

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, APRIL 10, 2007

6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

- 3 **Dave Watt**, re Development Permit Application No. 60649 – Downs Archambault and Partners on behalf of Qualicum Landing Developments Ltd. -- 5251 Island Highway West – Area H.
- 4 **Don French**, re Development Permit Application No. 60649 – Downs Archambault and Partners on behalf of Qualicum Landing Developments Ltd. 5251 Island Highway West -- Area H.
- 5 **Vern Hattle**, re Development Permit Application No. 60649 – Downs Archambault and Partners on behalf of Qualicum Landing Developments Ltd. 5251 Island Highway West -- Area H.
- 6 **Miroslav Danielka**, re Development Permit Application No. 60649 Downs Archambault and Partners on behalf of Qualicum Landing Developments Ltd. 5251 Island Highway West – Area H.

MINUTES

- 7-9 Minutes from the regular meeting of the Electoral Area Planning Committee held March 13, 2007.

BUSINESS ARISING FROM THE MINUTES

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

- 10-46 Development Permit Application No. 60649 – Downs Archambault and Partners on behalf of Qualicum Landing Developments Ltd. -- 5251 Island Highway West -- Area H.
- 47-56 Development Permit Application No. 60706 – Ansley/Hamilton - 3748 Horne Lake Caves Road -- Area H.

FRONTAGE RELAXATION

57-62

Request for Relaxation of the Minimum 10% Perimeter Requirement – JE
Anderson & Associates on behalf of B. Kaspar – Morello & Alcott Roads
Area E.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

IN CAMERA

ADJOURNMENT

Qualicum Landing Developments Ltd.
P.O. Box 91162, Stn.,
West Vancouver, B.C. V7V 3N6
Tel : 1-604-250-0054
Email : wdayewatt@telus.net
Attn: Dave Watt, President

March 27, 2007

Regional District of Nanaimo
Tel : 1-250-390-4111
Fax : 1-250-390-4163

Attention : Planning Department
Mr. Geoff Garbutt
Mr. Greg Keller

Re : Development Permit No. 60649
5251 Island Highway W., Qualicum Beach, B.C.
REQUEST TO SPEAK: AREA PLANNING MEETING APRIL 10, 2007

Gentlemen,

Greg Keller confirmed that our Development Permit will again be on the Planning meeting of April 10, 2007. Our company requests an opportunity to speak to that meeting, so please accept this faxed letter as notice of that request.

The Area Planning committee in approving a motion to defer our application, to direct staff to gather information specific to the Van-Isle Road access bridge, was passed and I'm sure that there have been efforts made on your part, to answer their concern or questions. Therefore, I assume that in fact, staff will likely be bringing back information that it has been able to find, as it relates to their request. This info will I'm sure, be contained in the Planning committee package for the April 10, 2007 meeting. "Are we able to receive any new information in advance of the meeting?"

Look forward to your reply.

Sincerely,



Dave Watt

Burgoyne, Linda

From: Don French [don2219@telus.net]
Sent: Monday, April 02, 2007 6:58 AM
To: Burgoyne, Linda
Subject: Meeting April 10, 2007 Committee of the Whole

Dear sirs,

I hereby give notice of my intention to appear as a delegate for residents of Van Isle Rd. in the matter of Qualicum Landing Development Application # 60649, and request a 10 minute opportunity to address committee.

Yours truly,
Don French
2701 Van Isle Rd.,
Tel: 604-3299667

Burgoyne, Linda

From: Vern & Gaye Lynn Hattle [vglhattle@shaw.ca]
Sent: Monday, April 02, 2007 8:58 PM
To: Burgoyne, Linda
Subject: Qualicum Landing Development Application

Would you please add my name, Vern Hattle to the list of those people wishing to address the Planning Committee's April 10th meeting (this will address our concerns with regard to the Qualicum Landing Development Access).

Thank-you.

Vern Hattle
2719 Van Isle Road
Qualicum Beach, B.C.
V9K 1Z2

Burgoyne, Linda

From: info@harmonyinn.com
Sent: Tuesday, April 03, 2007 9:54 AM
To: Burgoyne, Linda
Subject: Qualicum Landing Development Request

Hello Linda.

My name is Miroslav Danielka, I live at 2700 Van Isle Rd., Qualicum Beach, V9K 1Z2, Ph. 250 757 9051.

Can You put me on the list for the Electoral Area Planning Committee Agenda for the April 10th. Regards to Qualicum Landing Development application # 60649.

Thank you Miroslav Danielka, April 3rd 2007.

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, MARCH 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:

C. Mason	Chief Administrative Officer
M. Pearse	Senior Manager, Corporate Administration
P. Thorkelsson	General Manager, Development Services
J. Finnie	General Manager, Environmental Services
T. Osborne	General Manager, Recreation & Parks
P. Thompson	Manager, Long Range Planning
G. Garbutt	Manager, Current Planning
N. Tonn	Recording Secretary

LATE DELEGATIONS

MOVED Director Holme, SECONDED Director Burnett, that late delegations be permitted to address the Committee.

CARRIED

MOVED Director Stanhope, SECONDED Burnett, that the late delegations be permitted ten minutes for each presentation.

DEFEATED

Don French, re Development Permit Application No. 60649 – Downs Archambault and Partners on behalf of Qualicum Landing Developments Ltd. – 5251 Island Highway West – Area H.

Mr. French raised his concerns with the decision to permit access to the development from Van Isle Road rather than from Highway 19, citing safety, environmental, archaeological and traffic issues.

Richard Verdic, re Development Permit Application No. 60649 – Downs Archambault and Partners on behalf of Qualicum Landing Developments Ltd. – 5251 Island Highway West – Area H.

Mr. Verdic questioned accessibility to the beach area and noted the many safety issues raised by the use of Van Island Road as the main access to the project.

Vern Hattle, re Development Permit Application No. 60649 – Downs Archambault and Partners on behalf of Qualicum Landing Developments Ltd. – 5251 Island Highway West – Area H.

Mr. Hattle noted that the access may run through private property and questioned the Ministry of Transportation's access approval. Mr. Hattle also questioned the lack of notice given to concerned residents prior to the application going to Committee.

Miroslav Danielka, re Development Permit Application No. 60649 – Downs Archambault and Partners on behalf of Qualicum Landing Developments Ltd. – 5251 Island Highway West – Area H.

Mr. Danielka reiterated other delegation's concerns with the application and emphasized the negative environmental impacts the application may allow on Annie Creek and the surrounding area.

Warner Nick, re Development Permit Application No. 60649 – Downs Archambault and Partners on behalf of Qualicum Landing Developments Ltd. – 5251 Island Highway West – Area H.

Mr. Nick was not in attendance.

MINUTES

MOVED Director Holme, SECONDED Director Stanhope, that the minutes of the Electoral Area Planning Committee meeting held February 13, 2007 be adopted.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60638 –Pt. Ellice Properties Ltd./Budget Steel – 2079 Main Road – Area A.

MOVED Director Burnett, SECONDED Director Holme, 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 at 2079 Main Road, be approved subject to the terms outlined in Schedule No. 1.

CARRIED

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

Staff were requested to follow up on the following information with the Ministry of Transportation:

1. Request a complete environmental assessment of the area surrounding Annie Creek.
2. Confirm whether the bridge over Annie Creek is private or Ministry of Transportation property.
3. Discuss Ministry of Transportation's decision with respect to the access from Highway 19.

MOVED Director Holme, SECONDED Director Burnett, that Development Permit Application No. 60649 be deferred back to staff for further information.

CARRIED

Development Permit Application No. 60701 – Fern Road Consulting Ltd., on behalf of Maureen Oliver – Noonday & Stead Roads – Area H.

MOVED Director Holme, SECONDED Director Stanhope, that Development Permit Application No. 60701 submitted by Fern Road Consulting Ltd., on behalf of Fern Road Consulting Ltd., on behalf of Maureen 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 and further that the Section 219 covenant listed on Schedule No. 1 be removed.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit No. 90701 - Pickard – Lot 2, VIP80706, DL 11, Newcastle Land District – Island Highway West – Area G.

MOVED Director Stanhope, SECONDED Director Biggemann, that Development Variance Permit Application No. 90701, to permit 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 and further that the Section 219 covenant listed on Schedule be removed.

CARRIED

FRONTAGE RELAXATION

Request for Relaxation of the Minimum 10% Perimeter Requirement – Chris Everett on behalf of P & V King – 1565 Graham Place – Area A.

MOVED Director Burnett, SECONDED Director Stanhope, 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.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 7:07 PM

CHAIRPERSON

TO: Geoff Garbutt
Manager, Community Planning

DATE: March 19, 2007

FROM: Greg Keller
Senior Planner

FILE: 3060 30 60649

SUBJECT: **Development Permit Application No. 60649**
Downs Archambault & 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 2, Section 16, Newcastle District, Plan 2164, except parts in Plans 10527 and 14260.
2. 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.
3. 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. 3. 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. 4.

Public Input

This application was originally scheduled to be considered by the Electoral Area Planning Committee during its March 13, 2007 meeting, however; based on additional information being received, this application was sent back to staff for consideration of the issues below. The applicant originally proposed access off of Highway 19A and to decommission to the Van Isle Road access to pedestrian access only. However, the Ministry of Transportation was unwilling to grant full movement access off of Highway 19A and instead approved in principle a right in right out access off of the Highway and required the applicant to maintain the Van Isle Road Access. In a letter dated December 11, 2006 and included as Attachment No. 2, the Ministry of Transportation indicated that it was concerned with the ability to construct a left turn lane to meet Ministry standards in view of existing right-of-way widths and the angle of Goodyear Road. In addition, the Ministry indicated that it does not support the construction of left-turn lanes to accommodate single developments.

The community has expressed concerns over the location and condition of the bridge located at the terminus of Van Isle Road. The applicant has submitted a survey as shown on Attachment No. 5 which indicates that the bridge is located within the Van Isle Road right-of-way. In addition, the Ministry of Transportation through the issuance of an Access Permit may require the bridge to be upgraded and/or replaced to meet current Ministry standards. Please note that since the bridge is located within a public road right-of-way, bridge upgrades or replacement falls under the jurisdiction of the Ministry of Transportation. Therefore, Regional District of Nanaimo Development Permit requirements do not apply. The Ministry of Transportation has indicated that if bridge upgrades or replacement is necessary, the work would be done by the applicant who would be required to satisfy the conditions of the Ministry of Transportation and obtain the necessary provincial approvals pursuant to Section 9 of the *Water Act*. As of the date of this report, no environmental assessment of the potential bridge replacement has been conducted.

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" (Bylaw No. 993) 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" (Bylaw No. 500) 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:
 - ii) for units 1, 11, and 12 from 8.0 metres to 8.3 metres;
 - iii) for units 6, 9 and 10 from 8.0 metres to 8.5 metres;
 - iv) 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 CMS 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. 500 and 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 Schedules 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 increase the scale of the structure and trigger 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

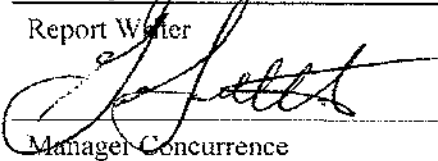
The proposed development satisfies the Hazard Lands, Environmentally Sensitive Features, Resort Commercial and Recreational Lands, and Highway Corridors Development Permit Area Guidelines. The requested variances are not anticipated to have negative land use implications and are supported by *Regional 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

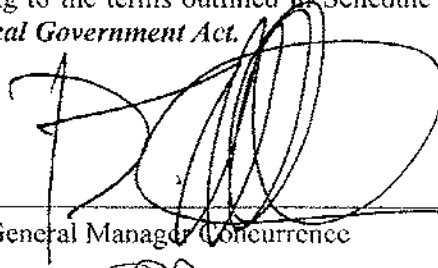
That Development Permit Application No. 60649, with variances to allow the construction of a 62 unit Resort Condominium development, be approved according to the terms outlined in Schedule No. 1 and subject to the notification requirements pursuant to the *Local Government Act*.



Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

COMMENTS:

devsvs/reports/2007/dp nr 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. 3.
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/Variances
Application No. 60649

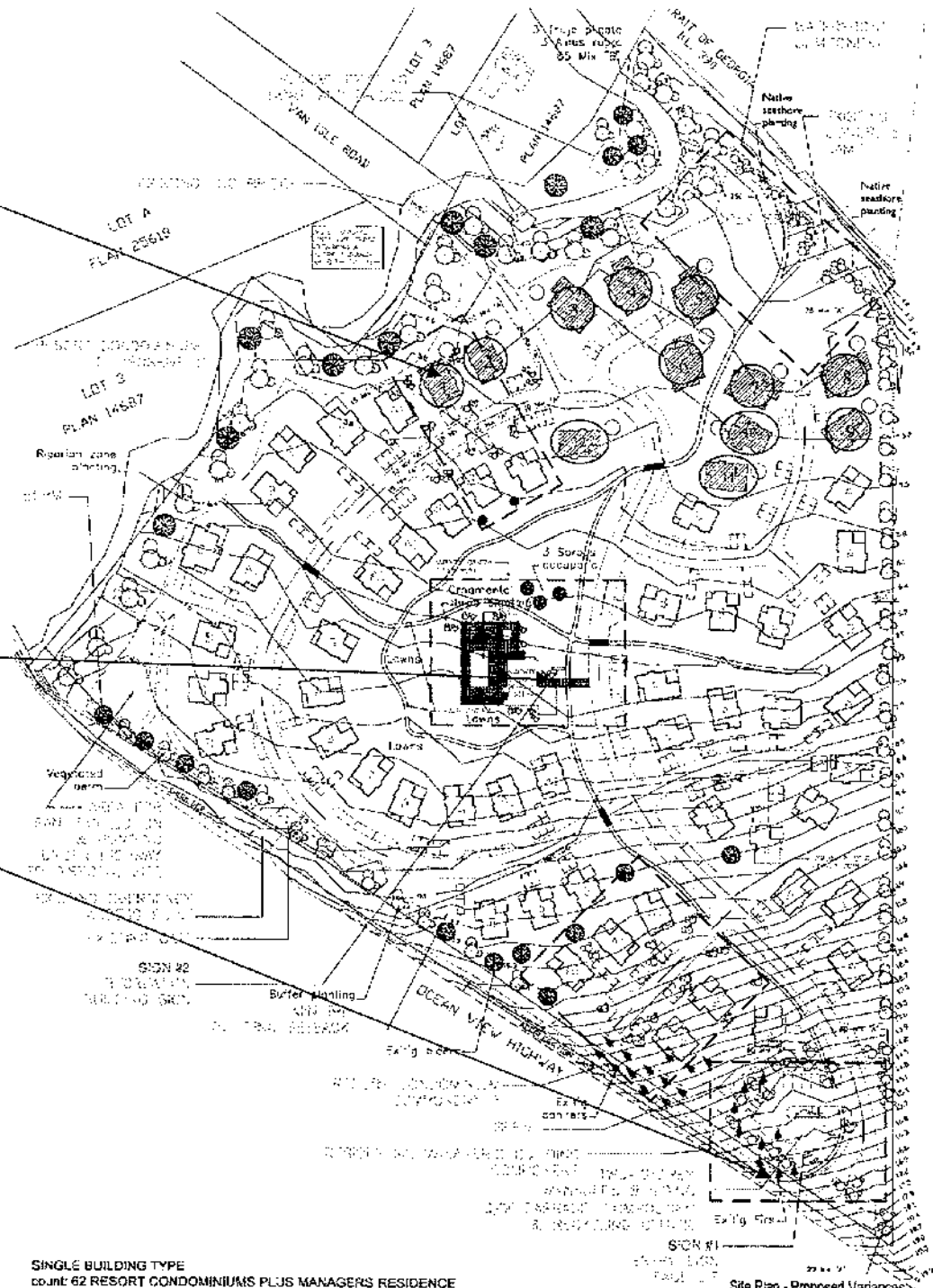
- a. Section 3.3.9 by relaxing the minimum required setback from the sea from 8.0 metres horizontal distance from the natural boundary to 0.0 metres horizontal distance from the natural boundary to permit the repair and reconstruction of an existing marine retaining wall in the location shown in Schedule 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:
 - 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.

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
 cont: 62 RESORT CONDOMINIUMS PLUS MANAGERS RESIDENCE

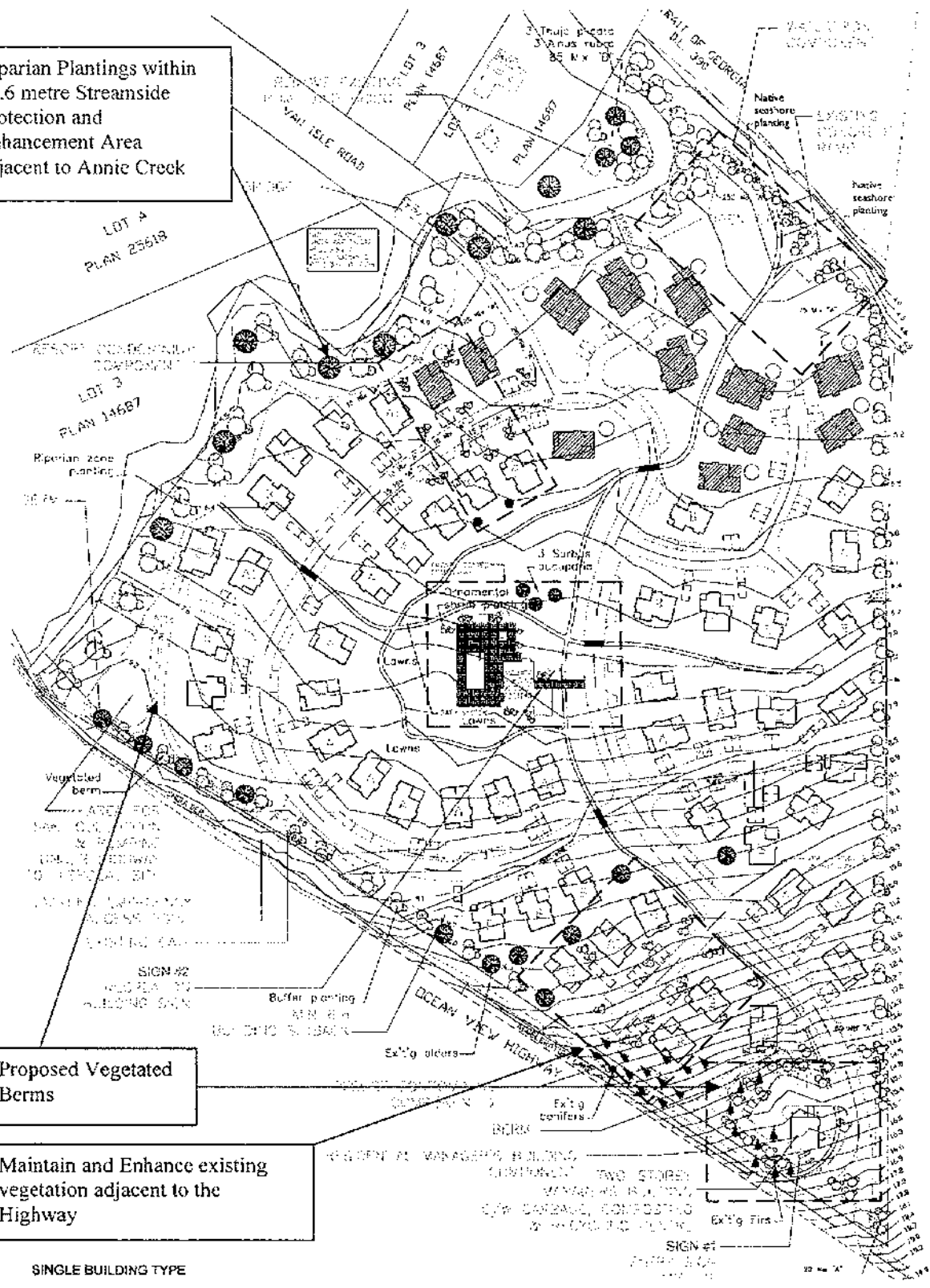
DA Downs, Archambault & Partners
 Architects/Planners

The Landscape Consultants
 (Luke Downs)

QUALICUM LANDING
 February 9, 2007

Schedule No. 7
Development Permit No. 60649
Proposed Landscaping Plan
 As submitted by the applicant and reduced for convenience

Riparian Plantings within
 15.6 metre Streamside
 Protection and
 Enhancement Area
 adjacent to Annie Creek



Proposed Vegetated
 Berms

Maintain and Enhance existing
 vegetation adjacent to the
 Highway

SINGLE BUILDING TYPE

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"					
Amelanchier alnifolia	Saskatoon berry	200	18"+	4.50	900
Gaultheria shallon	Salal	300	#1	8.00	2400
Holodiscus discolor	Ocean Spray	200	18"+	4.50	900
Mahonia aquifolium	Oregon grape	300	18"+	4.50	1350
Cornelia cerasiformis	Indian plum	100	18"+	4.50	450
Ribes sanguineum	Flowering currant	200	18"+	4.50	900
Rosa nutkana	Nootka rose	400	18"+	4.50	1800
Rubus parviflora	Thimbleberry	200	18"+	4.50	900
Symphoricarpos albus	Snowberry	100	18"+	4.50	450
Mix "B"					
Alnus crispa	Sitka alder	230	18"+	4.50	1035
Cornus stolonifera	Osier dogwood	230	18"+	4.50	1035
Malus fusca	Pacific crabapple	115	18"+	4.50	517
Physocarpus capitatus	Ninebark	345	18"+	4.50	1552
Polystichum munitum	Sword Fern	115	#1	9.50	1093
Rhamnus purshiana	Cascara	115	18"+	4.50	517
Rubus spectabilis	Salmonberry	345	18"+	4.50	1552
Salix sitchensis	Sitka willow	230	18"+	4.50	1035
Sambucus racemosa	Elderberry	230	18"+	4.50	1035
Spiraea douglasii	Hardhack	345	18"+	4.50	1552
Others					
Thuja plicata	Western Red Cedar	50	#5	40	2000
Tsuga heterophylla	Western Hemlock	50	#5	45	2250
Pseudotsuga menziesii	Douglas Fir	20	2m	100	2000
Acer macrophyllum	Big leaf maple	20	2m	80	1600
Mix "A" for buffer		300	#5	45	13500
Cornus Eddles White	Dogwood	15	2m	200	3000
Sorbus aucuparia	Mtn. Ash	15	2.5m	150	2250
Betula pendula	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

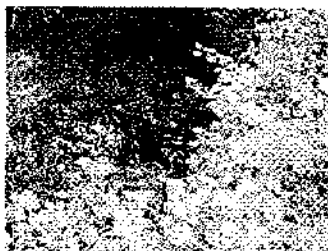
SPECIES	ENGLISH NAME	No.	SIZE	UNIT COST	COST
Ornamental plants near recreation building:					
Fatsia japonica	Jap. Aralia	2	#5	50	100
Rhododendron		6	#5	60	360
Hydrangea macrophylla		3	#5	50	150
Lonicera pileata	privet honeysuckle	10	#1	15	150
Lavandula Hidcote	Lavender	10	#1	15	150
Sarcococca humilis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

