

REGIONAL DISTRICT OF NANAIMO
ELECTORAL AREA PLANNING COMMITTEE
TUESDAY, JUNE 14, 2005
6:00 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

INTRODUCTION

Introduction of Mr. Gabriel Daluos, Mr. Isaac Amankwah, Mr. Godson Ehorke from the Sunyani Municipal Assembly, Ms. Gladys Tetteh, Program Officer for the National Association of Local Authorities of Ghana, and Ms. Edith Gingras, Program Officer for the Federation of Canadian Municipalities.

DELEGATIONS

- 3 Jerry Bordian & Michael Rosen re Development Variance Permit Application No. 90514 – Request for Acceptance of Land for Park Land Purposes; & Request for Relaxation of the Minimum 10% Frontage Requirement – Michael Rosen on behalf of Island Creekside Properties LP – off Jingle Pot Road – Area D.

MINUTES

- 4-8 Minutes of the Electoral Area Planning Committee meeting held Tuesday, May 10, 2005.

BUSINESS ARISING FROM THE MINUTES

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

- 9-15 Development Permit Application No. 60511 – Yochim – Marshall Road – Area H.
- 16-25 Development Permit Application No. 60517 – Robalta Holdings – Shoreline Drive – Area H.
- 26-33 Development Permit Application No. 60518 – Keith Brown & Associates on behalf of 703262 BC Ltd. – 1922 Schoolhouse Road – Area A.
- 34-39 Development Permit Application No. 60519 – Lightfoot – 6208 Island Highway West – Area H.
- 40-49 Development Permit Application No. 60520 – Kadyshevich/Carniato – 2281 Widgeon Road – Area H.
- 50-57 Development Permit Application No. 60521 – Moeng and Tough – 3692 Horne Lake Caves Road – Area H.

58-70 Development Permit Application No. 60522 – Duval/Fern Road – 5387 Deep Bay Road – Area H.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

71-81 Development Variance Permit Application No. 90514 – Request for Acceptance of Land for Park Land Purposes; and Request for Relaxation of the Minimum 10% Frontage Requirement – Michael Rosen on behalf of Island Creekside Properties LP – off Jingle Pot Road – Area D.

OTHER

82-159 Electoral Area 'E' Draft Official Community Plan – Bylaw No. 1400.

160-166 Review of Resource and Forest Land Subdivision Regulations.

167-180 Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285 – Finetuning Project ALR Properties.

181-193 Electoral Area 'F' – Delegation of Authority for Non-Farm Uses.

194-198 Request for Acceptance of Cash in Lieu of Park Land Dedication – Leigh Millan, BCLS, on behalf of D and H Stimpson – Gould Road – Area A.

199-201 Request for Acceptance of Dedication of Park Land – RG Fuller & Associates, on behalf of Land & Water BC – Alberni Highway – Area F.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

IN CAMERA

ADJOURNMENT

Burgoyne, Linda

From: Michael Rosen [mailto:mrosen@jgpl.com]
Sent: Thursday, June 02, 2005 2:11 PM
To: Burgoyne, Linda
Cc: [mailto:mrosen@jgpl.com]; Cormie, Susan
Subject: Request Delegation - June 14th Electoral Area Planning Committee

ATTENTION: MAUREEN PEARSE

Hi Maureen. Jerry Bordian and myself would like to appear in front of the Electoral Area Planning Committee as a delegation on June 14th. We have an item on the Agenda pertaining to a subdivision application on Jingle Pot Road, called Benson Meadows, that Susan Cormie is handling. Please confirm that our request has been accepted, and at what time we would be on. Thank you.

Michael Rosen

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, MAY 10, 2005, AT 6:15 PM
IN THE RDN BOARD CHAMBERS**

Present:

Director E. Hamilton	Chairperson
Director H. Kreiberg	Electoral Area A
Director D. Haime	Electoral Area D
Director G. Holme	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	Deputy Administrator
J. Llewellyn	Manager of Community Planning
N. Tonn	Recording Secretary

DELEGATIONS

Hans Zychlinski, re Nanoose Official Community Plan.

Mr. Zychlinski raised his concerns with respect to a proposed large mall development to be located at the corner of East Island Highway and Northwest Bay Road.

LATE DELEGATIONS

MOVED Director Holme, SECONDED Director D. Haime, that two late delegations be permitted to address the Committee.

CARRIED

Mike Gray, re Nanoose Bay Official Community Plan.

Mr. Gray, speaking on behalf of the Coastal Property Owners Committee, thanked Board members, staff and Director Holme in particular, for listening to the concerns of the residents of Nanoose Bay during the Official Community Plan public consultation process.

Diane Pertson, re Nanoose Bay Official Community Plan.

Ms. Pertson raised a number of concerns with respect to the draft Nanoose Bay OCP and noted that she would provide staff a written list as soon as possible.

MOVED Director Stanhope, SECONDED Director Bartram, that the delegations be received.

CARRIED

MINUTES

MOVED Director Stanhope, SECONDED Director Bartram, that the minutes of the Electoral Area Planning Committee meeting held April 12, 2005 be adopted.

CARRIED

COMMUNICATION/CORRESPONDENCE

Michael Jessen, re Development Permit Application No. 60512 – Gardiner – Viking Way – Area G.

MOVED Director D. Haime, SECONDED Director Holme, that the correspondence from Michael Jessen with respect to Development Permit Application No. 60512 be received.

CARRIED

Dave Edgar, Ministry of Transportation, re Nanoose Bay Official Community Plan.

MOVED Director D. Haime, SECONDED Director Holme, that the correspondence from the Ministry of Transportation with respect to road network plans within the Nanoose Bay OCP, be received.

CARRIED

Karen Pelletier, Canuck Properties Ltd., re Nanoose Bay Official Community Plan.

MOVED Director D. Haime, SECONDED Director Holme, that the correspondence from Karen Pelletier with respect to an application for a proposed development at the Island Highway and Northwest Bay Road, be received.

CARRIED

Ross Peterson, Northwest Nanoose Residents Association, re Nanoose Bay Official Community Plan.

MOVED Director D. Haime, SECONDED Director Holme, that the correspondence from the Northwest Nanoose Residents Association with respect to the Nanoose Bay OCP be received.

CARRIED

W.R. Colclough, re Nanoose Bay Official Community Plan.

MOVED Director D. Haime, SECONDED Director Holme, that the correspondence from W.R. Colclough with respect to the Nanoose Bay Official Community Plan be received.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. ZA0416 – Williamson & Associates, BCLS, on behalf of Sanway Inc. – Claudet Road – Area E.

MOVED Director Holme, SECONDED Director Kreiberg,:

1. That the minutes of the Public Information Meeting held on April 25, 2005 be received.
2. That Zoning Amendment Application No. ZA0416 as submitted by Williamson & Associates, BCLS, on behalf of Sanway Investments Inc. to rezone Lot B, District Lot 84, Nanoose District, Plan VIP53591 from Resource Management 3 Subdivision District B (RM3B) to Comprehensive Development Zone 26 (CD26) 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 No. 500.309, 2005" be given 1st and 2nd reading.
4. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.309, 2005" proceed to Public Hearing.

5. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.309, 2005" be delegated to Director Holme or his alternate.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60509 – Heck – 1885 & 1879 Widgeon Road – Area H.

MOVED Director Bartram, SECONDED Director D. Haime, that Development Permit Application No. 60509 with variance, submitted by Brian and Camilla Heck, for 1885 & 1879 Widgeon Road to legalize the siting of the gazebo and attached deck within the Hazard Lands Development Permit Area be approved, subject to the terms identified in Schedule No. 1 and notification procedures pursuant to the *Local Government Act*.

CARRIED

Development Permit Application No. 60512 – Gardiner – 579 Viking Way – Area G.

MOVED Director Stanhope, SECONDED Director Holme, that Development Permit Amendment Application No. 60512, to vary the minimum front and exterior lot line setback requirements of the Residential 5 (RS5) zone from 8.0 metres to 6.1 metres and from 8.0 metres to 6.0 metres respectfully, to permit the construction of a dwelling unit at 579 Viking Way be approved subject to the terms outlined in Schedule No. 1, and notification requirements pursuant to the *Local Government Act*.

CARRIED

Development Permit Application No. 60514 – Jorgensen – Osmond Ltd. – Grant – 1416 Reef Road – Area E.

MOVED Director Holme, SECONDED Director Kreiberg, that Development Permit Application No. 60514, submitted by agent Peter Jorgensen of Jorgensen-Osmond Ltd., on behalf of Ray Grant, for 1416 Reef Road to allow the construction of a deck, the replacement of beach access stairs and the reconstruction and replanting of a bank, with variances for the deck and stairs, according to the terms outlined in Schedule No. 1, be approved, subject to the notification requirements; and that Development Permit Application No. 60449 be issued upon completion of the following items:

1. The Geotechnical Report prepared by Lewkowich Geotechnical Engineering Ltd., dated May 26, 2004, and subsequent reports are required to be registered on Title;
2. The applicants shall enter into a Restrictive Covenant saving the Regional District of Nanaimo harmless from any action or loss that might result from hazardous conditions and acknowledging the land slip and slope retrogression risk associated with the use of the property to the satisfaction of the Regional District.

CARRIED

Development Permit Application No. 60515 – BC Conservation Foundation on behalf of Fisheries and Oceans Canada – Part of Block 1462 (Cameron Lake) – Area F.

MOVED Director Biggemann, SECONDED Director D. Haime, that Development Permit Application No. 60515 submitted by the British Columbia Conservation Foundation on behalf of the Department of Fisheries and Oceans for the property legally described as Part of Block 1462, located at the east outlet of Cameron Lake within Electoral Area 'F' be approved, subject to the terms outlined in Schedule No. 1.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90507 – Wylie – 5040 Seaview Drive – Area H.

MOVED Director Bartram, SECONDED Director Kreiberg, that Development Variance Permit Application No. 90507, submitted by Vivian and Pamela Wylie, to vary “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” as outlined on Schedule No. 1 to legalize the existing single dwelling unit, accessory building and footbridge according to the Terms of Schedule No. 2, be approved subject to the notification procedures pursuant to the *Local Government Act*, and that Development Variance Permit Application No. 90507 be issued upon completion of the following item:

- a) The applicants must register the save harmless clause and the vegetation restoration plan dated March 27, 2005 prepared by Sector Environmental Resource Consulting, as a Section 219 covenant on the title of the subject parcel.

CARRIED

Development Variance Permit Application No. 90512 – J & J Stevenson and S & J Bentley – Fourneau Road – Area G.

MOVED Director Stanhope, SECONDED Director Biggemann, that Development Variance Permit Application No. 90512, submitted by S. & J. Bentley and J. & J. Stevenson, to reduce the original parcel size of one of the subject properties by more than 20%, to facilitate a boundary adjustment proposal at 425 Fourneau Way be approved subject to the terms in Schedule No. 1 and subject to notification procedures pursuant to the *Local Government Act*.

CARRIED

Development Variance Permit Application No. 90513 – Simonds/Winter – 787 Terrien Way – Area G.

MOVED Director Stanhope, SECONDED Director Bartram, that Development Variance Permit Application No. 90513, submitted by Robert Simonds and B. Leigh Winter, for 783 and 787 Terrien Way to vary “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” as identified in Schedule No. 1 to legalize the existing single dwelling unit, accessory building and retaining walls be approved according to the terms in Schedule No. 2 and subject to notification procedures pursuant to the *Local Government Act*.

CARRIED

OTHER

Minimum Parcel Size Amendment to Bylaw No. 500, 1987 for Subdivisions Pursuant to Section 946 of the *Local Government Act* – Electoral Areas ‘A’, ‘C’, ‘D’, ‘E’, ‘F’, ‘G’ & ‘H’.

MOVED Director Stanhope, SECONDED Director Kreiberg,:

1. That the report on the proposed amendment to the RDN Land Use and Subdivision Bylaw No. 500, 1987 concerning the increased minimum parcel size for subdivision pursuant to section 946 of the *Local Government Act* be received.
2. That Bylaw No. 500.320, 2005 be given 1st and 2nd reading.
3. That the Public Hearing for the proposed Bylaw No. 500.320, 2005 be waived and notice of the intent to adopt the amendment be published in the local newspapers and on the RDN website.

CARRIED

Review of Resource and Forestry Land Subdivision Regulation.

MOVED Director D. Haime, SECONDED Director Holme, that this item be deferred to the next Electoral Area Planning Committee meeting.

CARRIED

Draft Nanoose Bay Official Community Plan.

MOVED Director Holme, SECONDED Director Stanhope,:

1. That the report of the amended Nanoose Bay Official Community Plan containing discussion regarding amendments to the plan be received.
2. That the amended Draft Nanoose Bay Official Community Plan be received.
3. That the amended public consultation process as outlined in **Schedule No. 2** be approved.
4. That staff be directed to proceed with the zoning amendment process to amend the zoning setback from the ocean together with the other proposed amendments to the subdivision regulations that are proposed to implement the new OCP.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 6:50 PM

CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GM ES	
DA CCD		MoF	
MAY 31 2005			
EAPC ✓			

MEMORANDUM

TO: Jason Llewellyn
Manager of Community Planning

DATE: June 3, 2005

FROM: Keeva Kehler
Planner

FILE: 3060 30 60511

SUBJECT: Development Permit Application No. 60511 - Yochim
Electoral Area 'H' – Marshall Road

PURPOSE

To consider an application for a Development Permit within the Environmentally Sensitive Features Development Permit Area pursuant to the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003."

BACKGROUND

The subject property, legally described as Lot V, District Lot 19, Newcastle District, Plan 8156, has frontage on Marshall and Leon Roads in Electoral Area 'H' (see Attachment No. 1). Westglade Brook runs through the subject property and is a fish-bearing stream supporting coho, chum salmon and cutthroat trout. The subject property is zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." This application includes a request to vary the setback to a watercourse pursuant to Bylaw No. 500, 1987 to legalize the existing dwelling unit, which is currently under construction on the property and to allow the construction of a pedestrian bridge across Westglade Brook.

The Environmentally Sensitive Features (streams) Development Permit Area (DPA) was established to protect streams and riparian areas within Electoral Area 'H'. In the case of Westglade Brook, the DPA is measured 15.0 metres from the natural boundary. The previous owners extensively cleared the land up to the creek boundaries without a Development Permit. The current owners have commenced construction of a single dwelling unit within the DPA adjacent to Marshall Road. The applicants do not need to cross the watercourse to provide access to the dwelling, but propose to locate the septic field on the north side of the Brook, which will necessitate the construction of pipes through the DPA under the Brook. As part of the proposed development of the site, the applicants will be replanting the riparian area adjacent to Westglade Brook. The applicants may wish to pursue a subdivision on the subject property in the future, which will require the issuance of a Development Permit for the Aquifer feature on the property.

The Regional Board has recently issued Development Permits on surrounding lots for works adjacent to Westglade Brook, including a dwelling unit within the DPA.

ALTERNATIVES

1. To approve the requested development permit subject to the terms outlined in Schedule No. 1.
2. To deny the requested development permit as submitted.

LAND USE AND DEVELOPMENT IMPLICATIONS

Development Permit Area Implications

As mentioned above, the land within the DPA has been extensively cleared without Development Permit approval. The current owners wish to rehabilitate the site and have submitted a revegetation plan prepared by Gaia Environmental Consulting Services and dated October 9, 2004. The environmental report states that juvenile salmonids were observed within the watercourse at this time. The report further states that vegetation in the riparian area is necessary to provide bank stability and terrestrial insect supply for fish populations within the brook. The report recommends that any bare soil within 5.0 metres of the stream should be hand seeded with grass and willow planted at 1.0 metre spacing. Planting should occur between October 1st and March 31st in the calendar year.

The DPA is measured 15.0 metres from either side of the brook. The dwelling unit is currently sited within 10.7 metres of the natural boundary and therefore requires a development permit to legalize its siting. The applicants could have located the dwelling outside of the DPA and still have met the setbacks from Marshall Road. The banks of the brook remain partly vegetated along the eastern property line between the dwelling and the watercourse. Provided the applicants replant the area between the dwelling and Westglade Brook with native species, staff believe that the current siting will have minimal negative impacts on the brook and the DPA.

The applicants propose to site the septic field on the north side of Westglade Brook due to the limited space available on the south side adjacent to Marshall Road. A four inch pipe with a protective sleeve will be installed through the DPA and under the creek during the dry season so that there will be no impacts on the creek itself. The applicants' contractor proposes to use an auger to mole under the creek and the disturbed area will be replanted.

In addition, the applicants wish to install a pedestrian bridge over the Brook to access the rear portion of the property. The applicants have been informed that they require approval from the Province of BC pursuant to Section 9 of the Water Act in order to conduct these works. They will also require a variance to the zoning should any portion of the bridge exceed 1.0 metres in height above the surrounding natural grade. From staff's assessment of the proposal, the handrail of the proposed footbridge will be taller than 1.0 metre.

Planning staff conducted a site inspection on April 8, 2005 and met with the applicants' building contractor. The brook was flowing steadily and was approximately 0.3 metres deep and approximately 1.5 metres wide. The waters appeared clear and free of debris. A small amount of vegetation remains on the eastern side of the creek, but the majority of the vegetation within the riparian area has been completely removed and land clearing debris has been left on the site.

Zoning Implications

The subject property is not located within a building inspection area; therefore, a building permit is not required for the construction of the dwelling. As part of the review process for the development permit

application, RDN staff required the applicants to obtain a site survey from a BC Land Surveyor indicating the location of all structures and the watercourse on the property. The survey indicates that the portions of the dwelling unit's foundation are located at 10.7 metres from the centerline of Westglade Brook. Bylaw No. 500, 1987 measures setbacks to the outermost portion of the structure and therefore, when the dwelling is complete, the overhang will encroach further into the watercourse setback. For this reason, the applicants propose to vary the setback from the stream centerline from 18.0 metres to 10.0 metres to allow for the overhang. Therefore, the applicants are requesting a variance to the zoning bylaw as part of the application.

A similar request from a property owner to legalize a dwelling under construction was approved by the Board at its March 22, 2005 meeting (DP No. 60452). There is no strong planning rationale to approve the variance as submitted, however, the applicants cannot easily move the foundation or remove the encroaching portion of the dwelling at this time. The absence of building inspection makes it difficult for the RDN to police development on residential properties in this area and prevent bylaw infractions by issuing a stop work order once construction has commenced without proper approvals.

In addition, as mentioned above, the proposed pedestrian footbridge will exceed 1.0 metre in height with a handrail and therefore constitutes a structure pursuant to the RDN zoning bylaw and requires variance approval. The bridge will provide access to the septic system and the remainder of the property to allow for continued maintenance of the property's landscaping and sewage disposal system. It is not anticipated that the bridge will be visible from adjacent properties.

As the proposed variances do not appear to cause unreasonable negative impacts on adjacent property owners or on Westglade Brook, given the proposed reclamation, staff does not oppose the applicants' request to vary the setback from 18.0 metres from the stream centerline to 10.0 metres, to accommodate the existing foundation and proposed dwelling unit overhang. Therefore, staff recommends approval of the requested variance subject to the terms outlined in Schedule No. 1.

PUBLIC CONSULTATION IMPLICATIONS

As the application includes a request to vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", the notification procedures contained in the RDN's procedures Bylaw No. 1432, 2005 apply to the development. All landowners and tenants within 50.0 metres of the subject property will receive notice of the proposed variances and will be afforded an opportunity to comment on the proposed development prior to the Board making its decision on the application.

VOTING

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

SUMMARY/CONCLUSIONS

This is an application for a development permit to legalize the siting of an existing dwelling unit (under construction), to legalize land alteration and land clearing, and to facilitate the installation of a pipe from a dwelling to a septic system across Westglade Brook and a pedestrian footbridge, which is designated within the Environmentally Sensitive Features Development Permit Area.

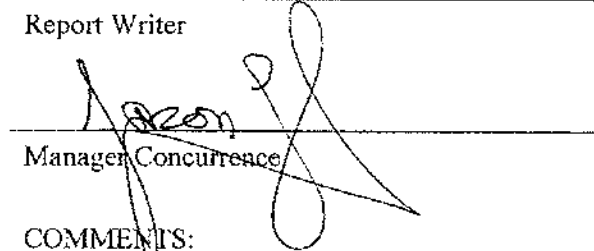
From staff's assessment of this application, Development Permit Application No. 60511 is acceptable given the terms outlined in Schedule No. 1, as the applicants have adequately addressed the environmental issues in accordance with the recommendations of an environmental consultant.

RECOMMENDATION

That Environmentally Sensitive Features Development Permit Application No. 60511 with variances to legalize an existing dwelling unit, to allow the installation of a septic system and pedestrian footbridge, and to permit re-vegetation of the riparian area, be approved according to the Terms outlined in Schedule No. 1, subject to consideration of the comments received as a result of public notification.



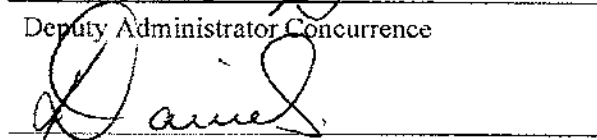
Report Writer



Manager Concurrence



Deputy Administrator Concurrence



CAO Concurrence

COMMENTS:

dev.svs/reports/2005/dp_ju_3060_30_60511_Yachim

Schedule No. 1
Terms of Development Permit No. 60511
For Lot V, District Lot 19, Newcastle District, Plan 8196

Development Permit No. 60511 authorizes the development of the subject property as follows:

Development Permit Area Works

1. The site development must be completed in accordance with Schedules No. 1 and 2.
2. Installation of the septic system pipe and pedestrian footbridge shall occur only when Westglade Brook is dry. All disturbed areas within the riparian zone shall be reclaimed within 30 days.
3. Replanting of the area within 5.0 metres of Westglade Brook shall include willow stakes at 1.0 metre spacing and native grasses seeded by hand according to the re-vegetation plan prepared by Gaia Environmental Consulting Services and dated October 9, 2004. The remainder of the Development Permit Area shall be landscaped with native species only. Planting shall occur after October 1st and shall be completed by December 15th, 2005.
4. The applicant shall provide evidence by December 20th, 2005 that the planting has occurred according to the re-vegetation plan.
5. During construction and development of the subject property, no soils or fines shall be introduced into Westglade Brook.
6. Perimeter drainage from the roof leaders of the dwelling unit shall be directed away from the Development Permit Area.

Proposed Variance to RDN Bylaw No. 500, 1987

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

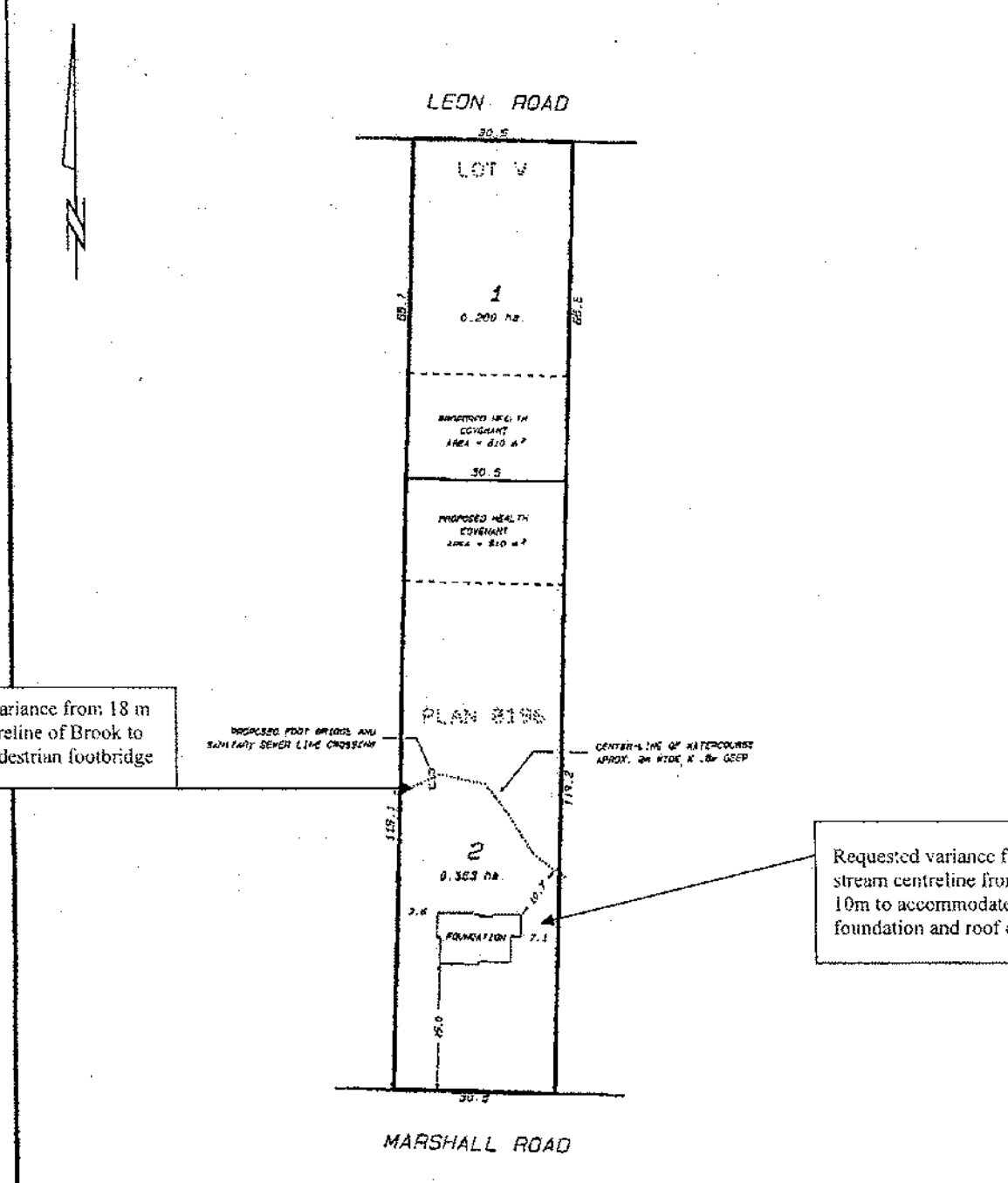
Part 3.3.8 Setbacks – Watercourses, excluding the sea is proposed to be varied from 18.0 metres horizontal distance from a stream centerline to 10.0 metres horizontal distance from the centerline of Westglade Brook in order to accommodate the existing dwelling unit foundation and proposed roof overhang.

Part 3.3.8 Setbacks – Watercourses, excluding the sea is proposed to be varied from 18.0 metres horizontal distance from a stream centerline to 0.0 metres horizontal distance from the centerline of Westglade Brook in order to accommodate the installation of a pedestrian footbridge from bank to bank.

* *Please note that RDN development approval does not constitute approval from other agencies having jurisdiction over the lands. It is the responsibility of the landowner to ensure that all works on the lands are in compliance with the applicable provincial and federal regulations.*

Schedule No. 2
Site Plan (submitted by applicants, reduced for convenience)
Development Permit No. 60511

PLAN OF LOT V, DISTRICT LOT 19,
NEWCASTLE DISTRICT, PLAN B196.
TO ACCOMPANY DEVELOPMENT PERMIT APPLICATION
AND PROPOSED SUBDIVISION APPLICATION
SCALE 1:750



Request variance from 18 m from centreline of Brook to 0m for pedestrian footbridge

Requested variance from the stream centreline from 18m to 10m to accommodate dwelling foundation and roof overhang

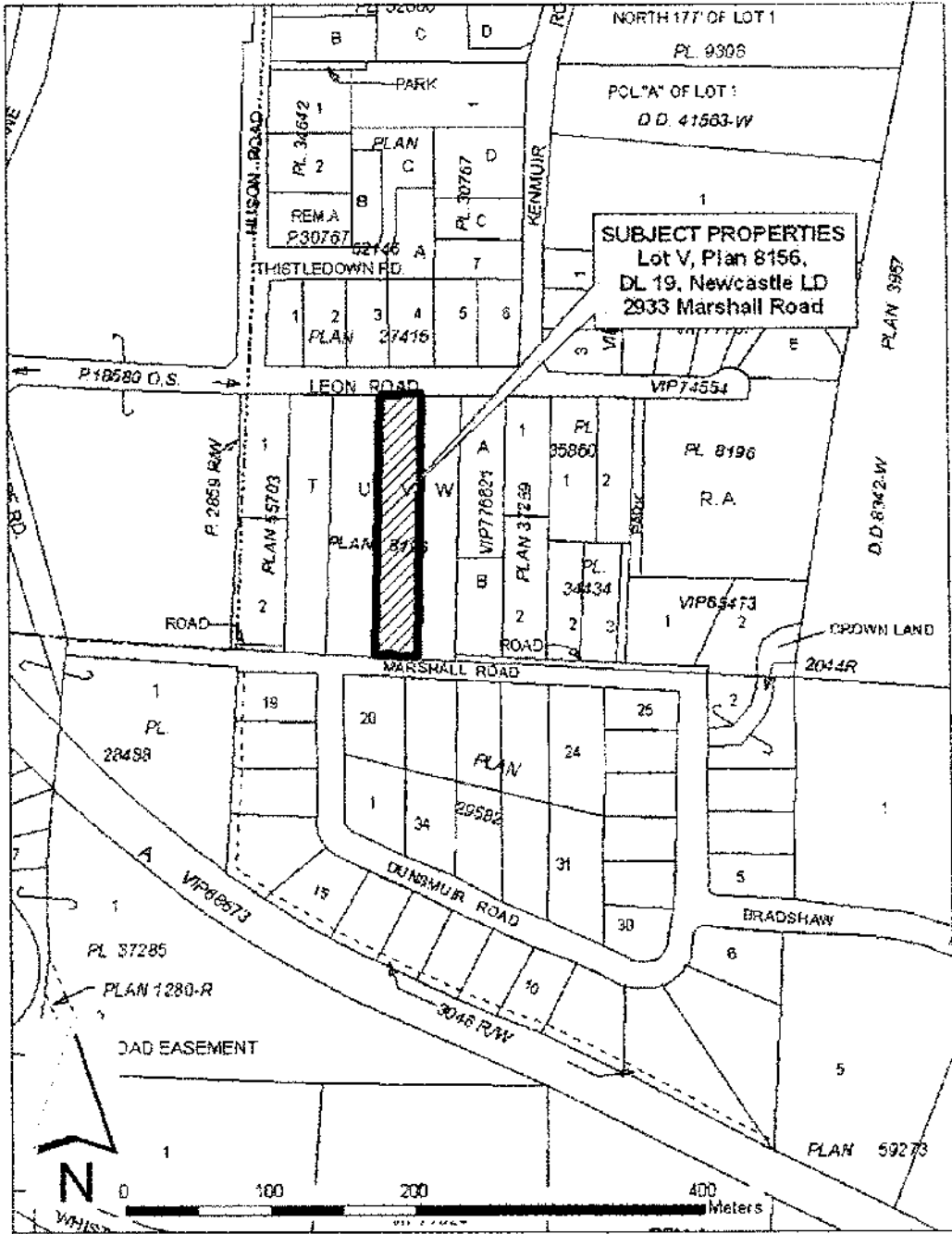
SCALE 1:750

ALL DISTANCES ARE IN METRES.
ALL DIMENSIONS AND AREAS ARE
SUBJECT TO FINAL SURVEY.

DATE: 05/04/22
REVISIONS:

SIMS ASSOCIATES
LAND SURVEYING
232 FEED ROAD WEST
WALTON BEACH, Q.L.D.
VAN 153
PHONE: (07) 552-8121
FAX: (07) 552-8245
CELL: 04-386-8888
WWW: 07-552-8888

Attachment No. 1
Subject Property
Development Permit No. 60511



BOGS Map Sheet No. 92F837 A 4



REGIONAL
DISTRICT
OF NANAIMO

REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GM ES	
DA CCD		MoF	
JUN - 7 2005			
EAPC ✓			

MEMORANDUM

TO: Jason Llewellyn
Manager of Community Planning

DATE: June 7, 2005

FROM: Keeva Kehler
Planner

FILE: 3060 30 60517

SUBJECT: Development Permit Application No. 60517 – Robalta Holdings
Electoral Area 'H' – Shoreline Drive

PURPOSE

To consider an application to vary the minimum setback from the sea for a rip rap retaining wall and to approve erosion protection works, specifically the addition of rip rap, clean fill and native vegetation above the present natural boundary, within the Environmentally Sensitive Features (Coastal) Development Permit Area.

BACKGROUND

The subject property, legally described as Lot 10, District Lot 28, Newcastle District, is located on Shoreline Drive adjacent to the Strait of Georgia within Electoral Area 'H' (*see Attachment '1' for location*). The property is zoned Residential 2 (RS2) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The minimum setback requirements for buildings and structures, including retaining walls measuring 1.0 metre in height or greater, is 8.0 metres horizontal distance from the natural boundary of the ocean.

Pursuant to the "Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003", the subject property is designated within an Environmentally Sensitive Features (Coastal) Development Permit Area (DPA) and alteration of the land within 30.0 metres of the natural boundary of the ocean requires approval from the Regional Board. The DPA speaks to limiting construction to a time of year when the development impacts on sensitive habitats will be mitigated and to using construction methods that minimize impacts on the DPA. The DPA guidelines also permit the RDN to require a report prepared by a professional assessing the environmental impact of the proposed development and prescribing appropriate recommendations for the mitigation and protection of habitat.

The applicant is requesting permission to install a rip rap erosion protection device, including the placement of fill and replanting of native vegetation upland from the present natural boundary on the subject property.

The RDN Board adopted Policy B1.9 *Retaining Walls – Marine* at its October 26, 2004 Regular Board Meeting. In staff's opinion, the current proposal meets the intent of the RDN retaining wall policy, which in part requires the submission of a geotechnical report with applications for retaining walls, to address the implications of the erosion protection works on adjacent properties.

ALTERNATIVES

1. To approve Development Permit Application No. 60517, subject to the Terms outlined in Schedule No. 1 and subject to the comments received as a result of notification.
2. To deny Development Permit Application No. 60517 as submitted.

LAND USE AND DEVELOPMENT IMPLICATIONS

The property is currently vacant, except for the adjacent property owner's travel trailer, which is being stored on the site. The property to the east of the subject parcel is a dedicated road right-of-way and the property to the west contains a dwelling unit with a large deck and an accessory building (gazebo). In addition, the western property contains a substantial rip rap retaining wall which encroaches approximately 1.5 to 2.0 metres onto the foreshore.

A portion of the subject property is subject to erosion as a result of wave action, wind and precipitation. The survey submitted with the application indicates that the proposed rip rap erosion protection device will be located on the subject property as shown on the plan of subdivision, and will be upland from the present natural boundary of the ocean. The applicants propose to place clean fill upland from the rip rap to level out the property and provide a more useable site for future development. As the proposed erosion protection device will retain more than a cubic metre of earth and the rip rap measures more than 1.0 metre above the elevation of the surrounding natural grade, the proposal requires a variance to the minimum setback requirements to the sea pursuant to RDN Bylaw No. 500, 1987.

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

1. A report prepared by a professional engineer confirming the need to install the erosion protection works and assessing potential impacts on the adjacent properties, one of which currently has a substantial retaining wall which appears to encroach on to the foreshore. The report also provides recommendations for replanting the disturbed area with native grasses and vegetation to prevent soil erosion.
2. A survey prepared by a BCLS confirming the location of the proposed erosion protection device (located upland from the present natural boundary) and the proposed height above natural grade (1.5 metres on average).

In addition to the Development Permit, the applicant is required to notify the Federal Department of Fisheries and Oceans (DFO) of the proposed works. The applicant's agent has provided a copy of the notification to the RDN Planning Department and will be required to follow the Federal government's Best Management Practices during the development.

The applicant submitted a geotechnical report prepared by Davey Consulting and Engineering Ltd., date stamped April 27, 2005. This report states that the installation of rip rap erosion protection devices are often needed where properties are subject to tidal or other actions that threaten to remove the natural deposits and cause damage to the residential property. This type of land alteration can have significant impact on surrounding areas as populations of natural species can be destroyed by careless intrusion and stabilization of a small area. The report provides recommendations to mitigate such impacts and protect the environment and native habitat. In addition, the report contains details for the construction and installation of the rip rap and fill.

Portions of the property are subject to erosion effects and portions appear to be relatively stable and contain mature native vegetation. For this reason, the applicant's engineer recommends the placement of rip rap on selected portions of the property only where it is currently necessary (*see Schedule No. 2*). Due to the location of the subject property and adjacent offshore land forms (Denman Island), only southeast winds affect the property. No remedial action has been completed to date. The engineer states that remedial action is essential on portions of the lot if further erosion is to be prevented from reducing the size of the property in the future. The report recommends the installation of invasive stabilization works (rip rap and fill) for approximately 16 metres along the natural boundary of the property in order to provide energy dissipation and protect the property. A portion of land along the southwestern property line will also need smaller rip rap placed at the toe of the slope developed on the easement section and tied to the present slope surface.

The report provides specifics for the installation of the rip rap, including recommendations on the size, shape and dimensions of the rip rap and the depth of the placement of soil and rock. A diagram indicating the cross section of the proposed erosion device is also provided in the report and attached as Schedule No. 3.

Item No. 6 of the retaining wall policy states that the installation of erosion protection works other than rip rap (such as lock-block walls) is not generally supported unless it is deemed necessary by a professional engineer. In this case, the applicant's engineer has clarified that rip rap only will be placed on the property and there will not be a lock-block or a concrete wall component to the erosion protection device. Staff is of the opinion that the proposal is consistent with the RDN's adopted policy with respect to marine retaining walls.

ENVIRONMENTAL IMPLICATIONS

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

As mentioned, Fisheries and Oceans Canada have Best Management Practices (BMPs) that must be followed for the installation of any works on the foreshore. In addition to the BMPs there are 'fisheries windows' during which alteration of the foreshore will have less impact on marine species than at other times, such as during spawning season. The applicant will be required to meet the BMPs and construct the works at the appropriate time so as to mitigate any potential environmental impacts.

PUBLIC CONSULTATION IMPLICATIONS

As the proposed retaining wall requires a variance to the minimum setback requirements from the natural boundary of the ocean, notification requirements pursuant to the RDN's Procedure Bylaw No. 1432, 2005 will be met prior to the Regional Board's consideration of the application. Should the adjacent property owners have any additional concerns with the proposal, they will be afforded the opportunity to provide comments to the Board prior to a decision being made.

OTHER LAND USE CONSIDERATIONS

The subject property is 26 metres wide at its widest point, which does not provide any developable site outside of the Coastal DPA, which is measured 30.0 metres from the natural boundary of the ocean. Future development of a residence on the site will require a subsequent development permit approval from the Board. The current proposal is being submitted to retain as much of the site as possible to minimize the constraints of developing the small site in the future. Any potential erosion of the property could make it more difficult to site a dwelling on the site with the necessary septic disposal systems. In addition to the setbacks from the ocean, the property also has a registered easement across the southern boundary to provide access to the adjacent properties along Shoreline Drive. As part of the application, the applicant proposes to properly delineate the easement with some small rip rap. Currently, the adjacent property owners are using a large portion of the property outside of the easement as their driveway.

The adjacent property owner is currently storing a travel trailer on the property. In addition, it appears that the gazebo structure on the adjacent lot is located within the 2.0 metre interior side lot line, and in fact, the overhang of the structure may be encroaching on the subject property. During the site inspection, staff observed that this gazebo structure is located on blocks and could be moved if the applicant's surveyor determines that the building overhang encroaches onto the subject property. It is recommended that a site survey be required at the time of construction for a dwelling unit on the lot. Should it be determined that the building encroaches, RDN staff can follow up with the adjacent property owner to remedy the situation. Correspondence will be forwarded to the adjacent owner to notify them of the potential encroachment issue.

VOTING


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

SUMMARY/CONCLUSIONS

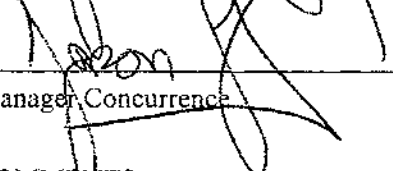
This is a Development Permit application to install an erosion protection device, including the placement of rip rap and fill, upland from the present natural boundary and within the required setback to the sea for a waterfront property located on Shoreline Drive in Electoral Area 'H'. The applicant has submitted a geotechnical report and a survey to support their application and will be required to adhere to Federal Fisheries Best Management Practices during the installation of the rip rap. In addition, the applicant plans to replant the filled area above the rip rap with native salt-tolerant plants to provide additional protection against erosion. The application is consistent with the RDN's policy on Marine Retaining Walls (Policy B1.9). In addition, the applicant proposes to access the foreshore area from the subject property. As the proposed rip rap erosion protection device retains more than a cubic metre of earth and measures more than 1.0 metre above the surrounding natural grade, a variance to the RDN's setback to the sea is required.

RECOMMENDATIONS

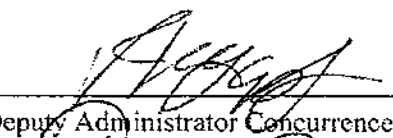
That Environmentally Sensitive Features (Coastal) Development Permit Application No. 60517 with variance to the minimum setback from the sea from 8.0 metres to 0.0 metres to allow a rip rap erosion protection device and the placement of fill on the Shoreline Drive property be approved, according to the terms outlined in Schedule No. 1, subject to consideration of comments received as a result of public notification.

 For

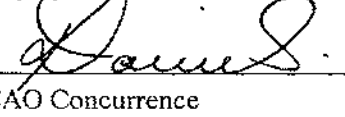
Report Writer



Manager Concurrence



Deputy Administrator Concurrence



CAO Concurrence

COMMENTS:
devs/reports/2005/dp/jr brd 3060 30 60517 Robalta

Schedule No. 1
Terms of Development Permit No. 60517 (Page 1 of 2)
For Lot 10, District Lot 28, Newcastle District, Plan 24584

Development of the Site

1. Except where varied by this permit, all development on the site shall be in accordance with the RDN Land Use and Subdivision Bylaw No. 500, 1987 and with Schedules No. 2, and 3 attached to and forming part of this Permit.
2. Section 3.3.9 of Land Use and Subdivision Bylaw No. 500, 1987 is varied from 8.0 metres to 0.0 metres, for the rip rap erosion protection device as shown on Schedules No. 2, 3 and 4 attached to and forming part of this permit.
3. Applicant to replant the area within 5.0 metres of the present natural boundary with native, salt-tolerant species only.
4. Access to the foreshore to conduct the proposed works shall be from the subject property only.

Environmental Protection

5. Foreshore construction may only take place during the period of June 1 and December 1 of any calendar year.
6. Excavated beach materials shall be kept to a minimum and shall be evenly distributed on the beach and not stockpiled.
7. No soils or fine silt shall be introduced into the marine environment.
8. Construction is not to include the use of native beach materials (boulders, cobble, gravel, and drift logs).

Geotechnical Issues/ Rip Rap Retaining Wall

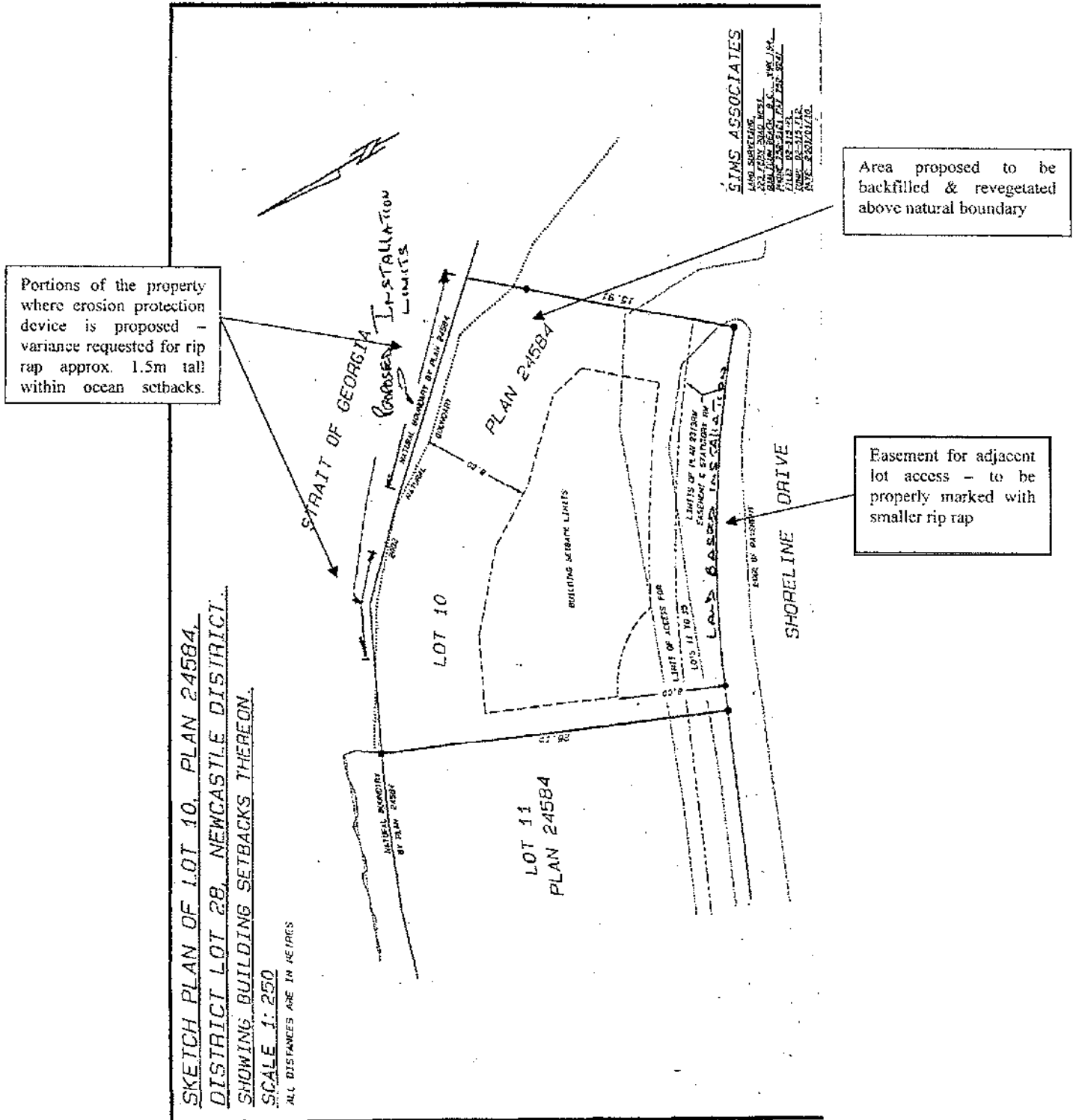
9. Recommendations detailed in the Geotechnical Report prepared by Davey Consulting and Engineering dated April 27, 2005 shall be incorporated into the proposed development.
10. The installation of the rip rap wall shall be undertaken under the supervision of a professional engineer with experience in shoreline processes and the installation of shoreline retaining devices.
11. Rock used for the rip-rap wall should be angular blast rock, clean and free of fines. The rock should be of a size that will not move and require maintenance.
12. The 'toe' of the rip rap seawall shall not extend below the present natural boundary.
13. Planting of native salt tolerant vegetation (e.g. beach grass) shall be interspersed in rip rap wall.
14. The rock wall should have a mechanism to drain soils from the upland through the rock without allowing for the loss of upland soils to the freshwater or marine environment. A filter fabric barrier to restrain upland soils is required.

Schedule No. 1
Terms of Development Permit No. 60517 (Page 2 of 2)
For Lot 10, District Lot 28, Newcastle District, Plan 24584

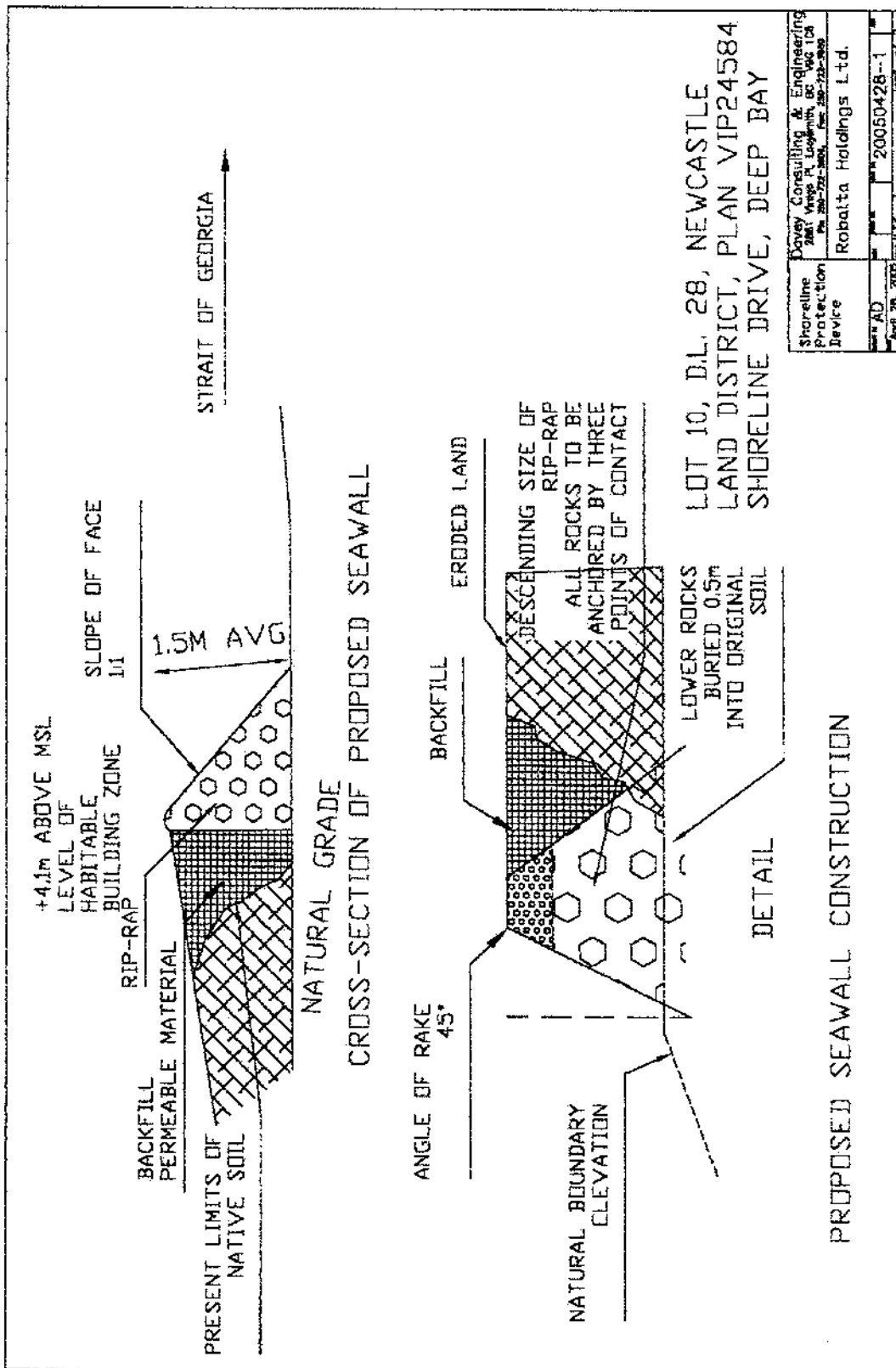
Machinery

15. The machine must be in good working order and no fuels, lubricants or construction wastes are permitted to enter the marine environment. No refueling of machinery is to be conducted within 100 m of the marine environment.
16. A spill kit shall be on-site to prevent the introduction of any fuels in the event of a spill. If a spill occurs, the Provincial Emergency Program must be contacted.
17. Heavy equipment machinery on the beach shall be limited to a maximum duration of two days.

