

REGIONAL DISTRICT OF NANAIMO

**ELECTORAL AREA PLANNING COMMITTEE
TUESDAY, OCTOBER 11, 2005
6:00 PM**

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

2-5 Minutes of the Electoral Area Planning Committee meeting held Tuesday, September 13, 2005.

BUSINESS ARISING FROM THE MINUTES

PLANNING

AMENDMENT APPLICATIONS

6-14 Bylaw Amendment Application ZA0510 – Cedar Estates – Cedar & Hemer Roads – Area A.

DEVELOPMENT PERMIT APPLICATIONS

15-22 Development Permit Application No. 60544 – Leigh Millan on behalf of BCAB Developments Ltd. – Whiting Way – Area A.

23-30 Development Permit Application No. 60547 – Purchase – 608 Viking Way – Area G.

OTHER

31-36 Request for Relaxation of the Minimum 10% Perimeter Requirement – Pickard – 3793 Island Highway West – Area G.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

IN CAMERA

ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, SEPTEMBER 13, 2005, AT 6:30 PM
IN THE RDN BOARD CHAMBERS**

Present:

Director E. Hamilton	Chairperson
Director H. Kreiberg	Electoral Area A
Director D. Haime	Electoral Area D
Director G. Holme	Electoral Area E
Director L. Biggemann	Electoral Area F
Director J. Stanhope	Electoral Area G
Director L. Sherry	City of Nanaimo

Also in Attendance:

B. Lapham	Deputy Administrator
J. Llewellyn	Manager of Community Planning
M. Pearse	Manager of Administrative Services
N. Tonn	Recording Secretary

DELEGATIONS

Michael Proctor, re Development Permit Application No. 60542 – Proctor & Kruse/Fern Road Consulting – 6435 & 6445 West Island Highway – Area H.

The Chairperson noted that Mr. Proctor had withdrawn his request to speak at this time.

MINUTES

MOVED Director Holme, SECONDED Director Biggemann, that the minutes of the Electoral Area Planning Committee meeting held August 9, 2005 be adopted.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. ZA0501 – Keith Brown & Associates, on behalf of Nanaimo Mini Storage – 2180 South Wellington Road – Area A.

MOVED Director Kreiberg, SECONDED Director Stanhope,:

1. That Zoning Amendment Application No. ZA0501 to rezone the property legally described as Lot A, Section 11, Range 7, Cranberry District, Plan VIP76453 from Residential 2 Subdivision District 'F' (RS2F) / Industrial 1 Subdivision District 'M' to Comprehensive Development 28 (CD28) to allow the industrial use of the property, be approved to proceed to Public Hearing subject to the conditions identified in Schedule 1.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.327, 2005" be given 1st and 2nd reading.
3. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.327, 2005" be delegated to Director Kreiberg or his alternate.

CARRIED

Zoning Amendment Application No. ZA0509 – Oceanside Forest Products Ltd./Keith Brown Associates Ltd. – 1429 Springhill Road – Area F.

MOVED Director Biggemann, SECONDED Director D. Haime,:

1. That "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.08, 2005" be given 1st and 2nd reading, subject to the Conditions of Approval outlined in Schedule No. 1.
2. That "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.08, 2005" proceed to Public Hearing.
3. That the Public Hearing on "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.08, 2005" be delegated to Director Biggemann or his alternate.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60536 – McCaul and Farrell/Allen – 927 McFeely Drive – Area G.

MOVED Director Stanhope, SECONDED Director Holme, that Development Permit Application No. 60536 with a variance to the maximum dwelling unit height from 8.0 metres to 8.6 metres to facilitate the construction of a dwelling unit and attached garage at 927 McFeely 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.

CARRIED

Development Permit Application No. 60538 – North Wind Development – 615 Viking Way – Area G.

MOVED Director Stanhope, SECONDED Director Kreiberg, that Development Permit Application No. 60538, with a request to vary the front lot line setback requirement from 8.0 metres to 5.1 metres in order to permit the construction of a dwelling unit at 615 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. 60542 – Proctor & Kruse/Fern Road Consulting – 6435 & 6445 West Island Highway – Area H.

MOVED Director Holme, SECONDED Director Stanhope, that Development Permit Application No. 60542 with variances to the side and other lot line setbacks to legalize the siting of an existing shed/carport and to facilitate the subdivision of the lands at 6435 and 6445 West Island Highway 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 VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90516 – NCID/Johnston – 2100 Yellow Point Road – Area A.

MOVED Director Kreiberg, SECONDED Director D. Haime, that Development Variance Permit Application No. 90516 to vary Section 3.4.117.2 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" to increase the maximum building height from 10.0 metres to 11.2 metres, for the North Cedar Improvement District's fire hall and administrative offices at 2100 Yellow Point Road according to the terms outlined in Schedule No. 1, be approved subject to the Board's consideration of comments received as a result of public notification pursuant to the *Local Government Act*.

CARRIED

Development Variance Permit Application No. 90517 – AJA Tan Enterprises Ltd. – Blackbeard Drive & Maple Guard Drive – Area H.

MOVED Director Stanhope, SECONDED Director Biggemann, that Development Variance Permit Application No. 90517 to relax the minimum setback to a top of slope greater than 5% adjacent to a watercourse from 9.0 metres to 3.0 metres to establish a building envelope to facilitate the siting of a dwelling unit 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

OTHER

Request for a Board Resolution for a Patron Participation Entertainment Endorsement for the Juniper Café – 2930 Trans Canada Highway – Area A.

MOVED Director Kreiberg, SECONDED Director Holme, that the Board of the Regional District of Nanaimo pass the resolution attached as Schedule No. 1 to permit patron participation entertainment at the Juniper Café subject to consideration of the comments received as a result of public notification.

CARRIED

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

MOVED Director Stanhope, SECONDED Director D. Haime,:

0. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.320, 2005", as amended, be given 1st and 2nd reading.
0. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.320, 2005" be approved to proceed to Public Hearing.
0. That the Public Hearing for proposed Amendment Bylaw No. 500.320, 2005 be delegated to Director Joe Stanhope as a representative of the Board.

CARRIED

Request to Reconsider the Location of Park Land Dedication – Timberlake-Jones Engineering Ltd. on behalf of Timberstone Development – Northwest Bay Road – Area E.

MOVED Director Holme, SECONDED Director Stanhope,:

0. That the Board Resolution concerning the acceptance of park land adopted at the Regular Board Meeting held on October 26, 2004 be rescinded.

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

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 6:45 PM

CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO	
CHAIR	OST Cms
CAO	CMES
DA CCD	MOF
OCT - 4 2005	
EAPC	

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Services

DATE: October 4, 2005

FROM: Greg Keller
Planner

FILE: 3360 30 0510

SUBJECT: Bylaw Amendment Application ZA0510 – Cedar Estates
Cedar and Hemer Roads, Electoral Area 'A'

PURPOSE

To receive the Summary of the Minutes and Submissions of the second Public Information Meeting held on Wednesday, August 31, 2005, and further, to provide a brief summary and update on the status of the subject application.

BACKGROUND

A Public Information Meeting was held on July 13, 2005. Bylaw No. 500.323, 2005 was introduced and given 1st and 2nd reading on August 23, 2005. There were a number of concerns raised by the community at the Public Information Meeting. In response to these concerns, the applicant held a second Public Information Meeting on August 31, 2004. The summary of the minutes and submissions of the second Public Information Meeting are attached for the Board's consideration (*see Attachment No. 1*).

The purpose of this amendment bylaw is 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).

The subject properties are located within the Cedar Village Centre and Urban Containment Boundary and, if approved, this application would facilitate the development of a mix of residential housing options and personal care uses including 24 single family lots, 4 residential duplex lots, a 16 unit building strata comprising of duplex, triplex and quadraplex 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.

Upon consideration of the comments and feedback received at the second Public Information Meeting, the applicant held an Open House on October 4, 2005 in order to receive further feedback on their amended development proposal.

ALTERNATIVES

1. To receive the Report containing the Summary of the Minutes and Submissions of the second Public Information Meeting.
2. To receive the Report containing the Summary of the Minutes and Submissions of the second Public Information Meeting and provide staff with further direction.

VOTING

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

SUMMARY

The purpose of Bylaw No. 500.323, 2005 is to rezone the subject 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) to facilitate the development of a mix of residential housing options and personal care uses.

The bylaw was introduced and given 1st and 2nd reading on August 23, 2005 and due to a number of outstanding concerns raised by the community a second Public Information Meeting was held on August 31, 2005. In order to obtain further input the applicant held an Open House on October 4, 2005.

RECOMMENDATION

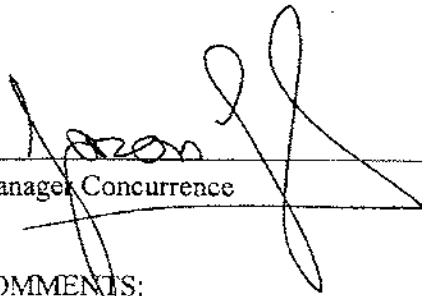
1. That the Report of the second Public Information Meeting containing the Summary of Minutes and Submissions of the second Public Information Meeting held on August 31, 2005 as a result of public notification for "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.323, 2005" be received.



Report Writer



Deputy Administrator Concurrence



Manager Concurrence

COMMENTS:

devsys/reports/2004/ZA0407 30 03 se brd NCID PH & 3rd

ATTACHMENT No. 1
Report of the Public Information Meeting

Proceedings of the Public Information Meeting

Report of the Public Information Meeting
Held at Cedar Community Centre
2388 Cedar Road, Cedar, BC
August 31, 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, EXCEPT 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 76 persons in attendance.

