

**REGIONAL DISTRICT OF NANAIMO**

**ELECTORAL AREA PLANNING COMMITTEE  
TUESDAY, JANUARY 8, 2008  
6:00 PM**

*(RDN Board Chambers)*

**A G E N D A**

**PAGES**

**CALL TO ORDER**

**DELEGATIONS**

**MINUTES**

- 3-6 Minutes from the meeting of the Electoral Area Planning Committee held November 13, 2007.

**BUSINESS ARISING FROM THE MINUTES**

**UNFINISHED BUSINESS**

**PLANNING**

***AMENDMENT APPLICATIONS***

- 7-12 Zoning Amendment Application No. ZA0713 – Meadowood Firehall – Meadowood Way and Galvin Place – Area ‘F’.
- 13-18 Zoning Amendment Application No. ZA0714 – Wilde – 2450 Alberni Highway – Area ‘F’.

***DEVELOPMENT PERMIT APPLICATIONS***

- 19-25 Development Permit Application No. 60665 and Request for Relaxation – CO Smythies BCL.S on behalf of H & F Ventures – Adjacent to Matthew Road – Area ‘E’.
- 26-38 Development Permit Application No. 60731 – Seeger – 6760 Island Highway West – Area ‘H’.
- 39-46 Development Permit Application No. 60735, Request for Relaxation and Request to Discharge a Section 219 Covenant – Fern Road Consulting Ltd. on behalf of Meade – Adjacent to Lundine Lane – Area ‘G’.

***DEVELOPMENT VARIANCE PERMIT APPLICATIONS***

- 47-53                    Development Variance Permit Application No. 90713 – Haugen – 2112 Cedar Road – Area ‘A’.
- 54-59                    Development Variance Permit Application No. 90716 – Chabot – Adjacent to Charlton and Rose Park Roads and Island Highway No. 19A – Area ‘H’.

***OTHER***

- 60-64                    Request for Relaxation – B. Henning, BCLS, on behalf of Diedrichsen & Laird – 2945 Amrik Road – Area ‘C’.
- 65-69                    Request for Relaxation – J.E. Anderson, BCLS, on behalf of Hadikin – 1314 Lee Road – Area ‘G’.
- 70-86                    Electoral Area ‘G’ Draft Official Community Plan. (Bylaw 1540, 2008 – Separate Enclosure)

**ADDENDUM**

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**NEW BUSINESS**

**IN CAMERA**

**ADJOURNMENT**

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE  
MEETING HELD ON TUESDAY, NOVEMBER 13, 2007, AT 6:00 PM  
IN THE RDN BOARD CHAMBERS**

**Present:**

Director G. Holme	Chairperson
Director J. Burnett	Electoral Area A
Director M. Young	Electoral Area C
Director I. Biggemann	Electoral Area F
Director J. Stanhope	Electoral Area G
Alternate	
Director D. Heenan	Electoral Area H

**Also in Attendance:**

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

**CALL TO ORDER**

The Chairperson welcomed Alternate Director Heenan to the meeting.

**MINUTES**

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

CARRIED

**PLANNING**

***AMENDMENT APPLICATIONS***

**Zoning Amendment Application No. ZA0504 – Canuck Properties Ltd. – Northwest Bay Road & Powder Point Road – Area ‘E’.**

MOVED Director Stanhope, SECONDED Director Burnett, that the minutes of the Public Information Meeting held on June 29, 2005 and report of the Open House held May 28, 2007 be received.

CARRIED

MOVED Director Stanhope, SECONDED Director Burnett, that Zoning Amendment Application No. ZA0504, as submitted by Canuck Properties Ltd. to rezone the property legally described as Lot A, District Lot 6, Nanoose District, VIP58653, located at the corner of Northwest Bay Road and Powder Point Road from Residential 4 Subdivision District ‘Q’ (RS4Q) to Comprehensive Development Zone 37 (CD37) be approved to proceed to public hearing subject to the conditions included in Schedule No. 1.

CARRIED

MOVED Director Stanhope, SECONDED Director Burnett, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.326, 2007” be given 1<sup>st</sup> and 2<sup>nd</sup> reading.

CARRIED

MOVED Director Stanhope, SECONDED Director Burnett, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.326, 2007" proceed to Public Hearing.

CARRIED

MOVED Director Stanhope, SECONDED Director Burnett, that the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.326, 2007" be delegated to Director Holme or his alternate.

CARRIED

**Zoning Amendment Application No. ZA0710 – Williamson & Associates on behalf of R. & L. Bevis – Kilpatrick Road – Area 'C'.**

MOVED Director Young, SECONDED Director Burnett, that Zoning Amendment Application No. ZA0710 as submitted by Williamson & Associates Professional Surveyors, on behalf of R & L Bevis to rezone Lot 1, Section 12, Range 4, Mountain District, Plan VIP63679, Subdivision District 'D' to Subdivision District 'F' be approved to proceed to public hearing subject to the conditions included in Schedule No. 1.

CARRIED

MOVED Director Young, SECONDED Director Burnett, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.344, 2007" be given 1<sup>st</sup> and 2<sup>nd</sup> reading.

CARRIED

MOVED Director Young, SECONDED Director Burnett, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.344, 2007" proceed to public hearing.

CARRIED

MOVED Director Young, SECONDED Director Burnett, that the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.344, 2007" be delegated to Director Young or her alternate.

CARRIED

**Zoning Amendment Application No. ZA0711 – Timberlake-Jones Engineering Ltd., on behalf of 609188 BC Ltd. – 820 Horne Lake Road – Area 'H'.**

MOVED Director Heenan, SECONDED Director Stanhope, that Zoning Amendment Application No. ZA0711 as submitted by Timberlake-Jones Engineering on behalf of 609188 BC Ltd. to rezone Lot 2, Block 347, Newcastle District, Plan 33670 from Industrial 5 Subdivision District 'B' (IN5B) to Rural 1 Subdivision District 'D' (RU1D) be approved to proceed to public hearing subject to the conditions included in Schedule No. 1.

CARRIED

MOVED Director Heenan, SECONDED Director Stanhope, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.345, 2007" be given 1<sup>st</sup> and 2<sup>nd</sup> reading.

CARRIED

MOVED Director Heenan, SECONDED Director Stanhope, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.345, 2007" proceed to public hearing.

CARRIED

MOVED Director Heenan, SECONDED Director Stanhope, that the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.345, 2007" be delegated to Director Bartram or his alternate.

CARRIED

MOVED Director Heenan, SECONDED Director Stanhope, that staff be directed to prepare required amendments to "Regional District of Nanaimo Building Inspection Extended Service Establishment Bylaw No. 787, 1989" to include the parent parcel within a Building Inspection Service area.

CARRIED

***DEVELOPMENT PERMIT APPLICATIONS***

**Development Permit Application No. 60662 – I. Ogloff & J. Thevarge – Jamieson & Palm Pacific Roads – Area 'H'.**

Director Heenan noted that the word "years" is to be placed between the words "three" and "by" in Schedule 1, Section 3(b).

MOVED Director Heenan, SECONDED Director Stanhope, that Development Permit Application No. 60662 submitted by L. Ogloff & J. Thevarge, in conjunction with the subdivision on the parcel legally described as Lot 2, District Lot 40, Newcastle District, Plan 43604 and designated within the Environmentally Sensitive Features Development Permit Area, be approved subject to the conditions outlined in Schedules 1 and 2 of the corresponding staff report.

CARRIED

**Development Permit Application No. 60736 – R. & J. Vanderwel – 5091 Shoreline Drive – Area 'H'.**

MOVED Director Heenan, SECONDED Director Stanhope, that Development Permit with Variances Application No. 60736, to construct a dwelling unit within the Natural Hazards, Environmentally Sensitive Features, Fish Habitat Protection Development Permit Area pursuant to "Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003", for the property legally described as Lot 10, District Lot 28, Newcastle District, Plan 24584 be approved subject to the conditions outlined in Schedules No. 1 to 5 and the notification requirements of the *Local Government Act*.

CARRIED

**Development Permit Application No. 60738 – J. Wilson – 673 Imperial Drive – Area 'G'.**

MOVED Director Stanhope, SECONDED Director Biggemann, that Development Permit Application No. 60738 submitted by J. Wilson in conjunction with the subdivision on the parcel legally described as Lot 2, District Lot 28, Nanoose District, Plan 22685 and designated within the Sensitive Lands Development Permit Area pursuant to the "French Creek Official Community Plan Bylaw No. 1115, 1998" be approved, subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

**Development Permit Application No. 60739 – Hans Stussi on behalf of Novation Enterprises Ltd. & S. Grand – Island Highway No. 19A & Welch Road – Area 'H'.**

MOVED Director Heenan, SECONDED Director Stanhope, that Development Permit Application No. 60739 submitted by Hans Stussi, on behalf of Novation Enterprises Ltd. & S. Grand, in conjunction with the subdivision on the parcels legally described as Parcel D (DD 13419N) of District Lot 20, Except Part in Plan 10191, and Plan VIP54439 and Lot A, District Lot 20, Plan 25174, Both of Newcastle District, and designated within the Environmentally Sensitive Features and the Hazard Lands Development Permit Areas pursuant to the "Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003", be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

**Development Permit Application No. 60741 – Fern Road Consulting Ltd. on behalf of G. Redman – Clarke, Acton & Burbank Roads – Area ‘F’.**

MOVED Director Biggemann, SECONDED Director Burnett, that Development Permit Application No. 60741 submitted by Fern Road Consulting Ltd., on behalf of Gary Redman, in conjunction with the subdivision on the parcel legally described as Lot 8, District Lot 74, Newcastle District, Plan 2002, Except Part in Plans 39111 and 44957 and designated within the Fish Habitat Protection Development Permit Area pursuant to OCP Bylaw No. 1152, 1999, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report and to the notification requirements pursuant to the *Local Government Act* with respect to the proposed variance.

CARRIED

***DEVELOPMENT VARIANCE PERMIT APPLICATIONS***

**Development Variance Permit Application No. 90714 – Fern Road Consulting Ltd. on behalf of Mayne – Lot 33, Amelia Crescent – Area ‘E’.**

MOVED Director Stanhope, SECONDED Director Young, that Development Variance Permit Application No. 90714, to permit the construction of a residential dwelling with a maximum height of 9.0 m on the subject property legally described as Lot 33, District Lot 68, Nanoose District, Plan VIP30341 on Amelia Crescent, be approved subject to the conditions outlined in Schedules No. 1 to 3 and the notification requirements of the *Local Government Act*.

CARRIED

**ADJOURNMENT**

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

CARRIED

TIME: 6:16 PM

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CHAIRPERSON



RUN REPORT	
CAO APPROVAL	
EAP	✓ Jan. 8th
GOW	
JAN 02 2008	
RHD	
BOARD	

MEMORANDUM

**TO:** Geoff Garbutt  
 Manager, Current Planning

**DATE:** December 21, 2007

**FROM:** Kristy Marks  
 Planner

**FILE:** 3360 30 0713

**SUBJECT:** Zoning Amendment Application No. 0713 – Meadowood Firehall  
 Electoral Area 'F' – Meadowood Way and Galvin Place

PURPOSE

To consider an application to rezone a portion of the subject property from the current P-1 (Parks and Open Space 1) zone to T-1 (Institutional/Community Facility 1) to permit the construction of a community firehall.

BACKGROUND

The Regional District of Nanaimo has made an amendment application to rezone a portion of a parcel in the Qualicum River Estates area of Electoral Area 'F'. The subject property, which is legally described as Lot 2, Block 359, Newcastle District, Plan VIP69346 located at near Meadowood Way and Galvin Place, is currently zoned P-1 pursuant to the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" (see Attachment No. 1 for location of subject property). The purpose of this application is to rezone a portion of the subject property to facilitate the construction of a firehall on the property.

The subject property is designated Park Land pursuant to the "Regional District of Nanaimo Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999" (OCP). This property is located within the Qualicum River Estates Village Centre. The current OCP supports the establishment of future community facilities on lands within the Village Centres and Rural Separation Boundaries.

A portion of the subject property, including the proposed firehall site, has been cleared and is currently vacant. Surrounding land uses include Galvin Road to the north, an RDN parcel given for park land purposes to the northeast, a vacant Institutional/Community Facility zoned parcel to the northwest, Rural Residential Lots to northwest and southwest, and vacant Village Residential zoned lands to the southwest.

The Committee may recall that "Electoral Area 'F' Community Parkland Re-dedication Bylaw No. 1508, 2006" was approved by the Board May 22, 2007. This Bylaw allowed a portion of the subject property to be dedicated for the purposes of a firehall for community fire protection and emergency response.

Summary of Application

As part of the application, the following information has been provided in support of this amendment application:

1. site plan showing the location of the proposed firehall, on-site parking, septic disposal location, and access points (see Attachment No. 2);
2. survey showing proposed building footprint (see Attachment No. 3);
3. Ministry of Transportation access permit;
4. septic disposal information; and
5. well construction report.

## ALTERNATIVES

1. To give first and second reading to the amendment application to rezone the subject property from P-1 (Parks and Open Space 1) to T-1 (Institutional/Community Facility 1) as submitted by the Regional District of Nanaimo and complete the notification requirements as required in Section 893 of the *Local Government Act*.
2. To deny the amendment application as submitted.

## PUBLIC CONSULTATION IMPLICATIONS

This is an amendment to Bylaw No. 1285. Therefore, a public hearing is generally required pursuant to Section 890 of the *Local Government Act*. However, Section 890.4 of the *Local Government Act* allows local governments to waive the requirement for a public hearing where an Official Community Plan is in effect for the area subject to the proposed bylaw and where the bylaw is consistent with the Official Community Plan. This amendment is consistent with the Regional District of Nanaimo Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999".

In order to adopt Bylaw 1508, 2006, Elector assent was sought as per the requirements of the *Local Government Act*. Through this process the local area residents were informed and input on the proposed firehall was received with a favourable response.

## OFFICIAL COMMUNITY PLAN IMPLICATIONS

The subject property is located within the Qualicum River Estates Village Centre pursuant to the "Regional District of Nanaimo Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999". The Village Centre policies state that a mix of uses compatible with the Village Centre may be permitted without an amendment to the OCP. The OCP supports the establishment of future community facilities on lands within the Village Centres and this application is consistent with the OCP.

## DEVELOPMENT IMPLICATIONS

The Regional District of Nanaimo has provided a confirmation of septic disposal location and design as well as a copy of the Well Construction Report. VIHA staff have verbally indicated they have no issue with the proposed development. The Environmentally Sensitive Areas Atlas does not indicate the presence of any environmentally sensitive features within the subject property.

The Regional District of Nanaimo is proposing to provide 23 parking spaces, including 2 handicapped spaces in a gravel parking lot in addition to a paved driveway access from Galvin Road which will meet the minimum Bylaw No. 1285, 2002 requirements for number of parking spaces and treatment. In addition, the access entrance (apron) is proposed to be finished with concrete.

The site will include a sign that will meet the requirements of Bylaw No.1285 Section 2.14 Signs. Building elevations have not been provided but the building footprint is shown on *Schedule No. 3* and the proposed firehall building will meet the post disaster classification requirements of the 2006 BC Building Code.

## INTERGOVERNMENTAL IMPLICATIONS

*Ministry of Transportation* – Ministry staff has issued an Access Permit for the proposed Firehall and have verbally indicated that they have no objection to this proposed zoning amendment.



Vancouver Island Health Authority (VIHA) – The Regional District of Nanaimo is in the process of completing a sewerage filing with VIHA and has submitted a Well Construction Report. In addition, the Health Inspector has verbally indicated they have no objection to this proposed zoning amendment.

**VOTING**

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

**SUMMARY**

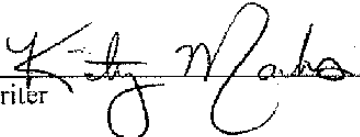
The purpose of Bylaw No. 1285.12, 2008 is to rezone the subject property to permit the construction of a community firehall. The Ministry of Health has confirmed that the application meets the current health requirements for septic disposal and the applicants have submitted a Well Construction Report. The Ministry of Transportation has issued an Access Permit and has indicated they have no concerns with this application.

With respect to the public consultation process, staff recommends that the public hearing be waived as this proposal is consistent with the Official Community Plan and a public consultation process was completed prior to the adoption of Bylaw No. 1508.

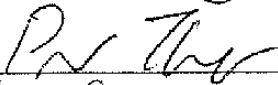
Given the lack of impacts related to the requested zoning amendment and that Bylaw No. 1508 allowed a portion of the subject property to be dedicated for the purposes of a firehall for community fire protection and emergency response, staff supports Alternative No. 1, to approve the amendment application and to waive the requirement for a public hearing and instead give notice pursuant to the *Local Government Act*.

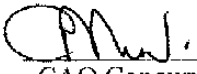
**RECOMMENDATIONS**

1. That Zoning Amendment Application No. ZA0713 submitted by the Regional District of Nanaimo to rezone the property legally described as Lot 2, Block 359, Newcastle District, Plan VIP69346 from P-1 (Parks and Open Space 1) to T-1 (Institutional/Community Facility 1) in order to facilitate the development of a community firehall be received.
2. That "Regional District of Nanaimo Electoral Area 'F' Land Use and Subdivision Bylaw Amendment Bylaw No. 1285.12, 2008" be given 1<sup>st</sup> and 2<sup>nd</sup> reading.
3. That the public hearing for "Regional District of Nanaimo Electoral Area 'F' Land Use and Subdivision Bylaw Amendment Bylaw No. 1285.12, 2008" be waived and notice in accordance with Section 893 of the *Local Government Act* be given.

  
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Report Writer

  
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For General Manager Concurrence

  
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For Manager Concurrence

  
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CAO Concurrence

COMMENTS:









RDN REPORT	
CAO APPROVAL	
EAP	<input checked="" type="checkbox"/> JAN. 8th
COW	
DEC 20 2007	
RhD	
BOARD	

## MEMORANDUM

**TO:** Geoff Garbutt  
Manager, Current Planning

**DATE:** December 20, 2007

**FROM:** Kristy Marks  
Planner

**FILE:** 3360 30 0714

**SUBJECT:** Bylaw Amendment Bylaw No. 1285.10 – Wilde  
Electoral Area 'F' – 2450 Alberni Highway

### PURPOSE

To consider an application to rezone a property on the Island Highway in Electoral Area 'F' from C-1 (Commercial 1) to C-3 (Commercial 3) in order to correct a mapping error that occurred during the process of adopting "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002".

### BACKGROUND

The Regional District has received an application to rezone a parcel in the Coombs area of Electoral Area 'F' in order to correct a mapping error that occurred during the adoption of Bylaw No. 1285.

The subject property which is approximately 1.5 ha in size and legally described as Lot 12, District Lot 143, Nanoose District, Plan 2064, Except part in Plan 167R is currently zoned C-1 (Commercial 1) pursuant to "Regional District of Nanaimo Zoning and Subdivision Bylaw No. 1285, 2002 (*see Attachment No. 1 for location of subject property*). The subject property is relatively flat and currently contains a number of commercial uses. Surrounding land uses include Commercial zoned parcels to the east and west, the Alberni Highway and Commercial and Village Residential zoned parcels to the north, and Village Residential zoned parcels to the south.

As the Board may recall, the adoption of the Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002 involved an extensive public consultation process with residents, property owners, stakeholders, municipal, and provincial agencies. During this process, the applicants submitted documentation to support a request for C-3 zoning following the first draft of Bylaw No. 1285. The applicants declared a number of commercial uses that had historically taken place on the subject property including retail, auto body repair and painting, marine engine repairs and related storage, campground area, the storage of boats and a residential dwelling. During the Zoning Bylaw No. 1285 adoption process an error was made and the property was mapped as C-1 rather than C-3. The applicants did not learn about the error until sometime later and have therefore applied to have this error amended.

## ALTERNATIVES

1. To approve the amendment bylaw as submitted for 1<sup>st</sup> and 2<sup>nd</sup> reading and waive the Public Hearing for Amendment Bylaw 1285.10, 2007.
2. To approve the amendment bylaw as submitted for 1<sup>st</sup> and 2<sup>nd</sup> reading and proceed to a Public Hearing for Amendment Bylaw 1285.10, 2007.
3. To deny the amendment application as submitted.

## OFFICIAL COMMUNITY PLAN IMPLICATIONS

The subject property is currently designated Comprehensive Mixed Use within the Coombs Village Centre pursuant to the "Regional District of Nanaimo Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999" (OCP). The Village Centre designation policies support a mix of uses compatible with the Village Centre without an amendment to the OCP. This zoning amendment is consistent with the OCP as its purpose is to rezone the parcel to recognize a number of commercial uses that currently exist on the subject property.

## PUBLIC CONSULTATION IMPLICATIONS

This is an amendment to Bylaw No. 1285; therefore, a public hearing is generally required pursuant to Section 890 of the *Local Government Act*. However, Section 890.4 of the *Local Government Act* allows local governments to waive the requirement for a public hearing where an Official Community Plan is in effect for the area subject to the proposed bylaw and where the bylaw is consistent with the Official Community Plan. This amendment is consistent with the Regional District of Nanaimo Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999".

## VOTING

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

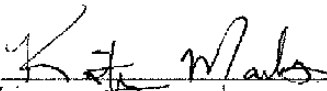
## SUMMARY

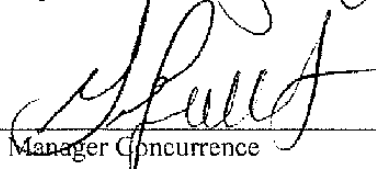
This is an application to correct a mapping error made when Zoning Bylaw No. 1285 was adopted in 2002. The Regional District has records that the applicants submitted documentation declaring a number of commercial uses on the subject property, consistent with the C-3 zone, following the first draft of Bylaw No. 1285. No new development is proposed at this time and rezoning the property will legalize a number of commercial uses that have existed on the property for several years. The subject property is located within the Comprehensive Mixed Use within the Coombs Village Centre and the application for rezoning is consistent with the policies of the OCP.

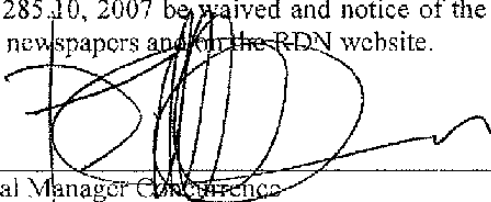
Given that this amendment will correct a previous error and that the application is consistent with the OCP, staff recommends approval of the application and waiving the public hearing pursuant to the requirements of the *Local Government Act*.

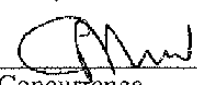
**RECOMMENDATIONS**

1. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 1285.10, 2007", be given 1<sup>st</sup> and 2<sup>nd</sup> reading.
2. That the Public Hearing for the proposed Bylaw No. 1285.10, 2007 be waived and notice of the intent to adopt the amendment be published in the local newspapers and on the RDN website.

  
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Report Writer

  
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Manager Concurrence

  
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General Manager Concurrence

  
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CAO Concurrence

COMMENTS:





**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1285.10**

**A Bylaw to Amend Regional District of Nanaimo  
Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002**

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

A. ~~SECTION 4 ZONES, SCHEDULE 'B', ZONING MAP~~ is hereby amended by rezoning from (C-1) Commercial 1 to (C-3) Commercial 3 the land legally described as:

Lot 21, District Lot 143, Nanoose Land District, Plan 2064, Except part in Plan 167R as shown in heavy outline on Schedule '1' which is attached to and forms part of this Bylaw.

This Bylaw may be cited as "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.10, 2008".

Introduced and read two times this

Public Hearing waived pursuant to Section 890.4 of the *Local Government Act*.

