

REGIONAL DISTRICT OF NANAIMO
ELECTORAL AREA PLANNING COMMITTEE
TUESDAY, MAY 9, 2006
6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 3-4 Minutes from the regular meeting of the Electoral Area Planning Committee held April 11, 2006.

COMMUNICATION/CORRESPONDENCE

BUSINESS ARISING FROM THE MINUTES

PLANNING

AMENDMENT APPLICATIONS

- 5-11 Zoning Amendment Application No. ZA0602 - Jane England Abbott - Island Highway West - Area G.

DEVELOPMENT PERMIT APPLICATIONS

- 12-22 Development Permit Application No. 60611 - Surfwood Supply Ltd./Keith Brown Associates Ltd. - 2130 Schoolhouse Road -- Area A.
- 23-31 Development Permit Application No. 60614 - Don and Sharon Milburn - 5461 Deep Bay Road - Area H.
- 32-40 Development Permit Application No. 60617 - Byran Witcomb on behalf of Western Cruiser Sales Ltd. - 1451 East Island Highway -- Area E.
- 41-51 Development Permit Application No. 60620 - Helen Sims for Craig Finney and Lisa Marie Welker-Finney - Maple Guard Drive - Area H.
- 52-57 Development Permit Application No. 60621 - Fern Road Consulting Ltd., on behalf of Michael Eddy, Lorie Eddy, Patricia Greenham and Corinne Barker - Moors, Blackbeard and Maple Guard Drives -- Area H.

- 58-67 Development Permit Application No. 60623 -- Request for 10% Frontage Relaxation -- Timberlake-Jones Engineering Ltd., on behalf of Timberstone Development Ltd. -- Northwest Bay Road -- Area E.

DEVELOPMENT VARIANCE PERMIT

- 68-74 Development Variance Permit Application No. 90609 -- Kawerau and Butler -- 1405 Reef Road -- Area E.

OTHER

- 75-79 Request for RDN to consider the Development of a Manufactured Home Park at 410 Martindale Road -- Area G.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

IN CAMERA

ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, APRIL 11, 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 |
| Alternate | |
| Director F. Van Eynde | Electoral Area E |
| Director L. Biggemann | Electoral Area F |
| Director J. Stanhope | Electoral Area G |

Also in Attendance:

| | |
|--------------|---|
| B. Lapham | General Manager of Development Services |
| T. Osborne | General Manager of Recreation & Parks |
| J. Llewellyn | Manager of Community Planning |
| W. Moorman | Manager of Engineering Standards & Subdivisions |
| M. Pearse | Manager of Administrative Services |
| N. Tom | Recording Secretary |

CALL TO ORDER

The Chairperson welcomed Alternate Director Van Eynde to the meeting.

DELEGATIONS

James Harris & Christine Hawkins, re Property Rezoning – 410 Martindale Road – Area G.

Mr. Harris presented an overview of his proposed application for a zoning amendment to his property at 410 Martindale Road to allow for a manufactured home park. A petition was also submitted to the Committee.

MINUTES

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

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

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.

MOVED Director Young, SECONDED Director Burnett,:

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 revised Schedule No. 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.

CARRIED

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

MOVED Director Stanhope, SECONDED Director Biggemann, 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.

CARRIED

OTHER

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

The General Manager of Development Services summarized the staff report and reviewed the terms of reference with the Directors.

MOVED Director Stanhope, SECONDED Director Van Eynde,;

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.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Property Rezoning – 410 Martindale Road – Area G.

MOVED Director Stanhope, SECONDED Director Van Eynde, that staff prepare a report for the next Electoral Area Planning Committee meeting on the proposed rezoning of the property at 410 Martindale Road to allow for a manufactured home park.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 6:45 PM

CHAIRPERSON



| | | | |
|-------------|----|--------|--|
| RDN | | | |
| CAO | OW | GMES | |
| GMCS | | GMRNP | |
| GMDS | | GMRT&F | |
| APR 28 2006 | | | |
| CHAIR | | BOARD | |
| EAP | | | |

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

DATE: April 28, 2006

FROM: Greg Keller
Planner

FILE: 3360 30 0602

SUBJECT: Zoning Amendment Application No. ZA0602
Jane England Abbott
Electoral Area 'G' – Island Highway West

PURPOSE

To consider an application to rezone the subject properties from Public 1 Subdivision District 'M' (PU1M) to Residential 2 Subdivision District 'M' (RS2M) in order to facilitate the future construction of two dwelling units.

BACKGROUND

The Planning Department has received a zoning amendment application for the properties legally described as Lots 1 and 2, District Lot 80, Newcastle District, Plan VIP64106 and located on the Island Highway West in the Dashwood Area of Electoral Area 'G' (see Attachment No. 1 for location of subject property). The subject properties are 0.403 ha and 1.73 ha in area and are currently zoned Public 1 Subdivision District 'M' (PU1M) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."

Pursuant to "Regional District of Nanaimo Shaw Hill – Deep Bay Official Community Plan Bylaw No. 1007, 1996," (OCP), the subject properties are designated within the Rural Residential Land Use Designation. The OCP policies for this designation recognize and support the use of the land for residential uses. The OCP designates Lot 2 within the Environmentally Sensitive Areas / Hazard Lands Development Permit Areas, which were designated for the protection of the natural environment, its ecosystems and biological diversity, and the protection of development from hazardous conditions.

Lot 2 is an undeveloped waterfront parcel, and Lot 1 was the site of the old Dashwood School. The surrounding uses include Residential 2 zoned properties to the east and west. Lot 2 is currently land locked, and the applicant is proposing to consolidate Lots 1 and 2 to provide access to Lot 2.

In support of this application, the applicant has submitted a geotechnical report prepared by Lewkowich Geotechnical Engineering Ltd. dated January 27, 2006. The report indicates that the subject property is safe for the intended use and recommends a minimum 10.0 metre setback from the top of the steep bank adjacent to the ocean.

The applicant has also submitted correspondence from the Little Qualicum Water Works District indicating that the water district can service two residences on the subject property. However, the applicant is proposing to service the subject properties with a private on-site water well. There are currently no community sewer services within the area nor are services anticipated in the future. The subject property is within a Regional District of Nanaimo (RDN) Building Inspection area.

Public Information Meeting

As the proposal is consistent with the OCP, 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 1st and 2nd reading and proceed to Public Hearing.
2. To not approve the amendment application for 1st and 2nd reading.

OFFICIAL COMMUNITY PLAN IMPLICATIONS

"Regional District of Nanaimo Shaw Hill – Deep Bay Official Community Plan Bylaw No. 1007, 1996," policies support the rezoning of the subject parcels to accommodate residential uses.

DEVELOPMENT IMPLICATIONS

Land Use Implications

The surrounding properties to the east and west are currently zoned Residential 2 Subdivision District 'M' (RS2M). Therefore, the proposed land use, if approved, is compatible with the surrounding uses.

Lot 2 is a waterfront parcel that is primarily vegetated with mature native evergreen and deciduous trees and groundcover. Lot 1 is currently cleared and was the site of the old Dashwood School. The topography of both subject properties is gently sloping towards the north east with the exception of a steep slope facing the ocean, ranging between 30 - 45 degrees from horizontal located on the north portion of Lot 2.

The geotechnical report submitted by the applicant recommends a minimum setback of 10.0 metres from the crest of the slope. This report also recommends that the applicant maintain the existing vegetation on and adjacent to the bank located on Lot 2 and recommends that ground cover providing erosion control be installed as soon as practicable. The applicant is aware of and willing to follow all recommendations contained in the geotechnical engineer's report.

Overall, the report found the property to be safe for the intended residential use provided the recommendations contained in the report are adhered to.

In order to ensure that the subject properties are developed in accordance with the recommendations contained in the geotechnical report, staff recommends that the applicant be required, prior to the Board's consideration of the corresponding bylaw for adoption, to register a Section 219 covenant registering the report on title including a save harmless clause releasing the Regional District of Nanaimo from all liability and/or damages as a result of erosion/ landslide and an agreement that the applicant will adhere to the recommendations contained in the geotechnical report.

Currently there is no legal access to Lot 2 as it is separated from the Island Highway by Lot 1, Plan VIP 64106. Since the applicant currently owns both lots, the applicant is proposing to consolidate Lots 1 and 2 to resolve the access issue. Therefore, staff are recommending that the applicant be required to consolidate Lots 1 and 2 plan VIP64106 prior to the Board's consideration of the corresponding bylaw for adoption.

The applicant is proposing to construct a total of two dwelling units on the subject property. The total area of Lots 1 and 2 is 2.133 hectares, which meets the minimum site area requirements per dwelling unit pursuant to the Residential 2 zone. Although the consolidated property may be large enough to

re-subdivide pursuant to the 'M' subdivision district (1.0 hectare minimum parcel size without community services), the property can not be subdivided unless the Board grants a 10 percent frontage relaxation. Therefore, the Board has the ability to prohibit the future subdivision of this property. It should be noted that all conditions imposed by the Subdivision Approving Officer and other authorities having jurisdiction must be met prior to any subdivision.

As of the date of this report, the applicant has not provided information regarding the ability of the subject property to accommodate on-site sewage disposal or provide an adequate source of potable water. As a result, staff are recommending that the applicant, prior to the Board's consideration of the corresponding bylaw for adoption, be required to submit a report from a registered practitioner or registered professional assessing on-site sewage disposal and the ability of the site to accommodate two dwelling units. In addition, staff are recommending that the applicant, prior to the Board's consideration of the corresponding bylaw for adoption, be required to submit reasonable proof that a minimum year-round potable water supply of 3.5 m³ per day can be provided and that such water meets or exceeds the Canadian Drinking Water Standards.

Development Permit Implications

As Lot 2 is adjacent to the ocean and is high bank waterfront, a portion of the property is designated in the Environmentally Sensitive Areas / Hazard Lands Development Permit Areas. Therefore, a Development Permit shall be required if the applicant proposes any development activities within the Development Permit Areas. As the subject property is within a building inspection area, staff will review the proposed building plans to determine if a Development Permit is required prior to the issuance of a building permit.

PUBLIC CONSULTATION IMPLICATIONS

If the application proceeds, a Public Hearing will be required as part of the zoning amendment process.

ENVIRONMENTAL IMPLICATIONS

The Environmentally Sensitive Areas Atlas does not indicate the presence of any environmentally sensitive features.

INTERGOVERNMENTAL IMPLICATIONS

Ministry of Transportation – the Ministry has indicated that they have no objection in principle subject to the following: The applicant must obtain an access permit, and only one access to Highway 19 shall be permitted.

It is also noted that this amendment bylaw is subject to the approval of the Ministry pursuant to the *Highway Act*.

Vancouver Island Health Authority – Staff has referred this application to the Vancouver Island Health Authority; and as of the date of this report, no comments have been received.

Dashwood Volunteer Fire Department – The Planning Department, in consideration of fire safety issues, refers applications for rezoning or OCP amendments to local fire departments. As of the date of this report, no negative comments have been received.

VOTING

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

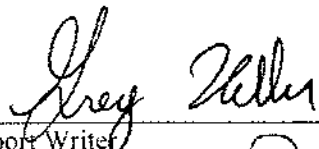
SUMMARY

This is a request to amend Bylaw No. 500, 1987, to permit the construction of a total of two dwelling units on two properties located on the Island Highway in the Dashwood area of Electoral Area 'G'. The applicant is proposing to service the subject properties with private on-site water and sewage disposal systems. The applicant's geotechnical engineer's report indicated that the property is safe for the intended use. The applicant is proposing to consolidate Lots 1 and 2 in order to provide access to Lot 2 and create adequate site area to construct two dwelling units.

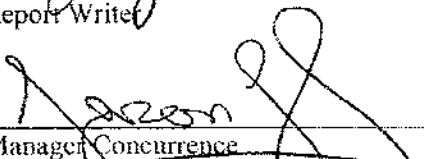
In conclusion, the OCP supports the proposed residential uses on the subject properties. In staff's assessment, the proposed uses are compatible with the adjacent uses if developed in accordance with the proposed RS2 zone. Therefore, staff recommends Alternative No. 1 to approve the amendment application for 1st and 2nd reading and to proceed to Public Hearing.

RECOMMENDATIONS

1. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.334, 2006," to rezone the properties, on the Island Highway West in Electoral Area 'G', from Public 1 Subdivision District 'M' (PU1M) to Residential 2 Subdivision District 'M' (RS2M) be given 1st and 2nd reading.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.334, 2006," be approved to proceed to Public Hearing.
3. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.334, 2006," be delegated to Director Stanhope or his alternate.



Report Writer



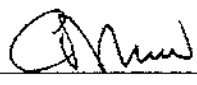
Manager Concurrence

COMMENTS:

devs/reports/2006/za ma 3360 30 0602 Abbott 1st and 2nd Report



General Manager Concurrence



CAO Concurrence

Schedule No. 1
Conditions for Adoption
Zoning Amendment Application No. ZA0602
Lots 1 & 2, District Lot 80, Newcastle Land District, Plan VIP64106

The following conditions are to be completed prior to consideration of Amendment Bylaw No. 500.334, 2006, for final reading:

1. The applicant shall, at their expense and to the satisfaction of the Regional District, register a Section 219 covenant that registers the geotechnical report prepared by Lewkowich Geotechnical Engineering Ltd. dated January 27, 2006, on title and requires the applicant to adhere to all conditions contained in the report.
2. The applicant shall, at their expense and to the satisfaction of the Ministry of Transportation and the Regional District of Nanaimo, consolidate Lots 1 and 2, District Lot 80, Newcastle District, Plan VIP64106.
3. The applicant shall submit written proof from the Ministry of Transportation that all conditions imposed by the Ministry of Transportation have been met to the satisfaction of the Ministry of Transportation.
4. The Applicant shall submit a report from a registered practitioner or registered professional assessing on-site sewage disposal and the ability of the site to accommodate two dwelling units.
5. The applicant shall submit reasonable proof that a minimum year-round potable water supply of 3.5 m³ per day can be provided and that such water meets or exceeds the Canadian Drinking Water Standards.

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 500.334

A Bylaw to Amend Regional District of Nanaimo
Land Use and Subdivision Bylaw No. 500, 1987

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

A. SCHEDULE 'A' of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", is hereby amended as follows:

1. PART 3 LAND USE REGULATIONS, SCHEDULE '3A' ZONING MAPS is hereby amended from Public 1 (PU1) to Residential 2 (RS2) the land legally described as:

Lot 1, District Lot 80, Newcastle District, Plan VIP64106, and

Lot 2, District Lot 80, Newcastle District, Plan VIP64106

as shown in heavy outline on Schedule 'I' which is attached to and forms part of this Bylaw.

B. This Bylaw may be cited as "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.334, 2006."

Introduced and read two times this day of 2006.

Public Hearing held pursuant to Section 890 of the *Local Government Act* this day of 2006.

Read a third time this day of 2006.

Received approval pursuant to the *Highway Act* this day of 2006.

Adopted this day of 2006.

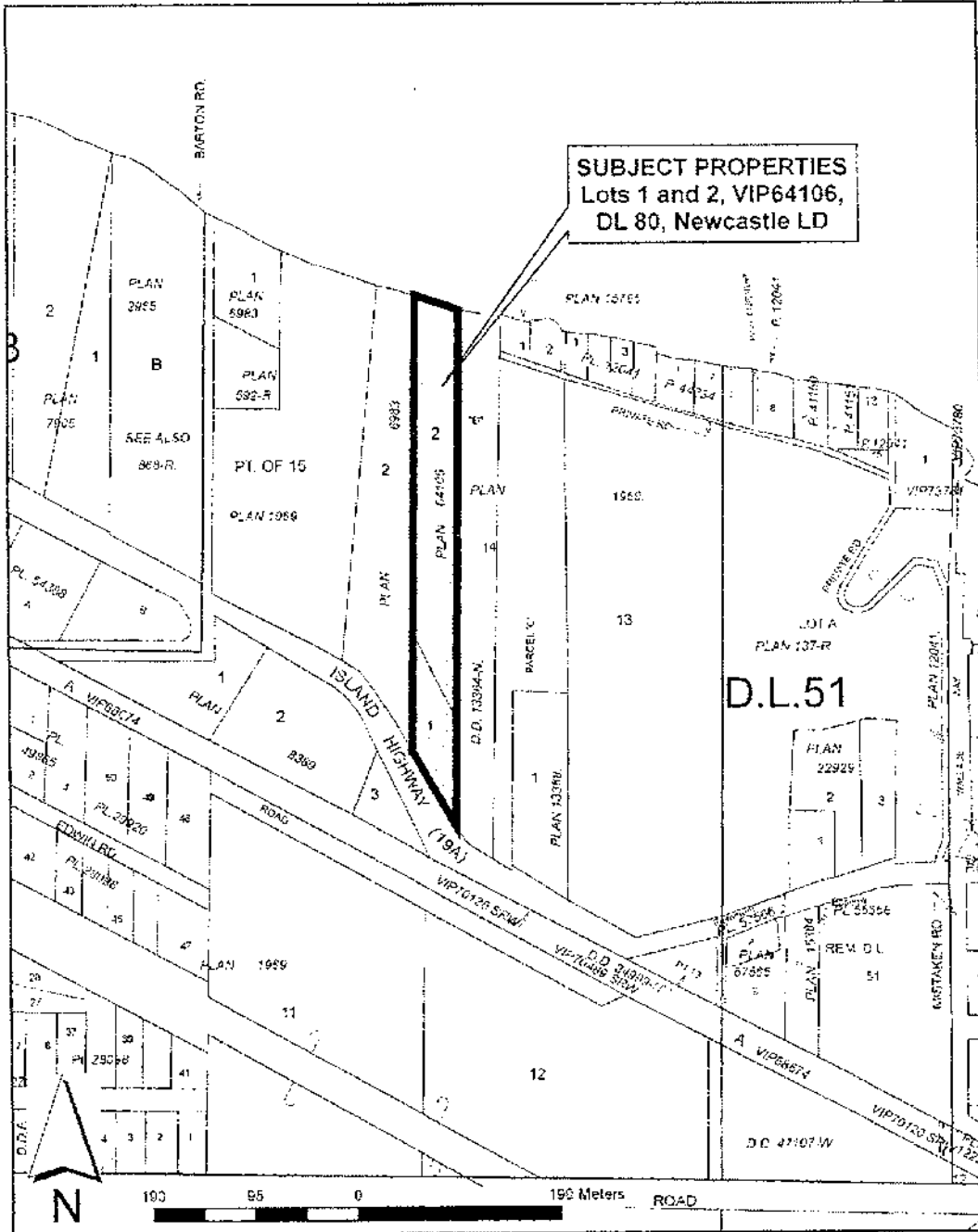
Chairperson

Manager Administrative Services

Schedule '1' to accompany "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.334, 2006"

Chairperson

Manager Administrative Services





| | | |
|------------------------|-------------------|--------|
| R D N | | |
| CAO | <i>(initials)</i> | GMES |
| GMCS | | GMR&P |
| GMDS | | GMRT&P |
| APR 28 2006 MEMORANDUM | | |
| CHAIR | | BOARD |
| <i>EAP</i> | | |

TO: Jason Llewellyn
Manager, Community Planning

DATE: April 28, 2006

FROM: Greg Keller
Planner

FILE: 3060 30 60611

SUBJECT: Development Permit Application No. 60611 – Surfwood Supply Ltd./Keith Brown Associates Ltd.
Electoral Area 'A' – 2130 Schoolhouse Road

PURPOSE

To consider a development permit application to facilitate the construction of two industrial buildings for Light Industry and Heavy Equipment Display within the South Wellington Development Permit Area No. 1.

BACKGROUND

The Planning Department has received a development permit application for the property legally described as Lot 1, Section 11, Range 7, Cranberry District, Plan 33429, and located at 2130/2140 Schoolhouse Road in Electoral Area 'A' (*see Attachment No. 1 for location of subject property*). The subject property is 2.06 ha in area and is currently zoned Industrial 1 Subdivision District 'F' (INF) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The subject parcel is currently designated within the South Wellington Development Permit Area No. 1 pursuant to "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001;" and therefore, a development permit is required in order to proceed with the proposed development.

The Board of the Regional District previously issued a development permit on the subject property. Development Permit No. 9809 was issued on December 22, 1999, to allow for the construction of a warehouse and associated landscaping. Staff conducted a site visit and noted that there are no buildings on the subject property and portions of the previously approved landscaping exist. Discussions with the applicant indicate that no permanent structures were constructed under Development Permit No. 9809.

The subject property is adjacent to an Industrial 1 zoned property to the north, Industrial 1 and Residential 2 zoned properties to the east, Commercial 2 zoned property to the south, and Schoolhouse Road to the west. The topography of the land is gently sloping to the northeast and is primarily cleared of native vegetation. The elevation of the subject property is slightly above the surrounding properties to the north and east. There are no notable views present from the subject property or adjacent properties.

The applicant has submitted an engineered drainage plan that includes the provision of an oil water separator sized in accordance with the Ministry of Environment standards to collect all storm water and other runoff from all paved surfaces, including the proposed steam cleaning pad. The applicant has also submitted a landscaping plan and security deposit in the amount of \$8500 in the form of an irrevocable letter of credit.

Proposed Development

The applicant is proposing to construct two industrial buildings for Light Industry and Heavy Equipment Display and associated improvements within the South Wellington Development Permit Area No. 1 (*see Schedule No. 2 for proposed site plan*). The applicant is proposing to develop the site in three phases, the first two of which are the subject of this application.

Phase 1 involves the construction of one building and steam cleaning pad for heavy equipment display purposes as shown on Schedule No. 1 as well as the installation of the oil water separator and landscaping.

Phase 2 involves the construction of an additional industrial building primarily for storage and warehousing with a dwelling unit above.

Phase 3 involves an additional industrial building, the use and design of which are unknown at this time. An additional Development Permit would be required for Phase 3.

VARIANCES

The applicant is proposing to vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," as follows:

- a. Section 3.4.31 Maximum Number and Size of Buildings and Structures is varied by increasing the Maximum Building Height from 8.0 metres to 9.8 metres.
- b. Schedule '3F' – Landscaping Regulations are varied as necessary to authorize the landscaping shown on Schedule No. 3.

The applicant is proposing to vary "Regional District of Nanaimo Sign Bylaw No. 993, 1995," requirements as follows:

- a. Section 5 – Subsection (c) – maximum sign height is proposed to be increased from 4.0 metres to 5.5 metres for one free-standing sign as shown on Schedule No. 2.
- b. Section 5 - Subsection (c) – the maximum sign surface area is proposed to be increased from 11.0 square metres to 18.61 square metres for one free-standing sign as shown on Schedule No. 2.
- c. Section 5 (a) – the maximum number of signs is proposed to be increased from two (2) per parcel to three (3) per parcel, one (1) freestanding sign, and two (2) fascia signs.

ALTERNATIVES

1. To approve Development Permit No. 60611 as submitted.
2. To deny the development permit as submitted and identify the Development Permit Area guidelines not being met.

DEVELOPMENT IMPLICATIONS

Development Permit Guidelines

With respect to the site layout, the application is considered to be in substantial compliance with the applicable guidelines.

Land Use Implications

If approved, this application would permit the construction of Phase 1 and 2 of a 3 Phase development. Phase 1 and 2 involve the construction of two industrial buildings and landscaping. The proposed use is Heavy Equipment Display and storage/warehousing, which are permitted by the Industrial 1 zone.

The requested height variance is required as a result of the previous placement of fill on the subject property prior to the issuance of Development Permit 9809. The fill was brought on to the property by a previous owner to create a more level building envelope. The placement of fill was reviewed by a geotechnical engineer, and the geotechnical engineer's report is registered on the title of the subject property. The geotechnical report provides a suggested action plan to assist with the future development of the subject property that the building department will be considering as part of the building permit process.

The applicant has stated that the requested height variance is adequate to allow the construction of the proposed buildings. To ensure that the proposed buildings, when constructed, do not exceed 9.8 metres in height as measured from natural grade, staff recommends that the applicant be required to submit a height survey prior to the issuance of an occupancy permit for each building at the discretion of the Chief Building Inspector. The applicant is also aware that if the proposed buildings are found to exceed 9.8 metres in height, a variance would be required.

The proposed variances to Bylaw No. 993 are required to permit the construction of one free-standing sign and a total of two fascia signs – one on each building. In staff's opinion, the proposed sign variances are justified and reasonable given that the subject property is a multi-tenant site. The proposed signs are internally illuminated and are visually unobtrusive.