Present for the Regional District:

Director Henrik Kreiberg, Electoral Area 'A', Meeting Chair
Jason Llewellyn, Manager, Community Planning
Greg Keller, Planner

Present for the Applicant:

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

Director Kreiberg, Chair, opened the meeting at 7:05 pm with opening remarks and outlined the agenda for the meeting.

The **Chair** invited Robert Boyle, agent for the applicant, to give a presentation on the details of the proposal. Mr. Boyle outlined the amended proposal including the changes proposed as a result of the concerns identified by the attendees. Mr. Boyle provided a detailed description of the proposal including the proposed sewerage improvements, potential road upgrades, pedestrian access, height reductions, and parking. In particular Mr. Boyle noted the reduced height of the buildings and the proposed road improvements.

Bob Hoffstrom, Agent, spoke briefly on the traffic study conducted by the applicant's engineer and indicated that a left turn lane may be required.

Les Lindquist, 1885 Starling Road, stated that he is opposed to the proposed development because Cedar is a rural community. Mr. Lindquist is also opposed to the proposed three-storey buildings and has indicated that he would support two storeys as this would have less impact on his viewscape. Mr. Lindquist also expressed concern over the proposed Personal Care Facility with regards to the enforcement of the proposed age restriction and potential for under age residence.

Keith Hebron, 2029 Grieve Road, questioned the procedure for selecting patients of the personal care facility and what level of service would be provided.

Bob Hoffstrom, Agent, indicated that potentially there would be a variety of service levels and the facility may be a 'pay and stay facility'.

Keith Hebron, 2029 Grieve Road, stated that he was in support of having seniors in the area and that the citizens of the proposed development may get involved in community policing.

Myo Stevens, 3000 Giovando Road, expressed concern over the proposed sewage treatment upgrades and the proposed detention pond. Ms. Stevens also inquired about the potential for residents to be able to hook up to sewer service if the development proceeds.

Russ Irish, McElhanney, Agent, spoke to the issue of potential sewer upgrades and the storm water detention pond. He provided technical details with respect to potential upgrades to the Duke Point Sewerage treatment plant. Mr. Hoffstrom also indicated that the storm water detention pond would be gravity fed and would be designed in order to ensure that post-development storm water flows equal pre-development flows.

Robert Boyle, Agent, added that the intent of the sewer extension would be to provide sufficient capacity to accommodate additional sewer connections to adjacent parcels. With respect to the detention pond, Mr. Boyle explained that a local service area is proposed to be created and the pond would be maintained by the Regional District of Nanaimo, while the underground works in the road right-of-way would be the responsibility of the Ministry of Transportation.

Chuck White, 2231 Blue Jay Way, voiced concern regarding pedestrian safety along Hemer and Cedar Roads, especially in winter. Mr. White also requested clarification regarding potential upgrades to the Duke Point sewage treatment plant and whether or not the proposed upgrades would jeopardize previously planned upgrades.

The **Chair** responded by outlining the potential road improvements including the possibility of culverting the existing ditch and filling it in with gravel to create a pedestrian walkway. The Chair also mentioned the possibility of requiring the applicant to provide paved sidewalks to be secured through covenant.

Bob Hoffstrom, Agent, briefly provided details with respect to the proposed sewer upgrades and indicated that the users of the existing capacity in the plant must contribute to the fund for future expansion.

David Chapman, 2237 Blue Jay Way, posed a question regarding who would cover the cost of sewer extension and when sewer would be expanded.

Jason Llewellyn, Manager, Community Planning, in response to Mr. Chapman's question, indicated that the construction costs would be covered by the applicant and other persons who connect and there would be a fee charged for future sewer hook-up to pay for future capacity upgrades.

Robert Boyle, Applicant, expanded upon Mr. Llewellyn's comments regarding sewer extension. Mr. Boyle indicated that sewer expansion will occur only if the subject application is approved.

Rick Smith, 2175 Blue Jay Way, expressed concern with the suggested density of the proposed development and questioned the need for this density in the Cedar Area. Mr. Smith also asked what the population density would be if the development is approved and voiced his concern over the lack of available services for seniors in the Cedar Area.

Robert Boyle, Agent, responded by explaining that the build-out time is projected over a number of years and it is anticipated that the demand for seniors housing will facilitate the need for the proposed development. Mr. Boyle suggested services may become available in Cedar once the demand is increased.

Janelle Park, 1821 Cedar Road, was concerned with the proposed density of the development. Ms. Park compared the density proposed by this application to two different subdivisions in the Cedar area, which she considered higher density for the Cedar Area. Ms. Park noted that the proposed density is much higher than the comparables. Ms. Park spoke in support of maintaining the rural integrity of the Cedar area. Ms. Park then expressed concern that traffic safety and drainage were not thoroughly addressed.

Robert Boyle, Agent, responded to the density statement by explaining that the higher density is being proposed to provide an alternative residential lifestyle choice and to reduce vehicular dependence.

Russ Irish, Agent, indicated that drainage on-site is dictated by site topography and no pumping of storm water to the detention pond is proposed at this time. Mr. Hoffstrom indicated that detailed engineering has not been completed at this time.

Janelle Park, 1821 Cedar Road, expressed concern with the small size of the proposed single family parcels and the delayed construction of the proposed personal care facility.

Bob Hoffstrom, applicant, responded to an earlier question regarding sewer servicing and indicated that the proposed sewer line would be oversized to allow for additional sewer hook-ups in the future when the capacity of the Duke Point plant is increased.

The **Chair** explained that the proposed project is the driving force behind the sewer line extension. In addition, the Chair added that although the Regional District of Nanaimo has considered a sewer extension in the past, it is unlikely that this extension would occur unless the subject application is approved.

Barbara Bell, 1981 Woobank Road, voiced concerns with the proposed age restriction and users of the single, duplex, and quadraplex lots.

Eileen Knight, 1827 Starling Road, requested clarification regarding the character of the underground parking and if the underground parking would be located entirely underground. Ms. Knight also expressed concern over the low cost of the proposed housing and potential for undesirable persons living in the area.

Robert Boyle, Agent, indicated that the proposed underground parking would be no more than approximately 0.76 metres above natural grade. Mr. Boyle explained that the proposed single family, duplex, and quadraplex units would not be subsidized low income housing, but the lower price is attributed to the smaller lot size and the reduced cost of shared construction. Mr. Boyle clarified the housing is intended to be affordable – not low income or subsidized.

Frank Garnish, 2512 Barnes Road, began by stating that the OCP supports rural uses. However, Mr. Garnish indicated that he has no objection to a development in the area subject to the development taking a form that is compatible with the rural atmosphere of the community. Mr. Garnish discussed a previous sewer line extension proposal that would serve a number of parcels and questioned if this proposal would have sufficient capacity to service these parcels. Mr. Garnish also questioned the proposed Comprehensive Development Zone including lot size, parcel coverage, and setbacks. Mr. Garnish then spoke to potential traffic and pedestrian issues related to a left turn lane and graveled pedestrian access on Hemer Road.

Jason Llewellyn, Manager, Community Planning, spoke to Mr. Garnish's concerns and indicated that the Ministry of Transportation has given preliminary approval in principal to the road improvements suggested by the applicant. Mr. Llewellyn then indicated that the Ministry of Transportation has no objection to a gravel pedestrian walkway but does not appear to support a sidewalk along Hemer Road. Mr. Llewellyn also indicated that the Regional District of Nanaimo would secure sidewalks through the creation of a sidewalk local service area and covenant. Mr. Llewellyn indicated that the Ministry of Transportation does not have any objection to the widening of Cedar Road at this time. Mr. Llewellyn also indicated that Ministry of Transportation approval of the specific design of road improvements is required.

Frank Garnish, 2512 Barnes Road, asked who would control the covenant for the sidewalks.

Jason Llewellyn, Manager, Community Planning, indicated that it would be the Regional District of Nanaimo. Upon request from the Chair, Mr. Llewellyn outlined the rezoning, development permit and development variance permit process and explained that issues relating to detailed design, drainage, and parking would be addressed at the development stage.

Karen Lister, 1957 Birchell Road, voiced concern over traffic impacts on Cedar Road, proposed density, users of the property, and loss of rural lifestyle.

Eqou Eilers, 1892 Woobank Road, expressed concern over the impact of the proposed development on the source and capacity of water.

Russ Irish, Agent, assured that there is adequate water capacity to handle the proposed development and to allow for future expansion.

Patti McPheat, 2153 Hemer Road, suggested that although the applicant is proposing to reduce the height of the 3-storey buildings by reducing the roof pitch, a flat roof would be visually unappealing. Ms. McPheat also expressed concern over the small lot size and questioned the applicant's rationale for selecting such lot size. Ms. McPheat suggested the applicant consider a larger lot size.

Robert Boyle, Agent, explained that current market conditions support the proposed lot size and the small lot size has worked well in other jurisdictions. Mr. Boyle indicated a development permit is required prior to development and the design of the buildings may change. Mr. Boyle clarified that the only issue considered by this application is zoning. Mr. Boyle also spoke regarding the separation between properties and adjacent buildings and explained that setbacks are measured from the outermost portion of buildings and structures.

John Person, 1873 Starling Road, expressed concern regarding the potential impact of the proposed development on his viewscape, noise pollution from ambulance traffic, the location of the gas line right-of-way, and removal of vegetation.

Robert Boyle, Agent, responded by detailing the setback requirements and proposal to maintain existing mature vegetation where possible.

Jean Evans, 1818 Meadowlark Crescent, questioned the phasing of construction and was concerned that the personal care unit would not be constructed concurrently with the residential development.

Myo Stevens, 3000 Giovando Road, inquired regarding the source and capacity of the North Cedar Improvement District water supply.

Robert Boyle, Agent, responded by explaining the groundwater in this area comes from the Cassidy Aquifer, which is primarily confined to areas in close proximity to the Nanaimo River. The Agent then explained that there are a number of different aquifers in the region and this development is not anticipated to negatively affect other well water users.