Read a third time this

Adopted this

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Chairperson

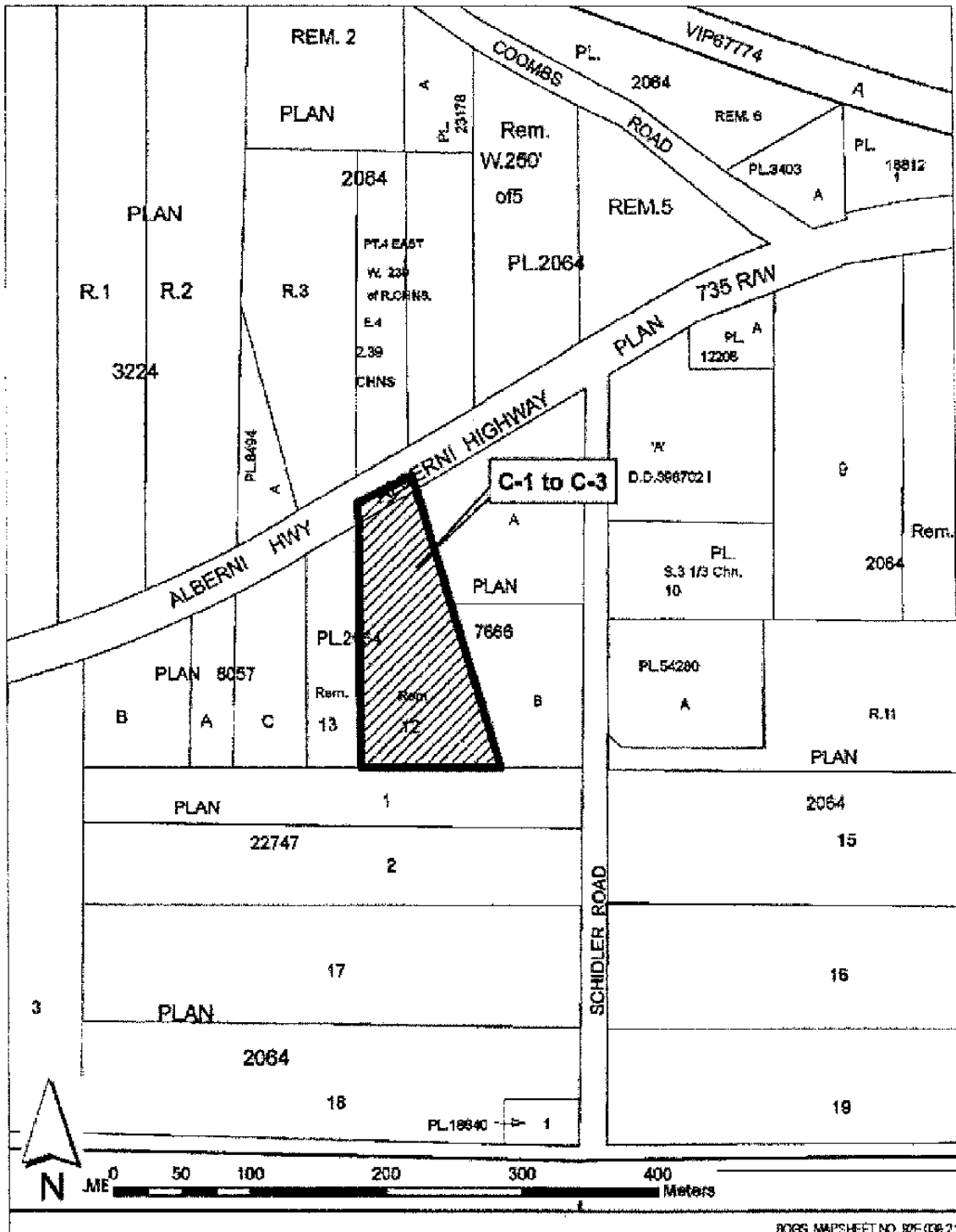
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Sr. Mgr., Corporate Administration

Schedule '1' to accompany "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.10, 2008"

Chairperson

Sr. Mgr., Corporate Administration





RDN REPORT	
CAO APPROVAL	
EAP	✓ J.M. Oth
COW	
DEC 24 2007	
RHD	
BOARD	

MEMORANDUM

**TO:** Geoff Garbutt  
Manager, Current Planning

**DATE:** December 17, 2007

**FROM:** Susan Cormie  
Senior Planner

**FILE:** 3060 30 60665  
c/r 3320 20 24579

**SUBJECT:** Development Permit Application No. 60665 & Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement  
Applicant: H & F Ventures Ltd. / Agcnt: CO Smythies, BCLS  
Electoral Area 'E' – adjacent to Matthew Road

PURPOSE

To consider an application for a development permit within the Watercourse Protection Development Permit Area and to consider a request to relax the minimum 10% frontage requirement for 3 of proposed parcels in conjunction with a 5-lot subdivision application on a parcel in located in Electoral Area 'E'.

BACKGROUND

The parent parcel, legally described as Block 668, Nanoose District, Except Those Parts in Plans 33913, 36480, 36481 & VIP62598, is located in Electoral Area 'E' adjacent to Matthew Road (see Attachment No. 1 for location of subject property).

The parent parcel is zoned Rural 5 (RU5) and is within Subdivision District 'D' pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The applicant is proposed to create 5 parcels all greater than the minimum parcel size of 2.0 ha. Therefore, the minimum parcel size provision of Bylaw No. 500, 1987 will be able to be met. (see schedule No. 2 for proposed subdivision layout)

The parent parcel is designated within the Watercourse Protection Development Permit Area pursuant to the Nanoose Bay Official Community Plan Bylaw No. 1400, 2005, in this case, for the protection of that portion of Nanoose Creek and its riparian area which crosses the parent parcel. A development permit is required to consider the proposed subdivision.

Surrounding land uses include a resource management zoned parcel to the north which is situated within the Provincial Agricultural Land Reserve; Nanoose Creek and rural zoned parcels to the east; Matthew Road and forest reserve zoned lots (Bylaw No. 1285 – Electoral Area 'F') to the south; and rural zoned parcels to the west.

The parent parcel is situated in the Provincial Agricultural Land Reserve.

There are no buildings currently situated on the parcel. The parcels are proposed to be served by individual private wells and septic disposal systems. The parent parcel is within an RDN Building Services Area.

10% Minimum Perimeter Frontage Requirement

Proposed Lots C, D, and the Proposed Remainder of Block 668, as shown on the submitted plan of subdivision, will not meet the minimum 10% perimeter frontage requirement pursuant to section 944 of

the *Local Government Act*. The requested relaxations to the minimum 10% perimeter frontage requirement are as follows:

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% of Perimeter</i>
Lot C	66.9 m	50.0 m	7.5 %
Lot D	81.0 m	12.5 m	1.6 %
Rem. Block 668	163.0 m	74.0 m	4.5 %

As these proposed parcels do not meet the minimum 10% perimeter frontage requirement, pursuant to section 944 of the *Local Government Act*, approval of the Regional Board of Directors is required.

**ALTERNATIVES**

1. To approve Development Permit Application No. 60665, as submitted, subject to the conditions outlined in Schedules No. 1 and 2 and to approve the request for relaxation of the minimum 10% perimeter frontage requirement for proposed Lots C, D, and the Remainder of Block 668.
2. To deny the Development Permit as submitted and provide staff with further direction and to refuse the request for relaxation of the minimum 10% frontage requirement.

**DEVELOPMENT IMPLICATIONS**

*Agricultural Land Reserve Implications*

The Provincial Agricultural Land Reserve Commission has approved the subdivision of the parent parcel as proposed. In keeping with the guidelines of the Land Reserve Commission not to extend roads into the ALR as well as the requirements of the *Land Title Act* to limit roads being extended into ALR lands, there is a limited amount of road dedication to provide access to the proposed new parcels. The Provincial guidelines and regulations support the requested frontage relaxations to serve proposed Lots C & D, and the Remainder of Block 668.

*Ministry of Transportation Implications*

Ministry of Transportation staff has indicated that the proposed frontages are acceptable to the Ministry.

*Site Servicing Implications*

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

The applicant is proposing an individual well for each proposed parcel. 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. It is noted that the applicant, as a result of the Riparian Assessment, has re-engineered the existing drainage / sediment ponds to reduce sediment entering into Nanoose Creek. This will be examined by the Qualified Environmental Professional under the measures to protect the SPEA.

*Future Building Sites Implications*

Buildable site areas will be available for each proposed parcel. As the parcels are located within the Provincial Agricultural Land Reserve, building strata development is not permitted.

## **ENVIRONMENTAL IMPLICATIONS**

The applicant has provided a Riparian Area Assessment prepared by a Qualified Environmental Professional which has been accepted by the Ministry of Environment for the portion of Nanoose Creek crossing the parent parcel. This report establishes a Stream Protection and Enhancement Area (SPEA) of 30.0 metres for the property side of the creek as measured from the high water mark / natural boundary. The report also established a SPEA for an existing drainage ditch at 2.0 metres. The report provides a number of recommendations including:

- no land clearing on the Nanoose Creek floodplain or the adjacent slopes greater than 3:1 slope;
- protection of the SPEA with a conservation covenant;
- mitigative measures be taken during development of the property to avoid sediment in the Creek; and
- development of engineered sediment ponds for proposed Lot C.

In addition, as the Ministry of Environment requires that all Riparian Area Regulation (RAR) reports include a schedule for environmental monitoring, the report recommends that a Sediment Management Plan be developed for the property and implemented during development by a Qualified Environmental Professional (QEP), including site seeding and restoration. This RAR report also recommends that a post development report be forwarded to the RDN outlining whether the conditions set out in this assessment report have been properly implemented and adhered to in accordance with section 5(a) of the RAR. These requirements are included in the Conditions of Approval set out in *Schedule No. 1*.

## **VOTING**

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

## **SUMMARY**

This is a subdivision application involving a development permit for the protection of the riparian area of Nanoose Creek and a request to relax the minimum 10% frontage requirement for 3 of the proposed parcels in conjunction with a 5-lot subdivision for the property located off Matthew Road in Electoral Area 'E'.


The parent parcel is situated within the Provincial Agricultural Land Reserve and the Land Commission has approved the subdivision. The subject property is within the Watercourse Protection Development Permit Area (DPA), in this case, for the purposes of ensuring protection of the riparian area adjacent to Nanoose Creek. The applicant has submitted a Riparian Assessment which has been accepted by the Ministry of Transportation (*see Schedule No. 1 for Conditions of Approval*).

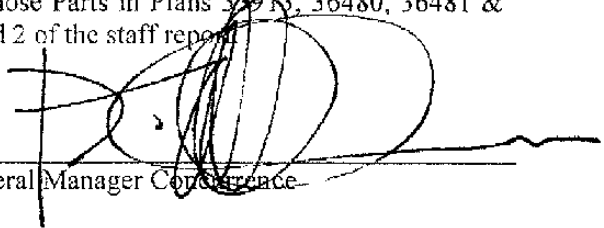
With respect to the request to relax the minimum 10% perimeter frontage for proposed Lots C & D, and the Remainder of Block 668, there will be sufficient area outside the designated SPEA to support intended residential uses. This request is also in keeping with the provincial direction to limit extending roads into ALR lands. The Ministry of Transportation staff has indicated they have no objection to this request for the proposed minimum 10% perimeter frontage relaxations.

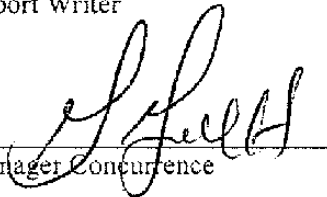
Given that the Provincial Agricultural Land Commission has approved the subdivision; the Ministry of Transportation staff has no objection to this request; and the applicant has provided an accepted Riparian Area Assessment, staff recommends Alternative No. 1 to approve relaxation of the minimum 10% perimeter frontage for proposed Lots C & D and the Remainder of Block 668 and to approve the development permit subject to the conditions outlined in *Schedules No. 1 and 2* of the staff report.

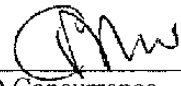
**RECOMMENDATIONS**

1. That Development Permit Application No. 60665 submitted by CO Smythies BCLS, on behalf of H & F Ventures Ltd., in conjunction with the subdivision on the parcel legally described as Block 668, Nanoose District, Except Those Parts in Plans 33913, 36480, 36481 & VIP62598 and designated within the Nanoose Bay OCP Bylaw No. 1400 Watercourse Protection Development Permit Area, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.
2. That the request for relaxation of the minimum 10% frontage requirement for Proposed Lots C, D, and the Remainder of Block 688 in conjunction with the subdivision of the property legally described as Block 668, Nanoose District, Except Those Parts in Plans 33913, 36480, 36481 & VIP62598 be approved subject to Schedules No. 1 and 2 of the staff report.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
General Manager Concurrence

  
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
CAO Concurrence

COMMENTS:

**Schedule No. 1  
Development Permit No. 60665  
Conditions of Approval**

The following sets out the conditions of approval in conjunction with Development Permit No. 60665:

**1. Subdivision**

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

- a. No construction, other than the surveying required for subdivision, shall occur within the riparian area of Nanoose Creek in association with the subdivision development and the following sediment and erosion control measures shall be taken as necessary:
  - i. tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be onsite.
  - ii. direct run off flows away from ponds using swales or low berms.
  - iii. exposed soils must be seeded immediately after disturbance. Soil surfaces to be treated should be roughened.
  - iv. temporary fills or soil stockpiles are to be covered with polyethylene or tarps.

**2. Measures to Protect and Maintain the SPEA**

The applicant shall complete the recommendations set out in Section 4 – Measures to Protect and Maintain the SPEA of the Riparian Area Assessment No. 292 prepared by Steven Toth and dated 2006-11-15 (to be attached to and forming part of this permit) to the satisfaction of a Qualified Environmental Professional with written confirmation of completion of these works submitted to the Regional District of Nanaimo.

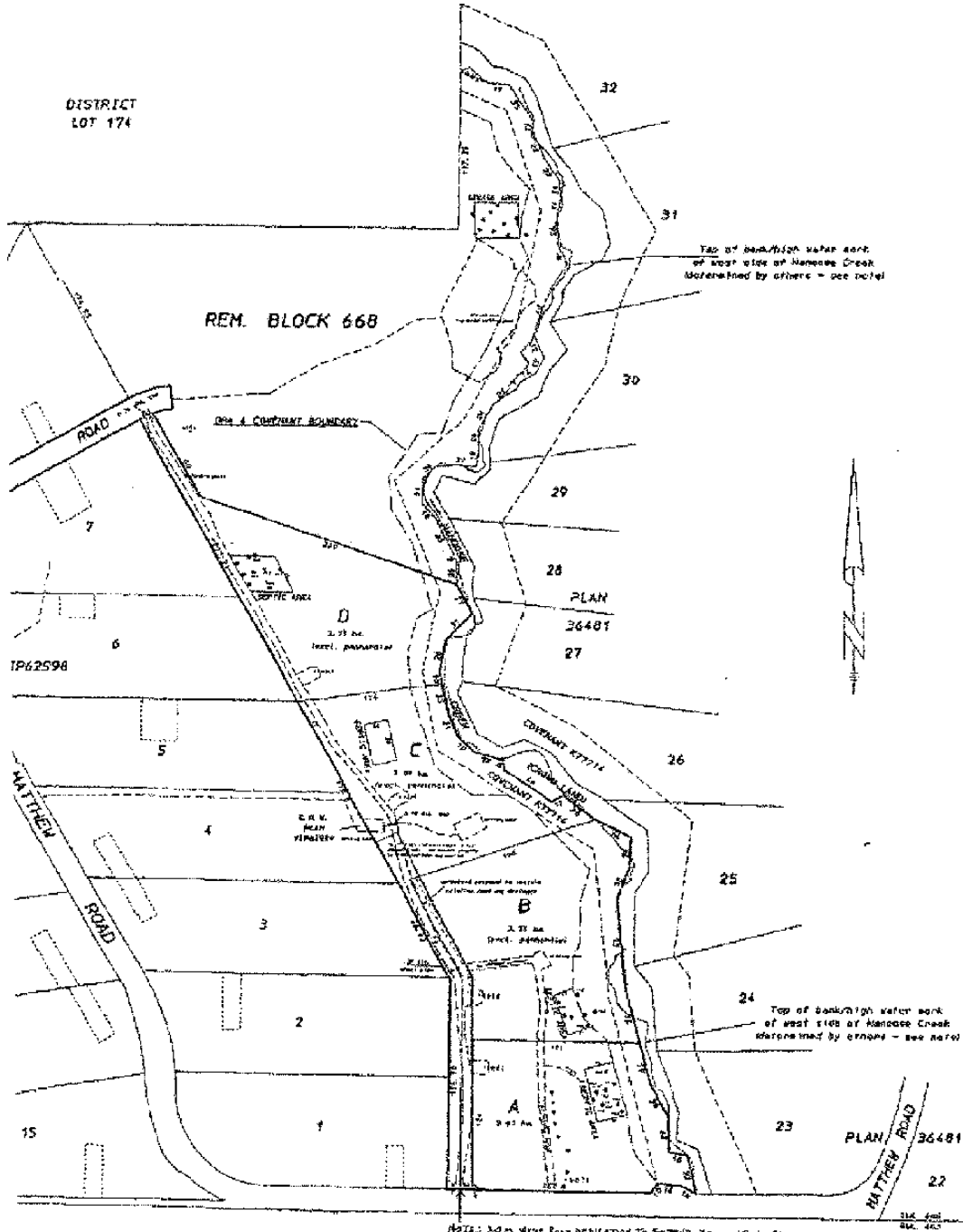
**3. Environmental Monitoring**

The applicant shall complete the recommendations concerning the development of a Sediment Management Plan as set out in Section 5 – Environmental Monitoring of the Riparian Area Assessment No. 292 prepared by Steven Toth and dated 2006-11-15 to the satisfaction of a Qualified Environmental Professional with written confirmation of completion submitted to the Regional District of Nanaimo.

**4. No Land Clearing**

There shall be no land clearing within the SPEA area and on slopes adjacent to Nanoose Creek greater than 3:1 slope.

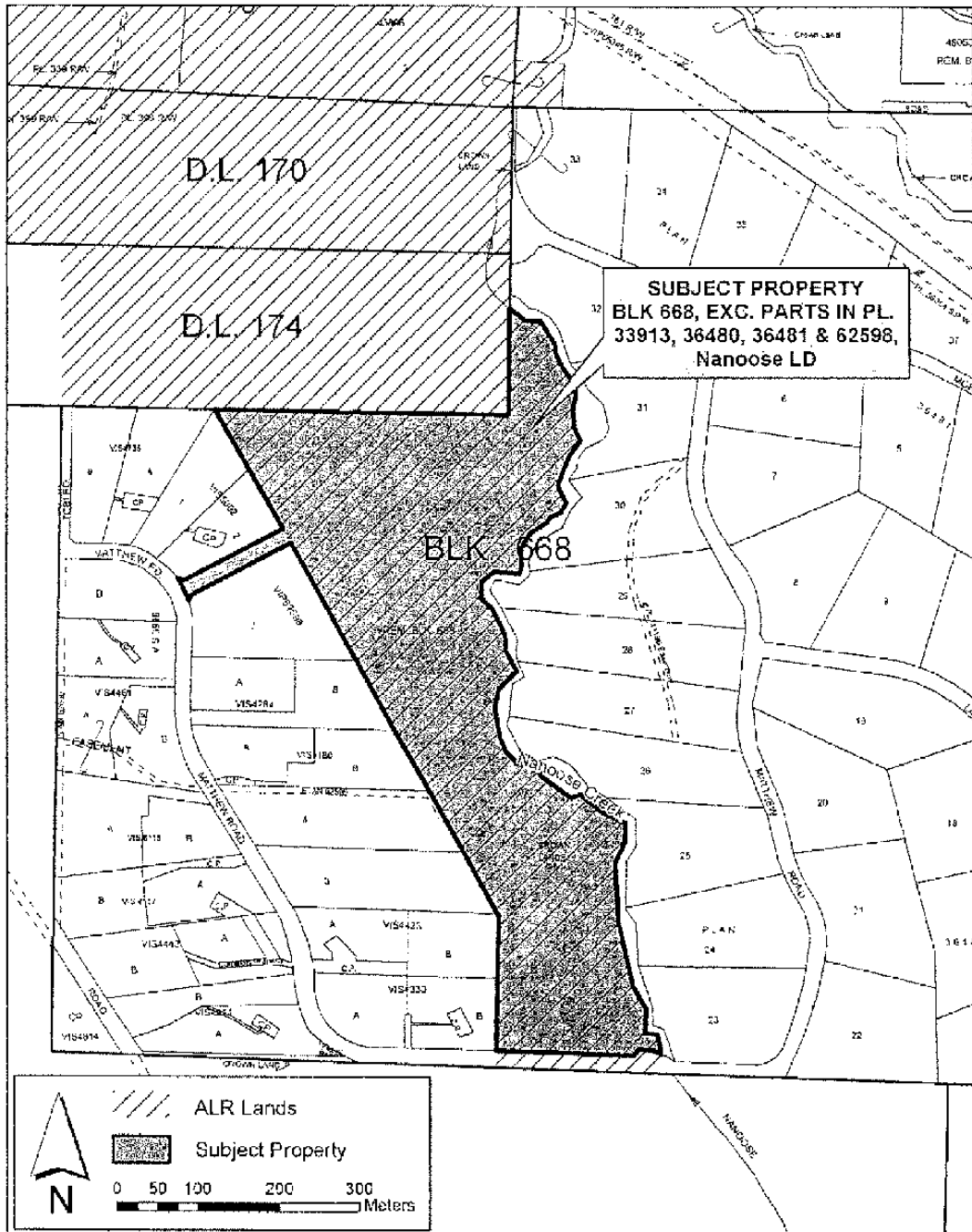
**Schedule No. 2**  
**Development Permit No. 60665**  
**Proposed Plan of Subdivision**  
 (as submitted by applicant)



NOTE: All lots are subject to the provisions of the Development Permit No. 60665 and the Subdivision Act, 1988. The applicant is responsible for ensuring that all lots comply with the requirements of the Act and the Development Permit. The applicant is also responsible for ensuring that all lots are properly surveyed and that the boundaries are clearly marked. The applicant is also responsible for ensuring that all lots are properly titled and that the title is in accordance with the requirements of the Act and the Development Permit.



**Attachment No. 1**  
**Development Permit No. 60665**  
**Location of Subject Property**



BCGS MAPSHEET NO 92F.329.4.2



EAP		✓	Jan 8th
COW			
JAN 02 2008			
RMD			
BOARD			

**MEMORANDUM**

**TO:** Geoff Garbutt  
Manager of Current Planning

**DATE:** December 17, 2007

**FROM:** Kristy Marks, Planner

**FILE:** 3060 30 60731

**SUBJECT:** Development Permit Application No. 60731 – Seeger  
Lot 2, District Lot 85, Newcastle District, Plan VIP56628  
Electoral Area 'H' – 6760 Island Highway West

**PURPOSE**

To consider an application for a Development Permit with variance to permit the demolition of an existing residential dwelling and the construction of a new dwelling on a property located at 6760 Island Highway West.

**BACKGROUND**

This is an application to permit the demolition of an existing residential dwelling and the construction of a new residential dwelling at 6760 Island Highway West in Electoral Area 'H' (see subject property map - Attachment 1). The subject property is a heavily vegetated lot, traversed by Bowser Creek (or Wildwood Creek), which incises a ravine in a west to east direction through the southern portion of the property. The parcel is approximately 0.17 hectares in size, bounded by the Island Highway to the northeast and residential properties on all other sides.

Pursuant to "Regional District of Nanaimo Electoral 'H' Official Community Plan Bylaw No. 1335, 2003" the subject property is within the Environmentally Sensitive Features for Aquifer and Watercourse Protection, Fish Habitat Protection and Highway Corridors Development Permit Areas (DPA). This application is exempt from the provisions of the Aquifer and Highway Corridors Development Permit Areas as this is an application to construct a single residential dwelling.

The applicant has completed the "Sustainable Community Builder Checklist", as per Board policy.

*Property Information*

<b>Location:</b>	6760 Island Highway West, Electoral Area 'H'
<b>Legal:</b>	Lot 2, District Lot 85, Newcastle District, Plan VIP56628
<b>Size of Property:</b>	0.17 ha

*RDN Regulations*

<b>Zoning Designation:</b>	Residential 2 (RS2M)	<b>Dwelling Units/Parcel:</b>	1
<b>OCP/OCP Bylaw No:</b>	Bylaw No. 1335, 2003	<b>Parcel Coverage:</b>	35%
<b>OCP Designation:</b>	Rural Residential	<b>Site Area Requirements:</b>	N/A
<b>Zoning Setbacks:</b>	9.0 metres horizontal distance from the top of the slope or the first significant and regular break in the slope on parcels with an average slope greater than 5% adjacent to or containing a watercourse		
	8.0 metres setback from the front lot line, 2.0 metres setback from interior side and rear lot line, 5.0 metres from other lot lines		
<b>Proposed Uses:</b>	Residential dwelling		

## ALTERNATIVES

1. To approve the Development Permit with variance as requested subject to the conditions outlined in Schedules No. 1-4 and subject to the Board's consideration of comments received after public notification.
2. To deny the Development Permit with variance as requested.