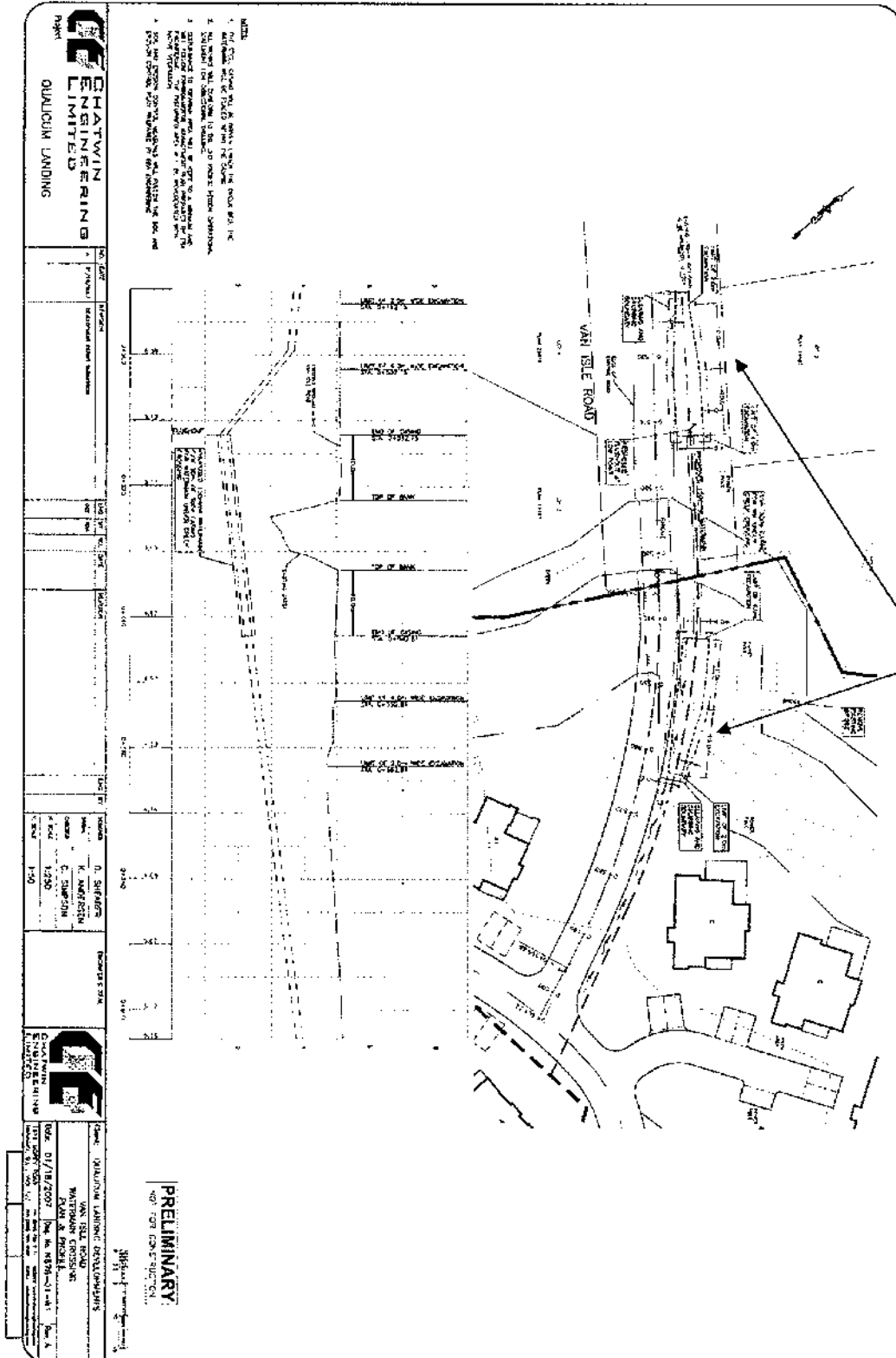
Landscape Total Cost \$85708

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.)



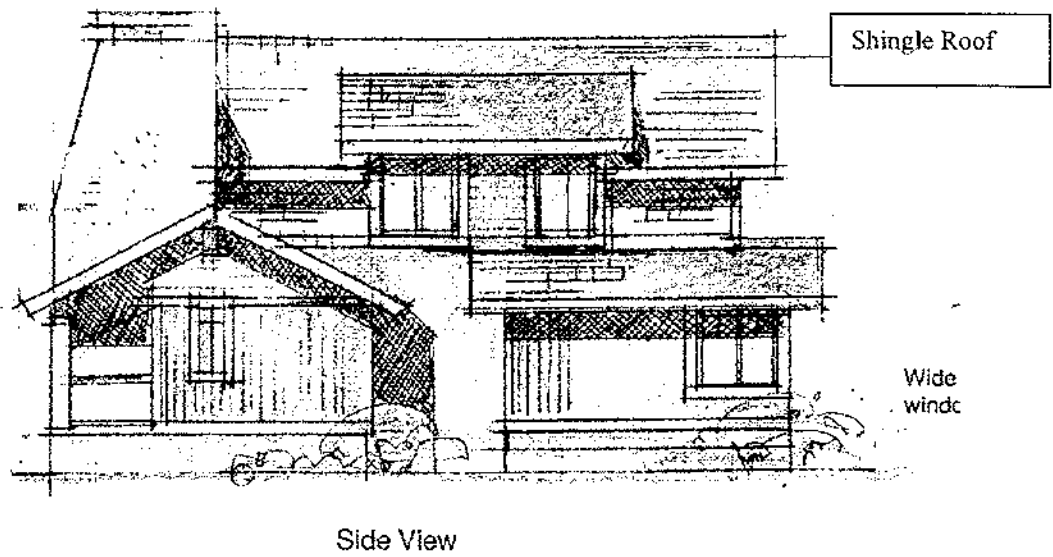
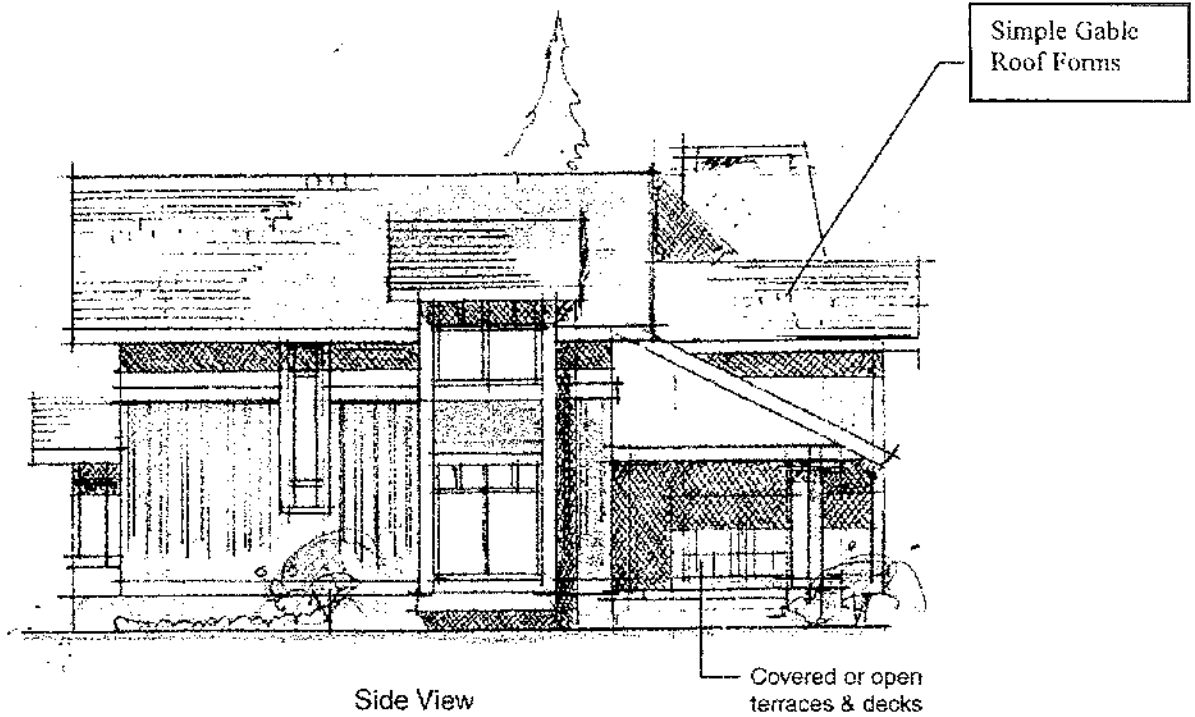
QUALICUM LANDING
 DEVELOPMENT PERMIT APPLICATION
 August, 2008

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

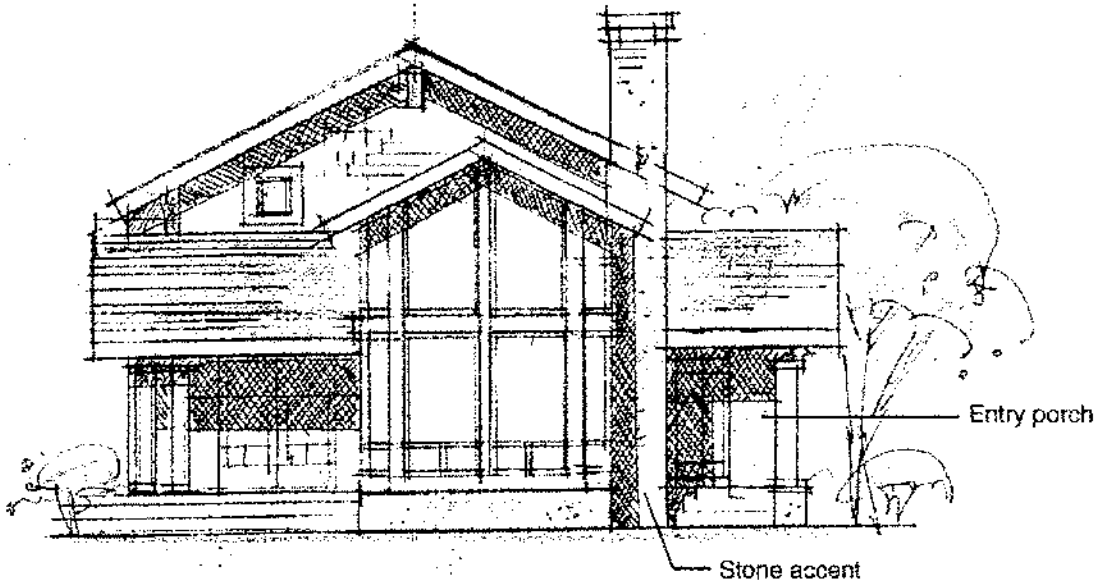


All disturbed areas to be replanted with riparian vegetation as soon as possible after installation.

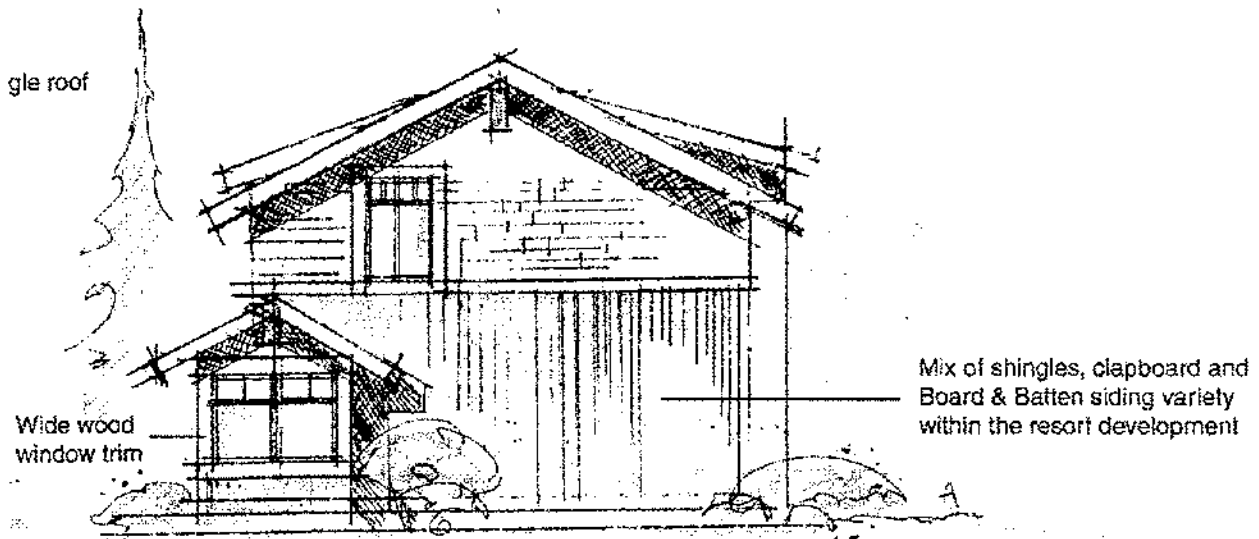
Schedule No. 11
Development Permit No. 60649
Proposed Resort Condominium Unit Prototype Elevations (page 1 of 2)
As submitted by the applicant and reduced for convenience



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

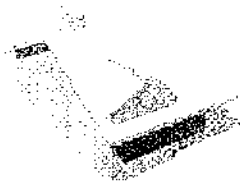


Front View



Rear View

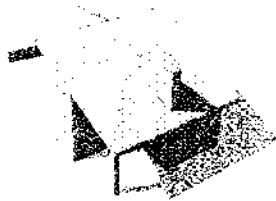
Schedule No. 12
Development Permit No. 60649
Proposed Resort Condominium Unit Potential Roof Variations
As submitted by the applicant and reduced for convenience



