

REGIONAL DISTRICT OF NANAIMO
ELECTORAL AREA PLANNING COMMITTEE
TUESDAY, APRIL 11, 2006
6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

- 2 **James Harris & Christine Hawkins**, re property rezoning – 410 Martindale Road – Area G.

MINUTES

- 3-6 Minutes from the regular meeting of the Electoral Area Planning Committee held March 14, 2006.

COMMUNICATION/CORRESPONDENCE

BUSINESS ARISING FROM THE MINUTES

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

- 7-20 Development Permit Application No. 60612 -- Park Land Consideration -- Request for 10% Frontage Relaxation – Gerry Lindberg on behalf of Mark Keen – 1004, 1006 & 1012 Nanaimo River Road -- Area C.
- 21-29 Development Permit Application No. 60616 -- Helen Sims for May and Ronald Lou-Poy – 863 Flamingo Drive Area G.

OTHER

- 30-41 Electoral Area 'G' Official Community Plan Review – Terms of Reference.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

IN CAMERA

ADJOURNMENT

ATT: LINDA BURGOYNE

APRIL 4 2006

JAMES H. HARRIS
410 MARTINDALE RD.
PARKSVILLE B.C.

V9P - 1P9

PHONE# 954 - 3898

DELAGATION REQUEST :

TO SPEAK AT APRIL 11 2006 R.D.N. ELECTORAL AREA
PLANNING COMMITTE MEETING.

WE HAVE PROPERTY AT THE ABOVE ADDRESS THAT WE
WOULD LIKE TO REZONE.

OWNERS:

JAMES H. HARRIS
CHRISTINE A. HAWKINS

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, MARCH 14, 2006, AT 6:30 PM
IN THE RDN BOARD CHAMBERS**

Present:

Director D. Bartram	Chairperson
Director J. Burnett	Electoral Area A
Director M. Young	Electoral Area C
Director G. Holme	Electoral Area E
Director L. Biggemann	Electoral Area F
Director J. Stanhope	Electoral Area G
Director B. Johnston	City of Parksville

Also in Attendance:

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

LATE DELEGATIONS

MOVED Director Biggemann, SECONDED Director Stanhope, that two late delegations be permitted to address the Committee.

CARRIED

Casey Timmermans, re Manufactured Home Park Re-Development.

Mr. Timmermans provided a written handout, and spoke in opposition to any changes at the local government level to the current provincial and federal legislation with respect to manufactured home park tenancy relocation.

Richard Dean, re Development Variance Permit 90605 – Oceanside Storage Ltd. – 1270 Alberni Highway – Area F.

Mr. Dean raised his concerns with respect to the staff's recommendation to approve Development Variance Permit Application No. 90605.

Peter Jorgenson, re Development Variance Permit 90602 – Rondeau/Jorgenson – 3437 Redden Road – Area E.

Mr. Jorgenson provided additional information on behalf of the property's owner and requested that the Board approve Development Variance Permit Application 90602.

MINUTES

MOVED Director Holme, SECONDED Director Stanhope, that the minutes of the Electoral Area Planning Committee meeting held February 14, 2006 be adopted.

CARRIED

COMMUNICATION/CORRESPONDENCE

Rich Coleman, Minister of Forests and Range and Minister Responsible for Housing, re Manufactured Home Park Tenancy.

MOVED Director Stanhope, SECONDED Director Holme, that the correspondence from the Honourable Rich Coleman regarding the adequacy of compensation currently provided for manufactured home owners be received for information.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Amendment Application ZA0524 – Ainsley Foster on behalf of Laverne Kilner – Schoolhouse Road – Area A.

MOVED Director Burnett, SECONDED Director Biggemann,:

1. That the minutes of the Public Information Meeting held on February 27, 2006, be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.333, 2006" to rezone the properties legally described as Lot 1, Plan 19938, and Lot 1, Plan 22021, all of Section 13, Range 7, Cranberry District from Residential 2 Subdivision District 'F' (RS2F) to Comprehensive Development 33 (CD33) to allow the industrial use of the property be given 1st and 2nd reading.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.333, 2006" be approved to proceed to Public Hearing subject to the conditions identified in Schedule 1.
4. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.333, 2006," be delegated to Director Burnett or his alternate.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60601 – Gibson – 343 Horne Lake Road - Area H.

MOVED Director Holme, SECONDED Director Burnett, that Development Permit Application No. 60601 to allow the development of a house and footbridge on the property with variances to the side lot line setbacks and the watercourse setbacks at 343 Horne Lake Road be approved according to the terms outlined in Schedule No. 1 and subject to the Board's consideration of comments received as a result of public notification.

CARRIED

Development Permit Application No. 60608 – Jill Maibach – 2093 South Wellington Road – Area A.

MOVED Director Burnett, SECONDED Director Biggemann, that Development Permit No. 60608 to allow for the construction of one fascia sign be approved according to the terms outlined in Schedule No. 1 and subject to the Board's consideration of the comments received as a result of public notification.

CARRIED

Development Permit Application No. 60610 – McKinnon/Jorgensen – 2377 Higginson Road - Area E.

MOVED Director Holme, SECONDED Director Burnett, that Development Permit Application No. 60610 with variances be approved according to the terms outlined in Schedule No. 1 as amended, subject to consideration of the comments received as a result of public notification.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90602 – Rondeau/Jorgenson – 3437 Redden Road – Area E.

MOVED Director Holme, SECONDED Director Stanhope, that Development Variance Permit Application No. 90602 to increase the maximum dwelling unit height from 8.0 metres to 12.9 metres for a dwelling at 3437 Redden Road be denied, subject to the Board's consideration of the comments received as a result of public notification.

CARRIED

Development Variance Permit Application No. 90603 – Johansen – 2542 Pylades Drive – Area A.

MOVED Director Burnett, SECONDED Director Young, that Development Variance Permit Application No. 90603 to relax the interior side and front lot line setbacks to allow an addition to a dwelling at 2542 Pylades Drive be approved according to the terms outlined in Schedule No. 1, and subject to the Board's consideration of comments received as a result of public notification.

CARRIED

Development Variance Permit Application No. 90604 – MacArthur – 2440 Schirra Drive – Area E.

MOVED Director Holme, SECONDED Director Young, that Development Variance Permit Application No. 90604 to relax the interior side lot line setback from 2 m to 1.15 m for a dwelling at 2440 Schirra Drive be approved according to the terms outlined in Schedule No. 1, and subject to the Board's consideration of comments received as a result of public notification.

CARRIED

Development Variance Permit Application No. 90605 – Oceanside Storage Ltd. – 1270 Alberni Highway – Area F.

MOVED Director Biggemann, SECONDED Director Holme, that Development Variance Permit Application No. 90605 be approved according to the terms contained in Schedule No. 1, subject to the Board's consideration of comments received as a result of public notification.

CARRIED

Development Variance Permit Application No. 90606 – Allen and Parker – 2933 Dolphin Drive – Area E.

MOVED Director Holme, SECONDED Director Stanhope, that Development Variance Permit Application No. 90606 for a new dwelling at 2933 Dolphin Drive be approved to relax the exterior side lot line setback and maximum dwelling unit height according to the terms of Schedule No. 1, subject to Board consideration of comments received as a result of the notification of the adjacent property owners/occupiers.

CARRIED

OTHER

Manufactured Home Park Tenant Relocation Policy.

MOVED Director Stanhope, SECONDED Director Biggemann, that the Manufactured Home Park Redevelopment Policy attached as Schedule No. 1 in the staff report be approved.

CARRIED

NEW BUSINESS

The Chairperson asked the Deputy Chairperson to convene over the meeting to allow a motion to be brought forward with respect to rezoning and development permit applications.

Sustainability Checklist.

MOVED Director Bartram, SECONDED Director Biggemann, that staff be directed to look at the Sustainability Checklist for rezoning and development permit applications used by Port Coquitlam and that a report be prepared for the Board's consideration on the feasibility of using such a checklist as policy for use in the RDN Electoral Areas.

CARRIED

RDN Nodal Development Document.

Director Bartram congratulated staff on the recently circulated Nodal Development brochure.

The Chairperson resumed the Chair.

ADJOURNMENT

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

CARRIED

TIME: 7:05 PM

CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO		
CHAIR	GM Cms	
CAO	GM ES	
DA CCD	Mof	
MAR 30 2006		
EAP		

MEMORANDUM

TO: Wayne Moorman
Manager, Engineering & Subdivisions

DATE: March 29, 2006

FROM: Susan Cormie
Senior Planner

FILE: 3060 30 60612
c/r 3320 20 26307

SUBJECT: Development Permit Application No. 60612 / Park Land Consideration / Request for 10% Frontage Relaxation
Gerry Lindberg, BCLS, on behalf of Mark Keen
Electoral Area 'C' – 1004, 1006, & 1012 Nanaimo River Road

PURPOSE

To consider an application for a development permit within the Watercourse Protection and Sensitive Ecosystem 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 in conjunction with the creation of a 7-lot subdivision on property adjacent to Nanaimo River Road in Electoral Area 'C'.

BACKGROUND

The parent parcels, legally described as The West 39 Acres of Section 6, Range 3, Except Part in Plan 40918; The West 40 Acres of Section 5, Range 3, Except Parcel A (DD 2849N) and Except Plans 3317, 25660, and 33499 and Except That Part Outlined in Red on Plan 450 RW, and Except Part in Plans 40918, 41918, 41817 and VIP78009; and The South West 12 Acres of Section 7, Range 3, All Within Cranberry District As Shown Coloured Red on Plan Deposited Under DD 15454, are located at 1004, 1006, & 1012 Nanaimo River Road in Electoral Area 'C' (*See Attachment No. 1 on page 11 for location*).

The parent parcels, which total 21.31 ha in size, are currently zoned Rural 9 (RU9) and are within Subdivision District 'D' pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The parent parcels currently support 3 dwelling units, 2 units on 1 of the parent parcels and 1 unit on the second parent parcel. The third parent parcel is vacant. The parcels contain a number of geographical features including large rock outcrops, ridges, a wetland area, and two of the parent parcels border a portion of Blind Lake.

In addition, the parent parcels are designated within the following development permits areas pursuant to the Arrowsmith Benson – Cranberry Bright Official Community Plan Bylaw No. 1148, 1999:

- the Watercourse Protection Development Permit Area for the protection of Blind Lake and its riparian area; and,
- the Sensitive Ecosystem Development Permit Area for the wetland area located adjacent to Blind Lake.

As the proposal does not meet the exemption provisions of the development permit areas, a development permit is required.

Proposed Development

The applicant is proposing to construct 7 fee simple parcels varying in size from 1.6 ha to 8.1 ha with individual potable water and individual septic disposal systems (see Schedule No. 2 on page 8 for proposed subdivision layout). Three (3) of the 7 parcels are proposed to be less than the required minimum 2.0 ha parcel size; however, the parcel averaging provisions as set out in Bylaw No. 500, 1987 will be able to be met.

As part of the application, the applicant submitted a preliminary drainage report and a preliminary geotechnical report, both prepared by professional engineers.

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 1.05 ha.

Park Land Proposal

The applicant is proposing to dedicate 1.05 ha or 5 % of the total land area, which consists of an area next to Blind Lake that includes part of the sensitive wetland ecosystem area and some upland area accessed by a 4.0 metre wide trail corridor. Both the Lake and its riparian area and the sensitive ecosystem are designated within the Watercourse Protection and Sensitive Ecosystem Development Permit Areas pursuant to the OCP. The location of the proposed park land is shown on Schedule No. 2 on pages 8 and 9.

The park land proposal was presented at a Public Information Meeting held on March 23, 2006. There is currently no parks advisory committee in this part of Electoral Area 'C'.

