

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

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 2-5 Minutes from the regular meeting of the Electoral Area Planning Committee held June 13, 2006.

BUSINESS ARISING FROM THE MINUTES

PLANNING

AMENDMENT APPLICATIONS

- 6-16 Zoning Amendment Application No. ZA0603 – Mountain Fire Protection District – Corner of Jinglepot Road & Meadow Drive – Area C.

DEVELOPMENT PERMIT APPLICATIONS

- 17-22 Development Permit Application No. 60626 – Fern Road Consulting Ltd., on behalf of P. Adair, G. Adair, R. Knutson and K. Adair – Oakdowne Road - Area H.

DEVELOPMENT VARIANCE PERMIT

- 23-32 Development Variance Permit Application No. 90518 – Bessembinder – 1977 Harlequin Crescent – Area E.
- 33-38 Development Variance Permit Application No. 90614 – Tom Hoyt, BCLS, on behalf of Wayne Roine – Yellow Point Road – Area A.

OTHER

- 39-48 Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement & Request for Acceptance of Park Land Dedication – George Gow on behalf of G. Gow, D. Gow & H. Lechthaler – MacMillan Road – Area A.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

IN CAMERA

ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, JUNE 13, 2006, AT 6:30 PM
IN THE RDN BOARD CHAMBERS**

Present:

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

Also in Attendance:

J. Llewellyn	Manager of Community Planning
W. Moorman	Manager of Engineering Standards & Subdivisions
T. Osborne	General Manager of Recreation & Parks
N. Tonn	Recording Secretary

MINUTES

MOVED Director Holme, SECONDED Director Stanhope, that the minutes of the Electoral Area Planning Committee meeting held May 9, 2006 be adopted.

CARRIED

PLANNING

Director Holme left the meeting citing a possible conflict of interest with three items on the Agenda. The Chairperson noted that these items would be addressed at this time.

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60622 and Request for Relaxation of the Minimum 10% Perimeter Frontage – Ken Kyler, BCLS, JE Anderson & Associates on behalf of J & M Law – Davenham Road - Area E.

MOVED Director Stanhope, SECONDED Director Biggemann,:

1. That Development Permit Application No. 60622 submitted by Ken Kyler, BCLS, JE Anderson & Associates, on behalf of J & M Law, in conjunction with the subdivision on the parcel legally described as Lot 3, DL 137, Nanoose District, Plan VIP64016 and designated within the Sensitive Ecosystem Protection Development Permit Area be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.
2. That the request for relaxation of the minimum 10% frontage requirement for proposed Lot A be approved.

CARRIED

DEVELOPMENT VARIANCE PERMIT

Development Variance Permit Application No. 90612 – Park Land Consideration – Request for 10% Frontage Relaxation – Timberlake-Jones Engineering Ltd., on behalf of Timberstone Development Ltd. – Davenham Road and Oak Leaf Drive – Area E.

MOVED Director Stanhope, SECONDED Director Biggemann,:

1. That Development Variance Permit Application No. 90612, submitted by Timberlake-Jones Engineering Ltd., on behalf of Timberstone Developments Ltd., in conjunction with the subdivision on the parcels legally described as Lot 1, DL 78, Plan 14212 Except Those Parts in Plans 28203 and 29052 and Lot 5, DL 131, Plan VIP69734, All of Nanoose District, be approved subject to the conditions outlined in Schedules No. 1 and 3 of the corresponding staff report and the notification requirements pursuant to the *Local Government Act* with respect to the proposed variances outlined in Schedule No. 2.
2. That the park land proposal, in the amount and location as shown on Schedule No. 3 of the staff report, be accepted subject to the conditions set out in Schedule No. 4 of the staff report.
3. That the request for relaxation of the minimum 10% frontage requirement for proposed Lot 12 be approved.

CARRIED

OTHER

Request for Relaxation of the Minimum 10% Frontage Requirement – JE Anderson on behalf of J. Kantor – Fowler Road – Area H.

MOVED Director Stanhope, SECONDED Director Biggemann, that the request submitted to relax the minimum 10% frontage requirement for proposed Lots 1 and 2 as shown on the proposed plan of subdivision of Lot 19, District Lot 81, Nanoose District, Plan 1967, be approved subject to the conditions outlined in Schedules No. 1 and 2.

CARRIED

Director Holme returned to the meeting.

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60624 – Fern Road Consulting Ltd. on behalf of A G Project Management Inc. – McColl Road – Area H.

The Chairperson noted that this item has been withdrawn.

CARRIED

Development Permit Application No. 60627 – Watson & Forster – 861 Miller Road – Area G.

MOVED Director Stanhope, SECONDED Director Holme, that Development Permit Application No. 60627, to facilitate the replacement of an existing double-wide manufactured home with a stick frame dwelling at 861 Miller Road, be approved according to the terms outlined in Schedule No. 1.

CARRIED

Development Permit Application No. 60628 – Newcastle Engineering Ltd., on behalf of L. Michaels – 1400 Dorcas Point Road – Area E.

MOVED Director Holme, SECONDED Director Biggemann, that Development Permit Application No. 60628 submitted by Newcastle Engineering Ltd., on behalf of L. Michaels, in conjunction with the subdivision on the parcel legally described as Lot A, DL 110, Nanoose District, Plan VIP76564 and designated within the Sensitive Ecosystem Protection Development Permit Area, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

Development Permit Application No. 60629 – Trout – 2671 Seablush Drive – Area E.

MOVED Director Holme, SECONDED Director Young, that Development Permit Application No. 60629, to allow for the construction of an addition to an existing dwelling unit and a second dwelling unit at 2671 Seablush Drive, be approved according to the terms outlined in Schedule No. 1.

CARRIED

DEVELOPMENT VARIANCE PERMIT

Development Variance Permit Application No. 90610 – McGillivray and Hopwood – 3039 Hillview Road – Area E.

MOVED Director Holme, SECONDED Director Stanhope, that Development Variance Permit Application No. 90610, to relax the front lot line setback from 8.0 metres to 0.0 metres and the east side lot line from 2.0 metres to 0.0 metres to legalize an existing retaining wall at 3039 Hillview Road, be approved according to the terms outlined in Schedule No. 1 and subject to the Board's consideration of comments received as a result of public notification.

CARRIED

Development Variance Permit Application No. 90611 – Colclough on behalf of Island Timberlands – 1420 & 1430 Island Highway East – Area E.

MOVED Director Holme, SECONDED Director Burnett, that Development Variance Permit Application No. 90611, to relax the maximum height restriction from 8.0 metres to 9.98 metres to construct a shop at 1420 & 1430 Island Highway East, be approved according to the terms outlined in Schedule No. 1 and subject to the Board's consideration of comments received as a result of public notification.

CARRIED

OTHER

Request for Relaxation of the Minimum 10% Perimeter Requirement – Fern Road Consulting Ltd., on behalf of A. Lotoski – 2882 & 2890 Olympic Road – Area H.

MOVED Director Holme, SECONDED Director Young, that the request from Fern Road Consulting Ltd., on behalf of A. Lotoski to relax the minimum 10% frontage requirement for the proposed Remainder of Lot 8, as shown on the submitted plan of the subdivision of Lot 8, District Lot 90, Newcastle District, Plan VIP57995, be approved.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 6:42 PM

CHAIRPERSON

OFFICIAL COMMUNITY PLAN IMPLICATIONS

Under *Section 7.4 - Fire Protection*, the OCP supports the expansion of fire protection services to improve the safety of area residents and their property and to enhance the efficiency and cost-effectiveness of the fire protection services. This zoning amendment application is consistent with the OCP as the proposed location of the fire hall is near the center of the Fire Service Protection Area, which will greatly reduce response times. Presently, the fire hall is located on the eastern edge of the Fire Protection Area. The number of structures and people within the Fire Protection Area is increasing and the fire department needs to expand to adequately service the population and property base.

DEVELOPMENT IMPLICATIONS

The fire trucks will generate periodic noise that may disturb some local residents and wildlife. However, staff anticipates that the noise associated with the fire hall use will not generate complaints nor significantly disrupt wildlife because the surrounding parcels are 5 acres in size and well-treed, and future buyers will be aware of the proposed use. Expressions of support, but no expressions opposing the proposed use have been received.

The subject property is presently accessed from the northwest along Meadow Drive. The applicant has applied to the Ministry of Transportation for a second access along Jinglepot Road to use as the main departing point for the fire trucks. The access along Meadow Drive is intended to serve as the returning access to allow turning around the fire truck on the lot. Jinglepot Road receives significant traffic flow. However, with the nearest curve approximately 560 metres away, there are good site lines for the access location.

Staff anticipates that the site area will meet the basic needs of the volunteer Mountain Fire Protection Department. The applicant indicates that large scale fire practice training is normally performed offsite at the local school grounds.

The driveways are to be paved and the applicants propose to create 20 parking spaces with a hard pack, dust control treated surface. The proposed number of parking spaces exceeds Bylaw No. 500 requirements.

Confirmation of sewer and water servicing was required as part of the subdivision process. Drillwell Enterprises Ltd. confirmed in writing that it has drilled 50 lots in the Benson Meadows area and there are good ground water supplies. The applicant has retained a Registered On-site Wastewater Practitioner and applied for a septic permit through the Vancouver Island Health Authority.

The applicant intends to place one sign on the fire hall in accordance with Sign Bylaw No. 993.

PUBLIC CONSULTATION IMPLICATIONS

The applicant placed a sign on the property on May 15, 2006, to notify the community of the proposed rezoning application.

A public information meeting was held on Tuesday, June 20, 2006, at the Mountain View School. Notification of the meeting was advertised in the *Harbour City Star* newspaper and on the RDN web site. Approximately seven people attended the information meeting and provided positive comments and suggestions with respect to the proposal (*See Attachment No. 3 'Proceedings of the Public Information Meeting'*).

Letters in support of the amendment application have been received from Kathleen Frost, owner of Lot 5, which is directly across Meadow Road and Dale Fulton, owner of Lot 13 that is immediately adjacent to the south of the subject property.

The subject property is only 0.4 hectares in size; and at the time of subdivision, it was donated to the Mountain Fire Protection District to be used as the new fire hall site. The parcel does not meet the minimum size requirements for residential use; therefore, uses for the parcel are greatly limited. Residents indicate they support the proposed use, and future purchasers will be aware of the existing use. As the proposed use is consistent with the OCP and the community has expressed support for the rezoning, staff recommends, in consultation with the Area Director, that the public hearing for this bylaw be waived.

ENVIRONMENTAL IMPLICATIONS

The parcel is not in an Environmentally Sensitive Area, but is covered with mature trees. During the subdivision process, a 30 metre wide tree retention covenant was registered on the title of the properties along Jinglepot Road to retain the character of the neighbourhood. However, this restriction was not placed on the fire hall site because of the small size of the lot. The site was inspected by Al Fedje, a certified Danger Tree Assessor, who recommends removing the trees along the road allowance and notes that there have been many incidents where trees have blown down in this area. In the interest of public safety and protection of the hydro lines, BC Hydro concurred in writing with Mr. Fedje's analysis. The applicant is concerned that, after the trees on the road allowance have been removed, the remaining trees on the lot may blow down possibly blocking access, delaying response time, or damaging the fire hall. The applicant proposes to remove all the trees on the site and fence the perimeter of the entire lot.

Located at the corner of Jinglepot Road and Meadow Drive, the parcel is a highly visible site. The RDN park and a parcel of ALR designated land that is heavily vegetated with tall, mature trees borders the subject property. To prevent wind fall onto the subject parcel from the neighboring Lot 13 and to provide a buffer between the park and the proposed fire hall site, staff recommend that trees be retained where possible and that a landscaping plan that identifies and includes wind firm measures be submitted. As volunteer fire department members have less available free time, staff encourage the fire department to include maintenance considerations when designing the landscape plan.

The fire truck bays are to be equipped with an oil/water separator to prevent contaminants from entering the soil.

SUBDIVISION IMPLICATIONS

There are no implications for subdivision. The subdivision district is not changing, and no further subdivision is permitted.

INTERGOVERNMENTAL IMPLICATIONS

Referrals were sent to the Ministry of Transportation, Ministry of Environment, Agriculture Land Commission, Vancouver Island Health Authority, and the City of Nanaimo.

Ministry of Transportation staff has indicated that they have no objection to this proposed zoning amendment application provided that the applicant obtains a valid access permit for the fire hall.

