. L Sweeney & Ms. A Cochran c/o Rad Star Investments Inc.  
Electoral Area 'A' – Storey and Yellow Point Roads

## PURPOSE

To consider a request to accept cash-in-lieu of park land and to relax the minimum 10% perimeter frontage requirement as part of a proposed 9-lot subdivision proposal.

## BACKGROUND

This is a subdivision application, which is subject to the consideration of park land or cash-in-lieu of park land for the property legally described as Lot 1, Section 12, Range 2, Cedar District, Plan VIP53334, Except Part in Plans VIP64754, VIP71957, & VIP73838 and located adjacent to Storey and Yellow Point Roads within the Cedar area of Electoral Area 'A' (see Attachment No. 1 for location of subject property). The applicants' agent submitted a proposal offering a combination of dedication of park land and the acceptance of cash in-lieu-of park land (see Attachment No. 2 for original park land proposal). Just prior to the completion of this report, the applicant withdrew this proposal and has requested the Board consider cash-in lieu of park land.

The applicants' agent, WR Hutchinson, BCLS, is also requesting that the minimum 10% perimeter frontage requirement be relaxed for 4 of the proposed parcels.

The subject property is currently zoned Residential 2 (RS2) and is within Subdivision District 'M' (minimum 2000 m<sup>2</sup> with community water) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The applicants are proposing to subdivide the parent parcel into 9 lots, all of which are greater than 2000 m<sup>2</sup> in size, therefore meeting the minimum parcel size requirements of Bylaw No. 500 (see Attachment No. 2 for proposed subdivision). The parcels are proposed to be serviced by individual private septic disposal systems and community water supplied by the North Cedar Improvement District.

### Park Land Requirements

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 Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001 (OCP) 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 1174 m<sup>2</sup>.

**Park Land Proposal**

The applicants were proposing to dedicate a 232 m<sup>2</sup> (approximately 1.9%) trail corridor to provide pedestrian access between the proposed cul-de-sac road and Yellow Point Road. The applicants also confirmed that they were in concurrence to construct the trail and fencing on either side of the corridor. The park land proposal was referred to the Electoral Area 'A' Parks and Green Space Advisory Committee on January 20, 2005 and presented at a Public Information Meeting held on January 26, 2005.

Subsequent to the Public Information Meeting, the applicants amended their application to cash-in-lieu of park land only (*see Attachment No. 5 for correspondence*). Please note that only the original proposal for a combination of park land and cash was presented to the Electoral Area 'A' Parks and Green Space Advisory Committee and the public at the Public Information Meeting. The Advisory Committee and the public are unaware of the applicant's revisions to the application.

**Proposed Minimum 10% Frontage Relaxation Request**

Proposed Lots 2, 3, 4, and 5, 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:

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% of Perimeter</i>
2	22.2 m	20.0 m	9.0%
3	20.7 m	19.2 m	9.3 %
4	19.8 m	12.5 m	6.3 %
5	17.8 m	14.5 m(11.60 m)	8.8%(6.5 %)

Number in brackets indicates frontage with previous park land dedication proposal.

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

**ALTERNATIVES**

1. To accept the original offer of park land in the amount and location as proposed by the applicants' agent with the balance to be paid as cash-in-lieu of park land and to approve the request for the relaxation of the minimum 10% frontage requirement for proposed Lots 2, 3, 4, and 5.
2. To accept the revised application to pay 5% cash-in-lieu of park land dedication and approve the request for the relaxation of the minimum 10% frontage requirement for proposed Lots 2, 3, 4, and 5.
3. To refer the application back to staff to review the revised application with the Parks and Green Space Advisory Committee.

