

**REGIONAL DISTRICT OF NANAIMO**  
**ELECTORAL AREA PLANNING COMMITTEE**  
**TUESDAY, AUGUST 9, 2005**  
**6:30 PM**

*(RDN Board Chambers)*

**A G E N D A**

**PAGES**

**CALL TO ORDER**

**DELEGATIONS**

**MINUTES**

- 2-4 Minutes of the Electoral Area Planning Committee meeting held Tuesday, July 12, 2005.

**BUSINESS ARISING FROM THE MINUTES**

**PLANNING**

**AMENDMENT APPLICATIONS**

- 5-26 Zoning Amendment Application No. ZA0510 – Cedar Estates – Robert Boyle Architecture Inc. on behalf of 700805 BC Ltd and Lot 6 Holdings – Cedar & Hemer Roads – Area A.

***DEVELOPMENT PERMIT APPLICATIONS***

- 27-36 Development Permit Application No. 60531 – Johnson/JE Anderson & Associates – 1338 Madrona Drive – Area E.
- 37-43 Development Permit Application No. 60535 – Dunville/Allen – Rockhampton Road – Area E.
- 44-51 Development Permit Application No. 60537 – 642703 BC Ltd./Voigt – Paradise Place – Area E.

***OTHER***

- 52-60 Land Use and Subdivision Amendment Bylaw No. 500.324 – Text Amendment – Nanoose Bay Official Community Plan Implementation – Area E. (Attachment No. 2 to be circulated under separate cover)

**ADDENDUM**

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**NEW BUSINESS**

**IN CAMERA**

**ADJOURNMENT**

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE  
MEETING HELD ON TUESDAY, JULY 12, 2005, AT 6:30 PM  
IN THE RDN BOARD CHAMBERS**

**Present:**

Director E. Hamilton	Chairperson
Director H. Kreiberg	Electoral Area A
Alternate	
Director B. Jepson	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

**CALL TO ORDER**

The Chairperson welcomed Alternate Director Jepson to the meeting.

**MINUTES**

MOVED Director Kreiberg, SECONDED Director Bartram, that the minutes of the Electoral Area Planning Committee meeting held June 14, 2005 be adopted.

CARRIED

**PLANNING**

**DEVELOPMENT PERMIT APPLICATIONS**

**Development Permit Application No. 60524 – Chiste & Larsen – Northwest Bay Road – Area E.**

MOVED Director Holme, SECONDED Director Stanhope, that Farm Land Protection Development Permit Application No. 60524 to facilitate remediation of the 15.0 metre buffer area through replanting and leveling of the site and to allow the installation of a septic system within the buffer area, be approved, according to the terms outlined in Schedule No. 1.

CARRIED

**Development Permit Application No. 60525 – Purves – 629 Viking Way – Area G.**

MOVED Director Stanhope, SECONDED Director Kreiberg, that Development Permit Application No. 60525 with a front yard setback variance from 8.0 metres to 5.1 metres to permit the construction of a dwelling unit at 629 Viking Way be approved according to the terms outlined in Schedule No. 1, and subject to the Board's consideration of comments received as a result of public notification.

CARRIED

**Development Permit Application No. 60526 – Friede/Fern Road – 6060 Island Highway West – Area H.**

MOVED Director Bartram, SECONDED Director Holme, that Development Permit Application No. 60526 with variance be approved according to the terms of Schedule No. 1, subject to consideration of comments received as a result of public notification and that the issuance of Development Permit No. 60526 be withheld until completion of the following:

1. The applicant shall, at the applicant's expense and to the satisfaction of the Regional District of Nanaimo, prepare and register a Section 219 covenant saving the Regional District of Nanaimo harmless of any damages and/or losses as a result of flooding and/or erosion.

CARRIED

**Development Permit Application No. 60528 – Fern Road Consulting Ltd. on behalf of D & B Van Damme – 1921/1931 Northwest Bay Road – Area E.**

MOVED Director Holme, SECONDED Director Bartram, that Development Permit No. 60528, submitted by Fern Road Consulting Ltd., on behalf of D and B Van Damme for the property legally described as Lot 3, District Lot 10, Nanoose District, Plan 28601, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

**Development Permit Application No. 60529 – Fern Road Consulting Ltd., on behalf of Forevergreen Properties Ltd. – Inland Island Highway/Butler Avenue – Area G.**

MOVED Director Stanhope, SECONDED Director Biggemann,:

1. That the request, submitted by Fern Road Consulting Ltd., on behalf of Forevergreen Properties Ltd., to allow the creation of a subdivision within the Inland Island Highway Development Permit Area as shown on the proposed plan of subdivision of Block 1438, Nanoose District, Except Parts in Plans 33564, VIP52788, VIP55714, 3501RW and VIP64704 and Proposed Closed Road, be approved subject to the conditions of Schedules No. 1 and 2.
2. That the Approving Officer be specifically advised to take all necessary steps for the protection of all water wells, and in particular, those wells within the City of Parksville.

CARRIED

**Development Permit Application No. 60532 – Davis/Carniato – Andover Road – Area E.**

MOVED Director Holme, SECONDED Director Kreiberg, that Development Permit Application No. 60532 with a variance to reduce the front lot line setback from 8.0 metres to 5.0 metres on Andover Road be approved according to the terms outlined in Schedule No. 1, subject to consideration of comments received as a result of public notification.

CARRIED

**DEVELOPMENT VARIANCE PERMIT APPLICATIONS**

**Development Variance Permit Application No. 90515 – Schlegel – Blueback Drive – Area E.**

MOVED Director Holme, SECONDED Director Kreiberg, that Development Variance Permit Application No. 90515, to vary Section 3.4.61 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" to relax the maximum permitted dwelling unit height from 8.0 metres to 9.1 metres according to the terms of Schedule '1', be approved subject to consideration of the comments received as a result of notification pursuant to the *Local Government Act*.

CARRIED

**OTHER**

**Building Strata Conversion Application – S & W Jessen – 3051 West Road – Area D.**

MOVED Director Jepson, SECONDED Director Stanhope, that the request from Steven and Wendy Jessen, for the building strata conversion as shown on the Proposed Strata Plan of Lot 2, Section 16, Range 3, Mountain District, Plan VIP72060, be approved subject to the conditions being met as set out in Schedules No. 1, 2 and 3 of the staff report.

CARRIED

**ADJOURNMENT**

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

CARRIED

**TIME: 6:44 PM**

---

CHAIRPERSON

---

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

**DATE:** July 27, 2005

**FROM:** Keeva Kehler  
Planner

**FILE:** 3360 30 0510

**SUBJECT:** Zoning Amendment Application No. ZA0510 – Cedar Estates  
Robert Boyle Architecture Inc. on behalf of 700805 BC Ltd and Lot 6 Holdings  
Electoral Area 'A' – Cedar and Hemer Roads

---

#### PURPOSE

To consider an application to rezone the subject property from Commercial 2 Subdivision District 'M' (CM2M) to Comprehensive Development Zone 29 (Cedar Estates) in order to facilitate the future subdivision and development of the site for a mix of residential and institutional uses.

#### BACKGROUND

The Planning Department has received a zoning amendment application for the properties legally described as 'Lot A, Section 14, Range 7, Cedar District, Plan VIP57874, Except Part in Plan VIP59634, VIP67432 and VIP76260' and 'Lot 6, Section 14, Range 1, Cedar District, Plan VIP59634,' both of which are located adjacent to Cedar and Hemer Roads in Electoral Area 'A' (*see Attachment No. 1 for location of subject properties*). The portions of the properties under application, which total approximately 4.5 ha in size, are currently zoned Commercial 2 (CM2) and are within Subdivision District 'M' (minimum 2,000 m<sup>2</sup> parcel size with community services) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." Only the southern portion of Lot A below the Morden Colliery Trail is currently under application, as the northern portion (approximately 3 ha) is zoned Rural 4 (RU4) and is located within the Provincial Agricultural Land Reserve (ALR).

The OCP designates the subject properties within the Cedar Village and Cedar Urban Boundary Commercial/ Industrial Development Permit Area No. 3. Therefore, a development permit addressing the form and character of the buildings is required prior to the development of the site for multi-family, commercial or industrial uses.

Parcels to the south and east of the subject properties are zoned residential and consist mainly of 0.2 ha sized parcels with a single dwelling unit. There are residential parcels to the west beyond the urban boundary. Parcels to the immediate west and northwest are mostly located within the UCB and designated for commercial or recreation uses. Lands to the north are mostly designated rural and are located within the ALR. The subject properties slope gently toward the northwest into the York Lake drainage area and are currently vacant and partly vegetated.

The applicants propose to service the development with community water and community sewer connections to support the proposed density of uses. The subject properties are located within an RDN Building Inspection area and therefore building permits are required for all construction on the site.

**Proposal:**

The applicant is requesting that Bylaw No. 500, 1987 be amended from Commercial 2, Subdivision District 'M' (CM2M) (2,000 m<sup>2</sup> minimum parcel size with community services) to Comprehensive Development 29 Zone (CD29) in order to allow for a mix of residential and institutional uses, including the following:

- 24 single family lots;
- 4 residential duplex lots
- a 16 unit residential building strata consisting of a mix of duplex, triplex and quadruplex units;
- a 45 unit 2 storey seniors retirement complex, plus one overnight guest accommodation unit;
- a 75 unit seniors care facility, plus one overnight guest accommodation unit.

The applicants propose to locate an accessory convenience store and accessory personal care services, such as a barber shop/ salon, launderette, etc, within the care facility.

**Public Information Meeting**

A Public Information Meeting (PIM) was held for the application on July 13, 2005. The PIM was advertised in the July 4, 2005 edition of Take5 and in the July 5, 2005 edition of the Harbour City Star. In addition, all landowners within 500 metres of the subject properties received direct notice of the meeting in the mail and landowners and tenants within 50 metres of the subject properties also received hand delivered notice of the meeting. Notice of the meeting was published on the RDN website. The summary of the proceedings of this meeting are attached (*see Attachment No. 2*). In addition a written submission was received after the PIM with respect to the proposal (*see Attachment No. 3*). The public raised a number of concerns at the PIM including the following:

- Concern with respect to existing traffic volumes and pedestrian safety on Cedar and Hemer Roads. The public expressed concern that the proposal will add to this existing problem and result in higher traffic volumes on already congested roads.
- Proposed impacts on adjacent properties and view corridors as a result of the proposed seniors' retirement complex, including concern that one of the buildings is proposed to be three storeys.
- Concern that proposed density is too high for the Cedar Village area at this time and that the existing infrastructure cannot support the proposed densities.
- Questions were raised with respect to the need for this density of seniors' housing in Cedar where no hospital or clinical services are provided locally.
- Concern with respect to drainage from the site and protection of the wetland area and York Lake adjacent to the subject properties.
- Impacts of higher densities on crime in the neighbourhood.

**ALTERNATIVES**

1. To approve the amendment application as submitted for 1<sup>st</sup> and 2<sup>nd</sup> reading and proceed to Public Hearing.
2. To approve the application for 1<sup>st</sup> and 2<sup>nd</sup> reading, in consideration of the applicant offering to undertake the conditions outlined in Schedule No. '1' of this report, and proceed to a second public information meeting and subsequently to Public Hearing.
3. To not approve the amendment application for 1<sup>st</sup> and 2<sup>nd</sup> reading and provide further direction to staff.

---

## OFFICIAL COMMUNITY PLAN IMPLICATIONS

The Electoral Area 'A' Official Community Plan No. 1240, 2001 identifies the Cedar Village Centre as the main commercial and service centre for Electoral Area 'A'. The OCP policies support the proposal to develop higher density housing that recognizes the changing housing needs of the population, such as seniors and young families, in the Village Centre. Therefore, the rezoning of this parcel to a comprehensive development zone for a mix of residential uses is supported by the OCP.

Policy No. 2 of the Cedar Village Centre section of the OCP states that a maximum of 100 dwelling units of multi-family residential housing may be considered within the Village Centre, subject to a zoning amendment application. Multi-family housing is defined as three or more dwelling units on a parcel, therefore duplex units are not considered multi-family units. This proposal includes a request to allow a 45 unit retirement apartment complex and a building strata comprising of a mix of 16 residential duplex, triplex and quadruplex units. Should the Board consider granting approval for this development, the OCP supports the future development of at least 39 additional multi-family units within the remainder of the Village Centre lands.

Policy No. 3 states that supported housing accommodating up to 75 residents may be considered within the Cedar Village Centre. Supported housing is defined as 'housing with a combination of support services and combines building features and personal services to enable people to remain living in the community as long as they are able and chose to do so.' This application includes a proposal to develop a seniors' personal care unit facility that will provide sleeping units for persons aged 65 years or older, where one or more meals is provided daily and housekeeping services are available if required. It is proposed that a Licensed Practical Nurse (LPN) will also be on site to assist people in taking medications if necessary. The applicants propose to develop a common dining area that can accommodate all of the residents in the facility. Staff propose to include 'personal care unit' as a use within the CD zone, and restrict the maximum number of residents to 75 persons through the registration of a section 219 covenant on the title of the property.

## DEVELOPMENT IMPLICATIONS

The subject properties are currently vacant. To ensure the future uses are in keeping with the OCP direction to support higher density residential uses, staff is recommending that a comprehensive development zone be created to include a number of specific land uses and to establish building envelopes, parcel coverage and minimum parcel sizes to control future densities. In addition, a number of off-site and on-site works will be secured through the registration of a section 219 covenant on the title of the subject properties (*see Schedule No. 1*).

Although the applicant is not proposing any specific development for the site at this time, it is noted that the subject properties are designated within the Development Permit Area No. 3 and development of the site for multi-family uses will require the issuance of the development permit prior to commencing construction. It is noted that Development Permit Area No. 3 includes guidelines such as the incorporation of pedestrian traffic routes to provide connections to neighbourhoods, the development of low rise clustered structures oriented towards streets where possible, appropriate use of lighting and landscaping and unobtrusive signage. The applicants are aware that the Development Permit guidelines will apply to the development should the zoning receive Board approval. The applicants do not want to apply for a development permit at this stage as the permit is only valid for a period of two years and the exact form and character of the development has not yet been determined. Staff support the applicants' proposal that details regarding landscaping, off-street parking, siting, building design, signage and lighting, location of recycling and garbage facilities and pedestrian access routes be reviewed by staff and approved by the Board at the Development Permit stage.

***Proposed Land Uses***

***24 Single Family Lots and 4 Residential Duplex lots (areas 'D' and 'E' on Schedule 2)***

The applicants propose to develop 24 single family residential lots with a minimum parcel size of 450 m<sup>2</sup> and 4 duplex lots with a minimum parcel size of 545 m<sup>2</sup> with community water and community sewer services. The applicants propose to register a building scheme covenant on the titles of all single family lots and residential duplex lots that address the form and character of the buildings. This building scheme will not be enforced by the RDN, but is enforced by the residents of the neighbourhood. A development permit is not required from the RDN to develop the dwellings on the single family or duplex lots.