10% Minimum Frontage Requirement

Proposed Lots 1, 2, 3, and 7 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>
1	84.4 m	41.6 m	4.9 %
2	74.0 m	47.1 m	6.4 %
3	65.6 m	25.6 m	3.9 %
7	128.1 m	124.1 m	9.7 %

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. 60612, as submitted, subject to the conditions outlined in Schedule No. 1; to accept the offer of park land in the amount and location as set out in Schedules No. 2 and 3; and to approve the request for relaxation of the minimum 10% frontage requirements for proposed Lots 1, 2, 3, and 7.
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. 60612 as submitted, subject to the conditions outlined in Schedule No. 1; 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 1, 2, 3, and 7.

DEVELOPMENT IMPLICATIONS

Development Permit Implications

With respect to the development permit guidelines for protection of the watercourse and its riparian area and the sensitive wetland area, the applicant has offered to register a section 219 covenant on title restricting the removal of vegetation and the placement of any buildings or structures within 15.0 metres of the natural boundary of Blind Lake and where there is a bank within 15.0 metres of the natural boundary, 15.0 metres from the top of the bank. This covenant will also include a portion of the sensitive ecosystem proposed to be located outside the park land. The majority of the parent parcel's riparian area located adjacent to Blind Lake is currently undisturbed. There is one area which includes approximately 100.0 metres of foreshore that has been used for a family picnic area for many years. This area consists of a grassed area with some riparian vegetation next to the Lake and a picnic shelter. The development permit will include provisions to encourage the owner to re-vegetate with native vegetation. This will fulfill the requirements of the development permit areas guidelines.

With respect to the Provincial *Riparian Area Regulations*, as these Regulations are new and evolving and are coming into effect in the middle of this application process, it is recommended that clarification be sought from the Ministry of Environment as to whether this application is required to comply with all requirements of the *Riparian Areas Regulations* and if so, the applicant is to comply with the *Regulations* to the satisfaction of the Ministry.

As part of the subdivision process, the Ministry of Transportation has required the applicant to prepare preliminary geotechnical and drainage reports. The geotechnical report states that there are available building sites on each proposed parcel. The drainage report provides pre-development / post-development flows. These reports will be considered by the Approving Authority as part of the subdivision review process.

Request for Relaxation of Minimum 10 % Frontage Requirements

With respect to the request to relax the minimum 10% frontage requirement for 4 of the proposed parcels, due to the larger sizes of the proposed lots, buildable site areas will be available to support the intended residential uses. Proposed Lots 1, 2, and 3 will be permitted a maximum of 1 dwelling unit each. Lot 7 is

proposed to be 8.1 ha in size and will be able to support 2 dwelling units. In addition, as these proposed parcels will be accessed by a cul-de-sac road, road frontage becomes more limited. The site constraints of the parent parcels combined with surrounding historical development also 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 received septic disposal approval from the Central Vancouver Island Health Authority. Proof of potable water is subject to the approval of the Approving Officer.

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 parcels and impose conditions of development as required.

Official Community Plan Implications

The Arrowsmith Benson – Cranberry Bright Official Community Plan Bylaw No. 1148, 1999 (OCP) contains a number of park land related policies to be considered at the time of park land acquisition. In this case, the applicant is offering a park land, which meets several of the related park land acquisition policies, including lands that are environmentally sensitive, lands that link environmentally sensitive areas as part of a natural corridor, lands that include locally significant natural landscapes, and lands that improve access to a lake. Therefore, the proposed park land meets the preferred criteria set out in the OCP.

Public Consultation Implications

A Public Information Meeting (PIM) was held on March 23, 2006. Fourteen persons attended this meeting. (see Attachment No. 3 on page 12 for Minutes of the Public Information Meeting). Park land related issues raised at this Meeting included the concern for vehicular parking, additional refuse being left, vandalism, and that the park land would become a gathering place for parties. (These comments are associated with some neighbours' experiences concerning recreational users accessing the Nanaimo River for summertime use.)

Access to the proposed trail and park land will be via a cul-de-sac road and not from Nanaimo River Road, where the River recreational users park. The applicant has offered to put in 4 parking spaces on the cul-de-sac to provide additional parking for the park users. As a result, this park land is not expected to further impact the summertime parking issue along Nanaimo River Road. Since there will be no vehicular access, the length of the trail access is considerable, and since this is a passive recreation park (no swimming due to the vegetation on this part of the Lake), the issue of the park land becoming a gathering place for parties, additional refuse being left by users, and vandalism, is not considered to be a major issue.

Non-park land issues raised at the Public Information Meeting included concerns for protection of existing wells in the surrounding area. Staff will forward these concerns to the Ministry of Transportation's Approving Authority to be considered as part of its subdivision review.

Recreation and Park Department Implications

Recreation and Parks staff has reviewed this request for park land and are prepared to support the dedication. Recreation and Parks staff commented that the park land should be retained for its environmental values and noted that while there may be some challenges for the managing the park land

in the future (in terms of development such as a viewing platform), this should not be seen as an impediment for accepting park land in this location.

With respect to the trail corridor, Recreation and Parks staff notes that the topography along the proposed trail corridor is gentle rolling terrain, which gradually rises to a point above the proposed park land and then consists of a short steeper drop to the lakeside park. At this time there is ample forest and ground cover to make this a very pleasant trail corridor. To ensure that this proposed corridor is wide enough to support future trail construction, Recreation and Parks staff recommends that, the corridor be a minimum of 4.0 metres in width and, as part of the approval process, ground truthing of this trail be reconfirmed and if necessary the trail corridor be widened.

The applicant is in concurrence to provide some time to rough a portion of the proposed trail corridor. However, it is not expected that the applicant will be able to complete the whole trail and additional construction and management of this trail should not be expected at this time or in the near future, as the Parks Department is not in the position to develop the proposed park land.

Access to Water Implications

The Approving Officer is prepared to grant relief from section 75 of the *Land Title Act* as the applicant is providing park land with access to Blind Lake.

FINANCIAL IMPLICATIONS

As there are no plans for trail construction at this time, 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 4 proposed parcels, and a request to accept park land for the property located off Nanaimo River Road in Electoral Area ‘C’. The proposed parcels that require a relaxation of the minimum 10% frontage requirement will be capable of supporting the intended rural residential uses permitted in the zoning provisions.

The subject property is within the Watercourse Protection and the Sensitive Ecosystem Development Permit Areas pursuant to the Arrowsmith Benson – Cranberry Bright OCP specifically for the purposes of ensuring protection of Blind Lake and riparian area as well as the adjacent sensitive wetland ecosystem. The applicant has offered to register a section 219 covenant for the protection of the development permit area. The development permit is consistent with the applicable guidelines concerning protection of the Lake, its riparian area and the wetland.


The park land proposal is for park land dedication adjacent to Blind Lake and includes some of the adjacent wetland. The park land is proposed to be accessed by trail corridor. The applicant is in concurrence to provide some time to assist in roughing out some of trail and to provide parking at the trail head. A Public Information Meeting was held on March 23, 2006 with respect to this park land proposal. Issues raised included parking, refuse disposal, partying, and vandalism. Due to the nature of the park

land site and the limited access, staff feels that this park land will not become a gathering place for parties.

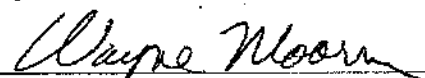
Therefore, given that the applicant is in concurrence to prepare and register section 219 covenants to protect the lake front and its riparian area as well as wetland area outside the proposed park land, as the Ministry of Transportation supports the accesses to those parcels requiring relaxation of the minimum 10% frontage requirement, and the applicable development permit guidelines will be met, staff recommends Alternative No. 1 to approve the development permit, to accept the park land dedication in the location and amount 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. 60612 submitted by G Lindberg, BCLS, on behalf of Mark Keen, in conjunction with the subdivision on the parcels legally described as The Remainder of The West 39 Acres of Section 6, Range 3, The Remainder of The West 40 Acres of Section 5, Range 3, and The South West 12 Acres of Section 7, Range 3, All Within Cranberry District and designated within the Watercourse Protection and the Sensitive Ecosystem 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 1, 2, 3, and 7 be approved.



Report Writer



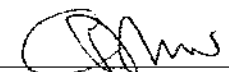
Manager Concurrence

COMMENTS:

devsvs/reports/2006/dp no 3060 30 60612 / subd 26307 keen



Deputy Administrator Concurrence



CAO Concurrence

Schedule No. 1
Conditions of Approval
Development Permit Application No. 60612

The following sets out the conditions of approval:

1. Riparian Area Regulation

The Ministry of Environment to confirm whether this application requires approval under the *Riparian Area Regulations* and if so, the applicant is to comply to the Ministry's satisfaction prior to issuance of the permit.

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. Covenant

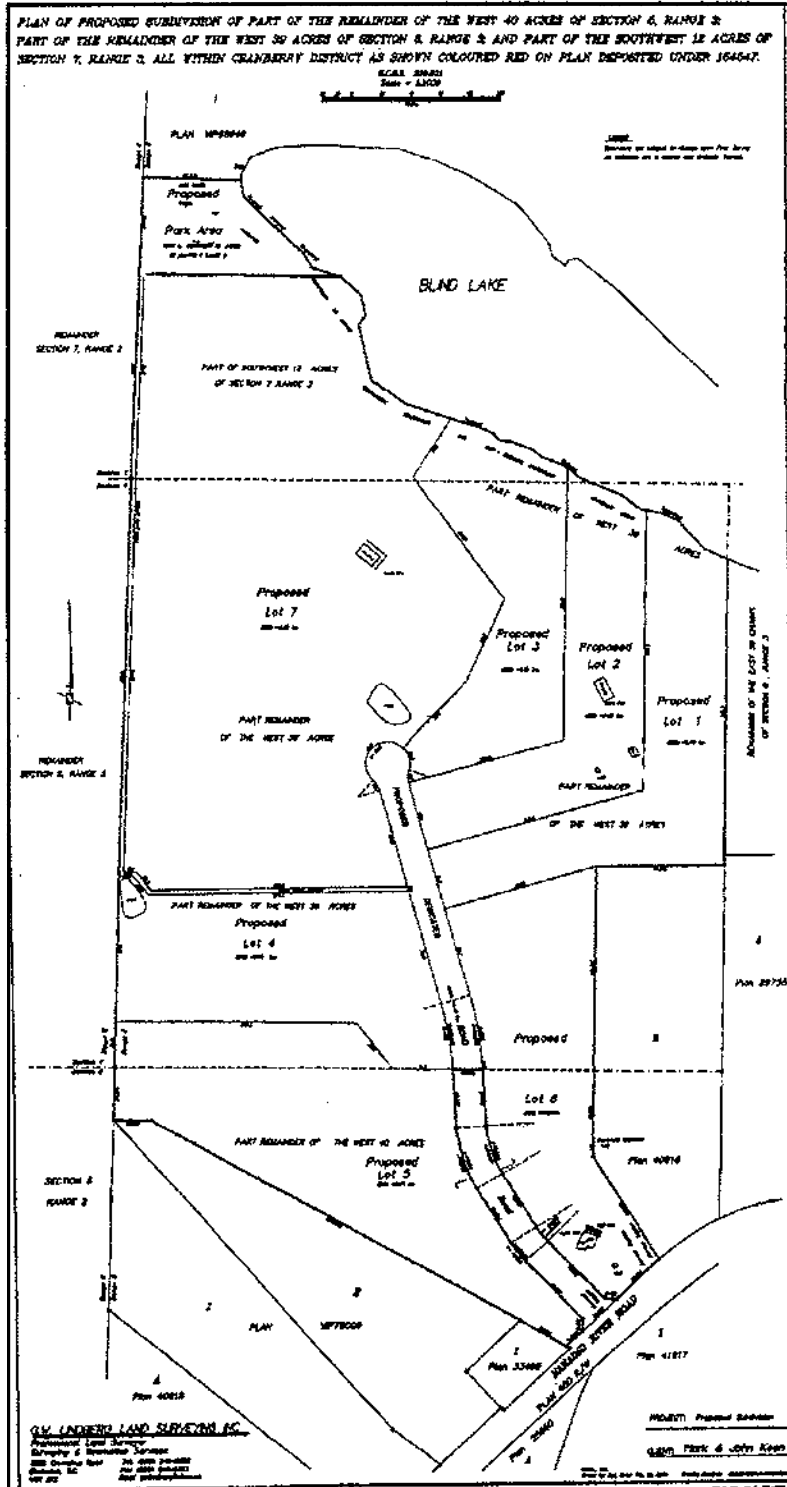
Applicant to prepare and register a section 219 covenant for the protection of the wetland and its 15.0 metre riparian area, as measured from the natural boundary, restricting no removal of vegetation, no disturbance by man, no alteration of the land, no buildings or structures, including fences, decks, patios, no wells, driveways, no outdoor storage, septic disposal fields, placement of soils, or other site improvements within 15.0 metres of the natural boundary of Blind Lake and the sensitive wetland ecosystem. Applicant to submit draft covenant to Regional District for review prior to registration at Land Title Office. This covenant is to be reviewed and accepted by the Regional District prior to being registered on title concurrently with the plan of subdivision at Land Title Office. Applicant's solicitor to submit letter undertaking to register this covenant.

