

REGIONAL DISTRICT OF NANAIMO
ELECTORAL AREA PLANNING COMMITTEE
TUESDAY, MARCH 13, 2007
6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 2-4 Minutes from the regular meeting of the Electoral Area Planning Committee held February 13, 2007.

BUSINESS ARISING FROM THE MINUTES

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

- 5-16 Development Permit Application No. 60638 – Pt. Ellice Properties Ltd./Budget Steel – 2079 Main Road – Area A.
- 17-50 Development Permit Application No. 60649 – Downs Archambault and Partners on behalf of Qualicum Landing Developments Ltd. – 5251 Island Highway West – Area H.
- 51-56 Development Permit Application No. 60701 – Fern Road Consulting Ltd., on behalf of Maureen Oliver – Noonday & Stead Roads – Area H.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 57-62 Development Variance Permit Application No. 90701 – Pickard – Lot 2, VIP80706, DL11, Newcastle Land District - Island Highway West – Area G.

FRONTAGE RELAXATION

- 63-67 Request for Relaxation of the Minimum 10% Perimeter Requirement – Chris Everett on behalf of P & V King – 1565 Graham Place – 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, FEBRUARY 13, 2007, 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

Also in Attendance:

M. Pearse	Senior Manager, Corporate Administration
P. Thorkelsson	General Manager, Development Services
P. Thompson	Manager, Long Range Planning
G. Garbutt	Manager, Current Planning
N. Tonn	Recording Secretary

MINUTES

MOVED Director Stanhope, SECONDED Director Holme that the minutes of the Electoral Area Planning Committee meeting held January 9, 2007 be adopted.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. AA0605 – Quest Homes on behalf of Schickedanz & Moore – 4320 Garrod Road – Area H.

MOVED Director Holme, SECONDED Director Stanhope,:

1. That the minutes of the Public Information Meetings held on October 11, 2006 and January 22, 2007 be received.
2. That Zoning Amendment Application No. ZA0605, as submitted by Quest Homes, on behalf of Schickedanz & Moore to rezone Building Strata Lots 1-10, District Lot 36, Newcastle Land District, Plan VIS5953 and located adjacent at 4320 Garrod Road from Commercial 5 Subdivision District 'M' (CM5M) to Comprehensive Development Zone 38 be approved to proceed to public hearing subject to the conditions included in Schedule No. 1.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.339, 2007" be given 1st and 2nd reading.
4. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.339, 2007" proceed to Public Hearing.
5. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.339, 2007" be delegated to Director Bartram or his alternate

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60633 – Malainey –1777 Admiral Tryon Boulevard – Area G.

MOVED Director Stanhope, SECONDED Director Young, that Development Permit Application No. 60633, with variances to legalize the siting of an existing deck and rip-rap marine retaining wall and proposed sunroom addition for a property located at 1777 Admiral Tryon Boulevard, be approved according to the conditions outlined in Schedule No. 1 and subject to the Board's consideration of the comments received as a result of public notification.

CARRIED

MOVED Director Stanhope, SECONDED Director Young, that if the Ministry of Transportation, at its discretion, does not approve the proposed covenant amendment, the Board approval of this permit be withdrawn, and the Board direct staff to withhold the issuance of this permit and proceed with enforcement action to remove the illegal deck and rip-rap marine retaining wall.

CARRIED

Development Permit Application No. 60653 – Fern Road Consulting Ltd., on behalf of C & D Steen – 4299 Garrod Road – Area H.

MOVED Director Stanhope, SECONDED Director Biggemann, that Development Permit Application No. 60653, submitted by Fern Road Consulting Ltd., on behalf of C & D Steen to legalize the siting of the accessory garage and greenhouse buildings located on the property legally described as Lot 4, District Lot 36, Newcastle District, Plan 21618 and designated within a Hazard Lands Development Permit Area pursuant to "Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" be approved subject to the conditions outlined in Schedule Nos. 1, 2 and 3 and the notification procedure requirements of the *Local Government Act*.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit No. 90702 and Request for Relaxation of the Minimum 10% Perimeter Requirement – McElhanney Consulting Services Ltd., on behalf of 547808 BC Ltd. – 2298 Pylades Drive – Area A.

MOVED Director Burnett, SECONDED Director Young, that Development Variance Permit No. 90702, submitted by McElhanney Consulting Services Ltd., on behalf of 547808 BC Ltd., in conjunction with the subdivision of the parcel legally described as Lot A, Sections 9 & 10, Range 6, Cedar District, Plan VIP71176, and located at the end of Pylades Drive in Electoral Area 'A', be approved subject to the notification requirements pursuant to the *Local Government Act* with respect to the proposed variances outlined in Schedule No. 1.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that the request to relax the minimum 10% frontage requirement for the proposed Remainder of Lot A, as shown on the submitted plan of the subdivision of Lot A, Sections 9 and 10, Range 6, Cedar District, Plan VIP71176, be approved.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 6:39 PM

CHAIRPERSON



RDN	
CAO	GMF&IS
GMDS	GMR&PS
GMES	GMTS
MAR - 5 2007	
SMCA	
CHAIR	BOARD
EAP	

MEMORANDUM

TO: Paul Thorkelsson
General Manager, Development Services

DATE: March 2, 2007

FROM: Geoff Garbutt
Manager of Current Planning

FILE: 3060 30 60638

SUBJECT: Development Permit Application No. 60638
Pt. Ellice Properties Ltd./Budget Steel
Electoral Area 'A' - 2079 Main Road

PURPOSE

To consider an application for a Development Permit to recognize an existing metal recycling transfer station and associated improvements on the properties legally described as Lot 5, Block 7, Section 12, Range 7, Cranberry District, Plan 1643 and Lots 6 and 7, Block 7, Sections 12 and 13, Range 7, Cranberry District, Plan 1643 located 2079 Main Road.

BACKGROUND

The subject properties are located on Main Road in Electoral Area 'A' and are currently zoned Industrial 5 Subdivision District 'J' (IN5J) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". Selkirk Recovery Inc. doing business as Budget Steel, is currently operating a metal collection, salvage, and recycling depot, on the subject properties. Adjacent land uses include Residential 2 zoned properties on the east side of Main Road and Industrial 1 zoned properties to the north, west, and south. Please refer to Attachment No. 1 for the location of the subject properties.

The subject properties are designated Industrial pursuant to the Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001 (OCP) and are located within the South Wellington Development Permit Area (DPA). The purpose of this DPA is to ensure that development is visually sensitive and compatible with surrounding land uses and that industrial development does not have a negative impact on the Cassidy Aquifer or area watercourses.

As the Board may recall Development Permit No. 9815 was issued in 1998 to allow the development of a waste transfer facility for the collection, crushing, and hauling away of scrap metals for recycling at 2079 Main Road (Lot 5, Plan 1643). The operation has expanded from the original property and now currently occupies 3 lots on Main Road which has triggered the requirement for a new Development Permit.

Sustainability Checklist

Improvements to the subject properties proposed by the applicant are designed to address environmental protection issues and these works will reduce the environmental footprint of this industrial business. From a sustainability perspective, the use of the subject properties is directly related to and supports the Regional District of Nanaimo (RDN) objectives of waste reduction and diversion.

ALTERNATIVES

1. To approve Development Permit Application No. 60638 according to the terms outlined in Schedule No. 1.
2. To deny the Development Permit as submitted and provide staff with further direction.

LAND USE IMPLICATIONS

The subject properties total approximately 1.3 hectares in area and access to the property comes from three driveways on Main Road and a secondary access off Tees Avenue via Harold Road. Currently there are four buildings on the subject properties including two trailers (office and weigh scale), a Quonset style storage building and a separate shop/storage building (see Schedule No. 2 for building locations). The applicant is not proposing to construct additional buildings on the subject properties and is requesting approvals to recognize the expanded outdoor storage and material handling aspects of the existing metal recycling use.

In order to accommodate the expansion of the use permitted under DP 9815, the applicant is proposing to construct two paved parking areas along Main Road, one for general parking and the second for vehicle and metal receptions. Drainage from these areas is directed through an engineered stormwater collection system. Second, the applicant is proposing an asphalt steel sorting and scrap vehicle storage area on the rear portion of the properties. This area has been designed with an impervious surface to collect fluids that may discharge from vehicles. Water from this storage pad is directed through an engineered oil water separator.

Third, on the portion of the property used for automobile crushing, the applicant is proposing to construct a concrete slab area to accommodate vehicle crushing equipment (see Schedule No. 2 for impervious surface locations). This crushing area has also been designed with an impervious surface to collect fluids that may discharge from scrap vehicles. Water from this storage pad is directed through an engineered oil water separator system designed to remove potential contaminants prior to off site discharge. The machinery used to crush automobiles is equipped with a collection system to contain any fluids released during the flattening operation.

Although the visual appearance of the property will not change with the proposed works, these improvements have been designed to prevent the leakage of automotive fluids into soils on the subject properties. The storage, handling and disposal of hazardous fluids as well as the maintenance of the stormwater management system will be addressed through the RDN Waste Stream Management Licensing Bylaw discussed below.

DEVELOPMENT PERMIT GUIDELINES

Recognizing the intent of the South Wellington Development Permit Area Guidelines, the applicant has proposed the installation of a comprehensive landscape plan for the Main Road frontage and aquifer protection measures which include the construction of impervious storage surfaces and an engineered stormwater collection system. The works proposed by the applicant focuses on groundwater protection and screening of industrial uses from adjacent residential properties.

Environmental Protection Implications

In keeping with the Development Permit Guidelines for the protection of the Cassidy Aquifer, the applicant is proposing to construct four impervious areas designed by a professional engineer to prevent the leakage of automotive fluids and hazardous materials into soils on the subject properties. This system outlined on Schedule No. 2, includes paved areas, stormwater collection system, catch basins, two oil interceptors and a combination oil/grit separator. This system designed by Herold Engineering Ltd, will ensure that potential contaminants are removed prior to off site discharge. As outlined in the South

Wellington Development Permit Area Guidelines, Herold Engineering has certified that "...the proposed stormwater collection system will not negatively impact the Cassidy aquifer and that these measures will prevent seepage of contaminants into the Cassidy aquifer." (see Schedule No. 2)

Riparian Area Regulations

The subject properties contain an unnamed tributary of Thatcher Creek that flows above ground in an open ditch for approximately 20 metres before going underground through a culvert. This watercourse is not identified by Regional District of Nanaimo mapping. However, as part of Development Permit Application No. 60638, an assessment prepared by a Qualified Environmental Professional was conducted to satisfy the requirements of the *Riparian Areas Regulations*.

The report found there to be no fisheries values on site. However, the watercourse is a stream as defined in the *Riparian Areas Regulations* because it eventually flows into Thatcher Creek which contains important fish habitat and is known to support populations of coho, chum, steelhead, and both anadromous and resident cutthroat trout. The report recommends that the watercourse be contained in a culvert to reduce the potential for contamination.

Landscaping and Screening

In order to buffer the industrial use from adjacent residential properties, the comprehensive landscape plan includes a combination of street trees, shrub plantings, ground cover, raised planter areas, climbing vines and decorative fencing on the Main Road frontage. In keeping with sustainable trends in landscape architecture, the landscape plan focuses on the installation of native and lower water use plantings including Pacific Dogwood, Douglas Fir, Red Osier Dogwood and Snowberry (see Schedule No. 3 for planting plan).

In addition to soft landscape plantings, the applicant has proposed a combination of cedar fencing with decorative details including the use of recycled metal materials, raised planters and decorative gate panels. This application of recycled materials will provide screening in the form of industrial art sculpture.

Waste Stream Management Licensing Bylaw Implications

Once the Development has been approved by the Board, a license can be issued to Budget Steel under the Waste Stream Management Licensing Bylaw (WSML). A WSML license compels a business receiving solid waste to submit, and operate in accordance with an RDN approved operating plan. The operating plan must contain plans for building, operating, maintaining, testing and regular reporting on all works required for environmental protection including maintenance schedules and testing of oil/water separators. A WSML license does not allow discharges of any type of material, including solid, liquid or gaseous wastes to the environment and gives the RDN the authority to order regular monitoring and reporting of surface and ground water of the land the facility is located on as well as adjacent lands.

In addition to operating plans and environmental monitoring the RDN can require cash security as a guarantee that any spills or other discharges are promptly and effectively cleaned up. The RDN can use the security to perform any clean ups or repairs to environmental protection works. If any security is used, it must be replenished by the licensee within 30 days. If security is not replenished within 30 days the license may be voided by the RDN.

VOTING

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

SUMMARY AND CONCLUSION

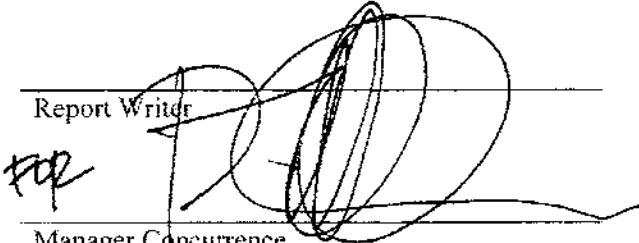
Given the proposed improvements to the subject properties which include development of containment pads for recycled materials, a stormwater collection system, installation of decorative fencing and landscape buffers, the requirements of the South Wellington Development Permit Area Guidelines have

been addressed. Staff recommends that the Board approve the requested Development Permit subject to the terms outlined in Schedule No. 1.

RECOMMENDATIONS

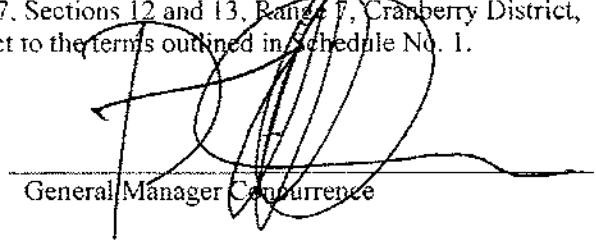
That Development Permit Application No. 60638, to recognize an existing metal recycling transfer station and associated improvements on the properties legally described as Lot 5, Block 7, Section 12, Range 7, Cranberry District, Plan 1643 and Lots 6 and 7, Block 7, Sections 12 and 13, Range 7, Cranberry District, Plan 1643 located 2079 Main Road, be approved subject to the terms outlined in Schedule No. 1.

Report Writer



Manager Concurrence

General Manager Concurrence



CAO Concurrence



COMMENTS:

devsvs/reports/2007/dp ma 3060 30 60638 Budget Steel Report

Schedule No. 1
Terms of Development Permit Application No. 60638
Lot 5, Block 7, Section 12, Range 7, Cranberry District, Plan 1643 and
Lots 6 and 7, Block 7, Sections 12 and 13, Range 7, Cranberry District, Plan 1643
Main Road

Issuance of Development Permit

The following items must be completed and/or received to the satisfaction of the Regional District of Nanaimo prior to the issuance of the corresponding Development Permit.

Site Development

1. All development on the subject properties must be in substantial compliance with Schedule Nos. 1-4.
2. Stormwater management facilities shall be developed as outlined in Drawing C01 dated January 19, 2007 prepared by Herold Engineering and the Letter Report dated March 1, 2007 prepared by Herold Engineering attached as Schedule No. 2.
3. Asphalt paved areas, Concrete Paved areas, and stormwater management improvements outlined on Schedule No. 2 shall be installed within 6 months of the date of issuance of this permit.
4. The placement of buildings and structures to be undertaken must be consistent with "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".
5. The placement of signage on the property must be consistent with "Regional District of Nanaimo Sign Bylaw No. 993, 1995".
6. 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.

Site Landscaping

7. Site landscaping shall be developed as outlined in the drawing prepared by Gemella Design dated July 25, 2006 attached as Schedule No. 3.
8. A landscaping security deposit in the form of cash, cheque, or irrevocable letter of credit with an automatic extension clause in the amount of \$32,249.00 as outlined in Schedule No 4.

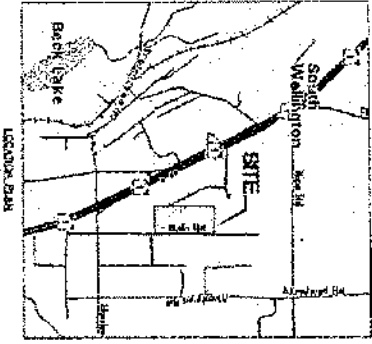
Schedule No. 2 (Page 1 of 3)
 Site Plan/Site Improvements
 As submitted by the applicant and reduced for convenience

BUDGET STEEL
SITE IMPROVEMENTS
2079 MAIN ROAD
NANAIMO, BC

HEROLD
ENGINEERING LIMITED
 Consulting Engineers
 3701 Steeles Road, Nanaimo, BC CANADA
 Telephone: 250-751-8554 Fax: 250-751-8558

SET NO.

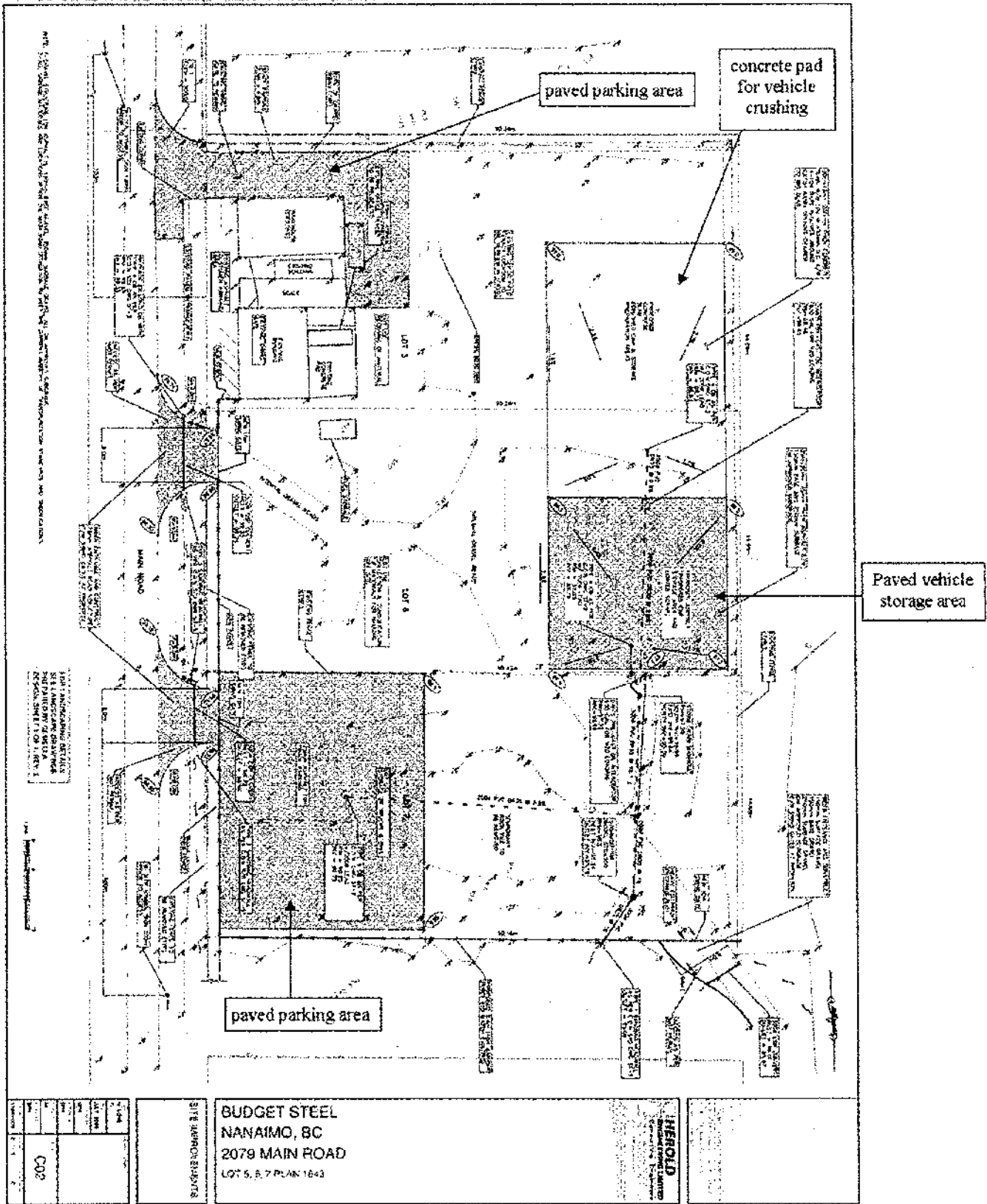
- NOTES:**
1. ALL WORK IS TO BE ACCORDING TO THE NATIONAL BUILDING CODE OF CANADA AND THE NATIONAL ELECTRICAL CODE OF CANADA.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
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JULY 2006
 1168-005

<p>HEROLD ENGINEERING LIMITED Consulting Engineers</p>	<p>BUDGET STEEL NANAIMO, BC 2079 MAIN ROAD LOT 5, 6, 7 PLAN 1043</p>	<p>LOCAL PERMITS AND OTHER NOTES</p>
<p>001</p>		

Schedule No. 2 (Page 2 of 3)
Site Plan/Site Improvements
As submitted by the applicant and reduced for convenience



Schedule No. 2 (Page 3 of 3)
Certification of Works
As submitted by the applicant and reduced for convenience

MAR-01-07 THU 04:25 PM HEROLD ENGINEERING

FAX NO. 2507518559

P. 02/02



March 1, 2007

1168-005/2

Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

Attn: Mr. Geoff Garbutt, MCIP, Manager of Current Planning

Re: Development Permit Application No. 60638
Budget Steel, Main Road

Dear Mr. Garbutt:

We have been asked by Budget Steel to respond to your inquiry regarding the stormwater treatment proposed at the Budget Steel site at Main Road.

