

**REGIONAL DISTRICT OF NANAIMO**

**ELECTORAL AREA PLANNING COMMITTEE  
TUESDAY, NOVEMBER 8, 2005  
6:30 PM**

*(RDN Board Chambers)*

**A G E N D A**

**PAGES**

**CALL TO ORDER**

**DELEGATIONS**

**MINUTES**

- 3-4 Minutes of the Electoral Area Planning Committee meeting held Tuesday, October 11, 2005.

**BUSINESS ARISING FROM THE MINUTES**

**PLANNING**

**AMENDMENT APPLICATIONS**

- 5-13 Amendment Application ZA0512 – Taylor/Houston – Fielding Road – Area A.

***DEVELOPMENT PERMIT APPLICATIONS***

- 14-19 Development Permit Application No. 60534 – Andrew Lis, on behalf of Gaigher Holding Ltd. – Jamieson Road -- Area H.
- 20-27 Development Permit Application No. 60546 – Wilson – 673 Imperial Drive – Area G.
- 28-32 Development Permit Application No. 60551 – Fern Road Consulting, on behalf of D & B Yochim – Marshall Road – Area H.
- 33-38 Development Permit Application No. 60552 – Erickson – 1013 Surfside Drive – Area G.
- 39-53 Development Permit Application No. 60553 – Fern Road Consulting Ltd., on behalf of A G Project Management Inc. – McColl Road – Area H.

***OTHER***

54-58

Request for Relaxation of the Minimum 10% Perimeter Requirement – Reynolds  
– 1850 Shasta Road – Area A.

**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, OCTOBER 11, 2005, AT 6:00 PM  
IN THE RDN BOARD CHAMBERS**

**Present:**

Director E. Hamilton	Chairperson
Director H. Kreiberg	Electoral Area A
Director D. Haime	Electoral Area D
Director G. Holme	Electoral Area E
Director L. Biggemann	Electoral Area F
Director J. Stanhope	Electoral Area G
Director D. Bartram	Electoral Area H

**Also in Attendance:**

B. Lapham	Deputy Administrator
J. Llewellyn	Manager of Community Planning
W. Moorman	Manager of Engineering
M. Pearse	Manager of Administrative Services
L. Burgoyne	Recording Secretary

**MINUTES**

MOVED Director Haime, SECONDED Director Bartram, that the minutes of the Electoral Area Planning Committee meeting held September 13, 2005 be adopted.

CARRIED

**PLANNING**

**AMENDMENT APPLICATIONS**

**Bylaw Amendment Application No. ZA0510 – Cedar Estates – Cedar & Hemer Roads – Area A.**

MOVED Director Kreiberg, SECONDED Director Bartram, 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.

CARRIED

**DEVELOPMENT PERMIT APPLICATIONS**

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

MOVED Director Kreiberg, SECONDED Director Stanhope, 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.

CARRIED

**Development Permit Application No. 60547 – Purchase – 608 Viking Way – Area G.**

MOVED Director Stanhope, SECONDED Director Holme, 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.

CARRIED

**OTHER**

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

MOVED Director Stanhope, SECONDED Director Holme, 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.

CARRIED

The Deputy Administrator provided a verbal update on pending public hearings.

**ADJOURNMENT**

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

CARRIED

**TIME: 6:09 PM**

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CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAS		PLANNING	
DA CCO		MC	
OCT 25 2005			
EAPC			

MEMORANDUM

TO: Jason Llewellyn  
 Manager, Community Planning

DATE: October 25, 2005

FROM: Greg Keller  
 Planner

FILE: 3360 20 0512

SUBJECT: Amendment Application No. ZA0512 – Taylor/Houston  
 Electoral Area 'A' – Fielding Road

PURPOSE

To consider an application to rezone the subject property from Residential 2 Subdivision District 'F' (RS2F) to Fielding Road Comprehensive Development Zone 22 Subdivision District 'Z' (CD22Z) in order to facilitate the future development of light industrial uses.

BACKGROUND

The Planning Department has received a zoning amendment application for the property legally described as Lot A (DD EX121299), Section 15, Range 6, Cranberry District, Plan 9244. The subject property has recently been amalgamated and was previously described as Lots 19 & 20, Section 15, Range 6, Cranberry District, Plan 9244. The subject property is located adjacent to Fielding Road in the South Wellington area of Electoral Area 'A' (see Attachment No. 1 for location of subject property). The subject property is 2.9 ha in area and is currently zoned Residential 2 (RS2) Subdivision District 'F' (RS2F) (minimum 1.0 ha parcel size without community services) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."

Pursuant to "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" (OCP), the subject property is designated within the South Wellington Industrial - Commercial Land Use Designation. The OCP policies for this designation recognize and support the use of the land for light industrial uses. In addition, Bylaw No. 1240 designates the subject properties within the South Wellington Development Permit Area No. 1. Therefore, a development permit would be required prior to the development of the site.

Surrounding uses include industrial zoned parcels to the north located within the City of Nanaimo's boundary, residential zoned parcels to the east, and residential zoned parcels under consideration for industrial zoning to the south. The subject property is currently vacant and has been selectively logged.

There are currently no community water or community sewer services within the area nor are services anticipated in the future. The subject property is within an RDN Building Inspection area.

Proposal:

The applicant is requesting that Bylaw No. 500, 1987 be amended from Residential 2 Subdivision District 'F' (RS2F) (1.0 ha minimum parcel size without community services) to Fielding Road Comprehensive

Development Zone Subdivision District 'Z' (CD22Z) (no further subdivision) in order to allow for a number of light industrial uses.

The submitted proposal is that the subject properties will be served by a private on-site well and septic disposal system. Detailed site plans have not been included because no development is proposed at this time. The applicant has submitted a preliminary site investigation regarding potential on-site contamination. In addition, the applicant obtained permission to use an engineer's report addressing on-site sewage and water services, a Stages 1 and 2 Preliminary Site Investigation report, a Detailed Site Investigation report, and a preliminary geotechnical report in support of this application, which were prepared and submitted for a previous application that involved the subject property and lots 16, 17, and 18 to the south. The applicant also submitted an additional engineering report prepared by an independent engineer addressing on-site soil and water contamination. This information is being reviewed by the Ministry of Environment.

### ***Public Information Meeting***

There have been a number of recent applications for rezoning parcels in the South Wellington area. As the proposal is consistent with the OCP and there has been relatively low attendance at similar public information meetings in the area, in consultation with the Electoral Area Director, it was decided, pursuant to Impact Assessment Bylaw No. 1165, that a Public Information Meeting would not be held for this application.

### **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, subject to the applicant agreeing to undertake the conditions outlined in Schedule No. '1' of this report, for 1<sup>st</sup> and 2<sup>nd</sup> reading and proceed to Public Hearing.
3. To not approve the amendment application.

### **OFFICIAL COMMUNITY PLAN IMPLICATIONS**

Electoral Area 'A' Official Community Plan No. 1240, 2001 policies support the proposal for light industrial use in this location.

### **DEVELOPMENT IMPLICATIONS**

To ensure that future uses are consistent with the OCP direction to support light industrial uses in the South Wellington area, staff is recommending that a comprehensive development zone be created to include a number of specific light industrial land uses with less emphasis on retail sales. The proposed uses, which are set out in *Schedule No. 2* of this staff report, will generally require less potable water than other light industrial uses permitted under the Industrial 1 zone of Bylaw No. 500. The proposed CD zone will also include requirements for protection of the aquifer such as oil / water separators. Due to the visual sensitivity of the area and the fact that this is a speculative zoning amendment application, the proposed CD zone would limit outdoor storage and other outdoor uses and restrict land uses to those which are typically considered low impact light industrial uses and those uses that are compatible with the surrounding area.

With respect to on-site sewage disposal, the submitted engineer's report concludes that soil and groundwater conditions comply with the relevant guidelines for on-site sewage disposal for industrial uses.

With respect to potable water, the submitted engineer's report reviews wells in the surrounding area, as there is no well on the subject property. The report concludes that new water wells can be expected to provide potable water if the wells are sited, constructed, and tested by qualified professionals and the water quality is tested to confirm that it meets drinking water quality guidelines. If the zoning amendment proceeds, staff recommends that the applicant be required to submit proof of potable water prior to consideration of adoption of the corresponding bylaw.

As community servicing is not available in this area and as these services are not anticipated, staff recommends that an amendment to the subdivision district from Subdivision District 'F' to Subdivision District 'Z' be included in the corresponding bylaw.

Although the applicant is not proposing any specific development for the site at this time, it is noted that the subject property is designated within the South Wellington Development Permit Area No. 1 and any development of the site would require the issuance of the development permit prior to commencing construction. It is noted that the South Wellington Development Permit Area No. 1 includes guidelines such as the provision of groundwater protection and the location of off-street parking and outdoor storage areas. It should be noted, that landscaping adjacent to Fielding Road is not a requirement of Bylaw No. 500 or the South Wellington development permit area guidelines. However, in order to ensure that an area adjacent to Fielding Road would be landscaped to an appropriate standard, staff recommends this requirement be secured by a development covenant. The applicant is in concurrence with this condition.

#### **PUBLIC CONSULTATION IMPLICATIONS**

A Public Hearing will be required as part of the zoning amendment process if the application proceeds.

#### **ENVIRONMENTAL IMPLICATIONS**

The Environmentally Sensitive Areas Atlas indicates that there are no environmentally sensitive features within the subject property. However, there is an unnamed creek that runs through the southeastern portion of the subject property before entering lands within the City of Nanaimo. Minimum setbacks from the watercourse are applicable at the time of development pursuant to Section 3.3.8 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" and "Regional District of Nanaimo Floodplain Management Bylaw No. 843, 1991."

The applicant also has completed a Site Profile, which indicates there has been wood waste material placed on a portion of the subject property. The Detailed Site Investigation (DSI) Report concluded that while the wood waste layers are not considered an environmental concern; there are geotechnical concerns associated with this fill that will need to be considered at the time of development of the property.

The engineer's report submitted by the applicant indicates that there has historically been stockpiling of wood waste materials and the use of heavy equipment on the adjacent lot 12 to the west. In addition, the Engineer's report found minor groundwater and soil hydrocarbon contamination. However, the applicant's engineer concludes that the subject property does not pose a significant environmental risk and should not be considered a contaminated site, as defined in the British Columbia Contaminated Sites Regulation (CSR). It is noted that this Site Profile and associated report has been submitted to the Ministry of Environment and that the Ministry has provided proof of receipt of the contaminated site

profile. Please note that if the amendment bylaw proceeds prior to consideration of adoption, confirmation from the Ministry of Environment that the applicant has satisfied their requirements with respect to the site profile is required.

As a result of the DSI Report, the applicant also submitted a geotechnical report dated August 2000, which concludes that ground improvements would be required prior to development within the wood waste area. Given that the report sites limitations to future development it is recommended that this geotechnical report be registered on title. It is noted that, as the subject properties are within a Building Inspection area, an additional geotechnical report may be required at time of building permit application.

In order to lessen negative impacts on the groundwater, staff recommends that the proposed land uses include limitations on the amount of outdoor storage use and that no commercial vehicle washing be allowed on the site unless an approved water recycling / oil separator system is in place.

### **INTERGOVERNMENTAL IMPLICATIONS**

*Ministry of Transportation* – the Ministry has forwarded a number of conditions concerning this application including dedication of highway, no increase to off-site drainage, and submission of access application, and amalgamation of lots 19 and 20. It is also noted that an amendment bylaw is subject to the approval of the Ministry pursuant to the *Highway Act*.

*Vancouver Island Health Authority (VIHA)* - An engineer's assessment report has been received with respect to septic disposal capability for this site. Staff has referred this application to VIHA and we have received correspondence indicating that VIHA takes no objection to the proposed rezoning.

*City of Nanaimo* – The City of Nanaimo, upon referral, has indicated that the proposed rezoning appears to be compatible with the City of Nanaimo OCP and the zoning for adjacent City of Nanaimo lands. The City of Nanaimo indicates the presence of a watercourse running through the southeast portion of the subject property before flowing into City of Nanaimo lands. Further to the above, this watercourse is subject to a 15.0 metre setback from the top of bank within City limits. Staff notes that the Regional District of Nanaimo also requires a minimum 15.0 metre setback from the natural boundary or 18.0 metres from the center line of the watercourse, whichever is greater. In addition, Bylaw No. 843 also specifies minimum setback distances and elevations from a watercourse.

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

### **VOTING**

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

### **SUMMARY**

This is a request to amend Bylaw No. 500, 1987 to permit future light industrial and related uses on property adjacent to Fielding Road in the South Wellington area of Electoral Area 'A'. The Public Information Meeting was waived due to the lack of attendance at other similar meetings. In addition, as the subject property is within 800 metres of a highway interchange, the amendment bylaw would be subject to the approval of the Ministry pursuant to the *Highway Act*.



Staff recommends that the applicant provide proof of potable water prior to consideration of 4<sup>th</sup> reading of the corresponding bylaw.

With respect to the contaminated sites profile and potential on-site contamination the applicant must satisfy the Ministry of Environment that the site meets Ministry standards. Ministry approval is required prior to the Board's consideration of 4<sup>th</sup> reading of the bylaw.

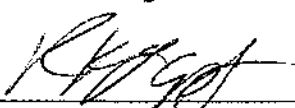
The Electoral Area 'A' OCP designates the subject property within the South Wellington Development Permit Area. Therefore, prior to any development of the properties occurring, a development permit will have to be issued. As landscaping is not a requirement of Bylaw No. 500 or the development permit guidelines, staff recommends that a section 219 covenant be registered on title, which requires landscaping along Fielding Road. The applicant has indicated concurrence with these conditions.

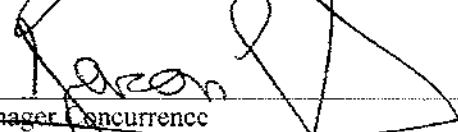
Given that the OCP supports industrial uses on the subject property and the applicant is in concurrence with the conditions outlined in Schedule No. 1, staff recommends Alternative No. 2, to approve the amendment application subject to the conditions set out in Schedule No. 1 for 1<sup>st</sup> and 2<sup>nd</sup> reading and to proceed to Public Hearing.

**RECOMMENDATIONS**

1. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.321, 2005", to rezone the land from Residential 2 Subdivision District 'F' (RS2F) to Fielding Road Comprehensive Development Zone 22 Subdivision District 'Z' (CD22Z) to accommodate future light industrial and related uses on a property located on Fielding Road be given 1<sup>st</sup> and 2<sup>nd</sup> reading.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.321, 2005" proceed to Public Hearing.
3. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.321, 2005" be delegated to Director Kreiberg or his alternate.

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

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

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

COMMENTS:  
*devsvs/reports/2005/3360 30 0512 no Taylor 1<sup>st</sup> and 2<sup>nd</sup>*

**Schedule No. 1**  
**Conditions of Approval**  
**Zoning Amendment Application No. ZA0512**  
**Lot A (DD EX121299), Section 15, Range 6, Cranberry District, Plan 9244**  
**Fielding Road**

The following conditions are to be completed prior to consideration of Amendment Bylaw No. 500.321, 2005 for final reading:

1. Applicant, at his expense and to the satisfaction of the Regional District of Nanaimo (RDN), to register on title the geotechnical report prepared by EBA Engineering Ltd. and dated August 21, 2000.
2. Applicant to provide proof of potable water to the satisfaction of the RDN.
3. Applicant, at his expense and to the satisfaction of the RDN, to register on title a section 219 covenant restricting that, at the time of development, a landscaping screen a minimum of 4.0 metres in width will be provided the length of the property adjacent to Fielding Road, with the exception of accesses. Landscaping is to be completed in accordance with the Landscaping Regulations pursuant to Bylaw No. 500, 1987 or any subsequent bylaw.
4. Applicant to meet requirements of the Ministry of Transportation to the Ministry's satisfaction.
5. Applicant to obtain the appropriate *Environmental Management Act* instrument as required by the Ministry of Environment in its letter dated June 7, 2005 and to provide a copy of the instrument to the Regional District of Nanaimo Community Planning Department.