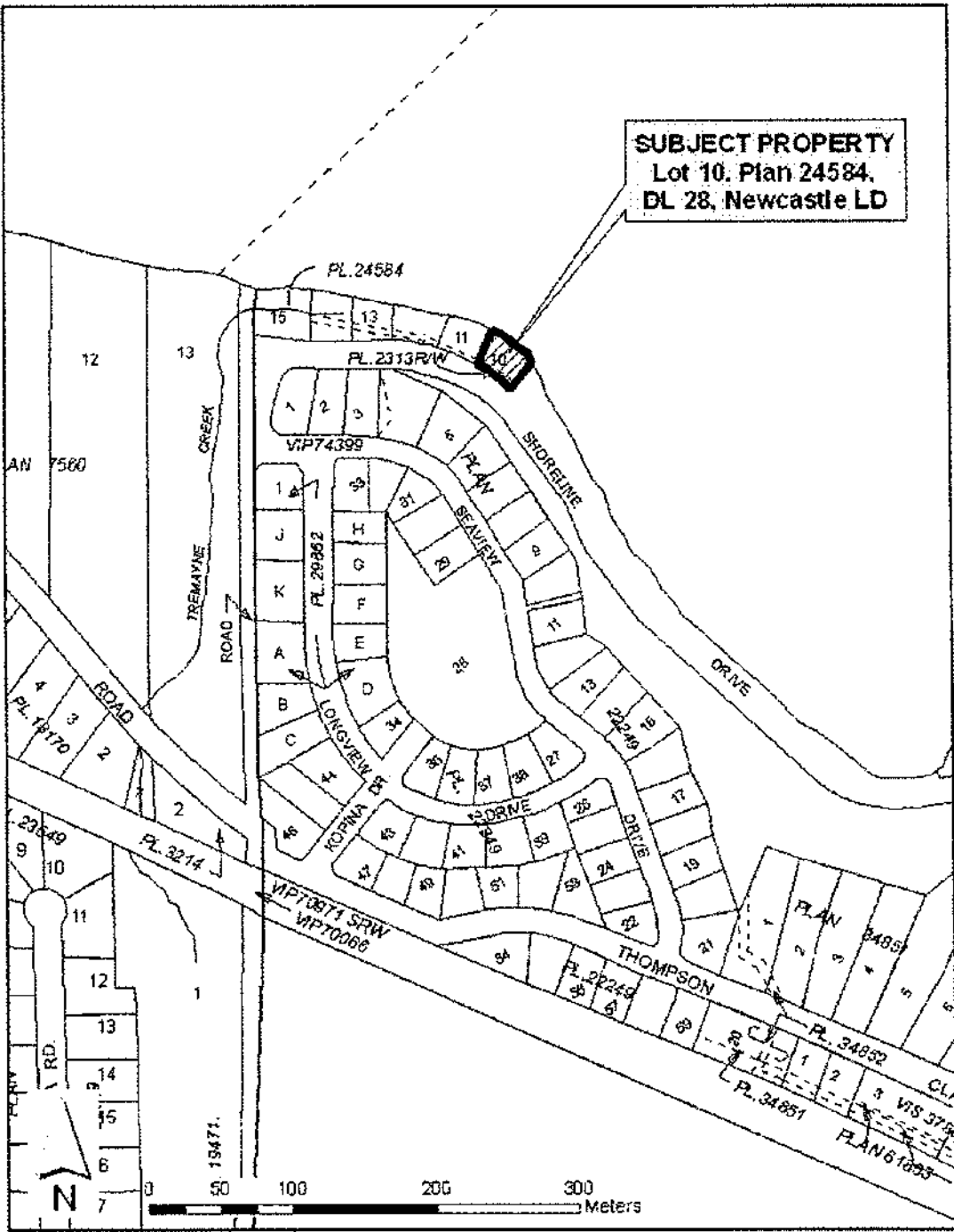
Schedule No. 2
Geotechnical Site Plan – location of proposed works (revised)
(As submitted by applicant, reduced for convenience)
Development Permit No. 60517



Schedule No. 3
Details of proposed retaining wall and rip rap (revised)
(As submitted by applicant, reduced for convenience)
Development Permit No. 60517



Attachment No. 1
Subject Property
Development Permit No. 60517





REGIONAL DISTRICT OF NANAIMO	
CHAIR	GM Cms
CAO	GM ES
DA CCD	MoF
MAY 31 2005	
EAPC	

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

DATE: June 03, 2005

FROM: Greg Keller
Planner

FILE: 3060 30 60518

SUBJECT: Development Permit Application No. 60518 – Keith Brown & Associates
on behalf of 703262 BC Ltd.
Electoral Area 'A' – 1922 Schoolhouse Road

PURPOSE

To consider a Development Permit application to facilitate the construction of one freestanding sign within the South Wellington Development Permit Area No. 1 for property located in Electoral Area 'A'.

BACKGROUND

The Planning Department has received a Development Permit application to authorize the installation of a freestanding sign on the property legally described as Lot 1, Section 13, Range 6, Cranberry District, Plan 12009 and located at 1922 Schoolhouse Road in the South Wellington area of Electoral Area 'A' (*please refer to Attachment No. 1 for location of subject property*). The subject property, which is approximately 0.81 ha in size, is currently zoned Schoolhouse Road Light Industrial Comprehensive Development Zone 18 (CD18) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."

The subject parcel is designated within the South Wellington Development Permit Area No. 1 pursuant to Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001. Therefore a development permit is required. Please note the Board of the Regional District of Nanaimo previously approved Development Permit No. 60440 for the subject parcel on September 28, 2004. Development Permit No. 60440 authorized a light industrial development consisting of mini warehouse development and a heavy equipment display / servicing uses (Finning Tractor), including the installation of landscaping and signage. This development permit is a request to amend the previous development permit by replacing the previously approved freestanding signs with one larger freestanding sign in an alternative location (*please refer to Attachments No. 2 and 3 for sign location and details*). Please note, all other terms and conditions of Development Permit 60440 remain in effect.

The applicant has indicated the reason for the request to replace the previously approved signs with one larger sign is due to Finning Tractor's corporate sign guidelines, which came into affect after Development Permit No. 60440 was issued, that requires all signs be constructed at a height to width ration of 1 to 4.

Proposed Variances

This application includes a request to vary **Section 3.4.118.3 – Minimum Setback Requirements** of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" from 8.0 metres to 0.2 metres adjacent to Schoolhouse Road.

In addition to the above, this application also includes a request to vary **Section 5(c) of "Regional District of Nanaimo Sign Bylaw No. 993, 1995"** as follows:

1. Maximum sign surface area is proposed to be increased from 11.0 m² to 18.58 m²;
2. Maximum sign height is proposed to be increased from 4.0 metres to 6.1 metres; and,
3. Maximum sign width is proposed to be increased from 4.0 metres to 6.1 metres.

ALTERNATIVES

1. To approve Development Permit Application No. 60518 as submitted.
2. To deny Development Permit Application No. 60518 as submitted and provide staff with further direction.

DEVELOPMENT IMPLICATIONS

Land Use and Development Implications

The proposed sign is a double faced internally illuminated freestanding sign with two supporting pylons and is located west of the Schoolhouse Road access. The sign face would be a minimum of 4.5 metres above grade, thereby reducing the impact of the proposed sign on the site lines from the subject parcel.

Due to Finning Tractor's sign guidelines (height to width ratio of 1:4) and the maximum sign surface area of 11 m² pursuant to "Regional District of Nanaimo Sign Bylaw No. 993, 1995", the applicant has indicated that compliance with Bylaw No. 993 would result in an inadequate sign area. Therefore, a variance to Bylaw No. 993 is requested in order to construct a sign that meets Finning Tractor's corporate sign guidelines and is of adequate sign face area to be visible from the highway.

The subject parcel is relatively flat and is bound by Schoolhouse Road on the west and Kipp Road on the north. The subject parcel is highly visible from the Trans Canada Highway and is adjacent to other industrial and commercial uses to the north and west and residential uses to the east. There are no views to be impacted by the proposed sign.

The applicant is proposing to install one larger freestanding sign in lieu of two smaller freestanding signs as previously approved under Development Permit No. 60440. Staff is of the opinion that, although the proposed sign has more sign face area and is taller than that approved under the previously approved Development Permit, the total number of freestanding signs is reduced from two to one. Therefore, in staff's assessment, the aesthetic impact of the proposed freestanding sign on the area is reduced.

In addition, given the relatively flat topography of the area, the separation between surrounding land uses, and relatively large lot size, staff is of the opinion that the proposed variance is acceptable.

VOTING

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


SUMMARY

This is an application for a development permit for property designated within the South Wellington Development Permit Area No. 1 pursuant to "Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001", specifically for the purposes of installing one freestanding sign not exceeding a maximum height of 6.1 metres, with a maximum sign face area of 18.58 m² and a maximum width of 6.1 metres located a minimum of 0.2 metres from the property line adjacent to Schoolhouse Road. Please note, this development permit does not address landscaping, drainage, or other environmental considerations as these were addressed through previously approved Development Permit No. 60440 and all other terms and conditions of Development Permit No. 60440 remain in effect.

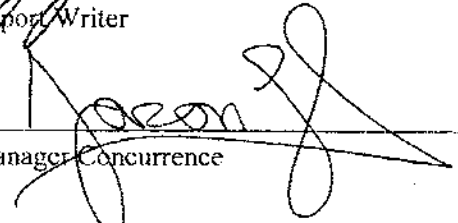
As the proposed works are not anticipated to have a negative impact on the views from the adjacent properties and the proposed larger freestanding sign is in lieu of two freestanding signs as previously approved, staff recommends Alternative No. 1, to approve the development permit with variances subject to the terms contained in Schedule No. 1 and as shown on attached Schedules No. 2 and 3.

RECOMMENDATION

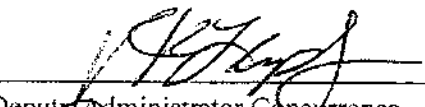
That Development Permit No. 60518, with variances, for the property located at 1922 Schoolhouse Road to permit the construction of one freestanding sign be approved according to the terms outlined in Schedule No. 1, subject to consideration of comments received as a result of public notification.



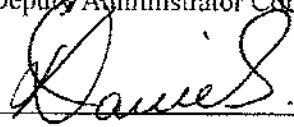
Report Writer



Manager Concurrence



Deputy Administrator Concurrence



CAO Concurrence

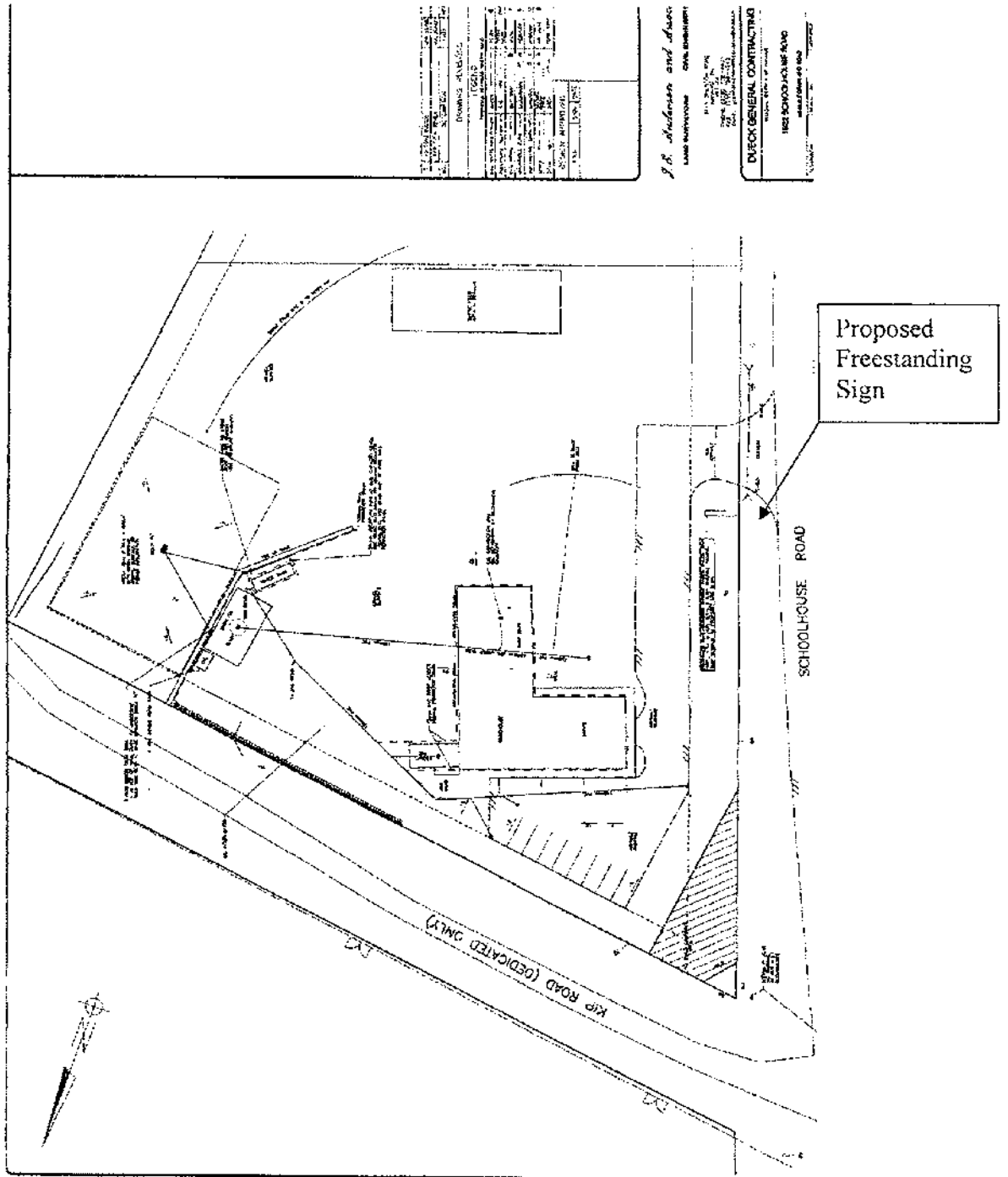
COMMENTS:
devsrs/reports/2005/dp_my3060_30_60518

**Schedule No. 1
Terms of
Development Permit Application No. 60518
For Lot 1, Section 13, Range 6, Cranberry District, Plan I2009**

The following sets out the terms of Development Permit 60518:

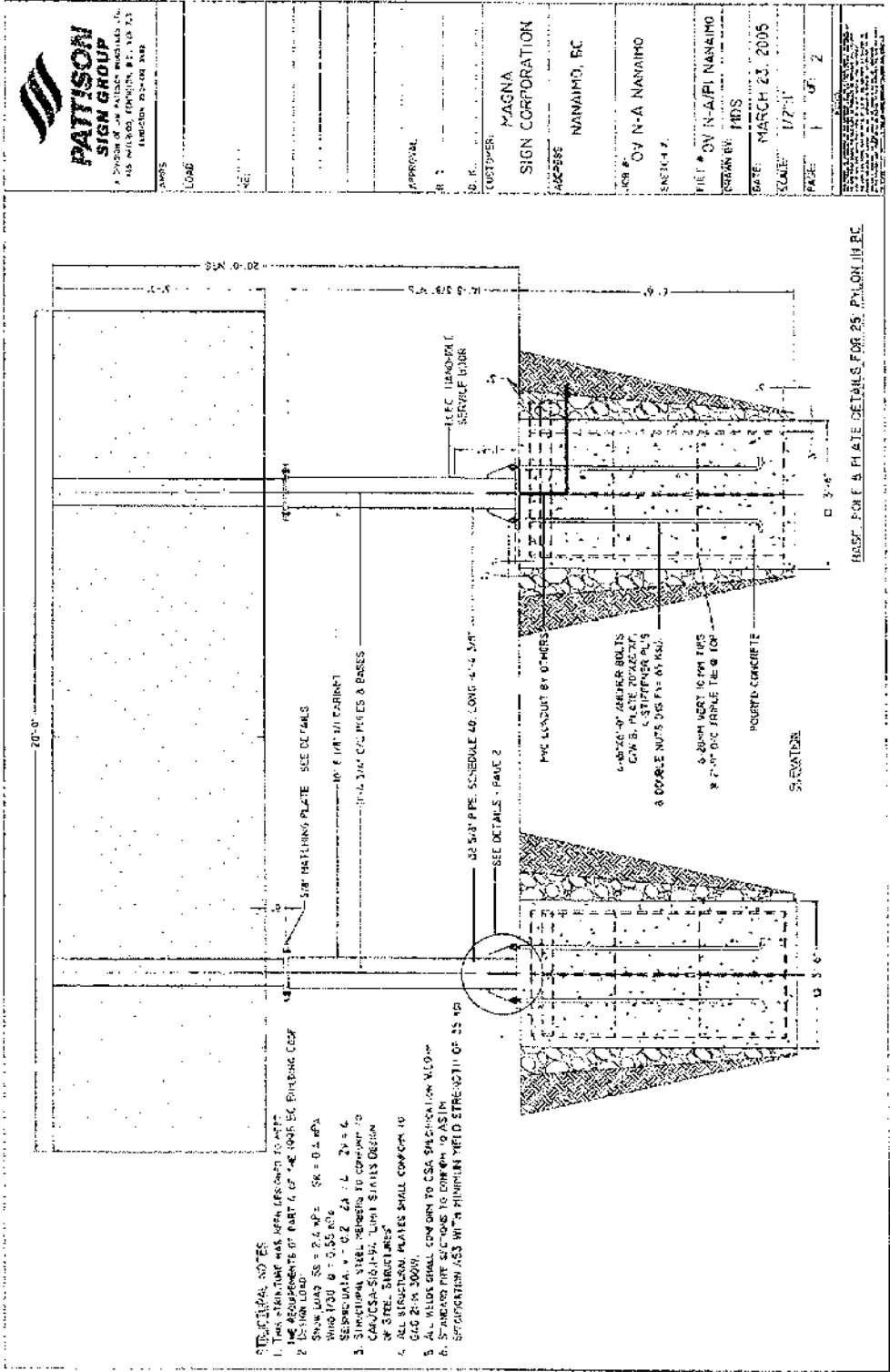
1. The following variances apply only to one freestanding sign located in the general location indicated on Schedule No. 2 and constructed as shown on Schedule No. 3.
2. Development Permit No. 60518 varies "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" and "Regional District of Nanaimo Sign Bylaw No. 993, 1995."
 - a. **Section 3.4.118.3 – Minimum Setback Requirements of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987"** is relaxed from 8.0 metres to 0.2 metres adjacent to Schoolhouse Road.
 - b. **Section 5(c) of "Regional District of Nanaimo Sign Bylaw No. 993, 1995"** is varied as follows:
 - i. - Maximum sign surface area is relaxed from 11.0 m² to 18.58 m²;
 - ii. Maximum sign height is relaxed from 4.0 metres to 6.1 metres; and,
 - iii. Maximum sign width is relaxed from 4.0 metres to 6.1 metres.
3. **Building / Site Development**
 - a. The subject property shall generally be developed in accordance with the Site Plan as shown on Schedules No. 2 and 3.
 - b. This development permit authorizes only the installation of one freestanding sign located in the general location indicated on Schedule No. 2 and constructed as shown on Schedule No. 3.

Schedule No. 2 (page 1 of 2)
Proposed Site Layout (Enlarged for Convenience)
Development Permit No. 60518



**Schedule No. 3
Proposed Site Layout (Enlarged for Convenience)
Development Permit No. 60518**

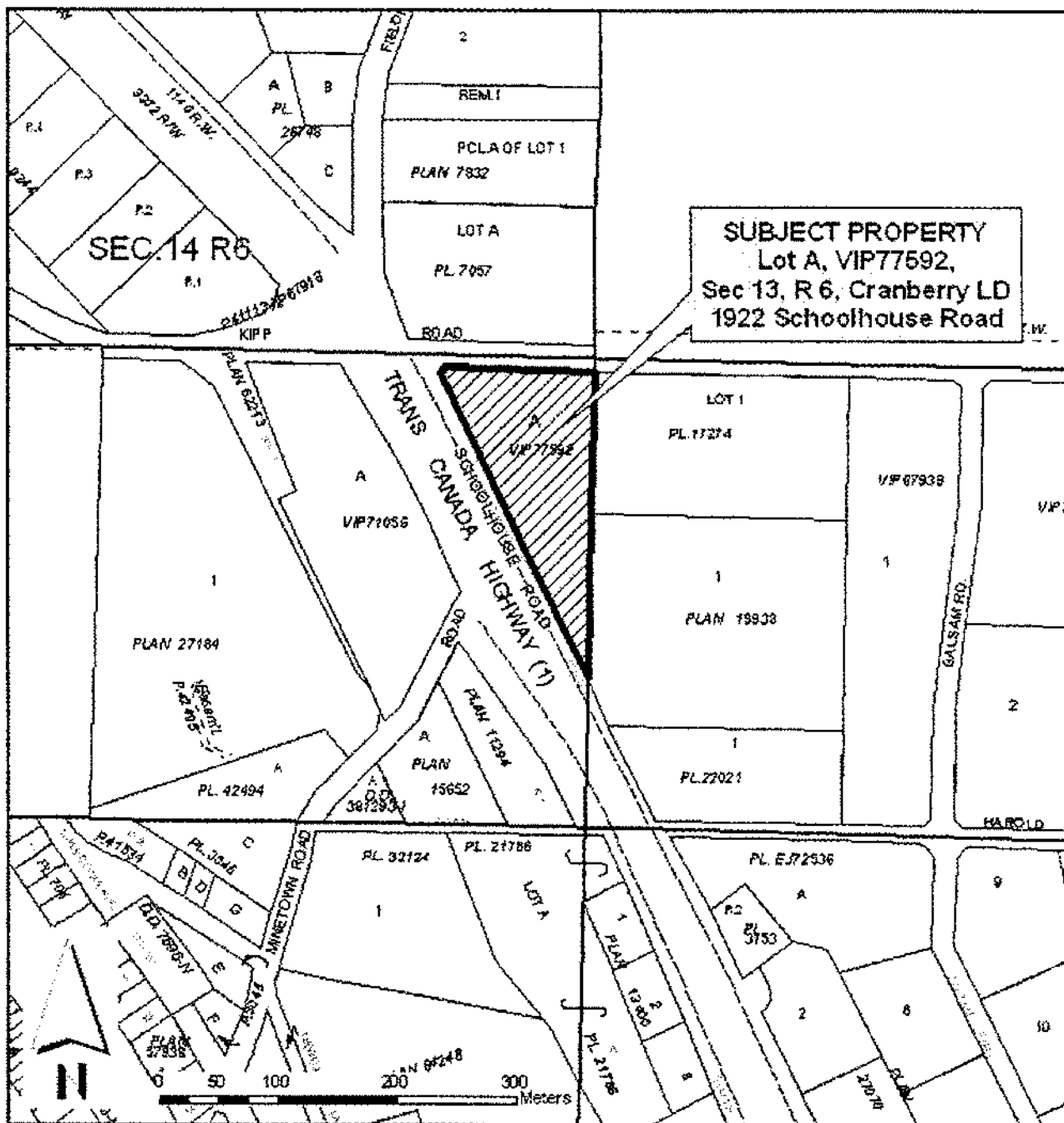
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NO. 1	LOAD
NO. 2	APPROVAL
NO. 3	BY: R. K.
NO. 4	CUSTOMER:
NO. 5	MAGNA SIGN CORPORATION
NO. 6	ADDRESS: NANAIMO, BC
NO. 7	JOB #:
NO. 8	OV N-A NANAIMO
NO. 9	SKETCH #:
NO. 10	FILE #:
NO. 11	OV N-A/PI NANAIMO
NO. 12	ISSUED BY: FDS
NO. 13	DATE: MARCH 23, 2005
NO. 14	SCALE: 1/2" = 1'
NO. 15	PAGE: 1 OF 2

- STRUCTURAL NOTES**
1. THIS SIGN Pylon WAS KEPT DESIGN TO 1978
 2. THE REQUIREMENTS OF PART 4 OF THE 1995 BC BUILDING CODE
 3. US 5/8" P.P.E. SCHEDULE 40, LONG 4'-4 1/2" 1/2"
 4. SEE DETAILS - PAUSE 2
 5. ALL WELDS SHALL CONFORM TO CSA SPECIFICATION W19.0
 6. 5" MINIMUM PEE SECTIONS TO CONFORM TO ASTM
 7. SPECIFICATION A573 WITH MINIMUM YIELD STRENGTH OF 55 ksi

Attachment No. 1
Location of Subject Property
Development Permit No. 60518



BCGS Map Sheet No. 32G.0112.1



REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GM ES	
DA CCD		MoF	
JUN - 3 2005			
EAPC			

MEMORANDUM

TO: Jason Llewellyn
Manager of Community Planning

DATE: June 3, 2005

FROM: Greg Keller
Planner

FILE: 3060 30 60519

SUBJECT: Development Permit Application No. 60519 – Lightfoot
Electoral Area 'H' – 6208 Island Highway West

PURPOSE

To consider an application for a Development Permit to allow for the construction of one single dwelling unit and one accessory building within the Watercourse Protection Development Permit Area.

BACKGROUND

This application is for the property legally described as Lot A, District Lot 33, Newcastle District, Plan 28923. The subject property is 4.4 hectares in area and is located at 6208 Island Highway West in Electoral Area 'H' (see Attachment No. 1) and has been subject to accretion in the past. The subject parcel is split zoned Rural 1 Subdivision District 'D' (RUID) on the west side of the Island Highway and Residential 2 Subdivision District 'M' on the east side of the Island Highway pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." This application is for the portion of the subject parcel currently zoned RS2 on the east side of the Island highway. There are no variances being requested as part of this application.

The subject property is located within the Environmentally Sensitive Features Development Permit Area pursuant to "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003." As the applicant is proposing to construct the single dwelling unit and accessory building within the 30 metre Development Permit Area for coastal areas, a Development Permit is required.

The subject parcel is bound by the ocean to the east, the Island Highway to the west, residential development to the south, and Franksea Road (an undeveloped road allowance containing a Regional District of Nanaimo beach access trail) to the north. The subject parcel is relatively flat and level with the elevation of the Island Highway and contains a small depression in the west portion of the parcel.

According to the applicant, the parcel has been previously disturbed in the early 1900's to allow the construction of a small house/cottage that was subsequently removed in the late 1950's. The subject parcel has recently been used for recreational purposes up until the mid-1990's. The subject parcel is treed with numerous cedar, fir, maple, and alder trees, as well as dense native and non-native plant and shrub species dispersed throughout the Development Permit Area. There is an existing access, a remnant

of the original development of the 1900's located in the south west corner of the parcel. In addition, there is an area that has been cleared and planted with grass located on the south west portion of the parcel.

ALTERNATIVES

1. To approve the requested Development Permit subject to the terms outlined in Schedules No. 1, and 2.
2. To deny the requested Development Permit as submitted.

DEVELOPMENT IMPLICATIONS

The applicant is intending to site the single dwelling unit and accessory building in the proposed location in order to retain the existing mature vegetation on the west portion of the parcel, which is environmentally significant and provides noise abatement from the highway. In addition the applicant has indicated that development on the west portion of the parcel outside of the Development Permit Area would require disturbance of the root systems of the mature trees and removal of trees. The proposed septic field is located in an area of the subject parcel that is void of trees and provides gravel drainage.

The applicant is proposing to retain the areas of mature vegetation on site, including the dense tree cover in areas adjacent to the natural boundary of the ocean. Also, the applicant has agreed to plant native dune grasses in the southern portion of the accreted area approximately 5.0 metres from the natural boundary. In staff's assessment the proposed development appropriately addresses environmental concerns.

The existing development on the adjacent property to the south is located approximately the same distance from the natural boundary as the proposed development. The development is not expected to have any negative impact on the views from adjacent properties due to the relatively small building size, the existing vegetation, and the location of the existing development on the adjacent parcel to the south.

VOTING

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

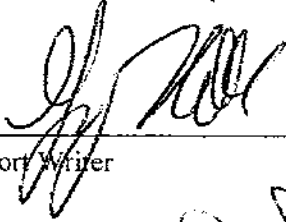
SUMMARY/CONCLUSIONS

This is an application for a development permit to allow for the construction of one single dwelling unit and one accessory building within the Environmentally Sensitive Features Development Permit Area. The proposed development complies with all requirements of Bylaw No. 500 and no variances are being requested as part of this application.

The buildings are located in the area of least impact to existing vegetation and the development is not expected to negatively impact adjacent properties. Therefore, staff is of the opinion that the proposed development is acceptable and recommends that the Board approve the Development Permit as submitted.

RECOMMENDATION

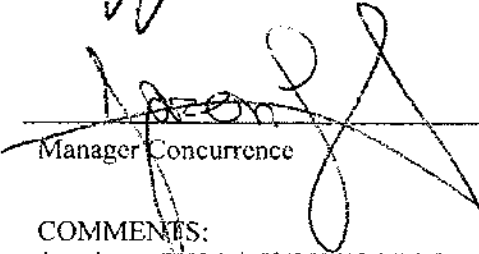
That Development Permit Application No. 60519 to allow for the construction of one single dwelling unit and one accessory building within the Watercourse Protection Development Permit Area be approved according to the terms outlined in Schedule No. 1, subject to consideration of comments received as a result of public notification.



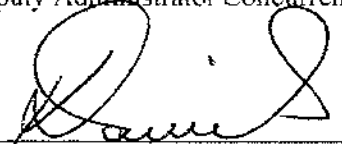
Report Writer



Deputy Administrator Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devsrv/repons/2005/dp ju 3060 30 60519 lightfoot

Schedule No. 1
Terms of Development Permit No. 60519
Lot A, District Lot 33, Newcastle District, Plan 28923
6208 Island Highway West

The following are to be completed as part of Development Permit No. 60519:

Development of Site

1. Subject property shall be developed in accordance with Schedules No. 1 and 2.
2. All construction to be undertaken must be consistent with "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."
3. All buildings and structures must be constructed to meet or exceed the requirements of the British Columbia Building Code.

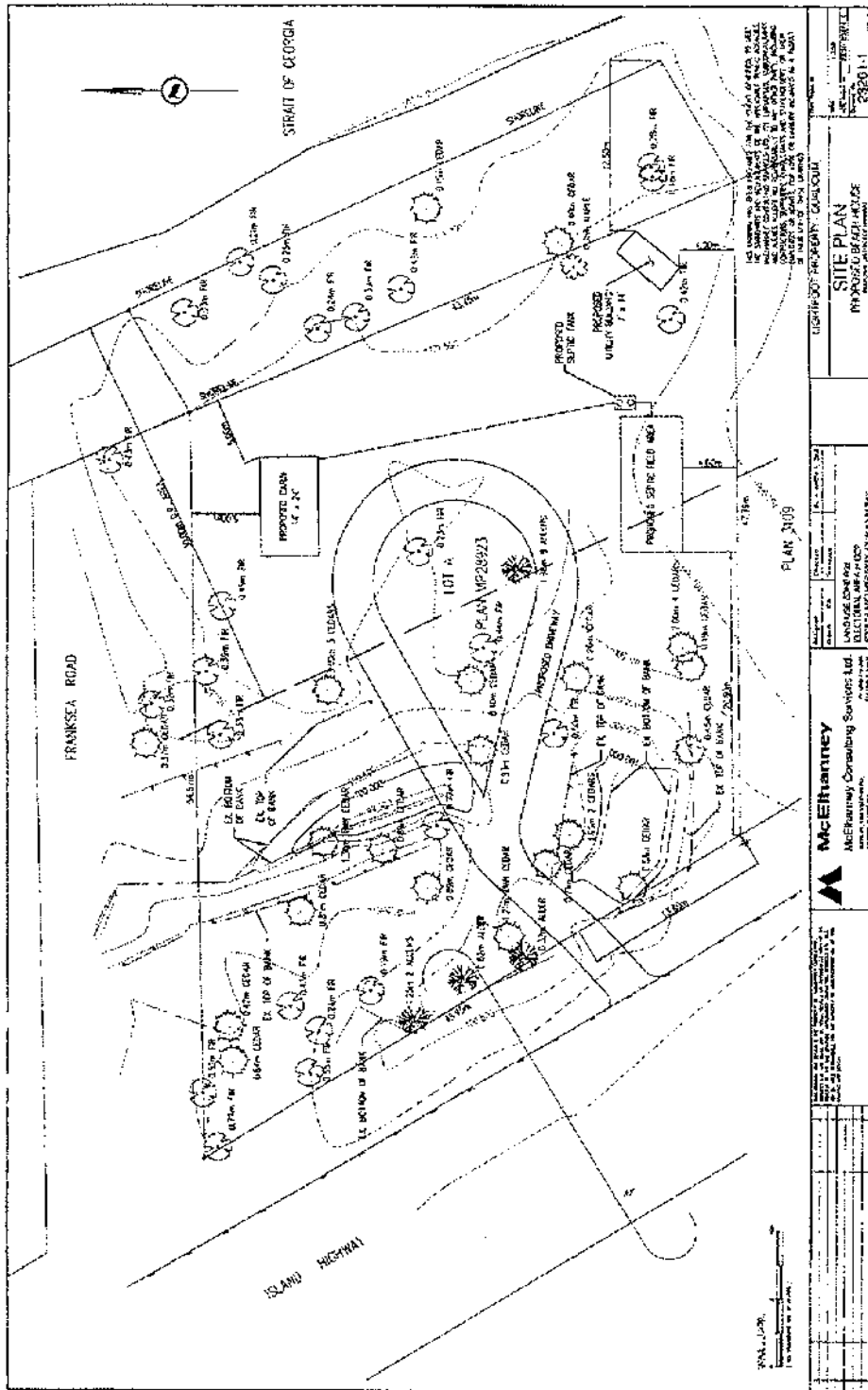
Vegetation Retention/Replanting

4. This Development Permit does not authorize vegetation removal within the Development Permit Area other than what is necessary for the construction of the proposed single dwelling unit, accessory building, and septic disposal system without a Development Permit. Any removal of vegetation that is not authorized by this permit shall require an additional Development Permit.
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 MELCO, or any subsequent editions. The applicant shall undertake the planting of dune grasses, in accordance with the above requirements, in the accreted area adjacent to the natural boundary with the ocean.

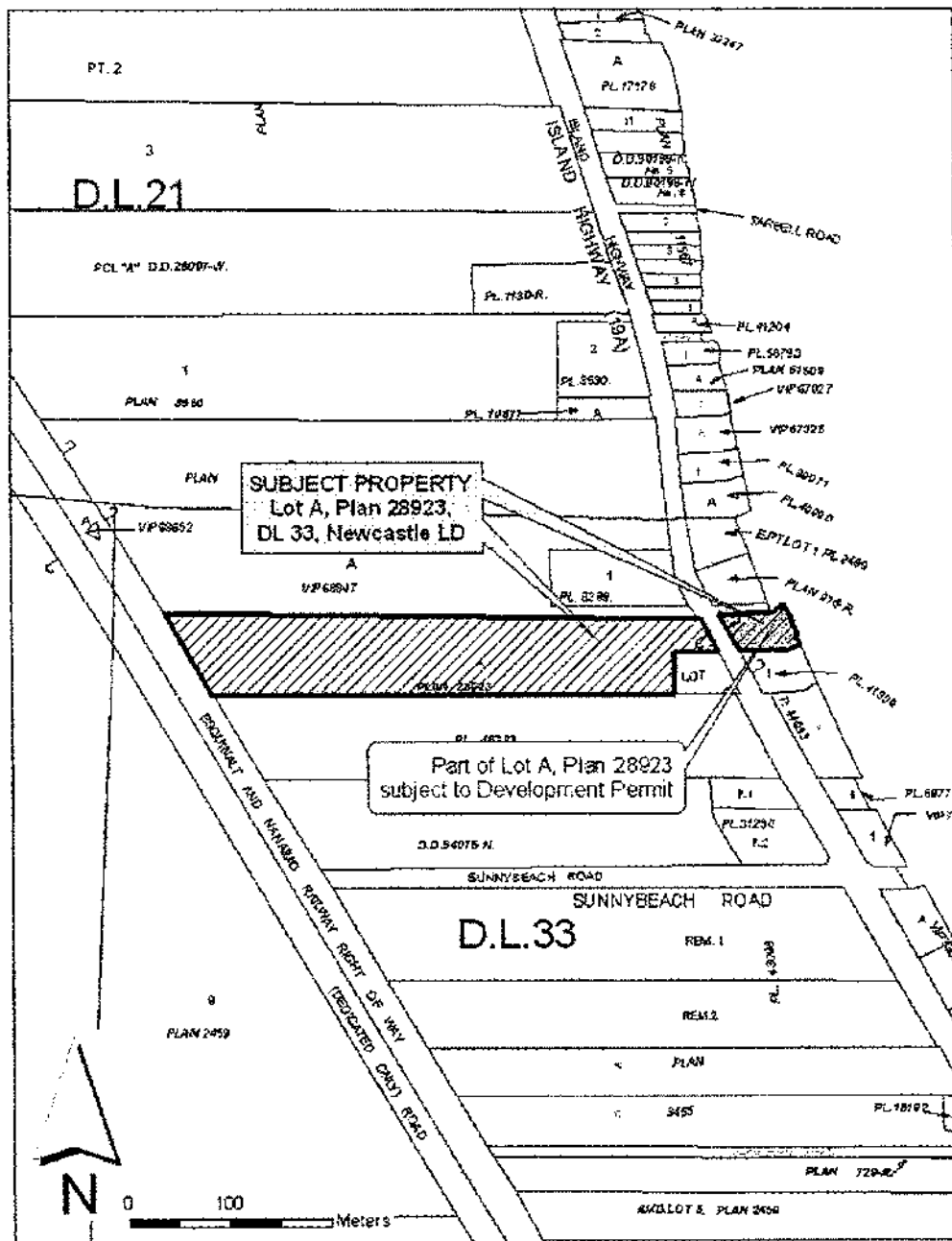
Sediment and Erosion Control Measures

6. Sediment and erosion control measures must be utilized to control sediment during construction and land clearing works, and to stabilize the site after construction is complete. These measures must include:
 - a. Tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be on site;
 - b. Direct run off flows away from the marine environment using swales or low berms;
 - c. Exposed soils must be seeded immediately after disturbance;
 - d. Cover temporary fills or soil stock piled with polyethylene or tarps;
7. All drainage systems must incorporate measures that prevent the loss of upland soils into the aquatic environment and generally direct drainage away from the marine foreshore when not impractical;
8. All excavated material must be placed such that there is no potential for introduction onto the foreshore and,
9. Vegetation must be planted within all disturbed parts of the development permit area. Preferred plantings to be trees, shrubs and ground cover native to the area.

Schedule No. 2
Site Plan (reduced for convenience)
Development Permit No. 60519



Attachment No. 1
Subject Property
Development Permit No. 60519
6208 Island Highway West



BCCS Map Sheet No. 32F-047.1.2

The subject parcel is currently developed with two dwelling units and one accessory building (a gazebo). The subject dwelling unit is located a minimum of 27 metres from the top of the bank and is the closest of the two dwelling units to the top of the bank. The accessory building, a small gazebo, is located approximately 1.0 metre from the top of the bank. The applicant is not proposing any works on the other dwelling unit located on the property or the gazebo. However, the applicant is requesting a variance to legalize the siting of the gazebo as constructed.

Proposed Variance

This application includes a request to vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" as follows:

1. Section 3.4.81 – **Maximum Number and Size of Buildings and Structures** is proposed to be varied by relaxing the minimum lot line setback requirement from 8.0 metres to 4.5 metres from the lot line adjacent to Seal Road for the existing single dwelling unit and proposed addition.
2. Section 3.3.9 – **Setbacks – Sea** is proposed to be varied by relaxing the minimum setback from 8.0 metres to 1.0 metre horizontal distance inland from the top of a slope of 30% or greater for the existing gazebo.

ALTERNATIVES

1. To approve the requested variance and development permit subject to the terms outlined in Schedule Nos. 1, 2, and 3 and the notification procedures pursuant to the *Local Government Act*.
2. To deny the requested variance and development permit as submitted.

DEVELOPMENT IMPLICATIONS

Geotechnical Implications

The geotechnical report submitted by the applicant 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 that no buildings be located within 15.0 metres of the present slope crest and none of the existing second or later growth trees and vegetation be removed. Should any vegetation be removed by any process including wind throw, the report recommends that it be replaced to encourage slope stability.

With respect to the accessory building located approximately 1.0 metre from the top of the bank, the applicant has submitted a letter from a geotechnical engineer indicating that the existing gazebo is non-invasive and not structurally significant in respect to the stability of this portion of the slope surface. However, should the applicant wish to replace or alter the existing gazebo, the geotechnical engineer recommends further geotechnical evaluation.

With respect to drainage, the report recommends that all water be directed away from the slope face. The report recommends that any new septic disposal system be located as far as possible from the crest of the

slope and that this system be a pressure disposal system to ensure dispersion of the effluent over a large area and reduce hydraulic loading rates. The applicants are proposing to follow all recommendations contained within the geotechnical engineers report.

Staff recommends, that as a condition of approval, the applicant shall prepare and register on title, at their expense and to the satisfaction of the Regional District of Nanaimo, a Section 219 Covenant registering the geotechnical report dated May 13, 2005 prepared by Davey Consulting and Engineering on the title of the subject property including a save harmless clause releasing the Regional District of Nanaimo from all losses and damages as a result of erosion and/or bank failure and a priority agreement within 60 days of the date of issuance of this permit. The applicant has concurred with this request.

Land Use and Development Implications

The subject parcel slopes steeply down from Widgeon Road and levels off at the building site before falling steeply towards the ocean. There are significant ocean views from the subject parcel and adjacent properties. The subject parcel is separated from the adjacent parcel to the west by Seal Road (an undeveloped road allowance) and mature vegetation. In addition, the views from the adjacent property owners are directed towards the ocean and not towards the subject parcel. In addition the dwelling unit on the adjacent parcel to the east is located closer to the top of bank than the subject dwelling unit. Therefore the proposed variances would not negatively affect the ocean view from the adjacent property.

The southern half of the subject parcel is heavily vegetated with dense native vegetation and the remainder is landscaped with grass and native and non native plants, trees, and shrub species. There are also numerous mature Douglas Fir and Cedar trees growing on the northern portion of the parcel.

The proposed minor addition would result in a reduction of the setback of a portion of the building adjacent to Seal Road from 5.5 metres to 4.5 metres. The applicant is also proposing to replace the existing flat roof with a peaked roof as the existing flat roof has been problematic and is prone to leakage. No height variance is required.

Please note Seal Road is an undeveloped road allowance and due to the steep topography leading down to the ocean and the fact that the adjacent property has been developed, staff are of the opinion that it is unlikely that Seal Road will be developed in the future. Furthermore, the proposed addition meets the provincial setback requirement of 4.5 metres adjacent to a public roadway.

VOTING

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

SUMMARY/CONCLUSIONS

This is an application for a development permit to legalize the siting of an existing single dwelling unit and to facilitate the construction of an small addition to that dwelling unit within the Hazard Lands Development Permit Area.

This application includes a request to vary Bylaw No. 500 to relax the minimum setback from the lot line adjacent to Seal Road (an undeveloped road allowance) from 8.0 metres to 4.5 metres for the existing


dwelling unit and to relax the minimum setback requirement inland from the top of a slope of 30% or greater from 8.0 metres to 1.0 metre horizontal distance for an existing gazebo.

The site is considered safe from a geotechnical perspective and safe for the intended use provided the applicant develops the site in accordance with the recommendations contained in the report. The applicant has agreed to follow all recommendations of the geotechnical report.

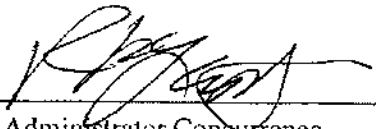
In staff's assessment of this application the proposed development appropriately addresses the hazard concerns, and the proposed variance is not expected to have any negative impact on the views from adjacent properties due to the relatively large lot size, topography, and existing vegetation. In addition the existing buildings and structures have been in their current location for a number of years with no complaints received from the adjacent property owners. Staff are of the opinion that the proposed variances are acceptable and recommends that the Board approve the proposal subject to public notification.

RECOMMENDATION

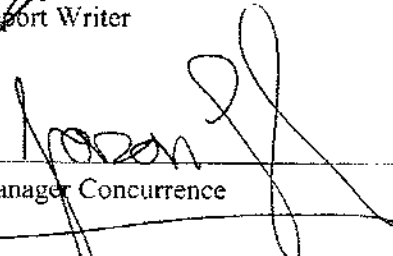
That Development Permit Application No. 60520 for a parcel located at 2281 Widgeon Road, including variances to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," to legalize an existing non-conforming dwelling and gazebo, and to allow the construction of an addition, be approved according to the terms outlined in Schedule No. 1, subject to consideration of comments received as a result of public notification.



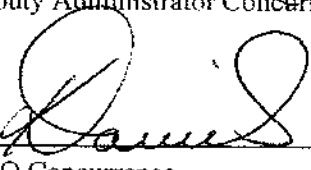
Report Writer



Deputy Administrator Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:
devserv/reports/dp ju 3060 30 60520 carniato-kadyshevich

Schedule No. 1
Terms of Development Permit No. 60520
Lot 1, District Lot 81, Newcastle District, Plan 8394
2281 Widgeon Road

The following are to be completed as part of Development Permit No. 60520:

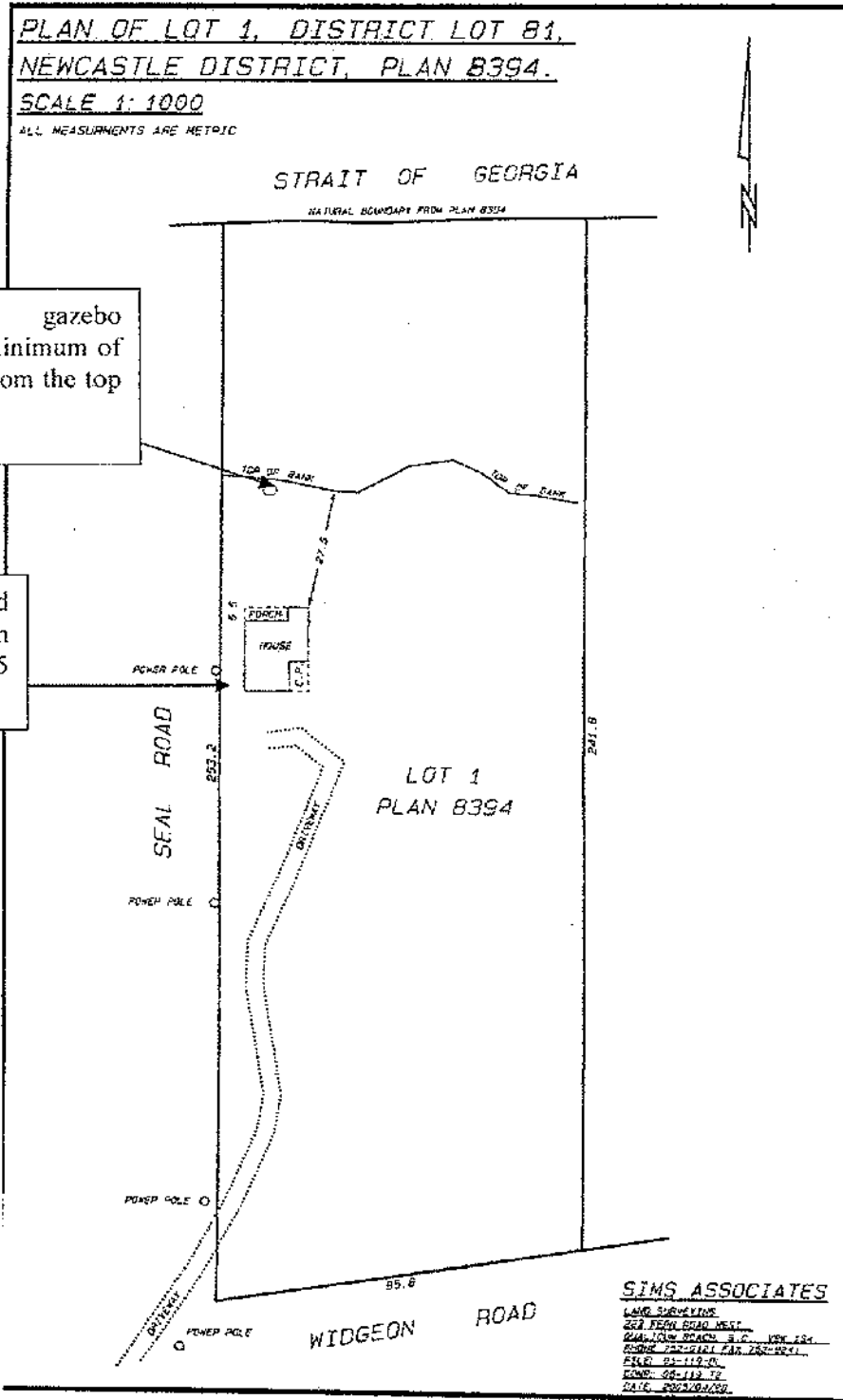
Proposed Variances

1. The following variances apply only to one single dwelling unit sited as shown on Schedule No. 2 and constructed as shown on Schedule No. 3 and one existing 2.74 metre by 2.74 metre gazebo located in its current location generally as shown on Schedule No. 2 and constructed as shown on Schedule No. 3.
 - a. **Section 3.4.81 – Maximum Number and Size of Buildings and Structures of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987"** is varied by relaxing the minimum setback requirement from the lot line adjacent to Seal Road from 8.0 metres to 4.5 metres to legalize the siting of the existing single dwelling unit and proposed addition.
 - b. **Section 3.3.9 – Setbacks – Sea of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987"** is varied by relaxing the minimum setback from 8.0 metres to 1.0 metre horizontal distance inland from the top of a slope of 30% or greater for an existing gazebo. The precise location of the existing gazebo to be confirmed through survey to be submitted by the applicant within 60 days of the date of completion of the proposed works or within 2 years of the date of issuance of this permit, whichever comes first.

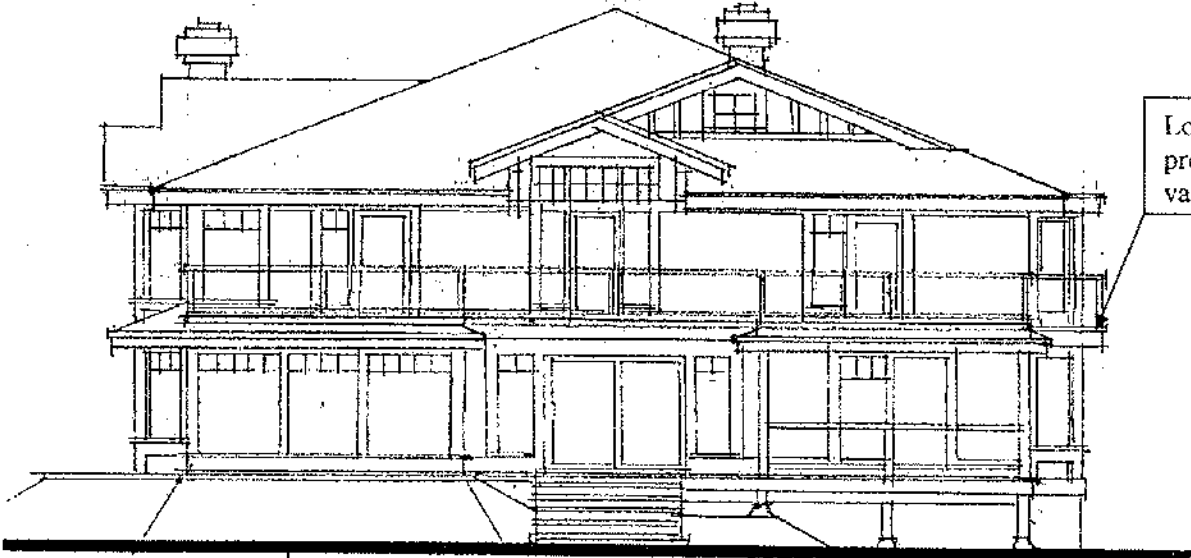
Development of Site

2. Subject property shall be developed in accordance with Schedules No. 1, 2, and 3.
3. All construction 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.
4. Maximum height of the dwelling unit shall not exceed 9.0 metres as measured from natural grade.
5. The subject property shall be developed in accordance with all recommendations contained with the geotechnical report dated May 13, 2005 prepared by Davey Consulting and Engineering.
6. The applicant shall prepare and register on title, at their expense and to the satisfaction of the Regional District of Nanaimo, a Section 219 covenant registering the geotechnical report dated May 13, 2005 prepared by Davey Consulting and Engineering on the title of the subject property including a save harmless clause and priority agreement within 90 days of the date of issuance of this permit.
7. A final survey plan prepared by a British Columbia Land Surveyor shall be submitted by the applicant to the Regional District of Nanaimo showing the final siting and height of the dwelling unit and gazebo within 60 days of the date of completion of the proposed works or within 2 years of the date of issuance of this permit, whichever comes first.