## PROPOSED VARIANCE

With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," is proposed to be varied as follows:

1. **Section 3.3.8 (b), Setback – Watercourses** is requested to be varied by reducing the minimum setback requirement from the top of the slope or the first significant and regular break in the slope from 9.0 metres horizontal distance to 5.0 metres horizontal distance to permit the construction of a residential dwelling in the location as shown on *Schedule No. 2* and generally constructed as shown on *Schedule No. 3*.

## LAND USE AND DEVELOPMENT IMPLICATIONS

### *Board Policy B1.5*

Regional District of Nanaimo Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Policy B1.5 Evaluation provides staff with guidelines for reviewing and evaluating development variance permit applications. The policy requires that the potential impacts of the variance are warranted by the need for the variance.

The applicants have provided the following justifications for the proposed setback variance:

- Relaxation of the setback from the top of the bank is requested in order to maintain minimum distance from interior side lot line,
- The applicant has submitted a geotechnical report prepared by Lewkowich Geotechnical Engineering Ltd which recommends a 5 m setback from the top of the bank,
- Proposed development is taking place outside the Streamside Protection and Enhancement Area (SPEA) determined by the Qualified Environmental Professional (QEP).

### *Land Use Implications*

As outlined above, the applicant is proposing to demolish an existing residential dwelling and construct a new residential dwelling on the subject property. The applicant is proposing to leave the existing foundation and concrete structures in place in order protect the creek and bank. The foundation of the new residence would overlap the footprint of the existing dwelling but will be located further upslope. The location of the proposed dwelling within the lot is outlined on *Schedule No. 2*. Building elevations for the proposed dwelling are shown on *Schedule No. 3*.

A geotechnical site report, prepared by Lewkowich Geotechnical Engineering Ltd. and dated December 9, 2007, was completed for the purposes of assessing soil conditions and the existing foundation as well as addressing the geotechnical aspects of the new residential development (*Schedule No 4*). This report recommends leaving the existing foundation and concrete structures in place in order to protect the creek bank and its associated slope. Staff recommends that the applicant be required to register a Section 219 covenant that registers the Geotechnical Report on the title of the property. The covenant would include a save harmless clause that releases the Regional District of Nanaimo from all losses and damages that may occur to the structure.

**Environmental Implications**

The subject property is traversed by Bowser Creek (or Wildwood Creek) which flows into the Strait of Georgia and both the existing dwelling and the proposed new dwelling are located within the Fish Habitat Protection DPA. 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*. This report, prepared by Nigel Cavanagh, R.P. Biologist of EBA Engineering Consultants and dated October 2, 2007, has been accepted by the Ministry of Environment and meets the requirements of the Fish Habitat Protection DPA. The QEP has identified the Streamside Protection and Enhancement Area (SPEA) to be 10.5 metres measured horizontally from the high water mark plus 5 metres measured horizontally from the top of the bank (based on the previous geotechnical assessment). The existing dwelling is partially located within the SPEA and the proposed new dwelling would be located 5.0 metres from the Top of Bank, outside the SPEA.

The RAR report includes a number of recommendations in order to protect the SPEA including sediment and erosion control and a stormwater management plan. In addition, the Ministry of Environment requires that all RAR reports include a schedule for environmental monitoring; the report recommends that a part-time environmental monitor (EM) be retained to give guidance during demolition and construction and for implementation of the detailed erosion and sediment control plan. The Ministry of Environment further requires that a post development report be prepared after the construction is complete and that this report be submitted to the electronic Notification System. These requirements are included in the Conditions of Approval set out in *Schedule No. 1*.

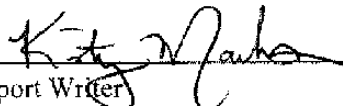
**SUMMARY/CONCLUSIONS**


This is an application for a Development Permit with variance to permit the demolition of an existing residential dwelling and the construction of a new residential dwelling on a property located at 6760 Island Highway West.

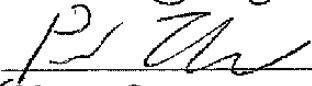
In staff's assessment, this proposal is consistent with the "Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" guidelines of the Fish Habitat Protection and Environmentally Sensitive Features Development Permit Areas. Given the restrictive building envelope due to the ravine and watercourse, lack of impacts on adjacent properties related to the requested setback variance, and the recommendations of the Riparian Areas Assessment and Geotechnical Site Report, staff recommends approval of this application subject to the conditions outlined in *Schedules No. 1-4* and the notification requirements of the *Local Government Act*.

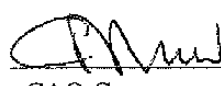
**RECOMMENDATION**

That Development Permit Application with Variance No. 60731, to permit the demolition of an existing residential dwelling and the construction of a new residential dwelling on the property legally described as Lot 2, District Lot 85, Newcastle District, PlanVIP56628, and designated within the Environmentally Sensitive Features for Watercourse Protection and Fish Habitat Protection Development Permit Areas pursuant to "Regional District of Nanaimo Electoral 'H' Official Community Plan Bylaw No. 1335, 2003", be approved subject to the conditions outlined in *Schedules No. 1-4* and the notification requirements of the *Local Government Act*.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
General Manager Concurrence

  
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
CAO Concurrence

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**Schedule No. 1**  
**Terms of Development Permit No. 60731**

***Bylaw No. 500, 1987 – Requested Variance***

With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," is proposed to be varied as follows:

1. **Section 3.3.8 (b), Setback – Watercourses** is varied by reducing the minimum setback requirement from the top of the slope or the first significant and regular break in the slope from 9.0 metres horizontal distance to 5.0 metres horizontal distance to permit the construction of a residential dwelling in the location as shown on *Schedule No. 2* and generally constructed as shown on *Schedule No. 3*.

***Conditions of Approval:***

1. The dwelling unit shall be sited in accordance with the site plan prepared by Sims Associates attached as *Schedule No. 2*.
2. The dwelling unit elevations shall be developed in accordance with the Building Elevations prepared by Diron Design & Drafting Services dated November 8, 2007 attached as *Schedule No. 3*.
3. The applicant shall develop the subject property in accordance with the recommendations established in the geotechnical engineer's report dated December 9, 2007 prepared by Lewkowich Geotechnical Engineering Ltd. attached as *Schedule No. 4*.
4. Staff shall withhold the issuance of this permit until the applicant, at the applicant's expense, registers a Section 219 covenant that registers the Geotechnical Report prepared by Lewkowich Geotechnical Engineering Ltd., dated December 9, 2007 and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of erosion and/or landslide.
5. The applicant shall develop the subject property in accordance with the recommendations established in the Riparian Areas Regulation Assessment Report prepared by Nigel Cavanagh, R.P. Biologist of EBA Engineering Consultants and registered with MoE on October 2, 2007).

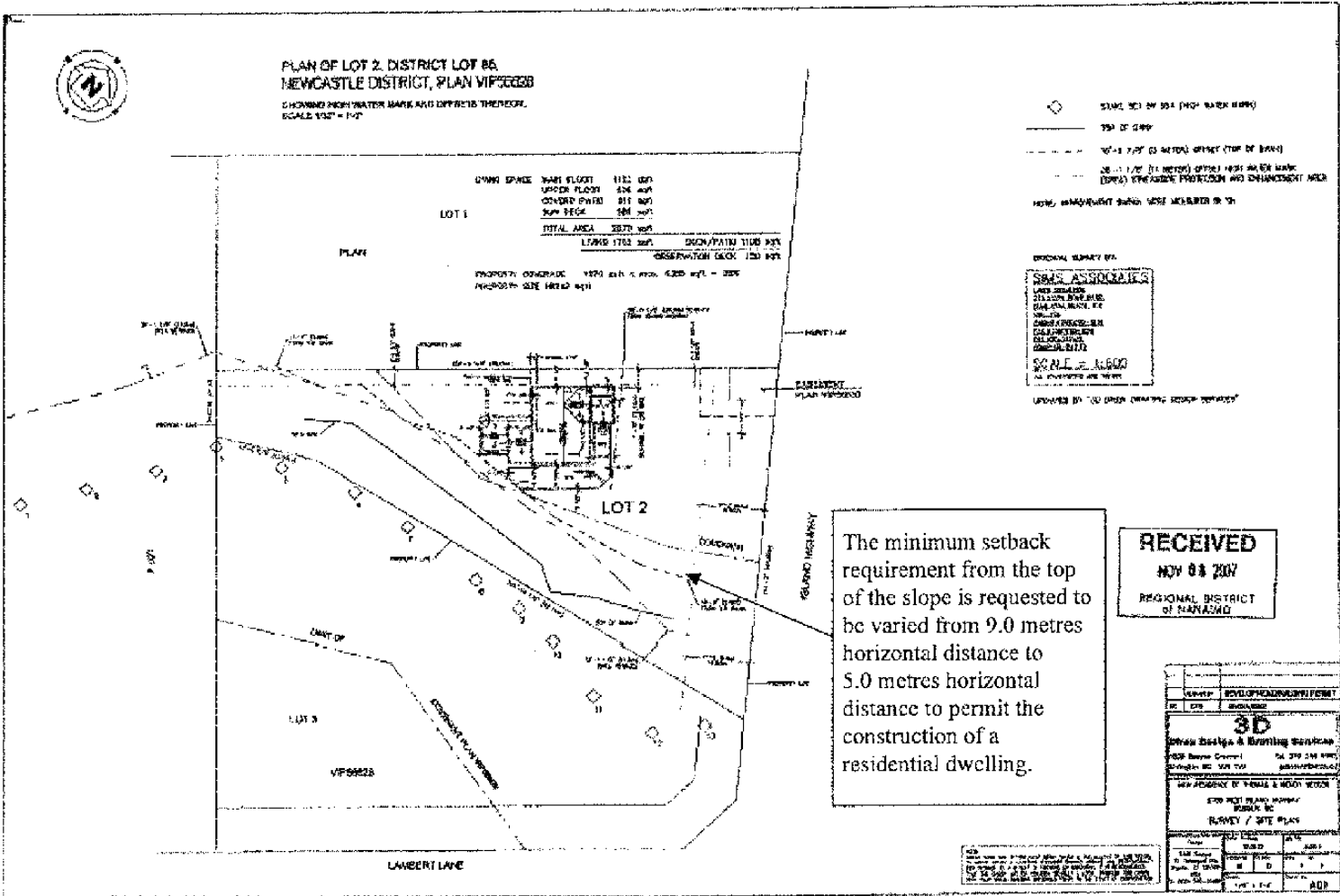
6. **Measures to Protect and Maintain the SPEA**

The applicant shall complete the recommendations set out in Section 4 – Measures to Protect and Maintain the SPEA of the Riparian Area Assessment No. 620 prepared by EBA Engineering Consultants and dated October 2, 2007 (*attached as Schedule No. 5*) to the satisfaction of a Qualified Environmental Professional with written confirmation of completion of these works submitted to the Regional District of Nanaimo.

7. **Environmental Monitoring**

The applicant shall complete the recommendations concerning the retention of a environmental monitor (EM) during the demolition and construction and the implementation of a detailed erosion and sediment control plan as set out in Section 5 – Environmental Monitoring of the Riparian Area Assessment No. 620 prepared by EBA Engineering Consultants and dated October 2, 2007 to the satisfaction of a Qualified Environmental Professional with written confirmation of completion submitted to the Regional District of Nanaimo.

Schedule No. 2  
 Location of Dwelling



Schedule No. 3  
 Elevations

The image contains two architectural elevation drawings of a building. The left drawing shows a side elevation with a gabled roof and a porch. The right drawing shows a front elevation with a similar gabled roof and a porch. Both drawings include numerous dimension lines and annotations. A 'RECEIVED' stamp is located in the lower right quadrant of the drawing area. Below the drawings is a series of tables and text blocks containing project information, including dates, names, and contact details.

**RECEIVED**  
 NOV 13 2007  
 REGIONAL DISTRICT  
 OF HASTINGS

DATE: 11/13/07	BY: [Signature]
PROJECT: [Project Name]	LOCATION: [Address]
CLIENT: [Client Name]	ARCHITECT: [Firm Name]
DATE: 11/13/07	BY: [Signature]
PROJECT: [Project Name]	LOCATION: [Address]
CLIENT: [Client Name]	ARCHITECT: [Firm Name]

3D  
 [Firm Name]  
 [Address]  
 [Phone Number]  
 [Email Address]

The image contains architectural drawings for a house. At the top is a side elevation showing a two-story structure with a gabled roof, a chimney, and a porch. Below it is a front elevation showing a similar two-story house with a prominent front porch and a gabled roof. To the right of the front elevation is a 'RECEIVED' stamp dated 'NOV 17 2007' from the 'REGIONAL DISTRICT of WAHIAHO'. Below the drawings is a title block with the following information:

**3D**  
 Dana Design & Drafting Services  
 1010 Kalia Road, Suite 100, Honolulu, HI 96813  
 Phone: (808) 941-1111  
 Fax: (808) 941-1112  
 Email: dda@dana3d.com  
 Website: www.dana3d.com

**DEVELOPMENTAL FORM**  
 PROJECT NO. 60731  
 PROJECT NAME: 3D  
 PROJECT ADDRESS: 1010 KALIA ROAD, SUITE 100, HONOLULU, HI 96813  
 PROJECT CONTACT: DANA DESIGN & DRAFTING SERVICES  
 PROJECT CONTACT PHONE: (808) 941-1111  
 PROJECT CONTACT EMAIL: dda@dana3d.com  
 PROJECT CONTACT WEBSITE: www.dana3d.com  
 PROJECT CONTACT ADDRESS: 1010 KALIA ROAD, SUITE 100, HONOLULU, HI 96813



**Schedule No. 4  
Geotechnical Site Report**



**Lewkowich Geotechnical Engineering Ltd.**

**GEOTECHNICAL SITE REPORT**

Tom & Wendy Seeger  
P.O. Box 33,  
Bowser, BC  
V0R 1G0

File: G3111.02  
December 9, 2007

**ATTENTION: Mr. Tom Seeger**

**PROJECT: RESIDENCE, 6760 WEST ISLAND HIGHWAY, BOWSER, B.C.**

**SUBJECT: ADDENDUM TO LGE REPORT G3111.01, DATED AUG. 23, 2005  
RE: EXISTING FOUNDATION ASSESSMENT**

1. As requested, Lewkowich Geotechnical Engineering Ltd. has conducted an inspection of the existing residence foundation, October 30, 2007, at the above noted project. The purpose of the visit was to assess the soils conditions and the existing foundation (of which the above lying residence is to be demolished) in relation to the stability of adjoining creek bank and also to address geotechnical aspects of the new residential development and its effect on the property. The scope of the study is limited to the question of whether it is more beneficial (with respect to the stability of the creek bank and slope) to remove the existing foundation and concrete structures or to leave them in place and to the geotechnical concerns the new development may have on the property as a whole. A Riparian Assessment Report (RAR), prepared by ERA Engineering Consultants, dated October 2, 2007 has been supplied by the client for supplementary information. It is understood that a new residence is to be constructed (within specified setbacks) immediately up slope of the existing residence.
2. The site visit revealed several concrete structures, slabs, footings, related to the existing residence, on and atop the west creek bank, that is on the east side of the property. The creek bank itself was noted to possess approximately 5-6m of vertical relief over a run of about 10m. Abundant vegetation made accurate measurement of slope topography difficult. The creek bank itself revealed dark brown, moist, dense, silty gravel at several exposed locations through the dense cover of vegetation. Of note was evidence of movement or subsidence towards the creek of a segment of soils (the active area being

Suite A - 2569 Kenworth Road, Nanaimo, British Columbia, V9T 3M4  
Telephone: (250) 756-0355 Facsimile: (250) 756-3831

CLIENT: Tom & Wendy Seeger  
PROJECT: 6760 West Island Highway, Bowser, B.C.

File: G3111.02  
December 9, 2007

Page 2 of 4

approximately 4m square in area) in the area of the south east corner of residence. The property as a whole was well covered with established vegetation that included ivy, salal, bamboo and mature trees. The exposed soil on the creek bank was noted to be moderately resistant to erosion but does benefit from the existing vegetation and concrete structures.

3. The RAR, prepared by EBA Engineering Consultants, dated October 2, 2007, states in Section 4 the following measure to protect the riparian area, pertaining to Slope Stability: "*Previous geotechnical assessments were conducted in 1992, 1993 and 2005 (reports are attached here). These assessments determined that buildings should be located 5m from the top of bank to address slope stability issues. Therefore this setback must be applied to protect the stream banks*". Also stated is: "*Proposed development will not include disturbance in the SPEA during the construction phase. The existing structure, that is proposed to be demolished, is partially located within the SPEA. During demolition the following measures should be implemented to protect the SPEA: -Equipment will operate from outside the SPEA and debris will be removed off-site; -Existing vegetation will be minimally disturbed; -If removal of these structures could cause significant bank disturbance, the in-ground portion of these should be left intact; -All waste generated during demolition must be disposed at a properly licensed off-site facility; -A fence or other continuous barrier should be installed at the SPEA boundary to delineate the outer limit of the SPEA following demolition of the existing structure. A timber post fence at least 0.5 m in height is recommended*". It is noted that the existing structures should be left intact if removal of these structures could cause significant bank disturbance. It is LGE's opinion that is a reasonable statement. The segment concerning "Sediment and Erosion Control", (not repeated here) also appears reasonable.
4. Removing the existing concrete structures would necessitate replacement retaining structures to be designed and installed to control erosion and to retain the soils of the slope, therefore it is recommended that the existing concrete structures be preserved to protect the creek bank and its associated slope. High creek levels or heavy water flows across the property towards the creek may exacerbate the movement of the noted active area. This area should be monitored and if additional movement is noted, this office should be contacted, in order to provide additional recommendations.

CLIENT: Tom & Wendy Seeger  
PROJECT: 6760 West Island Highway, Bowser, B.C.

File: G3111.02  
December 9, 2007



Page 3 of 4

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5. Although the RAR wishes to limit activity in the riparian zone during construction, the practice of landscaping and revegetation may improve creek habitat and prevent a significant failure of the creek slope in the subject area. Generally speaking, it may be prudent, proactive and the most economical to place a course of 0.9 - 1.2m class rock and additional rock facing at the toe of the creek bank slope in the area of the active segment, during the construction phase of new residence. The new landscaped surface may then have suitable vegetation and soil, as required, resupplied. This would require getting the proper permits from the appropriate entities. This is not a recommendation, only a suggestion of a proactive, preventative measure. Further study would be required in order to provide specific, detailed recommendations concerning the potentially active zone.
6. It is understood that the foundation for the new residence will be within a defined area away from the creek. It is recommended to found the footings of the new residence at least 1.5m below the present grade of the building footprint, to provide an additional measure of safety against undermining by the creek in the distant future. The excavation soils should be assessed during construction, prior to the placement of the footing concrete, by qualified geotechnical personnel.
7. Drainage around the residence should be well defined. Surface water around the building area should be directed away and should not be allowed to stand within 2m of the foundation.

CLIENT: Tom & Wendy Seeger  
PROJECT: 6760 West Island Highway, Bowser, B.C.

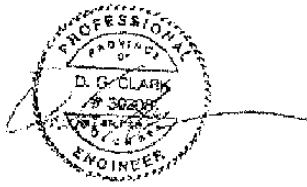
File: G3111.02  
December 9, 2007

Page 4 of 4

8. It is LGE's opinion that the subject property is geotechnically safe and suitable for the intended purpose (defined for the purposes of this report as the residential development), considering a probability of a failure of 2 percent in 50 years, with the exception of seismic events where a probability of occurrence of 10 percent in 50 years is considered safe, providing the recommendations in this report and those provided within the previously noted RAR are met.

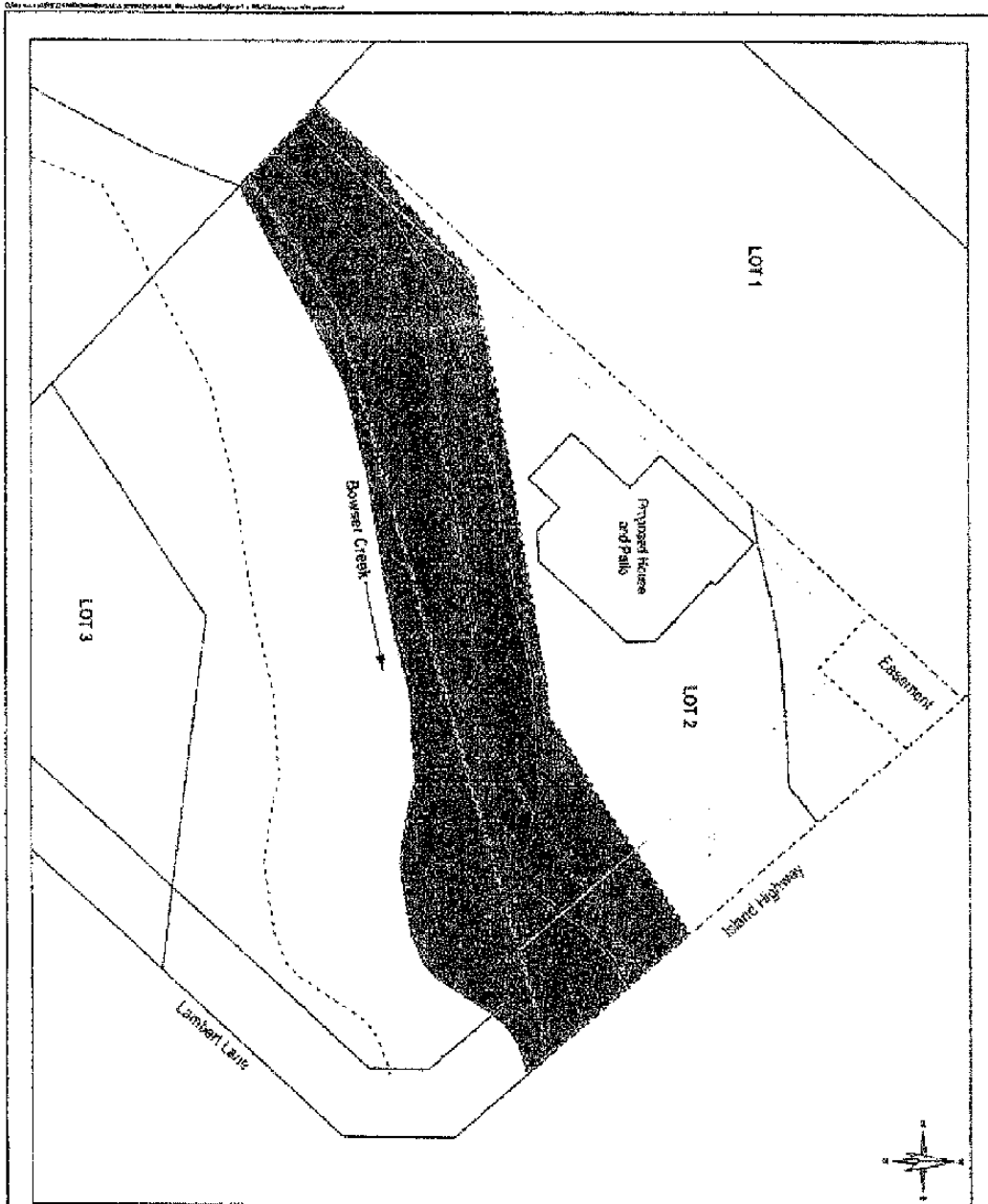
9. Lewkovich Geotechnical Engineering Ltd. appreciates the opportunity to be of service on this project. If you have any comments, or if we can be of further assistance, please contact us at your convenience.

Respectfully Submitted,  
Lewkovich Geotechnical Engineering Ltd.



Darrol G. Clark, P. Eng.  
Geotechnical Engineer

Lewkovich Geotechnical Engineering Ltd.