**Schedule No. 2**  
**Proposed CD22 Zone**  
**Zoning Amendment Application No. ZA0512**  
**Lot A (DD EX121299), Section 15, Range 6, Cranberry District, Plan 9244**  
**Fielding Road**

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**FIELDING ROAD COMPREHENSIVE DEVELOPMENT ZONE 22 CD22**

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**3.4.122.1 Permitted Uses and Minimum Site Area**

Permitted Uses	Required Site Area
a) construction office and yard	4000 m <sup>2</sup>
b) residential use	n/a
c) marshalling yard	8000 m <sup>2</sup>
d) mini storage warehouse	8000 m <sup>2</sup>
e) ornamental rock yard	4000 m <sup>2</sup>
f) prefabricated home building	8000 m <sup>2</sup>
g) product assembly use	4000 m <sup>2</sup>
h) production studio	4000 m <sup>2</sup>
i) warehouse	8000 m <sup>2</sup>
j) wholesale use	8000 m <sup>2</sup>
k) woodworking shop	4000 m <sup>2</sup>

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**3.4.122.2 Maximum Number and Size of Buildings and Structures**

Dwelling units/parcel	1
Height of buildings	8.0 m
Parcel coverage	60%

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**3.4.122.3 Minimum Setback Requirements**

All lot lines adjacent to Fielding Road	8.0 metres
All other lot lines	5.0 metres

except where the adjoining parcel is zoned industrial, then the setback from the common interior side lot line may be reduced to zero.

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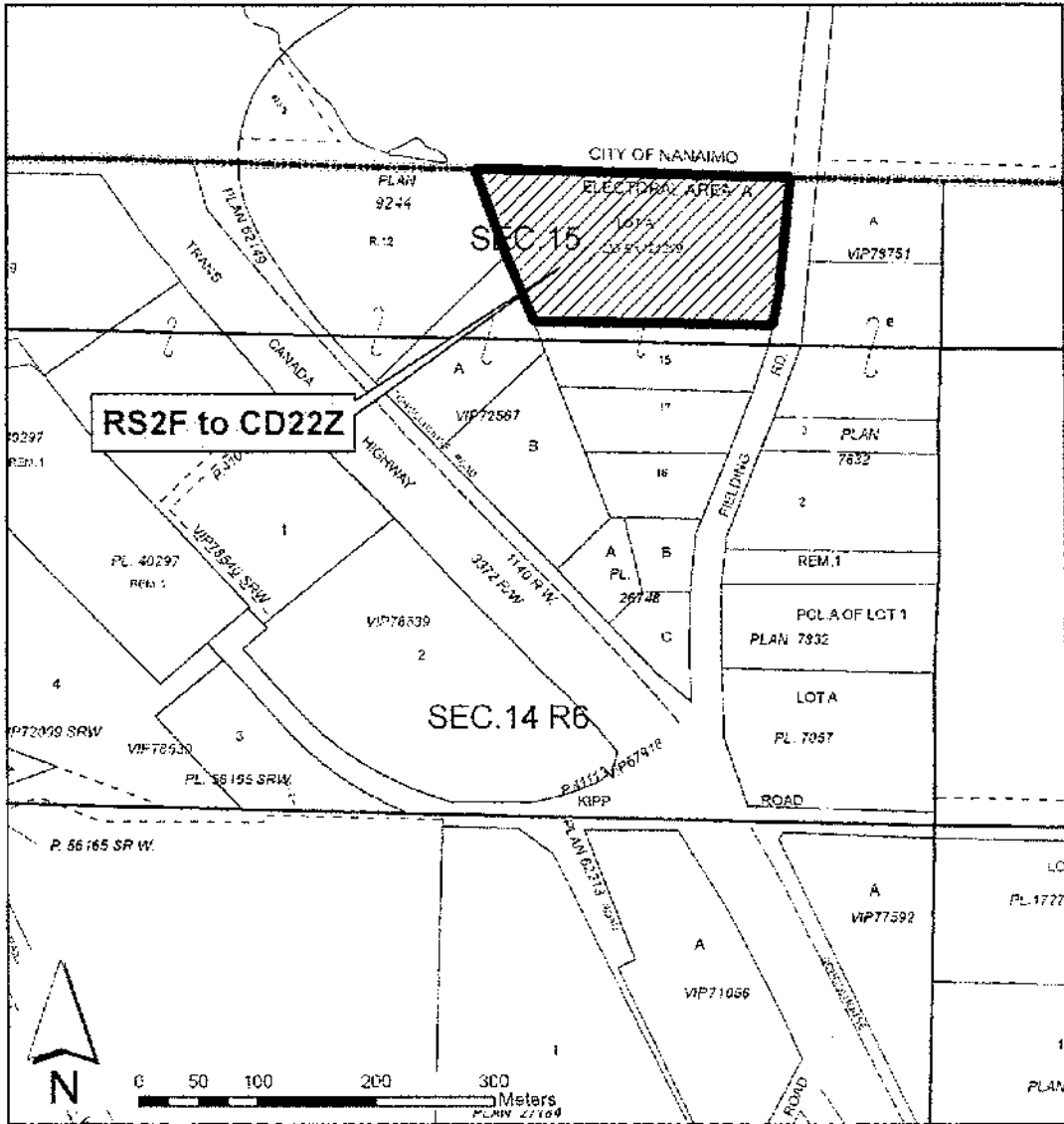
**3.4.122.4 Other Regulations**

For the purposes of this zone, the following definitions and regulations apply:

- a) *construction office and yard* means the use of buildings, structures, or land for carrying on of a construction business and may include outdoor storage of materials, goods, and equipment, but specifically excludes outdoor sales and outdoor assembly.
- b) *mini-storage warehouse* means a building or buildings containing individual self storage units designed to be rented or leased on a short-term basis to the general public for private storage of personal goods, materials, and equipment.

- c) *ornamental rock yard* means the use of buildings, structures, or land for the storage and selling of ornamental landscaping rock products, but specifically excludes outdoor processing and soil processing.
- d) *prefabricated home building* means a building or buildings used to assemble and construct prefabricated homes, but specifically excludes log home building, outdoor sales, and outdoor assembly.
- e) *product assembly use* means the use of a building or buildings for assembling a product, article, substance, material, fabric or compound, but specifically excludes outdoor sales and outdoor assembly.
- f) *production studio* means the use of a building or buildings for the production of video, moving or still photography involving on-site film processing.
- g) *warehouse* means a building or buildings used primarily for the storage of goods or materials, but specifically excludes outdoor sales and outdoor assembly.
- h) *wholesale use* means the use of a building or buildings consisting primarily of a business engaged in selling merchandise to retailer, but specifically excludes outdoor sales and outdoor assembly.
- i) *woodworking shop* means a building where manufacturing is performed in the production and assembly of wood based products, but specifically excludes outdoor sales and outdoor assembly.
- j) A *marshalling yard use* shall only be permitted with an approved water recycling / oil separator system is in operation.
- k) The accessory washing of vehicles associated with a *construction office and yard use* and a *marshalling yard use* shall only be permitted with an approved water recycling / oil separator system is in operation.
- l) No wood waste associated with a *woodworking shop use* is to be stored outside or on land and processing of wood waste is prohibited.
- m) Off-street parking shall be provided with a minimum of 1 space per 175.0 m<sup>2</sup> of floor area used for storage; 1 space per 95.0 m<sup>2</sup> of floor area used for display or *production studio*, including outdoor display; 1 space per 15.0 m<sup>2</sup> of floor area used for sales or office; and 2 spaces for residential use.

**Attachment No. 1**  
**Location of Subject Property**



B.C.S.S. Map Sheet No. 529 C1:2



RECEIVED	DATE
CHAIR	FILE
CLERK	DATE
OCT 28 2005	
EAPC	

# MEMORANDUM

<b>TO:</b>	Wayne Moorman Manager, Engineering & Subdivisions	<b>DATE:</b>	October 27, 2005
<b>FROM:</b>	Susan Cormic Senior Planner	<b>FILE:</b>	3060 30 60534 c/r 3320 20 26368
<b>SUBJECT:</b>	Development Permit Application No. 60534 Andrew Lis, on behalf of Gaigher Holding Ltd. Electoral Area 'H' – Jamieson Road		

## PURPOSE

To consider an application for a development permit in conjunction with the creation of a 15-barc land strata lot subdivision and a remainder parcel within an Environmentally Sensitive Features Development Permit Area in Electoral Area 'H'.

## BACKGROUND

The parent parcel, legally described as That Part of Lot 40, Newcastle District, Lying to the South West of the Esquimalt and Nanaimo Railway Company Right of Way, Except Those Parts in Plans 15180 and 43604, is located adjacent to Jamieson Road in Electoral Area 'H' (*See Attachment No. 1 on page 6 for location*).

The property, which is 4.51 ha in size and currently vacant, is 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 parent parcel is surrounded by residentially zoned parcels with the E&N Railway bordering to the northeast and the Island Highway No. 19A splitting a 1.0 ha sized portion of the parent parcel from the balance of the parcel.

In addition, the parent parcel is located within the Environmentally Sensitive Features Development Permit Area pursuant to the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003". The development permit area, in this case, was established for the protection of the aquifer. Therefore, as the applicant is proposing to develop the site, a development permit is required.

There are currently 2 documents registered on title. The first is a bare land covenant held by the Ministry of Transportation to protect future road right-of-way. The second is a statutory right-of-way held by the Regional District for passage to and from a Regional District park land, which is located adjacent to the parent parcel as access was not provided by public road. The statutory right-of-way has the effect of providing public access to this park land.

As the provision of park land, pursuant to section 941 of the *Local Government Act*, was considered under a previous subdivision, the requirement of park land is not applicable to this application.

### *Proposed Development*

The applicant is proposing to construct 15-barc land strata lots varying in size from 2000 m<sup>2</sup> to 2999 m<sup>2</sup> with community water service connections from Bowser Waterworks District and a common septic disposal system (*see Schedule No. 2 on page 5 for proposed layout*). The Remainder Lot is located to the south of the Island Highway No. 19A and is proposed to be a fee simple parcel with private well and septic disposal.

As part of the application, the applicant submitted a Geological and Hydrogeological Assessment; written confirmation from Bowser Waterworks District that community water service is available, and a copy of the septic disposal application.

## **ALTERNATIVES**

1. To approve the Development Permit Application No. 60534, as submitted, subject to the conditions outlined in Schedule Nos. 1 and 2.
2. To deny the development permit as submitted and provide staff with further direction.

## **DEVELOPMENT IMPLICATIONS**

### ***Development Permit Guidelines***

With respect to the development permit guidelines for protection of the aquifer, the applicant has submitted a Geological and Hydrogeological Assessment of the parent parcel as well as a Property Assessment and Hydrogeological Report, both which have been prepared by Professional Engineers. The reports conclude that the aquifer will not be negatively affected by the proposed development of the parent parcel as there is a thick layer of impenetrable soil (clay) underlying the surface soils.

### ***Site Servicing Implications***

The applicant has submitted an application for septic disposal approval complete with a professional engineer's assessment of the septic disposal availability to the Central Vancouver Island Health Authority, which has issued a permit for this system.

The Ministry of Transportation is responsible for the storm drainage. As part of the subdivision review process, the Regional Approving Officer will examine the storm water management of the parent parcel and impose conditions of development as required.

Community water service will be provided by Bowser Waterworks District.

### ***Adjacent Park Land Implications***

Public access to the adjacent park land is currently accessed by a statutory right-of-way. The applicant is proposing to dedicate public road which will provide public access to the park.

The applicant has offered, as a community contribution, to provide 2 days machinery time for initial site preparation of the adjacent park land and some fencing of the park land as needed. The applicant will consult with the Regional District Recreation and Parks staff prior to commencing any construction.

Recreation and Parks Department staff has indicated that there will be staff time available to support this initial site preparation. Staff notes that the cost of supplying a machine and operator, which the applicant has offered, is usually the most expensive component in the overall cost of constructing a park land use.

## **VOTING**

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

## **SUMMARY**

This is an application for a development permit for the property located off Jamieson Road in Electoral Area 'H'. The parent parcel is designated within the Environmentally Sensitive Features Development Permit Area pursuant to the Electoral Area 'H' OCP specifically for the purposes of ensuring protection


of the aquifer. The applicant is proposing to develop the parent parcel with 15 bare land strata lots plus the remainder fee simple parcel. Public access to the neighbouring park land is currently accessed by a statutory right-of-way. The dedication of road over the statutory right-of-way will ensure public access to the park land. The applicant has offered, as a community contribution, to work with Recreation and Parks staff to provide some initial site improvements on the adjacent park land. The development permit, which includes measures for protection of the aquifer at the time of construction, is consistent with the applicable guidelines concerning protection of the aquifer outlined in the Environmentally Sensitive Features Development Permit Area. Therefore, for the above reasons, staff recommends Alternative No. 1, to approve the development permit subject to conditions outlined in Schedule Nos. 1 and 2.

**RECOMMENDATION**

That Development Permit Application No. 60534 submitted by Andrew Lis, on behalf of Gaigher Holdings Inc., in conjunction with the subdivision on the parcel legally described as That Part of Lot 40, Newcastle District, Lying to the South West of the Esquimalt and Nanaimo Railway Company Right of Way, Except Those Parts in Plans 15180 and 43604 and designated within the Environmentally Sensitive Areas Development Permit Area, be approved, subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

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

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

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

**COMMENTS:**

*devsvs/reports/2005/dp no3060 30 60534 lis*



**Schedule No. 1  
Conditions of Approval  
Development Permit Application No. 60534**

The following sets out the conditions of approval:

**1. Hydrological Report**

The construction of the subdivision shall be in accordance with the Property and Hydrogeological Study prepared by George Gregr Consulting and Engineering, dated, December 14, 2004 and follow up correspondence dated November 16, 2004.

The construction of the subdivision shall be in accordance with the Geological and Hydrogeological Assessment prepared by Geoforestry Consulting and dated June 22, 2005.

**2. Subdivision**

The subdivision of the lands shall be in substantial compliance with Schedule No. 2 attached to and forming part of this Permit.

**3. Protection of Aquifer**

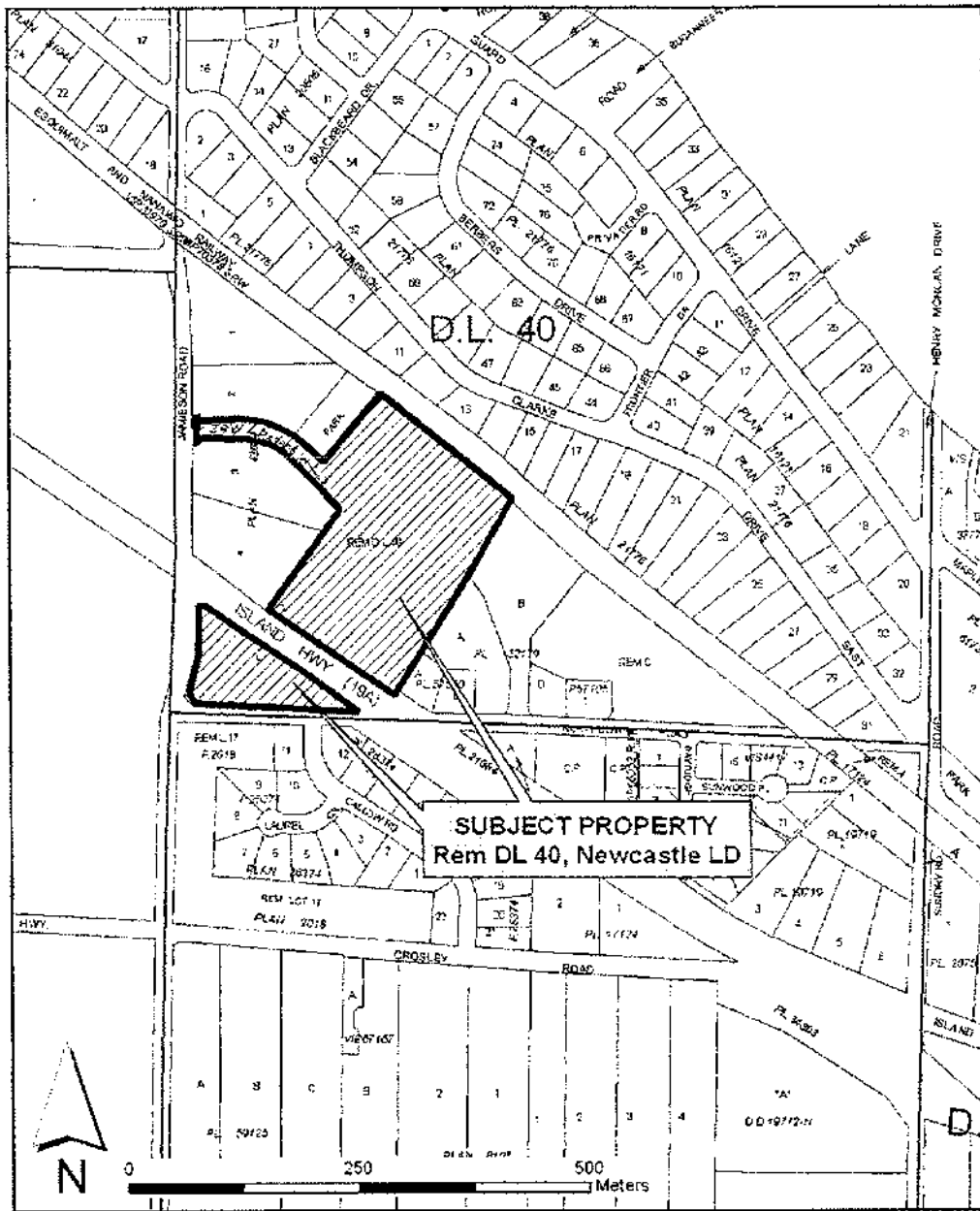
- a. All machines on site must be in good working order and no fuels, lubricants or construction wastes are permitted to enter the environment.
- b. A spill kit shall be on-site to prevent the introduction of any fuels in the event of a spill. If a spill occurs, the Provincial Emergency Program must be contacted.