Schedule No. 2
Site Plan (reduced for convenience)
Development Permit No. 60520

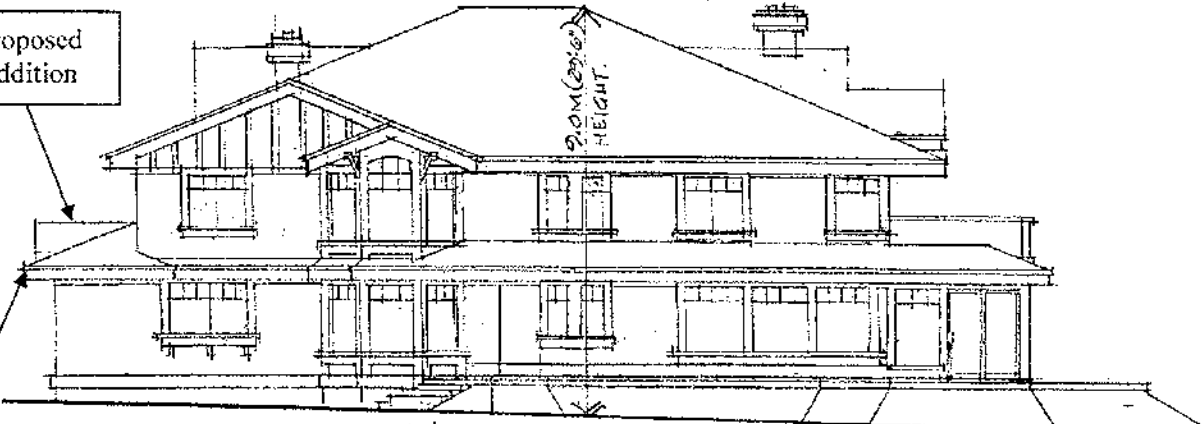


Schedule No. 3 (1 of 3)
Building Elevations
Development Permit No. 60520
2281 Widgeon Road



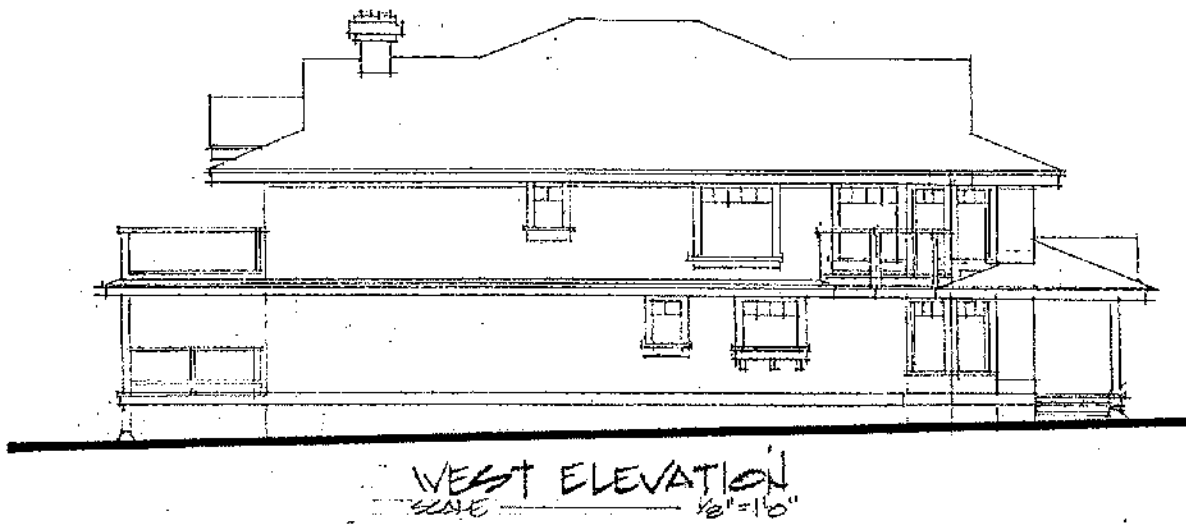
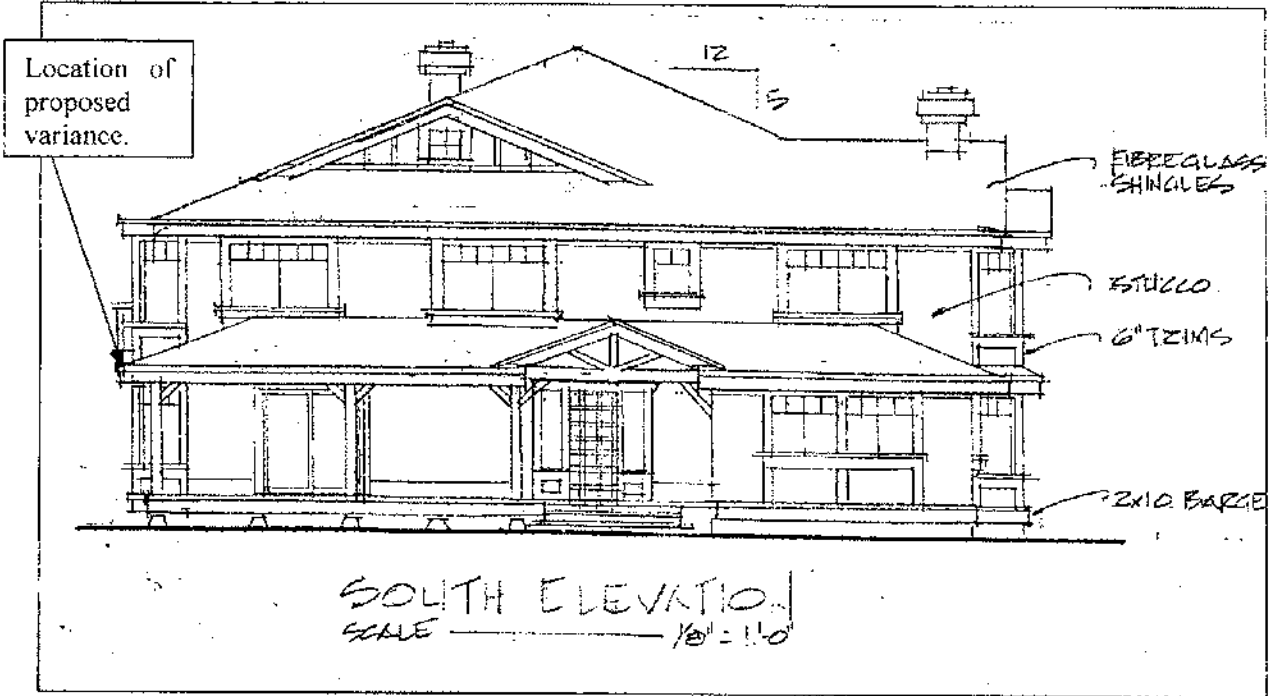
NORTH ELEVATION ~ WATERSIDE
SCALE 1/8" = 1'-0"

Proposed Addition

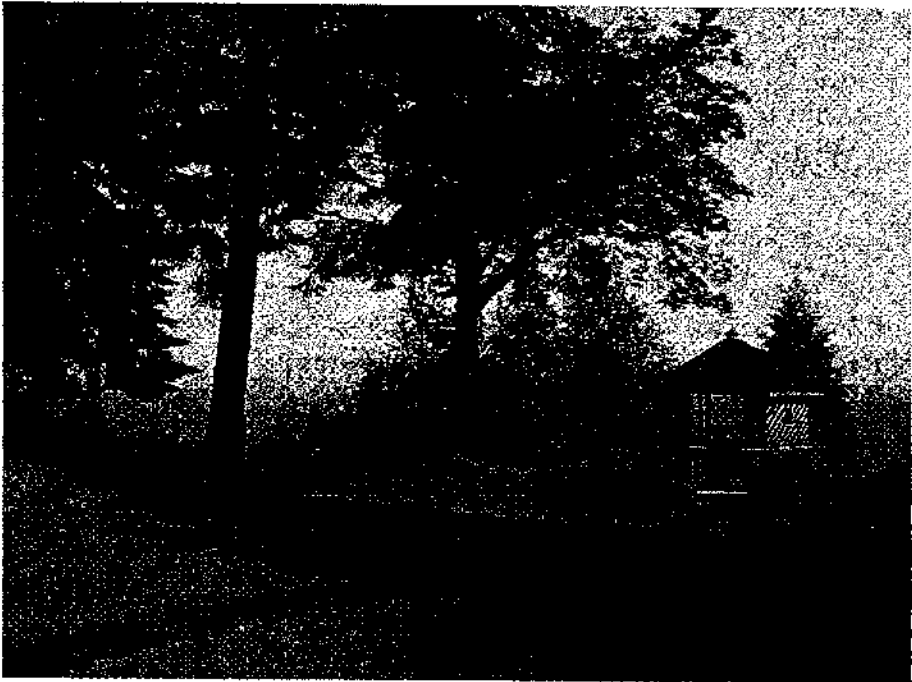


EAST ELEVATION
SCALE 1/8" = 1'-0"

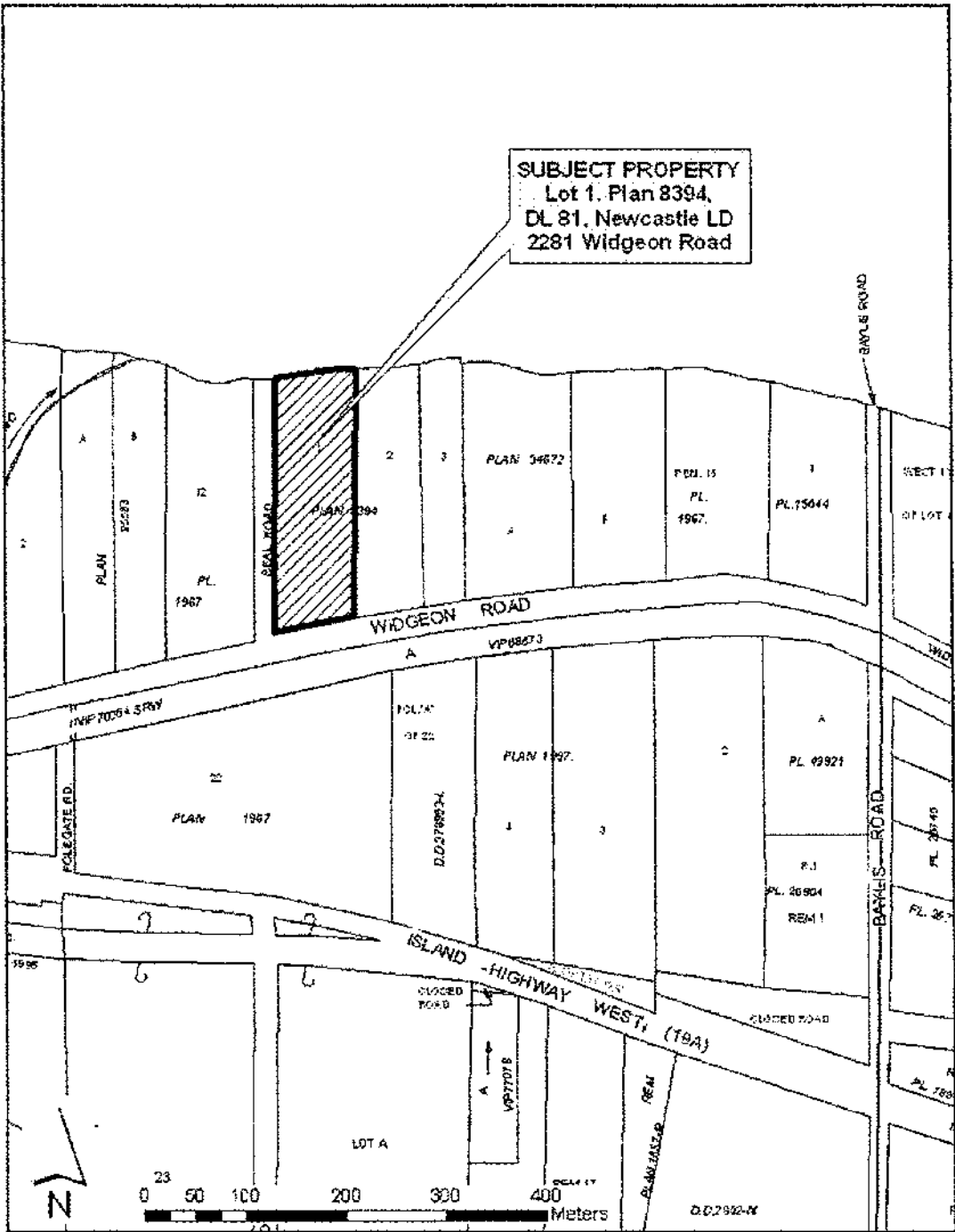
Schedule No. 3 (2 of 3)
Building Elevations
Development Permit No.60520
2281 Widgeon Road



Schedule No. 3 (3 of 3)
Gazebo Elevations
Development Permit No.60520
2281 Widgeon Road



Attachment No. 1
Subject Property
Development Permit No. 60520
2281 Widgeon Road





REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GM ES	
DA CCD		Mo ^F	
JUN - 3 2005			
EAPC ✓			
		DATE:	

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

FROM: Greg Keller
Planner

SUBJECT: Development Permit Application No. 60521 – Moeng & Tough
Electoral Area 'H' – 3692 Horne Lake Caves Road

DATE: June 3, 2005

FILE: 3060 30 60521

PURPOSE

To consider a Development Permit Application, with variance, to facilitate the construction of an accessory building and staircase on a parcel located at Horne Lake.

BACKGROUND

This is an application to facilitate the construction of a staircase and a small accessory building with a floor area of no more than 6.0 m² and a height of no more than 3.0 metres within the Resort Commercial and Recreational Lands development permit area pursuant to "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003."

The subject property, legally described as: Strata Lot 48, District Lot 251, Alberni District, Strata Plan VIS5160, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V and located at 3692 Horne Lake Caves Road in the Horne Lake Strata Development area of Electoral Area 'H' (see Attachment No. 1) is zoned Horne Lake Comprehensive Development Zone 9 (CD9) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."

The subject property is bordered by Horne Lake to the South, a common property to the North (in this case Horne Lake Caves Road), and undeveloped recreational residential properties to the East and West.

Pursuant to "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" (OCP) the subject property is designated within the Resort Commercial and Recreational Lands Development Permit Area (DPA). Lands within this designation that are located at Horne Lake are subject to the conditions and guidelines of Development Permit No. 0120. The purpose of this DPA at Horne Lake is to protect both the lake and other watercourses.

As part of this application, the applicant is requesting a relaxation to the minimum setback requirements from the natural boundary of Horne Lake for the proposed staircase and an amendment to Development Permit No. 0120 to allow for the location of the accessory building within the 15.0 metre setback established by the permit.

Requested Variance

The applicants are requesting a variance to **Section 3.4.107.4 – Minimum Setback Requirements of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987"** to relax the minimum setback requirement from the natural boundary of Horne Lake from 8.0 metres to 0.0 metres in order to facilitate the construction of one wooden staircase providing access to Horne Lake, not exceeding 1.0 metre in width (*See Schedule No. 2*).

ALTERNATIVES

1. To approve Development Permit No. 60521 subject to the terms outlined in Schedules No. 1, 2 and 3.
2. To deny the requested development permit as submitted.

DEVELOPMENT IMPLICATIONS

The applicants are proposing to construct a staircase and a small accessory building (with a floor area of no more than 6.0 m² and a height of no more than 3.0 m) to store non-motorized recreational equipment and a water pump (*see Schedules No. 2 and 3 attached*). The applicants' justification for the proposed structure is due to the steep topography of the subject parcel. According to the applicants it is difficult to carry recreational equipment up and down the bank and the construction of the proposed accessory building and staircase is primarily to provide safe access to and from Horne Lake and to aid in fire suppression in the event that there is a fire on the subject parcel. The applicants are also proposing to remove one hazardous tree within the Development Permit Area.

The subject parcel is generally steeply sloping towards Horne Lake and contains an old railway bed near the top of the slope. The proposed accessory building would be located at approximately the same elevation as the railway bed and would meet the minimum flood construction level of 121.7 metres GSC and would be a minimum of 10.5 metres from the natural boundary of Horne Lake. The proposed staircase is constructed of wood and is no more than 1.0 metre in width and would be located at the base of the steep slope in the approximate location as shown on Schedule No. 2. The proposed staircase is considered a structure pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" as its railing is over 1.0 metre in height. Therefore, a setback variance is required. The proposed staircase would provide safe access from the railway bed elevation to the foreshore of Horne Lake.

The CD9 zone permits a maximum of two accessory buildings per parcel, one with a maximum floor area of 10.0 m² and the other with a maximum floor area of 6.0 m² with a maximum height of 3.0 metres. The subject parcel is currently undeveloped and the applicants utilize a recreational vehicle for temporary accommodation on the subject parcel. The surrounding strata lots 47 and 49 are currently undeveloped.

Horne Lake Strata Corporation does not have any objections to the proposed development.

In staff's assessment of this application, due to the steep topography of the subject parcel, the proposed location of the accessory and staircase is justifiable. In addition, it is not anticipated that the proposed structures will have a negative impact on the views from adjacent parcels once they are developed given the small size of the structure.

It is noted that the existing Development Permit No. 120 already allows for the development of one walkway (including stairs constructed into the bank or less than 1.0 metre in height) within the Development Permit Area, which does not include a structure. However, since the proposed staircase includes a railing and is a structure within 8.0 metres of the natural boundary of Horne Lake a Development Permit with setback variance is required prior to construction.

IMPLICATIONS RELATED TO DEVELOPMENT PERMIT NO. 0120

The applicants are proposing to remove one tree subject to Development Permit No. 0120 guidelines. The tree is dead and poses a potential hazard.

All works undertaken as part of this permit will be consistent with the detailed guidelines outlined in Development Permit No. 0120, except where modified by this permit.

VOTING

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

SUMMARY/CONCLUSIONS

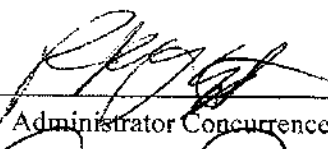
This is an application for a Development Permit with variance to facilitate the construction of a staircase and a small accessory building (with a floor area of no more than 6.0 m² and a height of no more than 3.0 m) to store non-motorized recreational equipment and a water pump within the Resort Commercial and Recreational Lands Development Permit Area pursuant to "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003." As the proposed construction will generally be consistent with development permit area guidelines, there are no apparent impacts on adjacent properties, and the location of the proposed development is justified by the steep topography, staff recommends that the application be approved.

RECOMMENDATION

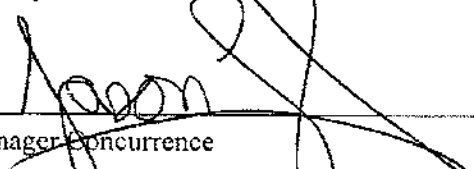
That Development Permit Application No. 60521 with variance to permit the construction of one accessory building and one wooden staircase be approved subject to the terms outlined in Schedule No. 1 and consideration of comments received as a result of public notification.



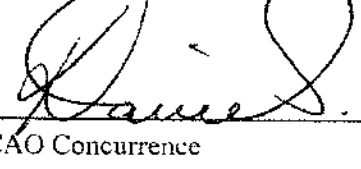
Report Writer



Deputy Administrator Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:
devsrv/reports/2005/dp_ju_60521_moeng_and_tough

Schedule No. 1 (1 of 2)
Terms of Development Permit No. 60521

The following conditions are to be completed as part of Development Permit No. 60521:

Proposed Variance

1. The following variance applies only to one (1) wooden staircase with railing no more than 1.0 metre in width located in the general location as shown on Schedule No. 2.
 - a. **Section 3.4.107.4 – Minimum Setback Requirements of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987"** is varied to relax the minimum setback requirement from the natural boundary of Horne Lake from 8.0 metres to 0.0 metres in order to facilitate the construction of one wooden staircase with railing not exceeding 1.0 metre in width providing access to the foreshore of Horne Lake.

Construction

2. Subject property to be developed in accordance with Development Permit No. 0120, excluding section "Construction" subsection 1 – Accessory Buildings, as altered by this permit;
3. The accessory building and staircase must be constructed to meet or exceed British Columbia Building Code requirements and shall be constructed so as to be structurally sound for the intended purpose.
4. The accessory building shall be generally constructed as shown on Schedule No. 3.

Building Site

5. The siting of the accessory building and staircase are to be sited as shown on Schedule No. 2.
6. The accessory building and staircase must meet all setback requirements except where varied by this permit.

Maximum Height

7. The height of all structures shall be in compliance with Horne Lake Comprehensive Development Zone 9 (CD9) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987";

Dimensions

8. The accessory building floor area shall not exceed 6.0 m²;
9. The staircase shall not exceed a width of 1.0 metre.

Schedule No. 1 (2 of 2)

Terms of Development Permit No. 60521

Flood Construction Level

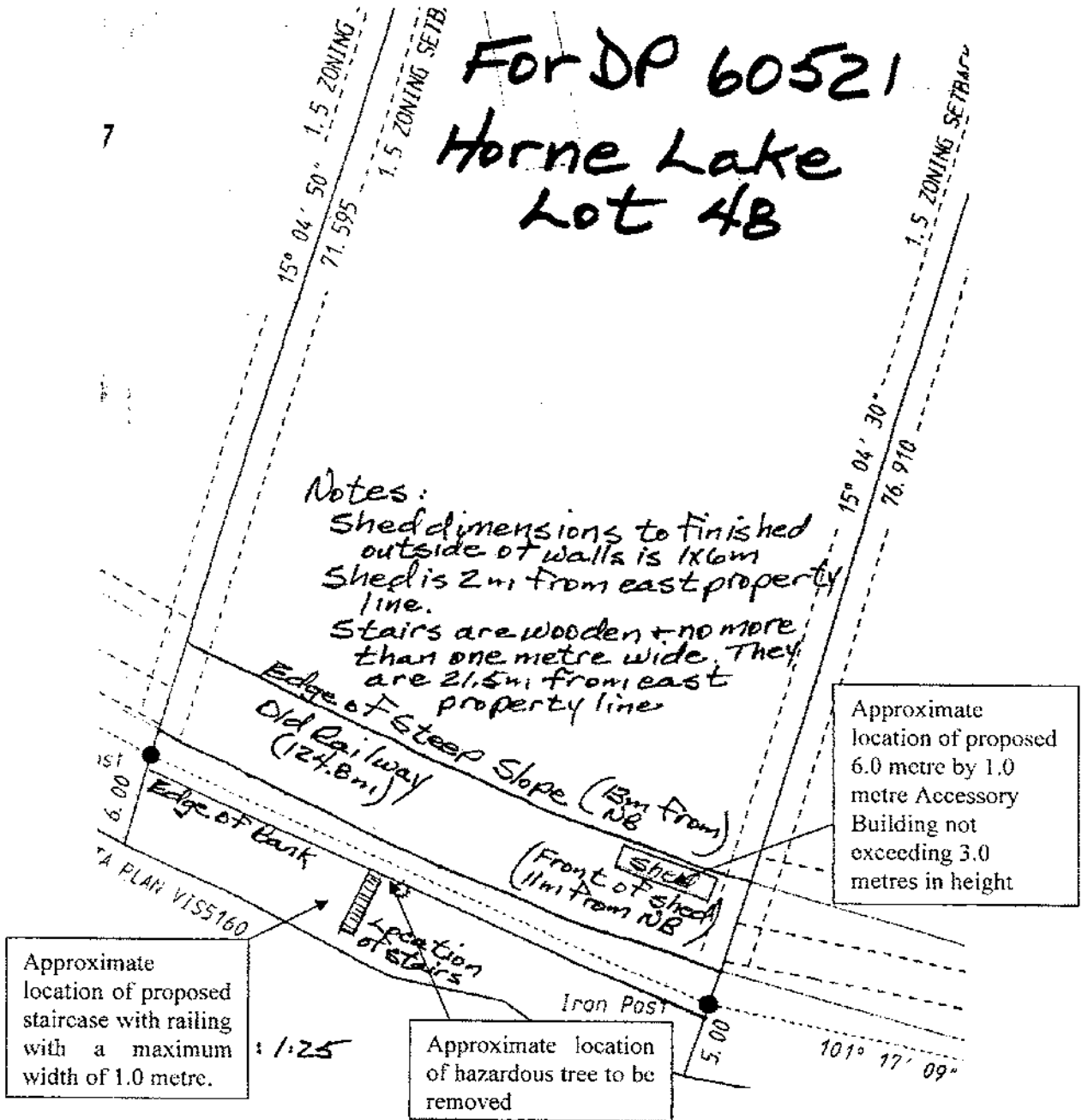
10. In no event shall the area below the required elevation of 121.7 metres GSC be used for human occupancy, commercial sales, business or storage of goods, the installation of furnaces or other fixed equipment damageable by floodwater or erosion, or the storage or use of contaminants;

Sediment and Erosion Control Measures

11. 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:
- a) Tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be on site;
 - b) Direct run off flows away from the marine environment using swales or low berms;
 - c) Exposed soils must be seeded immediately after disturbance;
 - d) Cover temporary fills or soil stock piled with polyethylene or tarps;
13. All drainage systems must incorporate measures that prevent the loss of upland soils into the aquatic environment and generally direct drainage away from the marine foreshore when not impractical;
14. All excavated material must be placed such that there is no potential for introduction onto the foreshore; and,
15. Replant vegetation within disturbed part of the development permit area. Preferred plantings to be trees, shrubs and ground cover native to the area.

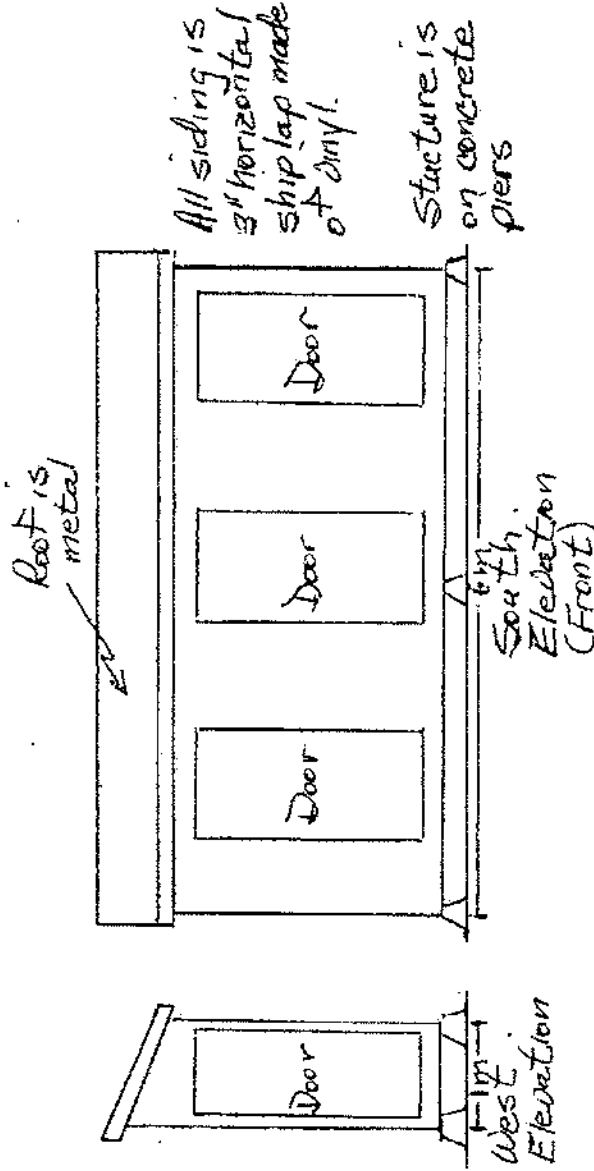
Schedule No. 2
Site Plan
Development Permit No. 60521

(As Submitted by Applicant / Modified to Fit This Page Not to Scale)



Schedule No. 3
Profile Plan
Development Permit No. 60521
(Not to Scale)

*Storage shed elevation for Homevale #60521
Development Permit #60521*

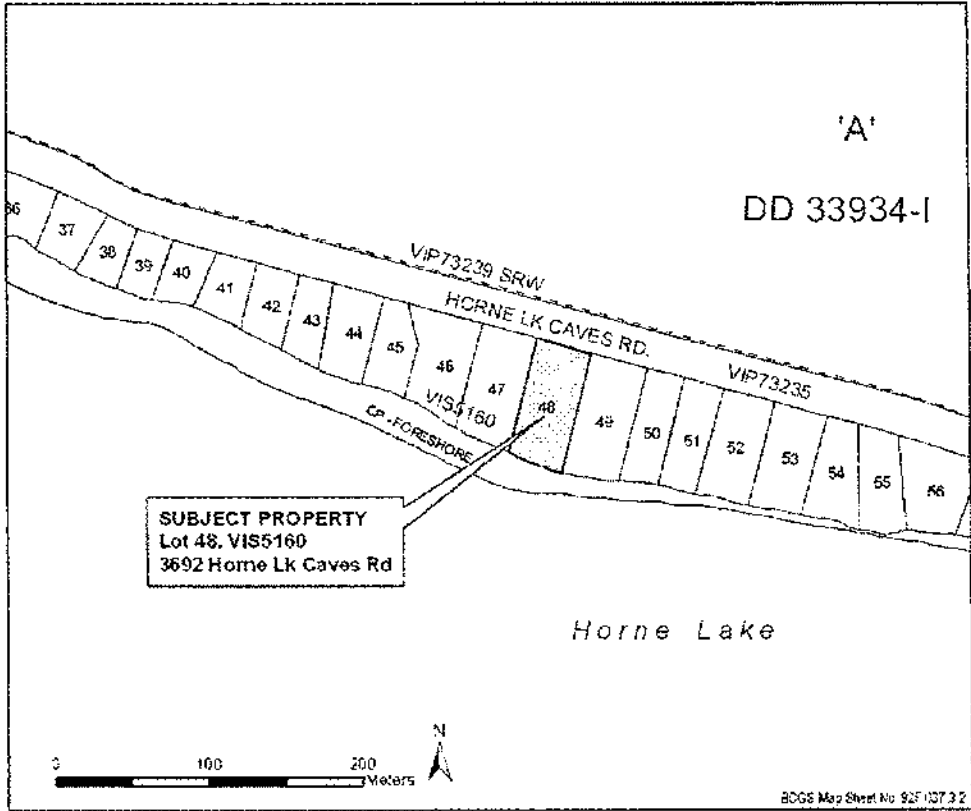
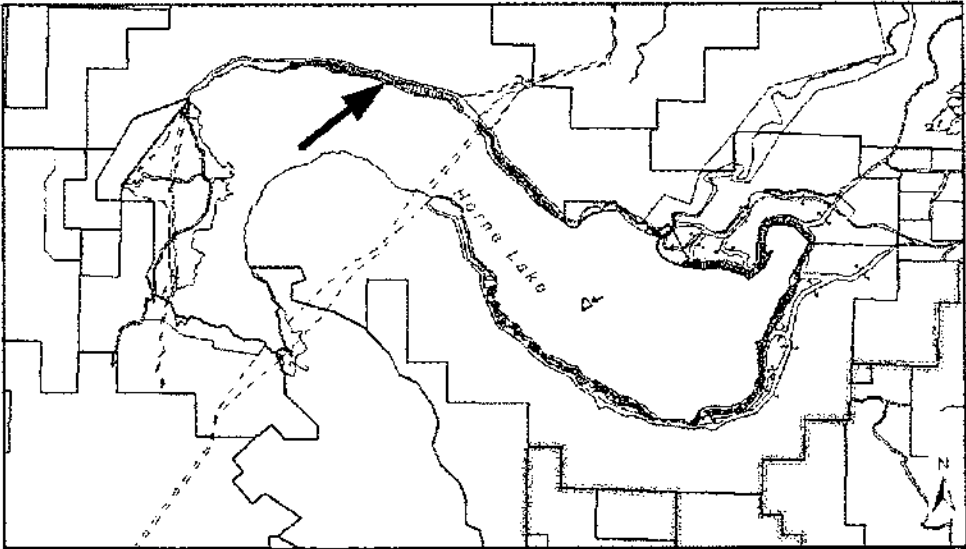


*Notes:
- East elevation is same but with no doors
- North elevation has no doors*

Scale: 1/50

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

Attachment No. 1
Subject Property Map





REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GM ES	
DA CCD		MeF	
JUN - 6 2005			
EACB ✓			

MEMORANDUM

TO: Jason Llewellyn
Manager of Community Planning

DATE: June 6, 2005

FROM: Greg Keller
Planner

FILE: 3060 30 60522

SUBJECT: Development Permit Application No. 60522 – Duval/Fern Road
Electoral Area 'H' – 5387 Deep Bay Road

PURPOSE

To consider an application for a Development Permit with variances to allow for the construction of a single dwelling unit, accessory building, and associated improvements for a parcel located in the Hazard Lands and Environmentally Sensitive Features Development Permit Area.

BACKGROUND

This application is for the property legally described as Lot 20, District Lot 1, Newcastle District, Plan 20442. The subject property is 987 m² in area and is located at 5387 Deep Bay Drive in Electoral Area 'H' (see Attachment No. 1). The subject parcel is zoned Residential 2 Subdivision District 'M' (RS2M) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."

The minimum setback requirements in the RS2 zone are 8.0 metres from the front lot line and 2.0 metres from the interior sides and rear lot line. Since the subject parcel is not within a building inspection area, "Regional District of Nanaimo Flood Management Bylaw No. 843, 1992" does not apply. Therefore, the minimum setback from the ocean is 8.0 metres horizontal distance from the natural boundary as shown on Plan 20442.

The subject property is located within the Hazard Lands and Environmentally Sensitive Features Development Permit Areas pursuant to "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" due to the potential flood risk and close proximity to the ocean. Since the proposed development is within the Development Permit Area, a development permit is required.

Please note the subject parcel has been subject to erosion and as a result, the present natural boundary is located approximately 5.2 metres to 5.4 metres west of the natural boundary as shown on subdivision plan 20442.

Currently there is an existing single dwelling unit located on the north east portion of the subject parcel. The applicant is proposing to remove this building in order to construct the new single dwelling unit, accessory building, and associated improvements. Please note the proposed dwelling unit is located further away from the natural boundary of the ocean than the existing single dwelling unit.

The subject property has been cleared in the past and planted with grass. There is a mature evergreen hedge at least 3.0 metres in height located on the north, south, and west property lines, which provides separation between properties. There are also native grasses and groundcovers and a non-native evergreen hedge located along the present natural boundary that are being maintained and enhanced as part of this application.

An archaeological site has been identified on the subject parcel by the Archaeological and Registry Services Branch of the Ministry of Sustainable Resource Management. The applicant has submitted an alteration permit from the Ministry of Sustainable Resource Management and an archeological impact assessment of the subject parcel which identifies cultural deposits and middens dispersed throughout the property. The proposed development is in accordance with the archaeological report.

In order to satisfy the Hazard Lands Development Permit Area guidelines, the applicant has submitted confirmation from a geotechnical engineer indicating that the site is suitable for the intended use and specifying a minimum flood construction level. In addition, the applicant has agreed to prepare a Section 219 covenant registering the geotechnical report on title and including a save harmless clause and priority agreement within 60 days of the date of approval of the subject permit.

Project Details

The applicant is proposing to construct a two-storey single dwelling unit and small accessory building (floor area less than 10 m² and height less than 3.0 metres) on the subject parcel. In order to meet the flood elevation requirements established by the geotechnical engineer, approximately 1.0 metre of fill must be placed on the parcel to elevate the dwelling unit. The extent of the fill is limited to the area under the proposed building and patio on the north east portion of the parcel.

In order to contain the fill, the applicant is proposing to construct retaining walls on both sides of the driveway. The retaining walls will be over 1.0 metre in height within 4.0 metres of the front lot line and a variance is being requested as part of this application. The fill on other portions of the subject property will be contained by the dwelling unit foundation. As a result of the need to elevate the dwelling unit, a variance is requested to increase the maximum dwelling unit height to 8.2 metres.

There is an existing rock retaining wall under 1.0 metre in height located adjacent to the present natural boundary. This retaining wall has been evaluated by the applicant's geotechnical engineer and is considered adequate for protection against erosion. The applicant is proposing to construct a rock wall terrace a maximum of 0.61 metre in height, approximately 1.0 metre inland from the existing retaining wall. The applicant is proposing to plant native vegetation within the area between the existing retaining wall and proposed rock wall terrace for the purpose of enhancing the existing vegetation. There is an existing non-native evergreen hedge located in this area that the applicant is proposing to remove and replace with native shrubs and grasses.

The existing natural grade of the lawn will generally be maintained and no significant filling will occur on any of the areas indicated as lawn on the site plan submitted by the applicant. Notwithstanding the above, the applicant has indicated that some minor filling may be required in order to level the existing lawn.

Proposed Variances

This application includes a request to vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" as follows:

1. Section 3.4.62– **Maximum Number and Size of Buildings and Structures – Dwelling Unit Height** is proposed to be varied by increasing the maximum dwelling unit height from 8.0 metres to 8.2 metres for the proposed single dwelling unit as shown on attached Schedule No. 2.
2. Section 3.47.62 - **Maximum Number and Size of Buildings and Structures** is proposed to be varied by relaxing the minimum front lot line requirement from 8.0 metres to 4.0 metres for a proposed retaining wall a maximum of 1.7 metres in height as shown on attached Schedule No.2.

ALTERNATIVES

1. To approve the requested variances and development permit subject to the terms outlined in Schedule No. 1, and consideration of the comments received as a result of public notification.
2. To deny the requested variances and development permit as submitted.

DEVELOPMENT IMPLICATIONS

Geotechnical Implications

The geotechnical report submitted by the applicant found the site to be stable from a geotechnical perspective and suitable for the intended use.

The proposed single dwelling unit is located a minimum of 1.5 metres above the elevation of the present natural boundary. The applicants are proposing to follow all recommendations contained within the geotechnical engineers report.

Staff recommend, as a condition of approval, the applicant shall prepare and register on title, at their expense and to the satisfaction of the Regional District of Nanaimo, a Section 219 Covenant registering the geotechnical report dated March 04, 2005 prepared by Lewkowich Geotechnical Engineering Ltd. on the title of the subject property including a save harmless clause releasing the Regional District of Nanaimo from all losses and damages as a result of flooding and/or erosion and a priority agreement within 90 days of the date of issuance of this permit. The applicant has concurred with this request.

Land Use and Development Implications

There are significant ocean views from the subject parcel and from adjacent properties. The subject parcel is separated from the adjacent parcels by a mature evergreen hedge at least 3.0 metres in height. In addition, the views from the adjacent property owners are directed towards the ocean and not towards the subject parcel.

The design height of the proposed single dwelling unit is 7.1 metres, which complies with the maximum height requirement of 8.0 metres pursuant to the RS2 zone. In order to reduce the height of the proposed two-storey dwelling unit the applicant is utilizing a relatively shallow roof pitch. The dwelling unit becomes over height due to the fill requirement of the subject parcel.

In addition, the proposed variance is not anticipated to have a negative affect on the views from adjacent parcels since it is only a 0.2 metre variance, and the evergreen hedge screens the dwelling unit from the properties to the west on the opposite side of Deep Bay Drive.

The subject parcel has previously been cleared of native vegetation and planted with grass with the exception of existing native shrubs and grasses located adjacent to the present natural boundary. The existing native vegetation extends approximately 2 to 3 metres beyond the present natural boundary towards the ocean, which creates a buffer of native vegetation between the proposed development and the ocean. In addition, the applicant is proposing to enhance the existing vegetation by planting native vegetation between the existing retaining wall and the proposed rock wall terrace and by removing an existing evergreen hedge and replacing it with native vegetation.

Given the relatively small lot size, it is difficult to site a conventional dwelling unit outside of the Environmentally Sensitive Features Development Permit Area. In addition, the proposed septic field location is within the front yard adjacent to Deep bay Drive, which precludes the applicant from siting the proposed dwelling closer to Deep bay Drive and further away from the natural boundary of the ocean.

Drainage from perimeter drains and roof leaders is proposed to be directed towards a dry well collection system. All water from the proposed patio and walkway is proposed to be directed away from the natural boundary of the ocean and allowed to naturally percolate into the ground.

Therefore, in staff's assessment of this application, the applicant has demonstrated that the proposed variance is justified and the proposed development is consistent with the Development Permit Area guidelines.

VOTING

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

SUMMARY/CONCLUSIONS

This is an application for a development permit with variance to allow the construction of a single dwelling unit, accessory building, and associated improvements within the Hazard Lands and Environmentally Sensitive Features Development Permit Areas.

This application includes a request to vary Bylaw No. 500 to relax the minimum setback from the front lot line from 8.0 metres to 4.0 metres for a proposed retaining wall and to increase the maximum dwelling unit height from 8.0 metres to 8.2 metres for the proposed dwelling unit.

The site is considered safe from a geotechnical perspective and safe for the intended use provided the applicant develops the site in accordance with the recommendations contained in the report. The applicant has agreed to follow all recommendations of the geotechnical report.


In order to mitigate potential environmental impacts of the proposed development, the applicant is proposing to enhance the existing native vegetation adjacent to the present natural boundary and direct all drainage from roof leader and perimeter drains into a dry well collection system.

In staff's assessment of this application, the proposed development appropriately addresses the environmental and hazard concerns, and the proposed variance is not expected to have any negative impact on the views from adjacent properties due to the existing evergreen hedge and minor variance

being requested. Therefore, staff recommends that the Board approve the proposal subject to consideration of comments received as a result of public notification.

RECOMMENDATION

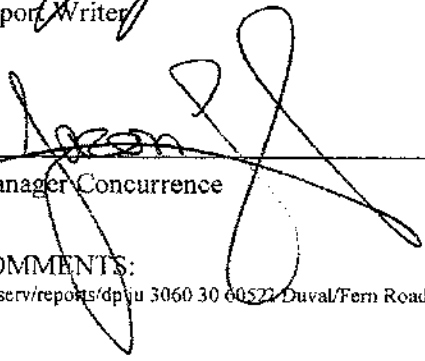
That Development Permit Application No. 60522 with variances be approved according to the terms outlined in Schedules No. 1, subject to consideration of comments received as a result of public notification.



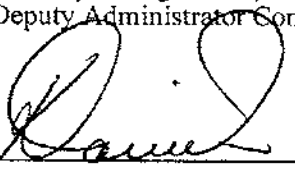
Report Writer



Deputy Administrator Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:
devserv/reports/dp/du 3060 30 60522 Duval/Fern Road

Schedule No. 1 (page 1 of 2)
Terms of Development Permit No. 60522
Lot 20, District Lot 1, Newcastle District, Plan 20442
5387 Deep Bay Drive

The following are to be completed as part of Development Permit No. 60522:

Proposed Variances

1. The following variances to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" apply only to one single dwelling unit and one retaining wall sited as shown on Schedule No. 2 and constructed as shown on Schedule No. 3.
 - a. Section 3.4.62– **Maximum Number and Size of Buildings and Structures – Dwelling Unit Height** is proposed to be varied by increasing the maximum dwelling unit height from 8.0 metres to 8.2 metres for the proposed single dwelling unit as shown on attached Schedule No. 2.
 - b. Section 3.47.62 - **Maximum Number and Size of Buildings and Structures** is proposed to be varied by relaxing the minimum front lot line requirement from 8.0 metres to 4.0 metres for a proposed retaining wall a maximum of 1.7 metres in height as shown on attached Schedule No.2.

Development of Site

2. 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:
 - a. Tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be onsite.
 - b. Direct run-off flows away from the ocean using sand bags, swales, or low berms.
 - c. Exposed soils must be seeded immediately after disturbance. Soil surfaces to be treated should be roughened.
 - d. Cover temporary fills or soil stock piles with polyethylene or tarps.
3. All surface drainage collected from roof leaders and perimeter drains shall be discharged into a dry well, located between the proposed dwelling and the natural boundary.
4. Subject property shall be developed in accordance with Schedules No. 1, 2, and 3.
5. All construction 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.
6. The subject property shall be developed in accordance with all recommendations contained with the geotechnical report dated March 4, 2005, prepared by Lewkowich Geotechnical Engineering Ltd.
7. The subject property shall be developed in accordance with all recommendations contained with the archaeological impact assessment report dated August 2004 and conditions contained within Alteration Permit No. 2004-377 as issued by the Minister of Sustainable resource Management.

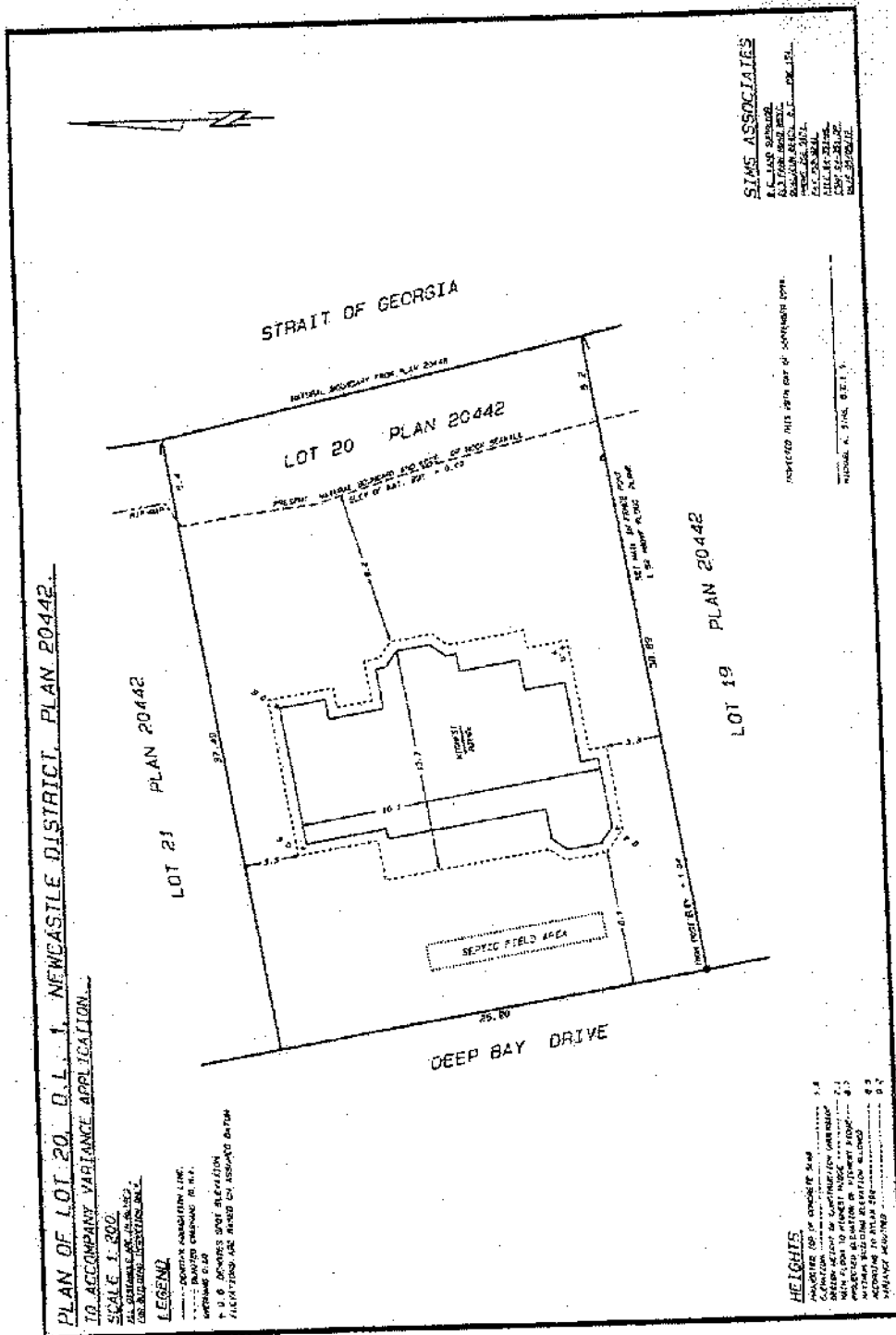
Schedule No. 1 (page 2 of 2)
Terms of Development Permit No. 60522
Lot 20, District Lot 1, Newcastle District, Plan 20442
5387 Deep Bay Drive

8. The applicant shall prepare and register on title, at their expense and to the satisfaction of the Regional District of Nanaimo, a Section 219 covenant registering the geotechnical report dated March 4, 2005, prepared by Lewkowich Geotechnical Engineering Ltd., on the title of the subject property including a save harmless clause and priority agreement within 90 days of the date of issuance of this permit.
9. A final survey plan prepared by a British Columbia Land Surveyor shall be submitted by the applicant to the Regional District of Nanaimo showing the final siting and height of the dwelling unit and retaining wall located on the north side of the driveway within 60 days of the date of completion of the proposed works or within 2 years of the date of issuance of this permit, whichever comes first.
10. The existing retaining wall, less than 1.0 metre in height located at the present natural boundary may be maintained and repaired, however replacement or reconstruction of the existing retaining wall shall be subject to all applicable federal, provincial, and municipal regulations and a Development Permit may be required.

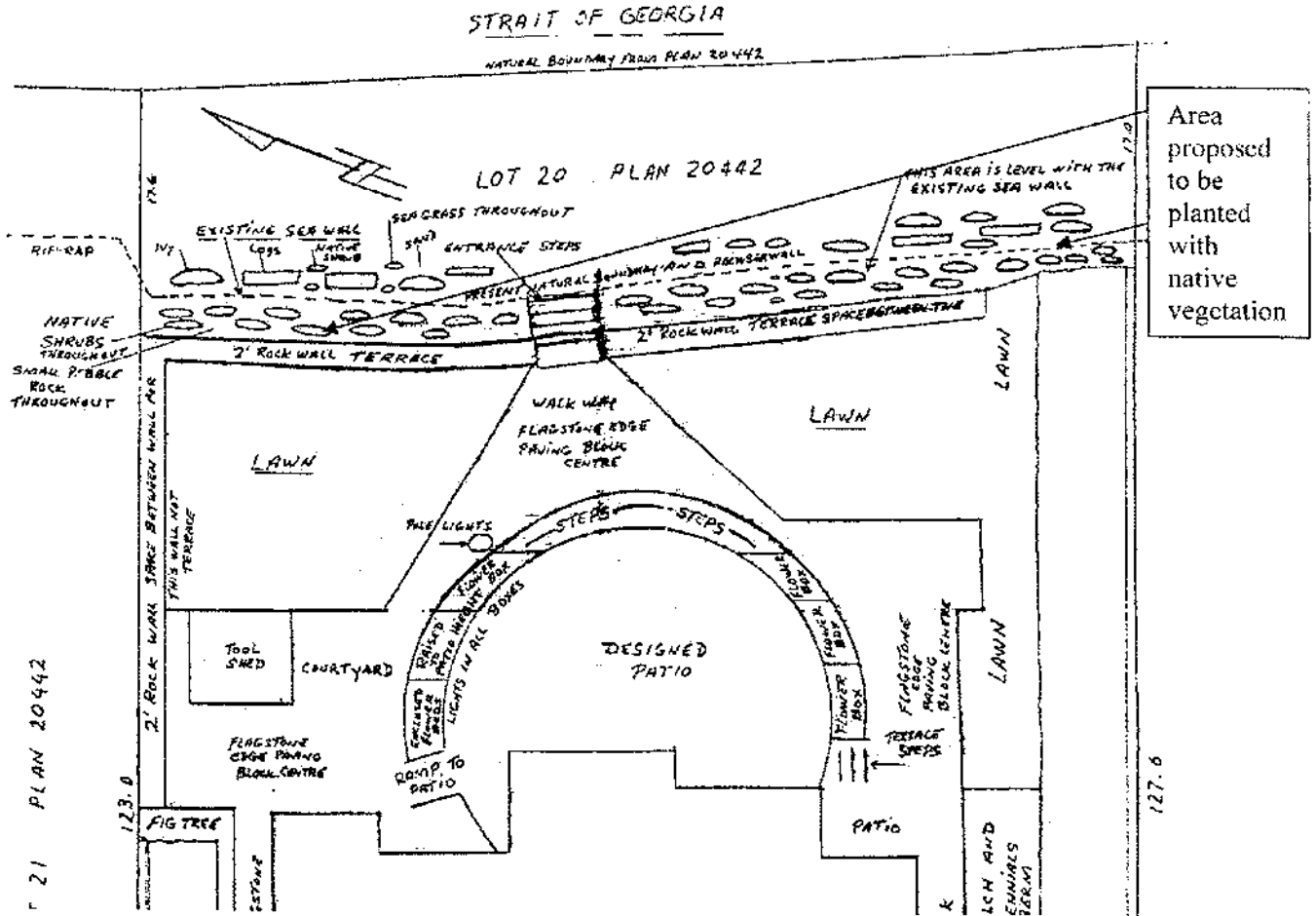
Vegetation

11. The existing cedar hedge adjacent to the present natural boundary shall be removed and replanted with native shrubs, groundcovers, and grasses to the satisfaction of the Regional District of Nanaimo.
12. The area between the existing retaining wall and the rock wall terrace shall be planted with native shrubs, groundcovers, and grasses to a minimum width of 1.0 metre to the satisfaction of the Regional District of Nanaimo.
13. 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 ocean are taken.
14. Additional 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
15. All planting shall also be in accordance with Coastal Shore Stewardship: A guide for Planners, Builders and Developers on Canada's Pacific Coast, published by the Government of Canada and the Province of British Columbia.