The Ministry of Environment staff commented that they no longer review site specific referrals but recommends that the applicant read the *Develop With Care: Environmental Guidelines for Urban and Rural Development in British Columbia*.

VOTING

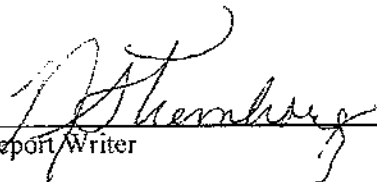
Electoral Area Directors - one vote, except Electoral Area 'B'.

SUMMARY

The purpose of Bylaw No. 500.335, 2006, is to rezone the subject property from Rural 1 to Public 4 to allow the use of the site for a fire hall. The proposed use is consistent with Section 7.4 of the "Regional District of Nanaimo's East Wellington - Pleasant Valley Official Community Plan (OCP) Bylaw No. 1055, 1999," and future purchasers will be aware of the fire hall use. The primary condition related to this zoning amendment application is a low maintenance landscaping plan that ensures the development fits with the character of the neighbourhood and the fire hall is not damaged nor the access blocked from wind fall. Approval for the waste disposal and access permits shall be obtained prior to adoption.

RECOMMENDATIONS

1. That the minutes of the Public Information Meeting held on June 20, 2006, be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.335," to rezone the subject property from Rural 1 to Public 4 to allow the use of the site for a fire hall be given 1st and 2nd reading.
3. That the public hearing for "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.335, 2006," be waived and notice in accordance with Section 893 of the Local Government Act be given.
4. That the conditions as outlined in Schedule No. 1 be completed as recommended.

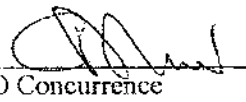


Report Writer

General Manager Concurrence



Acting Manager Concurrence



CAO Concurrence

COMMENTS:

devsvs/2006/reports/za ju 3360 30 0603 Mountain Fire Protection District Report

Schedule No. 1
Conditions of Approval for Zoning Amendment Application No. ZA0603
Mountain Fire Protection District

The following conditions are to be completed prior to Amendment Bylaw No. 500.335 proceeding to final reading:

1. The applicant shall submit a site plan that shows the access and egress points.
2. The applicant shall submit a landscaping plan that details:
 - The location, type, number, height, and size of plants to be retained and planted;
 - Short and long term maintenance considerations;
 - Wind firm measures;
 - The location, type, and size of any fence.
3. The applicant shall submit a design drawing of the fascia sign.
4. The applicant shall become familiar with the *Ministry of Environment's Develop with Care: Environmental Guidelines for Urban and Rural Developments in British Columbia*.
5. The applicant shall provide a copy of the engineered structural drawings and a survey prepared by a BCLS to show that the proposed site of the fire hall meets setback and height requirements of Bylaw No. 500.
6. The applicant shall provide a copy of the access permit from the Ministry of Transportation.
7. The applicant shall provide a copy of the approved waste disposal permit from the Ministry of Health.

Schedule No. 2
Conditions of Approval for Zoning Amendment Application No. ZA0603
Mountain Fire Protection District

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 500.335

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 '3A', ZONING MAPS** of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," is hereby amended by rezoning from Rural 1 (RU1) to Public (PU4) the land legally described as:

Lot 12, Section 14, Range 4, Mountain District Plan VIP80079, and

as shown in heavy outline on Schedule '1', 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. 500.335, 2006."

Introduced and read two times this day of 2006.

Public Hearing waived and notice given pursuant to Section 893 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.

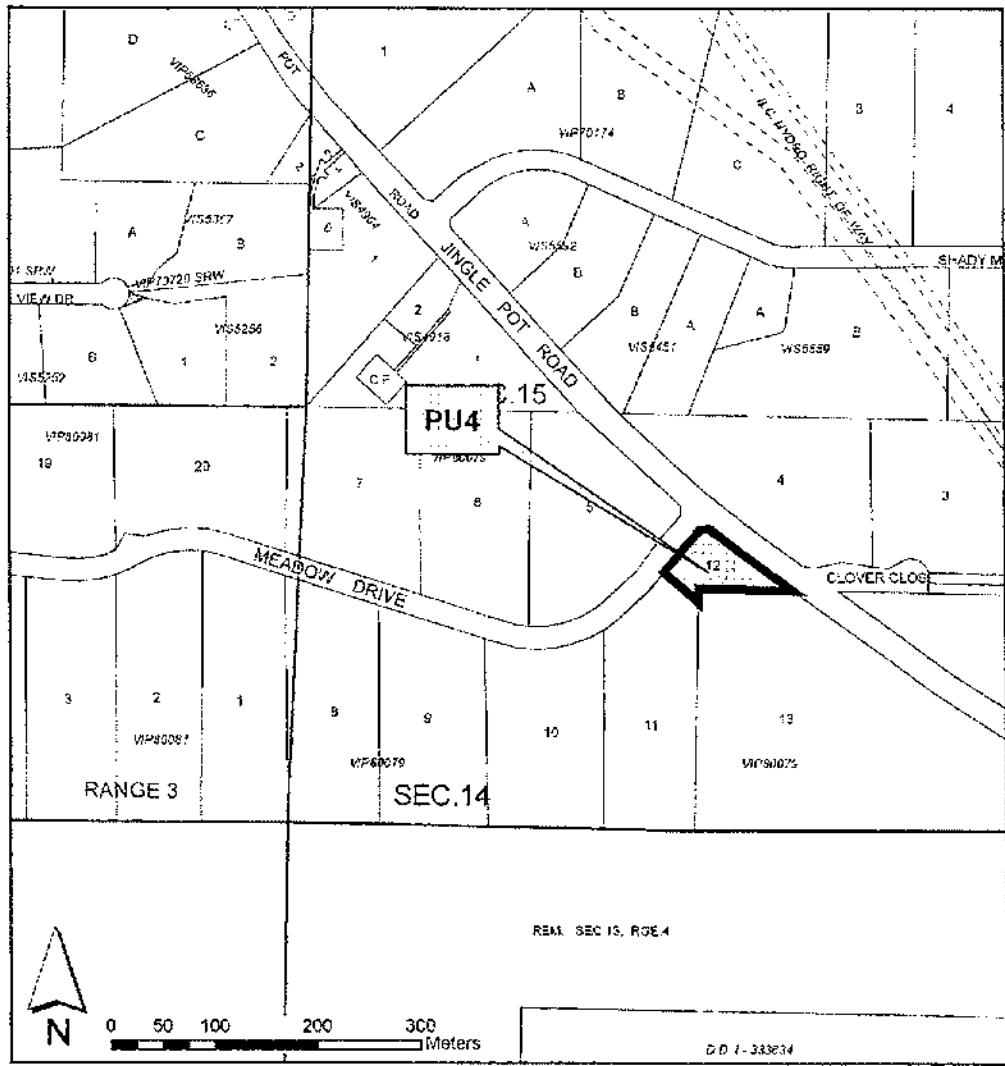
Chairperson

Manager, Administrative Services

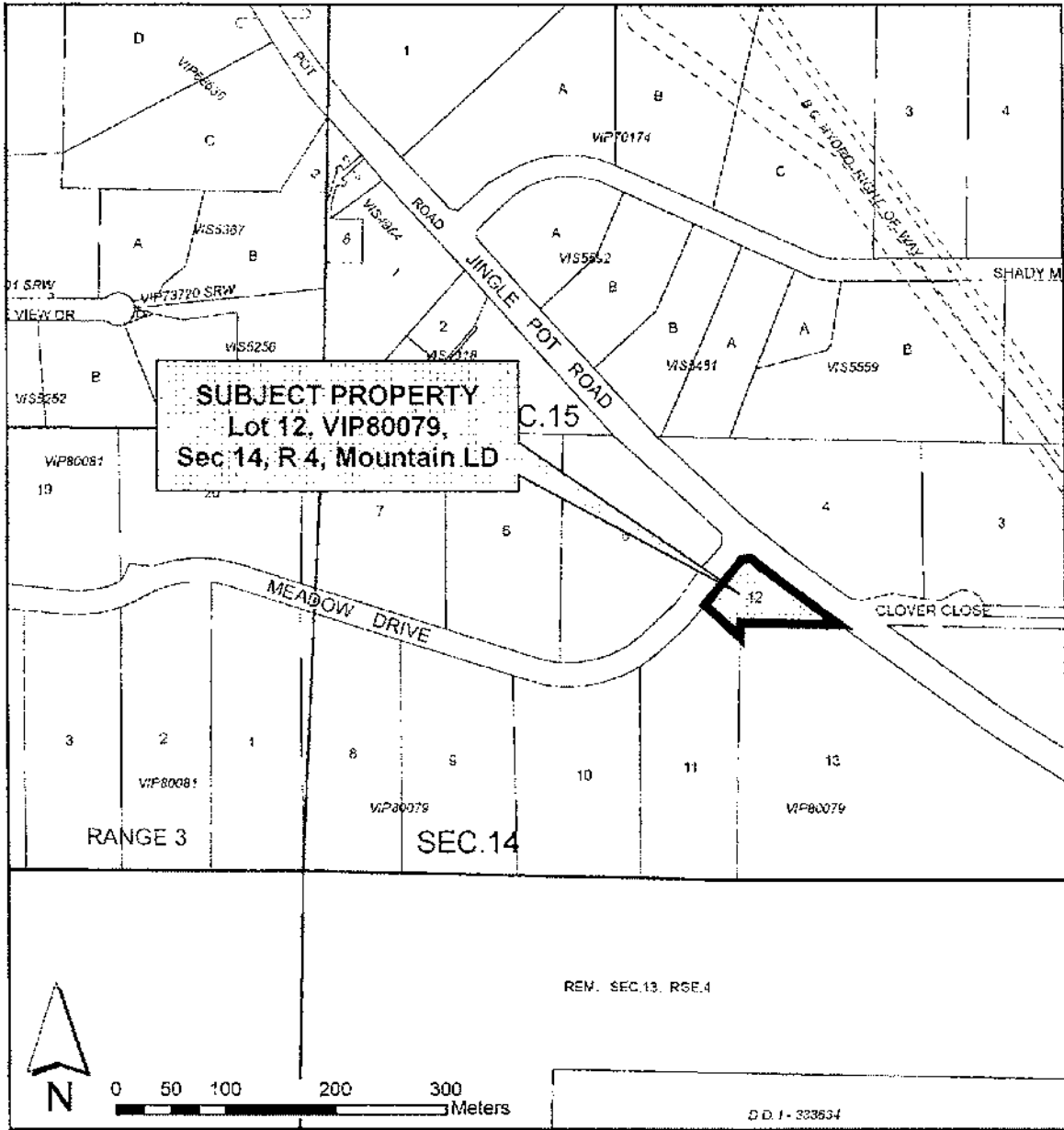
Schedule '1' to accompany "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.335, 2006."

Chairperson

Chief Administrative Officer



Attachment No. 1
Location of Subject Property



**Attachment No. 2
Proceedings of the Public Information Meeting**

Summary of the Minutes and Submissions to the Public Information Meeting

REGIONAL DISTRICT OF NANAIMO

Report of Public information Meeting

**Held at Mountain View School, 2480 East Wellington Road
Electoral Area 'C', June 20, 2006, at 7:00 pm**

For Zoning Amendment Application No. ZA0603

Note, this summary of the meeting is not a verbatim recording of the proceedings, but is intended to summarize the comments of those in attendance at the Public Information Meeting.

There were approximately 10 people in attendance.

Present for the Regional District:

Director Maureen Young, Electoral Area 'C'
Norma Stumborg, Planner
Greg Keller, Planner

Present for the Applicant:

Mr. Charlie Pinker, Mountain Fire Protection District

Director Maureen Young opened the meeting at 7:00 pm and outlined the agenda for the evening's meeting and introduced the head table, including Mr. Charlie Pinker representing the Mountain Fire Protection District. The Chair then stated the purpose of the public information meeting and requested the planner to provide background information concerning the amendment application. Norma Stumborg, Planner for the RDN, provided an outline of the application.

Director Maureen Young then invited Mr. Charlie Pinker, the applicant, to give a presentation of the development amendment. Mr. Pinker gave an overview of the proposal.

Following the applicant's presentation, **Director Maureen Young** invited questions and comments from the audience.

Mr. Wayne Diedrichsen of 2945 Amrik Road stated that he is in favour of the application because the fire hall is a great benefit to the community that should be celebrated.