Roof Option 1- Front View



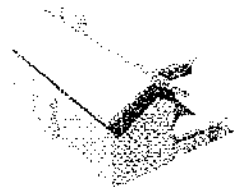
Roof Option1- Front View



Roof Option1-Rear View



Roof Option1-Rear View



Roof Option 2 - Front View



Roof Option 2 - Front View

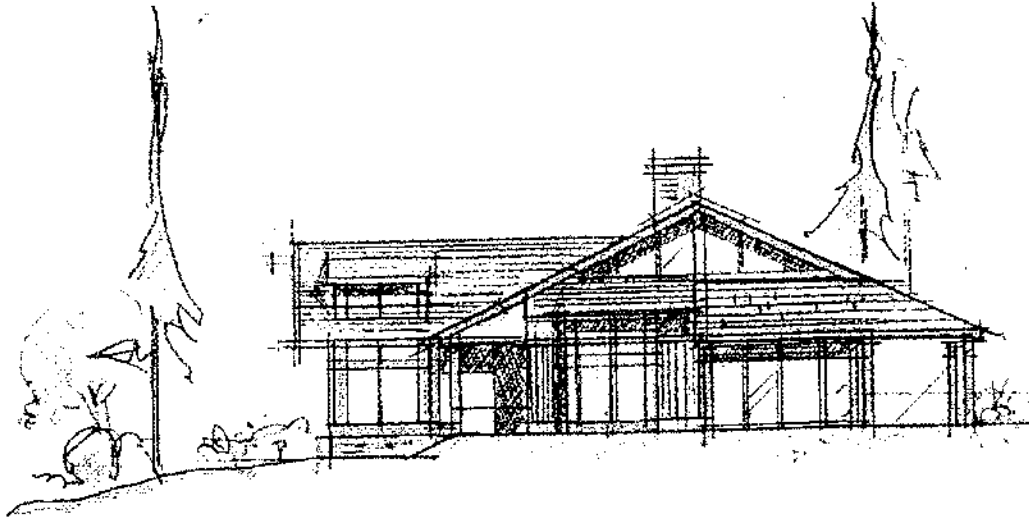


Roof Option 2 - Rear View

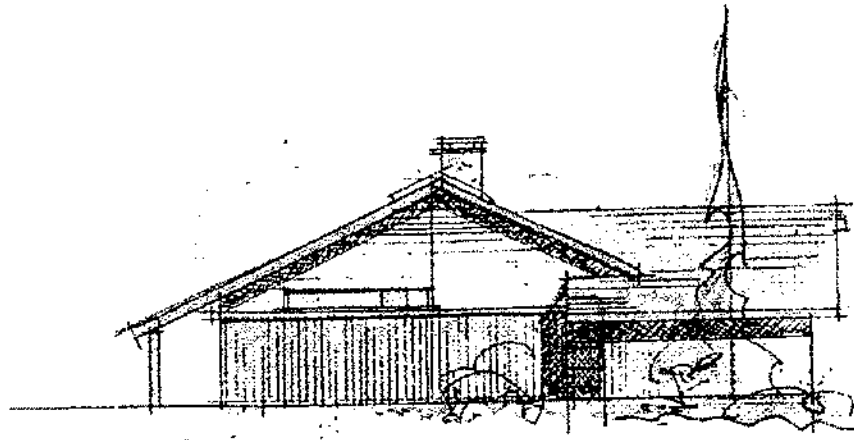


Roof Option 2 - Rear View

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

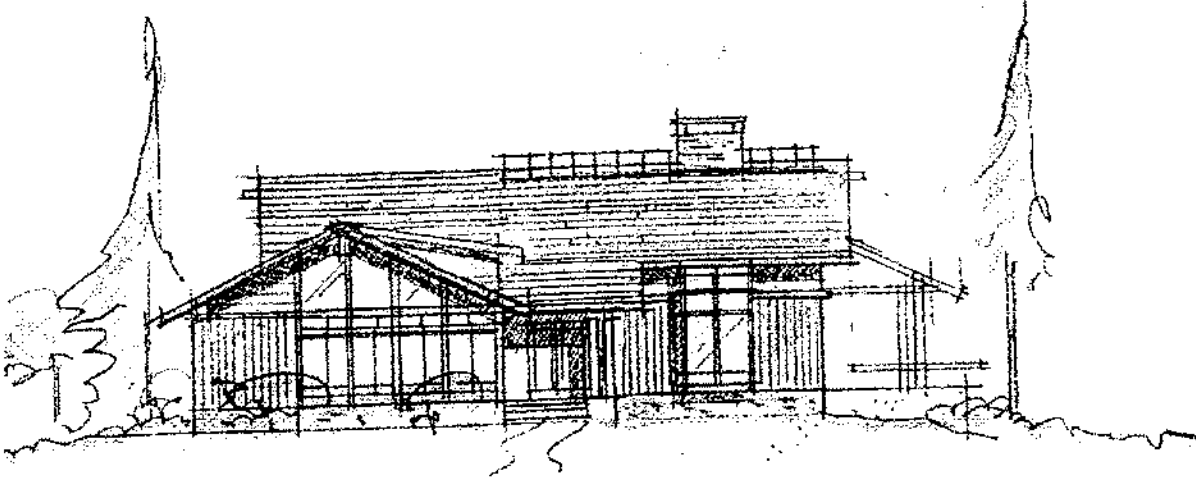


North Elevation - Scale 1:200

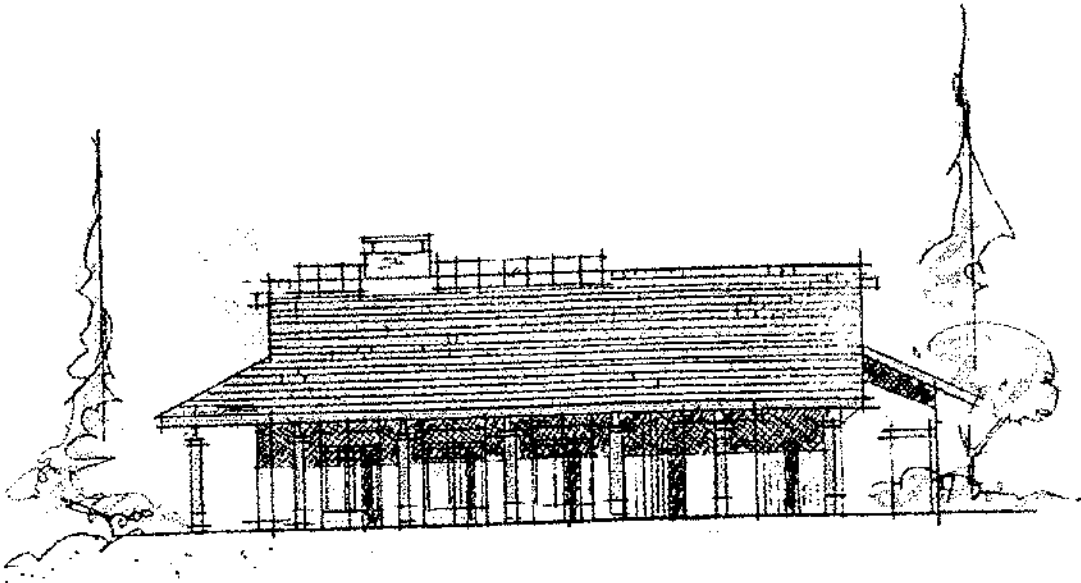


South Elevation - Scale 1:200

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

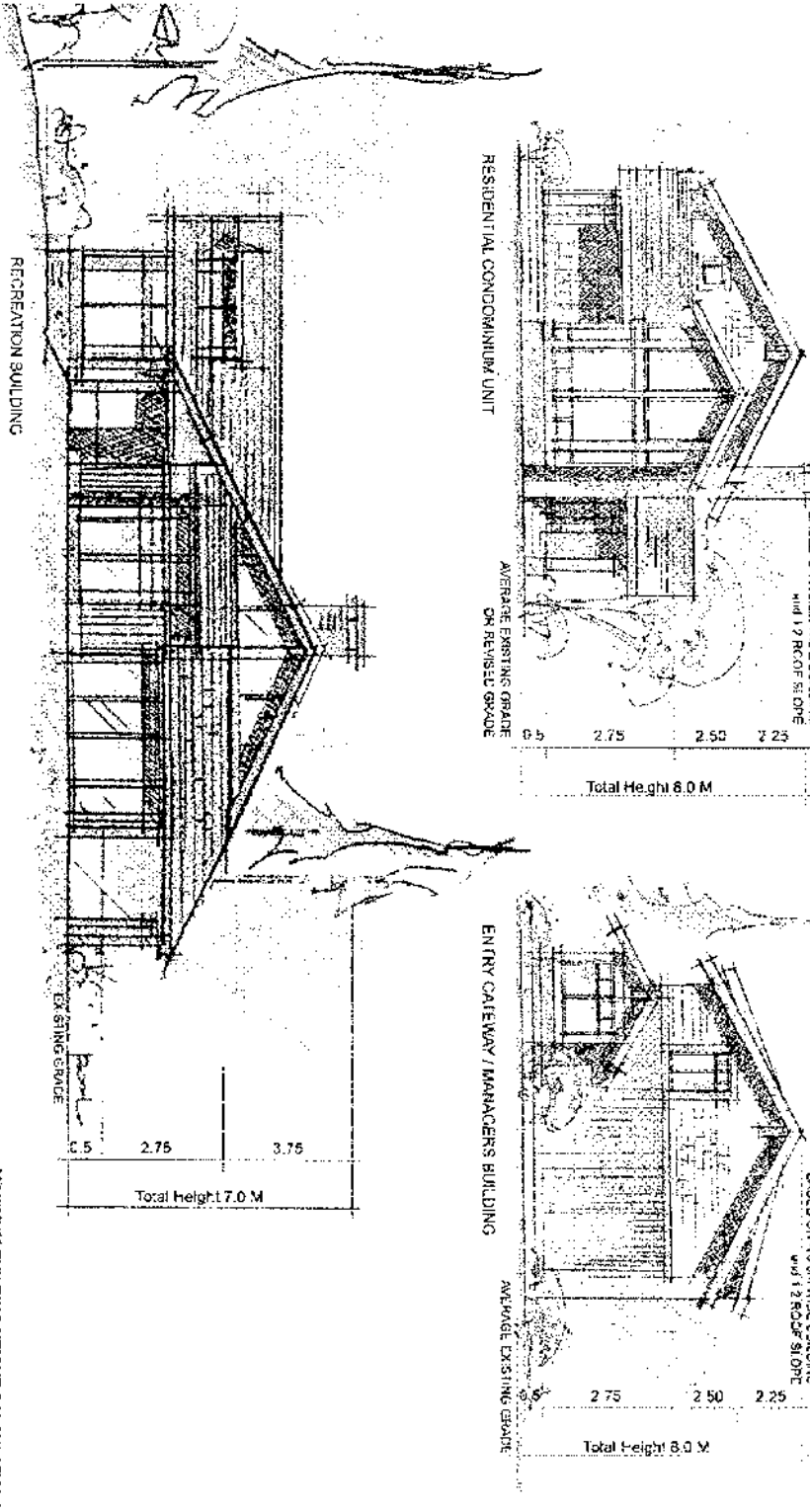
RECREATION BUILDING

QUALICUM LANDING
DEVELOPMENT PERMIT APPLICATION
August, 2006

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

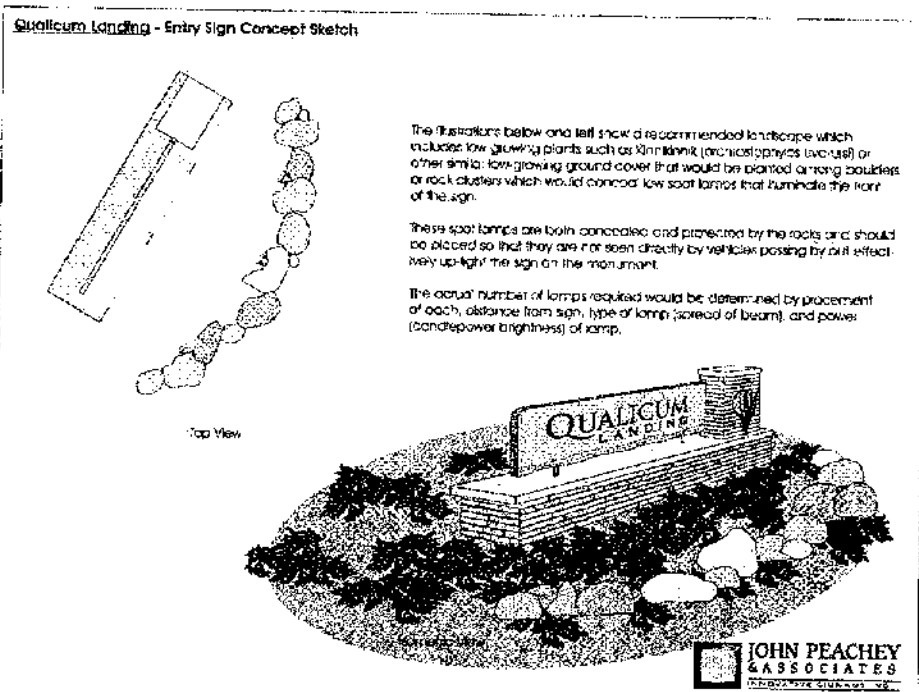
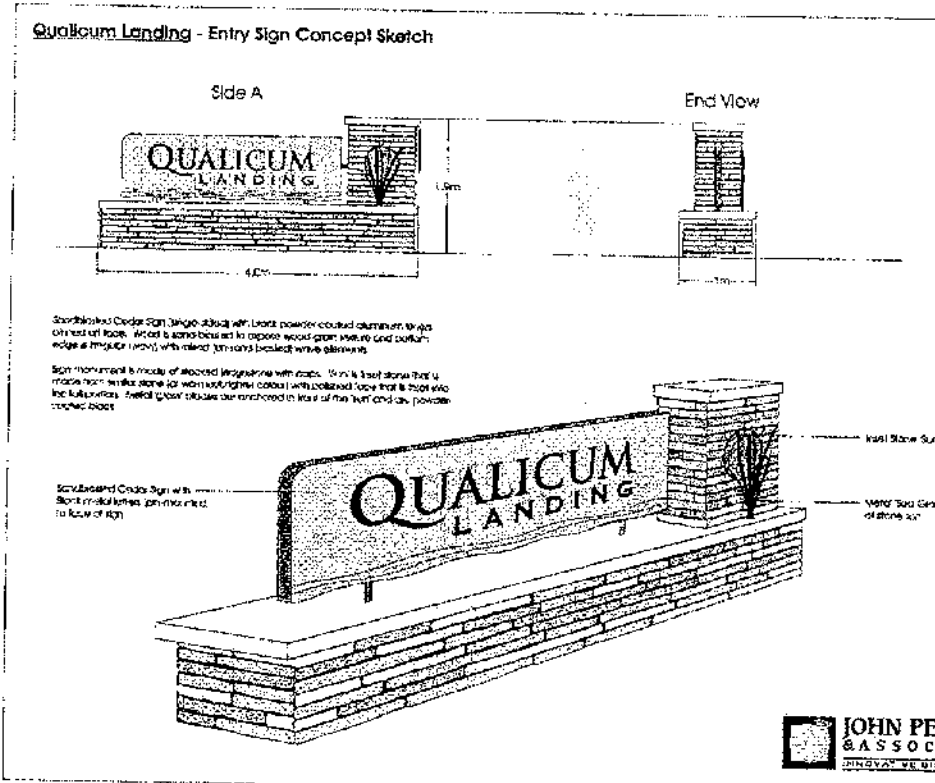
As submitted by the applicant and reduced for convenience

DA
 DEANE ARCHITECTURE 5, HEWER
 HIGHWAY 7, NANAIMO

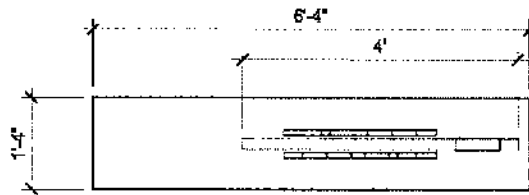
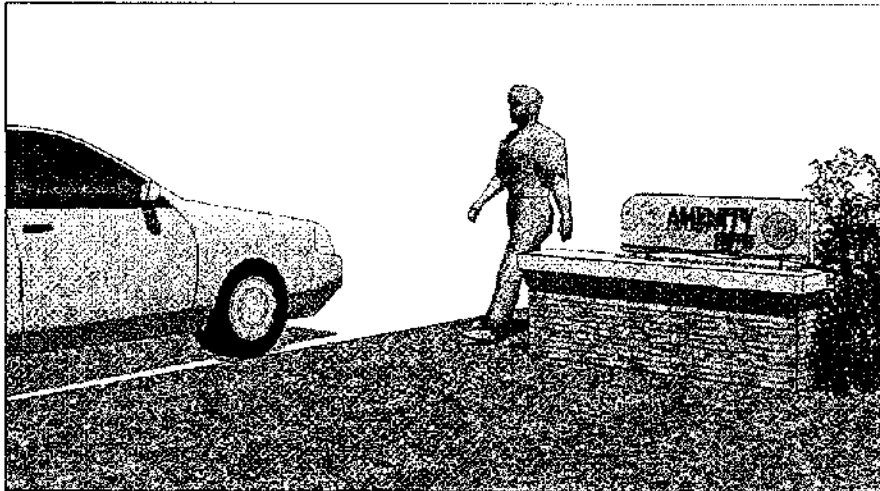


QUALICUM LANDING
 DEVELOPMENT PERMIT REVIEW
 FEBRUARY 19, 2007

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



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

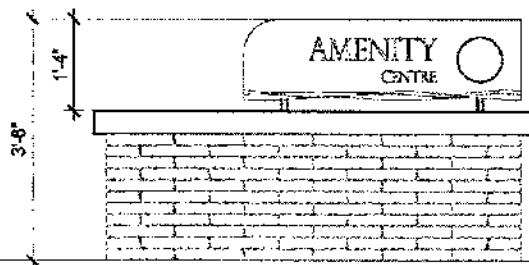


PLAN

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.

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

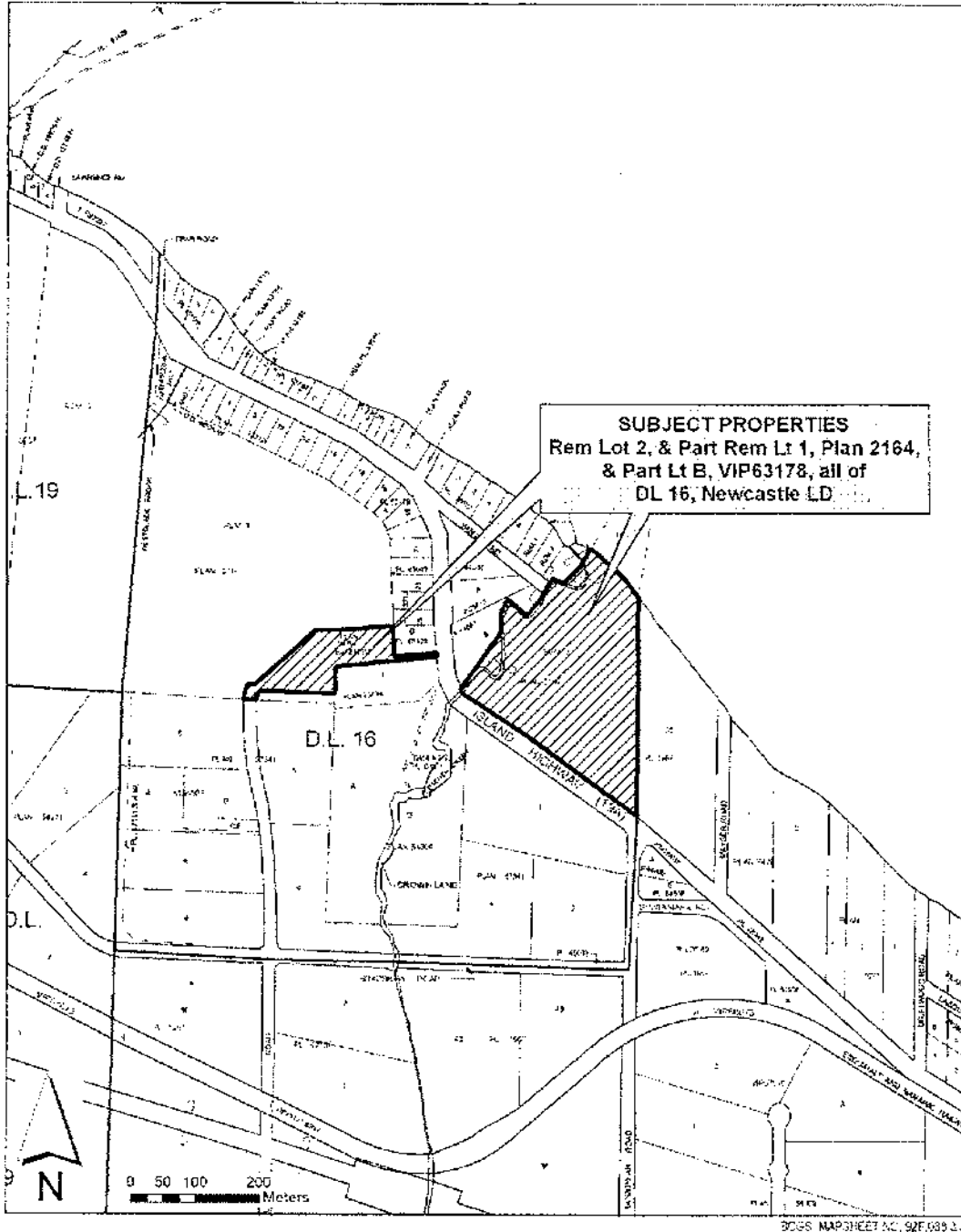
Sign base is clad with stacked ledge stone and topped with stone cap.



ELEVATION

QUALICUM LANDING - LOCATION SIGN CONCEPT
05 January, 2007

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



Attachment No. 2
Letter from the Ministry of Transportation



VIA FAX: 592-6135

Our File: 01 002 27142

December 11th, 2006

Bunt & Associates
Suite 301
1005 Langley Street
Victoria BC V8W 1V7

Attention: R. Dixon

**RE: Controlled Access Remainder of Lot 2, Plan 2164, District Lot 16,
Newcastle District, Island Highway #19A**

In response to your letter of November 27th, 2006. The ministry has some concerns with your recommendations:

- 1) Your ability to construct a left-turn lane that can meet current Ministry of Transportation standards in view of existing right-of-way constraints and angle of Goodyear Road Intersection.
- 2) The ministry does not allow construction of left-turn lanes to accommodate single developments. They must be located at existing intersections and be part of a present or future road layout for the area. How will your development fit into these guidelines?

Should you have any questions, please do not hesitate to contact me at (250) 751-3263 (office), (250) 714-9009 (cell) or via e-mail at Nick.Vandermolen@gov.bc.ca.

Yours truly,

Nick Vandermolen
Deputy Approving Officer

NVA/27142L

Please quote our file number when corresponding with this office.

Ministry of Transportation	Vancouver Island District South Coast Region	Mailing Address: 3 rd Flr, 2100 Lakeshore Road Nanaimo BC V9T 6E9 Telephone: 250 751-3246 Fax: 250 751-3289	www.gov.bc.ca/tra
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Attachment No. 3
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. 4