4. Re-vegetation

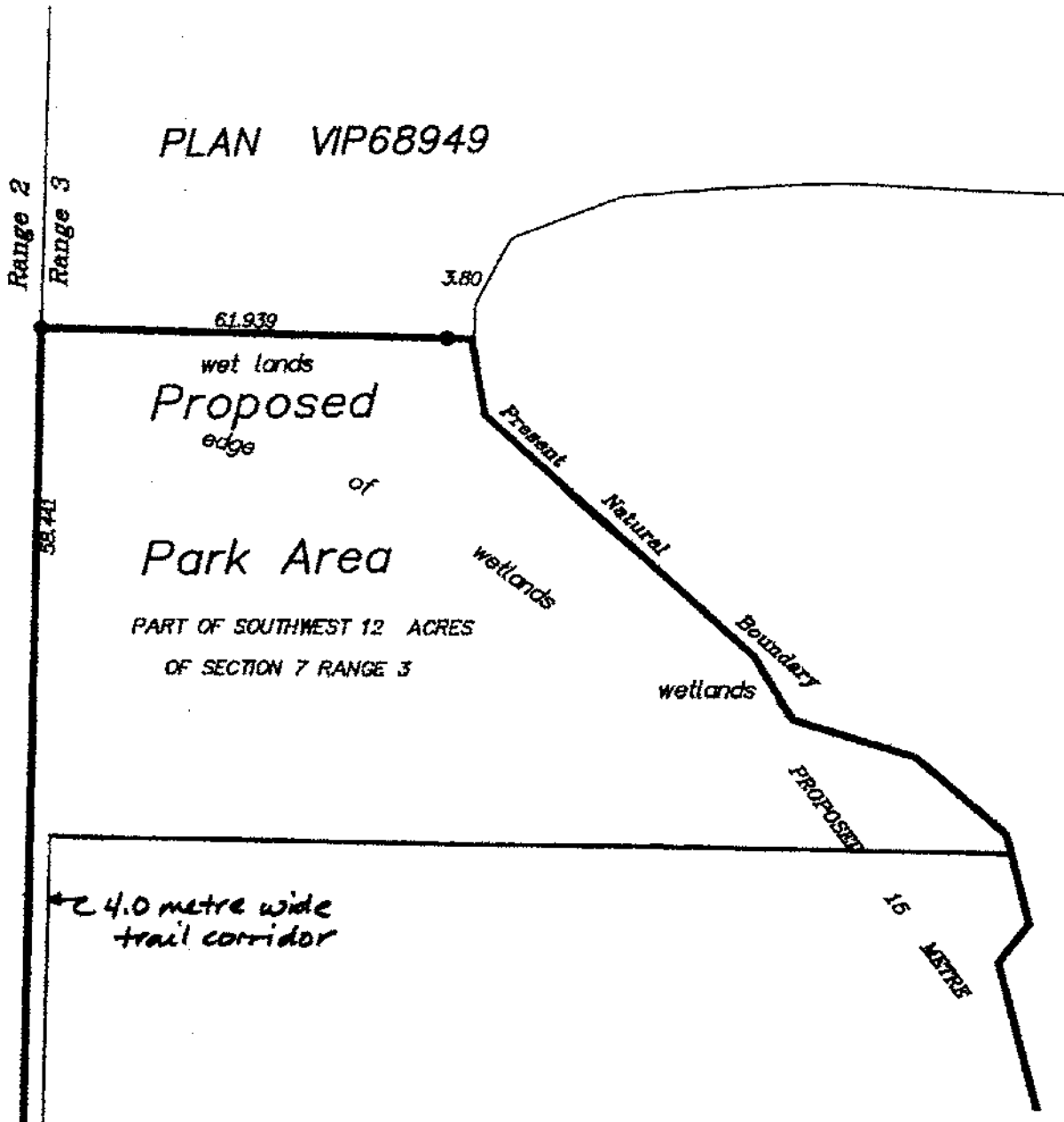
At time of replanting the existing grassed area, applicant to replant with native vegetation.

Schedule No. 2 (Page 1 of 2)
 Development Permit No. 60612
 Subdivision File No. 26307

Proposed Plan of Subdivision Including Location and Amount of Park Land



Schedule No. 2 (Page 2 of 2)
Development Permit No. 60612
Subdivision File No. 26307
Enlargement of Proposed Park Land



**Schedule No. 3
Development Permit No. 60612
Subdivision File No. 26307
Park Land Dedication and Conditions**

**In conjunction with the subdivision application for the properties legally described as The West 39 Acres of Section 6, Range 3, Except Part in Plan 40918;
The West 40 Acres of Section 5, Range 3, Except Parcel A (DD 2849N) and Except Plans 3317, 25660, and 33499 and Except That Part Outlined in Red on Plan 450 RW, and Except Part in Plans 40918, 41918, 41817 and VIP78009; and
The South West 12 Acres of Section 7, Range 3,
All Within Cranberry District As Shown Coloured Red on Plan Deposited Under DD 15454F**

1. Area and Location of Park Land

An area, not less than 1.05 ha and shown on the location labeled park on Schedule No. 2, shall be dedicated as park land.

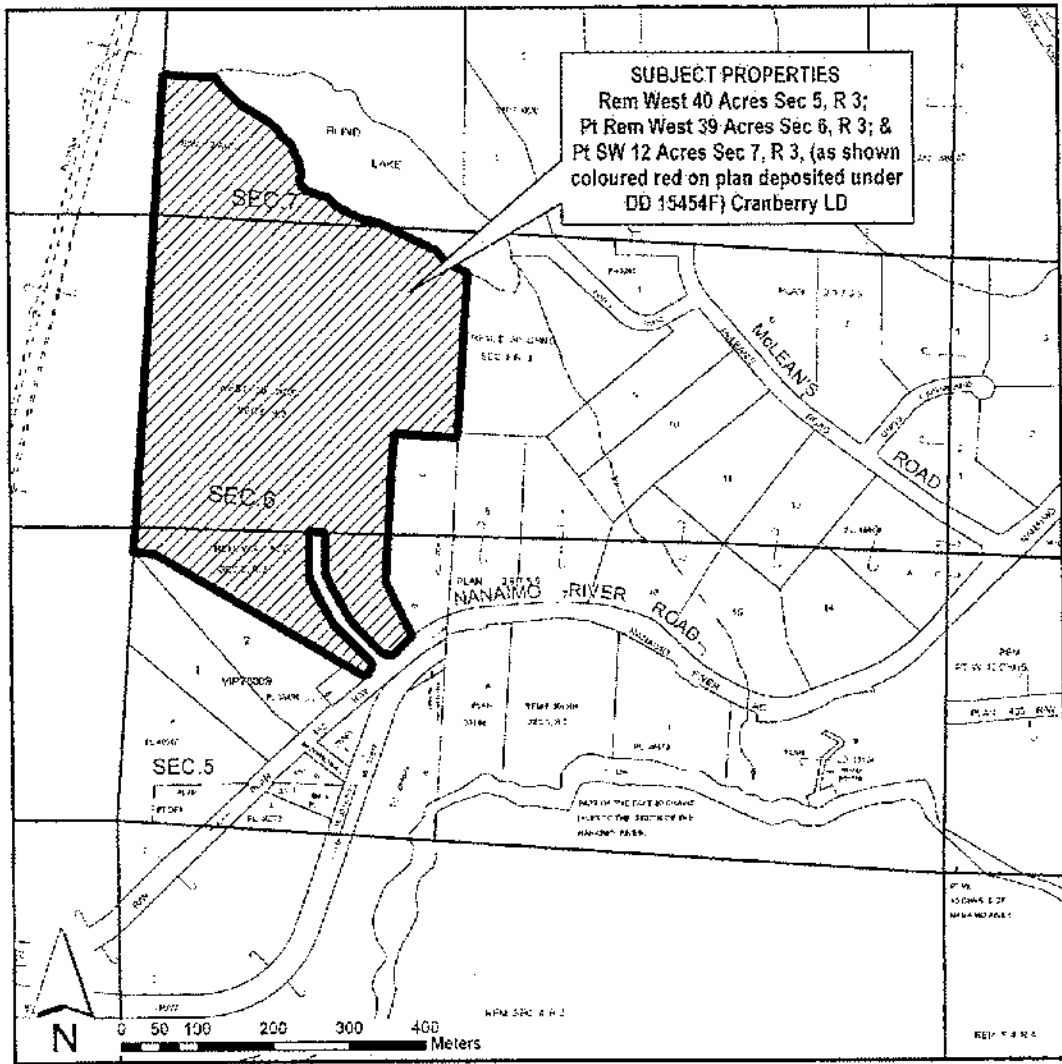
2. Parking Area

A minimum of 4 parking spaces shall be provided adjacent to the trail head to a standard acceptable to the Regional District and the Ministry of Transportation.

3. Trail Development

The minimum width of the trail corridor shall be 4.0 metres. Applicant with RDN staff shall confirm that this width is adequate for trail development and the width shall be widened as necessary to accommodate the trail construction. The applicant shall provide assistance in the trail development in conjunction with the Recreation and Parks for some roughing out by hand to a maximum of 20 hours.

Attachment No. 1
Location of Subject Property



BCCS MAPSHEET NO 929.001.32.34

**Attachment No. 2
Minutes of a Public Information Meeting**

**Held at the Extension Community Centre
2140 Ryder Street, Extension, BC on March 23, 2006 at 7:00 pm
Subdivision Application No. 26307**

**For the properties legally described as
The West 39 Acres of Section 6, Range 3, Except Part in Plan 40918;
The West 40 Acres of Section 5, Range 3, Except Parcel A (DD 2849N) and Except Plans 3317, 25660,
and 33499 and Except That Part Outlined in Red on Plan 450 RW, and Except Part in Plans 40918,
41918, 41817 and VIP78009; and
The South West 12 Acres of Section 7, Range 3,
All Within Cranberry District As Shown Coloured Red on Plan Deposited Under DD 15454F**

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: 14 persons

For the Applicant:

Mark Keen, owner

For the RDN:

Chair: Director Maureen Young
Wayne Moorman, Manager, Engineering & Subdivisions
Susan Cormie, Senior Planner

The Chair opened the meeting at 7:07 pm and followed with greetings to the public and an introduction of the staff and applicant.

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

Mark Keen, the applicant provided a description of the park land proposal highlighting that the proposal includes a trail and park land dedication next to an area of Blind Lake which includes a sensitive wetland area.