Steve Ellis of 2642 Munroe Road stated that he is in favour of the location of the fire hall.

Gordon Bush of 3506 Durnin Road stated that he is in favour of the proposed rezoning application.

Dale Fulton of 293 Harwell owns the adjacent property to the south and stated he is in favour of the proposed development.

Sandy Laird of 2945 Amrik Road inquired about the layout of the site plan and the possibility of street lighting.

Mr. Charlie Pinker, applicant, provided Ms. Laird with a preliminary site plan and outlined that all the trees will be logged off the property. Mr. Pinker stated that there will be three street lights in the vicinity of the subject property.

Gordon Bush of 3506 Durnin Road asked if anyone has expressed opposition to the proposed development.

Norma Stumborg, Planner for the RDN, stated that she has not received any phone calls either in favour or opposed to the proposed development.

Dale Fulton asked whether the Regional District of Nanaimo intends to provide parking for the park area.

Norma Stumborg, Planner for the RDN, stated there are no plans for parking at this time.

Gordon Bush of 3506 Durnin Road asked about the on-site parking.

Mr. Pinker, applicant, stated that there will only be parking for the fire department, not for the park next door.

Greg Keller, Planner for the RDN, outlined the parking requirements pursuant to Bylaw No. 500, 1987.

Dale Fulton, asked about the lay of the land from the parking area to the entrance on Jinglepot Road.

Mr. Charlie Pinker, applicant, stated that the lot will be graded and will be fairly level.

Director Maureen Young called three times for any further questions or comments. There were none. Director Young thanked everyone for attending and adjourned the meeting at 7:21 pm.



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CAO	GMES	
GMCS	GMR&P	
GMDS	GMRT&P	
JUL - 5 2006		
CHAIR	BOARD	
EAP		

MEMORANDUM

TO: Wayne Moorman
Manager, Engineering & Subdivisions

DATE: June 28, 2006

FROM: Susan Cormic
Senior Planner

FILE: 3060 30 60626
c/r 3320 20 26818

SUBJECT: Development Permit Application No. 60626
Fern Road Consulting Ltd., on behalf of P Adair, G Adair, R Knutson, & K Adair
Electoral Area 'H' – Oakdowne Road

PURPOSE

To consider an application for a development permit in conjunction with the creation of a 3-lot subdivision within an Environmentally Sensitive Features Development Permit Area in Electoral Area 'H'.

BACKGROUND

The parent parcel, legally described as Lot 1, District Lot 89, Newcastle District, Plan 36988, is located adjacent to Oakdowne Road in Electoral Area 'H' (See Attachment No. 1 on page 6 for location of parent parcel).

The property, which is 6.06 ha in size, is zoned Rural 1 (RU 1) and is within Subdivision District 'D' pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The parent parcel, which is currently vacant, is surrounded by rurally zoned parcels with the Island Highway No. 19A to the north and Oakdowne Road to the west.

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

The parent parcel is also designated within the Highway Corridors Development Permit Area pursuant to the Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003. However, the application for subdivision will meet the exemption provision for this development permit area.

Proposed Development

The applicant is proposing to construct 3 fee simple parcels greater than the required minimum parcel size of 2.0 ha with private potable water wells and private individual septic disposal systems (see Schedule No. 2 on page 5 for proposed subdivision layout).

As part of the application, the applicant submitted a Hydrogeological Assessment; prepared by EBA Engineering Consultants Ltd.

ALTERNATIVES

1. To approve the Development Permit Application No. 60626, as submitted, subject to the conditions outlined in Schedule Nos. 1 and 2.
2. To deny the development permit as submitted and provide staff with further direction.

DEVELOPMENT IMPLICATIONS

Development Permit Guidelines

With respect to the development permit guidelines for protection of the aquifer, the applicant has submitted a Hydrogeological Assessment of the parent parcel prepared by a Professional Engineer. The report provides primary conclusions as follows:

- that there is one productive unconfined aquifer within the study area in the vicinity of the parent parcel and that this aquifer has high potential to supply quantities of water for residential use for the proposed additional lots;
- the development of three additional wells should not significantly impact the groundwater resource in the vicinity of the parent parcel, and
- the report has not commented on the potibility of the water.

The report makes a number of recommendations including the following:

- Septic tanks and fields are to be installed in compliance with the Sewerage System Regulation and the Subdivision Assessment Standards.
- Homeowners are to undertake regular and routine maintenance of the septic systems including pumping out septic tanks.
- Runoff from impervious surfaces are to be directed into run-off swales, absorbent landscaping or other low lying areas that promote infiltration and increase groundwater recharge.
- The use and storage of substances that are of potential environmental concern should be avoided and the proper disposal of such substances should be undertaken in accordance with the development permit guidelines.
- No underground fuel tanks should be installed.
- Low impact solutions such as water conservation measures should be used during the development of the properties in order to minimize groundwater extraction and to ensure long-term sustainability of the groundwater resource.
- A professional hydrologist is to be retained during the development of the parcels to characterize the water quality through appropriate wellhead and aquifer protection and to collect and complete information pertaining to the new wells to improve the understanding of the resource and to allow for future responsible management of these valuable aquifers.

Site Servicing Implications

The applicant has applied 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.

Proof of potable water is subject to the approval of the Approving Officer.

VOTING

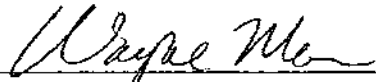
Electoral Area Directors – one vote, except Electoral Area ‘B’.

SUMMARY

This is an application for a development permit for the property located adjacent to Oakdowne Road in Electoral Area 'H'. The parent parcel is designated within the Environmentally Sensitive Features Development Permit Area pursuant to the Electoral Area 'H' OCP specifically for the purposes of ensuring protection of the aquifer. The applicant is proposing to develop the parent parcel into 3 parcels. The development permit, which includes measures for protection of the aquifer at the time of construction and maintenance of the septic disposal systems, is consistent with the applicable guidelines concerning protection of the aquifer outlined in the Environmentally Sensitive Features Development Permit Area. Therefore, for the above reasons, staff recommends Alternative No. 1, to approve the development permit subject to conditions outlined in Schedules No. 1 and 2.

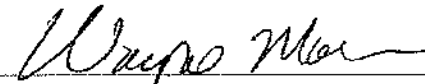
RECOMMENDATION

That Development Permit Application No. 60626 submitted by Fern Road Consulting Ltd., on behalf of P Adair, G Adair, R Knutson, & K Adair in conjunction with the subdivision on the parcel legally described as Lot 1, District Lot 89, Newcastle District, Plan 36988 and designated within the Environmentally Sensitive Areas Development Permit Area pursuant to the Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003, be approved, subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

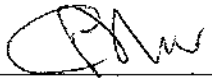
See 

Report Writer

General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devs\reports\2006\jn 3060 30 60626 (clr 26818) dp fern road consulting adair Knutson.doc

**Schedule No. 1
Conditions of Approval
Development Permit Application No. 60626**

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 7 page Hydrogeological Assessment Report; prepared by EBA Engineering Ltd., File No. 2840412 and dated May 30, 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 During Construction of the Subdivision

- a. All machines on site must be in good working order and no fuels, lubricants or construction wastes are permitted to enter the environment.
- b. All fueling must be done off-site.
- c. A spill kit shall be on-site to prevent the introduction of any fuels in the event of a spill. If a spill occurs, the Provincial Emergency Program must be contacted.
- d. Low impact solutions such as water conservation measures should be used during the development of the properties in order to minimize groundwater extraction and to ensure long-term sustainability of the groundwater resource.

4. Septic System Installation

Installation of septic disposal systems shall be in accordance with the Hydrogeological Assessment Report prepared by EBA Engineering Ltd., and dated May 30, 2006.

5. Septic System Maintenance

Future homeowners are to undertake regular and routine maintenance of the septic systems including pumping out septic tanks.

6. Underground Fuel Storage

No underground fuel tanks should be installed.

7. Runoff Standards

Runoff from impervious surfaces are to be directed into run-off swales, absorbent landscaping or other low lying areas that promote infiltration and increase groundwater recharge.

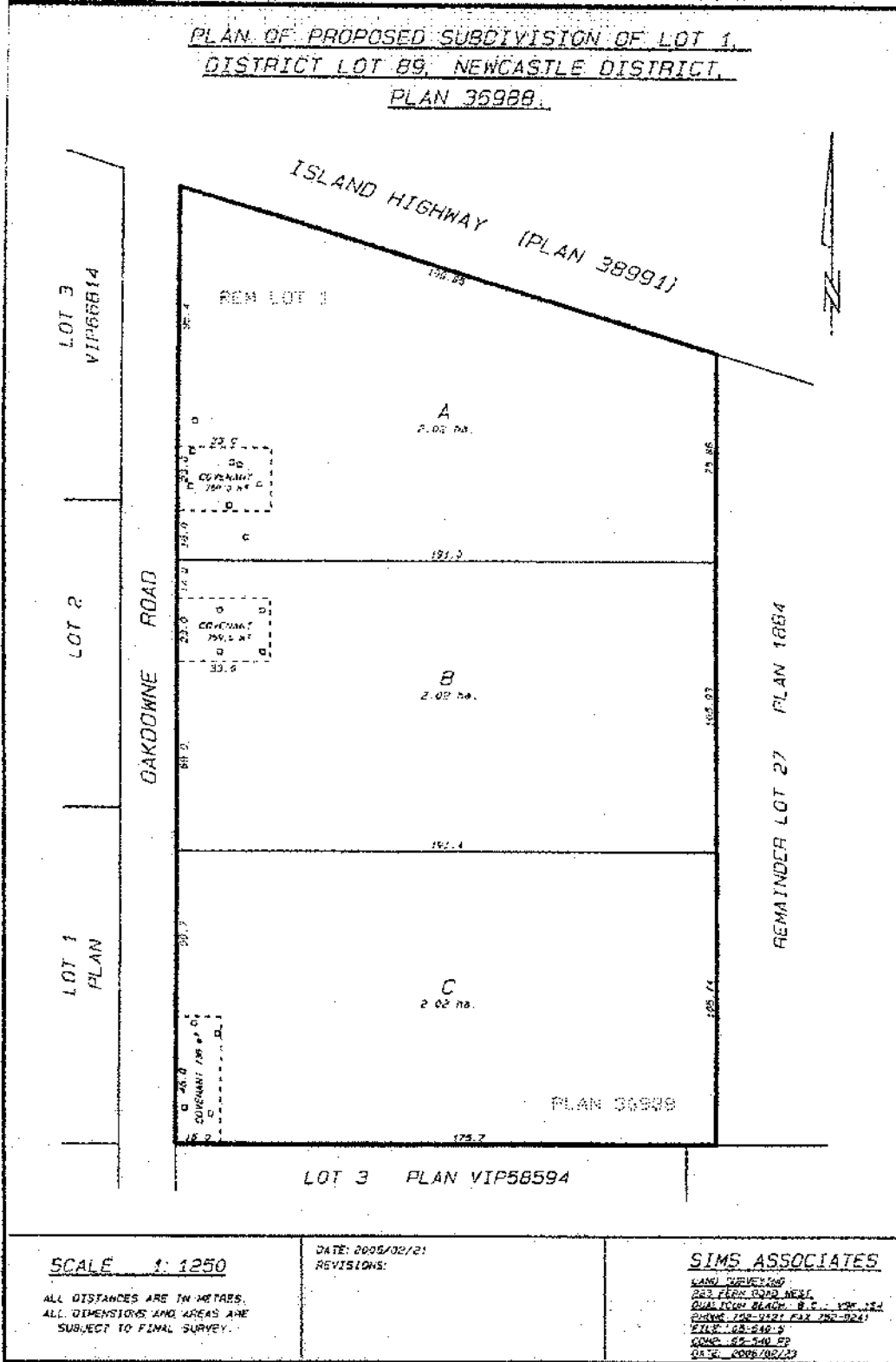
8. Well Construction

A professional hydrologist is to be retained during the development of the parcels to characterize the water quality through appropriate wellhead and aquifer protection and to collect and complete information pertaining to the new wells to improve the understanding of the resource and to allow for future responsible management of these valuable aquifers.