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 – QUALICUM LANDING DEVELOPMENTS*

LEGAL DESCRIPTION – Rem Lot 2, Plan 2164, DL 16, Newcastle I.D

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 Cormic, 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. Barram 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 yet, 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



RDN	
CAO	GMF&IS
GMDS	GMR&PS
GMES	GMTS
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CHAIR	BOARD
EAP	

MEMORANDUM

TO: Geoff Garbutt
Manager of Current Planning

DATE: March 29, 2007

FROM: Norma Stumborg
Planner

FILE: 3060 30 60706

SUBJECT: Development Permit Application No. 60706 – Anstey/Hamilton
Electoral Area, 'H' – 3748 Horne Lake Caves Road

PURPOSE

To consider an application for a development permit with variances to allow the development of a recreational residential lot at 3748 Horne Lake Caves Road.

BACKGROUND

This is an application for a development permit to allow the construction of a recreational residence, permanent and temporary sheds, dock, stairs, driveway and retaining wall on the subject property legally described as Lot 34, District Lot 251, Alberni Land District, Strata Plan VIS5160 and located at 3748 Horne Lake Caves Road. Please refer to Attachment No. 1 for the location of the subject property. The subject property is designated within the Fish Habitat Protection pursuant to the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003." The development permit area was established to protect the natural environment, its ecosystem and biological diversity.

The property is surrounded on the east and west by recreational residential properties and bounded by Horne Lake to the south and Horne Lake Caves Road to the north. The site is not serviced with community water or on-site septic disposal. The subject property is not located within an RDN building inspection area. The applicant has applied for RDN pump and haul septic services. Access to the property comes from Horne Lake Caves Road.

The subject property is 1942 m² in size and zoned Horne Lake Comprehensive Development 9 (CD9) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The minimum setback requirement for new buildings and structures in this zone is 15.0 m from the natural boundary of Horne Lake. The building envelope for the recreational residence will be sited more than 15.0 metres from the natural boundary of Horne Lake as measured from the outermost portion of the building.

Sustainable Community Builder Checklist

Staff provided the agent with the Sustainable Community Builder Checklist and explained the purpose and importance of the checklist. A completed Sustainable Community Builder Checklist was not returned for this application.

Proposed Variances

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

- **Minimum Setback to Other Lot Line** - from 5.0 metres to 0 metres to construct a lock block retaining wall along either side the driveway to allow level access to Horne Lake Caves Road.
- **Minimum setback to Horne Lake** - from 15.0 metres to 13.0 and from 15.0 to 1.5 metres for a set of stairs.