The applicants intend to contribute to the mix of housing options available for Cedar residents by providing smaller lots within the Village Centre that allow for higher densities while still meeting the needs of families who would like the residential amenities offered by a single dwelling unit.

The 4 duplex lots, totaling 8 residential units, are intended to provide additional options for families who wish to locate within the Village Centre and benefit from the amenities afforded by living in close proximity to services while still having the space and privacy of a ground oriented dwelling unit.

***16 Unit Retirement Building Strata – combination of duplex, triplex and quadruplex units (area 'A' on Schedule 2)***

The applicants propose to develop a retirement building strata for persons aged 55 years or over. This building strata will be comprised of a mix of residential housing options including duplex, triplex and quadruplex units. A building scheme or covenant registered on title by the developer will limit the age of residents. The RDN will not enforce this covenant. All units are proposed to be one storey design with off-street parking available for each unit. A development permit application addressing the form and character of this development will be required for this phase and will be subject to the consideration of the RDN Board prior to any works commencing on the site.

***45 Unit Retirement Building Strata (area 'B' on Schedule 2)***

The applicants propose to develop a 45 unit, plus one overnight guest accommodation unit, to house persons aged 55 and older. The applicants proposed a three storey design for one of the buildings within this strata. However, during the PIM, there were a number of concerns raised with respect to the height of the proposed structure in this location. Staff recommend the creation of a CD zone that limits the maximum permitted height for this building to 9.0 metres as measured from natural grade. The proposed CD zone will address the permitted uses, the maximum parcel coverage, building envelope limits and density. The *Local Government Act* permits a landowner to apply to the board to vary an element of the zoning other than the use or density. In this case, the applicants will have the option of applying to the Board for a variance to the maximum permitted height of the buildings. Should the applicant decide to proceed with a height variance at the development permit stage, Board policy requires that adjacent property owners within 50 metres of the subject property receive direct notice of the proposed variance.

***Seniors' Personal Care Units (area 'C' on Schedule 2)***

The applicants propose to develop a seniors' care facility to provide supported housing for a maximum of 75 residents. The OCP policy limits the capacity to a maximum of 75 residents, so in order to address this in the proposed CD zone, planning staff recommends that the number of units be limited to 75 single room units, or a combination thereof to a maximum of 75 persons. The applicants stated that they wish to have a nurse on site to assist residents with taking medications where necessary. A development permit is required prior to commencing works on the personal care units. The applicants have indicated that this development will not occur until there is a demonstrated market for this use.



## SERVICING IMPLICATIONS

In order to develop the proposed density of uses, full community services will be required. The applicants propose to extend the sewer line from the existing force main located at Walsh and MacMillan Roads to the subject properties. Sewage from the site will then be pumped to the Duke Point sewage treatment plant. The applicants have submitted the petition to include the subject properties into the sanitary sewer LSA and the RDN Engineering Department is preparing a report for the Board with respect to this application. Properties located along the proposed sewer alignment would be afforded the opportunity to petition for inclusion in to the sewer LSA. Should the development proceed, the sewer works would be transferred to the RDN upon completion.

With respect to potable water, the applicants have submitted a letter from the North Cedar Improvement District (NCID) indicating that community water connections will be provided for the proposed development (*see Attachment No. 4*). The correspondence received also indicates that fire protection services will be provided by the NCID volunteer fire department. Prior to final approval for the subdivision, the applicants will need to provide proof, to the satisfaction of the Approving Officer, of the community water connections to the development.

The applicants propose to locate a storm water detention pond on the ALR portion of Lot A, north of the Morden Colliery Trail. The applicants have submitted their proposal to the ALC for this use and it is anticipated that a decision will be received from the ALC in early August 2005. Should the ALC not approve the application to locate the storm drainage facility on the ALR, the applicants will have to review the proposal and come up with an alternative storm drainage plan. This may affect the achievable density of the development and result in lower densities being built. Storm drainage works will be transferred to the RDN through a statutory right-of-way. The applicants have submitted a petition to be included in to the Cedar Community Storm Water Drainage Management Area.

As part of the development, the applicants have indicated that they are willing to install sidewalks within the road rights-of-way within the development. At this time, the RDN does not have a sidewalk function in the Cedar area that would allow for RDN maintenance of the sidewalks once they are installed. MOT has indicated that it does not want to maintain sidewalks and therefore, MOT may not permit the applicants to construct sidewalks within the road rights-of-way. It is anticipated that the RDN will apply to assume a sidewalk function for this area in the near future and can charge for sidewalk maintenance through parcel taxes as part of a local service area. For this reason, staff recommend that the applicants provide a security to the RDN to ensure installation of the sidewalks when the function has been assumed by the RDN.

## PUBLIC CONSULTATION IMPLICATIONS

As mentioned above, the public expressed a number of concerns with respect to the proposed development. The two principle concerns were traffic and pedestrian safety and the impact on adjacent property owners' views as a result of the proposed three storey seniors' retirement building.

### *Traffic and Pedestrian Safety*

Concerns were raised that there is no safe pedestrian route along Hemer Road. The applicants are in agreement to work with the Ministry of Transportation to culvert and fill in the existing ditch along Hemer Road to provide a wider right-of-way for pedestrian traffic in this location. In addition, the applicants have indicated that they are in agreement to pave the shoulder on Cedar Road to facilitate safer access to the site from Cedar Road and prepare the intersection for future road improvements. In addition, the applicants are offering to create a pedestrian trail along the eastern boundary of the subject properties

within the existing gas pipeline right-of-way to access the Morden Colliery Trail. Sidewalks and pedestrian connections will also be provided within the proposed development.

The applicants have provided the RDN with a traffic impact study prepared by McElhanney Consulting Services Ltd. in March 2005, which provides details on the existing traffic volumes and projected increases as a result of the development. The traffic impact study states that the projected traffic volumes do not warrant significant road upgrades, such as a dedicated left turn lane on Cedar Road, within a 10 year time horizon.

#### *Height of Seniors' Retirement building*

As a result of concerns from adjacent property owners on Starling Crescent with respect to impacts on their views from the proposed three storey retirement building, staff recommend that the CD zone limit height for all buildings to a maximum of 9.0 metres. Should the applicants decide that they wish to pursue a variance to this maximum height requirement, the Board and adjacent property owners will have the opportunity to review the height of the building at the Development Permit stage, along with detailed design drawings and landscape plans. The applicants feel that they can adjust the design of the building to mitigate any impact on neighbouring properties and can provide additional information, such as topographical surveys and site line drawings, to support the variance request if it is determined a height variance is desired. However, the applicants have acknowledged that a height variance is not guaranteed and is issued at the discretion of the Board.

If the application proceeds, a formal Public Hearing will be required as part of the zoning amendment process. However, given the level of public concerns with this development, and the fact that a Public Hearing does not allow for discussion of the issues or a question and answer period, RDN staff feel that a second Public Information Meeting should be held before the Hearing to allow the applicants to address the issues of concern raised at the July 13, 2005 PIM. It is anticipated that this PIM be held in August prior to the formal Public Hearing in early September.

#### **ENVIRONMENTAL IMPLICATIONS**

The Environmentally Sensitive Areas Atlas indicates that the lower portion of Lot A contains a wetland and this area drains into York Lake.

With respect to storm water resulting from the development of the site, the applicants are proposing to construct a storm detention pond on the ALR portion of Lot A, adjacent to the Morden Colliery Trail. This is subject to the consideration of the ALC. Should the ALC not approve the storm drainage works in this location, the applicants will have to locate the works south of the Trail. The storm drainage works will be engineered so that there is no negative impact on the adjacent wetland. The applicants will design and install the drainage system and the RDN will administer the drainage works through a Statutory Right-of-Way.

#### **SUBDIVISION IMPLICATIONS**

The applicants will be applying for subdivision to create separate parcels for each land use. The Ministry of Transportation is the Approving Officer for subdivision in the RDN and the applicants will have to satisfy all of the requirements of subdivision for MOT and the RDN. At the time of subdivision, the RDN will review the applicants proposal and provide comments to MOT with respect to a number of land use issues. These include reviewing the proposed layout to ensure that the minimum 10% frontage requirements are met for each proposed parcel. If the frontage cannot be met, the applicants may apply to the RDN Board for a relaxation to this requirement. Planning staff will review the proposed layout to ensure that sufficient site area exists on each proposed lot to accommodate the intended uses permitted in

the zone. A Development Permit will be required for subdivision of the lands. The DPA guidelines include provisions for the consideration of pedestrian and vehicular access and storm water management.

Park land requirements pursuant to section 941 of the *Local Government Act* have been met during previous subdivision applications. However, the applicants are proposing to dedicate a 335 m<sup>2</sup> (3600 square feet) park to be used as a tot-lot within the subdivision.

## INTERGOVERNMENTAL IMPLICATIONS

*Ministry of Transportation (MOT)* – planning staff met with representatives from MOT on July 22, 2005 to discuss MOT's requirements for road upgrades along Cedar and Hemer Roads at the time of subdivision. MOT indicated that the Ministry does not want sidewalks installed along Cedar or Hemer at this time. In an effort to address the concerns raised at the PIM with respect to pedestrian safety along Hemer Road, MOT stated that they would be in agreement to allow the applicants to culvert the existing ditch along Hemer providing additional room for pedestrians along Hemer Road. In addition, MOT indicated that they will likely not require a formal left turn lane on Cedar Road to access the site, but would accept the paving of the shoulder along Cedar Road to improve movement at the intersection. MOT indicated that there is no need for a signalized intersection on Cedar Road at this time.

The applicants are in agreement to these suggestions and are working with MOT to obtain formal comments on the requirements and develop design specifications for these improvements. MOT is the Approving Officer for subdivision and any off-site road upgrades will be completed as part of the subdivision approval process. It is recommended that the off-site works be secured by a section 219 covenant and that appropriate bonding be held by the RDN as part of the zoning amendment process.

## VOTING

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

## SUMMARY

This is an application to amend the zoning for two parcels of land located within the Cedar Village Centre and Urban Containment Boundary from CM2M to Comprehensive Development Zone 29 in order to facilitate the development of a mix of residential housing options including 24 single family lots, 4 residential duplex lots, a 16 unit building strata comprising of duplex, triplex and quadruplex units, a 45 unit seniors' retirement complex with one overnight guest accommodation suite and a 75 unit personal care facility with one overnight guest accommodation suite. In addition, the applicants propose to locate an accessory convenience store and personal service uses in the personal care unit complex.

The applicants are proposing to provide a variety of housing options for the various residents in the Cedar community. It is staff's opinion that the proposed densities are acceptable for a Village Centre and will help to reduce potential development pressures on lands located outside urban containment boundaries. The applicants are proposing to include a number of amenities as part of the proposal that staff feel will enhance the village centre and benefit the residents. These amenities include road upgrades along Cedar and Hemer, a pedestrian trail accessing the Morden Colliery Trail from Hemer Road, a play space for young children within the development, sidewalks within the development, a storm drainage system and sewer connections for property owners within the village centre and along the proposed sewer alignment.

Given that the OCP supports higher density residential and public service uses on these properties, the applicants are providing public amenities that will enhance the village centre area, and the applicants are

in concurrence with the conditions outlined in Schedule No. 1, staff recommends Alternative No. 2, to approve the amendment application subject to the conditions set out in Schedule No. 1 for 1<sup>st</sup> and 2<sup>nd</sup> reading and to proceed to a second Public Information Meeting and subsequent Public Hearing.

**RECOMMENDATIONS**

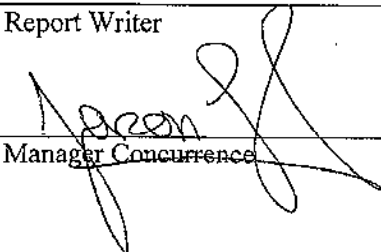
1. That Zoning Amendment Application No. ZA0510 to rezone the properties legally described as 'Lot A, Section 14, Range 7, Cedar District, Plan VIP57874, Except Part in Plan VIP59634, VIP67432 and VIP76260' and 'Lot 6, Section 14, Range 1, Cedar District, Plan VIP59634,' from Commercial 2 Subdivision District M (CM2M) to Comprehensive Development 29 (CD29) in order to facilitate the development of a mix of residential housing options and personal care uses be approved to proceed to public hearing, subject to the conditions outlined in Schedule No. 1.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.323, 2005" be given 1<sup>st</sup> and 2<sup>nd</sup> reading
3. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.323, 2005" be delegated to Director Kreiberg or his alternate.



Report Writer



Deputy Administrator Concurrence



Manager Concurrence

**COMMENTS:**

*devsvs/reports/2005/ZA3360 30 0510 RBA Inc. au 1<sup>st</sup> and 2<sup>nd</sup>*

**Schedule No. 1**  
**Conditions of Approval**  
**Zoning Amendment Application No. ZA0510**  
**Lot A, Section 14, Range 7, Cedar District, Plan VIP57874, Except Part in Plan VIP59634,**  
**VIP67432 and VIP76260 & Lot 6, Section 14, Range 1, Cedar District, Plan VIP59634**

The following conditions are to be completed prior to consideration of Amendment Bylaw No. 500.323, 2005 for 3rd reading:

1. Applicants to provide written confirmation from the ALC that the storm drainage works have been approved on the ALR portion of Lot A. Should the ALC not grant approval for the proposed works, the applicant shall provide an amended plan indicating the location of the storm drainage works.
2. Applicants to confirm the proposed sanitary sewer route alignment.
3. Applicants to provide details design drawings indicating the location of sidewalks and streetlights within the proposed development.
4. Applicants, at their expense and to the satisfaction of the Regional District, to prepare a draft section 219 covenant restricting the residential use of areas A, B, and C on Schedule 2 to persons over the age of 55 years.
5. Applicants, at their expense and to the satisfaction of the Regional District, to prepare a draft section 219 covenant restricting any building on the lands until the following items have been addressed:
  - Applicants shall construct, or provide security for 100% of the cost to construct, a 2.0 metre wide pedestrian trail within the existing right-of-way (Plan VIP56227) from Hemer Road connecting to the Morden Colliery Trail. The applicants shall install directional signage at each end of the trail.
  - Applicants to culvert, or provide 100% of the cost of the works to culvert and fill in the existing ditch along Hemer Road from the east corner of Lot 6 to the intersection with Cedar Road to the satisfaction of MOT.
  - Applicants to pave the western shoulder of Cedar Road from the southern point of the access to the subject properties northwards for a minimum length of 30 metres, to the satisfaction of MOT, or provide security for 100% of the cost to complete the works.
  - Applicants shall construct, or provide security for 100% of the cost to install, the sidewalks and street lighting system as outlined in the sidewalk plan, to the satisfaction of the RDN.
  - Applicants to develop, or provide security for 100% of the cost of the works to develop, the tot-lot within Area D of the site on an area at least 335 m<sup>2</sup>. The park shall be transferred to the RDN and shall be constructed to Canadian Safety Standards and developed in consultation with the RDN Recreation and Parks Department.
  - Applicants to include a clause in the section 219 covenant stating that the maximum capacity of residents within the personal care units shall not exceed 75 persons.