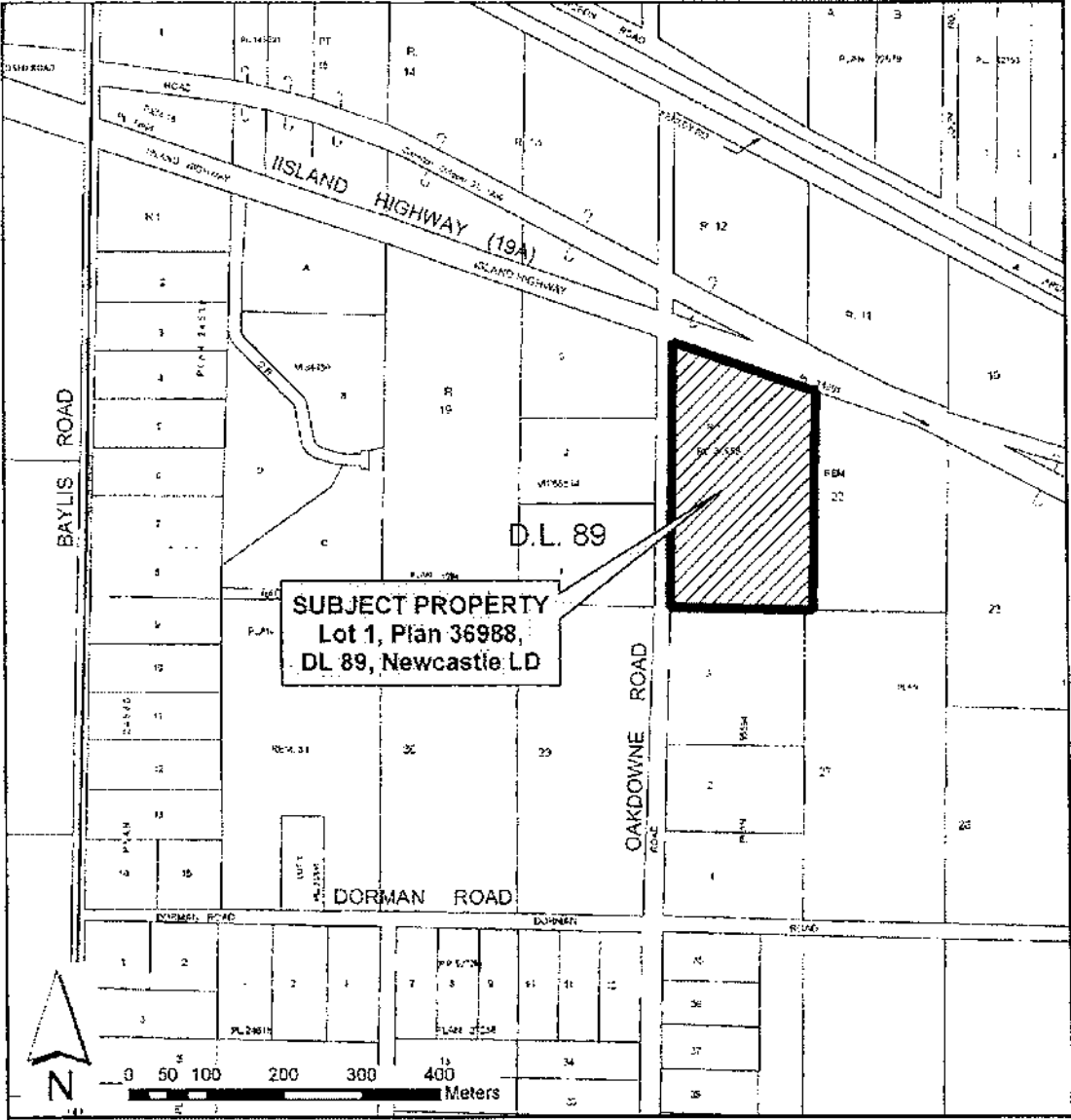
9. Storage of Hazardous Materials

The use and storage of substances that are of potential environmental concern should be avoided and the proper disposal of such substances should be undertaken in accordance with the development permit guidelines.

Schedule No. 2
 Development Permit No. 60626
 Proposed Plan of Subdivision



Attachment No. 1
Location of Subject Property
Development Permit No. 60626



BCGS Map Sheet No. 92F 038.3.2



RDN			
CAO	(N)	GMES	
GMCS		GMR&P	
GMDS		GMRT&P	
JUL - 4 2006			
CHAIR		BOARD	
EAP			

MEMORANDUM

TO: Jason Llewellyn
Manager of Community Planning

DATE: July 4, 2006

FROM: Norma Stumborg
Planner

FILE: 3090 30 90518

SUBJECT: Development Variance Permit Application No. 90518 — Bessembinder
Electoral Area 'E' – 1977 Harlequin Crescent - RDN Reference
Map No. 92F.030.3.3

PURPOSE

To consider an application for a Development Variance Permit to construct an elevated concrete parking structure.

BACKGROUND

The Planning Department received a Development Variance Permit (DVP) application to reduce the minimum interior side lot line setback from 2.0 metres to 0.0 metres on the north side of the parcel to construct an elevated concrete parking structure on the property legally described as Lot 36, District Lot 78, Nanoose District, Plan 29112. The subject property is located at 1977 Harlequin Crescent in Electoral Area 'E' (See Attachment No. 1).

The subject property is zoned Residential 1 (RS1) Subdivision District 'N' pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," and is designated Coast Residential pursuant to "Nanoose Official Community Plan Bylaw No. 1400, 2005."

The parcel is approximately 1,397 m² in size and is located within a building inspection service area. It is serviced by a Regional District of Nanaimo (RDN) water system and a private septic system. The property is bordered on all sides by single-family residential zoned properties with the coastline located to the northeast. The property to the west is undeveloped.

The house site was cut into the rock slope at an elevation of about 50 feet above the road level. A narrow driveway, with an approximate grade of 45 percent, angles across the front of the lot. The driveway does not provide for vehicle parking or turn around.

The applicant is requesting a variance to Section 3.4.61 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," to reduce the minimum interior side lot line setback from 2.0 metres to 0.0 metres for the structure located and designed as shown in Schedules No. 2 and 3.

ALTERNATIVES

1. To approve Development Variance Permit No. 90518 subject 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.
2. To deny Development Permit No. 90518.

LAND USE AND DEVELOPMENT IMPLICATIONS

The subject property is situated at the top of an unstable bank that is accessed by a steep concrete driveway with a gradient of approximately 45 percent. The applicant proposes to extend the vehicle turn around area by the garage with a professionally engineered, elevated, concrete structure.

The site was inspected by Davey Consulting and Engineering on September 19, 2005. At some point in time following this inspection, an excavation was initiated that caused failure of the rock slope on both the neighbouring and subject properties. To minimize the potential for further landslide and possible failure of the embankment, the excavated area was backfilled. The landowner then retained the geotechnical engineering advice of Geo-Force Engineering Ltd. Their report, dated February 17, 2006, indicates that the site may be used for the proposed use under certain conditions. Specifically, the structure must be engineered, the pilings are to be driven in and horizontally anchored to bedrock as well as cross braced. The concrete is to be reinforced with rebar, and pier columns are to be installed for lateral and vertical support of the vehicle ramp.

Tito Mora Engineering Ltd. prepared the structural drawings. The proposed concrete pad slopes downward slightly towards the road. A curb, constructed of rebar reinforced concrete, edges the parking area. To alleviate staff's concerns, the engineer provided a letter of assurance that the concrete curb has been designed to withstand the force of a vehicle backing into it and going off the platform.

As a term of this permit, the development is to be completed in compliance with the engineers' geotechnical recommendations and structural drawings. The Letter of Assurance, Geotechnical Reports, and any subsequent reports shall be registered on the Title along with a Section 219 covenant to save the Regional District harmless from potential bank or structural failure and to ensure that the potential hazards and engineer's recommendations are known to future property owners.

A survey, prepared by J.E. Anderson & Associates, indicates that the structure exceeds the property line boundary. The engineer confirmed that the corner of the pile cap may be cut back to allow the structure to be contained on the subject property without harming the structural integrity. As a term of this permit, the applicant shall submit a survey, prepared by a British Columbia Land Surveyor, confirming the siting of the proposed structure prior to a final building inspection.

The septic field for the residence is located just beyond the toe of the rock fill slope. Therefore, staff recommends that work on the slope be carried out without impacting the septic field.

IMPACT ANALYSIS

Ocean views are visible from both the subject parcel and adjacent parcels. The proposed structure is screened from view of the adjacent properties to the south, east, and west by mature vegetation and rock slopes. The most notable impact will be that of the view of the adjacent property owner to north. The applicant indicated that he spoke with these neighbours last fall, and that they do not oppose the proposed

variance. Through the public consultation process, the neighbours will have an opportunity to comment on the requested variance.

This neighbour to the north is now in the process of constructing a three-storey house that is approximately 2.5 metres lower in elevation than the house on the subject property and is angled on the lot so that the windows and deck of the main living areas face the proposed concrete parking pad. Their view of the structure is partially screened with trees and a rock wall. The elevation of the main living area and associated deck on the second storey of the house is approximately the same as that of the proposed concrete structure. From this vantage point, these neighbours will be looking across the concrete pad and at vehicles that are parked on it. Given that the concrete pad does not contain any walls and that the neighbours typically park in the garage, staff does not anticipate that the structure will impede their view of the ocean.

People driving on Harlequin Crescent will have a partial view of the proposed structure as the trees, between the road and the proposed site, are younger and shorter than the upslope ones; but as the trees grow further, screening will be provided. It is important to note that Harlequin Crescent is a dead end street with low traffic volumes because there are only five lots down the street from the subject property. Staff expects that the proposed structure will fit with the character of the neighbourhood and recommends that if the existing trees are removed during construction that the trees be replaced with drought tolerant, native species of an equivalent height.

Development Variance Permit Evaluation Policy

The Development Variance Permit Evaluation Policy recently adopted by the Board requires applicants to demonstrate that the variance is necessary and supported by a land use justification. The applicant cites 1(a)(i) of the policy that the ability to use or develop the property is unreasonably physically constrained by the steep slope. The applicant cannot create a parking area by the street, at the toe of the bank, because this is where the waste disposal system is located.

PUBLIC CONSULTATION IMPLICATIONS

As part of the required public notification process pursuant to the *Local Government Act*, property owners located within a 50.0 metre radius would receive notice of the proposal and have an opportunity to comment on the proposed variance prior to the Board's consideration of the permit. No letters of support or opposition to this application have been received.

VOTING

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

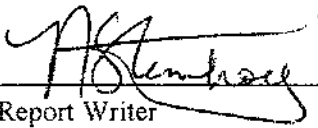
SUMMARY/CONCLUSIONS

The Planning Department received a Development Variance Permit application to reduce the minimum interior side lot line setback from 2.0 metres to 0.0 metres to construct an elevated concrete parking addition at 1977 Harlequin Crescent. The variance is not anticipated to impede ocean views of the neighbours to the north, nor create any notable impacts for other adjacent property owners. The streetscape view is partially screened by trees and staff expects the proposed structure will fit with the character of the neighbourhood provided the screening is maintained. Additionally, the structural safety and land hazard concerns have been adequately addressed by professional engineers and secured through

terms of this permit. Therefore, staff recommends approval of the variance 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.