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

Donna Keaist, 971 Nanaimo River Road, stated she was representing the neighbour next door as well as herself and she expressed concerns over the current traffic situation and felt that the park would turn into a party place. Ms. Keaist explained that there is already lots of activity with people going to the River and the RCMP will no longer attend disputes.

Mr. Keen, the applicant, stated that he lives in the area too and understands the concerns of the residents, but felt that this park land proposal requires people to walk a long way and so the party people will not go that far.

Ms. Keaist explained that the teens walk a long distance now and she felt they would walk to the Lake.

Mr. Keen stated that he felt the Nanaimo River was a different situation for attracting people. Mr. Keen explained that people will not be able to go swimming, there is no beach area and the purpose of the park is to protect an environmentally sensitive area. Mr. Keen also noted people are not going to park their vehicles on Nanaimo River Road to access this proposed park land.

Marie Spicer, stated that she supported the park land and felt that it is more like Buttertubs Marsh.

Chuck Addison, stated that he is an adjacent land owner and he noted that people still use the old road through his property for a trail. Mr. Addison stated that the Dan's Road access to the Lake was a problem, but it has now stopped because people have moved into the area. Mr. Addison noted that the Lake is solid marsh where the park land is proposed and that if there was a swim hole, that would be different. Mr. Addison also stated that they do not want another road into the Lake. Mr. Addison noted that the River is a draw for people. Mr. Addison concluded by stating that he liked the idea of trails and people moving throughout the neighbourhood and thought it is a good plan.

Shannon, 2505 Godfrey Road, stated that she is in favour of the park land.

Rod McDonald, 280 Dan's Road, stated that it is nice to see a barrier along the side of the Lake instead of grass and that he is in favour of the park land.

Wayne Hamilton, 2150 Johns, asked if the trail is being calculated as part of the park land.

The Senior Planner explained that the trail is part of the 5% calculation.

Mr. Hamilton asked if mobile homes would be allowed.

The Senior Planner explained that Bylaw No. 500 considers mobile homes as dwelling units provided the minimum CSA standard can be met.

Mr. Keen stated that he had not thought about restricting mobile homes in a building scheme.

Earl Keaist, 971 Nanaimo River Road, asked what will happen to their water supply with 2 dwellings per parcel with water supply and septic disposal.

Donna Keaist, 971 Nanaimo River Road, stated that she is concerned about septic disposal and how it will affect their potable water supply. Ms. Keaist explained that their water comes from behind Keen's property and with the new septic disposal fields this may affect both their property and their neighbours' properties.

Mr. Keen explained that the septic disposal fields will meet regulations.

Ms. Keaist explained that they have concerns with this and noted that when the Nanaimo City flushes the City water main, that event affects their well water.

Lorraine Keen, 1006 Nanaimo River Road, asked how you can compare the flushing of the lines with new septic fields.

Marie Spicer stated that she felt the flushing of the City water mains does not affect this property.

The Chairperson stated that she understood the concerns of the neighbour.

Linda Addison, 2610 Myles Lake Road, stated that she thought the park is a good idea and she likes the walking trail. Ms. Addison felt that the site is not a party site but rather a bird watching natural area.

Al Young, 2335 Godfrey Road, stated that his son who lives in the neighbourhood is in favour of the park land. Mr. Young also stated that he has walked the property and it is not a party type park land, but rather a beautiful natural area.

Earl Keaist, 971 Nanaimo River Road, stated that he is concerned with the mess that people leave behind and asked who is responsible for the maintenance of the park land.

The Senior Planner explained that the Regional District would be responsible for maintenance of the park land.

Sharon Bennett, asked is there anyway to ban motorized vehicles on the trail such as gates?

The Chair explained that this has been discussed and would be considered.

Brain, 720 Virostko Road, stated that he agreed with banning the 4x4 trackers and noted that they devastate property. Brian also noted that he would like to see homes rather than mobile homes.

Marie Spicer stated that if she had to pay a lot of money for the land she might only be able to put a mobile on the property until she could afford a constructed home.

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 7:40 pm.

Susan Cormie
Recording Secretary



REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO	<i>W</i>	GM ES	
DA CCD		MoF	
APR - 4 2006			
<i>EAP</i>			

MEMORANDUM

TO: Paul Thompson
Acting Manager, Community Planning

DATE: April 3, 2006

FROM: Norma Stumborg
Planner

FILE: 3060 30 60616

SUBJECT: Development Permit Application No. 60616 –Helen Sims for
May and Ronald Lou-Poy
Electoral Area 'G' – 863 Flamingo Drive

PURPOSE

To consider an application for a Development Permit to allow the construction of an addition to an existing dwelling.

BACKGROUND

This is an application for a Development Permit to allow the construction of an addition to an existing house at 863 Flamingo Drive. The subject property is within the Environmentally Sensitive and Hazard Lands Development Permit Areas pursuant to "Shaw Hill Deep Bay Bylaw No. 1007," and is legally described as Lot 16, District Lot 10, Newcastle District, Plan 10115 (see Attachment No. 1). The property is in a residential neighbourhood and is bounded by the Strait of Georgia to the Northeast, Flamingo Drive to the Southwest, and residential properties on the Southeast and Northwest. A house and deck constructed approximately 30 years ago exists on the property. The site is serviced by a private well and septic field and is within the Regional District of Nanaimo (RDN) building inspection area. The terrain is essentially flat.

The subject property is zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." "Floodplain Management Bylaw No. 1469, 2006," also applies to this property. Both bylaws require a setback of 15.0 metres from the natural boundary. The existing structure is located within the 15.0 metre setback area, but the proposed addition is to be located more than 15.0 metres from the natural boundary. The applicants do not require a variance to the Floodplain Management Bylaw as the proposed development lies outside of the 15.0 metre setback and constitutes an addition of less than 25 percent of the dwelling unit floor area and a garage which are both exempted from the flood elevation requirement. The site profile and elevation drawings for the proposed development are shown on Schedules No. 2 and 3.

The existing house is a non-conforming structure that lies within setback areas. Built in the 1970's, it predates the zoning and has existed without incident. This application does not include a request to vary any setbacks for the existing structure. The proposed additions meet the specified height requirements of Zoning Bylaw 500.

The applicant is requesting a variance to Section 3.4.62 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," to relax the minimum interior side lot line from 2.0 metres to 1.7 metres for the purpose of constructing an addition to the existing dwelling.

ALTERNATIVES

1. To approve Development Permit No.60616 subject to the conditions outlined in Schedule No. 1 and consideration of the comments received as a result of public notification.
2. To deny the requested permit.

LAND USE AND DEVELOPMENT IMPLICATIONS

The proposed development includes a 17.4 m² addition for an extension to the living room and a deck by the northwest side lot line and a double garage with three bedrooms and a bathroom above by the southeast side lot line. The requested variance to the interior side lot line is for the addition on the northwest side of the subject property.

The proposed variance would allow for efficient use of the existing structure as the roofline of the addition on the northwest side is proposed to align with the eave of the existing dwelling unit which is 1.7 metres from the interior side lot line. Aligning the roofline with the existing structure will not only improve the functionality but will provide an appealing side viewscape (*See Schedule No. 3 West Elevation*). The foundation of the structure meets the 2.0 metre setback, and the request for the variance to the interior side lot line is to accommodate the roof overhang only.

A registered wastewater practitioner has evaluated the site and recommends a new septic system be installed to replace the current system. The existing septic tank in the garage will be removed.

The proposed dwelling unit is roughly in line with the adjacent dwelling unit to the northwest which has limited windows facing the subject property. Therefore, the neighbouring house will not have its views of the ocean notably impacted as a result of the proposed variance for the addition. In staff's assessment of this application, the proposed variance is minor and would not have a negative impact on the adjacent property.

GEOTECHNICAL AND FLOOD ELEVATION IMPLICATIONS

The applicants do not require a variance to the Floodplain Management Bylaw as the development lies outside of the 15.0 metre setback and constitutes an addition of less than 25 percent of the dwelling unit floor area; and therefore, it is exempt from the flood elevation requirement. The floor level of the proposed living space above the garage is well above the specified flood level of 3.8 metres GSC and complies with the 15.0 metre setback from the natural boundary.

The proposed development has been evaluated by a Professional Engineer who has stated that the site is safe for the proposed construction. Additionally, the geotechnical engineer stated that there is no evidence of significant erosion of the shoreline. This is confirmed by the survey done by Sims and Associates that shows the natural boundary has accreted since 1930. 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. Therefore, the Professional Engineer's recommendations form part of this permit and will be registered on the Certificate of Title along with a Section 219 covenant at the building permit stage to ensure that the recommendations are known to future property owners.

ENVIRONMENTAL IMPLICATIONS

Existing vegetation on the property consists mostly of grass, and the applicant does not intend to disturb the vegetation within the 15.0 metre buffer area. Staff recommend that land alterations be limited to that which is absolutely necessary to site the addition and that native vegetation be replanted to reduce the potential for erosion from the site.

VOTING

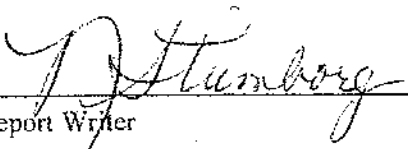
Electoral Area Directors – one vote, except Electoral Area ‘B’.

SUMMARY/CONCLUSIONS

This is an application for a development permit, within the Environmentally Sensitive and Hazard Lands Development Permit Areas pursuant to “Shaw Hill -- Deep Bay Official Community Plan Bylaw No. 1007,” to allow the construction of an addition to a house at 863 Flamingo Drive. The application includes a request to vary the northwest interior side lot line setback requirement from 2.0 to 1.7 metres. The proposed relaxation is minor and does not appear to impact the views of the neighbouring property owners. Aligning the roofline with the existing structure will allow for an improved functional use of the existing structure and an appealing side viewscape. The applicant has demonstrated that the development may be safely and appropriately developed for residential purposes. Therefore, staff recommends that the requested Development Permit be approved subject to the terms outlined in Schedule No. 1 of this report and subject to the notification requirements in the *Local Government Act*.

RECOMMENDATION

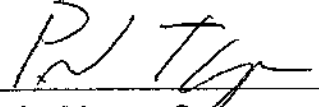
That Development Permit Application No. 60616, to allow the construction of an addition to an existing dwelling at 863 Flamingo Drive and to relax the interior side lot line from 2.0 metres to 1.7 metres, be approved according to the terms outlined in Schedule No. 1 and subject to the Board's consideration of comments received as a result of the public notification.




Report Writer



General Manager Development Services
Concurrence



Acting Manager Concurrence



CAO Concurrence

COMMENTS:

devsvs/reports/2006/dp ap 3060 30 60616 Lou-Poy - Sims Report

Schedule No. 1
Terms of Development Permit No. 60616
Lot 16, District Lot 10, Newcastle District, Plan 10115
863 Flamingo Drive

Development of Site

- a) This Development Permit allows the construction of an addition to a single-family dwelling developed in substantial compliance with Schedules No. 2 and No. 3.
- b) The applicant is to obtain a building permit prior to commencing construction.
- c) 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," except where varied by this permit.
- d) The applicant shall develop the site in accordance with *Provincial* and *Federal* regulations.

Survey

- e) A survey prepared by a British Columbia Land Surveyor (BCLS) is required upon completion of the dwelling unit and prior to occupancy to confirm its siting and height. This survey shall show the distance from the parcel line to the outermost part of the building such as the overhang and gutters and shall be prepared to the satisfaction of the Regional District of Nanaimo.

Variiances

- f) "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," is hereby varied by reducing the northwest interior side lot line in the Residential 2 (RS2) zone from 2.0 metres to 1.7 metres. The variance applies only to a building designed and sited as shown on Schedules No. 2 and No. 3.