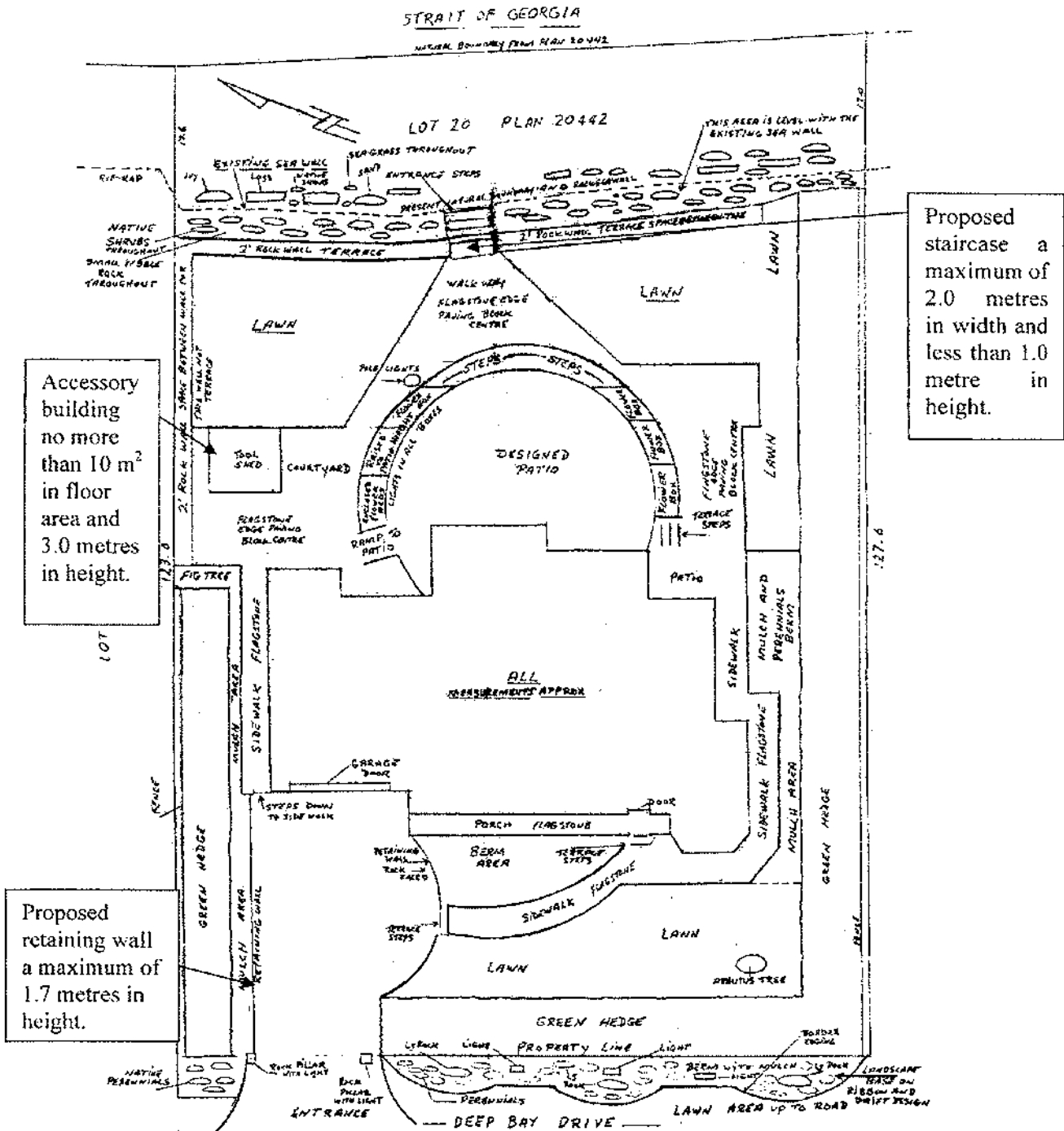
Schedule No. 2 (Page 1 of 3)
Site Plan (reduced for convenience)
Development Permit No. 60522



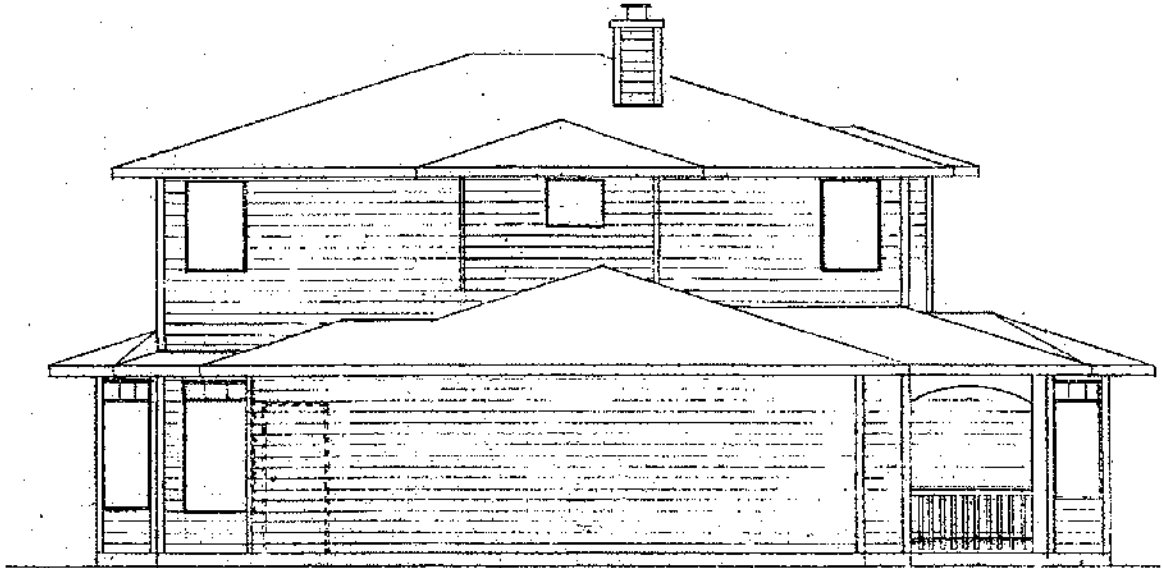
Schedule No. 2 (Page 2 of 3)
Site Plan (enlarged for convenience)
Development Permit No. 60522



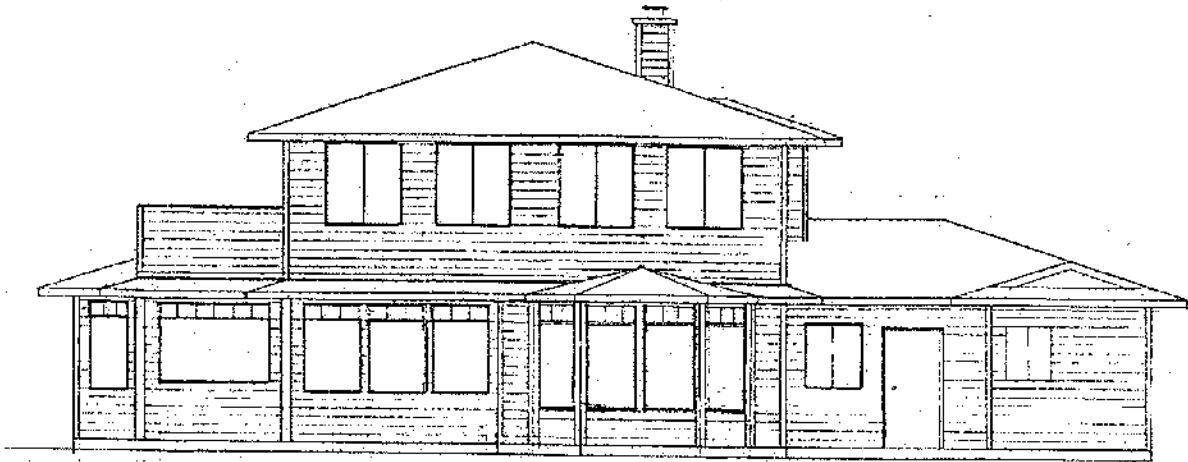
Schedule No. 2 (Page 3 of 3)
Site Plan (reduced for convenience)
Development Permit No. 60522



Schedule No. 3 (Page 1 of 2)
Building Elevations
Development Permit No. 60522
5387 Deep Bay Drive

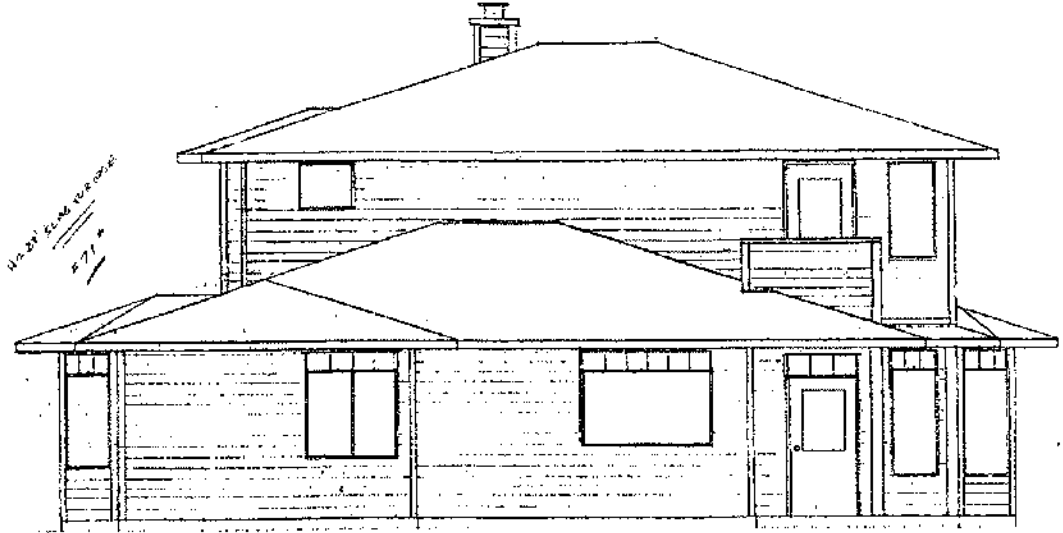


NORTH ELEVATION



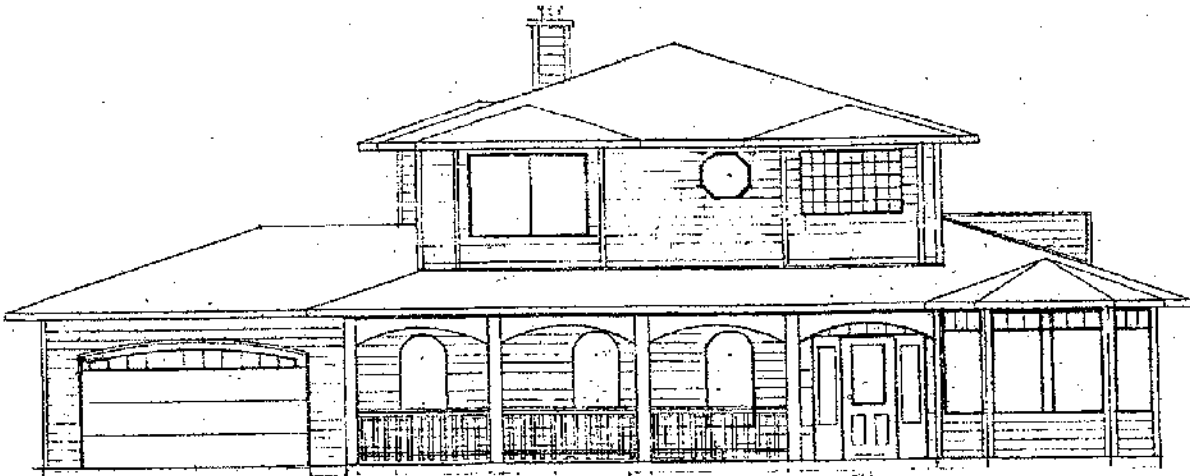
REAR ELEVATION

Schedule No. 3 (Page 2 of 2)
Building Elevations
Development Permit No.60520
2281 Widgeon Road



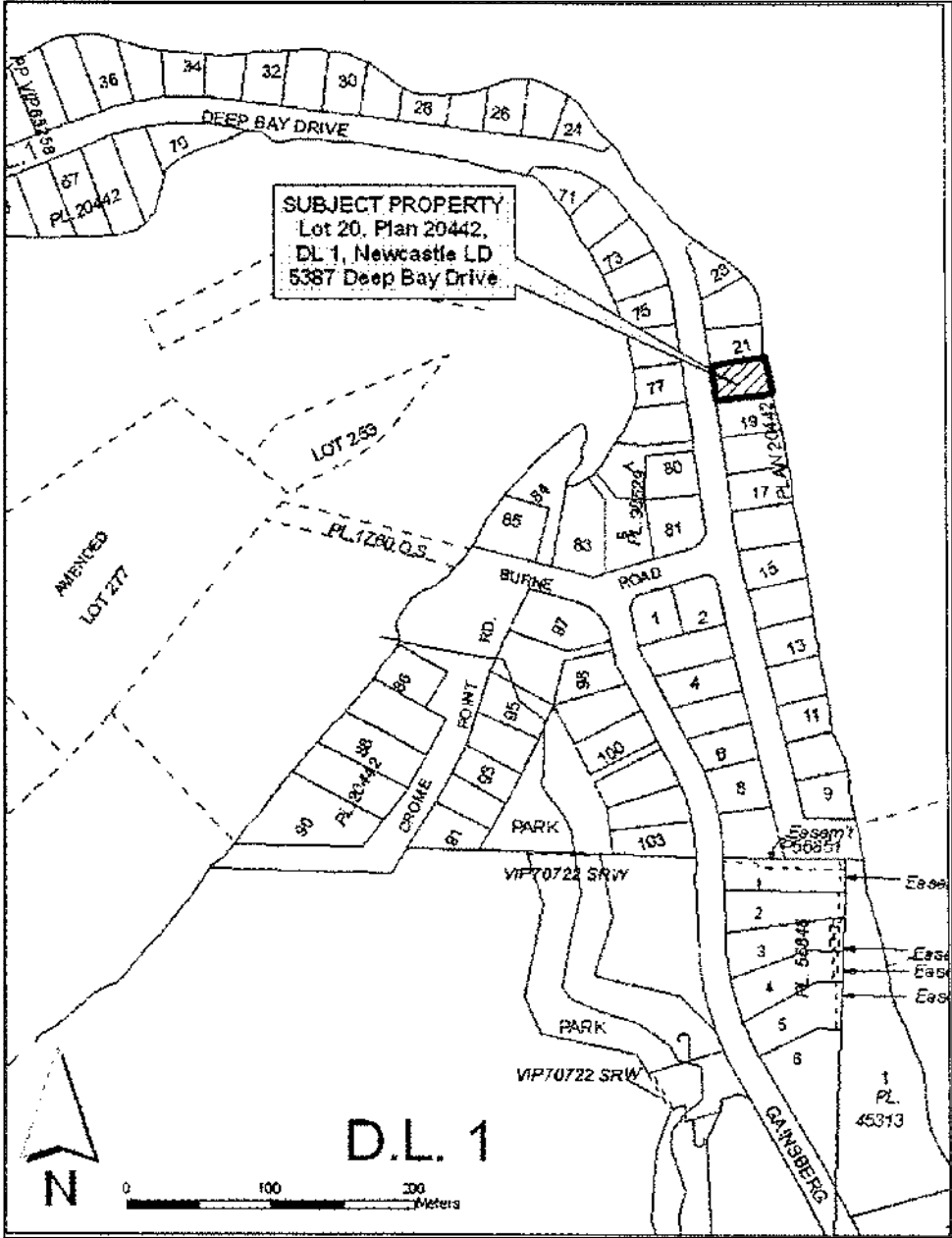
SOUTH SIDE.

SCALE 1/4" = 1'-0"
LEN AND FINLS DIMS. RESIDENTIAL
LOT 20 DEEP BAY DRIVE
DEP. BAY, BC
DRAWN BY GLEN HARRIS R.D. CONSTRUCTION



FRONT ELEVATION

Attachment No. 1
Subject Property
Development Permit No. 60522
5387 Deep Bay Drive



BCGS Map Sheet No. 92F047.1.2



REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GM ES	
DA CCD		MoF	
JUN - 3 2005			
E.A.P.C.			

MEMORANDUM

TO: Wayne Moorman
Manager, Subdivision & Engineering

DATE: June 3, 2005

FROM: Susan Cormie
Senior Planner

FILE: 3320 30 26211
3090 30 90415

SUBJECT: Development Variance Permit Application No. 90514;
Request for Acceptance of Land for Park Land Purposes; and
Request for Relaxation of the Minimum 10% Frontage Requirement
Applicant: Michael Rosen, on behalf of Island Creekside Properties LP
Electoral Area 'D', off Jingle Pot Road

PURPOSE

To consider a development variance permit application to vary the minimum parcel averaging provision; to consider a request to relax the minimum 10% perimeter frontage requirement; and further, to consider a request for acceptance of lands for park land purposes as part of a 72-lot subdivision proposal.

BACKGROUND

This is a subdivision application, which involves a development variance permit to relax the minimum parcel averaging provision for 1 proposed parcel, the relaxation of the minimum 10% perimeter frontage requirement for 9 proposed parcels, and the acceptance of an offer to provide lands for park land purposes. This subdivision proposal, for the properties legally described as Lot 2, Block 3, Section 13, 14, & 15, Range 3, Plan 3115; Lots 3, 4, 5, & 6, Block 3, Sections 13, 14, 15, &-16, Ranges 2 & 3, Plan 3115; Easterly 60 Acres of Section 14, Range 3; and Section 14, Range 4, All of Mountain District, is located adjacent to Jingle Pot Road within the East Wellington area of Electoral Area 'D' and comprises a total of approximately 178 ha (*see Attachment No. 1 on page 11 for location of parent properties*).

The parent parcels are currently zoned Rural 1 (RU1) and are situated within Subdivision District 'D' (*2.0 ha minimum parcel size with or without community services*) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The applicants are proposing to subdivide the parent parcels into 71 rural parcels, all of which are greater than 2.0 ha in size, therefore meeting the minimum parcel size requirements of Bylaw No. 500; 2 parcels totalling approximately 7.0 ha in size for park land purposes; and 1 parcel 0.4 ha in size for the local fire department. (*see Schedule No. 2 on page 9 for proposed plan of subdivision and Schedule No. 3 on page 10 for enlargement of proposed fire hall and park land sites*).

As part of the subdivision application, the applicant is proposing to register a 30-metre wide tree protection covenant for those proposed parcels adjacent to Jingle Pot Road, which is locally known as the 'Shady Mile'.

Surrounding land uses include rural and resource management zoned properties to the north, rural zoned parcels including lands within the Provincial Agricultural Land Reserve to the east; and rural zoned properties to the south and west.

The parent properties are not designated within a Development Permit Area pursuant to the East Wellington – Pleasant Valley Official Community Plan Bylaw No. 1055, 1997.

The parcels are proposed to be serviced by individual private septic disposal systems and individual private wells.

A portion of one of the parent parcels is situated within the Provincial Agricultural Land Reserve. The applicant has submitted an application to the Land Reserve Commission requesting a subdivision of the ALR lands along Jingle Pot Road.

Proposed Variance

The applicant is proposing to subdivide a 0.40 ha sized parcel (Lot 46), which is less than the 2.0 ha minimum parcel size permitted under Subdivision District 'D'. Pursuant to section 4.3.4 of Bylaw No. 500, 1987, a maximum of 50% of parcels may be reduced in size to 80% of the required minimum parcel size. As this parcel is proposed to be reduced in size to 20% of the required minimum parcel size, a development variance permit is required, which is subject to the consideration of the Regional Board of Directors.

10% Minimum Frontage Requirement

Proposed Lots 2, 3, 14, 31, 63, 64, 65, 67, and 68, as shown on the submitted plan of subdivision, will not meet the minimum 10% perimeter frontage requirement pursuant to section 944 of the *Local Government Act*. The requested frontages are as follows:

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% of Perimeter</i>
2	119.3 m	10.2 m	0.9 %
3	68.6 m	29.5 m	4.3 %
14	102.7 m	10.0 m	1.0 %
31	63.2 m	37.5 m	5.9 %
63	60.3 m	58.1 m	9.6 %
64	82.1 m	9.8 m	1.2 %
65	69.7 m	64.4 m	9.2 %
67	65.9 m	18.23 m	2.8 %
68	70.6 m	15.64 m	2.2 %

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

Lands Proposed for Park Use

The applicant, as part of the subdivision proposal, is offering to transfer lands to the Regional District to be used for park land purposes. This includes proposed Lots 45 and 59, as shown on the submitted Plan of Subdivision, which total approximately 7.0 ha or 4% of the total area.

ALTERNATIVES

1. To approve the application for Development Variance Permit as submitted, subject to Schedules No. 1 and 2 and comments received as a result of notification procedure; to approve the request for relaxation of the minimum 10% frontage requirement; and to accept the lands for park purposes.
2. To deny the Development Variance Permit application as submitted, deny the request for relaxation of the minimum 10% frontage requirement; and not accept the land for park purposes.

DEVELOPMENT IMPLICATIONS

Residential Densities

Pursuant to the Rural 1 zone, parcels greater than 2.0 ha in size may support 2 dwelling units. Under current Provincial legislation, an owner may construct 2 dwelling units on such a parcel and prior to occupancy of the buildings, register the dwelling units as a building strata subdivision at Land Title Office. This type of building strata has the effect of creating separate titles for each dwelling unit.

With respect to this subdivision development, the applicant has completed site investigations including a review of availability of potable water, septic disposal conditions, and other site constraints and has determined that building strata development is suitable for 27 of the 71 rural parcels. The applicant has provided, by way of a disclosure statement, that the other proposed parcels except for those situated within the Agricultural Land Reserve, will be restricted to 1 dwelling unit with the second dwelling unit limited in size and that no form of subdivision will be permitted. In order to secure these restrictions, the applicant has offered to register a section 219 covenant restricting the maximum second dwelling size and prohibiting any type of further subdivision on 42 proposed parcels (*see Condition No. 5 of Schedule No. 1 on page 7*). Staff supports this registration of this covenant as it provides assurance as to the uses that will be permitted based upon individual site considerations.

Agricultural Land Reserve Implications

As a portion of 1 of the parent parcels is situated within the Agricultural Land Reserve, the applicant has submitted an application to the Land Reserve Commission requesting a 2-lot subdivision of these ALR lands along Jingle Pot Road. If this application is not supported, the overall subdivision will be reduced by 1 parcel, which is not expected to have a negative impact on the balance of the subdivision proposal.

Minimum 10% Frontage Requirement

Ministry of Transportation staff has indicated that they have no objection to the request for relaxation of the minimum 10% frontage requirement for each of the proposed 9 parcels.

Proposed Lots 2 and 3 are adjacent to lands within the Provincial Agricultural Land Reserve. In keeping with the guidelines of the Land Reserve Commission not to extend roads into the ALR as well as the requirements of the *Land Title Act* to limit roads being extended into ALR lands, the access road is proposed to be a short cul-de-sac with no extension to the adjacent ALR lands. In addition, the shorter road will avoid a highway crossing and construction through existing hydro and gas rights-of-way.

Three of the parcels requiring frontage relaxation are proposed to be accessed by panhandles. Despite the access, these parcels are of sufficient size and shape to support buildable site areas for intended uses. It is

noted that 2 of these parcels, Lots 14 and 64, are proposed to be restricted to 1 dwelling unit with a second smaller sized dwelling unit only and no further subdivision potential.

Future Proposed Fire Hall Site

With respect to the proposed 0.4 ha parcel, the applicant is transferring the ownership of this parcel to the Mountain Fire Protection District for the purposes of providing a new fire hall site (*Lot 46 on Schedules No. 2 & 3*). The Fire Chief has verbally indicated that the proposed parcel is of sufficient size to support a fire hall and the accessory uses such as off-street parking associated with a fire hall operation. As the proposed parcel will meet the Fire Protection District's site needs, staff supports the reduced size of this parcel from 2.0 ha to 0.4 ha. In order to secure the transfer of the fire hall site to the Mountain Fire Protection District, staff recommends that a letter from the applicant's solicitor undertaking to transfer Lot 46 to the Fire District concurrently with the registration of the subdivision at Land Title Office. It is also noted that due to the small size, the proposed parcel would not be able to support the proposed 30-metre wide tree retention covenant adjacent to Jingle Pot Road.

It is noted that as a fire hall is considered an attended public utility use, a zoning amendment will be required prior to the Fire Protection District commencing construction. The Fire Chief is aware of this requirement and that a zoning amendment application is subject to the consideration of the Regional Board of Directors.

Proposed Lands for Park Purposes / Official Community Plan

With respect to the lands proposed to be transferred to the Regional District for park land purposes, the applicant has offered 2 sites – proposed Lot 45 (2.0 ha in size) and proposed Lot 59 (approximately 5.0 ha in size). This offer comprises approximately 4% of the total areas of the parent parcel. However, the applicant, under section 941 of the *Local Government Act*, is not required to provide any park land or cash in-lieu of park land. As the proposed transfer of land for park land purposes is not being considered pursuant to section 941 of the *Local Government Act*, the corresponding Board policy with respect to park land evaluation and process is not required.

With respect to Lot 45, this offer has come about due to the local community's informal request for an area of land, which would be able to support future playing fields. The applicant, in response to this request, has offered a 2.0 ha parcel adjacent to the proposed Fire Hall site. This site is in close proximity to Jingle Pot Road, which is a designated Major Network Road. The applicant has offered to grade the site to a presentable level. The proposed parcel is large enough to be able to support a variety of future field activities. It is noted that the OCP supports the acquisition of park land for community recreation purposes. It is also noted, however, that the cost of developing and maintaining playing fields is expensive and development of the site should not be expected at this time or in the near future, as there is not sufficient funds in the EA 'D' Community Parks Budget to support the develop and ongoing maintain of playing fields or major community parks amenities.

With respect to proposed Lot 59, the proposed area includes the portion of McClure Creek and its riparian area crossing the parent parcels. The creek will be fully contained within the proposed park land. While the majority of the 15 metre riparian area will be contained within the park land, for those portions located outside the 15 metre riparian area, the applicant has offered to register a covenant restricting the placement of buildings or structures, disturbance of land or removal of vegetation in the situation where a proposed parcel will be within the 15.0 metres riparian area of the creek. The applicant has also offered

to continue with a clean up of the proposed park land area, provide some trail development including the access trail from Proposed Road 'B', and rough in 6 parking spaces near Friday Road (*see Schedule No. 1 for conditions of approval*). This proposed park land offers a natural area and a greenway corridor as well as linear connections, which is supported in the Official Community Plan.

ENVIRONMENTAL IMPLICATIONS

While the parent parcels are not designated within a development permit area for the protection of watercourses, the RDN Environmentally Sensitive Areas Atlas indicates the presence of a number of watercourses crossing the parent parcels. The applicant's biologist has determined which of these watercourses requires protection through section 219 covenants. As a result, the Regional Approving Officer is requiring, as a condition of subdivision, the registration of covenants to protect both the watercourses and their riparian areas.

VOTING

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

SUMMARY

This is an application involving a subdivision application for the creation of 71 rural parcels, 2 parcels totalling approximately 7.0 ha in size for park land purposes (to be transferred to the RDN), and 1 parcel 0.4 ha in size for public utility purposes (to be transferred to the Mountain Fire Protection District). As the proposed fire hall parcel will not meet the parcel averaging provisions pursuant to Bylaw No. 500, 1987, a variance is required to relax the minimum parcel averaging provision.

With respect to the proposed fire hall site, the Fire Chief has indicated that the site will be suitable for a future fire hall. The Fire Chief is aware that, as the current rural zoning does not permit a fire hall use, a zoning amendment is required prior to a fire hall being constructed on the site.


With respect to the request for relaxation of the minimum 10% frontage requirement, Ministry of Transportation staff has indicated the Ministry will support these requests. Further, these parcels will be capable of supporting the proposed uses.

With respect to the applicant's offer to transfer a total of approximately 7.0 ha of land to the Regional District for park land purposes (which is not a requirement of subdivision approval). Based on community input, the applicant has offered to give a 2.0 ha portion of the park land near Jingle Pot Road for future playing fields with the remaining 5.0 ha being given along McClure Creek. It is noted that the cost to develop and maintain playing fields and other recreational amenities is expensive and development of the site should not be expected at this time or in the near future. However, this acquisition does provide the community a land base for providing future recreational amenities.

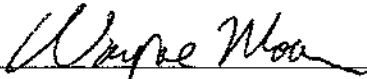
As the applicant is in concurrence with the conditions set out in Schedule No. 1 to provide a covenant restricting further subdivision and size of second dwelling on more than 60% of the proposed parcels and has offered to provide site works for the future park land sites, it is recommended that the variance request be approved subject to notification procedures, that the request for relaxation of the minimum 10% frontage requirement for 9 parcels be approved, and that the request to accept park land be accepted subject to the conditions outlined in Schedule Nos. 1 and 2.

RECOMMENDATION


That Development Variance Permit Application No. 90514, submitted by Michael Rosen, on behalf of Island Creekside Properties LP, to relax the minimum parcel averaging provision for proposed Lot 46 from 80% to 20% of the required 2.0 parcel size; to relax the minimum 10% perimeter frontage requirement pursuant to section 944 of the *Local Government Act* for proposed Lots 2, 3, 14, 31, 63, 64, 65, 67, and 68; and to accept the offer to transfer to the Regional District proposed Lots 45 and 59 for park land purposes be approved subject to the conditions set out in Schedule Nos. 1, and 2 and to the notification requirements pursuant to the *Local Government Act*.



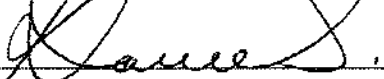
Report Writer



Manager Concurrence



Deputy Administrator Concurrence



CAO Concurrence

COMMENTS:

devsvs/report/2005/ju dvp 90514 10% park land.doc

Schedule No. 1
Development Variance Permit No. 90514
Conditions of Approval

The following sets out the conditions of approval in conjunction with the proposed subdivision of Lot 2, Block 3, Section 13, 14, & 15, Ranges 3, Mountain District, Plan 3115; Lots 3, 4, 5, & 6, Block 3, Sections 13, 14, 15, and-16, Ranges 2 & 3, Plan 3115; Easterly 60 Acres of Section 14, Range 3, Mountain District; and the Section 14, Range 4, Mountain District:

1. Proposed Lots 45 and 59, as shown on Schedule No. 3, shall be transferred as fee simple parcels to the Regional District of Nanaimo to be used for park land purposes. The applicant's solicitor to submit a letter undertaking to complete the transfer of these parcels to the RDN concurrently with the plan of subdivision being registered at Land Title Office.
2. Proposed Lots 46 shall be transferred to the Mountain Fire Protection District. The applicant's solicitor to submit a letter undertaking to complete the transfer of these parcels to the Mountain Fire Protection District concurrently with the plan of subdivision being registered at Land Title Office.
3. With respect to site works, the applicant has offered to undertake the following works in association with Proposed Lots 45 and 59:

Lot 45:

The applicant, in consultation with Recreation and Parks staff, will level the parcel to a presentable condition.

Lot 59:

The applicant, in consultation with Recreation and Parks staff, will:

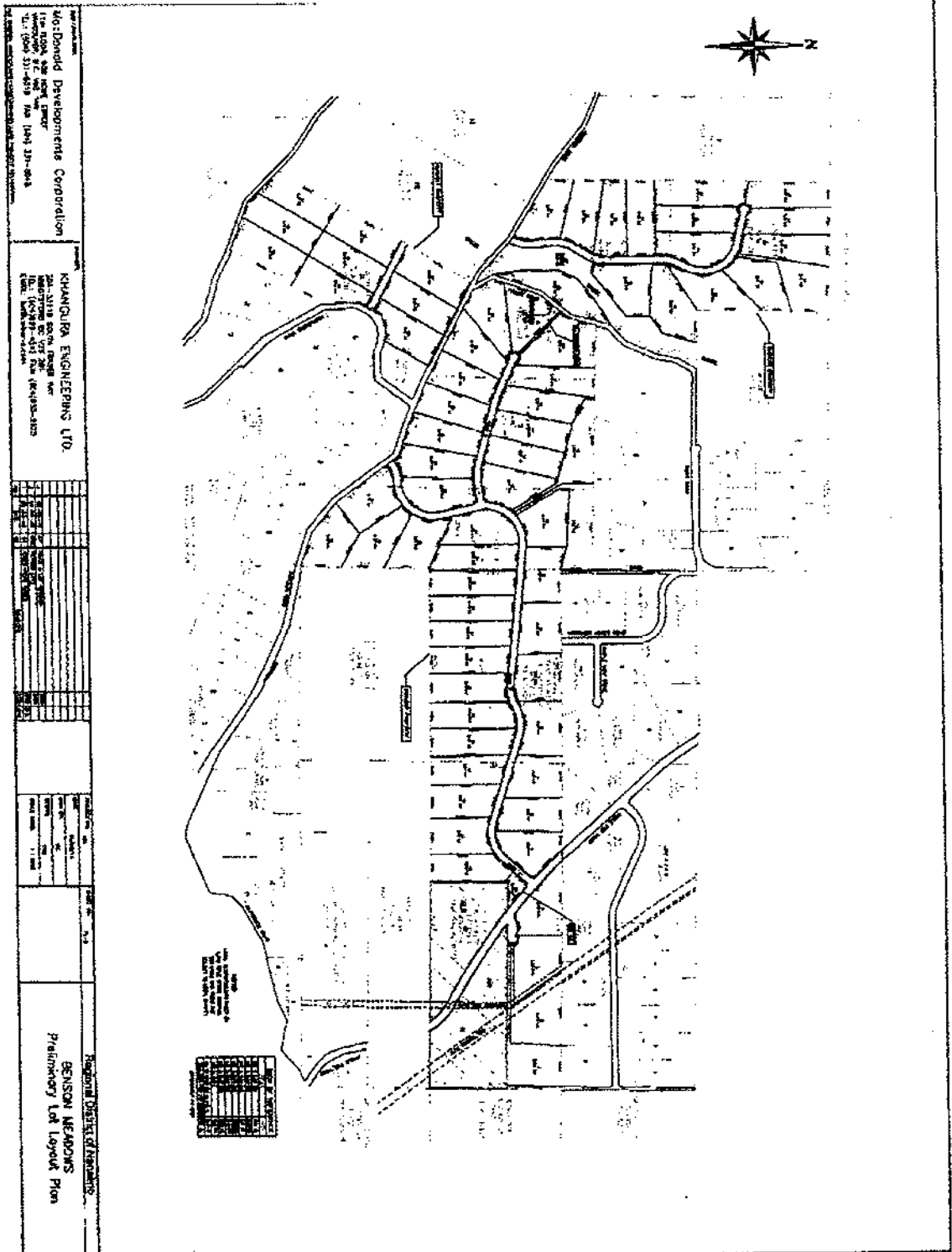
 - a. rough in parking for up to six vehicles near the McClure Creek bridge on Jameson Road at the end of Friday Road;
 - b. construct the 6.0-metre wide trail linkage accessing proposed Road B to RDN standards in advance of parcels being sold; and
 - c. construct a trail route through the park land/creek corridor.
4. Applicant to prepare and register a section 219 covenant restricting the removal of vegetation, no disturbance by man, no wells and no buildings or structures on any proposed parcels which are within 15.0 metres of the natural boundary or top of bank of McClure Creek. Applicant to submit draft covenant to Regional District for review prior to registration at Land Title Office. This covenant is to be registered at Land Title Office concurrently with the plan of subdivision. Applicant's solicitor to submit letter undertaking to register this covenant.
5. Applicant to prepare and register a section 219 covenant restricting the size of a second dwelling unit and no further subdivision, including a bare land strata or building strata on the following proposed parcels:

2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 16, 17, 18, 19, 20, 22, 29, 30, 31, 33, 35, 36, 37, 38, 41, 43, 44, 49, 50, 51, 52, 53, 54, 58, 61, 62, 64, 68, 69, 71, and 72 as shown on Plan of Subdivision dated revision 05-05-19, prepared by Khangura Engineering Ltd.

Applicant to submit draft covenant to Regional District for review prior to registration at Land Title Office. This covenant is to be registered at Land Title Office concurrently with the plan of subdivision. Applicant's solicitor to submit letter undertaking to register this covenant.

Schedule No. 2

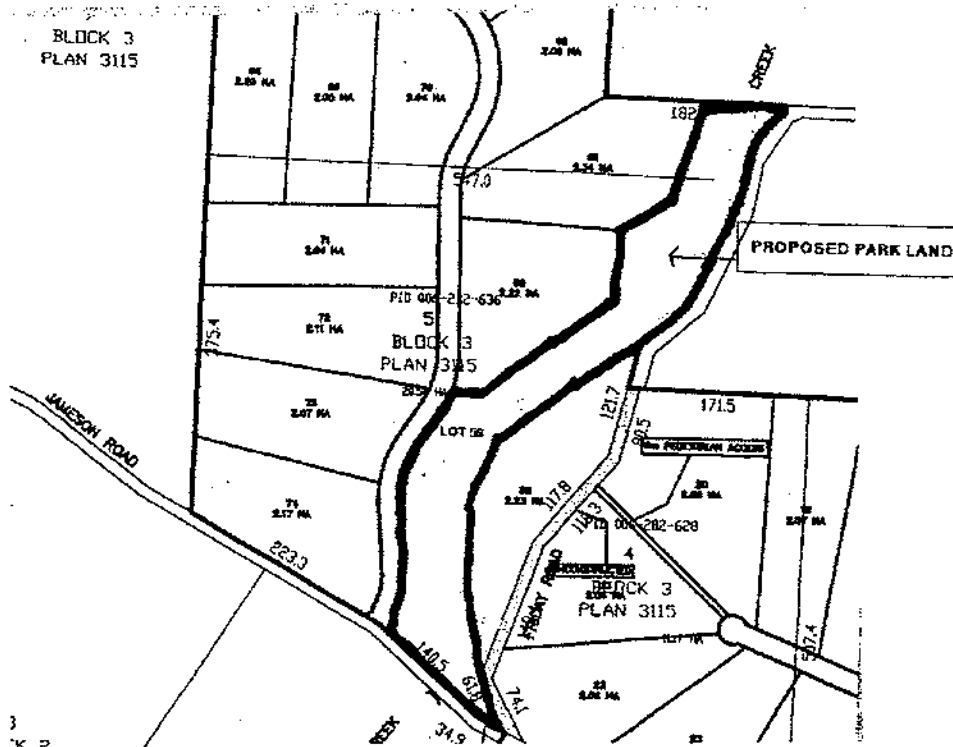
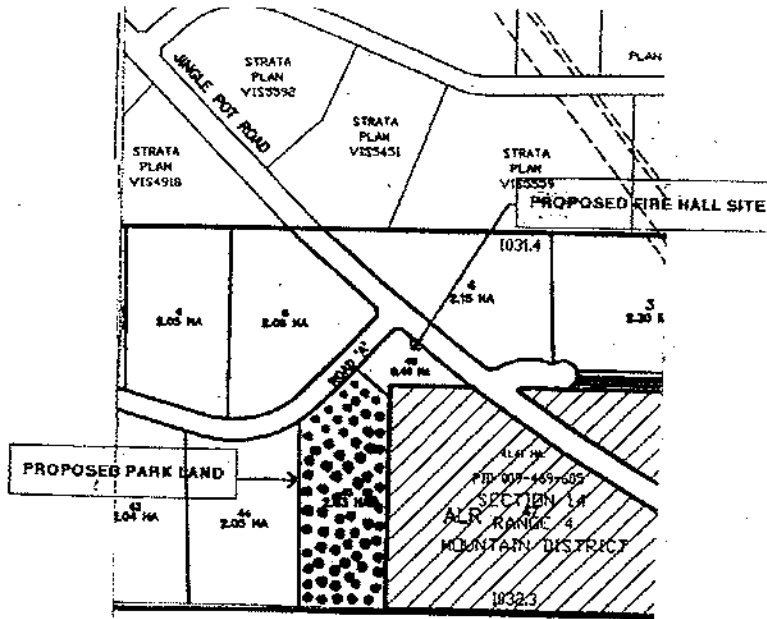
Development Permit Application No. 90514
 Proposed Plan of Subdivision
 (as submitted by applicant)



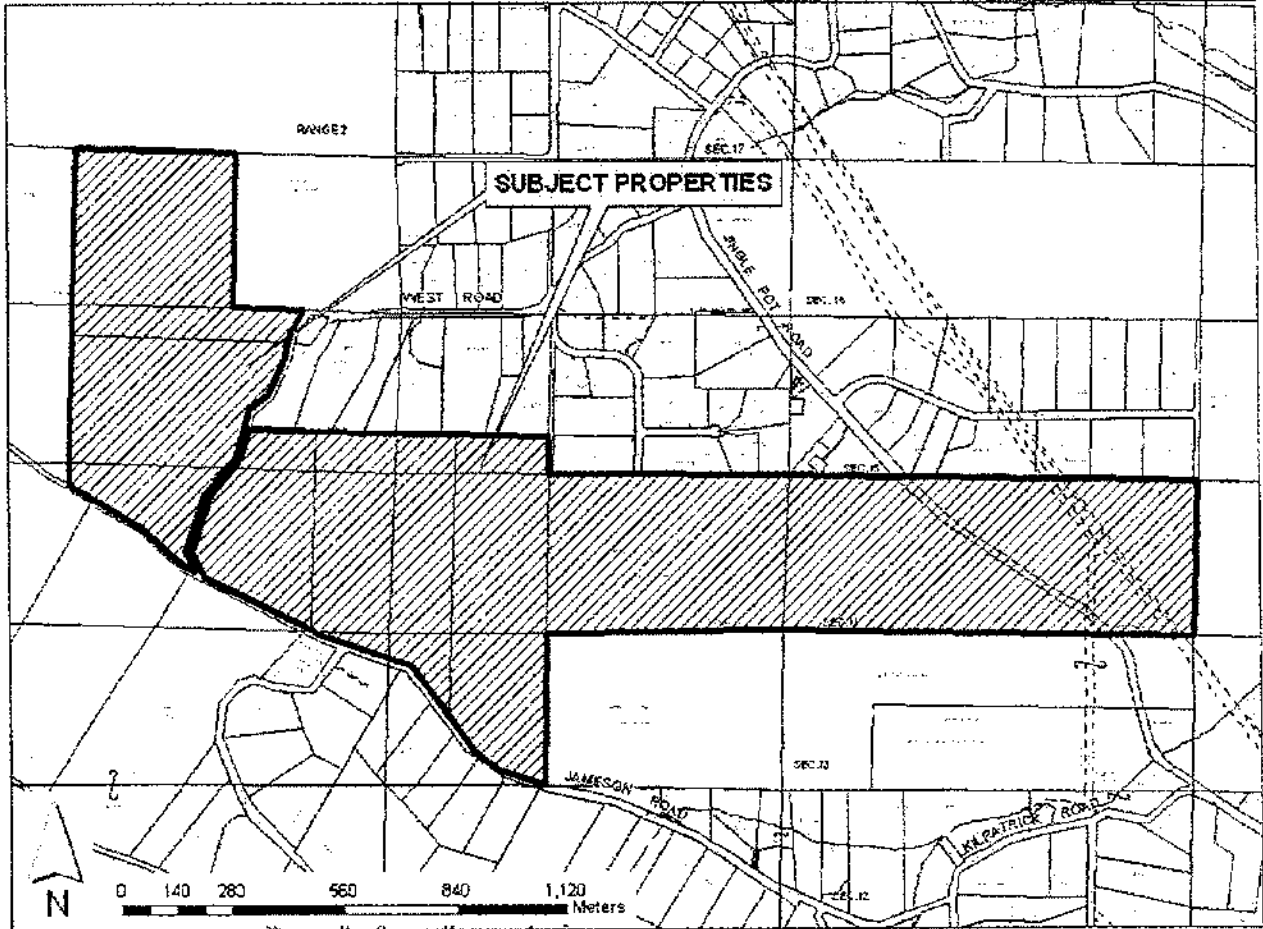
Applicant: Mr. Donald Developments Corporation 15th Floor, 220 King Street West Toronto, Ontario M5X 1C9 Tel: (416) 593-4411 Fax: (416) 593-4414	
Engineer: KHANGLIBA ENGINEERING LTD. 28-1118 St. Clair Avenue West Scarborough, Ontario M1V 4Y7 Tel: (416) 291-4111 Fax: (416) 291-4112	
Date of Issue: 06/03/05	Date of Revision: 06/03/05
Project No.: 90514	Drawing No.: 10000-01
Scale: As Shown	Sheet No.: 1 of 1
Registered District of Hamilton BENSON MEADOWS Preliminary Lot Layout Plan	

Schedule No. 3

Development Permit Application No. 90514
 Proposed Location of Future Fire Hall Site
 Proposed Locations of Park Land Sites
 (as submitted by applicant / reduced for convenience)



Attachment No. 1
Location of Parent Parcels





REGIONAL DISTRICT OF NANAIMO	
CHAIR	GM Cms
CAO	GM ES
DA CCD	MoF
JUN - 7 2005	
EAPC	

MEMORANDUM

TO: Robert Lapham
Deputy Administrator

DATE: June 6, 2005

FROM: Brigid Reynolds
Senior Planner

FILE: 6480 00 EAE

SUBJECT: Electoral Area 'E' Draft Official Community Plan – Bylaw No. 1400, 2005
All Electoral Areas

PURPOSE

To receive the Report of the Public Information Meeting containing the Summary of the Minutes and submissions to the Public Information Meeting held May 30, 2005 on the Draft Nanoose Bay Official Community Plan; to receive the Amended Draft Official Community Plan; to introduce the Official Community Plan Bylaw No. 1400, 2005 at 1st and 2nd reading; and, to refer the bylaw to a Public Hearing.

BACKGROUND

The Electoral Area 'E' Official Community Plan review process has been underway since early 2004. Recent actions on this planning project include the following:

- The Regional Board received a draft Nanoose Bay OCP at the December 18, 2004 Board Meeting.
- Pauline Bibby, the Electoral Area Director, resigned her position in late December 2004.
- A public information meeting was held January 18, 2005.
- George Holme was acclaimed as the Electoral Area Director in March 2005.
- Staff and the Electoral Area Director met with various Nanoose Bay community groups and stakeholders to receive their input.
- Staff prepared an amended draft OCP based on input received since the January 18 public information meeting.
- The Regional Board received a revised draft Nanoose Bay OCP at the May 24, 2005 Board Meeting.
- A Public Information Meeting was held May 30, 2005.
- Staff prepared a revised amended draft OCP based on input received at the May 30 Public Information Meeting (PIM) and submissions received following the PIM, together with agency comments.

Attachment No. 1 outlines the issues raised since the May 24, 2005 Board meeting including those raised at the May 30th PIM and how the OCP has been amended to address the issues. *Attachment No. 2* is the Summary of Proceedings and Submissions to the Public Information Meeting held May 30, 2005. *Attachment No. 3* outlines the comments received at the PIM. *Attachment No. 4* includes submissions received since the May 24, 2005 Board meeting.

Included in the analysis of issues is the request by Can-Corp Development to amend the OCP to permit consideration of a commercial development on five parcels located at the intersection of the Island Highway and Northwest Bay Road and the issue of removal of the Coastal Development Permit area,

both of which resulted in numerous submissions during the later stages of the OCP process. These issues are summarized as follows:

Can-Corp Development Proposal

The five subject properties are located adjacent to the Island Highway across from the Petro-Can station. The proponents made a presentation to the EAPC February 8, 2005 regarding their 'Lifestyle Commercial' development and held an open house to solicit community input. The proposal has been presented conceptually as a commercial development, possibly in the range of 120,000 square feet of floor space that would serve area residents as well as cater to highway traffic. The development is proposed to include community amenities such new highway improvements, walking trails and a soccer field. There have been numerous submissions supporting the proposal. There have also been submissions that do not support the proposal. The current OCP and Draft OCP bylaw do not support additional commercial uses being established outside of the Urban Containment Boundary and more fundamentally the proposal would be contrary to many of the objectives and policies in the Plan that support the Red Gap as the primary service centre and discourage this type of growth and development outside the designated urban areas. This proposal is also not consistent with the Regional Growth Strategy (RGS) and the Highway Implementation Agreement.

Coastal Lands Development Permit Area

As a result of submissions and presentations throughout the OCP process, the Coastal Lands Development Permit Area was removed as part of the last amendment to the draft OCP. A number of residents suggested that the Development Permit Area should be reinstated with possible revisions to address outstanding concerns. However numerous submissions have been received supporting the removal of the Development Permit Area. The Area 'E' Electoral Area Director indicated that he would solicit input from a selected committee of residents to obtain an indication of what other options might exist to resolve this issue or if new information should be considered. The previous staff report recommended that the Development Permit Area be removed and an amendment to the setback requirements from the natural boundary of the sea be implemented. Discussions with residents indicate there is support to amend the zoning setback from the ocean to establish a 15 m setback from the natural boundary of the ocean. The existing zoning setback is measured 8 m from the natural boundary or 8 m from the top of bank that is 30% or greater. No issues were raised at the PIM concerning the amendment to the setback requirements.

ALTERNATIVES

1. To receive the Nanoose Bay Official Community Plan, as amended to include the recommendations brought forward in the staff report, and introduce the Bylaw at 1st and 2nd reading and proceed to a Public Hearing.
2. To receive the amended Nanoose Bay Official Community Plan and refer it back to staff with direction to make further amendments.

GROWTH STRATEGY IMPLICATIONS

The proposed draft Nanoose Bay Official Community Plan is consistent with the goals and policies of the RDN's Regional Growth Strategy (RGS). While a proposed amendment to the Urban Containment Boundary has been proposed for the Red Gap Village Centre this amendment would be subject to an amendment to the RGS pursuant to the Urban Containment and Fringe Area Management Agreement. Under this process the amendment must be in keeping with other RGS policies to direct future growth

and development to urban containment boundaries where more complete communities can be developed and impacts on environmentally sensitive areas and resource lands can be reduced. The proposal has been reviewed by the Intergovernmental Advisory Committee and the members have not stated any objections to date.

The community and staff are aware of the Can-Corp Ventures proposal and the proponents have requested that the Plan be amended to include the proposal. The proposal would require an amendment to the RGS, OCP, and zoning bylaw. Thus far, a concept proposal has been submitted and an open house was held by the proponents. The proposal is fundamentally contrary to the RGS policies and could not be considered pursuant to the terms of the Urban Containment and Fringe Area Management Agreement as it is inconsistent with the broader goals and objectives of the RGS. In addition, this proposal is contrary to vision of the Highway Implementation Agreement between the RDN, member municipalities, Ministry of Transportation and Ministry of Community Aboriginal and Women's Services. The shared vision for the Vancouver Island Highway Corridor is as follows:

In accordance with, and as required by, all laws, by-laws, orders and regulations, the Regional District of Nanaimo portion of the Vancouver Island Highway will over the long term effectively deliver the efficient and safe movement of people and goods along a highway corridor having limited access, that presents a welcoming and attractive gateway to corridor travelers and is maintained predominantly in a natural, green, "parklike" state.

If the Committee feels the proposal has merit the draft OCP would have to be referred back to staff to identify all of the policy implications. In addition, as the proposal appears to be inconsistent with the stated community values, additional information would have to be submitted by the applicant to allow the community to evaluate the impacts from a local and regional perspective and consider how the community development strategy that focuses on building the Red Gap Village Centre as the primary service centre and a complete community is affected. In addition, servicing strategies and transportation networks and impacts on surrounding properties would have to be considered.

FINANCIAL PLANNING IMPLICATIONS

Pursuant to the *Local Government Act*, the Official Community Plan has been considered in relation to the Regional District's Capital Expenditure Plan as well the Liquid and Solid Waste Management Plans and other Regional Plans. The OCP recommends that expansion of the local community sewer areas to include all of the areas within the Urban Containment Boundaries and to include areas within the designated Restricted Sewer Service Planning Area be considered according to several possible scenarios proposed in an implementation framework. Therefore, the policy statements included in the Plan are considered to provide the general 'Terms of Reference' for the feasibility review needed for the community to consider a servicing initiative. It should be noted that if community sewer service is expanded throughout the Village Centres and/or Coast Residential neighbourhoods, the existing sewer local service area would need to be expanded.

IMPLEMENTATION IMPLICATIONS

One of the initial implementation actions that have been identified in this draft Official Community Plan is to amend the current subdivision regulations such that the minimum parcel sizes designated in Bylaw

No. 500 are consistent with the minimum parcel size proposed in the OCP. The zoning amendment is proposed to be introduced once the OCP has received 3rd reading.

The proposed amendment to setbacks from the ocean would be included with the other proposed amendments to the zoning bylaw. The amendment would amend the required zoning setback from the ocean such that it would be measured from 8.0 m from the top of a bank that is 30% or greater, or 15.0 m from the natural boundary, whichever is greater. Given that the Coastal DPA is proposed to be removed from the OCP, staff recommends the setback amendment, as a means of maintaining the relative integrity of the siting of construction along the waterfront.

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 Board 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.

Outstanding public consultation actions to be completed include: notification of the public hearing, formal referrals to member municipalities and agencies, the public hearing, required referrals pursuant to the *Local Government Act*, and adoption of the OCP by the RDN Board.

INTERGOVERNMENTAL IMPLICATIONS

Following the publication of the preliminary draft of the Nanoose Bay Official Community Plan, written comments have been received from Vancouver Island Health Authority, District of Lantzville, Agricultural Land Commission, and Ministry of Forests. These comments do not require any further amendments to the draft OCP.

VOTING

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

SUMMARY/CONCLUSIONS

Following an extensive public consultation process, the draft Nanoose Bay OCP was presented to the community at a Public Information Meeting (PIM) held on May 30, 2005. The Summary of Proceeding and Submissions of the Public Information Meeting are attached to the staff report and the issues raised at the PIM have been addressed or considered as part of the amendments to the draft OCP. In addition, the draft OCP was distributed to the applicable Provincial and Federal agencies and adjacent local governments and First Nations and the Plan has been amended where considered appropriate.

As a separate issue, the draft plan introduces a proposed Regional Growth Strategy amendment to expand the Urban Containment Boundary for the Red Gap Village Centre. The proposed amendment has been reviewed by the Intergovernmental Advisory Committee and there is no objection to the change. The

newly proposed boundary and designations in the Plan will not come into affect until the Growth Strategy Amendment is approved.

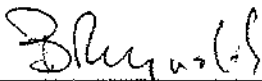
It is noted that there has been considerable community debate with respect to the need for a Coastal Development Permit Area and in response to the removal of the designation it has been recommended that the zoning setbacks from the natural boundary of the sea be amended to include 15 metres from the natural boundary or 8 metres from the top of the bank, which ever is greater.

There has also been considerable community debate and a substantial number of submissions in relation to a proposal to introduce a new commercial designation over a number of parcels located in the vicinity of the intersection of the Island Highway and Northwest Bay Road. The OCP does not address this specific proposal and consideration of this development would be contrary to a number of policies included within the Plan. Additionally, the proposal is contrary to the Regional Growth Strategy and Island Highway Buffer Agreement. A decision to recognize the proposal in the Plan would require substantial amendments to the Plan and could only proceed subject to an amendment to the Regional Growth Strategy.

Staff recommends Alternative No. 1 to give 1st and 2nd reading to the Official Community Plan Bylaw with the proposed amendments as recommended by staff and proceed to formal referrals and a Public Hearing.

RECOMMENDATIONS

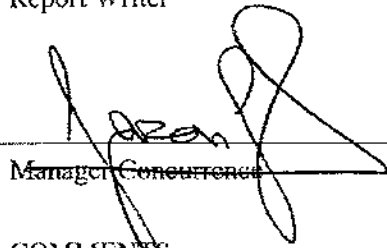
1. That the Summary of Proceedings and Submissions to the Public Information Meeting held May 30, 2005 be received.
2. That the draft Nanoose Bay Official Community Plan be received and be amended to include the recommendations contained in the staff report.
3. That "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005" be given 1st and 2nd reading.
4. That "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005" has been considered in conjunction with the Regional District of Nanaimo's Capital Expenditure Plan and Liquid Waste Management Plan, and Regional Growth Strategy to ensure consistency between them.
5. That "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005" proceed to a Public Hearing.
6. That the Public Hearing on "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005" be delegated to Director Holme or his alternate.