**DEVELOPMENT / PARK LAND IMPLICATIONS**

**Official Community Plan Implications**

Where the official community plan contains policies and designations respecting the location and type of future parks, the local government may determine whether the owner must provide land or cash or a combination of both. The Electoral Area 'A' OCP contains park land related policies which stipulate that park land is desirable where preferred criteria may be met such as waterfront access, environmentally sensitive areas, providing trail linkages, or preserving viewpoints. In this case, a trail corridor to connect with the nearby schools with the surrounding neighbourhood would meet the OCP criteria. Despite this criterion, it is noted that residents' comments received at the Public Information Meeting included that the proposed trail would not provide a route that school children would utilize. Therefore, it is acceptable that cash-in-lieu be accepted in this case.



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

While the Area 'A' Parks, Recreation and Green Space Advisory Committee supports the park land proposal as submitted, it also recommends a second trail corridor be dedicated as park land between proposed Lots 1 and 2 with the balance taken as cash-in-lieu-of park land. In addition, the Advisory Committee recommended the following value added amenities of the developer:

- fencing the trail perimeters with 4 foot chain link fence at the full 4 metre width of the trail corridors;
- constructing the trails to meet RDN Parks specifications prior to the sale of the Lots; and,
- installing barriers to restrict vehicle use of the trails are installed at each of the trail entry points. (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.

The Area 'A' Parks, Recreation and Green Space Advisory Committee are not aware of, and have not had an opportunity to comment on, the revised application to provide cash-in-lieu of park land only.

### **Lot Configuration Implications**

The requested relaxations for all the proposed parcels are necessary as these parcels are proposed to front cul-de-sac roads. Buildable site areas are available for each of the proposed parcels requiring frontage relaxation. Therefore, these cul-de-sac parcels, despite the narrower frontages, will be able to support the intended residential use.

As the park land trail is no longer proposed to be dedicated, the applicants' surveyor has indicated that the frontage for proposed Lot 5 would be increased to 15.4 metres or 8.8 % of the total perimeter frontage requirement.

### **Ministry of Transportation**

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

## **ENVIRONMENTAL IMPLICATIONS**

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

## **PUBLIC IMPLICATIONS**

A Public Information Meeting (PIM) was held on January 26, 2005. Approximately 23 persons attended this meeting. Residents opposed the park land trail for a number of reasons including safety of access onto Yellow Point Road, concerns for vandalism of neighbouring properties, and that the proposed trail will not provide a destination route for school children (see Attachment No. 4 for Minutes of Public Information Meeting). The residents are not aware of the revision to the application, as submitted by the applicant, to provide cash-in-lieu of park land.

## **FINANCIAL IMPLICATIONS**

The subject property has an assessed value of \$292,000.00 according to the 2005 assessment roll. The valuation of the property for 5% cash-in-lieu of park land charges will be based on a certified appraisal of the land at the time of preliminary subdivision approval (PIA). Therefore, it is anticipated that the appraised market value would result in an approximately \$14,600.00 contribution (based on a full 5%) to Electoral Area 'A' Community Parks Fund. If the trail corridor, as originally proposed by the applicants, were dedicated, approximately 3.1 % or \$9,050.00 would be required as cash-in-lieu-of park land. If the

additional trail corridor, as recommended by the Advisory Committee, were dedicated, approximately 1.2% or \$3,500.00 would be required as cash in-lieu-of park land.

## VOTING

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

## SUMMARY

The *original* request was for consideration of a combination of park land dedication and cash in-lieu-of park land as part of a 9-lot subdivision development and to relax of the minimum 10% perimeter frontage requirement for 4 of the proposed parcels. The Electoral Area 'A' Parks and Green Space Advisory Committee supported the dedication of the trail corridor and recommended a second trail corridor between proposed Lots 1 and 2 in order to provide a more direct access route. At the Public Information Meeting held on January 26, 2005 the trail corridor was not positively received. Residents commented that the trail corridor would not provide a destination route for school children and there was concern related to safety issues for people using the corridor and the increased possibility of vandalism in the neighbourhood.

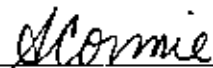
Subsequent to the referral to the Parks and Green Space Advisory Committee and Public Information Meeting, the applicants submitted a *revised* request offering cash in-lieu-of park land only.