David Chapman, 2237 Blue Jay Way, indicated that he was concerned with drainage and parcel size. Mr. Chapman questioned the direction of surface runoff as well as the roll of the Regional District of Nanaimo in drainage, approval, and maintenance. Mr. Chapman in expressing his concern over the proposed parcel size compared the current and proposed minimum parcel sizes.

Robert Boyle, Agent, outlined the proposed storm water works and creation of a local service area and Regional District of Nanaimo involvement.

Keith Hebron, 2029 Grieve Road, expressed concern over the timing of construction. Mr. Hebron indicated that the personal care unit should proceed concurrently with the rest of the development.

Janelle Park, 1821 Cedar Road, asked for clarification of the difference between Commercial 2 zoning and the proposed zoning.

Jason Llewellyn, Manager, Community Planning, outlined the existing and proposed zone including uses and setbacks.

Janelle Park, 1821 Cedar Road, requested clarification on the Bylaw voting process.

The **Chair** explained the voting process and Board involvement.

Eileen Knight, 1827 Starling Road, expressed concern regarding zoning setbacks and traffic safety.

David Chapman, 2237 Blue Jay Way, questioned the timing of construction of the personal care facility as currently there are waiting lists for these types of facilities.

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

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

The meeting concluded at 9:45 pm.

Greg Keller
Recording Secretary

Submissions

For Aug 31 P.M., rec'd by email to Krieberg 05-08-31

TO: Director Henrik Krieberg
FROM: Mary Shakespeare, Resident, Area 'A'
RE: Zoning Amendment Application – CEDAR ESTATES
Electoral Area 'A'
August 29, 2005

Thank you for scheduling a second public information meeting to allow citizens' concerns to be heard.

I support the idea of Cedar having "a balanced, mixed use Village Centre whereby residents can live, work, shop and retire in a Village setting..." But, having reviewed the staff report on the proposed development, **I cannot support this proposal.** I have serious reservations.

The proposed development would provide residential units as well as housing for seniors. The density - 24 single families, 4 duplexes, 16 unit strata building plus a 45 unit seniors' complex and 75 unit care facility on 4.5 ha. – is too high. This density is not in keeping with a village centre. We need to see the development downsized. We also need to see how it addresses community needs and can be phased in over 15 to 20 years, before rezoning this property.

In the request for rezoning I see little in the way of community benefits, aside from the proposed walking trail on the eastern side of the property. Our community is in desperate need of more housing for Cedar's low-income residents, a skateboard park for young people and, yes, more walking trails and green space. I would urge the developer to designate the 3 hectare northern part of the property which is in the Agricultural Land Reserve as a RDN park, and commit to providing other community benefits.

Until we have a downsized proposal and detailed commitments, **I cannot support this proposal.** This proposal is asking too much from our community, without enough benefits for our community.

Original letters will be available for viewing at the Board Meeting



**REGIONAL
DISTRICT
OF NANAIMO**

REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GM ES	
DA CCD		MoF	
SEP 30 2005			
EAPC			
		DATE:	

MEMORANDUM

TO: Wayne Moorman
Manager, Engineering & Subdivisions

DATE: September 30, 2005

FROM: Susan Cormie
Senior Planner

FILE: 3060 30 60544

SUBJECT: Development Permit Application No. 60544
Leigh Millan, BCLS, on behalf of BCAB Developments Ltd.
Electoral Area 'A' – Whiting Way

PURPOSE

To consider a Development Permit application with variances as part of a 4-lot subdivision proposal of land within the Streams, Nesting Trees, and Nanaimo River Floodplain Development Permit Area.

BACKGROUND

This is an application for a development permit with variances as part of the proposed subdivision of the property legally described as Lot 1, Section 1, Range 6, Cedar District, Plan VIP68894 Except Part in Plan VIP75488 and located adjacent to Whiting Way in Electoral Area 'A' (see Attachment No. 1 on page 8 for location of parcel).

The parent property is currently zoned Rural 4 (RU4) and is within Subdivision District 'D' pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987. The applicant is proposing to subdivide the parent parcels into 4 lots, which will be greater than the 2.0 ha, minimum parcel size, therefore meeting the minimum parcel size requirement (see Schedule No. 3 for proposed subdivision on page 7). The parcels are proposed to be served by individual private septic disposal systems and private water wells.

A portion of the parent parcel is also designated within the Streams, Nesting Trees, and Nanaimo River Floodplain Development Permit Area No. 5 pursuant to the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001", in this case for the protection of the watercourse which crosses the northeast portion of the parent parcel.

In addition, to the above-noted watercourse, it is noted that the Environmentally Sensitive Areas Atlas also indicates the presence of a wetland sensitive ecosystem located in the southwest area of the parent parcel which is not designated within a development permit area.

The Electoral Area Planning Committee may recall that a 10% perimeter frontage relaxation was granted for the proposed Remainder Lot on October 14, 2003. At that time, the subdivision application had in-stream status in conjunction with the requirement for a development permit. As the original subdivision application was not finalized by December 11, 2004, the in-stream status expired. In addition, the parent parcel is under new ownership and the new applicant has submitted an amended plan of subdivision for review along with a development permit application.

There are currently section 219 covenants on title, which include prohibiting the removal of vegetation or the placement of buildings within 15.0 metres of all watercourses.

The applicant has submitted the following documentation in support of the application:

- Detailed site plan, and
- Geotechnical Assessment prepared by Lewkowich Geotechnical Engineering, dated March 1, 2005.

The applicant is also requesting that the siting of 2 existing accessory pump house structures be recognized by variance to the Land Use and Subdivision Bylaw No. 500, 1987. These structure are proposed to be varied from 15.0 metres horizontal distance from the natural boundary of the ponds to 13.4 metres and 4.8 metres horizontal distance. If approved, the siting of these accessory structure would be included with the development permit.

In addition, the parent parcel has a section 57 filing, pursuant to the *Community Charter*, registered on title pertaining to a bylaw enforcement issue on zoning and building inspection infractions involving the maximum number of dwelling units allowed per parcel under the Rural 4 (RU4) zone.

ALTERNATIVES

1. To approve Development Permit No. 60544 subject to the conditions set out outlined in Schedules No. 1, 2, and 3 and the notification procedure pursuant to the *Local Government Act*.
2. To deny the development permit as submitted and provide staff with further direction.

OFFICIAL COMMUNITY PLAN / ENVIRONMENTAL IMPLICATIONS

The watercourse designated within the development permit area consists of 2 ponds. There is currently a section 219 covenant on title, which prohibits the removal of vegetation or the placement of buildings within 15.0 metres of these ponds. Fill and debris, including tree stumps, was placed along the north shore of the smaller pond prior to the current owner taking ownership. It is noted that removing the fill may, at this time, now be more harmful to the environmental integrity of the pond than leaving it as is. Staff recommends that, as a requirement of the development permit, the applicant be required to apply for a section 9 approval from the Ministry of Environment to ensure compliance with the Provincial guidelines.

The geotechnical report prepared by Lewkowich Geotechnical Engineering Ltd. states that the proposed development site is considered geotechnically safe and suitable for the intended purpose of the subdivision. The report indicates that the potential building areas will be well-drained and can be developed without constraint related to the hazard of flooding. Ministry of Transportation staff has indicated that the geotechnical report will be required to be registered, as a condition of subdivision, on title, including a save harmless covenant. The geotechnical report will also be included as an attachment to the development permit (*see Schedule No. 1 on Pages 4 and 5 for Conditions of Approval*).

With respect to the other wetland area located on the proposed Remainder Lot, it is noted that the adjacent parcel in the south and located in Cowichan Valley Regional District contains the Ladysmith Bog which is protected by ecological reserve status under the Provincial government. Ministry of Water, Land and Air Protection staff recommends that the wetland on the parent parcel be set aside for protection. This recommendation will be forwarded to the Approving Officer, who will take it into consideration as part of the subdivision application review process.

ZONING IMPLICATIONS

The applicant is in concurrence to remove all buildings and structures in order to bring the parent parcel into compliance with the current zoning regulations (*see Schedule Nos. 1 and 2 on pages 4, 5, and 6 outlining buildings and structures to be removed/altered*).

There are 2 existing accessory pump house structures situated within the development permit area. Pursuant to Bylaw No. 500, 1987, the minimum setback requirement is 15.0 metres from a natural boundary of a watercourse. One pump house structure is 13.4 metres from the boundary and second is 4.8 metres from the natural boundary. As the applicant wishes to bring these accessory structures into setback conformity; a variance to relax the setbacks is required. Due to the sizes of the accessory structures, building permits were not required. In addition, the requirements of Floodplain Management Bylaw No. 843 are not applicable as the structures are accessory and are not considered habitable space. As these are existing structures and are a small footprint within the development permit area, staff has no objection to the requested variances.

VOTING

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

SUMMARY

This is an application for a Development Permit as part of a 4 lot subdivision proposal on Whiting Way in Electoral Area 'A'. There are covenants currently registered on title restricting the placement of structures and no removal of vegetation within 15.0 metres of the natural boundary of all watercourses. With respect to the section 57 filing on title, in order to address the land use bylaw infractions, the applicant is in concurrence to remove or alter those buildings and structures which do not presently meet bylaw provisions (*see Schedule No. 1 and 2 on pages 4, 5, and 6*). In addition, the applicant has requested that minimum setback requirement for the 2 existing accessory pump house structures, which are situated within 15.0 metres of the natural boundary of the ponds, be relaxed as these structures would be costly to relocate. With respect to the potential for hazardous conditions on site, the applicant has submitted a geotechnical report which states that the topography indicate no obvious evidence of slope instability and that potential building area will be well-drained and readily development without constraint relating to the hazard of flooding.