**LEGEND**

- Subject Property
- Property Lines
- Easement
- Conversion Line
- Proposed House and Deck Footprint
- Top of Bank
- High Water Mark
- Spreader Assessment Area
- Spreader Assessment Area (20m from HWM)
- Dike Stability (5m from Top of Bank)
- Large Woody Debris (10m from HWM)
- Literfall and Forest Drop (11m from HWM)
- Shrub (11m from south of HWM)
- Streambed Production and Enhancement Area (SPECA)

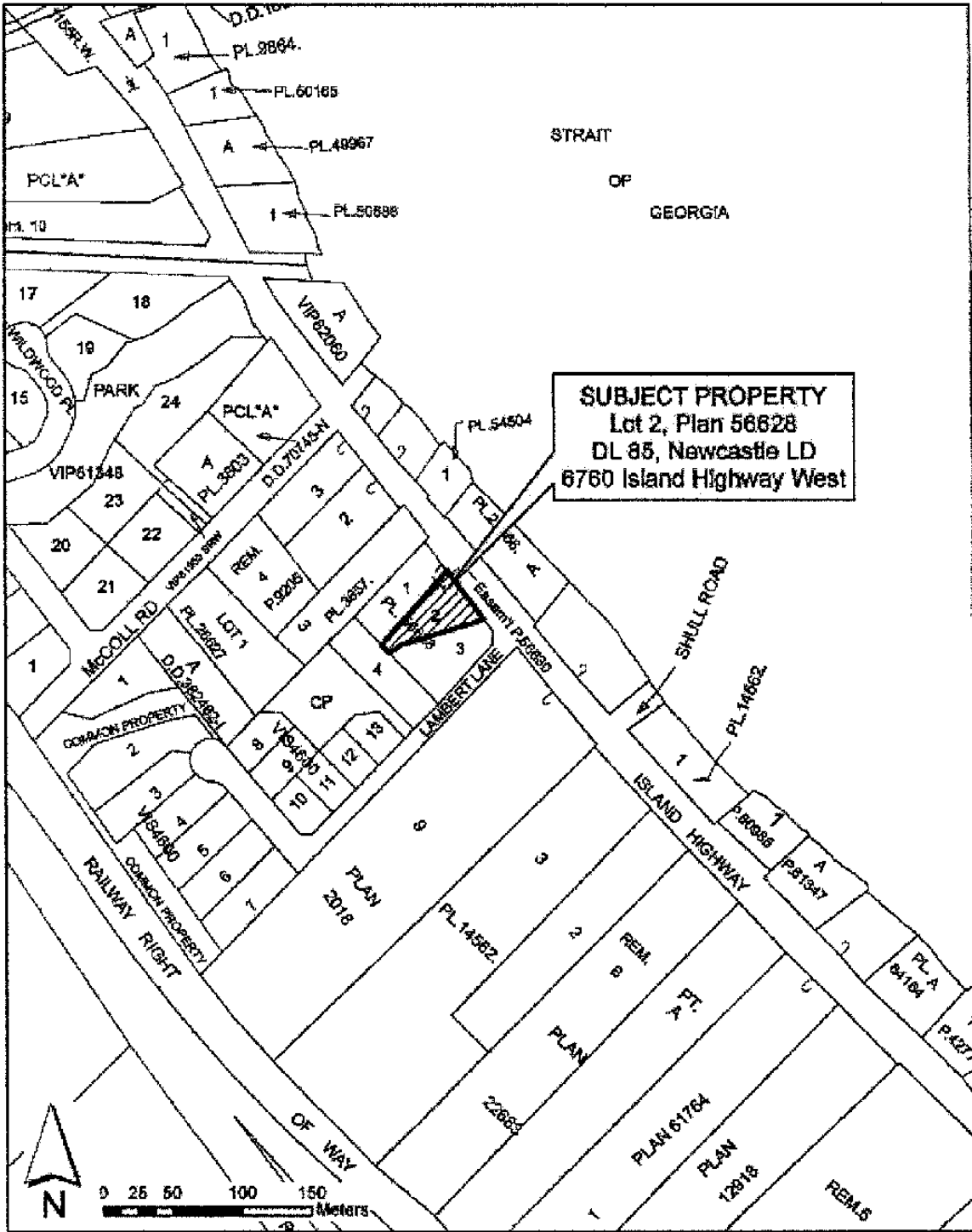
**NOT TO SCALE**  
 This map was prepared for the purpose of providing information only. It is not intended to be used as a legal document. The user of this map should consult with the appropriate regulatory agency for the most current information.

**RESULTS OF THE RISK ASSESSMENT AT THE WEST ISLAND HIGHWAY BOUVERIE DRIVE**

**Results of the Riparian Area Regulatory Assessment**  
 Date: 12/13/07  
 Assessor: Mr. Tom Steeger

Category	Score	Weight	Total Score
Bank Stability	1	10	10
Bank Erosion	1	10	10
Bank Vegetation	1	10	10
Bank Sedimentation	1	10	10
Bank Shading	1	10	10
Bank Structure	1	10	10
Bank Width	1	10	10
Bank Height	1	10	10
Bank Slope	1	10	10
Bank Material	1	10	10
Bank Composition	1	10	10
Bank Permeability	1	10	10
Bank Porosity	1	10	10
Bank Density	1	10	10
Bank Strength	1	10	10
Bank Cohesion	1	10	10
Bank Adhesion	1	10	10
Bank Friction	1	10	10
Bank Compression	1	10	10
Bank Tension	1	10	10
Bank Shear	1	10	10
Bank Normal	1	10	10
Bank Moment	1	10	10
Bank Torque	1	10	10
Bank Power	1	10	10
Bank Energy	1	10	10
Bank Entropy	1	10	10
Bank Information	1	10	10
Bank Knowledge	1	10	10
Bank Wisdom	1	10	10
Bank Understanding	1	10	10
Bank Awareness	1	10	10
Bank Perception	1	10	10
Bank Sensation	1	10	10
Bank Emotion	1	10	10
Bank Behavior	1	10	10
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Bank Belief	1	10	10
Bank Opinion	1	10	10
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Bank Reaction	1	10	10
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Bank Interaction	1	10	10
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Bank Tie	1	10	10
Bank Bond	1	10	10
Bank Join	1	10	10
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Bank Associate	1	10	10
Bank Relate	1	10	10
Bank Compare	1	10	10
Bank Contrast	1	10	10
Bank Distinguish	1	10	10
Bank Differentiate	1	10	10
Bank Separate	1	10	10
Bank Divide	1	10	10
Bank Partition	1	10	10
Bank Allocate	1	10	10
Bank Portion	1	10	10
Bank Share	1	10	10
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Bank Disperse	1	10	10
Bank Scatter	1	10	10
Bank Disseminate	1	10	10
Bank Distribute	1	10	10
Bank Disperse	1	10	10
Bank Scatter	1	10	10
Bank Disseminate	1	10	10

Attachment No. 1  
Location of Subject Property





CAO APPROVAL		OK
EAP	✓	Jan. 31st
COW		
DEC 24 2007		
RHD		
BOARD		

**MEMORANDUM**

**TO:** Geoff Garbutt  
Manager, Current Planning

**DATE:** December 21, 2007

**FROM:** Susan Cormie  
Senior Planner

**FILE:** 306030 60735  
3320 20 27253

**SUBJECT:** Development Permit Application No. 60735  
Request for Relaxation of the Minimum 10% Frontage Requirement  
Request to Discharge a Section 219 Covenant  
Applicant: Fern Road Consulting Ltd., on behalf of Meade  
Electoral Area 'G' – Lundine Lane

**PURPOSE**

To consider a development permit application, a request to relax the minimum 10% perimeter frontage requirement and a request to discharge an existing section 219 covenant from title as part of a 4-lot subdivision proposal on property in the French Creek area of Electoral Area 'G'.

**BACKGROUND**

This is a subdivision application involving a development permit application, a request to relax the minimum perimeter frontage requirement for 2 of the 4 proposed parcels, and a request to discharge a registered section 219 covenant in conjunction with a proposed subdivision involving the parcel, legally described as Lot 6, District Lot 49, Nanoose District, Plan VIP52245 and located adjacent to Lundine Lane within Electoral Area 'G' (see Attachment No. 1 for location of subject property).

The subject property, which is 5278 m<sup>2</sup> in size, is zoned Residential 1 (RS1) and is within Subdivision District 'Q' (minimum 700 m<sup>2</sup> with community water and community sewer) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The parent parcel is currently supports a house, garage, and studio and is surrounded by residentially zoned parcels and fronts Lundine Lane on the south lot line. A portion of Alexander Brook crosses the parent parcel

There are a number of documents registered on title including a covenant for payment of a yearly rent charge to Breakwater Enterprises Ltd.; a covenant restricting vegetation removal along a 10 m strip adjacent to Lundine Lane, a covenant restricting further subdivision until community sewer is provided; a covenant restricting further subdivision unless an additional sewer capital charge for each lot is paid to the RDN; and a statutory right-of-way for sanitary and storm drainage disposal systems.

The parent parcel is located within the Fish Habitat Protection Development Permit Area pursuant to the French Creek Official Community Plan Bylaw No. 1115, 1998 (OCP). This designation is for the protection of fish habitat, in this case, Alexander Brook, which is located to the northwest of the parent parcel. Given the subdivision proposal, a development permit is required.

The applicant has provided a completed Sustainable Community Builder Checklist as per Board policy. The applicant has provided an environmental review which is consistent with Provincial Riparian Area Regulation and the subdivision represents infill within a fully serviced suburban area.

**Proposed Subdivision Development**

The applicant is proposing to create 4 new parcels, which will be meet the minimum parcel size of 700 m<sup>2</sup> with community water and community sewer service connections being provided to each parcel (see *Schedule No. 2 for proposed subdivision layout*). The parent parcel is located within an RDN Building Services Area.

**Request for Frontage Relaxations**

Proposed Lots 2 and 3, as shown on the plan of subdivision, do not meet the minimum 10% perimeter frontage requirement pursuant to section 944 of the *Local Government Act*. The requested frontages for these proposed parcels are as follows:

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% of Perimeter</i>
Lot 2	26.5 m	12.0 m	4.5 %
Lot 3	25.6 m	6.0 m	2.3 %

As these proposed parcels do not meet the minimum 10% perimeter frontage requirement, approval from the Regional Board of Directors is required.

**Request for Discharge of Section 219 Covenant Document**

There is a section 219 covenant document registered on title of the parent parcel which restricts subdivision of the lands unless the grantors agrees to pay an additional per lot capital charge for each lot permitted by the zoning of the land above the 1 parcel if the request is to discharge the covenant from title.

**ALTERNATIVES**

1. To approve Development Permit No. 60735, to approve the request for relaxation of the minimum 10% frontage requirement for Proposed Lots 2 and 3, and to approve the discharge of the section 219 covenant subject to the conditions set out in Schedules No. 1 and 2.
2. To deny the Development Permit as submitted and provide staff with further direction; to refuse the request for relaxation of the minimum 10% frontage requirement; and not approve the request to discharge of the covenant.

**DEVELOPMENT IMPLICATIONS**

As outlined on *Schedule No. 2*, proposed Lots 2 and 3 are accessed by panhandles. Under the Bylaw No. 500 provisions, a panhandle portion of a parcel is not included in the parcel size calculation. Despite the reduced frontage for proposed Lot 2, the existing dwelling unit and one accessory building is proposed to be located on this parcel. Given the relatively large size of the parcel, there is a buildable site area available to support the intended residential uses on this proposed parcel.

Proposed Lot 3 is also relatively large however; given the site constraints which include the combination of a 10 m SPEA for Alexander Brook, 15 m watercourse setback under Bylaw 500, 8 m front lot line setback from the panhandle portion of the proposed lot under Bylaw 500 and the location of two, 6 m Statutory Rights-of-Way on this portion of the lot, a relatively small buildable site area results. Proposed Lot 3 would allow for the construction of a modest dwelling unit and a very limited sized accessory building.

Staff have discussed constraints related to the development of proposed Lot 3 and the limited buildable site area with the applicant's agent and have suggested that the proposed common lot line between proposed Lots 2 and 3 be adjusted to provide Lot 3 with a larger parcel area. This would provide a more substantial building site area for this parcel. With respect to access, Ministry of Transportation staff has



verbally indicated that they have no issues with the proposed minimum frontage relaxations and access locations.

With respect to the discharge of the section 219 covenant restricting subdivision unless the capital charges for sanitary sewer are paid, the applicants' agent has indicated that the applicant are in concurrence to pay the required capital charge for contribution to the sewage treatment plant for the additional lots being created (3). Due to the proposed parcel sizes of Proposed Lots 2 and 3, staff recommends that a section 219 covenant be required to be registered on title to restrict any additional subdivision. This is in keeping with provisions of the existing covenant. The applicants' agent has indicated verbally that the applicants are in concurrence to register such a covenant document on title of these 2 lots.

With respect to the section 215 covenant concerning the retention of vegetation within a 10-metre strip as measured from Lundine Lane, the applicants' agent has indicated that access for the proposed subdivision must come as outlined and there will be minimal vegetation removal for access to the proposed residential lots. In response to the requirements of the covenant, as a condition of the development permit, the applicant will replace all trees that are required to be removed that are over 20 cm Diameter at Breast Height (DBH) with trees with a minimum caliper of 6 cm which are native to the area. The applicant will be required to contact the Regional District prior to the construction of access so that tree cover will be cataloged prior to tree removal.

#### ***Development Permit / Environmental Implications***

The applicant has provided a Riparian Area Assessment prepared by a Qualified Environmental Professional which has been accepted by the Ministry of Environment for the portion of Alexander Brook which crosses the parent parcel. This report establishes a Stream Protection and Enhancement Area (SPEA) of 10.0 metres. The report provides recommendations for protection of the SPEA including installation of snow fencing to delineate the SPEA and detailed sediment and erosion control measures. With respect to environmental monitoring, there is no proposed environmental monitoring required for the subdivision phase; however, the report recommends that a part-time monitor be retained upon construction and a post development report is required by the Ministry. It is recommended that the RAR report be included as part of the development permit to inform future owners of the recommendations concerning protection of trees (*see Schedule No. 1 for Conditions*).

#### ***Site Servicing Implications***

EPCOR (formerly Breakwater Enterprises), the community water provider in the area, has confirmed that community water service is available for the proposed 4-lot subdivision. Community sewer service is available from the Regional District. The Ministry of Transportation is responsible for the storm drainage. As part of the subdivision review process, the Regional Approving Officer will examine the storm water management of the parent parcel and impose conditions of development as required.

#### **VOTING**

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

#### **SUMMARY**

This is a subdivision application that involves a development permit for the protection of fish habitat; a request to relax the 10% minimum frontage provision for 2 of the 4 proposed parcels; and a request to discharge a section 219 covenant document. Proposed Lot 2, which requires a relaxation of the minimum 10% frontage requirement, will be capable of supporting the residential uses permitted in the zoning provisions. Proposed Lot 3, which also requires a frontage relaxation, has a limited buildable site site that will only support a modest dwelling unit and a very small accessory building. Staff has advised the applicants' agent of this limitation to the proposed lot and has recommended that the proposed lot line between proposed Lots 2 and 3 be adjusted to enhance the future building envelope for proposed Lot 3.

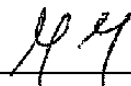
Ministry of Transportation staff has indicated that they have no objection to the request for relaxation of the frontage for this parcel.

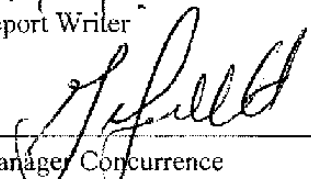
Concerning the discharge of the section 219 covenant for restricting subdivision unless capital charges are paid for additional parcels, the applicants will pay the required amount and are in concurrence to provide a no further subdivision covenant for Proposed lot 2 and 3 as these lots have enough parcel size to further subdivide. In keeping with the section 215 covenant on the subject property, the proposal will result in limited vegetation removal on Lundine Lane and all trees with a 20 cm DBH removed in order to accommodate access will be replaced within 10 m of the public road right of way.

Given that the applicants have submitted a riparian assessment for Alexander Brook, provided building envelopes for proposed Lots 2 and 3; and vegetation replacement for tree removal along Lundine Lane, the requirements of the Development Permit guidelines have been addressed. Staff supports Alternative No. 1 to approve the Development Permit subject to conditions set out in Schedules No. 1 and 2; that the request for relaxation of the minimum parcel frontage be supported subject to conditions set out in Schedule No. 1; and the section covenant document be discharged subject to conditions set out in Schedules No. 1 and 2; of the corresponding staff report.

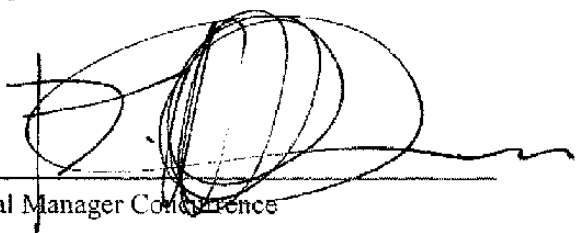
### RECOMMENDATIONS


1. That Development Permit No. 60735 submitted by Fern Road Consulting Ltd., on behalf of Michael and Carolyn Meade, in conjunction with the subdivision on the parcel legally described as Lot 6, District Lot 49, Nanoose District, Plan VIP52245 and designated within the Fish Habitat Protection Development Permit Area pursuant to OCP Bylaw No. 1115, 1998, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.
2. That the request from Fern Road Consulting Ltd., on behalf Meade, to relax the minimum 10% perimeter frontage requirement for Proposed Lots 2 and 3 in conjunction with the proposed subdivision of Lot 1 District Lot 49 Nanoose District Plan VIP81015 be approved.
3. That the request from Fern Road Consulting Ltd., on behalf Meade, to discharge the section 219 covenant concerning no further subdivision be approved subject to the conditions set out in Schedule No. 1 of the corresponding staff report.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
Manager Concurrence

COMMENTS:

  
\_\_\_\_\_  
General Manager Concurrence

  
\_\_\_\_\_  
CAO Concurrence

**Schedule No. 1**  
**Development Permit No. 60735**  
**Request for Relaxation of the Minimum Perimeter Frontage Requirements**  
**Request to Discharge a Section 219 Covenant Document**  
**Conditions of Development**

**Conditions of Approval:**

The following sets out the conditions of approval:

**1. Subdivision**

- a. The subdivision of the lands shall be in substantial compliance with Schedule No. 2 (to be attached to and forming part of DP 60735).
- b. No construction, other than the surveying required for subdivision, shall occur within the minimum watercourse setback pursuant to Bylaw No. 500, 1987 (15.0 metres) of Alexander Brook in association with the subdivision development and the following sediment and erosion control measures shall be taken as necessary:
  - i. tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be onsite.
  - ii direct run off flows away from ponds using swales or low berms.
  - iii exposed soils must be seeded immediately after disturbance. Soil surfaces to be treated should be roughened.
  - iv temporary fills or soil stockpiles are to be covered with polyethylene or tarps.

**2. Measures to Protect and Maintain the SPEA**

The recommendations set out in Section 4 – Measures to Protect and Maintain the SPEA of the Riparian Area Assessment No. 653 prepared by Karen Barry (EBA Engineering Ltd.) and dated October 26, 2007 (to be attached to and forming part of the development permit) shall be followed.

**3. Environmental Monitoring**

The recommendations set out in Section 5 – Environmental Monitoring of the Riparian Area Assessment No. 653 prepared by Karen Barry (EBA Engineering Ltd.) and dated October 26, 2007 (to be attached to and forming part of the development permit) shall be followed.

**4. Vegetation Replanting**

- a. Vegetation removal required for the construction of access to the proposed lots will be minimized. Prior to construction of access, the applicant will advise the Regional District so that a catalog of trees to be removed will be documented.
- b. Where trees are removed that are a minimum of 20 cm Diameter at Breast Height (DBH), within 10 m of Lundine Lane, replacement trees with a minimum caliper of 6 cm will be replanted at a suitable location within the 10m corridor of Lundine Lane. Replacement trees will be of a suitable species native to the French Creek area and the location of trees will be approved to the satisfaction of the Regional District prior to installation.

**5. Discharge of Covenant Document**

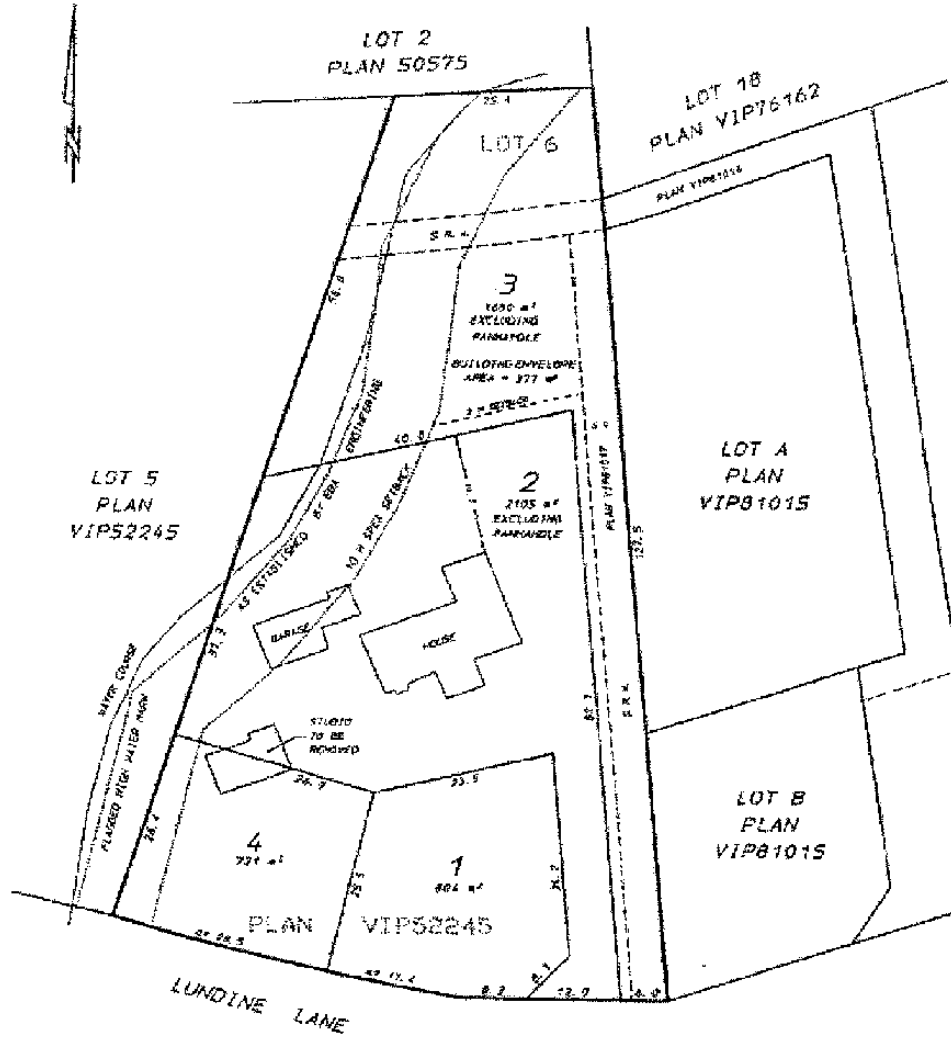
Applicant to prepare and register a discharge document to discharge the section 219 covenant Document No. EX55220. Full payment of capital charges for 3 parcels to be paid to the Regional District of Nanaimo prior to the discharge of this covenant document. The capital charge required shall be approximately \$2500.00 per lot.