The following conditions are to be completed prior to consideration of Amendment Bylaw No. 500.323, 2005 for adoption:

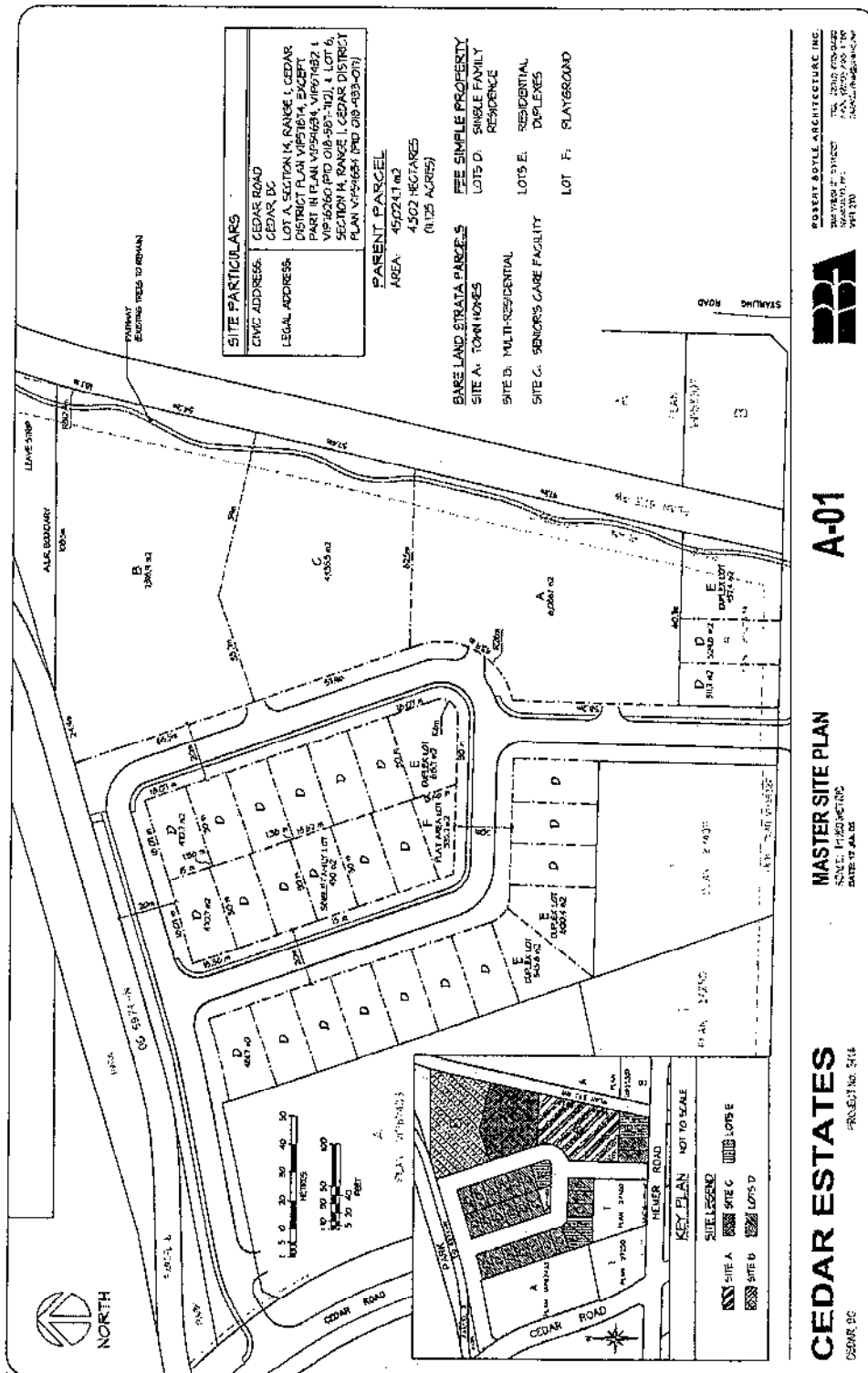
6. Applicant to register the approved section 219 covenant on the title of the subject properties. Applicant may provide a letter of undertaking from their solicitor that the covenant document will be registered within 14 days of the Board adopting Bylaw No. 500.323, 2005, and acknowledging that the Board will downzone the lands should the covenant not be registered.

7. Applicant to meet all of the requirements of the RDN Engineering and Subdivision Standards Department for the design and installation of the storm water drainage system, sanitary sewer connections, and sidewalks, including bonding if deemed necessary by the RDN.
8. Applicant to provide a copy of the access permit from MOT including its requirements for road upgrades on Cedar and Hemer Roads.

The following conditions, in addition to conditions required by other RDN departments, if applicable, are to be completed prior to the applicants requesting final sign off from the RDN for the subdivision of the lands:

9. Applicants to provide proof of connection to NCID community water system.
10. Applicants to satisfy RDN Engineering and Subdivision Standards Department with respect to sanitary sewer connections.
11. Applicants to satisfy RDN Engineering and Subdivision that the Subdivision Regulations pursuant to Part 4 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" have been met to the satisfaction of the RDN.

**Schedule No. 2**  
**Proposed Layout of Permitted Uses**  
**Zoning Amendment Application No. ZA0510**  
**Lot A, Section 14, Range 7, Cedar District, Plan VIP57874, Except Part in Plan VIP59634,**  
**VIP67432 and VIP76260 & Lot 6, Section 14, Range 1, Cedar District, Plan VIP59634**

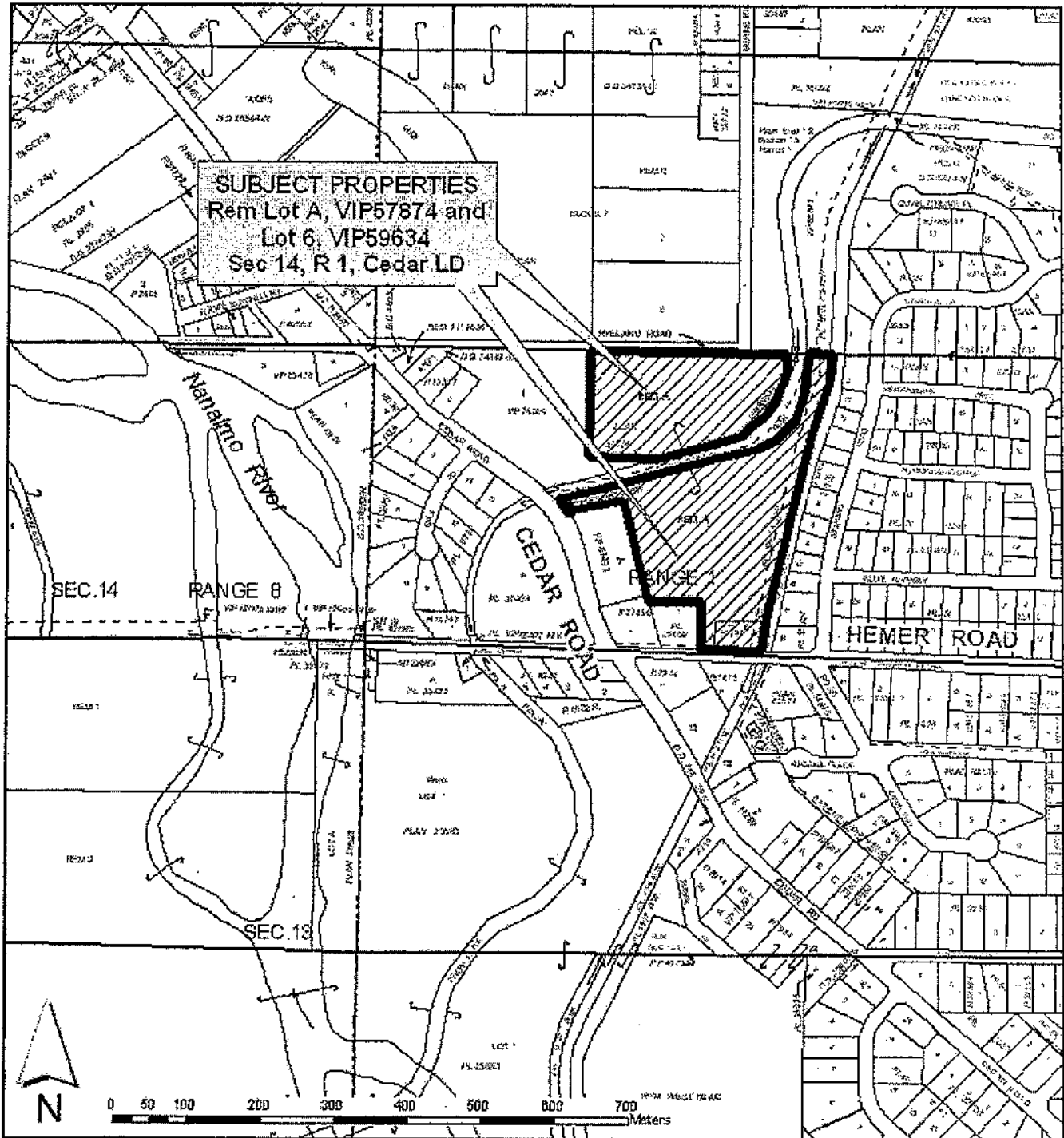


Attachment No. 1

Zoning Amendment Application No. ZA0510

Lot A, Section 14, Range 7, Cedar District, Plan VIP57874, Except Part in Plan VIP59634,  
VIP67432 and VIP76260 & Lot 6, Section 14, Range 1, Cedar District, Plan VIP59634

Location of Subject Property





**Attachment No. 2  
Zoning Amendment Application No. ZA0510**

**Report of the Public Information Meeting  
Held at Cedar Heritage Centre  
1644 MacMillan Road, Cedar, BC  
July 13, 2005 at 7:00 pm**

**SUMMARY OF THE MINUTES ON THE PROPOSED ZONING AMENDMENT  
FOR LOT A, SECTION 14, RANGE 1, CEDAR DISTRICT, PLAN VIP57874, EXCPET  
PART IN PLANS VIP59634, VIP67432 AND LOT 6, SECTION 14, RANGE 1, CEDAR  
DISTRICT, PLAN VIP59634**

*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 69 persons in attendance.

**Present for the Regional District:**

Director Henrik Kreiberg, Electoral Area 'A', Meeting Chair  
Jason Llewellyn, Manager of Community Planning  
Wayne Moorman, Manager of Engineering and Subdivision Standards  
Keeva Kehler, Planner

**Present for the Applicant:**

John Morgan, Applicant  
Robyn Kellin, Applicant  
Robert Boyle, RBA Architecture Inc., Agent for applicant  
Bob Hoffstrom, McElhanney Engineering, Agent for applicant

**Director Kreiberg, Chair** opened the meeting at 7:05 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 proposed zoning amendment. Keeva Kehler then provided a brief outline of the applicant's proposal to amend the zoning from CM2 to a CD zone to facilitate a mix of residential housing options on the subject property.

Following staff's presentation, the **Chair** invited Robert Boyle, agent for the applicant to give a presentation on the details of the proposal. Mr. Boyle outlined that the current proposal was consistent with the OCP policies for the area. The applicants believe that the site is better suited to residential uses rather than commercial uses. Mr. Boyle described the components of the proposed development including the single family lots, medium density duplex, triplex and quadruplex options and seniors' retirement and care facility proposal.

**Les Lindquist, 1885 Starling Road**, stated that he is opposed to rental units in Cedar and is concerned with drug issues.

**Robyn Kellin, Applicant**, stated that they are not proposing rental accommodation. The developer anticipates that the strata council will restrict or prohibit rentals to protect homeowners.

**Les Lindquist** stated that he is supportive of seniors housing options in Cedar.

**Joan Edwards, Cedar Road** asked if there has been an assessment on the impact of the increased traffic levels associated with the proposal. Ms. Edwards stated that there are 10,000 cars on Cedar Road daily and pedestrian safety is a major concern.

**Bob Hoffstrom, Agent**, stated that a traffic impact study has been conducted based on the proposed development. Mr. Hoffstrom outlined that manual counts of the existing traffic were done and projected growth over 10 years was assessed. According to the study, there is no warrant for new traffic signals on Cedar Road as a result of the proposal.

**Robert Boyle, Agent** stated that the current CM2 zoning would generate significantly more traffic than the applicants' proposal. Mr. Boyle stated that seniors housing as a use is the lowest traffic generator.

**Gudrun Meynert, 2240 Ara Avenue** asked if the sole cost for installing sewer and water would be borne by the applicants.

**Wayne Moorman, RDN**, explained that water comes from North Cedar Improvement District (NCID) and that the sewer would be turned over to the RDN when constructed. Mr. Moorman stated that the applicant is responsible for bringing the sewer connection from the existing pump station at Duke Point to the site. People fronting on to the sewer system will have the opportunity to buy in and costs share the development. The RDN will only charge those people in the Local Sewer Service Area (SLSA) for sewer and they would have to enter in to the petition process to be included.

**Bob Hoffstrom, Agent** stated that McElhanney Engineering is the engineer for NCID and there will be no cost to existing water users as a result of supplying water to the development. Mr. Hoffstrom explained that the developer contributes capital charges which will partly be used to develop future water capacity.

**Rick Bolton, 1678 Nairne Road**, asked if there was an easier route for the sewer to follow than those proposed on the maps.

**Bob Hoffstrom**, stated that a study was done for the RDN on sewer options and alignments and that the route was selected based on the cheapest option using gravity.

**Rick Bolton** asked what the timeline for sewer was.

**Wayne Moorman, RDN** stated that a treatment facility was needed to provide sewer to the area. Approximately 7 years ago the RDN acquired the Duke Point facility. Sewer service is proposed to be provided in the village core in accordance with the RGS and the OCP. The sewer system was too costly to install 7 years ago. The school is now connected to the sewer. The developers need to extend service to the site and are looking for ways to cost share sewer with the residents and owners along the way.

**Rick Bolton** stated that he believed there would be a moratorium on subdivision in the area until sewer became available.

**Wayne Moorman** stated that the development is the catalyst for sewer in this area. No grants are available provincially at this time because the zoning bylaw permits the subdivision of land below 1 ha when sewer is not available.

**Kerri-Lynne Wilson, 1720 Nairne Road**, asked what was happening with the ALR property and was Ryeland Road being extended.

**Robert Boyle** stated that the land to the north is in the ALR and is not part of the development proposal.

**Sean Roberts, 2748 Cedar Road** asked about the infrastructure to support this development. Mr. Roberts stated that he feels this proposal is a stepping stone for more development in Cedar. Mr. Roberts asked where does the development stop?

**Robert Boyle** stated that the OCP policies for Cedar limit the development options outside the core. This proposal is consistent with the OCP and concern for the rest of the community is implicit in the OCP and the development.