With respect to the minimum 10% perimeter frontage requirement, the applicants' agent has supplied information supporting buildable site areas for these proposed parcels. The Ministry of Transportation staff has indicated that they have no objection to the request for the proposed minimum 10% frontage relaxations.

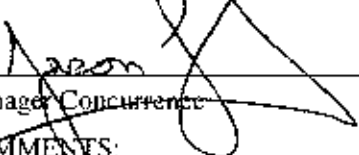
Therefore, given that the public concerns with safety of pedestrians using the trail due to its proximity to Yellow Point Road and buildable site area are available for the proposed cul-de-sac lots, staff recommends Alternative No. 2 to require cash in-lieu-of park land and accept the request for relaxation of the minimum 10% frontage requirement for proposed Lot 2, 3, 4, and 5 as shown on the submitted plan of subdivision. It is again noted that the Electoral Area 'A' Parks and Green Space Advisory Committee have not had an opportunity to provide input on the proposal to not provide any park land dedication.

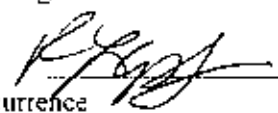
## RECOMMENDATION

That the offer to provide 5% cash in-lieu-of park land and the request for relaxation of the minimum frontage requirement for proposed Lots 2, 3, 4, and 5 submitted by WR Hutchinson, BCLS, on behalf of Ms. L. Sweeney & Ms. A Cochran c/o Rad Star Investments Inc. in conjunction with the subdivision of Lot 1, Section 12, Range 2, Cedar District, Plan VIP53334, Except Part in Plans VIP64754, VIP71957, & VIP73838, be approved.