Therefore, as the applicant is in concurrence to bring the outstanding section 57 filing issues in conformity, as the geotechnical report supports the subdivision and intended uses, and the proposed variances are for existing small structures having little impact on the development permit area, staff recommends Alternative No. 1 to approve the development permit subject to the conditions set out in Schedule Nos. 1, 2, and 3 and subject to the notification procedure.

RECOMMENDATION

That Development Permit Application No. 60544 in conjunction with the subdivision be approved according to the terms and conditions outlined in Schedule Nos. 1, 2, and 3 and to the notification requirements pursuant to the *Local Government Act* with respect to the proposed variances.

Wayne Moor

Report Writer

R. K. [Signature]

Deputy Administrator Concurrence

Wayne Moor

Manager Concurrence

Schedule No. 1
Development Permit Application No. 60544
Terms and Conditions / Requested Variances

Requested Variances

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

1. The requirements of section 3.3.8 setback – excluding the sea be varied from 15.0 metres horizontal distance from the natural boundary to 13.4 metres horizontal distance from the natural boundary and 4.8 metres from the natural boundary to recognize the siting of the existing accessory pump house structures.

Subdivision / Development Permit Protection Measures

1. The subdivision shall be in substantial compliance with Schedule No. 3. 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.
2. No construction, other than the surveying required for subdivision, shall occur within the riparian area of the watercourse located adjacent to the west lot line of the parent parcel in association with the subdivision development and the following sediment and erosion control measures shall be taken as necessary:
 - a. tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be onsite.
 - b. direct run off flows away from ponds using swales or low berms.
 - c. exposed soils must be seeded immediately after disturbance. Soil surfaces to be treated should be roughened.
 - d. temporary fills or soil stockpiles are to be covered with polyethylene or tarps.
3. No fill, driveways, wells, septic disposal fields, outdoor storage, no building or structures including fences, decks, and patios, and placement of soils; or any alteration of the land by man shall occur within the development permit area other than the surveying required for subdivision.

Section 57 Filing

The applicant shall remove and/or alter the following buildings and structures and as indicated on Schedule No. 2 to the satisfaction of the Regional District of Nanaimo, including applying for demolition permits:

- | | |
|---|-------------------------------------|
| 1. Trailer with additions | 6. Foundation |
| 2. All docks and other similar structures | 7. Third trailer with additions |
| 3. Chicken coop | 8. Powerhouse structure |
| 4. Second trailer with additions | 9. Accessory building |
| 5. Sawmill | 10. Remove suite from shop building |

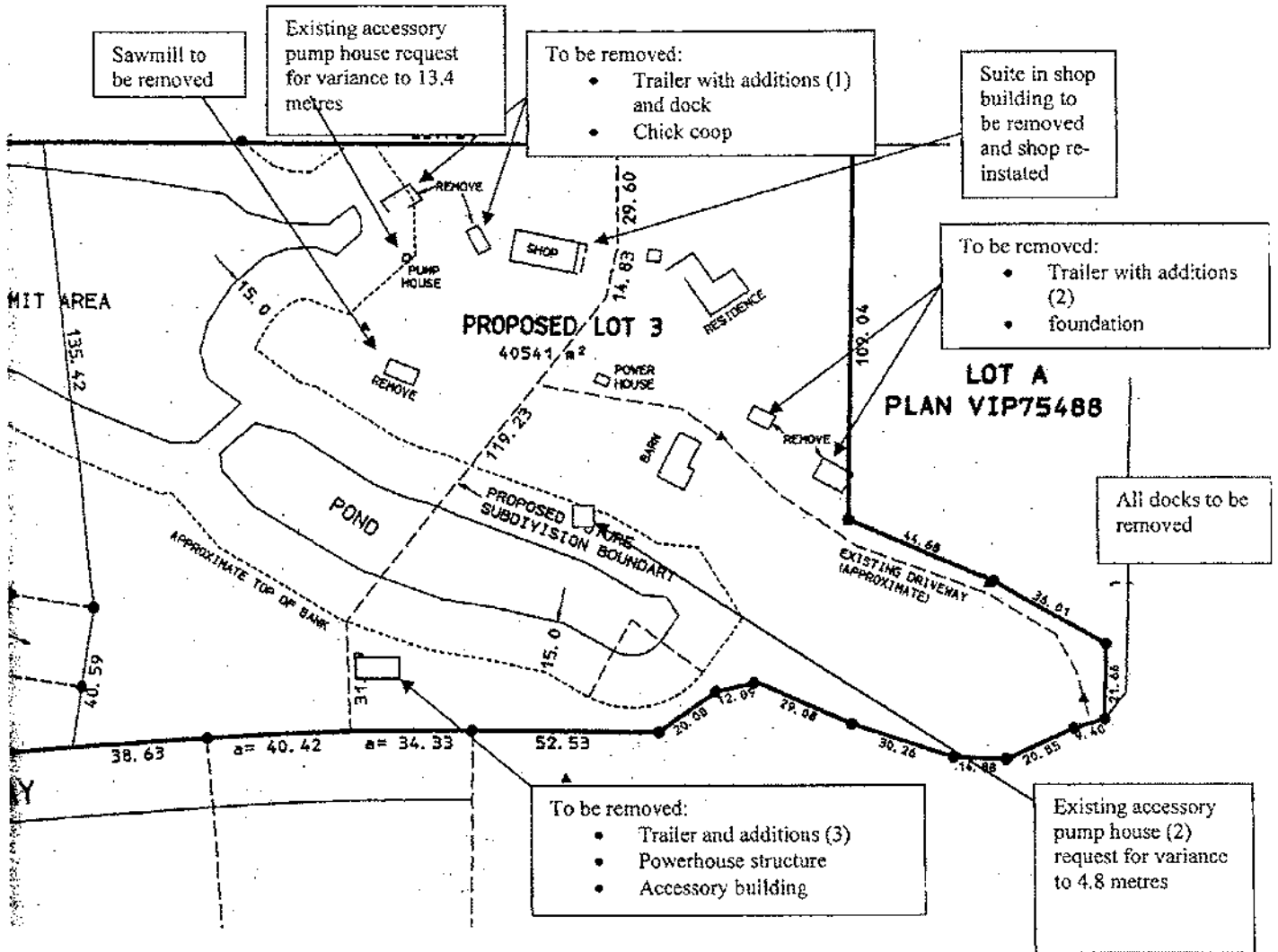
Geotechnical Report

The Geotechnical Report prepared by Lewkowich Geotechnical Engineering Ltd, dated March 1, 2005, to be attached to and forming part of the development permit. Recommendations established by this Geotechnical Report shall be undertaken during the development of the subdivision.

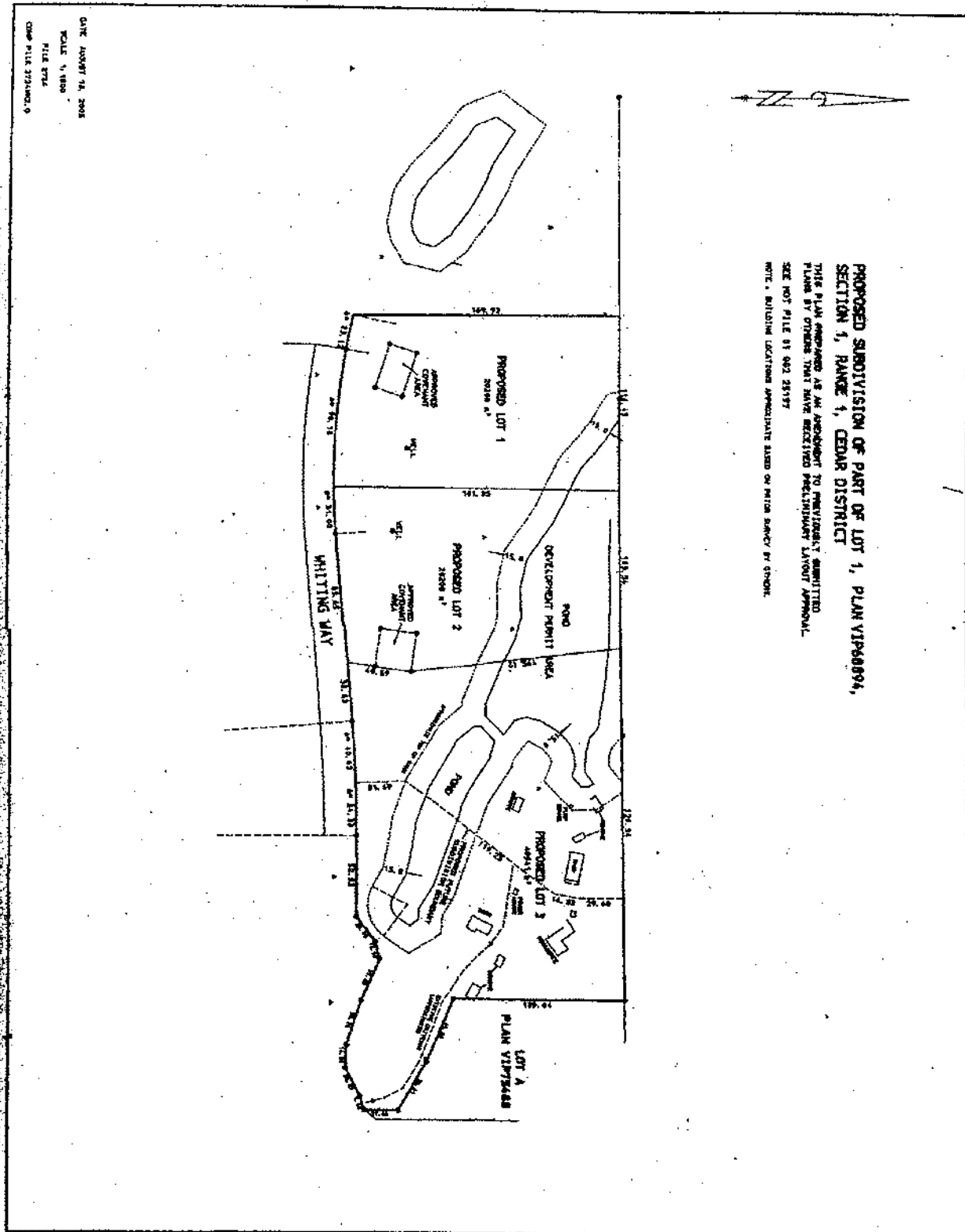
Existing Fill

Applicant to provide confirmation as to section 9 approval from the Ministry of Environment with respect to the fill and debris previously placed in the smaller pond.