**Sean Roberts** stated that added crime comes with added development.

**Robert Boyle** stated that seniors housing is the main component of the proposal. Mr. Boyle felt that seniors are a welcome addition to a community as they volunteer, pay taxes and contribute to society.

**Clarence Elzinga, 2207 Hemer Road**, stated that kids have to walk along the narrow dangerous roads which are not to standard now and have no sidewalks. Mr. Elzinga felt that the infrastructure is not sufficient now to support existing uses, or the new development.

**Frank Garnish, 2512 Barnes Road** stated that the current zoning is commercial. Mr. Garnish feels like the developer is telling the community what they want and that seniors housing is needed. Mr. Garnish did not feel that the density was appropriate and stated that this was a for-profit enterprise, not for the community.

**Rick Grant, 1806 Meadowlark Crescent** stated that rentals bring crime.

**Robert Boyle** asked the public what restrictions do people have on their own homes now for rental control. Mr. Boyle explained that the developer will register covenants on the title of the town homes that restrict the age of residents and strata bylaws can limit or prohibit rentals.

**Tracy Huston, 1817 Starling Road** stated that rentals cause problems and there are duplexes and triplexes proposed.

**Robert Boyle** stated that the average age in the town homes will be 65 plus and in the apartments will be 85 years. Everyone who rents their property should screen it to ensure that there property is protected.

**Janelle Park, 1812 Cedar Road**, asked about the traffic routes coming out of the development.

**Robert Boyle** stated that there will be a combined exit from the Wheatsheaf parking lot.

**Janelle Park** stated that there is only one bus servicing the area, there are no sidewalks or facilities for pedestrians. This is a rural area of Cedar and Ms. Park felt that the development is too highly concentrated for the area given its existing level of services. Ms. Park stated that the traffic conditions are hazardous now without the extra densities proposed. Ms. Park requested that the traffic impact study be published for all to review.

**Dave Putnam, 2120 Hemer Road** stated that the developer cannot stop rentals and does not care.

**Robert Boyle** stated that people cannot build a home, mortgage it and cover the mortgage with rent. Mr. Boyle felt that the owners will take the same level of care and pride that any other owners will take.

**Rita Rossport, 178 Cedar Road** asked how many families will be in the development. Ms. Rossport stated that there are 4 cars per family. Ms. Rossport stated that the schools are already overcrowded. Ms. Rossport stated that young families will add to the capacity for schools and older families will add to traffic.

**Robert Boyle** stated that the developer cannot deal with all the problems in the region.

**Rita Rossport** stated that there are too many people in Cedar already.

**Bob Hoffstrom** stated that the schools in Cedar are designed to add extra capacity to accommodate new students.

**Frank Garnish** stated that the number of students is declining in Nanaimo. Mr. Garnish stated that Cedar has room for more students.

**Wanda Best, 1850 Woobank Road** asked if all lots will belong to the same strata. Ms. Best said that everyone has an opportunity to sit on the strata and the rules can be enforced.

**Robyn Kelln, Applicant** stated that they are on the same page as people in the room. Mr. Kelln stated that the strata bylaws are formed before the development is sold, other residents can police the uses and enforce. The regulations put in by the developer will prevent a slum from forming. The densities permitted under the current zoning would generate much more traffic and Mr. Kelln felt that the current proposal creates the least impact on the area.

**Mr. Binnersley, 1879 Starling Road** asked how much of a buffer will remain between the pipeline and the development.

**Robert Boyle** indicated that the gas right-of-way is 37 feet and will be left as is.

**Eileen Knight, 1827 Starling Road** stated that she opposes the 3 storey facility behind her house. Ms. Knight said that she benefits now from the privacy of the pipeline. Ms. Knight has concerns with traffic safety in the community.

**Robert Boyle** reiterated that the property is now zoned commercial. Mr. Boyle said that the developers are planning to build lower densities than the OCP permits.

**Jim Brown** asked about the traffic study and whether MOT has approved it.

**Robert Boyle** explained that the applicant went to MOT 10 months ago but has not received final decisions on what upgrades might be required. MOT is waiting for the zoning to be in place before commenting.

**Jim Brown** stated that people cannot walk down Hemer Road now if 2 cars are coming.

**Penny McKay, 2127 Yellow Point Road** asked about the increase in water consumption and the impact on the Nanaimo River and the aquifer.

**Bob Hoffstrom** explained that NCID has capacity for the development and has purchase another well for future development. NCID has provided a letter of no objection to the proposal.

**Vickie Suddaby, 1847 Woobank Road** stated that she is concerned that the development is too dense and wonders if there is a need for this now in Cedar. Ms Suddaby asked if the 3 storey units could be moved to the other side of the lot and what the plans were for developing the phases of the project.

**Robert Boyle** stated that he anticipated that the single family lots would be developed first and then the duplexes. The developers see the seniors housing as a long term plan built when market conditions warrant.

**Rob Holdum, 2443 Cedar Road** stated that there is a problem with schools and the existing traffic in Cedar, but that this is nothing to do with this development. Mr. Holdum said that he has family members who are aging and want to stay in Cedar. Mr. Holdum felt that the development will meet the needs of seniors in the community. Mr. Holdum added that development is limited to the core area by the availability of sewer. Mr. Holdum felt it was a good proposal for the area.

**Jeff McPheet** asked about the emergency services for the seniors.

**Robert Boyle** explained that home support services are available to seniors now and that it would increase efficiency to have seniors in one condensed area. There will be a LPN on site in the care facility and seniors from this area will be able to age in place.

**Trixie Neufeld, 1859 Starling Road** stated that she would like to see the existing wildlife and trees on the pipeline preserved.

**Alec McPherson, 2678 Nicola Road** asked how many parking spaces would be on the site.

**Wanda Best, 1850 Woobank Road** asked if all lots will belong to the same strata. Ms. Best said that everyone has an opportunity to sit on the strata and the rules can be enforced.

**Robert Boyle** stated that there are 2 off-street spaces per single family lot, 1 or 2 for each townhouse and 1 space per 5 units for the care facility.

**Pattie McPheet, 2160 Hemer Road** said she was concerned if demand for seniors housing does not materialize. Ms. McPheet asked what will happen to the lots then.

**Robert Boyle** indicated that if the zoning goes through the uses are tied down and cannot be switched to a new use. The seniors' facility would not be built until the need is there and will be restricted to seniors use by covenants.

**Pattie McPheet** stated that the traffic is already bad and she is concerned for the safety of the community's children if the development goes ahead and adds to the traffic.

**Director Kreiberg** agreed that the traffic issue is a difficult one and there has been limited success dealing with MOT in the past.

**Pattie McPheet** said that she cannot support the proposal without a road fix.

**Joe Burnett, 2520 Pylades Drive** asked if the community can petition highways to fix the road problems.

**Director Kreiberg** stated that MOT is in transition, but writing letters can only help. Woobank has been identified as needing traffic calming measures.

**Frank Garnish** stated that the RDN can have input on access but in the end MOT will do what they want. Mr. Garnish asked what is being done to attract kids from Cedar to the development. Mr. Garnish also asked if covenants can be changed.

**Janelle Park** asked if a building scheme can be changed if everyone agreed to the change.

**Sharon, Cedar** stated that she has 80 year old parents who use scooters to get around. Sharon was concerned that 1 car per unit for seniors is not realistic. There will likely be a increase in scooter and pedestrian traffic but there is no facilities to support this now. Seniors will need more medical facilities such as clinics and doctors.

**Robert Boyle** stated that there are standards established for the number of parking spaces.

**Sharon** asked if a survey has been done to determine the need for seniors housing.

**Gudrun Meynert** asked if the seniors care facility will be provincially funded and if it will be a complex care facility with day to day services provided.

**Robert Boyle** explained that some of the seniors units will be for independent living with minimal care and some will be for continuous care meeting a variety of seniors needs.

**Greg Rouvroye, 1820 Starling Road** stated that he is concerned with the influx of people to the area. Mr. Rouvroye feels that there is already a problem with traffic and he would like to see MOT take a proactive stance towards upgrades on this strip of highway.

**Bob Hoffstrom** said that MOT does not want to get involved at the zoning amendment stage, as the development may not get approval and they have constraints on their time with respect to reviewing proposals. MOT deals with the traffic issues at the PLA stage and may ask for upgrades at that time.

**Robyn Kelln** stated that he has met with MOT and explained that sidewalks and upgrades have to occur in the road right-of-way. Mr. Kelln said that they are prepared to work with the RDN. MOT and the engineers to work out some solution on Hemer Road.

**Barry Haslir, 3180 Farrar Road** asked about the time frame for full build out.

**Robyn Kelln** stated that they anticipate it will be at least 3 to 4 years.

**Area resident** asked why the single family units are proposed where they are?

**Robert Boyle** said that the majority of the traffic comes from the single family dwelling units. It is not appropriate to put the seniors facilities between the area of Cedar Road and the single family units where all the traffic will have to pass through to exit the site.

**An area resident** asked if fencing will be installed along the trails.

**Robert Boyle** explained that the trails will be open to the public

**Eileen Knight, 1827 Starling Road** asked if the height of the proposed seniors apartments could be restricted to 2 storeys only.

**Jason Llewellyn** said that was an option that will be discussed with the developers.

**Robert Boyle** stated that the developers must meet a certain density to make the project viable, but they will look at re-configuring the layout to see if they can get the same number of units.

**Robyn Kelln** stated that the topography in this area is such that excavation will occur to develop the buildings so the maximum roof line may not be that high above the pipeline. The architectural design can be amended to minimize the impact of the height.

**Frank Garnish** asked what the height restriction is currently on the site.

**Keeva Kehler** explained that the height for CM2 zoning is 8 metres or 26.25 feet

**Mr. Morris, 3400 Yellow Point Road** said that the NCID fire hall had to meet 11 metres as its height and there is no fire protection equipment that can reach 3 storeys.

**Janelle Park** asked about the drainage plans and the ALC decision. Ms. Park wanted to know if the RDN would make a decision before the ALR meets to review the plan.

**Jason Llewellyn, RDN** explained that the facility is proposed for the ALR and the ALC will review the proposal in August. RDN will not make a decision until the ALC has ruled. It is anticipated that the ruling will come before the Public Hearing.

**Vickie Suddaby** said that she is concerned with the small size of lots proposed.

**Sean Roberts** asked when the developers' responsibility ends

**Robyn Kelln** stated that the topography in this area is such that excavation will occur to develop the buildings so the maximum roof line may not be that high above the pipeline. The architectural design can be amended to minimize the impact of the height.

**Robert Boyle** explained that there are two controls that dictate what can happen on the site. Developers will put covenants on the title and the zoning controls the buildings' height, size and use. People must conform to both.

**Joe Burnett, Pylades Drive** asked if they will be a reverter clause that will make the property return to its previous zone if development does not proceed within a certain time frame.

**Robert Boyle** said that the developers are concerned with land speculation and that the building scheme will state that owners have to build within a certain time frame. Development that is subject to a DP approval must be started in 2 years.

**Jeff McPheet, 2150 Hemer Road** asked about the approval process.

**Jason Llewellyn, RDN** provided an overview of the process for rezoning and DP approval.

**Janelle Park** asked about the process at RDN Board meetings and whether the meetings are open to the public.

**Director Kreiberg** explained that people may attend and present information to the Board up until the Public Hearing is closed.

**Eileen Knight** wanted to see lower density in the area.

**Robyn Kelln** stated that the topography in this area is such that excavation will occur to develop the buildings so the maximum roof line may not be that high above the pipeline. The architectural design can be amended to minimize the impact of the height.

**Robert Boyle** explained that the proposed mix of housing options is consistent with the OCP. Not everyone can afford 0.5 acre lots and the mix of housing options and proposed densities will create a nice community with increased services to the area. The OCP supports this kind of density in the Cedar core.

**Joe Burnett, Pylades Drive** asked if they will be a reverter clause that will make the property return to its previous zone if development does not proceed within a certain time frame.

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 9.50 pm.

---

Keeva Kehler  
Recording Secretary



**Attachment No. 3**  
**Zoning Amendment Application No. ZA0510**  
**Lot A, Section 14, Range 7, Cedar District, Plan VIP57874, Except Part in Plan VIP59634,**  
**VIP67432 and VIP76260 & Lot 6, Section 14, Range 1, Cedar District, Plan VIP59634**  
**Submission received after Public Information Meeting**

Page 1 of 1

**From:** Rick & Laura Smith [mailto:smithr@island.net]  
**Sent:** July 14, 2005 3:25 PM  
**Cc:** kreiberg@shaw.ca; McFarlane, Florence  
**Subject:** Cedar Estates

Dear Mr Kreiberg,

I am corresponding following the meeting held last night at the Cedar Heritage Centre. I want it to be known that I strongly oppose the proposal to bring high density housing to the area between the water pipeline and Cedar Road. (lot a section 14 range 1 and lot 6 section 14 range 1) I am sending this message on behalf of myself and some of my neighbours. The developer seems determined to bring high density housing to our rural community. There are no other 3 story buildings within the Cedar district and very little duplex housing. The introduction of housing larger than duplexes and 2 story structures is unacceptable in a community such as ours. We are not now prepared nor are we prepared in the immediate future to bear the additional costs of roads and sewers which will certainly need to be upgraded and extended. It is not in the best interests of this community to increase our air, noise and ground pollution which high density population promotes. To proceed with this project would be the first nail in the coffin of Cedar as a beautiful rural community. We need to put a stop to this type of development before it spells the demise of Cedar.

Please advise us as to what steps we can take to oppose this scheme. The developers have lawyers and such to further their cause. We must rely on our elected representatives to assist us in protecting our best interests. Our motivation is to maintain our quality of life. Developers' motivation is MONEY. They get rich and get out They do not live here and do not care if they give birth to a future slum as they so routinely do in the big cities. We thank you in advance for your assistance.

Rick Smith

2175 Blue Jay Way

22/07/2005

**Attachment No. 4**  
**Zoning Amendment Application No. ZA0510**  
**Lot A, Section 14, Range 7, Cedar District, Plan VIP57874, Except Part in Plan VIP59634,**  
**VIP67432 and VIP76260 & 'Lot 6, Section 14, Range 1, Cedar District, Plan VIP59634**  
**Correspondence from NCID**

JUN-08-2005 16:25

N.CEDAR IMPROVEMENT DIST.

P.02/02

## North Cedar Improvement District

1694 Cedar Road, PO Box 210

Cedar, BC V9X 1W1

Phone (250) 722-3711 • Fax (250) 722-3252 email [info@ncid.bc.ca](mailto:info@ncid.bc.ca)

June 8, 2005

Planning Department  
Regional District of Nanaimo  
Hammond Bay Road,  
Nanaimo, BC.