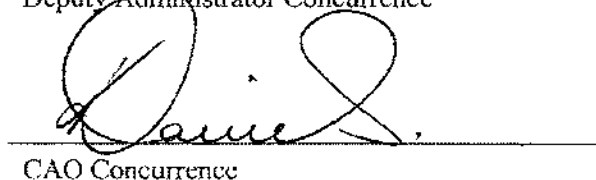
Report Writer



Deputy Administrator Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devsvs/reports/6480 00 EAE June 1st and 2nd

ATTACHMENT NO. 1
Summary of Amendments to the Draft
Nanose Bay Official Community Plan

Agency Comments	Agency	Summarized Issue	Staff Recommendations
Ministry of Transportation	Ministry of Energy and Mines	Support for the inclusion of the proposed highway realignment of the Island Highway at Northwest Bay Road. Discussion with the Ministry regarding proposed Transtide Drive and Fairwinds major road connection. (MOI prefers that Transtide Dr. continue to be designated as a network road.) No comments on the OCP at this time	No changes required. Map No. 3 - Road Network has been amended such that there is no through connection from Schooner Cove Way via Transtide Drive to Northwest Bay Road No changes required
Land and Water British Columbia	Ministry of Energy and Mines	Request land use designation change for four Crown land parcels adjacent to Nanose Road from Park land use designation to Coast Residential land use designation and Red Gap Village Centre. Request expansion of the Tourist Commercial land use designation at Northwest Bay Road to include for one Crown land parcel. Request Rural land use designation remain unchanged for two Crown land parcels on Sea Blush Drive.	No changes recommended to OCP as the Plan states that managed forest and Crown lands are designated Resource lands.
Ministry of Water, Land and Air Protection	Ministry of Energy and Mines	Support for development permit areas, specifically the eagle tree designations and environmentally sensitive lands designation. Requested changes to the Watercourse Protection Development Permit Area to reflect the <i>Riparian Area Regulation</i> .	DPA III Watercourse Protection has been amended to be consistent with the <i>Riparian Area Regulation</i> .
Agricultural Land Commission	Ministry of Energy and Mines	Verbal response- Support for the proposed OCP implementation zoning amendment to reduce the minimum parcel size to 8.0 ha for Resource lands in the ALR.	No changes required
Ministry of Forests	Ministry of Energy and Mines	Stated concerns that the Sensitive Ecosystem designation and the Sensitive Ecosystem Development Permit Area should not impact forest harvesting activities regulated by the <i>Forest Act</i> .	The <i>Forest Act</i> and associated legislation does not permit local government bylaws to impede forest harvesting activities. Therefore, as this is senior legislation it is not necessary to reference this in the OCP.
District of Lantzville	Ministry of Energy and Mines	No issues or concerns.	No changes required.

Citizen and Stakeholder Group Comments

OCP Section	Summarized Issue	Analysis of Issues & Comments	OCP amendments
Section I - Introduction	No remaining issues.	No material change.	No further changes.
Section II – Protection of the Natural Environment	Include correct reference of the sensitive ecosystems pursuant to the <u>Sensitive Ecosystem Inventory: East Vancouver Island and Gulf Islands 1993-1997</u>	ESAs may be protected through other methods other than those outlined in policy 9c).	OCP amended to include correct references.
Section III – Land Use	Clarify policy 9 e) regarding protection methods for ESA's for development applications that the methods are not mandatory. Section 3.4 – Resource Lands to include large recreational holdings. The proposed OCP implementation zoning amendment would result in a minimum parcel size of 50 ha. Section 3.7 – Park Lands clarify policy 3 h) regarding park land acquisition of single contiguous parcels.	Large recreational holdings zoned Recreation 1 or 2 (RC1 & RC2) permits a maximum of 60 camping spaces and current zoning permits 2 ha minimum which would result in a higher density of development than envisioned in OCP. Depending on the scale of development, the acquisition of single contiguous parcels may not always offer the greatest community benefit.	Policy 9e) clarified such that protection methods in policy are not mandatory. Section 3.4 amended such that large recreational holdings are included in Resource land use designation. Policy 3 h) clarified such that the acquisition of single contiguous parcels may not always be preferred over other acquisition criteria.
Section IV – Village Centres	Section 4.2 – Community Center – Fairwinds clarify policy 14 regarding new access routes to Fairwinds.	Amendments to the Road Network Plan – Map No. 3 have been made to remove Transtide Road as a network road and policy 14 has been amended.	Policy 14 clarified encouraging MOT to require completion of the designated future major road route to improve access to Fairwinds.

OCP Section	Summarized Issue	Analysis of Issues & Comments	OCP amendments
<p>Section V – Facilities & Servicing</p>	<p>Section 5.3 – Highways and Corridors clarify policy 4 that MOT consider traffic management, volume and flows in addition to standards.</p> <p>Section 5.8 – Community Sewer Service Implementation Framework clarify how the framework fits with the Liquid Waste Management Plan (LWMP).</p>	<p>Encouraging MOT to review road standards alone is too limiting and does not consider traffic volume and traffic flows as well as other traffic management issues.</p> <p>Amending the Community Sewer Service Areas outside of UCB may or may not require an amendment to the LWMP.</p>	<p>Policy 4 clarified encouraging MOT to review traffic management issues in addition to road standards.</p> <p>Section 5.8 revised to include reference to LWMP and that the MWLAP would be consulted regarding any amendments to the Sewer Service Areas to determine if amendments to the LWMP are necessary.</p>
<p>Section VI – Implementation</p>	<p>Amend Bylaw No. 500 to establish a setback of 15.0 m from the natural boundary of the ocean.</p> <p>Clarify that the pre-design servicing infrastructure plans is part of the evaluation of servicing in UCBs.</p> <p>Clarify zone reference for Conservation (ES1) zoned properties.</p> <p>Consolidate Action Items relating to groundwater protection.</p>	<p>DPA VI (Coastal Lands) has been removed, however residents support an increase in the zoning setback from the ocean for buildings and structures.</p> <p>Current action item refers to 'possible' servicing of UCBs however UCBs are included in the Community Sewer Service Areas.</p> <p>Current wording confusing.</p> <p>Provides greater clarity.</p>	<p>Action Item added to amend Bylaw No. 500 such that the zoning setback from the ocean for Electoral Area 'E' is measured 15.0 metres from the natural boundary or 8.0 metres from the top of bank, whichever is greater.</p> <p>Clarified Action Item.</p> <p>Corrected zone reference.</p> <p>Consolidated Action Items.</p>

OCP Section	Summarized Issue	Analysis of Issues & Comments	OCP amendments
Section VIII -- Development Permit Areas	<p>DPA I -- Form and Character to apply to lands designated as Tourist Commercial and Industrial.</p> <p>DPA III -- Watercourse Protection requires further clarification regarding the <i>Riparian Area Regulation</i> and exemption provisions.</p> <p>DPA IV -- Sensitive Ecosystem include correct references to the sensitive ecosystems to which this DPA applies.</p>	<p>Lands designated Tourist Commercial and Industrial require special consideration when developed or redeveloped to establish consistency with adjacent development and to establish guidelines regarding landscaping, pedestrian access, signage, etc.</p> <p>While certain activities may be exempt from requiring a DP they may not be exempt from the requirements of the <i>Riparian Area Regulation</i>.</p> <p>References were incorrect</p>	<p>Lands designated Tourist Commercial and Industrial are included in DPA I.</p> <p>Exemption provisions clarified such that owners will need to satisfy themselves whether the proposed activity meets the new Regulation.</p> <p>Corrected references.</p>
Map No. 2 Land Use Designation	<p>Land use designation for parcel adjacent to Nanoose and Bonnel Creek estuary is Park and should reflect ALR designation.</p> <p>Richards Place community park is not shown on the map.</p> <p>Land use designation for large recreational holdings should be Resource Lands.</p>	<p>Correct land use designation from Park to Resource Lands in the AIR.</p> <p>All parks to be shown on the map.</p> <p>Large recreational holdings zoned Recreation 1 or 2 (RC1 & RC2) permits a maximum of 60 camping spaces and current zoning permits 2 ha minimum which would result in a higher density of development than envisioned in OCP.</p>	<p>Map No. 2 amended.</p> <p>Map No. 2 corrected.</p> <p>Map No. 2 amended.</p>

OCP Section	Summarized Issue	Analysis of Issues & Comments	OCP amendments
Map No. 3 Road Network Plan	The Road Network Plan shows a proposed Major road connection to a portion of Transide Drive and Fairwinds.	Community concerns regarding designation of Transide Drive as a major road connection.	Map No. 3 amended such that the major road designation ends at Transide Drive.
Map No. 4 Parks	Richards Place community park is not shown on the map.	All parks to be shown on the map.	Map No. 4 corrected.
Map No. 5 Community Service Planning Areas	Concerns expressed that Community Water and Sewer Service Planning Area should be separated and that Rural lands should not be included in the Restricted Community Sewer Service Planning Area.	Separating Water and Sewer Service Planning Areas provides greater clarity. Removing Rural lands that are within a Water Service Area from the Restricted Sewer Service Planning Area could prevent reduced minimum parcel size.	Map No. 5 separated into Sheets 1 and 2. Rural lands have been removed from the Restricted Sewer Service Planning Area.
Map No. 6 Development Permit Areas	DPA I - Form and Character should include lands designated Tourist Commercial and Industrial. DPA IV -- Sensitive Ecosystem should include lands within the Wetland Sensitive Ecosystem.	Lands designated Tourist Commercial and Industrial require special consideration when developed or redeveloped to establish consistency with adjacent development and to establish guidelines regarding landscaping, pedestrian access, signage, etc. Lands within the Wetland Sensitive Ecosystem have additional considerations relating to protection of this feature in addition to watercourse considerations.	Lands designated Tourist Commercial and Industrial are included in DPA I. Lands within the Wetland Sensitive Ecosystem are included in DPA IV.

ATTACHMENT NO. 2

Summary of Proceedings and Submissions to the Public Information Meeting held May 30, 2005

Proceedings of the Public Information Meeting

Report of the Public Information Meeting
Held at Nanoose Place
2925 Northwest Bay Road, Nanoose Bay, BC
May 30, 2005 at 7:00 pm

SUMMARY OF THE MINUTES ON THE DRAFT NANOOSE BAY OFFICIAL COMMUNITY PLAN

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

There were approximately 160 persons in attendance.

Present for the Regional District:

Director George Holme, Electoral Area 'E', Meeting Chair
Director Henrik Kreiberg, Electoral Area 'A'
Director Denise Haime, Electoral Area 'D'
Director Lou Biggemann, Electoral Area 'F'
Director Jo-ann Chase, Alternate Director Electoral Area 'G'
Director Dave Heenan, Alternate Director, Electoral Area 'H'
Robert Lapham, Deputy Administrator
Brigid Reynolds, Senior Planner
Keeva Kehler, Planner

Director Holme, Chair opened the meeting at 7:00 pm and outlined the agenda for the evening's meeting. The Chair then stated the purpose of the Public Information Meeting and requested staff to provide background information concerning the draft Official Community Plan process and recent amendments to specific sections. Robert Lapham and Brigid Reynolds presented the background and summarized the consultation process over the last few months. Specific land use issues were discussed, such as the removal of the coastal DPA, park land acquisitions, zoning implementation, traffic circulation within Fairwinds and Transtide Road area, lifestyle commercial development adjacent to the Petro-Can, sewer service planning and updating the sensitive ecosystem inventory.

Following staff's presentation, the **Chair** invited questions and comments from the audience.

Dianne Pertson, 2971 Dolphin Drive, stated that she was grateful for the changes, which she felt accurately reflected the residents' vision for Nanoose. Ms. Pertson wanted to see more educational aspects in the OCP to increase environmental awareness in the community and encourage stewardship and protection of sensitive ecosystems. Ms. Pertson wanted proper definitions of sensitive ecosystem and the proper reference for the seven categories from the SEI to be included in the OCP. Ms. Pertson

expressed concern with the changes to the sewer and water service areas and stated that she was opposed to the lifestyle commercial development near the Petro-Can. Red Gap is proposed to be enlarged in the OCP and will meet Nanoose Bay's future needs.

Warren Stevenson, Can-Corp, stated that he wants to see the properties at the intersection of Northwest Bay Road and the Island Highway included in the OCP as a potential lifestyle commercial area. He stated that the MOT is now in agreement to enter into a Private Public Partnership (P3) with Can-Corp to provide upgrades to the highway and improve traffic safety. The area is not well suited to residential uses and Mr. Stevenson wanted the option to apply for a zoning amendment with community consultation to develop lifestyle commercial amenities in this location. He stated that they have community support for their proposal and is prepared to submit a petition to the RDN with signatures indicating the support.

Ross Peterson, 1482 Madrona Drive, expressed concern that the coastal DP has been removed from the draft OCP. Mr. Peterson feels that the RDN has no teeth to enforce protection. Mr. Peterson did not feel that increasing the zoning setback to 15 metres is adequate for environmental protection. Mr. Peterson feels that the DPA needs to be redrafted. It should include grandfathering of existing development, limitations on regulations addressing new construction only, setbacks maintained for works other than buildings, permits for other activities such as extensive excavation, deterrents to contravening the regulations, guidelines to provide education to property owners.

Director Holme stated that a committee will be struck to examine the DP and possibly re-introduce the regulation into the OCP.

Jeanette Thompson, 1891 Sea Lion Crescent, stated that she opposes the Can-Corp proposal near the Petro-Can Station. She encouraged the RDN to consult with Dianne Pertson on the environmental issues. Ms. Thompson opposes Map No. 5, which puts water and sewer on the same map. She wants to see separate maps to enable easier distinction between the service areas. Ms. Thompson wants to see the Crown Land protected.

Carmen Monmart, Can-Corp property owner, stated that she supports the lifestyle commercial proposal at the Petro-Can. She expressed concerns about traffic safety and feels the proposal benefits the community by making the highway safer. MOT is on board and she feels that it is desirable to have commercial uses on the east side of the highway.

Kiwi Stanners stated he is grateful for the removal of the coastal DP.

Ron Khun, 3285 Dolphin Drive, requested clarification on the policy for sewer servicing in the area. Recognizing the high cost of sewer service Mr. Khun wanted extensive consultation with the public before amendments to the Liquid Waste Management Plan would happen. Mr. Khun was unclear whether the OCP or the LWMP addressed sewer service.

Gabrielle Cartledge, 2443 Garry Oak Drive, stated that the plan is comprehensive and practical. Ms. Cartledge stated her opposition to the Can-Corp proposal and felt that commercial development on the highway should be limited, as has always been the plan for Nanoose. Ms. Cartledge opposes the removal of the coastal DPA and stated that she felt it was important to protect the public right of access to the beach for the future.

Colin Wykes, 1466 Madrona Drive, stated that he is a waterfront property owner. Mr. Wykes developed his lot with the environment in mind and has an abundance of wildlife on the property. He believes that the demand for coastal property could result in habitat loss as some builders encourage

property owners to clear the site for easier building and urban landscapes result, which do not consider the environment. Mr. Wykes felt that the environment needs to be protected by the RDN as self regulation does not work.

Susan Chambers, 2353 Weeks Road, stated that she owns property in the Can-Corp proposal. Ms. Chambers believes that the proposal will enhance Nanoose Bay and provide much needed office and retail space for travelers and residents. Ms. Chambers did not see where Red Gap can expand without removing the residential uses currently in existence. MOT indecisiveness has held up the plans in the past and now she believes the development can go ahead and make the highway safer. Ms. Chambers said that the owners will work with the community to benefit the area.

Matt Lane, Sherrit and Harewood Place, stated that people can have an impact when they get together. Mr. Lane was pleased that the Transtide connection as a major road network had been removed. Mr. Lane asked for clarification as to why the map still shows a major connection if the road is proposed to be an internal neighbourhood connector only.

Bernie Caspar, Morello Road, stated that there is an environmental problem in this area resulting from Lussier's gravel pit. Mr. Caspar stated that large volumes of material have left the site and he is having difficulty getting information from the Mines Ministry on the details of the Mines permit. Mr. Caspar has noticed his water table lowering and pollution levels in Bonnell and Nanoose Creeks affecting Coho populations. Mr. Caspar wanted to bring the issue to the attention of the RDN.

George Holme stated the RDN would contact the new MLA and see if they can get some information for Mr. Caspar.

Chris Potman, 2300 Island Highway East, stated that she would like to see the lifestyle commercial designation included in the OCP. There are 5 landowners in this area with homes right on the highway. Ms. Potman did not feel that residential uses were suited to the properties. She stated that the value of her home is negatively affected by the highway. Ms. Potman stated that the proposed growth in Nanoose is sufficient to sustain the lifestyle commercial proposal.

Jeannette Thompson asked if the community can expect to see two separate maps for sewer and water service in the next draft.

Robert Lapham stated that the restricted sewer service area does not permit added development of lots beyond the current density. The RDN will investigate the issue of separating the water and sewer service areas for clarification.

Dave Scott, 3455 Fairwinds Drive, asked what specific zoning amendments will happen to implement the OCP.

Robert Lapham listed some examples of the proposed changes to minimum parcel sizes to bring consistency with the parcel sizes in the OCP land use designation.

Dave Scott asked if property owners who would be affected would get direct notice of the proposed amendment.

Robert Lapham stated that the RDN Board has the option to notify property owners directly or notify owners through general public notices published in the newspaper.

Dorothy Morrison, 2333 Somerset Drive, stated that she supports the Can-Corp lifestyle commercial development. Ms. Morrison stated that members of her family would benefit from the proposed soccer field and job opportunities. Ms. Morrison would like to see some services for the residents on the east side of the highway and asked that the proposal be recognized in the draft.

Mike Grey, 1375 Madrona Drive, asked for clarification with respect to DP4 (coastal). Mr. Grey wanted to know if the DP would be referred back to a committee for sure. Mr. Grey felt that Madrona had been developed fine without a DP and did not feel that it was necessary to bring it back.

Director Holme stated that a new committee will be formed to discuss the DP.

Bev Voigt, DL 44, stated that she owns a 120-acre farm in Nanoose. She believes that the ALC already regulates the subdivision of ALR land and the RDN should not assume greater responsibility to regulate lot sizes by increasing the minimum size to 8 ha. Ms. Voigt stated that the ALC considers the agricultural capability, soils and natural boundaries when approving a subdivision and that in some cases smaller lots are easier to develop for farming.

Maurice Hedges, McDivitt Drive, stated that there is no cohesion in Nanoose Bay. Mr. Hedges did not see why the residents from the east side of Nanoose could not have some commercial development at the Petro-Can to serve their needs. Mr. Hedges thought there was an opportunity to consider the proposal, even at this late stage of the process.

Mike Sebastian, 5688 Sechelt, stated that he supported the lifestyle commercial development at the Petro-Can.

Allan Myers, 2512 Bluebell, stated that it was wise to remove the coastal bluff DP. Mr. Myers stated that purportedly there were only 3 DPs issued in Nanoose in one year. Mr. Myers stated that DPs are not needed or they are not being enforced.

Mr. Slaughter, 1368 Madrona, stated that the area has not been destroyed so far and the DP only came into effect in 1998, so what is the point of instituting the regulation now?

Rosemarie Davenport, 1482 Madrona Drive, stated that she was horrified to see the Coastal DP removed from the OCP. Ms. Davenport thought that the removal would lead to problems for the environment in the future.

Brian Archer, Morello Road, asked how he will access the highway if Morello Road is closed.

The **Chair** asked for any further comments or questions.

Being none, the **Chairperson** thanked those in attendance and announced that the Public Information Meeting was closed.

The meeting concluded at 8:45 pm.

Keeva Kehler
Recording Secretary

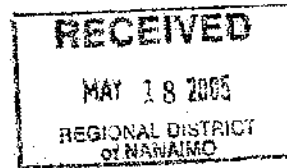
ATTACHMENT NO. 3
Summary of Comments Received
at the May 30, 2005 Public Information Meeting

D.K. Stewart	As a resident of Nanoose Bay I support the removal of the Coast Zone DPA IV from the OCP Draft revision dated May 2005. I also support the Draft revision throughout the Draft dated May 2005.
Kirke MacMillan	I fully support the new Draft OCP dated May 2, 2005. I was particularly pleased that DPA IV Coastal Area was removed from the OCP. I would like to express our thanks to Director George Holme for the leadership he has demonstrated over the past several months.
	I don't agree with DPA IV becoming part of the OCP. There is no problem and who needs more rules.
Gary Lansdell	DPA 4 -I am in favour of DPA 4 as it has been rewritten. If the RDN cannot police the existing rules it doesn't need more. CAN-CORP. I am in favour of their proposal.
Ruth & Bill Rempel	Removal of DPA IV is greatly appreciated. Thank you. Extended fire hydrant systems should be part of the "long-term objective."
Randy & Patti Fleito	We strongly support the removal of DPA-4 Coastal.
N. Watson	DPA IV: I believe the amendments of the May 30, 2005 Draft OCP are adequate and in the spirit of the planning "vision." The position put forward by this Coastal Property Owners Association has received my support. Put differently, no further changes to the OCP are necessary.
	Keep DPA IV out of the Official Community Plan.
Val Davies	I am in favour of the removal of DPA IV, Coastal Areas from Section VIII as per the Draft rewrite of dated May 2, 2005. I am also in favour of the Lifestyle Commercial Proposal.
Mike Gray	I am in favour of the revised Section VIII and do not support further costs or discussion.
Mike Rich	How do you propose to strike a new DPA committee and get consensus, and review result, all in time for Board 1 st and 2 nd reading on June 14 th – 2 weeks hence??
	Keep DPA IV out of the Official Community Plan.
V. Stewart	I support the <u>removal</u> of DPA IV Coastal Areas from Section VIII and the rewrite dated May 2005.
V. Brucker	Thank you for the meeting – we know these take a great deal of extra time of RDN staff and directors. The discussion about waterfront property highlights how difficult it is to reach a consensus on issues. I do feel that farming is largely unsustainable due to chicken disease and mad cow issues. Our farmers should be permitted to subdivide to have smaller parcel sizes that don't overtax our infrastructure but allow them to have some income in their old age upon selling. Younger people won't work for nothing on farms as our older farmers have nor will they be able to purchase the land at today's prices. Lot sizes of 5-20 acres should be allowed.
Kiwi & Barb Stanners	I'm concerned with timelines of striking a WG to discuss DPA IV and the meeting on June 14 – can this be accomplished? I would like to be part of DPA IV discussions.
-no name-	I am against – against the CAN CORP Commercial Center. This development defies out needs.

S. Chambers	It was mentioned by someone that since way back 1970, I believe, that there should be no commercial development on the highway. Things change! This is 2005 and Nanoose is growing. We need more commercial development, especially on the west side of the highway. We have a chance to have a major upgrade to our highway at NO COST TO TAXPAYER.
Carmen Monmart	As a member of Nanoose Bay I am for the proposed development at the highway across from PetroCan. As a safety issue driving along the highway and as an issue to benefit the community I would like to work close to home and have to commute less. It would be an enhancement and not necessarily competition for Red Gap.
Dave Constable	Strongly suggest that Can-Corp proposal be placed in OCP for voters (Nanoose residents) consideration. They must have full information, and will have access to it, before making an informed choice when voting. Nanoose residents alone, with appropriate consulting, must be the ones who make the decision for rejection/acceptance – (not people living outside the area) subject to legalities and ministerial protocols. Over time populations change. Let us be the ones to decide our future through <u>open-mindedness</u> , <u>learning</u> , <u>discussion</u> and <u>civil dialogue</u> . Upfront: My daughter lives on one of the properties in the proposed Can-Corp development but has been in communication since the beginning.
Carol Bell	I am against the proposed Nanoose Bay Lifestyle Commercial Centre. Red Gap area should be the only commercial area in Nanoose Bay. It actually is just another "mall." "Lifestyle Commercial Centre" is just flowery words for "mall." Surely, Nanoose Bay does not need another "mall." Between Nanaimo, Parksville, Nanoose and Qualicum, there are more than adequate commercial centres and malls. We do not want more commercial spread up the highway between Nanaimo and Parksville. There has been some concern about the safety of the intersection at Morello Road and the highway. If the intersection is unsafe, it needs to be made safe. It doesn't make sense to me to allow a "huge" commercial development and ruin the area, cause commercial sprawl on the highway and go against the OCP and the majority of people in Nanoose. If the intersection is unsafe, fix it. Don't allow yet another "mall" on the highway. Red Gap is 5 minutes away and there are ample services available there. I live in Beachcomber and I drive approximately 4 kilometres to Red Gap. I understood that when I bought my property there would be no commercial development in Beachcomber. That's why I bought the property. I understood that if I want to shop I go to Red Gap, Nanaimo, Parksville, Qualicum, etc. This is why I bought my property. The people who live on the east side of the highway knew when they bought their properties that the zoning was residential. I urge you not to allow this commercial development to be included in the OCP and not to change the zoning to allow commercial development on the east side of the highway.
Diana Young	Page 3, Section VI should be – Examine methods to acquire <u>and/or</u> protect DL137, Notch Hill, etc. Page 14, Section VIII: Residents in Nanoose Bay have expressed a desire to limit the commercial...adjacent to Highway No. 19 <u>to those areas currently developed</u> . I do not support <u>any</u> highway development.
Chris Potvin	I would like to see the Lifestyle Commercial Centre put onto the Draft OCP. The proposed area is well suited for commercial use; I do not understand the resistance that is being put forward by the RDN. The residents that own homes where this development will go are stuck with homes zoned residential. This is not a practical use of this land anymore as some of the homes are only 20' off of the 4-lane highway.

-no name-	Please consider the Lifestyle Commercial Centre proposal onto this official OCP. I believe this would benefit the community of Nanoose as well as other highway users. Nanoose is in dire need of more services and this could be the answer.
Donna Newall	I would support the Lifestyle Commercial Proposal.
-no name-	As a resident of Nanoose Bay Red Gap area I do not support the development across the highway from PetroCan as I feel that this will just increase the traffic problems, not cure them.
Tom & Marlene Howatt	We support the plans and text of the CanCorp representative who provided your Regional District with a plan for redevelopment at the highway and Northwest Bay Road. We are all aware of the corner short comings and these conditions may be upgraded free by a development plan, which can be incorporated without cost to the taxpayers of Nanoose. We hear there are Red Gap capitalists who want to suppress CanCorp support. What is wrong for options to be offered to CanCorp if the end result benefits for the environment, better use of land, safety improvements and at no cost to Nanoose.
Dorothy Morrison	Please put the CanCorp Lifestyle Community Center in the OCP with its changes to the highway and the opportunity for people across the highway, i.e. Morello Road, Summerset, to be able to have this place to go to. There is room for all of us on the Plan.
<i>Signed but illegible</i>	I fully support the CanCorp proposal.
Joe Morrison	I wish to express support for the CanCorp proposal of a Lifestyle Community Centre.
Cheryl Constable	My major concern is that the proposed Lifestyle Centre has been routinely shot down by one person (or a handful of people) on the RDN Board, without any willingness to include it in the Official Community Plan. I, personally, will accept whatever decision is made by a fully-informed community but I do not condone having a few people decide for us that it's not even up for discussion - that's all CanCorp and we property owners are asking for. I will not accept "No" from a few people who think they speak for us. We would all like to know, sooner rather than later, what the future of our properties is, so that we may make decision with regards to them... but the whole community must make that decision.
Mrs. W. Ogston	We were told after the 1 st proposal 6 years ago the reasons for the RDN being against the development on our properties (across from PetroCan). This time we are being stonewalled. We would just like to be acknowledged and have some answers.
Allen Mercer	Please leave coastal bluff out of development permit requirements.
Greg Fiord	I would like to see "Coastal Lands" DPA be added back to the OCP, either now or later as a bylaw. Although there has generally been good development of coastal property in the past, there should be some provision for protection in the future. I am especially concerned about effluents and run-off. Education and awareness should be a large part of any regulation.
Lori Henry	In reference to the Official Community Plan Map #3, we are requesting that the portion of Transtide Drive referred to as a "Major Road" be removed and shown as a "local road" only. As Transtide Drive will <u>not</u> be needed to connect any major traffic and the proposal has been removed from the OCP, this portion serves no useful purpose.
D.J. Henry	Regarding Map #3 extension of Transtide Drive <u>not</u> to be shown as major road. Existing Transtide Drive is not to be a major road and would serve no purpose. Transtide Drive to remain as a local road.

ATTACHMENT NO. 3
Submissions Received
Since May 24, 2005 Board Meeting



May 11, 2005

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

Dear Sir/Madam:

Re: Nanoose Official Community Plan (DRAFT)

Thank you for the opportunity to review your above mentioned draft.

I do not have any comments or objections on this document.

A handwritten signature in cursive script that reads "T. Preston".

Terry Preston, CPHI(C)

TP/mw

From: Mike Fowler [mfowler@cancorp.com]
Sent: May 25, 2005 11:41 AM
To: McFarlane, Florence
Cc: jstanhope@shaw.ca; gholme@shaw.ca
Subject: FW: Nanoose Bay OCP - Proposed Lifestyle Commercial Development

Attachments: RDN Nanoose OCP Ltr 24May05.pdf


RDN Nanoose OCP
Ltr 24May05.pdf...

To whom it may concern,
As per the email from Mr. Stanhope (below) please find attached a letter that we would request be entered into the public record and presented at the next Nanoose Bay Public Hearing Meeting.
If you could please confirm receipt of the email and the attachment, it would be much appreciated.
Thank you in advance.
Mike Fowler

-----Original Message-----
From: Joe Stanhope [mailto:jstanhope@shaw.ca]
Sent: Wednesday, May 25, 2005 10:13 AM
To: Mike Fowler
Cc: George Holme
Subject: Re: Nanoose Bay OCP - Proposed Lifestyle Commercial Development

Mr Fowler:
I found nothing attached to your e-mail. To ensure that documents are on the public record please send to; planning@rdn.bc.ca Thank you, Joe Stanhope

----- Original Message -----
From: "Mike Fowler" <mfowler@cancorp.com>
To: <jstanhope@shaw.ca>
Cc: <Minister.Transportation@gems5.gov.bc.ca>; <Kreibergh@shaw.ca>; <gaillund@shaw.ca>; <mehamilton@shaw.ca>; <denisehaime@shaw.ca>; <lwb@shaw.ca>; <gholme@shaw.ca>; <dwbarttram@shaw.ca>; <David.Edgar@gems4.gov.bc.ca>; <a.phil@telus.net>; <susan chambers10@shaw.ca>; <chisholm@nanaimo.ark.com>; <constablecheryl@shaw.ca>; <Chris.Potvin@gems9.gov.bc.ca>
Sent: Tuesday, May 24, 2005 3:47 PM
Subject: Nanoose Bay OCP - Proposed Lifestyle Commercial Development

Hello Mr. Stanhope,
Please find attached a letter from the concerned Nanoose Bay property owners at NW Bay Road and the Island Highway and Can-Corp Ventures Inc.
As per the contents of the letter, we would respectfully request that this letter along with the results of the community open house we held be entered into the public record and formally presented to the community at the public information meeting which was tentatively scheduled for May 30th.
If you could please acknowledge receipt of this correspondence it would be appreciated.
Thank you in advance for your assistance.
Regards,

Mike Fowler, President
Canadian Corporate Consultants Ltd.
Can-Corp Ventures Inc.



May 20, 2005

Mr. Joe Stanhope
Chairperson
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

Via Email: jstanhope@shaw.ca

Dear Sir:

Re: PROPOSED NANOOSE BAY LIFESTYLE COMMERCIAL CENTRE

Further to attending the Electoral Area Planning (EAP) Committee meeting of May 10, 2005 we are writing on behalf of the property owners living at Northwest Bay Road and the Island Highway and Can-Corp Ventures Inc. (Can-Corp) to express our collective concerns relating to our proposed development.

As you may recall, Can-Corp addressed the EAP Committee as a delegation on February 8, 2005, (through our planner, Mr. Art Phillips). Mr. Phillips explained to the Board that Can-Corp had recently received support from the Ministry of Transportation and Highways (MoTH) to explore development options which would include a proposed partial realignment of the Highway. Based on this change of direction from the MoTH, Mr. Phillips then proceeded to introduce Can-Corp's vision for a proposed Lifestyle Commercial Centre and requested that the respective properties and our proposed development be considered for inclusion into the Nanoose Official Community Plan under a new Lifestyle Commercial designation.

Given the change of direction of the MoTH coupled with the fact that the position of Director for Electoral Area E was currently vacant, the Board carried a motion to hold the process of the Nanoose Bay OCP in abeyance pending the election of a new Director. While we were not able to find a specific reference to our request in the minutes of that meeting, you may recall that the Board also allowed Can-Corp the opportunity of presenting our proposed development concept to the community in order to determine whether the residents support it or not. The Board stated that the RDN would welcome the community feedback and comments relating to the OCP up to March 28th upon which time the results would be taken into consideration and incorporated into an amended draft OCP.

As per our correspondence to Mr. Stanhope dated March 7, 2005, Can-Corp did present its conceptual plan to the residents at a community open house held at Nanoose Centre on March 5th. As we indicated in that correspondence, the results of the open house confirmed overwhelming support in favour of the project. Of the 125 attendees at the meeting, 90 provided written feedback via questionnaires (originals of which were included in our correspondence to the Board). 64% of the attendees were in support of the development proposal and only 13% opposed. 22% were undecided however provided suggestions as to how they could support the development provided certain changes were made. Since that time Mr. Lapham mailed us copies of 4 additional questionnaires that the RDN received that oppose the

Can-Corp Ventures Inc.
#250 - 11331 Coppersmith Way, Richmond, BC V7A 5J8
Tel: (604) 241-4400 Fax: (604) 241-4419
Email: mfowler@cancorp.com
Web: www.cancorp.com

development. We understand that the RDN has subsequently received 12 additional questionnaires in favour of the development. We would also like to point out that the president of the Oceanside Youth Soccer Society attended the open house and confirmed that the 710 families representing their Society also support the proposed development which would be complemented by a new soccer field.

In reviewing the web site containing the amended draft OCP document it states that since the acclamation of George Holme as Director, *"staff have met with elected officials, various community groups and stakeholders as well as agency representatives and have prepared an amended draft Nanoose Bay Official Community Plan that responds to issues raised by the public"*. We do not know who RDN staff actually did contact however Can-Corp and the property owners are significant stakeholders in this process and, with the exception of the 4 questionnaires mailed to Can-Corp, none of us were contacted by RDN staff. In addition, comments in Schedule I of the draft OCP document make no reference to the open house or the community feedback and simply state that *"submissions have been received regarding support and non-support for expanding commercial uses for the proposed Lifestyle Commercial Centre adjacent to the Island Highway outside the UCB"* and that *"the proposed development is not supported in the draft OCP."*

Over the past two years we have communicated with RDN staff in good faith including a considerable investment in time, effort and expense to consult with the community for their feedback. After going to this effort, we were shocked and disappointed to find that neither the draft OCP nor the May 10, 2005 EAP agenda make any mention whatsoever of the overwhelming community support we have received for the proposed development (now well in excess of 70% - in writing). The EAP agenda did include a single delegation and letter against the proposed development however in omitting the positive results of our community feedback the agenda reflected a minority position which was one-sided and did not accurately or fairly reflect the overall community support for the proposed development.

Early in the process Mr. & Mrs. Richard Chambers and I met with Robert Lapham at which time Mr. Lapham stated that the reason that the previous proposed development of these properties did not proceed was due to the indecisiveness on the part of the MoTH even though at that time the owners also had very strong community support for their proposed project. When we brought up the issue of the proposed development during the OCP planning meetings that we attended over the past year we were informed by Mr. Lapham and Ms. Bibby that the MoTH did not support any redevelopment and therefore no further discussion regarding the potential re-designation of the lands would be considered.

Since that time the property owners and Can-Corp entered into a dialogue with the MoTH. The Ministry confirmed that they would not hold up any development and would in fact work with us to explore the development of a revised partial alignment of the Highway to the collective benefit of the community, the driving public at large and the development itself.

In my direct conversations and correspondence with Mr. Lapham, it is clear that he personally does not support the proposed development however his objection relating to the MoTH has now been addressed and the community has clearly indicated that it overwhelmingly supports the proposed development.

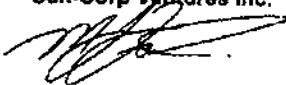
At this stage, the property owners and Can-Corp are not requesting final approval for a development. We are simply requesting that the property owners' lands be included in the OCP and not ignored as was the case the last time a development of their lands was proposed. As you are well aware, being included in the OCP is only the first of many phases involved in the development process. Assuming that the properties are included into the OCP we still have a great deal of work ahead of us before the proposed development becomes a reality including further discussions/negotiations with the MoTH and the re-zoning/development permit process - all of which will involve the ongoing consultation with all stakeholders.



We would respectfully request that this letter along with the results of our community meeting regarding the proposed development be entered into the public record and formally presented to the community by the RDN at the May 30th public information meeting.

We sincerely look forward to continuing to working with the Regional District and the community to develop a project that benefits the residents of Nanoose Bay.

Best regards,
Can-Corp Ventures Inc.



Mike Fowler
President

Property Owners:

Richard Chambers

Susan Chambers

Waltraud Ogston

John Chisholm

Cheryl Constable

Chris Potvin

cc: Mr. K. Falcon
Mr. H. Kreiberg
Ms. G. Lund
Ms. E. Hamilton
Ms. D. Haime
Mr. L. Biggemann
Mr. G. Holme
Mr. D. Bartram
Mr. D. Edgar
Mr. A. Phillips



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PAGE 01

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Mike Fowler
President

Property Owners:


Richard Chambers


Susan Chambers


Wendy Gjeston

John Chisholm

Cheryl Constable

Citra Potvin

cc: Mr. K. Falcon
Mr. H. Kralberg
Ms. G. Lund
Ms. E. Hamilton
Ms. D. Helme
Mr. L. Biggemann
Mr. G. Horne
Mr. D. Bertram
Mr. D. Edgar
Mr. A. Phillips



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Best regards,
Can-Corp Ventures Inc.

Mike Fowler
President

Property Owners:

Richard Chambers

Susan Chambers

Waltraud Ogston



John Chisholm

Cheryl Constable

Chris Potvin

cc: Mr. K. Falcon
Mr. H. Kraiberg
Ms. G. Lund
Ms. E. Hamilton
Ms. D. Haine
Mr. L. Biggemann
Mr. G. Hoine
Mr. D. Bartram
Mr. D. Edgar
Mr. A. Phillips



FROM : CONSTABLE—CQ70 INVESTMENTS PHONE NO. : 258 468 7399

P81

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Best regards,
Can-Corp Ventures Inc.

Mike Fowler
President

Property Owners:

Richard Chambers

Susan Chambers

Walter Opaton

John Chiaholm


Cheryl Constable

Chris Potvin

cc: Mr. K. Falcon
Mr. H. Kreiberg
Ms. G. Lund
Ms. E. Hamilton
Ms. D. Heime
Mr. L. Biggemann
Mr. G. Holme
Mr. D. Bartram
Mr. D. Edgar
Mr. A. Phillips



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Best regards,
Can-Corp Ventures Inc.

Mike Fowler
President

Property Owners:

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Susan Chambers

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John Chisholm

Cheryl Constable

Chris Potvin

Chris Potvin

cc: Mr. K. Falcon
Mr. H. Kreiberg
Ms. G. Lund
Ms. E. Hamilton
Ms. D. Haima
Mr. L. Biggemann
Mr. G. Holme
Mr. D. Bartram
Mr. D. Edgar
Mr. A. Phillips





File: 10550-20/RDN

May 26, 2005

Brigid Reynolds, Senior Planner
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, British Columbia
V9T 6N2

Dear Brigid Reynolds:

A copy of the Nanoose Official Community Plan (OCP) has been forwarded to this office for review. This letter provides comments on the OCP based upon our interests in the crown provincial forestlands located in the area of the plan.

Section 3.4 – Resource Lands: Objective #15 states that sensitive ecosystems will be protected. This is somewhat problematic given some areas of older forest and second growth forest are within the provincial forest – if these are not to be considered as sensitive, this should be clarified. In order to support and maintain the option of small-scale forestry some of these areas will be harvested, specifically this could be an issue in DL 137, DL 117, DL 33 and DL 68; most of which are currently within or proposed as woodlot licences.

Section VIII – Sensitive Ecosystem Protection: The wording in the document should clarify that development permits are not required for forest harvesting activities regulated by the Ministry of Forests through the *Forest Act* and other associated legislation.

Other: The OCP may wish to make reference to the Wildlife Habitat Areas that have been established by the Ministry of Water, Land and Air Protection on DL 137 to protect a small Garry Oak ecosystem and on a portion of DL 117 for Marbled Murrelets, a small seabird.

Please call me at (250) 731-3022 or Emma.Neill@gms4.gov.bc.ca if you require clarification.

Yours Truly,

Emma Neill
Woodlot Forester
South Island Forest District



Ministry of
Forests

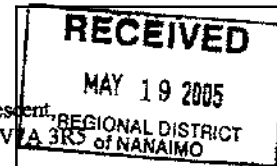
South Island Forest District

Location:
4885 Cherry Creek Road
Port Alberni, B.C. V9Y 6E9

Mailing Address:
4885 Cherry Creek Road
Port Alberni, B.C. V9Y 6E9
Tel: (250) 731-3000

REGIONAL DISTRICT OF NANAIMO
6300 Hammon Bay Road,
Nanaimo, B.C., V9T 6N2

M. Laane
10428 Dennis Crescent,
Richmond, B.C., V7A 3R5



May 15, 2005

Dear Mr. Lapham:
Deputy Administrator

Re: Nanoose Bay Draft Official Community Plan

I am writing in reference to your letter of May 05, 2005 and my subsequent telephone discussion with you on May 13th in which both circumstances you acknowledged that the amended Draft OCP, Map No 3, no longer shows a through connection on Transtide Drive to serve Fairwinds. However, in reviewing Map No 3 (amended May 12, 2005) a short section of existing Transtide Drive from Boyd Drive up to Fairwinds still shows it becoming a major road connector in future. This still does not remove the objection expressed by residence in their letters and of the 80-100 signatures on the petition.

Furthermore, you indicated to me as to others that neither RDN planners nor Fairwinds Development consider it technically necessary or required for a major road on Transtide Drive connecting to the Fairwinds road network.

Therefore, I together with those on the petition request that the Map No 3, on the Draft OCP, be further amended not to show any reference of a major road connection on Transtide Drive from Fairwinds.

Furthermore, that this be amended on the plan before the next public meeting scheduled on Monday May 30, 2005.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "M. Laane".

M. Laane

cc: Jim Lettic, Nanoose Bay Property Owners Association
Kelly Daniels, CAO
George Holme, Electoral Area 'E' Director

District of Lantzville

P.O. Box 100
7192 Lantzville Road
Lantzville, B.C.
V0R 2H0

Incorporated June 2008

Phone: (250) 390-4006
Fax: (250) 390-5188
Email: district@lantzville.ca
Website: www.lantzville.ca

PLANNING DEPT

-05-27 2005

RECEIVED

May 24, 2005

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

Attention: Brigid Reynolds, Senior Planner

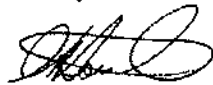
RE: Nanoose Bay DRAFT Official Community Plan

Dear Ms. Reynolds

Thank you for providing the District of Lantzville the opportunity to review the Nanoose Bay Draft Official Community Plan.

To the extent of any impacts on the District of Lantzville, we have no concerns.

Sincerely



Ian Howat
Chief Administrative Officer
District of Lantzville

From: John Chisholm [chisholm@nanaimo.ark.com]
Sent: Friday, May 27, 2005 11:57 PM
To: Lapham, Bob
Subject: Draft Nanoose Official Community Plan

As regards the proposed Lifestyle Commercial Centre for the intersection of the Island Highway and Northwest Bay Road and its implications for the residents of Nanoose generally, I would like to suggest the following:

1. It is a fortunate circumstance that Richard and Susan Chambers have utilized their fourteen acre property adjacent to this intersection to attract a developer. It should be noted that the Chambers reside on nearby Weeks Road and not on the proposed development property. This is not an instance of 'take the money and run' real estate speculation on their part- the proposed development would be in their neighbourhood, in their 'front yard.' They have spearheaded the initiative to develop this property not once, but twice. The people of Nanoose and the R.D.N. have a second opportunity to make positive improvements at this location solely in keeping with whatever vision we collectively may have.
2. It is a fortunate circumstance that five other adjacent property owners have been able and have chosen to support the Chambers' initiative. Their decision to do so has offered an intact tract of land of a substantial size fronting this portion of highway. It cannot be presumed that this group will cohere into the indefinite future and that this large block of property will always be available.
3. It is a fortunate circumstance that the time, labour and resources contributed by Can-Corp have resulted in the Ministry of Transportation and Highways confirming that, for the time being, it does not intend to act on it's proposed realignment of the Island Highway at this location. This is a positive development in that said proposed realignment would be a heavy-handed and very costly action that addresses the issue of traffic volume/safety concerns and nothing else. The proposed Lifestyle Commercial Centre includes highways upgrades (at no cost to the taxpayer!) that the M.o T.H. has expressed support of. So, while the commercial and recreational facilities offered by the Lifestyle Commercial Centre would be valuable assets, the R.D.N. should support and facilitate Can-Corp's proposal even just as regards these much needed improvements to the highway at this location. Though highways are of course not the R.D.N.'s jurisdiction, to let this opportunity slip by would be negligent and shortsighted.
4. As is described in the current draft O.C.P. in reference to possible expansion at the Red Gap, 'the OCP proposes an amendment to the Urban Containment Boundary/Village Centre Boundary.' It is noted that this proposal will require an amendment to the Regional Growth Strategy.' (Section 4.2) Development at the Red Gap does not preclude a complimentary development such as the proposed Lifestyle Commercial Centre. A community open house conducted by Can-Corp at Nanoose Centre on March 5/05 revealed a strong and uniform positive response to the proposed Lifestyle Commercial Centre. The will of the residents of Nanoose and not an inertia stemming from a fear of adding complexity to the O.C.P. should guide our actions.

I have been a resident property owner in Nanoose for sixteen years. Should the proposal to develop a Lifestyle Commercial Centre at this location be carried forward, my sincerest hope would be to continue on as a resident here, enjoying the benefits this new development will offer as well as the many assets that I've come to value as a resident of the larger community of Nanoose.

Thank you for your time and attention.
John Chisholm.
2314 East Island Highway,
Nanoose Bay.

From: George Holme [gholme@shaw.ca]
Sent: Sunday, May 29, 2005 7:13 PM
To: Lapham, Bob
Subject: Fw: Public Information Meeting

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

From: John & Jacqueline
To: George Holme
Sent: Sunday, May 29, 2005 5:18 PM
Subject: Re: Public Information Meeting

Thanks for the reminder - unfortunately, I have a prior commitment that I can't get out of. I am currently reviewing the new draft and will forward any comments I have.. Glad to see that the commercial proposal on the Highway/Northwest Bay Road is not included in the OCP. I firmly believe that it is the community's best interests to direct commercial activities to Red Gap.

Jackie Fennellow

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

From: George Holme
To: bev furd ; janice & paul williams ; jackie fennellow ; susan forrest ; karen zaborniak ; chris ; charles seamone
Sent: Sunday, May 29, 2005 4:06 PM
Subject: Public Information Meeting

Just a reminder.....Don't forget the Public Information Meeting on Monday evening at 7pm at the Nanoose Community Center. Please bring your comments .

From: George Holme [gholme@shaw.ca]
Sent: Sunday, May 29, 2005 2:13 PM
To: Lapham, Bob
Subject: Fw: DPA4

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

From: Bud Lott
To: George Holme
Sent: Saturday, May 28, 2005 3:50 PM
Subject: DPA4

To George Holme

George I planned on attending the meeting on Mon eve. but have to make a trip out of town on family issue. I just want you to know and want to go on record confirming the fact that I support DPA 4 being removed from the Nanoose OCP. I wish I could be there, but since I cannot, please record my statement.
Thanks for your help

Bud Lott 1344 Madrona Dr 488 9989

2495 East 11th Avenue
Vancouver, B. C., V5M 2B5
May 29, 2005

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

Attention: Mr. Joe Stanhope, Chair RDN Board

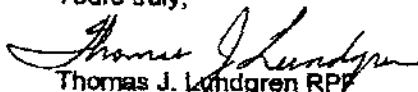
Dear Mr. Stanhope

Re: Nanoose Bay Official Community Plan

I received the notice of a Public Information Meeting to be held May 30, 2005 regarding the Nanoose Bay Official Community Plan. I have written a number of letters previously on the proposed plan. Since I will not be able to attend the meeting please accept this letter as my input.

As I am a property owner with waterfront property in Seacrest, the contents of the proposed Community Plan, as it applies to "Coastal Residential Neighbourhood", and in particular waterfront properties, are of interest to me. I am pleased with the changes that have been made to arrive at the May 2, 2005 draft plan. Thank you for responding to my concerns.

Yours truly,


Thomas J. Lundgren RPP
604-251-2308, 250-468-7830

CC Mr. Mike Gray
Mr. George Holme, Director, Electoral Area "E"
RDN Planning Department

From: George Holme [gholme@shaw.ca]
Sent: Sunday, May 29, 2005 7:13 PM
To: Lapham, Bob
Subject: Fw: Public Information Meeting

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

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To: George Holme
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Jackie Fennellow

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

From: George Holme
To: bev.hund; janice & paul williams; jackie.fennellow; susan.forrest; karen.zaboniak; chris; charles.seamone
Sent: Sunday, May 29, 2005 4:06 PM
Subject: Public Information Meeting

Just a reminder.....Don't forget the Public Information Meeting on Monday evening at 7pm at the Nanoose Community Center, Please bring your comments.

From: George Holme [gholme@shaw.ca]
Sent: Sunday, May 29, 2005 2:13 PM
To: Lapham, Bob
Subject: Fw: OCP

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

From: <mckeown@sfu.ca>
To: <gholme@shaw.ca>
Sent: Sunday, May 29, 2005 9:03 AM
Subject: OCP

>
> George,
> I write concerning the OCP meeting next monday. I have just returned
> to Nanoose after 3 weeks and will be leaving again monday afternoon.
> Therefore
> I will not be able to attend the monday evening meeting.
> However, I write to strongly support that the GPA 4 not be included in
> the OCP.
> Thanks for your support.
>
> Dr. Brian McKeown,
> 1527 Bay Drive,
> Nanoose Bay.
>

From: George Holme [gholme@shaw.ca]
Sent: Monday, May 30, 2005 9:08 AM
To: Finnie, John; Lapham, Bob
Subject: Fw: OCP Sewer Concerns
Attachments: LWMP78.pdf

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

From: Ron Kuhn
To: Jim Lettice
Cc: George Holme ; Karen Zaborniak ; Diane Pertson
Sent: Sunday, May 29, 2005 9:02 PM
Subject: FW: OCP Sewer Concerns

Jim,

As discussed, I had talked to Helene Roberge of Lands, Water and Air regarding any potential changes to our current Liquid Waste Management Plan. She was quite clear that the MLWA will expect that any amendment to our LWMP would need to be supported by evidence of a consulting processes consistent with their guidelines. She took a brief look at the Draft Nanoose "plan". She observed that any change to the items in our current LWMP would require an amendment, and would have to have had included appropriate consulting. Her suggestions were:

1. get a clear statement from the RDN Liquid waste staff regarding how they plan to proceed in their planning and amendment LWMP and amendment process.
2. Consider contacting their Minister with our concerns.

Also, I had contacted Shawn Depot who is the interim replacement for Dennis Trudeau. I was asking to see the Stage 2 data that Dennis had talked about at our April 8th meeting. Shawn said there was no such data. He also had been recently involved in a LWMP in the north end of the district, and was quite certain that a LWMP amendment would be needed.

It seems to me that RDN staff working in this area (John Finnie and Shawn Depot) are quite aware of the facts, and what and how things should be done. However, our OCP authors seems to trying to push a fuzzy and confusing plan, backed by misrepresentation, hoping to do an end run around the process. RDN Board members are understandably uncertain regarding any process questions, and would rely on staff.

Thus I hope that George will be able to get something in writing from RDN Liquid Waste staff which gets them on the record regarding their understanding of the process.

Ron Kuhn

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

From: Ron Kuhn [mailto:ronkuhn@shaw.ca]
Sent: May 23, 2005 9:56 PM
To: George Holme
Subject: OCP Sewer Concerns

George,

As you may know, I had been very busy working on the recent election, and only now have been able to look at the updated OCP. I have reviewed a recording of our April 8th meeting with the RDN on the sewer issue (and other meetings). I feel comfortable with your comments and your expectations with regards to the sewer process. However, the actual document, and many of the RDN staff comments seem to have a different perspective and expectation, at least as I understand them even after several replays.

The main point is that any sewer implementation is going to be very expensive. Even more so if the RDN decides to build a new sewer plant at a different location. Yet, the process is astonishingly ambiguous as regards to process, consultation, and approval.

A few specific concerns/questions regarding sewers include:

- 1) Whether there is any actual documentation of the claimed sewer failures or likely failures?
- 2) It is asserted that costs will be equally shared. Unlikely, but how might they be "shared" ?
- 3) The sewer implementation framework process appears to be evade both the OCP consultation and approval process and the LWMP consultation process.

1) Documentation of failures?

5.7 COMMUNITY SERVICES

...

The Regional District of Nanaimo's Liquid Waste Management Plan (LWMP) identifies areas in Nanoose Bay where there are ground disposal septic systems that have failed or may fail in the near future. These conclusions were based on several factors identified through the LWMP Planning Process:

- (1) presence of shallow soils;
- (2) high water tables during the wet season;
- (3) proximity to the ocean front;
- (4) the age of septic systems; and
- (5) the Ministry of Health's data and knowledge of neighbourhood septic disposal conditions.

In order to accommodate the wastewater disposal needs of the areas where septic disposal systems have failed or may fail in the near future, plans are being made to consider providing these areas with community sewer service.

The problem is that I have been unable to obtain any documentation that supports the above assertion. The final Stage 3 LWMP page 78 (see attachment LWMP78) lists potential problem areas and the assessment process. Several areas are listed, but none for Nanoose. At a December meeting John Finnie indicated that no tangible MOH data supporting any Nanoose problems was available.

Dennis Trudeau indicated at our April 8th meeting that there was supporting data included in a Stage 2 document. My attempt to follow-up and view this was handled by Shawn DePot, who has taken over from Dennis. Shawn indicated that there were *no documented problems with Nanoose in the LWMP*. There were some general subsequent concerns expressed by MOH, but apparently nothing specific.

I remain confused.

Suggested follow-up: Have Mr. Finnie provide a brief written explanation to you along with a copy of any documentation which might support the OCP statement.

Note that Bob Lapham has suggested to me that OCP statements which are of an introductory nature such as the above are not required to be completely accurate.

2) Cost Sharing ? The very next paragraph may be significant but, it is NOT a "Policy". It brings up the unexplained issue of how costs will be apportioned when there is supposedly only a single (?) community serviced area.