**6. No Further Subdivision Covenant**

Applicant to prepare and register at their expense a section 219 covenant restricting any further subdivision including a subdivision under the Strata Title Act for proposed Lots 2 and 3. Draft document to be forwarded to the Regional District of Nanaimo for review prior to registration. Document to be registered concurrently with the plan of Subdivision at Land Title Office, Victoria. Applicants' solicitor to submit a legal letter of undertaking to register **this document concurrently with the plan of Subdivision to the Regional District of Nanaimo.**

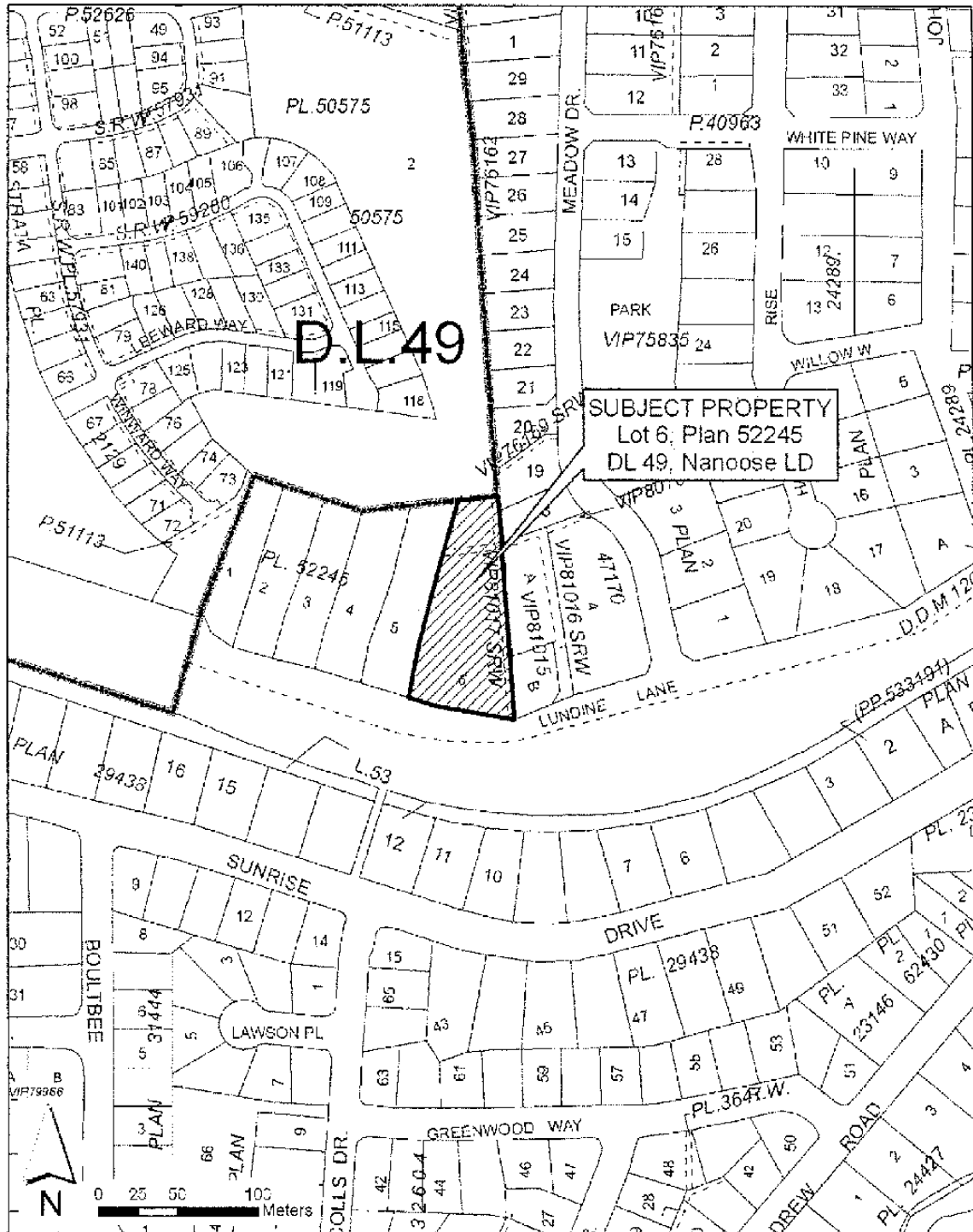
**Schedule No. 2**  
**Development Permit No. 60735**  
**Proposed Plan of Subdivision**  
 (as submitted by applicant / reduced for convenience)

PROPOSED SUBDIVISION PLAN OF LOT 6, D. L. 49,  
NANOOSE DISTRICT, PLAN VIP52245.



<p><b>SCALE 1:500</b>                  ALL DISTANCES ARE IN METRES                  ALL DIMENSIONS AND BEARINGS ARE                  SUBJECT TO FINAL SURVEY</p>	<p>DATE 2007/09/28                  REVISIONS 0007/11/07</p>	<p><b>SIMS ASSOCIATES</b>                  LAND SURVEYING                  123 4567 8901 WEST                  234567890123456789                  VANICU                  PHONE (250) 555-1234                  FAX (250) 555-5678                  WWW.SIMS-ASSOCIATES.COM                  2007.09-1234.PDF</p>
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Attachment No. 1  
Location of Subject Property



BCGS Mapsheet No. 92F.039.1.3



CAO APPROVAL	
EAP	<input checked="" type="checkbox"/>
COW	
DEC 20 2007	
RHD	
BOARD	

**MEMORANDUM**

**TO:** Geoff Garbutt  
Manager of Current Planning

**DATE:** December 18, 2007

**FROM:** Kristy Marks  
Planner

**FILE:** 3090 30 90713

**SUBJECT:** Development Variance Permit Application No. 90713 – Haugen  
Lot 1, Section 11, Range 2, Cedar District, Plan 27523  
Electoral Area 'A', RDN Map Ref. No. – 92G.001.4.3

**PURPOSE**

To consider an application for a Development Variance Permit to legalize the siting of a residential dwelling on a property located at 2112 Cedar Road.

**BACKGROUND**

The subject property is located at 2112 Cedar Road in Electoral Area 'A' (see Attachment No. 1 for location of the subject property). The subject property is a flat lot approximately 0.08 hectares in size and is bordered by developed residential lots to the north, east, and south and by Cedar Road to the west.

The subject property is zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The parcel is located within the Fish Habitat Protection Development Permit Area (DPA) pursuant to "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001". The applicants have completed the Riparian Areas Regulation Property Declaration Form as and there are no streams on or within 30 metres of the subject property the application is exempt from the requirements of the Fish Habitat Protection DPA. The applicant has completed the "Sustainable Community Builder Checklist", as per Board policy and there are no implications related to this application.

The subject property is located within a Regional District of Nanaimo Building Inspection Area. On November 6, 2006 the applicants made a building permit application to construct a modular home on the subject property and the permit was issued January 5, 2007. The applicants began construction and the footings were inspected on January 23, 2007. This inspection was failed as the applicants had not provided engineering for structural fill. On February 22, 2007 a "Stop Work" order was placed on the subject property requesting the applicant to provide engineering for structural fill under footings. The following day, February 23, 2007, the Building Department received confirmation of engineering and the applicants were told they could proceed. As this is a modular home there are no inspections required between the footing inspection and final inspection. The owners placed the modular home on the subject property and in July 2007, prior to final inspection, the applicants had the property surveyed and discovered the modular home had been located within the required front lot line setback. At that time they contacted the Building Inspection Department and were informed they would need to apply for a variance to legalize the siting of the modular home. The applicants applied to the Board of Variance in August, 2007 but were denied as the Board determined there was no hardship.

### ***Requested Variance Summary***

The applicants are requesting to vary Section 3.4.62, Minimum Setback Requirements of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," as follows:

1. The front lot line setback is requested to be reduced from 8.0 metres to 6.7 metres for the existing dwelling unit as shown on the survey submitted by the applicant (Schedule No. 2).

### **ALTERNATIVES**

1. To approve Development Variance Permit No. 90713 subject to the conditions outlined in Schedule Nos. 1-3 and the notification requirements of the Local Government Act.
2. To deny the requested variance.

### **POLICY B1.5**

Regional District of Nanaimo Development Permit Application Policy B1.5 Evaluation provides staff with guidelines for reviewing and evaluating development variance permit applications. The policy requires that the potential impacts of the variance are warranted by the need for the variance.

The applicants have provided the following justifications for the requested setback variance:

- The previous property owner showed the applicants where the front lot line was and the applicants allowed themselves an extra 10 feet in order to be certain they would meet the setback requirements;
- As this is a modular, no inspection is required between the footing inspection and a survey was not requested by the RDN Building Department prior to the modular home being placed;
- The applicants have discussed the application with adjacent property owners and they have no objections to the requested variance; and
- There are no implications for adjacent property owners with respect to the requested variance.

### **LAND USE AND DEVELOPMENT IMPLICATIONS**

As outlined above, the applicants are requesting approval for a setback variance to legalize the siting of an existing residential dwelling on Cedar Road. The location of the proposed dwelling unit and requested setback variance are outlined on the survey prepared by W.R. Hutchinson Land Surveying Ltd. attached as *Schedule No. 2*. Building elevations for the proposed dwelling are outlined on *Schedule No. 3*.

In staff's assessment of this application, the applicants intended to meet the minimum setback requirements and have provided justification for the requested variance. The requested variance is not expected to negatively impact adjacent property owners. While this is an 'after the fact' variance, that is generally not supported within a building inspection area, the minor nature of this request when combined with the lack of impacts make it possible for staff to recommend approval of the request.

### **Public Consultation Process**

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



The applicants have submitted letters from two adjacent property owners stating they have no objections to the requested variance.

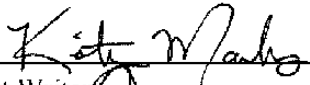
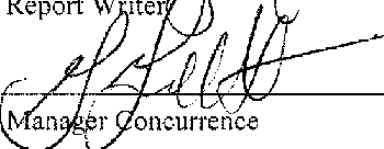
**VOTING** - Electoral Area Directors – one vote, except Electoral Area 'B'.

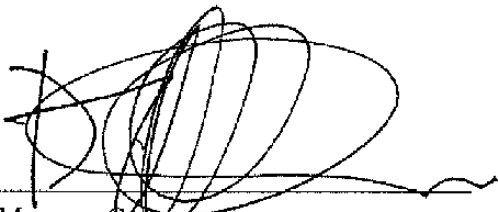
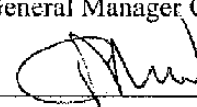
**SUMMARY/CONCLUSIONS**

This application for a Development Variance Permit requests a 1.3 metre reduction in the setback to recognize the siting of an existing modular home on a property located at 2112 Cedar Road in Electoral Area 'A'. Given the minor nature of the requested variance and that staff does not anticipate the reduced setback will have a negative impact on adjacent properties, staff recommends that the requested Development Variance Permit be approved subject to the terms outlined in Schedules No. 1-3 of this report, and subject to notification requirements pursuant to the *Local Government Act*.

**RECOMMENDATION**

That Development Variance Permit Application No. 90713, to legalize the siting of an existing residential dwelling with a minimum front lot line setback of 6.7 m on the subject property legally described as Lot 1, Section 11, Range 2, Cedar District, Plan 27523 on Cedar Road, be approved subject to the conditions outlined in Schedules No. 1-3 and the notification requirements of the *Local Government Act*.

  
\_\_\_\_\_  
Report Writer  
  
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
General Manager Concurrence  
  
\_\_\_\_\_  
CAO Concurrence

**Schedule No. 1**  
**Terms of Development Permit No. 90713**

***Bylaw No. 500, 1987 – Requested Variance***

With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” the following variance is proposed:

1. **Section 3.4.62, Minimum Setback Requirements** is hereby varied by reducing the minimum setback from the front lot line from 8.0 metres to 6.7 metres for the modular home only, as shown on *Schedule No. 2*.

***Conditions of Approval***

2. The dwelling unit shall be sited in accordance with survey prepared by W.R.Hutchinson Land Surveying Ltd dated July 27, 2007 attached as *Schedule No. 2*.
3. The dwelling unit elevations shall be developed in accordance with the Building Elevations submitted by the applicant attached as *Schedule No. 3*.
4. The applicant is required to provide confirmation of building setbacks by a British Columbia Land Surveyor at the final inspection of the dwelling.

Schedule No. 2  
 Site Plan and Requested Variance

B.C. Land Surveyor's Building Location Certificate of:  
Lot 1, Section 11, Range 2, Cedar  
District, Plan 27523.

Offsets shown hereon are measured from the exterior of the main walls.

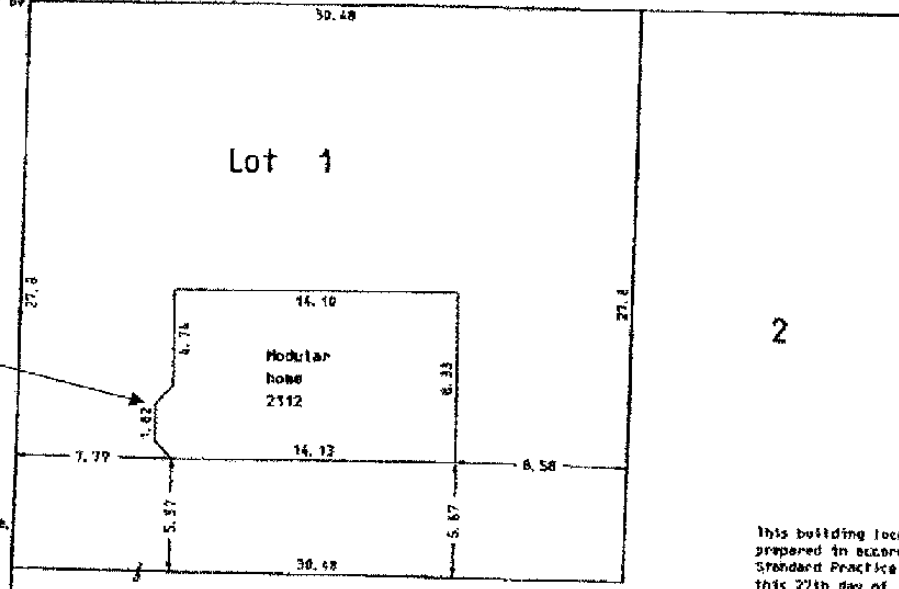
Lot dimensions are derived from the registered plan.

This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.

Scale 1 : 250  
 All distances are in metres.

Minimum setback requirement from the front lot line is requested to be reduced from 8.0 m to 6.7 m (including the overhang).

Cedar Road



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M. R. Hutchinson  
 Land Surveying Ltd.  
 512 Kentworth St.,  
 Nanaimo, B.C.  
 V9R 3E4  
 753-2921

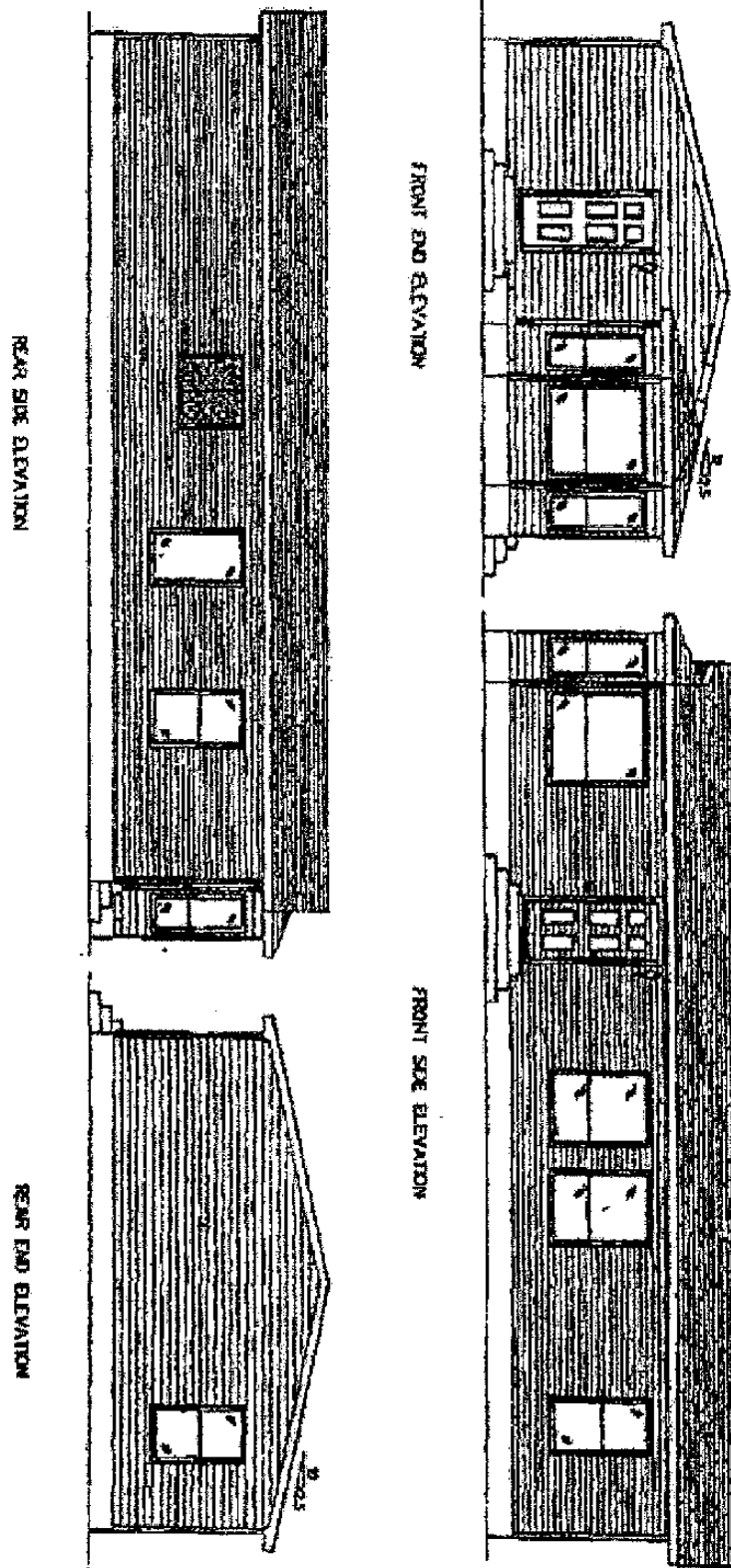
© 2007

This building location certificate has been prepared in accordance with the Manual of Standard Practice and is certified correct this 27th day of July, 2007.

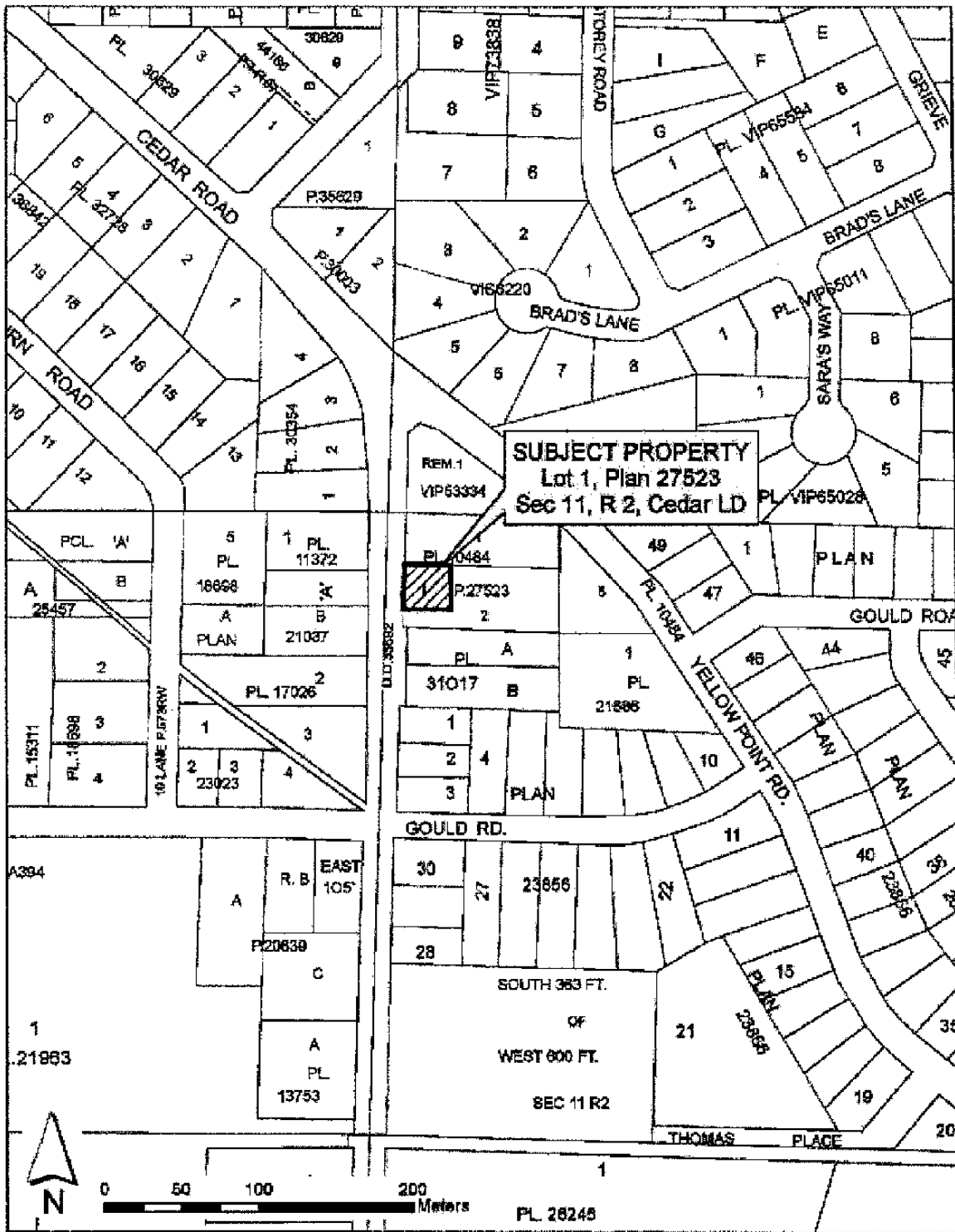
*[Signature]*  
 B.C. Land Surveyor  
 This document is not valid unless originally signed and sealed.

Fb. 337 P. 124

Schedule No. 3  
Building Elevations



Attachment No. 1  
Location of Subject Property





CAO APPROVAL	
EAP	Jan. 8th
COW	
DEC 24 2007	
RHD	
BOARD	

MEMORANDUM

**TO:** Geoff Garbutt  
Manager, Current Planning

**DATE:** December 20, 2007

**FROM:** Susan Cormie  
Senior Planner

**FILE:** 3090 30 90716  
c/r 3320 20 27482

**SUBJECT:** Development Variance Permit Application No. 90716  
Louise Chabot - Electoral Area 'H'  
Charlton Road, Rose Park Road, and the Island Highway No. 19A

PURPOSE

To consider a development variance permit application in conjunction with the creation of 2-lot subdivision on property in Electoral Area 'H'.

BACKGROUND

The parent parcel, legally described as Lot B, District Lot 22, Newcastle District, Plan 30078, is located in the Bowser area of Electoral Area 'H' adjacent to Charlton and Rose Park Road and the Island Highway No. 19A (see Attachment No. 1 for location of parent parcel).

The parent parcel, which is approximately 6190 m<sup>2</sup> in size, is currently zoned Residential 2 (RS2) and is within Subdivision District 'M' pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The parent parcel currently supports two dwelling units and an accessory building. There is also a Qualicum Bay – Horne Lake Waterworks District statutory right-of-way crossing a portion of the parcel.

While the parent parcel is designated within the Fish Habitat Protection Development Permit Area and the Highway Corridors Development Permit pursuant to the Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003, this application will meet the exemption provisions of both development permit areas. The application has completed the Sustainability Checklist as per Board policy and there are no implications related this application.

Surrounding uses include a residentially zoned parcel to the north, Island Highway No. 19A to the east, Charlton Road to the south and residentially zoned parcels, and Rose Park Road and RDN parkland to the west.

Proposed Development

The applicant is proposing to subdivide the parent lot into two lots – one parcel 2000 m<sup>2</sup> in size and the second parcel 4154 m<sup>2</sup> in size with community water service connections from Qualicum Bay – Horne Lake Waterworks District and individual septic disposal systems. Both proposed parcels will meet the minimum parcel size provisions pursuant to Bylaw No. 500 (see Attachment No. 1 for proposed plan of subdivision).