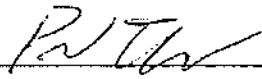
RECOMMENDATION

That Development Variance Permit Application No. 90518, to reduce the north interior side lot line setback from 2.0 metres to 0.0 metres for an elevated concrete parking structure at 1977 Harlequin Crescent, 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



Acting Manager Concurrence



CAO Concurrence

COMMENTS:
devsvs/reports/2006/dvp_ju_3090_30_90518_Bessembinder_Report

Schedule No. 1
Terms of Development Variance Permit No. 90518
For Lot 36, District Lot 78, Nanoose District, Plan VIP29112

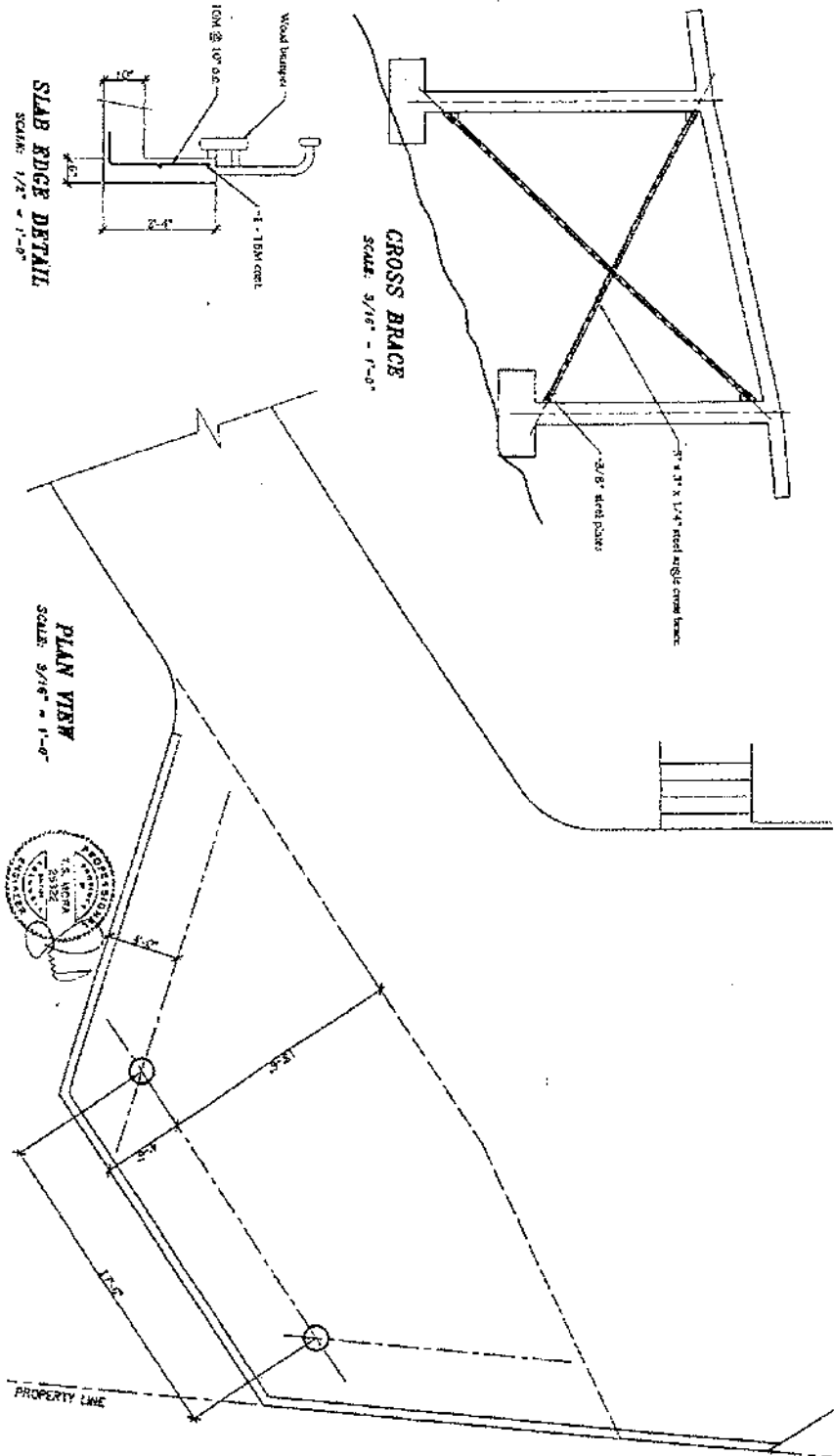
Development of Site

1. Section 3.4.61- Minimum Setback Requirements – Interior Side Lot Line – of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," is varied to relax the interior side lot line setback from 2.0 metres to 0.0 metres on the north side of the parcel to construct a concrete parking structure.
2. This variance applies only to the structure shown in Schedule No. 2. The structure shall be constructed in compliance with Schedules No. 2 and No. 3, except where varied by this permit.
3. The structure shall be located within the bounds of the subject property. To accomplish this, the corner of the north downslope pile cap shall be reduced, in accordance with and under the direction of Tito Mora Engineering Ltd.
4. The applicant shall construct the structure in accordance with the recommendations of the geotechnical report dated February 17, 2006, and prepared by Geo-Force Engineering Ltd. or subsequent reports that may be required for the building permit.
5. Work on the slope shall be carried out without impacting the septic field.
6. Any trees removed during construction shall be replaced with drought tolerant native species of an equivalent height. Replacement trees shall be planted and maintained in accordance with the advice of a professional landscaper.
7. A building permit shall be obtained from the RDN Building Inspection Department prior to the commencement of any work on the site.
8. The applicant shall submit a survey, prepared by a British Columbia Land Surveyor, confirming the siting of the proposed structure prior to receiving final approval from the Building Inspection Department.

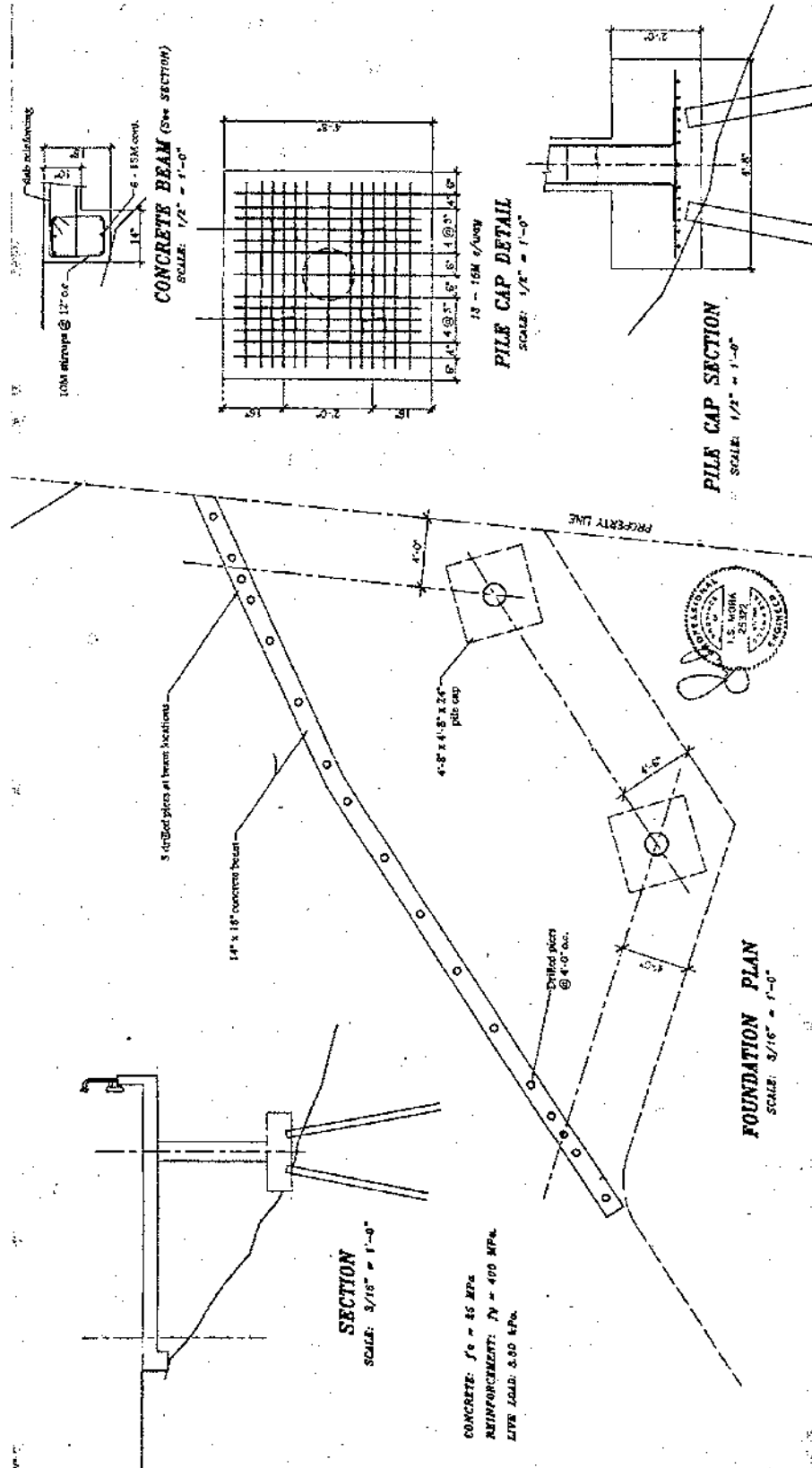
Covenant

9. At the applicant's expense and to the satisfaction of the Regional District of Nanaimo, the Geotechnical Reports dated September 19, 2005, prepared by Davey Consulting and Engineering and dated February 17, 2006, and prepared by Geo-Force Engineering Ltd. and any subsequent addendums shall be registered on the Certificate of Title in favour of the Regional District of Nanaimo.
10. At the applicant's expense and to the satisfaction of the Regional District of Nanaimo, the applicant shall register a Section 219 save harmless covenant in favour of the Regional District of Nanaimo and a copy of the Issuance of Assurance Letter dated June 15, 2006, and prepared by Tito Mora Engineering Ltd. at the Land Title Office prior to issuance of a building permit.

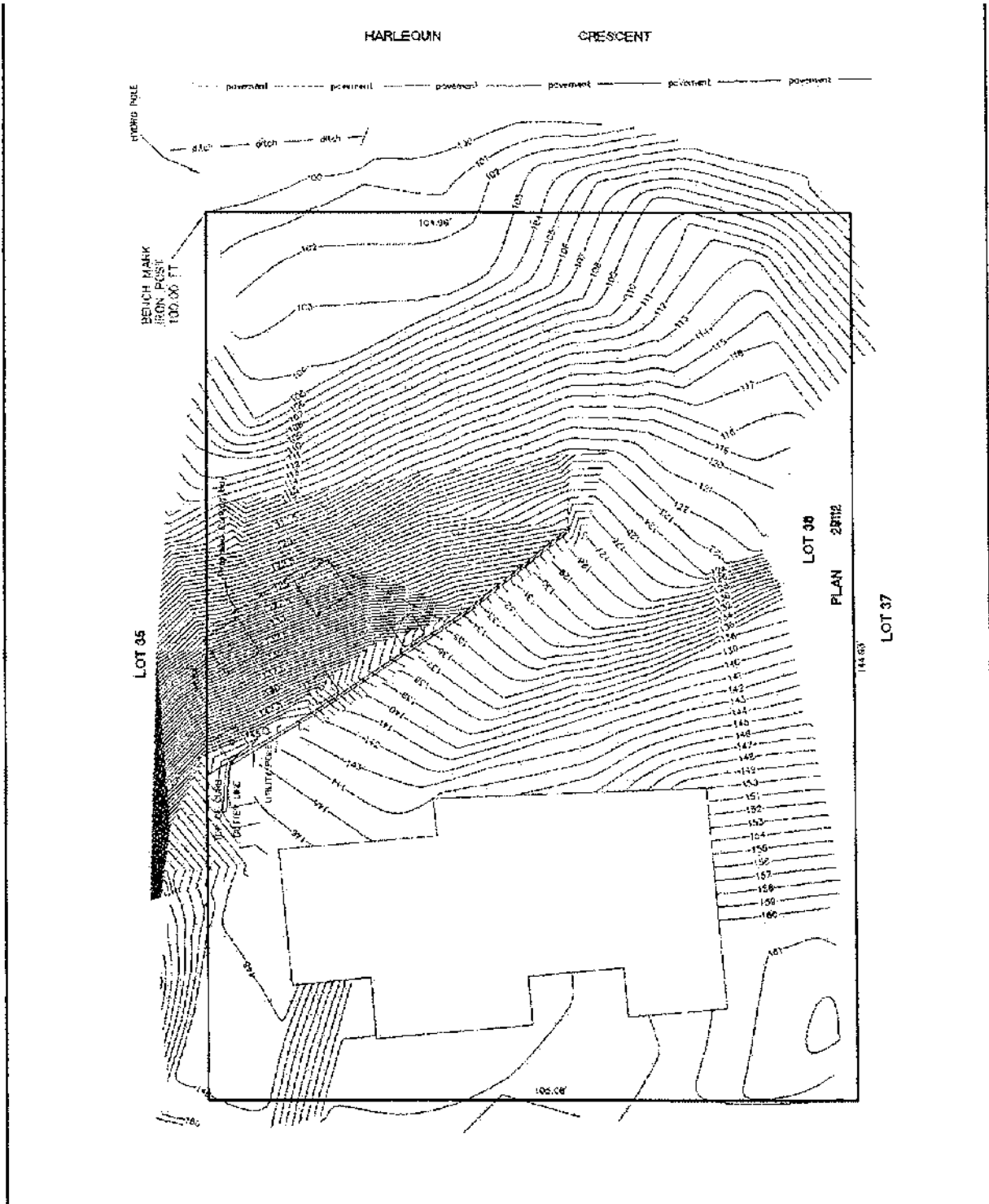
Schedule No. 2 (page 1 of 3)
Engineered Drawings
Development Variance Permit No. 90518
(As Submitted by Applicant / Modified to Fit This Page)