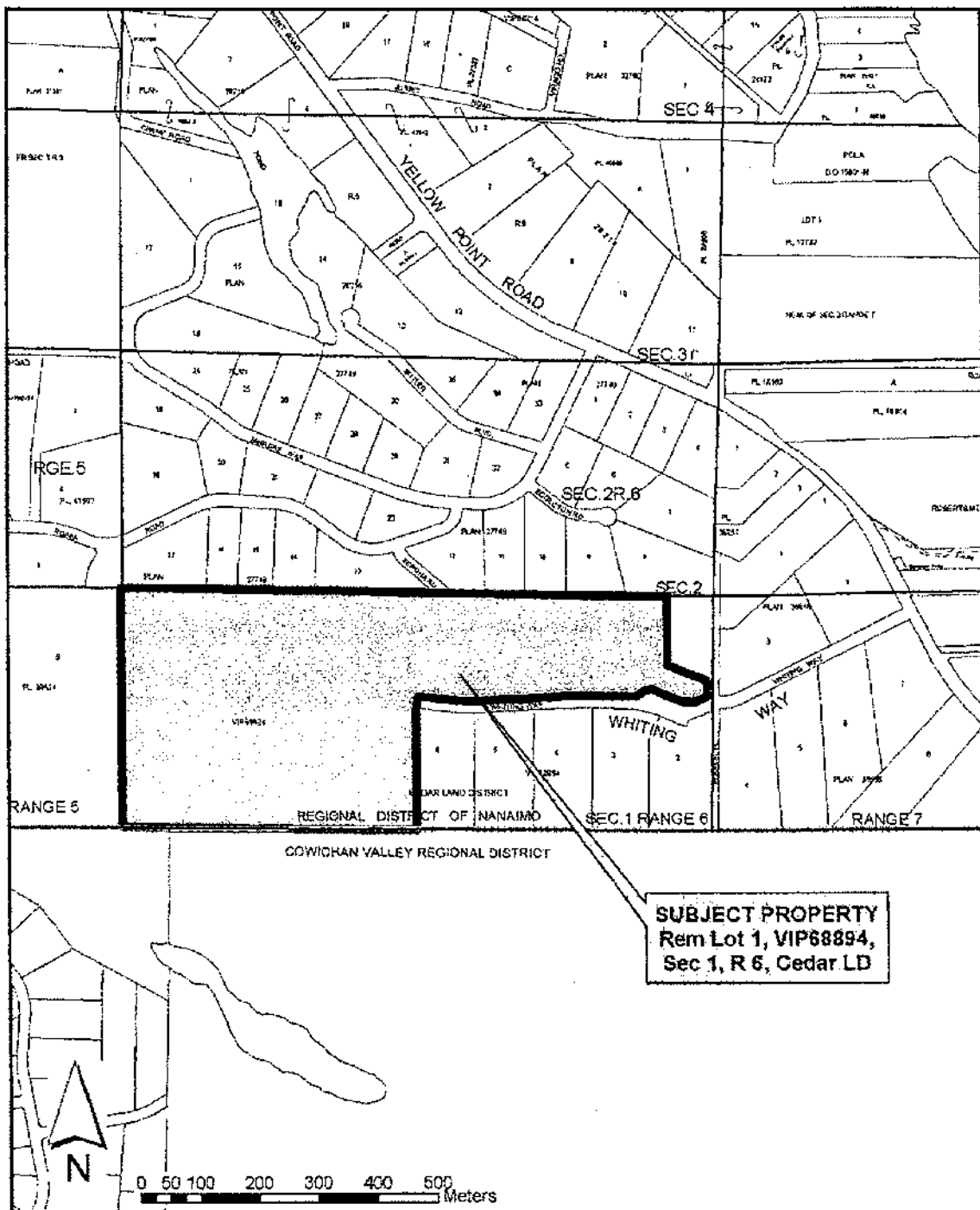
Schedule No. 2
Development Permit Application No. 60544
Enlargement Showing Location of Buildings/Structures to be Removed and/or Altered and
Pump Houses Requested for Variance from Minimum Setback Requirements



Schedule No. 3
Development Permit Application No. 60544
Plan of Proposed Subdivision
(reduced for convenience / as submitted by applicant)



Location of Subject Property
Development Permit Application No. 60544



BCGS MAPSHEET NO. 92G.002.3.1



**REGIONAL
DISTRICT
OF NANAIMO**

REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GM ES	
DA CCD		MoF	
OCT - 4 2005			
EAPC			
TO:		DATE:	

MEMORANDUM

TO: Jason Llewellyn
Manager of Community Planning

DATE: October 3, 2005

FROM: Blaine Russell
Planner

FILE: 3060 30 60547

SUBJECT: Development Permit Application No. 60547 - Purchase
Lot 9, District Lot 28, Nanoose District, Plan VIP76143
Electoral Area 'G' - 608 Viking Way

PURPOSE

To consider an application to amend a Development Permit by varying the maximum permitted height to facilitate the construction of a dwelling unit.

BACKGROUND

The subject property, legally described as Lot 9, District Lot 28, Nanoose District, Plan VIP76143, is located at 608 Viking Way in the Columbia Beach area of Electoral Area 'G' (see Attachment No. 1).

The subject property is zoned Residential 5 (RS5) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The Residential 5 zone allows a maximum height of 8.0 metres for buildings and structures. The applicant is requesting to vary the maximum permitted height in order to site the proposed dwelling unit on the parcel.

Pursuant to the previous Official Community Plan, "French Creek Official Community Plan Bylaw No. 741, 1987", the subject property was designated within Development Permit Area (DPA) 'D' French Creek. The purpose of this DPA was to protect the natural environment, to protect development against hazardous conditions, and to address the form and character of commercial and multiple dwelling unit development.

Development Permit No. 77 was issued in 1994 and permitted the subdivision and development of the lands within the DPA. In addition, DP No. 77 established minimum setback requirements from the ocean and from French Creek, established flood construction elevations, and designated areas where vegetation must be retained. DP No. 77 also varied the height for the dwelling units in this portion of the subdivision to 9.5 metres above natural grade. Other portions of the subdivision, those lots on the opposite side of Viking Way, were granted relaxations to 8.0 metres above the flood level as defined by the Ministry of Environment (MOE). Many of the properties, including the subject property, contain varying amounts of fill that were placed at the time of subdivision. This permit also varied the interior side and rear lot line setbacks from 3.0 metres to 2.0 metres for single-family dwelling units.

In addition, Development Permit No. 0249 was issued in order to amend the lot layout as previously approved by DP No. 77. However, when the French Creek Official Community Plan Bylaw No. 1115 was adopted in 1998 this Development Permit area designation was removed.

In this case, the applicant is requesting to amend DP No. 77 to include a variance to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" to vary the maximum permitted height from

8.0 metres to 9.9 metres above natural grade (an additional 0.4 metres to what was granted via of DP 77) in order to facilitate the construction of the proposed dwelling unit. The variance would facilitate the construction of a 1½ story dwelling unit with a floor system that meets flood elevation requirement of 4.1 metres GSC (Geodetic Survey of Canada datum) and with a height from underside of main floor to the highest roof ridge of 7.4 metres.

ALTERNATIVES

1. To approve the Development Permit amendment and variance request as submitted, subject to the terms outlined in Schedule No. 1, and subject to comments received as a result of the notification requirements pursuant to the *Local Government Act*.
2. To deny the requested Development Permit amendment application.

LAND USE AND DEVELOPMENT IMPLICATIONS

The low-lying nature of the subject property combined with the required flood elevation of 4.1 metres GSC severely limits the maximum permitted height of the dwelling unit that is usable for habitable space. With the relaxation to height granted in DP No. 77, the habitable portion of the dwelling unit, that portion above flood elevation, is limited to 7.0 metres on the subject property. It should be noted that fill was placed on the subject property at the time of subdivision and that the natural grade is below the existing grade. The height variance would permit a 1½ story dwelling unit with a habitable floor area of 181.1 m² (1949 square feet), not including the attached garage. For comparison, single story houses in the immediate area have habitable floor areas that range from 146 to 157 m²; a second story home within the same subdivision has a floor area of 236 m².

Applicants have redesigned the dwelling to reduce the height by changing the roof pitch from 9/12 to 7/12 and by locating the second floor entirely within the attic. In the applicants' estimation, the proposed dwelling unit will be a metre lower from the present grade than any other two-story homes in the area. The applicants indicate that it has been very difficult to attain their desired square footage on the subject property without opting for second floor within the attic.

If the subject property was granted the same height relaxation in DP No. 77 that the properties on the south side of Viking Way were granted, this relaxation request would not be necessary. The proposed dwelling unit, at 11.4 metres GSC, will be 1.06 metres lower than the dwelling units across Viking Way. The dwelling unit will be no more than 0.4 metres higher than the adjacent dwelling unit to the west, the lot to the east is presently vacant. On the lot to the north of the subject property is an existing 2 story dwelling unit. The proposed dwelling unit will be consistent with the majority of properties located within the French Creek area and is considered to be appropriate for the proposed construction of a single family residential dwelling unit on this property.