As part of the requirements of subdivision, the Ministry of Transportation's Approving Authority is requiring that the applicant dedicate corner cutoffs at the corners of Charlton Road and the Island

Highway No. 19A and at Charlton and Rose Park Road. The road dedication for Charlton and Rose Park Road will result in the corner cutoff lot line becoming the new front lot line for proposed Lot 1. As a result, the existing accessory building located on proposed Lot 1 will not meet the minimum setback requirement from the proposed new front lot line. In addition, through the surveying of the property, it was discovered that this building does not meet the minimum setback requirement from the exterior side lot line (next to Charlton Road). Therefore, the applicant is requesting a variance to the minimum setback requirements to accommodate the location of this existing accessory building. The requested variances are as follows:

- From 8.0 metres to 4.9 metres from the proposed front lot line (corner cutoff at Charlton and Rose Park Road) and
- From 5.0 metres to 4.6 metres from the exterior side lot line (lot line next to Charlton Road) to accommodate the siting of the existing accessory building.

### **ALTERNATIVES**

1. To approve Development Variance Permit Application No. 90716 as submitted.
2. To not approve Development Variance Permit Application No. 90716.

### **DEVELOPMENT IMPLICATIONS**

The accessory building, which has been situated on the parent parcel for a number of years, is currently being used as a storage and electrical building. Without a relaxation of the minimum setback requirement, the applicant will be required to remove, at a minimum, the encroaching portion of the building in order to comply with the bylaw provision concerning the setback from the proposed new front lot line to be created at time of subdivision. With respect to the proposed setback relaxation from the exterior side lot line, this encroachment into the setback area involves an aerial trespass only. Rose Park and Charlton Road serve as local roads to the residential neighbourhood and the location of this building has not negatively impacted the neighbourhood to date.

#### ***Site Servicing Implications***

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

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

The applicant has indicated that the existing dwelling units are served by community water service provided by Qualicum Bay – Horne Lake Waterworks District.

### **PUBLIC IMPLICATIONS**

As part of the required public notification process pursuant to the *Local Government Act*, 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 prior to the Board's consideration of the permit.

**VOTING**


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

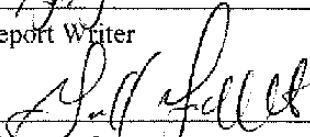
**SUMMARY**

This is a subdivision application that involves a request to vary the minimum setback requirements for the future front lot line and an exterior side lot line to accommodate the location of an existing accessory building on property located at Charlton and Rose Park Road and the Island Highway No. 19A in the Bowser area Electoral Area ‘H’. The proposed variances are set out in *Schedule No. 2* of this staff report. Due to the Approving Authority’s requirements for subdivision approval involving the dedication of a corner at Charlton and Rose Park Roads which will change the location of the front lot line, an existing accessory building will not longer be able to meet the minimum setback requirements. Given that the building has been in this location for a number of years and the adjacent streets mainly serve the local residential traffic, staff recommends Alternative No. 1 this variance to relax the minimum setbacks from the proposed front lot line and the exterior side line to accommodate the siting of an accessory building subject to the public notification procedure.

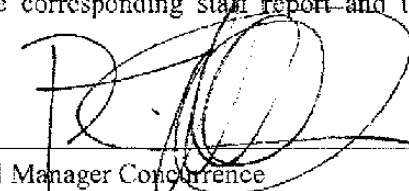
**RECOMMENDATION**

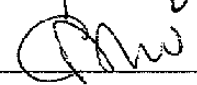
That Development Variance Permit Application No. 90716 submitted by Louise Chabot, in conjunction with the subdivision on the parcel legally described as Lot B, District Lot 22, Newcastle District, Plan 30078, be approved subject to Schedules No. 1 and 2 of the corresponding staff report and to the notification procedure pursuant to the *Local Government Act*.

  
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Report Writer

  
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Manager Concurrence

COMMENTS:

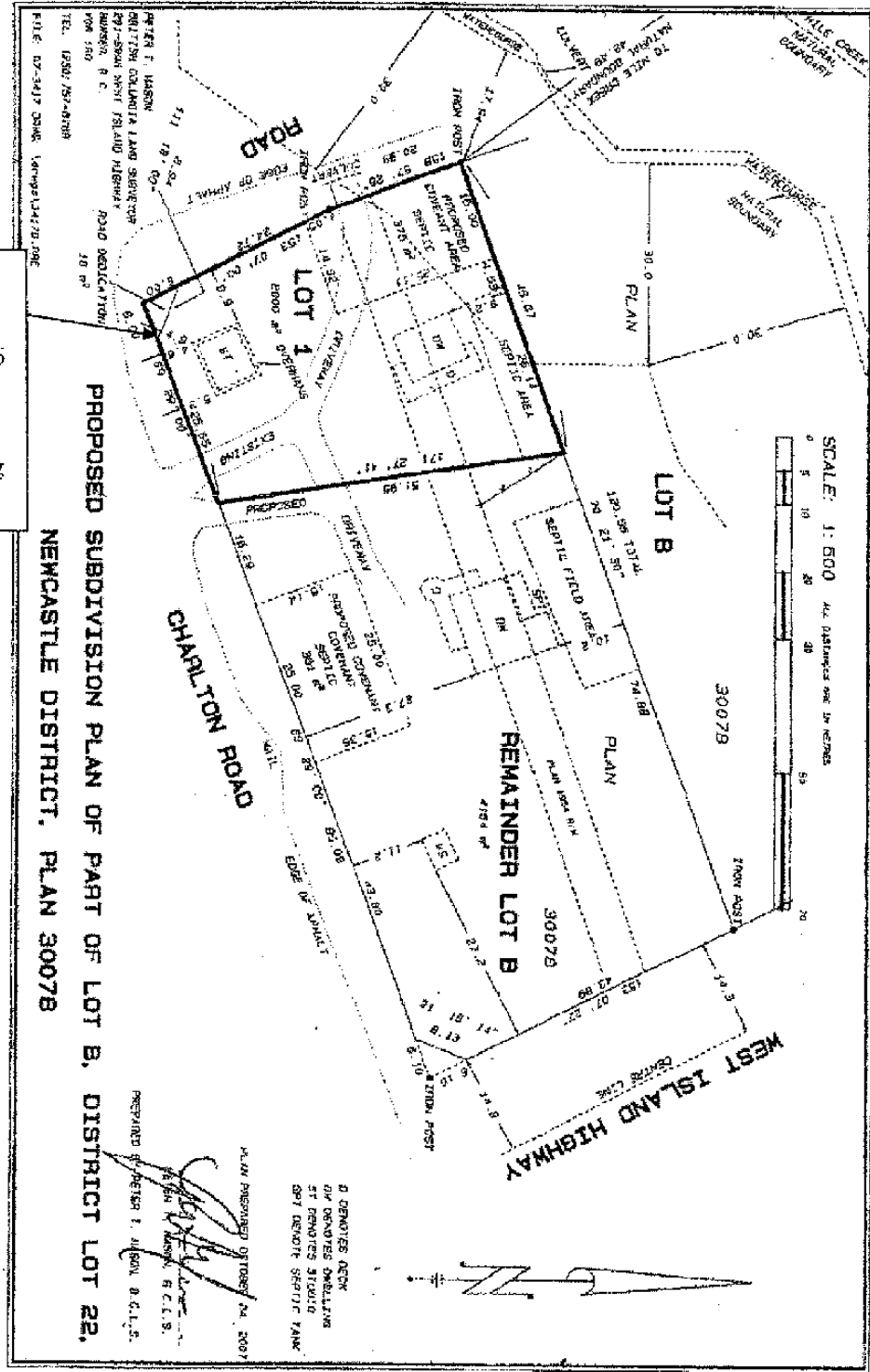
  
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General Manager Concurrence

  
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CAO Concurrence



Schedule No. 1  
 Development Variance Permit No. 90716  
 Proposed Variance to Existing Accessory Building  
 In Conjunction with the Proposed Subdivision

Proposed Variances  
 8.0 m to 4.9 m from  
 the future front lot  
 line and 5.0 m to 4.6  
 m from the exterior  
 side lot line to  
 accommodate the  
 siting of the existing  
 accessory building



PROPOSED SUBDIVISION PLAN OF PART OF LOT B, DISTRICT LOT 22,  
 NEWCASTLE DISTRICT, PLAN 30078

**Schedule No. 2**  
**Development Variance Permit No. 90716**  
**Proposed Variances**

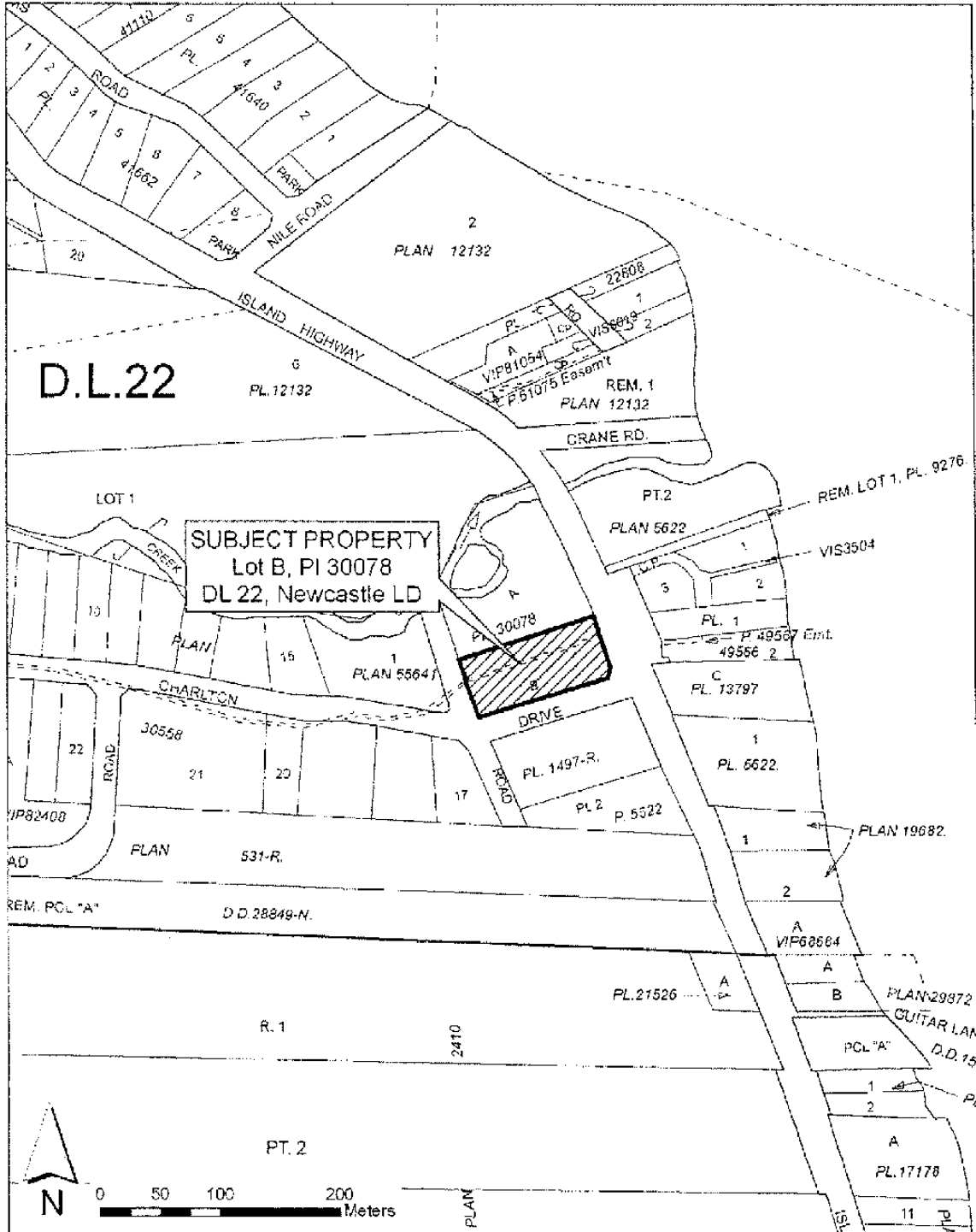
In order to allow the siting of the existing accessory building at the time of subdivision of the parent parcel, the following variances are proposed:

**Section 3.4.62 - Minimum Setback Requirements** is proposed to be varied by relaxing the future minimum front lot line setback requirement from 8.0 metres to 4.9 metres; and

**Section 3.4.62 – Minimum Setback Requirement** is proposed to be varied by relaxing the minimum exterior side lot line setback requirement (lot line next to Charlton Road) from 5.0 metres to 4.6 metres;

to accommodate the existing siting of an accessory building as shown on Schedule No. 1.

**Attachment No. 1**  
**Development Variance Permit No. 90716**  
**Location of Subject Property**





KUM REPORT	
CAO APPROVAL <i>(initials)</i>	
EAP	<i>L</i> <i>Jan. 8th</i>
COW	
DEC 20 2007	
RHD	
BOARD	

**MEMORANDUM**

**TO:** Geoff Garbutt  
Manager, Current Planning

**DATE:** December 18, 2007

**FROM:** Susan Cormie  
Senior Planner

**FILE:** 3320 30 27183

**SUBJECT:** Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement  
Brian Henning, BCLS, on behalf of W Diedrichsen & S Laird  
Electoral Area 'C' – 2945 Amrik Road

**PURPOSE**

To consider a request to relax the minimum 10% perimeter frontage requirement in conjunction with a 2-lot subdivision proposal involving a section 946 parcel in the Jingle Pot area of Electoral Area 'C'.

**BACKGROUND**

This is a request for to relax the minimum 10% perimeter frontage requirement as part of a 2-lot subdivision for the property legally described as Lot 2, Section 11, Range 4 and 5, Mountain District, Plan VIP80268 and located at 2945 Amrik Road in the Jingle Pot area of Electoral Area 'C' (see Attachment No. 2 for location of parent parcel).

The parent parcel is zoned Rural 1 (RU1) 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 applicant is proposing to subdivide the parent lot into two lots - a section 946 parcel proposed to be 1.0 ha in size and a fee simple parcel proposed to be 5.39 ha in size. Both proposed parcels will meet the minimum parcel size provisions pursuant to Bylaw No. 500 (see Attachment No. 1 for proposed plan of subdivision).

The parent parcel, which is 6.39 ha in size, currently supports one dwelling unit and accessory buildings. Surrounding land uses include rural zoned parcels. A City of Nanaimo right-of-way is adjacent to the south west boundary of the parent parcel.

The parent parcel is designated within the Fish Habitat Protection Development Permit Area (DPA) for the protection of fish habitat, but in this case, will meet the exemption provisions of the DPA.

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

**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:

Proposed Lot No.	Required Frontage	Proposed Frontage	% of Perimeter
Lot 1	163.5 m	100.9 m	6.2 %

As this proposed parcel does not meet the minimum 10% perimeter frontage requirement, 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**

Proposed Lot 1 currently supports the intended use of the property including a dwelling unit, accessory buildings, well, and driveway access. In addition, there is sufficient area for a second dwelling unit. It is noted that Proposed Lot 1, due to its parcel size, will be able to further subdivide into two 2.0 ha plus parcels. The applicant's BCLS has provided a proposed plan of future subdivision proposed a new cul-de-sac road accessed from Webster Road and the minimum frontage requirements, being met for both proposed future parcels. Therefore, further development of proposed Lot 1 is not expected to involve additional frontage relaxations.

Ministry staff has no concerns at this time with this request for relaxation of the minimum 10% frontage.

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

### ***Site Servicing Implications***

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

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

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

### ***Environmentally Sensitive Areas Atlas***

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

## **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 which includes a section 946 parcel. While Proposed Lot 1 requires a frontage relaxation at this time; further development of the parcel is proposed to include a road dedication which will provide additional frontage. Proposed Lot 1 currently supports intended uses under the Rural 1 zoning and will have the sufficient area to support additional permitted uses. The proposed subdivision is not expected to impact surrounding uses. Given that the Ministry of Transportation is satisfied with access to Proposed Lot 1 and as the parcel will continue to be able to support intended uses, staff recommends Alternative No. 1, to approve the relaxation of the minimum 10% frontage requirement for Proposed Lot 1.


**RECOMMENDATION**

That the request to relax the minimum 10% frontage requirement for Proposed Lot 1, submitted by Brian Henning, BCLS on behalf of W Diedrichsen & S Laird, in conjunction with the proposed subdivision of Lot 2, Section 11, Range 4 and 5, Mountain District, Plan VIP80268 be approved.

  
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Report Writer

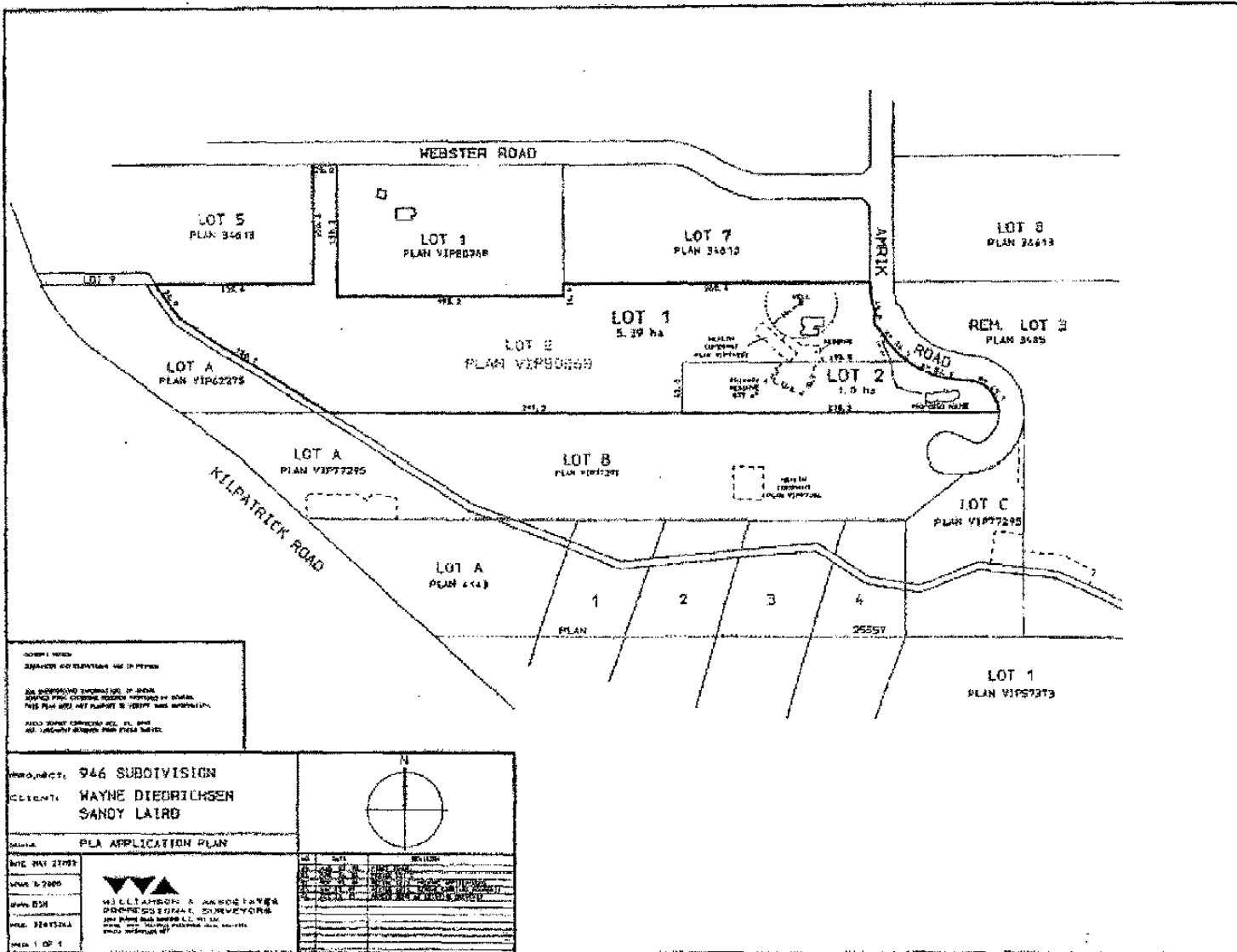
  
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General Manager Concurrence

  
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Manager Concurrence

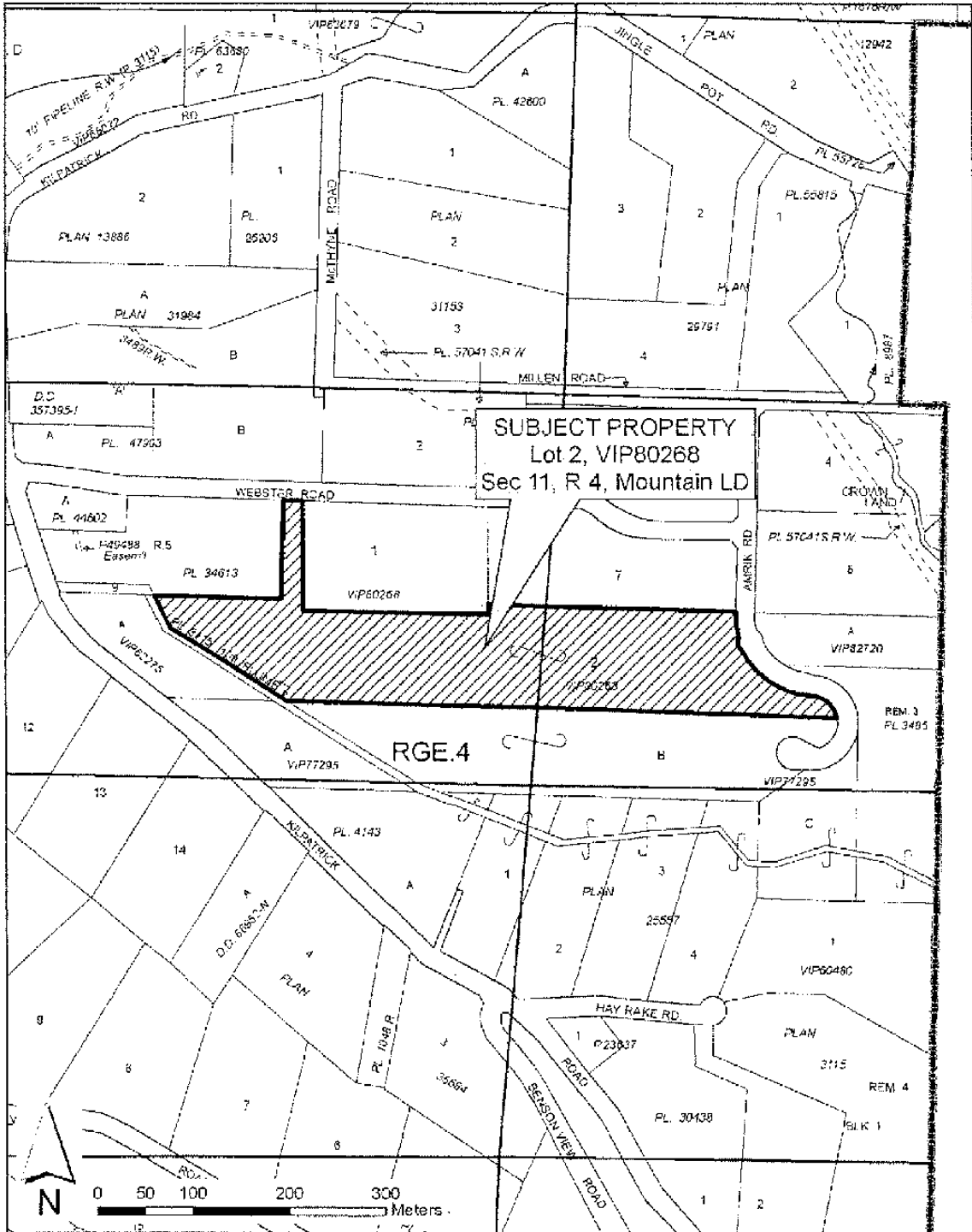
  
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CAO Concurrence

COMMENTS:

Attachment No. 1  
 Subdivision Application No. 27183



Attachment No. 2  
Subdivision Application No. 27183  
Location of Subject Property







RDN REPORT	
CAO APPROVAL	
EAP	Jan. 8th
COW	
DEC 20 2007	
RHD	
BOARD	

**MEMORANDUM**

**TO:** Geoff Garbutt  
Manager, Current Planning

**DATE:** December 20, 2007

**FROM:** Susan Cormie  
Senior Planner

**FILE:** 3320 30 27673

**SUBJECT:** Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement  
Applicant: JE Anderson, BCLS on behalf of W & A Hadikin  
Electoral Area 'G' – 1314 Lee Road, French Creek

**PURPOSE**

To consider a request to relax the minimum 10% perimeter frontage requirement in conjunction with the development of a 2-lot subdivision proposal in the French Creek area of Electoral Area 'G'.