**4. Adjacent Park Land**

The applicant has offered to assist the Regional District in initial site preparation of the adjacent park land by providing machinery and operator for a period of 2 days and constructing some fencing as may be needed. The applicant is requested to contact the Recreation and Parks Department for coordinating these works.



**Attachment No. 1**  
**Location of Subject Property**  
**Development Permit No. 60534**



BOCS MAPSHEET NO. 92F-030.33



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

**MEMORANDUM**

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

**DATE:** October 28, 2005

**FROM:** Blaine Russell  
 Planner

**FILE:** 3060 30 60546

**SUBJECT:** Development Permit Application No. 60546 – Wilson  
 Electoral Area 'G' – 673 Imperial Drive

**PURPOSE**

To consider an application for the siting of a moved-on dwelling unit and associated site improvements and the removal of an existing manufactured home within the 'Sensitive Lands Development Permit Area' (DPA 10) pursuant to the "Regional District of Nanaimo French Creek Official Community Plan Bylaw No. 1115, 1998."

**BACKGROUND**

The subject property, legally described as Lot 2, District Lot 28, Nanoose District, Plan 22685, is located at 673 Imperial Drive in the French Creek area of Electoral Area 'G' (see Attachment No. 1). The subject property is bound by residential lots to the north and east, to the south by River Crescent and to the west by Imperial Drive. Other residential properties are across from both roads.

The subject property, approximately 1582 m<sup>2</sup>, is zoned 'Residential 1' (RS1) subdivision district 'Q' pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The property is presently serviced by community water and is on an individual septic disposal system. Community Sewer may be available in the near future as sewer lines are in the process of being installed in the area.

As the subject property is within the RDN building inspection area, "Regional District of Nanaimo Floodplain Management Bylaw No. 843, 1991" and "Regional District of Nanaimo Building Regulation and Fees Bylaw No. 1250, 2001" and subsequent amendments apply. The 200 year flood plain has been established at 4.1 metres Geodetic Survey of Canada Datum (GSC).

The Sensitive Lands Development Permit Area was established to protect the natural environment, its ecosystems and biological diversity and to protect development from hazardous conditions. This Development Permit Area is applicable to flood prone lands and all those lands within the Plan Area with a natural grade greater than 30%.

The applicant was advised in August not to relocate the dwelling unit onto the subject property prior to the required Development Permit and Building Permits having been approved and issued and confirmation that the dwelling unit would meet the requirements, pursuant to "Regional District of

Nanaimo Building Regulation and Fees Bylaw No. 1250, 2001" and subsequent amendments, for moved on buildings. On September 29, 2005, based on the information provided by the applicant, the building did not have sufficient floor area to satisfy the requirements of Bylaw No. 1250 and; therefore, Community Planning was unable to proceed with support for the Development Permit Application at that time. Subsequently, the correct floor area calculations were provided (101.3 m<sup>2</sup>) which meet Bylaw No. 1250 requirements for a moved-on building. The value has also been confirmed by an Accredited Appraiser registered with the Accredited Appraiser Canadian Institute (AACI) and met the minimum valuation requirements of Bylaw No. 1250.

#### **ALTERNATIVES**

1. To approve the requested Development Permit application subject to the terms outlined in Schedule No. 1.
2. To identify which Development Permit guidelines are not being met and to deny the requested Development Permit.

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

This development permit is to facilitate the siting of a dwelling unit, in this case a moved-on building, on the subject property within the Sensitive Lands Development Permit Area. This Development Permit Area was established to protect development from hazardous conditions.

The Residential 1 zone permits a maximum density of one dwelling unit per parcel. The existing manufactured home will require a Building Permit for a temporary living facility and then a Demolition Permit to remove the manufactured home prior to occupancy being issued on the Building Permit for the moved-on dwelling unit. The dwelling unit is proposed to be sited in compliance with the Residential 1 (RS1) zone parcel coverage, minimum setback and maximum height requirements.

#### **HAZARD IMPLICATIONS**

A geotechnical report was completed by Robert A Davey, P. Eng., of Davey Consulting and Engineering Ltd. The report indicates that the foundation will be above the 200 year flood plain and that relocation of the building onto the property can be completed in a geotechnically safe manner for residential use provided the building is structurally sound. As the proposed dwelling unit will be above the 200 year flood plain a save harmless covenant is not being required as part of this application.

The Building Inspection Department may require that this geotechnical report and any subsequent engineering reports be registered on title as a condition of issuing the building permit. Structural engineering has been received on the dwelling unit and structural integrity will be addressed by Building Inspection Department as part of the Building Permit process.

#### **ENVIRONMENTAL IMPLICATIONS / LANDSCAPING**

The location of the property at more that 75 metres from French Creek would not allow for interaction with the riparian area, therefore any direct impact on French Creek is highly unlikely and improbable. The subject property is clearly beyond the 30 metre leave strip requirement of the Watercourse Protection Development Permit Area and there are no known environmentally sensitive features on the

lot; therefore guidelines that address the natural environment, its ecosystems and biological diversity of the 'Sensitive Lands Development Permit Area' (DPA 10) by way of vegetation buffers and landscape screening are not applicable on the subject property. The subject property is already fully landscaped as it has functioned as a residential lot for a number of years.

The applicants have not indicated the location of the drainage systems on the site plan submitted with the application; therefore, staff recommends that the Board approve the Development Permit with the condition that the drainage works are to the satisfaction of the Chief Building Inspector.

**MOVED ON BUILDING IMPLICATIONS**

The Building Inspection Department has indicated that the moved-on dwelling unit is in compliance "Regional District of Nanaimo Building Regulation and Fees Bylaw No. 1250, 2001" and subsequent amendments. This includes meeting the minimum floor area, value, and bonding requirements.

**VOTING**

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

**SUMMARY/CONCLUSIONS**

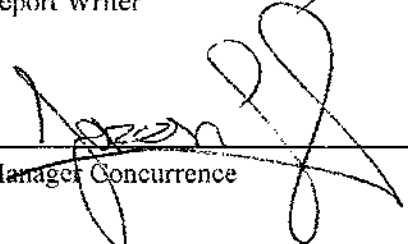
This is an application to permit the siting of a moved-on dwelling unit within the Sensitive Lands Development Permit Area. As the dwelling unit can be sited on the subject property so that it is geotechnical safe for the intended use, above the 200 year flood plain, and in compliance with the Building Regulation and Fees Bylaw, staff suggests that the application has technical merit to proceed and recommends the application be approved.

**RECOMMENDATION**

That Development Permit Application No. 60546, to facilitate the siting of a dwelling unit at 673 Imperial Drive, be approved according to the terms outlined in Schedule No. 1.

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

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

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

**COMMENTS:**

*devsvs/reports/2005/dp no 3060 30 60546 Wilson*

**Schedule No. 1**  
**Terms of Development Permit No. 60546**  
**Lot 2, District Lot 28, Nanoose District, Plan 22685**  
**673 Imperial Drive**

**Development of Site**

1. Subject property to be developed in accordance with Schedule No. 1 and substantial compliance with Schedules No. 2 and 3.
2. All construction of buildings and structures to be undertaken must be consistent with "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."
3. All works must be completed in accordance with the *British Columbia Building Code* and a building permit shall be obtained prior to commencement.
4. All works must be completed in accordance with "Regional District of Nanaimo Building Regulation and Fees Bylaw No. 1250, 2001" and subsequent amendments.
5. Drainage works shall be to the satisfaction of the Chief Building Inspector.
6. Land alteration that is necessary to provide community water and sewer connection shall be permitted.
7. Residential landscaping consisting of trees, shrubs, lawn, native vegetation and a driveway shall be permitted on the subject property.

**Geotechnical Report**

8. That all recommendations established by the Geotechnical Report prepared by Robert A Davey, P. Eng, of Davey Consulting and Engineering, a Division of Davey Holdings Ltd. shall be undertaken by the property owner.
9. The geotechnical report and subsequent engineer's reports shall be registered on title, if deemed necessary by the Chief Building Inspector.

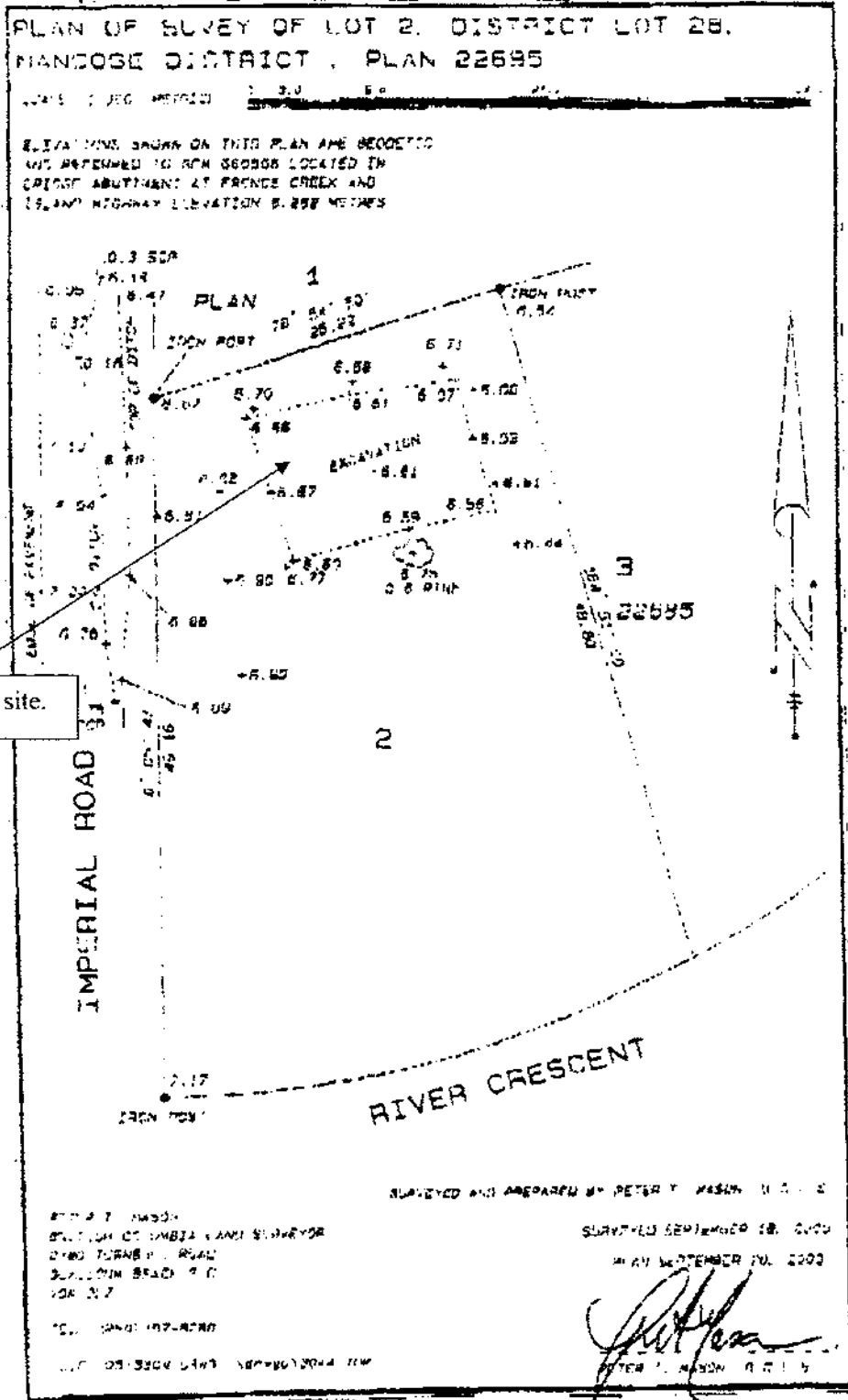
**Survey**

10. The applicants are to provide a final survey certified by a British Columbia Land Surveyor (BCLS), if deemed necessary by the Chief Building Inspector.

**Development Permit Protection Measures**

11. No habitation or building machinery or storage of items damageable by flood waters shall be located below the flood elevation of 4.1 metres GSC.
12. 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:
  - Tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be onsite.
  - Exposed soils must be seeded immediately after disturbance. Soil surfaces to be treated should be roughened.
  - Sediments must not be discharged to any drainage ditch or watercourse.
  - Cover temporary fills or soil stockpiles with polyethylene or tarps.
  - The discharge of surface drainage, including drainage from perimeter drains, roof leaders, and driveways shall be to the satisfaction of the Chief Building Inspector.

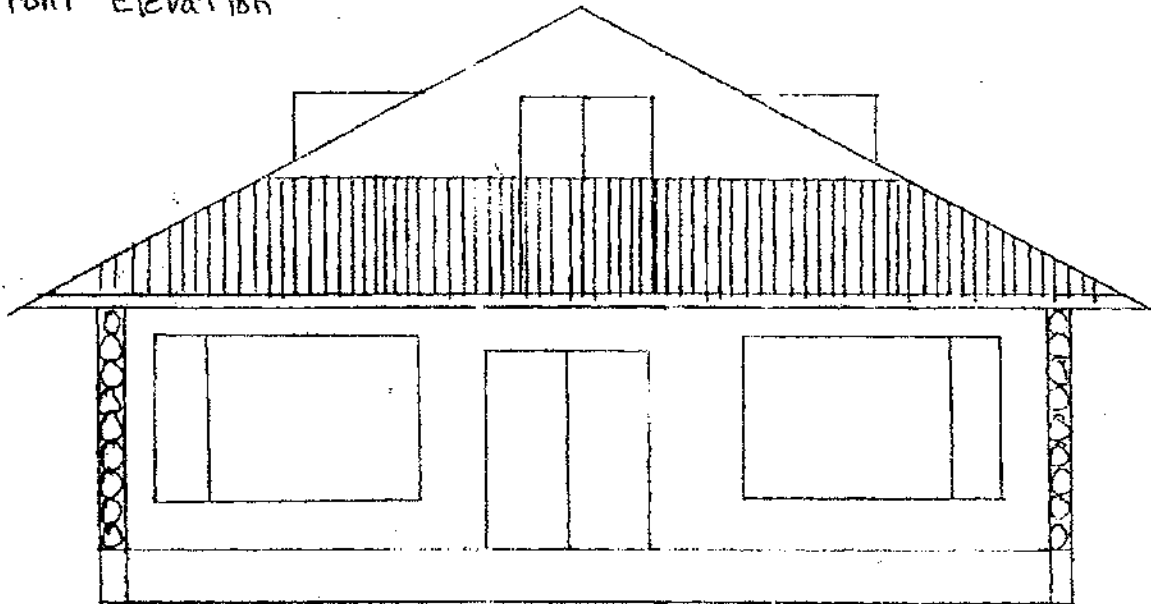
Schedule No. 2  
 Site Plan - Development Permit No. 60546  
 Lot 2, District Lot 28, Nanoose District, Plan 22685  
 673 Imperial Drive