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

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

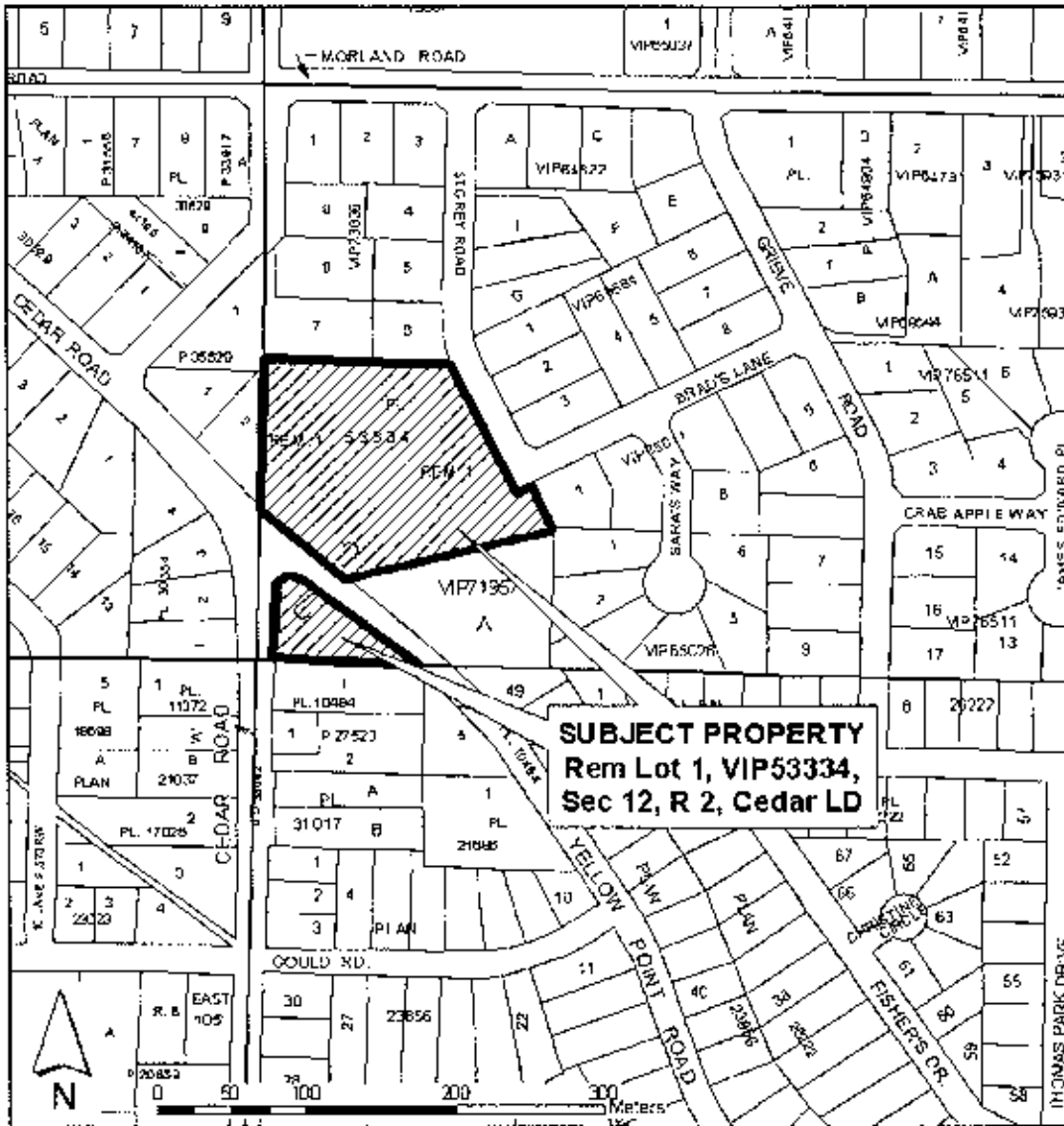
  
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Manager Concurrence

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

## COMMENTS:

*Devsrs/reports/2005/cp\_park\_land\_10%\_3320\_20\_26022\_RadStarHutchinson.doc*