The proposed storm sewer collection/treatment system consists of:

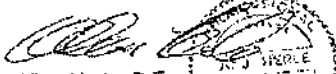
- paved areas where drips or spills may occur
- catch basins collecting all runoff from the paved areas
- two oil interceptors (precast concrete, triple baffle type)
- a StormCeptor Model 300 oil/grit separator (designed to remove more contaminants from stormwater than standard oil interceptors can)

The oil interceptors are located to capture contaminants coming off of the car preparation and storage areas. The StormCeptor is located downstream of the oil interceptors to provide an additional level of protection. Runoff from the truck parking area is also directed through the StormCeptor before being released from the site. It is our understanding that all potentially 'dirty' operations will take place on the paved areas and runoff will therefore be routed through the storm sewer system.

The combination of oil interceptors and StormCeptor exceeds normal practice for stormwater treatment for an industrial site. It is our opinion that the proposed stormwater collection system will not negatively impact the Cassidy aquifer and that these measures will prevent seepage of contaminants into the Cassidy aquifer.

Yours truly,

HEROLD ENGINEERING LIMITED

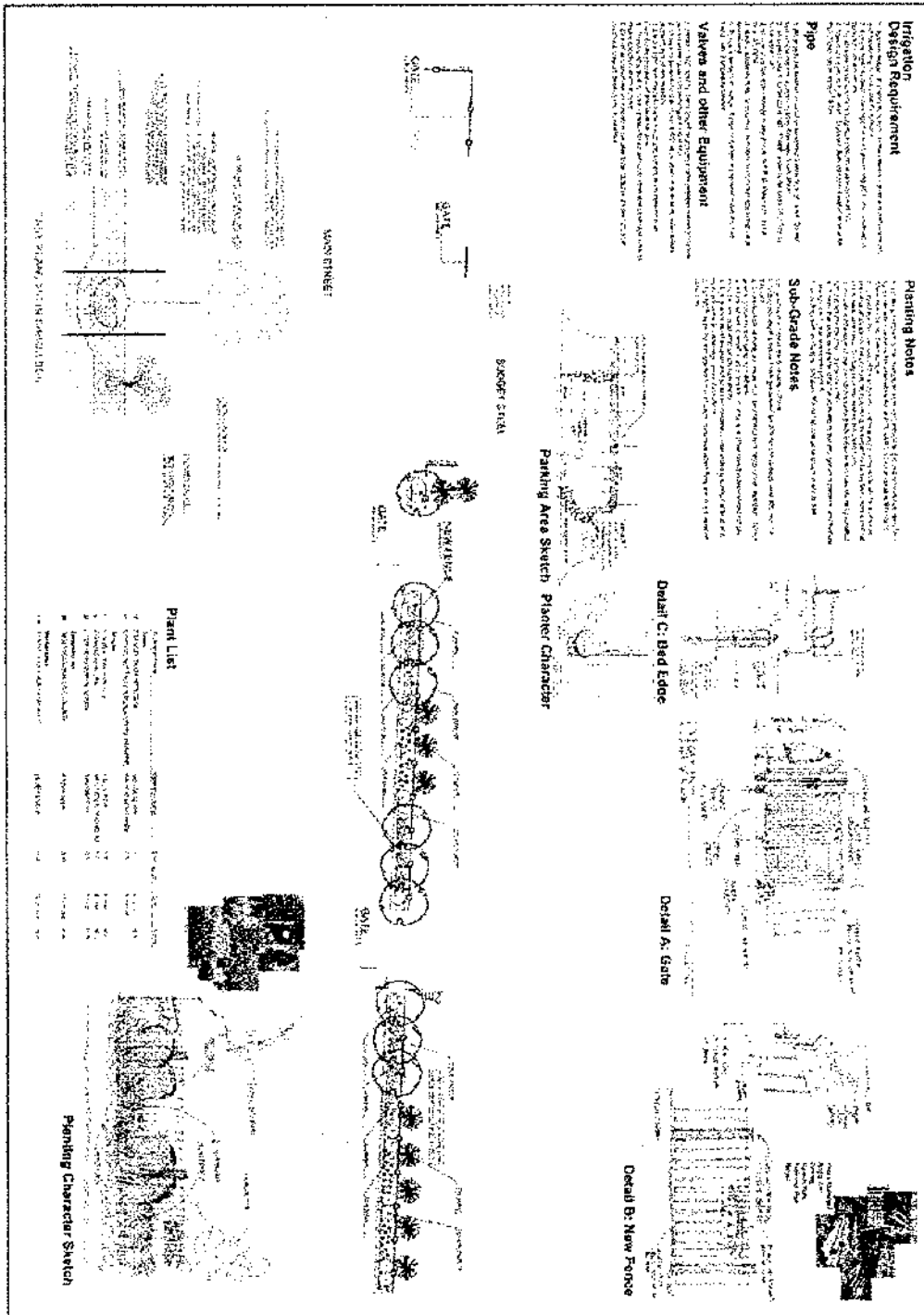

Allan Herle, P.Eng.
Senior Civil Engineer

AH/em5

cc: Mr. Will Burrows, Selkirk Recovery

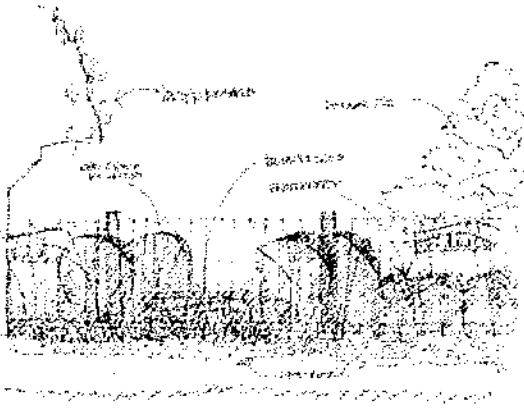
\\herold\1168-005\Budget Steel\Permit\1168-005-002-Certification\1168-005-002-001.doc

Schedule No. 3 (Page 1 of 2)
 Proposed Landscape Plan
 As submitted by the applicant and reduced for convenience

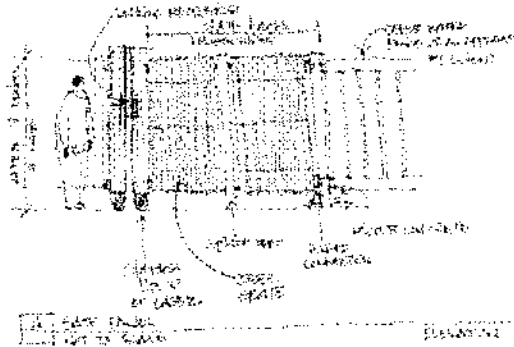


Budget Steel
 2079 Main Road, Newmap B.C. - Est 5.6.7, Clumbury District, Post 5649
Landscape Plan

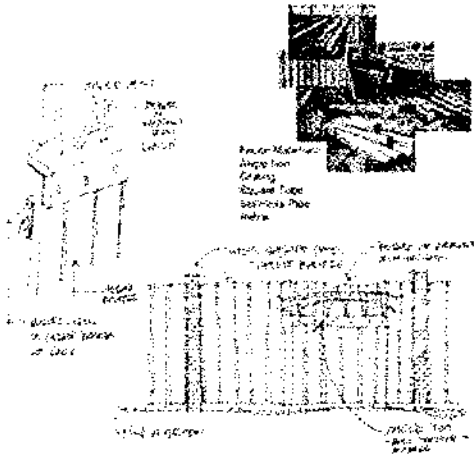
Schedule No. 3 (Page 2 of 2)
Proposed Landscape Plan
As submitted by the applicant and reduced for convenience



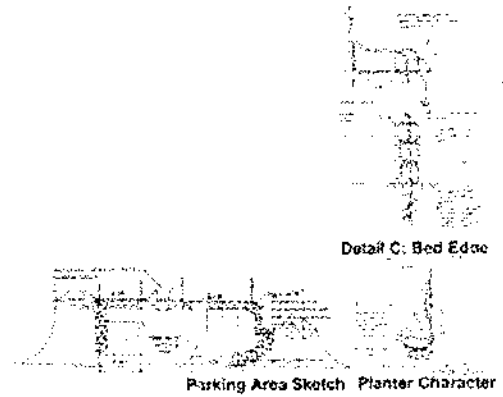
Planting Character Sketch



Detail A: Gate



Detail B: New Fence



Parking Area Sketch Planter Character

**Schedule No. 3
 Landscape Cost Estimate
 As submitted by the applicant and reduced for convenience**

jessica gemella, bcsla, isa | email: jgemella@shaw.ca
 237 Derby Place, Nanaimo | telephone: 250.713.0047

Budget Steel - Cost Estimate				DATE
				September 22, 2006
ITEM	UNIT	QUANTITY	UNIT-COST	TOTALS
Tpt of Connection (dual check valve, solenoid valve)	each	1	\$750.00	\$375.00
Irrigations	sq.m.	106	\$6.00	\$639.00
SUB-TOTAL IRRIGATION				\$1,014.00
ITEM	UNIT	QUANTITY	UNIT-COST	TOTALS
Fence	l.m.	90	\$85.00	\$7,650.00
Gates - constructed w on-site materials	each	4	\$1,000.00	\$4,000.00
Planter wall - steel tube (on-site material)	l.m.	150	\$15.00	\$2,250.00
Parking area improvements	allowance	1	\$1,000.00	\$2,500.00
SUB-TOTAL HARD LANDSCAPE				\$16,400.00
ITEM	UNIT	QUANTITY	UNIT-COST	TOTALS
Gr. Cover beds, 10 cm pots w 300mm soil depth	sq.m.	36	\$25.00	\$900.00
Shrub beds, #1 pots w soil (depth varies)	sq.m.	110	\$50.00	\$5,500.00
Deciduous Tree, 6cm cal.	each	10	\$500.00	\$5,000.00
Coniferous Tree, 2m height	each	10	\$200.00	\$2,000.00
Compost mulch	cu.m.	11	\$40.00	\$436.00
Establishment landscape maintenance	allowance	1	\$1,000.00	\$1,000.00
SUB-TOTAL SOFT LANDSCAPE				\$14,836.00
TOTAL				\$32,249.00

ORDER of MAGNITUDE ESTIMATE (Note: Accuracy is +/-26%)

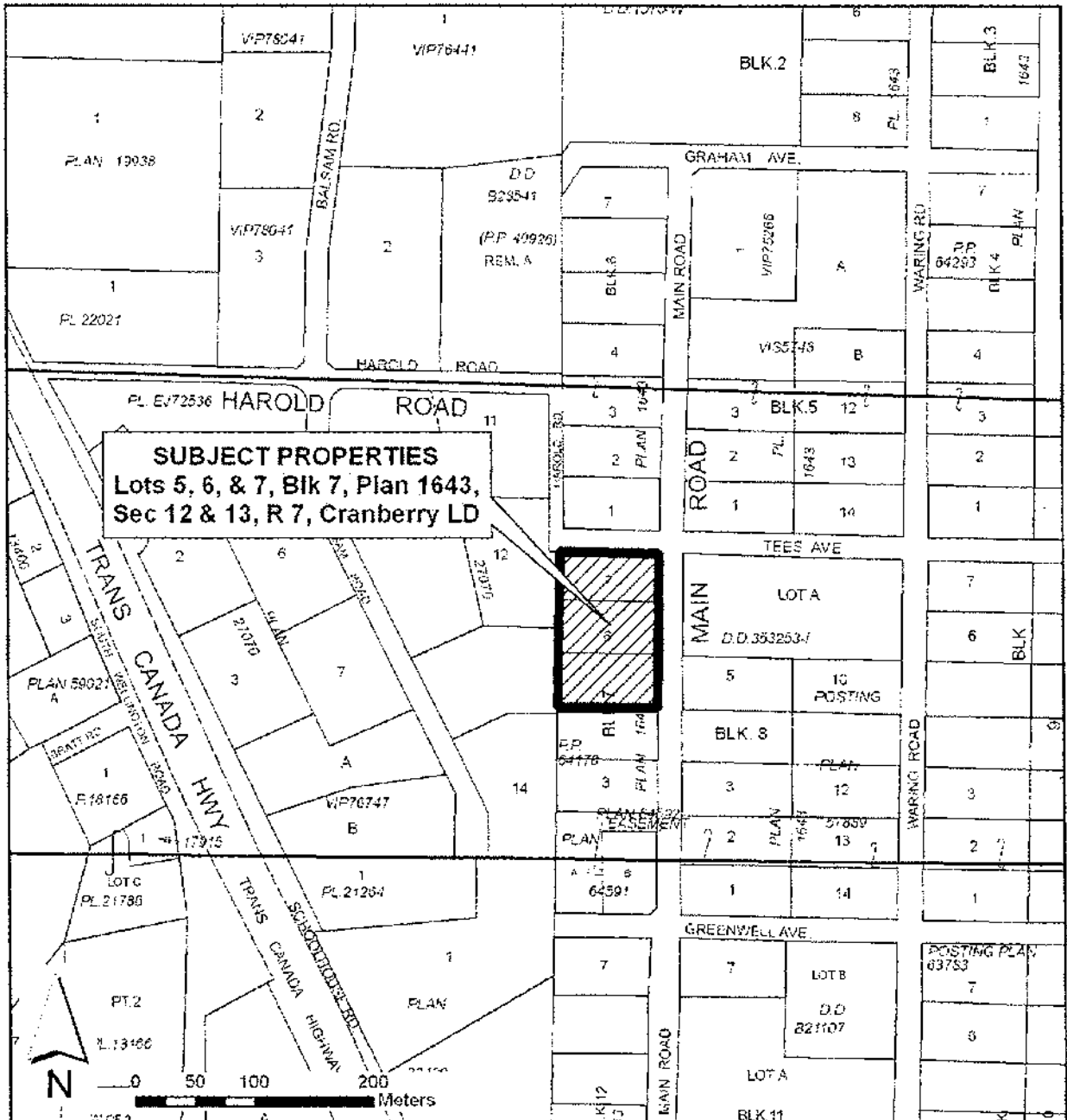
Based on conceptual Landscape Plan, September 25, 2006

This is a rough cost estimate based on conceptual drawings - not implementation drawings. Prices for materials and labour can vary according to market, product selection, as well as for the construction detailing of landscape features

* cost assumes that the existing well has a holding tank, pump, foot valve, and pressure switch

Attachment No. 1
Subject Property Map
(attached for convenience only)

Lot 5, Block 7, Section 12, Range 7, Cranberry District, Plan 1643 and Lots 6 and 7, Block 7, Sections 12 and 13, Range 7, Cranberry District, Plan 1643
Main Road



BCGS Map Sheet No 92G 001.4.3



RDN	
CAO <i>CAW</i>	GMF&IS
GMDS	GMR&PS
GMES	GMTS
FEB 28 2007	
SMCA	
CHAIR	BOARD
<i>EAP</i>	

MEMORANDUM

TO: Geoff Garbutt
Manager, Community Planning

DATE: February 23, 2007

FROM: Greg Keller
Senior Planner

FILE: 3060 30 60649

SUBJECT: Development Permit Application No. 60649
Downs Archambault and Partners on behalf of Qualicum Landing Developments Ltd.
Electoral Area 'H' – 5251 Island Highway West

PURPOSE

To consider an application for a Development Permit with variances to permit the construction of a 62 unit resort condominium development and associated improvements.

BACKGROUND

This Development Permit application involves three properties. The property at 5251 Island Highway (subject property) is a waterfront parcel located on the east side of Annie Creek and is proposed to be redeveloped with 62 resort condominium units and associated improvements and is legally described as Lot 2, Section 16, Newcastle District, Plan 2164 Except Parts in Plans 10527 and 14260. The other two properties (septic receiving properties) are located on the south side of the Highway and are proposed to be used for septic disposal purposes and are legally described as:

1. Lot 1, District Lot 16, Newcastle District, Plan 2164, Except That Part in Red on Plan 885R, Except Those Parts in Plans 11432, 11435, 13312, 13467, 45062, VIP57109, and VIP63178.
2. Lot B, District Lot 16, Newcastle District, Plan VIP63178.

Please refer to Attachment No. 1 for the location of the subject properties.

The subject property is currently developed with a manufactured home park and is considered legal non-conforming. If this Development Permit application is approved, the applicant will be required to provide notice and compensation to the remaining tenants pursuant to Sections 42 and 44 of the *Manufactured Home Park Tenancy Act*.

The subject properties are designated within the Hazard Lands, Environmentally Sensitive Features, Resort Commercial and Recreational Lands, and Highway Corridors development permit areas pursuant to "Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003"(OCP). The subject property is zoned Commercial 5 Subdivision District 'M' (CM5M) pursuant to Regional District of Nanaimo Land

Use and Subdivision Bylaw No. 500, 1987. The subject property is not located within a building inspection area and Floodplain Bylaw No. 1469 does not apply.

The septic receiving properties are currently zoned Rural 1 Subdivision District 'D' (RU1D) pursuant to Bylaw No. 500 and are within the Agricultural Land Reserve. There is an easement registered on each of the septic disposal properties that permits the movement and discharge of septic effluent from the subject property to the receiving properties. The OCP also designates these properties within the Environmentally Sensitive Features and Hazard Lands Development Permit Areas.

In order to satisfy the applicable Development Permit Area Guidelines, the applicant has submitted a number of professional reports and approvals from senior agencies as listed in Attachment No. 2. The applicants are proposing to develop the subject property in accordance with the recommendations contained in the reports and have agreed to register a Section 219 covenant that requires the same.

A public information meeting was held on November 1, 2006 at the Lighthouse Community Hall. The minutes of the Public Information meeting are attached as Attachment No. 3.