The cost of community sewer service provision will be borne equally by all those

05/30/2005

who benefit from the service. It is anticipated that a portion of the cost of expanding the community sewer service will be paid by the developers in the form of Development Cost Charges (DCCs) and/or Capital Charges. Development cost charges are fees paid on a per lot or unit basis for residential development and on an area basis for commercial development.

Equal cost sharing of sewer service cost provision is probably not what was intended to be said. While this is not a "Policy" statement, it does raise many questions. Clarification of this or any costing strategy may go a long way to help understanding what is intended. Consider the major cost components:

- Treatment plant upgrades & operation - share costs equally between actual users, or include some costs to potential users?
- Trunk lines installation & operation - Does Fairwinds share in expanded trunks for the restricted area? (Bob Lapham said No) Do all potential users "in the restricted area" pay some portion?
- Distribution lines & Operation - Would there be one or many local service areas? If certain area's costs are very high, how would that be dealt with?

Even our existing LWMP seems unclear on this, although the understanding seems to be all would share, but again Bob said that RDN had an agreement where Fairwinds could not be charged for anything but sewer services directly relating to Fairwinds.

Suggested Action: Have Mr. Lapham write a brief explanation to you of what is envisioned in terms of cost "sharing" and how many distinct community sewer service areas might be envisioned.

3) Will any provisions of OCP or LWMP consultation processes apply ?

The implementation framework mechanism imbedded in the OCP authorizes and expects that all choices and details of sewer related planning will occur outside of the OCP. No explicit reference is made to the LWMP process, the "normal" other way that significant sewer related planning is accomplished. see <http://www.soc.bc.ca/sectors/ocp/ocpplanning.html> for LWMP planning guidelines

The OCP contains a few statements which include the terms "community consultation", and "future community consultation", however, no further details are supplied as to what this might be. At the April 8th meeting, Mr. Daniels did at least twice indicate his expectation in getting a consultation process established. However, in the ensuing discussions it seemed that any "consultation" processes evaporated, and the discussions anticipated only RDN votes and/or other consent of the electors options.

Suggested Action: Request Mr. Finkle to briefly document to you his expectation of whether a formal change to our LWMP is anticipated in the context of our OCP, and if so, whether that would then entail some form of the established LWMP consultation guidelines process.

Thank you,

Ron Kuhn

From: George Holme [gholme@shaw.ca]
Sent: Monday, May 30, 2005 9:07 AM
To: Lapham, Bob
Subject: Fw: Community Development Plan

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

From: Phil Lipsey
To: gholme@shaw.ca
Sent: Monday, May 30, 2005 1:07 AM
Subject: Community Development Plan

Dear George,

We understand that the DPA4 was removed from the re-written Community Development Plan, May 2005. We will not be able to attend the community meeting set for Monday May 30 and so would like to express our concerns regarding the possible re-instatement of the DPA4 into the Plan. We would like to express our opposition to include the DPA4 in the Community Development Plan.

Phil Lipsey
 Ariene Ackerman
 1352 Madrona Drive

From: George Holme [gholme@shaw.ca]
Sent: Monday, May 30, 2005 9:07 AM
To: Lapham, Bob
Subject: Fw: Revised OCP - Area E

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

From: Warren Ronquist
To: George Holme
Sent: Monday, May 30, 2005 7:38 AM
Subject: Revised OCP - Area E

George

I will not be able to attend the presentation tonight at Nanoose Place so I'll send this note instead.

I would like to express my thanks to you and the group that removed DPA 4 from the new plan. Many residents in our area were very concerned over the direction of the RDN Planning Department. It seemed to be driven by a few very vocal people who would not even be affected by the changes. You brought sanity to the process and for this Thank You!

Warren Ronquist
3097 Dolphin Dr

From: George Holme [gholme@shaw.ca]
Sent: Monday, May 30, 2005 1:12 PM
To: Lapham, Bob
Subject: Fw: RDN Mtg - May 30/05

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

From: The Hermans
To: gholme@shaw.ca
Sent: Monday, May 30, 2005 10:34 AM
Subject: RDN Mtg - May 30/05

Mr. George Holme

I will be unable to attend the RDN meeting of May 30th in which the Coastal Protection Development Permit Area (DPA 1V) will be discussed. I am against re-introducing DPA 1V in any form for lands on Madrona Drive. The original development plan covered a 50 foot set back which more than maintains the scenic aspect of the water front, there are a number of public access points to the water, and the north/east side of the peninsula provides very good beach walking access.

The south/west side of the peninsula is not suitable for beach walking access due to the high rock banks. However road and access around the south/east side provides a very good alternative.

F Herman
1400 Madrona Drive.
Nanoose Bay

Director G. W. Holme gholme@shaw.ca

Dear George:
Re: Nanoose Waterfront properties bylaw

As I am presently in Ontario I will be unable to attend the Public Information Meeting on the Nanoose Bay Draft Official Community Plan this evening May 30th.

Given my absence I am writing to let you know that I support the changes made in the May 2005 Draft OCP. Specifically, as a coastal property owner, I was grateful to see the removal of the DPA IV (Coastal Protection) from Section VIII.

Thank you for overseeing this change.

B. Walsh
1524 Haida Way
Nanoose, B.C.

From: George Holme [gholme@shaw.ca]
Sent: Monday, May 30, 2005 1:13 PM
To: Lapham, Bob
Subject: Fw: Re - Latest OCP Draft - DPIV Exclusion

--- Original Message ---

From: Joan
To: george.Holmes
Sent: Monday, May 30, 2005 12:22 PM
Subject: Re - Latest OCP Draft - DPIV Exclusion

We support the latest version of the Nanoose OCP that removes the DPIV requirements for residential waterfront property owners.

We do not support the attempt by the executive of the NNRA to re-introduce this unnecessary requirement. MR.& Mrs William G. Fletcher (Gord/Joan)
1662 Acacia Road, Nanoose Bay, B.C. V9P 9c6

From: George Holme [gholme@shaw.ca]
Sent: Monday, May 30, 2005 3:48 PM
To: Lapham, Bob
Subject: Fw: Nanoose DraftCommunity Plan

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

From: dajoturner@shaw.ca
To: gholme@shaw.ca
Sent: Monday, May 30, 2005 3:29 PM
Subject: Nanoose DraftCommunity Plan

Mr. George Holme

I will not be able to attend this evening's meeting.

I would, however, like you to know that I fully support the draft rewrite dated May, 2005. In particular, I was pleased to see the removal of DPA 4, Coastal Areas from Section 8

Yours truly

D.B.Turner
1452 Madrona Drive
Nanoose Bay

From: George Holme [gholme@shaw.ca]
Sent: Monday, May 30, 2005 1:12 PM
To: Lapham, Bob
Subject: Fw: Draft OCP

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

From: Reception <reception@divprop.com>
To: <gholme@shaw.ca>
Sent: Monday, May 30, 2005 11:22 AM
Subject: Draft OCP

>
> We own waterfront property on Dolphin Drive. We are unable to attend
> tonight's meeting. We have reviewed the draft and strongly support the
> removal of DPA 4.
>
> Thank you and your committee for your efforts in this matter.
>
> Peter & Irene Margetts
>
>

From: George Holme [gholme@shaw.ca]
Sent: Monday, May 30, 2005 6:12 PM
To: Lapham, Bob
Subject: Fw: DPA Coastal restrictions

----- Original Message -----
From: Robert Urquhart
To: gholme@shaw.ca
Sent: Monday, May 30, 2005 5:27 PM
Subject: DPA Coastal restrictions

George Holme
I wish to convey to you my pleasure and thanks in hearing that restrictions on DPA Coastal areas are to be removed.
Bob Urquhart
Robert G. Urquhart
rgurquhart@shaw.ca
250-468-7861

From: George Holme [gholme@shaw.ca]
Sent: Monday, May 30, 2005 2:29 PM
To: Lapham, Bob
Subject: Fw: Nanoose Bay OCP DPA/IV Issue

----- Original Message -----
From: david jamieson
To: gholme@shaw.ca
Sent: Monday, May 30, 2005 2:26 PM
Subject: Nanoose Bay OCP DPA/IV Issue

Dear George:

After a quick review, I am generally supportive of the latest version of the removal of the DPA/IV provisions for waterfront residential properties.

I have recently become aware that the Executive of the NNRA, led by Ross, is re-introducing a revised version of the DPA/IV provisions. The NNRA recently distributed a questionnaire. This document asked for motherhood type of environment questions which were hard to respond to. The options were not discussed, including removal of the DPA/IV process for waterfront owners. Apparently, I heard a document related to his vision that has not even been presented to his constituents for discussion. I heard that my family and I, who own three waterfront properties near Wall Beach, do not support Mr. Peter's record that my family and I, who in the Fisheries Act and the provincial Wildlife Act to cover the big issues. is enough protective legislation

Yours truly,
Dave Jamieson

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From: George Holme [gholme@shaw.ca]
Sent: Monday, May 30, 2005 6:13 PM
To: Lapham, Bob
Subject: Fw: To George Holme re: May 30 meeting

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

From: Burgoyne, Linda
To: gholme@shaw.ca
Cc: Lapham, Bob
Sent: Monday, May 30, 2005 4:33 PM
Subject: FW: To George Holme re: May 30 meeting

From: Linda Scott-Campbell [mailto:lscottcampbell@shaw.ca]
Sent: Monday, May 30, 2005 4:31 PM
To: Burgoyne, Linda
Subject: To George Holme re: May 30 meeting

This email is to be directed to Mr. Holmes (I could not find an email address on the rdn website-my apologies!):

I understand that an OCP meeting for Nanoose Bay is being held tonight (May 30) but I am unable to attend. I understand that DPA 4 Sec 3 has been removed - which I am in complete agreement about and would like to ensure that Mr. Holmes is advised. I also understand that there is another ground swell movement to reintroduce this again - and I hope that this issue will stop going around and around. I will be very upset if I find it gets re-included. I believe it is very wrong to tell people what they can and cannot do with their property in such a substantial way. Grandfathering those who already live around the waterfront isn't enough...some people are just lucky enough to have the land - and such a change as was formerly proposed drastically alters the value of their land.

Again, let me reiterate that I am in agreement with the removal of DPA 4 Sec 8.

Thank you.

Linda Campbell
2740 Powder Point Rd
Nanoose Bay

RDN OFFICIAL COMMUNITY PLAN MEETING - May 30, 2005

Please be notified by this submission that I am:

- against the Cancorp project that same Cancorp would like to develop on property across the highway across from the PetroCan Station. I consider it superfluous to our present and future needs. It has never been in the last 30 years to my knowledge that we want our community needs across the highway. What I am saying it has always been understood and agreed that we would keep our needs and development in one area.

- against the maps for services of sewer and water being on the same map instead as separate entities as they always have been and were discussed to continue to be so at our OCP meetings. The May 2nd draft, the last draft copy of our community OCP still, I repeat still, has water and sewer on one map giving the impression that the areas for these services are identical. At all of our OCP meetings in the last year it was clear at those meetings there would be two distinct maps. They are two distinct matters in our community and always have been. At an RDN Board Meeting on May 10th, 2005 this was once again clarified - two separate maps. I am not baffled as to why there are not two maps at this late date but I am waiting and watching for this matter to be returned/corrected to our services being on two maps. There is a danger here that if these two services are on the same map we the people of Nanoose Bay are saying that we want those services to be in the very same area. It also means that the RDN can go ahead and plan for water where there is not water and conversely go ahead and say and plan for sewer where there is not sewer. In other words even if the text of the OCP document says different that one map the RDN can say the text is wrong and the map is correct. So the text has to match the maps.

----- for the Crown Land District Lot 137 to be saved in its entirety from development in its entirety

Thank you.

Jeannette Thomson

George Holme
Area E Director

Re: Nanoose Bay OCP Review
May 30, 2005

I am not in favour of adding another urban area to our plan – re: the Can Corp proposal for the area across from the Petro Can..

We do not need any sewer implementation studies or a sewage treatment plant in another location. The Fairwinds subdivision was agreed to by the citizens of Nanoose Bay with the conditions that they supplied their own water, they looked after their own sewer and they dedicated "Notch Hill" as a park.
The R.D.N. should be sending out information on how to look after a septic field instead of steering us into the costly sewer implementation process.

We should not be allowing any more subdivisions while our water situation is so precarious. Water restrictions are starting earlier and are more restrictive than ever. We first have to support what we have before allowing more.

Our 174 acre crown land parcel should be kept as the ecological jewel that it is – rare Garry Oak meadows and old growth forest.

Nanoose Bay is a rural area and is prized as such.
Let us keep it that way.

Yours truly,



Karen Zaborniak
2621 Northwest Bay Rd
Nanoose Bay BC

From: George Holme [gholme@shaw.ca]
Sent: Monday, May 30, 2005 6:12 PM
To: Lapham, Bob
Subject: Fw: Nanoose Bay OCP.....DPA 1V.

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

From: Martyn Green
To: gholme@shaw.ca
Sent: Monday, May 30, 2005 4:42 PM
Subject: Nanoose Bay OCP.....DPA 1V.

George,

I regret I am unlikely to attend the scheduled meeting, at Nanoose Place, to review the above, and would ask that you accept this note as my comment/s to the above.

Firstly I am pleased to note, that much of the input arising from the deliberations of the Citizens Group (of which I attended many of the meetings), in the review of the document, has been accommodated. However, in the May 2nd edition of the OCP, there is one item of interest, that appears to have been significantly amended, that of DPA 1V's, as specific to the environment. This item, had undergone good discussion in committee, I considered an accord had been established, and I find it unacceptable, for it to have been altered in such a manner.

Secondly, arising out of this subject, I have some empathy with respect to the emerged difference of opinion, and approach, that exists between interested groups in the community, to what has now become an issue. These differences, as a whole, must be respected, for they are not lightly stated.

I feel strongly, that we do not need the further encroachment level of any order of government, in our day to day activities, least of all our homes et al. That said, we must maintain some semblance of order (and at the risk of appearing paranoid), to protect us against those who would seek to abuse our way of life. It is surely within our capability therefore, to find an compromise position, an overarching legislative milieu, that maximises freedom, provides for adequate control, minimises cost and yet, safely protects our environment, for generations to come.

In seeking a solution, we should look to those in the public domain, such as yourself, to provide for leadership, with full community and RDN involvement and support, to resolve this and other arising issues. Failure to do so, will result in a morass of unproductive conflict, with the potential of expense, et al.

Hope all is well with you, trust the above is useful.

Cheers.....Martyn Green.

From: Burgoyne, Linda
Sent: Monday, May 30, 2005 4:33 PM
To: George HOLME (gholme@shaw.ca)
Cc: Lapham, Bob
Subject: FW: To George Holme re: May 30 meeting

From: Linda Scott-Campbell [mailto:lscottcampbell@shaw.ca]
Sent: Monday, May 30, 2005 4:31 PM
To: Burgoyne, Linda
Subject: To George Holme re: May 30 meeting

This email is to be directed to Mr. Holmes (I could not find an email address on the rdn website-my apologies!);

I understand that an OCP meeting for Nanoose Bay is being held tonight (May 30) but I am unable to attend. I understand that DPA 4 Sec 3 has been removed – which I am in complete agreement about and would like to ensure that Mr. Holmes is advised. I also understand that there is another ground swell movement to reintroduce this again – and I hope that this issue will stop going around and around. I will be very upset if I find it gets re-included. I believe it is very wrong to tell people what they can and cannot do with their property in such a substantial way. Grandfathering those who already live around the waterfront isn't enough...some people are just lucky enough to have the land – and such a change as was formerly proposed drastically alters the value of their land.

Again, let me reiterate that I am in agreement with the removal of DPA 4 Sec 8.

Thank you.

Linda Campbell
2740 Powder Point Rd
Nanoose Bay

W.R. Colclough & Associates Ltd.
Land, Community and Economic Development

May 30, 2005

File: LWBC/Nanoose OCP

Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC

Att. Brigid Reynolds, Senior Planner

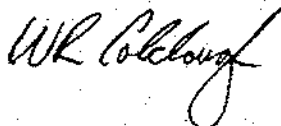
Re: Draft Nanoose Bay Official Community Plan

I am authorized agent of Land and Water BC Inc. with respect to the above noted properties. On behalf of LWBC I hereby formally request that, in the new Official Community Plan (OCP):

1. The land use designation for Parcel 1 be changed from "Rural Residential" to "Coast Residential", and then "Red Gap Village Center" subject to a Regional Growth Strategy amendment, and proposed for rezoning to RS11, as per all other lots on Nanoose Road.
2. Parcel 2 be designated "Tourist Commercial" and proposed for rezoning to Industrial (IND), as is the current designation and zoning of the parcel immediately to the south, and
3. Parcel 3 remain designated "Rural Lands" as per the majority of the adjacent parcels, and not be down graded to "Resource Lands", nor down zoned to subdivision district "V" (minimum 50ha parcel size).

I am available to discuss the above requests at your convenience.

Yours truly,
W.R. COLCLOUGH & ASSOCIATES LTD.



Per: Bob Colclough, ASCT

CC Mark Hailam, LWBC Inc. (Victoria)
Duncan Williams, LWBC Inc. (Nanaimo)

7401 Aulds Road
Lantzville, BC
V0R 2H0

wr.colclough@shaw.ca
Tel: 250-390-4728
Fax: 250-390-4798



May 30, 2005

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

Attention: Chair and Board of Directors

Dear Sirs:

Re: Nanoose OCP

In reviewing the latest draft of the Nanoose Bay OCP I would like to offer the following comments and concerns:

1. As per my previous comments and letter to staff, I would like to see the building setbacks from non-fishbearing ponds and streams modified. The proposed 30m setback may be appropriate for fishbearing watercourses that contain fish, particularly those that are salmon bearing, however for non-fishbearing streams and watercourses I believe that they are too onerous. I would like to suggest the setback for the non-fishbearing streams and ponds be modified to a 15m setback, similar to the waterfront parcels on the ocean. The 15m setback from non-fishbearing streams and ponds is also being used in the recently completed Area H OCP. If the draft Area E OCP was changed to allow for similar setbacks to the Area H OCP it would also allow for consistency of setbacks making it easier for the RDN Planning Staff to provide standardized information to the public.
2. On section 2, page 2, Policy 9 a section "c" has been added which appears to add significant additional requirements for subdivision of land. This new section appears to require all sensitive ecosystems be dedicated as park or covenanted so that the property can not be used. This is a very significant change to this section and can unfairly penalize property owners.
3. Section 3.1, page 3 - The Coast Residential area should be within an Urban Containment Boundary.
4. Section 3.5, page 10, should be re-titled from Tourist Commercial Lands to Tourist/Commercial Lands to more properly reflect what the area is used for - both Tourism and Commercial uses.

Fairwinds Real Estate Management Inc.

3455 Fairwinds Drive, Nanoose Bay, British Columbia, Canada V9P 9K6 Phone 250.468.7054 Fax 250.468.9640 Email info@fairwinds.ca

Page 2 of 2
Nanoose OCP

5. Section 4, Fairwinds, Policy 14, page 6 encourages the MoT to develop a new access route to Fairwinds. The latest draft OCP removes an access route to Fairwinds that has been proposed by the MoT for 20 years. The new draft of the OCP appears to be contradictory in that it is removing a new access route.
6. Section 3.7, policy 3 h on page 13 has been added and states that "land that is a single contiguous parcel is preferred over fragmented pieces of land". Park land created by the 5% requirement on subdivision is meant to be a local park for local residents, not a regional park. Smaller parks do have a place, especially as connecting links and in certain cases as tot lots and green space. This statement may severely limit future opportunities for the RDN.
7. On Section VI, Page 4, last action item, it now indicates that the RDN will "...evaluate the *possible* servicing of.....remainder of the Fairwinds Area". The use of the word *possible* may work for the other areas of Nanoose but does not seem to work in the context of Fairwinds.
8. On Section VI, page 5, 2nd item, has been modified from the first draft which called for the "Review of the Land Use and Subdivision Bylaw for the purpose of restricting subdivision of Conservation zoned lands with the Resource Lands designation" to "Reviewing the Land Use and Subdivision Bylaw for the purpose of restricting the potential subdivision of environmentally sensitive Conservation (ES1) zoned lands". I am not aware of a zoning designation of ES1. This statement is very unclear. It appears that this could be a restriction (without any community discussion) and possible potential downzoning for any environmentally sensitive lands. If this is the case, Fairwinds would object to this statement.

If you have any questions or require further clarification on the foregoing, please call.

Yours truly,


Fairwinds Community and Resort

Dave Scott
Development Manager

DS/ds

NANOOSE BAY DRAFT OCP

submission P.I.M. by Diane Pertson, Nanoose Bay

May 30, 2005

We are grateful that Director George Holme has met with various groups, individual stakeholders, and RDN staff to achieve a rewritten Draft OCP that more accurately reflects what the residents of Nanoose Bay envision for our community.

Regarding the Development Permit Areas: The Coastal Property Owners Committee spent many hours together and met with Director Holme and Bob Lapham of the RDN. The Committee felt that increasing the 8 metre setback from the waterfront to a greater distance of 15 metres, affords more protection for the coastal environment. The Committee understood that the Coastal Property Development Permit Area would be removed from the OCP and that any Bylaw replacing it would deal only with the building set back.

The Sensitive Ecosystem Development Permit Area needs to be more specific and educational. On the first page, (page 11 of Section VIII) the bracketed sentence MUST be removed. The sentence defeats the purpose of this DPA. Because land isn't subdividable, is not a reason to exclude it. If someone is building on land containing Coastal Bluff, awareness of the rarity of this plant community by the land owner, builder, and RDN staff will go a long way towards protecting it - during construction and afterwards. In the second column (also on page 11), reference to '2004 updates' is too limiting to an OCP that won't be revised for another 5 years. It could read:

.....and any subsequent updates.....

The survival of these special areas depends largely on residents and RDN staff - firstly, by being aware of them, and secondly, by being concerned about their preservation and value. Our OCP should be an educational tool in this regard. Nanoose Bay is unique in the range of sensitive ecosystems here and we all need to consider them as a species bank for the future. This can only be done if we know what we are talking about. An ecosystem is defined as a portion of landscape with relatively uniform dominant vegetation; a sensitive ecosystem is one that is fragile and/or rare and is still relatively unmodified or undisturbed. As the term 'ecosystem' is often used incorrectly, this definition should be included.

The seven (7) sensitive ecosystems as identified in the Sensitive Ecosystem Inventory of East Vancouver Island and Gulf Islands should be correctly named: Woodland; Coastal Bluff; Terrestrial Herbaceous; Wetland; Riparian; Sparsely Vegetated; and Older Forest. Mention should be made of the importance of seasonally-flooded agricultural fields and older second growth forest for critical wildlife habitat. It is also necessary to keep the Appendix 1 Map (Inventory of Natural Environmental Features) updated and accurate.

In Nanoose Bay, we are the caretakers of some of the rarest and most endangered ecosystems in British Columbia. If WE don't protect them, they will be lost forever. Nature is not a trade-off for development any longer.

The Nanoose Bay Conservancy Society was formed to protect the Crown land, District Lot 137, and has documented sensitive ecosystems, plant and wildlife species, and an Age Inventory and Mapping Survey of trees on the parcel. This study confirms that the Older Forest is one of only several large blocks of Coastal Douglas fir Forest left in the world. The Garry oak Woodland is one of the four most endangered ecosystems in Canada. This has given the Crown land its own site on the Sensitive Ecosystem Inventory called Nanoose Bay Forest & Woodland. The Conservancy has also met with Minister George Abbott and carried on continuous communications with him and Land and Water BC, Inc. - who supposedly owns the Crown land - although we believe Crown land is owned by the people. In August, 2004, the RDN applied for a Free Crown Grant of this parcel so that it could be put in the stewardship of a conservancy, thereby protecting it for future generations and making it an affordable greenspace on the Nanoose Peninsula. This greenspace will be crucial when Fairwinds is fully developed with roads, houses, and cul-de-sacs. The Free Crown Grant application was just recently turned down. We must all support whatever initiatives are taken now to preserve this rare, endangered, and very special parcel.

Section II of the OCP deals with Protection of the Natural Environment.

Policy 2.) should be revised for accuracy. It could read:

Environmentally sensitive areas or sensitive ecosystems include eagle nesting and perch trees, heron roosts, watercourses, and the seven sensitive ecosystems inventoried in the Sensitive Ecosystem Inventory of East Vancouver Island & Gulf Islands: Woodland; Coastal Bluff; Terrestrial Herbaceous; Wetland; Riparian; Sparsely Vegetated; and Older Forest. Seasonally-flooded agricultural fields and older second-growth forests are also considered important as they provide critical habitat for species.

Policy 9.) should be changed to protect the sensitive land as well as sensitive adjacent land. It could read:

the impact on environmentally sensitive areas or sensitive ecosystems on the land or on adjacent land

Community Services in Section V - Facilities & Servicing has undergone some positive re-writing but still does not reflect what we envision for the life of this Official Community Plan. There has been no public consultation to remove the intent of the paragraph stricken from the first column on Page 8 which clearly separates Community Sewer and Water Service Areas and Restricted Community Sewer and Water Service Areas. Without public consultation, our current separate Sewer and Water Service Area Maps have been combined to form Map 5 which magically include rural lands in the Sewer Service Area. We all know that this opens the door to the possibility of changing the status of these lands and the future rural character of Nanoose Bay. As an example, when the rural acreages on Davenham Road were given one water connection per parcel due to the lack of well water, RDN Planning approved a 6-lot subdivision and 6 water connections on one of them.

Policy 4.) on Page 11 is erroneous in stating that the current OCP supported the amendment of the Sewer Service Boundary as designated on the new Map 5.

Policy 4.) should be stricken.

Policy 5.) states that consent of the electors is required to expand the Sewer Service Area. The only public consultation the RDN has given the people of Nanoose Bay in this regard is to slip it in on Map 5 by combining the Water and Sewer Service Area Maps.

I am asking that our current separate Water and Sewer Service Area Maps be retained and Map 5 be removed and all references to Map 5 be adjusted accordingly, until we are properly consulted on this matter.

Although not a part of the OCP, the proposed CanCorp development on the Island Highway across from the PetroCan station is contrary to Section IV of the OCP which defines village centres; it is contrary to Development Permit Area I - Form and Character; and it is contrary to ALL planning in Nanoose Bay since the 1970's. Nanoose Bay, at that time, was just a stop on the highway across from the Arlington Hotel with a church, restaurant, service station, motel, and the post office - there was no room for expansion or invitation to leave the highway to visit Nanoose Bay. Residents had to negotiate the highway to use the facilities so they were moved off the highway to the new urban centre at Red Gap. The Red Gap Urban Containment Boundary has been enlarged through the OCP Workshops to contain the library, firehall, two churches, and any future urban facilities that Nanoose Bay might need once the maximum approved growth of the area is reached. This is a long, long way off. The last thing Nanoose Bay needs is yet another urban area for the taxpayers to support, diversifying service areas and taking facilities back to the highway.

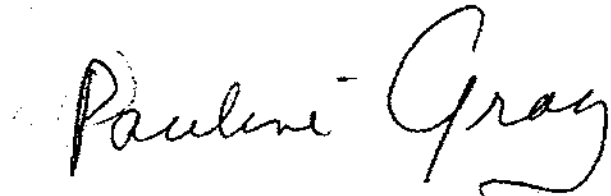
May 30, 2005

Mr. George Holme,
Director, Electoral Area E

I will be unable to attend the Public Information Meeting on the Nanoose Bay Draft Official Community Plan to be held later today.

I would, however, like you to know that I fully support the Draft rewrite dated May, 2005. In particular, I was pleased to see the removal of DPA IV, Coastal Areas from Section VIII.

Yours truly,

A handwritten signature in black ink that reads "Pauline Gray". The signature is written in a cursive style with a large, sweeping "G" at the end.

May 30, 2005

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Director, Electoral Area E

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Yours truly,

H. Akas

1369 MADRONA DRIVE
NANOOSE BAY - BC
V9P 9C9
468-5359

May 30, 2005

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Director, Electoral Area E

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Yours truly,

J. A. Allan
1365 Madonna Dr.
Nanoose BC

May 29, 2005

Mr. G. Holme
Director, Electoral Area E

I will be unable to attend the Public Information Meeting on the Nanoose Bay Draft Official Community Plan to be held Monday May, 30, 2005.

I would, however, like you to know that I favour the Draft rewrite of the OCP dated May, 2005. In particular I was happy to see the removal of the DPA 4 from Section 8.

M. A. Beagle

M.
Mrs. M. Beagle
1338 Madrona Dr.
Nanoose Bay

May 30, 2005

Mr. George Holme,
Director, Electoral Area E

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Yours truly,



*Rules should not be
put in place for the odd
person that does not use
common sense on their
water front property*



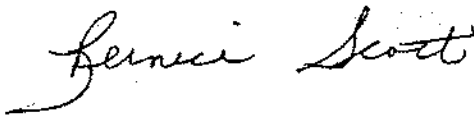
May 30, 2005

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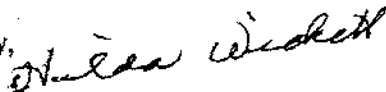
May 30, 2005

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Yours truly,



1379 Madrona Drive.

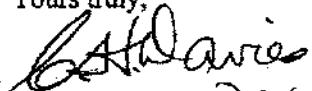
May 30, 2005

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Director, Electoral Area E

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Yours truly,


CLAIR DAVIES
1379 MADRONA DR
NANOOSE BAY, BC
V9P 9C9
PH. 468-7539

May 30, 2005

Mr. George Holme,
Director, Electoral Area E

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Yours truly,

Gail Atkins

1369 MADRONA DRIVE
NANOOSE BAY, BC
V9P 9C9
468-5359

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

May 31, 2005
~~18~~ pages

Attention: Bob Lapham
Planning Department
Regional District of Nanaimo

Re: **Draft Nanoose Bay OCP, May 2, 2005**

I wish to express my personal disappointment here, in that none of the concerns of my Companies previously conveyed to the RDN appear to have been addressed.

Specifically, letters were previously written by:
H&F Ventures Ltd. on December 13, 2004.
Rascal Trucking Ltd. on February 17, 2004.
myself on December 13, 2004.

To summarize my concerns once again.

Appendix Map No. 1

Rascal Lane

It shows a Water Feature on Lot A, Rascal Lane, which is really a man-made pond. This private pond should not be subject to regulations, and should be allowed to be changed and deepened or infilled, as private property.

Appendix Map No. 2

1610 Northwest Bay Road (and 1634 Northwest Bay Road to the east)

- This 1610 Northwest Bay Road property should be included in the Madrona Specified Area for Water. This is known to the RDN. See the most recent letter sent to the RDN on this, dated March 7, 2005.
- There really should be separate maps for Water Service Areas, and for Sanitary Sewer Areas, to remove confusion.

Map No. 2

1610 Northwest Bay Road (and 1634 Northwest Bay Road to the east)

- Should be in the OCP Coast Residential Neighbourhood, or 1600 m² Lots.
- Rural Residential Neighbourhood or 1 hectare parcels, is down-zoning.
- Again, I recall clearly an earlier newspaper article, (and I believe George Holme, but I could be wrong) making a commitment that "there would be no down-zoning" of Lands.

Remainder Matthew Road

- The ALR have approved 4 parcels, at 5 acres for ½ of this property.
- This entire Remainder should really be zoned as Rural Lands, or as 5 acres, and not as Resource Lands within ALR.
- We have an active development underway here, and this is known to the RDN. We built the bridge and paved the road in anticipation of creating 5 acre parcels on all of the Lands. We recall that George Holme on behalf of the RDN, supported our last ALR Application to create 5 Acres within the ALR on our Remainder. (See attached letter.)
- For the RDN to not cooperate here with amending the Draft OCP, is unduly harsh and unfair.

Map No. 3

Why not have another future road going through to Northwest Bay Road (see the attached plan).

Map No. 4

Okay.

Map No. 5

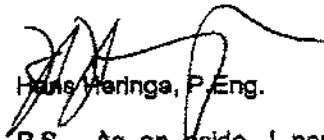
- There should be separate plans for Community Sewer and for Community Water.
- Our 1610 Northwest Bay Road property (and 1634 Northwest Bay Road lying to the east), should both be included in both the Restricted Community Sewer, and Water Service Planning Area.

Map No. 6

Our pond at Lot A Rascal Lane is in a Development Permit Area, when it is a "man-made pond", resulting from the past excavation of gravels. This pond really shouldn't be included for this reason.

Thank you for your further attention to my previous complaints. Hopefully, the requisite changes can still be made here, to the Draft.

Regards,



Hans Heringa, P.Eng.

P.S. As an aside, I personally fully support the redevelopment along the Island Highway opposite the Petrocan Station. The Island Highway realignment is certainly necessary, and if Private Developers can contribute to the substantial costs involved, then it's in the Public interest to take full advantage of this. The OCP ought to be amended accordingly, and expedited here just like it was expedited for the River's Edge Project.

HH/m/Lapham

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

December 13, 2004
____ page(s)

Regional District of Nanaimo
Planning Department
Fax 390-7511

**Re: Nanoose Draft OCP November Open House
and Community Involvement**

**Re: Our Matthew Road Property, 9.5 Hectares
Remainder Block 668, PID 009-438-734**

Map No. 2.

1. Our ALR Remainder should be designated as Rural Lands (dark green), and not as Resource Lands within the ALR.
2. We presently have a subdivision in the works for four 5 acre parcels within the ALR. See attached plan. The ALR has approved this. See attached Resolution. The RDN has also approved this in the past. See attached note from G. Hoime.
3. We previously built a 2 lane bridge (and not a multiplate culvert, or a single lane bridge) across Matthew Creek, in anticipation of at least 5-acre subdivision for all of the parcel.
4. We paved our Matthew Road portion (at considerable cost) , and which was not a subdivision requirement, only based on being allowed to further subdivide the 5 acre to 2 ½ acre building strata, if purchasers wanted to do this.
5. It would be inappropriate, harsh and unfair to have our Remainder rezoned and down-zoned now, because of the past history here, and based on the existing PLA for four 5 acre parcels, and based on our future plans. The OCP should match the past, ongoing and future development plans here, and respect them.

The ALR had earlier advised us to do the four 5 acre parcels first, and to sell them, and to then to reapply later if we wished for the other four 5 acre parcels at some future date. See overall subdivision plan attached.

This 8 lot subdivision of 5 acre parcels is what we ultimately wish to do, and also we have to do for economic reasons, to get payback on the bridge and paved roads.

Please revise Map No. 2, and allow our Remainder Land to remain as Rural Lands, 5 acre zoning. We think that you have to agree that 5 acre residential hobby farms adjoining the creek, is a much better and benign land use, than heavy duty commercial farming where manure, dirt, fertilizers and pesticide may get washed into this creek (all due to commercial farming operations).

Even the ALR has concerns about this.

Please zone the land for 5 acre Residential Hobby Farms, to suit the planned use. Let's not encourage a future environmental disaster, here, and stipulate Farming beside a Fisheries Creek.

Map No. 3. Road Network

I thought that Matthew Road was to be extended through the 2 Weyerhaeuser DL 174 and DL 176 parcels one day, to connect to the private driveway/road on DL 73, and then to Dawson Road. This connection isn't shown. Perhaps it should be?

Ultimately, Matthew Road can provide a bypass to the Island Highway, by connecting to Dawson Road, or by a connection to the south fork of Northwest Bay Road. The OCP should reflect this.

Thank you for your attention to our requests.

Regards,

FILE COPY

Hans Heringa, P.Eng.

cc: Bob Lapham
cc: Pauline Bibby
HH/m/RDN

Rascal Trucking Ltd.

1080 Industrial Way
Parksville, B.C. V9P 2W8
Phone (250) 248-8155 Fax (250) 248-4894

FAKED

February 17, 2004

2 pages + ATTACH

Attention: Robert Lapham
RDN
Fax 390-7511

Re: **Lot A, Rascal Lane, Nanoose Bay
Official Community Plan, Map 9
D.P.A.s, Watercourse Protection
Bylaw No. 1118**

Dear Sir:

We note that the Pond on our Lot A has been designated as a D.P.A., and as a (natural?) Lake or Pond.

This is wrong.

It's a man-made pond, and was dug by Lafarge as part of its gravel pit/Readl-Mix Plant operation many years ago, before we purchased these Lands.

We went through all of this already before, when we did the Subdivision, with C.O. Smythies, in or about 1991, or 13 years ago. At that time, the B.C. Government, as I recall, wanted the Pond returned to Crown, or something similar. In the end they abandoned the idea, after Lafarge and McKillop provided the history here.

The purpose of DPA 3, Watercourse Protection is to protect the natural environment, and not what was man-made.

Furthermore, there is no natural leave strip, or essential habitat or vegetation along the banks.

Furthermore, there are various other machine dug ponds, such as the McKillop gravel Pit, next door, also not included.

Furthermore, we are still operating a legal gravel pit/fill dump site here, as registered with the Ministry of Mines. We are using gravels from this pond here right now for the Nanoose Highway Project with M.o.T. We certainly don't have a D.P. for this activity within your D.P.A.

Furthermore, how come we have to find this out by accident? Why don't you tell Property Owners that you are trying to affect their Lands with a new Bylaw, before you do this? It's simple enough to do so.

Therefore, we request that you take the necessary steps to delete our Pond from your Bylaw No. 1118, and to correct your mistake here.

Thank you for your prompt attention to this matter.

Regards,

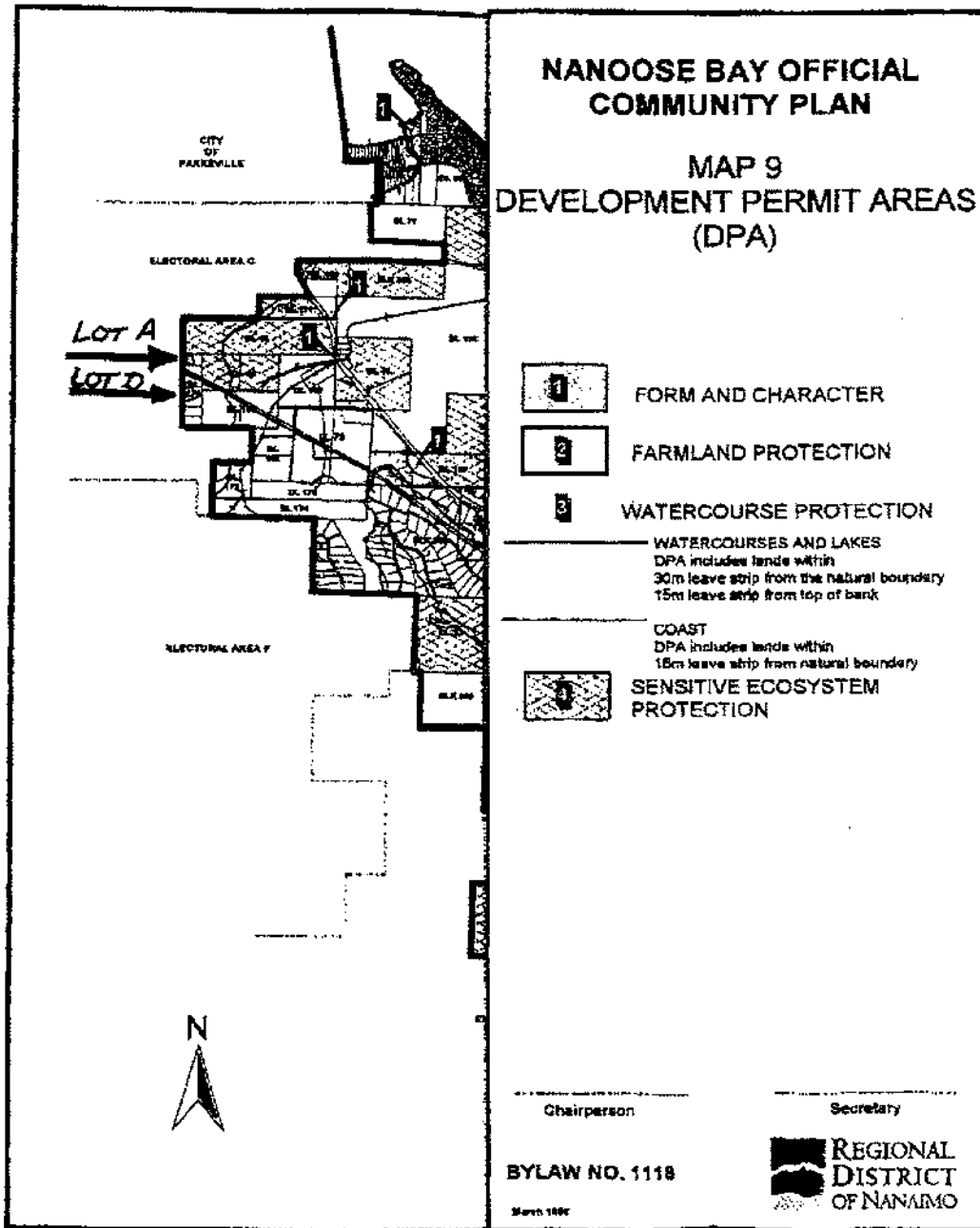


Hans Heringa, P.Eng.

P.S. As a note of interest, there is no pond whatsoever on Lot D Rascal Lane, yet the Map 9 shows that over half of this lot is a "natural lake". Perhaps this mistake could also be corrected at the same time.

P.S. The recent drainage works performed by River's Edge may even eliminate the pond entirely, from both Lot A, (and seasonal flood waters from Lot D), to the new pond/gravel pit storm detention area, now to the south of Kaye Road, where all the flood waters have recently been diverted to. This new pond should perhaps be subject to a DPA, if anything should be.

cc: Pauline Bibby, RDN Director, Nanoose Bay
cc: Terry West, C.O. Smythies
HH/inv/Lachem



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

December 13, 2004
___ page(s)

Regional District of Nanaimo
Planning Department
Fax 250-390-7511

**Re: Draft Nanoose Bay Official Community Plan
Our 10 Acre Property at 1610 Northwest Bay Road
Plan 445R, DL 22, Nanoose LD, PID 009-357-963**

Appendix No. 1.

This property must be, although it is man made wetland by way of a concrete dam on a natural artesian spring (see the attached plan).

Appendix No. 2.

This property must be, and ought to be included in the Water Service Area. This is an earlier RDN Commitment. See also our Billing (copy attached). The RDN knows all about this, from much previous correspondence, and should correct the Existing Service Area to include our property as part of the Madrona Service Area.

Map No. 2.

Our property should be zoned as Coast Residential Neighbourhood at 1600 m² Lots (and not as Rural Residential Neighbourhood). This property would be zoned as CRN if it was in the Madrona Specified Area for Water, and it is in the Madrona Specified Area for Water. Our colouring should also be Pink, and not Purple. Please correct.

Map No. 3.

Our property when developed could perhaps be useful in providing a secondary and alternate bypass route on a portion of Northwest Bay Road, and in fact creating a shortcut and eliminating/reducing the traffic on Northwest Bay Road. See attached.

Map No. 5.

Our property should be included in the Restricted Service Area, as part of the Madrona Specified Area for Water, and just like the rest of the Madrona Area. Due to the road frontage, and our proximity to Sanitary Sewer, it makes sense to

allow our property to be developed, when Sanitary Sewer becomes available. We are also prepared to contribute to the costs involved with a Sanitary Sewer.

In summation, our lands should be properly accommodated in the OCP, to reflect both the history and the future potential of these lands.

There was to be no down-zoning of lands by the OCP, as I recall Mr. Holmes stating as part of the earlier OCP process.

However, our lands have in fact been down-zoned from the original 1600 m² Madrona Area Standard to the 2 ½ acre or 1 hectare size, unless we are given the Coast Residential Neighbourhood designation.

As you may know, there is a subdivision plan in the works here. There have been discussions with the RDN, that in return for access to sanitary sewer, and approval for 25 residential lots of 1,000 m² (based on 1,600 m² density), we are prepared to transfer the existing well (and an excellent water supply) to the RDN, and that in addition all of the surplus wetlands are to be dedicated as park, or as a Greenbelt Covenant. The new OCP should reflect these discussions.

Thank you for your attention to our request and for giving us the opportunity to participate, as part of the Community Involvement process.

Regards,

FILE COPY

Hans Heringa, P.Eng.

cc: Lorraine Trickett
cc: Bob Lapham
cc: Pauline Bibby
HHH/m/RDN

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

FAXED

March 7, 2005
2 pages

Attention: Manager, Financial Services
Regional District of Nanaimo
Fax 390-4163

Re: 1610 Northwest Bay Road, Nanoose Bay
Plan 445R, DL 22, Nanoose Ld, that part outlined in red

There is an error respecting the inclusion of our parcel.

As earlier advised in our letters of February 24, 2003 and February 25, 2004, and as per an Agreement with the RDN dated July 18, 1991 (see attached Clause 6.01), our property was to be included into the Madrona Point Service Area, and long ago.

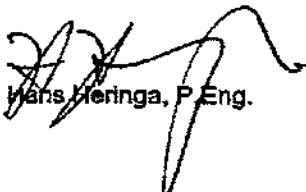
In addition, our property presently pays for water, to the Madrona Point Service Area, and is connected to the Madrona Point main, and has been for some time. (See attached.)

Please rectify the situation, or provide the necessary new Petition documentation, or explain exactly what the problem is here.

The RDN has been remiss and uncooperative here, for a very long time.

Thank you for some positive attention to this request.

Regards,



Hans Heringa, P.Eng.

cc: Robert Lapham, RDN
HH/m/RDN



NOTICE 2005 Parcel Tax Assessment Rolls

For property Owners within the following service areas:

Water Local Service Areas: - Arbutus Park Estates
Decourcey (Pylades Drive - Cedar)
Driftwood
Englishman River Community
Fairwinds
French Creek
✓ Madrona Point
Morningstar
Nanoose Bay
San Pareil
Surfside
Wall Beach
West Bay Estates

Sewer Service Areas: Fairwinds
French Creek
Pacific Shores
Surfside

Bulk Water Service Areas: French Creek
Nanoose Bay

A16 • THE NEWS, Friday, February 18, 2005

Assessment rolls for the purpose of levying Year 2005 parcel taxes have been prepared and shall be authenticated on March 4, 2005. The purpose of the assessment roll review is to ensure that all properties are accounted for and names and addresses are accurate.

Property owners may request that the roll be amended with respect to their own property only for the following reasons:

- (1) there is an error or omission respecting a name or address on the assessment roll
- (2) there is an error or omission respecting the inclusion of a parcel
- (3) an exemption has been improperly allowed or disallowed

Assessment rolls may be inspected at the Regional District of Nanaimo Administrative Office, 6300 Hammond Bay Road, Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m., commencing February 14, 2005.

Requests for amendments to the roll must be received in writing by Monday, February 28, 2005 at 4:30 p.m.

By Mail To: Manager, Financial Services
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2 (390-4111/1-877-607-4111)

By Fax To: Manager, Financial Services
Regional District of Nanaimo (250) 390-4163

In Person To: Regional District of Nanaimo Administration Office
6300 Hammond Bay Road, Nanaimo, BC or
Oceanside Place or Ravensong Aquatic Center
Wembley Mall 737 Jones Street
Parksville, BC Qualicum Beach, BC

4.07 To maintain accurate records in a commonly accepted form of the volumes of water pumped or removed from the Well each and every month and provide one copy of such records to Heringa and Trickett.

ARTICLE 5

COVENANTS OF HERINGA AND TRICKETT

Heringa and Trickett covenant and agree with RDN:

5.01 For quiet enjoyment.

5.02 That RDN shall have the exclusive and uninterrupted right, liberty and licence to extract all water from the Well and the Lands by any means whatever or by more than one means. Heringa and Trickett shall not do or permit to be done any act, or fail to do any act, which may or have the effect of interfering with, reducing or impairing the right of RDN or the amount of water that may or can be extracted from time to time. RDN acknowledges that its rights are subject to any rights of Ocean Place Holdings Ltd. or its successors.

ARTICLE 6

FURTHER WORKS AND EXTENSIONS OF SERVICE

6.01 The RDN shall take all reasonable steps to incorporate or include the Lands within the Madrona Water Specified Area. Heringa and Trickett shall be entitled to two residential service connections for the Lands at their sole cost and expense. Heringa and Trickett shall pay such fees as are regularly charged to Madrona Water Specified Area customers.

6.02 The RDN shall design the water main extension and the access road(s) to the Well. The RDN shall obtain an estimate of the cost of such works from a professional engineer. Heringa and Trickett may submit a bid to do such works. The RDN shall let a contract for such works, upon the usual terms and conditions, to Heringa and Trickett if Heringa and Trickett's quote is a price which does not exceed the estimate prepared by the professional engineer by more than ten percent. The RDN may at its sole option call for public tenders for such works provided however that Heringa and Trickett shall be at liberty to revise their price for the works and submit a tender for the works.

6.03 Before RDN installs pipes to remove water from the Lands, Heringa and Trickett may request the RDN to upgrade the size of the pipe and to install a supply main of 200 millimetres or greater size as they require in order to permit the future subdivision of the Lands. The RDN shall install such oversize supply main as requested by Heringa and Trickett provided that it can be installed without undue delay in all of the circumstances. Heringa and Trickett shall pay the RDN all excess costs and expenses and the costs of any delays arising from or due to the installation of such oversize supply main.

6.04 When the Lands are subdivided, RDN agrees to supply the parcels or lots created by the subdivision with water from the Madrona Specified Water Area if the capacity of the Well, at the time of subdivision, is not less than 60 imperial gallons per minute. Heringa and Trickett shall comply with all subdivision requirements and bylaws applicable to the Lands.

6.05 If RDN drills an additional well or wells or constructs additional works, RDN shall pay the capital costs. In the event there is an additional well the parties shall negotiate a "monthly rate" based on the same criteria as the monthly rate referred to in

10.01 RDN agrees with Heringa and Trickett that if RDN shall breach any part of this agreement and any such default on the part of RDN shall continue for thirty (30) days after written notice thereof to RDN by Heringa and Trickett, then Heringa and Trickett in addition to any other remedy now or hereafter provided by law may at their option forthwith re-enter and take possession of the Works and recover possession of the Works subject to Article 4.06.

ARTICLE 11

RIGHT OF RENEWAL

11.01 RDN shall have the right to renew the term of this Agreement for a further five (5) years on the following basis:

- (a) The right to renew the term of this Agreement shall only be exercisable if RDN has performed and observed all the covenants, conditions and provisos of this Agreement during the Term PROVIDED that the right of renewal given hereunder shall not lapse solely due to past breaches of the Agreement of a minor and inconsequential nature if such breaches were infrequent and did not result in inconvenience or prejudice to Heringa and Trickett;
- (b) The renewal term shall be on the same covenants, conditions and provisos as herein provided except as to the monthly rate, and shall include this Right of Renewal;
- (c) RDN shall exercise the right of renewal by notice in writing not less than six months prior to the expiration of the Term.

11.02 The monthly rate payable for the renewal term shall be determined by the agreement of the parties at least one month prior to the end of the Term and if not determined by the agreement of the parties by that date as determined by a single arbitrator under the provisions of the *Arbitration Act* of the Province of British Columbia R.S.B.C. 1979 Chapter 18.

ARTICLE 12

TERMINATION OF AGREEMENT

12.01 RDN shall have the right, upon giving six months written notice, exercisable after June 1, 1996 to terminate this Agreement and upon the expiration of the six months from the date of such written notice, this Agreement shall be void and all obligations of RDN shall cease.

12.02 If the capacity of the Well shall be less than 20 imperial gallons per minute, payment of the monthly rate shall cease and RDN may at its option cancel this Agreement.

12.03 Payment of the monthly rate shall end if the Lands are sub-divided into lots and it is a condition or requirement of or for such sub-division that a community water and sewer system be provided. Heringa and Trickett covenant and agree that in such event they shall convey, grant and transfer to RDN all right, title, interest and entitlement of Heringa and Trickett in or to the Works upon payment of the sum of \$100 by RDN and this Agreement shall thereupon terminate. Heringa and Trickett shall execute, sign and deliver such deeds of conveyance or instruments as are needed to vest absolutely all right, title, interest and entitlement that Heringa and Trickett may have in the Works, or any part thereof, in RDN, including all rights that Heringa and Trickett may have to extract water from the Lands.

12.04 In the event the RDN shall not exercise the right of renewal herein contained or elect to terminate this agreement, then the RDN shall cancel and discharge any encumbrances and charges registered by the RDN against the Lands in support of this Agreement.

ARTICLE 13

WAIVER

1301 The failure of either party to insist upon strict performance of any covenant or condition contained in this Agreement or to exercise any right or option in this Agreement shall not be construed as a waiver or relinquishment for the future of any such covenant, condition, right or option.

1302 The acceptance by Heringa and Trickett of a part payment of any sum required to be paid hereunder shall not constitute waiver or release of the right of Heringa and Trickett to payment in full of such sum.

ARTICLE 14

HOLDING OVER

1401 If at the expiration of the Term of this Agreement or any renewal thereof, RDN shall hold over with the consent of Heringa and Trickett, the right of RDN thereafter shall, in the absence of written agreement to the contrary, be from month to month only at a rate per month equal to one-twelfth of the yearly rate payable in the 12 months immediately preceding such expiration, payable monthly in advance on the first day of each month and shall be subject to all other terms and conditions of this Agreement other than any right of renewal herein.

ARTICLE 15

REMEDIES CUMULATIVE

1501 No remedy conferred upon or reserved to Heringa and Trickett herein, by statute or otherwise, shall be considered exclusive of any other remedy, but the same shall be cumulative and shall be in addition to every other remedy available to Heringa and Trickett and all such remedies and powers of Heringa and Trickett may be exercised concurrently and from time to time and as often as occasion may be deemed expedient by Heringa and Trickett.

1502 No right or remedy provided for Heringa and Trickett herein shall preclude or be deemed or construed to preclude Heringa and Trickett from exercising any other right or remedy provided or implied by law, each such right and remedy being hereby reserved to Heringa and Trickett.