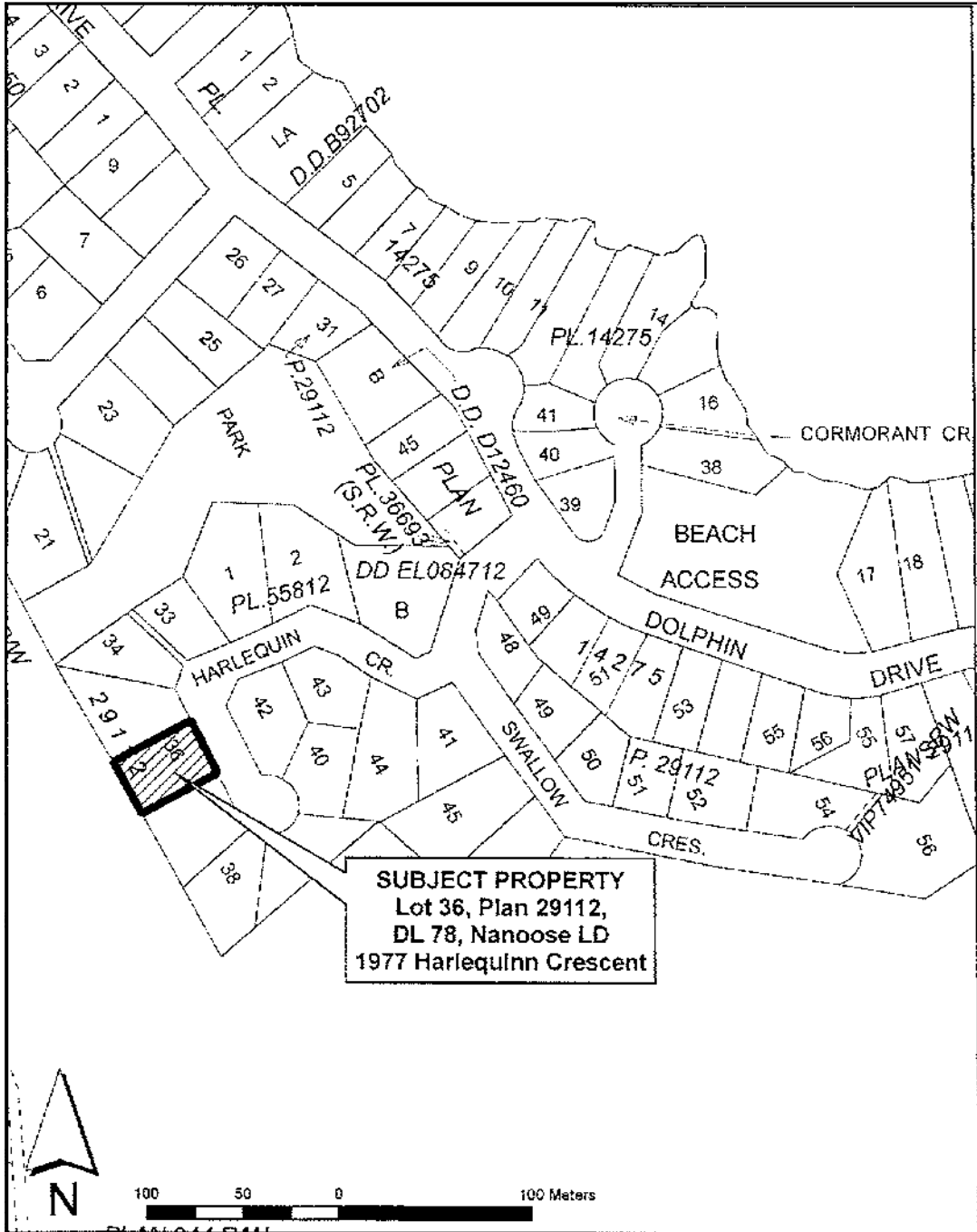
Schedule No. 2 (page 2 of 3)
Engineered Drawings
Development Variance Permit No. 90518
(As Submitted by Applicant / Modified to Fit This Page)



Schedule No. 3
Site Plan
Development Variance Permit No. 90518
(As Submitted by Applicant / Modified to Fit This Page)



Attachment No. 1
Development Variance Permit No. 90518
Subject Property Map



Mapsheet 92F.030.3.3



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JUL - 5 2006			
CHAIR		BOARD	
EAP			
		DATE:	June 28, 2006

MEMORANDUM

TO: Wayne Moorman
Manager, Engineering & Subdivisions

FROM: Susan Cormie
Senior Planner

SUBJECT: Development Variance Permit Application No. 90614
Applicant: Tom Hoyt, BCLS, on behalf of Wayne Roine
Electoral Area 'A' - Yellow Point Road

PURPOSE

To consider a development variance permit application to relax the minimum interior side lot line setback requirement to accommodate the siting of existing buildings in conjunction with a proposed two-lot subdivision development.

BACKGROUND

The applicant has applied for a development variance permit to request the relaxation of the interior side lot line setback requirement to accommodate the siting of 3 existing accessory buildings from a lot line proposed to be created at time of subdivision as part of a 2-lot subdivision proposal for the property legally described as Lot 1, Section 5, Range 5, Cedar District, Plan 8608, Except Part in Plan 32954 and located on Yellow Point Road within the Electoral Area 'A' (see Attachment No. 1 on page 6 for location).

The subject property is currently zoned Rural 4 (RU4) and is within Subdivision District 'D' pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987. The applicant is proposing to subdivide the parent parcel in order to create a section 946 parcel a minimum of 1.0 ha in size with the second parcel being greater than 2.0 ha in size. The minimum parcel size requirements will be able to be met under the bylaw provisions. (see Schedule No.1 on page 4 for proposed subdivision).

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

Proposed Variances to Minimum Setback Requirements

A requirement of subdivision approval is that all existing buildings must meet current minimum setback requirements from all proposed lot lines. In this case, the applicant is requesting the relaxation of setbacks for 3 existing buildings to be located within Proposed Lot A and B as follows:

<i>Proposed Lot</i>	<i>Building</i>	<i>Proposed Variance</i>
A	Accessory Building (Shop) (labeled Building No. 1)	From 8.0 m to 5.0 m from the proposed interior side lot line
B (section 946 lot)	Accessory Building (labeled Building No. 2)	From 8.0 m to 4.9 metres from a proposed lot line interior side lot line
B	Accessory Building (labeled Building No. 3)	From 8.0 m to 2.9 m from the proposed interior side lot line

(See Schedule No. 2 on page 5 for location of Buildings and proposed setbacks)

As these buildings will not meet the required minimum setback of 8.0 metres for accessory buildings from the interior side lot line, variances to Bylaw No. 500 provisions are required. As a result, the applicant has applied for a development variance permit requesting to variances to these buildings.

ALTERNATIVES

1. To approve the development variance permit application as submitted, subject to notification procedure.
2. To deny the development variance permit application.

DEVELOPMENT IMPLICATIONS

With respect to the request for relaxation of the setback requirements, the applicant is proposing to create a section 946 subdivision, which will provide separate titles for the 2 existing houses on the parent parcel. Due to the location of these houses and the accessory buildings, the minimum setback requirement for three buildings from the proposed interior side lot line will not be able to be met upon the creation of the new interior side lot line. Adjusting the interior side lot line to the west will negatively impact upon the existing driveway and second dwelling unit while adjusting the proposed line to the east will impact the existing accessory buildings. The owner does not wish to remove the buildings as they are currently being used for vehicle storage and parking and general storage. There is no additional land area to allow for adjustment of the proposed lot line.

There is no further opportunity for additional subdivision on the parent parcel.

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

VOTING

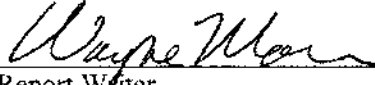
Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY


This is a request for a development variance permit to allow the relaxation of the siting of 3 accessory buildings in conjunction with the proposed 2-lot subdivision proposal as shown on Schedule No. 1. Due to the historical subdivision development, the location of the buildings on the parent parcel, and as there is no additional land area for realigning the proposed subdivision lot line boundary, staff recommends Alternative No. 1, to approve the development variance permit to allow the relaxation of the minimum setback requirement for the three accessory buildings, subject to notification procedures.

RECOMMENDATION

That Development Variance Permit No. 90614, submitted by Tom Hoyt, BCLS, on behalf of Neil Roine, to relax the minimum setback requirement for the proposed interior side lot line from 8.0 metres to 5.0 metres, 4.9 metres, and 2.9 metres for three existing accessory buildings in conjunction with the proposed subdivision of Lot 1, Section 5, Range 5, Cedar District, Plan 8608, Except Part in Plan 32954, as shown on Schedule No. 1 of the staff report, be approved subject to the notification requirements subject to the *Local Government Act*.


See 

Report Writer



Manager Concurrence

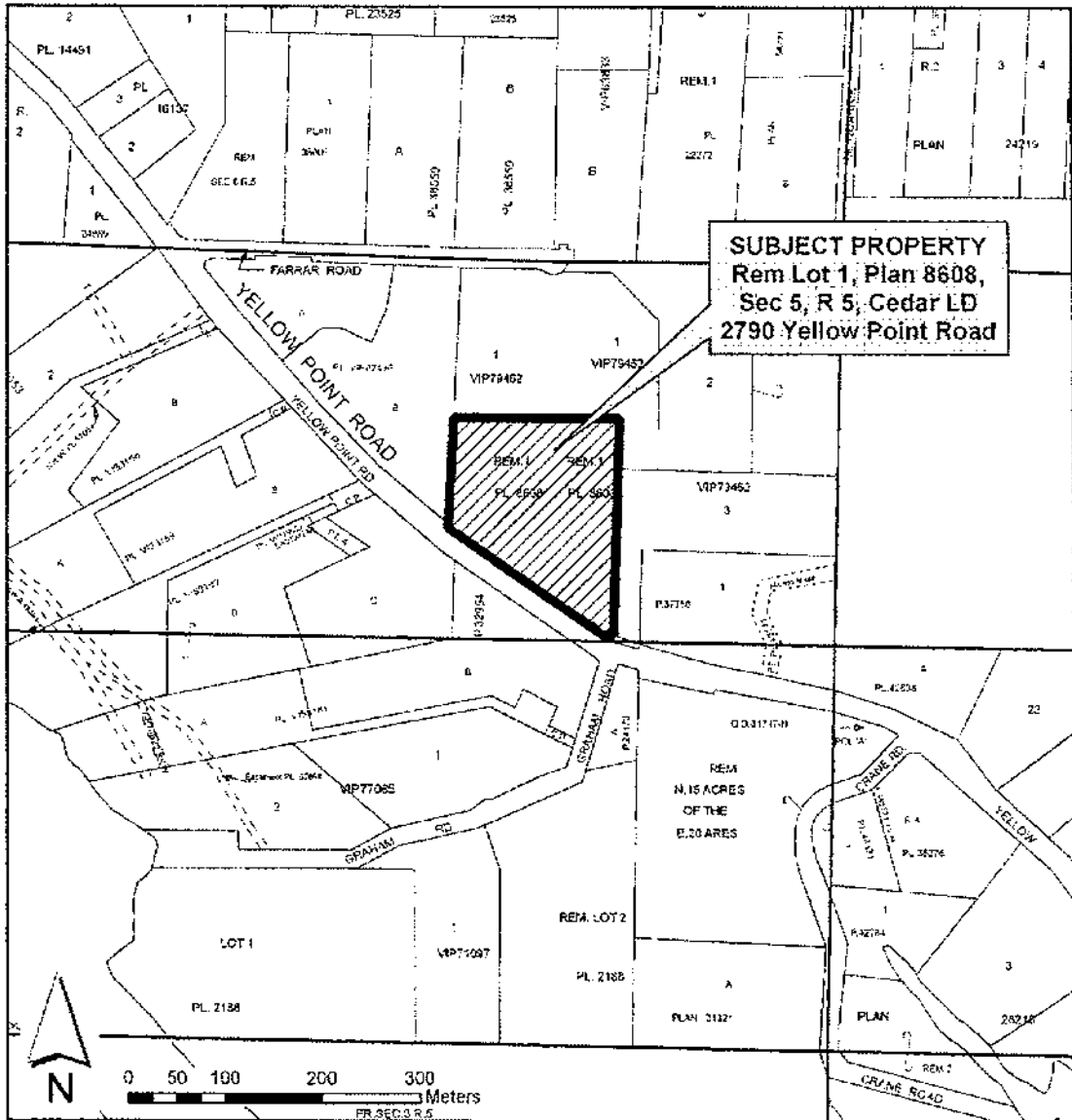
General Manager Concurrence



CAO Concurrence

COMMENTS:
devsrs/reports/2006/jn 3060 30 90614 dvp90614 Roine Hoyt.doc

Attachment No. 1
Location of Subject Property





R D N			
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GMCS		GMR&P	
GMDS		GMRT&P	
JUN 29 2006			
CHAIR		BOARD	
EAP			

MEMORANDUM

TO: Wayne Moorman
Manager, Engineering & Subdivisions

DATE: June 28, 2006

FROM: Susan Cormie
Senior Planner

FILE: 3320 30 26733

SUBJECT: Request to Relax the Minimum 10% Perimeter Frontage Requirement & Request for Acceptance of Park Land Dedication
George Gow, on behalf of G Gow, D Gow, & H Lechthaler
Electoral Area 'A' – MacMillan Road

PURPOSE

To consider a request for relaxation of the minimum 10% perimeter frontage requirement and to consider a request for acceptance of park land dedication in conjunction with the creation of an 8-lot subdivision on property in Electoral Area 'A'.