**Attn: Keeva**

**RE: Re-zoning application -- John Morgan-Lot A, Sec.14, R1, Cedar District-  
Cedar Estates**

Dear Keeva;

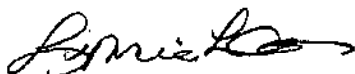
A sub-division application for the above mentioned sub-division has been received at the North Cedar Improvement District Offices for the supplying of domestic water and fire protection.

Our District engineer has reviewed the sub-division application and its implications to the water supply for Cedar. NCID is able to provide water for this sub-division now and into the future.

We trust that this letter will provide you with the assurance you need from a water and fire protection perspective and enable you to proceed with the re-zoning application.

If you have any further questions please don't hesitate to contact the undersigned.

With warm regards,



Lynn Lawlor  
Administrator  
Cc: Bob Hoffstrom-McElhane Engineering

---

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

**DATE:** July 26, 2005

**FROM:** Keeva Kehler  
Planner

**FILE:** 3060 30 60531

**SUBJECT:** Development Permit Application No. 60531- Johnson/ JE Anderson & Associates  
Electoral Area 'E' – 1338 Madrona Drive, Nanoose Bay

---

#### PURPOSE

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

#### BACKGROUND

This is an application for a Development Permit to construct a new dwelling unit on the property legally described as Lot 1, District Lot 68, Nanoose District, Plan 26680 (*see Attachment No. 1*). The subject property is a 0.14 hectare waterfront parcel located at 1338 Madrona Drive in Nanoose Bay.

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

The subject property is zoned Residential 1, Subdivision District ‘N’ (RS1N) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987.” The minimum setback requirements for buildings and structures in this zone are: 8.0 metres from the front lot line; 2.0 metres from the interior side and rear lot lines, 5.0 metres from all other lot lines, including the exterior lot line adjacent to the road right-of-way, and 8.0 metres horizontal distance from the top of a slope of 30% or greater adjacent to a coastal watercourse. As part of this application, the applicants are requesting a number of variances in order to accommodate the siting of the proposed dwelling unit.

#### *Proposed Variances to RDN Bylaw No. 500, 1987*

As part of the development permit application, the applicants are requesting a relaxation of Section 3.3.9 ‘Setbacks – Sea’ in order to accommodate the proposed siting of the new dwelling unit within 4.0 metres of the top of a slope of 30% or greater adjacent to the ocean. The application includes a request to vary Section 3.4.61 ‘Minimum Setback Requirements Other Lot Line’ from 5.0 metres to 2.0 metres to accommodate an encroachment of the dwelling unit.

## ALTERNATIVES

1. To approve Development Permit No. 60531 subject to the terms outlined in Schedule Nos. 1, 2, 3, and 4, and subject to Board consideration of comments received as a result of notification.
2. To deny the requested permit as submitted.

## LAND USE AND DEVELOPMENT IMPLICATIONS

A dwelling unit, a garage, a gazebo, and a lean-to wood shed exist on the property. The applicants must obtain a demolition permit to remove the existing buildings to develop the new dwelling on the lot. The proposed dwelling will cover approximately 32% of the property, which is below the maximum permitted parcel coverage of 35%. As a result, should the Board approve the Development Permit, no significant accessory structures will be permitted on the property in the future. Also, portions of the existing deck and patio encroach onto public land, staff recommend that this encroachment be removed and that the area be reclaimed as a condition of approval. The applicants are in agreement with this requirement.

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

### *Development Permit Implications*

The Watercourse Protection Development Permit Area (DPA) was established to protect the natural environment; its ecosystems and biological diversity. The "Nanoose Bay Official Community Plan Bylaw No. 1118, 1998" contains guidelines for development within a Watercourse Protection Development Permit Area. The guidelines stipulate that development should only be considered where historical subdivision or construction has occurred prior to the designation of the DPA. In this case, the property was subdivided in 1975 and the existing development on the lot pre-dates the inception of the DPA in 1998.

Although the applicants are not proposing to remove any of the existing vegetation as part of the redevelopment of the property, there are a number of blackberry bushes within the DPA, which staff believe could be removed with no environmental impacts, provided the area is replanted with native salt-tolerant species. Should the applicants desire to remove this vegetation, staff have included terms for replanting in Schedule No. 1.

There is an existing gazebo located at the top of the bank, which was constructed by a previous owner. The gazebo encroaches into the setback area for the other lot line and for the setback from the sea. The gazebo currently houses a built-in barbeque. Staff have no objection to the applicants retaining the existing paved area and barbeque once the gazebo is removed. This report includes a request to permit any renovation to the flooring that may be required after the removal of the gazebo.

Given the disturbance to the DPA as a result of the existing dwelling unit and landscaping on the lot, staff is of the opinion that the proposed encroachment of the new dwelling unit into the DPA will not negatively impact the site.

### *Zoning Implications*

As mentioned above, this application includes a request to vary “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” as outlined in Schedule No. 4. The configuration of the lot results in the front lot line, which is defined as the shortest line adjacent to a public road, being a small portion of the lot line adjacent to Madrona Drive. This allows for a larger building envelope than if there were no angle change in the lot line along Madrona. The minimum setback requirement for the remainder of this front portion of the lot is 5.0 metres rather than 8.0 metres.

#### *Setback variance request – other lot line*

The subject property borders a road right-of-way to the north, which is used as a public beach access. The applicants are requesting a variance to the minimum setbacks of their home to this lot line from 5.0 metres to 2.0 metres. The applicants have provided a letter dated May 20, 2005 from MOT that approves the reduced setback from 4.5 metres to 2.0 metres (*see Attachment No. 2*). Staff contacted MOT to confirm that this approval will apply to the construction of a new residence.

The road right-of-way provides public access to the foreshore and during the site inspection by RDN staff on July 19, 2005 a number of people were using this access. It is not anticipated that the requested variance will physically impede public access to the foreshore. In fact, the applicants could have used this road right-of-way to access their home, which would have created a larger impact on the access. In order to mitigate potential negative impacts on the neighbourhood, the applicants decided to use the existing driveway and design the home to be accessed from Madrona Drive.

Due to the location of the property at the end of the peninsula, the neighbouring lots are all waterfront properties with unobstructed views of either the Strait of Georgia or Craig Bay. The subject property and surrounding area are generally flat and there are no topographical constraints that affect construction on the lot.

Further, the usual residential setbacks where the property is bordered by a neighbouring privately owned lot is 2.0 metres. In this case, the applicants have a greater setback from this lot line as a result of the road right-of-way. For these reasons, staff do not object to the proposed variance to the other lot line.

#### *Setback variance request – Sea*

The applicants are requesting a variance to the setback from the top of the bank adjacent to the ocean from 8.0 metres to 4.0 metres. In support of the variance request, the applicants have provided a geotechnical report dated July 5, 2005, which addresses the safety of the proposed dwelling unit’s siting. The geotechnical report states

“the bank leading to the foreshore of the subject property is protected and appears to be stable... It is a low bank with a relatively gradual slope. We consider the bank to be stable and that a reduction of the setback from the top of the bank from 8m to 4m would not constitute a safety hazard.”

The report includes a number of recommendations for development of the site; including the requirement that rain water drainage from the dwelling should be collected in a closed pipe to carry water to the base of the bank or to drain rock pits on the site. The engineer recommends that no rock pits be located within 18.5 metres of the top of the bank. Staff will recommend that this be included in the terms of the permit (*see Schedule No. 1*).

Should the Board consider approving the variance, staff recommends that the geotechnical report be registered as a Section 219 covenant on the Certificate of Title as a condition of approval and that the

applicant be required to undertake the recommendations in the report during demolition and construction. In addition to the registration of the report, should the Board consider relaxing the minimum setback to the top of the slope, staff recommends that the applicants be required to include a clause saving the RDN harmless from any loss resulting from potential erosion, land-slip or any other action on the lands due to the siting of the dwelling unit.

As the applicants are proposing to reduce environmental impacts on the foreshore by re-locating the septic field to the front of the lot away from the ocean, and the geotechnical report supports the request from a technical safety perspective, staff considers this 50% reduction in the setback requirement to be a reasonable request and supports the applicants' request to vary the setback to the sea.

### **PUBLIC CONSULTATION IMPLICATIONS**

As the application includes a request to vary the zoning bylaw requirements in order to site the proposed dwelling unit, the Regional District will notify adjacent landowners of the Development Permit application in accordance with the notification procedures in accordance with the RDN Development Approvals Procedures and Notification Bylaw No. 1432, 2005. In this case, all property owners within 50 metres of the subject property will receive direct notice of the proposal and will be afforded an opportunity to comment on the requested variances.

### **VOTING**

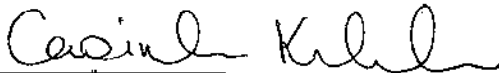
Electoral Area Directors – one vote, except Electoral Area 'B'.

### **SUMMARY/CONCLUSIONS**

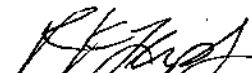
This is an application for a Development Permit with variances to facilitate the demolition of the existing dwelling unit, garage and gazebo and to facilitate the construction of a new dwelling unit. The application includes a request to vary the minimum setback from the other lot line from 5.0 metres to 2.0 metres and a reduction in the setback to the sea from 8.0 metres to 4.0 metres from the top of the bank of 30% or greater. The applicants have provided rationale for the requested variances and have submitted a geotechnical report prepared by a professional engineer stating that the site is safe for the proposed uses.

### **RECOMMENDATION**

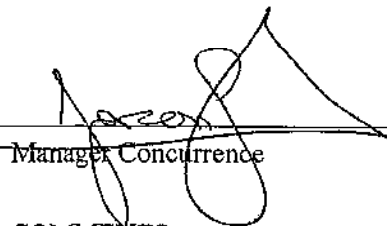
That Development Permit Application No. 60531 with variances to the front lot line setback and the setback from the top of the bank adjacent to the ocean to facilitate the construction of a new dwelling unit at 1338 Madrona Drive be approved according to the terms outlined in Schedule no. 1 and subject to the Board's consideration of comments received as a result of public notification.



Report Writer



Deputy Administrator Concurrence



Manager Concurrence

COMMENTS:

**Schedule No. 1 (page 1 of 2)**  
**Terms of Development Permit Application No. 60531**  
**Lot 1, District Lot 68, Nanoose District, Plan 26680**  
**1338 Madrona Drive**

**Proposed Variances**

- 1 The following variances to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” apply only to a dwelling designed and sited as shown on Schedule No. 2 and 3 to this permit.
  - a. **Section 3.3.9 Setbacks – Sea** is proposed to be varied from 8.0 metres horizontal distance inland from the top of a slope of 30% or greater to 4.0 metres horizontal distance inland from the top of a slope of 30% or greater to accommodate the proposed siting of the new dwelling unit.
  - a. **Section 3.4.61 Minimum Setback Requirements Other Lot Line** is proposed to be varied from 5.0 metres to 2.0 metres to allow for an encroachment of the proposed dwelling unit.

**General Requirements**

1. The Subject property shall be developed in accordance with Schedules No. 1, 2, and 3.
2. The proposed development shall be conducted in accordance with the provisions of “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” except as varied by this Development Permit. The new dwelling unit shall be located not less than 4.0 metres from the top of the slope of 30% or greater, as measured from the outermost portion of the dwelling.
3. The existing dwelling unit, garage, gazebo and all existing accessory structures, including the lean-to wood shed shall be removed prior to issuance of the occupancy permit for the new dwelling unit. The applicants may retain the existing barbeque and paved area below the gazebo structure and are permitted to repair or renovate the paved area within the existing footprint.
4. The applicants shall comply with conditions imposed by the RDN Building Inspection Department and shall obtain a building permit prior to commencing works on the land.
5. Due to the maximum parcel coverage requirement of 35% in the RS1 zone, there shall be no alteration to the roof overhangs or additions to the proposed dwelling that would result in an increase in the parcel coverage beyond 35%. Prior to occupancy on the new dwelling, the applicant shall provide a survey, prepared by a registered BCLS to the Building Inspection department confirming that the parcel coverage does not exceed 35%. The survey shall also include the setbacks, as measured from the overhang and the dwelling unit height, as measured from natural grade.
6. Rain water drainage from the dwelling or from rock pits shall be collected in a closed pipe and carried to the base of the bank. No rock pits shall be located within 18.5 metres of the top of the bank.

**Schedule No. 1 (page 2 of 2)**  
**Terms of Development Permit Application No. 60531**  
**Lot 1, District Lot 68, Nanoose District, Plan 26680**  
**1338 Madrona Drive**

**Geotechnical Report**

1. Recommendations established by the Geotechnical Report prepared by Robert Roenicke of Qualicum Engineering Services., date stamped July 5, 2005 shall be undertaken during the demolition of the existing structures and development of the new dwelling unit. As a condition of approval, the Geotechnical Report prepared by Qualicum Engineering Services Ltd. will be required to be registered on the Certificate of Title as a Section 219 Covenant. This will ensure that the recommendations contained within this report will be undertaken.
2. The applicant shall include a clause within the Restrictive Covenant saving the Regional District of Nanaimo harmless from any action or loss that might result from hazardous conditions and acknowledging the potential erosion risk associated with the construction on the property within close proximity to the top of the bank. This Covenant must be registered on the Certificate of Title prior to occupancy being issued on the new dwelling unit.