The proposed height variance would not have a negative impact on the adjacent properties as there are no views to be impacted. In addition, staff consider the proposed height variance to be reasonable given the nature of the proposed use and the previous placement of fill on the subject property which makes it difficult and onerous to build within the 8.0 metre maximum height requirement.

In staff's assessment of this application, the applicant has demonstrated that the proposed development is substantially in compliance with the Development Permit Area. In addition, the proposed variances are not anticipated to have a negative impact on the adjacent properties.

Landscaping Requirements

The applicant is proposing to provide landscaping adjacent to Schoolhouse Road as shown on Schedule No. 3. The applicant is proposing to group the landscaping in order to take advantage of road frontage for the proposed Heavy Equipment Display use. In staff's assessment, the proposed landscaping meets the intended standard of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987;" however, a variance to the landscaping regulations has been included in this application as the applicant is proposing to group landscaping in certain areas. The Regional District of Nanaimo is currently holding a landscaping security of \$8500, an amount equal to the total estimated cost of the proposed landscaping.

VOTING

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

SUMMARY


This is an application for a development permit for the construction of two industrial buildings and associated improvements on a property designated within the South Wellington Development Permit Area No. 1 pursuant to the Electoral Area 'A' OCP specifically for the purposes of form and character and the protection of the aquifer. The proposed development is substantially in compliance with the guidelines of the South Wellington Development Permit Area No. 1 and the IN1 zoning requirements.

This application includes a request to vary "Regional District of Nanaimo Sign Bylaw No. 993, 1995," to increase the height, area, and number of signs and "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," to increase the maximum building height from 8.0 metres to 9.8 metres as shown on Schedule No. 2. The proposed variances are not anticipated to have a negative impact on the adjacent properties.

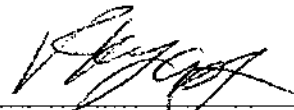
For the above reasons, staff recommends Alternative No. 1 to approve the development permit subject to the Board's consideration of the comments received as a result of public notification and subject to the terms outlined in Schedule No. 1.

RECOMMENDATION

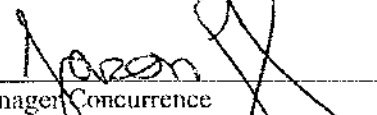
That Development Permit No. 60611 with variances to allow for the construction of two industrial buildings be approved according to the terms outlined in Schedule No. 1 and subject to the Board's consideration of the comments received as a result of public notification.



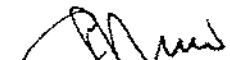
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:
devsvs/reports/2006/dp ma 3060 30 60611 Surfwood Supply Ltd. - Brown 1st & 2nd Report

Schedule No. 1
Terms of Development Permit No. 60611
For 2130/2140 Schoolhouse Road
Lot 1, Section 11, Range 7, Crauberry District, Plan 33429

The following sets out the terms of Development Permit No. 60611:

VariANCES

The following variances apply only to the buildings and landscaping shown on Schedules No. 2 and 3:

1. "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," is hereby varied as follows:
 - a. Section 3.4.31 – Maximum Number and Size of Buildings and Structures is varied by increasing the Maximum Building Height from 8.0 metres to 9.8 metres.
 - b. Schedule '3F' -- Landscaping Regulations are varied as necessary to authorize the landscaping as shown on Schedule No. 3.
2. "Regional District of Nanaimo Sign Bylaw No. 993, 1995," is varied as follows:
 - a. Section 5 – Subsection (c) -- maximum sign height is proposed to be increased from 4.0 metres to 5.5 metres for one free-standing sign as shown on Schedule No. 2.
 - b. Section 5 – Subsection (c) – the maximum sign surface area is proposed to be increased from 11.0 square metres to 18.61 square metres for one free-standing sign as shown on Schedule No. 2.
 - c. Section 5 (a) – the maximum number of signs is proposed to be increased from two (2) per parcel to three (3) per parcel, including one (1) free-standing sign and two (2) fascia signs.

Building / Site Development

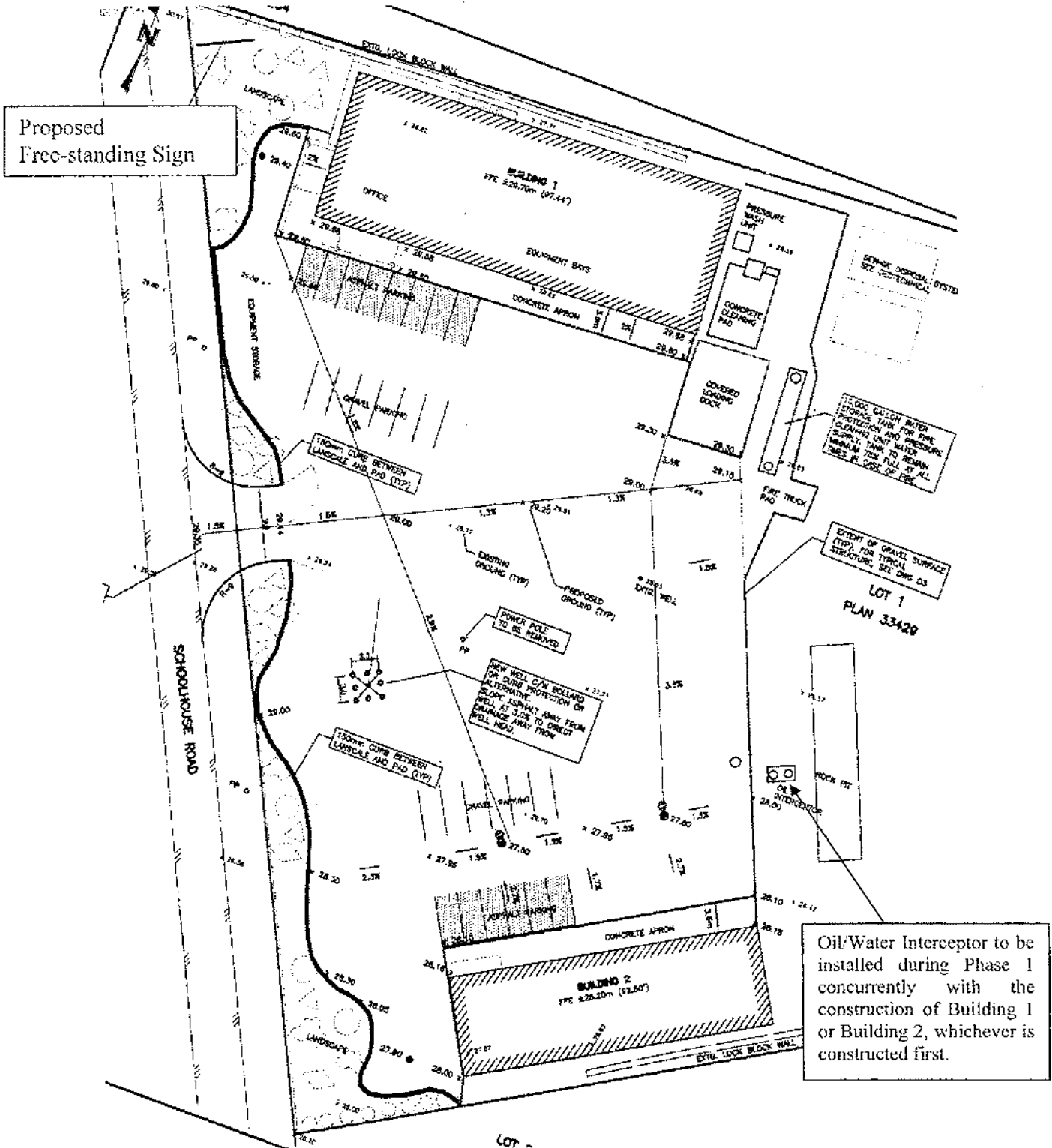
3. The subject property shall be developed in substantial compliance with Schedules No. 1, 2, and 3.
4. All development shall comply with "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," and "Regional District of Nanaimo Sign Bylaw No. 993, 1985," except where varied by this permit.
5. The oil water separator shall be installed during Phase 1 concurrently with the construction of Building 1 or Building 2, whichever is constructed first.
6. A height survey shall be submitted prior to the issuance of an occupancy permit for each building at the discretion of the Chief Building Inspector.
7. All storm water runoff from impervious surfaces must be directed through an engineered oil/water separator.

8. All outdoor refuse containers shall be located to the rear of buildings and shall be screened with a combination of fencing and planting materials.

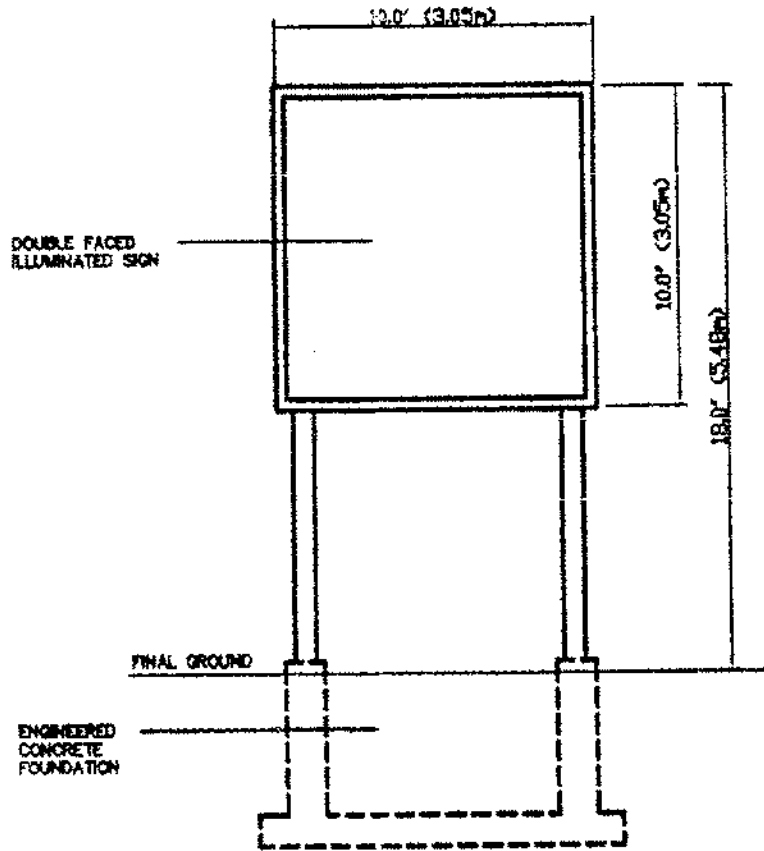
Signage

9. No additional signs shall be enlarged, erected, constructed, or placed on the subject property without Regional District of Nanaimo approval.

Schedule No. 2 (Page 1 of 2)
Proposed Site Plan (As submitted by the applicant)
(Reduced for Convenience)
Development Permit No. 60611



Schedule No. 2 (Page 2 of 2)
Proposed Sign (As submitted by the applicant)
(Reduced for Convenience)
Development Permit No. 60611



FREE STANDING SIGNAGE

PROPOSED SIGNAGE



NTS

Schedule No. 3 (Page 1 of 2)
Proposed Landscaping (As submitted by the applicant)
(Reduced for Convenience)
Development Permit No. 60611

Site Plan of part of Lot 1,
Section 11, Range 7,
Granbery District,
Plan 33429.
 Scale 1"=100'

Legend

| No. | Description | Symbol |
|-----|-------------|----------|
| 1 | Grass | (Symbol) |
| 2 | Grass | (Symbol) |
| 3 | Grass | (Symbol) |
| 4 | Grass | (Symbol) |
| 5 | Grass | (Symbol) |
| 6 | Grass | (Symbol) |
| 7 | Grass | (Symbol) |
| 8 | Grass | (Symbol) |
| 9 | Grass | (Symbol) |
| 10 | Grass | (Symbol) |
| 11 | Grass | (Symbol) |
| 12 | Grass | (Symbol) |
| 13 | Grass | (Symbol) |
| 14 | Grass | (Symbol) |
| 15 | Grass | (Symbol) |
| 16 | Grass | (Symbol) |
| 17 | Grass | (Symbol) |
| 18 | Grass | (Symbol) |
| 19 | Grass | (Symbol) |
| 20 | Grass | (Symbol) |
| 21 | Grass | (Symbol) |
| 22 | Grass | (Symbol) |
| 23 | Grass | (Symbol) |
| 24 | Grass | (Symbol) |
| 25 | Grass | (Symbol) |
| 26 | Grass | (Symbol) |
| 27 | Grass | (Symbol) |
| 28 | Grass | (Symbol) |
| 29 | Grass | (Symbol) |
| 30 | Grass | (Symbol) |
| 31 | Grass | (Symbol) |
| 32 | Grass | (Symbol) |
| 33 | Grass | (Symbol) |
| 34 | Grass | (Symbol) |
| 35 | Grass | (Symbol) |
| 36 | Grass | (Symbol) |
| 37 | Grass | (Symbol) |
| 38 | Grass | (Symbol) |
| 39 | Grass | (Symbol) |
| 40 | Grass | (Symbol) |
| 41 | Grass | (Symbol) |
| 42 | Grass | (Symbol) |
| 43 | Grass | (Symbol) |
| 44 | Grass | (Symbol) |
| 45 | Grass | (Symbol) |
| 46 | Grass | (Symbol) |
| 47 | Grass | (Symbol) |
| 48 | Grass | (Symbol) |
| 49 | Grass | (Symbol) |
| 50 | Grass | (Symbol) |

PROJECT DATA
 SURWOOD SUPPLY SALES OFFICE
 3188 SALSAM ROAD
 GRANBERY, ONTARIO
 L5A 4G6
 905-881-3333
 905-881-3334
 905-881-3335
 905-881-3336
 905-881-3337
 905-881-3338
 905-881-3339
 905-881-3340
 905-881-3341
 905-881-3342
 905-881-3343
 905-881-3344
 905-881-3345
 905-881-3346
 905-881-3347
 905-881-3348
 905-881-3349
 905-881-3350
 905-881-3351
 905-881-3352
 905-881-3353
 905-881-3354
 905-881-3355
 905-881-3356
 905-881-3357
 905-881-3358
 905-881-3359
 905-881-3360
 905-881-3361
 905-881-3362
 905-881-3363
 905-881-3364
 905-881-3365
 905-881-3366
 905-881-3367
 905-881-3368
 905-881-3369
 905-881-3370
 905-881-3371
 905-881-3372
 905-881-3373
 905-881-3374
 905-881-3375
 905-881-3376
 905-881-3377
 905-881-3378
 905-881-3379
 905-881-3380
 905-881-3381
 905-881-3382
 905-881-3383
 905-881-3384
 905-881-3385
 905-881-3386
 905-881-3387
 905-881-3388
 905-881-3389
 905-881-3390
 905-881-3391
 905-881-3392
 905-881-3393
 905-881-3394
 905-881-3395
 905-881-3396
 905-881-3397
 905-881-3398
 905-881-3399
 905-881-3400

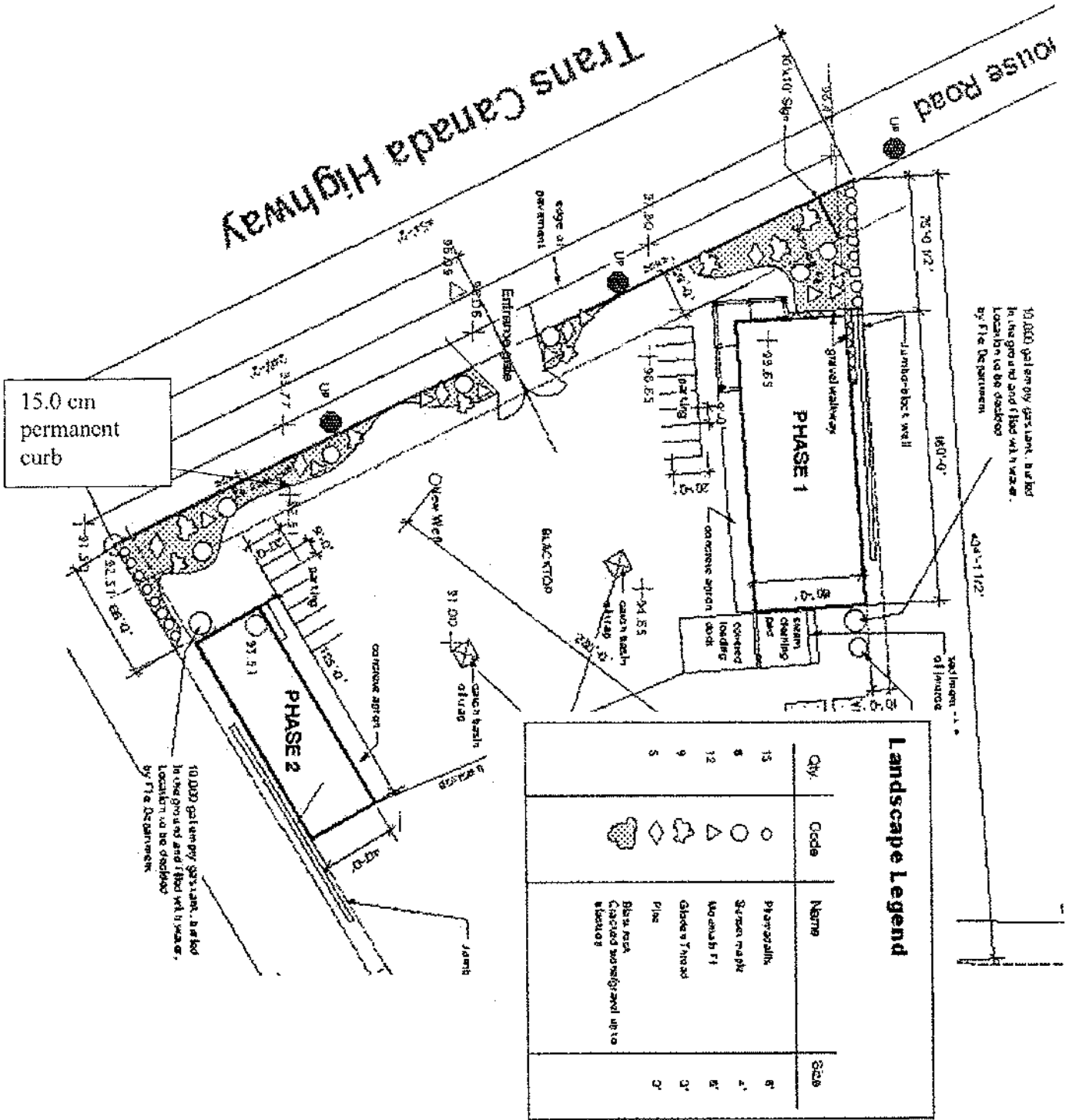
PRELIMINARY PLANS FOR DEVELOPMENT PERMIT ONLY

A0
 L05525

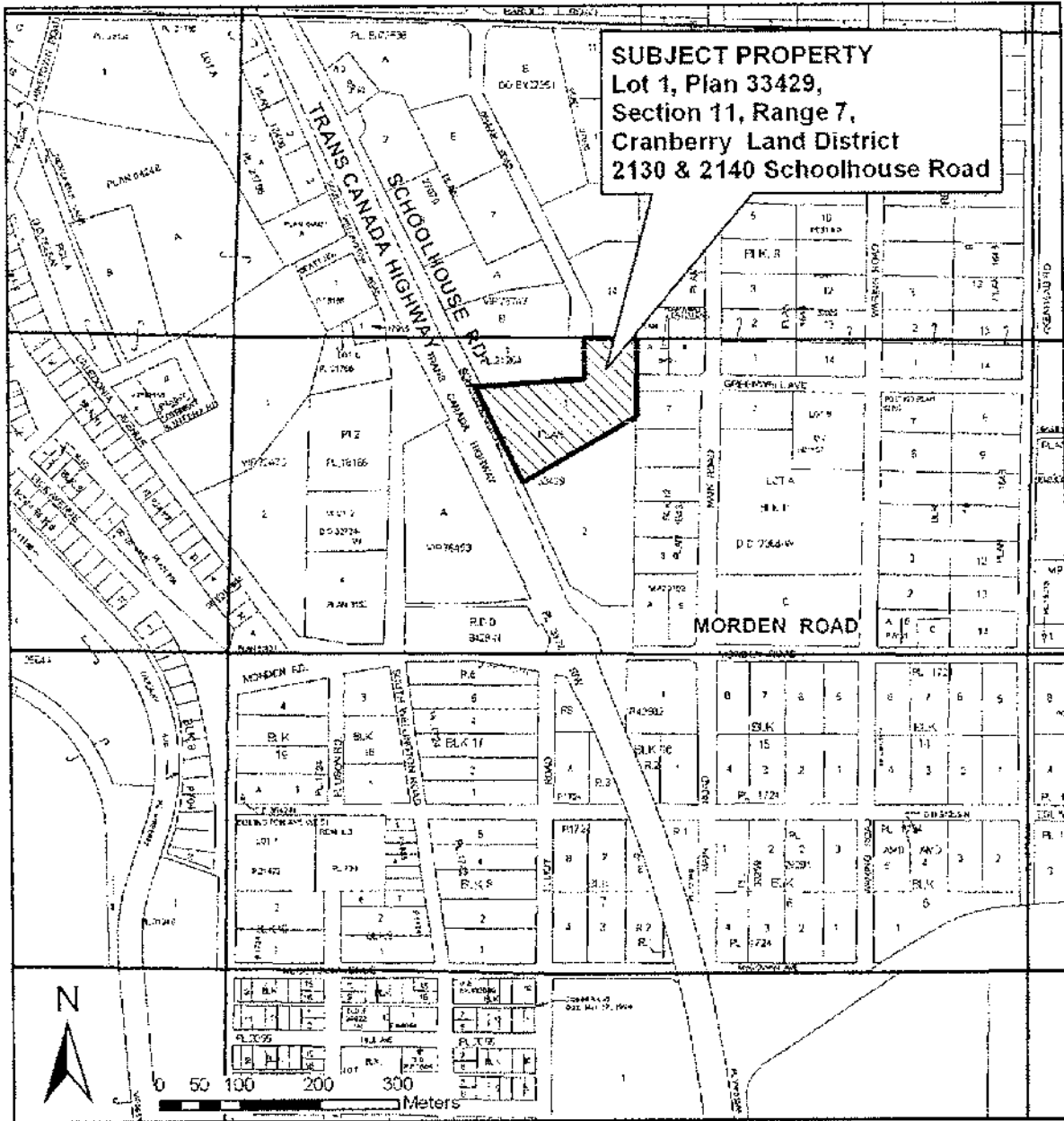
Site Plan
 1/8" = 1' 0"
 1/8" = 1' 0"
 1/8" = 1' 0"
 1/8" = 1' 0"

Engineer's Seal
 Keith Brown Associates
 1000 Highway 70
 Granbery, Ontario
 L5A 4G6
 905-881-3333
 905-881-3334
 905-881-3335
 905-881-3336
 905-881-3337
 905-881-3338
 905-881-3339
 905-881-3340
 905-881-3341
 905-881-3342
 905-881-3343
 905-881-3344
 905-881-3345
 905-881-3346
 905-881-3347
 905-881-3348
 905-881-3349
 905-881-3350
 905-881-3351
 905-881-3352
 905-881-3353
 905-881-3354
 905-881-3355
 905-881-3356
 905-881-3357
 905-881-3358
 905-881-3359
 905-881-3360
 905-881-3361
 905-881-3362
 905-881-3363
 905-881-3364
 905-881-3365
 905-881-3366
 905-881-3367
 905-881-3368
 905-881-3369
 905-881-3370
 905-881-3371
 905-881-3372
 905-881-3373
 905-881-3374
 905-881-3375
 905-881-3376
 905-881-3377
 905-881-3378
 905-881-3379
 905-881-3380
 905-881-3381
 905-881-3382
 905-881-3383
 905-881-3384
 905-881-3385
 905-881-3386
 905-881-3387
 905-881-3388
 905-881-3389
 905-881-3390
 905-881-3391
 905-881-3392
 905-881-3393
 905-881-3394
 905-881-3395
 905-881-3396
 905-881-3397
 905-881-3398
 905-881-3399
 905-881-3400

Schedule No. 3 (Page 2 of 2)
 Proposed Landscaping (As submitted by the applicant)
 (Enlarged for Convenience)
 Development Permit No. 60611



Attachment No. 1
Location of Subject Property
Development Permit No. 60611



BCGS Map Sheet No. 02G.601.4.3



| | | |
|-------------|------------|--------|
| R D N | | |
| CAC | (initials) | GMES |
| GMCS | | GMR&P |
| GMDS | | GMRT&P |
| APR 28 2006 | | |
| CHAIR | | BOARD |
| EAP | | |
| | | |
| | | |

MEMORANDUM

TO: Jason Llewellyn
Manager of Community Planning

DATE: April 28, 2006

FROM: Norma Stumborg
Planner

FILE: 3060 30 60614

SUBJECT: Development Permit Application No. 60614 – Don and Sharon Milburn
Electoral Area 'H' – 5461 Deep Bay Road

PURPOSE

To consider an application for a development permit to allow the removal of an existing dwelling and the construction of a new dwelling.