Proposed Variances

In order to accommodate the proposed resort condominium development, the applicant is requesting the following variances:

1. If approved this Development Permit will vary "Regional District of Nanaimo Sign Bylaw No. 993, 1995" by increasing the maximum number of freestanding signs from one (1) to two (2), one identifying the proposed development and one identifying the proposed amenity building in the general locations shown on Schedule No. 3 and constructed as shown on Schedule Nos. 15 and 16.
2. If approved this Development Permit will also vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" as follows:
 - a. **Section 3.3.9 – Setbacks - Sea** by relaxing the minimum required setback from the sea from 8.0 metres horizontal distance from the natural boundary to 0.0 metres horizontal distance from the natural boundary to permit the repair and reconstruction of an existing marine retaining wall in the location shown in Schedule No. 4 and constructed as shown in Schedule Nos. 5 and 6.
 - b. **Section 3.4.15 – Maximum Number and Size of Buildings and Structures** by increasing the maximum height requirement as shown on Schedule No. 3 as follows:
 - i) for units 1, 11, and 12 from 8.0 metres to 8.3 metres;
 - ii) for units 6, 9 and 10 from 8.0 metres to 8.5 metres;
 - iii) for units 2, 3, 4, 5, 7 and 8 from 8.0 metres to 8.7 metres.

Sustainability Checklist

The applicant has completed the Sustainable Community Builder Checklist. Discussions with staff throughout the process have increased the sustainability of the proposed development through riparian restoration, the use of innovative on-site storm water management techniques, tertiary-level sewage treatment that produces a high quality effluent, and a reduction in impervious surfaces. The development also proposes a significant amount of green space and includes a network of internal pedestrian pathways. In order to encourage waste reduction, a recycling centre is proposed to serve the needs of the

development. The proposed development is not within an urban containment boundary and is not within walking distance to services that would typically be required. However, the subject property has historically had CM5 zoning and been serviced with community water. In staff's opinion, the proposed development supports the region's sustainability goals by providing a high level of environmental protection and by supporting the economy through increased seasonal visitors to the area.

ALTERNATIVES

1. To approve Development Permit Application No. 60649 with variances according to the terms outlined in Schedule No. 1 and subject to the notification requirements pursuant to the *Local Government Act*.
2. To deny the Development Permit as submitted and provide staff with further direction.

DEVELOPMENT IMPLICATIONS

Land Use Implications

The area of the subject property is approximately 6.27 hectares. Based on the minimum site area requirements of the CM5 zone, where a property is serviced with community water, each Resort Condominium Unit requires a minimum site area of 1000m². Therefore the maximum permitted number resort condominium units is 62. The proposed recreation and amenities building are accessory to the Resort Condominium use and the minimum site area requirements are not applicable.

It should be noted that the CM5 zone does not permit full time occupancy of a Resort Condominium Unit. Staff have requested and the applicant has agreed to enter in to a Section 219 covenant restricting the occupancy of each resort condominium unit to seasonal occupancy (not more than 180 consecutive days). This proposed covenant is to be prepared at the expense of the applicant and to the satisfaction of the Regional District of Nanaimo and is required to be registered on title prior to the issuance of the corresponding permit.

Bylaw No. 500 requires a minimum of 1 parking stall per Resort Condominium Unit and an addition stall for every 4 units. The proposed development requires a minimum of 78 parking stalls and the applicant is proposing a minimum of 165 parking stalls.

As noted above, this application includes a request to vary Bylaws No. and 500 Bylaw No. 993. The setback variance to Bylaw No. 500 is necessary to permit the repair of the existing marine retaining wall in order to protect the subject property from erosion as recommended by the applicant's engineer. The height variance to Bylaw No. 500 is required to accommodate the required flood construction elevation on 12 of the proposed resort condominium units. The variance to Bylaw No. 993 is required in order to permit two freestanding signs on the subject property. The proposed variances are not anticipated to negatively affect public access or views from adjacent properties and in staff's opinion are consistent with "*Regional District of Nanaimo Development Variance Permit, Development Permit with Variance, and Floodplain Exemption Application Evaluation Policy*".

DEVELOPMENT PERMIT GUIDELINES

Form and Character

The applicants are proposing a west coast themed architectural design including the use of natural materials and ample glazing. The exterior façade of the resort condominium units is proposed to include a mix of shingles, clapboard, and Board and Batten siding in a variety of warm earth tones. The proposed

roofing materials are cedar shingles. The proposed recreational building will also be in character with the proposed resort condominium units. Please refer to Schedule Nos. 3 and 11-15 for proposed site plan and building elevations. Please note the building elevations provided represent the resort condominium unit prototype elevations. Therefore, variations in roof geometry are expected between units while the roof pitch and building materials will remain consistent with the prototype elevations.

The proposed development incorporates the design elements included in the Resort Commercial and Recreational Lands Development Permit Area Guidelines including but not limited to demonstrating compatibility with the Community Values Statement, protecting and enhancing the environment, restricting the use of high intensity lighting, providing internal pedestrian pathways, and the use of native plants for landscaping. Therefore, the proposed development meets the intent of the Resort Commercial and Recreational Lands Development Permit Area guidelines.

Environmental Protection Implications

As part of this development, the applicants have undertaken a number of biological assessments to ensure that the proposed development does not have a negative environmental impact. The proposed development is on a previously developed site that historically has been disturbed. Currently there are a number of manufactured homes in close proximity to Annie Creek and there are also a number of septic disposal fields dispersed throughout the subject property. If this Development Permit application is approved, there would be a net environmental benefit through various environmental protection and enhancement works including, but not limited to, riparian area enhancement, native landscaping, decommissioning of the boat launch, and the installation of a modern septic treatment system. Therefore the proposed development satisfies the Environmentally Sensitive Features Development Permit Area guidelines.

Hazard Lands Considerations

The Geotechnical Engineer's report specifies that the flood construction elevation (FCL) on the subject property varies from 4.7 – 7.3 metres GSC depending on the natural grade of the subject property in relation to Annie Creek. The natural grade of the ground below approximately 12 of the proposed Resort Condominium Units is below the recommended FCL. Therefore, the affected units must be elevated such that the underside of the floor joists meets or exceeds the minimum required FCL. The amount that each unit must be elevated varies between 0.1 metres – 0.7 metres. The applicant's are aware of this requirement and are proposing to meet the minimum FCL by means of structural fill.

Provided that the recommendations contained in the Geotechnical Engineer's report are implemented, the property was found to be safe for the intended use. It should be noted that the report also acknowledges that the northeast end of the subject property along the ocean does not have adequate scour protection and has started to erode due to wave action. Therefore, the report recommends that erosion protection be provided at this location.

As the subject property has been assessed by a professional Geotechnical Engineer and was found to be safe for the intended use, the proposed development satisfies the Hazard Lands Development Permit Area Guidelines.

Shoreline Protection

The existing marine retaining wall is proposed to be replaced/reconstructed to protect the subject property from further erosion in accordance with the applicant's geotechnical engineers' recommendations. The

proposed amendments to the existing wall significantly increases the scale of the structure and triggers the requirement for a variance to Bylaw No. 500. Please refer to Schedule Nos. 5 and 6 for the proposed design of the marine retaining wall.

The proposed marine retaining wall has been designed in accordance with the "Regional District of Nanaimo Marine Retaining Policy".

Water and Sewer Servicing

The proposed septic disposal system consists of a sewage collection system on the subject property and a sewage treatment plant that provides primary, secondary, and tertiary treatment of the effluent before being pumped under the highway to the septic receiving property. The applicant is in the process of applying to the Ministry of Environment for authorization for the proposed septic discharge. The use of the septic receiving property has been approved by the Agricultural Land Commission. The Ministry of Transportation has approved the highway crossing in principle.

As the septic receiving property is designated within the Environmentally Sensitive Features (Aquifer Protection) and Hazard Lands Development Permit Areas, the applicant has submitted two professional engineering reports certifying that the proposed septic field is not located in the flood plain and will not have a negative impact on the aquifer.

With respect to the supply of potable water, the subject property is currently serviced by the Qualicum Bay - Horne Lake Waterworks District. In order to adequately supply the proposed development, a water main upgrade is required. The existing water main is located on Van Isle Road and crosses Annie Creek before entering the subject property. The applicants are proposing to use directional drilling to install the water main underneath Annie Creek without disturbing the Creek and with minimal impact to the Riparian Area. All disturbed areas are proposed to be replanted immediately with native riparian vegetation.

Signage

This application proposes to install two freestanding signs on the subject property in the locations shown on Schedule No. 3. One of the proposed freestanding signs identifies the development and the other freestanding sign identifies the amenity building. Both signs are proposed to be externally illuminated and constructed of natural materials as shown on Schedule Nos. 16 and 17.

Although the proposed signs meet the minimum setback requirements, Bylaw No. 993 only permits a maximum of one freestanding sign per parcel. Therefore, a variance is required and has been included for the Board's consideration in this application.

Given the location and sign face area of the proposed signs, and the fact that only the entranceway sign will be visible from the highway, it is not anticipated that the proposed variance will have a negative impact.

Access

The applicant is proposing access off of Van Isle Road and a right-in right-out access off of the Highway in accordance with Ministry of Transportation requirements. The proposal has been reviewed and approved by the Ministry of Transportation in accordance with Section 924 of *The Local Government Act*, as the proposed development exceeds 4500m² in gross floor area overall.

Landscaping

The applicants are proposing to provide landscaping throughout the subject property including enhancing the existing vegetation adjacent to the Highway and Annie Creek and installing a vegetated berm in order to screen the development from view. The proposed landscaping plan and itemized cost estimate are attached as Schedule Nos. 7-9.

Public Notification

As this application includes a request for variances, property owners and tenants located within a 50.0 metre radius will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board's consideration of the permit.

VOTING


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


SUMMARY

The proposed development satisfies the Hazard Lands, Environmentally Sensitive Features, Resort Commercial and Recreational Lands, and Highway Corridors Development Permit Area Guidelines. The requested variances are not anticipated to have negative land use implications and are supported by *Regional District of Nanaimo Development Variance Permit, Development Permit with Variance, and Floodplain Exemption Application Evaluation Policy*. Therefore, staff recommends that the Board approve the requested Development Permit with variances subject to the notification requirements of the *Local Government Act*.

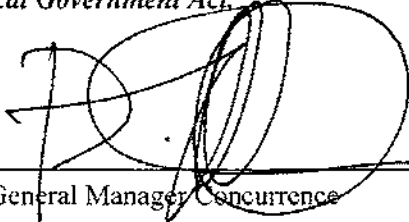
RECOMMENDATIONS

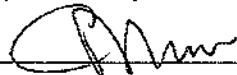
That Development Permit Application No. 60649, with variances to allow the construction of a 62 unit Resort Condominium development, be approved according to the terms outlined in Schedule No. 1 and subject to the notification requirements pursuant to the *Local Government Act*.



Report Writer


Manager Concurrence



General Manager Concurrence


CAO Concurrence

COMMENTS:

devsvs/reports/2006/dp mr 3060 30 60649 Qualicum Landing Report

Schedule No. 1 (Page 1 of 2)
Terms of Development Permit/Variances
Application No. 60649

Issuance of Development Permit

The following items must be completed and/or received to the satisfaction of the Regional District of Nanaimo prior to the issuance of the corresponding Development Permit.

1. A landscaping security deposit in the form of cash, cheque, or irrevocable letter of credit with an automatic extension clause in the amount of \$85,708.00.
2. A Section 219 Covenant prepared at the applicant's expense and to the satisfaction of the Regional District of Nanaimo limiting the occupancy of the resort condominium units to no more than 180 consecutive days.
3. A Section 219 Covenant prepared at the applicant's expense and to the satisfaction of the Regional District of Nanaimo requiring the subject property to be developed in accordance with the recommendations contained in the following reports listed in Attachment No. 2.

Site Development

4. All development on the subject properties must be in substantial compliance with Schedules No. 1-17 (inclusive).
5. All development must be conducted in accordance with the recommendations contained in the reports listed in Attachment No. 2.
6. All placement 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.
7. 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.

Illumination

8. Site illumination shall not include high-intensity lighting and must be in scale with the pedestrian environment with emphasis placed on indirect lighting.

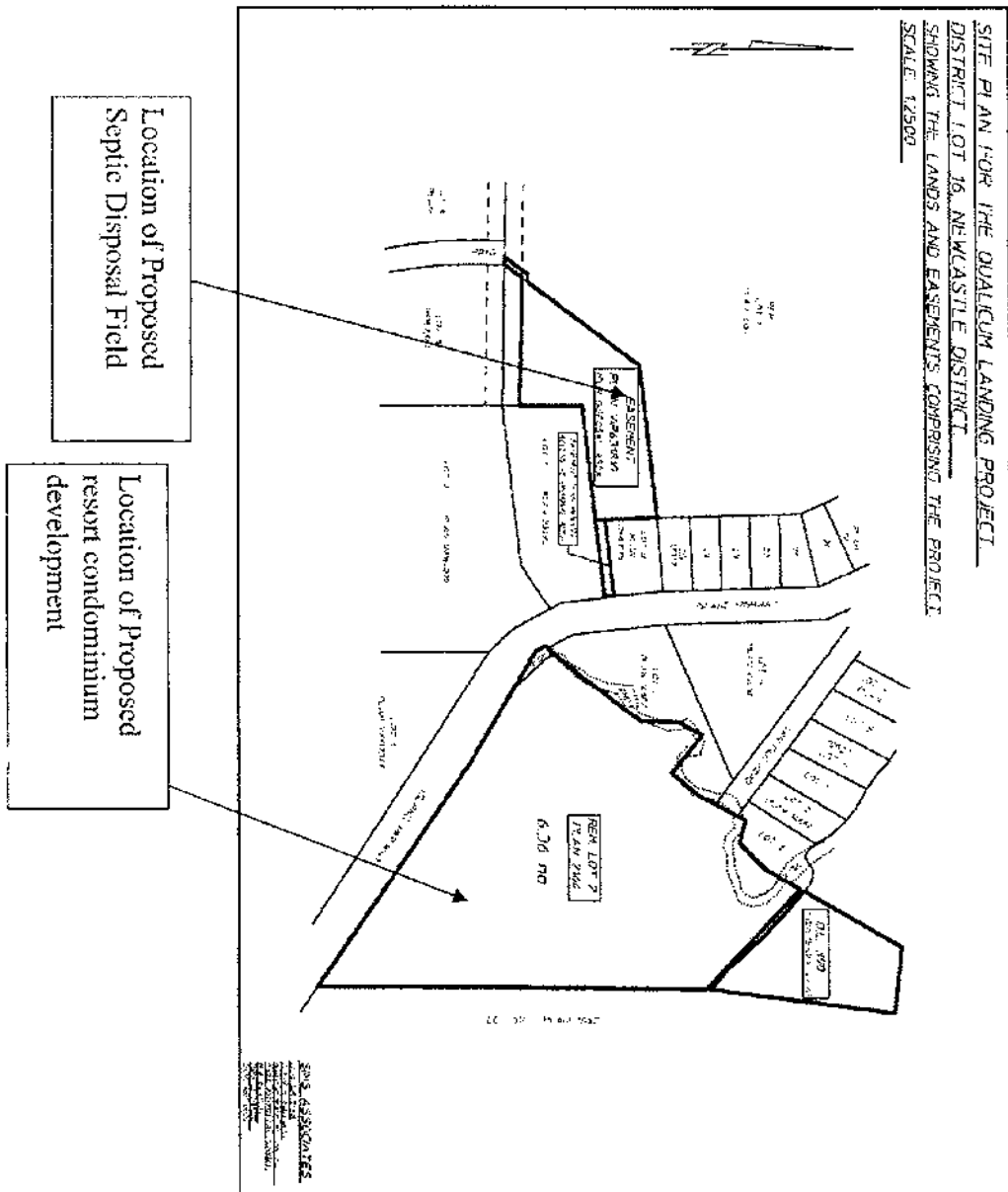
Variances

1. If approved this Development Permit will vary "Regional District of Nanaimo Sign Bylaw No. 993, 1995" by increasing the maximum number of freestanding signs from one (1) to two (2), one identifying the proposed development and one identifying the proposed amenity building in the general locations shown on Schedule No. 3 and generally constructed as shown on Schedule Nos. 16 and 17.
2. If approved this Development Permit will vary Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987"as follows:

Schedule No. 1 (Page 2 of 2)
Terms of Development Permit/Variiances
Application No. 60649

- a. Section 3.3.9 by relaxing the minimum required setback from the sea from 8.0 metres horizontal distance from the natural boundary to 0.0 metres horizontal distance from the natural boundary to permit the repair and reconstruction of an existing marine retaining wall in the location shown in Schedule No. 4 and generally constructed as shown in Schedule Nos. 5 and 6.
- b. Section 3.4.15 by increasing the maximum height requirement as shown on Schedule No. 3 as follows:
 - iv) for units 1, 11, and 12 from 8.0 metres to 8.3 metres;
 - v) for units 6, 9, and 10 from 8.0 metres to 8.5 metres;
 - vi) for units 2, 3, 4, 5, 7, and 8 from 8.0 metres to 8.7 metres.

Schedule No. 2
Development Permit No. 60649
Overview Site Plan
As submitted by the applicant and reduced for convenience

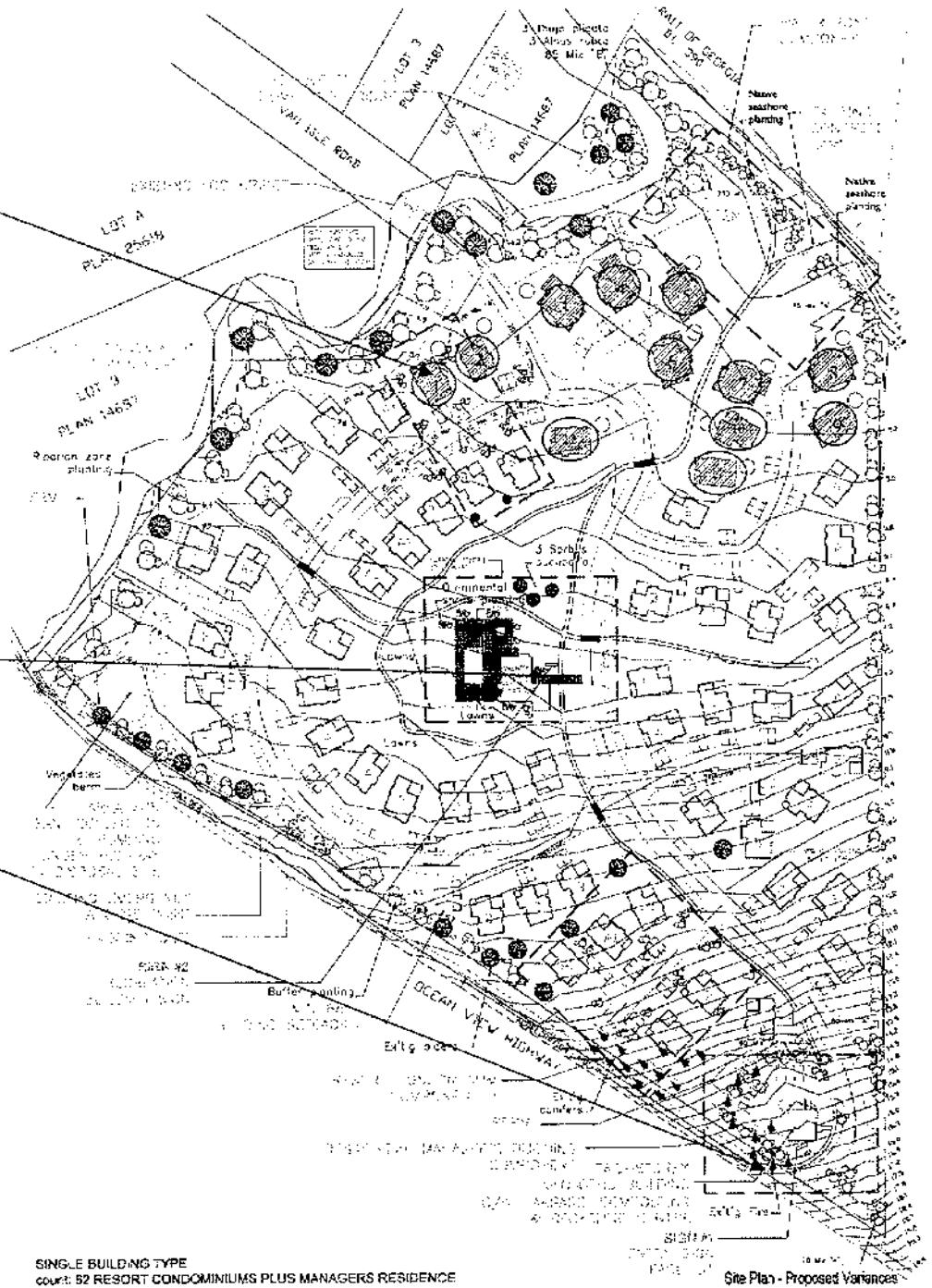


Schedule No. 3
Development Permit No. 60649
Site Plan Showing Proposed Variances
 As submitted by the applicant and reduced for convenience

The maximum building and structure height is proposed to be increased as follows:

- Units 1, 11, and 12 from 8.0 metres to 8.3 metres
- Units 6, 9, and 10 from 8.0 metres to 8.5 metres
- Units 2, 3, 4, 5, 7, and 8 from 8.0 metres to 8.7 metres.