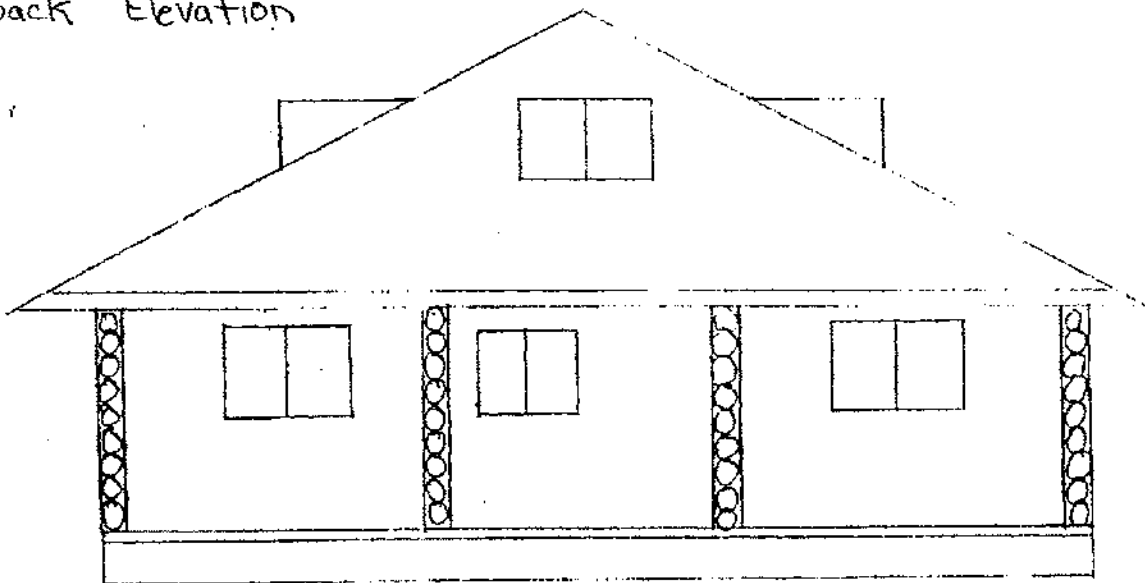


Schedule No. 3  
Profile Plan - Development Permit No. 60546  
Lot 2, District Lot 28, Nanoose District, Plan 22685  
673 Imperial Drive

Front Elevation

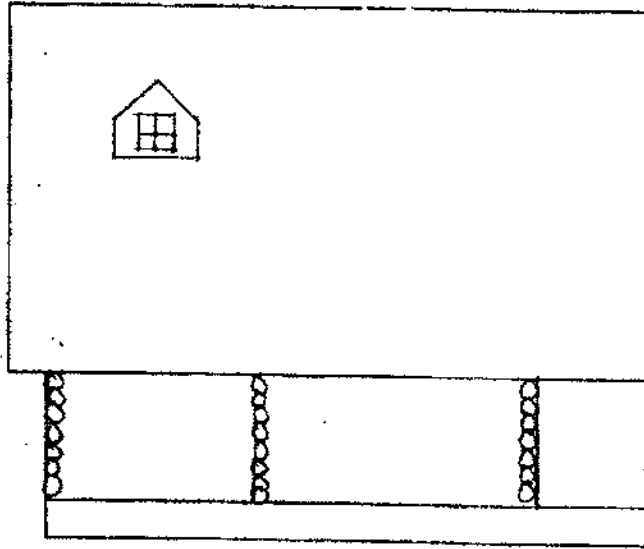


Back Elevation

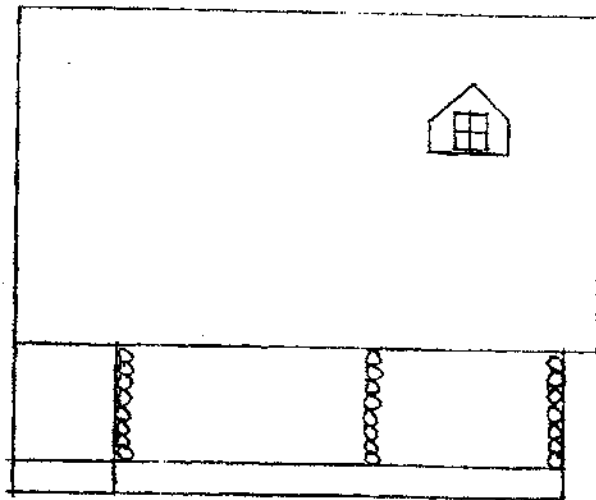


Schedule No. 3 (part 2 of 2)  
Profile Plan - Development Permit No. 60546  
Lot 2, District Lot 28, Nanoose District, Plan 22685  
673 Imperial Drive

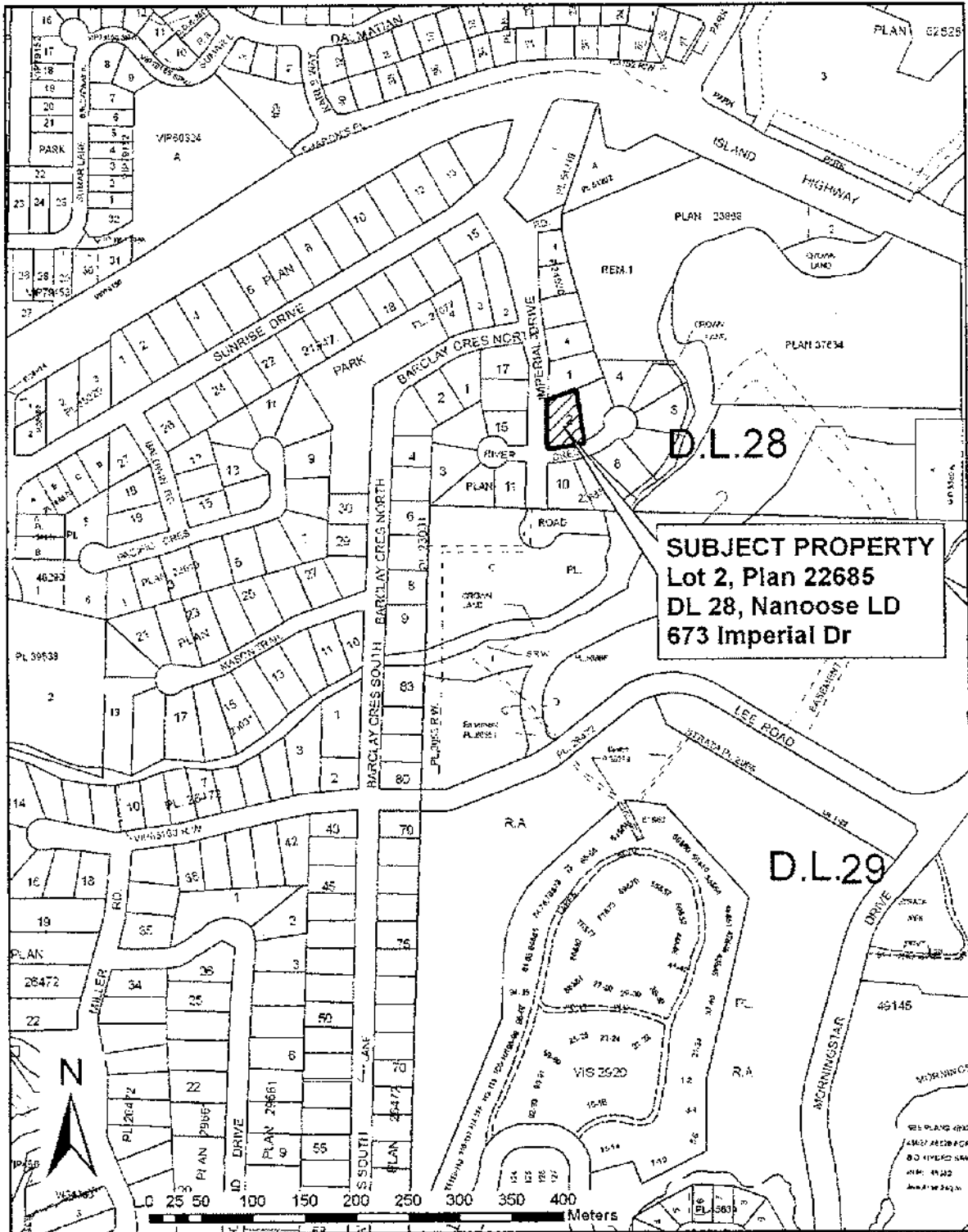
Left Elevation



Right Elevation



**Attachment No. 1**  
**Subject Property**  
**Development Permit No. 60546**





**REGIONAL  
DISTRICT  
OF NANAIMO**

REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GM ES	
DA CCD		Mof	
OCT 28 2005			
<i>EAPC</i>			

**MEMORANDUM**

**TO:** Wayne Moorman  
Manager, Engineering & Subdivisions

**DATE:** October 27, 2005

**FROM:** Susan Cormie  
Senior Planner

**FILE:** 3060 30 60551

**SUBJECT:** Development Permit Application No. 60551  
Fern Road Consulting, on behalf of D & B Yochim  
Electoral Area 'H' – Marshall Road

**PURPOSE**

To consider an application for development permit within the Environmentally Sensitive Features Development Permit Area as part of a subdivision application.

**BACKGROUND**

This is an application for a development permit as part of the proposed subdivision of the property legally described as Lot V, District Lot 19, Newcastle District, Plan 8156 and located adjacent to Marshall and Leon Roads in the Dunsmuir area of Electoral Area 'H' (*see Attachment No. 1 on page 5 for location of parent parcel*).

The parent parcel is currently zoned Residential 2 (RS2) and is within Subdivision District 'M' pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The applicant is proposing to subdivide the parent parcels into 2 lots, which will be greater than the 2000 m<sup>2</sup> minimum parcel size, therefore meeting the minimum parcel size requirements (*see Schedule No. 2 on page 4 for plan of proposed subdivision*).

The parcels are proposed to be served by individual private septic disposal systems and community water service connections.

In addition, pursuant to the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003", the parent parcel is designated within the following development permit areas:

- the Environmentally Sensitive Features Development Permit Area for the protection of the aquifer and a stream (Westglade Brook) and its 15.0 metre riparian area, which tranverses parent property in a west to east direction and
- the Village Centres Development Permit Area for form and character of commercial, industrial or multi family residential development. As the proposed subdivision is not a commercial, industrial or multi family residential development, the application is exempt from requiring a development permit for the Village Centres DPA.

The Electoral Area Planning Committee may recall that Development Permit No. 60511 was recently issued to legalize the siting of the existing dwelling unit by varying the minimum setback requirement to Westglade Brook and to allow the construction of a pedestrian bridge across Westglade Brook. The applicants, at that time, did not wish to include the subdivision component within Development Permit No. 60511. Therefore, as the protection of the stream was considered under this development permit, the protection of the aquifer is subject to the consideration of this development permit application.

## ALTERNATIVES

1. To approve the Development Permit Application No. 60551 as submitted subject to the conditions outlined in Schedules No. 1 and 2.
2. To deny the development permit as submitted and provide staff with further direction.

## LAND USE AND DEVELOPMENT IMPLICATIONS

### *Development Permit Implications*

The applicants have submitted a geotechnical study of ground water and aquifer prepared by a professional engineer. While, the report concludes "that the land, buildings and the works and services can be safely developed and the lot is safe for the use intended", the report also states that environmental protection of effluent discharges and rain water discharges need to be considered. In addition, the report recommends that residential development be accompanied by secondary treatment of all environmental discharges. Therefore, in order to ensure protection of the aquifer, staff recommends that for construction on the proposed parcels involving effluent discharges and rain water discharges, these systems will need to be designed and approved by a professional engineer with geotechnical expertise. These conditions are set out in *Schedule No. 1* of this staff report.

## VOTING

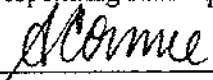
Electoral Area Directors - one vote, except Electoral Area 'B'.

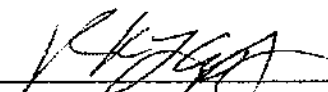
## SUMMARY


This is an application for a development permit for the property located in the Dunsmuir area of Electoral Area 'H'. The parent parcel is designated within the Environmentally Sensitive Areas Development Permit Area specifically for the protection of the aquifer and a stream (Westglade Brook) and its 15.0 metre riparian area, which traverses parent property in a west to east direction. Development Permit No. 60511 was recently issued for the protection of the stream. This application considers the protection of the aquifer. The applicants have submitted a report prepared by a geotechnical engineer who concludes the site can be safely developed for the intended use provided environmental protection is incorporated into the development. The development permit will include conditions ensuring that professional engineer designs and approves development as it relates to environmental protection. From staff's assessment of this application, Development Permit Application No. 60551 is acceptable provided the conditions outlined in Schedule No. 1 will be met.

## RECOMMENDATION

That Development Permit Application No. 60551 submitted by Fern Road Consulting Ltd., on behalf of D & B Yochim, in conjunction with the subdivision on the parcel legally described as Lot V, District Lot 19, Newcastle District, Plan 8156 and designated within the Environmentally Sensitive Features Development Permit Area, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

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

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

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

## COMMENTS:

*devsvs/reports/2005/dp no 3060 30 60551 Yochim*

**Schedule No. 1**  
**Development Permit Application No. 60551**  
**Conditions of Approval**

The following sets out the conditions of approval with respect to Development Permit Application No. 60551.

**Subdivision**

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

**Geotechnical Report**

2. The Geotechnical Report prepared by Davey Consulting and Engineering dated 11 October 2005, is 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 and during construction of buildings and structures.
3. Discharge systems, involving effluent discharges and rain water discharges, in conjunction with the construction of buildings and structures on the proposed parcels, shall be designed and approved by a professional engineer with geotechnical / hydrogeological expertise in order to ensure environmental protection.