BACKGROUND

This is an application for a development permit to allow the removal of an older home and the construction of a house at 5461 Deep Bay Road. The subject property is designated within the Hazard Lands Development Permit Area pursuant to "Regional District of Nanaimo Electoral Area 'H' Official Community Plan No. 1335, 2003," and is legally described as Lot 32, District Lot 1, Newcastle District, Plan 20442 (*see Attachment No. 1*). The purpose of the Hazard Lands Development Permit Area is to protect the natural environment and development from hazardous conditions.

The property is in a mature residential neighbourhood and borders Baynes Sound to the North, Deep Bay Road to the South, and residential properties to the East and West. The subject property forms part of the natural spit. A house, constructed approximately 35 years ago, exists on the subject property. The site is serviced with a community water system and a private septic disposal system. The property is relatively level with a gentle gradient towards the beach.

The subject property is zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The subject property is not within a Regional District of Nanaimo (RDN) building inspection area. The site plan for the proposed development is shown in Schedule No. 2. No variances are being requested as part of this application.

ALTERNATIVES

1. To approve Development Permit No. 60614 subject to the terms outlined in Schedule No. 1.
2. To deny the requested permit as submitted.

VOTING

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

LAND USE AND DEVELOPMENT IMPLICATIONS

The applicant proposes to remove an existing dwelling and construct a new two-storey wood-frame house on a concrete slab foundation. The proposed development has been evaluated for slope, flooding, erosion, and liquefaction hazards by McQuarrie Geotechnical Consultants Ltd. The engineer provided recommendations to reduce the hazards to levels that are normally acceptable for single-family residential development. The applicant's engineer indicated that the spit is susceptible to liquefaction and flooding and as a result provided the following recommendations:

- Excavate the building area down to a 3.0 m elevation and compact the native sand with a heavy compactor;
- Place a layer of biaxial geogrid over the entire building area;
- Place and compact engineered fill;
- Affix the footings to the compacted crushed fill;
- Use flexible or ductible sewer and water pipe connections;
- Construct a slab on grade foundation and maintain a 4.0 m floor elevation; and
- Avoid the use of gas connections.

Developing the subject property in accordance with the engineer's recommendations is a term of this permit. The Geotechnical Report shall be registered on the Certificate of Title along with a Section 219 covenant to save the Regional District harmless from any damage caused as a result of flooding and/or erosion and to ensure that the potential hazards and engineer's recommendations are known to future property owners.

Existing vegetation on the property consists mostly of grass with a hedge lining the east side of the property. Staff recommends that land alteration be limited to that which is absolutely necessary to site the addition and that any disturbed areas be replanted using best practices with native vegetation to reduce the potential for erosion from the site.

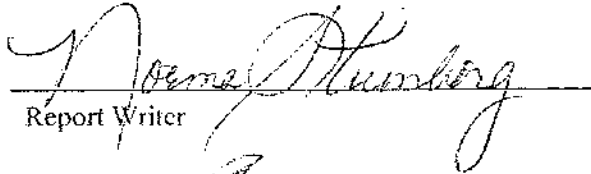
Given that archaeological remains have been found in the area, the applicants acquired an Alteration Permit under Section 12 of the Heritage Conservation Act. If archaeological artefacts or human remains are located on the site during excavation, development must cease and the authorities and First Nations will be notified so that the items may be recovered. Developing the subject property in accordance with the terms and conditions of the Site Alteration Permit is a requirement of this development permit.

SUMMARY/CONCLUSIONS

This is an application for a Hazard Lands Development Permit pursuant to the "RDN Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003," to allow the removal of an existing dwelling and the construction of a new dwelling at 5461 Deep Bay Road. The applicant has demonstrated that the property may be safely and appropriately developed for residential purposes. Staff recommends that the requested development permit be approved subject to the terms outlined in Schedule No. 1 of this report.


RECOMMENDATION

That Development Permit Application No. 60614, to allow the removal of an existing dwelling and the construction of a new dwelling at 5461 Deep Bay Road, be approved according to the terms outlined in Schedule No. 1.


Report Writer


General Manager Concurrence


Manager Concurrence


CAO Concurrence

COMMENTS:

devsys/reports/2006/dp ma 3060 30 60614 Milburn Report

Schedule No. 1
Terms of Development Permit No. 60614
Lot 32, District Lot 1, Newcastle District, Plan 20442
5461 Deep Bay Road

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. 1, 2, and 3.
- 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," except where varied by this permit.
- c) The applicant shall develop the site in accordance with *Provincial* and *Federal* regulations including, but not limited to, constructing a private septic disposal system to Ministry of Health standards. 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.
- d) No habitation or storage of items damageable by flood waters shall be located below the main floor elevation of 4.0 metres.
- e) 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 on-site 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 discharged away from the ocean into a dry well.
- f) The applicant shall develop the subject property in accordance with the recommendations established by the Geotechnical Report prepared by McQuarrie Geotechnical Consultants Ltd. dated February 1, 2006, and any subsequent geotechnical reports.
- g) The applicant shall develop the subject property in accordance with the terms of the Alteration Permit No. 2006-106 as issued by the Province of British Columbia Ministry Tourism, Sports and Arts.
- h) A final survey prepared by a British Columbia Land Surveyor shall be submitted by the applicant to the Regional District of Nanaimo that shows the siting and height of the dwelling within 60 days of the date of completion of the proposed works.

Vegetation

- i) Existing vegetation within 8.0 metres of the present natural boundary shall be retained. Land alteration shall be limited to that which is absolutely necessary to site the addition.
- j) The existing vegetation hedge adjacent to the east property line shall remain to provide erosion protection.

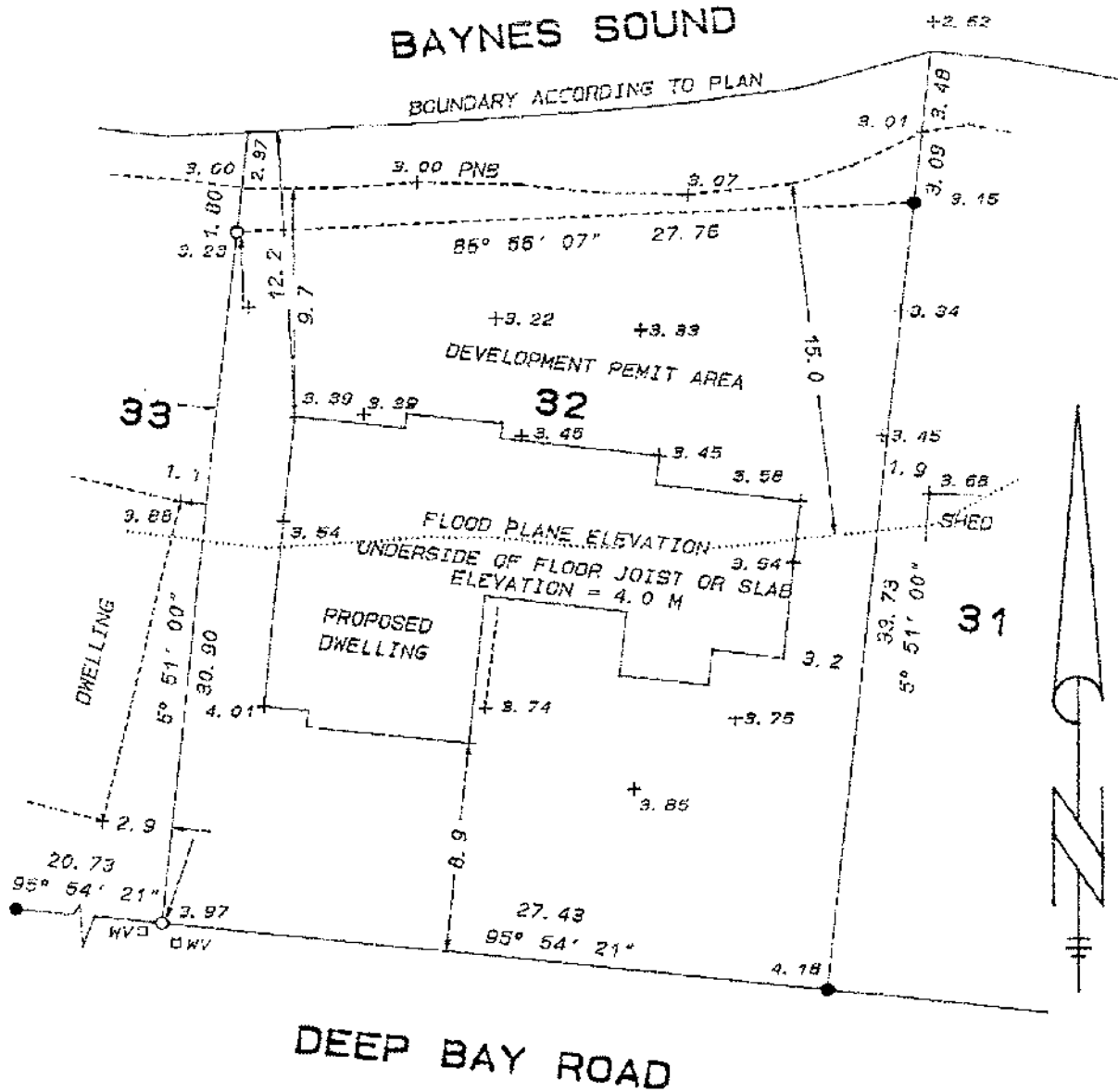
- k) Any disturbed areas shall be replanted with native grasses. Additional planting of trees, shrubs, or groundcovers for the purpose of enhancing the habitat values and/or soil stability within the Development Permit Area shall be permitted provided the planting is carried out in accordance with the guidelines provided in Stream Stewardship, 1993 and Land Development Guidelines, 1992 publications by the Department of Fisheries and Oceans Canada and the Ministry of Environment, and the Environmental Requirements and Best Management Practices for the Review of Land Development Proposals, March 2001, publication by the Ministry of Environment and subsequent editions prior to commencing work.

Covenant

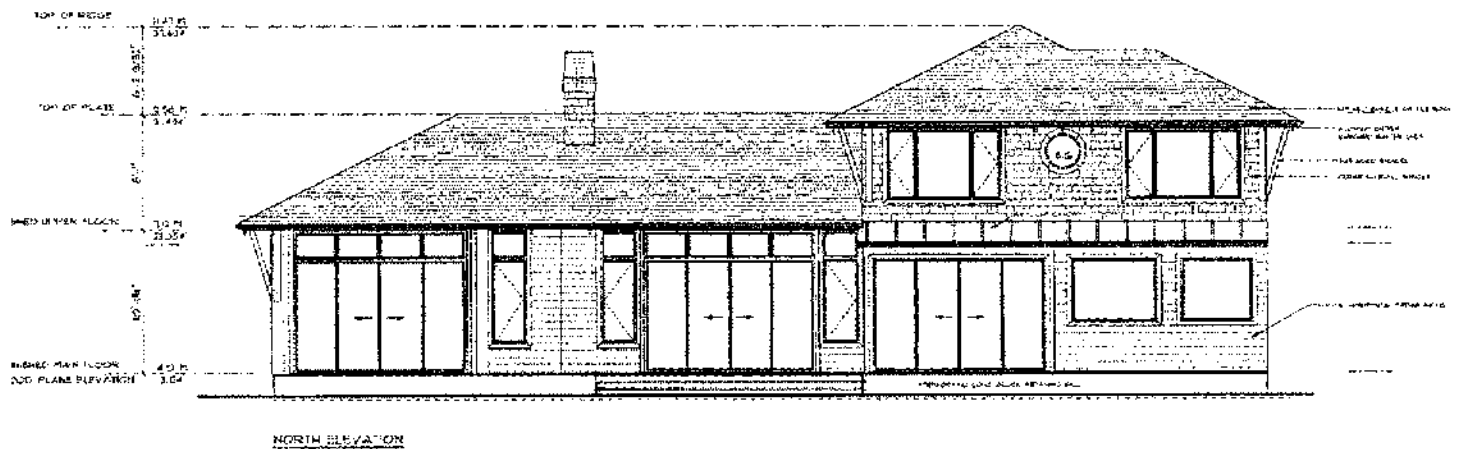
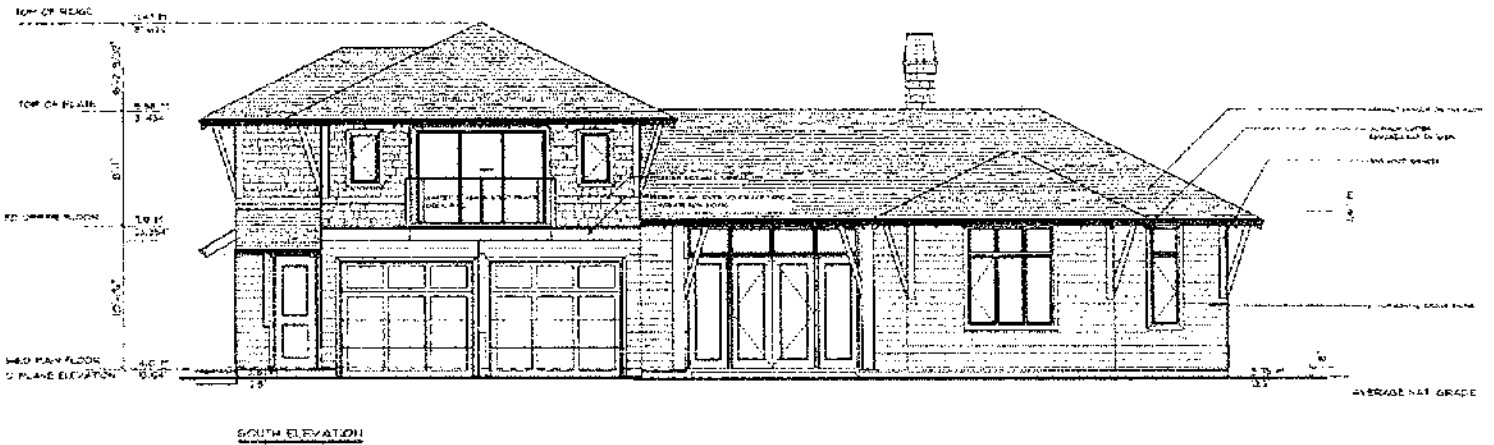
- l) At the applicant's expense and to the satisfaction of the Regional District of Nanaimo, the Geotechnical Report and any subsequent addendums and a Restrictive Covenant saving the Regional District of Nanaimo harmless from any action or loss that might result from flooding or erosion shall be registered on the Certificate of Title as a Section 219 Covenant prior to the issuance of this permit.

Schedule No. 2
 Development Permit No. 60614
 Site Plan (as submitted by applicants, reduced for convenience)
 Lot 32, District Lot 1, Newcastle District Plan 20442
 5461 Deep Bay Road

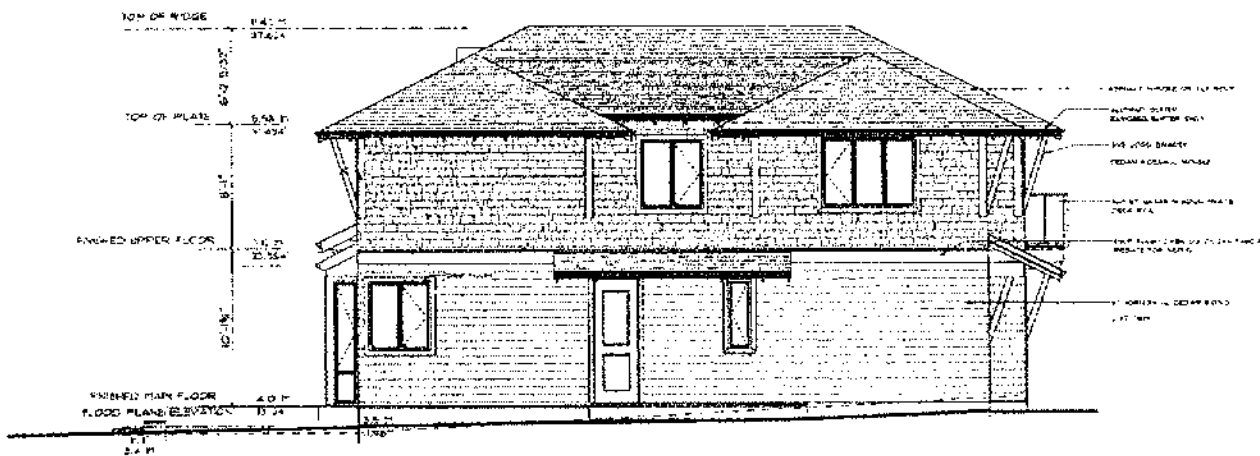
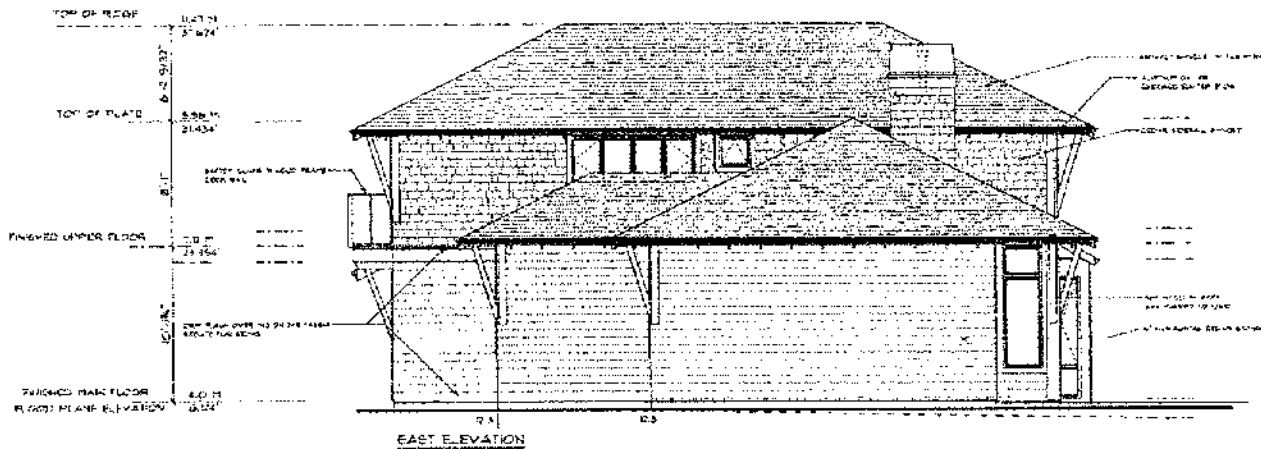
MAX ROOF RIDGE ACCORDING TO BYLAW = 11.54 M
 ROOF RIDGE ACCORDING TO PLAN AND FLOOD LEVEL = 11.44 M
 PNB = PRESENT NATURAL BOUNDARY



Schedule No. 3
Development Permit No. 60614
Proposed Profiles (Page 1 of 2)
Lot 32, District Lot 1, Newcastle District Plan 20442
5461 Deep Bay Road

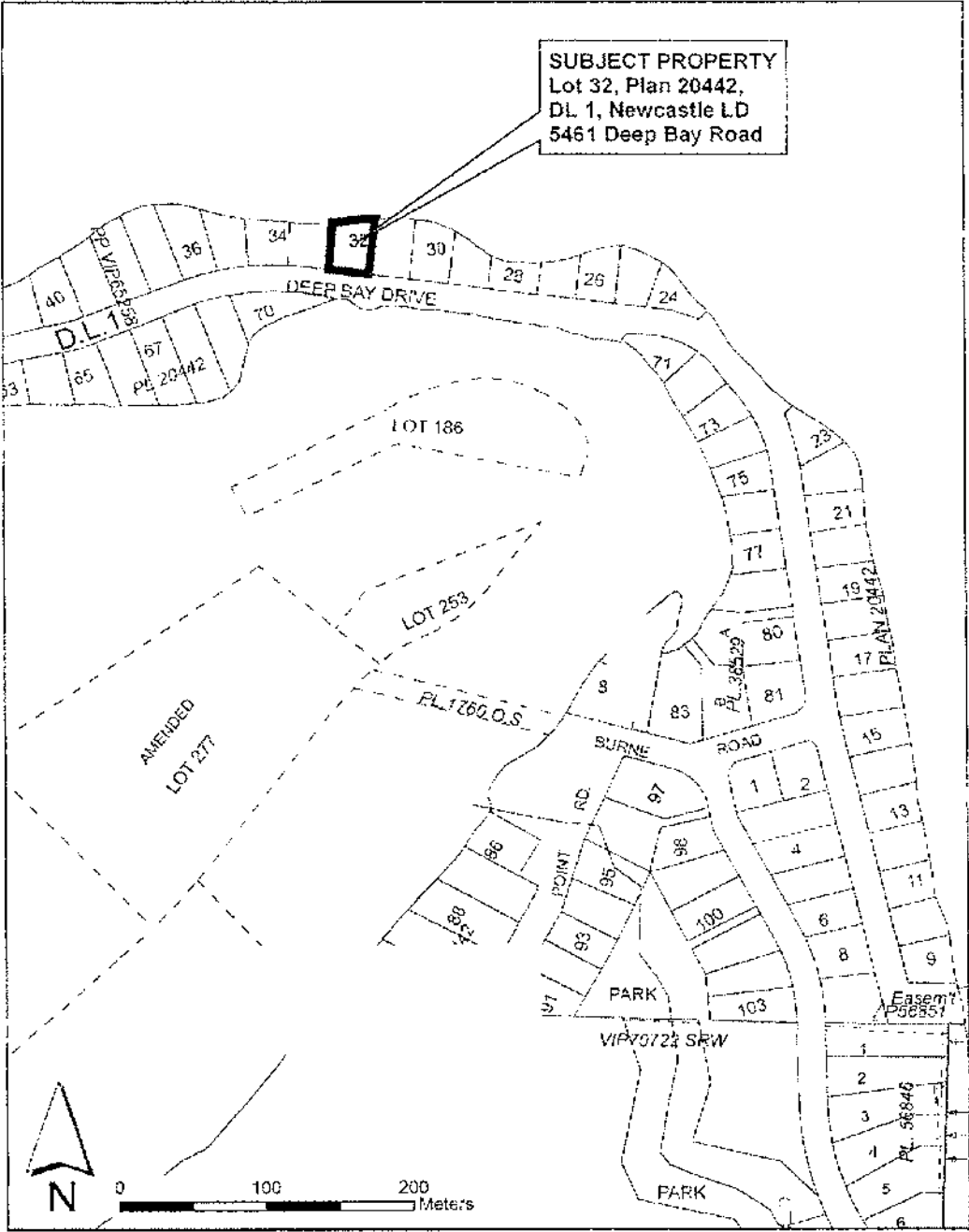


Schedule No. 3
Development Permit No. 60614
Proposed Profiles (Page 2 of 2)
Lot 32, District Lot 1, Newcastle District Plan 20442
5461 Deep Bay Road



WEST ELEVATION
 ARCHITECTURAL CONSULTANTS LTD. 10
 1000 WEST BAY ROAD, SUITE 100
 VICTORIA, BRITISH COLUMBIA V8W 2E7
 TEL: (250) 383-1111 FAX: (250) 383-1112

Attachment No. '1'
Development Permit No. 60614
Subject Property
Lot 32, District Lot 1, Newcastle District Plan 20442
5461 Deep Bay Road



BCGS Map Sheet No. 92F.047.3.2



| | | | |
|--------------|--------------------|--------|--|
| R.D.N | | | |
| CAO | <i>(Signature)</i> | GMES | |
| GMCS | | GMERS | |
| GMDS | | GMETAP | |
| MAY - 2 2006 | | | |
| CHAIR | | BOARD | |
| <i>EAP</i> | | | |
| | | | |
| | | | |

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

DATE: May 1, 2006

FROM: Norma Stumborg
Planner

FILE: 3060 30 60617

SUBJECT: Development Permit Application No. 3060 30 60617 – Byran Whitcomb on behalf of Western Cruiser Sales Ltd.
Electoral Area 'E' – 1451 East Island Highway

PURPOSE

To consider an application for a Form and Character and Highway Corridor Development Permit to allow an industrial development at 1451 Island Highway East.