Attachment No. 1  
Location of Subject Property



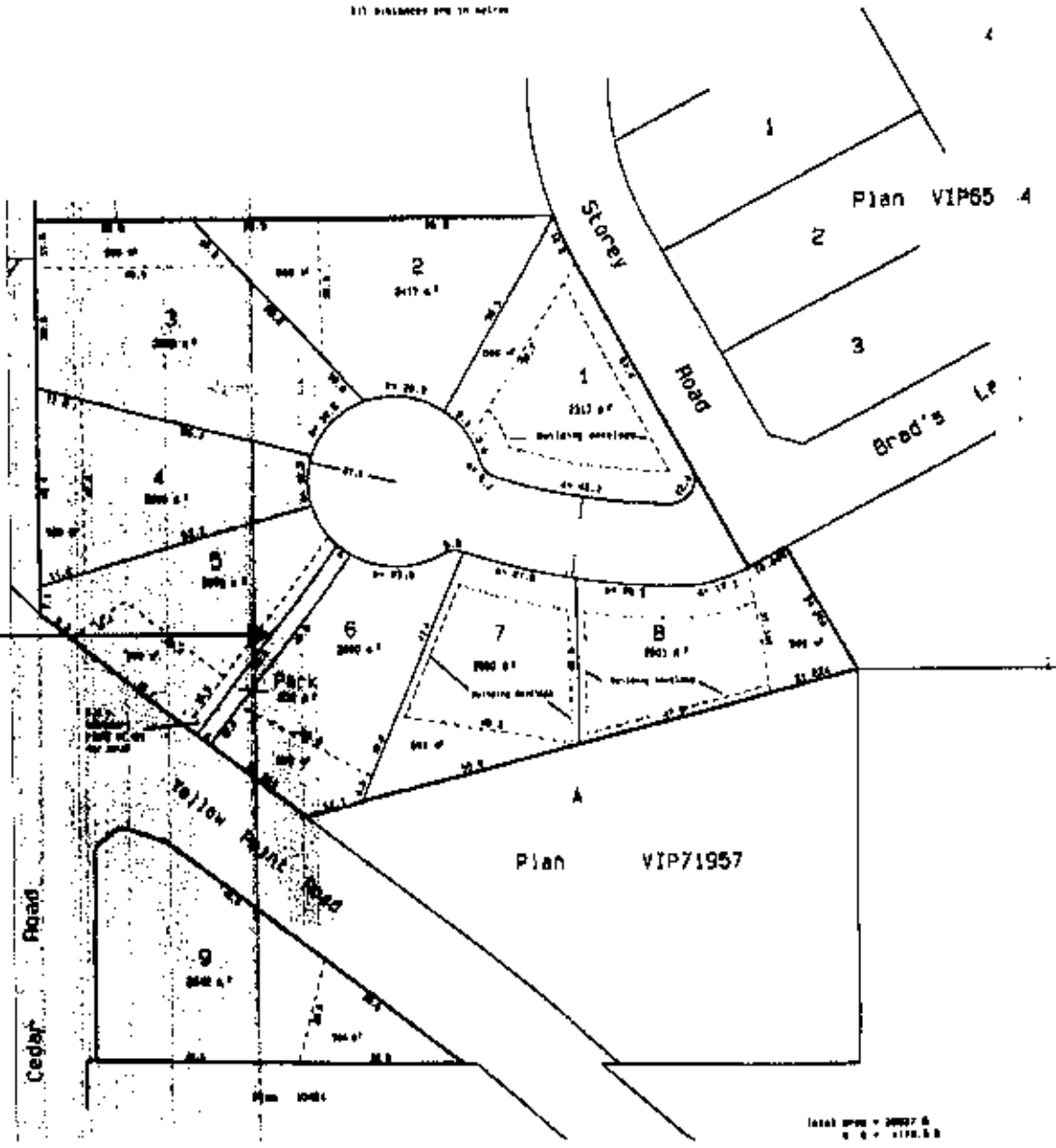
BOGS Map Sheet No. 926.011 21

Attachment No. 2  
Proposed Subdivision

SCALE 1:750  
10 5 0 5 10  
ALL DIMENSIONS ARE IN METERS



Park land  
as proposed  
by applicant



Total area = 20000 m<sup>2</sup>  
of which = 11000 m<sup>2</sup>

**Attachment No. 3**  
**Correspondence from the Electoral Area 'A' Parks & Green 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:

**Lot 1, Section 12, Range 2, Cedar District, Plan VIP53334, Except Part in Plans VIP64754, VIP71957, & VIP73838,**

ad located at **Yellow Point Road and Storey Road, Electoral Area 'A'.**

Attachments provided:

- ✓ Location map
- ✓ Park Proposal Map
- ✓ Other: Referral memo from RDN Planner, copy of Parkland Dedication Policy, excerpt from OCP.

The Electoral Area 'A' Parks and Green 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:

- ✓ Do not support parkland in the amount and location as proposed.

Comments:

*The Committee DOES NOT support the parkland in the amount and location shown.*

*In addition to the trail corridor proposed (between Lots 5 & 6j, the Committee requests another trail corridor between Lots 1 & 2 to link directly with Storey Road.*

*Furthermore, the Committee requests the developer fences the trail perimeters with 4 foot chain link fence at the full 4 metre width of the trail corridors, and that the trail is constructed by the developer to meet RDN Parks specifications prior to the sale of the Lots, and that barriers to restrict vehicle use of the trails are installed at each of the trail entry points.*

**Judy Burgess**  
Chairperson

**Jeff Ainge (acting Secretary)**  
Secretary

Meeting held on January 20, 2005.