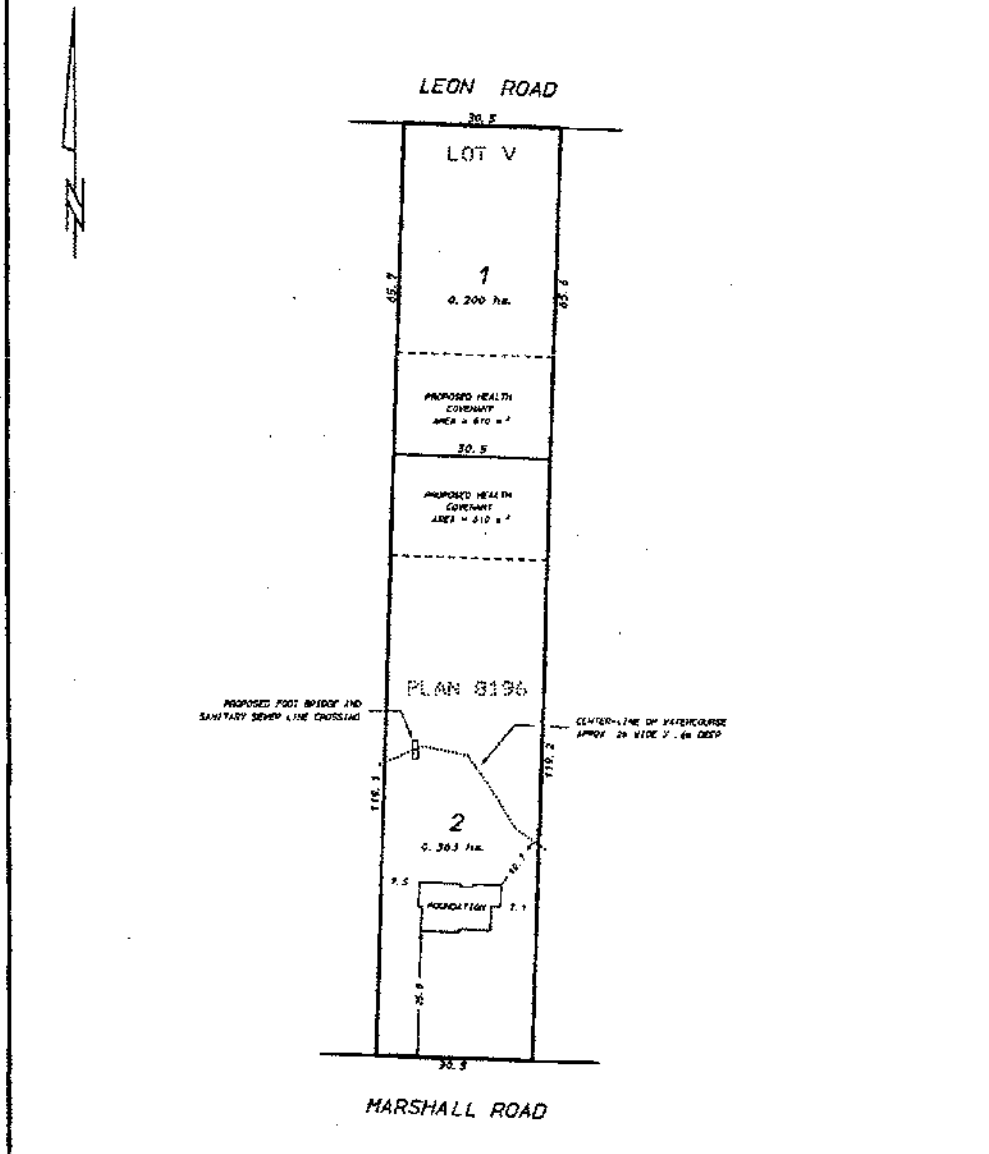
**Development Permit No. 90511**

4. The terms and conditions of Development Permit No. 90511 are applicable.

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

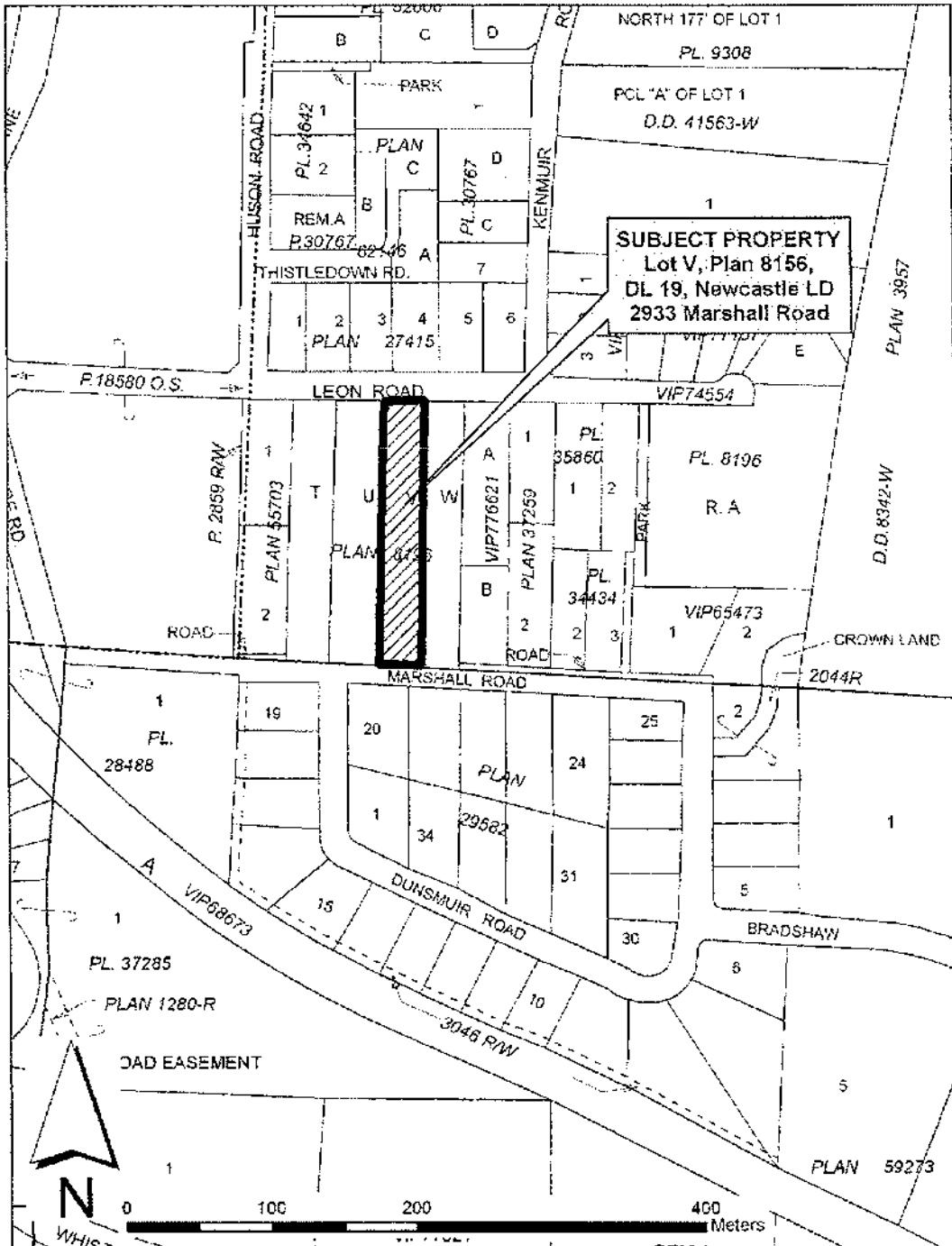
**Schedule No. 2**  
**Development Permit Application No. 60551**  
**Plan of Proposed Subdivision**  
 (reduced for convenience / as submitted by applicant)

PLAN OF LOT V, DISTRICT LOT 19,  
NEWCASTLE DISTRICT, PLAN 8196.  
TO ACCOMPANY DEVELOPMENT PERMIT APPLICATION  
AND PROPOSED SUBDIVISION APPLICATION  
SCALE 1:750



<p><b>SCALE 1:750</b></p> <p>ALL DISTANCES ARE IN METRES.                  ALL DIMENSIONS AND AREAS ARE                  SUBJECT TO FINAL SURVEY.</p>	<p>DATE: 05/04/77                  REVISIONS:</p>	<p><b>SIMS ASSOCIATES</b>                  LAND SURVEYING                  223 PUGH ROAD WEST                  DALLAS TEXAS 75244                  PHONE: (214) 352-5187                  FAX: (214) 352-5211                  FILE: 02-193-B                  GENE 02-023.D</p>
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**Attachment No. 1**  
**Development Permit No. 60551**  
**Subject Property**







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

**MEMORANDUM**

**TO:** Jason Llewellyn  
General Manager, Development Services

**DATE:** October 28, 2005

**FROM:** Norma Stumborg  
Planner

**FILE:** 3060 30 60552

**SUBJECT:** Development Permit Application No. 60552 – Erickson  
Electoral Area 'G' – 1013 Surfside Drive

**PURPOSE**

To consider an application to construct an addition to the existing dwelling unit within the Environmentally Sensitive Areas and Hazard Lands Development Permit Area, pursuant to the "Regional District of Nanaimo Shaw Hill – Deep Bay Official Community Plan Bylaw No. 1007, 1996".

**BACKGROUND**

The subject property, legally described as Lot 12, District Lots 9, Block 1, Newcastle District, Plan 15370, is located on 1013 Surfside Drive adjacent to the Strait of Georgia and near the Little Qualicum River Estuary in Electoral Area 'G' (see Attachment No. 1).

The Environmentally Sensitive Areas Development Permit Area was established to protect the natural environment and is measured 15.0 meters from the natural boundary of the ocean. The Hazard Lands Development Permit Area was established to protect development from hazardous conditions and covers the entire subject property due to the potential flood hazard.

The subject property is zoned 'Residential 2 (RS2)' pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." As the subject property is within the RDN's Building Inspection Area, "Regional District of Nanaimo Floodplain Management Bylaw No. 843, 1991" applies. Bylaw No. 843 requires a 15.0 meter floodplain setback from the natural boundary of the sea and a flood elevation has been established at 3.8 m Geodetic Survey of Canada (GSC).

The subject property is serviced with community water and private septic systems. It is bordered by residential lots to the east and west, to the north by the Strait of Georgia and to south by Marshall-Stevenson Wildlife Sanctuary that features the Little Qualicum River Estuary.

**ALTERNATIVES**

1. To approve the Development Permit subject to the conditions outlined in Schedule No. 1.
2. To deny the requested Development Permit.

**LAND USE AND DEVELOPMENT IMPLICATIONS**

Approval of the Development Permit would allow the construction of an addition to an existing dwelling unit within the Environmentally Sensitive Areas and Hazard Lands Development Permit Area. The

proposed addition will house a master bedroom and ensuite with a door to a covered patio underneath the roof line (represented by a dotted line on the site plan).

The applicants are not requesting any variances to the zoning or floodplain bylaw regulations. The applicants do not require a variance to the Floodplain Management Bylaw as the development lies outside of the 15.0 meter setback and constitutes an addition of less than 25% of the dwelling unit floor area and is therefore exempt from the flood elevation requirement.

Impacts to neighboring properties are minimal. The floor area of the addition is 18.9 m<sup>2</sup> and the height does not exceed requirements.

Staff recognizes that the garage is an existing non-conforming structure that lies within the setback area. Built in 1968, it predates the zoning and has existed without incident. The owner is aware that any structural improvements to the garage will require a relaxation of setbacks.

### **GEOTECHNICAL AND FLOOD ELEVATION IMPLICATIONS**

The geotechnical report prepared by Davey Consulting and Engineering Ltd. and dated October 19, 2005 addresses the design of a stable building platform given the high water table and hydrostatic pressures recommends design loading and erosion protection measures for the development. Mr. Davey concludes that the structure will be safe for the intended use provided the recommendations contained in the geotechnical report are adequately followed.

The Building Inspection Department requires that the Geotechnical Report, and subsequent reports deemed necessary by the Chief Building Inspector, be registered on the Certificate of Title prior to issuance of the building permit. A clause saving the Regional District harmless will be included in the Covenant. The applicant is aware and concurs with these requirements. Because a Covenant to register the Geotechnical Report on Title is a requirement prior to the issuance of a building permit, it is not recommended as a requirement at this stage. However, registration of the Geotechnical Report on the Certificate of Title prior to building permit approval is recorded as a term of this permit.

### **ENVIRONMENTAL IMPLICATIONS**

The property contains a raised vegetated/landscaped area towards the foreshore, which should be maintained to reduce the potential for erosion. Existing vegetation mostly consists of grass. The replanting of native vegetation is encouraged to reduce the potential for erosion from the site.

As a condition of this permit staff recommend that land alteration be limited to that which is absolutely necessary to site the building and that replanting of native vegetation be undertaken.

The applicant intends to undertake shore line protection measures in order to protect the property from erosion, which will be addressed by a future development permit application.

### **PUBLIC CONSULTATION IMPLICATIONS**

As the application does not require a floodplain or zoning bylaw variance, there are no public notification requirements pursuant to the *Local Government Act*.

### **VOTING**

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

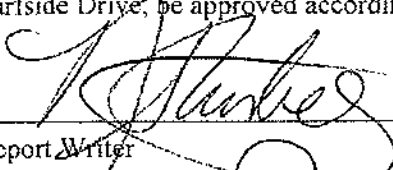
**SUMMARY/CONCLUSIONS**

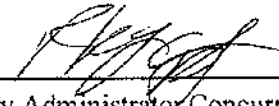
The applicant has adequately addressed the site issues related to flood protection and are not requesting any variances to RDN Bylaw No. 500, 1987 or Floodplain Management Bylaw No. 843, 1991.

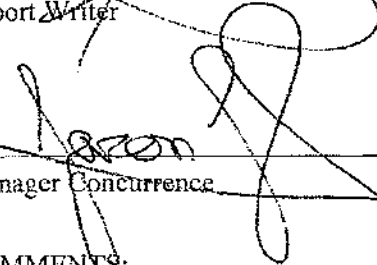
Staff considers the proposal reasonable and technically sound. Any vegetation disturbed during the construction process will be replanted with natural vegetation. The development has been evaluated by a Professional Engineer who indicates that the development may be safely undertaken on the property under specific constraints. The Professional Engineer's recommendations will be followed as part of the building permit approval process and will be registered on the Certificate of Title to ensure these geotechnical issues and recommendations are known to future property owners. Therefore, staff recommends the application be approved, subject to the terms outlined in Schedule No. 1.

**RECOMMENDATION**

That Development Permit Application No. 60552, to facilitate an addition to the dwelling unit at 1013 Surfside Drive, be approved according to the terms outlined in Schedule No. 1.

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

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

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

COMMENTS:  
*devsvs/reports/2005/dp no 3060 30 60552 Erickson*

**Schedule No. 1**  
**Terms of Development Permit No. 60552**  
**1013 Surfside Drive**

**Development of Site**

- a) Subject property to be developed in accordance with Schedule No. 2.
- b) All 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.
- c) The applicants shall obtain a building permit from the RDN Building Inspection Department and shall adhere to any additional conditions imposed as part of the building permit.

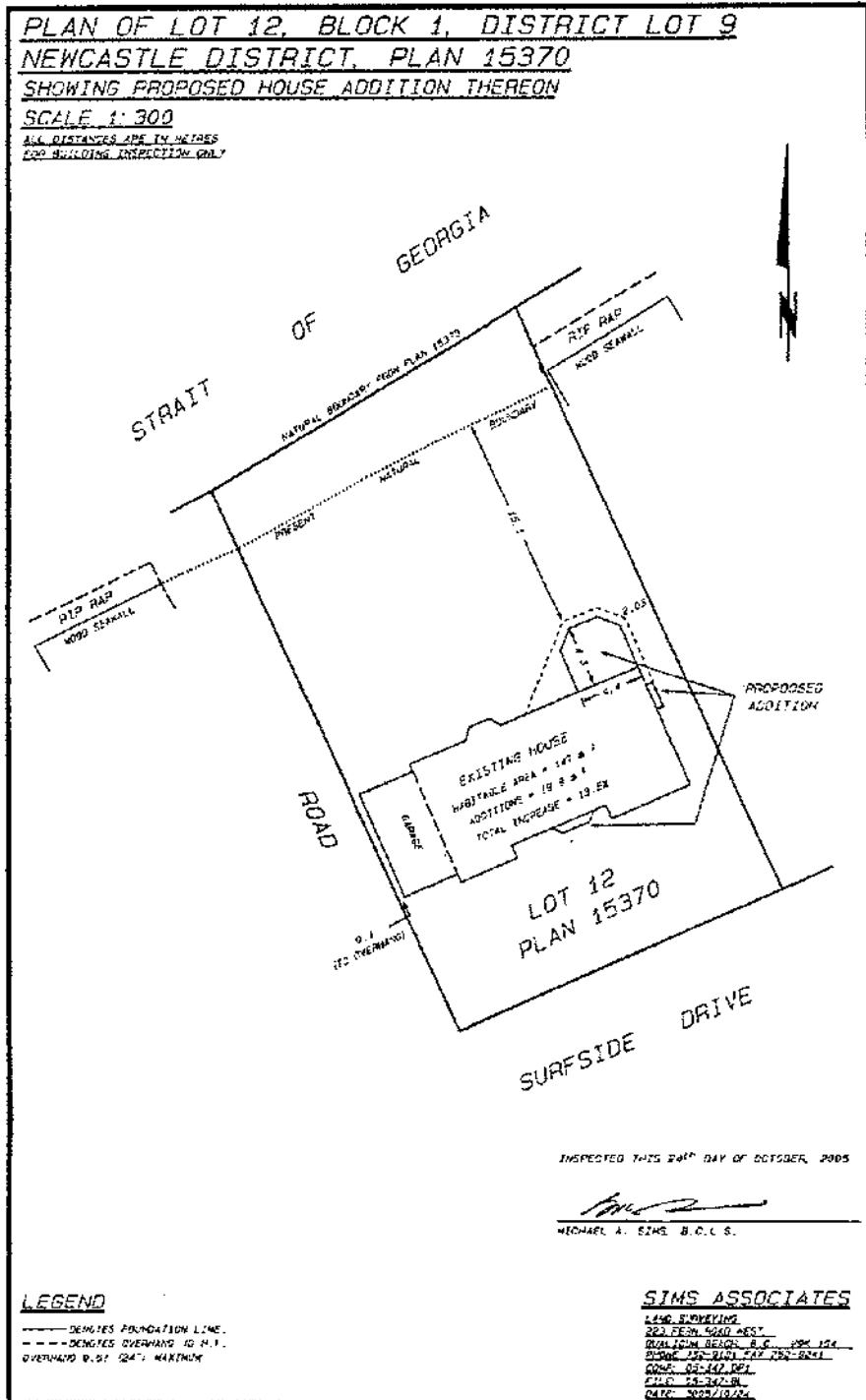
**Geotechnical Report**

- a) The applicant shall develop the subject property in accordance with the recommendations established by the Geotechnical Report prepared by Davey Consulting and Engineering Ltd, date stamped October 19, 2005 and any subsequent geotechnical reports.
- b) The Chief Building Inspector may require additional geotechnical engineering evaluation as part of the building permit review.
- c) At the applicant's expense, the geotechnical reports, and a Restrictive Covenant saving the Regional District of Nanaimo harmless from any action or loss that might result from hazardous conditions and acknowledging the flood risk associated with the existing construction and occupancy of the dwelling unit on the property shall be registered on the Certificate of Title as a Section 219 Covenant prior to issuance of the building permit.