BACKGROUND

This is a subdivision application, which is subject to the consideration of park land or cash in-lieu of park land or a combination of both for the property legally described as Lot 2, Section 16, Range 8, Cranberry District, Except Parts in Plans 8039 and 9378 and located adjacent to MacMillan Road within the Cedar area of Electoral Area 'A' (see Attachment No. 1 on page 7 for location of subject property). In this case, the applicants have submitted a proposal offering the dedication of park land.

This is also a request for relaxation of the minimum 10% perimeter frontage requirement.

The subject property, which is 3.8 ha in size, is currently zoned Residential 2 (RS2) and is within Subdivision District 'M' (minimum 2000 m² with community water) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The parent parcel currently supports 3 dwelling units plus accessory buildings. The parcel contains a portion of a larger wetland area which connects to the Nanaimo River and York Lake.

Surrounding land uses include residentially zoned properties to the north, east, and south with MacMillan Road to the south east. Nearby community facilities include Cedar Community School and Cedar Heritage Centre. A Regional District park land site (Lot 22 Plan VIP80144) is located to the northwest of the parent parcel.

In addition, the parent parcel is designated within the Streams, Nesting Trees, & Nanaimo River Floodplain Development Permit Area No. 5 pursuant to the Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001 (OCP) for the protection of the wetland and its 15.0-metre riparian area. As the proposal will meet the exemption provisions of the development permit area, a development permit is not required.

Proposed Development

The applicant is proposing to construct 8 fee simple parcels varying in size from 2100 m² to 4700 m² with community water service connections from North Cedar Improvement District and individual septic

disposal systems), therefore meeting the minimum parcel size requirement pursuant to Bylaw No. 500 (see Schedule No. 1 on page 6 for proposed subdivision layout). Under the zoning provisions, proposed Lots 1 to 7 would be able to support 1 dwelling unit each while proposed Lot 8 would be able to support 2 dwelling units.

Park Land Requirements

Where an official community plan contains policies and designations respecting the location and type of future parks, the local government may determine whether the owner must provide land or cash or a combination of both. In this case, the OCP specifies that park land dedication may be considered at the time of subdivision subject to meeting the preferred park land criteria set out in the Plan. Pursuant to the *Local Government Act*, the maximum amount of park land that the Regional District may request for this property is 5% of the total site area, in this case approximately 2000 m².

Park Land Proposal:

The applicant is proposing to dedicate 1.1 ha or 29 % of the total land area, which consists of a wetland area and a 3.1 metre wide strip of the upland area. The location of the wetland area which is part of a larger wetland system is shown on *Schedule No. 1 on page 6*

The park land proposal was referred to the Electoral Area 'A' Parks and Greenspace Advisory Committee on March 19, 2006 and presented at a Public Information Meeting held on June 1, 2006.

10% Minimum Frontage Requirement

Proposed Lots 3, 4, and 5, 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>
3	20.1 m	12.7 m	6.3 %
4	28.1 m	12.7 m	4.2 %
5	28.4 m	12.5 m	4.4 %

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 accept the offer of park land in the amount and location as set out in Schedule No. 1 and to approve the request for relaxation of the minimum 10% frontage requirements for proposed Lots 3, 4, and 5.
2. To not accept the offer of park land in the amount and location as proposed and instead require the applicant to dedicate park land in a different location and amount and to refuse the request for relaxation of the minimum 10% frontage requirements.
3. To not accept the park land proposal as submitted and require the applicant to provide 5% cash-in-lieu of park land and to approve the request for relaxation of the minimum 10% frontage requirements for proposed Lots 3, 4, and 5.

DEVELOPMENT IMPLICATIONS

Official Community Plan Implications

Where the official community plan contains policies and designations respecting the location and type of future parks, the local government may determine whether the owner must provide land or cash or a combination of both. The Electoral Area 'A' OCP contains park land related policies, which stipulate that park land is desirable where preferred criteria may be met such as waterfront access, environmentally sensitive areas, providing trail linkages, preserving viewpoints, or providing sites for passive outdoor recreation activities. In this case, the proposed park land includes a wetland and a portion of the adjacent riparian area, which is partially vegetated with native plantings. There is opportunity to provide a trail corridor. Therefore, this proposal meets a number of the criteria of OCP.

With respect to access to the future trail corridor, the main access is proposed to be off MacMillan Road with a connection to an un-constructed public road which connects to the existing RDN park land area to the north. Ministry staff have verbally indicated that they have no issue with the un-constructed road way being used as a connection between the existing park land and the proposed park land. It is noted, however, that a permit from the Ministry of Transportation would be required and there would be a substantial cost to design and construct access between the two park areas due to the location of the natural boundary of the wetland, the possible need for a survey, and the probable need to construct a boardwalk.

Area 'A' Parks, Recreation and Green Space Advisory Committee Implications

The initial proposal for park land was referred to the Electoral Area 'A' Parks and Green Space Advisory Committee. The Committee offered a number of suggestions to the initial park land proposal. In response to these suggestions the applicant amended the original park land proposal to incorporate a number of these suggestions in the park land proposal (*see Attachment No. 2 on page 8 for Advisory Committee comments*).

Lot Configuration Implications

The requested relaxations for all the proposed parcels are necessary as these parcels are proposed to front cul-de-sac roads. Buildable site areas are available for each of the proposed parcels requiring frontage relaxation. Therefore, these cul-de-sac parcels, despite the narrower frontages, will be able to support the intended residential use.

Ministry of Transportation

Ministry of Transportation staff has indicated that they have no objection to the request for relaxation of the minimum 10% frontage requirement.

PUBLIC IMPLICATIONS

A Public Information Meeting (PIM) was held on June 1, 2006. Twelve (12) persons attended this meeting. Park land-related issues raised at this meeting included concern for the availability of vehicle parking for park land visitors and concern for vandalism (*see Attachment No. 3 for Minutes of Public Information Meeting*).

ENVIRONMENTAL / PARK LAND IMPLICATIONS

Based on the size of the parcel, the maximum amount of park land the Regional Board may request (5%) would be approximately 1900 m². The applicant is offering to dedicate 1.1 ha (11000 m²) or approximately 29 % of the total area of the parent parcel. The park land proposal encompasses a wetland area and a 3.1 metre riparian area as measured from the natural boundary. For the balance of the riparian

area (27.0 metres), the applicant is proposing to protect this area by covenant restricting the siting of buildings and structures and the removal of vegetation. The registration of this covenant can be secured through the subdivision review process.

This application for subdivision will meet the exemption provisions pursuant to the Streams, Nesting Trees, & Nanaimo River Floodplain Development Permit Area No. 5 (DPA) in that the minimum parcel size can be met exclusive of the development permit area and there will be no development activities associated with the subdivision occurring in the DPA. Therefore a development permit is not required to be issued for the protection of the wetland and its riparian area. It is noted that, with respect to the *Riparian Areas Regulation*, if a development permit is not required, the applicant is not required to submit an environmental assessment to the Ministry of Environment.

With respect to the public comments about the need for parking, as this proposed park land is a passive park, vehicular traffic is not expected to be high. Despite this, it is noted that there is on-street parking available along MacMillan Road near the proposed future trail head.

With respect to public comments concerning vandalism in the area, it is felt as the subdivision becomes populated, vandalism will become less. Residents at the PIM expressed an interest in recommending a neighbourhood watch.

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

Recreation and Park Department Implications

Recreation and Parks staff has reviewed this request for park land and are prepared to support the park land dedication. Recreation and Parks staff commented that the park land should be retained for its environmental values and noted that while there may be some challenges for the managing the park land in the future (in terms of trail development), this should not be seen as an impediment for accepting park land in this location. Construction and management of this trail should not be expected at this time or in the near future, as the Recreation and Parks Department is not in the position to develop the proposed park land.

FINANCIAL IMPLICATIONS

The subject property has an assessed value of \$238,000.00 according to the 2006 assessment roll. The valuation of the property for 5% cash-in-lieu of park land charges would be based on a certified appraisal of the land at the time of preliminary subdivision approval (PLA). Therefore, if cash-in-lieu of park land were to be required, it is anticipated that the appraised market value would result in an approximately \$11,900.00 contribution (based on a full 5%) to Electoral Area 'A' community parks fund.

VOTING

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

SUMMARY

This is a request for relaxation of the minimum 10% perimeter frontage requirement for 3 proposed parcels and a request to accept park land in conjunction with a subdivision application for property located adjacent to MacMillan Road in the Cedar area Electoral Area 'A'. The proposed parcels that

require a relaxation of the minimum 10% frontage requirement will be capable of supporting the intended residential uses permitted in the zoning provisions.


The initial park land proposal, as submitted by the applicants, was referred to the Electoral Area 'A' Parks and Green Space Advisory Committee, which offered a number of suggestions concerning the park land. The applicants, in response, amended the park land component to incorporate the Committee's suggestions. The applicants have offered to register section 219 covenant for protection of the riparian area up to 30.0 metres as measured from the natural boundary. This will ensure that the riparian area is protected. Staff supports this covenant as it will include the riparian area of the Streams, Nesting Trees, and Nanaimo River Floodplain Development Permit Area.

A Public Information Meeting was held on June 1, 2006 with respect to this park land proposal. Park land related comments including a concern for available vehicular parking for park users and potential for vandalism. As this proposed park land is for passive use, vehicular traffic is not expected to be high. However, it is noted that there is available on-street parking along MacMillan Road near the proposed trail head. Once the neighbourhood is developed and occupied, vandalism is expected to decrease.

Therefore, given that the Electoral Area 'A' Parks and Green Space Advisory Committee supports the dedication of the wetland as park, that there are buildable site areas for the cul-de-sac parcels requiring relaxation of the minimum 10% frontage requirement, and Ministry of Transportation staff support the request for 10% relaxation, staff recommends Alternative No. 1 to accept the park land dedication proposal and approve the request for relaxation of the minimum 10% frontage requirements for proposed Lots 3, 4, and 5, as outlined in Schedule No. 1 of the staff report.