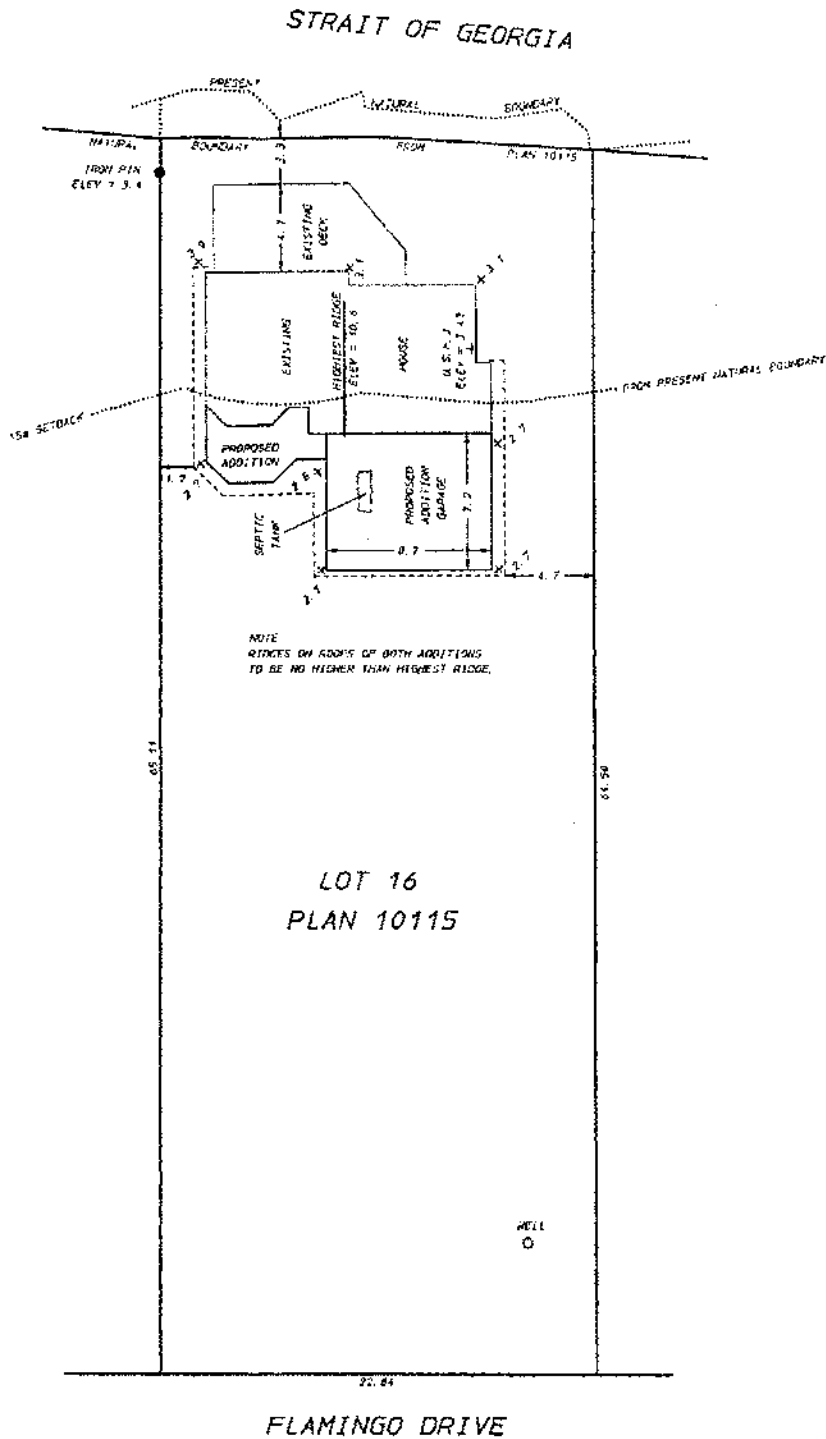
Sediment and Erosion Control

- g) No habitation or building machinery or storage of items damageable by flood waters shall be located below the flood elevation of 3.8 metres GSC.
- h) Existing vegetation within 15.0 metres of the present natural boundary shall be retained. Land alteration shall be limited to that which is absolutely necessary to site the addition. Replanting of native species is encouraged.
- i) Sediment and erosion control measures must be utilized to control sediment during construction in order to stabilize the site after construction is complete. These measures must include:
 - Exposed soils must be seeded as soon as possible to reduce erosion during rain events;
 - Tarps, sand bags, poly plastic sheeting, and/or filter fabric are required to be onsite during the works;
 - Temporary fill or soil stockpiles must be covered with polyethylene or tarps; and,
 - 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).

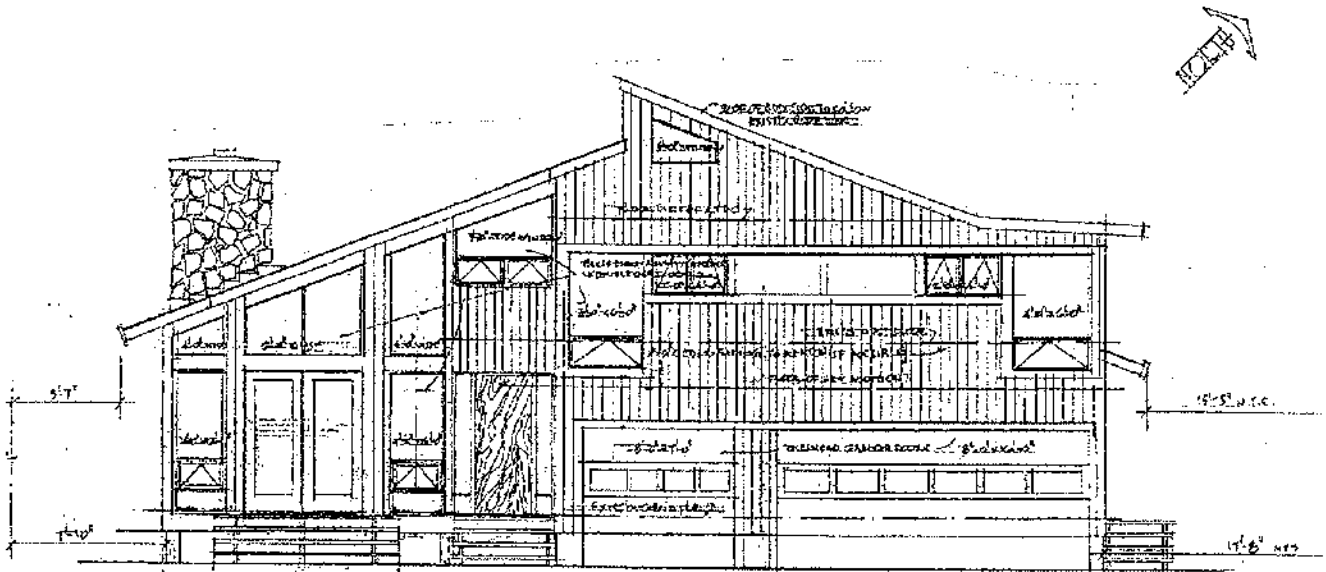
Geotechnical Report and Covenant

- j) The applicant shall develop the subject property in accordance with the recommendations established by the Geotechnical Report prepared by Levelton Engineering Solutions dated March 22, 2006, and any subsequent geotechnical reports.
- k) At the applicant's expense and to the satisfaction of the Regional District of Nanaimo, the Geotechnical Report and any subsequent addendums and a Restrictive Covenant saving the Regional District of Nanaimo harmless from any action or loss that might result from flooding shall be registered on the Certificate of Title as a Section 219 Covenant prior to the issuance of a building permit.

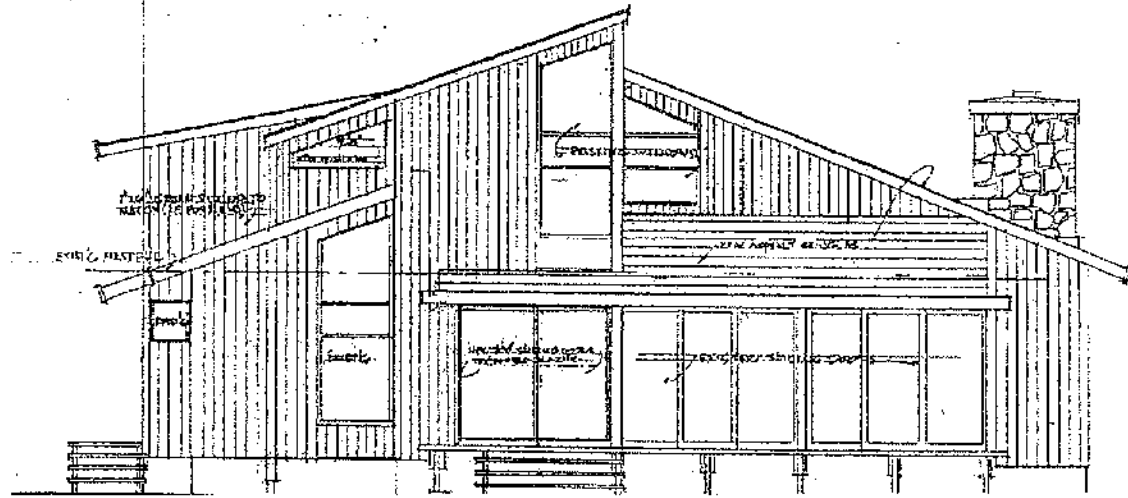
Schedule No. 2
Development Permit No. 60616
Site Plan (as submitted by applicants, reduced for convenience)
Lot 16, District Lot 10, Newcastle District, Plan 10115
863 Flamingo Drive



Schedule No. 3
Development Permit No. 60616
Proposed Profiles (Page 1 of 2)
Lot 16, District Lot 10, Newcastle District, Plan 10115
863 Flamingo Drive