Please refer to the Schedule No. 2 to view the site plan and note that a temporary shed (6.0 m² in size) is proposed within the setback area, but is not recognized for variance purposes as it shall be removed.

ALTERNATIVES

1. To approve the request for a Development Permit No. 60706 with variances, as submitted, subject to the conditions outlined in Schedule Nos. 1, 2, and 3 and the notification procedure pursuant to the *Local Government Act*.
2. To not approve the request for a development permit and to provide staff with further direction.

LAND USE AND DEVELOPMENT IMPLICATIONS

The property faces south and slopes steeply (approximately 40% grade) from Horne Lakes Cave Road to a railway grade about 15 metres below. With the exception of the rail bed surface which is bare hard packed ground, the property is treed with mature second growth forest and undergrowth. The applicant intends to construct a recreational residence on the steep slope well above the specified flood construction level of 121.7 GSC for Horne Lake properties. In absence of finalized design drawings, the applicant has proposed a building envelope to encompass the recreational residence.

Construction of the driveway and recreational residence, requires cutting and filling of the steep slope. The proposed development was evaluated by a professional Geotechnical Engineer for slope stability to ensure that no harmful alteration, disruption or destruction of natural features, functions or conditions will occur that could harm fish habitat. The engineer's report outlines that there were no signs of significant slope instability such as groups of leaning trees, or soil slippage on the upper slope where the proposed building site is to be located. The engineer determined that the site may be developed under given constraints. The main recommendations include:

- no additional weight should be added to the top of the slope,
- storm water drainage should be collected and discharged to a point below the toe of the slope,
- retaining walls should be constructed to fortify the driveway,
- fill soils should consist of inorganic sand and gravel and be compacted to improve strength,
- proper replanting of disturbed areas should occur in a timely manner.

The engineer specified the retaining wall design, safety, supervision and inspection requirements for the development. Please refer to Schedule No. 3 for the retaining wall design. Developing the subject property in accordance with the engineer's recommendations, and securing a geotechnical engineer to supervise and inspect the works in order to confirm that construction is carried out in accordance with the recommendations of the *Slope Stability Report* are conditions of this permit.

As the subject property is not located within a building inspection area, staff recommend that the Geotechnical Report be registered on the certificate of title along with a Section 219 covenant to save the Regional District harmless from any damage caused as a result of soil slippage or erosion.

Archaeological Considerations

The 1911 Gazette "Horne Lake Trail", that ran through strata lots 1-119, was said to be used by first nations to travel between the east coast and Port Alberni. During the process of closing the trail, the Horne Lake Strata Council and Qualicum First Nations ground truthed the area around Horne Lake to determine if there was any evidence of first nation's activity; none was found. Additionally, the Strata Council states that no evidence of archaeological remains have been discovered during any excavations around the lake.

Siting Implications

Staff do not anticipate that the siting of the retaining wall or set of stairs will negatively impact the views of neighbouring property owners. The applicant proposes to extend the retaining wall into the road right of way and is aware that approval from the Ministry of Transportation is required for this work.

No design drawings were submitted for the recreational residence. However, maximum dimensions of structures and development guidelines are specified in the CD9 zone and under Development Permit 0120 respectively.

DEVELOPMENT PERMIT GUIDELINES

Environmental Protection Implications

The subject property is adjacent to Horne Lake which is a fish bearing watercourse. In keeping with the Fish Habitat Protection Development Permit guidelines, a Qualified Environmental Professional (QEP) prepared an assessment in accordance with the requirements of the *Riparian Area Regulations*. Also, DFO has reviewed the proposed developed and provided a Letter of Advice for works within the Streamside Protection and Enhancement Area (SPEA).

To avoid undercutting tree roots which leads to further erosion and hazards, the QEP flagged the most suitable location for the stairs and trail from the top of the bank to the beach and recommends a danger tree assessment be conducted if the stairs and dock are to be located outside of the flagged area. Additionally, the QEP provided sediment and erosion control measures and the following main recommendations to avoid damaging trees within the SPEA:

- no trenching through the tree root zones,
- no removal of trees greater than 10 cm in diameter,
- no paving around or parking under trees,
- no changing the elevation of the water around the tree,
- follow DFO Operation Statement for Dock construction and communicate tree protection plans to workers onsite,
- post-development report prepared by a QEP to certify that the recommendations to protect the SPEA were properly followed.

The DFO requires the applicant to confirm in writing that the shed has been removed as soon as construction is completed. Developing the subject property in accordance with the QEP's and DFO's recommendations are conditions of this permit. As the *Slope Stability Report* forms part of the *Riparian Area Regulations Assessment Report*, it shall be registered on the Certificate of Title at the same time.

Development Permit No. 0120

Works undertaken as part of this permit must be consistent with the detailed guidelines outlined in Development Permit No. 0120, except where varied by this permit.

Public Consultation Implications

As part of the required public notification process, adjacent and nearby property owners 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, pursuant to the requirements of the *Local Government Act*.

VOTING

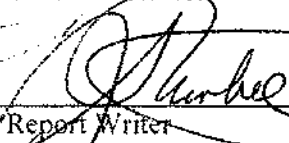
Electoral Area Directors – one vote, except Electoral Area ‘B’

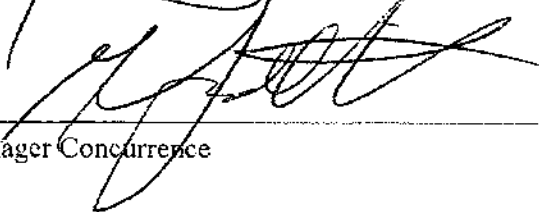
SUMMARY/CONCLUSIONS

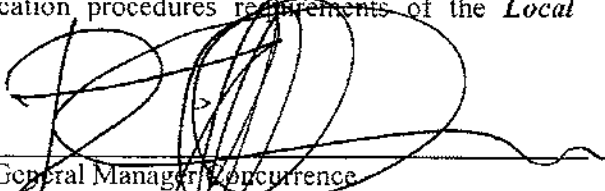
This is an application for a Fish Habitat Protection Development Permit pursuant to the “RDN Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003” to allow development of a recreational property at 3748 Horne Lake Caves Road. The development includes construction of a recreational residence, permanent and temporary sheds, stairs, dock, driveway and retaining wall. The development shall be conducted in accordance with the *Slope Stability Report* prepared by a professional geotechnical engineer and a *Riparian Area Regulations Assessment Report* prepared by a Qualified Environmental Professional. The applicant has demonstrated that the property may be appropriately developed for recreational residential purposes. In staff’s assessment of this application, the proposed development is consistent with the applicable development permit area guidelines. Therefore, staff recommends that this application be considered for approval by the Board, subject to the conditions outlined in Schedule No. 1, 2, and 3, and subject to consideration of the comments received as a result of public notification.


RECOMMENDATION

That Development Permit No. 60706, submitted by Murray Hamilton, on behalf of Mark and Patricia Anstey, to construct a recreational residence, temporary and permanent sheds, stairs, dock, driveway and retaining walls on the property legally described as Lot 34, District Lot 251, Alberni Land District, Strata Plan VIS 5160 and designated within the Fish Habitat Protection Development Permit Area pursuant to Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003 be approved subject to the conditions outlined in Schedule No 1, 2, and 3, and the notification procedures requirements of the *Local Government Act*


Report Writer


Manager Concurrence


General Manager Concurrence


CAO Concurrence

Schedule No. 1 (page 1 of 2)
Conditions of Development Permit No. 60706

The following conditions are to be completed as part of Development Permit No. 60706:

Prior to Issuance of this Permit

Covenants

1. At the applicant's expense and to the satisfaction of the Regional District of Nanaimo, the *Riparian Area Regulation Assessment Report* prepared by Streamline Environmental Consulting Ltd. and dated January 1, 2007 and the *Slope Stability Report* prepared by Ground Control Geotechnical Engineering Ltd. and dated December 20, 2006 along with a Restrictive Covenant saving the Regional District of Nanaimo harmless from any action or loss that might result from flooding, slope instability and/or erosion shall be registered on the Certificate of Title as a Section 219 Covenant prior to issuance of this permit.

Variances

The following variances apply to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987":

2. **Section 3.4.107.4** Minimum Setback Requirements is varied by relaxing the minimum other lot line setback from 5.0 metres to 0 metres for a retaining wall.
3. **Section 3.4.107.4** Minimum Setback Requirements to Horne Lake from 15.0 metres to 13.0 metres and from 15.0 metres to 1.5 metres for a set of stairs.

Development of Site

4. The property shall be developed in substantial compliance with Schedule No. 1, 2, and 3.
5. The property shall be developed in accordance with the Riparian Area Regulations Assessment Report prepared by Streamline Environmental Consulting Ltd. and dated January 1, 2007. The applicant shall submit a Post-Development Report prepared by a Qualified Environmental Professional and written confirmation that the temporary shed has been removed from the Streamside and Protection Enhancement Area upon completion of the construction works to the Regional District of Nanaimo and Department of Fisheries and Oceans Canada.
6. The property shall be developed in accordance with the *Slope Stability Report* prepared by Ground Control Geotechnical Engineering Ltd. and dated December 20, 2006. The applicant shall retain a professional geotechnical engineer to supervise, inspect, and document all phases of the project including excavation, benching of the slope, placement and compaction of backfill, drainage installations, and Lock-Block placement. The applicant shall submit a post-development report prepared by a professional geotechnical engineer to the Regional District of Nanaimo that confirms construction was carried out in accordance with the recommendations specified in the *Slope Stability Report* dated December 20, 2006 and prepared by Ground Control Geotechnical Engineering Ltd.
7. Use and development of the subject property shall be in compliance with Horne Lake Comprehensive Development Zone 9 (CD9), pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", except where varied by this permit.
8. The subject property shall be developed in accordance with Development Permit No. 0120, except where varied by this permit.
9. The applicant shall develop the site in accordance with *Provincial* and *Federal* regulations.
10. The deck on the Horne Lake side of the recreational residence shall not be enclosed, except by a British Columbia Building Code compliant railing where required.

Schedule No. 1 (page 2 of 2)
Conditions of Development Permit No. 60706

11. All habitable storage space must meet or exceed a maximum elevation of 121.7 metres Geodetic Survey of Canada datum (GSC).
12. There shall be no windows or doorways within the raised foundation of the recreational residence (that part of which is below the main floor) except 1 crawlspace access and this access shall not exceed 1.0 metre in width.

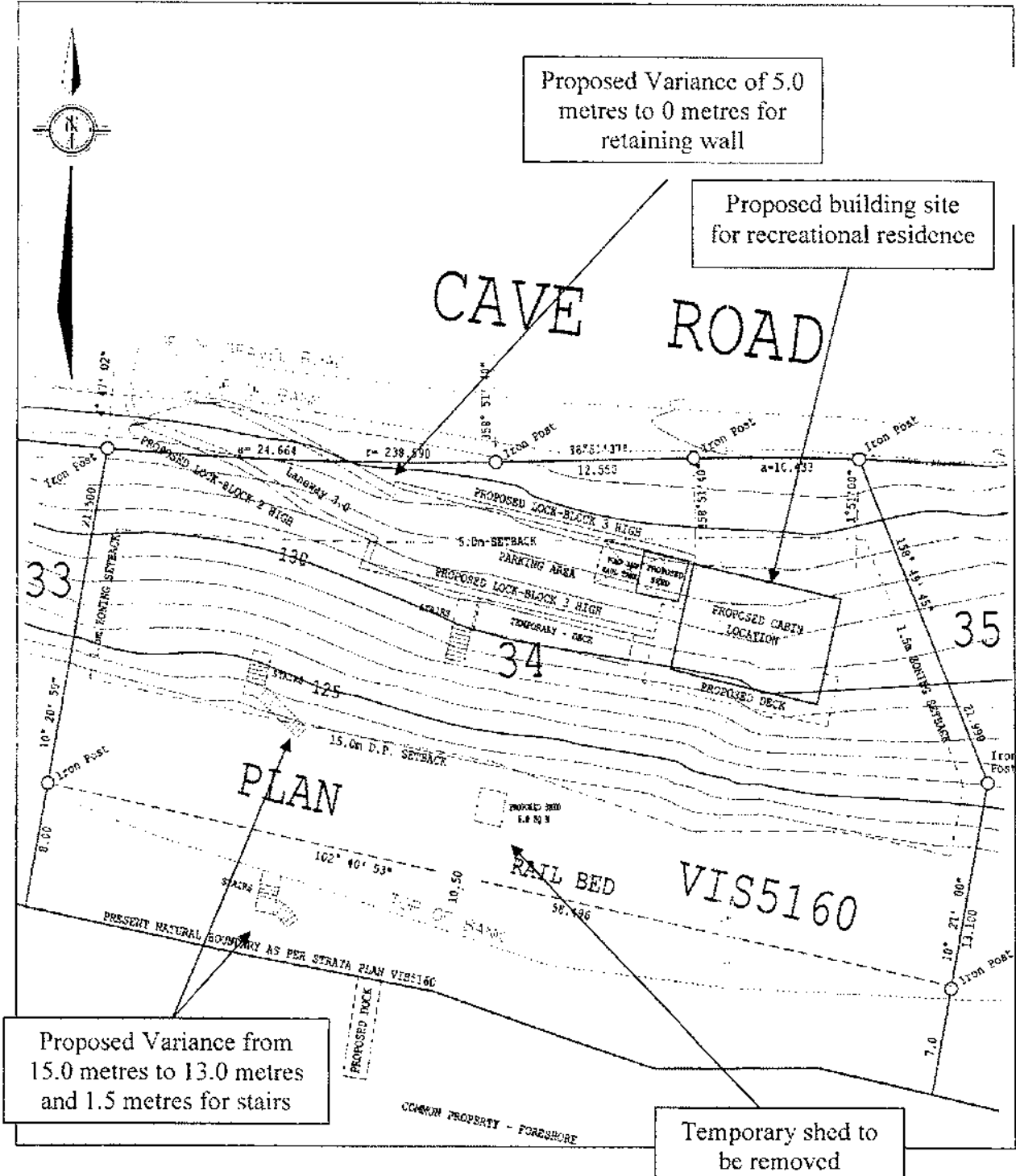
Pump & Haul Sewage Collection Service

13. The applicant shall install a Pump and Haul holding tank by December 31, 2007. The pump and haul connection shall be established pursuant to "Horne Lake Service Area Sewage Disposal Regulation Bylaw No. 1218, 2001".