**Development Permit Protection Measures**

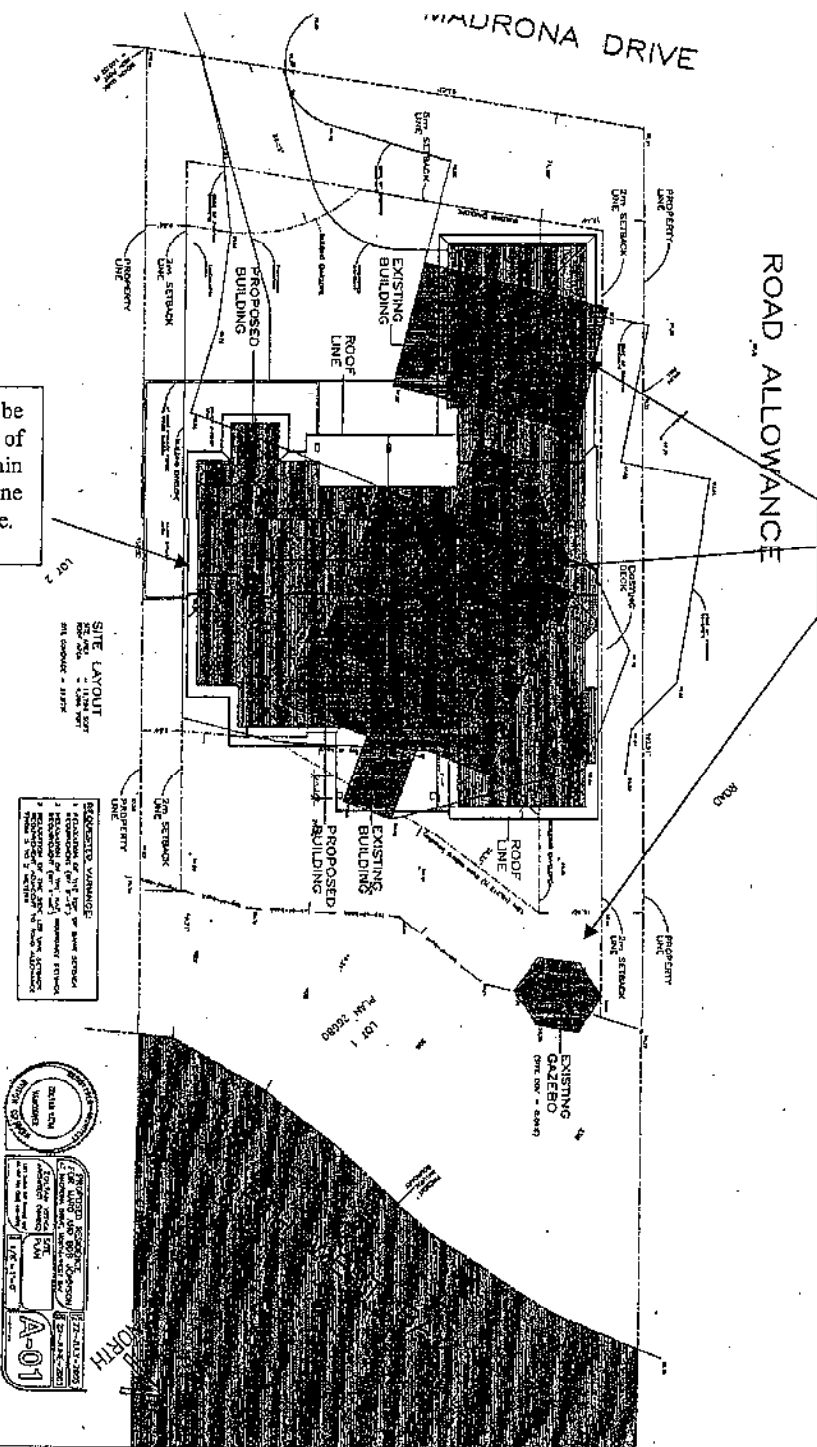
1. Sediment and erosion control measures must be utilized to control sediment during construction and land clearing works and to stabilize the site after construction is complete. These measures must include that:
  - tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be onsite.
  - direct run off flows away from Strait of Georgia using swales or low berms.
  - exposed soils must be seeded immediately after disturbance. Soil surfaces to be treated should be roughened.
  - temporary fills or soil stockpiles are to be covered with polyethylene or tarps.
2. There shall be no further alteration of land within the 15 metre leave strip as established by the "Nanoose Bay Official Community Plan Bylaw No. 1118, 1998" Watercourse Protection Development Permit Area, or any subsequent bylaw, without written approval from the Regional District of Nanaimo. This includes removal of vegetation and installation of irrigation systems, except that noxious weeds such as the blackberry bushes located within the leave strip, may be removed and existing vegetation is permitted to be maintained. The replanting of native salt-tolerant species is encouraged within the 15.0 metre leave strip. In addition, the applicants may repair or renovate the existing paved area within the footprint of the existing gazebo.



**Schedule No. 2**  
**Site Plan (Submitted by applicant)**  
**Development Permit Application No. 60531**  
**Lot 1, District Lot 68, Nanoose District, Plan 26680**  
**1338 Madrona Drive**

New dwelling unit - to be constructed within 4m of the top of bank and within 2m of the other lot line adjacent to road allowance.

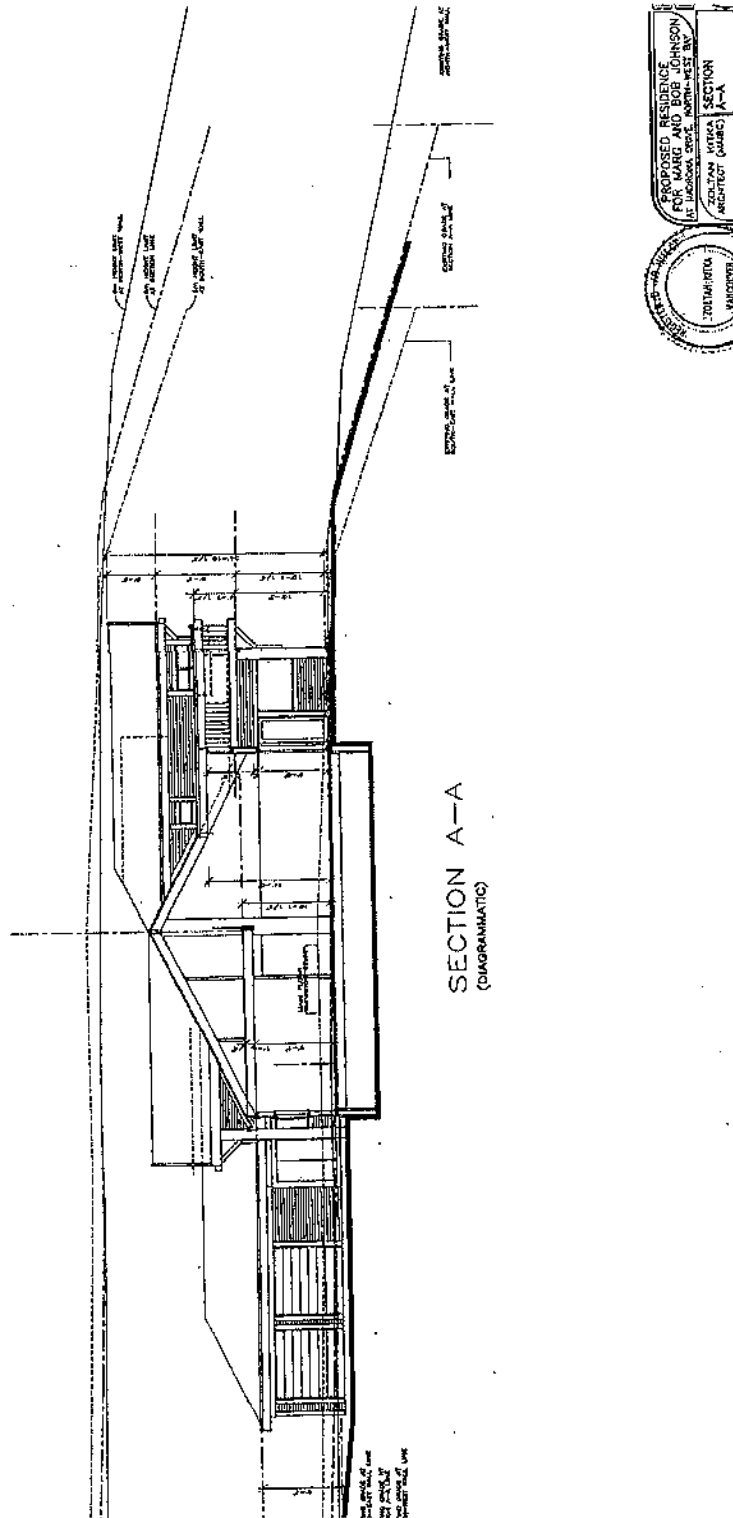
Darker outline - Existing dwelling unit, garage and gazebo - to be removed.



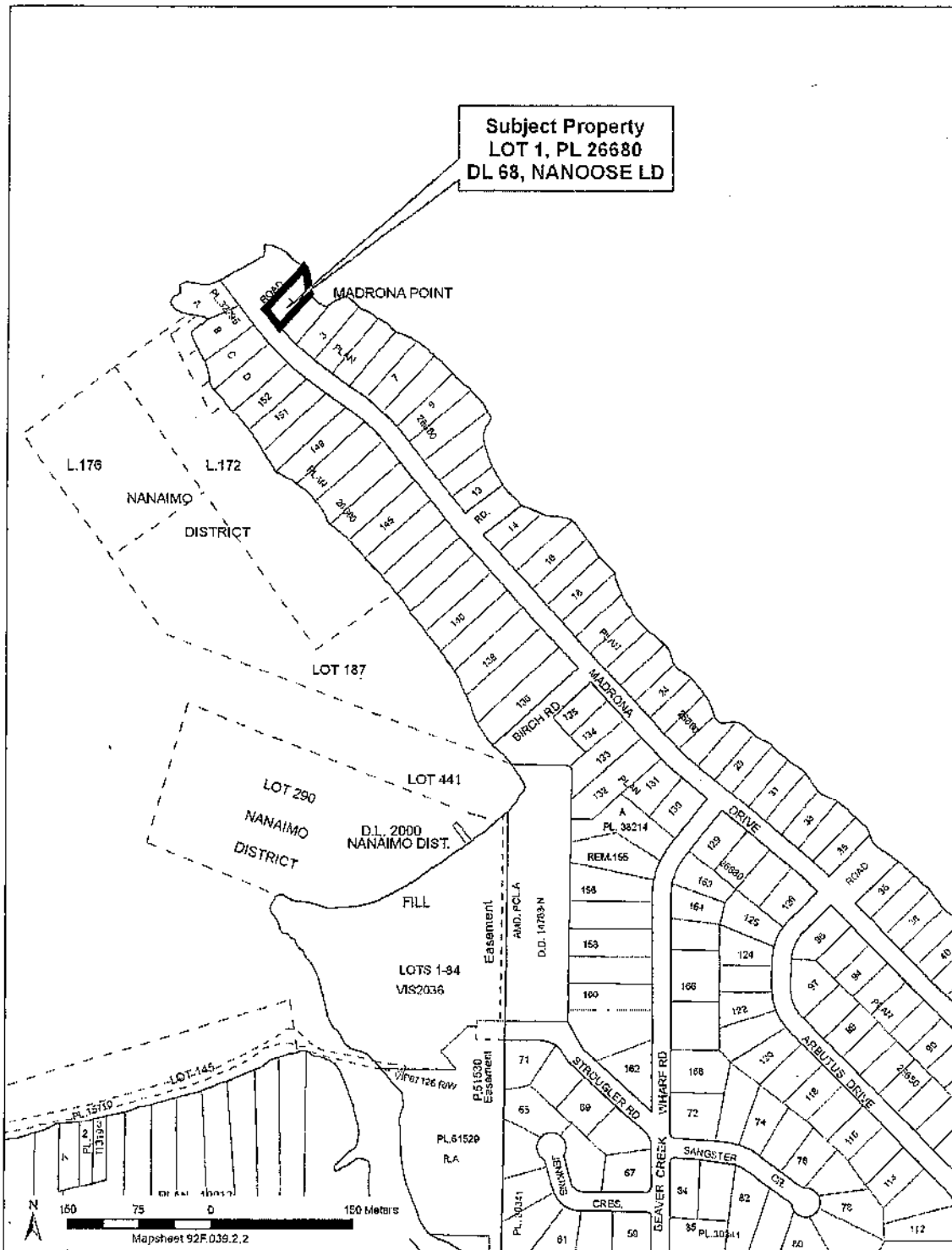
- REQUESTED VARIANCES:**
- REMOVAL OF 10% OF AREA SETBACK
  - REMOVAL OF 10% OF AREA SETBACK
  - REMOVAL OF 10% OF AREA SETBACK
  - REMOVAL OF 10% OF AREA SETBACK
  - REMOVAL OF 10% OF AREA SETBACK
  - REMOVAL OF 10% OF AREA SETBACK

Professional Engineer Seal and Stamp. The seal is circular and contains the text "Professional Engineer" and "A-01". The stamp is rectangular and contains the text "A-01" and other regulatory information.

Schedule No. 3  
Proposed Building Profile (Submitted by applicant)  
Development Permit Application No. 60531  
Lot 1, District Lot 68, Nanoose District, Plan 26680  
1338 Madrona Drive



**Attachment No. 1**  
**Subject Property Location**  
**Development Permit Application No. 60504**  
**Lot 1, District Lot 68, Nanoose District, Plan 26680**  
**1338 Madrona Drive**



**Attachment No. 2  
Correspondence from MOT  
Development Permit Application No. 60531  
Lot 1, District Lot 68, Nanoose District, Plan 26680  
1338 Madrona Drive**

JUN-22-2005 21:22 FROM:

2507513289

TO:97584660

P.1/1



Ministry of  
Transportation

5107 82 MOT

**PERMIT TO REDUCE BUILDING SETBACK  
(LESS THAN 4.5 METRES FROM  
PROPERTY LINE FRONTING A HIGHWAY)**

Highway District <b>Vancouver Island District</b>	File/Permit Number <b>01 002 26360</b>
--	---

The Minister of Transportation has approved, subject as to the conditions as set out in this permit, the construction of a building, the location of which does not conform with British Columbia Regulation 513/04 made pursuant to section 90 of the Transportation Act, S.B.C. 2004, namely:

- construction of an addition to an existing residence at a 2.0 metre offset from the right-of-way of Madrona Drive adjacent to Lot 1, District Lot 68, Nanoose District, Plan 26680.

This permit is issued to:

Robert J. Johnson  
2349 Eaglesfield Place  
Nanoose Bay BC V9P 9G7

This permit may be terminated at any time at the discretion of the Minister of Transportation, and that the termination of this permit shall not give rise to any cause of action or claim of any nature whatsoever.

This permit in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, including zoning, and other land use bylaws of a municipality or regional district.

Approval Signature (for Deputy Minister of Transportation) <i>D. O'Brien</i>	Print Name <b>Debbie O'Brien</b>
Position Title <b>District Development Technician</b>	Date (yyyy/mm/dd) <b>2005-06-20</b>

cc. Regional District of Nanaimo - Building Inspection

B. Flickman, A/Arca Manager

---

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

**DATE:** July 22, 2005

**FROM:** Greg Keller  
Planner

**FILE:** 3060 30 60535

**SUBJECT:** Development Permit Application No. 60535 – Dunville/Allen  
Electoral Area 'E' – Rockhampton Road

---

#### PURPOSE

To consider an application for a Development Permit to allow for the construction of a single dwelling unit on a parcel located in the Watercourse Protection Development Permit Area.

#### BACKGROUND

This application is for the property legally described as Lot 11, District Lot 30, Nanoose District, Plan VIP57407. The subject property is 2266 m<sup>2</sup> in area and is located adjacent to Dolphin Lake on the south side of Rockhampton Road in the Fairwinds area of Electoral Area 'E' (see Attachment No. 1). The subject parcel is zoned Residential 1 Subdivision District 'N' (RS1N) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."

The minimum setback requirements in the RS1 zone are 8.0 metres from the front lot line, 5.0 metres from another lot line, 2.0 metres from the interior sides and rear lot lines, and 15.0 metres from the natural boundary of the watercourse. Since the subject parcel is within a building inspection area, "Regional District of Nanaimo Floodplain Management Bylaw No. 843, 1991" applies and a building permit is required for the proposed development.