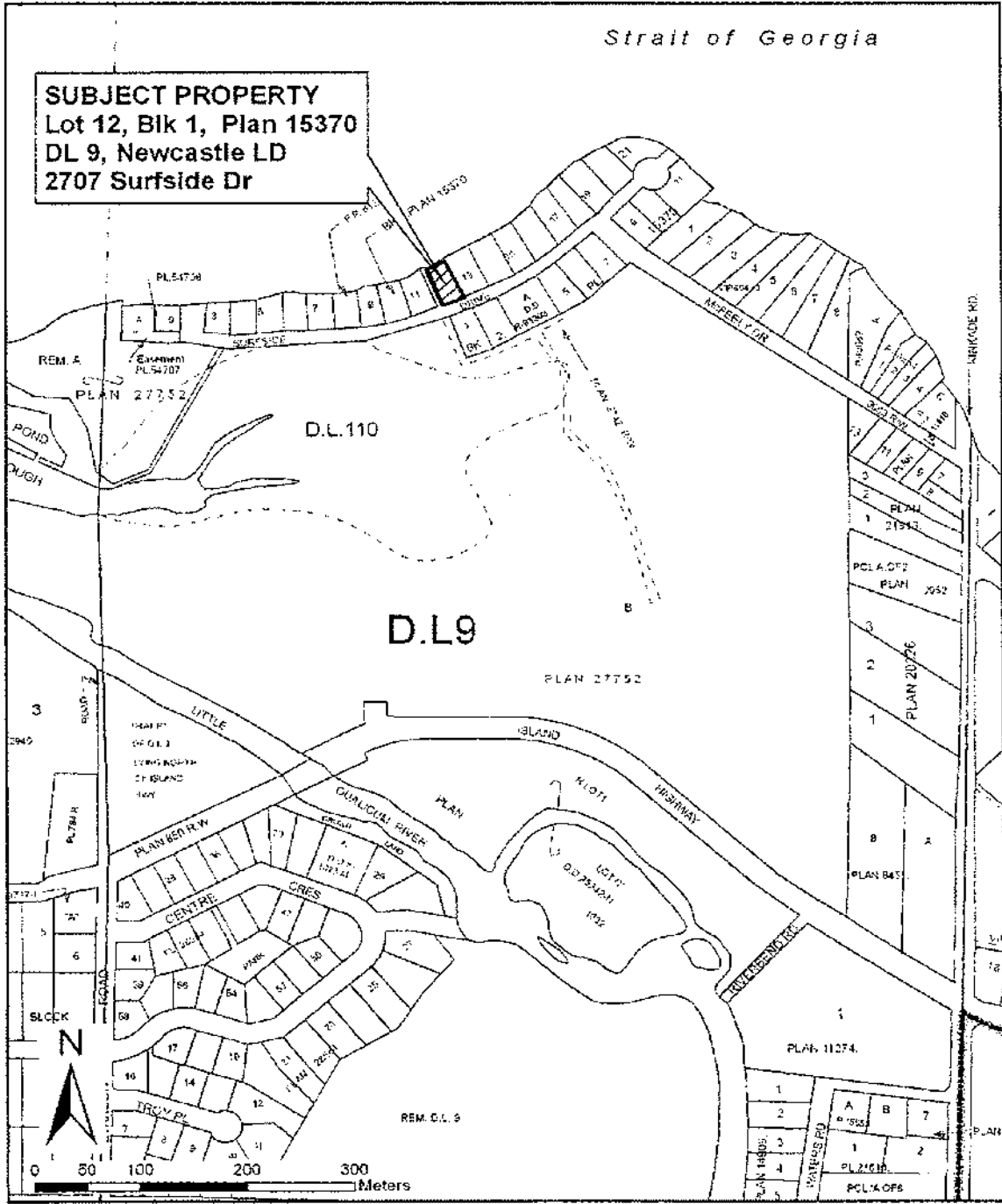
**Development Permit Protection Measures**

- a) Existing vegetation within 15.0 metres of the present natural boundary shall be retained, except for that which is absolutely necessary to site the addition, and replanting of native species as is encouraged.
- b) No habitation or building machinery or storage of items damageable by flood waters shall be located below the flood elevation of 3.8 meters GSC.
- c) 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:
  - 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.
  - Cover temporary fills or soil stockpiles with polyethylene or tarps.
  - The discharge of surface drainage, including drainage from perimeter drains, roof leaders, driveways and other hard surfaces, shall be directed away from the ocean (Strait of Georgia).

**Schedule No. 2**  
**Site plan (As submitted by applicants)**  
**Development Permit No. 60552**  
**1013 Surfside Drive**



**Attachment No. 1**  
**Subject Property**  
**Development Permit 60552**



BCGS Map Sheet No. 92F.038.4.1



REGIONAL DISTRICT OF NANAIMO	
CHAIR	GM Cms
CAO	GM ES
DA CCD	McF
OCT 31 2005	
EAPC	

MEMORANDUM

**TO:** Wayne Moorman  
Manager, Engineering & Subdivisions

**DATE:** October 31, 2005

**FROM:** Susan Cormie  
Senior Planner

**FILE:** 3060 30 60553  
c/r 3320 20 26568

**SUBJECT:** Development Permit Application No. 60553  
Fern Road Consulting Ltd., on behalf of A G Project Management Inc.  
Electoral Area 'H' – McColl Road

PURPOSE

To consider an application for a development permit in conjunction with the creation of a 25-lot subdivision within the Environmentally Sensitive Features, Coastal, and Hazards Lands Development Permit Areas; to consider a request for relaxation of the minimum 10% requirement; and to consider a request for acceptance of park land dedication on property in Electoral Area 'H'.

BACKGROUND

The parent parcel, legally described as Lot 12, District Lot 85, Newcastle District, Plan 2018, Except Part in Plan 3803 and Except Parcel A (DD 70745N) Thereof, is located in the Bowser area adjacent to McColl Road in Electoral Area 'H' (See Attachment No. 1 on page 11 for location).

The property, which is 7.46 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 parent parcel is currently vacant and consists of a larger section to the west of Island Highway No. 19A and a smaller portion east of the Highway and next to the Strait of Georgia. The larger portion of the site gently slopes towards the Highway and contains a small watercourse crossing through the centre of the site. This portion of the property was logged by a previous owner. The smaller portion of the site contains a steep slope with a flat portion bordering the coast.

In addition, the parent parcel is designated within the following development permits areas pursuant to the Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003:

- the Environmentally Sensitive Features Development Permit Area for the protection of the aquifer, the protection of the coastal area, and the protection of a portion of the riparian area of Thames Creek;
- the Hazard Lands Development Permit Area for the protection of development from hazardous conditions; and
- the Highway Corridors Development Permit Area for the form and character of commercial, industrial or multi-family residential development. It is noted that as this application for subdivision will meet the exemption provision for the Highway Corridors Development Permit Area, a Highways Corridor development permit is not required.

Therefore, as the applicant is proposing to develop the site, a development permit concerning the Environmentally Sensitive Features and Hazard Lands Development Permit Areas is required.

**Proposed Development**

The applicant is proposing to construct 25 fee simple parcels varying in size from 2000 m<sup>2</sup> to 3693 m<sup>2</sup> with community water service connections from Bowser Waterworks District and individual septic disposal systems (see *Schedule No. 2 on page 9 for proposed layout*).

As part of the application, the applicant submitted a Preliminary Hydrogeological Assessment; a Preliminary Geotechnical Assessment; correspondence from a professional engineer's concerning erosion of gully immediately east of Highway 19A; and correspondence from a professional engineer's concerning proposed drainage works.

**Park Land Requirements**

Where an official community plan contains policies and designations respecting the location and type of future parks, the local government may determine whether the owner must provide land or cash or a combination of both. In this case, the OCP specifies that park land dedication may be considered at the time of subdivision subject to meeting the preferred park land criteria set out in the Plan. Pursuant to the *Local Government Act*, the maximum amount of park land that the Regional District may request for this property is 5% of the total site area, in this case approximately 3730 m<sup>2</sup>.

**Park Land Proposal:**

The applicant is proposing to dedicate 1.04 ha or 13.9% of the total land area, which consists of a small watercourse and its riparian area. This small watercourse is not designated within the Environmentally Sensitive Features Development Permit Area pursuant to the Electoral Area 'H' OCP. The location of the proposed park land is shown on *Schedule No. 2 on page 9*. The applicant's agent has also confirmed that the applicant would be in concurrence with the comments for park land improvements as recommended by the Parks and Open Space Advisory Committee.

The park land proposal was referred to the Electoral Area 'H' Parks and Open Space Advisory Committee on October 17, 2005 and presented at a Public Information Meeting held on October 19, 2005.

**10% Minimum Frontage Requirement**

Proposed Lots 9, 23, and 24, as shown on the submitted plan of subdivision, will not meet the minimum 10% perimeter frontage requirement pursuant to section 944 of the *Local Government Act*. The requested frontages are as follows:

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% of Perimeter</i>
9	22.2 m	20.1 m	9.1 %
23	27.9 m	8.0 m	2.9 %
24	42.1 m	8.0 m	1.9 %

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



## ALTERNATIVES

1. To approve Development Permit Application No. 60553, as submitted, subject to the conditions outlined in Schedules No. 1 and 2; to accept the offer of park land in the amount and location as set out in Schedule No. 3; and to approve the request for relaxation of the minimum 10% frontage requirements for proposed Lots 9, 23, and 24.
2. To deny the Development Permit as submitted and provide staff with further direction; to not accept the offer of park land in the amount and location as proposed and instead require the applicant to dedicate park land in a different location and amount; and to refuse the request for relaxation of the minimum 10% frontage requirements.
3. To approve Development Permit Application No. 60553 as submitted, subject to the conditions outlined in Schedules No. 1 and 2; to not accept the park land proposal as submitted and require the applicant to provide 5% cash-in-lieu of park land; and to approve the request for relaxation of the minimum 10% frontage requirements for proposed Lots 9, 23, and 24.

## DEVELOPMENT IMPLICATIONS

### *Development Permit Implications*

With respect to the development permit guidelines for protection of the aquifer, the applicant has submitted a Preliminary Hydrogeological Assessment of the parent parcel prepared by Professional Engineer. The report recommends that all septic disposal be constructed to a Type 2 standard and that no underground fuel storage tanks be permitted. The applicant has offered to register this report on title as a section 219 covenant. In addition, the report also states the "two aquifers that have been identified beneath the subject property are reportedly experiencing limited demand (if any) at the present time. EBA considers that the proposed residential construction will be unlikely to significantly lower the rate of recharge to the aquifers, or reduce their water quality."

With respect to the protection of Thames Creek, while located to the northwest of the parent parcel, the 30.0 metre riparian area crosses the northwest corner of the parent parcel. The applicant has offered to register a section 219 covenant restricting the placement of buildings and the removal of vegetation in the area 30.0 metres from the top of the bank on proposed Lots 9 and 10.

With respect to the protection of the hazards lands and coastal area of the subject property, the applicant's professional engineers are proposing drainage works to prevent continued erosion of the bank and coastal area. The submitted geological report indicates that additional geotechnical engineering will be required in the construction of the driveway access. These works are subject to the satisfaction of Ministry of Transportation. As this development permit will only authorize the subdivision related works (drainage, septic test holes, and driveway access), a development permit will be required at the time of any future development including retaining walls and buildings and removal of vegetation.

### *Request for Relaxation of Minimum 10 % Frontage Requirements*

With respect to the request to relax the minimum 10% frontage requirement, due to the larger sizes of the proposed lots buildable site areas will be available to support the intended residential uses. The site constraints of the property and surrounding historical development restrict the subdivision layout. Ministry of Transportation staff has indicated that they will support this request for relaxation of the minimum 10% frontage requirement.

### ***Site Servicing Implications***

The applicant has applied for an application for septic disposal approval to the Central Vancouver Island Health Authority.

The Ministry of Transportation is responsible for the storm drainage. As part of the subdivision review process, the Regional Approving Officer will examine the storm water management of the parent parcel and impose conditions of development as required.

The applicant has indicated that community water service will be provided by Bowser Waterworks District.

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

The Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003 contains park land related policies which stipulate that park land is desirable for community recreation, nature preservation, linear connections, greenbelt, and access to the waterfront. In this case, the applicant is offering a park land, which includes providing opportunities for linear connections and nature preservation. Therefore, the proposed park land meets the preferred criteria set out in the OCP.

### ***Environmentally Sensitive Areas Atlas***

The Regional District of Nanaimo Environmentally Sensitive Areas Atlas indicates the presence of a Riparian Vegetation Sensitive Ecosystem and the corresponding Fisheries Planning Boundary associated with Thames Creek, which is located to the north of the parent parcel, and a Fish Present Fish Habitat and its Fisheries Planning Boundary associated with the Strait of Georgia. The small watercourse crossing the parent parcel is not indicated on the Atlas.

### ***Electoral Area 'H' Parks and Open Space Advisory Committee***

The Electoral Area 'H' Parks and Open Space Advisory Committee supports the park land proposal as submitted. The Advisory Committee made a number of comments to be considered by the developer, the RDN staff, and the Electoral Area Planning Committee (*see Attachment No. 3 on page 12 for Advisory Committee comments*). These comments were included with the information circulated at the Public Information Meeting (PIM).

## **PUBLIC CONSULTATION IMPLICATIONS**

A Public Information Meeting was held on October 19, 2005. Approximately 23 persons attended this meeting. (*see Attachment No. 3 on page 13 for minutes of Public Information Meeting*).

## **PARK LAND IMPLICATIONS**

While the Advisory Committee supports the location of the park land as proposed by the applicant, the Committee raised a number of suggestions concerning the development of the park land. The applicant's agent has indicated that the applicant is in concurrence to meet these recommendations of the Advisory Committee. In addition, the applicant has also offered to re-vegetate the proposed park land, which was logged by a previous owner. As a result, staff recommends that the development of the park land be included as conditions of development (*see Schedule No. 3 on page 10 for list of conditions*).

Park land related issues raised at the Public Information Meeting included the existence of 2 trees located with the parent parcel where eagles perch. The applicant indicated that one of these trees will have to be removed as it is leaning. The second tree has been isolated due to previous logging and may have to be

removed as well. However, the applicant will assess the situation and, if possible, take steps to save it. Perching trees are currently not protected under Provincial legislation.

In addition, the Nile Creek Enhancement Society indicated it would like to see park land along the north edge of the parent parcel for protection of the Thames Creek corridor. The 30-metre riparian area of the Thames Creek corridor affects the northwest corner of the parent parcel only. The applicant has offered a section 219 covenant for protection of this riparian area. Staff, as part of the subdivision review report to the Approving Authority, will forward the correspondence from the Society and recommend that Eastdowne Road (bordering the north boundary) remain as is to offer additional protection of the Thames Creek corridor.

### **FININCIAL IMPLICATIONS**

If the applicant constructs the park land as offered to a suitable RDN standard, there will be no immediate financial implications to the community.

### **VOTING**

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

### **SUMMARY**

This is a subdivision application that involves a development permit, a request for relaxation of the minimum 10% frontage requirement for 3 proposed parcels, and a request to accept park land for the property located off McColl Road in the Bowser area Electoral Area 'H'. The proposed parcels that require a relaxation of the minimum 10% frontage requirement will be capable of supporting the intended residential uses permitted in the zoning provisions.

The subject property is within the Environmentally Sensitive Features, the Hazard Lands, and Coastal Development Permit Areas pursuant to the Electoral Area 'H' OCP specifically for the purposes of ensuring protection of the aquifer, the Thames Creek riparian area, and the coastal portion of the land, which includes a steep slope. The development permit, which includes measures for protection of the aquifer at the time of construction, is consistent with the applicable guidelines concerning protection of the aquifer outlined in the Environmentally Sensitive Features Development Permit Area. A small portion of the Thames Creek riparian area crosses the north west corner of the parent parcel and a section 219 covenant will be registered to restrict the location of buildings and removal of vegetation. With respect to the coastal and hazard lands, this development permit would authorize limited works associated with the subdivision of the land on these portions of the site and additional works would require a second development permit.

The park land proposal which exceeds the maximum 5% provision under the *Local Government Act*, as submitted by the applicant, was referred to the Electoral Area 'H' Parks and Open Space Advisory Committee, which supports the dedication of park land as proposed by the applicant along with some comments for value added works. The applicant is in concurrence with the suggestions made by the Advisory Committee and, in addition, has offered to re-vegetate the park land area.

A Public Information Meeting was held on October 19, 2005 with respect to this park land proposal. Park land related comments including a concern for perching trees for eagles and preservation of the nearby Thames Creek. Due to the previous logging of the site, one of the trees has become isolated and is leaning. The applicant will assess the second tree for safety and take steps to save it if possible. These trees are not

protected under Provincial legislation. Correspondence concerning Thames Creek will be forwarded to the Approving Officer as part of the subdivision process.

Therefore, given that the applicant is in concurrence to provide value added works within the park land, as the Electoral Area 'H' Parks and Open Space Advisory Committee supports the dedication of the land as proposed by the applicant, and the applicable development permit guidelines would be met, staff recommends Alternative No. 1 to approve the development permit, to accept the park land dedication as proposed, and to approve the request for relaxation of the minimum 10% frontage requirements as outlined in Schedules No. 1, 2, and 3 of this staff report.