BACKGROUND

This is an application for a development permit, pursuant to "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005," to allow the redevelopment of an industrial property commonly known as Parksville Boat House and owned by Western Cruiser Sales Ltd. The subject property is designated within the Form and Character and Highway Corridor Development Permit Areas and is legally described as Lot 1, District Lot 56, Nanoose District, Plan 26235 in Electoral Area 'E' (see Attachment No. 1). The purpose of the Highway Corridor and Form and Character Development Permit Areas is to establish objectives for the form and character of commercial, industrial, and multi-unit residential development.

The subject property is currently zoned Industrial 1 (IN1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," which includes Light Industry, Heavy Equipment Display, and Residential Use as permitted uses. The proposed sales and service, and storage buildings are permitted uses within the Industrial 1 zone and no variances are being requested as part of this application.

The parcel is 0.88 hectares (2.17 acres) in size and located on the east side of Island Highway. The subject property is bordered by Industrial 1 (IN1) properties to the north and south, Commercial 6 (CM6) property to the east, and a service road on the west. There are Rural 5 (RUS) zoned properties to the west and southeast.

A registered professional biologist conducted a site visit on April 20, 2006 and determined that there is no potential or need for provision of riparian area leave strips on the drainage ditches associated with the property. The subject property does not contain any watercourses or known environmentally sensitive features.

The applicant proposes to deconstruct the existing non-conforming building and sign on the west side of the property and construct a sales and service building approximately 705 m² in size, and 4 boat storage

buildings that total approximately 1503 m² on the southeast side of the property (*see the site plan in Schedule No. 2*). A gravel service road, that runs parallel to the Island Highway East, provides access to the subject property. The property is serviced by a private septic system and a private water line from an adjacent property owner.

ALTERNATIVES

1. To approve the request for a Development Permit subject to the terms outlined in Schedule No. 1, 2, and 3.
2. To deny the request for a Development Permit as submitted.

DEVELOPMENT OF SITE

Building Design and Siting

The subject parcel is moderately sloping towards the Island Highway and has been cleared of vegetation with a few remaining mature Fir Trees. The applicant proposes to have outdoor storage of boats on the west side and 5 engineered metal clad buildings on the east side of the property. The sales and service building faces the highway while the boat storage buildings are to be located primarily to the rear of the property, which is visually preferred. The sales and service building is to be located approximately 80 metres away from the highway and elevated approximately 3 metres above the highway. The front of the sales and service building will be enhanced with river rock, and buffered from the highway with a landscape screen. A fascia sign of approximately 3.75m² in size is proposed to be located on the front of the sales and service building, in accordance with Bylaw No. 993.

Parking and Loading

The applicants propose to provide 13 parking spaces and 1 loading space in accordance with Bylaw No. 500. The parking is to be located on the west side of the sales and service building. The applicant proposes to pave the parking area and clearly delineate the parking spaces with painted lines and/or bump stops. Storm water flows from the parking area and buildings are to be directed into an oil/water separator sized in accordance with the Ministry of Environment guidelines before directing the water into an existing drainage ditch. Staff recommend that, prior to issuance of this permit, an engineered storm water management plan be designed for the development.

Servicing

The applicant proposes to construct a new septic disposal system in accordance with Ministry of Health regulations and to drill a well in order to secure a reliable water source. The applicant has applied to the Ministry of Transportation for an access permit. Staff recommend that prior to issuance of this permit an access permit from the Ministry of Transportation be secured.

Landscaping

The applicant proposes to provide a landscape screen on the western property line that faces the Island Highway. The landscaping is consistent with the size and density prescribed in the RDN Landscaping Regulations and Standards of Bylaw 500. The applicant has submitted a landscaping plan attached as *Schedule No. 3*. Please note that the existing Fir Trees on the property will remain. Staff recommend that, prior to issuance of this permit, the applicant submit a landscaping security deposit in the amount of fourteen thousand, nine hundred dollars (\$14,900.00) to ensure the work is completed. The applicant proposes to provide additional landscaping along a slope of land that exists in the interior of the lot and along the southern boundary of the property. It is anticipated that the proposed development will be visually compatible with the surrounding uses and will improve the view corridor along the Island Highway.

In staff's assessment of this application, the proposed development satisfies the Form and Character Development Permit Area guidelines.

VOTING

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

SUMMARY/CONCLUSIONS

This is an application for a development permit within the Highway Corridor and Form and Character Development Permit Areas pursuant to "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005" to permit the construction of 5 engineered metal industrial buildings and site improvements. This application does not include a request to vary the requirements of Bylaw No. 500. The buildings are setback and appropriately screened from the Island Highway. The proposed development is consistent with the IN1 zoning regulations and the applicable development permit area guidelines. Therefore, staff recommends that this application be approved subject to the terms of Schedule No. 1.

RECOMMENDATION

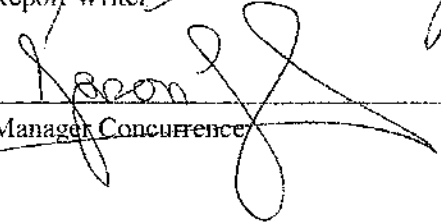
That Development Permit Application No. 60617, to allow a sales and service building, four storage buildings, landscaping and parking improvements, and a fascia sign at 1451 Island Highway East, be approved subject to the terms of Schedule No. 1.




Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devsys/reports/2006/dp may 3060 30 60617 Western Cruiser Sales Ltd.

Schedule No. 1
Terms of Development Permit No. 60617
For Lot 1, District Lot 56, Nanoose District, Plan 26235
1451 East Island Highway

Issuance of Development Permit

- a) Staff shall not issue DP60617 until the following conditions are met to the satisfaction of the Regional District of Nanaimo:
 - i) The applicant shall submit an access permit as issued from the Ministry of Transportation.
 - ii) The applicant shall submit an engineered storm water management plan for the development.
 - iii) The applicant shall submit a landscaping security deposit in the amount of fourteen thousand, nine hundred dollars (\$14,900.00).

Development of Site

- a) Subject property to be developed in substantial compliance with Schedule No. 1, 2, and 3.
- 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 applicant 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.
- d) The applicant shall develop the site in accordance with *Provincial* and *Federal* regulations. 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 including, but not limited to, the development of a septic disposal system to Ministry of Health standards.
- e) Refuse containers shall be located to the rear of buildings.

Landscaping

- a) Landscaping and vegetation shall be provided and maintained at the applicants' expense in accordance with Schedule No. 2 and shall, at a minimum, satisfy the following criteria:
 - i) Individual plants to be used in the landscaping shall have normal, well developed branches and vigorous, fibrous root systems; such plants shall be healthy, vigorous and free from defects, decay, disfiguring roots, sunscald, injuries, abrasions of the bark, plant diseases, insect pests, eggs, borers and all forms of infestations or other objectionable disfigurements.
 - ii) All landscaping shall be permanently maintained in good condition with, at the minimum, the same quality and quantity of landscaping as was initially approved and within alteration of the approved design.
 - iii) The landscaping screen shall be located on the property between the west property line and the chain link fence.
- a. The Regional District of Nanaimo shall hold a landscaping security deposit in the amount of fourteen thousand, six hundred dollars (\$14,600.00), to be returned to the applicant upon

completion of the proposed landscaping improvements to the satisfaction of the Regional District of Nanaimo.

- b. All landscaping improvements shall be completed within twelve (12) months from the date of issuance of this permit.
- c. The issuance of this permit in no way precludes future development permits from requiring additional landscaping nor does it preclude future developments from being required to meet "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" landscaping requirements.

Storm Water Management

- a) All drainage from the parking area shall be directed into a catch basin and through an engineered oil/water separator sized in accordance with the Ministry of Environment guidelines and subject to the approval of the Ministry of Transportation and the Regional District.

Parking

- a) A minimum of 13 onsite parking spaces shall be provided in accordance with Schedule No. 2.
- b) All parking spaces shall be paved and clearly delineated with paint, or concrete bump stops, or both.
- c) The applicant shall provide a minimum of one (1) loading area and the loading area shall be clearly marked "LOADING SPACE ONLY" on either a pavement area or wall facing.
- d) The loading area and all parking spaces shall be constructed in accordance with "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."
- e) The issuance of this permit in no way precludes future development permits from requiring additional parking or from requiring that hard durable surfaces be provided and maintained.

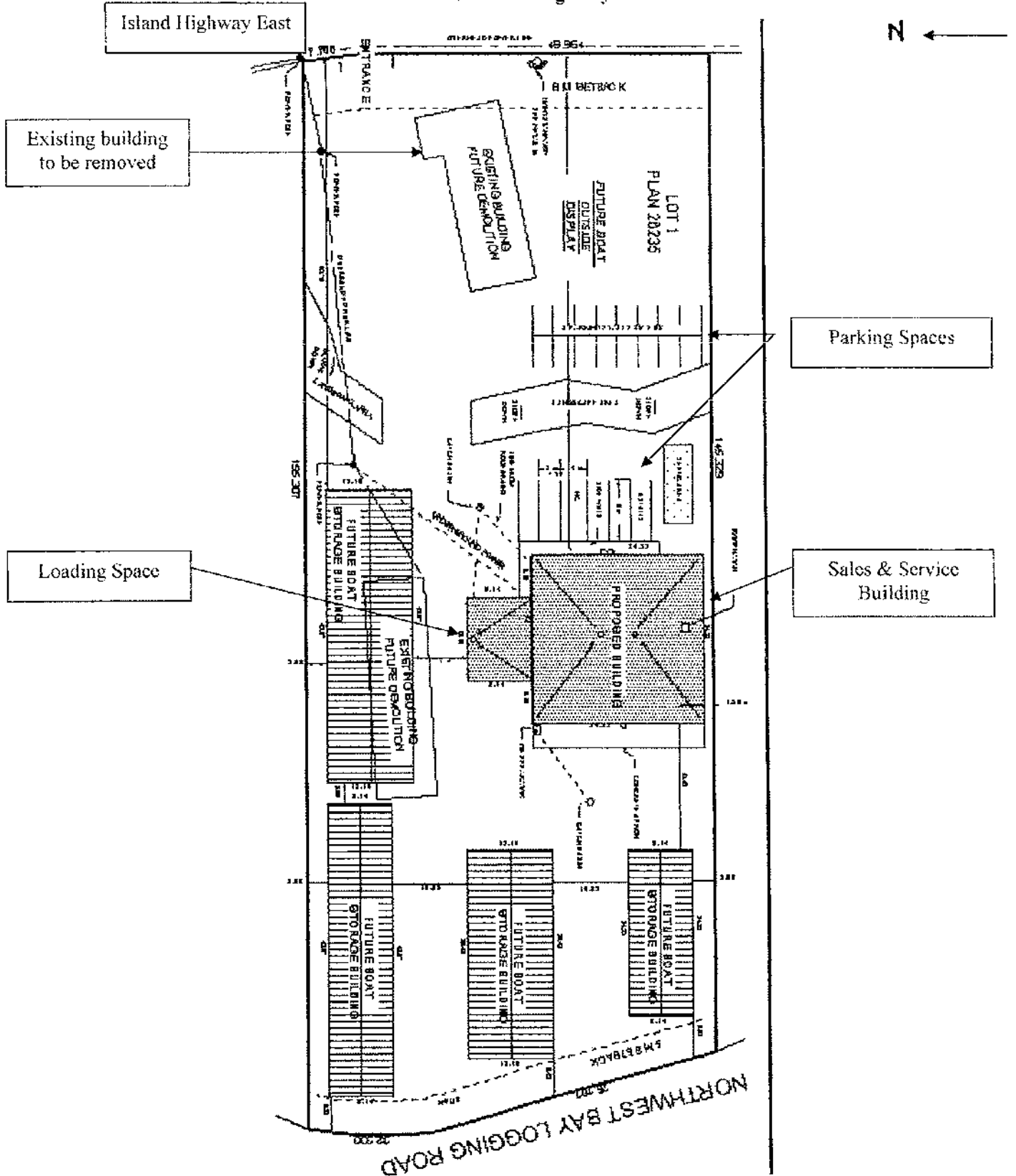
Signs

- a) One fascia sign is permitted and shall not exceed a maximum surface area of 11 m² nor have a height or width exceeding 4 metres, in accordance with Bylaw No. 993.
- b) No freestanding sign is permitted on the property.

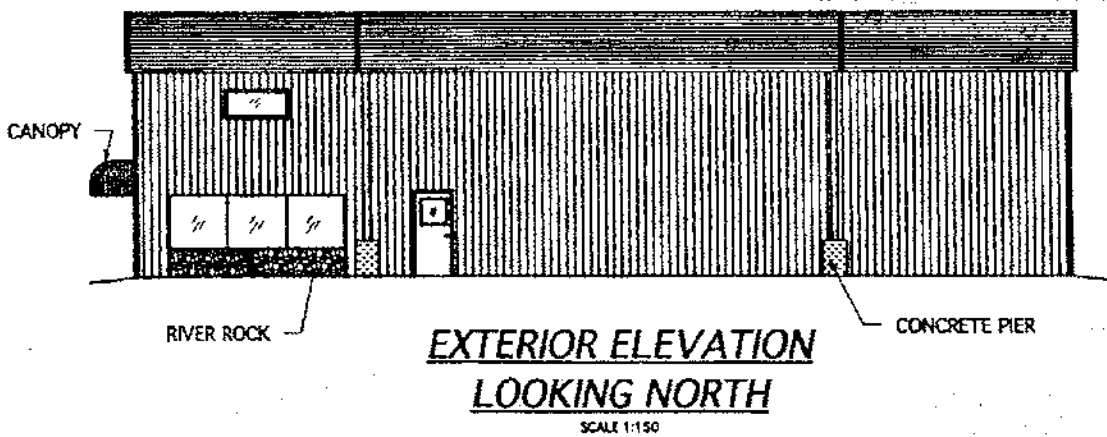
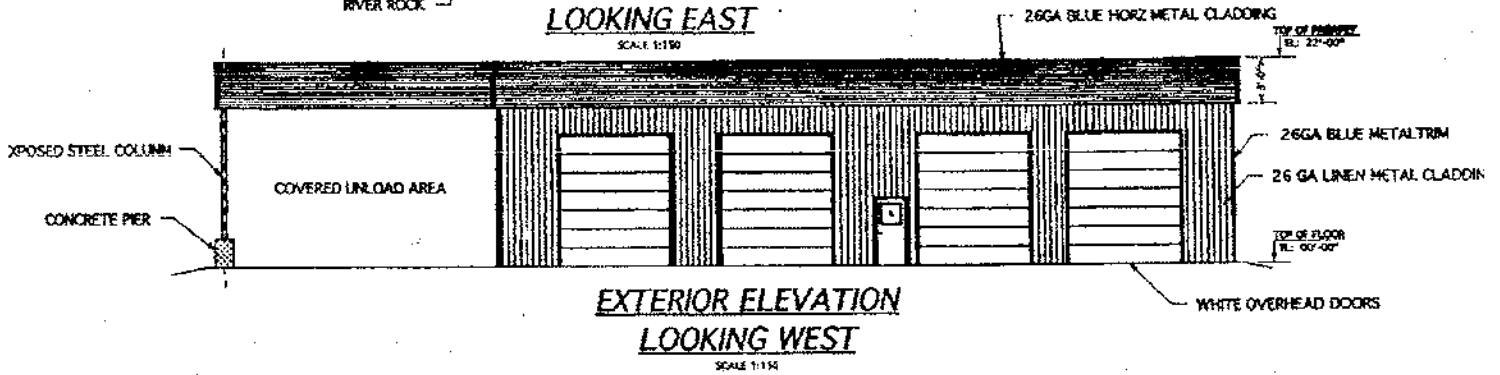
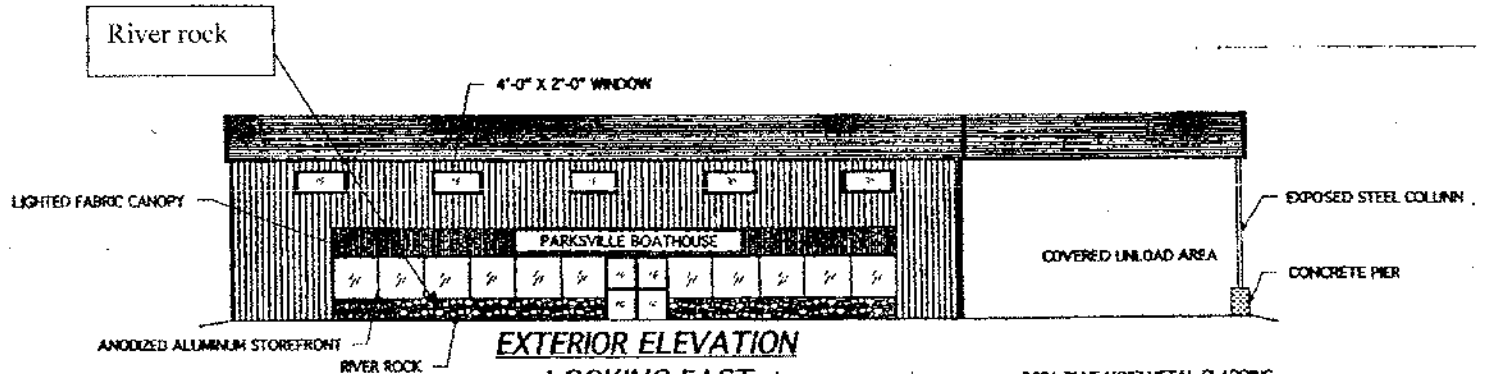
Access

- a. The applicant shall develop the proposed access in accordance with all conditions and recommendations contained within the access permit as issued by the Ministry of Transportation to the satisfaction of the Ministry of Transportation.
- b. All driveway surfaces shall be paved or comprised of a hard, durable, dust free surface.

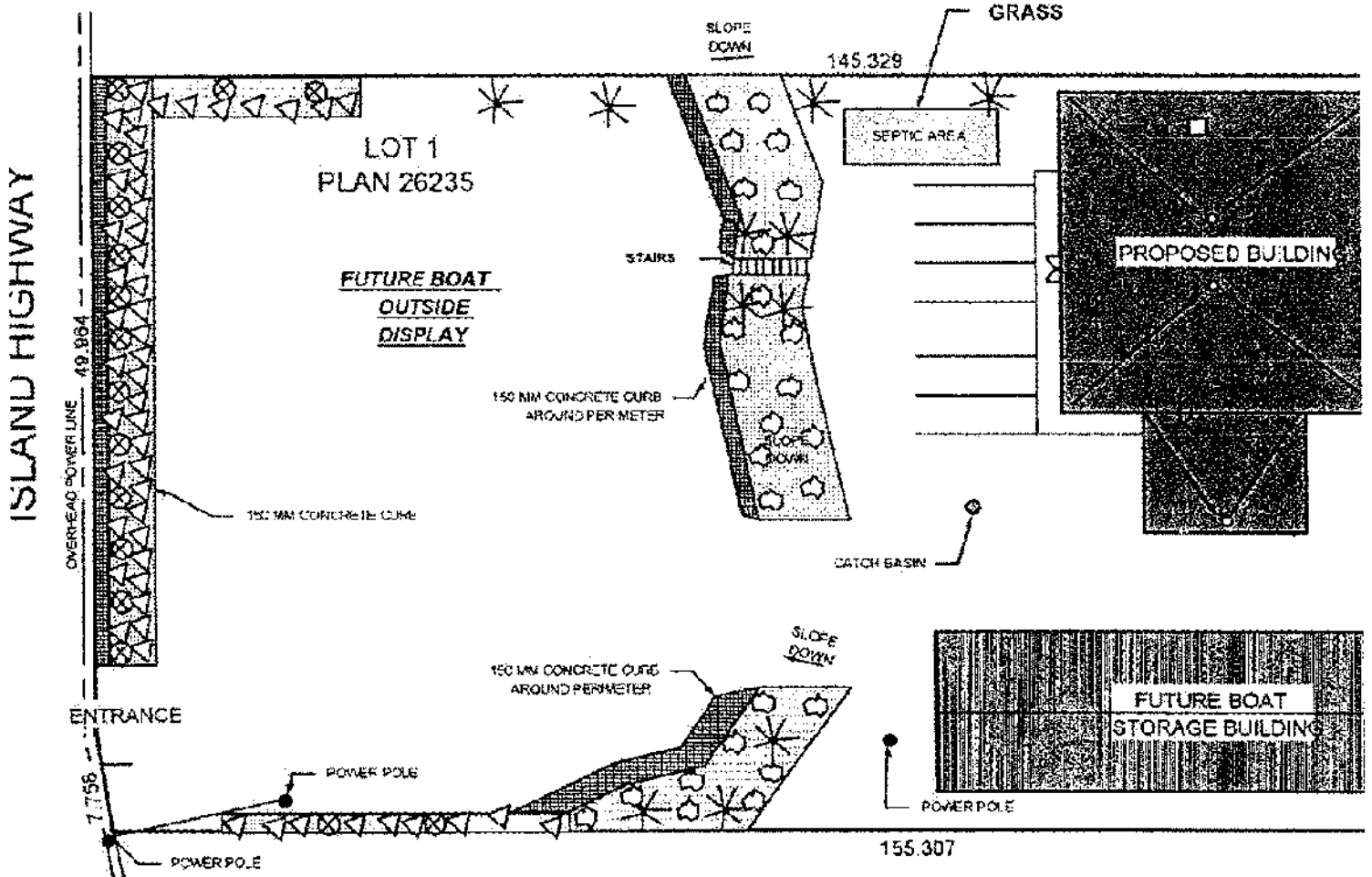
Schedule No. 2 (page 1 of 2)
Site, Parking and Building Plan
(as submitted by the applicant and reduced for convenience)
Development Permit Application No. 60617
1451 East Island Highway



Schedule No. 2 (page 2 of 2)
Building Plan
(as submitted by the applicant and reduced for convenience)
Development Permit Application No. 60617
1451 East Island Highway