The subject property is located within the Watercourse Protection Development Permit Area pursuant to "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1118, 1998" due to the close proximity to Dolphin Lake. This Development Permit Area designates the land within 30.0 metres of the natural boundary of the watercourse within the Development Permit Area. Since the proposed development is located a minimum of 15.0 metres from the natural boundary of the watercourse, a development permit is required. No variances to Bylaw No. 500 are being requested as part of this application.

The subject property is a panhandle lot, which is currently undeveloped and moderately sloped from Rockhampton Road towards Dolphin Lake. The proposed building site is sloping towards the north and is slightly below the elevation of Rockhampton Road, slightly lower in elevation than the neighbouring parcel to the north, and slightly higher in elevation than the neighbouring parcel to the west.

Separation between adjacent properties is achieved by existing native and non-native vegetation of varying age and density along the north, east, and west property lines. There are also native and non-

native groundcovers dispersed throughout the parcel and a number of mature Douglas Fir and Arbutus trees growing adjacent to the natural boundary of Dolphin Lake.

## **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.

## **DEVELOPMENT IMPLICATIONS**

### **Land Use and Development Implications**

This is an application to permit the construction of a one and a half storey single dwelling unit with a main level entry, a partial basement, and an upper level bonus room on a previously undeveloped parcel located on Rockhampton Road. The proposed dwelling unit is mostly within the Watercourse Protection Development Permit Area. Given the relatively small size, shape, and moderately sloping topography of the subject parcel, the siting of a conventional dwelling unit outside of the Development Permit Area is difficult. The Development Permit Area takes up so much of the subject parcel that development outside of the Development Permit Area is not feasible.

In staff's opinion the proposed dwelling unit is in the most suitable location to take advantage of the topography of the parcel, provide adequate separation between the proposed single dwelling unit and the property to the west, and to minimize encroachment into the Development Permit Area. In addition, this application does not include any variance requests as the proposed single dwelling unit is sited in conformance with the RS1 zones requirements. Furthermore, the proposed development complies with the floodplain requirements of Bylaw No. 843.

In order to reduce the environmental impact of the proposed development, the applicant is not proposing to landscape, alter land, or remove any of the existing native vegetation within 15.0 metres of the natural boundary. As a condition of approval, staff recommends the applicant be required to preserve the existing natural vegetation within a minimum of 15.0 metres from the natural boundary of Dolphin Lake. The applicant has concurred with this request and has submitted a letter outlining the above.

The applicant is proposing to direct all drainage from the proposed development away from the watercourse into an appropriately sized rock pit located in the north portion of the parcel.

Please note that due to the moderately sloping topography of the subject parcel, the Building Inspection and Enforcement Department may require a geotechnical evaluation in order to determine if the subject parcel is suitable for the intended use. Therefore, staff recommends that the Development Permit note that a geotechnical evaluation of the subject parcel may be required to determine if the subject parcel is suitable for the intended use if deemed necessary by the Chief Building Inspector.

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

## **VOTING**

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

**SUMMARY/CONCLUSIONS**

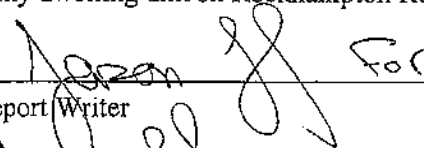
This is an application for a development permit to allow the construction of a single dwelling unit within the Watercourse Protection Development Permit Area pursuant to "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1118, 1998." This application does not include a request to vary Bylaw No. 500 as the proposed development is in conformance with the RS1 zones requirements.

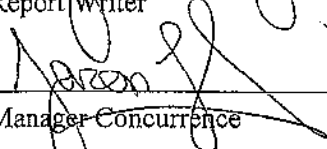
As a result of the relatively small lot size, steep topography, and setback requirements, there is a very limited building envelope that makes siting a conventional dwelling unit outside of the Watercourse Protection Development Permit Area difficult. In addition, in order to reduce the environmental impact of the proposed development, the applicant is not proposing any landscaping, vegetation removal, or alteration of land within a minimum of 15.0 metres from the natural boundary of Dolphin Lake. Furthermore, any potential impacts of the proposed development are further reduced by a variety of existing native and non-native plant species adjacent to the natural boundary of Dolphin Lake.

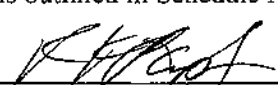
In staff's assessment of this application, the proposed development appropriately addresses the environmental concerns and the proposed building location is justified given the topographical constraints, the relatively small lot size, and the lot shape. In addition the applicant is proposing reasonable steps to reduce the environmental impact of the development. Therefore, staff recommends that the Board approve the proposal as submitted by the applicant.

**RECOMMENDATION**

That Development Permit Application No. 60535 be approved to allow the construction of a single family dwelling unit on Rockhampton Road according to the terms outlined in Schedule No. 1.

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

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

  
\_\_\_\_\_  
Deputy Administrator Concurrence

**COMMENTS:**  
devserv/reports/dp au 3060 30 60535 Dunville/Allen

**Schedule No. 1**  
**Terms of Development Permit No. 60535**  
**For Lot 11, District Lot 30, Nanoose District, Plan VIP57407**  
**Rockhampton Road**

**The following are to be completed as part of Development Permit No. 60535:**

**Development of Site**

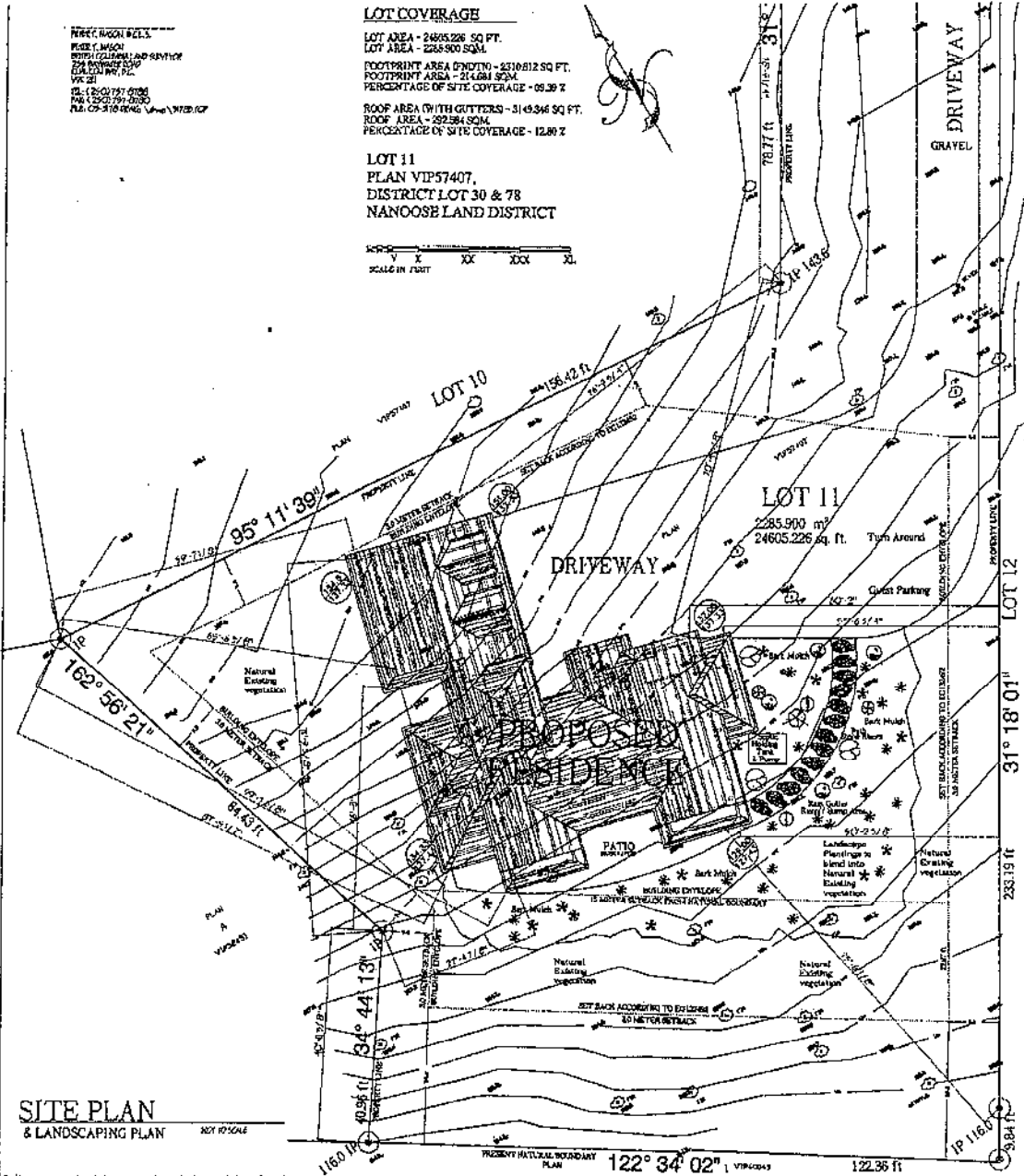
1. Sediment and erosion control measures must be utilized to control sediment during construction and land clearing works and to stabilize the site after construction is complete. These measures must include:
  - a. Tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be onsite.
  - 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.
2. Subject property shall be developed in accordance with Schedules No. 1 and 2.
3. All construction to be undertaken must be consistent with "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."
4. A geotechnical evaluation shall be required if deemed necessary by the Chief Building Inspector.
5. 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 if deemed necessary by the Chief Building Inspector.

**Vegetation**

6. No removal of the existing native vegetation, alteration of land, or landscaping shall occur within a minimum of 15.0 metres of the natural boundary of Dolphin Lake.
7. No additional removal of native vegetation or landscaping shall occur within the Development Permit Area other than what is necessary for construction of the single dwelling unit and landscaping as shown on Schedule No. 2.
8. The removal of invasive plants or noxious weeds on a small scale shall be permitted within the Watercourse Protection 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 lake are taken.
9. 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.



**Schedule No. 2 (Page 1 of 2)**  
**Site Plan (reduced for convenience)**  
**Development Permit No. 60535**



The owner agrees to show only the information shown in the above described parcel (s) and their relative location to boundaries shown. The plan provides no warranty or representation whatsoever that it complies with all applicable laws, regulations and zoning bylaws, rules, ordinances, amendments or municipal orders, or any other requirements and their relative location to any third or external boundaries of the above described parcel (s) and any changes thereto, and to not be used for residential property lines.

This drawing is an indication of intent to the exclusive property of STRUCTURE DESIGN and may not be used for any other purpose without the prior written permission of the office. The responsibility of the plan is not to be used for residential property lines.

**STRUCTURE**  
 DESIGN & MANAGEMENT  
 1111 HILL STREET  
 QUALICUM BEACH, B.C. V0K 1A0  
 TEL: (250) 752-1000 FAX: (250) 752-0100

STRUCTURAL CONSULTANT

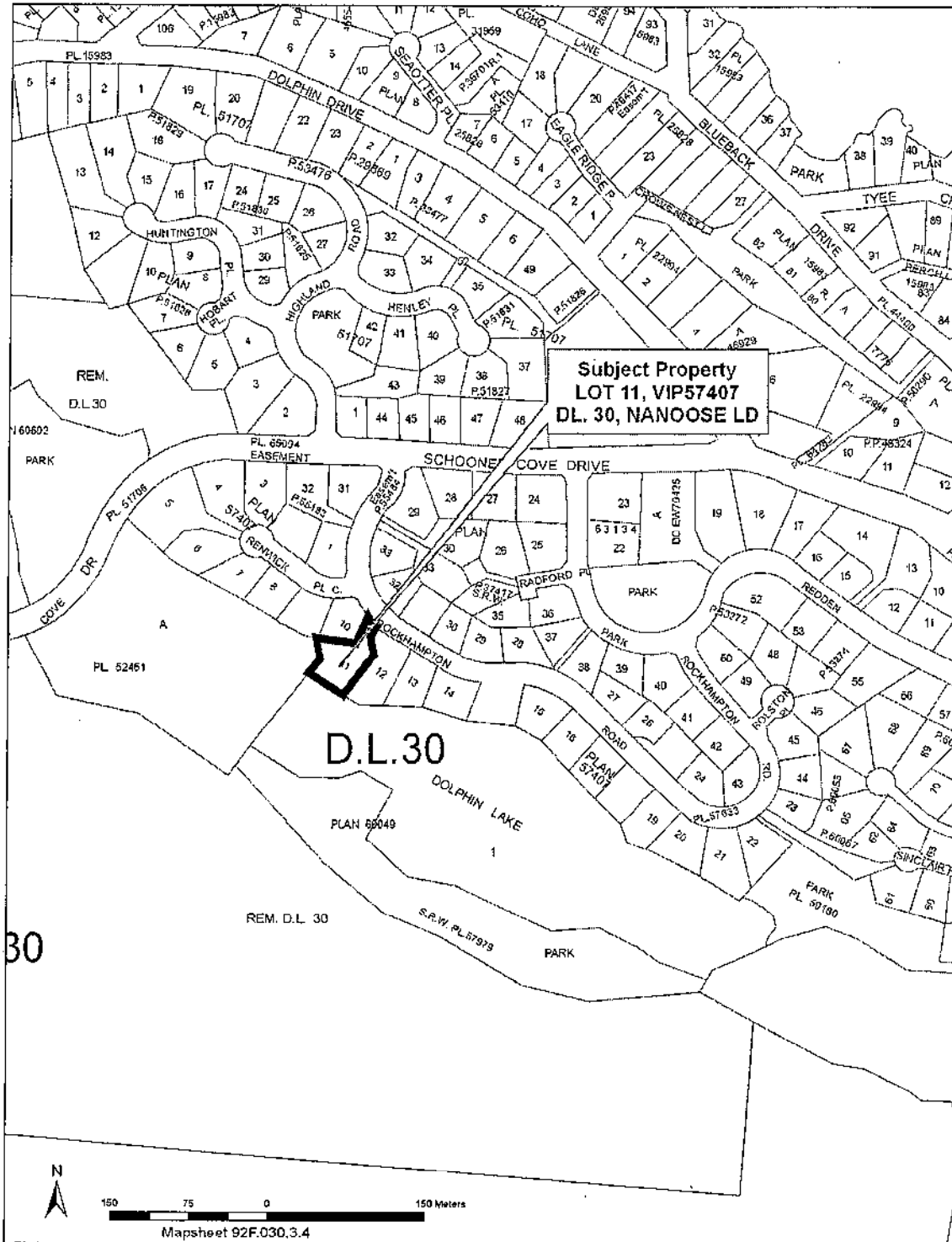
CONTRACTOR  
**WALTER ALLEN HOMES**  
 QUALICUM BEACH B.C.

CLIENT  
**RANDY & BLANKA DUNVILLE**  
 FAIRWINDS  
 NANOOSB BAY, B.C.