The maximum number of freestanding signs is proposed to be increased from one to two.



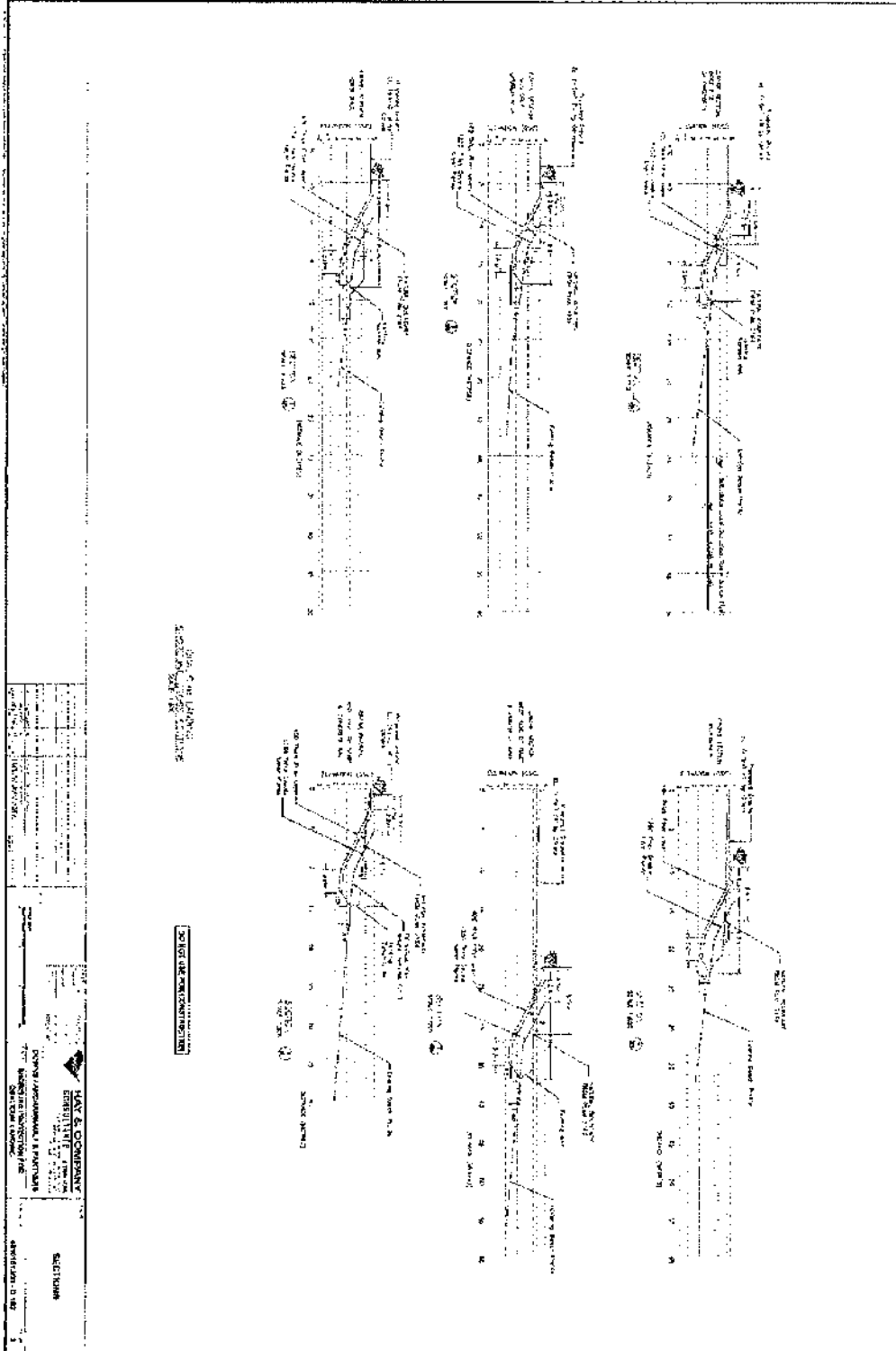
SINGLE BUILDING TYPE
 count: 52 RESORT CONDOMINIUMS PLUS MANAGERS RESIDENCE

DA Downs Architects & Partners
 Architects/Planners

The Landscape Consultants
 (Luke Downs)

QUALICUM LANDING
 February 9, 2007

Schedule No. 6
Development Permit No. 60649
Cross-Section of Proposed Marine Retaining Wall
 As submitted by the applicant and reduced for convenience



Schedule No. 8
Development Permit No. 60649
Proposed Landscaping Itemized Cost Estimate (Page 1 of 2)
As submitted by the applicant and reduced for convenience

LANDSCAPE PLANT LIST & COST

SPECIES	ENGLISH NAME	No.	SIZE	UNIT COST	COST
Mix "A"					
<i>Amelanchier alnifolia</i>	Saskatoon berry	200	18"+	4.50	900
<i>Gaultheria shallon</i>	Saial	300	#1	8.00	2400
<i>Holodiscus discolor</i>	Ocean Spray	200	18"+	4.50	900
<i>Mahonia aquifolium</i>	Oregon grape	300	18"+	4.50	1350
<i>Oemleria cerasiformis</i>	Indian plum	100	18"+	4.50	450
<i>Ribes sanguineum</i>	Flowering currant	200	18"+	4.50	900
<i>Rosa nutkana</i>	Nootka rose	400	18"+	4.50	1800
<i>Rubus parviflora</i>	Thimbleberry	200	18"+	4.50	900
<i>Symphoricarpos albus</i>	Snowberry	100	18"+	4.50	450
Mix "B"					
<i>Alnus crispa</i>	Sitka alder	230	18"+	4.50	1035
<i>Cornus stolonifera</i>	Osier dogwood	230	18"+	4.50	1035
<i>Malus fusca</i>	Pacific crabapple	115	18"+	4.50	517
<i>Physocarpus capitatus</i>	Ninebark	345	18"+	4.50	1552
<i>Polystichum munitum</i>	Sword Fern	115	#1	9.50	1093
<i>Rhamnus purshiana</i>	Cascara	115	18"+	4.50	517
<i>Rubus spectabilis</i>	Salmonberry	345	18"+	4.50	1552
<i>Salix sitchensis</i>	Sitka willow	230	18"+	4.50	1035
<i>Sambucus racemosa</i>	Elderberry	230	18"+	4.50	1035
<i>Spiraea douglasii</i>	Hardhack	345	18"+	4.50	1552
Others					
<i>Thuja plicata</i>	Western Red Cedar	50	#5	40	2000
<i>Tsuga heterophylla</i>	Western Hemlock	50	#5	45	2250
<i>Pseudotsuga menziesii</i>	Douglas Fir	20	2m	100	2000
<i>Acer macrophyllum</i>	Big leaf maple	20	2m	80	1600
Mix "A" for buffer		300	#5	45	13500
<i>Cornus Edoies White</i>	Dogwood	15	2m	200	3000
<i>Sorbus aucuparia</i>	Mtn. Ash	15	2.5m	160	2250
<i>Betula pendula</i>	Silver birch	5	2.5m	150	750

**Schedule No. 9
 Development Permit No. 60649
 Proposed Landscaping Itemized Cost Estimate (Page 2 of 2)
 As submitted by the applicant and reduced for convenience**

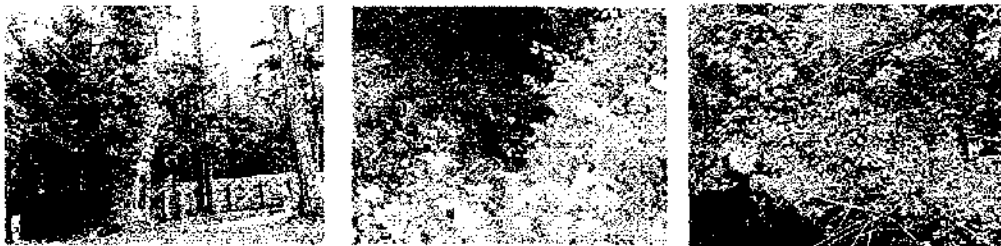
SPECIES	ENGLISH NAME	No.	SIZE	UNIT COST	COST
Ornamental plants near recreation building:					
Fatsia japonica	Jap. Aralia	2	#5	50	100
Rhododendron		6	#5	60	360
Hydrangea macrophylla		3	#5	50	150
Lonicera plicata	privet honeysuckle	10	#1	15	150
Lavandula Hidcote	Lavender	10	#1	15	150
Sarcococca humilis	Christmas box	10	#1	15	150
	Dwarf Pieris	3	#2	25	75

Sub Total – Plants Supply & Install \$49458

Extra density of planting mix for berm behind manager's house.	750
Extra Fir and Cedar trees, Dogwood and Maples there.	1500
Hydro-seeding wildflower mix on berm along W. end of road frontage, including prep.	3000
Bark mulch to high visibility areas. Say 5000 sq. ft.	1500
Irrigation. Provisional sum.	20,000
Break up existing road bed, where it is to be planted and supply and spread soil on that area.	8000
Import soil, fish compost, etc. for planting pits.	1500

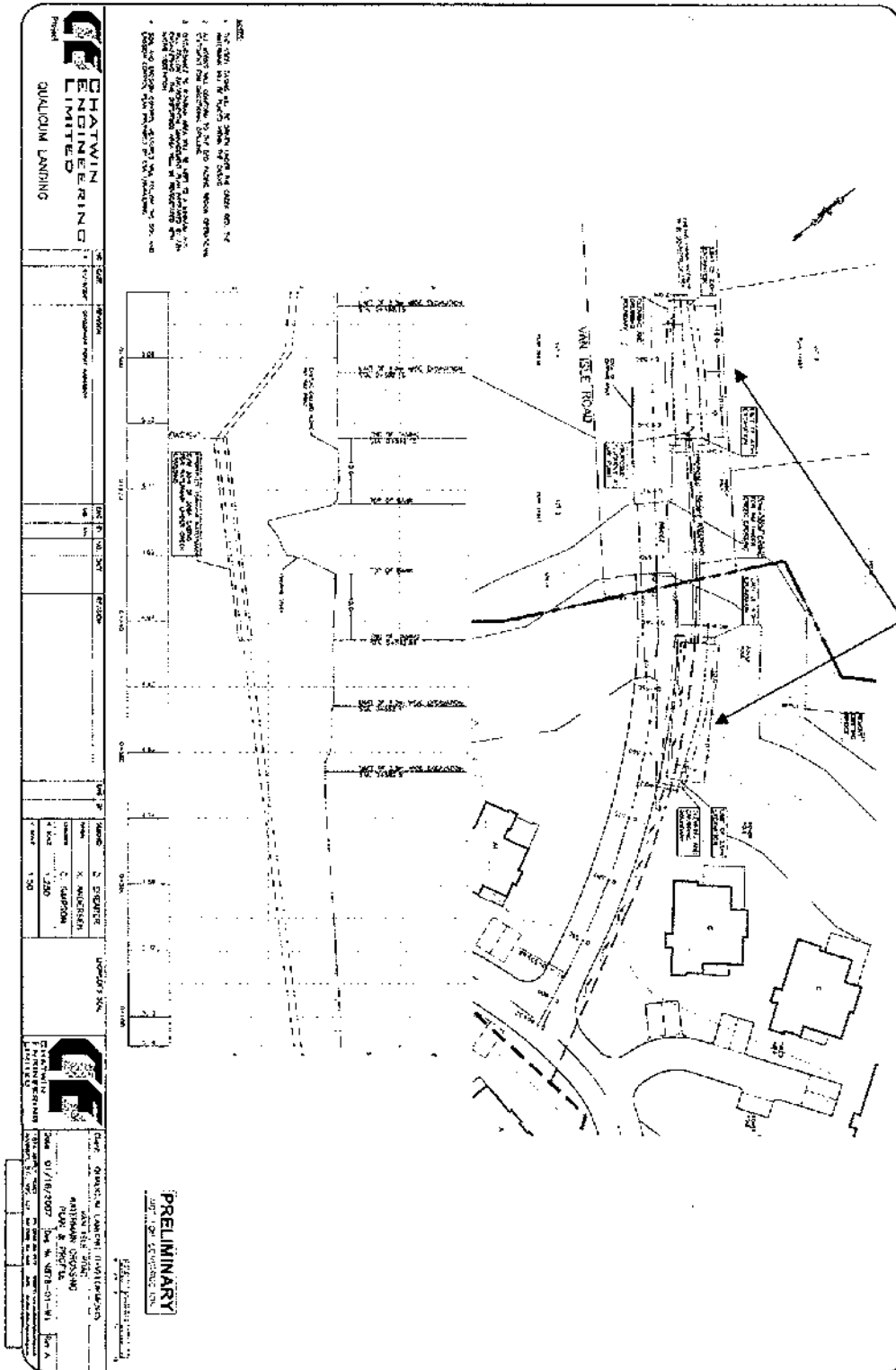
Landscape Total Cost: \$85708

The above figures are for supply and plant and are for bare root plants, which are available for order now. (They could not be supplied or used outside the late October to early March window.)



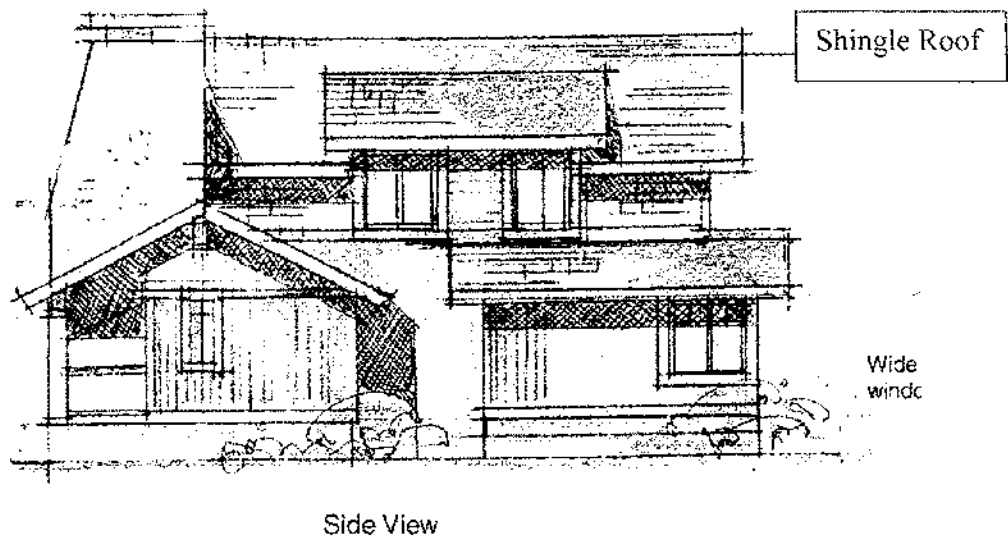
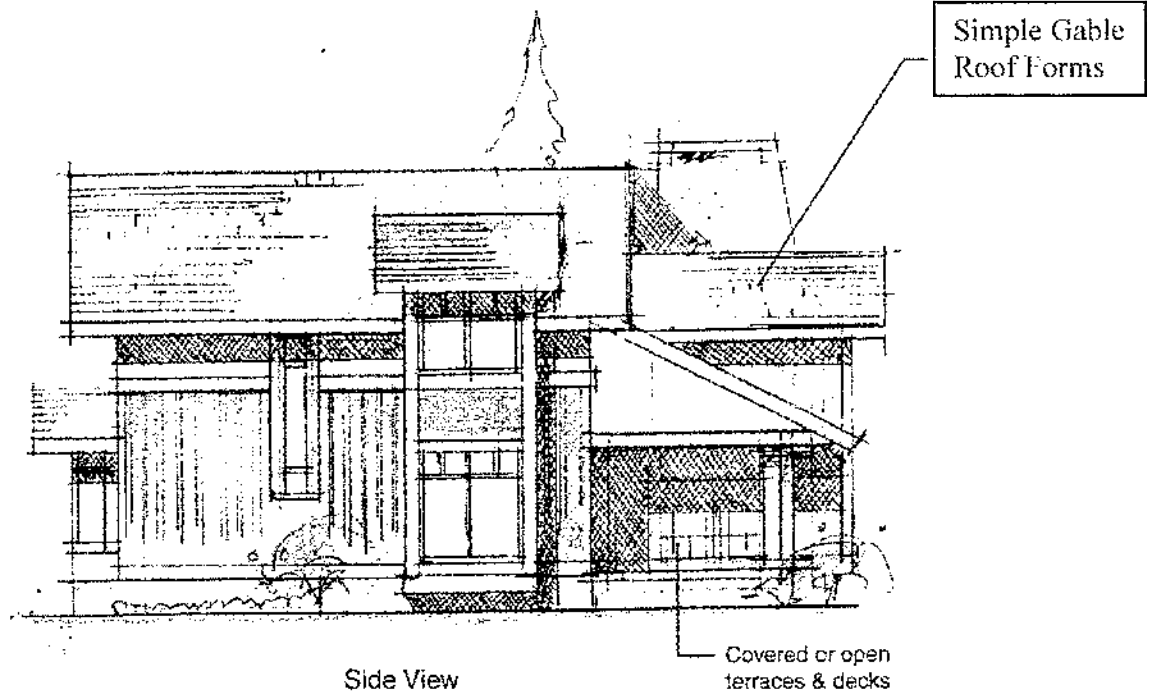
QUALICUM LANDING
 DEVELOPMENT PERMIT APPLICATION
 August, 2006

Schedule No. 10
 Development Permit No. 60649
 Proposed Under Creek Waterline Crossing
 As submitted by the applicant and reduced for convenience

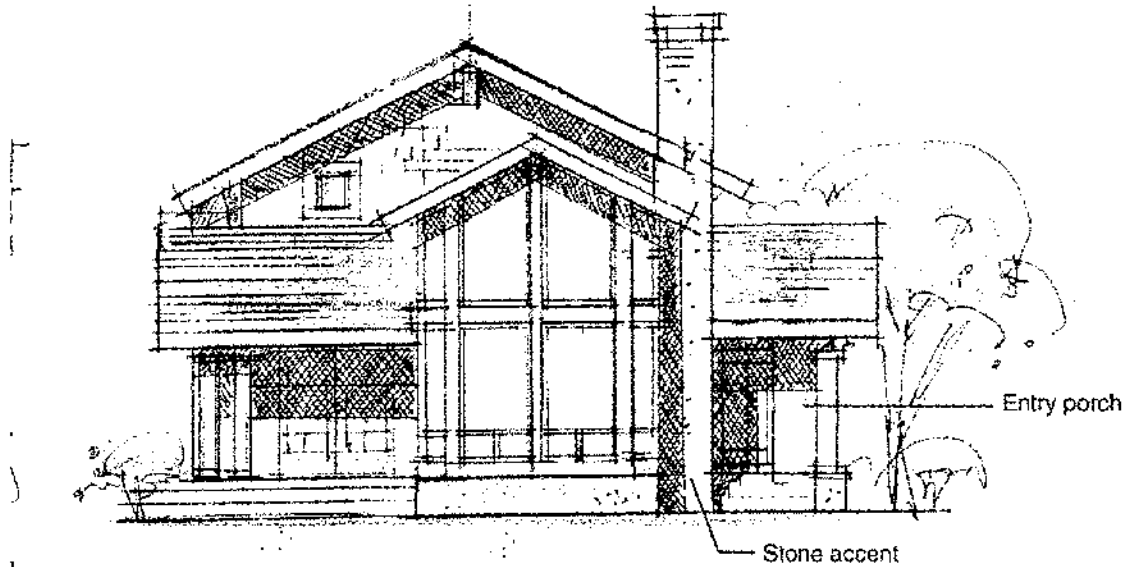


All disturbed areas to be replanted with riparian vegetation as soon as possible after installation.