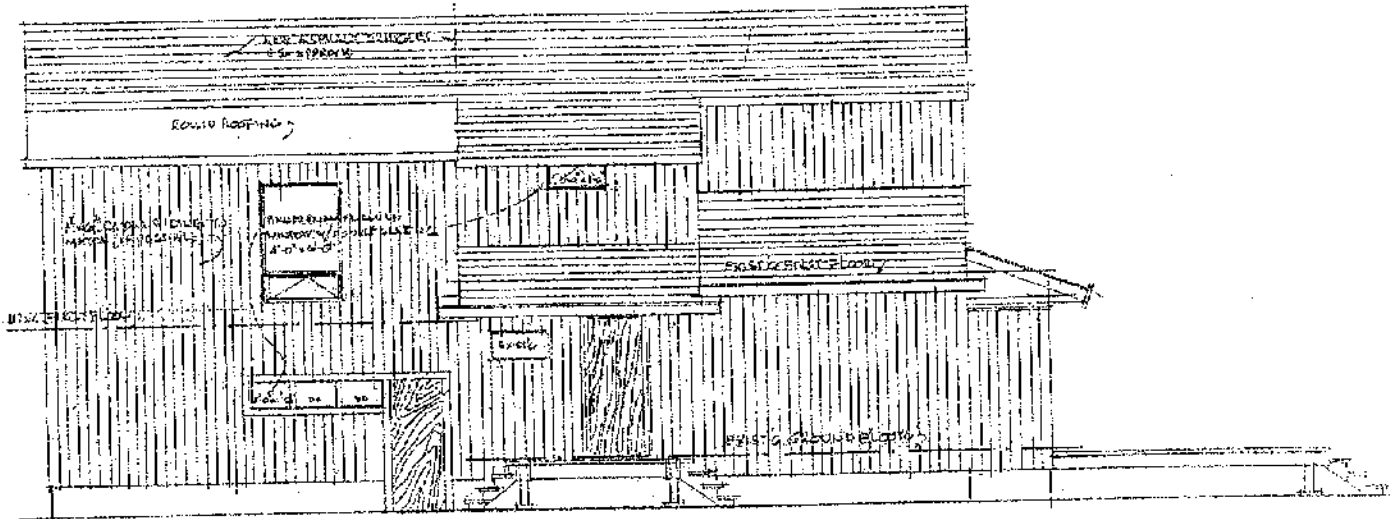


SOUTH ELEVATION

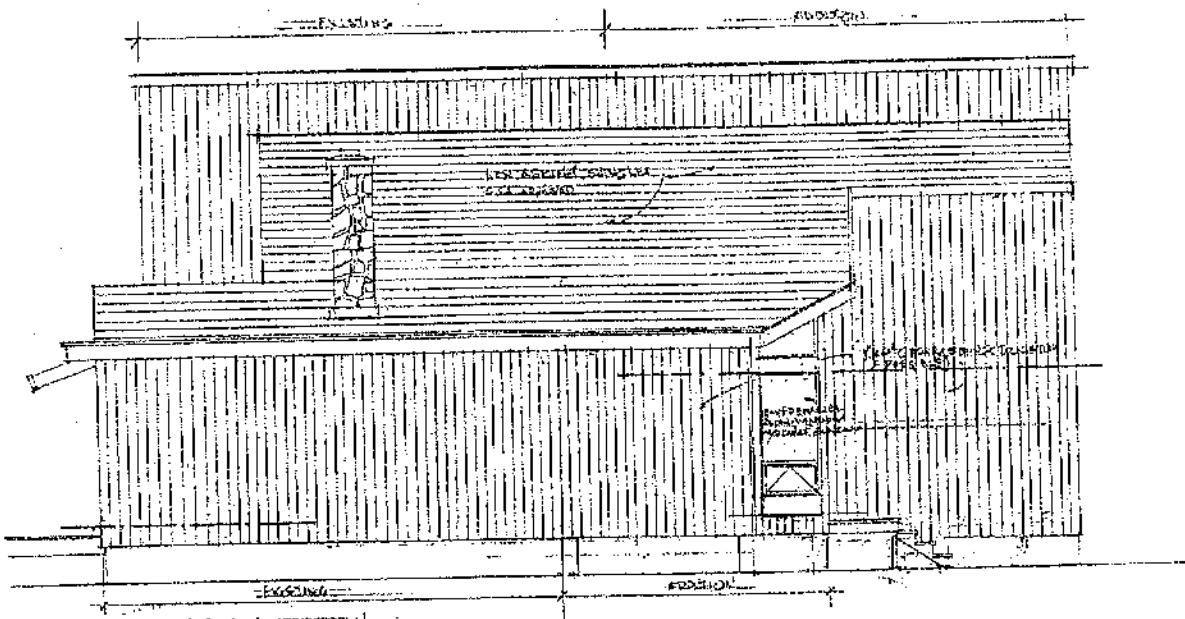


North Elevation

Schedule No. 3
Development Permit No. 60616
Proposed Profiles (Page 2 of 2)
Lot 16, District Lot 10, Newcastle District, Plan 10115
863 Flamingo Drive

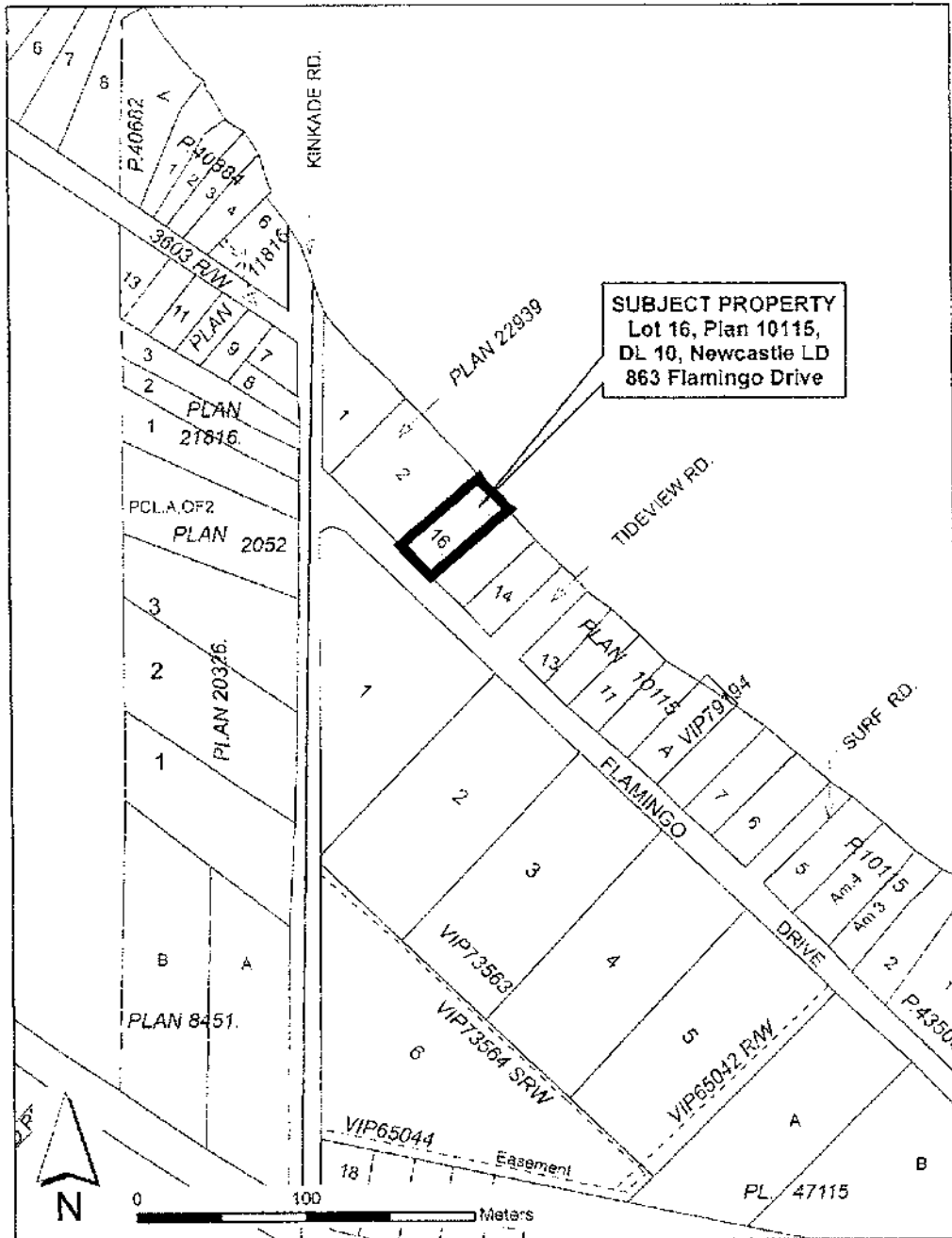


EAST ELEVATION
SCALE 1/4" = 1'-0"



WEST ELEVATION
SCALE 1/4" = 1'-0"

Attachment No. 1
Development Permit No. 60616
Subject Property
Lot 16, District Lot 10, Newcastle District, Plan 10115
863 Flamingo Drive



BCGS Map Sheet No. 92F-038.4.1



REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GM ES	
DA CCD		MoF	
APR - 5 2006			
<i>Cow</i>			

MEMORANDUM

TO: Jason Llewellyn
Manager Community Planning

DATE: March 31, 2006

FROM: Paul Thompson
Senior Planner

FILE: 6480-01 EAGR

SUBJECT: Electoral Area 'G' Official Community Plan Review - Terms of Reference

PURPOSE

To consider the Terms of Reference for the Electoral Area 'G' Official Community Plan (OCP) Review and initiate the Plan review process.

BACKGROUND

The 2006 Planning Department Work Program includes plans to initiate a review of the Official Community Plans in Electoral Area 'G' in 2006. Currently, there are three different OCPs in Electoral Area 'G': The Englishman River OCP (Bylaw No. 814) was adopted in 1990; The Shaw Hill – Deep Bay OCP (Bylaw No. 1007) was adopted in 1996; and the French Creek OCP (Bylaw No. 1115) was adopted in 1998. Since the drafting of these OCPs, substantial changes both within and external to the Plan Area (including increased residential growth and alterations to provincial legislation) would indicate that there is merit in proceeding with a review of these official community plans.

The three official community plan areas encompass all of Electoral Area 'G' which currently has a land area of approximately 5,073 hectares. When the OCP for Englishman River was completed in 1990, the land area of Area 'G' was 6,386 hectares. Since 1990 over 20 percent or 1,313 hectares have been incorporated into the adjacent municipalities of Parksville and Qualicum Beach.

Electoral Area 'G' has experienced significant growth since the early 1990's. The population of Electoral Area 'G' grew from 4,665 persons in 1991 to 7,040 persons in 2001.¹ This was an overall growth rate of approximately 50 percent during that time period. Since 2001 a significant portion of Electoral Area 'G' was incorporated into Qualicum Beach, yet the estimated population for Area 'G' in 2006 was 7,132.² This reflects the higher growth rates in the coastal areas of the Regional District of Nanaimo (RDN) over the past few years. This growth trend is expected to continue at a high rate, and it is anticipated that as many as 12,000 people could reside in Area 'G' by 2026.³

With respect to new construction, there has been a significant amount of development over the past few years as 541 building permits for new residential dwelling units were issued between 2002 and 2005. The vast majority of those building permits were for single-family dwellings with some for duplexes and a few for multi-family.

In general terms, all three existing OCPs are consistent with the goals and policies in the Regional Growth Strategy. One of the objectives of this review is to determine how the OCP can be improved to

¹ RDN Electoral Area Statistics, Statistics Canada.
² RDN GIS Department calculation based on number of dwellings and average household size.
³ RDN Demographic and Socioeconomic Trends Report, May 2001, adjusted to exclude newly incorporated areas and reflect estimated build out.

better meet the goals of the RGS and to better meet the sustainability characteristics that were defined as part of the State of Sustainability Project.

To guide the process for the preparation of a new consolidated Official Community Plan for Electoral Area 'G', staff has prepared a Terms of Reference for the project (*see Attachment 1*).

ALTERNATIVES

1. To receive the staff report and approve the Terms of Reference for the Electoral Area 'G' Official Community Plan Review and initiate the Area 'G' OCP Review Planning Project.
2. To amend the Terms of Reference, then direct staff to proceed with the Area 'G' OCP Review Planning Project.
3. To not proceed with the Electoral Area 'G' Official Community Plan Review at this time.

OFFICIAL COMMUNITY PLAN IMPLICATIONS

An OCP is the guiding land use document for a community, drafted on behalf of the community as a whole, based on significant public consultation. The OCP will be developed to reflect the needs and vision of the communities that make up Electoral Area 'G' and meet all the provincial legislative requirements. As noted in the Terms of Reference, the *Local Government Act* requires that an OCP include policy statements and land use map designations that address a number of issues including:

- location, amount, type, and density of residential development required to meet anticipated housing needs over a period of at least five years;
- location, amount, and type of present and proposed commercial, industrial, institutional, agricultural, recreational, and public utility land uses;
- location and area of sand and gravel deposits that are suitable for future sand and gravel extraction;
- restrictions on the use of land that is subject to hazardous conditions or that is environmentally sensitive to development;
- phasing of any major road, sewer, and water systems;
- location of present and proposed public facilities, including schools, parks, and waste treatment and disposal sites; and,
- policies with respect to affordable housing, rental housing, and special needs housing.

In addition to the required content outlined above, an OCP may include the following:

- policies relating to social needs, social well-being, and social development;
- policies respecting the maintenance and enhancement of farming on land in a farming area or in an area designated for agricultural use in the community plan; and,
- policies relating to the preservation, protection, restoration, and enhancement of the natural environment, its ecosystems, and biological diversity.