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

**Held at the Woodbank Elementary School Gymnasium  
1984 Woobank Road, Nanoose Bay on January 26, 2005 at 7:00 pm  
Subdivision Applications No. 26022 & 25989**

**For the properties legally described as**

- **Lot 1, Section 12, Range 2, Cedar District, Plan VIP53334, Except Part in Plans VIP64754, VIP71957, & VIP73838**
- **Lot 1, Section 17, Range 8, Cranberry District and Part of the South ½ of Section 17, Range 8, Except Parts in Plan 7978, 1337R, 2735 RW, and VIP62879, Cranberry District and Proposed Road Closure**

*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 23 persons

**For the Applicant:**

Jim Radzui, Subdivision Application No. 26022

Rod Smith, Subdivision Application No. 25989

**For the RDN:**

Chair: Director Henrik Kreiberg

Susan Cormie, Senior Planner

The Chair opened the meeting at 7:01 pm and followed with greetings to the public and an introduction of the staff and applicants' agent.

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

The Senior Planner provided the statutory provisions and gave an overview of the proposal.

The Chair then asked the applicants' agent for Subdivision Application No. 26022 to give a summary of the park land proposal.

Jim Radzui, the applicant for Subdivision Application No. 26022 provided a description of the park land proposal highlighting that the original park land proposal is to provide a trail corridor between proposed Lots 5 and 6, which would connect Yellow Point Road and the schools. Mr. Radzui stated that a second trail recommended by the Advisory Committee between proposed Lots 1 and 2 would be located next to septic fields and would only reduction the walking distance by about 50 metres. Mr. Radzui also stated that he felt the proposed trail is not in a good location where people meeting traffic is not desirable.

The Chair then invited comments and questions from the audience with respect to the park land proposal for Subdivision Application No. 26022.

Armand Gantner, 2048 Storey Road stated that the proposed trails are no benefit, especially the one onto Yellow Point Road. Mr. Gantner commented that he did not think there was a crosswalk there and asked if the RDN would maintain the trail.

The Chair explained that the trail would be constructed with a crushed rock and that the Regional District would maintain it. The Chair also clarified that there is a crosswalk at Yellow Point Road near the proposed trail.

Sheila Gourlay, 2800 Twin Oaks Drive, asked if there is any consideration to have a public walkway along Yellow Point and Cedar Roads for the children going to North Cedar School.

Mr. Radzuil explained that he couldn't dedicate park land outside his property, as it does not belong to him.

Ms. Gourlay suggested that the RDN consider this walkway along the roadways.

Joan Dunn, 2323 Brad's Lane, stated that she does not see any advantage to having the trails there. Ms. Dunn felt that the trails would become another area for young people to hang out. Ms. Dunn also felt that the trails would encourage vandalism. Ms. Dunn also expressed that Yellow Point Road is treacherous as it is now. Ms. Dunn commented that the new Fire Hall property would look at providing a walkway along Yellow Point Road.

Jim Radzuil stated that walkways would expose backyards to vandalism and that the second walkway will result in pedestrian traffic coming out into the middle of a street.

Joan Moore, 463 Fiddick Road, asked if the developer was given a choice to put the walkway in different location for example onto Cedar Road.

Mr. Radzuil stated that there is not enough property to provide access onto Cedar Road.

John Dunn, 2323 Brad's Lane, stated that he agreed with the other comments that this walkway will not provide a destination route for kids going to school and that there is no advantage to having this walkway.

The Chair asked if there were any further submissions with respect to the park land proposal for Subdivision Application No. 26022. There being none, the Chair then asked the Senior Planner to provide an overview of the statutory provisions as it relates to park land provision.

The Senior Planner provided the statutory provisions and gave an overview of the proposal.

The Chair then asked the applicants' agent for Subdivision Application No. 25989 to give a summary of the park land proposal.

Rod Smith, applicants' agent for Subdivision Application No. 25989, presented an overview of the proposed park land outlining that the area consists of a natural wetland. Mr. Smith explained that while the wetland would be protected under regulations, the applicants felt it would be better to have it as a public park for the Area residents to enjoy. Mr. Smith explained that the offer is for about 20% of the total parcel size, which is well above the required 5%. Mr. Smith also stated that the applicants have offered to provide a backhoe and operator for a period of one week to assist with trail building within the park land.

The Chair then invited comments and questions from the audience with respect to the park land proposal for Subdivision Application No. 25989.