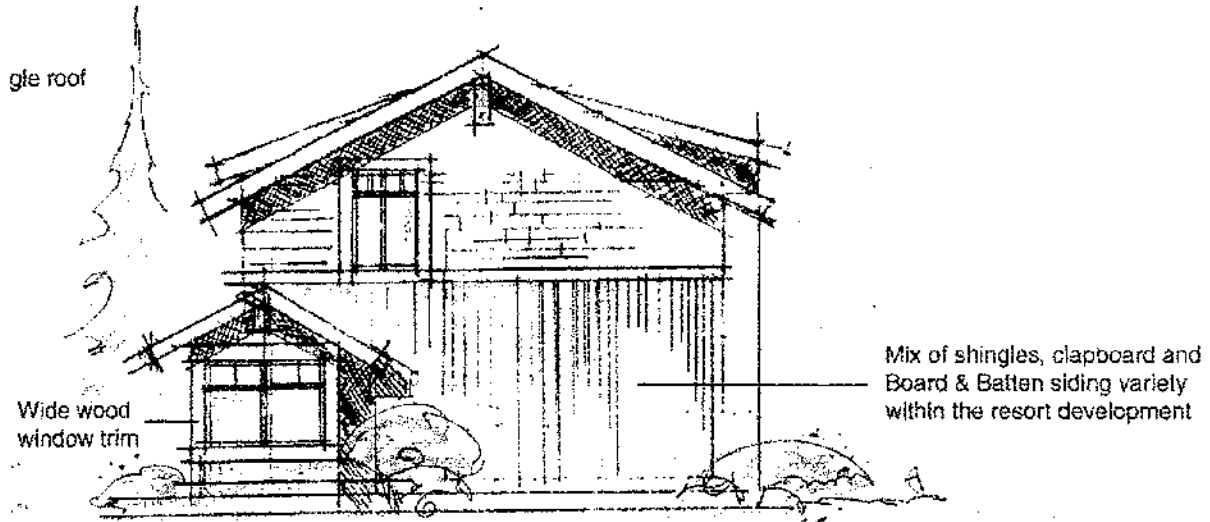
Schedule No. 11
Development Permit No. 60649
Proposed Resort Condominium Unit Prototype Elevations (page 1 of 2)
As submitted by the applicant and reduced for convenience



Schedule No. 11
Development Permit No. 60649
Proposed Resort Condominium Unit Prototype Elevations (page 2 of 2)
As submitted by the applicant and reduced for convenience



Front View



Rear View

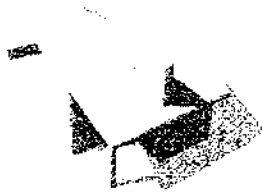
Schedule No. 12
Development Permit No. 60649
Proposed Resort Condominium Unit Potential Roof Variations
As submitted by the applicant and reduced for convenience



Roof Option 1- Front View



Roof Option 1- Front View



Roof Option 1-Rear View



Roof Option 1-Rear View



Roof Option 2 - Front View



Roof Option 2 - Front View

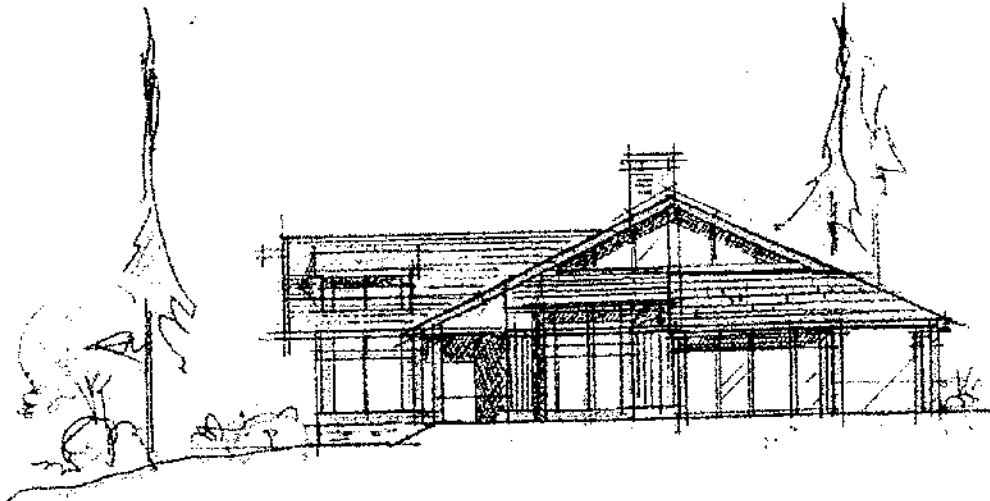


Roof Option 2 - Rear View

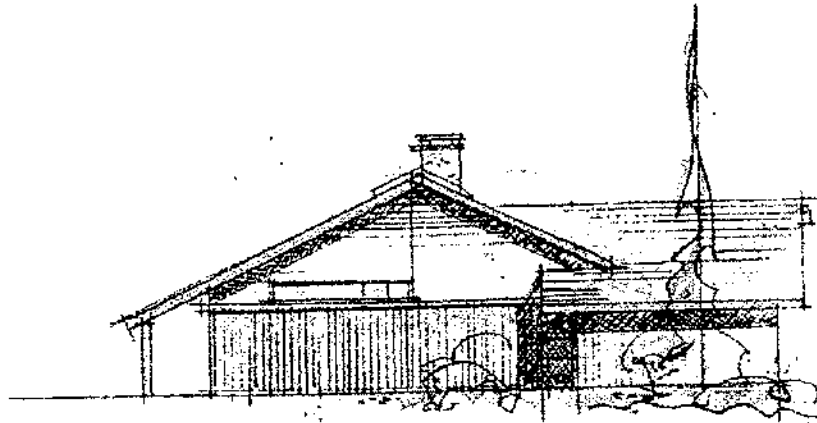


Roof Option 2 - Rear View

Schedule No. 13
Development Permit No. 60649
Proposed Recreation Building Elevations (page 1 of 2)
As submitted by the applicant and reduced for convenience



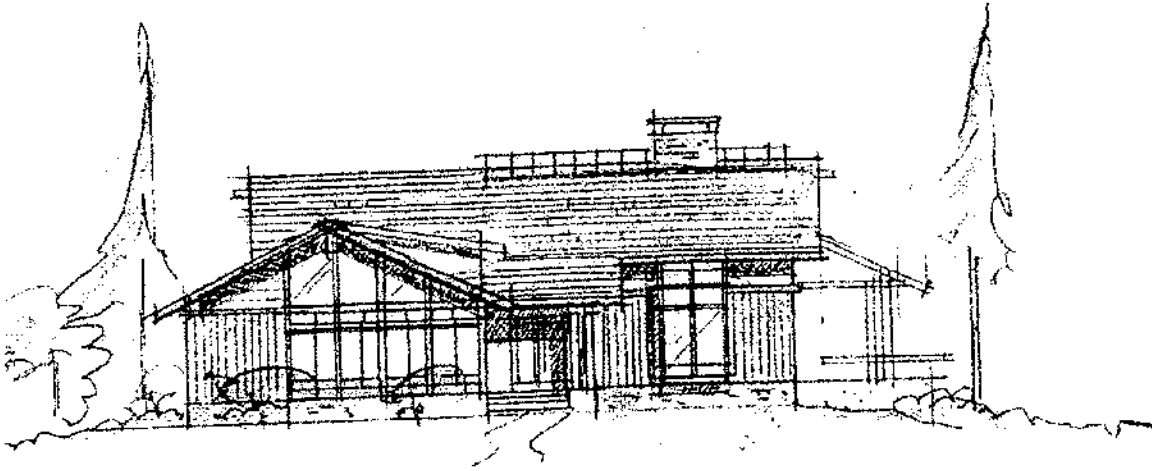
North Elevation - Scale 1:200



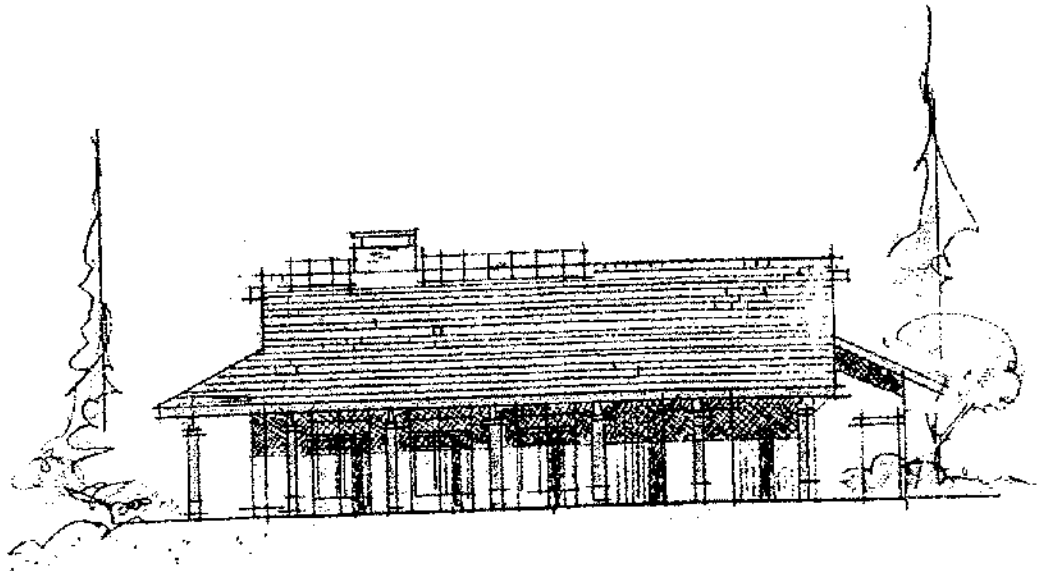
South Elevation - Scale 1:200

Downs / Archambault & Partners
Architects / Planners

Schedule No. 14
Development Permit No. 60649
Proposed Recreation Building Elevations (page 2 of 2)
As submitted by the applicant and reduced for convenience



East Elevation - Scale 1:200



West Elevation - Scale 1:200

RECREATION BUILDING

QUALICUM LANDING
DEVELOPMENT PERMIT APPLICATION

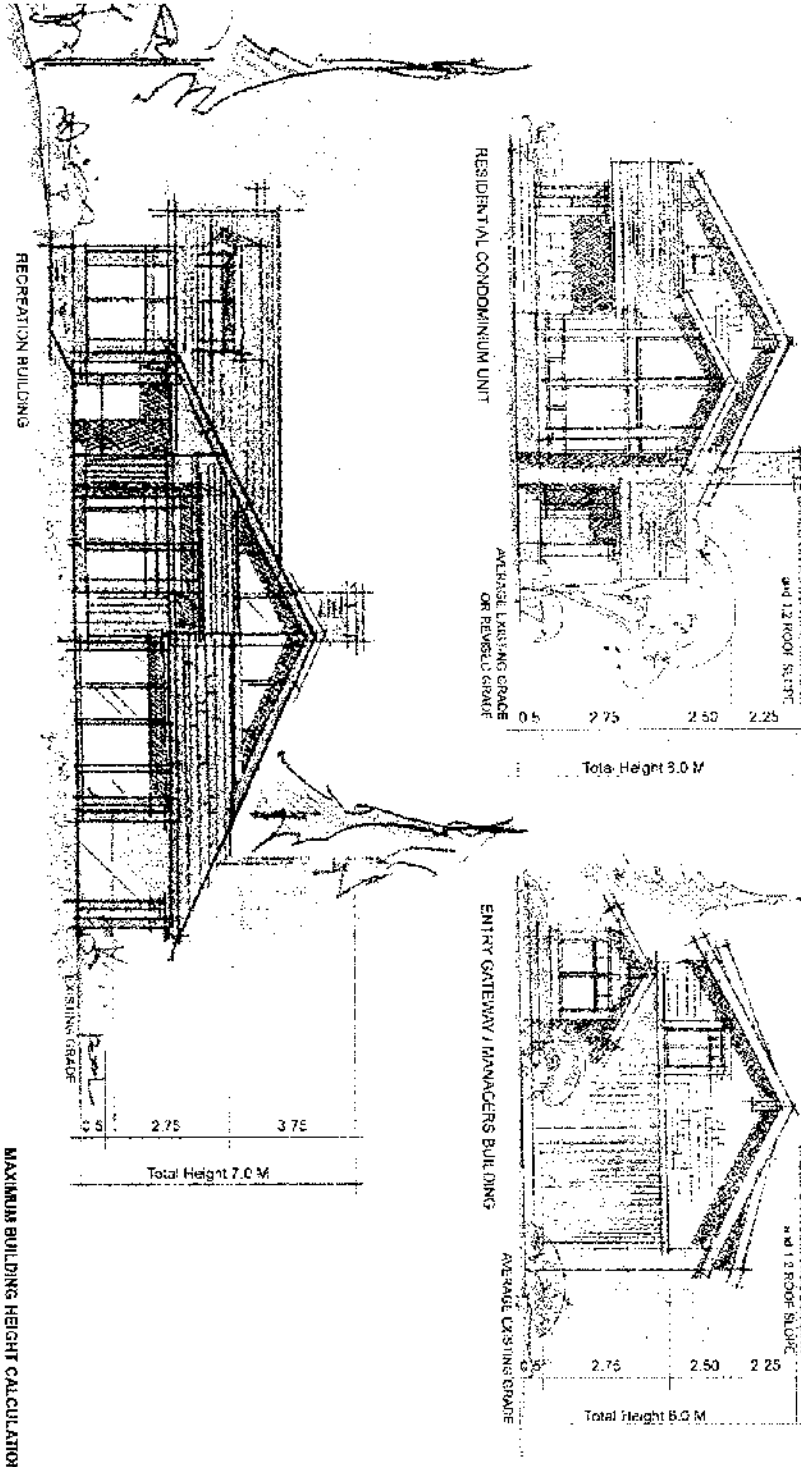
August, 2006

Schedule No. 15
Development Permit No. 60649
Proposed Building Heights for a Level Lot

As submitted by the applicant and reduced for convenience

DA

Division of Development & Planning
4250 Highway 10 West

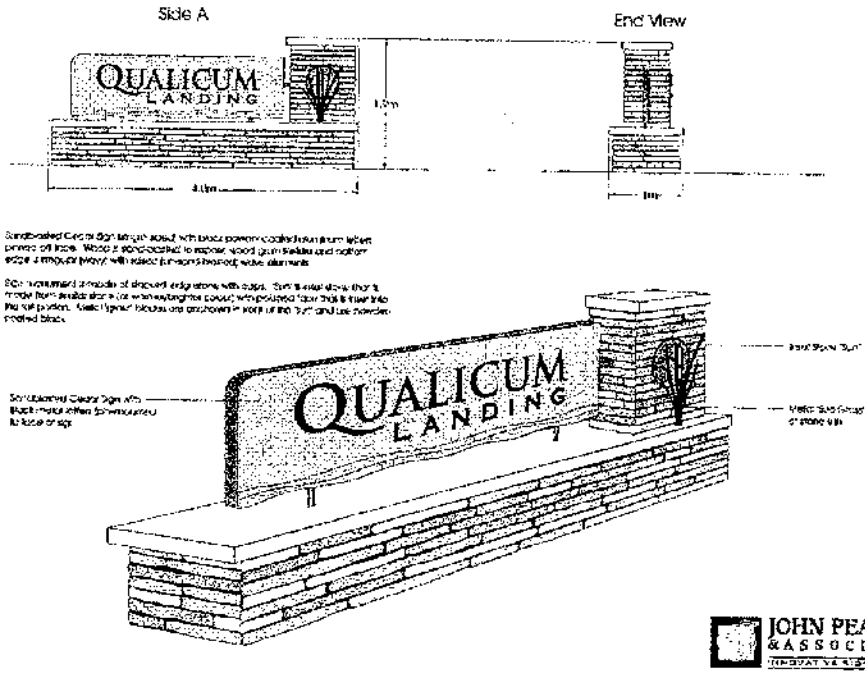


MAXIMUM BUILDING HEIGHT CALCULATIONS

QUALICUM LANDING
DEVELOPMENT PERMIT REVISION
FEBRUARY 19th 2007

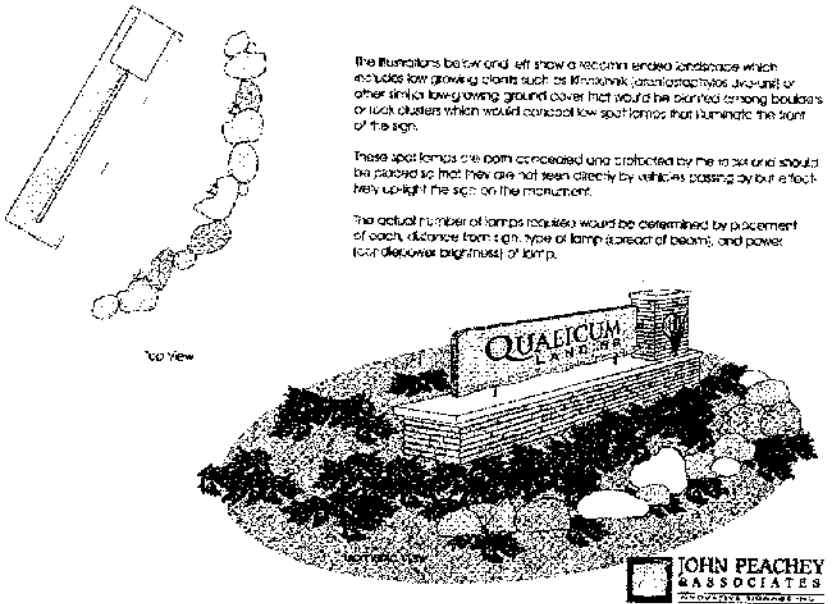
**Schedule No. 16
Development Permit No. 60649
Proposed Entrance Sign
As submitted by the applicant and reduced for convenience**

Qualicum Landing - Entry Sign Concept Sketch



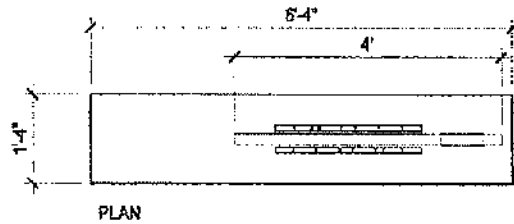
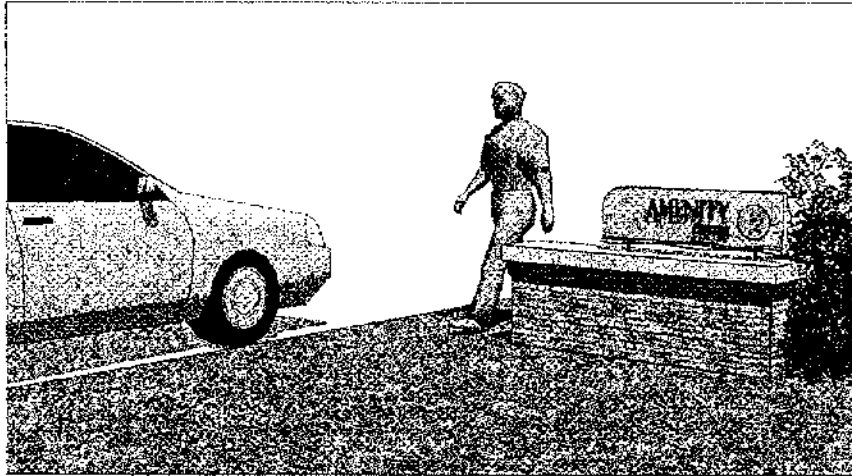
JOHN PEA & ASSOCI
PROFESSIONAL ENGINEERS

Qualicum Landing - Entry Sign Concept Sketch



JOHN PEACHEY & ASSOCIATES
PROFESSIONAL ENGINEERS

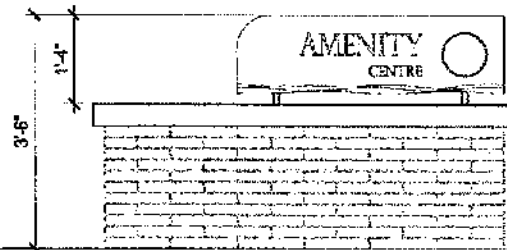
Schedule No. 17
Development Permit No. 60649
Proposed Amenity Building Sign
As submitted by the applicant and reduced for convenience



Powder-coated (black) aluminum letters pin mounted to wood sign. Sign to be sandblasted to expose natural grain and texture of the material. 'Wave' design to be raised from surface.