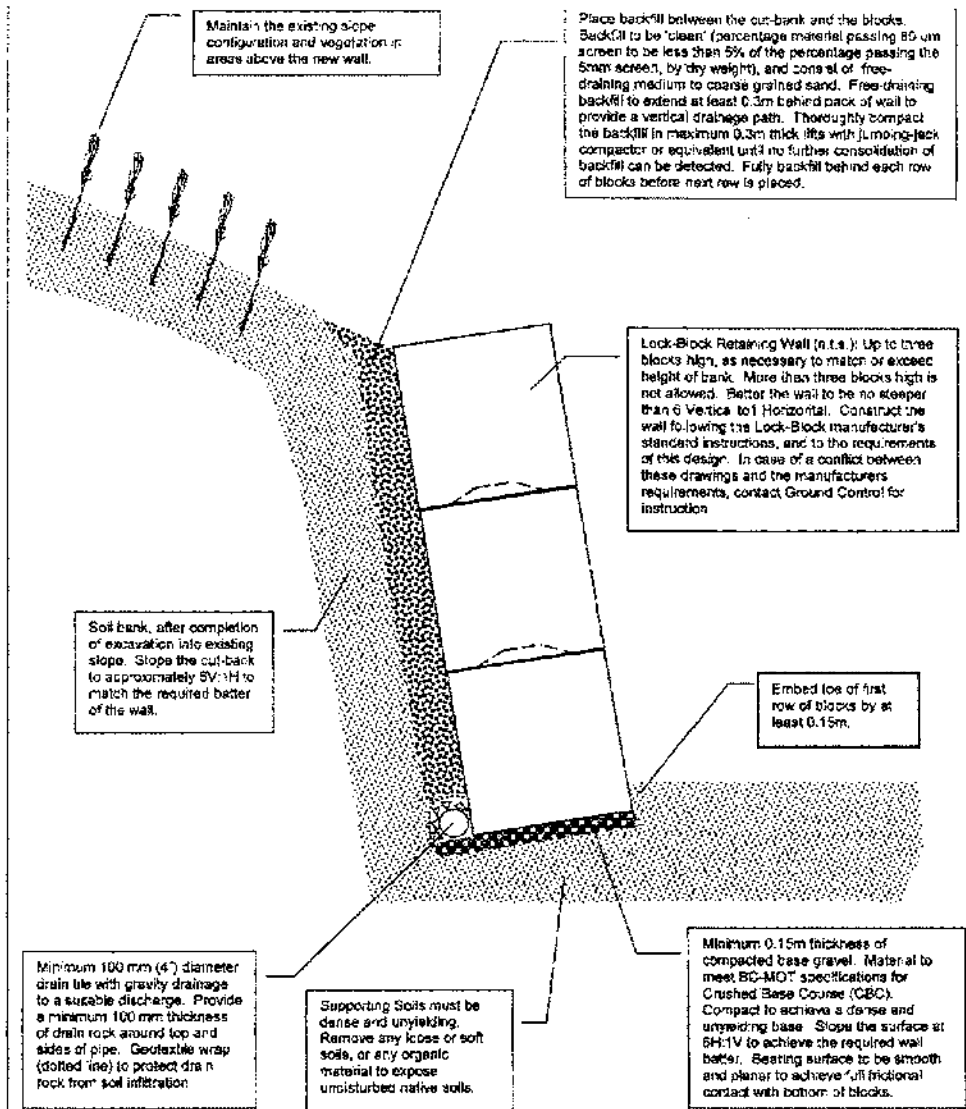
Survey

14. A survey plan prepared by a British Columbia Land Surveyor shall be submitted by the applicant to the Regional District of Nanaimo that shows the final siting and height of all structures on the subject property to the outermost part of the structure.

Schedule No. 2
Development Permit No. 60706
Site Plan
(as submitted by applicant / reduced for convenience)



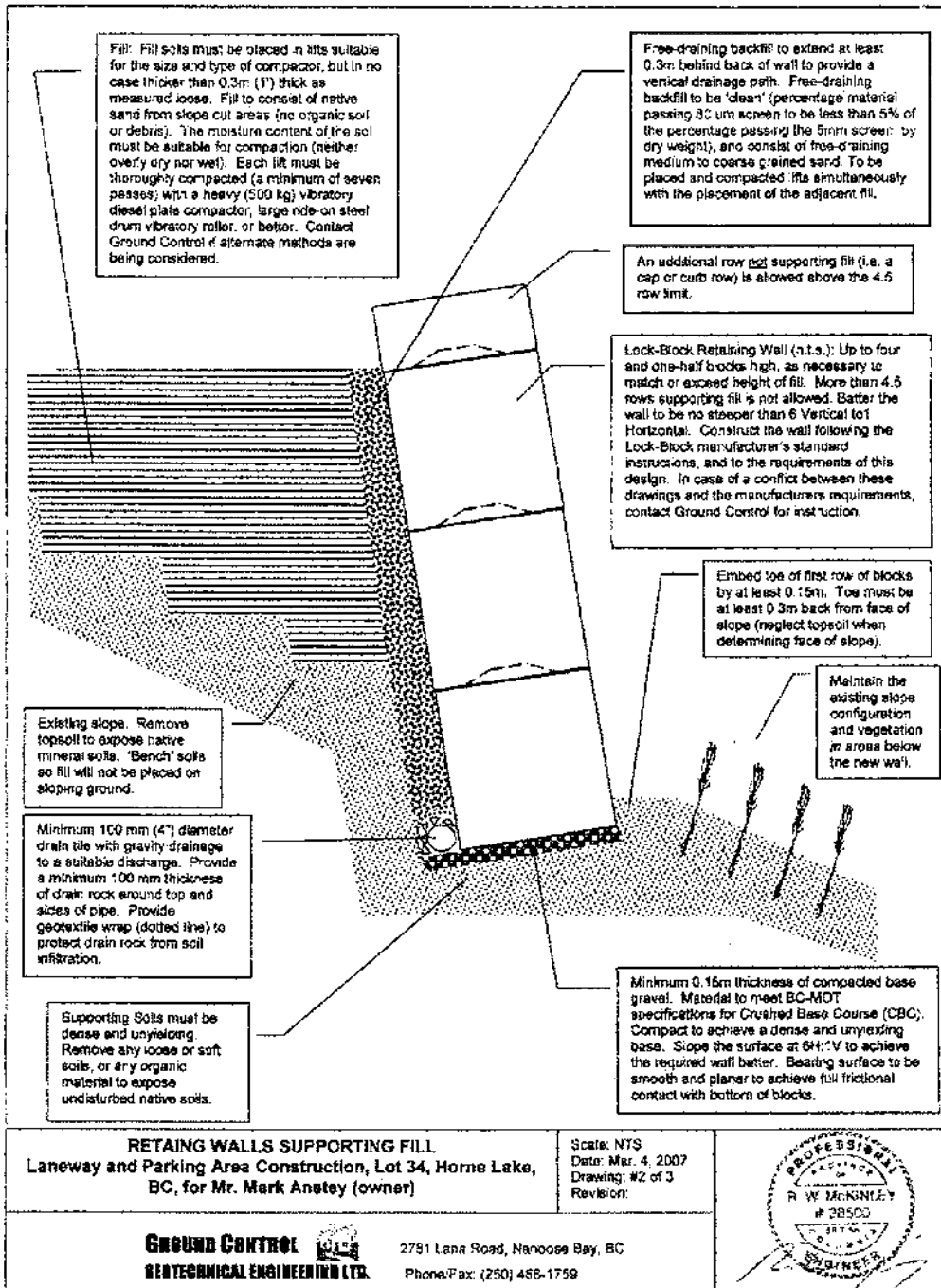
Schedule No. 3 (page 1 of 2)
Development Permit No. 60706
Retaining Wall Design
(as submitted by applicant / reduced for convenience)



<p align="center">RETAINING WALLS SUPPORTING CUT-BANKS Laneway and Parking Area Construction, Lot 34, Home Lake, BC, for Mr. Mark Anstey (owner)</p>	<p>Scale: NTS Date: Mar. 4, 2007 Drawing: #1 of 3 Revision:</p>	
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<p>GROUND CONTROL GEOTECHNICAL ENGINEERING LTD.</p>	<p>2781 Lane Road, Nanose Bay, BC Phone/Fax: (250) 468-1759</p>	
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Schedule No. 3 (page 2 of 2)
Development Permit No. 60706
Retaining Wall Design
 (as submitted by applicant / reduced for convenience)



RETAINING WALLS SUPPORTING FILL
 Laneway and Parking Area Construction, Lot 34, Horns Lake,
 BC, for Mr. Mark Anstey (owner)

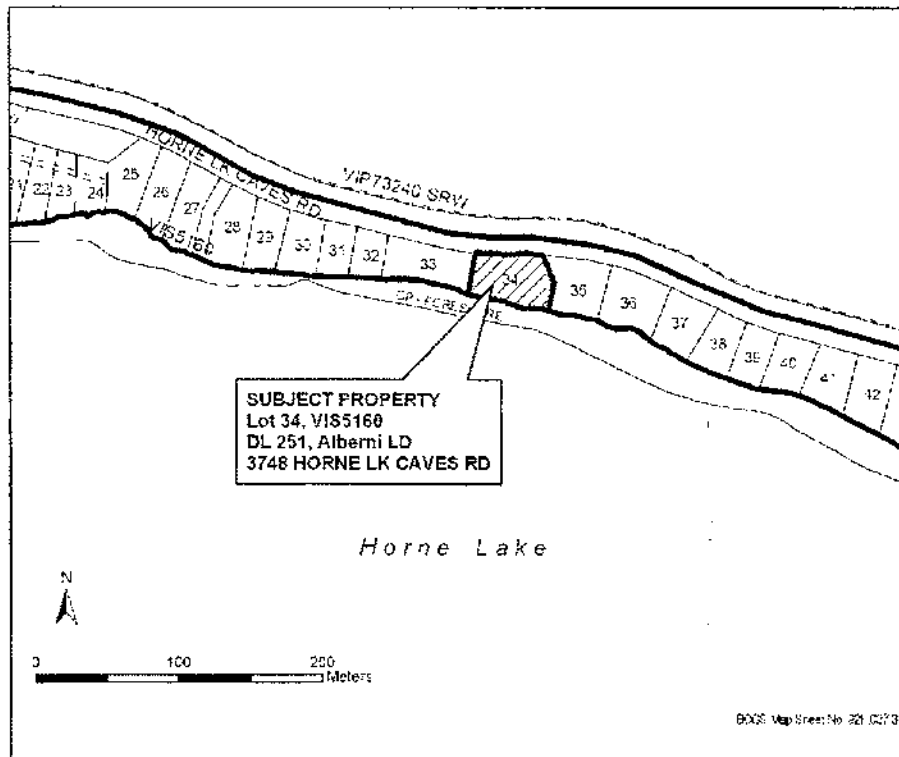
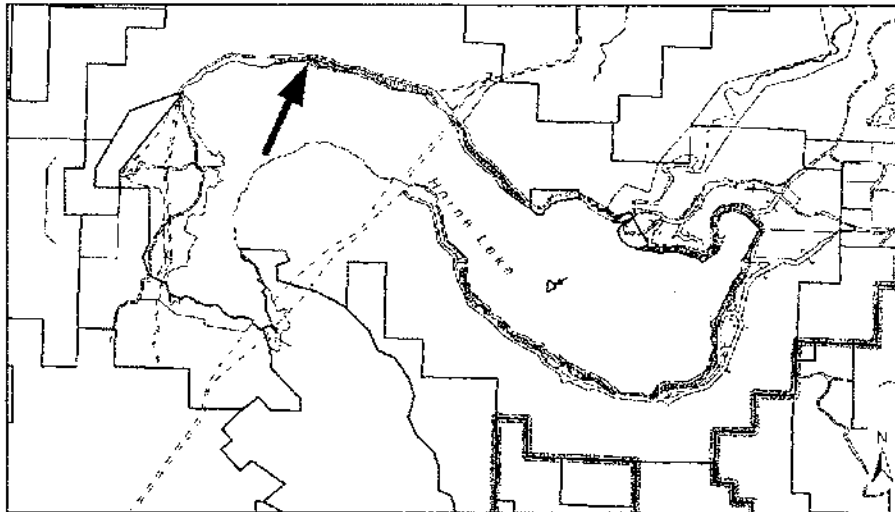
Scale: NTS
 Date: Mar. 4, 2007
 Drawing: #2 of 3
 Revision:



GROUND CONTROL
 GEOTECHNICAL ENGINEERING LTD.