Richard Dutka, 1605 MacMillan Road, asked if there is going to be a public hearing for the subdivision. Mr. Dutka stated that he is concerned about the road closure next to their property because they always thought there would be a road there and not a number of houses. Mr. Dutka also asked where are people going to park their vehicles when visiting the park land. Mr. Dutka stated that he would not be happy to live in the cul-de-sac area if it was going to be full of vehicles and he did not see access to the park land as being convenient.

Mr. Smith stated that this is not the type of park land, which attracts large numbers of vehicles and people. Mr. Smith also stated that this would be a nature-type park and hopefully be part of a larger trail system some day.

Mr. Dutka commented that if it is a nature park, why a picnic table.

The Chair clarified that the Advisory Committee felt that this proposed park land would not be a destination park and that it would provide values to the community and serve the immediate neighbourhood.

Mr. Dutka stated that he felt parking needs to be sorted out and that the developer needs to look at providing at least some parking, 3 to 4 vehicles.

The Chair asked if there were any further submissions with respect to Subdivision Application No. 25989. There being none, the Chair thanked those in attendance and closed the public information meeting.

The meeting concluded at 7:35 pm.

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Susan Cormie  
Recording Secretary



**Attachment No. 5  
Correspondence from the Applicant Outlining Revised Offer**

*Note: this correspondence was received following the referral to the Parks and Green Space Advisory Committee and the Public Information Meeting held on January 26, 2005, which the original offer to give a combination of park land dedication and cash in-lieu-of park land*

**RAD-STAR INVESTMENTS INC**

1479 ROSE ANN DRIVE, NANAIMO, B.C. V9T 4L3

January 31, 2005,

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

To: Susan Cormie, Senior Planner  
Henrik Kreiberg, Area 'A' Director

**RE: PARKLAND REQUIREMENTS FOR PROPOSED SUBDIVISION OF LOT 1, SECTION 12, RANGE 2 PLAN VIP 53334 EXCEPT PART IN PLANS VIP64754, VIP71957 AND VIP 73838, PID: 017-551-935 CEDAR DISTRICT.**

In order to complete parkland requirements for this subdivision I am requesting we return to my original proposal (Dated November 18<sup>th</sup>, 2004, sent with my application fee of \$1800 to Susan Cormie) and exercise a cash-in-lieu parkland dedication.

It is obvious from the public meeting and subsequent interactions with local residents, there are a number of negative points related to the walkway proposal onto Yellow Point Road. These include:

- o *Dangerous entrance onto Yellow Point Road Expressed by all individuals at Public Meeting*
- o *Concern for safety of back yards in the area. Concern expressed by Block Parent alternate*
- o *Multiple streams of pedestrians entering Yellow Point - Cedar Intersection where traffic has only been increased by proposed fire hall*
- o *Injection of pedestrians and cyclists in an intersection which has been deemed extremely dangerous by Insurance Corporation of British Columbia*
- o *Injection of pedestrians and cyclists into the middle of an intersection which is surrounded by automobiles*

It is also obvious there were a number of negatives in any walkway interest between lots 1 and 2 of the proposed subdivision. These include:

- o *Dangerous exit onto the middle of Grieve Road in a sweeping curve in the road. Cars not expecting to stop or slow in the middle of the curve.*
- o *Concern for safety of back yards in the area. Concern expressed by Block Parent alternate*
- o *Topography lends itself to a bike run down the hill into cul-de-sac*

- o *Near only available septic sites on Lot 1, sites can not be moved due to breakout potential into ditches in other area of the lot.*
- o *Only saves approximately 55 meters in walking distance. This is both a large construction and maintenance expense for a short path.*
- o *Impact on neighbors who purchased a quite rural lot and not a walkway area. Concern expressed by adjacent residents.*

I am concerned by the strong public backlash against these walkways and urge the Regional District of Nanaimo to carry forward with my request for cash-in-lieu to meet my parkland requirement.

Sincerely,

James Radziul