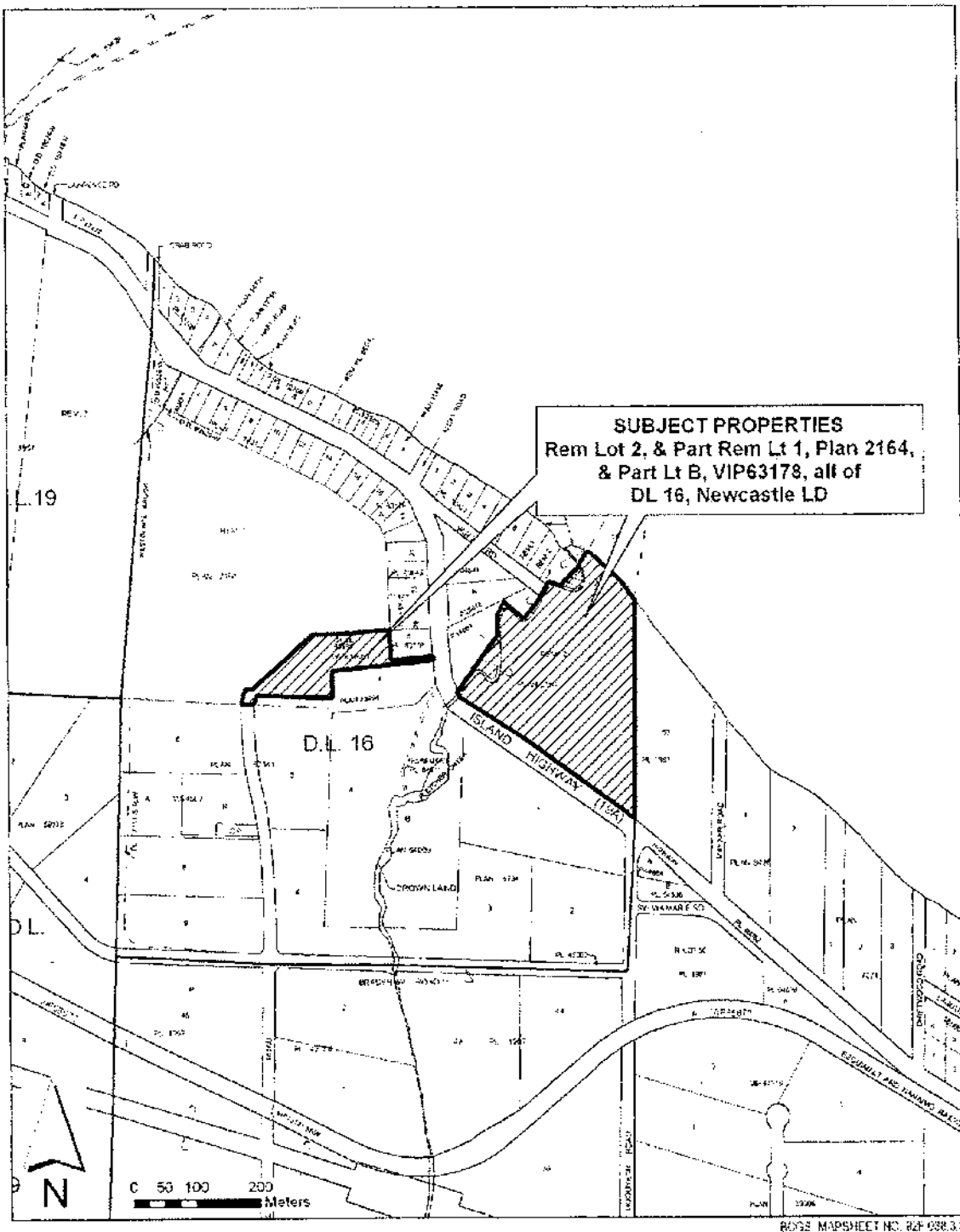
Hole through signage to allow for frosted glass 'sun' shape.

Sign base is clad with stacked ledgerstone and topped with stone cap.



QUALICUM LANDING - LOCATION SIGN CONCEPT
05 January, 2007

Attachment No. 1
Location of Subject Properties
Development Permit No. 60649



Attachment No. 2
List of Professional Reports and Senior Agency Approvals
Development Permit No. 60649

1. Shoreline Protection Design, dated January 24, 2007, prepared by Hay & Company
2. Impact of Septic Treatment System on the Aquifer, dated January 23, 2007, prepared by OSI Onsite Systems Inc.
3. Environmental Management Plan for Proposed Watermain Crossing of Annie Creek, dated January 23, 2007, Prepared by EBA Consultants Ltd.
4. Workplan for Shoreline Protection Design, dated December 20, 2006, prepared by EBA Consultants Ltd.
5. Erosion and Sediment Control Plan, dated January 2007, prepared by EBA Consultants Ltd.
6. Riparian Areas Regulation Assessment Report, dated October 10, 2006, as accepted by the Ministry of Environment and prepared by EBA Consultants Ltd.
7. Archaeological Impact Assessment, dated May 2006, prepared by I.R. Wilson Consultants Ltd.
8. Bioinventory and Riparian Areas Regulation Assessment, dated August 2006, prepared by EBA Consultants Ltd.
9. Engineering Report, dated August 9, 2006, prepared by Chatwin Engineering Ltd.
10. Preliminary Assessment of Potential Environmentally Sensitive Areas, dated March 21, 2006, prepared by EBA Consultants Ltd.
11. Preliminary Geotechnical Assessment, dated April 11, 2006, prepared by EBA Consultants Ltd.
12. Flood Construction Level, dated August 8, 2006, and addendum dated January 25, 2007 prepared by Hay & Company.
13. Hydrogeological Assessment, dated June 2, 2006, prepared by EBA Consultants Ltd.

The applicant has submitted the following approvals:

- Approval from the Agricultural Land Commission to permit the use of land within the Agricultural Land Reserve for septic disposal.
- An alteration permit from the Archaeological Branch from the Ministry of Tourism, Sports, and the Arts
- An Access permit from the Ministry of Transportation
- Approval in principle for a highway crossing agreement from the Ministry of Transportation

Attachment No. 3
PIM Minutes

REGIONAL DISTRICT OF NANAIMO

A PUBLIC INFORMATION MEETING REPORT
HELD AT LIGHTHOUSE COMMUNITY HALL
240 LION'S WAY, QUALICUM BAY
WEDNESDAY NOVEMBER 1, 2006 AT 7:00 P.M.

*SUMMARY OF THE MINUTES ON THE DEVELOPMENT PERMIT
APPLICATION No. 60649 – QUALICUL LANDING DEVELOPMENTS*

LEGAL DESCRIPTION – Rem Lot 2, Plan 2164, DL 16, Newcastle LD

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 80 people in attendance.

Present for the Regional District:

Director Dave Bartram, Director for Electoral Area 'H', Meeting Chair
Susan Cormie, Acting Manager, Current Planning
Greg Keller, Planner

Present for the Applicant:

David Galpin, Architect, Downs/Archambault & Partners
David Watt and Ray Rafford of Qualicum Landing Developments Ltd.
Karen Barry, EBA Engineering Consultants
Karmi Simpson, Chatwin Engineering
Luke Downs, Landscape Consultant

Director Bartram, Chair, opened the meeting at 7:00 pm with opening remarks and outlined the agenda for the meeting.

Greg Keller, Planner, provided a brief description of the application.

The Chair, introduced Dave Galpin, the applicant's architect.

Dave Galpin, Downs/Archambault & Partners Architects/Planners introduced the other members of the applicant's team.

The Chair, read two submissions including a letter from the Agricultural Land Commission and an email from Peter Eberwein and then invited the applicants to make a presentation.

Dave Watt, President of Qualicum Landing Developments Ltd. provided a presentation outlining the history of the project. He indicated that the property was purchased in 2005 for the purpose of redevelopment into a cottage community. He explained that there is a decrease in the availability of vacation homes on the east coast of Vancouver Island. Mr. Watt continued by explaining that the Recreational Vehicle uses were discontinued and that there are approximately 29 manufactured homes on the subject property, including a small number of seasonal users. Mr. Watt outlined the requirements of the Manufactured Home Tenancy Act and indicated that the existing residents will be given one year's notice and will be provided one year's rent. Mr. Watt explained that his company will be hiring an employee to gather information including the moving of manufactured homes, cost of moving, and available lands, etc.

David Galpin, the applicant's agent, continued the presentation by providing a general overview of the proposed development and explained that the proposed development is intended to be environmentally friendly. He indicated that the project proposes to use a modern sewage treatment facility and that the existing septic fields and tanks will be decommissioned. Mr. Galpin then spoke to the environmental aspects of the project including the proposed downgrading of the boat ramp and use of grass swales and roadway drainage.

The Chair requested comments or questions from the floor.

Don Kemp, 5251 Island Highway West spoke to his concern with the moving process. Mr. Kemp stated that there is no available land for manufactured home parks. He stated that there is an increase in homelessness. He stated that the Regional District of Nanaimo should not issue a Development Permit until this moral issue is resolved.

Jim Harris, no address given, indicated he is the owner of a 7.5 acre parcel adjacent to the City of Parksville that he would like to rezone to allow for a manufactured home park.

The Chair explained that services need to be provided to this parcel in order to allow for a manufactured home park. The Chair indicated that anyone is able to apply to rezone their lands and must follow the rezoning process. The Chair invited Mr. Harris to come to the Regional District of Nanaimo to discuss his proposal.

Unidentified Person, asked why Mr. Harris and Regional District of Nanaimo can not work together to rezone.

The Chair invited Mr. Harris and anyone else wanting to rezone property to visit the Regional District of Nanaimo and ask planning staff for assistance.

John New, 5251 Island Highway West indicated that the applicant held the first meeting with the Costa Lotta residents today. Mr. New asked if the Development Permit has been presented to the Board. Mr. New asked why we could not look at the application before. Mr. New indicated that in discussion with Qualicum Landing Developments that they will not agree that there is a

moral issue at stake. Mr. New was concerned with the 30 seniors, who would be out of a home if this Development Permit is approved. He indicated that some of the residents have lived there for 20 or 30 years. In closing, Mr. New indicated that there are other mobile home parks faced with the same issue.

Bob Brian, 5251 Island Highway West indicated that the Regional District of Nanaimo approved a policy that specifies requirements for manufactured home relocation that helps people move. Mr. Brian asked Qualicum Landing to follow the policy. Mr. Brian stated that the redevelopment of mobile home parks is causing hardships all over the province and people can not find places to move to. Mr. Brian indicated that some people will be losing the equity in their units up to \$70, 000.

The Chair explained that UBCM is asking the provincial government to assist people in similar situations.

Unidentified Person, indicated that she moved on to Costa Lotta thinking it would be her retirement home. She asked why the residents of Costa Lotta are not being looked after. She then stated that she would never have invested in Costa Lotta if she would have known. She requested help from the Regional District of Nanaimo.

Don French, 2701 Van Isle Road stated that he shares the concerns submitted in an email by Peter Eberwein. Mr. French spoke to his concern with the existing Van Isle bridge. He asked three questions related to the bridge in including when the existing bridge will be removed, when does the bridge become a foot bridge, and will it be used for vehicular access during construction.

Dave Galpin, stated that there is no intention to remove the bridge but rather to place concrete bollards on it to restrict its use. Mr. Galpin stated that he could not speak to the use of the bridge during construction. Mr. Galpin stated that the intent is to restrict the bridge so that it could only be used for pedestrians, bicycles, etc, but not vehicular traffic.

Richard Verdec, 2727 Van Isle Road indicated that he does not want the bridge to remain and does not want it to be used for construction traffic. He questioned where the pedestrian traffic would be going and where will people park.

Dave Galpin, explained that the bridge users would for the most part be people in the complex, not the general public.

Unidentified Person, asked where do we go?

Dianne Eddy, no address given, indicated that she shares the concerns of the Costa Lotta residents. She indicated that the Regional District of Nanaimo sent out planners to provide the community with a cross section for the development of the community. She indicated that at least 10 properties were designated Commercial 5 displacing permanent residents with transient population. Ms. Eddy indicated that there are only 2 small properties zoned for Manufactured Home Park in the area. Ms. Eddy stated that this is appalling given that the wages in area 'H' are

advertised at \$8-\$13 per hour and how are people going to survive and raise a family on that wage. Ms. Eddy stated that we, the people, need to get together and go back to the Official Community Plan and we need this for our community. Ms. Eddy stated that there are very few areas with affordable land. Ms. Eddy challenged the Regional District of Nanaimo to come out where we live to see what can be done to help.

Gretta Taylor, no address given, expressed her sympathy for the residents of Costa Lotta and Ms. Taylor asked if the residents will be able to find affordable housing. Ms. Taylor indicated that there is a lack of affordable housing in British Columbia and provided an example from Britain where council housing was used as a form of affordable housing. Ms. Taylor asked if the Regional District of Nanaimo could do the same thing.

Ann Copis, Seaview Road, Deep Bay asked what is going to happen to the existing disposal fields, how did the developer ascertain the community wanted more resort condominium units, and what capital costs have been charged.

Dave Watt, indicated that the previous owner was granted a permit for septic disposal field on an adjacent lot. Mr. Watt indicated that the septic would have to go underneath the highway to the septic field. Mr. Watt indicated the nutrients in the effluent are good for the soil. Mr. Watt indicated that the anticipated capital costs are \$3-4 million. Mr. Watt confirmed the septic does not go through the creek it crosses the bridge. Mr. Watt indicated that he ascertained that the community wanted this type of development because he grew up in the area and recognized the area as a summer time community to a certain extent and that the Official Community Plan supports the use as well as the zoning. Mr. Watt indicated that the Regional District of Nanaimo is requesting a covenant restricting the occupancy of the resort condominium units.

Unidentified Person, indicated that 1800 sq. feet does not comply with a tourist cottage. The unidentified male asked, why can't they rezone at a later date?

Richard Verdeck, 2727 Van Isle Road asked if there will be ample parking for visitors on Van Isle Road and also asked if there would be odours from the septic treatment plant.

Dave Galpin, indicated that they are proposing to use a state of the art system and there should not be any odors. Mr. Galpin also indicated there will be ample parking spaces provided on site.

Don French, 2701 Van Isle Road asked how the septic system is going to be pumped across the stream.

Dave Galpin, explained how the septic disposal system will operate.

Unidentified Person, asked how many employees the project will employ.

Dave Watt, indicated that at this point he was unsure.

Vern Hadel, 2719 Van Isle Road indicated that he shares the concerns with the residents of Costa Lotta and asked if the vacation homes are for sale or rent and if they are for sale who deals

with the problems, and stated that the stream keepers may be interested in remediation on site. Mr. Hadel stated that the proposed development is based on a good concept. Mr. Hadel then stated that until the neighbours find a solution to their problems, it is not conscionable to approve the development.

Dave Watt, explained that the resort condominium units will be for sale in a strata corporation.

Unidentified Person, stated that we need permanent residence in the area and asked why they are not allowed to live year round.

Don French, 2701 Van Isle Road asked if a person purchases a cottage how long will they be able to stay there.

Dave Watt, stated that the cottages can not be occupied longer than 6 consecutive months.

Greg Keller, Planner added that the Commercial 5 zone limits the occupancy of the resort condominium units to providing temporary accommodation.

Unnamed Person, stated that we need permanent residences in the area, not tourist accommodation. This person requested that the Regional District of Nanaimo rezone the property for residential use.

John New, 5251 Island Highway asked what mechanisms does the Regional District of Nanaimo use to ensure that the units are not occupied on a year round basis.

Greg Keller, Planner explained that the Regional District of Nanaimo is requesting a covenant restricting the occupancy of the units to six consecutive months in a calendar year. Mr. Keller also stated that the Regional District of Nanaimo could also react to complaints from adjacent property owners.

Bob Penny, no address given, asked what we have to do to stop this development.

The Chair, responded by stating that the developer has the legal right to develop the subject property.

Unidentified Person, asked when the property was rezoned to Commercial 5.

Greg Keller, Planner explained when the property was rezoned and indicated that the existing manufactured home park appears to be a legal non-conforming use.

Unidentified Person, asked, what about the moral issues and does anyone care.

The Chair stated that he does care..

Gretta Taylor asked if there is adequate water supply to service the development; are the units divided, how many more people would be allowed.

Dave Watt, responded by stating that currently there are 79 camping spaces and 36 mobile homes on the site. Mr. Watt explained that there is an adequate supply of water from Horne Lake Waterworks District. Mr. Watt also explained that in order to service the proposed development, water main upgrades are required.

Chris McLean, 5940 Island Highway West, indicated that he is a long time resident and that these are endangered people here, trailer owners. Mr. McLean stated that the Regional District of Nanaimo does not care about the community and that this development is not happening in their community.

Michelle, 5360 Island Highway West, requested the location of a similarly sized septic treatment plant.

Dave Galpin, stated that he will provide this information through the Regional District of Nanaimo.

Unidentified Costa Lotta Resident, asked why are there different addresses for the subject property, it should be 5251 not 5231.

Greg Keller, Planner stated that he would investigate this issue.

Joy Bryant, former Costa Lotta resident, asked if there is something we should be doing to get more compensation and help.