**BACKGROUND**

This is a request to relax the minimum 10% perimeter frontage requirement as part of a 2-lot subdivision for the property legally described as Lot 41, District Lot 28, Nanoose District, Plan 26472 and located at 1314 Lee Road in the French Creek area of Electoral Area 'G' (see Attachment No. 2 for location of parent parcel).

The parent parcel is zoned Residential 1 (RS1) and is within Subdivision District 'Q' (700 m<sup>2</sup> with both community water and community sewer service connections) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The applicant is proposing to subdivide the parent lot into two lots with one parcel proposed to be served via a panhandle access. Both proposed parcels will meet the minimum parcel size provisions pursuant to Bylaw No. 500 (see Attachment No. 1 for proposed plan of subdivision).

The parent parcel, which is 1553 m<sup>2</sup> in size, currently supports one dwelling unit and an accessory garage building. Surrounding land uses include residentially zoned parcels with Lee Road bordering the north lot line of the parent parcel.

The parent parcel is designated within the Fish Habitat Protection Development Permit Area (DPA) for the protection of fish habitat, but will meet the exemption provisions of the DPA.

The parcels are proposed to be served by community water and community sewer service connections. The parent parcel is located within an RDN Building Services Area.

**10% Minimum Perimeter Frontage Requirement**

Proposed Lot B, 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 B	14.3 m	6.03 m	4.2%

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

#### **ALTERNATIVES**

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

#### **DEVELOPMENT IMPLICATIONS**

Lot B, which is proposed to be served by a panhandle access, will be able to support the intended uses under the Residential 1 zone including a dwelling unit and accessory buildings and structures despite the narrow access. The proposed panhandle will meet the minimum requirements of Bylaw No. 500, 1987 in terms of width as there is no further subdivision potential for this proposed parcel.

Ministry staff has indicated that the Ministry is not concerned at this time with this request for relaxation of the minimum 10% perimeter frontage.

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

#### ***Site Servicing Implications***

The applicant has applied for community water service connections to EPCOR Water Services (formerly Breakwater Enterprises Ltd.), which is the local water authority.

The subject property is located within the Barclay Crescent Sewer Local Service Area. Community sewer service connections will be available from the Regional District.

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

#### ***Existing Buildings Implications***

The applicant's BCLS has indicated that the existing accessory building on the parent parcel will be removed as this building will not be able to meet the minimum setback requirement from the proposed new lot lines. Removal of this building will be addressed as part of the subdivision review process.

#### **VOTING**

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

#### **SUMMARY**

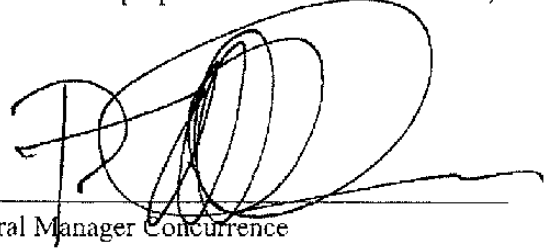
This is a request to relax the minimum 10% perimeter frontage requirement for one of the proposed parcels as part of a 2-lot subdivision development on property in the French Creek area of Electoral Area 'G'. Despite the narrow frontage and access via a panhandle, Proposed Lot B will be able to support the permitted residential uses. As a part of the development of the parent parcel, a garage will be required to be removed in order to ensure bylaw compliance. Removal of this building will be secured through the subdivision approval process. The proposed subdivision is not expected to impact surrounding uses. Given that the Ministry of Transportation is satisfied with access to Proposed Lot B and as the parcel will be able to support permitted residential uses, staff recommends Alternative No. 1, to approve the relaxation of the minimum 10% perimeter frontage for Proposed Lot B.

**RECOMMENDATION**

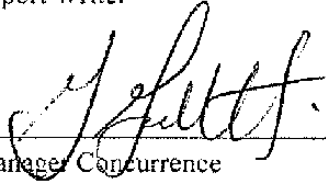
That the request to relax the minimum 10% frontage requirement for Proposed Lot B, submitted by JE Anderson, BCLS on behalf of W & A Hadikin in conjunction with the proposed subdivision of Lot 41, District Lot 28, Nanoose District, Plan 26472, be approved.



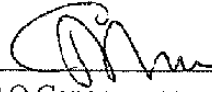
Report Writer



General Manager Concurrence



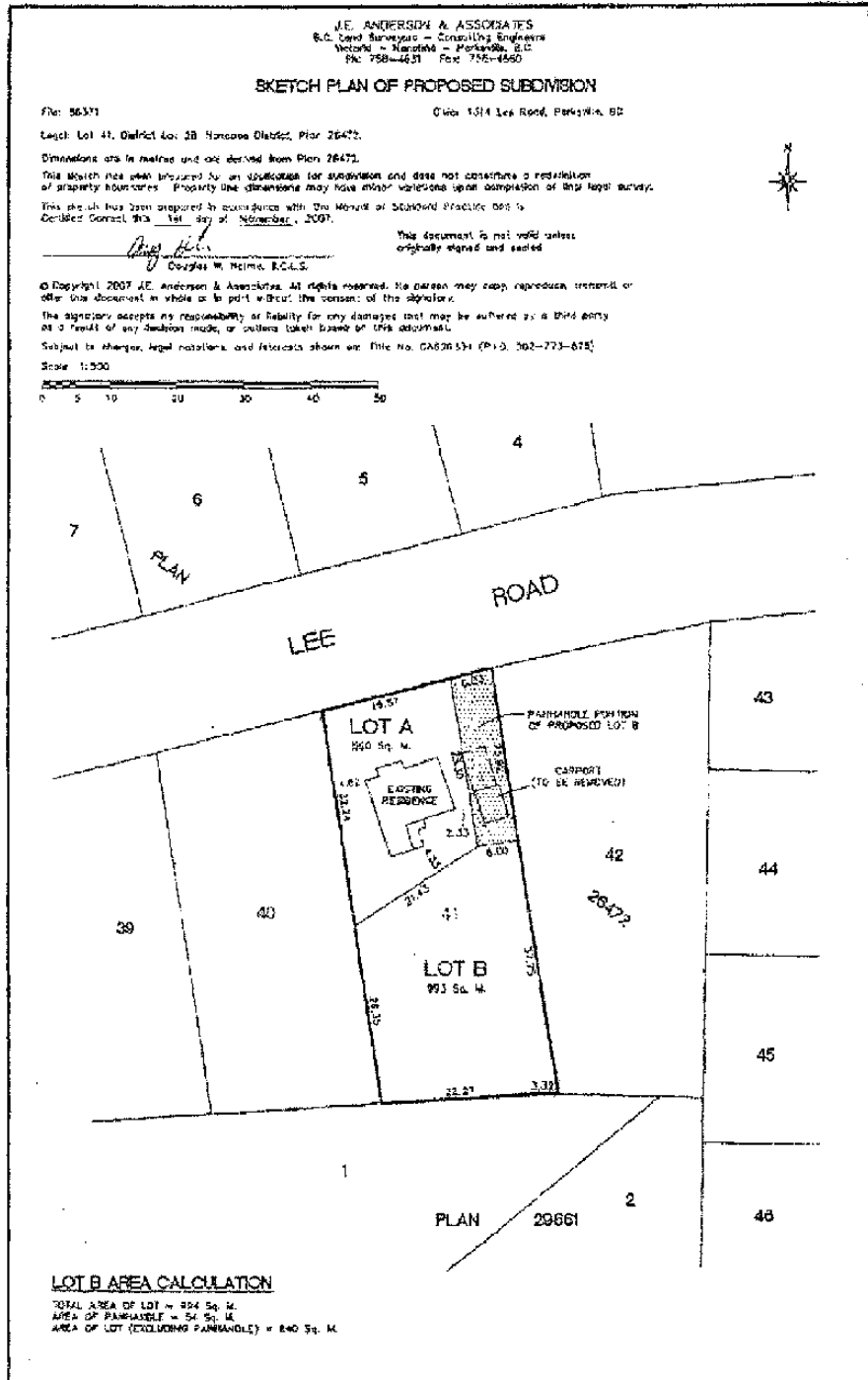
Manager Concurrence



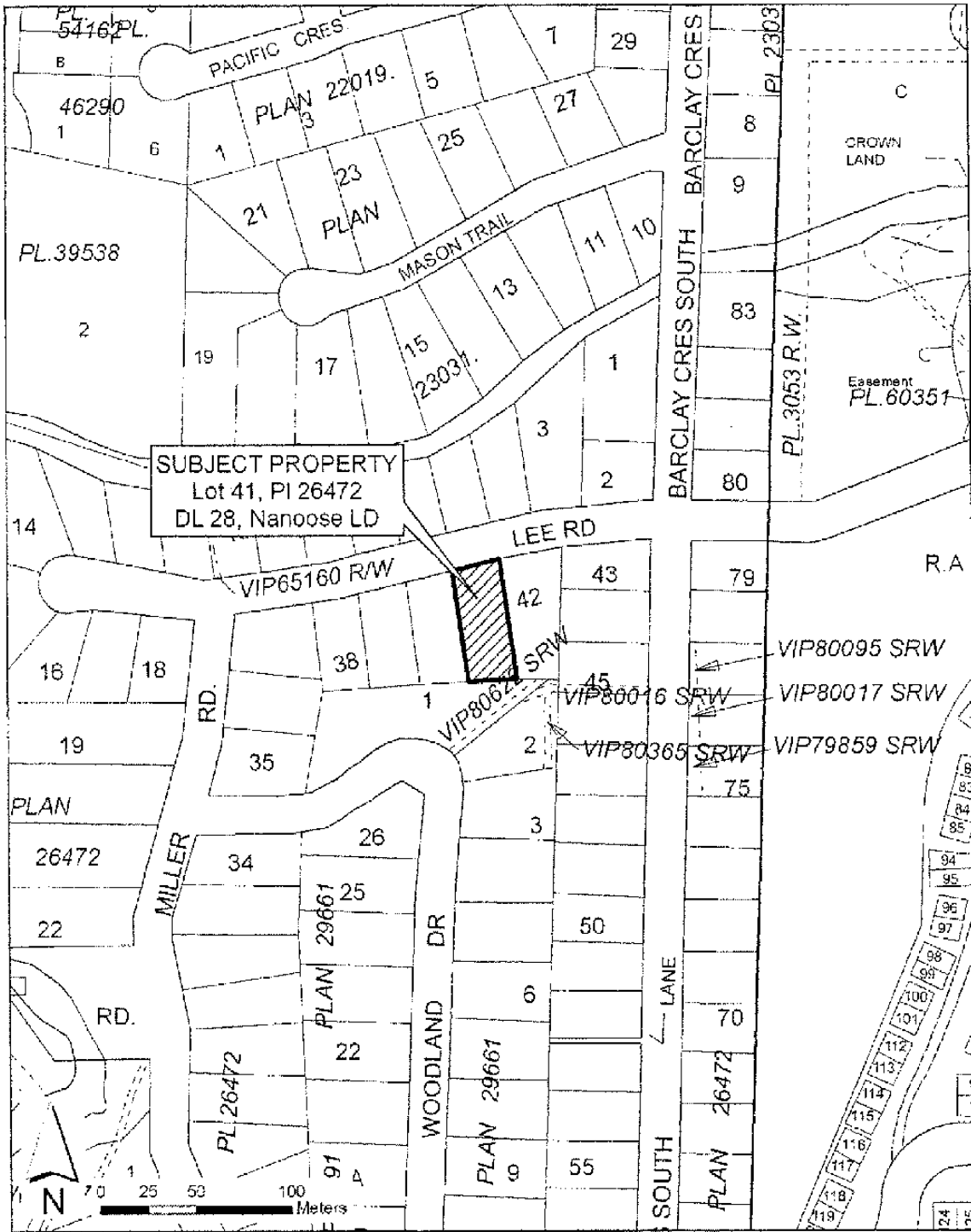
CAO Concurrence

COMMENTS:

**Attachment No. 1**  
**Subdivision Application No. 27673**  
**Proposed Plan of Subdivision**  
**(as submitted by applicant / reduced for convenience)**



**Attachment No. 2**  
**Subdivision Application No. 27673**  
**Location of Subject Property**



BCGS Mapsheet No. 92F.039.1.3



CAO APPROVAL	
EAP	✓
COW	
JAN 02 2008	
RHD	
BOARD	

**MEMORANDUM**

**TO:** Paul Thompson  
Manager of Long Range Planning

**DATE:** December 18, 2007

**FROM:** Greg Keller  
Senior Planner

**FILE:** 6480 01 EAG

**SUBJECT:** Electoral Area 'G' Draft Official Community Plan – Bylaw No. 1540, 2008  
All Electoral Areas

**PURPOSE**

To provide a summary of the process for the preparation of the draft Electoral Area 'G' Official Community Plan (OCP) and to introduce the draft Official Community Plan and corresponding bylaw (1540, 2008) for 1<sup>st</sup> and 2<sup>nd</sup> reading and refer the bylaw to a Public Hearing .

**BACKGROUND**

The Electoral Area 'G' Official Community Plan review process has been underway since April 2006 with the intent of consolidating the three existing Official Community Plans in Electoral Area 'G' (Shaw Hill-Deep Bay, French Creek, and Englishman River). The Official Community Plan review process has included a number of opportunities for public input and involvement. A summary of the Official Community Plan review process to date including opportunities for public participation is provided in Appendix 1.

**DISCUSSION**

A number of questions, comments, requests, and concerns were received during the Official Community Plan Review process. A general summary of what is proposed to stay the same, what is proposed to change, and property or issue specific requests that have not been included in the draft Official Community Plan is provided in Appendix 2.

**GROWTH STRATEGY IMPLICATIONS**

Once a Regional Growth Strategy is adopted, all bylaws and services undertaken by a Regional District, including Official Community Plans, must be consistent with the Regional Growth Strategy. The draft Official Community Plan is consistent with the goals of the Regional Growth Strategy. However, it is noted that the draft Official Community Plan contains policies that may require an amendment to the Regional Growth Strategy before they can be implemented.

The following is a summary of the policies in the draft Official Community Plan which may not be consistent with the current Regional Growth Strategy policies, but which work towards the Regional Growth Strategy Goals.

Summary of Proposed OCP Policy	Applicable RGS Policy/Goal Affected and why it is not consistent	Rationale
Support parcel averaging and clustering of development (same number of parcels and/or density within a smaller footprint) to protect an environmentally sensitive feature	<p><b>Policy 3A*</b> (does not meet the minimum parcel size supported in RGS)</p> <p>*May require a Regional Growth Strategy amendment depending on the details of the application.</p>	Although the proposed policy is not consistent with the current RGS policy, it works towards the goal of environmental protection and preserving rural integrity. The proposed policy does not support an increase in density or number of parcels in the rural area.
Support for eco-industrial networking (value added industry)	<p><b>Land Use Designation*</b> (may not be consistent with land use designation)</p> <p>*May require designation change if the use is considered Industrial rather than Resource Management.</p>	The proposed policy is consistent with RGS Goal 6 – Vibrant and Sustainable Economy and Goal 4 Environmental Protection as it supports value-added industry, promotes a reduced ecological footprint, and encourages industrial efficiencies.
Wembley Neighbourhood Centre Expansion	<p><b>Goal 1 – Strong Urban Containment</b> (proposes an amendment to the urban containment boundary)</p>	<p>Although the proposed policy is not consistent with the RGS policies with respect to strong urban containment, the proposed policy is consistent with the main goal to limit sprawl and focus development within urban containment boundaries.</p> <p>In this case the proposed urban containment boundary expansion includes lands that have been removed from the Agricultural Land Reserve, are adjacent to the Morningstar Golf Course, and that provide an opportunity to diversify the range of housing options within the Wembley Neighbourhood Centre.</p>
Support for zoning amendments on lands within the 'V' Subdivision District to permit the creation of parcels 1.0 hectare or greater to protect large tracts of land for resource uses while maintaining the density and number of parcels currently supported by the zoning bylaw.	<p><b>Policy 3A</b> (supports a smaller minimum parcel size than supported by the RGS)</p>	<p>The intent of this policy is to maintain large tracts of land for resource uses by focusing rural subdivision within a smaller footprint while maintaining the density and number of parcels currently supported by the zoning bylaw.</p> <p>Other objectives of this policy include reducing the requirement for additional road and infrastructure, providing long term protection of large land holdings for resource uses, as well as reducing the ecological impact of rural development.</p> <p>Although this policy is not consistent with the Regional Growth Strategy policy, the</p>

		proposed policy works towards the main goal of protecting and strengthening the region's rural economy and lifestyle.
Support for the rezoning of land to permit a use(s) which has satisfactorily completed the terms of a Temporary Use Permit.	<p><b>Land Use Designation*</b> (is not consistent with land use designation)</p> <p>*May require designation change if the use is considered Industrial rather than Resource Management.</p>	The proposed policy is consistent with RGS Goal 6 – Vibrant and Sustainable Economy and Goal 4 Environmental Protection as it encourages appropriate economic development opportunities within the Plan Area in an environmentally responsible manner.

**PUBLIC CONSULTATION IMPLICATIONS**

The Board has adopted a policy and a Public Consultation Framework for public consultation processes for major RDN projects. In addition, the *Local Government Act* sets out public consultation provisions for the adoption of OCPs. When the OCP project was initiated in April 2006, the Board adopted a public consultation strategy; this strategy and the requirements of the Board policy and the *Local Government Act* have been adhered to throughout the process.

Public consultation actions still to be completed include formal referrals to member municipalities and agencies, an open house, notification of the public hearing, the public hearing, required referrals pursuant to the *Local Government Act*, and adoption of the OCP by the RDN Board.

**INTERGOVERNMENTAL IMPLICATIONS**

Staff have consulted with other agencies throughout the Official Community Plan review process and will be sending formal referrals to the City of Parksville, the Town of Qualicum Beach and other agencies to obtain official feedback.

**FINANCIAL / LIQUID WASTE MANAGEMENT IMPLICATIONS**

Pursuant to the *Local Government Act*, the draft Plan has been referred to Environmental Services and Finance and Information Services for consideration in relation to the Regional District's Financial Plan as well as its Liquid Waste Management Plan.

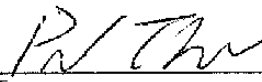
**SUMMARY/CONCLUSION**

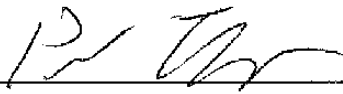
Following an extensive public consultation process, a draft Electoral Area 'G' Official Community Plan has been prepared. In general, the draft Official Community Plan proposes to maintain the status quo on most aspects of land use, but some changes with respect to increased environmental protection, parkland and green space, and Development Permit Areas are proposed. Throughout the Official Community Plan review process a number of requests regarding changes to specific policies, issues, and/or properties have been received. Many of these requests have been accommodated in the draft Official Community Plan, but some requests have not been included for reasons such as inconsistency with the Regional Growth Strategy, jurisdictional limitations, and management of risks and liabilities.

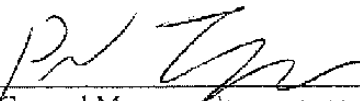


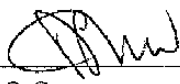
**RECOMMENDATIONS**

1. That the draft Electoral Area 'G' Official Community Plan be received.
2. That "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008" be given 1<sup>st</sup> and 2<sup>nd</sup> reading.
3. That "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008" has been considered in conjunction with the Regional District of Nanaimo's Financial Plan and Liquid Waste Management Plan and Growth Management Plan to ensure consistency between them.
4. That "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008" proceed to Public Hearing.
5. That the Public Hearing on "Regional District of Nanaimo 'G' Official Community Plan Bylaw No. 1540, 2008" be delegated to Director Stanhope or his alternate.
6. That the Board direct staff to provide an additional opportunity for public participation within the Plan Area or surrounding community prior to the Public Hearing.

  
\_\_\_\_\_  
foj Report Writer

  
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
foj General Manager Concurrence

  
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CAO Concurrence

COMMENTS:

## APPENDIX 1

### *SUMMARY OF THE OCP REVIEW PROCESS*

#### *Establishment of an Interagency Technical Advisory Committee (ITAG)*

ITAG is comprised of staff from local government, provincial, and federal agencies. The role of ITAG is to advise the RDN on the issues that should be addressed during the OCP review, provide technical advice related to the issues to be addressed, and provide advice on opportunities for interagency co-operation with respect to managing growth and development in Electoral Area 'G'. The version of the draft Official Community Plan attached to this report will be referred to ITAG for comment. It is anticipated that the comments received from ITAG will be available for the public hearing.

#### *Public Meetings*

Three public meetings were held on June 12, 14, and 15 (2006) for the purpose of introducing the Official Community Plan review process to the community.

#### *Community Workshops*

Six half-day community workshops were held September 30, October 14, and November 4 (2006) in order to obtain feedback on the existing Official Community Plans in Electoral Area 'G' and make suggestions on what should be changed in the draft Official Community Plan. The community workshops were organized around the following topics:

- Parks, Recreation and Community Amenities;
- Environmental Protection;
- Land Use in Urban Areas;
- Water and Sewer Servicing;
- Land Use in Rural Areas; and,
- Transportation and Mobility.

#### *Public Meetings Presenting the First Draft*

Following the community workshops, staff produced the first draft of the Electoral Area 'G' Official Community Plan based on the community input to date. The draft Official Community Plan was presented through a series of five public meetings held on June 11, 13, 18, 20, and 28 (2007), each focusing on a different topic as follows:

- Environmental Protection;
- Enhancing and Maintaining Parkland, Green Space, and Natural Areas; Improving Mobility;
- Containing Urban Sprawl; Creating Complete Nodal Communities;
- Protecting Rural Integrity; Creating a Vibrant and Sustainable Economy; and,
- Institutional Uses and Improving Servicing Efficiency.

#### *Open Houses Presenting the Second Draft*

Following the public meetings, staff amended the first draft of the Official Community Plan based on the input received at the public meetings. The second draft of the Official Community Plan was presented at a series of three open houses on September 17, 19, and 20.

### *Newsletters and Notices*

Other forms of public involvement included a newsletter sent to every household within the Plan Area and an on-line survey to collect responses on key issues in the draft Official Community Plan.

All of the meetings and open houses described above were advertised in the Parksville Qualicum Beach News and on the Regional District of Nanaimo website. In addition, notices were posted in key locations within the Plan Area and distributed to members of the community for further distribution. Also, an email list comprised of community members who requested to be notified by email was compiled and used to provide notification of upcoming events.

### *Other Meetings*

Staff have met with a number of community groups including the Occaside Development and Construction Association, the French Creek Residents Association, Friends of French Creek, Shorewood San Pareil Owners and Residents Association, and a community group in Dashwood to discuss the draft Official Community Plan.

In addition to meeting with community groups, staff have also met with various individuals upon request to discuss the draft Official Community Plan.

### *On-line Survey*

As part of the public participation process, an on-line survey was used to poll the community on a number of topics in relation to the Official Community Plan including environmental protection, land use near the French Creek Harbour, minimum parcels sizes in rural areas, support or non-support of Official Community Plan policies, and protection of agricultural lands.

The results of the survey are available for public review on the Regional District of Nanaimo website. Although the number of respondents was only 15, the feedback on the draft Official Community Plan was good. With respect to environmental protection, the survey indicates that there is a good balance between those who feel that the Official Community Plan adequately addresses environmental protection and those who feel it does not do enough. Overall this trend was reflected throughout the remainder of the survey, which appears to indicate that the draft Official Community Plan strikes a balance between those who want the Official Community Plan to do more and those who think the Official Community Plan does too much.

### *Preparation of the Third Draft*

Following the Open Houses and considering other input from the survey and meetings with property owners and community groups, staff amended the second draft of the Official Community Plan.

### *Preparation of the adopting Bylaw*

Following completion of the third draft, staff prepared the Official Community Plan adopting bylaw "Regional District of Nanaimo Bylaw No. 1540, 2008" (Bylaw No. 1540) which includes the draft Official Community Plan and maps No. 1-10 attached as Schedule A to that bylaw. Please note Bylaw No. 1540 has been circulated separately.