2791 Lana Road, NanOOSE Bay, BC
 Phone/Fax: (250) 455-1759

Attachment No. 1
Development Permit No. 60706
Subject Property





RDN	
CAO	GMF&IS
GMDS	GMR&PS
GMES	GMTS
APR - 3 2007	
SMCA	
CHAIR	BOARD
EAP.	

MEMORANDUM

TO: Geoff Garbutt
Manager, Current Planning

DATE: April 2, 2007

FROM: Susan Cormie
Senior Planner

FILE: 3320 30 26409

SUBJECT: Request for Relaxation of the Minimum 10% Perimeter Requirement
JE Anderson & Associates, BCLS, on behalf of B Kaspar
Electoral Area 'E' -Morello & Alcott Roads

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 1, DL 35, Nanoose District, Plan 2230, Except Parts in Plans 8472, 1423-R, and VIP56073 and located adjacent to Morello and Alcott Roads in Electoral Area 'E' (see Attachment No. 2 for location of parent parcel).

The parent parcel, which is approximately 29.3 ha in size, is zoned Rural 5 (RU5) and is within Subdivision District 'D' (2.0 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 2.0 ha minimum parcel size, which meets the minimum parcel size requirement pursuant to Bylaw No. 500, 1987 (see Attachment No. 1 for proposed subdivision layout).

The property is also situated within the Provincial Agricultural Land Reserve.

The parent parcel currently supports agricultural related buildings. There is a bylaw contravention notice currently registered on title for a structure built without a valid building permit. The applicant has removed the illegal structure from the property and the Notice is in the process of being discharged from title.

The parcels are proposed to be served by individual private septic disposal systems and private water wells. The parent parcel is located within an RDN Building Services Area.

There are BC Hydro and Terasen Gas rights-of-way registered on title of the parent parcel which cross the parcel in an east to west direction north of the south boundary of the property.

Surrounding land uses include Rural 5 zoned lands to the north, south, and west; and Morello and Alcott Roads, Rural 5 zoned parcels, and a Public 1 zoned parcel to the east. In addition, some of the adjacent parcels to the east and west are also designated within the provincial Agricultural Land Reserve.

Pursuant to the Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005, the parent parcel is designated within the Watercourse Protection Development Permit Area No. III,

in this case for the watercourse which crosses the north portion of the parent parcel (Nanoose Creek) and the watercourses which crosses the parcel in a south to north direction.

10% Minimum Frontage Requirement

Proposed Lot 1, 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 1	54.3 m	20.2 m	3.7 %

As this proposed parcel does not meet the minimum 10% parcel frontage requirement pursuant to section 944 of the *Local Government Act*, approval of the Regional Board of Directors is required.

ALTERNATIVES

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

DEVELOPMENT IMPLICATIONS

Agricultural Land Reserve Implications

The Provincial Agricultural Land Reserve Commission has approved the subdivision of this parcel as proposed. In keeping with the guidelines of the Land Reserve Commission not to extent roads into the ALR as well as the requirements of the *Land Title Act* to limit roads being extended into ALR lands, there is no additional road dedication to provide access to the proposed new parcel. The Provincial guidelines and regulations support the requested frontage relaxation to serve proposed Lot 1.

Ministry of Transportation Implications

Access to proposed Lot 1 is to be off Alcott Road, which is located to the north of the Public 1 zoned parcel. This Public 1 zoned parcel currently supports a private school use. Alcott Road is currently not built to Ministry standards and is proposed to be built to accommodate a driveway access only. As the road is not to be fully constructed, the proposed subdivision is not expected to negatively impact the surrounding properties.

Ministry of Transportation staff has indicated that the proposed frontage is acceptable to the Ministry.

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.

OFFICIAL COMMUNITY PLAN / ENVIRONMENTAL IMPLICATIONS

The Watercourse Protection Development Permit Area No. III (DPA) was amended in January 2007 to incorporate the provisions of the provincial *Riparian Areas Regulation*. However, pursuant to the *Local Government Act*, this subdivision application has in-stream status with respect to this recently adopted DPA. As a result, the requirements of the recently adopted DPA do not come into effect for this subdivision application until January 23, 2008. If, at that time, the subdivision application is not finalized, the new DPA will come into effect.

The applicant is still required to meet the guidelines of the previous Development Permit Area. In this case, where a covenant under section 219 of the *Land Title Act* is registered on title and includes provisions which, in the opinion of the Regional District, protect the riparian areas on the land in a manner that is consistent with the applicable DPA designation, the applicant is exempt from requiring a development permit. The applicant has indicated that he will provide the necessary covenant to protect the watercourses and their riparian areas. The registration of this covenant can be secured through the subdivision review process [Please note that the *Farm Protection (Right to Farm) Act* would still have precedence over any environmental covenants]. Provided the covenant meets the DPA guidelines, the applicant will meet the exemption provisions of the development permit area. It is noted that, with respect to the *Riparian Areas Regulation*, if a development permit is not required, the applicant is not required to submit an environmental assessment to the Ministry of Environment.

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 1, pursuant to Section 944 of the *Local Government Act*, as part of a 2-lot subdivision proposal. The parent property is located within the Provincial Agricultural Land Reserve and the Commission has granted approval of the subdivision.


This subdivision application has in-stream status until January, 2008 with respect to the recently adopted Watercourse Development Permit Area pursuant to the Nanoose Bay Official Community Plan (OCP). However, as Nanoose Creek and the other smaller streams, which were designated under the originally adopted Watercourse Protection Development Permit Area (DPA) pursuant to the OCP, the guidelines of this DPA are applicable. The applicant will be able to meet the exemption provisions set out in the original DPA provided a section 219 covenant to protect the streams and their riparian areas is registered on title to the satisfaction of the Regional District. The applicant has indicated that he will enter into such a covenant. This will be secured through the subdivision review process.

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

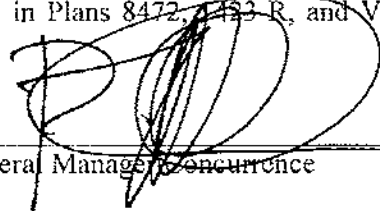
Given that the Agricultural Land Commission has approved the subdivision; the Ministry of Transportation staff has no objection to this request; and as the applicant will protect the streams crossing the parent parcel by covenant, staff recommends Alternative No. 1 to approve relaxation of the minimum 10% perimeter frontage for the proposed Lot 1.

RECOMMENDATION

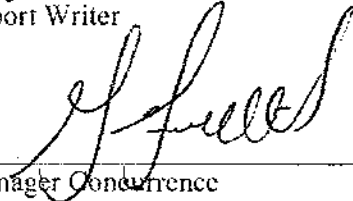
That the request to relax the minimum 10% frontage requirement for Proposed Lot 1, submitted by JE Anderson & Associates, BCLS on behalf of Bernard Kaspar in conjunction with the proposed subdivision of Lot 1, DL 35, Nanoose District, Plan 2230, Except Parts in Plans 8472, 8473 R, and VIP56073, be approved.



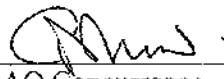
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

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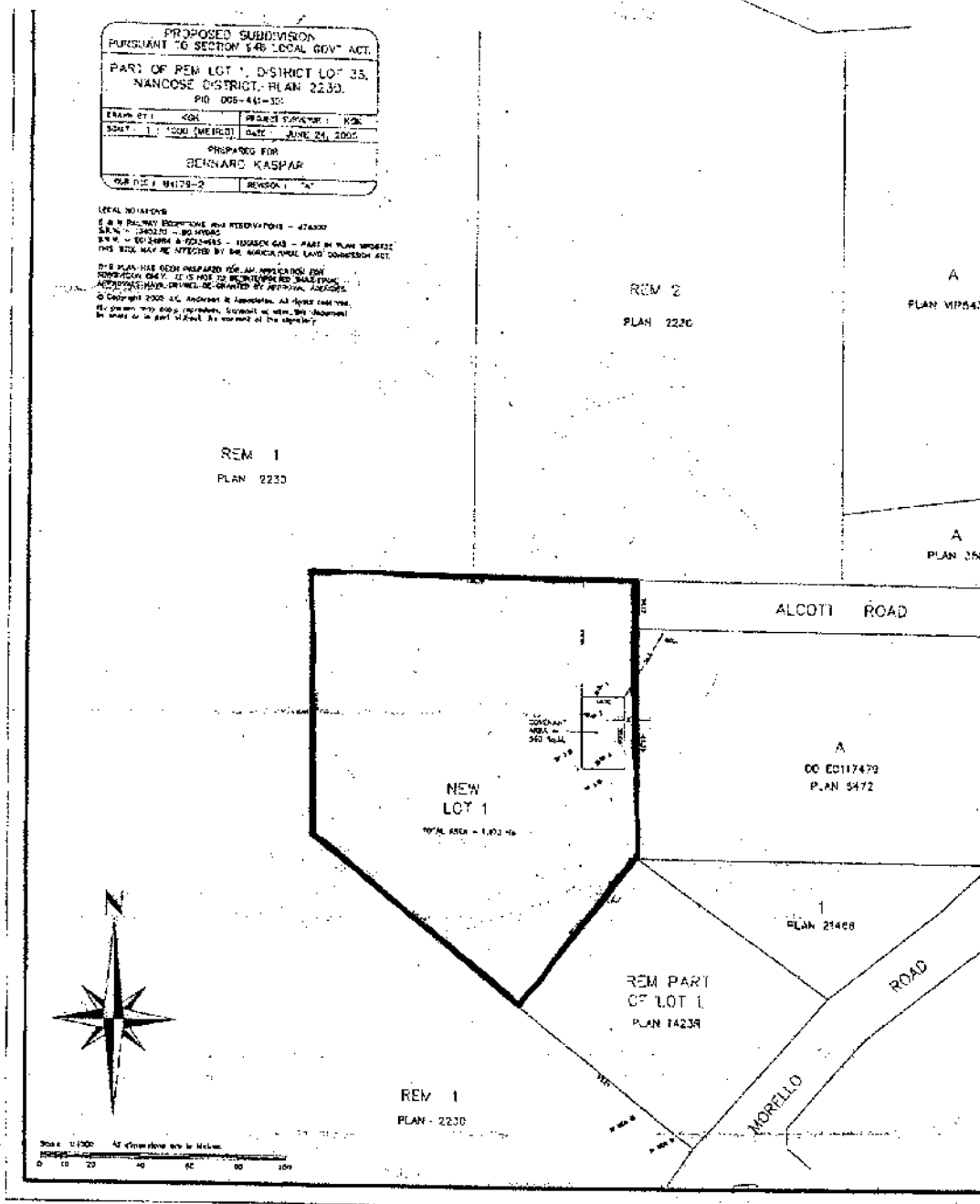
Attachment No. 1
Subdivision Application No. 26675
Proposed Plan of Subdivision
(as submitted by applicant / reduced for convenience)

Provincial Agricultural Land Commission

Application # S-31604

Resolution #566/2006

2 ha area approved for relocation of subdivision from the ALR



Attachment No. 2
Subdivision Application No. 26675
Location of Subject Property