The Chair explained that the Regional District of Nanaimo approved a Manufactured Home Relocation Policy that applies to rezoning applications for the redevelopment of manufactured home parks. The Chair indicated that at this year's annual UBCM convention in Victoria a motion was unanimously passed requesting the provincial government to make changes to the Manufactured Home Park Tenancy Act.

Greta Taylor, asked how does it help these people.

The Chair, stated that there is a need for affordable housing and the need to find a place for the Costa Lotta residents to relocate. The Chair encouraged anyone who has property to come forward to look at the possibility of rezoning it to accommodate a manufactured home park.

Unidentified person, stated that he has a 10 acre property across the street.

Unidentified person, stated that you have people that have land and people that have the need.

The Chair, responded by inviting any land owners to come to the Regional District of Nanaimo to discuss their proposals with staff.

Unidentified Person, stated where do we go, there are 30 families in Costa Lotta and we have searched the island and there is nowhere to go.

Unidentified Person, suggested that the Regional District of Nanaimo has Wildwood Park in the area that may be suitable for a manufactured home park .

Unidentified Person, asked is there any way to hold up this application and morally, there is something to do to hold it up.

Unidentified Person, asked if a rezoning application for a manufactured home park could be fast tracked and made a priority.

The Chair, stated that it would be made a priority.

Greta Taylor, no address given, asked if the developers would be willing to wait until the residents have relocated.

Dave Watt, responded by explaining that they have six partners who are not present tonight, and he could not speak for them. Mr. Watt indicated that he does not think it would be feasible to postpone the development.

The Chair, asked for further questions from the floor

Unidentified Person, asked about the Development Permit application approval process and how the residents of Costa Lotta can stay informed.

The Chair, explained the minutes of this meeting will go before the Electoral Area Planning Committee and that the Regional District of Nanaimo will give notice of the meeting. Mr. Bartram stated that the Electoral Area Planning Committee meetings are open to the public and anyone who has an interest is able to attend.

Richard Verdeck, 2727 Van Isle Road, stated that the local stream keepers may have concerns related to the proposed development and asked if the stream keepers were contacted.

Karen Barry, Senior Biologist EBA Engineering spoke to the proposed restoration adjacent to Fletcher Creek. Ms. Barry indicated that she has not spoke to the stream keepers yct, but is planning to contact them shortly.

The Chair asked for any further comments or questions three times.

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

The meeting concluded at 8:55 pm.

Greg Keller
Recording Secretary



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CAO	GMP&IS
GMDS	GMR&PS
GMES	GMTS
MAR - 5 2007	
SMCA	BOARD
CHAIR	
EAP	

MEMORANDUM

TO: Geoff Garbutt
Manager, Current Planning

DATE: March 5, 2007

FROM: Susan Cormie
Senior Planner

FILE: 3060 30 60701
c/r 3320 20 27077

SUBJECT: Development Permit Application No. 60701
Fern Road Consulting Ltd., on behalf of Maureen Oliver
Electoral Area 'H' - Noonday & Stead Roads

PURPOSE

To consider an application for a development permit in conjunction with the creation of a 2-lot subdivision within an Environmentally Sensitive Features Development Permit Area in Electoral Area 'H'.

BACKGROUND

The parent parcel, legally described as Lot 2, District Lot 85, Newcastle District, Plan VIP64727, is located adjacent to Noonday and Stead Roads in Electoral Area 'H' (See Attachment No. 1 for location of parent parcel).

The property, which totals approximately 7900 m² in size, is currently zoned Residential 2 (RS2) and is within Subdivision District 'M' pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The parent parcel currently supports two dwelling units and accessory buildings. The parent parcel is surrounded by Noonday Road and a commercially zoned parcel to the north; residentially zoned parcel to the west and south; and Stead Road and residentially zoned parcels to the east.

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 applicants are proposing to develop the site, a development permit is required.

The parent parcel is not located within an RDN Building Services Area.

Proposed Development

The applicant is proposing to construct 2 fee simple parcels both greater than the minimum 2000 m² parcel size with community water service connections from Bowser Waterworks District and private individual septic disposal systems (see Schedule No. 2 for proposed subdivision layout).

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

ALTERNATIVES

1. To approve the Development Permit Application No. 60701, 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

Residential Density

Under the Residential 2 zoning provisions, a maximum of 1 dwelling unit will be allowed on Proposed Lot A upon completion of the subdivision. The submitted engineer's report indicated that the dwelling unit located on proposed Lot A contains an in-law suite and therefore the residential density provisions would not be able to be met. The applicant has indicated that there is not a suite in the dwelling unit and this was verified by a staff visit to the property. However, for clarification purposes and to ensure that a suite not be placed on the proposed parcel by a future property owner, staff recommends that the applicant be required to register a section 219 covenant on Proposed Lot A restricting residential density to a maximum of 1 dwelling unit only. This covenant would be registered on title concurrently with the plan of subdivision (*see Schedule No. 1 for Conditions of Approval*).

It is noted that Proposed Lot B would be capable of supporting 2 dwelling units with community water service connections and private septic disposal.

Development Permit Guidelines Implications

With respect to the development permit guidelines for protection of the aquifer, the applicant has submitted an Environmental Report which concludes that the proposed residential development represents a low risk of potential environmental impairment to the underlying groundwater aquifers and recommends that the Regional District restrict the installation of underground fuel storage tanks. Staff recommends that no underground fuel storage tanks be included as a condition of development (*see Schedule No. 1 for Conditions of Approval*).

Site Servicing Implications

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

Community water service connections are subject to the approval of the Bowser Waterworks District.

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.

Environmentally Sensitive Areas Atlas

The Environmentally Sensitive Areas Atlas indicates there are no environmentally sensitive features on the parent parcel.

VOTING

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

SUMMARY

This is an application for a development permit in conjunction with a 2-lot subdivision development on a parcel located adjacent to Noonday and Stead Roads 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 purpose of ensuring protection of the aquifer. The submitted engineer's report concludes that the proposed residential development represents a low risk of potential environmental impairment to the underlying groundwater aquifer and recommends that underground storage tanks not be permitted. Therefore, staff recommends that the development permit include the engineer's report and restrictions on the placement of underground oil the use of wells or groundwater resources.

With respect to clarifying that the maximum number of dwelling units permitted on Proposed Lot A at the time of subdivision will not exceed 1, staff recommends that a section 219 covenant be registered on title restricting the residential density to 1 dwelling unit.

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

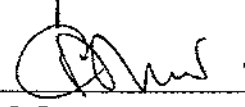
That Development Permit Application No. 60701 submitted by Fern Road Consulting Ltd., on behalf of Fern Road Consulting Ltd., on behalf of Maurcen Oliver, in conjunction with the subdivision on the parcel legally described as Lot 2, District Lot 85, Newcastle District, Plan VIP64727 and designated within 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:

devsvs/reports/2007/mr dp 3060 30 60701/ subd 27077 fern road / oliver

**Schedule No. 1
Conditions of Approval
Development Permit Application No. 60701**

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. N23100043 and dated January 23, 2007 (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 underground fuel storage on the proposed parcels.

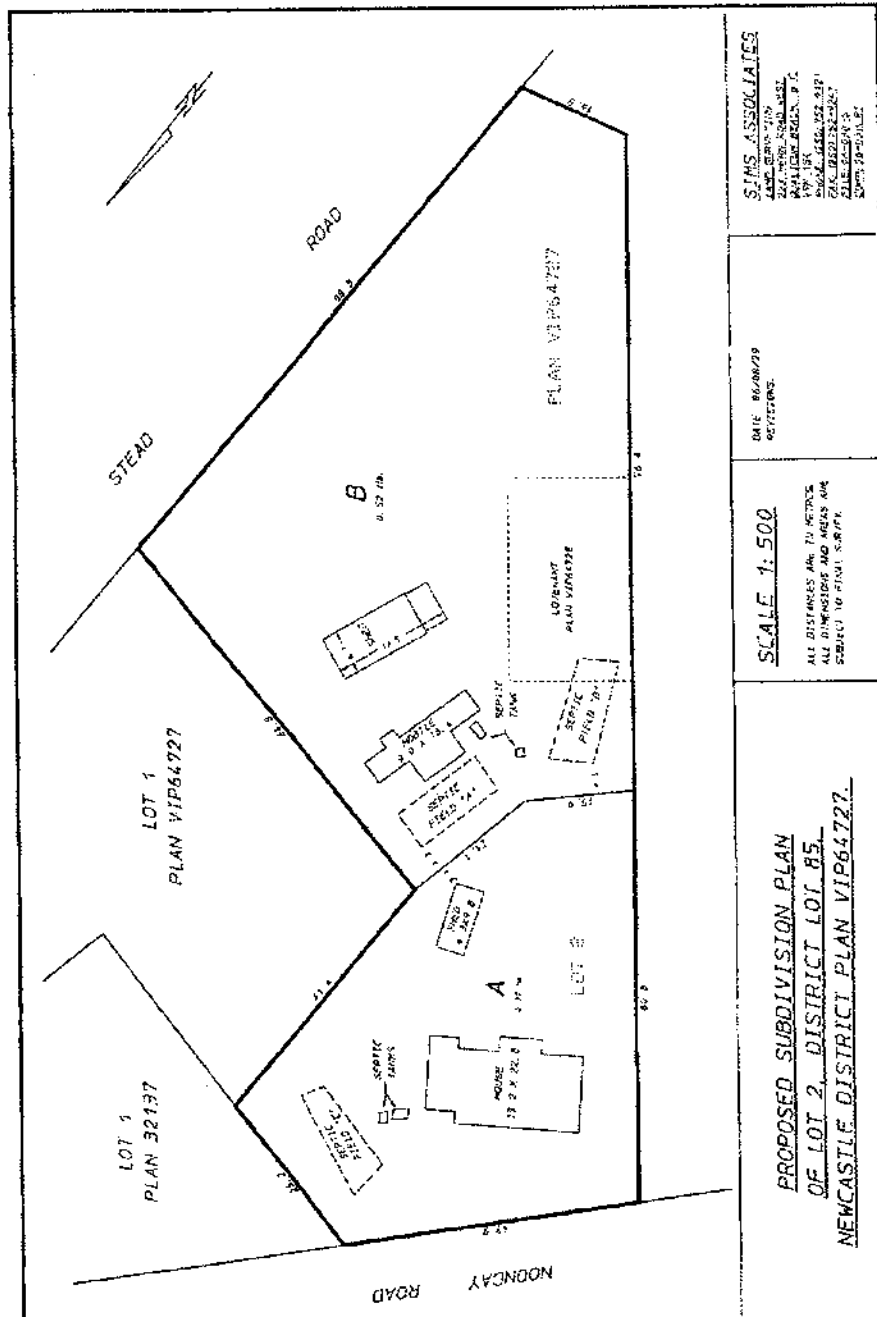
4. Section 219 Covenant

The applicant shall prepare and register a section 219 covenant concurrently with the subdivision plan at Land Title Office, Victoria restricting residential use of proposed Lot A to a maximum of one dwelling unit only.

Applicant to submit draft covenant to Regional District for review prior to registration at Land Title Office. This covenant is to be reviewed and accepted by the Regional District prior to being registered on title concurrently with the plan of subdivision at Land Title Office.

Applicant's solicitor to submit legal letter undertaking to register this covenant.

Schedule No. 2
 Development Permit No. 60701
 Proposed Plan of Subdivision
 (as submitted by applicant / reduced for convenience)



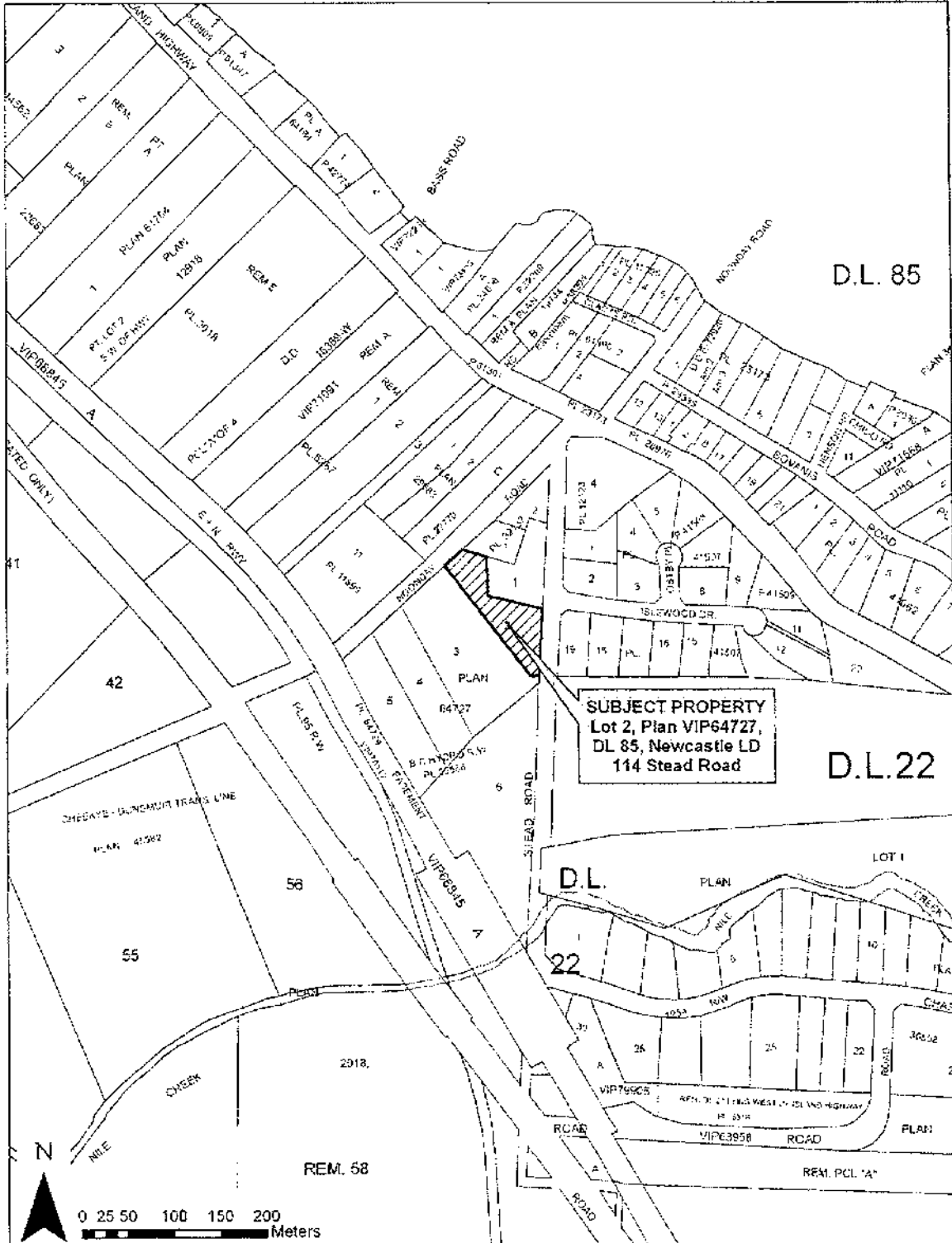
SIMS ASSOCIATES
 4400 GLENVIEW AVE
 SUITE 200
 BOSTON, MA 02116
 TEL: 617-552-8800
 FAX: 617-552-8801
 WWW: SIMS-ASSOCIATES.COM

DATE: 03/05/07
 REVISIONS:

SCALE: 1:500
 ALL DISTANCES ARE IN METERS
 ALL DIMENSIONS AND ANGLES ARE
 SUBJECT TO FIELD SURVEY

**PROPOSED SUBDIVISION PLAN
 OF LOT 2, DISTRICT LOT 85,
 NEWCASTLE DISTRICT PLAN VIP64727.**

Attachment No. 1
Location of Subject Property
Development Permit No. 60701





RDN	
CAO	GMF&IS
GMDS	GMR&PS
GMES	GMTS
MAR - 2 2007	
SMCA	
CHAIR	BOARD
EAP	

MEMORANDUM

TO: Geoff Garbutt
Manager of Current Planning

DATE: March 2, 2007

FROM: Odete Pinho
Planner

FILE: 3090 30 90701

SUBJECT: Development Variance Permit Application No. 90701 – Pickard
Lot 2, District Lot 11, Newcastle District, Plan VIP80706
Electoral Area 'G', RDN Map Ref. No. – 92F.038.4.1

PURPOSE

To consider an application for a Development Variance Permit that would permit the proposed construction of an over-height single residential dwelling.

BACKGROUND

The subject property is located on the Island Highway West in Electoral Area 'G' (*See attached subject property map*). The parcel is 0.355 hectares in size and is zoned Residential (RS2), pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."

The proposed single residential dwelling is to be located fronting the Island Highway West, near Cortes Road. The subject property is a newly subdivided lot (created in 2006) and bordered by developed residential properties on all sides.

The applicant has filled in the "Sustainable Community Builder Checklist", as per Board policy. This proposed development represents infill development in an existing residential area. The requested variance is supported by the *Regional District of Nanaimo Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation Policy*.

Requested Variance

Required Maximum Height	Requested Height	Requested Variation
8 metres	9 m	+1 m

The proposed development is located on a parcel with a significantly sloped topography. The grade difference in the building site is as much as a 6-metre drop in elevation (*as seen in attached Schedule 4*). The applicant has made efforts to design the home in a manner that minimizes the height of the proposed residence including: no crawl space, 2.4 metre ceiling height and 4/12 roof pitch. However, the site grade is such that the proposed building, exceeds the 8 meter maximum height requirement under Bylaw 500.

ALTERNATIVES

1. To approve Development Variance Permit No. 90701 subject to the conditions outlined in Schedule No. 1, and subject to the Board's consideration of comments received after public notification.
2. To deny the requested variation in height.

LAND USE AND DEVELOPMENT IMPLICATIONS

An elevations survey of the subject property indicates that the natural grade of the building site is approximately 6 metres lower than the elevation of the adjacent lot to the west (*as seen in attached Schedule 4*). As the proposed structure is 1 metre over-height and the building site is lower than the adjacent lot, staff does not expect that the structure will impede views of adjacent property owners. In staff's assessment of the proposed development, the height of the dwelling is not expected to negatively impact future adjacent property owners.

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/CONCLUSIONS

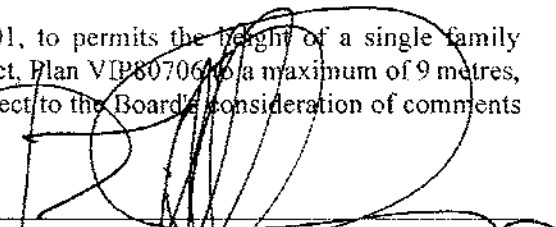
This application for a Development Variance Permit requests a 1 metre variation in the height of a proposed single residential dwelling from a permitted maximum height of 8 metres to a proposed maximum of 9 metres. The requested variance is made in the context of site topography with significant slope. Staff does not anticipate that the increased height will have a negative impact on the neighbouring properties views, or streetscape. Therefore, staff recommends that the requested Development Variance Permit be approved subject to the terms outlined in Schedule No. 1 of this report, and subject to notification requirements pursuant to the *Local Government Act*.

RECOMMENDATION

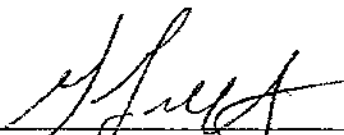
That Development Variance Permit Application No. 90701, to permits the height of a single family residence located at Lot 2, District Lot 11, Newcastle District, Plan VIP80706 to a maximum of 9 metres, according to the terms outlined in Schedule No. 1, and subject to the Board's consideration of comments received, as a result of public notification.




Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

d:\svs\planning\Applications\DVP 3090 30\90701 EA G Pickard

Schedule No. 1
Terms of Development Permit No. 90701

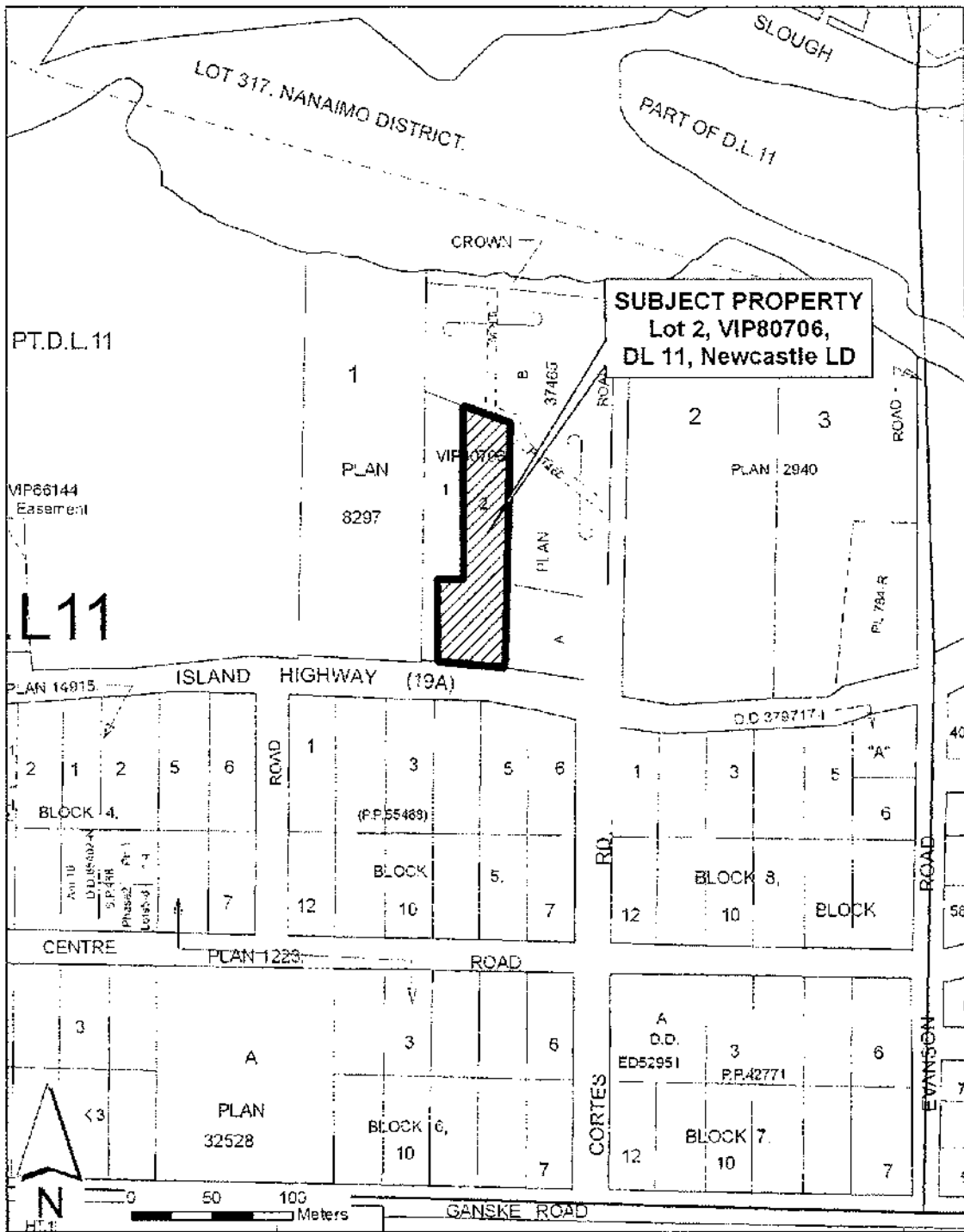
Variances

- a) The “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” is hereby varied by increasing the maximum dwelling unit height for the principle residence, located on Lot 2, District Lot 11, Newcastle District, Plan VIP80706 from 8 metres to 9 metres. The variance applies only to the principle residence.

Development of Site

- b) This Development Permit allows the construction of the single residential dwelling developed in substantial compliance with Schedules No. 3 & 4.

Schedule No. 2
 Subject Property
 Development Variance Permit No. 90701



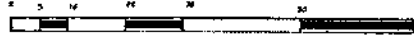
BCGS MAPSHEET NO. 92F.035 4.1

Schedule No. 3
 Development Variance Permit No. 90701
 Site Plan

REFERENCE PLAN OF EASEMENT PART OF LOT 1 AND
 DISTRICT LOT 11, NEWCASTLE DISTRICT PLAN VIP 807
 PURSUANT TO SEC 99(1)E) LAND TITLE ACT.

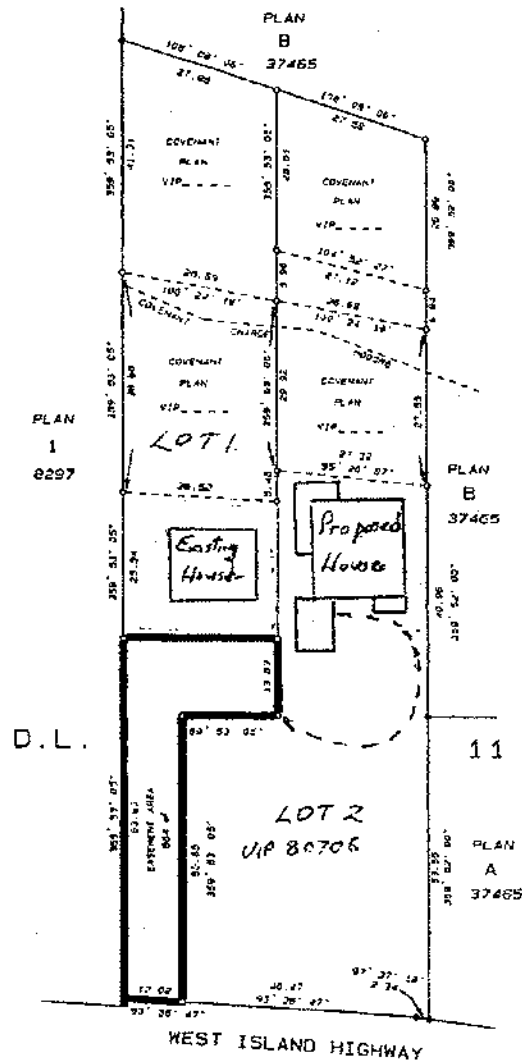
BCGS 92F038

SCALE: 1:500 ALL DISTANCES ARE IN METRES

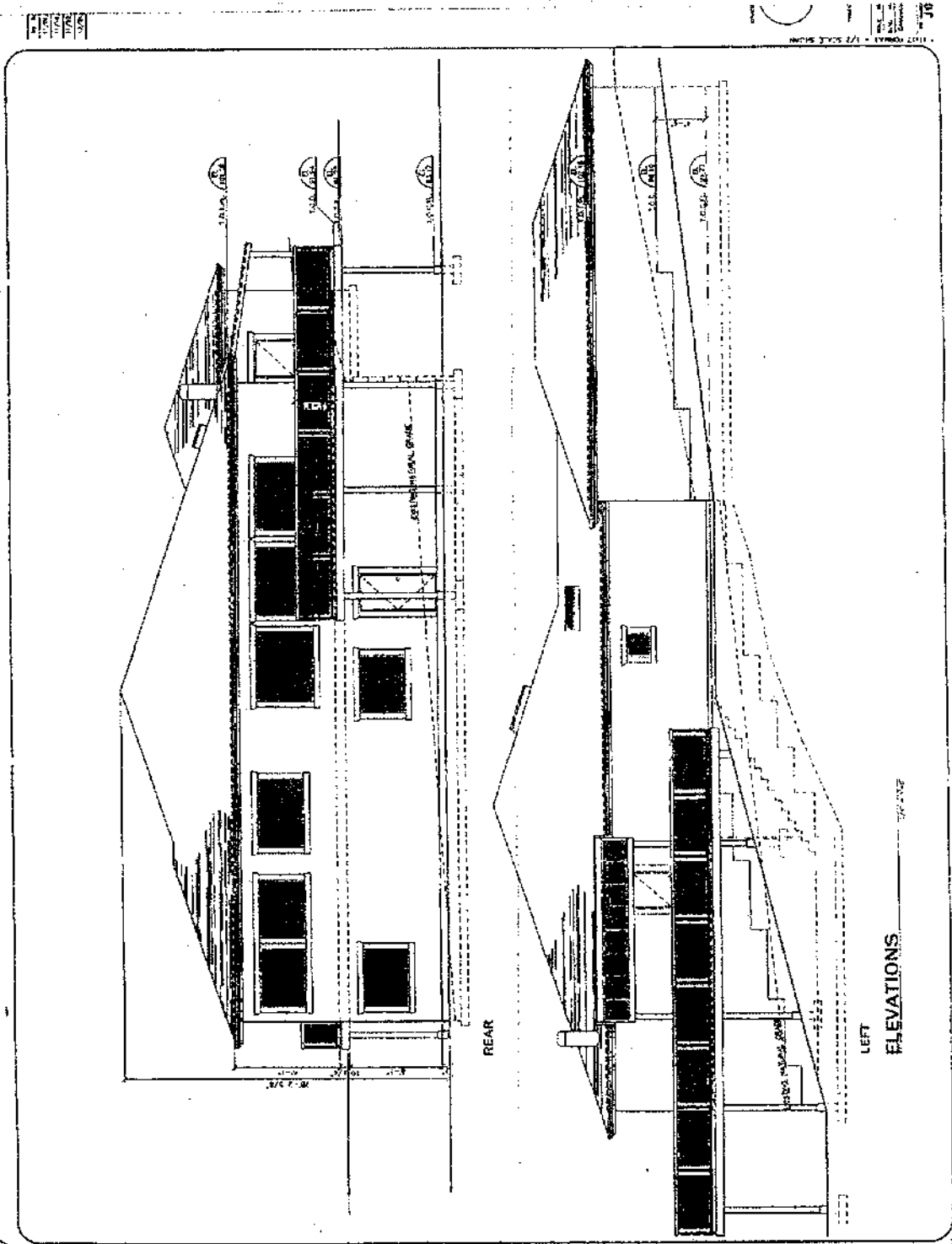


LEGEND

- REFERENCE AND AETHOGRAPHIC AND ARE DERIVED FROM PLAN 111
- CONCRETE SLAB/TOPO 1200mm HIGH FENCE
- CONCRETE SPARKING FROM PLAN 111
- m² DENOTES SQUARE METRES



Schedule No. 4
Development Variance Permit No. 90701
Elevations





RDN	
CAO	GMF&IS
GMDS	GMR&PS
GMES	GMTS
MAR - 5 2007	
SMCA	BOARD
CHAIR	
EAP	

MEMORANDUM

TO: Geoff Garbutt
Manager, Current Planning

DATE: March 5, 2007

FROM: Susan Cormie
Senior Planner

FILE: 3320 30 27163

SUBJECT: Request for Relaxation of the Minimum 10% Perimeter Requirement
Chris Everett, BCLS, on behalf of P & V King
Electoral Area 'A' - 1565 Graham Place

PURPOSE

To consider a request for relaxation of the minimum 10% perimeter frontage requirement in conjunction with the development of a 2-lot subdivision proposal.

BACKGROUND

This is a request for the relaxation of the minimum 10% perimeter frontage requirement as part of a 2-lot subdivision for the property legally described as Lot 3, District Lot 7, Bright District, Plan 41360 and located at 1565 Graham Place in the Cassidy area of Electoral Area 'A' (see Attachment No. 2 for location of parent parcel).

The parent parcel is currently zoned Residential 2 (RS2) and is within Subdivision District 'F' (1.0 ha minimum parcel size with or without community services) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The proposed new parcels will be greater than the 1.0 ha minimum parcel size, therefore meeting the minimum parcel size requirement pursuant to Bylaw No. 500, 1987 (see Attachment No. 1 for proposed subdivision layout).

The parent parcel, which is 2.02 ha in size, currently supports two dwelling units and accessory buildings. Surrounding land uses include residential zoned parcels to the north, east, and west and a resource management zoned parcel to the south.

A BC Hydro right-of-way crosses the south west area of the parent parcel.

The parcels are proposed to be served by individual private septic disposal systems and private well water. The parent parcel is not located within an RDN Building Services Area.

10% Minimum Frontage Requirement

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

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% of Perimeter</i>
Lot A	50.4 m	33.7 m	6.7 %

As this proposed parcel does not meet the minimum 10% parcel frontage, approval of the Regional Board of Directors is required.

ALTERNATIVES

1. To approve the request to relax the minimum 10% perimeter frontage requirement for Proposed Lot A.
2. To deny the request for a relaxation of the minimum 10% perimeter frontage requirement.

DEVELOPMENT IMPLICATIONS

The location of the BC Hydro right-of-way crossing a portion of proposed Lot B reduces the availability of a suitable buildable site area for this parcel. As a result, proposed Lot B has been configured to provide a buildable site area closer to Graham Place and outside the BC Hydro right-of-way area. While this configuration results in a narrower frontage for proposed Lot A, this lot already supports the intended use including dwelling unit, accessory buildings, well, and driveway access.

It is noted that the parent parcel currently supports 2 single dwelling units which, based on the size of the parent parcel, is permitted under the zoning provisions. With the proposed subdivision, a maximum of 1 dwelling unit on each proposed parcel is permitted. Therefore, the second dwelling unit currently located on Proposed Lot A must be removed as a condition of subdivision. The applicants have indicated the second dwelling unit will be removed. This condition will be secured through the subdivision review process.

The access to the proposed Lot A is acceptable to the Ministry of Transportation. Ministry staff has no concerns at this time with this request for relaxation of the minimum 10% frontage.

The proposed subdivision is not expected to negatively impact surrounding residential properties.

Site Servicing Implications

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

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

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

Environmentally Sensitive Areas Atlas

The Environmentally Sensitive Areas Atlas indicates there are no environmentally sensitive features on the parent parcel.

The parent parcel is located over Lower Cassidy Aquifer. As part of the subdivision review process, staff will recommend that the Approving Officer require a hydrogeological impact assessment and proof that the proposed subdivision will not have a detrimental impact on water quality or quantity.

VOTING

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


SUMMARY

This is a request to relax the minimum 10% perimeter frontage requirement for Proposed Lot A pursuant to Section 944 of the *Local Government Act* as part of a 2-lot subdivision proposal. The location of the existing BC Hydro right-of-way reduces the availability of a buildable site area for proposed Lot B. As a result, the proposed configuration while resulting in a reduced frontage for proposed Lot A, will ensure

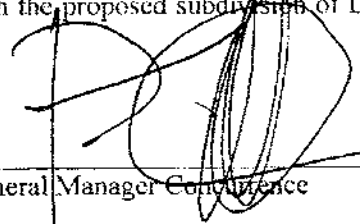
buildable site areas for both proposed parcels. The proposed subdivision is not expected to impact surrounding uses. Given that the Ministry of Transportation is satisfied with access to proposed Lot A and as buildable site areas are available, staff recommends Alternative No. 1, to approve the relaxation of the minimum 10% frontage for Proposed Lot A.

RECOMMENDATION

That the request to relax the minimum 10% frontage requirement for Proposed Lot A submitted by Chris Everett, BCLS on behalf of P & V King in conjunction with the proposed subdivision of Lot 3, District Lot 7, Bright District, Plan 41360 be approved.



Report Writer



General Manager Concurrence

Manager Concurrence

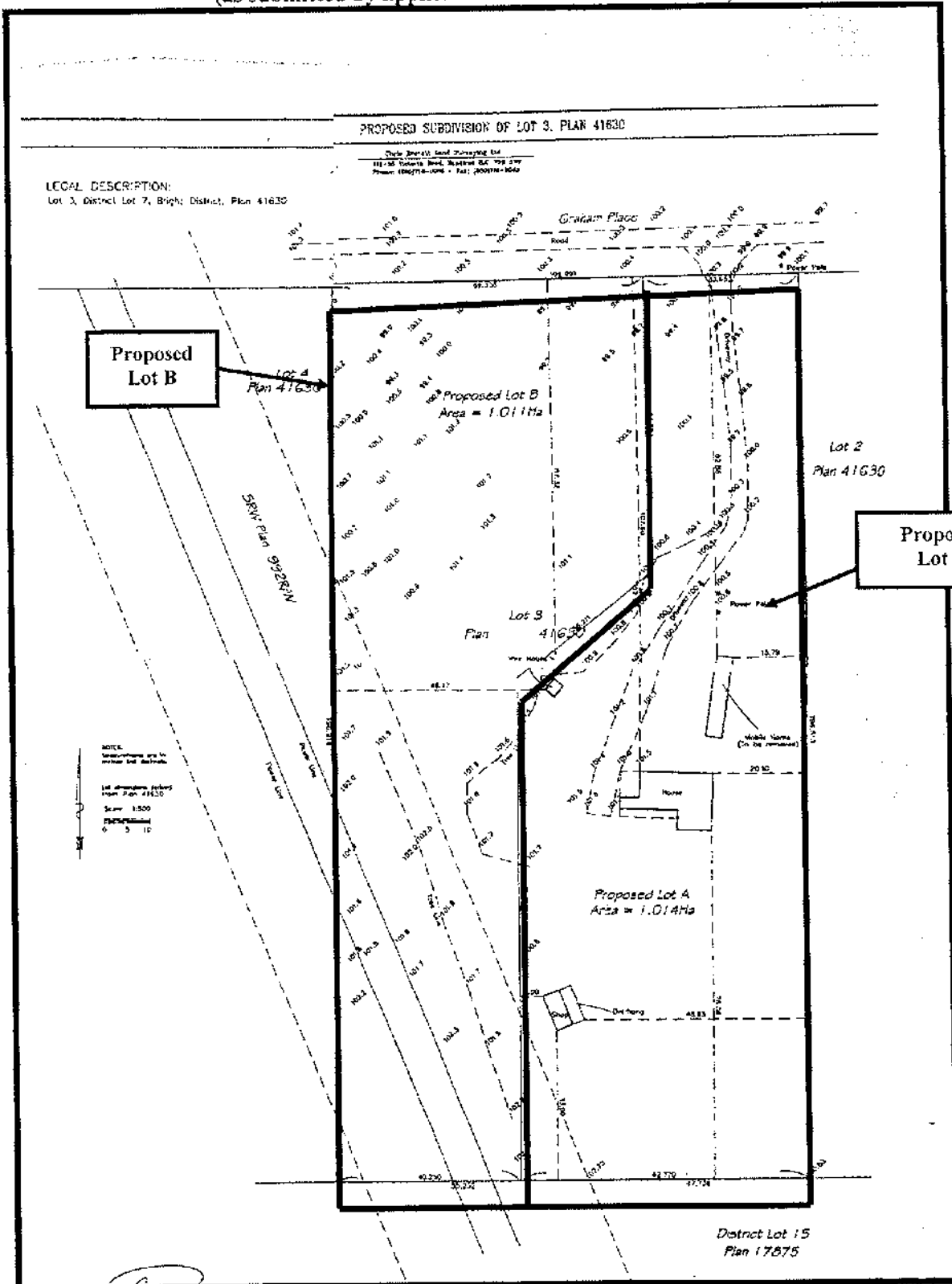


CAO Concurrence

COMMENTS:

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Attachment No. 1
 Subdivision Application No. 27163
 Proposed Plan of Subdivision
 (as submitted by applicant / reduced for convenience)



Attachment No. 2
Subdivision Application No. 27163
Location of Subject Property