### RECOMMENDATIONS

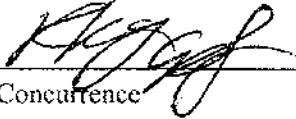
1. That Development Permit Application No. 60553 submitted by Fern Road Consulting Ltd., on behalf of AG Project Management Inc., in conjunction with the subdivision on the parcel legally described as Lot 12, District Lot 85, Newcastle District, Plan 2018, Except part in Plan 3803 and Except Parcel A (DD 70745N) and designated within the Environmentally Sensitive Features and Hazard Lands Development Permit Areas be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.
2. That the park land proposal, in the amount and location as shown on Schedule No. 2 of the staff report, be accepted subject to the conditions set out in Schedule No. 3 of the staff report.
3. That the request for relaxation of the minimum 10% frontage requirement for proposed Lots 9, 23, and 24 be approved



Report Writer



Deputy Administrator Concurrence



per. Manager Concurrence

### COMMENTS:

*devsvs/reports/2005/dp no 3060 30 60553 ag project management*

**Schedule No. 1  
Conditions of Approval  
Development Permit Application No. 60553**

The following sets out the conditions of approval:

**1. Subdivision**

The subdivision of the lands shall be in substantial compliance with Schedule No. 2 attached to and forming part of this Permit.

**2. Hydrological Report**

- a. The construction of the subdivision shall be in accordance with the Preliminary Hydrogeological Assessment prepared by EBA Engineering Consulting Ltd., dated August 10, 2005.
- b. Applicant to prepare and register, to the satisfaction of the RDN, the Hydrogeological Report as a section 219 covenant for the protection of aquifer and specifically restricting development according to the recommendations outlined in the report and including the following:
  - i. Construction of septic management systems shall be, at a minimum, in accordance with the recommendations set out in the EBA Engineering Consultants Ltd. concerning septic management (minimum Type 2 pre-treatment of septic waste prior to pressurized disposal into mounded septic field beds in accordance with the 2005 BC Sewage System Regulation).
  - ii. Any heating oil storage tanks shall not be installed underground.

Draft covenant document to be forwarded for review to RDN. Applicant solicitor to provide legal letter of undertaking to register the covenant concurrently with the plan of subdivision.

**3. Geotechnical Report**

The recommendations as set out in the Preliminary Geotechnical Assessment prepared by EBA Engineering Consultants Ltd. and dated July 18, 2005 shall be followed.

**4. Protection of Aquifer / Sediment and Erosion Control**

During construction, the following applies:

- a. All machines on site must be in good working order and no fuels, lubricants or construction wastes are permitted to enter the environment.
- b. A spill kit shall be on-site to prevent the introduction of any fuels in the event of a spill. If a spill occurs, the Provincial Emergency Program must be contacted.
- c. As required, sediment and erosion control measures, must be utilized to control sediment during construction and to stabilize the site after construction is complete. These measures must include:
  - i. Tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be onsite during works.
  - ii. Cover temporary fills or soil stock piles with polyethylene or tarps.
  - iii. Exposed soils must be seeded immediately after disturbance. Soil surfaces to be treated should be roughened in advance of seeding.
  - iv. Temporary fences (snow fences) delineating the property boundary adjacent to the RDN park land shall be installed.

**5. Storm Water Drainage /Erosion**

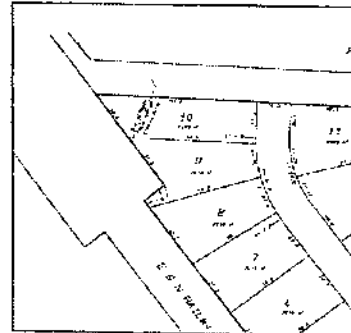
Applicant to construct storm water management system as set out in the correspondence from Newcastle Engineering Ltd. and dated October 27, 2005 and the correspondence from EBA

Engineering Consultants Ltd. and dated October 6, 2005, under the supervision of his professional engineer and to the satisfaction of the RDN and the Ministry of Transportation.

Applicant to design and construct all storm drainage works to the satisfaction of the Regional District of Nanaimo and the Ministry of Transportation.

**6. Thames Creek Covenant**

Applicant to prepare and register a section 219 covenant, to the satisfaction of the RDN, for the protection of Thames Creek riparian area over proposed Lots 9 and 10, restricting the placement of buildings and structures and restricting any removal of vegetation within the covenant area as shown on the drawing prepared by Sims Associates (shown to the right) and including a save harmless clause. Draft covenant document to be forwarded for review to RDN. Applicant's solicitor to provide legal letter of undertaking to register the covenant concurrently with the plan of subdivision.



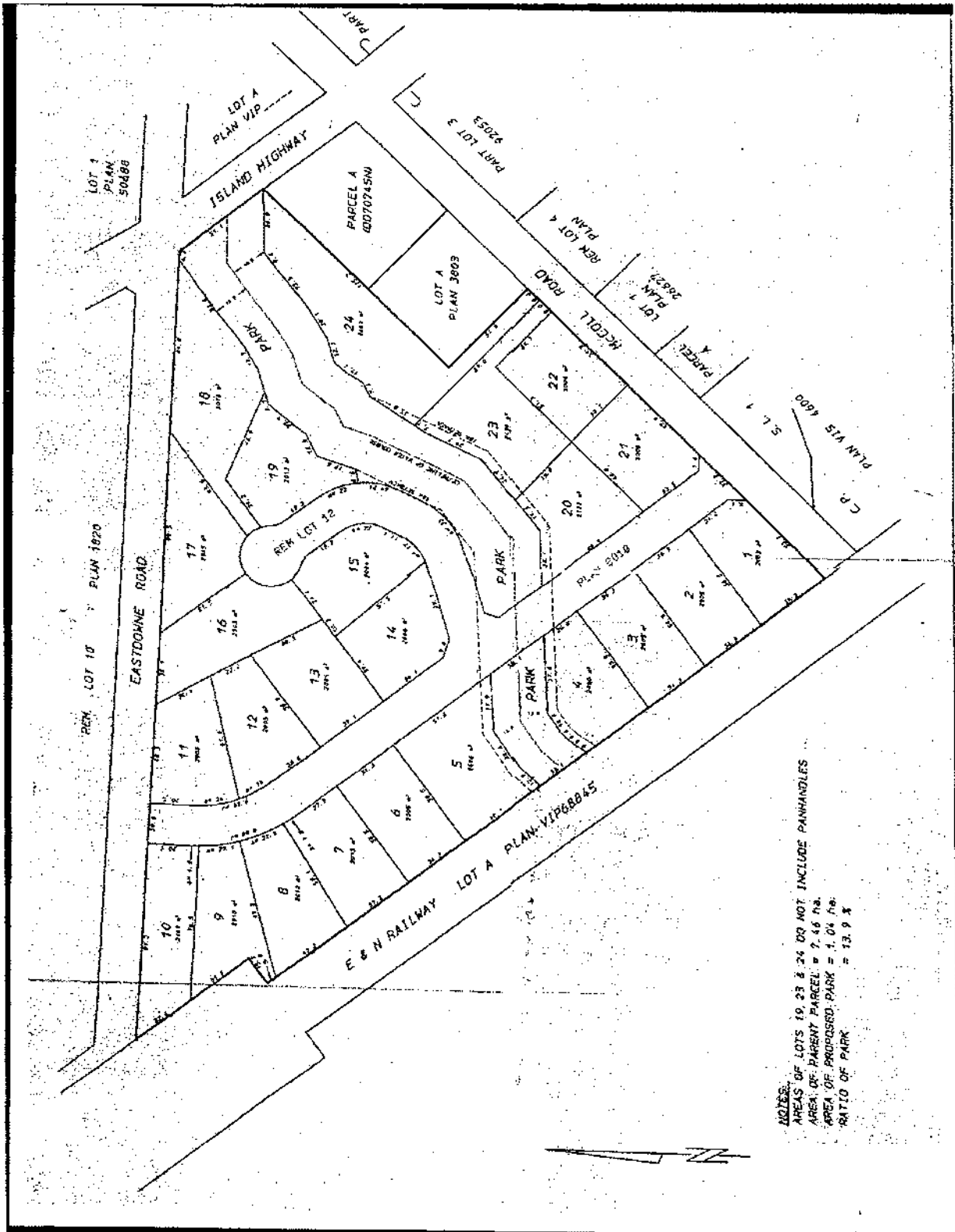
**7. Future Development Permit**

This development permit authorizes the drainage and erosion on the coastal portion of the parent parcel as set out in the correspondence from Newcastle Engineering Ltd., and dated October 27, 2005; the placement of test holes for septic disposal; and the construction of a driveway access only. All other works and construction associated with the development of this portion of the parent parcel, including the removal of trees, shall require a further development permit.

**8. Driveway Access**

Applicant to meet Ministry of Transportation requirements with respect to driveway access to the proposed coastal parcel.

Schedule No. 2  
 Development Permit No. 60553  
 Proposed Plan of Subdivision Including Location and Amount of Park Land



NOTES:  
 AREAS OF LOTS 19, 23 & 24 DO NOT INCLUDE PANHANDLES  
 AREA OF PARENT PARCEL = 7.46 ha.  
 AREA OF PROPOSED PARK = 1.04 ha.  
 RATIO OF PARK = 13.9 %

**Schedule No. 3  
Development Permit No. 60553  
Park Land Dedication and Conditions**

In conjunction with the subdivision application for the property legally described as Lot 12, District Lot 85, Newcastle District, Plan 2018, Except part in Plan 3803 and Except Parcel A (DD 70745N) Thereof

**1. Area and Location of Park Land**

An area, not less than 1.04 ha and shown on the location labeled park on Schedule No. 2, shall be dedicated as park land.

**2. Works and Services**

The applicant is in concurrence to complete the following works in conjunction with park land as set out below. The applicant is to contact the Recreation and Parks Department for coordinating the parks works prior to commencing.

- (1) provide a trail corridor linking the proposed parkland with the corner of McColl Road and the E&N by way of a trail:
  - (a) from the proposed parkland southeast along the subdivision boundary with the E&N to McColl Road or,
  - (b) along the southwestern side of the subdivision road leading to McColl Road;
- (2) develop a gravel-surface trail through the entire proposed parkland to the satisfaction of Regional District of Nanaimo Parks;
- (3) provide fencing to separate the park land from private lots;
- (4) provide park benches along the developed trail; and,
- (5) re-vegetate the park land with mainly native species.

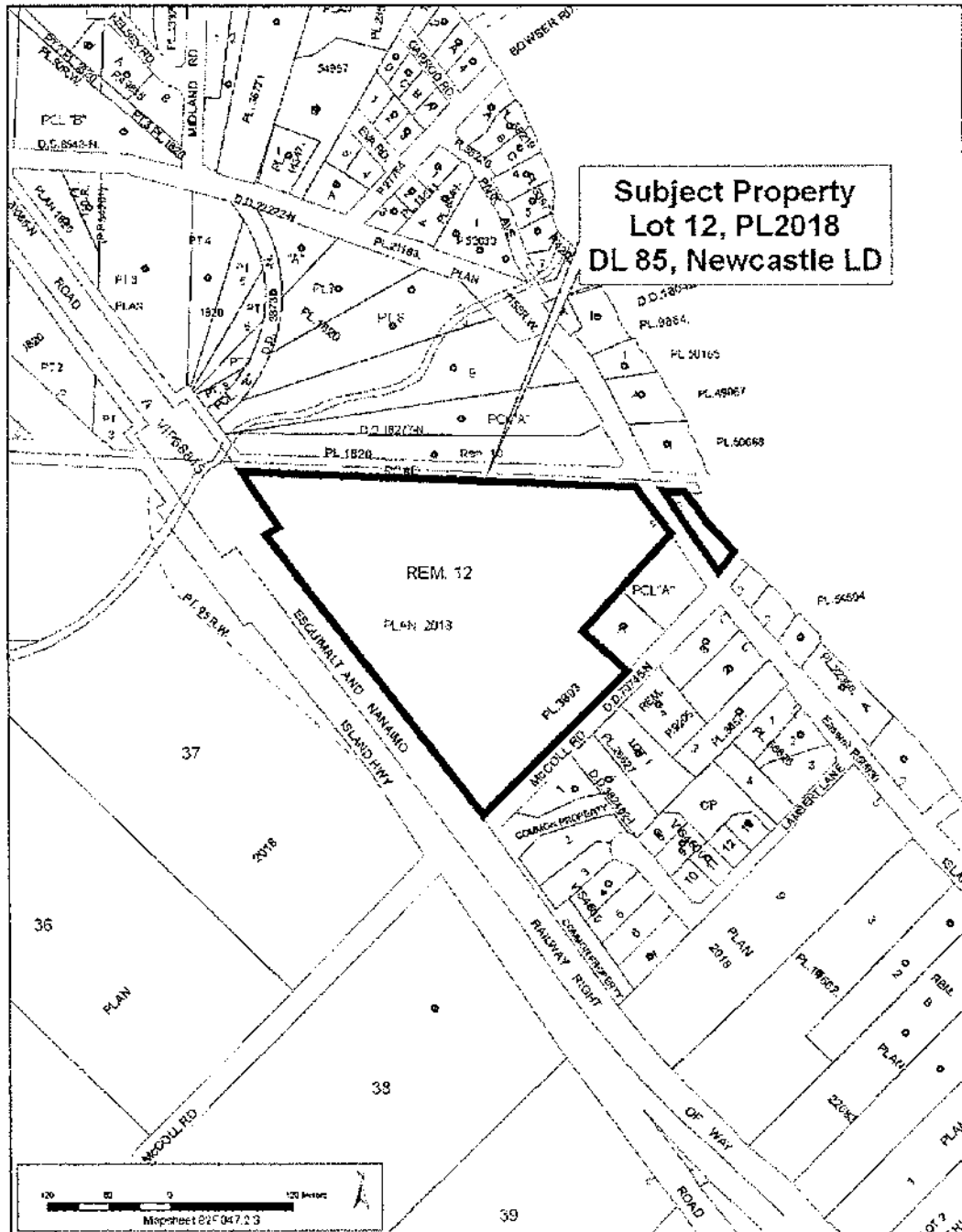
All these works are to be to the satisfaction of the RDN Recreation and Parks Department.

**3. Covenant**

Applicant to prepare and register a section 219 covenant, to the satisfaction of the RDN, for the protection of the unnamed watercourse crossing the proposed park land restricting the placement of buildings and structures and restricting any removal of vegetation within a minimum 5.0 metres on either side of the park land boundary. Draft covenant document to be forwarded for review to RDN. Applicant's solicitor to provide legal letter of undertaking to register the covenant concurrently with the plan of subdivision.



### Attachment No. 1 Location of Subject Property



Attachment No. 2

Correspondence from the Electoral Area 'H' Parks & Open Space Advisory Committee



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

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

*Lot 12, District Lot 85, Newcastle District, Plan 2018 except part in Plan 3803 and except Parcel A (DD 70745N)*

and located at:

*McCull Road between the E&N and Highway 19A, in Electoral Area H.*

Attachments:


- Location map
- Park Proposal Map
- Other \_\_\_\_\_

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

- Qualified support for the park land in the amount and location proposed – see comments below

Comments:

In addition to the 1.04 ha of proposed parkland shown in the subdivision proposal, the Committee advises that the applicant should also provide (1) trail corridor linking the proposed parkland with the corner of McCull Road and the E&N by way of a trail (a) from the proposed parkland southeast along the subdivision boundary with the E&N to McCull Road or (b) along the southwestern side of the subdivision road leading to McCull Road; (2) developed gravel-surface trail through the entire proposed parkland to the satisfaction of Regional District of Nanaimo Parks; (3) fencing to separate the parkland from private lots; (4) park benches along the developed trail; and (5) covenant to reinforce regulation and protection of parkland and other sensitive areas identified in the Area H Official Community Plan (e.g., greater Thames Creek riparian corridor).

  
\_\_\_\_\_  
Chairperson William Waugh

  
\_\_\_\_\_  
Secretary Patty Biro

Meeting held on: 17 October 2005

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

**Held at the Lighthouse Community Centre  
240 Lion's Way, Qualicum Bay on October 19, 2005 at 7:00 pm  
Subdivision Application No. 26568  
For the property legally described as  
Lot 12, District Lot 85, Newcastle District, Plan 2018, Except part in Plan 3803 and Except Parcel A  
(DD 70745N) Thereof**

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

**Present:**

Public in attendance: approximately 23 persons

**For the Applicant:**

Helen Sims, agent  
Al Grozell, owner

**For the RDN:**

Chair: Director David Bartram  
Wayne Moorman, Manager, Engineering & Subdivisions  
Susan Cormie, Senior Planner  
Joan Michel, Parks and Trails Coordinator

The Chair opened the meeting at 7:02 pm and followed with greetings to the public and an introduction of the staff and applicant and his agent.

The Chair stated the purpose of the Public Information Meeting (PIM) and asked the Senior Planner to provide an overview of the statutory provisions as it relates to park land provision.