## APPENDIX 2

### SUMMARY OF CHANGES

A number of questions, comments, requests, and concerns were received during the Official Community Plan Review process. The following is a general summary of what is proposed to stay the same, what is proposed to change, and property or issue specific requests that have not been included in the draft Official Community Plan.

#### Section 1.0 - Introduction

##### *What is proposed to stay the same:*

The introduction of the proposed Official Community Plan is loosely modeled on the French Creek Official Community Plan as it is the most recent of the three Official Community Plans in Electoral Area 'G', and the only Official Community Plan adopted after the Regional Growth Strategy was adopted.

##### *What is proposed to change:*

Since the proposed Plan consolidates the Shaw Hill – Deep Bay, French Creek, and Englishman River Official Community Plans, the introduction has been amended to reflect Electoral Area 'G' as a whole. This has resulted in a less detailed description of the three previous Official Community Plan Areas and a more general description of the Plan Area.

##### *Requests that have been submitted, considered by staff, but not included in the draft Official Community Plan:*

It has been suggested that a more detailed description of French Creek be included in the introduction and throughout the Plan within the preamble of each section similar to what was in the existing French Creek Official Community Plan. Staff have not included the additional detail in the introduction and throughout the proposed Plan in order to reduce overall length of the Plan and minimize additional non-essential content that does not provide direction on how the Plan Area will develop and change over time. As well, this Plan applies to all of Electoral Area 'G' and should not emphasize one area over others.

#### Section 2.0 - Protecting the Natural Environment

##### *What is proposed to stay the same:*

The general concept of environmental protection and ensuring that development occurs in an environmentally responsible manner is carried forward from the existing Official Community Plans. Albeit in a different format, the general intent of the proposed Official Community Plan is similar to the existing Official Community Plans.

For the most part the way in which the environment is managed and protected is staying the same. The use of Development Permit Areas and policies that apply at the time of rezoning and subdivision are proposed to be included in the draft Official Community Plan, which, with the exception of the Englishman River Official Community Plan is consistent with the current Official Community Plans in Electoral Area 'G'.

***What is proposed to change:***

A number of changes are proposed in the draft Official Community Plan which are intended to reduce the ecological footprint of development, work towards more sustainable forms of development, ensure that development is protected from natural hazards, and minimize the impact of development on environmentally sensitive features. The proposed environmental protection objectives and policies are also consistent with *Goal 4 – Protecting the Natural Environment* of the Regional Growth Strategy. In general, the draft Official Community Plan proposes to increase the level of environmental protection within the Plan Area.

The draft Official Community Plan, in response to feedback from the community, proposes the following changes:

- new and stronger policies on ground water protection and more efficient use of water;
- lands above vulnerable aquifers are designated within a Development Permit Area to ensure that developments are reviewed for potential impacts on groundwater;
- no net loss of environmentally sensitive features;
- a section on rain water management to ensure that rain water runoff will not negatively affect the environment and to reduce the amount of impervious surfaces to promote ground water recharge;
- a sustainable development and climate change section that encourages sustainable development practices;
- coastline and Hazard Lands Development Permit Areas are proposed to be extended in recognition of the Provincial Wildlife Management Area which runs along the coastline in the Plan area and to provide consistent protection of the Coastline and Hazardous areas throughout the Plan Area. This only requires the addition of a Development Permit Area in the Former Englishman River Official Community Plan as these Development Permit Areas already exist in the French Creek and Shaw Hill – Deep Bay Official Community Plan areas; and,
- environmentally sensitive features (eagle nesting trees, riparian vegetation, wetland, sparsely vegetated, and older forest) are recognized and designated within a Development Permit Area.

***Requests that have been submitted, considered by staff, but not included in the draft Official Community Plan:***

There have been a number of community members who have requested that the Official Community Plan include stronger environmental protection and more certainty by replacing words like 'may', 'should', and 'may consider' to words like 'shall', 'must', and 'will'. Staff have reviewed the draft Official Community Plan and have made some changes in response to this request where appropriate, but have maintained some flexibility in the wording in order to allow for unforeseen circumstances where the use of words that commit the Regional District of Nanaimo to something would be problematic, unreasonable, and/or inappropriate.

Throughout this Official Community Plan review process, one of the most significant concerns over environmental protection has been in regards to French Creek and the French Creek Estuary. Land use on the lands surrounding the French Creek Estuary has been controversial. The lands on the west side of French Creek are currently zoned multi-residential and the lands on the east side of French Creek are mainly zoned commercial. When combined there is a substantial amount of additional space on the west side of French Creek to permit a multi-residential development with approximately 220 units.

Some community groups including the Friends of French Creek Conservation Society and the French Creek Residents Association along with a number of community members have voiced their concern with

the historic development approvals and current zoning designations that are in place and prefer to see the French Creek Estuary protected as park or by prohibiting and/or severely restricting development.

In consideration of a number of factors including: the historic development, the current zoning, and that the Regional District of Nanaimo is not able to purchase the lands for conservation purposes, the draft Official Community Plan continues to support the existing land uses and current zoning, but recognizes that this is an environmentally sensitive area and requires protective measures to ensure that development is conducted in an appropriate manner. The way in which the Official Community Plan proposes to require additional protective measures is by supporting a rezoning to permit a mixed use residential-commercial area at the historic centre of the community adjacent to French Creek Harbour. The rezoning would trigger a number of protective measures that otherwise would not be possible without the requirement for a rezoning.

There has also been a request to include eagle perch and other wildlife trees within a Development Permit Area. However, due to the difficulty in identifying, tracking, and mapping these trees, they have not been included.

### **Section 3.0 - Containing Urban Sprawl**

#### ***What is proposed to stay the same:***

The draft Plan continues to support *Goal 1 – Strong Urban Containment* of the Regional Growth Strategy. Therefore, the proposed Plan encourages urban containment through the establishment of an Urban Containment Boundary.

With the exception of the introduction of secondary suites, the densities within the Neighbourhood Residential designation are proposed to stay at a maximum of 15 dwelling units per hectare.

#### ***What is proposed to change:***

The draft plan supports a feasibility study looking at the feasibility of establishing a new neighbourhood centre in Dashwood that supports a mix of uses. The intent is to recognize the existing developed areas and take advantage of the existing community water servicing and the fact that Dashwood is within the engineered sewer servicing area.

Secondary suites are also supported in the draft Plan for a number of reasons. The benefits of secondary suites are wide reaching and include benefits to home owners, tenants and the community. In summary, secondary suites not only provide financial assistance to a home owner, but also allow owners on a fixed income and seniors to remain in their homes by renting out a secondary suite as well as allowing families to stay together and care for one another. Secondary suites are also a low impact form of ground-oriented affordable housing that is in relatively close proximity to services and does not place additional strain on housing subsidies. Secondary suites also support the creation of complete communities as they contribute additional density into existing urban areas as well as help to support a range of housing types and sizes, thereby reducing the demand for additional development in the rural areas and making more efficient use of existing building stock rather than encouraging the construction of additional buildings elsewhere.

It is recognized that there are some concerns in the community with respect to the impact and suitability of suites within the Plan Area. The draft Official Community Plan addresses these concerns by imposing guidelines for parking, maximum floor area, location of suites, etc.

***Requests that have been submitted, considered by staff, but not included in the draft Official Community Plan:***

There has been some community members who have indicated that they do not support secondary suites due to concerns with servicing, additional traffic and parking, and community character. However, staff believe that the benefits of secondary suites are substantial enough that a rezoning to allow this form of housing should at least be considered. In addition, implementing the proposed secondary suite policy will require further public involvement where these concerns can be addressed. Therefore, staff is recommending that the draft Official Community Plan maintain its support for secondary suites.

Another small group requested that secondary suites be permitted in rural areas and be allowed to be larger in size. Staff has not included this request in the draft Official Community Plan as this is contrary to Regional Growth Strategy goals for strong urban containment, protecting rural integrity, improving mobility, and environmental protection.

**Section 4.0 - Creating Complete Nodal Communities**

***What is proposed to stay the same:***

The draft Official Community Plan continues to support the Wembley Neighbourhood Centre and the existing Official Community Plan land use designations and current zoning on the lands adjacent to French Creek Harbour.

***What is proposed to change:***

The base density for Wembley Neighbourhood Centre is proposed to increase from 15 to 20 dwelling units per hectare. The draft Plan supports a three-tiered bonus density provision where by the density could be increased incrementally from 20 to 45, 50, or 55 units depending on the amount of green space and community amenities proposed by the developer.

The draft Plan limits growth based on the availability of community water. Without community water the densities supported by the plan can not occur.

To accommodate additional growth and a range of housing types in the Wembley Neighbourhood Centre, an expansion to the Urban Containment Boundary to the west of the existing Neighbourhood Centre is supported, which also coincides with a proposed residential development adjacent to Morningstar Golf Course.

The term "French Creek Comprehensive Development Area" is proposed to be removed but the land uses previously supported within the French Creek Comprehensive Development Area are still supported in the draft Plan. One change is the proposed French Creek Mixed Use Area located between French Creek and Lee Road. In addition to supporting the current Commercial 5 and Residential 1 zoning, the French Creek Mixed Use Area supports a zoning amendment to permit a mixed commercial residential development.

It is noted that the French Creek Mixed Use Area is located at the confluence of French and Morningstar Creeks and the French Creek Estuary. Therefore, any proposal for rezoning requires appropriate measures be taken to protect these sensitive features.

***Requests that have been submitted, considered by staff, but not included in the draft Official Community Plan:***

Please refer to the comments on Section 2.0 above regarding the French Creek Estuary and surrounding lands.

There has also been a request for an alternate location for a Neighbourhood Centre in French Creek located east of Lee Road. Staff did not support this request because it did not meet the main objective to provide additional protection to the French Creek Estuary. As well, a new node would result in more intensive use spread out over a much larger area rather than focusing development in the historic heart of the community.

**Section 5.0 - Protecting Rural Integrity**

***What is proposed to stay the same:***

In accordance with Policy 3A of the Regional Growth Strategy, the draft Official Community Plan does not support minimum parcel sizes in rural areas less than the minimum parcel sizes supported by the current Official Community Plans.

In general, with the exception of San Pareil and Dashwood, minimum parcel sizes are proposed to stay the same.

***What is proposed to change:***

The minimum parcel size in San Pareil and Dashwood are proposed to increase from 1600m<sup>2</sup> and 2000m<sup>2</sup> to 1.0 hectare as these lands are located outside of the Urban Containment Boundary and are not intended to be serviced with community sewer. This is also in keeping with the Ministry of Community Services' infrastructure grant requirements, which require the minimum parcel size to be at least 1.0 hectare in areas that are not intended to be serviced with community sewer.

Land use designation titles and formats have changed in order to best reflect the land use policies in the current Official Community Plans.

Building strata developments are becoming more prevalent in the Regional District of Nanaimo as well as in the Plan Area. Where the zoning permits two dwelling units per parcel, owners are able to build two dwelling units on a vacant property and create two separate titles. This is a form of subdivision which Local Governments have no authority to regulate, other than to amend their zoning bylaw provisions to limit development to 1 dwelling per parcel. The ability to create building strata developments has allowed properties to be created which are less than the minimum parcel size requirement specified by the zoning bylaw.

Building strata developments within rural areas have the potential to significantly increase the density and create parcels smaller than the minimum parcel size specified by the zoning bylaw without having to apply for subdivision approval, without a requirement for park land dedication, without road dedication and improvements, and with no required engineering review. As a result, the current zoning provides an incentive for property owners and developers to develop rural properties rather than encouraging development within the Urban Containment Boundary.



The draft Official Community Plan addresses this issue by supporting a change in the zoning on lands designated Rural Residential 1, Rural Residential 2, Rural Residential 3, Rural, and Rural Resource to make the minimum site area requirements for each dwelling unit equal to the minimum parcel size.

It is estimated that under the existing zoning within the proposed Rural Residential 1, Rural Residential 2, Rural Residential 3, Rural, and Rural Resource land use designations there is potential for a total of approximately 2900 dwelling units compared to approximately 2200 if the zoning was changed to restrict the density to one dwelling per parcel. That means that the proposed Official Community Plan would reduce the development potential outside of the Urban Containment Boundary by approximately 700 dwelling units, which in turn should encourage more development within the urban areas in accordance with the Regional Growth Strategy.

Assuming that a reduction in development potential within rural areas would result in an increase in demand for development within the urban area, a reduction of approximately 700 dwelling units within rural areas which are not located within close proximity to transit, services, and amenities would result in a significant reduction in automobile related greenhouse gas emissions by reducing the distance traveled on a daily basis. This would also mean that approximately 700 fewer households would be disposing of septic effluent in the rural areas.

The draft Official Community Plan, subject to a Regional Growth Strategy amendment, supports the clustering of development and density transfer in order to support development within a smaller footprint and protect the viability of natural resource management and related uses.

***Requests that have been submitted, considered by staff, but not included in the draft Official Community Plan:***

There has been a request from Island Timberlands to support a comprehensive residential development located adjacent to the west boundary of Qualicum Beach. The subject lands are located within the Rural Resource land use designation in the draft Official Community Plan as well as being designated Resource Lands and Open Spaces in the Regional Growth Strategy. Since the proposal is inconsistent with the Regional Growth Strategy and the fact that consideration of land uses on Private Managed Forest Lands is an issue that goes beyond the scope of the Electoral Area 'G' Official Community Plan Review, staff is recommending that this request be deferred to the Regional Growth Strategy review, which is already underway.

The Regional District of Nanaimo received a request from a small number of property owners on View Road requesting that the Regional District of Nanaimo amend the zoning to remove animal care (kennel) and wood processing as a permitted use. There are two properties that have Rural 2 zoning and one property that has Rural 3 zoning. Both the Rural 2 and the Rural 3 zone permit Animal Care as a permitted use. The Rural 3 zone also permits wood processing.

Staff have been in contact with all three affected property owners and have included a policy in the draft Official Community Plan that would allow the property owners to apply to remove animal care as a permitted use. However, the property owner who owns the Rural 3 zoned property requested that wood processing remain as a permitted use.

A letter signed by a number of residents who live on or near Bunker Place was received requesting that the properties on Bunker Place be down zoned to increase the minimum parcel size to maintain the rural character of the neighbourhood. The subject lands are located within the Urban Containment Boundary in an area where a limited amount of development is supported. Staff is recommending that the Regional District of Nanaimo not support a down zoning to increase the minimum parcel size in order to continue

to support strong urban containment and the fact that this proposal is contrary to the intent of the Regional Growth Strategy's goal of encouraging densification within the Urban Containment Boundary.

### **Section 6.0 - Enhancing and Maintaining Parkland, Green Space, and Natural Areas**

#### ***What is proposed to stay the same:***

The acquisition of park land, retention of green space, and protection of natural areas continues to be supported by the draft Official Community Plan.

#### ***What is proposed to change:***

A target of 20% green space within the urban area is supported. This target was set in order to maintain the current amount of green space enjoyed by Plan Area residents as well as to encourage smart growth principles within the urban area. The 20% greenspace target is consistent with Policy 2B in the Regional Growth Strategy.

Park land and trail is permitted and encouraged throughout the Plan Area and the concept of parkland acquisition and parkland evaluation areas has been removed. The draft Official Community Plan provides an opportunity for park land dedication, cash in lieu, or a combination of land and cash at the time of subdivision or rezoning on any lands within the Plan Area provided the lands meet a set of predefined criteria.

#### ***Requests that have been submitted, considered by staff, but not included in the draft Official Community Plan:***

There have been a number of community members who have verbally requested that the land located at the corner of Columbia Drive and Highway 19A be designated as park. At this time, the Regional District of Nanaimo is not able to entertain such a request and therefore is not able to designate these lands as park. However, staff has included a policy that states that the residents of French Creek wish to consider options to acquire additional park land on these lands adjacent to French Creek.

### **Section 7.0 - Institutional Uses and Improving Servicing Efficiency**

#### ***What is proposed to stay the same:***

The community water and sewer servicing strategy is generally proposed to stay the same. Community water and community sewer will not be provided to properties outside of the Urban Containment Boundary other than to address public health and environmental issues and not to allow for additional density beyond what is supported with no community servicing.

#### ***What is proposed to change:***

The draft Official Community Plan defines a Community Sewer Service Planning Area and a Restricted Community Sewer Service Planning Area. Similar to what is in the Nanoose Bay Official Community Plan, the Community Sewer Service Planning Area, which applies to lands located within the Urban Containment Boundary, is the area where community sewer services should be provided to facilitate additional development. The Restricted Community Sewer Service Area which applies to lands outside of the Urban Containment Boundary is the area where sewer may be provided to address public health and environmental issues, but not allow additional development.

***Requests that have been submitted, considered by staff, but not included in the draft Official Community Plan:***

There has been some concern with the capacity of the existing community water systems and the French Creek Pollution Control Centre related to the ability of these systems to accommodate the additional development supported by the draft Official Community Plan. In terms of community water capacity, all of the additional development potential supported by the draft Plan is subject to the availability of community water. In terms of community sewer capacity, it is anticipated that development cost charges will pay for any required expansions which are required as a result of additional development.

**Section 8.0 - Creating a Vibrant and Sustainable Economy**

***What is proposed to stay the same:***

The draft Plan continues to support the retention of lands and large land holdings within the Agricultural Land Reserve as a means of protecting future food supply. Large land holdings for Forestry and natural resource extraction continue to be supported.

***What is proposed to change:***

Rezoning to permit primary processing and related activities associated with gravel extraction within the Rural and Rural Resource land use designation is supported subject to a number of criteria outlined in the Plan. The intent is to support value added uses and more efficient use of industrial and resource lands while at the same time reducing transport requirements by supporting complimentary uses on the same site.

A new section on Temporary Use Permits has been included in the draft Official Community Plan. Although the current Official Community Plans support Temporary Use Permits, the draft Area 'G' Official Community Plan builds on existing policies and supports Temporary Use Permits on parcels with an area of 4.0 hectares or greater within the Rural and Rural Resource Land Use designations. In addition to the uses currently supported, the draft Plan also supports asphalt batch plant, concrete ready mix, yard waste chipping, and commercial composting. In order to address the potential impacts (environmental, land use, etc.) of these uses, the draft Plan includes a number of conditions of approval. The intent of the proposed changes is to support value added uses, encourage the chipping of yard waste in lieu of open burning, and to reduce transport requirements for the production of these select goods.

The draft Plan also supports a rezoning to recognize temporary uses that have proven to be acceptable after the term of a Temporary Use Permit is complete.

***Requests that have been submitted, considered by staff, but not included in the draft Official Community Plan:***

A request concerning some lands located on the southern boundary of Electoral Area 'G' adjacent to Electoral Area 'F' west of Church Road was received requesting that the Regional District of Nanaimo consider amending the boundaries of Electoral Area 'G' to include these lands within Electoral Area 'F'. The reason for the request was in order to establish industrial uses on the lands, which would be adjacent to industrial lands within Electoral Area 'F'.

The subject properties are proposed to be designated Rural Resource in the draft Official Community Plan and are designated Resource Lands and Open Spaces in the Regional Growth Strategy. Therefore, this request is contrary to the Regional Growth Strategy. However, there appears to be merit in looking at the issue in more detail through a separate process. Therefore, staff has included a policy in the draft Official

Community Plan that supports a review of the Electoral Area boundary between Electoral Area G and Electoral Area F to determine the feasibility of a boundary amendment.

A request was made for an industrial designation in the draft Plan and to rezone an existing gravel pit located west of the intersection of Highway 19 and Highway 4 to support primary processing and a concrete ready mix plant in association with the existing gravel extraction operation. The draft Plan supports a rezoning to allow the proposed use, however, it is not normal practice for the Regional District of Nanaimo to initiate a rezoning of land to accommodate a requested development proposal. Therefore, the owner will be responsible for making a rezoning application and ensuring that all concerns related to the proposed land use(s) are addressed.

### **Section 9.0 - Improving Mobility**

#### ***What is proposed to stay the same:***

This section is primarily the same in the proposed Official Community Plan and continues to support improvements to vehicular and non-vehicular transportation and mobility options.

#### ***What is proposed to change:***

The draft Plan supports the Island Corridor Foundation's mandate to reinstate passenger train service on Vancouver Island. In doing so, the draft Plan does not support further subdivision of lands within the rail way right-of-way and supports other forms of transportation within the right of way.

On November 12, 1998, the Regional District of Nanaimo entered into an agreement with the Ministry of Transportation, the City of Nanaimo, the Town of Qualicum Beach, and the City of Parksville titled the Vancouver Island Highway Agreement. The purpose of the agreement is to cooperatively manage access and land use along the Highway 19 corridor. The draft Official Community Plan works towards meeting the objectives of this agreement by designating a form and character Development Permit Area adjacent to the highway, supporting new tree removal permitting powers, increasing the minimum setback requirement for buildings and structures, and working with the Ministry of Transportation to maintain a vegetated buffer adjacent to the highway.

#### ***Requests that have been submitted, considered by staff, but not included in the draft Official Community Plan:***

There are no requests that have not been incorporated in to the Plan.

### **Section 10 - Development Permit Areas**

#### ***What is proposed to stay the same:***

The draft Plan continues to designate Development Permit Areas where they were previously designated in the French Creek, Englishman River, and Shaw Hill – Deep Bay Official Community Plans.

#### ***What is proposed to change:***

In recognition of the Provincial Wildlife Management Area, the Englishman River floodplain, and to be consistent with the remainder of the Plan Area, the draft Plan proposes to extend the environmentally sensitive features and hazard Development Permit Areas along the Englishman River. The Englishman River is one of the Regional District of Nanaimo's most flood prone areas so an additional hazard assessment is warranted.

With respect to Development Permit Areas for the protection of the environment, the draft Official Community Plan proposes an Environmentally Sensitive Features Development Permit Area, which pertains to coastal areas, watercourses, lakes, wetlands and ponds, aquifers, sensitive ecosystem types, and eagle nesting trees. The proposed Environmentally Sensitive Features Development Permit Area, in response to feedback received from the community, provides a higher level of protection compared to the current Official Community Plans in Electoral Area 'G'.

New features proposed to be included in the Environmentally Sensitive Features Development Permit Area include aquifers, sensitive ecosystem types (Riparian Vegetation, Wetland, Sparsely Vegetated, and Older Forest), and eagle nesting trees.

***Requests that have been submitted, considered by staff, but not included in the draft Official Community Plan:***

Comments and requests have been made to strengthen the wording of the Development Permit Area Guidelines and provide more concrete and rigid standards. The Regional District of Nanaimo has also received comments stating that the Development Permit Area Guidelines are too strong and do not provide enough flexibility. In response, staff have tried to strike a balance between the two sides.

**Section 11 - Official Community Plan Implementation Strategy**

***What is proposed to stay the same:***

The general format and intent of this section is proposed to stay the same.

***What is proposed to change:***

The implementation strategy has been updated to reflect the policies in the draft Official Community Plan. In order to promote more sustainable forms of development and obtain development amenities which are desirable to the community, amendments have been included in the draft Official Community Plan which identify additional community amenities including the recognition of sustainable development practices as part of a development amenity package.

***Requests that have been submitted, considered by staff, but not included in the draft Official Community Plan:***

No specific requests have been received on this section.

**Section 12 - Cooperation Among Jurisdictions**

***What is proposed to stay the same:***

Only the French Creek Official Community Plan contains a section on Cooperation Among Jurisdictions, which is proposed to remain generally the same in the draft Official Community Plan.

***What is proposed to change:***

In general, the draft Official Community Plan does not propose any significant changes to this section.

***Requests that have been submitted, considered by staff, but not included in the draft Official Community Plan:***

No specific requests have been received with respect to this section.

### **Section 13 - Definitions**

#### ***What is proposed to stay the same:***

Only the Shaw Hill – Deep Bay Official Community Plan included a definitions section. The definitions included in the Shaw Hill – Deep Bay Official Community Plan have, for the most part, been included in the draft Official Community Plan.

#### ***What is proposed to change:***

The draft Plan includes a number of new definitions.

#### ***Requests that have been submitted, considered by staff, but not included in the draft Official Community Plan:***

A request was made to exclude private water service providers from the definition of Community Water. However, staff has not included this request in the draft as all of the private water service providers in the Plan Area are and have historically been considered community water systems for the purpose of determining density as defined in the zoning bylaw.