DATE: 04/08/05	APPROVED BY:	DESIGNED BY:
DRAWN: 12/07/2005		KEN TANQUAN
LOT 11 ROCKHAMPTON ROAD		
1/0		



**Attachment No. 1**  
**Subject Property**  
**Development Permit No. 60535**  
**Rockhampton Road**



---

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

**DATE:** July 28, 2005

**FROM:** Greg Keller  
Planner

**FILE:** 3060 30 60537

**SUBJECT:** Development Permit Application No. 60537 – 642703 BC Ltd. /Voigt  
Electoral Area 'E' – Paradise Place

---

#### PURPOSE

To consider an application for a Development Permit with variance to allow for the replacement of an existing bridge with a new bridge in the same location on a parcel located in the Watercourse Protection Development Permit Area.

#### BACKGROUND

This application is for the property legally described as District Lot 44, Nanoose District, Except Parts in Plans 39893, 3132RW, VIP70839, VIP78188, VIP78190, and VIP78612. The rural acreage, which is currently used for agricultural purposes is relatively flat, is approximately 49.04 hectares in area and is located on Paradise Place in Electoral Area 'E' (see Attachment No. 1). The subject parcel is zoned Rural 5 Subdivision District 'D' (RU5D) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" and is designated within the Provincial Agricultural Land Reserve.

The minimum setback requirements in the RU5 zone for non-agricultural buildings are 8.0 metres from all lot lines. The minimum setback from a watercourse is 15.0 metres horizontal distance from the natural boundary or 18.0 metres horizontal distance from the stream centre line, whichever is greater. Since the subject parcel is within a building inspection area, "Regional District of Nanaimo Floodplain Management Bylaw No. 843, 1991" applies and a building permit is required for the proposed development.

The subject property is located within the Watercourse Protection Development Permit Area pursuant to "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1118, 1998" due to Craig Creek which crosses the west portion of the subject parcel. This Development Permit Area designates the land within 30.0 metres of the natural boundary of the watercourse within the Development Permit Area. Since the proposed development is located a minimum of 15.0 metres from the natural boundary of the watercourse, a development permit is required.

#### *Proposed Variances*

As part of this application, the applicants are requesting to vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" as follows:

1. Section 3.3.8 **Setbacks – Watercourses, excluding the Sea** is proposed to be varied by relaxing the minimum setback adjacent to a watercourse from 15.0 metres horizontal distance from the natural boundary or 18.0 metres horizontal distance from the stream

centre line, whichever is greater to 0.0 metres from the natural boundary to permit the replacement of an existing bridge with a new bridge in the same location.

2. Section 3.4.85 – **Minimum Setback Requirements** is proposed to be varied by relaxing the minimum setback from the north property line from 8.0 metres to a minimum of 1.5 metres to permit the replacement of an existing bridge with a new bridge in the same location.

## ALTERNATIVES

1. To approve the requested development permit and variances 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 development permit as submitted.

## DEVELOPMENT IMPLICATIONS

### Land Use and Development Implications

This is an application to permit the replacement of an existing vehicular bridge with a new bridge in the same location. The proposed clear span concrete bridge would replace an aging clear span wooden bridge that does not have the weight bearing capacity to support truck traffic. The applicants are in the process of constructing a single dwelling unit on the east side of Craig Creek and require the proposed bridge to provide access to the dwelling unit and to other agricultural uses on the subject property. The existing bridge has been in its current location for a number of years (approximately 50 as indicated by the applicant) and likely predates zoning in the Regional District of Nanaimo. Since the existing bridge is located approximately 1.5 metres from the northern property line it is legal non-conforming.

A biological assessment report dated July 26, 2005 prepared by a Registered Professional Biologist has been submitted by the applicants. This report indicates that Craig Creek is a seasonal watercourse which is dry from early July to October and is a seasonal salmon and trout bearing stream with no barriers to upstream movement of fish. Due to the nature of the proposed works, which would not occur within the stream bank and would not create sedimentation issues, the report indicates that construction can occur at any time of the year during any flow condition. The report indicates that the proposed building site has been previously disturbed by historic cattle browse and old farm ditching practices. The report recommends that areas disturbed during construction be replanted with drought tolerant native shrubs and trees. The report also recommends environmental monitoring occur throughout the project. The applicants have indicated that they propose to follow all recommendations contained within the biological assessment report, which are also included as terms of the permit.

The Building Department may require structural and/or geotechnical engineering to confirm compliance with the building code and Bylaw No. 843. In addition, since a survey prepared by a British Columbia Land Surveyor has not been submitted with this application, staff recommend the development permit note that a geotechnical evaluation and survey may be required if deemed necessary by the Chief Building Inspector.

In staff's opinion, the proposed bridge is in the most suitable location in order to minimize disturbance within the Development Permit Area. Furthermore, the applicant is proposing steps to reduce any potential negative environmental impacts related to the proposed construction. In staff's assessment it is most appropriate to replace the existing bridge in its current location rather than construct an additional creek crossing.

**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 replacement of an existing bridge with a new bridge in the same location for a parcel located within the Watercourse Protection Development Permit Area pursuant to "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1118, 1998." This application includes a request to vary Bylaw No. 500 by relaxing the minimum required watercourse setback from 15.0 metres horizontal distance from the natural boundary or 18.0 metres horizontal distance from the stream centre line, whichever is greater, to 0.0 metres from the natural boundary and a request to relax the minimum required lot line from the north property line from 8.0 metres to a minimum of 1.5 metres.

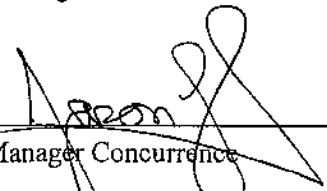
Due to the location of Craig Creek which flows through the west side of the subject parcel, it is not possible to access the east side of the parcel without crossing the creek. In addition, in order to reduce the environmental impact of the proposed development, the applicant is proposing to follow all recommendations contained in the biological assessment report and the proposed variances are not anticipated to negatively affect the adjacent property owners. Furthermore, the lot line variance is justified as it permits the construction of a new bridge in the same location as the old bridge in order to avoid further disturbance to the watercourse within the Development Permit Area. Therefore, staff recommends that the Board approve the proposal as submitted by the applicant.

**RECOMMENDATION**

That Development Permit Application No. 60537, including variances, be approved to allow the replacement of a bridge over a watercourse according to the terms outlined in Schedule No. 1, and subject to the Board's consideration of comments received as a result of public notification.

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

  
\_\_\_\_\_  
Deputy Administrator Concurrence

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

**COMMENTS:**  
devserv/reports/dp au 3060 30 60537 642703 BC Ltd./Voigt

**Schedule No. 1 (Page 1 of 2)**  
**Terms of Development Permit No. 60537**  
**For District Lot 44, Nanoose District, Except Parts in Plans 39893, 3132RW, VIP70839, VIP78188,**  
**VIP78190, and VIP78612**  
**Paradise Place**

**Proposed Variances**

1. The following variances to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" apply only to one clear span bridge sited in the same location as the existing bridge generally as shown on Schedule No. 2 and constructed as shown on Schedule No. 3.
  - a. Section 3.3.8 **Setbacks – Watercourses, excluding the Sea** is proposed to be varied by relaxing the minimum setback adjacent to a watercourse from 15.0 metres horizontal distance from the natural boundary or 18.0 metres horizontal distance from the stream centre line, whichever is greater to 0.0 metres from the natural boundary to permit the replacement of an existing bridge with a new bridge in the same location generally as shown on Schedule No. 2.
  - b. Section 3.4.85 – **Minimum Setback Requirements** is proposed to be varied by relaxing the minimum setback from the north property line from 8.0 metres to a minimum of 1.5 metres to permit the replacement of an existing bridge with a new bridge in the same location generally as shown on 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. Subject property shall be developed in accordance with all recommendations contained in the biological assessment report dated July 26, 2005 prepared by D. R. Clough Consulting including the requirement for an environmental monitor to be onsite during removal and construction of the bridge as well as the requirement for spill kits and erosion management materials on site.
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 where varied by this permit.
6. A geotechnical evaluation shall be required if deemed necessary by the Chief Building Inspector.
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 if deemed necessary by the Chief Building Inspector.

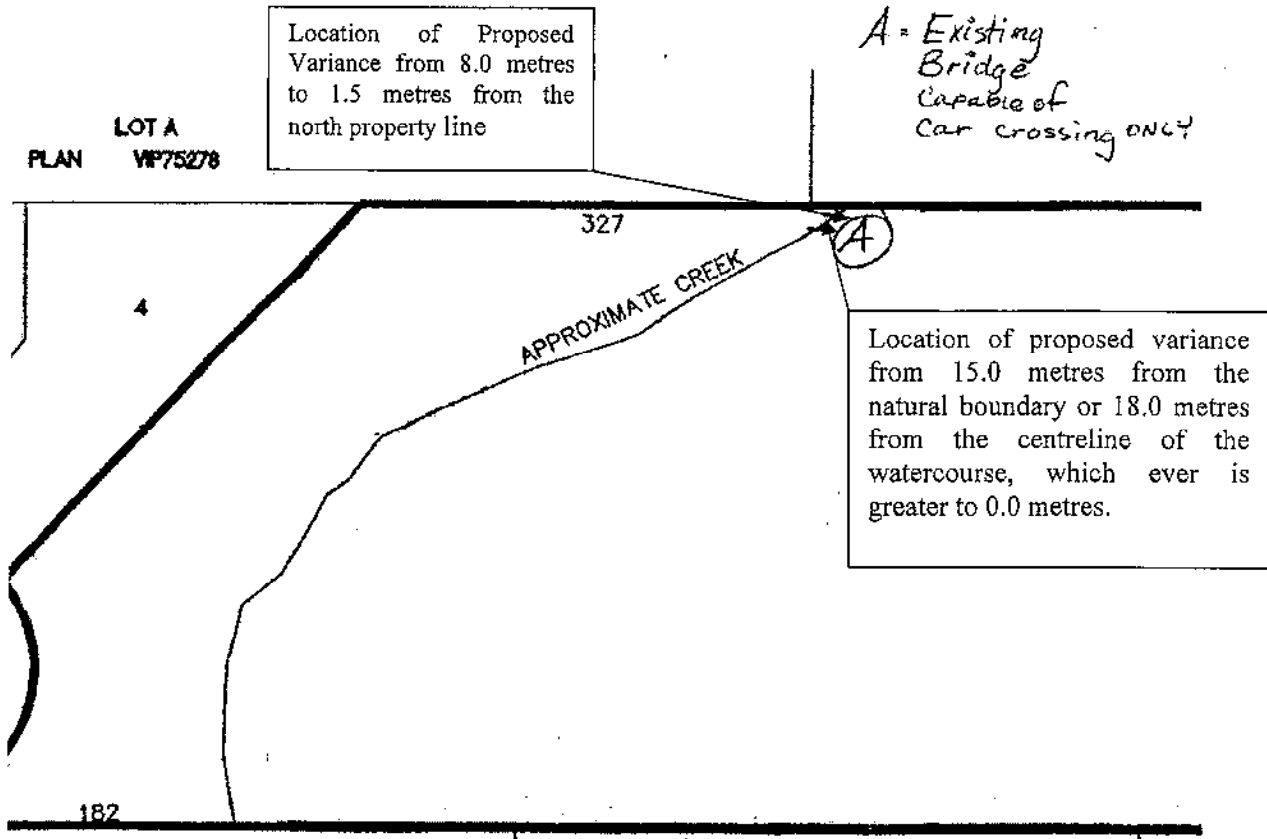
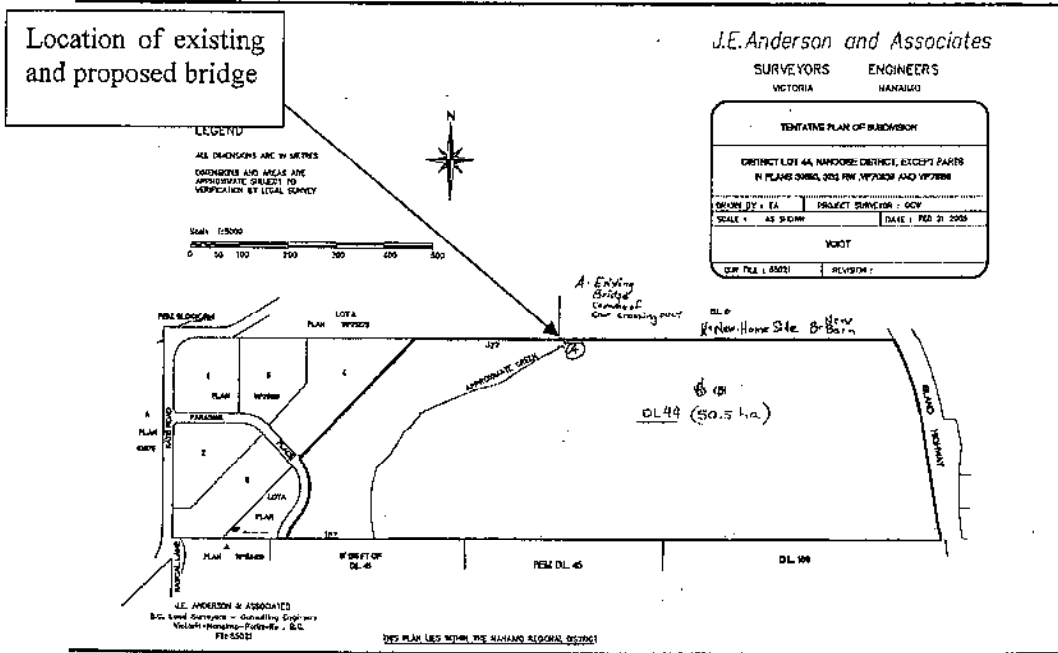
**Schedule No. 1 (Page 2 of 2)**  
**Terms of Development Permit No. 60537**  
**For District Lot 44, Nanoose District, Except Parts in Plans 39893, 3132RW, VIP70839, VIP78188,**  
**VIP78190, and VIP78612**  
**Paradise Place**

**Vegetation**

8. No additional removal of native vegetation or landscaping shall occur within the Development Permit Area other than what is necessary for removal of the existing bridge and construction of the new bridge in the same location as shown on Schedule No. 2.
9. The removal of invasive plants or noxious weeds on a small scale shall be permitted within the Watercourse Protection Development Permit Area including but not limited to Scotch Broom, Himalayan Blackberry, Morning Glory, and Purple Loosestrife, provided that erosion protection measures to avoid sediment or debris being discharged into the watercourse are taken.
10. 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.



Schedule No. 2 (Page 1 of 2)  
 Site Plan  
 Development Permit No. 60537



Schedule No. 3  
 Bridge Elevation  
 Development Permit 60537



CALCULATION SHEET

Project #:	Client: NIGOL BESTER	Discipline:	Date: 05/07/21	SKETCH #
Project Title: VOIGT PROPERTY PRIVATE		<input type="checkbox"/> Structural - Building <input type="checkbox"/> Structural - Bridges <input type="checkbox"/> Civil - Municipal	Drawn:	1
Subject:			Design: D.C.B.	SHEET
			Check:	___ of ___