The proposed dwelling unit design is similar to those in Columbia Beach and is proposed to meet the required setbacks pursuant to DP No. 77. In staff's assessment, the low elevation of the subject property and the design of the proposed dwelling unit with the requested height variance would not result in a negative impact on the immediate area. Therefore, staff recommends approval of the requested variance.

DEVELOPMENT PERMIT AREA IMPLICATIONS

The current application, although not currently within a DPA, requires an amendment to the original DP No. 77.

PUBLIC CONSULTATION IMPLICATIONS

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

VOTING

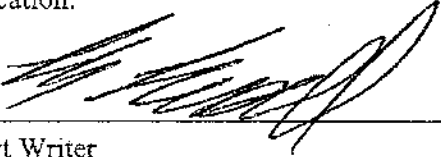
Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

This is an application to amend the provisions of Development Permit No. 77 in order to facilitate the construction of a dwelling unit on the subject property as proposed by the applicants. The applicants are requesting to vary the maximum height permitted pursuant to DP No. 77 from 9.5 metres to 9.9 metres to facilitate the construction of a 1½ story dwelling unit that meets flood elevation requirements.

RECOMMENDATION

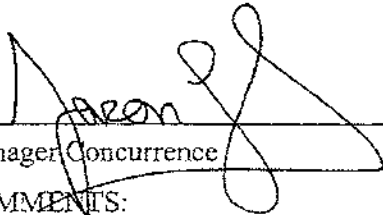
That Development Permit Amendment Application No. 60547 with a variance to the maximum building height from 9.5 metres, as permitted in DP No. 77, to 9.9 metres to facilitate the construction of a dwelling unit and attached garage at 608 Viking Way be approved according to the terms outlined in Schedule No. 1 and subject to the Board's consideration of comments received as a result of public notification.



Report Writer



Deputy Administrator Concurrence



Manager Concurrence

COMMENTS:

devsvs/reports/2005/dp 3060 39 60547 oc Purchase

Schedule No. 1
Terms of Development Permit No. 60547
Lot 9, DL 28, Nanoose District, Plan VIP76143
608 Viking Way

Variance

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

- 1) Development Permit No. 77 is to be amended by varying the maximum permitted height of **Section 3.4.65 Maximum Number and Size of Buildings and Structures – Height** from 8.0 metres from natural grade to 9.9 metres from natural grade in order to accommodate the siting of the dwelling unit. The variance applies only to a building designed and sited as shown on Schedules No. 2 and 3.

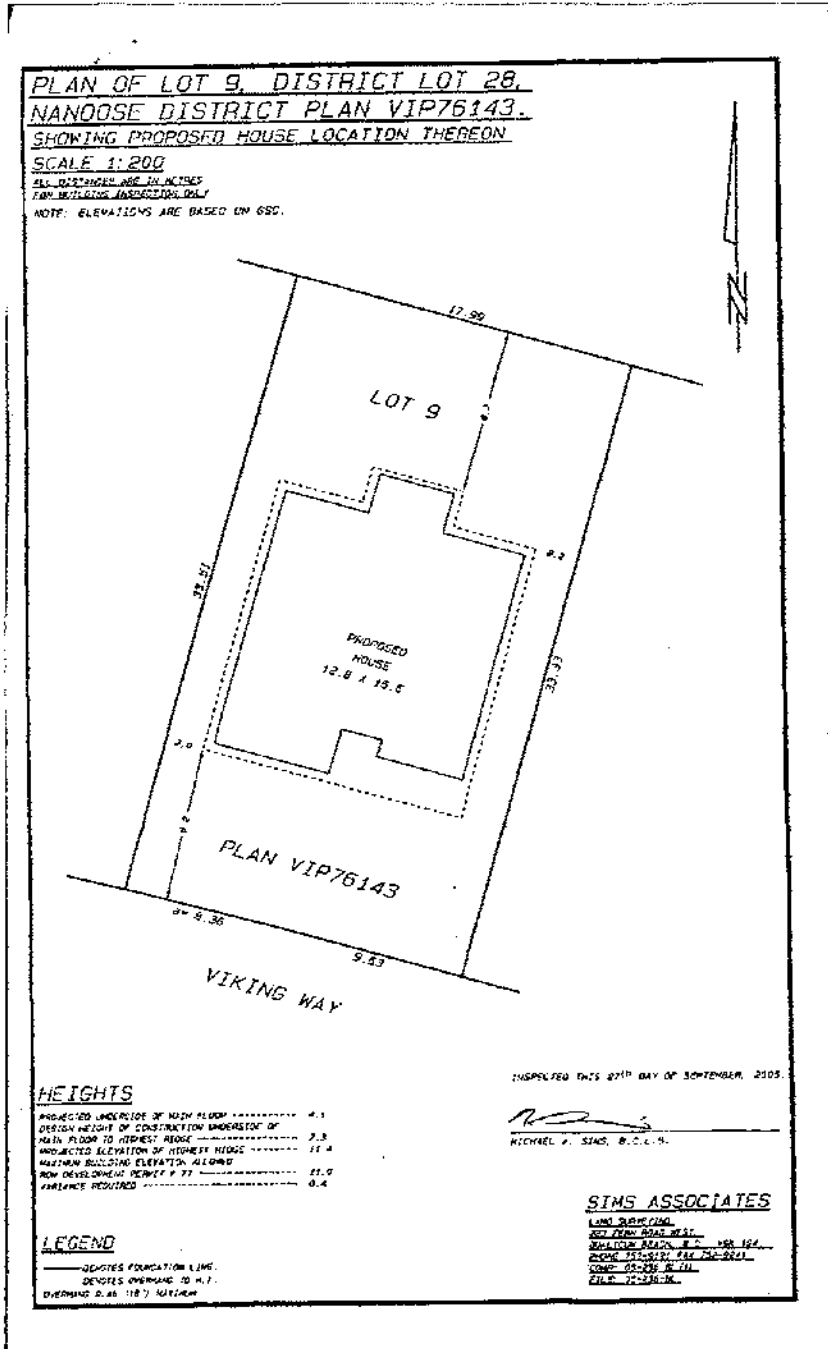
Development of Site

- 2) Uses and construction of buildings and structures to be undertaken must be consistent with "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" and Development Permits No. 77 and 0249, except where varied by this Permit.
- 3) Applicants to obtain a building permit prior to commencing construction.
- 4) Development to be in substantial compliance with Schedules No. 2 and 3.

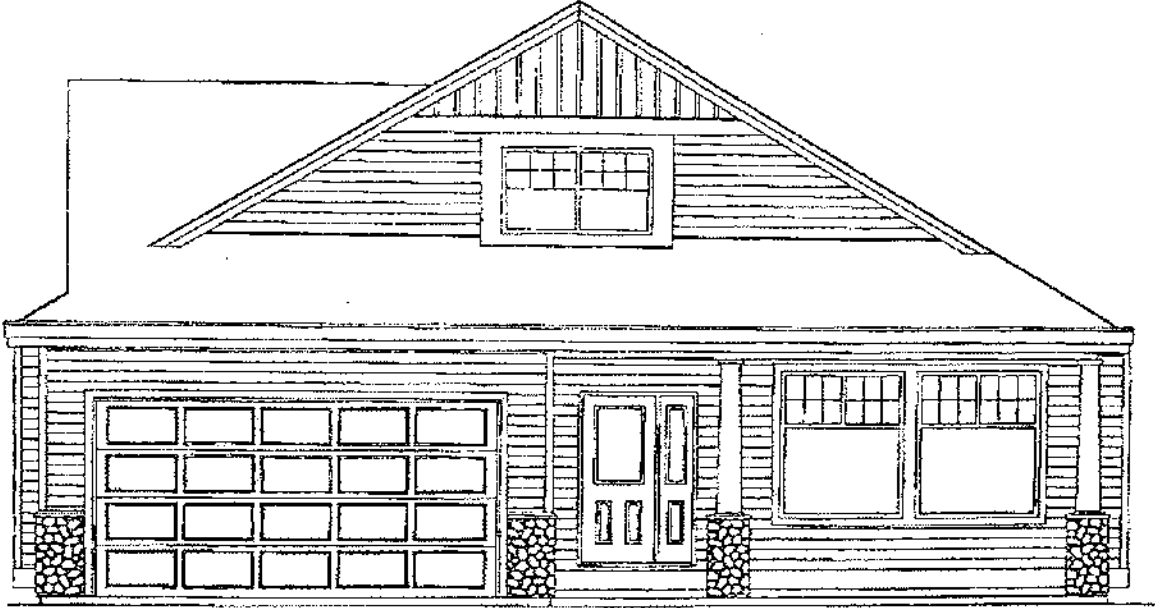
Survey

- 5) A survey prepared by a British Columbia Land Surveyor (BCLS) is required upon completion of the dwelling unit and prior to occupancy to confirm its siting and height. This survey should include indications of the outermost parts of the building such as the overhang, gutters, etc, and shall be prepared to the satisfaction of the Regional District of Nanaimo.