The proposal for this OCP review is that one OCP will cover all of Electoral Area 'G'. Therefore, one of the outcomes of this review process is to consolidate the three existing OCPs in Area 'G' into one OCP for the whole electoral area. This is consistent with recent RDN practice to have one OCP cover an entire electoral area. This will mean two fewer OCPs for both Electoral Area 'G' and the RDN.

There are several reasons for having one OCP for all of Area 'G'. The first is that one OCP for the whole electoral area should provide for greater consistency with respect to managing growth and protecting the environment. The second reason is ease of administration. There will be two fewer documents to refer to and two fewer bylaws to administer. A third reason is the size of the area. Electoral Area 'G' is the smallest electoral area in terms of size, yet it has three OCPs. What remains of Electoral Area 'G' is a

relatively small area geographically and lies in close proximity to the commercial centres of Parksville and Qualicum Beach.

Much of the area that is left in Area 'G' can be considered as remnants. The Englishman River OCP used to cover a larger area that had its own commercial centre. That is no longer the case as the majority of the commercial area was incorporated into the City of Parksville. The Englishman River OCP area is no longer a complete community, and its residents rely on services provided in the nearby municipalities. The area within the Shaw Hill Deep Bay OCP in Area 'G' is also a remnant area and it is what was left after a new OCP was developed for Electoral Area 'H'. The Shaw Hill Deep Bay OCP area is adjacent to the Town of Qualicum Beach and its residents make use of services and facilities provided in that municipality. While the French Creek OCP area does provide for a greater diversity of land uses, it too is a remnant area and its residents also make use of services and facilities located within the adjacent municipalities.

Combining the three OCPs into one OCP should pull the three areas together but at the same time continue to recognize the different neighbourhoods. One OCP could also help better define the relationship of the unincorporated areas in Electoral Area 'G' with the adjacent municipalities of Parksville and Qualicum Beach.

From a legislative and policy perspective, the Area 'G' OCP will need to consider the Regional Growth Strategy and other RDN plans as well as any changes to federal and provincial legislation. It is also anticipated that the Plan will consider updated information on environmental features and will examine existing policies for urban containment areas and village nodes relating to infill and redevelopment and provide further consideration of governance for the area. The public, through the consultation process on the OCP, will likely also identify other issues to be addressed.

PUBLIC CONSULTATION IMPLICATIONS

The Electoral Area 'G' OCP Review Terms of Reference has been drafted in accordance with both the RDN Board Public Consultation Policy and the *Local Government Act* requirements. Following the process outlined in the Terms of Reference, the Electoral Area 'G' OCP Review will be conducted with broad based public input. However, as required in the *Local Government Act*, it will also include input from formal stakeholders, local governments, and other agencies.

Staff, working closely with the Electoral Area Director, recognize that there is a considerable amount of interest in developing a new OCP in a manner that reflects the unique nature of the areas formerly covered by three unique OCPs. As well, the Directors of adjacent electoral areas and municipalities will be consulted as Electoral Area 'G' covers just a portion of the much larger Oceanside area.

Staff are proposing that an advisory or working committee not be used in the Electoral Area 'G' OCP review. This tends to put too much responsibility on the shoulders of a few to draft a plan that is acceptable to the whole community. Instead, the process has been designed to allow input that is as inclusive as possible from each area of Electoral Area 'G' and allows any interested participant full access to meaningful involvement in the planning process.

The success of the Electoral Area 'G' OCP Review process will be measured in part by the degree in which the process is fully open to all interested participants.

FINANCIAL IMPLICATIONS

All costs related to the preparation of the Electoral Area 'G' OCP have been accounted for in the RDN 2006 Provisional Budget. As there are no Community Planning Grant monies available from the Ministry of Community Services, no funds beyond those budgeted for in the Terms of Reference have been allocated for the preparation of the OCP. Currently, one full-time staff equivalency has been slated for

this project with additional temporary staff support as needed. It is estimated that external costs, primarily related to public consultation, will be in the order of \$10,000 to \$15,000.

LEGAL IMPLICATIONS

The process to draft and adopt a new Official Community Plan must be consistent with the requirements outlined in the *Local Government Act*. By adopting the attached Terms of Reference, the Board of the Regional District is acknowledging that the Board has considered public consultation issues related to a proposed new Official Community Plan for Electoral Area 'G' and adopted a terms of reference that satisfies the requirements contained in section 879 of the *Local Government Act*.

VOTING

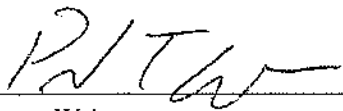
Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

A new Official Community Plan for Electoral Area 'G' is scheduled to be initiated this year with the public consultation process to be completed by the middle of 2007. The planning process will focus on a number of areas including village centre development, coastal zone management, growth and development, environmental protection, and community service issues. In addition, the OCP will be prepared in consideration of the Regional Growth Strategy and other RDN plans and policies as well as federal and provincial legislation. As outlined in the attached Terms of Reference, the planning process is designed to facilitate meaningful public consultation, including participation by the community at General Public Meetings and workshops.

RECOMMENDATIONS

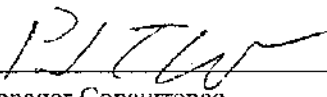
1. That the staff report on the Electoral Area 'G' Official Community Plan Review Terms of Reference be received.
2. That the Electoral Area 'G' Official Community Plan Review Terms of Reference (*Attachment No. 1*) be endorsed by the Board.



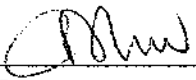
Report Writer



Deputy Administrator Concurrence



Acting Manager Concurrence



CAO Concurrence

COMMENTS:

devsys/reports/2006/6480 01EAGR ap Electoral Area G OCP Review Report

Attachment No. 1

ELECTORAL AREA 'G'

Official Community Plan Review

DRAFT TERMS OF REFERENCE



**REGIONAL DISTRICT OF NANAIMO
MARCH 2006**

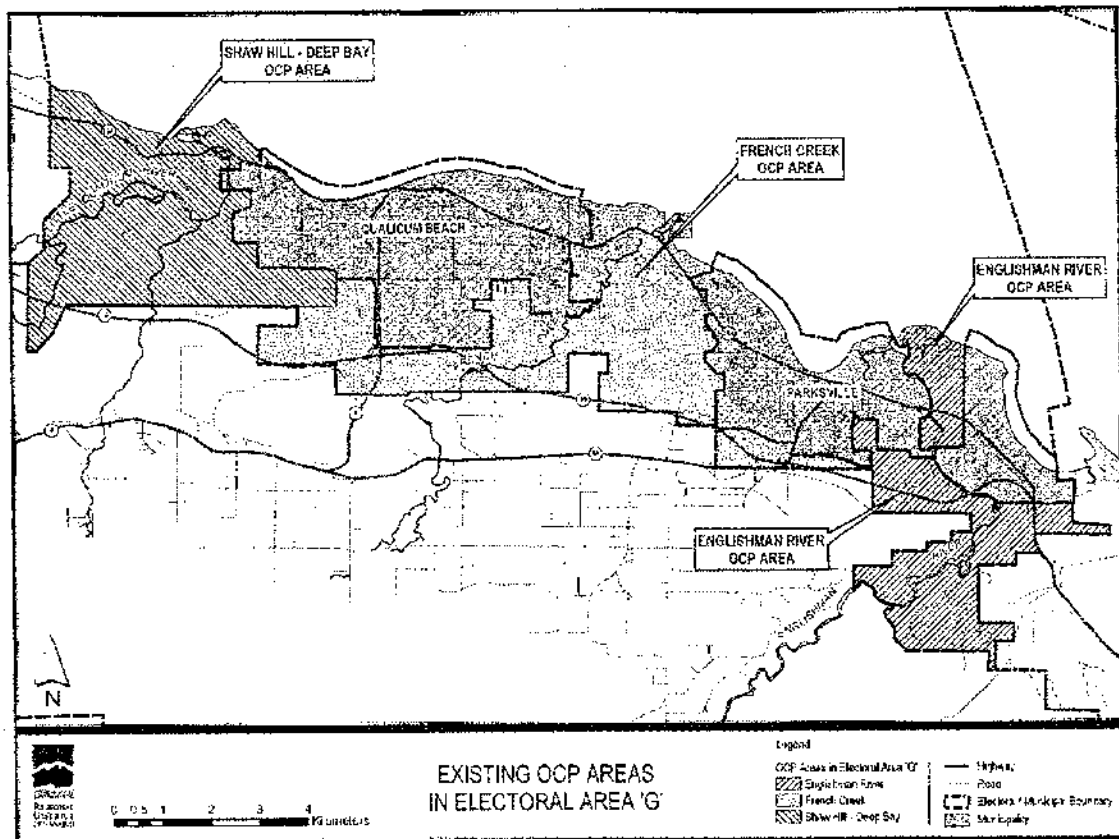
BACKGROUND

The Electoral Area 'G' Official Community Plan (OCP) Review is scheduled to begin in April 2006. Currently, there are three official community plans in Electoral Area 'G': Englishman River (Bylaw 814, 1990); Shaw Hill – Deep Bay (Bylaw 1007, 1996); and French Creek (Bylaw 1115, 1998). All three OCP areas are part of this review and include the neighbourhoods of Dashwood, Surfside, French Creek, Englishman River, and San Paniel. One of the intended outcomes of the review is to replace the existing three OCPs with a single new OCP that covers all of Electoral Area 'G'.

The planning process will focus on a number of areas including the Urban Containment Boundary, Agricultural Land Reserve, future governance of the area, growth and development, community services, and environmental protection for sensitive ecosystems and fish habitat.

This document provides the Terms of Reference for the OCP Review and details the project's public consultation strategy. The Terms of Reference provides the work program and serves as a 'checklist' to ensure the project successfully achieves its goals; in addition, this document outlines an approach for fully involving the citizens of Electoral Area 'G' in the review and drafting of a new official community plan (including information on the sequencing of events as well as the roles and responsibilities of participants).

It should be noted, however, that as the project progresses, the review process or time frames might need to be amended to recognize new issues or allow for more in-depth discussion on certain issues. This flexibility is important to ensure that the planning process remains responsive to evolving circumstances thereby meeting the needs of all participants.



CONTENT

Pursuant to the *Local Government Act*, an official community plan is a statement of objectives and policies to guide decisions on planning and land use management. That is, the intent of an official community plan is to set out the community vision and ‘course of action’ for the plan area through a document that outlines the areas goals and the policies needed to achieve those goals. In addition, as the Regional District of Nanaimo has an adopted Regional Growth Strategy, the *Local Government Act* requires that the OCP be consistent with the Strategy.

The *Local Government Act* requires that an OCP include policy statements and land use map designations that address a number of issues including:

- location, amount, type and density of residential development required to meet anticipated housing needs over a period of at least 5 years;
- location, amount and type of present and proposed commercial, industrial, institutional, agricultural, recreational and public utility land uses;
- location and area of sand and gravel deposits that are suitable for future sand and gravel extraction;
- restrictions on the use of land that is subject to hazardous conditions or that is environmentally sensitive to development;
- phasing of any major road, sewer and water systems;
- location of present and proposed public facilities, including schools, parks and waste treatment and disposal sites; and,
- policies with respect to affordable housing, rental housing and special needs housing.

In addition to the required content outlined above, an OCP may include the following:

- policies relating to social needs, social well-being, and social development;
- policies respecting the maintenance and enhancement of farming on land in a farming area or in an area designated for agricultural use in the OCP; and,
- policies relating to the preservation, protection, restoration, and enhancement of the natural environment, its ecosystems, and biological diversity.