ARTICLE 16

WHOLE OF AGREEMENT

1601 The parties agree that there are no representations or warranties other than as contained in this Agreement and that this Agreement shall only be modified in writing under seal, and that this Agreement contains all of the agreements and conditions made between the parties hereto.

ARTICLE 17

NOTICES

1701 Any notice required or contemplated by any provision of this Agreement or which Heringa and Trickett or RDN may desire to give to the other shall be sufficiently given by personal delivery or by registered letter, postage prepaid and mailed in one of the Post Offices in the City of Nanaimo, British Columbia, and addressed to the party to whom such notice is to be given at the address as either party may notify the

other of in writing during the term hereof and any such notice shall be effective as of the day of such personal delivery or as of the fourth day following the date of such posting as the case may be.

ARTICLE 18

INTERPRETATION

1801 This Agreement shall be construed in accordance with the laws of British Columbia.

1802 Where required the singular shall be deemed to include the plural and vice versa, and the neuter gender.

1803 The marginal notes and captions in this Agreement form no part of this Agreement and shall be deemed to have been inserted for convenience of reference only.

1804 If any party hereto is comprised of more than one person, firm or corporation, then the respective covenants of that party shall be deemed joint and several covenants of each of such persons, firms and corporations.

1805 Time shall be of the essence hereof.

ARTICLE 19

DATES

1901 The effective date of this Agreement is July 1, 1991.

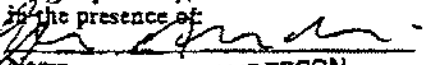
1902 If the condition referred to in Article 1903 is not satisfied by September 30, 1991, this agreement shall terminate and be null and void. Each party shall pay their own costs. Neither party shall have any further obligation under this Agreement or the Right of Way Agreement.




1903 RDN shall have the right to perform such tests as it feels are appropriate to determine the capacity of the Well and the effect of the Well on other RDN wells. RDN shall have 30 days to evaluate any data. After the 30 days, RDN will give notice to Heringa and Trickett in writing within 3 days whether this condition is satisfied or not.

[THIS AGREEMENT shall enure to the benefit of and be



binding upon the parties hereto and their respective successors and permitted assigns.

IN WITNESS WHEREOF each of the parties hereto has executed these presents on the day first above written.

SIGNED, SEALED AND DELIVERED)
by HANS PETER HERINGA AND)
LORRAINE TRICKETT)
this 5 day of July, 1991)
in the presence of:)
)
Name SHEILA M. ANDERSON)
Address Barrister & Solicitor)
505 - 495 DUNSMUIR STREET)
Occupation P.O. Box 10)
NANAIMO, B.C. V9R 5K4)


HANS PETER HERINGA

LORRAINE TRICKETT by her
attorney HANS PETER HERINGA


THE COMMON SEAL OF REGIONAL)
DISTRICT OF NANAIMO)
was hereunto affixed this 5 day of)
July , 1991)

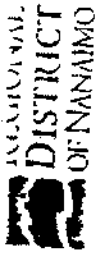



UTILITY INVOICE

ACCOUNT NUMBER	0850815
FOLD NUMBER	769 009156.000
DATE	31-May-2001

TEL: (250) 390-4111
TOLL FREE IN DC:
1-877-697-4111
FAX: (250) 390-4103

4500 HANMOND (HAY ROAD)
NANAIMO, BC
V9T 0N2



SERVICE A/E: 1610 NORTHWEST BAY RD

HERRING, IANS
6421 INVERMERE RD
NANAIMO BC V9V 1H8

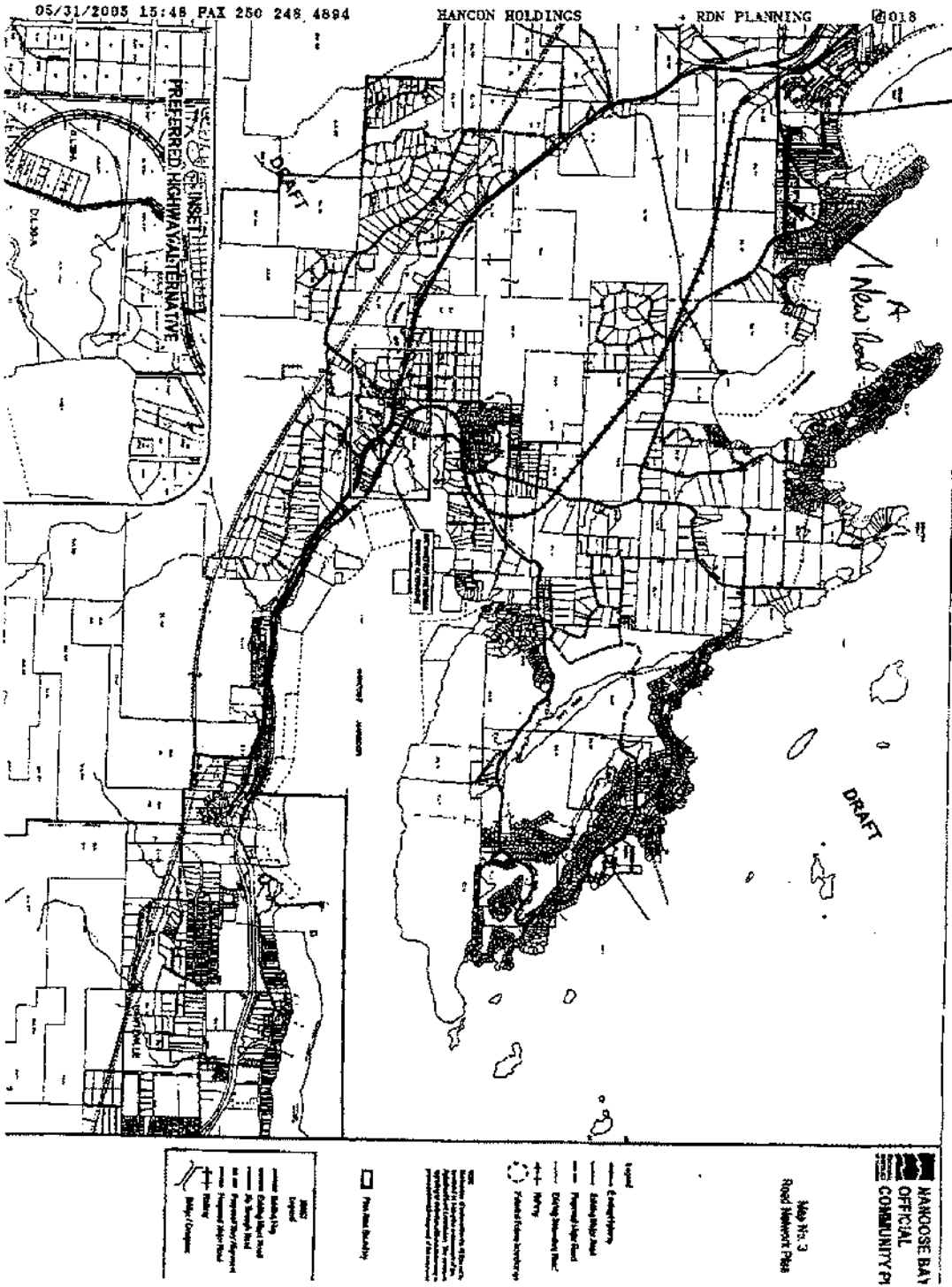
BY STATUTORY REQUIREMENT ANY UTILITY DAMAGE UNPAID AT DECEMBER 31 WILL BE TRANSMITTED TO PROPERTY TAX ADDEES.

TRANSACTION DATE	DESCRIPTION	BILLED FROM	BILLED TO	BILL DATE	TOTAL CONSUMPTION	CONSUMPTION PER DAY	AMOUNT
31/05/01	GW1 - Garbage/Recycling Weekly	01/01/01	31/12/01				86.15
31/05/01	W30 - Water-Madrona Actual Meter Reading	26/09/00	04/05/01	220	47.00	0.2136	23.50
		1143.00	1190.00				

The average daily consumption for Madrona Water System is 0.52 cu meters.

DISCOUNT IF PAID BY 10.97	09-Jul-2001	AMOUNT DUE IF PAID BY 98.68	09-Jul-2001	AMOUNT DUE IF PAID AFTER 109.65	09-Jul-2001
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EMAIL BILLING NOTIFICATION AND AUTOMATIC PAYMENT WITHDRAWAL ARE NEW BILLING OPTIONS. PLEASE CALL THE FINANCE DEPARTMENT ON FIRST FOUR WEEKS OF AT WWW.CLD.BC.CA



From: Glenn Thornton [mailto:glennthornton@shaw.ca]
Sent: June 2, 2005 10:36 PM
To: McFarlane, Florence
Cc: Holme, George
Subject: Fw: Can-Corp Ventures Inc. Proposed Development of Land Located West of Island Highway Near Bonell Creek, Nanoose Bay.

Dear Sirs,

I refer to the above proposed development opposite the Petro Canada gas station on Highway 19, Nanoose. I understand that a presentation was made at the OCP meeting last Monday evening in favour of this development. Unfortunately I was not able to attend. Since then I hear that a 'petition' has been raised in favour of this development. I would like to once again to repeat my objections to this development and in particular the way this so-called 'petition' has been handled. I very much doubt that such a petition represents the views of the people of Nanoose and is almost certainly slanted in favour of the developers. In this regard, the OCP should stand as it is and not be changed in favour of this development. It would be helpful if you would explain the correct and formal procedure for considering such amendments to the OCP in the future.

Yours sincerely,

Glenn Thornton,
Seablush Drive,
Nanoose Bay.

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

From: Glenn Thornton
To: planning@rdn.bc.ca
Cc: Holme, George
Sent: Tuesday, March 22, 2005 5:18 PM
Subject: Can-Corp Ventures Inc. Proposed Development of Land Located West of Island Highway Near Bonell Creek, Nanoose Bay.

Dear Sirs,

I would like to register my objection to the above proposed development based on the following:

- 1) This proposal was not included in the recently revised draft OCP. Indeed, from my recollection, there was a considerable groundswell of local opinion against such development on or near the Island Highway. The fear being that this could start undesirable commercial 'strip' development similar that in Parksville.
- 2) We already have a shopping area at Red Gap. Any new commercial development should be constrained to this area.
- 3) Exit from Summerset Road on to the Island Highway is progressively becoming harder and more dangerous due to the ever increasing volume of traffic and general disregard for the posted speed limit. This proposal can only contribute to an already bad situation. Any further commercial development in this area should not be considered until the new highway re-alignment is completed.

Having spent a great deal of my own time working on the recent revision of the Nanoose OCP, I find it disconcerting that such a proposed development is even being considered at this late stage.

I would be obliged if you would pass this message on to those concerned.

Yours sincerely,

Mr. G. Thornton.

2535 Seablush Drive,
Nanoose Bay, B.C.
V9P 0E4

Tel: (250) 468 6885
e-mail: glennthornton@shaw.ca



REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GM ES	
DA CCD		MoF	
MAY 12 2005			
			DATE:

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

FROM: Blaine Russell, Planner

SUBJECT: Review of Resource and Forest Land Subdivision Regulations

PURPOSE

To identify land in the Regional District that may be considered for zoning amendments that would restrict minimum parcel sizes to 50 hectares.

BACKGROUND

The Board of the Regional District, at their April 26th, 2005 Regular Meeting passed the following motion:

That staff prepare a report for the Board which would identify forestry land sites within the Regional District including Mount Benson, that may be proposed for subdivision and should be considered for zoning amendments that would restrict minimum parcel sizes to 50 hectares.

The purpose of this report is to identify resource and forestry land sites within the Regional District where subdivision potential may exist for parcels with a minimum parcel size that is less than 50 hectares and to provide recommendations to the Board regarding rezoning and Official Community Plan (OCP) policy amendments to achieve a 50 hectare minimum.

Methodology

Resource and forestry lands were identified pursuant to "Regional District of Nanaimo Growth Strategy Bylaw No. 1309, 2002" as lands designated as Resource Lands and Open Space. Lands within the Agricultural Land Reserve and parks were then excluded as were parcels within subdivision districts 'V' or 'Z' as their zoning already meets or exceeds the proposed 50.0 hectare minimum parcel size.

The remaining lands were then reviewed, by Electoral Area, to determine if the proposed changes in the subdivision regulations would be consistent with the existing applicable OCP or if a change to the OCP would be required. The level of implementation of OCP policies with respect to changes in subdivision regulations varies for each Electoral Area. Some OCPs also contain specific policies exempting or recognizing historic minimal parcel size criteria for certain lands, typically non FLR lands. For the purpose of this report, and based on the direction from the Board, the status of properties as former FLR or 'Private Managed Forest Land' has not been used to determine whether or not the property should be considered for redesignation to the proposed 50 hectare minimum parcels size.

ALTERNATIVES

1. That staff be directed to prepare amendments to the OCPs and zoning regulations as outlined in the staff report.
2. That staff be directed to prepare amendments to the OCPs that would only be applicable to lands designated as 'Resource' to establish a minimum parcel size of 50 hectares.
3. That the staff report be received for information.

IMPLICATIONS

Electoral Area 'A'

Lands identified as forestry land within "Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" are contained within the Rural Resource Lands designation.

The following existing Rural Resource policies deal specifically with minimum parcel size:

Section 3 – Rural Resource Lands

Policies

2. *For Rural Resource Lands within the Forest Land Reserve, the minimum parcel size for future subdivision shall be 50.0 ha although this Plan that recognizes there are existing parcels less than 50.0 ha in size.*
3. *For Rural Resource Lands within the Agricultural Land Reserve, the minimum parcel size shall be 8.0 ha, although this Plan recognizes that there are existing parcels less than 8.0 ha in size.*
4. *For Rural Resource Lands not located within the Forest Land Reserve or the Agricultural Land Reserve, the minimum parcel size shall be 8.0 ha, although this Plan recognizes that there are existing parcels less than 8.0 ha in size.*

In order to limit minimum parcel sizes of resource and forestry lands to 50.0 hectares, the Rural Resource Lands land use designation of the Electoral Area 'A' OCP will need to be amended. It is proposed that Rural Resource policies be amended to read as follows:

Section 3 – Rural Resource Lands

Policies

2. *Lands within this designation shall have a minimum permitted parcel size of 50.0 hectares, except for lands within the Agricultural Land Reserve.*

In addition it is proposed that policy 4 be deleted and that policy 5 through 11 be renumbered accordingly.

Implementation of the amendment to the Rural Resource Lands designation, pursuant to the Electoral Area 'A' OCP will require the Board to consider amending the subdivision districts of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" for all properties currently not within subdivision district 'V' or 'Z' or the ALR that are located designated Rural Resource Lands pursuant to the OCP. This involves approximately 19 properties.

Electoral Area 'C'

Lands that are identified as forestry land within "Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw No. 1148, 1999" are within the Resource designation. The following existing Resource policies deal specifically with minimum parcel size:

Goal 3- Protect Rural Integrity – Resource

Policies

- 2)b) *New lots for lands located within the FLR will have a minimum lot size of 50.0 hectares. New lots within the FLR will not be allowed unless approved by the Forest Land Commission.*
- 2)c) *New lots for lands located within the ALR will have a minimum lot size of 8.0 hectares. New lots within the ALR will not be allowed unless approved by the Agricultural Land Commission.*
- 2)d) *New lots for lands not located within the FLR or ALR will have a minimum lot size of 8.0 hectares.*

In order to limit minimum parcel sizes of resource and forestry lands to 50 hectares, the Resource land use designation of the Electoral Area 'C' OCP will need to be amended. It is proposed that Resource policies be amended to read as follows:

Goal 3- Protect Rural Integrity – Resource

Policies

- 2)b) *Lands within this designation shall have a minimum permitted parcel size of 50.0 hectares, except for lands within the Agricultural Land Reserve.*

In addition it is proposed that policy 2)d) be deleted and that policy e) through j) be lettered accordingly.

Implementation of the amendment to the Resource designation, pursuant to the Electoral Area 'C' OCP, will require the Board to consider amending the subdivision districts of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" for all properties currently not within subdivision district 'V' or 'Z' or the ALR that are located designated Resource pursuant to the OCP. This involves approximately 62 properties.

Electoral Area 'D'

Lands that are identified as forestry land within "Regional District of Nanaimo East Wellington - Pleasant Valley Official Community Plan Bylaw No. 1055, 1997" are designated Resource, and Rural for lands that were formally in the Forest Land Reserve (FLR).

The following existing Resource policies deal specifically with minimum parcel size:

4.1 Resource

Policies:

1. *Land within the Resource designation as shown on Map No. 3 attached to and forming part of this Plan, shall have a minimum parcel size of 8.0 hectares.*

In order to limit minimum parcel sizes of resource and forestry lands to 50.0 hectares, the Resource land use designation of the Electoral Area 'D' OCP will need to be amended. It is proposed that Resource policies be amended to read as follows:

1. *Land within the Resource designation as shown on Map No. 3 attached to and forming part of this Plan, shall have a minimum parcel size of 50.0 hectares.*

Implementation of the amendment to the Resource designation, pursuant to the Electoral Area 'D' OCP, will require the Board to consider amending the subdivision districts of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" for all properties currently not within subdivision district 'V' or 'Z' or the ALR that are designated Resource pursuant to the OCP. This involves approximately 15 properties.

The following existing Rural policies deal specifically with minimum parcel size:

4.2 Rural

Policies:

1. *Land within the Rural designation as shown on Map No. 3, attached to and forming part of this Plan, shall have a minimum parcel size of 2.0 hectares.*

In order to limit minimum parcel sizes of resource and forestry lands to 50.0 hectares, the Rural land use designation of the Electoral Area 'D' OPC need to be amended. It is proposed that Rural policies be amended to read as follows:

1. *Land within the Rural designation as shown on Map No. 3 attached to and forming part of this Plan, shall have a minimum parcel size of 2.0 hectares except those lands that as of the date of this amendment are designated as Crown Lands (forest) or where for taxation purposes are designated as Managed Forest Class shall have a minimum parcel size of 50.0.*

Implementation of the amendment to the Rural designation, pursuant to the Electoral Area 'D' OCP will require the Board to consider amending the subdivision districts of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" for all properties that are Crown lands or are designated as Managed Forest Class currently not within subdivision district 'V' or 'Z' or the ALR that are designated Rural pursuant to the OCP. This involves approximately 20 properties.

Electoral Area 'E'

Lands that are identified as forestry land within Electoral Area 'E' are to be addressed as part of the implementation of the proposed new Nanoose Bay Official Community Plan.

Electoral Area 'F'

Lands that are identified as forestry land within "Regional District of Nanaimo Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999" are designated Resource Lands (with FLR, ALR, Crown Lands), Parks Lands, and Transportation Corridor.

Resource and forestry land, within Electoral Area 'F', are contained primarily within the Resource designation, along with Crown lands that were intended for park and the transportation corridor for the railroad to Port Alberni. The minimum parcel size for the Resource land use designation, within the Electoral Area 'F' OCP are 50.0 hectares for all lands currently (at the time of the adoption of the OCP) situated in the FLR or Crown Lands and 8.0 where currently situated in the ALR. The general policy states that "where land is removed from the ALR or FLR, the Resource Lands Designation shall remain...", in other words the 50.0 hectare minimum parcel size is still applicable to resource and forestry land including former FLR lands.

The Electoral Area 'F' OCP defines Park Lands are those lands currently defined as: all provincial parks, community parks, lands restricted for park use by covenant, lands that have been donated to the Crown for park use, and licenses to occupy for park purposes held by the Regional District of Nanaimo.

To the west of the intersection of Bellevue Road and Grafton Avenue are a number of provincial Crown parcels that were originally intended for park, however arrangements with the province have not come to fruition. These properties are 20 hectares or more in size, are not park, and have been identified as Resource Lands and Open Spaces under the Regional District of Nanaimo Growth Strategy. The OCP land use designation as Park Lands is silent on minimum parcel size, therefore no amendment to the CCP would be required in order to rezone the parcels to achieve a minimum 50.0 hectare parcel size consistent with Board's objectives to protect potential forestry lands from subdivision.

An amendment to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" will need to be made in order to implement the 50.0 hectare minimum parcel size. A new zoning designation will need to be created in order to implement the change in minimum parcel for the properties in question so as not to impact existing parks or future park land dedication.

Electoral Area 'G' – Englishman River

There are 4 properties designated as Resource Lands and Open Spaces pursuant to the RDN Growth Strategy; however, they are located within subdivision district 'Z' (no further subdivision) and therefore no change is required to the Area 'G' - Englishman River OCP.

Electoral Area 'G' – French Creek

Lands that are identified as forestry land within "Regional District of Nanaimo French Creek Official Community Plan Bylaw No. 1115, 1998" are designated as Rural.

The following existing Rural policies deal specifically with minimum parcel size:

4.1 Rural

Policies:

- 1. Subdivision of land smaller than 8.0 hectares designated 'Rural' on Map No. 3 (Land Use Designations) of this Plan shall not be supported.*
- 2. The Land Use and Subdivision Bylaw shall be amended to introduce a minimum parcel size of 8.0 hectares for 'Rural' designated lands and the number of permitted residential units on parcels which are 8.0 hectares or smaller in size shall be restricted to one single family dwelling unit.*

In order to limit minimum parcel sizes of resource and forestry lands to 50.0 hectares, the Rural land use designation of the Electoral Area 'G' – French Creek OCP will need to be amended. It is proposed that Rural policies be amended to read as follows:

Policies:

- 1. Subdivision of land smaller than 50.0 hectares designated 'Rural' on Map No. 3 (Land Use Designations) of this Plan shall not be supported, except for properties designated within the **Agricultural Land Reserve** and subject to **Agricultural Land Commission** approval.*
- 2. The Land Use and Subdivision Bylaw shall be amended to introduce a minimum parcel size of 50.0 hectares for 'Rural' designated lands not within the **Agricultural Land Reserve** where the minimum parcel size shall be 8.0 hectares.*

Implementation of the amendment to the Rural designation, pursuant to the Electoral Area 'G' French Creek OCP, will require the Board to consider amending the subdivision districts of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" for all properties that are currently not within the Agricultural Land Reserve nor within subdivision district 'V' or 'Z' that are designated Rural pursuant to the OCP. This involves approximately 35 properties.

Electoral Area 'G' – Shaw Hill – Deep Bay

Lands that are identified as forestry land within "Regional District of Nanaimo Shaw Hill-Deep Bay Official Community Plan Bylaw No. 1007, 1996" are designated Resource Management and Rural.

The following existing Resource policies deal specifically with minimum parcel size:

4.2.2 Resource

Policies:

1. *Land within the Resource Management designation, as shown on Map No. 3, shall have a minimum parcel size of 20 hectares.*

In order to limit minimum parcel sizes of resource and forestry lands to 50.0 hectares, the Resource land use designation of the Electoral Area 'G' – Shaw Hill – Deep Bay OCP will need to be amended. It is proposed that Resource policies be amended to read as follows:

4.2.2 Resource

Policies:

1. *Land within the Resource Management designation, as shown on Map No. 3, shall have a minimum parcel size of 50.0 hectares.*

Implementation of the amendment to the Rural Resource Lands designation, pursuant to the Electoral Area 'G' – Shaw Hill – Deep Bay OCP, will require the Board to consider amending the subdivision districts of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" for all properties currently not within subdivision district 'V' or 'Z' or the ALR that are located designated Rural Resource Lands pursuant to the OCP. This involves approximately 15 properties.

The Rural designation of the Electoral Area 'G' – Shaw Hill – Deep Bay OCP will require further investigation, beyond the scope of this report, due to the complexity of the current status of individual properties and the complexity of the many withstanding sections contained within the Rural designation with respect to minimum parcel size. Staff will report back to the board with detailed recommendations and required amendments at the time of the preparation of draft amendment bylaw.

Electoral Area 'H'

Lands that are identified as forestry land within "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" are designated Resource Lands and Rural Lands. The following existing Resource Lands policies deal specifically with minimum parcel size:

5.2 Resource Lands

Policies:

2. *Lands within this designation shall have a minimum permitted parcel size of 50.0 hectares, except for lands within the Agricultural Land Reserve.*
3. *For lands within the ALR, an 8.0-hectare minimum permitted parcel size shall be supported by this Plan.*

The Electoral Area 'H' Rural Lands designation already addresses the 50.0 hectare minimum parcel size for resource and forestry land. However, in order to limit minimum parcel sizes of resource and forestry lands to 50.0 hectares an amendment the subdivision district designation, pursuant to RDN Bylaw No. 500 will need to be made in order to implement the OCP Resource designation. This involves approximately 110 properties.

The Rural Lands designation of the Electoral Area 'H' OCP will require further investigation, beyond the scope of this report, due to the complexity of the current status of individual properties and the complexity of the many withstanding sections contained within the Rural Lands designation with respect to minimum parcel size. Staff will report back to the Board with detailed recommendations and required amendments at the time of the preparation of the draft amendment bylaw.

SUMMARY

In response to the Board direction to review the existing subdivision regulations applicable to 'forest lands' staff has analyzed the exiting policies contained within OCPs and zoning regulations applicable to properties designated as 'Resource Lands and Open Spaces' within the Regional Growth Strategy. Staff have identified those OCP polices that would have to be amended within each Electoral Area to allow for consideration of a minimum parcel size of 50 hectares for 'forest lands'. Some OCPs have already been implemented to establish a minimum parcel size of 50 hectares or can be implemented with only a change to the Land Use and Subdivision Bylaw. However, in order to implement a new minimum parcel size the majority of OCP bylaws will require an amendment to the policies for lands designated as 'Resource'.

In addition, 4 of the OCPs have forest lands that are currently designated as 'Rural'. For properties within Rural designations a more site specific analysis may be required in order to ensure that a potential increase in the minimum parcel size is appropriate. In many cases these lands boarder existing rural residential lots and there may be a potential for conflicting land uses. In the case of Electoral Area 'D' East Wellington - Picasant Valley OCP and Electoral Area 'G' - French Creek, the amendments to the policy for Rural lands is being recommended to proceed. However for Electoral Area 'H', and that part of Electoral Area 'G' - (Shaw Hill - Deep Bay OCP) the process is further complicated due to the existing policy structures and historic zoning. In addition, changes to the Rural designation in these areas would require significant public consultation and therefore are not recommended at this time.

RECOMMENDATIONS

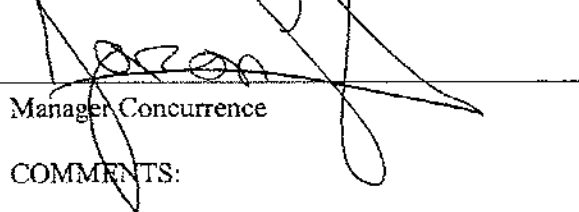
That staff be directed to prepare draft OCP and Zoning amendment bylaws that will amend the minimum parcel sizes as outlined in the staff report.



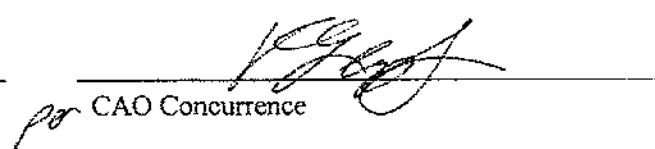
Report Writer



Deputy Administrator Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devsrv/reports/2005/forestry lands policy review

In addition, there are three housekeeping amendments proposed for Bylaw No. 1285. The issues are as follows: addressing future subdivision of site specific zoned properties, correcting a reference from 'one bedroom dwelling unit' to a 'dwelling unit', and clarifying that home based business shall include some processing of goods and limiting the extent of retail use as part of a home based business.

ALTERNATIVES

1. To receive the staff report and introduce "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.05, 2005 at 1st and 2nd reading and proceed to public hearing.
2. To receive the staff report and provide new direction to staff.

LAND USE AND DEVELOPMENT IMPLICATIONS

Site Specific Requests

Table No. 1 outlines the 11 requests to amend Bylaw No. 1285 to recognize pre-existing uses on property in the ALR.

Ten of the requests are for a second or third dwelling unit. One of the requests is for a RV storage facility on a property that is split zoned. Another request is for gravel extraction, in addition to the second dwelling unit. The Agricultural Land Commission has granted permission for a 'non-farm' use for each applicant and health permits have been provided for each of the dwelling units. In three cases, the ALC granted only partial approval for 'non-farm' use requests. For the gravel extraction request, as a condition of the ALC approval, the applicant was required to undertake a reclamation plan and submit a bond to the Land Commission. However, this has not been done. Therefore staff recommends that the gravel extraction component of this request not be approved. The amendment bylaw proposes only to amend the zoning for those uses that have received full approval from the ALC and in the case of second and third dwelling units, where health approval has been received.

Housekeeping Amendments

Subdivision of Site Specific Zoned Properties

When Bylaw No. 1285 was originally adopted, in order to recognize pre-existing uses in Electoral Area 'F' that were inconsistent with the proposed zoning for the area, site specific or comprehensive development zones were established. These site specific zones permitted the use and/or density that predated the bylaw to continue. In addition to the site specific use and/or density, the property was also granted zoning that was consistent with the land use designation established by the Official Community Plan. In Bylaw No. 1285, the site specific zones are identified by the legal description and address of the subject property. However, should any of these parcels with site specific zoning be subdivided, the intention was not to permit the pre-existing use and/or density to carry over to any newly created properties. Therefore, an amendment to section 3 – Subdivision Regulations is proposed to clarify the original intent that the site specific use and/or density should not be expanded to a newly created parcel.

One Bedroom Dwelling Unit

As part of the 'fine-tuning' process that led to the adoption of Amendment Bylaw No. 1285.01, 34 requests were received to recognize second or third dwelling units on a property. As part of the process, the property owner provided valid health permits from the Vancouver Island Health Authority (VIHA). Of these requests, four health permits indicated the second or third dwelling unit was limited to a 'one bedroom dwelling unit'. As a result, Amendment Bylaw No. 1285.01 was drafted and adopted using the reference 'one bedroom dwelling unit' for these four requests. However, staff recognizes that it is not possible to enforce this restriction. Therefore, staff recommends that this reference be removed and replaced with the reference 'one dwelling unit'. This would make these four site specific zoned properties consistent with the rest of the site specific zones.

Home Based Business

A Home Based Business (HBB) is intended to be an accessory use to the principal uses permitted in the respective zone. HBB's may include such uses as bed and breakfast, professional or personal services, processing of goods, and some retail sales. However, a HBB is not intended to establish a retail use where the products for sale are not made or processed on the property. Permitting a HBB retail use would have the undesired affect of creating unfair competition with commercially zone properties as well as the potential for an increase in traffic volume. Therefore, staff recommends clarifying the HBB regulation such that the sale of goods there is only permitted where goods are produced on the subject property. Bylaw No. 1285 currently limits retail sales to 1/3 of the HBB floor area. These two amendments further clarify that a retail outlet, where products are not produced on the property, is not permitted as a HBB.

While this amendment may be beyond the scope of the original 'fine-tuning' project, staff recommends that this amendment be included in order to prevent retail outlets from being established as Home Based Businesses.

PUBLIC CONSULTATION IMPLICATIONS

Public consultation for this review of Bylaw No. 1285 began in the summer of 2003 with three newsletters mailed directly to all property owners in Electoral Area 'F'. A site office was open at the Pine Tree Centre for two weeks in September 2003. As a result, over 130 requests for site-specific zoning were received.

Two public hearings were held. At the initial public hearing that was held January 7, 2004 a number of issues were raised. Staff reviewed the new information, discussed the issues with the Director for Electoral Area 'F', and met with landowners who requested meetings. As a result, 12 additional amendments were included in the amendment bylaw and a second public hearing was held on February 25, 2004. Amendment Bylaw No. 1285.01 was adopted in April 2004.

As there was extensive public consultation from the beginning of this 'fine-tuning' project, when the project timeline was extended for ALR properties, no additional public consultation was proposed. Staff continued to contact those property owners with property in the ALR who made formal requests through this 'fine-tuning' process to advise them of the revised time line and of their need to make an application to the ALC to request a 'non-farm use'.

LEGAL IMPLICATIONS

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

VOTING

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

SUMMARY/CONCLUSIONS

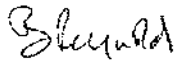
The 'fine-tuning' of the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" began in June 2003. As a result, "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003" was adopted thereby amending the zoning for 55 properties to recognize uses and/or density that pre-existed the adoption of Bylaw No. 1285 and that met the criteria established in the Official Community Plan. As part of the 'fine-tuning' process requests were received from property owners with land in the Agricultural Land Reserve (ALR). In order for any 'non-farm' uses to be recognized in Bylaw No. 1285 approval from the Agricultural Land Commission (ALC) is required. This approval has been received for 11 property owners. "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.05, 2005" includes amendments to the zoning for these 11 properties.

In addition, three housekeeping amendments are included in the amendment bylaw. These amendments include future subdivision of site specific zoned properties such that the site specific zoning does not carry over to any newly created parcels, correcting a reference in four site specific zones from 'one bedroom dwelling unit' to a 'dwelling unit', and clarifying that home based business shall include some processing of goods and limiting the extent of permitted retail in a home based business.

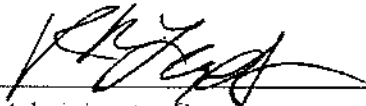
Staff recommends that "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.05, 2005" receive 1st and 2nd reading and be referred to a public hearing as this would facilitate the end of the 'fine-tuning' process that began in June 2003. Any future requests to amend the zoning bylaw to recognize a pre-existing use would require an individual zoning amendment application. This fine-tuning process was a Board directed process that was established when Bylaw No. 1285 was originally adopted.

RECOMMENDATIONS

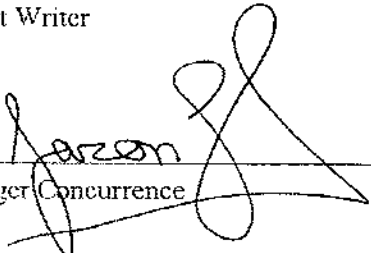
1. That the staff report recommending the introduction of "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.05, 2005" be received.
2. That "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.05, 2005" be introduced and given 1st and 2nd reading and be referred to a Public Hearing.
3. That the holding of the Public Hearing with respect to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.05, 2005" be delegated to Director Lou Biggemann or Director Joe Stanhope as his alternate.



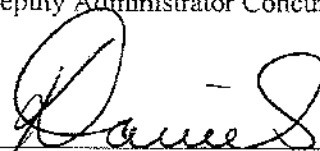
Report Writer



Deputy Administrator Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devsys/reports/2005/txt 3360 30 0409 EA F fine-tuning/

**Schedule No. 1
Site Specific Zoning Requests**

NAME	ADDRESS	LEGAL DESCRIPTION	ISSUE	APPROVALS - ALC	VIIIA
Wissmann, Manfred and Florence	2651, 2661, & 2669 Alberni Hwy	Block H, DL 143, Nanoose District, Plan 4782, except those parts in plans 31757, 735RU and VIP60447	2 nd DU	ALR approved 2 nd DU provided mobile home removed once current tenant leaves	VIIIA ok
Dudek, George	855 & 861 Burbank Rd	Parcel A (DD350751) DL 4, Cameron District except parts in plan 4019 & 15924	2 nd DU Lot contains 2 DU and 1 school	ALR approved 2 nd DU provided no conversion to duplex or no secondary suite and no expansion of school	VIIIA ok
Godwin, Larry	890 Redman Rd	Lot 1, DL 9, Cameron District, Plan VIP55971	2 nd DU and gravel extraction	ALR approved 2 nd DU and 1.0 ha area for gravel extraction provided reclamation plan and letter of credit is provided. No reclamation plan or letter of credit provided to ALC.	VIIIA ok
Callander, Neil and Randall, Nancy	2040 & 2064 Grafton Ave	Lot 19, DL 140, Nanoose District, Plan 1918	2 nd DU	ALR approved 2 nd DU	VIIIA ok for DU built in 1993 original DU predates VIIIA records
Kirchner, Paul	1320 & 1340 Pratt Rd	Lot 36, DL 8, Cameron District, Plan 1981, Except the Northerly 8.84 Chains	2 nd and 3 rd DU	ALR approved 2 nd and 3 rd DU	VIIIA ok
Margaret and David Creekmore	735 Virginia Rd	Lot A, DL 141, Nanoose District, Plan 50466	2 nd and 3 rd DU	ALR approved	VIIIA ok
Island Viking Holdings Ltd.	1290 Ruffles Rd	Lot 1, DL 139, Nanoose District, Plan 24924	RV storage on 0.7 ha of parcel - split zoned R-2	ALR approved	N/A
McCurrie, Eileen	1120 & 1140 Winchester Rd	Lot 17, DL 8, Cameron District, Plan 1981	2 nd DU	ALR approved	VIIIA ok
Leplante, Barb and Marcel	2280 Matterson Rd	Lot A, DL 140, Nanoose District, Plan 49180	Has 4 DU on lot - DU, 1 MIU, 1 bldg with 2 B&B units and 1 suite	ALR approved 2 nd DU only	VIIIA ok
Roenicke, Heidi	1115 Station Rd	That part of Lot 5, DL 149, Nanoose District, Plan 1917	2 nd DU loft in above barn	ALR approved 2 nd DU loft in barn	VIIIA ok
Scott, Karen and Brad	961 Clarke Rd	Lot 1, Parcel A (DD3792N) DL 74, Newcastle District, Plan 2002	2 nd DU and 2 suites.	ALR approved suite in barn with no expansion of the footprint	VIIIA ok as per health inspector

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1285.05

A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO ELECTORAL AREA 'F' ZONING AND SUBDIVISION BYLAW NO. 1285, 2002

The Board of the Regional District of Nanaimo, in open meeting assembled enacts as follows:

A. **Schedule "A"** of the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002", is hereby amended as follows:

1. **GENERAL REGULATIONS SECTION 2**, is hereby amended as follows:

a) by deleting item g) of subsection 2.15.1 and replacing it with the following:

g) sales of related or unrelated goods combined with home based business product sales to a maximum of 1/3rd of home based business floor area

b) by adding the following subsection after section **2.15 Home Based Business – Regulations 5 o)**:

p) retail sales where no products are produced or processed as part of the Home Based Business.

2. **ESTABLISHMENT OF ZONES SECTION 3**, is hereby amended as follows:

a) By adding the following section after section **3.6 Zoning Regulations**

3.7 Site Specific and Comprehensive Development Zone Regulations:

a) In this section "original lot" means a lot in existence as of June 25, 2002.

b) Notwithstanding subsection a), "original lot" also means those lots considered for a site specific zone or comprehensive development zone in the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003" in existence on April 13, 2004.

c) The maximum density of use or maximum size of use regulations set out in sections 4.23 to 4.38 apply to the area of the 'original lot'.

d) Where an original lot referred to in sections 4.23 to 4.38 inclusive is subdivided, the maximum density of use or maximum size of use specified in sections 4.23 to 4.38 remains the maximum density of use or maximum size of use permitted within the boundaries of the former original lot, despite the subdivision of the original lot into new or additional parcels.

3. **ZONES SECTION 4**, is hereby amended as follows:

a) By amending **A-1 (Agriculture 1) SECTION 4.1** as follows:

i) Subsection **4.1.5 Additional A-1 Zones** by deleting the wording (A-1 to A-1.19 inclusive) and replacing it with (A-1 to A-1.28)

- b) By amending R-2 (Rural Residential) Section 4.14 as follows:
 i) Subsection 4.14.4 Additional R-2 Zones by deleting the wording (R-2.1 to R-2.54 inclusive) and replacing it with (R-2.1 to R-2.55 inclusive)
- c) By amending T-1 (Institutional/Community Facility 1) Section 4.20 as follows:
 i) Subsection 4.20.5 Additional T-1 Zones by deleting the wording (T-1.1 to T-1.2 inclusive) and replacing with (T-1.1 to T-1.3 inclusive)
- d) By amending subsection **Site Specific Zoning Regulations Section 4.23** as follows:
 i) By amending the following site specific zones
01. A-1.18 Lot 5, District Lot 139, Nanoose District, Plan 26295 (1273 Fraser Road) by deleting the wording 'one Dwelling Unit and one one-bedroom Dwelling Unit only' and replacing with the following wording 'Two Dwelling Units'.
 02. MU-1.2 Lot 7, District Lot 10, Cameron District, Plan VIP63488 (3702 Tralee Road) by deleting the wording 'one Dwelling Unit and one one-bedroom Dwelling Unit only' and replacing with the following wording 'Two Dwelling Units'.
 03. R-1.19 Lot 21, Block 544, Nanoose District, Plan 39786 (1101 Dobson Road) by deleting the wording 'one Dwelling Unit and three one-bedroom Dwelling Units only' and replacing with the following wording 'Four Dwelling Units'.
 04. R-2.53 Parcel A (DD37744-N) of Lot 5, District Lot 149, Nanoose District, Plan 1917 (1119 and 1123 Station Road) by deleting the wording 'Two Dwelling Units and one one-bedroom Dwelling Unit only' and replacing with the following wording 'Three Dwelling Units'.
- ii) By adding the following table to Additional A-1 Zones

Zone	Lot Description	Regulations
A-1.20	Block H, District Lot 143, Nanoose District, Plan 4782, except those parts in plans 31757, 735RW and VIP60447 (2669 Alberni Highway)	Two Dwelling Units
A-1.21	Lot 1, DL 9, Cameron District, Plan VIP55971 (890 Redman Road)	Two Dwelling Units
A-1.22	Block 19, District Lot 140, Nanoose District, Plan 1918 (2040 Grafton Ave)	Two Dwelling Units
A-1.23	Lot 36, District Lot 8, Cameron District, Plan 1981, Except the Northerly 8.84 Chains (1320 Pratt Road)	Three Dwelling Units
A-1.24	Lot A, District Lot 141, Nanoose District, Plan 50466 (735 Virginia Road)	Three Dwelling Units
A-1.25	Lot 17, District Lot 8, Cameron District, Plan 1981 (1140 Winchester Road)	Two Dwelling Units
A-1.26	Lot A, District Lot 140, Nanoose District, Plan 49180 (2280 Matterson Rd)	Two Dwelling Units

Zone	Lot Description	Regulations
A-1.27	That part of Lot 5, District Lot 149, Nanoose District, Plan 1917 Lying North of a Straight Boundary Extending From the Centre Point of the East Boundary to the Centre Point of the West Boundary of Said Lot, Except Parcels "A" (DD 37744N) and "B" (DD 54685N) Thereof (1115 Station Road)	One Dwelling Unit and one Dwelling Unit above the barn
A-1.28	Parcel A (DD3792N) of Lot 1, District Lot 74, Newcastle District, (Part of Which is Situated in Cameron District) Plan 2002, Except Part in Plan VIP72673 (961 Clarke Road)	One Dwelling Unit and one Dwelling Unit in the barn

iii) By adding the following table to Additional R-2 Zones

R-2.55/ A-1.13	Lot 1, District Lot 139, Nanoose District, Plan 24924 (1290 Ruffles Road)	RV Storage to a maximum of 0.7 ha on the whole parcel
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iv) By adding the following table to Additional T-1 Zones

T-1.3	Parcel A (DD35075I) of District Lot 4, Cameron District except parts in plan 4019 & 15924 (855 & 861 Burbank Road)	
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v) By deleting the following site specific zone

A-1.13	Lot 1, District Lot 139, Nanoose District, Plan 24924 (1290 Ruffles Road)	RV Storage to a maximum of 2,428 m ²
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and by replacing it with

A-1.13/ R-2.55	Lot 1, District Lot 139, Nanoose District, Plan 24924 (1290 Ruffles Road)	RV Storage to a maximum of 0.7 ha on the whole parcel
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B. **Schedule "B", Zoning and Subdivision Map** of the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" is hereby amended as follows:

1. Rezoning from A-1 (Agriculture 1) to the following:

- a) A-1.20 on the land legally described as Block H, District Lot 143, Nanoose District, Plan 4782, except those parts in plans 31757, 735RW and VIP60447 as shown as A-1.20 on Schedule No. '1', which is attached to and forms part of this bylaw.
- b) A-1.21 on the land legally described as Lot 1, District Lot 9, Cameron District, Plan VIP55971 as shown as A-1.21 on Schedule No. '1', which is attached to and forms part of this bylaw.
- c) A-1.22 on the land legally described as Block 19, District Lot 140, Nanoose District, Plan 1918 as shown as A-1.23 on Schedule No. '1', which is attached to and forms part of this bylaw.

- d) A-1.23 on the land legally described as Lot 36, District Lot 8, Cameron District, Plan 1981, Except the Northerly 8.84 Chains, as shown as A-1.24 on Schedule No. '1', which is attached to and forms part of this bylaw.
 - e) A-1.24 on the land legally described as Lot A, District Lot 141, Nanoose District, Plan 50466 as shown as A-1.25 on Schedule No. '1', which is attached to and forms part of this bylaw.
 - f) A-1.25 on the land legally described as Lot 17, District Lot 8, Cameron District, Plan 1981 as shown as A-1.26 on Schedule No. '1', which is attached to and forms part of this bylaw.
 - g) A-1.26 on the land legally described as Lot A, District Lot 140, Nanoose District, Plan 49180 as shown as A-1.27 on Schedule No. '1', which is attached to and forms part of this bylaw.
 - h) A-1.27 on the land legally described as That part of Lot 5, District Lot 149, Nanoose District, Plan 1917 Lying North of a Straight Boundary Extending From the Centre Point of the East Boundary to the Centre Point of the West Boundary of Said Lot, Except Parcels "A" (DD 37744N) and "B" (DD 54685N) Thereof as shown as A-1.28 on Schedule No. '1', which is attached to and forms part of this bylaw.
 - i) A-1.28 on the land legally described as Parcel A (DD3792N) of Lot 1, District Lot 74, Newcastle District, (Part of Which is Situated in Cameron District) Plan 2002 Except Part in Plan VIP72673 as shown as A-1.29 on Schedule No. '1', which is attached to and forms part of this bylaw.
 - j) T-1.3 on the land legally described as Parcel A (DD350751) of District Lot 4, Cameron District except parts in Plan 4019 & 15924 as shown on Schedule '1', which is attached to and forms part of this bylaw.
2. Rezoning from A-1.13 (Agriculture 1-13) to A-1.13/R-2.55 on the land legally described as Lot 1, District Lot 139, Nanoose District, Plan 24924 as shown as A-1.13/R-2.55 on Schedule No. '2', which is attached to and forms part of this bylaw.
3. Rezoning from R-2 (Rural Residential 2) to R-2.55/A-1.13 on the land legally described as Lot 1, District Lot 139, Nanoose District, Plan 24924 as shown as A-1.13/R-2.55 on Schedule No. '2', which is attached to and forms part of this bylaw.

C. This Bylaw may be cited as "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.05, 2005."

Introduced and read two times this ____ day of _____, 2005.

Public Hearing held pursuant to Section 890 of the *Local Government Act* this ____ day of _____, 2005.

Read a third time this ____ day of _____, 2005.

Received approval pursuant to the *Transportation Act* this ____ day of _____, 2005.

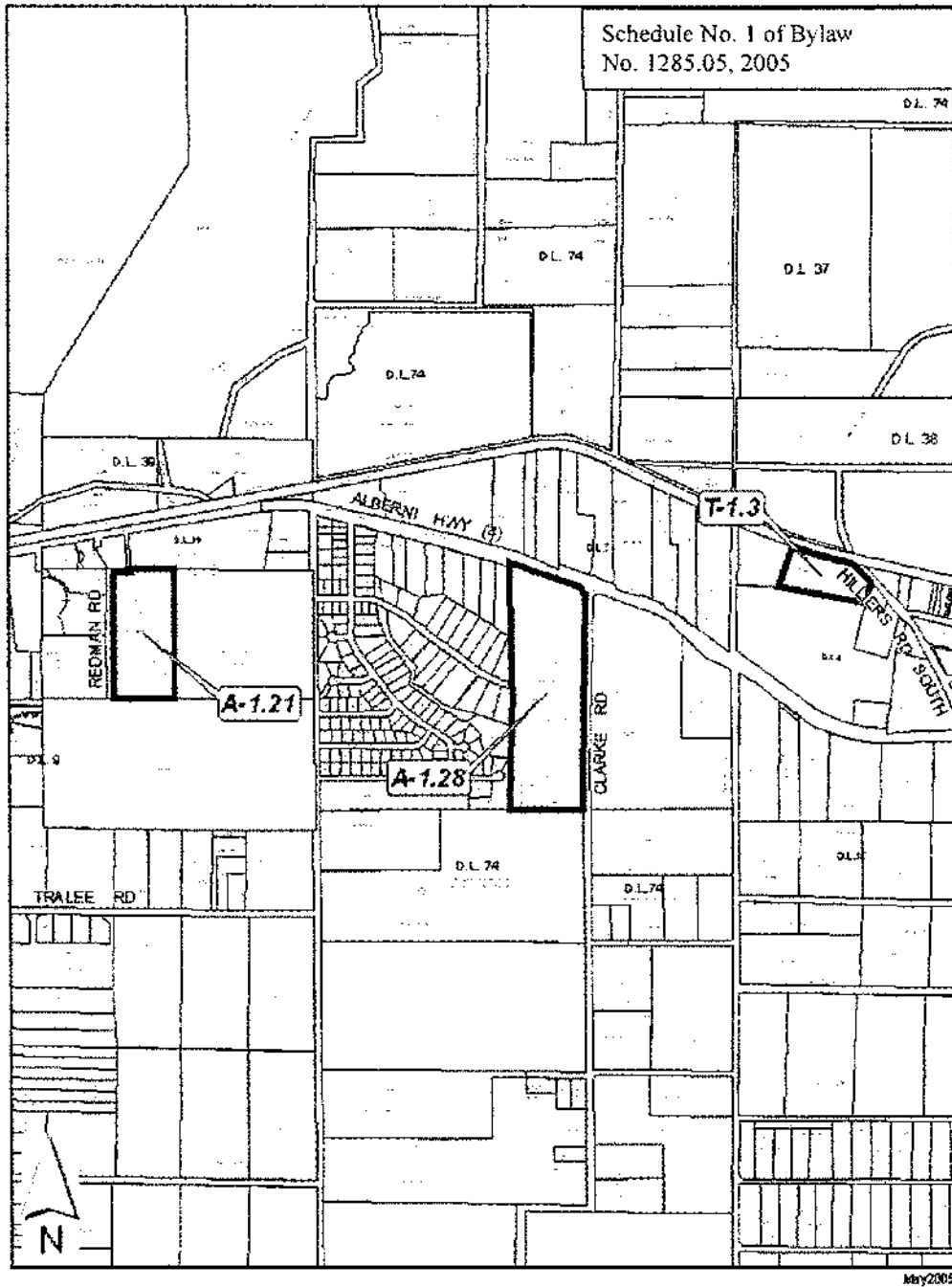
Adopted this ____ day of _____, 2005.