RECOMMENDATIONS

1. That the park land proposal submitted by George Gow on behalf of G Gow, D Gow, and H Lechthaler in conjunction with the subdivision proposal of Lot 2, Section 16, Range 8; Cranberry District, Except Parts in Plans 8039 and 9378 be accepted in the location and amount as shown on Schedule No. 1 of the staff report.
2. That the request for relaxation of the minimum 10% frontage requirement for proposed Lots 3, 4, and 5 be approved

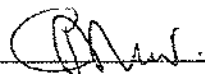

Report Writer


Manager Concurrence

COMMENTS:

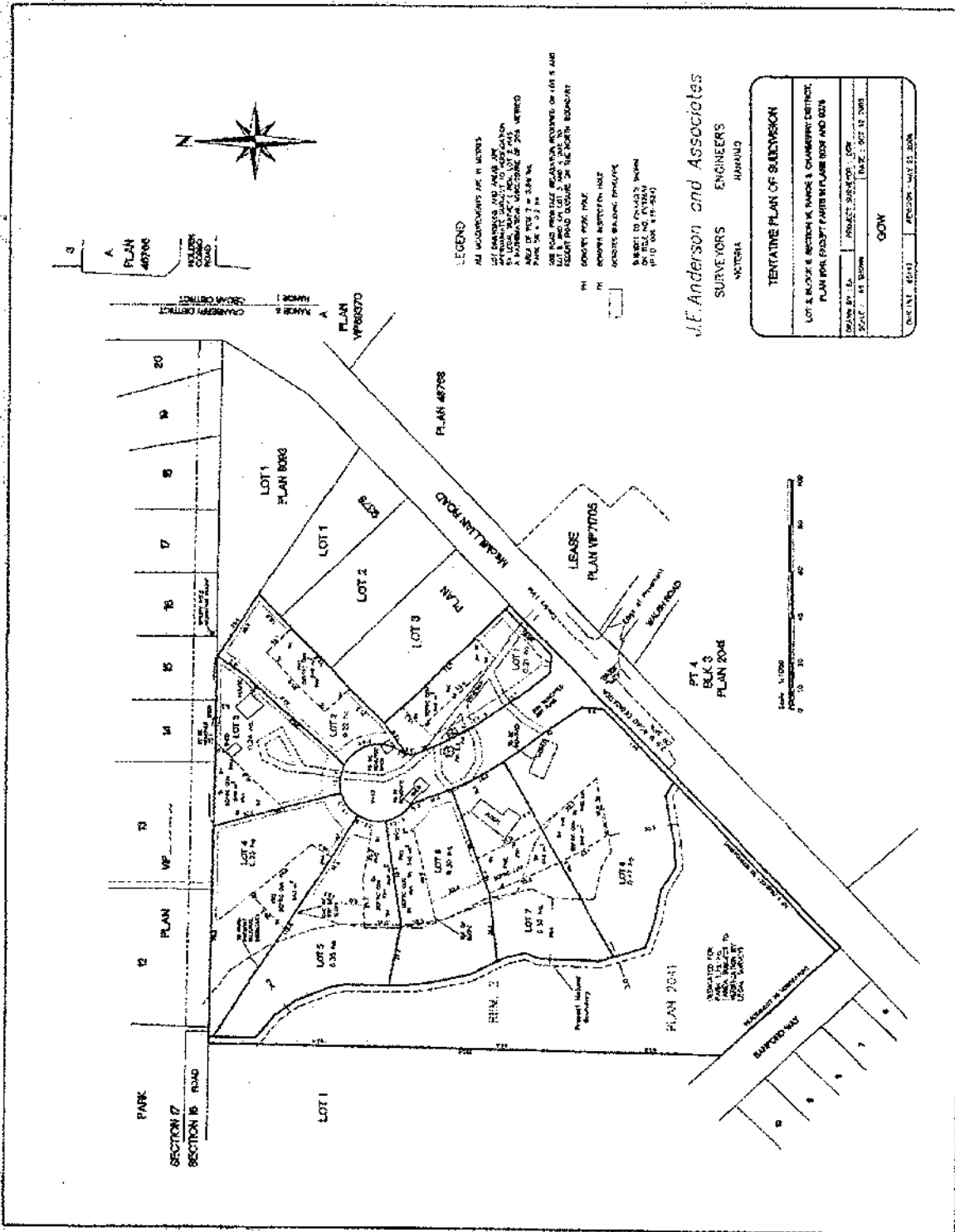
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General Manager Concurrence


CAO Concurrence

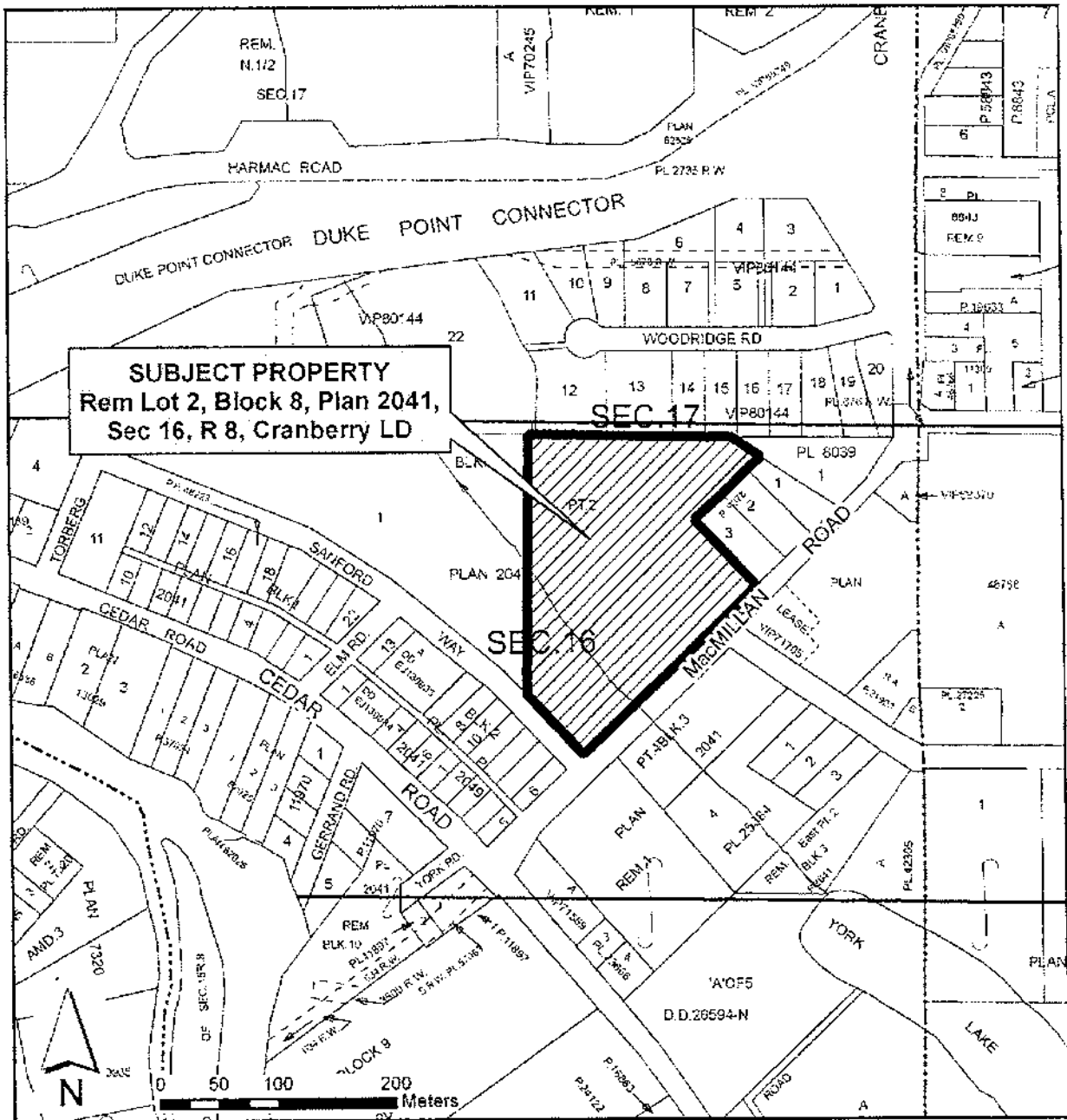
Schedule No. 1

Proposed Subdivision including the location and area of the Proposed Park Land
 (as submitted by applicant / reduced for convenience)



Attachment No. 1

Location of Subject Property



BCGS Map Sheet No. 92G.011.2.1

Attachment No. 2

Correspondence from the Electoral Area 'A' Parks & Green Space Advisory Committee

**MacMillan Road Subdivision
PAGSAC Referral Comments**

March 19, 2006

The Area A PAGSAC believes the community interest would be best served by Option 2, Parkland Trail Dedication. The Committee interprets the proponent's use of the term "Parkland Trail Dedication" to mean that the RDN would assume ownership of the trail footprint for its entire length, and that full public access would be permitted during daylight hours.

In our view, Option 2 provides opportunities in the near-term to extend an existing local trail near Woodridge Place and connect to an arterial road with access to the Town Centre. Over the long-term, Option 2 could form a useful linkage to a future boardwalk around the east side of York Lake providing an alternate pedestrian access to the Town Centre. Though a relatively short trail, the Option 2 route provides excellent opportunities for nature viewing and, being essentially level, would appeal to seniors and others with limited mobility.

The topography along the north end of the Option 2 trail route would appear to discourage users from straying onto private property. However, a boardwalk with handrails on both sides would probably be appropriate along the southern sections of the trail. We recognize that construction of a boardwalk in the southern end would involve a significant investment of labour and materials, and would therefore likely need to be completed in phases. The Committee has no objection to developing this trail from the north, as requested by the proponent.

We understand that Option 2 would commit less than the required 5% of the total parent parcel as Parkland Dedication. Recent discussions with the proponent have indicated a willingness to donate the wetland portion of the property to the RDN as Parkland, primarily for property tax relief purposes. We encourage RDN staff to pursue this offer rather than cash-in-lieu for the shortfall in Parkland Dedication area.

Attachment No. 3

**Minutes of a Public Information Meeting
Held at the Cedar Heritage Centre, 1644 MacMillan Road on June 1, 2006 at 7:00 pm
Subdivision Application No. 26733
For the property legally described as
Lot 2, Section 16, Range 8; Cranberry District, Except Parts in Plans 8039 and 9378**

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

Present:

Public in attendance: approximately 12 persons

For the Applicant:

George Gow

For the RDN:

Chair: Director Joe Burnett
Wayne Moorman, Manager, Engineering & Subdivisions
Susan Cormie, Senior Planner

The Chair opened the meeting at 7:04 pm and followed with greetings to the public and an introduction of the staff and applicants' agent.

The Chair stated the purpose of the public meeting and asked the Senior Planner to provide an overview of the statutory provisions as it relates to park land provision.

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

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

George Gow provided a description of the park land proposal highlighting that park would contain the portion of the wetland on his property and further the proposal is to provide a trail corridor between MacMillan Road and the RDN park land to the north of the subject property. Mr. Gow stated that he felt this was a positive contribution to the community.

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

Owner, Woodridge Road, commented that she has concerns with vandalism in the neighbourhood and gave examples of recent thefts. She also commented on the need for better parking for the existing park land located at the end of Woodridge.

L. Cook, 1627 MacMillan Road asked if there would be fencing put up between the property and her property.

The applicant explained that he was not putting fencing along that boundary.

Joe Materl asked about the hatched area shown on the proposed plan.

The applicant explained that, due to septic disposal requirements, he needs to have a larger lot area, but will arrange to transfer the hatched area land to the Regional District for park land either by dedication or a right-of-way.

L. Cook explained that she has a well on the parcel and asked if it will be affected by the new septic areas.

The applicant asked if the well was being used.

Ms. Cook explained that it is not being used for potable water, but is being used for irrigation.

The Chair explained that a septic field is required to be a certain distance from a well and this would be considered by the Health Authority in its approval process.

Joe Materi asked about tree retention on the property.

The applicant explained that the trees were on private land and some of them may be removed, but that they liked the trees too.

Owner, Woodridge Road, reiterated her concerns for traffic and parking in the area.

The applicant noted that parking is available along MacMillan Road near the access to this park land.

Owner, commented that he remembered when the area was a potato farm and felt that the flooding on MacMillan Road started when the Highways constructed the Duke Point Connector and access to MacMillan Road. The owner explained that Highways put in new culverts on MacMillan Road, but it still floods.

Owner, Woodridge Road, commented about the vandalism in the area, but said that she still supported a trail through the neighbourhood.

The Chair asked if there was a neighbourhood watch for this area.

Owner, explained that there used to be one, but it has not met recently.

Owner, Macmillan Road, commented that he has only lived here for less than one week, but like the idea of a neighbourhood watch.

Joe Materi commented that he supported the park land and the trail concept.

Judy Burgess stated that she supported the park land and trail and thought it was positive to connect this proposed park land with the adjacent park land.

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

There being none, the Chair thanked those in attendance and closed the public information meeting.

The meeting concluded at 7:45 pm.

Susan Cormie
Recording Secretary