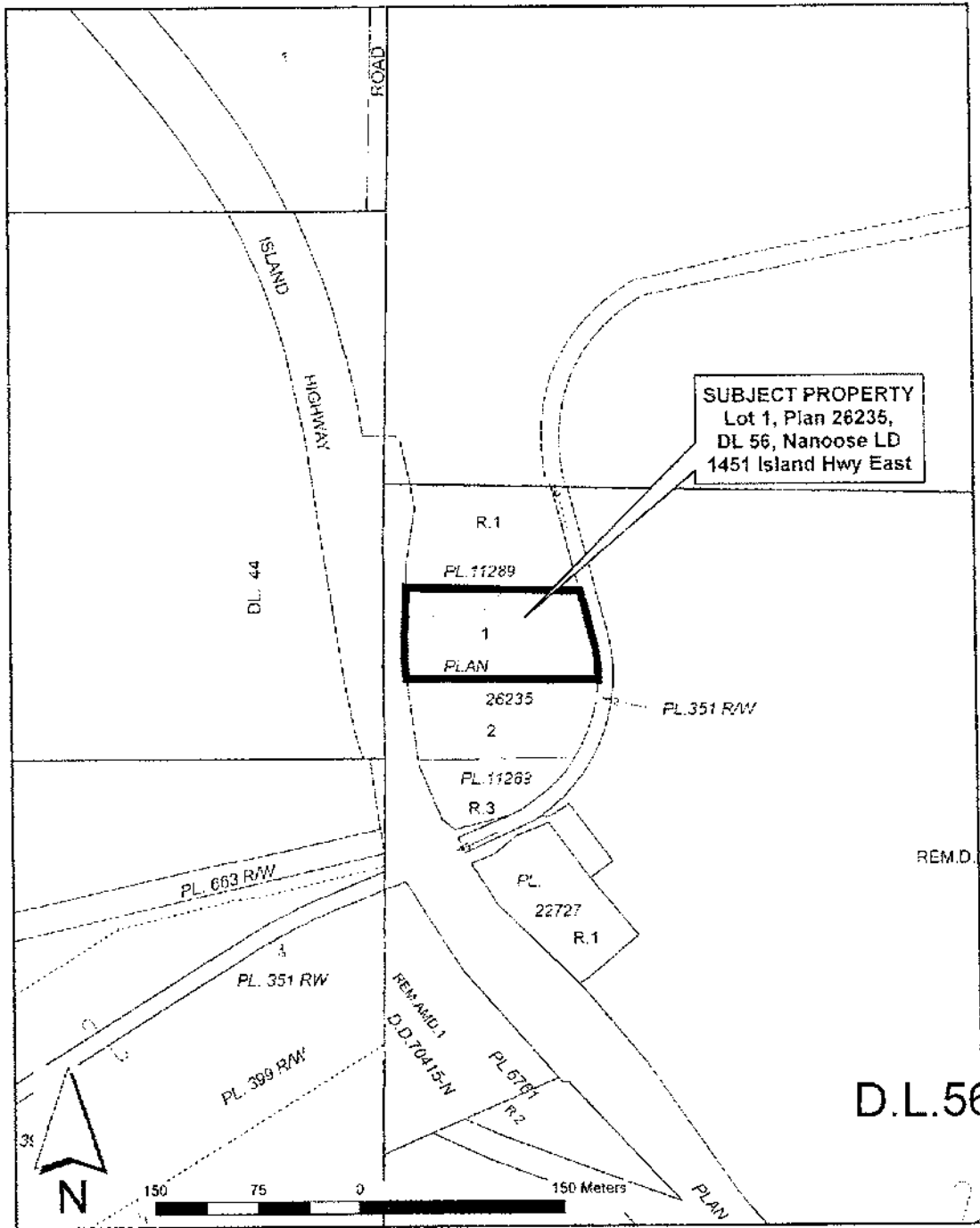
Schedule No. 3
Landscaping Plan
 (as submitted by the applicant and reduced for convenience)
 Development Permit Application No. 60617
 1451 East Island Highway



| LANDSCAPE MATERIAL | | | | |
|--------------------|--------|---|--------------------|----------|
| NO. | SYMBOL | NAME | QTY | H.T. |
| 1 | | RIVER ROCK | 89 M ² | 75-200MM |
| 2 | | EXISTING FIR TREES | N/A | 6-10M |
| 3 | | CREEPING JUNIPER TREES | 25 | 150 MM |
| 4 | | BARK MULCH | 300 M ² | N/A |
| 5 | | AUSTRIAN PINE | 14 | 2-7M |
| 6 | | KENTUCKY BLUE GRASS | 170 M ² | N/A |
| 7 | | ARBUTUS UNEBA-COMPACTA STRAWBERRY HEDGE | 52 | 2M |



Attachment No. 1
Subject Property
Development Permit Application No. 60617
1451 East Island Highway



Mapsheet 92F.029.4.4



| | | | |
|-------------|--------------------|--------|--|
| RDN | | | |
| CAO | <i>[Signature]</i> | GMES | |
| GMCS | | GMR&P | |
| GMDS | | GMR7&P | |
| APR 28 2006 | | | |
| CHAIR | | BOARD | |
| <i>EA</i> | | | |
| | | | |
| | | | |

MEMORANDUM

TO: Jason Llewellyn
Manager of Community Planning

DATE: April 28, 2006

FROM: Norma Stumborg
Planner

FILE: 3060 30 60620

SUBJECT: Development Permit Application No. 60620 – Helen Sims for Craig Finney and Lisa Marie Welker – Finney
Electoral Area 'H' – Maple Guard Drive

PURPOSE

To consider an application for a development permit within the Environmentally Sensitive Features and Hazard Lands Development Permit Areas pursuant to the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003." The application includes a request to vary the maximum permitted height from 8.0 metres to 8.6 metres.

BACKGROUND

This application is to facilitate the construction of a dwelling and detached garage on the subject property legally described as Strata Lot C, District Lot 36, Newcastle District, Strata Plan VIS3777 (*see Attachment No. 1*). The property is in a residential neighbourhood and is bordered on all sides by residential properties with the coastline located to the north. The subject property forms part of a three lot bare land strata on Maple Guard Drive in Electoral Area 'H'. The land is serviced with a community water system and strata owned septic disposal system.

The proposed development is within the Environmentally Sensitive Features and Hazard Lands Development Permit Areas pursuant to the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003." These Development Permit Areas were established to protect the natural environment, aquifer, and development from hazardous conditions.

The subject property is zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." This application includes a request to vary the maximum dwelling unit height pursuant to Bylaw No. 500, 1987, from 8.0 metres to 8.6 metres. The site plan and elevation drawings for the proposed house and garage are shown on Schedules No. 2 and 3.

The subject property is not located within a building inspection area; therefore, a building permit is not required for the construction of the structures, and the regulations of "Floodplain Bylaw No. 1469" do not apply. A covenant on the Certificate of Title requires that structures not be located within 15.0 metres horizontal distance from the natural boundary of the Strait of Georgia and that the underside of the floor be constructed at an elevation of 1.5 metres above the natural boundary. The surveyed site plan shows that the location of the dwelling complies with the setback and elevation requirements specified in the covenant.

ALTERNATIVES

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

LAND USE AND DEVELOPMENT IMPLICATIONS

The building site is located at the top of a steep slope and has been cleared of vegetation and stripped of topsoil. In order to site the house and garage outside of the 15.0 metre setback from the ocean, the applicant intends to excavate into the slope. The proposed development has been evaluated for ground and drainage conditions by Lewkowich Geotechnical Engineering Ltd. The engineer determined that the site is safe for the intended use under the following given constraints:

- A floor elevation of 1.5 metres above the local natural boundary shall be established;
- The foundation subgrade soils shall be recompacted prior to placement of the footings; and,
- The foundation walls that encroach into the slope shall be structurally engineered to replace the support for the slope and driveway that will be removed.

Developing the property in accordance with the engineer's recommendations is a term of the development permit.

A long narrow panhandle driveway, that drops 16.2 metres (53 ft) in elevation, provides access to the lot. A drainage system runs along the side of the driveway and directs flows away from the house and road. The engineer determined that further grading of the cut/fill slopes or installation of additional drainage measures relating to the access road are not considered necessary. The applicant proposes to divert drainage from the house and garage into dry well rock pits.

The applicant intends to seed the area between the house and garage with grass. The rest of the lot will remain in native vegetation, which consists mostly of wild rose shrubs with a mix of deciduous and coniferous trees. There are no known environmentally sensitive features on the subject property. Staff recommends that land alteration be limited to that which is absolutely necessary to site the structures and that any disturbed areas are replanted using best practices with native vegetation to reduce the potential for erosion from the site.

Because the building site is located at the base of a steep and tall slope, the house will not be visible by surrounding property owners or the street. It is noted that the proposed house will be approximately 8 metres in height from finished grade and is only over height as a result of the need to elevate the structure. Additionally, all land owners and tenants within 50.0 metres of the subject property will receive notice of the proposed variances and will be afforded an opportunity to comment on the proposed development prior to the Board making its decision on the application. Staff concluded that the requested height variance of 0.6 m is minor and does not appear to create any notable impacts to the surrounding properties or the streetscape. Therefore, staff recommends approval of the requested variance subject to the terms outlined in Schedule No. 1.

VOTING

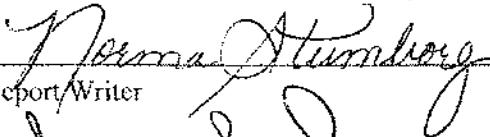
Electoral Area Directors - one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

This is an application for a development permit with a variance to construct a dwelling and garage on a parcel that is designated within the Environmentally Sensitive Features and Hazard Lands Development Permit Areas. From staff's assessment of this application, Development Permit Application No. 60620 is acceptable given the terms outlined in Schedule No. 1, as the applicants have adequately addressed the safety and drainage issues in accordance with the recommendations of a geotechnical engineer; and the proposed variance does not appear to negatively impact the neighbours.

RECOMMENDATION

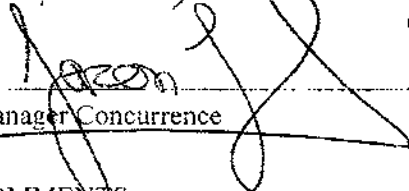
That Development Permit Application No. 60620, with a variance to allow the construction of a dwelling, be approved according to the terms outlined in Schedule No. 1 and subject to consideration of the comments received as a result of public notification.




Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:
devsvs/reports/2006/dp ma 3060 30 60620 Finney Report

Schedule No. 1
Terms of Development Permit No. 60620
For Strata Lot C, District Lot 36, Newcastle District, Strata Plan VIS3777

Covenant

- a) Prior to the issuance of this permit and at the applicant's expense, the Geotechnical Report and addendum and any subsequent addendums, as well as a Restrictive Covenant saving the Regional District of Nanaimo harmless from any action or loss that might result from flooding or erosion, shall be registered on the Certificate of Title as a Section 219 Covenant to the satisfaction of the Regional District of Nanaimo.

Development of Site

- b) The site development must be completed in substantial compliance with Schedules No. 1, 2, and 3.
- 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. 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.
- e) The applicant shall develop and maintain the subject property in accordance with the recommendations established by the Geotechnical Reports prepared by Lewkowich Geotechnical Engineering Ltd. dated March 28, 2006, and April 28, 2006, and any subsequent geotechnical reports.
- f) No habitation or storage of items damageable by flood waters shall be located below the main floor elevation.
- g) 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:
 - i) Exposed soils must be seeded as soon as possible to reduce erosion during rain events;
 - ii) Tarps, sand bags, poly plastic sheeting, and/or filter fabric are required to be on-site during the works;
 - iii) Temporary fill or soil stockpiles must be covered with polyethylene or tarps; and,
 - iv) The discharge of surface drainage, including drainage from perimeter drains, roof leaders, driveways, and other hard surfaces, shall be directed away from the ocean into dry well pits.
- h) If the applicant intends to undertake further grading of the cut/fill slopes or installation of additional drainage measures relating to the access road, a geotechnical engineering review of the work is required prior to commencing work.
- i) A final survey prepared by a British Columbia Land Surveyor shall be submitted by the applicant to the Regional District of Nanaimo that shows the siting and height of the dwelling within 60 days of the date of completion of the proposed works.
- j) The applicant shall not dispose of substances or contaminants on the subject property that may be harmful to the aquifer.

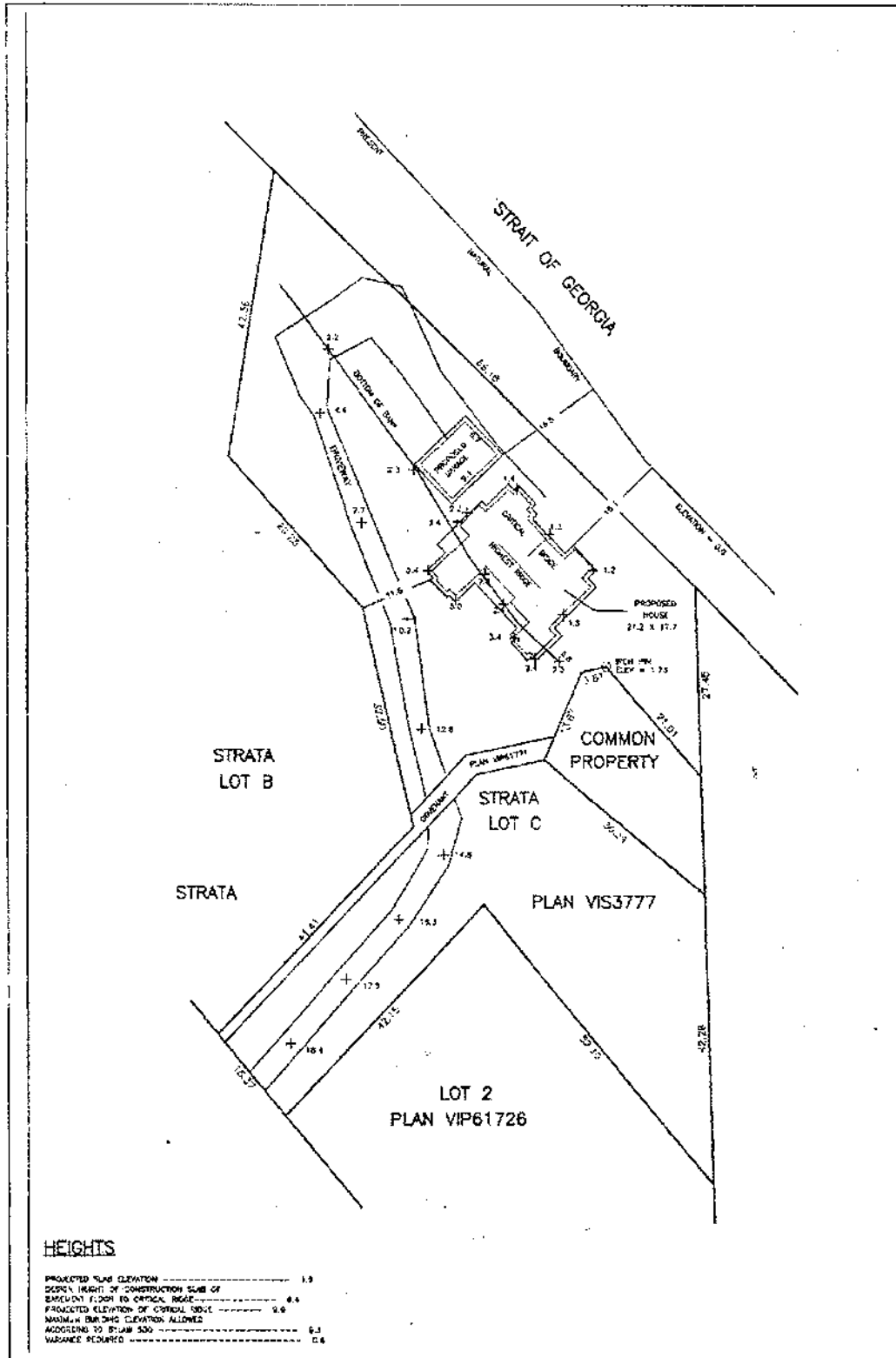
Vegetation

- k) 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.
- l) Any disturbed areas shall be replanted with native grasses. Additional planting of trees, shrubs, or groundcovers for the purpose of enhancing the habitat values and/or soil stability within the Development Permit Area shall be permitted provided the planting is carried out in accordance with the guidelines provided in Stream Stewardship, 1993 and Land Development Guidelines, 1992 publications by the Department of Fisheries and Oceans Canada and the Ministry of Environment, and the Environmental Requirements and Best Management Practices for the Review of Land Development Proposals, March 2001, publication by the Ministry of Environment and subsequent editions prior to commencing work.

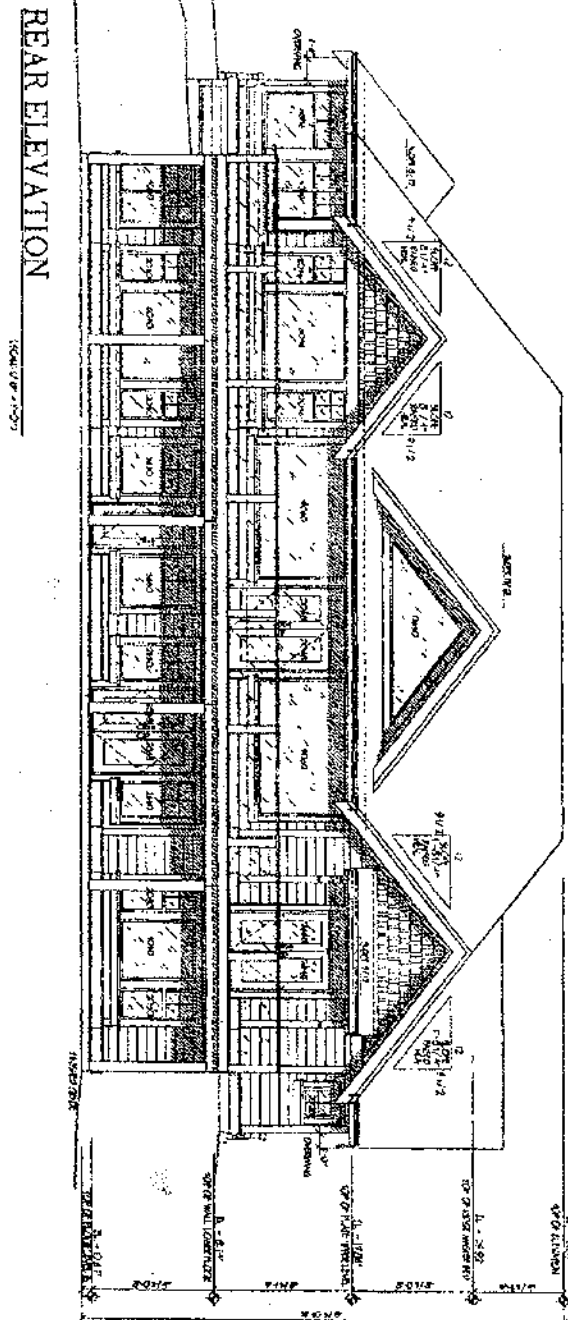
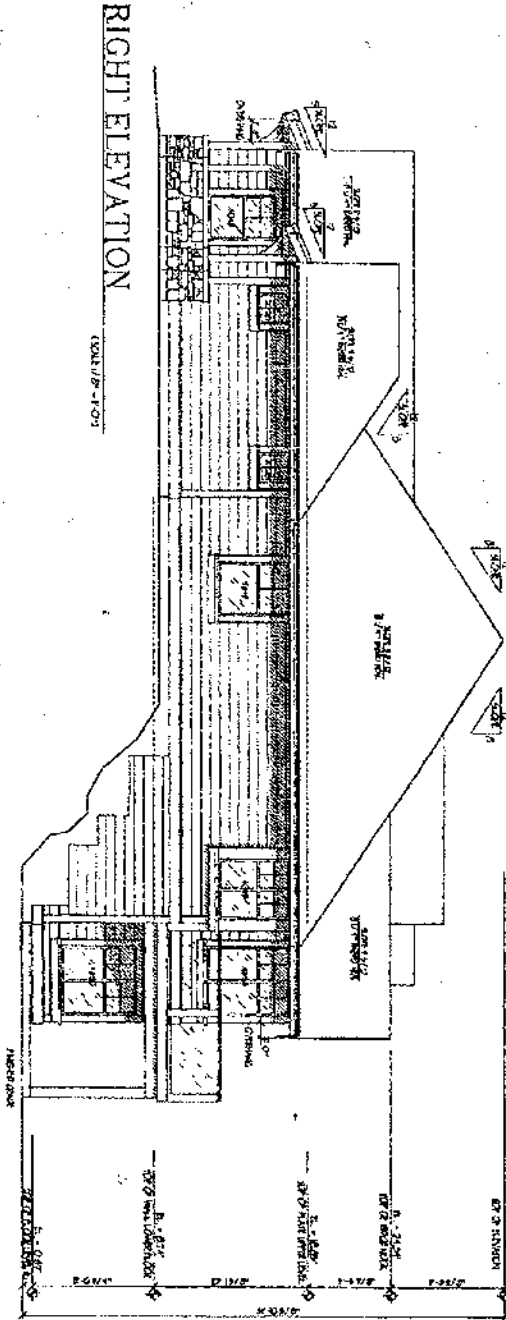
Proposed Variance to RDN Bylaw No. 500, 1987,

- m) "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," is hereby varied by increasing the maximum dwelling unit height in the Residential 2 (RS2) zone from 8.0 metres to 8.6 metres. The variances apply only to a building designed and sited in substantial compliance with Schedules No. 2 and 3.

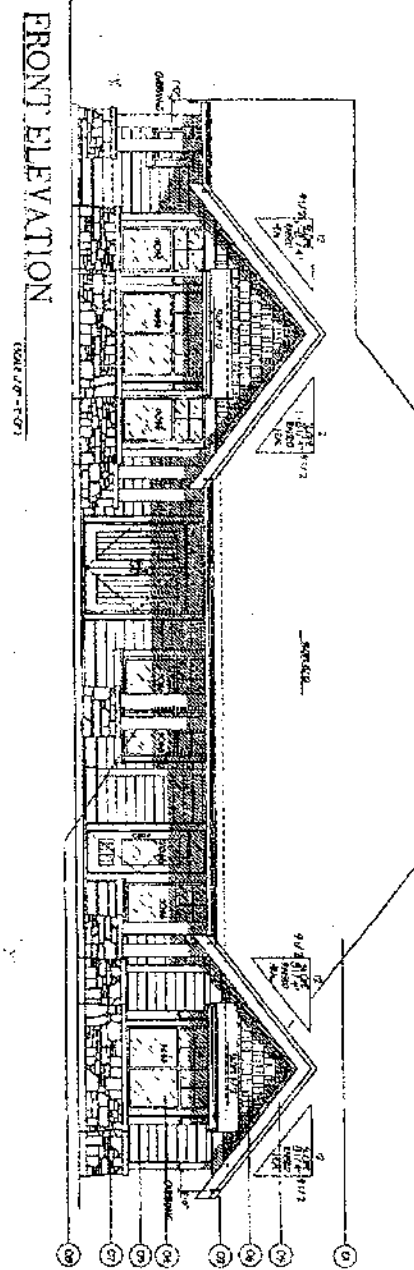
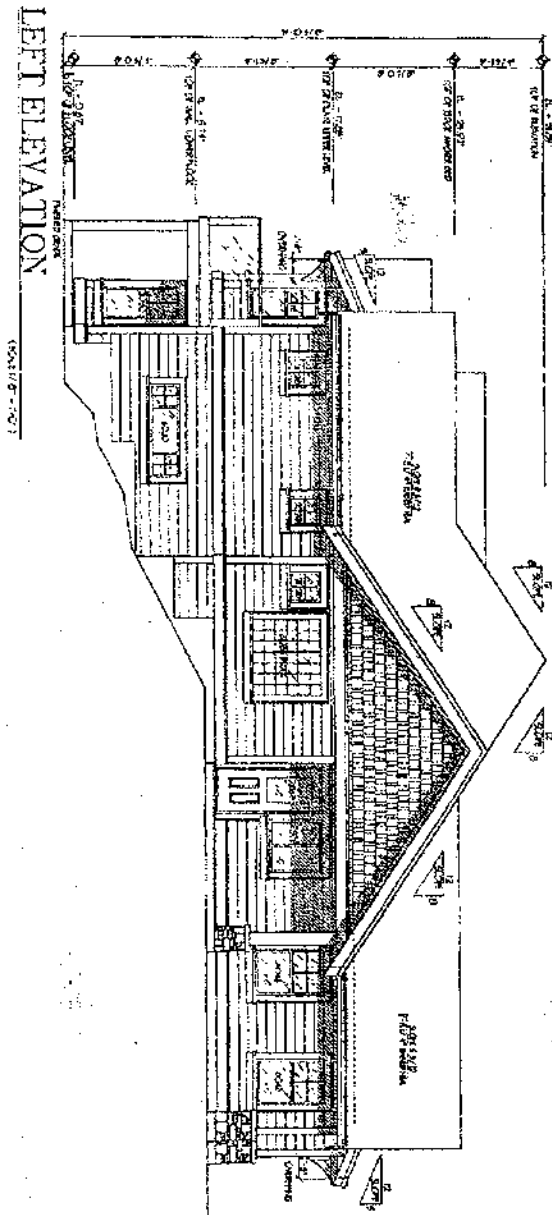
Schedule No. 2
Site Plan (submitted by applicants, reduced for convenience)
Development Permit No. 60620
For Strata Lot C, District Lot 36, Newcastle District, Strata Plan VIS3777