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

The Chair read the correspondence received from the Nile Creek Enhancement Society concerning this application.

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

Helen Sims, the applicant's agent, provided a description of the park land proposal highlighting that the proposal includes a 13.9% dedication. Ms. Sims stated that the park land proposal meets the OCP policies concerning park land acquisition. Ms. Sims also stated the applicant is in concurrence with the recommendations put forward by the Parks and Open Space Advisory Committee.

The Chair then invited comments and questions from the audience with respect to the park land proposal.

Diane Sampson, 5224 Gainsberg Road, asked what vegetation will be used in the replanting of the proposed park land area.

The owner stated that it is their intention to use local species but this will still have to be investigated.

Randy Tan, 6820 Island Highway, asked if they are buying the Eastdowne Road right-of-way.

The owner stated that is an option.

Diane Sampson, 5224 Gainsberg Road, asked what the minimum parcel size is.

The applicant's agent stated that the lots vary from 2000 m<sup>2</sup> to 2693 m<sup>2</sup> in size which meets the minimum parcel size provision of the bylaw.

Barb McCuish, 81 McColl Road, indicated concerns with the access off the Island Highway.

The applicant's agent stated that the Ministry of Transportation does not want access to the Eastdowne Road onto the Island Highway.

Ms. McCuish stated that she was concerned about the access to the proposed coastal lot.

Constance, 121 McColl Road, stated that there are 2 perching trees for the eagles on the property and asked where they are located and what is happening to them.

The owner stated that these are not protected trees and that the one tree on the northeast side is already leaning and will probably have to be removed.

Randy Tan, 6820 Island Highway, asked what treatment is being proposed for sewer disposal.

The applicant's agent indicated that there will be individual septic disposal systems on each parcel and that the perc tests are ok.

Randy Tan, 6820 Island Highway, asked if there will be street lights.

The owner stated that there will not be any street lights.

Diane Sampson, 5224 Gainsberg Road, asked if the housing will be tract housing or individual homes.

The owner stated that there will be a building scheme and he will be selling the lots, not building on them himself.

An individual asked if there are any environmental issues on the property.

The applicant's agent indicated that with the park land and covenants, the watercourse will be protected.

Randy Tan, 6820 Island Highway, asked if the roads will be paved.

The owner stated that the roads will be paved.

Randy Tan, 6820 Island Highway, asked if hydrants will be included in the construction of the subdivision.

The owner stated that hydrants will be included.

The Chair asked if there were any further submissions with respect to the park land proposal.

There being none, the Chair thanked those in attendance and closed the Public Information Meeting.

The meeting concluded at 7:21 pm.

---

Susan Cormie  
Recording Secretary

Correspondence received in conjunction with the Public Information Meeting

**Nile Creek Enhancement Society**  
**6360 Island Hwy. W. Qualicum Bay, B.C. V9K 2E5**  
**Rod Allan - Phone (250) 757-9384**

October 12, 2005

Regional District of Nanaimo  
Susan Cormie, Senior Planner  
6300 Hammond Bay Rd.  
Nanaimo, BC  
V9T 6N2

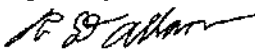
Re: Subdivision Application for Lot 12, District Lot 85, Newcastle District, Plan 2018 at the Island Highway and McColl Road, in Bowser, BC

Dear Ms Cormie,

We understand that the applicant for the above subdivision is required to donate 5% of the land, or cash in-lieu, to the RDN for use as park land. We have viewed the map where the applicant has offered a 1.04 ha. corridor through the centre of the subdivision. As the Nile Creek Enhancement Society is currently stewarding and enhancing the fish habitat on the neighboring Thames Creek, we are concerned that a number of lots in this proposed subdivision are adjoining the Eastdowne Road allowance. For the safety of the creek, and the riparian zone above Thames Creek, we would like to see an additional corridor alongside the Eastdowne Road allowance.

If the RDN is considering accepting a 5% land donation from the developer, we would like to see it running parallel to the road allowance thereby creating an additional buffer zone between the development and Thames Creek. This area could also be developed into a trail to join up with the E & N rail line and the District 69 Trail.

Respectfully submitted,

  
Rod Allan  
President  
Nile Creek Enhancement Society

Copy: Mr. Dave Bartram, RDN Director Area H  
Ms Joan Michel, Parks & Trails Coordinator



OF NANAIMO	
CHAIR	GM Ops
CAO	GM ES
DA CCD	MCSE
OCT 28 2005	
EARC	

MEMORANDUM

**TO:** Wayne Moorman  
 Manager, Engineering & Subdivisions

**DATE:** October 27, 2005

**FROM:** Susan Cornie  
 Senior Planner

**FILE:** 3320 20 26372

**SUBJECT:** Request for Relaxation of the Minimum 10% Perimeter Requirement - Reynolds  
 Electoral Area 'A' - 1850 Shasta Road

PURPOSE

To consider a request to relax the minimum 10% perimeter frontage requirement in order to facilitate the creation of a section 946 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 section 946 parcel and the Remainder parcel as part of a 2-lot subdivision for the property legally described as Lot 2 Plan VIP65093 Section 14 Range 5 Cedar District and located at 1850 Shasta Road in Electoral Area 'A' (see Attachment No. 2 on page 5 for location of parent parcel).

The subject 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 one parcel pursuant to section 946 of the Local Government Act as part of a 2-lot subdivision. The proposed new parcel will be greater than the 2500 m<sup>2</sup> minimum parcel size, therefore meeting the minimum parcel size requirement for a section 946 parcel pursuant to Bylaw No. 500, 1987 (see Attachment No. 1 on page 4 for proposed subdivision).

The parent parcel is currently designated within the Provincial Agricultural Land Reserve.

There is currently a covenant document registered on title restricting the placement of buildings and structures and the removal of vegetation from the foreshore area up to and including 9.0 metres from the top of the bank.

Surrounding land uses include Rural/ALR lands to the north; Stuart Channel to the east; Rural/ALR and Residential lands to the south; and Rural lands to the west.

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

### **10% Minimum Frontage Requirement**

Proposed Lot 1, as shown on the plan of subdivision submitted by the applicant, does not meet the minimum 10% 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	43.7 m	20.0 m	4.6 %

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.

For your information, the proposed remainder parcel was granted relaxation of the minimum 10% frontage by the Regional Board under a previous subdivision application and while this application changes the boundaries of the remainder parcel, the total perimeter frontage remains the same. Therefore, a relaxation of this proposed parcel is not required.

### **ALTERNATIVES**

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

### **DEVELOPMENT IMPLICATIONS**

Ministry of Transportation staff has indicated that access to the proposed parcels will meet Ministry standards and therefore, have no concerns at this time with this request for relaxation of the minimum 10% frontage.

The Provincial Agricultural Land Reserve Commission has allowed this application to create two parcels. The Commission does not wish to encourage further subdivision of the ALR lands by providing additional roads through the parent parcel. As a result, the Approving Officer is not requiring further dedication of roads. Staff supports the objective of limiting the extension of roads into ALR lands.

The proposed subdivision will have little impact on the adjacent residential neighbourhood on Shasta Road as Proposed Lot 1 will be the smaller parcel containing the existing dwelling unit. The proposed Remainder is not expected to impact surrounding rural properties.

With respect to intended uses, as Lot A is proposed to be a smaller parcel, the ability to place buildings for the purposes of housing animals or storing manure is limited. As part of the subdivision review process, the applicant will be required to enter into a covenant restricting the placement of buildings or structures housing animals or manure unless minimum setbacks can be met or a variance has been approved by the Regional Board.

### **VOTING**

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

## SUMMARY

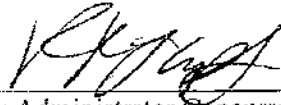
This is a request to relax the minimum 10% frontage requirement pursuant to section 944 of the *Local Government Act* in order to facilitate the creation of a two lot subdivision with one of the parcels being created under section 946 of the *Local Government Act*. The Provincial Agricultural Land Commission has approved the request for subdivision. Ministry of Transportation staff have no concerns at this time with this request for relaxation of the minimum 10% frontage. The proposed subdivision is not expected to impact surrounding uses. Given that the Agricultural Land Commission has granted approval and the Ministry of Transportation is satisfied that acceptable accesses are achievable, staff recommends Alternative No. 1, to approve the relaxation of the minimum 10% perimeter frontage for proposed Lot 1.

## RECOMMENDATION

That the request from Walter Reynolds to relax the minimum 10% frontage requirement for proposed Lot 1, as shown on the plan of subdivision of Lot 2 Plan VIP65093 Section 14 Range 5 Cedar District, be approved.



Report Writer



Deputy Administrator Concurrence



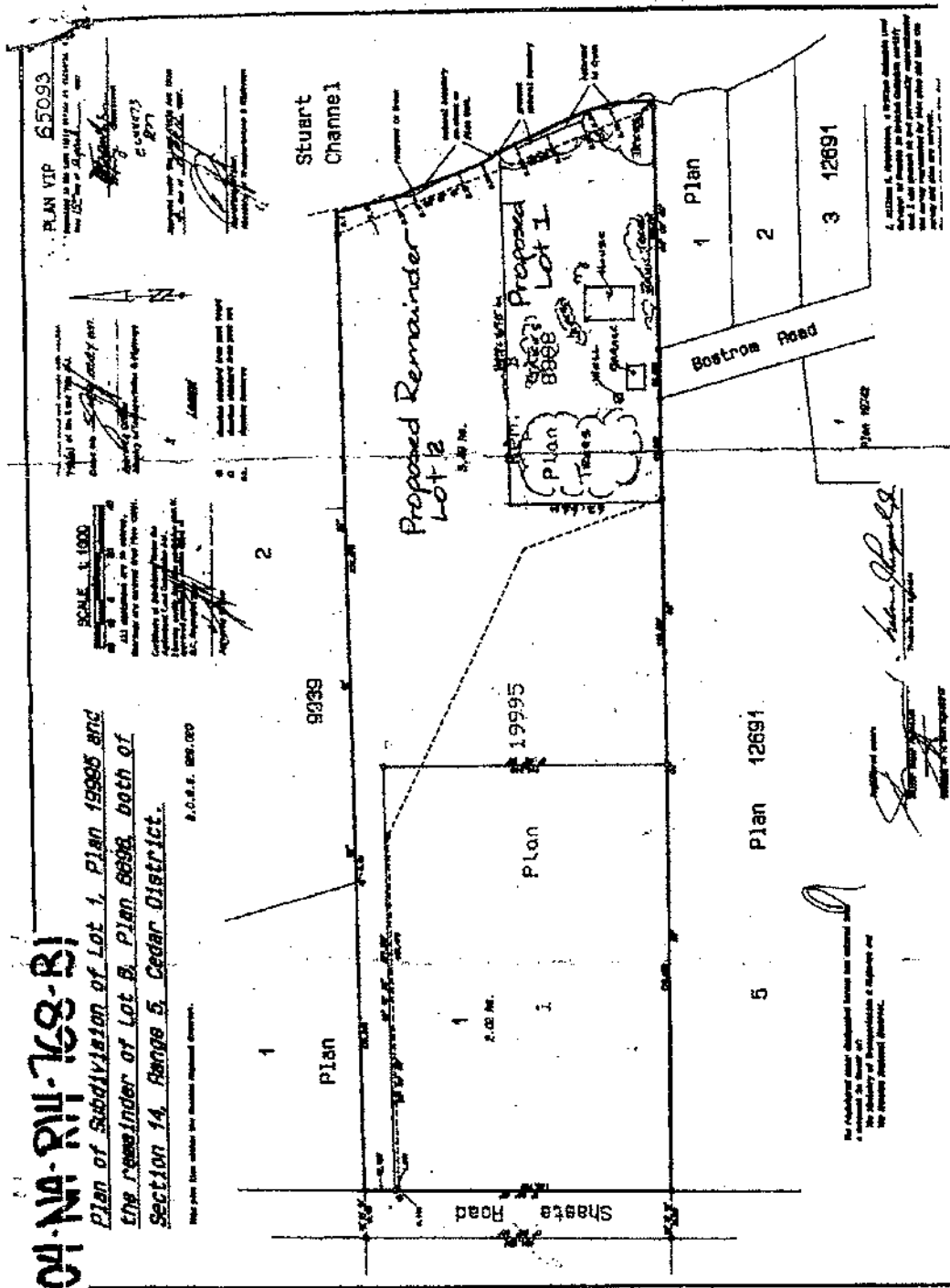
Manager Concurrence

## COMMENTS:

*Dev.srs/reports/2005/frtgc no 3320 20 26372 Reynolds.doc*

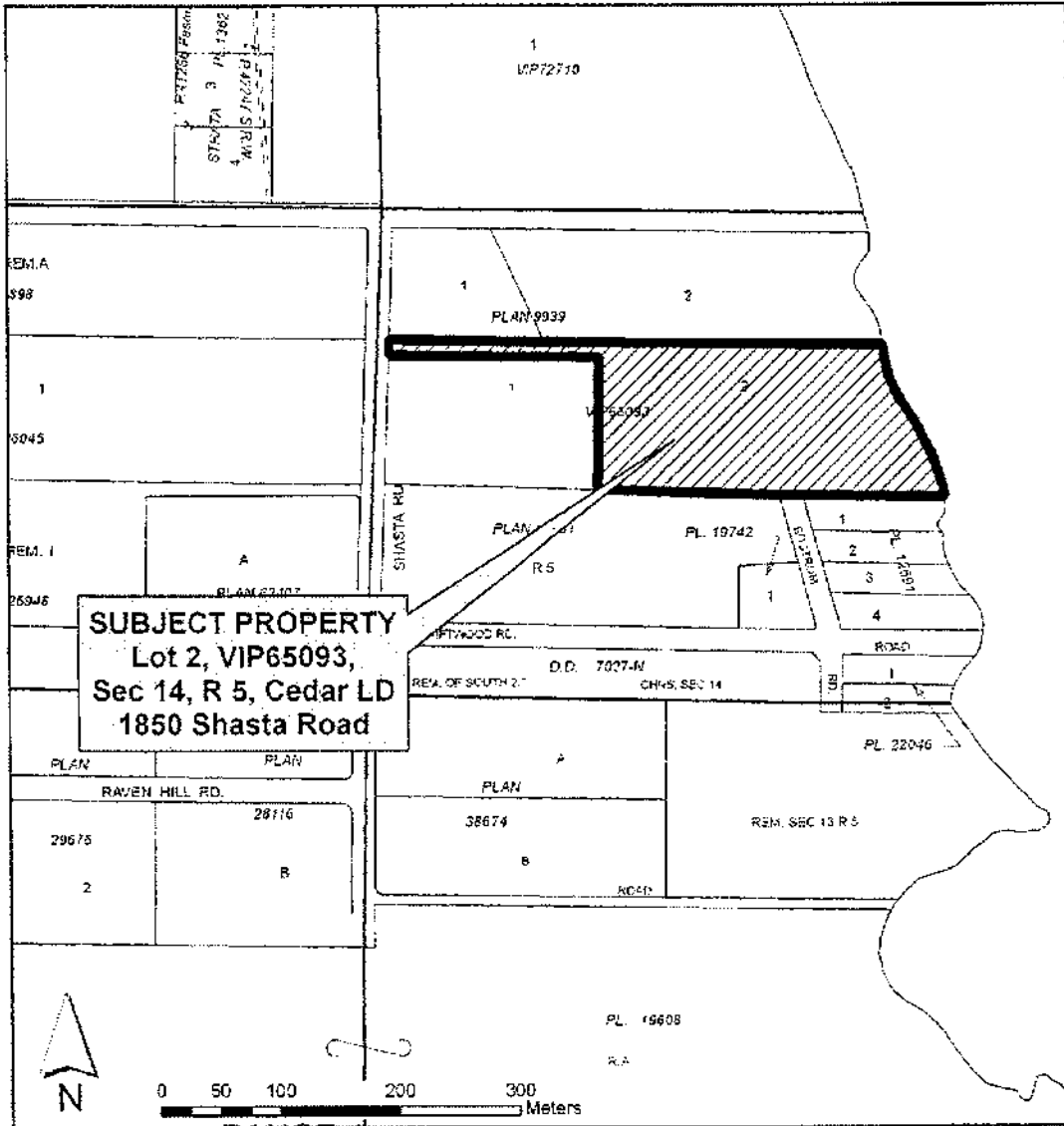


Attachment No. 1  
 Proposed Plan of Subdivision  
 (As Submitted by Applicant)



Provincial Agricultural Land Commission  
 Application: S-35886  
 Resolution #170/2005

**Attachment No. 2**  
**Location of Subject Property**



BOGS Map Sheet No. 203 011 22