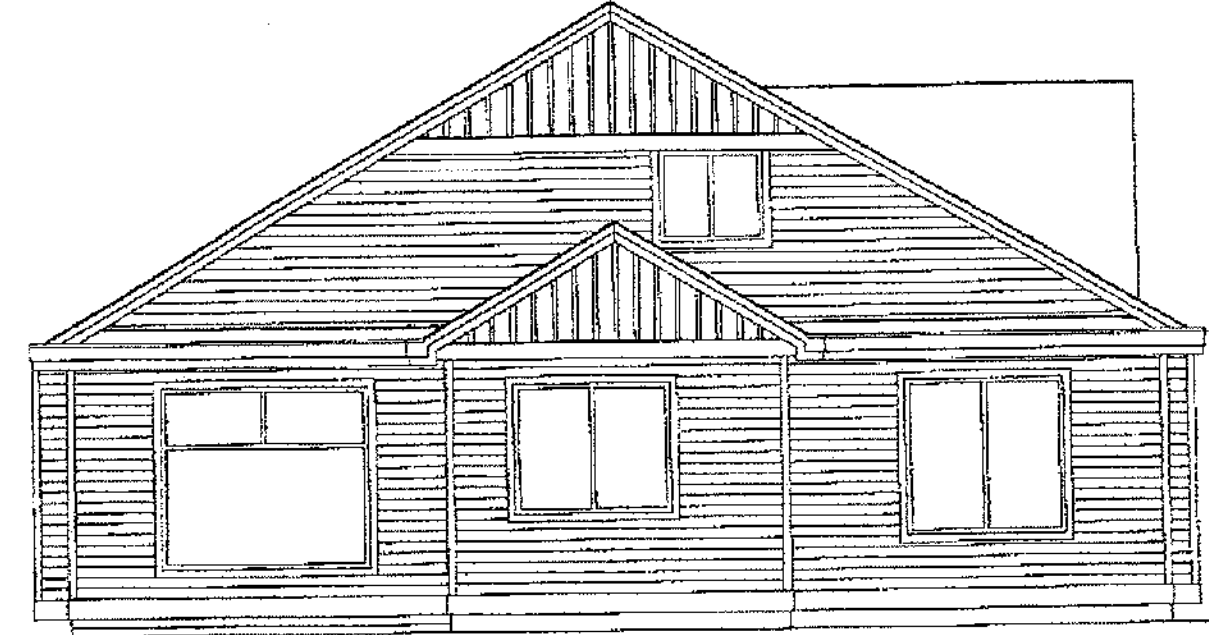
Schedule No. 2
Development Permit No. 60547
Site Plan (as submitted by applicants, reduced for convenience)
Lot 9, DL 28, Nanoose District, Plan VIP76143
608 Viking Way



Schedule No. 3
Proposed Profiles (Page 1 of 2)
Development Permit No. 60547
Lot 9, DL 28, Nanoose District, Plan VIP76143
608 Viking Way

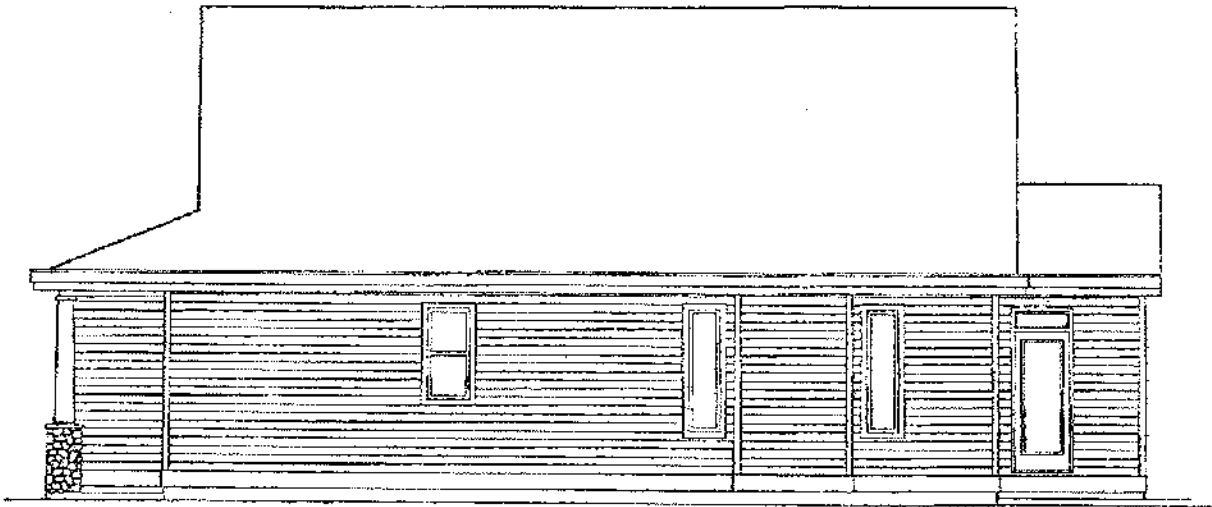


FRONT ELEVATION

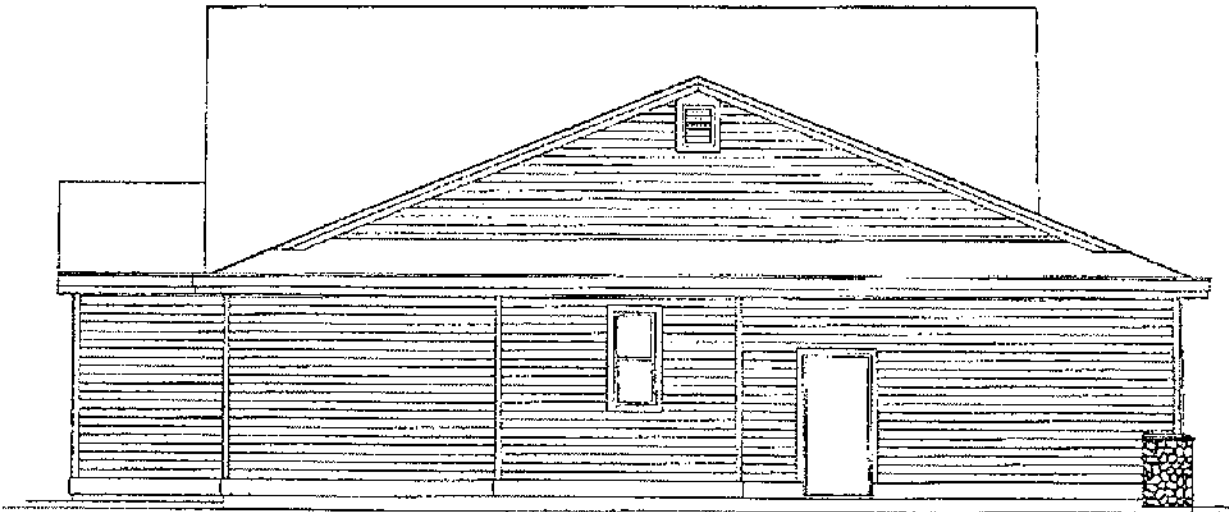


REAR ELEVATION

Schedule No. 3
Proposed Profiles (Page 2 of 2)
Development Permit No. 60547
Lot 9, DL 28, Nanoose District, Plan VIP76143
608 Viking Way

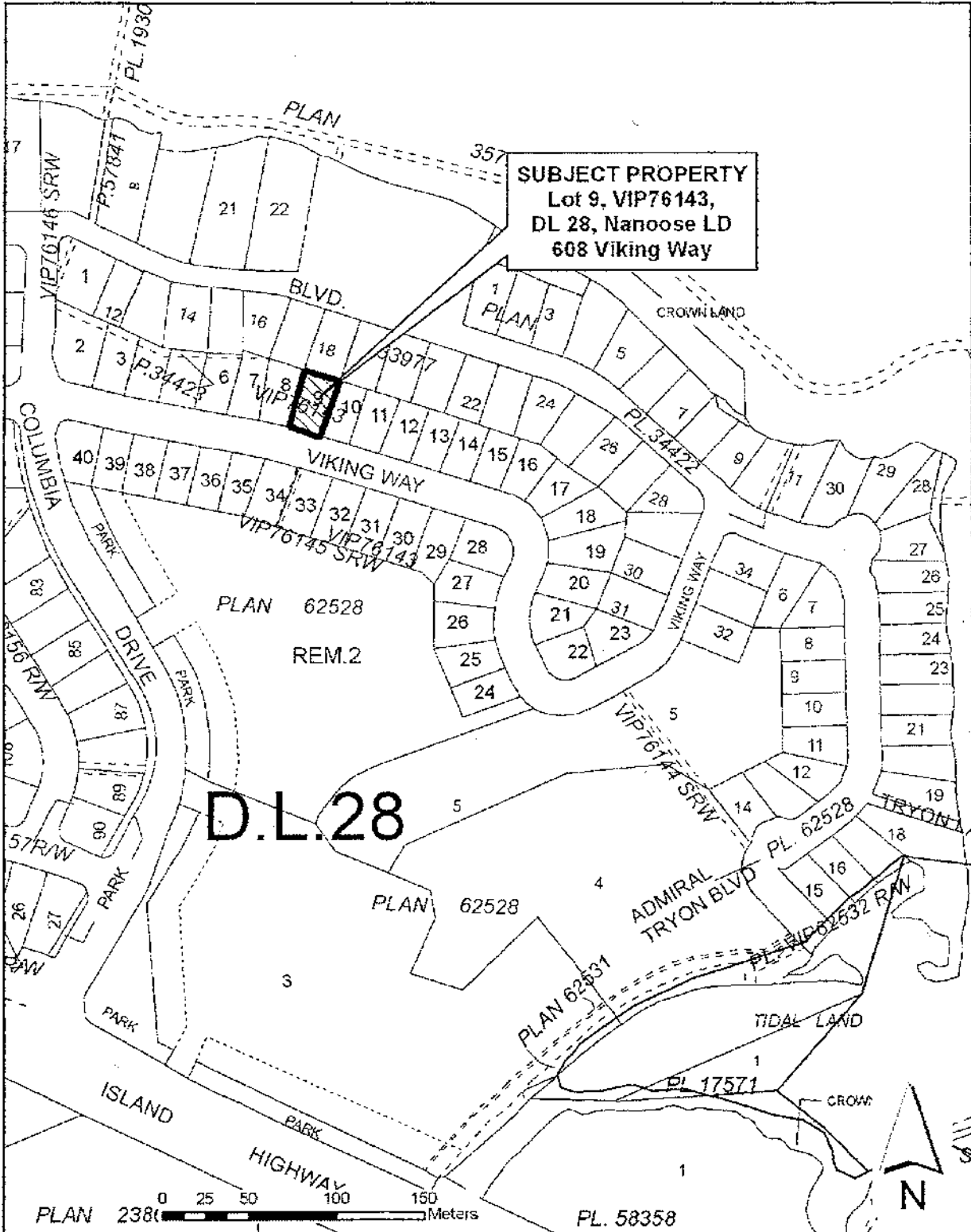


RIGHT ELEVATION



LEFT ELEVATION

Attachment No. 1
Subject Property
Development Permit No. 60547





REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GM ES	
DA CCD	<i>Yes</i>	MoF	
SEP 30 2005			
<i>EAPC</i>			

MEMORANDUM

TO: Wayne Moorman
Manager, Engineering & Subdivisions

DATE: September 29, 2005

FROM: Susan Cormie
Senior Planner

FILE: 3320 20 26363

SUBJECT: Request for Relaxation of the Minimum 10% Perimeter Requirement - Pickard Electoral Area 'G' - 3793 Island Highway West

PURPOSE

To consider a request to relax the minimum 10% perimeter frontage requirement for one parcel as part of a 2-lot subdivision proposal.