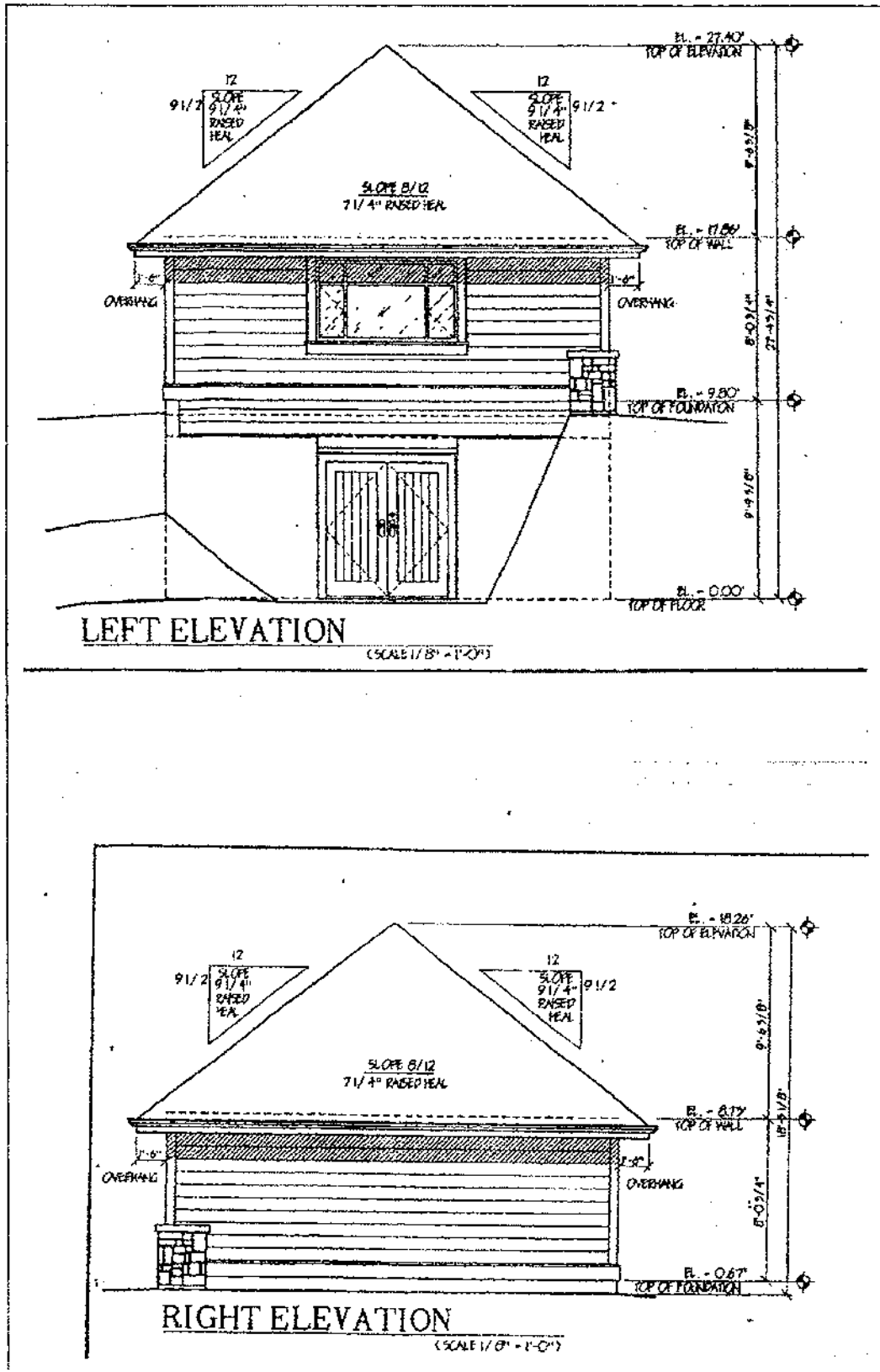
Schedule No. 3 (page 1 of 4)
Site Plan (submitted by applicants, reduced for convenience)
Development Permit No. 60620
For Strata Lot C, District Lot 36, Newcastle District, Strata Plan VIS3777



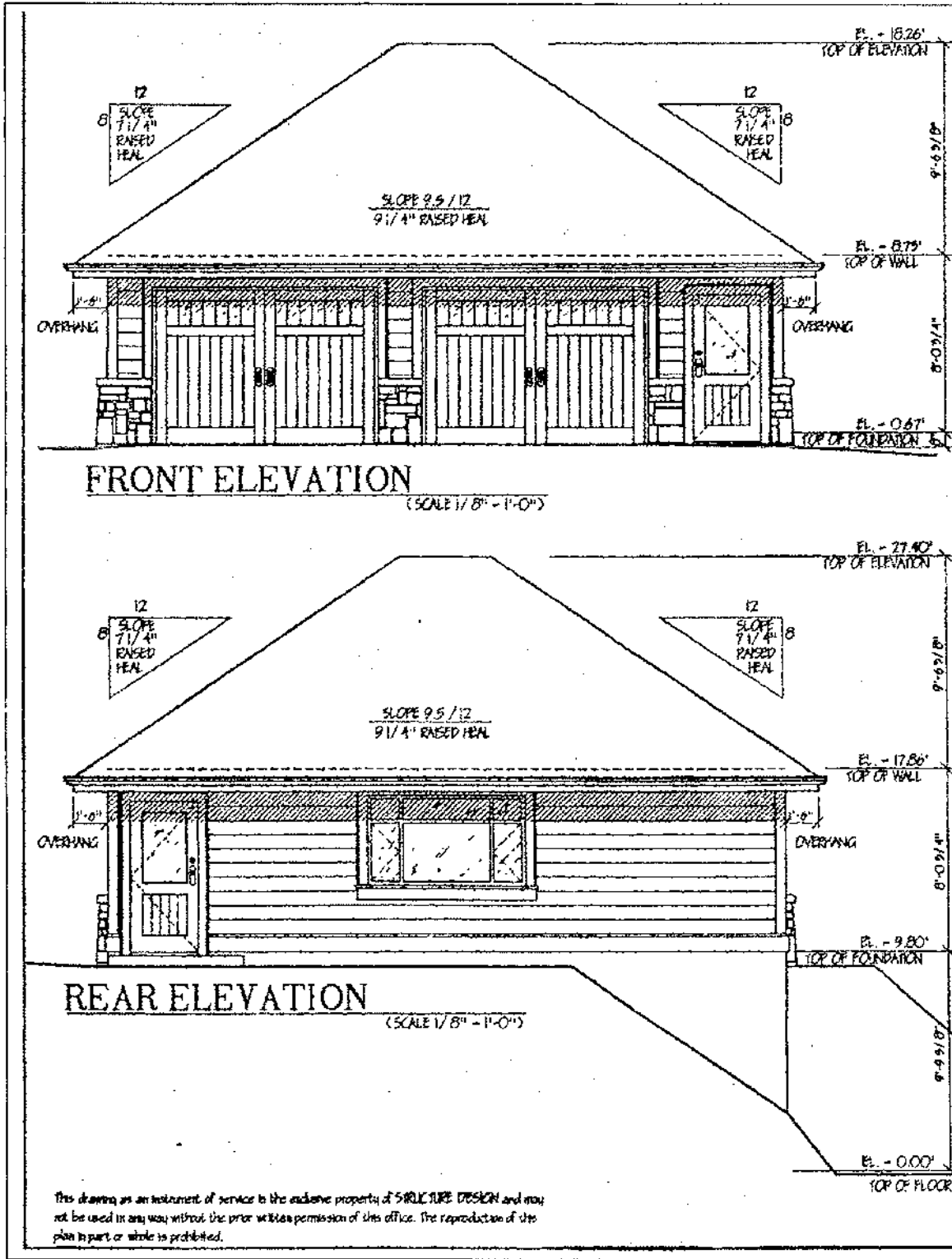
Schedule No. 3 (page 2 of 4)
Site Plan (submitted by applicants, reduced for convenience)
Development Permit No. 60620
For Strata Lot C, District Lot 36, Newcastle District, Strata Plan VIS3777



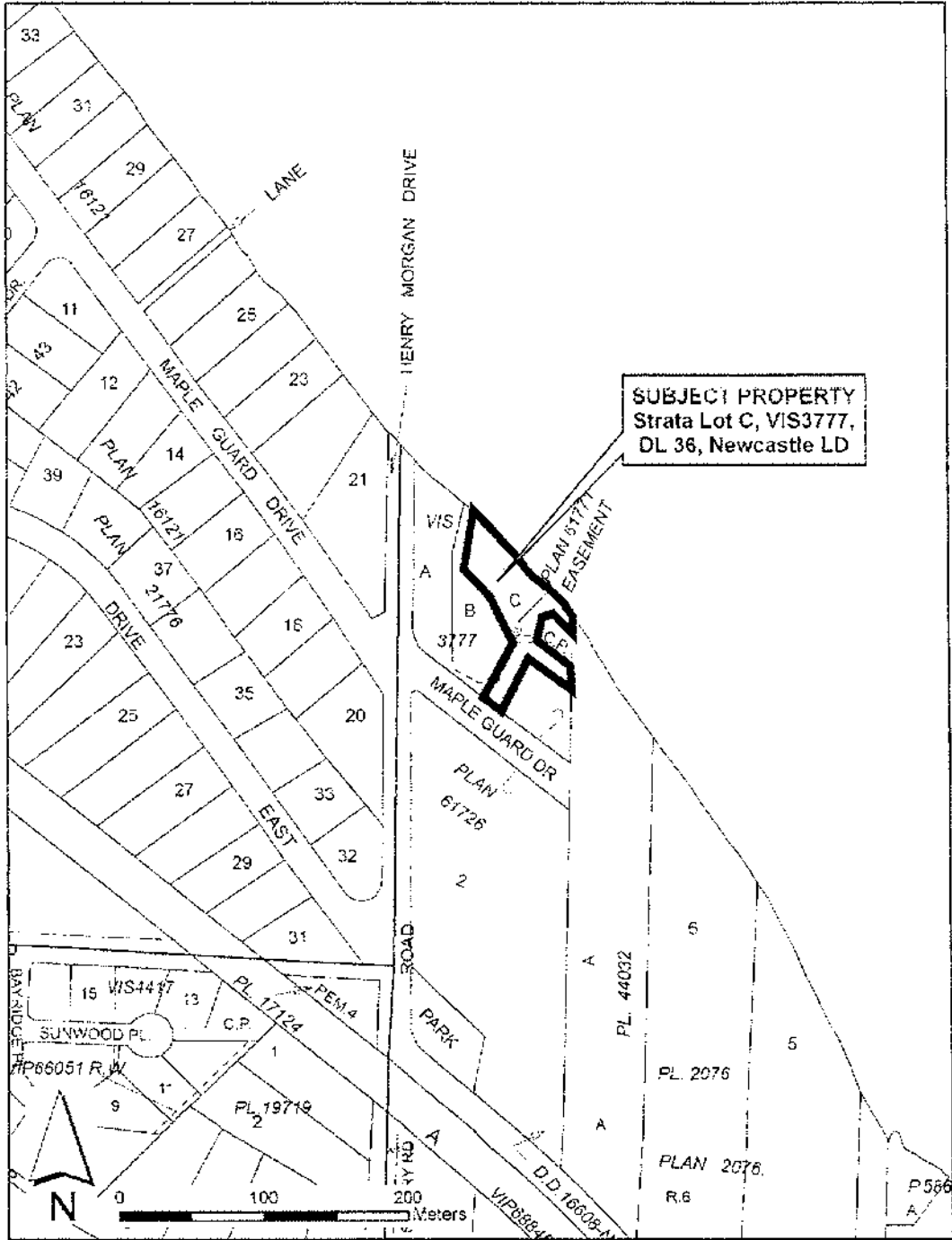
Schedule No. 3 (page 3 of 4)
Site Plan (submitted by applicants, reduced for convenience)
Development Permit No. 60620
For Strata Lot C, District Lot 36, Newcastle District, Strata Plan VIS3777



Schedule No. 3 (page 4 of 4)
Site Plan (submitted by applicants, reduced for convenience)
Development Permit No. 60620
For Strata Lot C, District Lot 36, Newcastle District, Strata Plan VIS3777



Attachment No. 1
Subject Property
Development Permit No. 60620
For Strata Lot C, District Lot 36, Newcastle District, Strata Plan VIS3777





| | | |
|-------------|------------|---------|
| R-D N | | |
| CAO | (initials) | GMES |
| GMCS | | GMR&P |
| GMDS | | GMR T&P |
| APR 28 2006 | | |
| CHAIR | | BOARD |
| EAP | | |

MEMORANDUM

TO: Wayne Moorman
Manager, Engineering & Subdivisions

DATE: April 26, 2006

FROM: Susan Cormie
Senior Planner

FILE: 3060 30 60621
c/r 3320 20 26774

SUBJECT: Development Permit Application No. 60621
Fern Road Consulting Ltd., on behalf of Michael Eddy, Lorie Eddy, Patricia Greenham, & Corinne Barker
Electoral Area 'H' -- Moors, Blackbeard, and Maple Guard Drives

PURPOSE

To consider an application for a development permit in conjunction with the creation of a lot line adjustment subdivision within an Environmentally Sensitive Features Development Permit Area in Electoral Area 'H'.

BACKGROUND

The parent parcels, legally described as Lots 8, 9, & 10, All of District Lot 40, Newcastle District, Plan 20505, are located adjacent to Moors, Blackbeard, and Maple Guard Drives in Electoral Area 'H' (See Attachment No. 1 on page 6 for location of parent parcels).

The properties, which total approximately 6354 m² in size, are currently zoned Residential 2 (RS2) and are within Subdivision District 'M' pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." Lots 8 and 10 currently support 1 dwelling unit each while Lot 9 is vacant. The parent parcels are surrounded by residentially zoned parcels.

In addition, the parent parcels are 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 applicants are proposing to develop the site, a development permit is required.

Proposed Development

The applicants are proposing to reconfigure the lot lines of the 3 parent parcels by eliminating the middle parcel and creating 2 larger parcels. The proposed parcels will be greater than the required minimum 2000 m² parcel size and have existing community water service connections from Deep Bay Waterworks District and private individual septic disposal systems (see Schedule No. 2 on page 5 for proposed subdivision layout).

As part of the development permit application, the applicants submitted an environmental report prepared by EBA Engineering Consultants Ltd.

ALTERNATIVES

1. To approve the Development Permit Application No. 60621, 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.

DEVELOPMENT IMPLICATIONS

Development Permit Guidelines

With respect to the development permit guidelines for protection of the aquifer, the applicant has submitted an Environmental Report prepared by a Professional Engineer. The report concludes that since the subdivision proposal will have no impact on the underlying aquifer or the groundwater resources, no mitigative or protective measures are required. It is noted that the applicants are planning to keep the proposed expanded areas of each parcel in its current condition and are not planning any development or development related activities, including wells or otherwise utilizing the groundwater resources beneath the proposed expanded lots. Staff recommends that the Development Permit include this report and a condition that no wells be permitted (*see Schedule No. 1 on page 4 for list of conditions of Permit*).

Site Servicing Implications

There are existing community water service connections and septic disposal systems to each proposed parcel.

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.

VOTING

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

SUMMARY

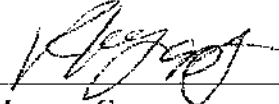
This is an application for a development permit for 3 parent parcels located adjacent to Moors, Blackbeard, and Maple Guard Drives in Electoral Area 'H'. The parent parcels are designated within the Environmentally Sensitive Features Development Permit Area pursuant to the Electoral Area 'H' OCP specifically for the purpose of ensuring protection of the aquifer. The applicants are proposing to develop the 3 existing parent parcels into 2 parcels. Although there is no development activity proposed for this subdivision application as there are existing dwelling units on Lots 8 and 10, the engineer's report indicates that the applicants will not be drilling wells or otherwise utilizing the groundwater resources. Therefore, staff recommends that the development permit include the engineer's report and restrict the use of wells or groundwater resources. As the proposed subdivision is consistent with the applicable guidelines concerning protection of the aquifer outlined in the Environmentally Sensitive Features Development Permit Area, staff recommends Alternative No. 1, to approve the development permit subject to conditions outlined in Schedules No. 1 and 2.

RECOMMENDATION

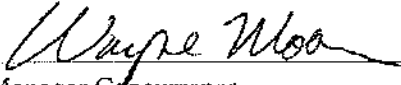
That Development Permit Application No. 60621 submitted by Fern Road Consulting Ltd., on behalf of Fern Road Consulting Ltd., on behalf of Michael Eddy, Lorie Eddy, Patricia Greenham, & Corinne Barker, in conjunction with the subdivision on the parcels legally described as Lots 8, 9, & 10, All of District Lot 40, Newcastle District, Plan 20505 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



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devsrs/reports/2006/ma dp 3060 30 60621/ subd 26774 fern road eddy, greenham, barker

**Schedule No. 1
Conditions of Approval
Development Permit Application No. 60621**

The following sets out the conditions of approval:

1. Hydrological Report

The construction of the subdivision and subsequent development of the proposed parcels shall be in accordance with the Environmental Report; prepared by EBA Engineering Consulting Ltd., File No. 2840400 and dated March 28, 2006 (to be attached to and forming part of the Development Permit).

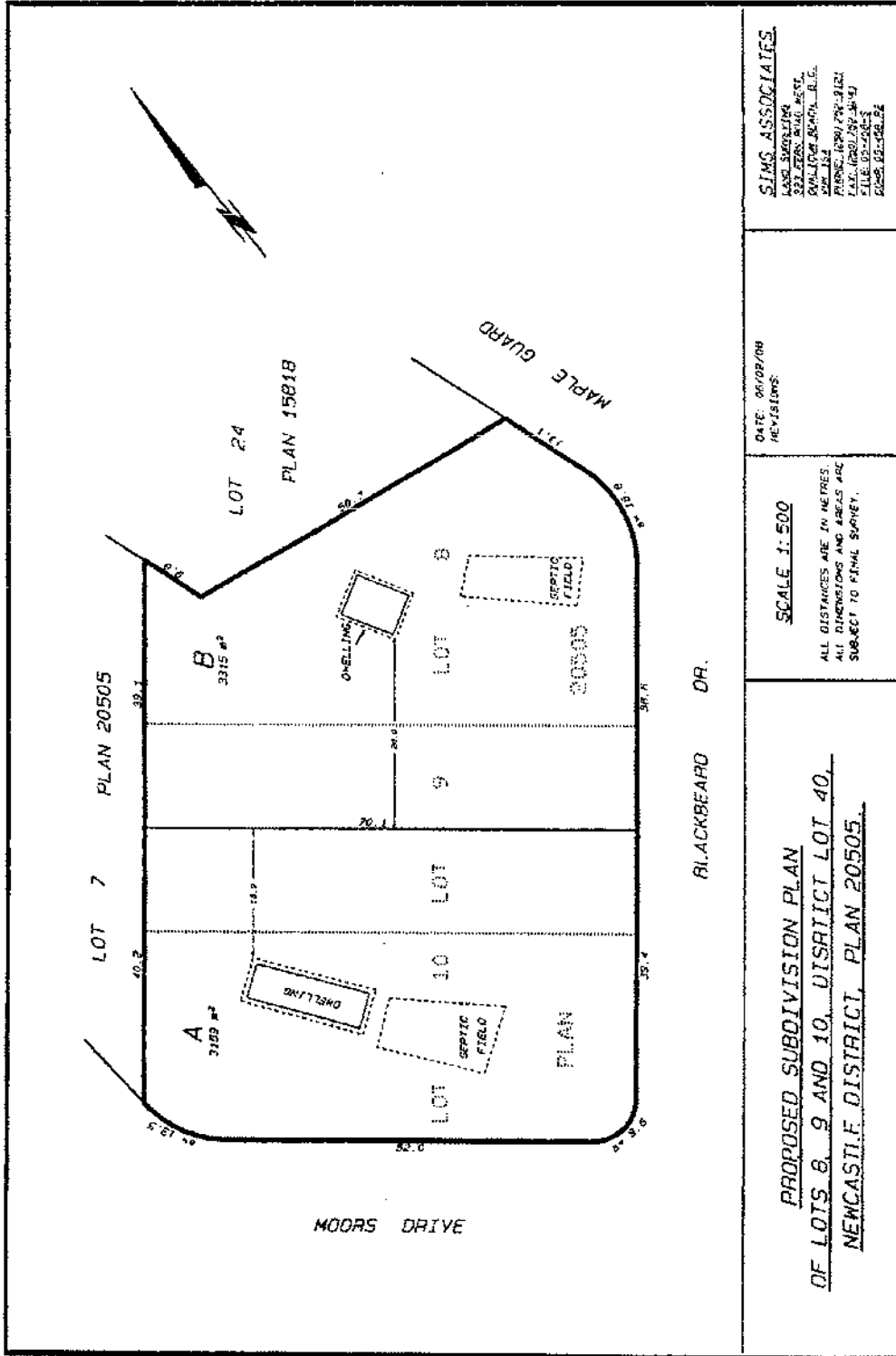
2. Subdivision

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

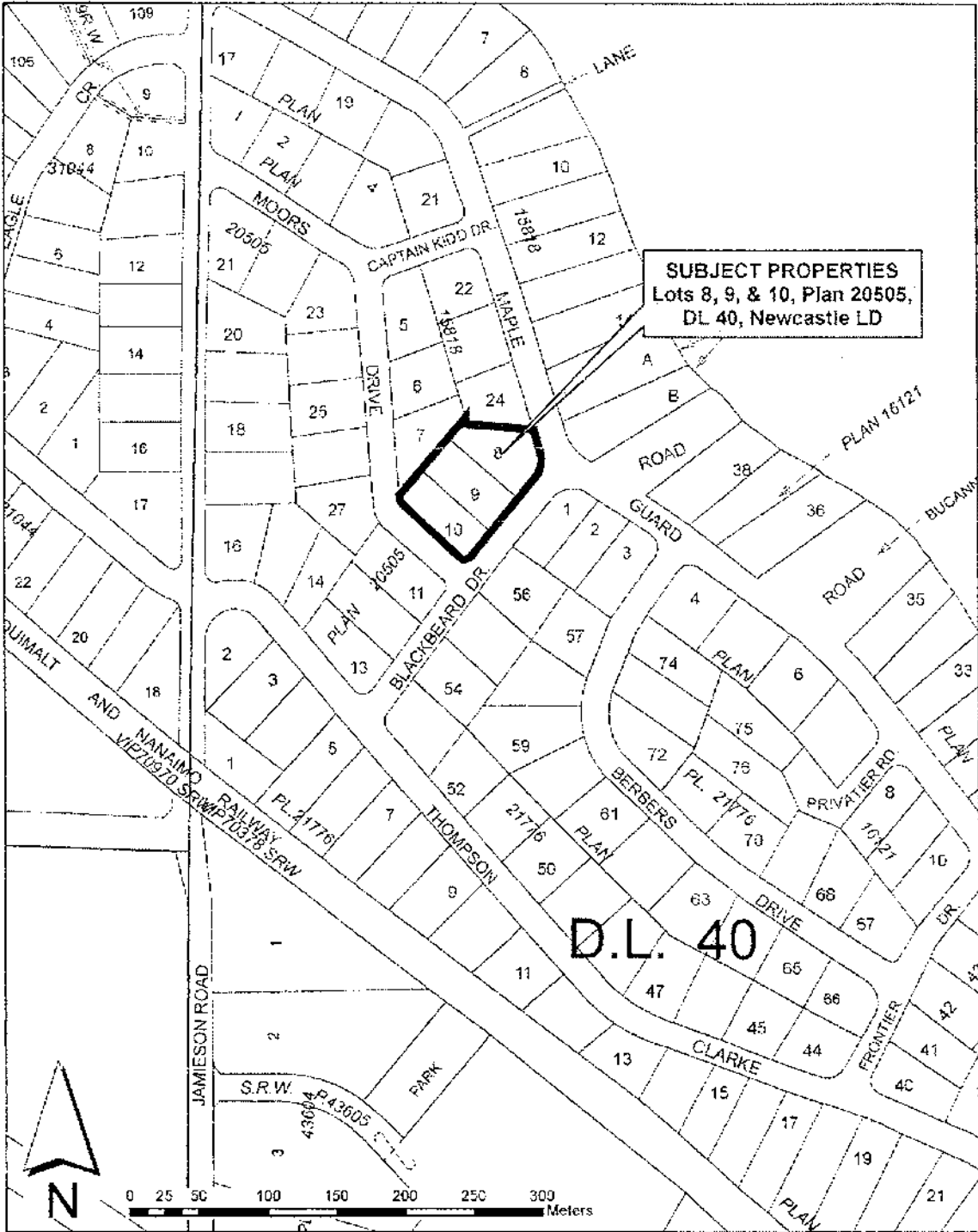
3. Protection of Aquifer

There shall be no wells or otherwise utilization of the groundwater resources beneath the proposed parcels.