From a legislative and Regional District policy perspective, the new Electoral Area ‘G’ OCP will also need to consider the following:

- policies contained in the Regional Growth Strategy and other plans and policies for the Regional District of Nanaimo;
- updated information to improve the Inventory of Environmental Features;
- updated information from the Regional Parks and Trails Plan (March 2005); and,
- changes to federal and provincial legislation including the provincial *Fish Protection Act* and associated *Riparian Areas Regulation*.

The *Local Government Act* also sets out specific procedural requirements that must be met in the process of adopting an official community plan. Specifically, the *Local Government Act* establishes referral and notification requirements, sets out standards for advertising and the holding of a public hearing, and specifies the types and applicability of development permit areas. The work plan proposed in this Terms of Reference fully achieves and, with reference to the proposed public consultation strategies, far exceeds the requirements of the *Local Government Act*.

PUBLIC CONSULTATION STRATEGY

The Regional District of Nanaimo’s Public Consultation policy measures a successful project as one that provides for meaningful and ongoing public involvement. While the *Local Government Act* sets out minimum requirements (as outlined below), it is the intent of this Terms of Reference to propose a Public Consultation Strategy that goes well beyond the requirements of the *Local Government Act*. The success

of the public process component of the Electoral Area 'G' Official Community Plan Review will be achieved through meeting the following goals:

- Ensuring that the style of consultation is inclusive.
- Making certain that the public process meets the needs and expectations of Electoral Area 'G' residents.
- Providing meaningful opportunities for public input and participation.
- Recognizing that the communities that make up the area have diverse characteristics, patterns of land use, and interests in property.
- Making all relevant information about the planning process readily available to the public.
- Presenting information to the public in a clear, understandable, and concise form.
- Making available for review the results of public input during the planning process.
- Accurately and objectively recording and assessing public input.
- Seeking broad-based agreement and consensus during the planning project.
- Meeting and exceeding all required consultation requirements in the *Local Government Act*.

Pursuant to the *Local Government Act*, the Board of the Regional District must specifically consider whether consultation is required with the Board of any regional district that is adjacent to the area covered by the plan, the council of any municipality that is adjacent to the area covered by the plan, first nations, school district boards, greater boards and improvement district boards, and the Provincial and Federal governments and their agencies. The Board of the Regional District makes this determination with their approval of the Terms of Reference for the preparation of the Official Community Plan.

In addition, as outlined in section 879 of the *Local Government Act*, during the development of an Official Community Plan, or the repeal or amendment of an Official Community Plan, the Regional District must, at a minimum, provide one or more opportunities it considers appropriate for consultation with persons, organizations, and authorities it considers will be affected.

The proposed consultation process will provide ongoing opportunities for input and will establish linkages among the community, interested agencies, and organizations. In addition, there will be several opportunities for more formal consultation in relation to confirming: the parts of the three existing OCPs that the community would like to see incorporated into the new OCP; the areas of the three existing OCPs where improvements are needed; finalizing plan policies; and reviewing the draft plan. These stages are important as the goal for completion of each of these stages involves reaching a reasonable level of consensus or acceptance by the community, and each stage builds on the previous stages as the plan progresses.

Identifying Opportunities For Improvement

The first set of meetings will introduce the OCP Review process to the community and provide an opportunity for the community to identify those parts of the existing OCPs that could or should be changed to better meet community needs and the goals of the Regional Growth Strategy.

Using the OCP to Direct Growth and Development

Through a series of workshops, the community will be invited to assist in identifying how the existing OCPs can be improved to better direct growth and development to where the community wants to see it and manage the form of that growth.

Review of Draft Policies and Draft Plan

Subsequent to a draft plan being completed by staff, the draft will be reviewed by the Interagency Technical Advisory Group (ITAG) and presented to the general public for review, confirmation, and general acceptance.

REQUEST FOR INPUT AND REFERRALS

While referrals are required to specified groups pursuant to The *Local Government Act*, it should be noted that the groups and agencies listed below exceeds the requirements of the *Local Government Act*. In addition, the ongoing involvement of these groups and agencies from the plan initiation to plan completion is well beyond the normal requirements and is intended to result in a co-operative plan process and a more comprehensive and accurate official community plan.

The following agencies and organizations will receive formal referrals from the Regional District of Nanaimo with respect to the Electoral Area 'G' OCP Review:

Member Municipalities

- Town of Qualicum Beach
- City of Parksville

Provincial Agencies

- Ministry of Community, Aboriginal and Women's Services
- Ministry of Transportation
- Ministry of Environment
- Ministry of Forests
- Ministry of Agriculture and Lands
- Ministry of Energy and Mines
- Integrated Land Management Bureau
- Agricultural Land Commission

Federal Agencies

- Department of Fisheries and Oceans Canada
- Canadian Wildlife Service

First Nations

- Snaw-Naw-As First Nation
- Qualicum First Nation

Other Government Agencies

- School District No. 69
- Vancouver Island Health Authority

In addition to the above-noted agencies, other groups and service providers will be consulted as part of the broader consultation process.

SCHEDULE

The following outlines the schedule of events and publications and sets out the key elements of each step in the Electoral Area 'G' Official Community Plan process 2006/2007.

<p><i>February/ March 2006</i></p>	<ul style="list-style-type: none"> ▪ Interagency Technical Advisory Committee – draft terms of reference then identify members and initiate contact with staff members of local government and provincial/federal agencies with planning/management responsibilities in the plan area. ▪ Initiate research and inventory work for a technical background report – by RDN staff to include a summary of population and demographic analysis, land use inventory, build-out calculations, and environmental inventory. The report will also provide a regional planning context including an analysis of how the existing OCPs contribute to the goals and policies of the Regional Growth Strategy. ▪ Draft Terms of Reference and Public Consultation Strategy for OCP Review.
<p><i>April</i></p>	<ul style="list-style-type: none"> ▪ Complete interviews with ITAG members. ▪ Report to the April Electoral Area Planning Committee on Plan Process requesting formal acceptance of Terms of Reference and Public Consultation Strategy. ▪ Receive Board approval of Public Consultation Strategy. ▪ Develop web presence by RDN staff - to include all published documents (newsletters, materials available at public events, minutes, agendas) on a specific site (accessed through www.rdn.bc.ca). ▪ Develop media strategy by RDN staff with objective of ongoing coverage in the local media (including ongoing use of The News (Parksville/Qualicum) as the primary advertising site). ▪ Announce ongoing availability (announced in all newsletters or public events) of staff to speak to community groups on the OCP.
<p><i>May</i></p>	<ul style="list-style-type: none"> ▪ Introductory Newsletter - general information on the OCP and the 'ABC's of Planning' (including legal requirements and practical implications of key planning concepts and tools), outline-level schedule of proposed events, invitation to 1st public event – an introduction to the Area 'G' OCP Review process. The first newsletter will be direct mailed to all property owners. ▪ Advertisement in local papers, website, and postings in area for public meeting. ▪ Complete preparation of technical background report.
<p><i>June</i></p>	<ul style="list-style-type: none"> ▪ Technical Background Report will be posted on the RDN web site. ▪ General Public Meeting(s) – Introduction to the Area 'G' OCP Review process. The community will be asked to make suggestions on how the OCPs can be improved. Participants will be provided with a copy of the Technical Background Report. ▪ Initiate preparation of discussion papers on the topics to be covered at the series of public workshops.
<p><i>July/August</i></p>	<ul style="list-style-type: none"> ▪ Newsletter #2 – provide summary of the results of the first public meeting and an invitation to the series of public workshops in September & October 2006. ▪ Notification to all referral agencies. ▪ Complete series of discussion papers for upcoming public workshops. ▪ Advertise for upcoming workshops.

<i>September/ October</i>	<ul style="list-style-type: none"> ▪ Series of Public Workshops – Each workshop to focus on topics related to each Regional Growth Strategy Goal. ▪ Compile results of workshops and report to the Board. ▪ Newsletter #3 – provide summary of results of workshops.
<i>November</i>	<ul style="list-style-type: none"> ▪ Begin preparation of draft OCP.
<i>December/ January 2007</i>	<ul style="list-style-type: none"> ▪ Complete first draft of new OCP. ▪ Referral to ITAG to get comments on draft OCP. ▪ General Public Meeting to present first draft of new OCP for Electoral Area 'G'.
<i>February</i>	<ul style="list-style-type: none"> ▪ Review public comments and prepare second draft of new OCP. ▪ Newsletter #4 – provide update on OCP including next steps.
<i>March</i>	<ul style="list-style-type: none"> ▪ Initiate Bylaw Adoption Process. <ul style="list-style-type: none"> ○ Report to Board requesting 1st reading of OCP. ○ Referral to ITAG requesting comments.
<i>April</i>	<ul style="list-style-type: none"> ▪ General Public Meeting to present revised draft of OCP.
<i>May/June</i>	<ul style="list-style-type: none"> ▪ Complete bylaw adoption process for OCP. <ul style="list-style-type: none"> ○ Report to Board requesting 2nd reading. ○ Formal Referrals to referral agencies. ○ Public Hearing. ○ Report to Board requesting 3rd reading. ○ Notification to Province. ○ Report to Board requesting 4th reading and adoption. ▪ Initiate process(es) to implement new policies in the OCP.

As outlined above, the process is designed to engage the general public while at the same time allowing greater participation for interested residents and stakeholders through the series of public workshops on the different sections of the OCP.

TIMEFRAME

It is proposed that a draft official community plan will be finalized by mid-year 2007 and adopted by year end 2007.

ROLES AND RESPONSIBILITIES

The Role of the **General Public** is to identify how the new Plan can better meet the community’s needs and goals, identify how the existing plans can be improved to better direct growth and development, and ultimately provide feedback on the proposed Official Community Plan for their area through submissions and at public meetings.

The Role of the **Electoral Area Director** is to provide situational leadership throughout the community planning process by chairing, facilitating, and/or presenting at public events, and reporting to the RDN Electoral Area Planning Committee and Board on the process as required.

The Role of the **Electoral Area Planning Committee** is to review the Plan from a regional and sub-regional perspective and make recommendations to the RDN Board on the Plan as it proceeds through the bylaw adoption process.

The Role of the **Interagency Technical Advisory Group** comprised of staff from local government, provincial, and federal agencies is to: advise the RDN on the issues that should be addressed during the OCP review, provide technical advice related to the issues to be addressed, and provide advice on opportunities for interagency co-operation with respect to managing growth and development in Electoral Area 'G'.

The Role of **RDN Planning Staff** is to organize and provide technical support for the project. This includes gathering and collating data, consulting with the public, producing and designing documents/consultation materials, and drafting the Official Community Plan.

In accordance with the *Local Government Act* and the "Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1309," the **Intergovernmental Advisory Committee** must review the Regional Context Statement that is to be included in the Plan.

The Plan must be referred to the **Agricultural Land Commission, Ministry of Transportation, and School District 69** and must be approved by the **Minister of Community Services** before the RDN Board can adopt the Official Community Plan bylaw.

RESOURCES AND BUDGET

All of the work to gather and collate data, consult with the public, produce and design documents/consultation materials, and draft the Official Community Plan will be completed by RDN staff as outlined in the 2006 RDN budget.

One full-time staff equivalent and mapping resources will be assigned to the project through to completion. The Community Planning Budget for 2006 includes funds to cover costs associated with the public consultation process, including mapping services, public information meetings, a public hearing, mailings, advertising, and rentals.

FINAL PRODUCT AND MONITORING

The final product will be an adopted Official Community Plan that applies to all of Electoral Area 'G'. The OCP will reflect the vision and goals of the people who live in the area and the policies and/or regulations of the region and senior levels of government.

The process will be evaluated pursuant to the successful completion of the consultation requirements specified in the *Local Government Act*, public consultation policies adopted by the RDN, and the process outlined in this Terms of Reference.