BACKGROUND

This is an application requesting relaxation of the minimum 10% perimeter frontage requirement for a proposed parcel as part of a 2-lot subdivision proposal for the property legally described as Lot 1, District Lot 11, Newcastle District, Plan 32299 and located at 3793 Island Highway West within Electoral Area 'G' (see Attachment No. 2 on page 6 for location of parent parcel).

The subject property, which is 0.85 ha in size, is currently zoned Residential 2 (RS2) and is within Subdivision District 'M' pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The applicant is proposing to subdivide the parent parcel into two parcels, both of which will be greater than the 2000 m² minimum parcel size with community water connections, therefore meeting the minimum parcel size requirement pursuant to Bylaw No. 500 (see Attachment No. 1 on page 5 for proposed plan of subdivision).

The subject property currently supports one dwelling unit. Surrounding uses are residentially zoned parcels to the north, east, and west with the Island Highway to the south. The parcels are proposed to be served by individual private septic disposal systems and community water service connections.

There is an existing covenant on title pertaining to a portion of the parent parcel which is situated within a floodplain area. This covenant provides restrictions for buildings and structures.

10% Minimum Frontage Requirement

Proposed Lot 1, as shown on the submitted plan of subdivision, does not meet the minimum 10% perimeter frontage requirement pursuant to section 944 of the *Local Government Act*. The requested frontage is as follows:

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% of Perimeter</i>
1	37.8 m	10.0 m	2.6 %

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

ALTERNATIVES

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

DEVELOPMENT IMPLICATIONS

Site Constraints

The north portion of the parent parcel contains a steep slope with a floodplain area located at the base of the slope. Development of the floodplain area is restricted by covenant. Due to the physical site constraints of the parent property combined with the existing surrounding land use pattern, the property cannot support a parallel road system. The proposed lot configuration contains buildable site areas for the intended residential uses, including a dwelling unit and septic disposal field.

Environmentally Sensitive Atlas

While the Environmentally Sensitive Areas Atlas does not indicate any environmentally sensitive features within the site; as stated above, the north side of the parent parcel contains a steep slope with a floodplain area at the base of the slope. As part of the subdivision approval process, the Approving Officer is requiring the applicant to register a no build covenant for the protection of development from the steep slope.

Ministry of Transportation

The Ministry of Transportation staff has indicated that they will support this request for relaxation of the minimum 10% frontage requirement provided the applicant constructs a joint driveway access to serve both proposed parcels. The applicant has indicated that he is in concurrence to provide this access as well as registering a reciprocal easement agreement on title. Due to the limited access to the proposed parcels, the applicant is in concurrence to register a section 219 covenant restricting further subdivision of proposed Lot 2, including subdivision pursuant to the *Strata Title Act* (see Schedule No. 1 on page 4 for list of conditions).

VOTING

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

SUMMARY

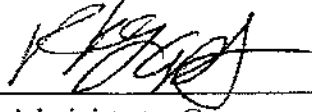
This is a request to relax the minimum 10% frontage requirement pursuant to Section 944 of the *Local Government Act* in order to facilitate the creation of a new parcel as part of a two-lot subdivision proposal. Due to limited access options, physical site constraints, and the existing land use pattern, the applicant has proposed a lot layout that includes a panhandle parcel. Given that the applicant is in concurrence to provide a section 219 covenant restricting further subdivision and the Ministry of Transportation is satisfied that access to each proposed parcel is achievable, staff recommends Alternative No. 1, to approve the relaxation of the minimum 10% frontage for proposed Lot 1 subject to the conditions set out in Schedule No. 1 of the staff report.

RECOMMENDATION

That the request from Andrew and Charlene Pickard to relax the minimum 10% frontage requirement for proposed Lot 1, as shown on the plan of subdivision of Lot 1, District Lot 11, Newcastle District, Plan 32299, be approved subject to the conditions set out in Schedule No. 1.



Report Writer



Deputy Administrator Concurrence



Manager Concurrence

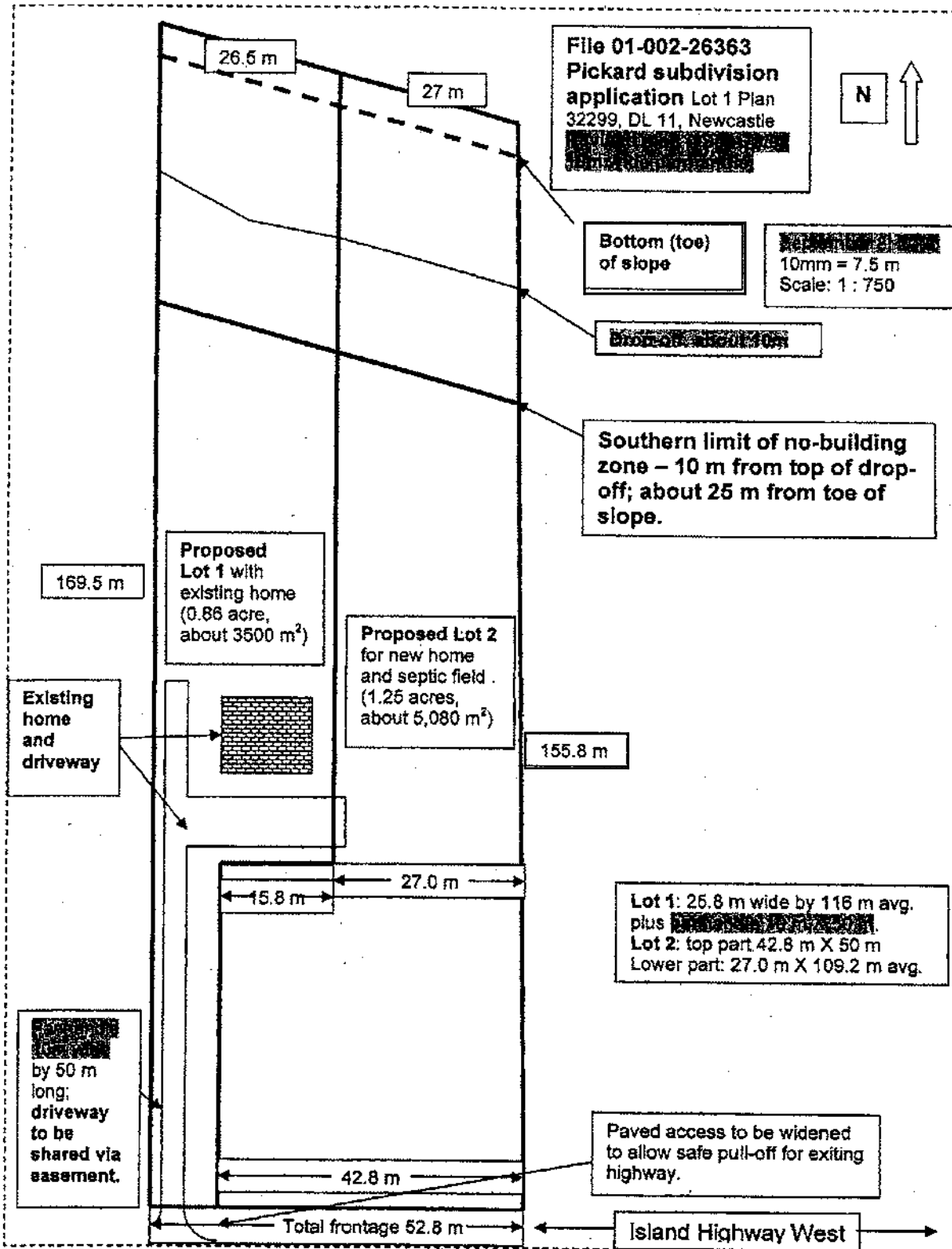
COMMENTS:

Devsrs/reports/2005/frtge oc 3320 20 26363 pickard.doc

Schedule No. 1
Conditions
Subdivision File No. 26363

1. Applicant shall prepare and register, at his expense and to the satisfaction of the Regional District of Nanaimo, concurrently with the proposed plan of subdivision, a section 219 covenant restricting any further subdivision, including subdivision pursuant to the *Strata Property Act*.
2. Applicant's solicitor to provide a letter undertaking to register the covenant concurrently with the plan of subdivision at Land Title Office.

Attachment No. 1
 Proposed Plan of Subdivision
 Subdivision File No. 26363
 (As Submitted by Applicant)



Attachment No. 2
Location of Subject Property