Schedule No. 2
 Development Permit No. 60621
 Proposed Plan of Subdivision
 (as submitted by applicant)



Attachment No. 1
Location of Subject Properties
Development Permit No. 60621





| | | |
|-------------|--------|--|
| RDN | | |
| CAO | GMES | |
| GMCS | GMR&P | |
| GMDS | GMRT&P | |
| APR 28 2006 | | |
| CHAIR | BOARD | |
| EAP | | |
| | | |
| | | |

MEMORANDUM

TO: Wayne Moorman
 Manager, Engineering & Subdivisions

DATE: April 27, 2006

FROM: Susan Cornie
 Senior Planner

FILE: 3060 30 60623
 3320 20 26796

SUBJECT: Development Permit Application No. 60623 / Request for 10% Frontage Relaxation
 Timberlake-Jones Engineering Ltd., on behalf of Timberstone Development Ltd.
 Electoral Area 'E' – Northwest Bay Road

PURPOSE

To consider an application for a development permit in conjunction with the creation of a 19-lot subdivision within the Sensitive Ecosystem Protection and Farm Land Protection Development Permit Areas and to consider a request for relaxation of the minimum 10% requirement on property in the Madrona area of Electoral Area 'E'.

BACKGROUND

The parent parcel, legally described as Lot 1, DL 68, Nanoose District, Plan 3940 Except For Part in Plan VIP80339, is located in the Madrona area adjacent to Northwest Bay Road in Electoral Area 'E' (*See Attachment No. 1 on page 10 for location of subject property*).

The Electoral Area Planning Committee may recall that a park land proposal was considered for this parcel in conjunction with the proposed subdivision of the adjacent parcel. The required park land was recently dedicated and is situated to the north west of this subdivision proposal (*see Attachment No. 1 on page 10 for location of park land*).

The property, which is 6.6 ha in size is currently zoned Residential 1 (RS1) and is within Subdivision District 'N' pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The parent parcel currently supports an existing dwelling unit and accessory buildings.

In addition, the parent parcel is designated within the following development permits areas pursuant to the Nanoose Bay Official Community Plan Bylaw No. 1400, 2005:

- the Sensitive Ecosystem Protection Development Permit Area for the protection of an eagle nesting tree and its buffer area and for the protection of the buffer area of an eagle nesting tree located on the adjacent parcel; and,
- the Farm Land Protection Development Permit Area for the protection of farm land from development.

Therefore, as the applicant is proposing to develop the site, a development permit concerning the Sensitive Ecosystem Protection and Farm Land Protection Development Permit Areas is required.

Proposed Development

The applicant is proposing to construct 19 fee simple parcels varying in size from 2004 m² to 5089 m² with community water service connections from the Regional District and individual septic disposal systems (see Schedule No. 2 on page 8 for proposed subdivision layout).

10% Minimum Frontage Requirement

Proposed Lots 11 and 12, 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> |
|-------------------------|--------------------------|--------------------------|-----------------------|
| 11 | 25.6 m | 19.3 m | 7.5 % |
| 12 | 25.6 m | 21.5 m | 8.4 % |

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. 60623, as submitted, subject to the conditions outlined in Schedules No. 1, 2, and 3 and to approve the request for relaxation of the minimum 10% frontage requirements for proposed Lots 11 and 12.
2. To deny the Development Permit as submitted and provide staff with further direction and to refuse the request for relaxation of the minimum 10% frontage requirements.

DEVELOPMENT IMPLICATIONS

Eagle Nesting Tree Located on Adjacent Parcel

The OCP designates a radial buffer area for an eagle nesting tree at 1½ times the height of the tree or 60.0 metres, whichever is greater. For the eagle nesting tree located on the adjacent parcel to the west of the subject parcel, the applicant has offered to register a section 219 covenant for the area 1½ times the height of the tree (34.7 metres) restricting any development or removal of vegetation or alteration of land within the buffer area. Ministry of Environment staff has indicated that this proposed covenant area will be sufficient for the protection of this particular nesting tree as the tree is a Maple tree. It is also noted that the proposed covenant will be consistent with the Ministry's Best Management Practices.

With respect to the balance of the development permit area (between 34.7 metres and 60.0 metre radius), in order to ensure there is an adequate buildable site area, the applicant's agent has provided suitable building locations for proposed Lots 12 and 14, which are the parcels largely affected by the development permit area (see Schedule No. 3 on page 9). The establishment of these buildable site areas will allow each parcel to construct a dwelling unit without the need to apply for an additional development permit. It is noted that if a future owner proposes works in the balance of the development permit area, a second development permit would then be required.

Former Eagle Nesting Tree Located Within Parent Parcel

There is a tree and buffer area located within the subject property, which no longer supports an eagle nest, but is still designated within a Sensitive Ecosystem Protection DPA. The nest, along with a number of supporting branches, was destroyed during a wind storm. Ministry of Environment staff has indicated that as there is no longer any portion of a nest in the tree and as it appears unlikely that a new nest would be successful, it is no longer considered to be an eagle nesting tree. The applicant's agent has indicated that despite this situation the owner will protect the tree by way of a covenant to be held by the owner or a land conservancy restricting no removal of the tree and any vegetation for a 12.2 metre radius around the base of the tree.

Farm Land Protection Development Permit Area

Proposed Lots 8 to 11 are designated within the Farm Land Protection Development Permit Area as the adjacent lands to the south are situated in the Provincial Agricultural Land Reserve. Currently, there is little existing vegetation within the DPA due to previous uses. On the ALR land there is a farm access road along with wire fencing. In order to provide suitable building sites for these proposed parcels and due to soil conditions, a portion of the 15.0 metre buffer area is proposed to be utilized for septic disposal covenant areas. These proposed covenant areas may be used only for septic disposal purposes and may not be built upon. The applicant has offered to register a section 219 covenant over the 15.0 metre wide buffer area to restrict the use to septic disposal areas only. The few remaining trees will be retained along with other existing vegetation except as required for installation of septic systems. The applicant has also offered to install a 1.8 metre solid board fence along the ALR boundary in accordance with the Provincial ALC Guidelines. Staff feels that the fencing will provide some buffering to an area where the natural vegetation has been previously disturbed. There will be sufficient areas for intended uses for Proposed Lots 8 to 11 outside the proposed covenant area.

In order to meet the Provincial statutory requirements, the applicant is required to dedicate a road to serve the lands beyond, which will cross a 10.0 metre wide portion of the Farm Land Protection Development Permit Area.

Request for Relaxation of Minimum 10 % Frontage Requirements

With respect to the request to relax the minimum 10% frontage requirement, Lots 11 and 12 are proposed to be fronted on a cul-de-sac road, which due to the configuration of the road provides for less available frontage. Proposed Lot 11 is designated within the Farm Land Protection Development Permit Area, however due to the size of this parcel (4171 m²), there will be a sufficient area to support the intended residential use outside the DPA. Proposed Lot 12 (4100 m² in size) is designated within the Sensitive Ecosystem Protection Development Permit Area for the protection of the buffer area of the eagle nesting tree located on adjacent land. As noted above, while the applicant is offering a section 219 covenant to restrict the buffer area 1½ times the tree height, this does not include the entire DPA. As a result, staff is recommending that a building site area be established, which includes a portion of the proposed parcel within the 60.0 metre DPA area to ensure that there is an adequate buildable site area. Therefore, this parcel will be able to support the intended residential use. 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.

Community water service will be provided by the Regional District.

VOTING

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

SUMMARY


This is a subdivision application that involves a development permit and a request for relaxation of the minimum 10% frontage requirement for 2 of the proposed parcels for the property located off Northwest Bay Road in the Madrona area Electoral Area 'E'.

The subject property is within the Sensitive Area Protection and Farm Land Protection Development Permit Areas pursuant to the Nanoose Bay OCP specifically for the purposes of ensuring protection of two eagle nesting trees and their buffer areas and ensuring protection of the adjacent lands located in the Provincial Agricultural Land Reserve. It is noted that one of the eagle nesting trees is no longer considered a nesting tree by the Ministry of Environment. Despite this, the applicant has offered to protect a 12.2 metre area around the base of the tree as well as covenants for protection of the buffer area of the nesting tree located on adjacent property and for the protection of the farm land buffer area. The development permit will also include requirements for the location of the buildable site areas of some parcels as well as measures for construction during eagle breeding season. These requirements are consistent with the applicable guidelines outlined in the Sensitive Areas Protection and Farm Land Protection Development Permit Areas (*see Schedule No. 1 for Conditions of Development Permit on pages 6 & 7*). Concerning the request for relaxation of the minimum 10% perimeter frontage for 2 of the proposed parcels, proposed Lot 12 will have a designated building area established by the development permit while proposed Lot 11 has sufficient area outside the designated Farm Land Development Permit Area. The Ministry of Transportation staff has indicated they have no objection to this request.


Therefore, given that the applicant has offered to register section 219 covenants restricting use of the buffer area for the eagle nesting tree on the adjacent parcel, restricting the removal of the former eagle nesting tree and a portion of its buffer area, and restricting uses within the Farm Land Protection buffer area and, as the request for relaxation of the minimum 10% frontage requirements will not limit the availability of intended uses, staff recommends Alternative No. 1, to approve the development permit 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. 60623 submitted by Timberlake-Jones Engineering Ltd., on behalf of Timberstone Developments Ltd., in conjunction with the subdivision on the parcel legally described as Lot 1, DL 68, Nanoose District, Plan 3940 Except For Part in Plan VIP80339 and designated within the Sensitive Ecosystem Protection and the Farm Land Protection Development Permit Areas be approved subject to the conditions outlined in Schedules No. 1, 2, and 3 of the corresponding staff report.
2. That the request for relaxation of the minimum 10% frontage requirement for proposed Lots 11 and 12 be approved.



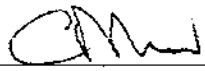
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

D:\sr\reports\2006 ma dp 10% 3060 30 60623 (26796) Timberlake Jones / Timberstone Lot 1 Plan 3940.doc

**Schedule No. 1 (page 1 of 2)
Conditions of Approval
Development Permit Application No. 60623
In conjunction with the subdivision application for the properties legally described as
Lot 1, DL 68 Nanoose District, Plan 3940 Except For Part In Plan VIP80039**

The following sets out the conditions of approval:

1. Subdivision

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

2. Sensitive Ecosystem Development Permit Area (for the protection of the buffer area for the eagle nesting tree located on the adjacent parcel)

- a. Applicant to prepare and register a section 219 covenant, to the satisfaction of the RDN, for the protection of the eagle nesting tree located on the adjacent parcel for a 34.7 metre radius as measured from the base of the tree, restricting the placement of buildings and structures, decks, patios, septic systems, and restricting any removal of vegetation or alteration of soils by the hand of man within the covenant area.
- b. Draft covenant document to be forwarded for review to RDN.
- c. Applicant's solicitor to provide legal letter of undertaking to register the covenant concurrently with the plan of subdivision.
- d. Applicant to indicate the covenant area (demarcation) on the ground by way of permanent fencing or other suitable means.

3. Former Eagle Nesting Tree

- a. Applicant to prepare and register a covenant to be held by the owner or land conservancy, to the satisfaction of the RDN, for the protection of the former eagle nesting tree located on the property for a 12.2 metre radius as measured from the base of the tree, restricting the placement of buildings and structures, decks, patios, septic systems, and restricting any removal of vegetation or alteration of soils by the hand of man within the covenant area.
- b. Draft covenant document to be forwarded for review to RDN.
- c. Applicant's solicitor to provide legal letter of undertaking to register the covenant concurrently with the plan of subdivision.

4. Buildable Site Areas for Proposed Lots 12 and 14

- i. This development permit establishes building site area for proposed Lots 12 and 14 as shown on Schedule No. 3 (to be attached to and forming part of this Permit).
- ii. Any works, construction, removal of vegetation, alteration of land or soils situated within the Eagle Nesting Tree 60-metre Development Permit Area and located outside the building sites areas as shown on Schedule No. 3 (to be attached to and forming part of this Permit) will require a development permit issued by the Regional District of Nanaimo prior to commencing any works.

**Schedule No. 1 (page 2 of 2)
Conditions of Approval
Development Permit Application No. 60623
In conjunction with the subdivision application for the properties legally described as
Lot 1, DL 68 Nanoose District, Plan 3940 Except For Part In Plan VIP80039**

- iii. Prior to commencing any activities within the building site areas, the owner of proposed Lot 12 shall define the buildable site area with high visibility snow fences or other appropriate means to ensure that no activities occur within the balance of the development permit area.

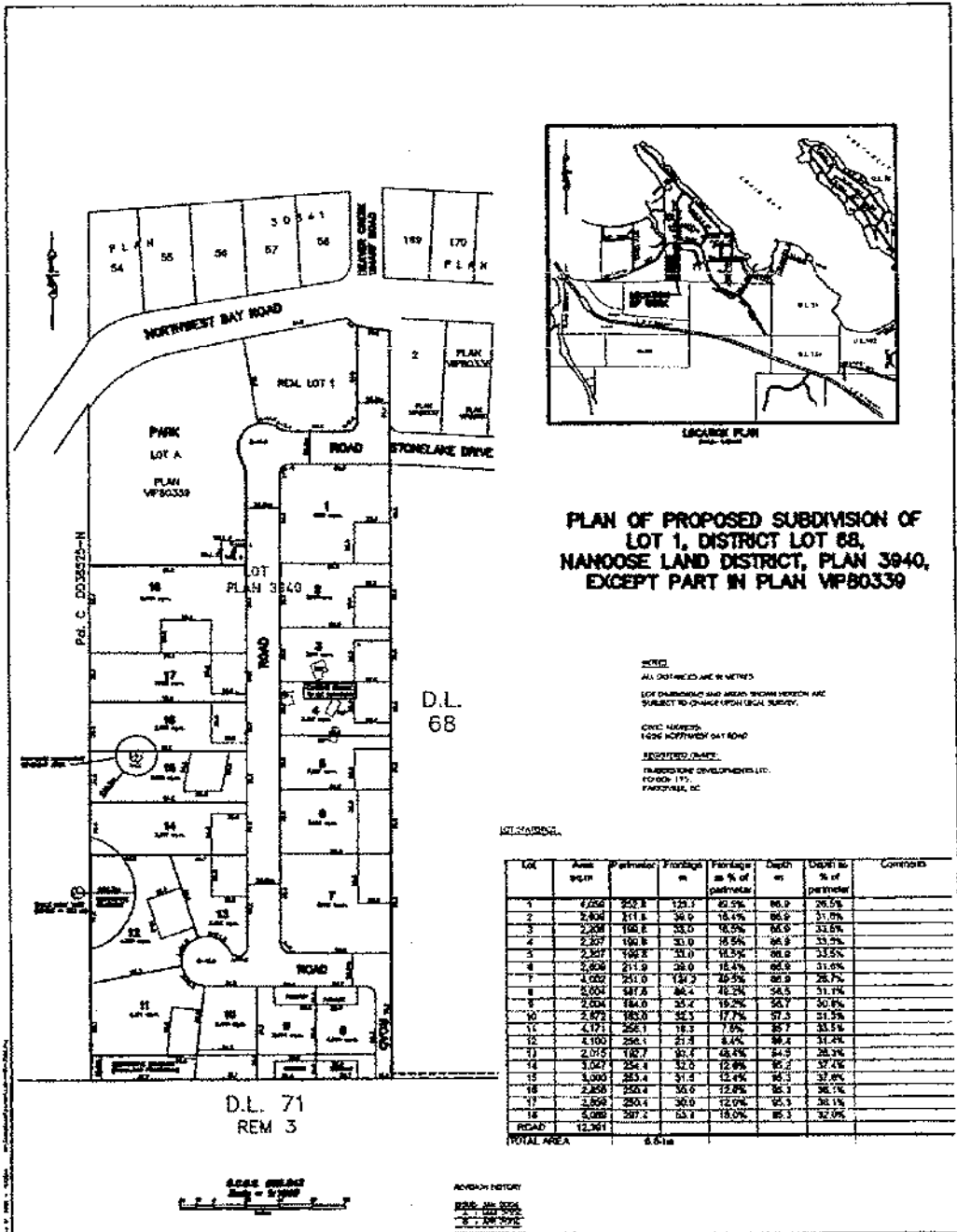
5. Construction Window

- a. No land clearing shall occur between February 1st and June 30th (inclusive).
- b. Applicant to notify the Regional District of Nanaimo a minimum of 48 hours prior to commencing land clearing.

6. Farm Land Protection Development Permit Area

- a. Applicant to prepare and register a section 219 covenant, to the satisfaction of the RDN, for the protection of the farm land buffer area for an area measuring 15.0 metres from the south parent parcel lot line, restricting the use of the land for septic disposal purposes only and restricting the removal of vegetation except where necessary for the construction of septic fields, restricting the placements of any buildings and structures, and including decks, patios, signage, driveways, outdoor storage, or other site improvements.
- b. Draft covenant document to be forwarded for review to RDN.
- c. Applicant's solicitor to provide legal letter of undertaking to register the covenant concurrently with the plan of subdivision.
- d. The existing vegetation within the 15.0 metre buffer area shall be maintained and existing trees shall not be removed except where required to install a septic disposal system. Invasive plants such as Himalayan blackberries, Scotch broom, morning glory, and purple loosestrife may be removed and replaced with native species to enhance the buffer area.
- e. The enhancement of the buffer area with additional native vegetation shall be permitted.
- f. Applicant to construct solid board fencing 1.8 metres in height along the ALR boundary and in accordance with the BCPALC Guidelines. These works are to be completed prior to applying for final approval of subdivision.
- g. The dedication of a road to provide access to lands beyond and subject to Ministry of Transportation approvals and standards is permitted.

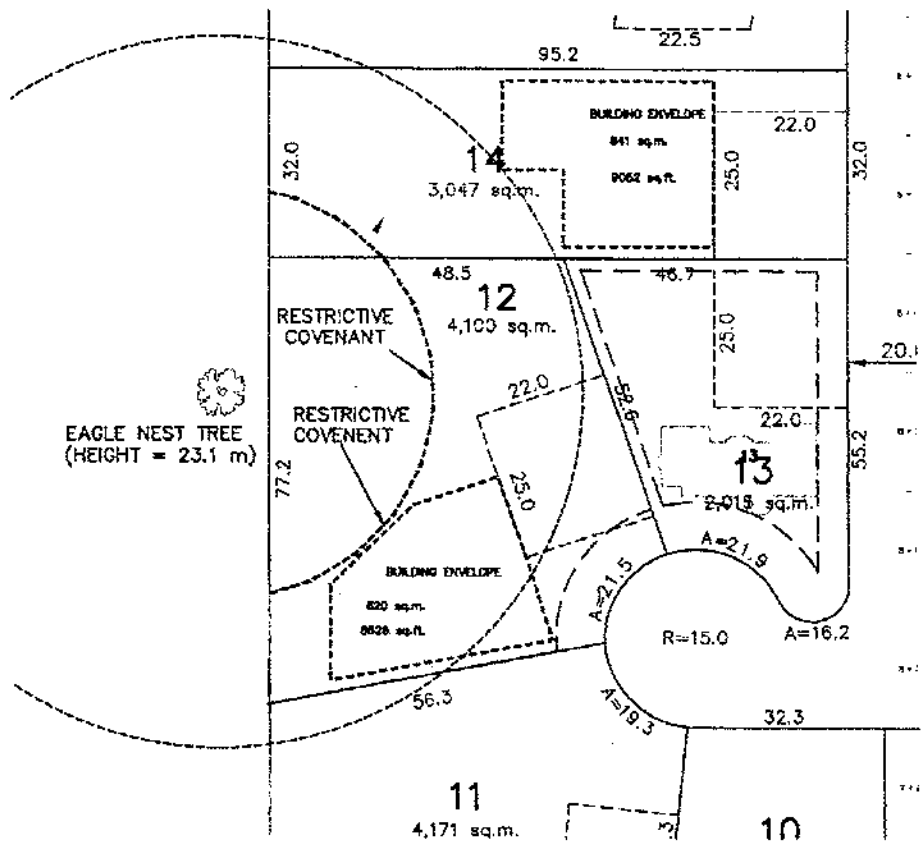
Schedule No. 2
 Development Permit Application No. 60623
 In conjunction with the subdivision application for the properties legally described as
 Lot 1, DL 68 Nanoose District, Plan 3940 Except For Part In Plan VIP80039
 Proposed Plan of Subdivision
 (as submitted by applicant)



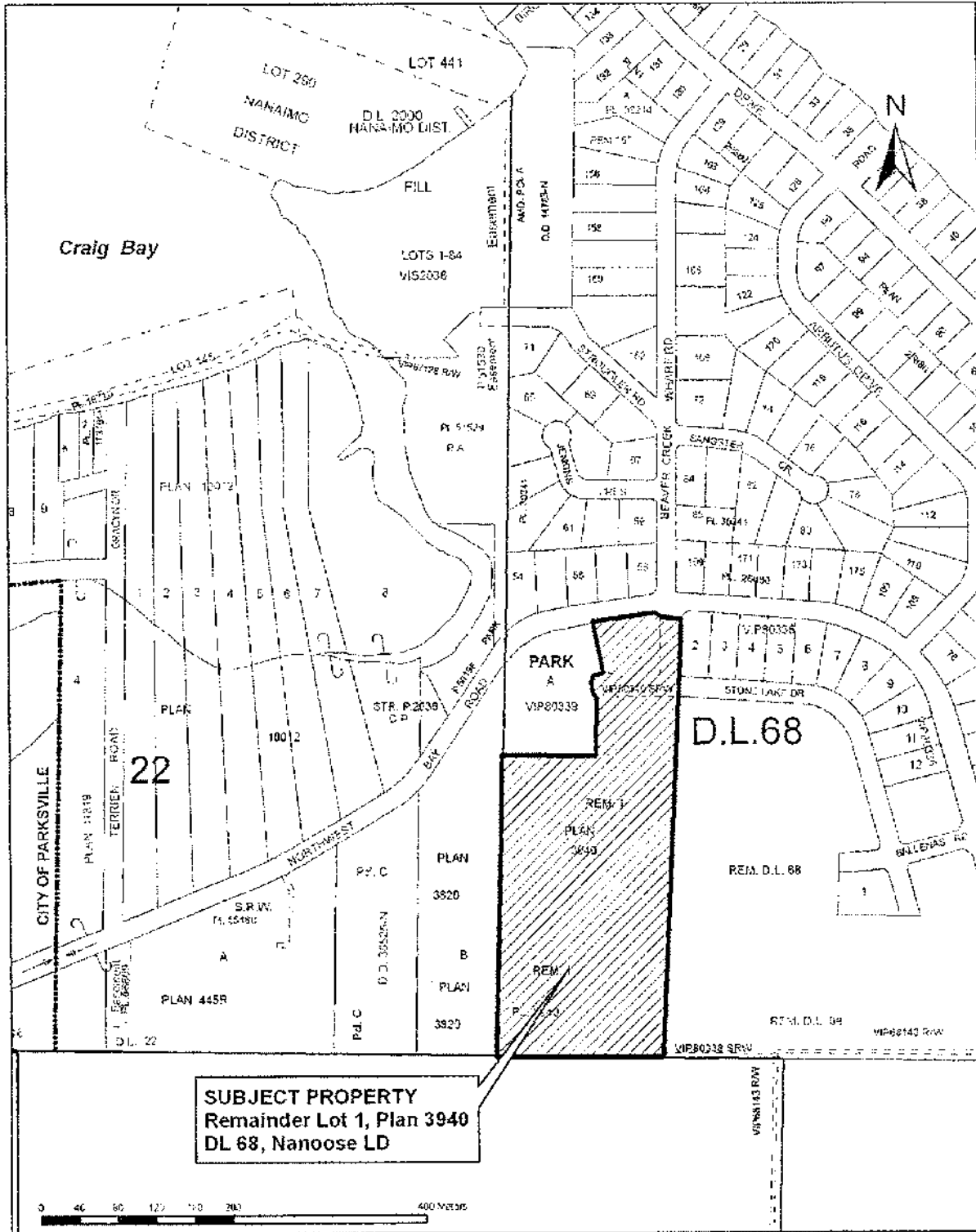
Timberlake-Jones
 engineering

PROJECT: TIMBERSTONE ESTATES - PROPOSED 18 LOT SUBDIVISION
 CLIENT: TIMBERSTONE DEVELOPMENTS LTD.
 Drawn by: BM Date: 04/27/06 Drawing Number: 0201A-PLA

Schedule No. 3
Development Permit Application No. 60623
 In conjunction with the subdivision application for the properties legally described as
 Lot 1, DL 68 Nanoose District, Plan 3940 Except For Part In Plan VIP80039
Buildable Site Areas for Proposed Lots 12 and 14
 (as submitted by applicant)



Attachment No. 1
Location of Subject Property





| | | | |
|-------------|--------------------|--------|--|
| R D N | | | |
| CAO | <i>[Signature]</i> | GMES | |
| GMCS | | GMR&P | |
| GMDS | | GMRT&P | |
| APR 28 2006 | | | |
| CHAIR | | BOARD | |
| <i>EAP</i> | | | |

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

DATE: April 28, 2006

FROM: Dolores Funk
Planning Assistant

FILE: 3090 30 90609

SUBJECT: Development Variance Permit Application No. 90609 -- Kawerau and Butler
Electoral Area 'E' - 1405 Reef Road

PURPOSE

To consider an application for a Development Variance Permit (DVP) to replace and expand an existing garage.