Chairperson

Deputy Administrator

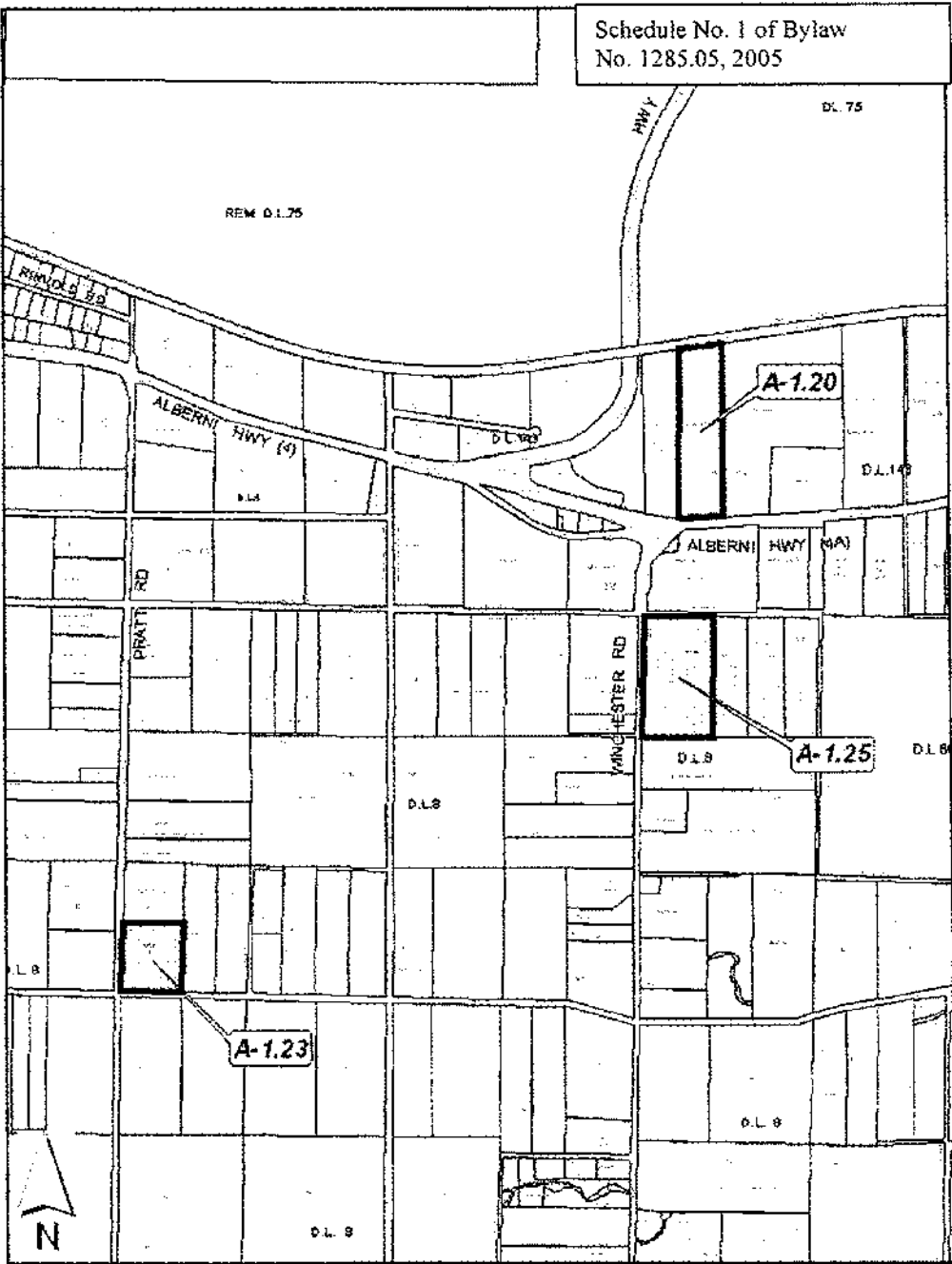
SCHEDULE NO. 1

Sheet 1 of 3



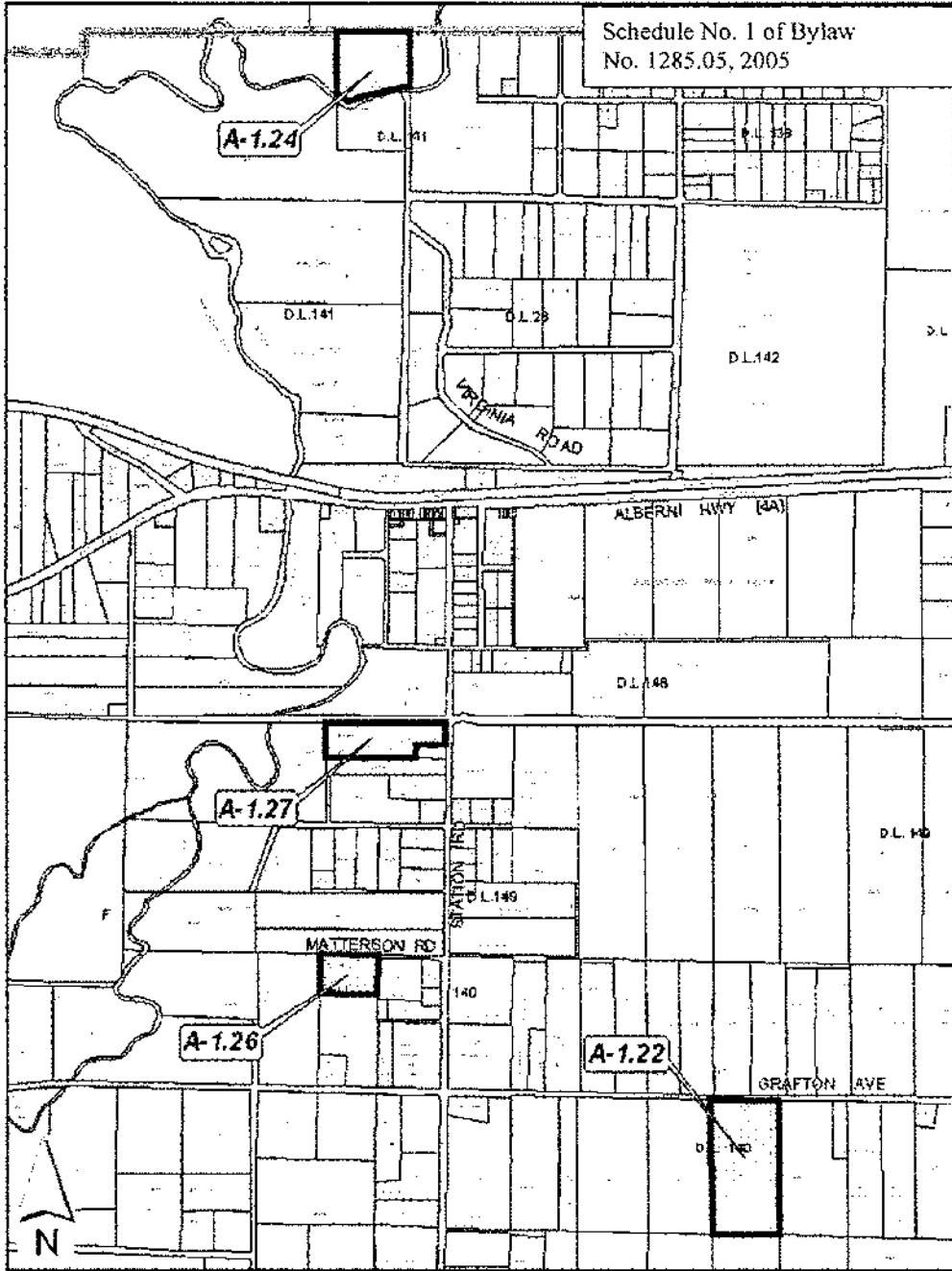
SCHEDULE NO. 1

Sheet 2 of 3

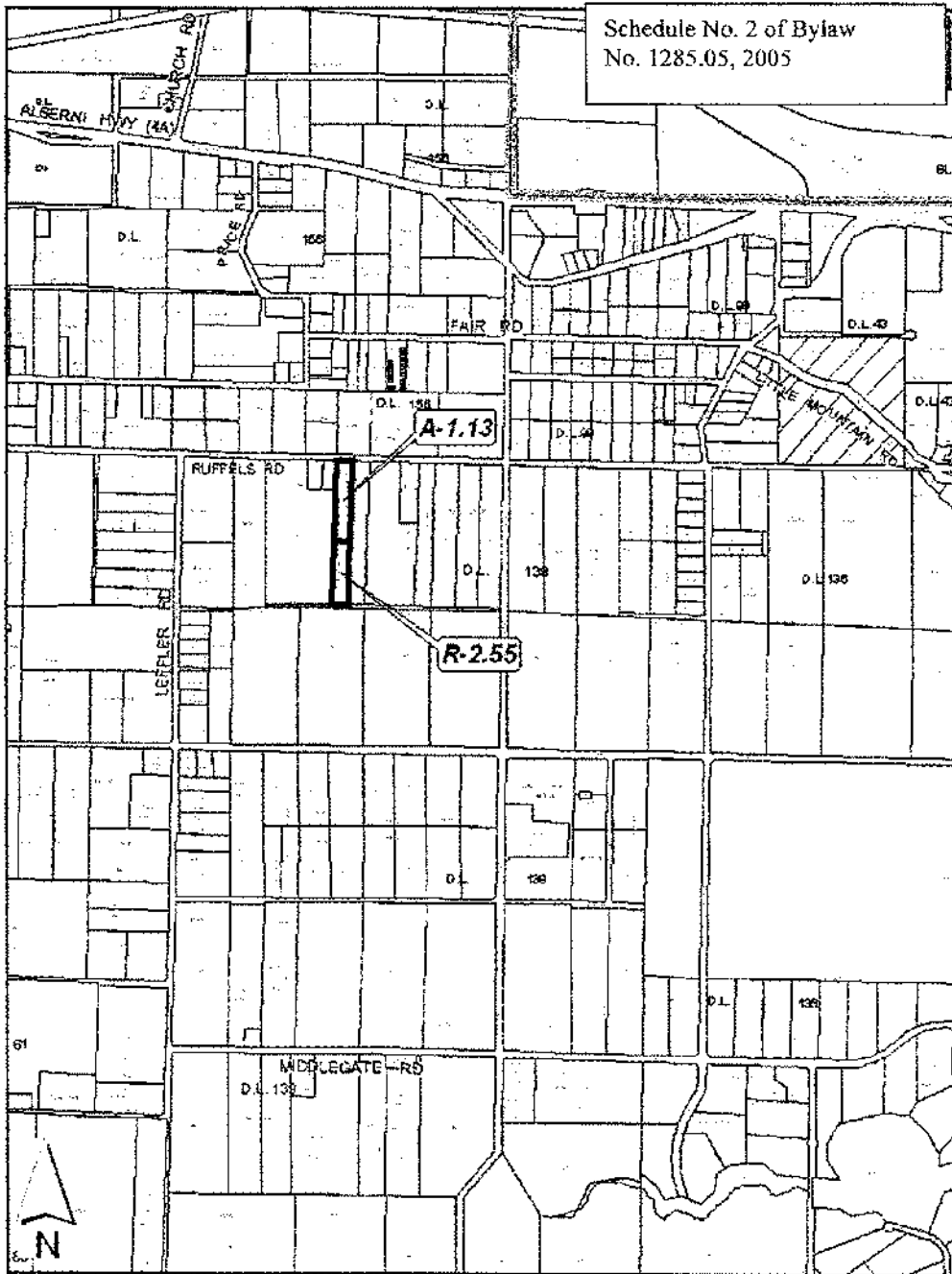


SCHEDULE NO. 1

Sheet 3 of 3



SCHEDULE NO. 2





REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GM ES	
DA CCD		MS	
JUN - 3 2005			
EAPC ✓			

MEMORANDUM

TO: Jason Llewellyn
Manager of Community Planning

DATE: June 3, 2005

FROM: Keeva Kehler
Planner

FILE: 0410 20 ALC

SUBJECT: Electoral Area 'F' – Delegation of Authority for Non-Farm Uses

PURPOSE

To outline the potential implications of assuming "Delegation of Authority" for 'non-farm uses' on ALR land in Electoral Area 'F,' to present a draft Policy Guideline for reviewing applications for second dwellings in the ALR for the Board's review and to receive Board direction with respect to consulting with the ALC and the public.

BACKGROUND

At its regular Board Meeting held on September 28, 2004 the Regional Board of Directors passed the following resolution:

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

CARRIED

As part of the fine-tuning process for RDN Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002, staff and the Electoral Area 'F' Director met with staff from the Agricultural Land Commission (ALC) where the issue of the RDN Board assuming delegation of authority for 'non-farm uses' in the ALR was proposed by the ALC.

Pursuant to section 26 of the *Agricultural Land Commission Act (ALCA)* the Commission may enter into an agreement with a local government to enable a local government to exercise some or all of the Commission's power to decide applications for non-farm use or subdivision with respect to ALR lands within that local government's jurisdiction. The delegation of authority for either non-farm uses or subdivision is tied to the land use and development policies within the local government's official community plan and zoning bylaws. The staff at the Agricultural Land Commission (ALC) and local government staff consult to develop an agreement that is mutually acceptable to both parties. In some cases, amendments to the local government's bylaws are necessary to clarify the agricultural policies and development strategies.

Prior to staff drafting a delegation agreement, it is recommended that the Board consider the specific types of applications and uses that it may wish to assume delegation of authority for.

There are 733 properties in the ALR in Electoral Area 'F' comprising 21% of the total land. The RDN has been pursuing a fine-tuning project for RDN Bylaw No. 1285, 2002 in an attempt to recognize pre-existing non-farm uses on ALR lands that have been granted approval from the ALC. As part of this fine-tuning project, the ALC proposed that the RDN assume delegation of authority for non-farm uses to streamline the process. The RDN has the option of choosing to assume delegation of authority for all non-farm uses on the ALR, or to limit the types of non-farm uses that will be considered pursuant to a delegation agreement.

As the Board is aware, the zoning bylaw regulations were adopted in Electoral Area 'F' in June of 2002. The RDN adopted the Official Community Plan for Electoral Area 'F' in 1999. Prior to 1999, the RDN had no control over land use in the area. Many landowners have indicated that they believed that there were no land use controls because the local government did not have a zoning bylaw in place. As a result, there were a variety of land uses in Electoral Area 'F' that were established without the required provincial approvals. As a large portion of Electoral Area 'F' is designated within the ALR, there are a significant number of properties that have unauthorized uses that have been in existence for many years. The ALC historically has not enforced its regulations with respect to many of these properties and so, in an effort to remedy the situation where there are multiple unauthorized uses on ALR properties, the RDN commenced a fine-tuning process to encourage property owners to seek ALC approval and obtain the appropriate zoning that recognizes the actual land uses occurring on the land.

Most other Electoral Areas have had some form of local government zoning since the early 1970's and so unauthorized uses are generally removed or legalizing through zoning or building permit processes. Electoral Area 'F' also has a specific zoning bylaw that applies only to this area, which provides an opportunity to tailor agricultural regulations to suit the needs of the ALC and the RDN. All other Electoral Areas are governed by RDN Bylaw No. 500, 1987. Electoral Area 'F' is unique in this respect and the ALC considers this area as a suitable area to consider delegating its authority for non-farm uses.

ALTERNATIVES

1. To direct staff to proceed with consultation with the ALC and the public with respect to assuming "Delegation of Authority" for all types of non-farm uses and the subdivision of ALR lands in Electoral Area 'F'.
2. To direct staff to proceed with consultation with the ALC and the public with respect to assuming "Delegation of Authority" for specified non-farm uses (approval of a 2nd dwelling unit) on ALR lands in Electoral Area 'F'.
3. To direct staff to not proceed with assuming delegation of authority for non-farm uses.

LAND USE AND DEVELOPMENT IMPLICATIONS

Non-Farm Uses

The ALCA and the "Agricultural Land Reserve Use, Subdivision and Procedure Regulations" (the Regulations) specify what uses are considered 'Farm uses' and 'Permitted uses' for lands within the ALR. The RDN considers all uses that are not designated as outright Farm uses to be non-farm uses subject to local government regulations. The Permitted uses consist of uses that the ALC considers somewhat related or ancillary to agricultural uses and would not, in the ALC's opinion, create a negative

impact on the agricultural capability of the lands. The RDN has the authority through its zoning bylaws to regulate or prohibit any use that is not designated a Farm use pursuant to the ALCA and Regulations.

With respect to assuming delegation for considering non-farm use applications, reviewing the potential implications of a broad range of non-farm uses on ALR lands would be challenging for both staff and for the Board given the lack of provincial guidelines on farm uses and compatible accessory uses and the lack of available provincial resources at this time. However, with respect to second dwelling as non-farm uses, the RDN typically receives more ALR enquiries with respect to legalizing second dwellings than for other types of non-farm use. The recent fine-tuning review in Electoral Area 'F' attempted to address this issue, however, only a small number of applications were received from the community. Staff feels that there was a general reluctance on the part of the public to apply to legalize second dwellings as a result of the lack of certainty provided by the ALC. It appears that there is some level of support for the RDN assuming delegation of authority for second dwelling approval in the community. Therefore, staff believes that it may be more favourable to deal with the issue of second dwellings as non-farm uses in the ALR rather than tackle a broad range of non-farm uses.

There are currently numerous ALR properties in Electoral Area 'F' that contain more than one permanent dwelling. The majority of these properties have nonconforming status pursuant to the *Local Government Act*, as the uses were established prior to the inception of the zoning bylaw. However, this has implications for property owners with respect to renovating, extending or replacing the uses in the future. The majority of the uses are in contravention of the ALCA and regulations. The ALC did not proceed with enforcement action to remove the non-farm uses and so many have existed for a number of years, which leads to confusion on the part of new or potential landowners. People tend to believe that if a house has existed for a long period of time, it must be legally sited.

As part of the fine-tuning process, the RDN attempted to 'clean up' these unauthorized uses by obtaining a General Order from the ALC legitimizing existing second dwellings that pre-dated the zoning bylaw. However, the ALC would not agree and insisted on reviewing the applications on a case by case basis. Without some level of comfort that the second dwelling would be viewed favourably, property owners have been reluctant to spend the \$600.00 fee to go through the application process to attempt to legitimize the uses.

By assuming delegated authority for approval of second dwellings, the RDN Board would be afforded the opportunity to address and legalize some of these non-conforming uses. Establishing a set of evaluation criteria would give property owners the level of comfort that they need in order to encourage them to apply for the approval. This would be beneficial to existing and future landowners purchasing properties in the area and would clarify what uses are permitted to continue on the property. It is proposed that the delegation agreement would only address approvals of a maximum of two permanent dwellings per parcel and that the approval be based on a maximum density of one dwelling unit per hectare. Currently, the A-1 zone permits one permanent dwelling and one manufactured home per lot regardless of size. The fine-tuning process approved more than two dwellings in some cases, based on the criteria outlined in the Official Community Plan.

Assuming delegation of authority for second dwellings will benefit the property owners with land in the ALR as they would only have to work with one level of government. The agricultural and RDN planning issues can be reviewed simultaneously as opposed to the fragmented review process that occurs now, whereby the ALC looks only at agricultural issues and may approve a use that is contrary to RDN regulations because it does not negatively impact the agricultural use of the property. It is expected that the processing time for these applications would be significantly reduced if the RDN assumes delegation

of authority and amends its A-1 bylaw to allow for some flexibility where an application for a second dwelling has been approved pursuant to the ALCA.

Should the RDN consider assuming delegation of authority for second dwellings, the Board will have to administer the ALC's mandate to protect farming not only on the subject lot, but also on surrounding ALR lands. The Board will have to essentially become the Commission for the purpose of reviewing these proposals and consider the potential implications from an agricultural perspective only. Other non-agricultural land use implications would continue to be dealt with through the RDN's current zoning and official community plan processes.

Subdivisions in the ALR

With respect to the delegation of authority for subdivision applications, staff is of the opinion that there is no significant community demand for the RDN to assume this authority. There are approximately 160 lots in Electoral Area 'F' that contain at least 8 ha of ALR land. The minimum parcel size requirement for A-1 lots pursuant to the zoning bylaw is 4.0 ha. Therefore, the owners of these lots could apply to subdivide their lands pursuant to the RDN's existing regulations.

When the minimum parcel sizes for ALR lands were established through the "Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999," and the zoning bylaw, the ALC endorsed the Plan and regulations, agreeing to the minimum size requirements. The ALC considers local government regulations when considering applications for subdivision of ALR lands. The creation of a new fee simple parcel that does not meet this minimum size would be contrary to all of the RDN's current land use regulations, including the Regional Growth Strategy. It is unlikely that the ALC would grant subdivision approval for an ALR lot that would create lot sizes that are inconsistent with the RDN's minimum size requirements, however, should this occur, the RDN's regulations would prevent the subdivision from being approved without a Growth Strategy amendment.

POLICY IMPLICATIONS

Pursuant to RDN Bylaw No. 1285, ALR properties are currently zoned A-1 (Agriculture 1). This A-1 zone permits the following uses: two dwelling units, provided the second dwelling is a manufactured home only; farm uses; a home based business; and accessory buildings and structures (see Attachment No. 1 for zone). In addition other uses designated as Farm uses pursuant to Part 2 of the Regulations are permitted. Uses considered to be non-farm uses, therefore, currently require a zoning amendment application to the RDN, once approval has been granted from the ALC.

As previously discussed, the RDN can request to assume delegation of authority for all non-farm uses and for subdivision. During the fine-tuning review it became apparent that there were many property owners adversely affected by the current second dwelling regulations, in that they had a second permanent home that pre-dated RDN zoning regulations, but were considered illegal pursuant to the ALR regulations. It is desirable to provide an avenue to remedy these nonconforming uses and reduce confusion with respect to the permitted uses on ALR lots.

Should the RDN assume delegation of authority for second dwellings as non-farm uses it would be necessary to amend the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" to recognize the Regional Board's delegated authority and permit the location of a second permanent dwelling on ALR lots without necessitating a zoning amendment application. As the current OCP contains comprehensive policies with respect to agricultural development and assuming

delegation for second dwellings as a non-farm uses would be considered pursuant to these policies, no amendments to the OCP are required.

Criteria for considering applications for second dwellings

In order to assist the public in submitting applications for second dwellings in the ALR, staff proposes that the Board consider adopting a policy (see Schedule No. 1) that outlines the evaluation criteria for reviewing these applications. Adopting such a policy will also provide assistance to staff in making recommendations on applications for second dwellings.

Staff recognizes that there may be different land use implications for existing second dwellings and proposed new second dwellings and, therefore, evaluation criteria addresses this issue. Staff is of the opinion that the evaluation criteria provided in the proposed policy will limit potential impacts on the agricultural viability of the subject property and surrounding ALR lands, while offering a remedy to landowners who find themselves in a situation where the existing land uses are not consistent with the ALC's regulations.

In addition, given the proposed policy criteria, staff believes that proposals for a new second dwelling can be considered without undue negative impacts on the integrity of the ALR. It is intended that the approval for a second dwelling, whether existing or proposed, will not constitute an approval for future subdivision of the lot. Staff believes that the criteria outlined in the policy clarify these items.

With respect to multiple existing dwelling units, staff does not believe that the Board should be considering legalizing more than 2 dwelling units per lot. The ALC and RDN regulations limit the number of dwellings for non-farm use to 2 per lot. Those dwellings that currently have nonconforming status pursuant to section 911 of the *Local Government Act* would retain that status. If a dwelling unit was sited contrary to the RDN zoning bylaw since its adoption in June 2002, staff recommend that these additional dwellings should be removed prior to issuing approval for a second permanent dwelling on a lot.

STAFFING IMPLICATIONS

RDN Planning Staff Resources

When an application for 'non-farm use' is made to the RDN pursuant to the ALCA, RDN staff provides the standard one page Local Government Report to the ALC for applications made pursuant to the ALCA. In addition to the Report, staff provides a copy of the applicable zoning, OCP and Growth Strategy designations, maps and air photos of the subject lot and details on additional land use regulations affecting the property, such as Development Permit information. Staff does not provide a recommendation of support or opposition with respect to the proposal, but merely provide the ALC with the RDN's information pertaining to the lot. The Board passed a resolution in November 2002 that decision on ALR applications should be made by the Commission only and a Board recommendation is not provided for ALR applications. Currently, staff does not conduct a site visit for ALR applications.

Should the RDN consider assuming delegation of authority for all non-farm uses, staff will have to conduct a site visit to provide additional information to the Board and a staff report, similar to those written for Development Permit Applications, will be drafted for the Board's review. The additional responsibility for considering ALR applications will likely result in an increased volume of applications being processed by the RDN and will require some additional staff resources. However, staff believes

that assuming delegation for second dwellings as non-farm uses only would reduce the potential impacts on staff resources when compared to assuming delegation for non-farm uses generally or for subdivision.

RDN Board Resources

Should the Board consider assuming delegation of authority for any non-farm uses, the Directors must become the Commission for the purpose of considering applications made under the Delegation Agreement. The Board will have to assume responsibility for considering the *agricultural* implications of the proposal. In order to be able to make decisions that are consistent with the provincial ALR mandate of preserving agricultural land and enabling farm business in BC, the Board will need to be provided with full information on the ALCA and Regulations.

FINANCIAL IMPLICATIONS

Cost Recovery

Currently, the RDN retains 50% of the ALR application fees, which are \$600.00 for a non-farm use. If the Board assumes delegation of authority for considering applications for second dwellings as a non-farm use, the RDN would retain the full amount of the ALR fee. This would offset some of the increased costs associated with processing the applications.

In addition, should the Board consider assuming delegation for second dwellings as a non-farm use, it also obtains the authority to fine landowners for contraventions to the ALCA and the monies raised through fines is retained by the RDN. However, considering the costs of enforcing the ALCA and obtaining the fine, which would likely require court intervention, this provision may not generate any additional revenue, but may even result in higher costs for the RDN. It is not anticipated that a bylaw amendment is required to fine landowners who are in contravention of the ALCA, as the authority for fining people comes directly from the ALCA.

PUBLIC CONSULTATION IMPLICATIONS

Should the Board consider assuming delegation of authority for second dwellings as non-farm uses in the ALR, staff recommends that a minimum of one public information meeting be held to receive public comment on this issue.

The proposed amendments to the RDN's zoning bylaw will also require public consultation. It is recommended that the amendments and the proposal to assume delegation for second dwellings be presented simultaneously so that the public can assess the potential implications of assuming authority pursuant to the ALCA.

The anticipated timeline for the delegation process is outlined in Attachment No. 3.

LEGAL IMPLICATIONS

The RDN would assume the responsibility to enforce decisions made pursuant to the Delegation Agreement. Enforcement of ALR issues unrelated to Regional Board decisions (i.e. non-farm uses other than second dwellings) would remain with the ALC.

While administering the ALCA and making decisions on ALR lands, the Board will need to be aware its jurisdiction under the delegation agreement and avoid imposing conditions that may be unrelated to the agricultural mandate of the ALC.

VOTING

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

SUMMARY/CONCLUSIONS

The Agricultural Land Commission has proposed that the RDN assume delegated authority to enable the Regional Board to make decisions on non-farm use applications within Electoral Area 'F'. This report recommends that the Board consider assuming this authority for second dwellings only. It is believed that the delegation of authority for second dwellings would provide a significant benefit to the community with respect to legitimizing existing uses and faster application processing times. In addition, the proposed policy guidelines containing evaluation criteria will assist property owners, staff and the Board in reviewing proposals for second dwellings. Although it is expected that there will be some added costs associated with processing the ALR applications, staff believe that the community benefits justify the costs and time associated with assuming the authority for second dwellings as a non-farm use.

Amendments to the RDN's Electoral Area 'F' Official Community Plan and the Electoral Area 'F' Zoning and Subdivision Bylaw would be required to reflect the delegated authority for non-farm uses and, possibly to clarify agricultural policies with respect to land uses for properties in the ALR.

Therefore, staff recommends that the policy outlined in Schedule No. 1 should be endorsed and that staff commence discussions with the ALC with respect to assuming delegation of authority for second dwellings as non-farm uses.

RECOMMENDATIONS

1. That the staff report be received for information.
2. That staff be directed to enter into discussion and negotiation with the Agricultural Land Commission with respect to drafting a Delegation Agreement for second dwellings as non-farm uses in the ALR in Electoral Area 'F'.
3. That staff commence the process for amending the A-1 land use zone of 'Regional District of Nanaimo Zoning and Subdivision Bylaw No. 1285, 2002' and proceed to a Public Information Meeting to obtain comments and feedback from the community with respect to the proposed Delegation of Authority for second dwellings in the ALR in Electoral Area 'F'.
4. That the Board receive the draft policy guidelines to assist in reviewing ALR applications received for second permanent dwellings in the ALR in Electoral Area 'F', as outlined in Schedule No. 1.



Report Writer



Manager Concurrence

COMMENTS: devsvs/reports/2005/0410 20 ALC



General Manager Concurrence



CAO Concurrence

Schedule No. 1
 Policy Guidelines for Second Dwellings in ALR

REGIONAL DISTRICT OF NANAIMO
DRAFT P O L I C Y

SUBJECT: <i>Review of Applications for second permanent dwellings on ALR in Electoral Area 'F'</i>	POLICY NO:	CROSS REF.:
EFFECTIVE DATE: June 28, 2005	APPROVED BY:	Board
REVISION DATE:	PAGE	1 OF 1

PURPOSE:

To establish evaluation criteria for the review of ALR applications for second permanent dwellings pursuant to the Delegation Agreement with the Agricultural Land Commission for Electoral Area 'F'. The Board shall review each application individually on its own merits but the following general guidelines will assist in providing advice to potential applicants on the minimum criteria that will be reviewed as part of the process.

POLICY:

1. Applications to legalize existing second permanent dwellings on ALR lots in Electoral Area 'F'.

All applications for the legalization of existing second permanent dwellings on ALR lots in Electoral Area 'F' shall be accompanied by a report prepared by a qualified professional that assess the capabilities of the existing sewage disposal system for both dwellings on the subject lot. In addition, all dwellings must meet Vancouver Island Health Authority (VIHA) sewerage system regulations.

In addition, applications to legalize existing second dwellings shall include a statement from a Professional Engineer outlining the current status of the dwelling unit with respect to the building code and will outline potential renovations required to ensure that the dwelling is safe for its intended use. The RDN may consider requiring security to ensure that the renovations are conducted in a timely manner once approvals have been issued.

Applications to legalize existing dwellings that pre-date the adoption of the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" will be considered only if the maximum density for the lot would not exceed one dwelling unit per hectare.

Applications for illegal second dwellings constructed after the inception of the zoning bylaw shall be considered pursuant to the requirements for new dwellings.

The RDN Board will review the siting of the existing second dwelling with respect to how it may impact surrounding agricultural lands with respect to the potential for land use conflicts between agricultural and residential uses. It may be required to consider vegetative buffering around the perimeter of the dwelling's yard space to mitigate these potential conflicts. The RDN may consider holding a security to ensure that the buffering requirements are met. The security may be based on an itemized estimate provided by a landscape professional that outlines the species and number of plants that will be introduced in to the buffer area.

For existing dwelling units, staff will review the Bylaw Enforcement files and report to the Board if there have been concerns expressed from surrounding landowners with respect to the use in its current location.

As part of the approval process, the Board will require that the applicant register a restrictive covenant on the title of the lot indicating that the approval for a second dwelling does not constitute approval for a subdivision in the future, unless the lot has subdivision potential pursuant to the RDN's zoning bylaw regulations.

As part of the application process, the Board may wish to review additional land uses on the lot, which may result in further action to legalise or remove additional uses that are contrary to the zoning and do not have nonconforming status pursuant to the *Local Government Act*.

2. *Applications for the approval of proposed second permanent dwellings on ALR lots in Electoral Area 'F'.*

Applications for new second permanent dwellings shall be reviewed with respect to the proposed location of the dwelling in relation to the property lines; proximity to existing residential services, such as septic, well and driveway access; and the potential impact on the agricultural capability of the subject lot and surrounding ALR lots. The second dwelling should be sited to minimise potential impacts on the agricultural viability of the lot, for example, avoiding existing agricultural fields and areas of higher soil capability. Vegetated buffers may be required in order to mitigate any potential land use conflicts between farm and residential uses.

New second dwellings shall only be permitted on ALR lots that equal or exceed 2.0 ha in area, resulting in a maximum residential density of one dwelling per hectare.

The application shall be accompanied by a signed letter from a qualified professional that states that the lot is capable of supporting a sewerage disposal system for the proposed second dwelling. Where the sewage system requires upgrading, the applicant will be required to obtain the necessary provincial approvals and provide details on the proposed system prior to the Board's consideration of the proposal. Bonding may be required to ensure that the sewage system is installed or upgraded prior to the occupancy of the second dwelling.

The floor area of the proposed second dwelling shall not exceed 150m² (1600 square feet), excluding non-habitable space such as attached garage or carport.

In some circumstances, the Board may wish to require that the applicant register a restrictive covenant on the title of the lot indicating that the approval for a second dwelling does not constitute approval for a subdivision in the future.

Prior to issuing approval for a second permanent dwelling, the Board may require the removal of illegal uses, including additional unauthorized dwelling units

3. *Applications for multiple dwellings*

Applications for multiple dwelling units (in excess of two per lot) will not be considered under the delegation agreement.

Attachment No. 1
 Current A-1 Zone



Zones
 Section 4 - Page 1

A-1 - AGRICULTURE 1 **SECTION 4.1**

4.1.1 Permitted Principal Uses

- a) Dwelling Unit
- b) Farm Use

4.1.2 Permitted Accessory Uses

- a) Accessory Buildings and Structures
- b) Farm Business
- c) Home Based Business

Notwithstanding the Permitted Principal Uses listed above, any use designated or permitted pursuant to Section 2 of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* or farm use permitted by the Ministry of Agriculture, Food and Fisheries, unless specifically prohibited or regulated by this Bylaw, is permitted within this zone.

4.1.3 Regulations Table

Category	Requirements
a) Maximum Density	2 Dwelling Units per lot, provided that one Dwelling Unit is a Manufactured Home
b) Minimum Lot Size	4 ha
c) Minimum Lot Frontage	100 metres
d) Maximum Lot Coverage	10 %
e) Maximum Building and Structure Height	10 metres
f) Minimum Setback from <ul style="list-style-type: none"> i) Front and Exterior Side Lot Lines ii) All Other Lot Lines 	4.5 metres 2 metres
g) Minimum Setback of all buildings or structures housing livestock or manure from all lot lines and/or watercourses	30 metres
h) General Land Use Regulations	Refer to Section 3 - General Regulations

4.1.4 Regulations

- a) Despite any regulation in this Bylaw, land established as "Agricultural Land Reserve" pursuant to the *Agricultural Land Reserve Act* is subject to the *Agricultural Land Reserve Act and Regulations*, and applicable orders of the Land Reserve Commission.
- b) Any parcel existing prior to the date of adoption of this Bylaw, which fails to meet the minimum parcel size requirements contained in this Bylaw, shall not be reason thereof be deemed to be nonconforming, and may be used for any permitted use in the zone in which it is located except that where the zone allows residential use, only one dwelling unit shall be allowed on any such undersized parcel. Permitted uses shall be subject to all other conditions required of that zone.

Attachment No. 2
Proposed Amendment to A-1 zone

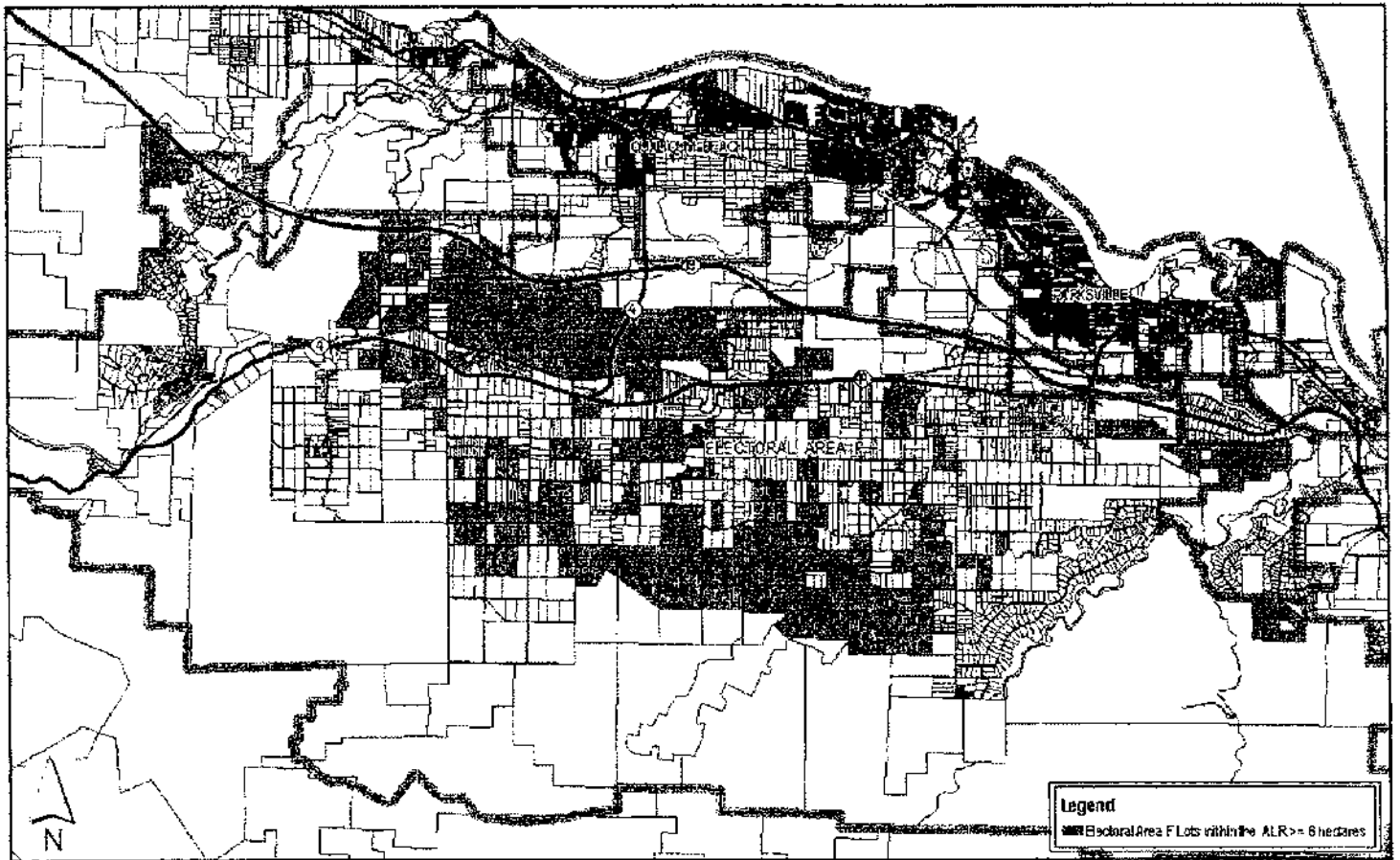
Staff recommend that Section 4.1.3(a) of the existing A-1 zone, which currently reads, "Maximum Density – 2 dwelling units per lot, provided that one Dwelling Unit is a Manufactured Home" be replaced by:

Maximum Density - 1 dwelling unit per hectare, to a maximum density of 2 dwelling units per lot, provided the second dwelling is a manufactured home, except where approval for a second permanent dwelling has been issued pursuant to section 20 of the *Agricultural Land Commission Act*"

Attachment No. 3
Expected Timeline for Delegation Agreement Process

June 2005 Board Meeting	Policy for second dwelling evaluation criteria endorsed
July – September 2005	RDN staff enter into discussion with ALC to discuss delegation of authority for non-farm uses (second dwellings).
September 2005	Public Information meeting to discuss delegation of authority for second dwellings and proposed amendments to RDN zoning and OCP bylaws
October 2005	Report back to Board with results of Public Consultation and recommendations on how to proceed.
November 2005	Prepare draft delegation agreement with ALC – 1 st and 2 Reading of proposed bylaw amendments, referrals to appropriate agencies
December 2005	Proceed with amending bylaws – Public Hearing for amendments
January 2005	Complete and sign Delegation Agreement, finalize zoning and OCP amendments

Attachment No. 4
Map of ALR Lands in Electoral Area 'F' that exceed 8 ha





REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GM ES	
DA CCD		MoF	
JUN - 3 2005			
EAPC MEMORANDUM			

TO: Wayne Moorman
Manager, Subdivision & Engineering

DATE: June 3, 2005

FROM: Susan Cormie
Senior Planner

FILE: 3320 30 26222

SUBJECT: Request for Acceptance of Cash in-Lieu-of Park Land Dedication
Applicant: Leigh Millan, BCLS, on behalf of D & H Stimpson
Electoral Area 'A', Gould Road

PURPOSE

To consider a request to pay cash in-lieu-of dedication of park land in conjunction with a proposed 5-lot subdivision development.

BACKGROUND

The applicant's agent, Leigh Millan, BCLS, has requested that cash be accepted in-lieu-of dedicating park land in conjunction with a 5-lot subdivision proposal located adjacent to Gould Road within the Cedar area of Electoral Area 'A' and legally described as Lot 1, Section 11, Range 1, Cedar District, Plan 21265, Except Part in Plans 42157 & VIP60377 (*see Attachment No. 1 for location*).

The subject property is currently zoned Residential 2 (RS2) and is within Subdivision District 'M' pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The applicant is proposing to subdivide the parent parcel into 5 parcels, all greater than 2000 m² in size, therefore meeting the minimum parcel size requirements of Bylaw No. 500 (*see Schedule No. 1 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.

The subject property is designated within the Streams, Nesting Trees, and Nanaimo River Floodplain Development Permit Area No. 5 pursuant to the Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001, in this case, for the protection of a portion of the riparian area of a stream crossing the neighbouring properties.

Park Land Requirements

Pursuant to section 941 of the *Local Government Act*, the owner of the subject property has the option of:

1. providing 5% of the gross site area as park land; or
2. paying cash in-lieu-of providing park land; or
3. providing a combination of both park land with the balance of 5% given in cash.

However, 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. In this case, the Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001 specifies that park land dedication may be considered at the time of subdivision subject to meeting the preferred park and trail criteria set out in the Plan. The maximum amount of park land that the Regional District may request for this property is 5% or 700 m² of the total site area.

ALTERNATIVES

1. To accept the request for cash in-lieu-of park land.
2. To deny the request for cash in-lieu-of dedication of park land and require dedication of park land.

DEVELOPMENT IMPLICATIONS

Official Community Plan / Trails Study 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. In this case, Electoral Area 'A' the Official Community Plan Bylaw No. 1240, 2001, contains park land related policies which stipulates that park land is desirable where preferred criteria may be met such as waterfront access, environmentally sensitive areas, or preserving viewpoints. In addition, the Electoral Area 'A' Community Trails Study does not identify a trail linkage in this area. As the subject property does not contain a preferred park and trail element, the OCP supports cash in-lieu-of park land.

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

Electoral Area 'A' has a Parks, Recreation and Green Space Committee to advise the Regional Board on park related matters including the acquisition of park land subject to the policies set out in the OCP. As the subject property does not contain a preferred park acquisition element and is not considered to be a potential park land acquisition area, the application has not been referred to this Committee.

Development Permit Area Implications

Approximately 1.0 m of the associated riparian area of a stream located within neighbouring properties and designated within Development Permit Area No. 5 crosses the north east corner of the subject property. The applicant does not require a development permit in this case as the exemption provisions of the development permit guidelines will be met. Staff will forward this information to the Approving Officer for consideration of a protective covenant as part of the subdivision review process.

FINANCIAL IMPLICATIONS

The subject property has an assessed value of \$189,000 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 (PLA). Therefore, it is anticipated that the appraised market value may result in \$9,450.00 or higher contribution to Electoral Area 'A' community parks fund.

VOTING

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

SUMMARY


This is a request to provide cash in-lieu-of park land pursuant to Section 941 of the *Local Government Act* as part of a 5-lot subdivision development in the Cedar area of Electoral Area 'A'. The subject parcel does not contain a preferred park acquisition element as set out in the OCP. In addition, the Electoral Area 'A' Community Trails Study does not identify a trail linkage in the immediate neighbourhood. Therefore, staff recommends Alternative No. 1, to accept cash in-lieu-of park land in conjunction with this subdivision application.

RECOMMENDATION


That the request, submitted by Leigh Millan, BCLS, on behalf of D & H Stimpson, for cash in-lieu-of park land dedication in conjunction with the subdivision of Lot 1, Section 11, Range 1, Cedar District, Plan 21265, Except Part in Plans 42157 & VIP60377, be accepted.



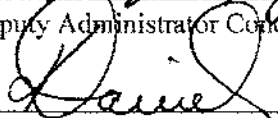
Report Writer



Manager Concurrence



Deputy Administrator Concurrence

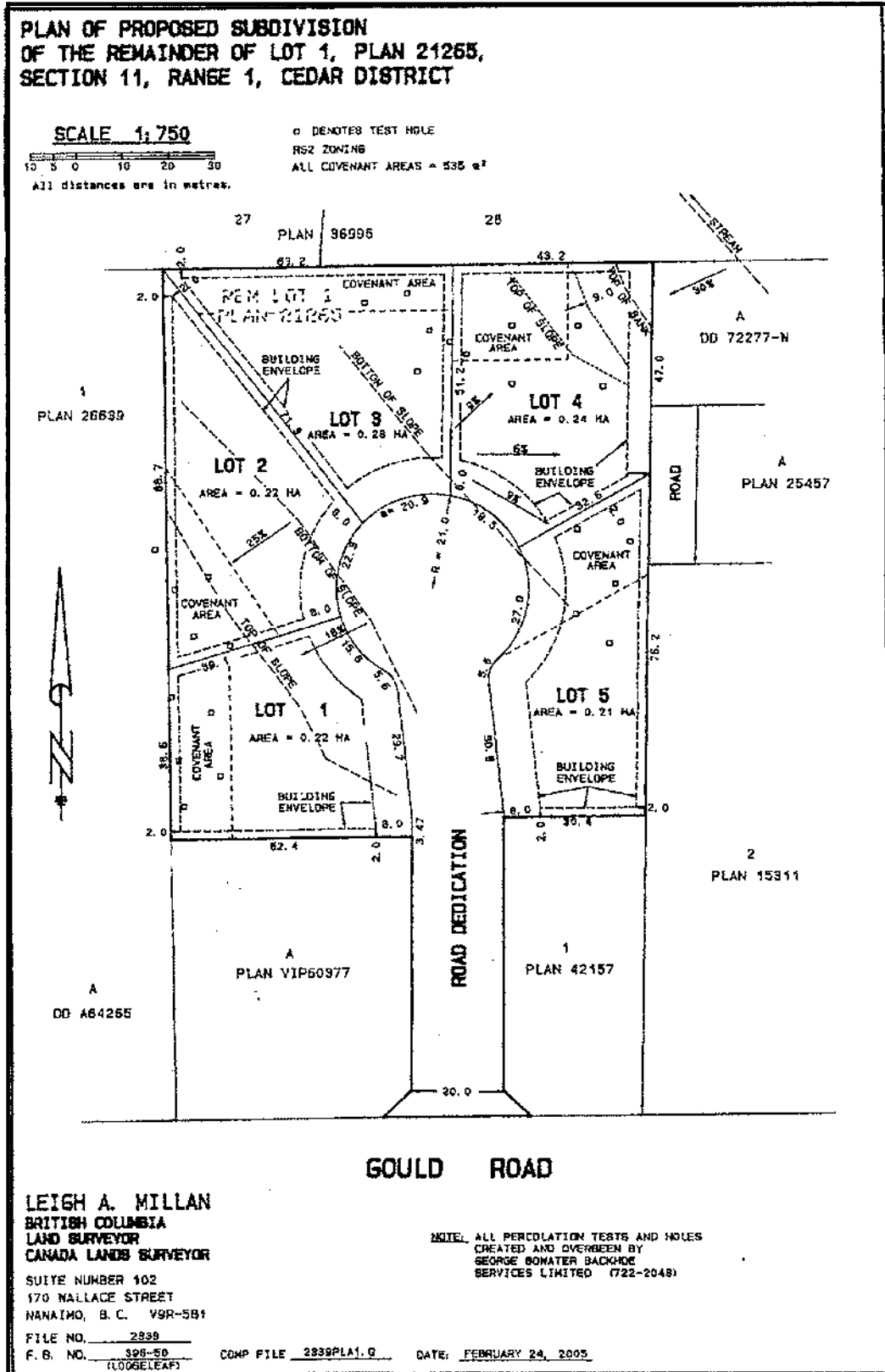


CAO Concurrence

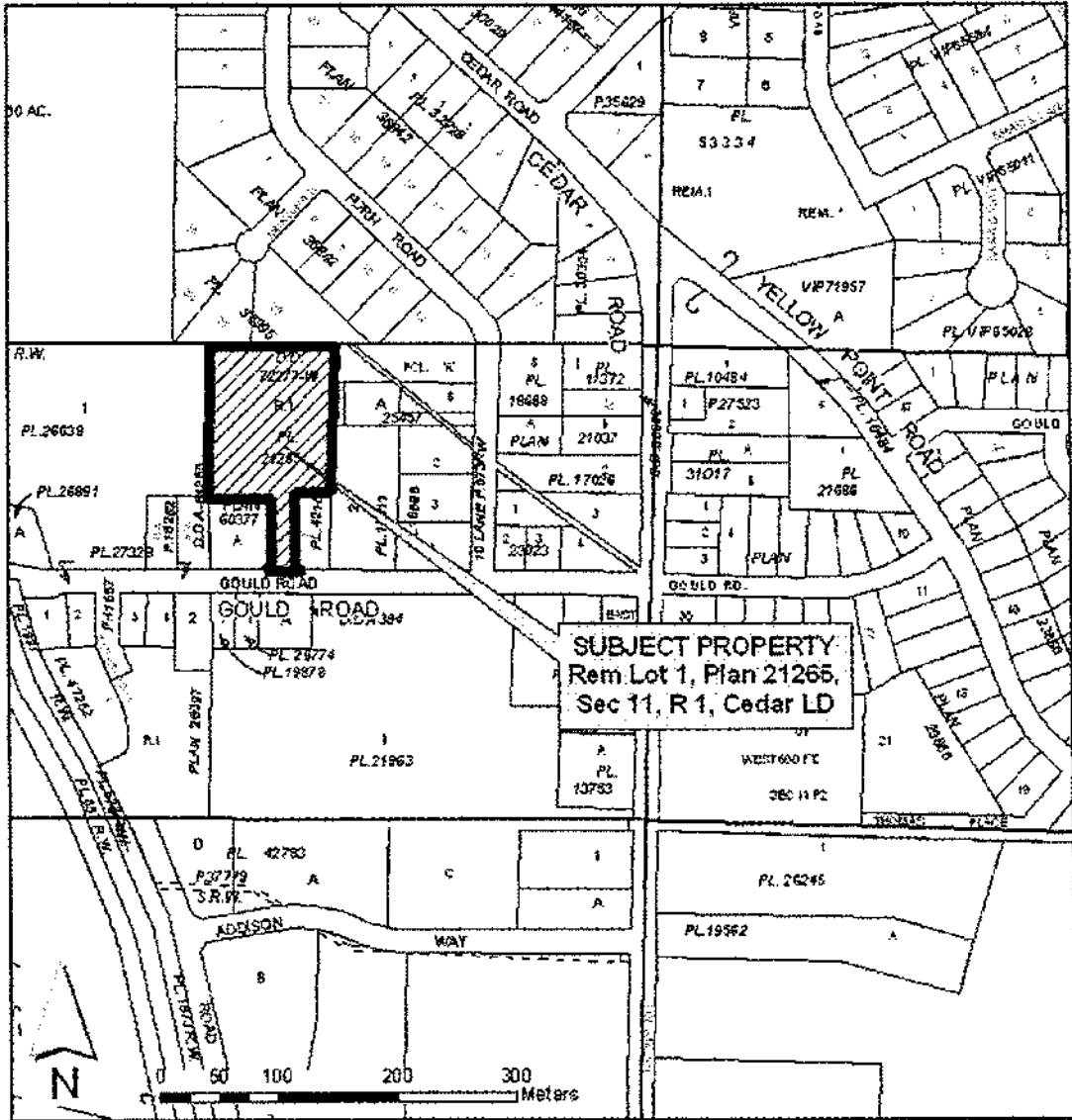
COMMENTS:

devsus/report/2005/ cash in lieu of park land ju 3320 20 26222.doc

Schedule No. 1
 Plan of Proposed Subdivision
 (as submitted by applicant / reduced for convenience)



Attachment No. 1
Location of Parent Parcel



BCGS Map Sheet No. 92G0014.3



REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GM ES	
DA CCD		MoF	
JUN - 8 2005			
EMPC			
MEMORANDUM			

TO: Wayne Moorman
Manager, Subdivision & Engineering

DATE: June 8, 2005

FROM: Susan Cornie
Senior Planner

FILE: 6120-01

SUBJECT: Request for Acceptance of Dedication of Park Land
RG Fuller & Associates, on behalf of Land & Water BC
Alberni Highway - Electoral Area 'F'

PURPOSE

To consider a request offering park land.

BACKGROUND

The applicant's agent, RG Fuller & Associates, has requested that an offer to dedicate park land be accepted for property located adjacent to the Alberni Highway in the Errington area of Electoral Area 'F'. The proposed park land area, which is Crown Provincial Land, is approximately 4.09 ha in size (*see Schedule No. 1 for location*).

The subject property is currently zoned P-1 (Parks & Open Space 1) pursuant to the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002". Permitted uses include park, outdoor recreation, recreation facility, and residential use to a maximum of 1 dwelling unit per lot.

That Part of District Lot 104 south of the Alberni Highway was originally referenced in the Regional District's 1995 Parks Systems Plan, which considered both community and regional parks initiatives. At that time, the community highlighted the entire property as being an important community asset. Since that time, the Regional District and Land & Water BC have discussed the possibility of acquiring the entire property for park land purposes. More recently, discussions have evolved to the acquisition of the portion of the property adjacent to the Fire Hall site. In addition to the 4.09 ha dedication, Land & Water BC are agreeable to also dedicate a 15-metre wide strip of park land parallel to the Alberni Highway on the balance of the parent lot at the time of subdivision.

Surrounding uses include the Alberni Highway to the north, a institutional / community facility zoned lot to the east, Romain Road and various comprehensive development zoned lots to the south, and the Errington Fire Hall and a site specific zoned lot to the west.

The subject property is not designated within a Development Permit Area pursuant to the Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999.

ALTERNATIVES

1. To accept the offer to dedicate park land as shown on Schedule No. 1.
2. To not accept the offer of the dedication of park land.

DEVELOPMENT / OFFICIAL COMMUNITY PLAN IMPLICATIONS

The acquisition of this land is consistent with the OCP Parks policy, which supports the retention of Crown land parcels for recreation and environmental protection.

Currently, the entire property is well vegetated. With the dedication of the 15.0-metre strip along the balance of the subject property parallel to the Alberni Highway at the time of subdivision, this will preserve the existing green strip adjacent to the Alberni Highway and provide a potential trail corridor in the future.

The adjacent Fire Hall site, which is owned by the Regional District, currently has a portion of its septic disposal system located within the proposed park land. This situation is not expected to have a negative impact on the park land and in fact offers some assurance to the Fire Hall for retaining the current septic disposal system.

With respect to providing site improvements and park and recreational amenities, such improvements can be expensive and should not be expected at this time or in the near future. However, this acquisition does provide the community a land base for providing future recreational amenities.

VOTING

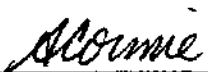
All Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY

This is a request offering the dedication of park land on property located in the Errington area of Electoral Area 'F'. The subject property, which is considered an important asset to the community, has been the focus of discussion concerning park land acquisition for a number of years. This is reflected in the current zoning which permits park and recreation uses and the OCP policy concerning the retention of Crown Lands. More recently, discussions have evolved to the acquisition of the portion of the property adjacent to the Fire Hall site. The proposed park land, which cumulates the completion of a parks initiative that goes back several years, is considered to be consistent with community expectations and the Area Director's understanding. Therefore, for these reasons, staff recommends Alternative No. 1 to accept the offer to dedicate park land.

RECOMMENDATION

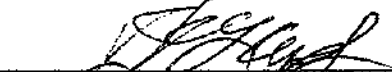
That the request, submitted by RG Fuller & Associates, on behalf of Land & Water BC, for acceptance of an offer to dedicate 4.09 ha of park land and at the time of subdivision dedicate a further 15.0 metre wide park land strip adjacent to the Alberni Highway in the location as shown on Schedule No. 1, be accepted.



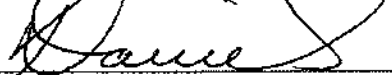
Report Writer



Manager Concurrence



Deputy Administrator Concurrence



CAO Concurrence

COMMENTS:

devsvs/report/2005/park land ju.doc

Schedule No. 1
Location of Proposed Park Land