BACKGROUND

The subject property legally described as Lot 23, District Lot 38, Nanoose District, Plan 21633 is located at 1405 Reef Road in Electoral Area 'E' (see Attachment No. 1). The subject property which is 1104.81 m² in size is currently zoned Residential 1 (RS1) Subdivision District 'N' pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The front yard of the subject property adjacent to Reef Road contains a large rock outcropping. The existing dwelling unit is located on top of this outcropping.

The property is located within a building inspection service area; therefore, a building permit will be required. The parcel is currently served by community water and a individual septic system. The subject property is surrounded by other residential zoned properties and is separated by Reef Road to the north. In addition, the property to the northwest of the subject property is currently vacant.

A building permit was issued for the subject dwelling unit on September 14, 1977. At that time, the dwelling unit was mistakenly sited within the front lot line and interior side lot line setback area as shown on Schedule 2. In September of 2004, the applicants were granted a DVP in order to legalize the siting of the dwelling and allow for the replacement of the existing deck. The DVP allowed for the relaxation of the front lot line from 8.0 metres to 3.3 metres and the side lot line from 2.0 metres to 1.6 metres. The applicants would now like to relax the minimum front setback in order to replace and expand an existing garage.

Requested Variances

The applicants are requesting a relaxation to the minimum front lot line requirements from 8.0 metres to 5.7 metres in order to allow the replacement of the existing garage with a larger garage. The proposed general siting and dimensions of the existing and proposed garages are shown on Schedule 2.

ALTERNATIVES

1. To approve Development Variance Permit No. 90609 subject to the terms outlined in Schedule No. 1.
2. To deny the requested permit as submitted.

DEVELOPMENT IMPLICATIONS

The dwelling unit has been situated on the subject property for almost 29 years. The sight lines of the neighbouring properties are directed towards the northeast away from proposed garage extension. The extension is also obscured from the northwest side of the property as it is heavily vegetated. In addition, it is noted that the dwelling unit on the property to the east of the subject property has a similar front yard setback as the subject property.

The current garage is a single carport that has been enclosed and is currently rotting and in need of repair. The applicants have two vehicles and would like to be able to house them both in the new garage. The deck that is currently over top of the garage would also be replaced on the new garage. This new structure would not obstruct the view from any of the adjacent lots and would increase the aesthetic appeal of this home. The proposed garage meets the side yard setback.

This application requests that the current front lot relaxation be extended in order to allow this new addition. Topographical constraints on the subject property, including the rock outcropping in the front yard, limit the building envelope of the subject property. In addition, there is an engineered septic system in the rear yard which restricts development in that area. Therefore, the proposed siting of the new extended garage is appropriate given the topographical features of the site and the current location of the house and existing garage.

Public Consultation Process

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

VOTING


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

SUMMARY

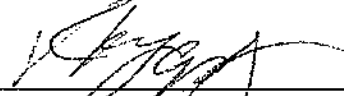
This is an application for a development variance permit to vary the minimum front lot line requirement from 8.0 metres to 5.7 metres in order to facilitate the replacement and extension of the existing attached garage and the deck above it. Topographical constraints and a septic field in the rear yard limit the building envelope of the subject parcel. The addition does not appear to impact the views or have other impacts on the adjacent property owners and can only be viewed from the road. Therefore, staff recommends approval of the request subject to the terms outlined in Schedule No. 1 and subject to the notification requirements pursuant to the *Local Government Act*.

RECOMMENDATIONS

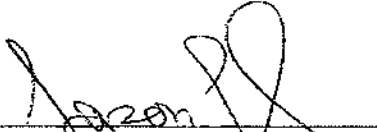
That Development Variance Permit Application No. 90609, to relax the front lot line setback from 8.0 metres to 5.7 metres to facilitate the replacement and extension of an existing attached garage at 1405 Reef Road, be approved according to the terms outlined in Schedule No. 1 and subject to the Board's consideration of comments received as a result of public notification.




Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

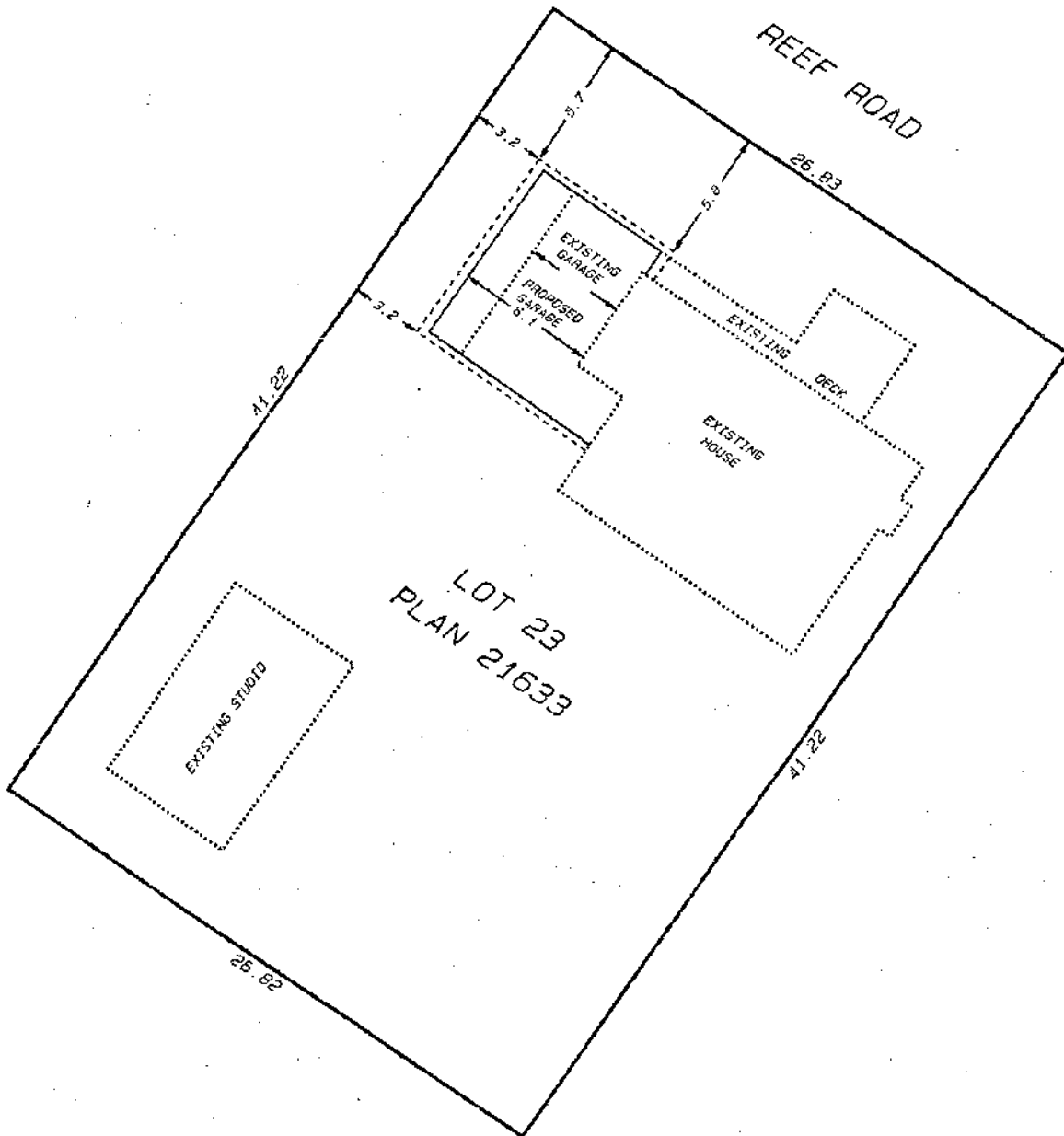
COMMENTS:
de-vs/reports/2006/dvp ma 3090 30 90609 Kawerau Report

Schedule No. 1
Terms of Development Variance Permit No. 90609
For Lot 23, District Lot 38, Nanoose District, Plan 21633

1. Section 3.4.61 -- Minimum Setback Requirements -- Front Lot Line -- of " Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," is varied to relax the front lot line setback as follows:
 - a. from 8.0 metres to 5.7 metres in order to replace and extend an existing garage including the deck above it.
2. This variance applies only to the extension to the building as shown in Schedule No. 2. The structures shall be constructed in substantial compliance with Schedule No. 2.
3. A building permit shall be obtained from the Regional District of Nanaimo Building Inspection Department prior to the commencement of any work on the site.
4. At the time of building inspection, a survey, prepared and certified by a British Columbia Land Surveyor, shall be provided to the satisfaction of the Building Inspector.

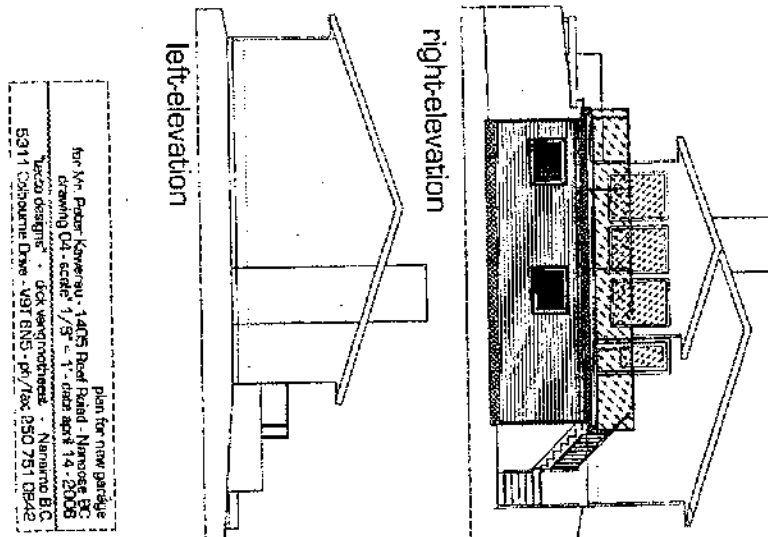
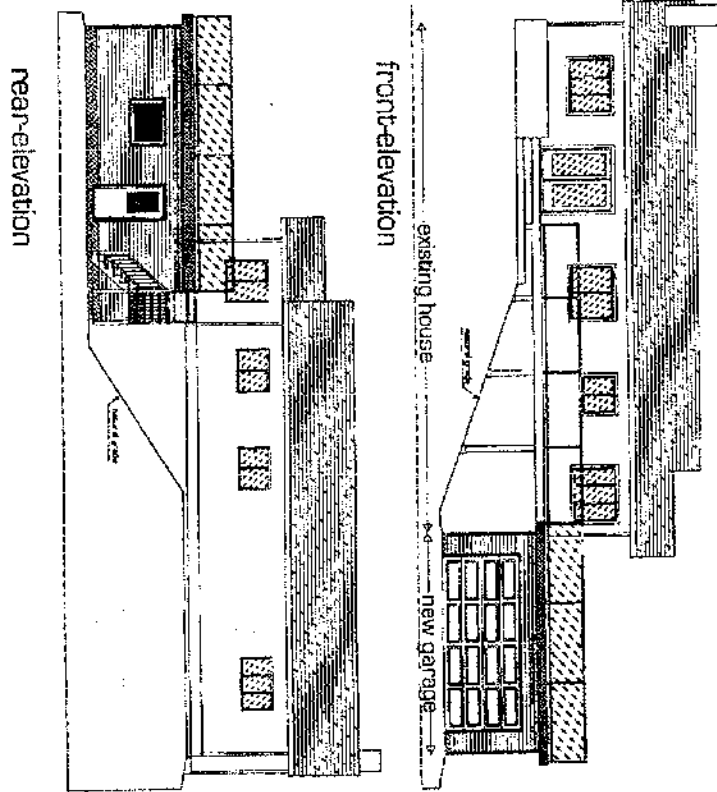
Schedule No. 2
Development Variance Permit No. 90609

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

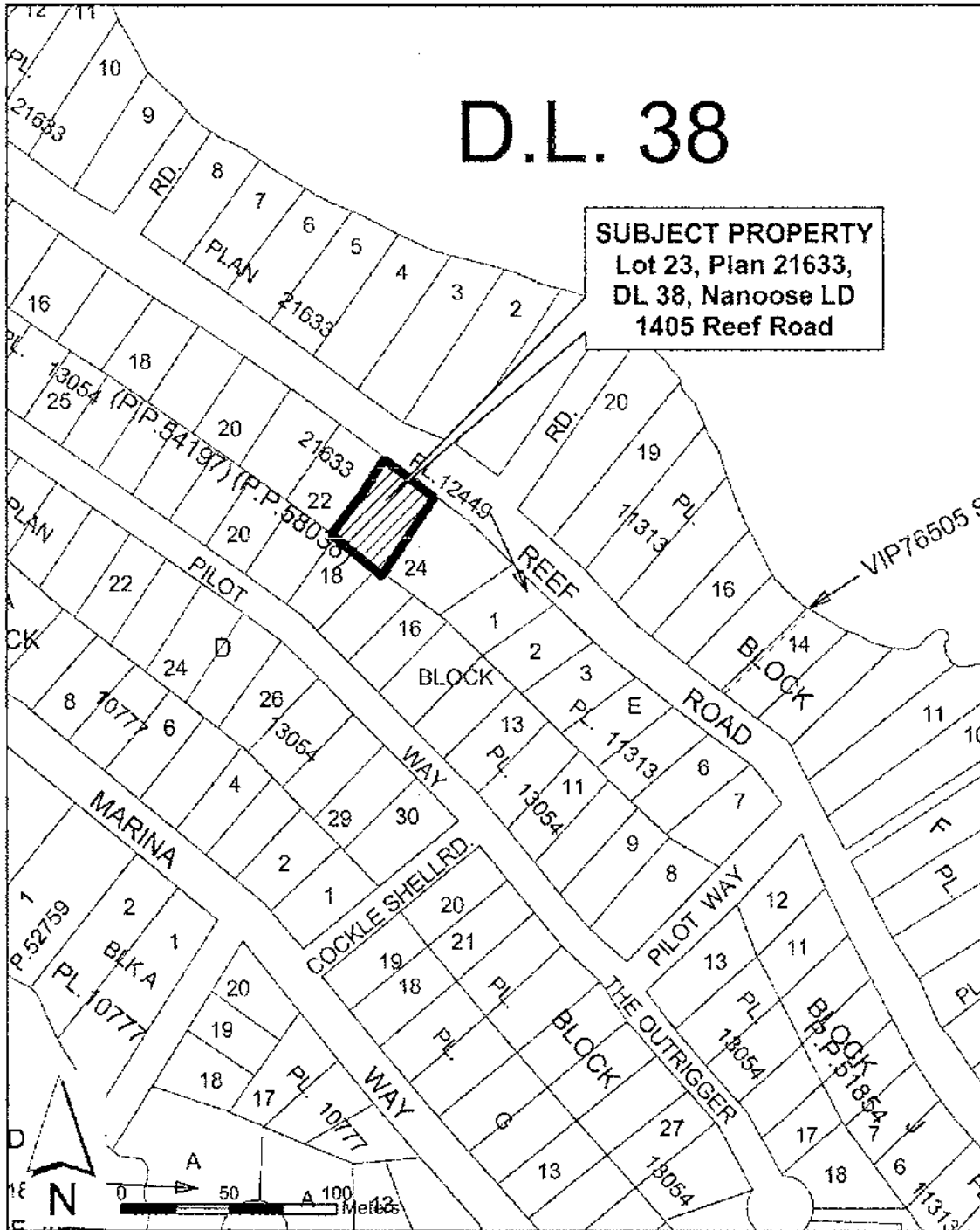


Schedule No. 3
Building Elevations
Development Variance Permit No. 90609

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



Attachment No. 1
Subject Property Map





| | | | |
|-------------|------|--------|--|
| RDN | | | |
| CAO | (DN) | GMES | |
| GMCS | | GMR&P | |
| GMDS | | GMRT&P | |
| APR 28 2006 | | | |
| CHAIR | | BOARD | |
| EAP | | | |

MEMORANDUM

TO: Jason Llewellyn
Manager Community Planning

DATE: April 28, 2006

FROM: Paul Thompson
Senior Planner

FILE: 6630-01- PROP

SUBJECT: Request for RDN to consider the Development of a Manufactured Home Park at 410 Martindale Road, Electoral Area 'G'

PURPOSE

To provide information on the process necessary to consider the proposed development of a manufactured home park at 410 Martindale Road in Electoral Area 'G'.

BACKGROUND

The owners of the property located at 410 Martindale Road appeared as a delegation to the April 11, 2006, meeting of the Electoral Area Planning Committee (EAPC) requesting that the Regional District of Nanaimo (RDN) consider supporting the development of a manufactured home park at that location. After the delegation, the EAPC made the following recommendation:

MOVED Director Stanhope, SECONDED Director Van Eynde, that staff prepare a report for the next Electoral Area Planning Committee meeting on the proposed rezoning of the property at 410 Martindale Road to allow for a manufactured home park.

The subject property is legally described as Lot 2, District Lot 42, Plan 7536, Nanoose Land District. It is located at 410 Martindale Road and is in Electoral Area 'G'. The land to the west is in the City of Parksville and is also in the Agricultural Land Reserve. Residential lots are located to the east and south. Parry's RV Park and Campground is located to the north. The Englishman River is located approximately 100 metres to the east. The size of the subject parcel is approximately 3.15 hectares. Please see Attachment 1 for the location of the subject property.

Zoning

The subject parcel is currently zoned Rural 1 Subdivision District 'F' (RUIF). The RUI zone only permits the following uses: agriculture, aquaculture, home based business, produce stand, residential use, and silviculture. Currently two dwellings are permitted on the parcel as it is larger than two hectares. The 'F' Subdivision District signifies a minimum parcel size of 1.0 hectare for subdivision.

Official Community Plan Land Use Designation

The subject parcel is currently designated as Rural Residential in the Englishman River Official Community Plan (OCP). The Rural Land Use Designation is for areas that provide a transition between suburban and rural areas and where the minimum parcel size for subdivision is one hectare. As well, the recommended density is one dwelling per hectare.

Regional Growth Strategy

The Regional Growth Strategy Land Use designation for this parcel is Rural Residential. The retention of large land holdings is encouraged in this designation, and the minimum parcel size can not be reduced below that established in the OCP. The subject parcel is also outside of the Urban Containment Boundary.

Servicing

The subject parcel is currently not serviced by either a community sewer or water system. The Regional Growth Strategy does not support the provision of servicing to parcels designated as Rural Residential. There are no plans at this time to provide servicing to the subject parcel.

Hazards and Floodplain

The subject parcel is located on the floodplain of the Englishman River. All new dwellings must be built so that the underside of any wooden floor system or top of a pad or slab of any habitable area is not located below the established flood construction level.

Summary of Process to Allow Proposed Development on the Subject Property

The following is a summary of the actions that would be required to allow development of a manufactured home park on the subject property:

1. The first requirement is for the owner to make an application to amend the zoning bylaw and the official community plan.
2. This application would then be reviewed by staff and a report sent to the Electoral Area Planning Committee.
3. As the proposed bylaw amendments are not consistent with the Regional Growth Strategy (RGS) and an amendment to the Urban Containment Boundary is needed, the EAPC would need to recommend to the Board that the proposal be forwarded to the Intergovernmental Advisory Committee (IAC) for review.
4. If the Board then agrees that the proposal should be forwarded to the IAC, the RDN must then prepare an impact assessment and the proposal and impact assessment is then referred to the IAC.
5. The IAC then reviews the proposal and impact assessment and makes a recommendation to the Board.
6. The Board considers the IAC recommendation and decides whether to proceed with the amendment.
7. If the Board decides to proceed, then the OCP and zoning bylaw amendment process could proceed concurrently with an amendment to the RGS.
8. If approved, both bylaws would be referred to the RDN municipalities for approval and adjacent Regional Districts and other agencies prior to proceeding to a Public Hearing. If any RDN member municipalities oppose the proposed amendment, the application and proposed amendment would be referred back to the Board for review.

ALTERNATIVES

1. To approve the recommendation in this report.
2. To receive this report and provide further direction to staff on how to follow up on this request.

DEVELOPMENT IMPLICATIONS

Land Use and Servicing

A manufactured home park, with its high density of dwellings, is considered an urban use; and therefore, would generally not be considered a suitable land use in rural areas. Consistent with the goals and policies of the RGS, new manufactured home parks should be developed on land within the Urban Containment Boundary (UCB) and where water and sewer services are available.

Even within the UCB, a manufactured home park is more suited to a node within an urban area or a village centre in a rural area. At up to 20 units per hectare (8 units/acre), a manufactured home park would provide some of the highest density residential development in the RDN. One of the goals of the RGS is to focus this kind of development within the Urban Containment Boundary.

Natural Hazards

The subject property is also located on a floodplain. The OCP has recognized that there is a need to limit development in hazardous areas; and therefore, does not support increased development in known hazard areas.

Process

As the proposed use for the subject property is not consistent with the Regional Growth Strategy, the proposal is subject to an impact assessment and rigorous review process. This will require a significant amount of staff time. Even before the impact assessment can proceed, the RDN must show that the proposed use cannot be accommodated on lands located within the Urban Containment Boundary. If the need to revise the UCB to accommodate this type of use cannot be shown, then the bylaw amendments can not proceed.

The RGS is reviewed every five years. One of the purposes of the review is to consider possible amendments to the RGS including changes to the UCB. The next review is scheduled to begin in 2007 and may take two to three years to complete. The need to expand the UCB will be examined in the next RGS review.

Alternatively, as the subject parcel is within Electoral Area 'G' where an OCP review has just started, it could be considered as part of a broader review of needed revisions to the UCB. If a proposed amendment to the UCB is brought forward as a result of the Electoral Area 'G' OCP Review, it would need to be considered as a proposed amendment to the RGS and either be introduced as a separate amendment bylaw or be held in abeyance until the RGS Review is completed.

VOTING

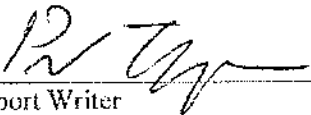
Electoral Area Directors - one vote, except Electoral Area 'B'.

SUMMARY

The owners of the parcel located at 410 Martindale Road appeared as a delegation to the April 11, 2006, Electoral Area Planning Committee requesting the RDN to support the development of a manufactured home park. The subject parcel is not currently zoned for the proposed use; and because it is outside of the Urban Containment Boundary, amendments are also needed to the Englishman River Official Community Plan and the Regional Growth Strategy. The subject property is not a suitable candidate for a manufactured home park as it is located in a rural area outside of the Urban Containment Boundary and is on a floodplain. For this proposal to proceed, the RDN Board would have to support an amendment to the Urban Containment Boundary.


RECOMMENDATION

That this report be received for information and that the general issue of the need to revise the Urban Containment Boundary in the vicinity of the City of Parksville be considered as part of the Electoral Area 'G' Official Community Plan Review.


Report Writer


General Manager Concurrence


Manager Concurrence


CAO Concurrence

COMMENTS:

devrs/reports/2006/410 Martindale Road Mobile Home Park Request Report

**ATTACHMENT 1
 SUBJECT PROPERTY**

