

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, FEBRUARY 12, 2008

6:00 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 3-7 Minutes from the meeting of the Electoral Area Planning Committee held January 8, 2008.

BUSINESS ARISING FROM THE MINUTES

UNFINISHED BUSINESS

- 8-13 Development Permit Application No. 60703 (reconsideration) – Ring Contracting Ltd. – 470 Nanaimo River Road – Area C.
- 14-21 Development Permit Application No. 60735 (reconsideration) and Request for Relaxation and Request to Discharge a Section 219 Covenant – Fern Road Consulting Ltd. on behalf of Mcade – Lundine Lane – Area G.

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

- 22-28 Development Permit Application No. 60742 and Request for Relaxation – Chris Everett, BCLS, on behalf of Davidson – Adjacent to Norman Road – Area A.
- 29-36 Development Permit Application No. 60743 – Fern Road Consulting Ltd. on behalf of Foulds – Henry Morgan and Maple Guard Drives – Area H.
- 37-42 Development Permit Application No. 60802 – JE Anderson & Associates, BCLS, on behalf of Dubyna – 2520 and 2528 East Wellington Road – Area C.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 43-50 Development Variance Permit Application No. 90715 – D’Angelo – 335 Butler Avenue – Area G.
- 51-66 Development Variance Permit Application No. 90802 – Murray Hamilton on behalf of the Horne Lake Strata No. 5160 – Horne Lake – Area H.

OTHER

- 67-71 Request for Relaxation – McElhanney Consulting Services Ltd. on behalf of 547808 BC Ltd. – 2298 Pylades Drive – Area A.
- 72-77 Request for Relaxation and Request to Discharge a Section 219 Covenant – Fern Road Consulting Ltd. on behalf of Lundine – Lundine Lane – Area G.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

IN CAMERA

ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, JANUARY 8, 2008, AT 6:00 PM
IN THE RDN BOARD CHAMBERS**

Present:

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

Also in Attendance:

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

DELEGATIONS

MOVED Director Holme, SECONDED Director Biggemann, that a late delegation be permitted to address the Committee.

CARRIED

John Moore, French Creek House and French Creek Estates, re Proposed Area 'G' Draft OCP (Bylaw No. 1540, 2008).

Mr. Moore noted the importance of the proposed Electoral Area 'G' OCP to all businesses, builders, contractors and developers who live or conduct business in Area 'G' and requested that the Committee return the OCP to staff for further detailed review and input from community businesses, builders, contractors and developers.

MINUTES

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

CARRIED

CORRESPONDENCE/COMMUNICATIONS

R. Dean, Director, FCRA (The Friends of French Creek Conservation Society), re Development Permit Application No. 60735 – Lundine Lane – Area 'G'.

MOVED Director Stanhope, SECONDED Director Biggemann, that the correspondence from Mr. Dean, Director, FCRA regarding Development Permit Application No. 60735 be received.

CARRIED

R. Robinson, President, FCRA (The Friends of French Creek Conservation Society), re Area 'G' Draft OCP.

MOVED Director Stanhope, SECONDED Director Biggemann, that the correspondence from R. Robinson, President, FCRA, regarding the Electoral Area 'G' Draft Official Community Plan be received.

CARRIED

M. Jessen, Secretary, French Creek Residents' Association, re Area 'G' OCP Review and Adoption Process.

MOVED Director Stanhope, SECONDED Director Biggemann, that the correspondence from the French Creek Residents' Association with respect to the Electoral Area 'G' Official Community Plan review and adoption process be received.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. ZA0713 – Meadowood Firehall – Meadowood Way and Galvin Place – Area 'F'.

MOVED Director Biggemann, SECONDED Director Burnett, 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.

CARRIED

MOVED Director Biggemann, SECONDED Director Burnett, that "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.12, 2008" be given 1st and 2nd reading.

CARRIED

MOVED Director Biggemann, SECONDED Director Burnett, that the public hearing for "Regional District of Nanaimo Electoral Area 'F' Zoning 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.

CARRIED

Zoning Amendment Application No. ZA0714 – Wilde – 2450 Alberni Highway – Area 'F'.

MOVED Director Biggemann, SECONDED Director Burnett, that "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.10, 2008", be given 1st and 2nd reading.

CARRIED

MOVED Director Biggemann, SECONDED Director Burnett, that the Public Hearing for the proposed Bylaw No. 1285.10, 2008 be waived and notice of the intent to adopt the amendment be published in the local newspapers and on the RDN website.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60665 and Request for Relaxation – CO Smythies BCLS on behalf of H & F Ventures – Adjacent to Matthew Road – Area ‘E’.

MOVED Director Holme, SECONDED Director Stanhope, 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.

CARRIED

MOVED Director Holme, SECONDED Director Stanhope, 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 and VIP62598 be approved subject to Schedules No. 1 and 2 of the staff report.

CARRIED

Development Permit Application No. 60731 – Seeger – 6760 Island Highway West – Area ‘H’.

MOVED Director Holme, SECONDED Director Stanhope, 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, Plan VIP56628, and designated within the Environmentally Sensitive Features for Watercourse Protection and Fish Habitat Protection Development Permit Areas pursuant to “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003” be approved subject to the conditions outlined in Schedules 1 to 4 and the notification requirements of the *Local Government Act*.

CARRIED

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’.

MOVED Director Stanhope, SECONDED Director Burnett, that Development Permit No. 60735 be referred back to staff for further discussion of proposed lot lines between Lots 2 and 3, and a possible request to MOT for approval of an amalgamation of proposed driveways to protect existing sewer lines.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90713 – Haugen – 2112 Cedar Road – Area ‘A’.

MOVED Director Burnett, SECONDED Director Young, 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 to 3 and the notification requirements of the *Local Government Act*.

CARRIED

Development Variance Permit Application No. 90716 – Chabot – Adjacent to Charlton and Rose Park Roads and Island Highway No. 19A – Area ‘H’.

MOVED Director Holme, SECONDED Director Young, 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 the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report and to the notification procedure pursuant to the *Local Government Act*.

CARRIED

OTHER

Request for Relaxation – B. Henning, BCLS, on behalf of Diedrichsen & Laird – 2945 Amrik Road – Area ‘C’.

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

CARRIED

Request for Relaxation – JE Anderson, BCLS, on behalf of Hadikin – 1314 Lee Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Biggemann, 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.

CARRIED

MOVED Director Stanhope, SECONDED Director Biggemann, that staff review sewer service capacity before any further subdivision in the Barclay Crescent local service area.

CARRIED

Electoral Area ‘G’ Draft Official Community Plan.

The Manager of Long Range Planning provided an overview of the draft OCP and the staff report.

MOVED Director Stanhope, SECONDED Director Burnett, that the draft Electoral Area ‘G’ Official Community Plan be received.

CARRIED

MOVED Director Stanhope, SECONDED Director Burnett, that “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008” be given 1st and 2nd reading.

CARRIED

MOVED Director Stanhope, SECONDED Director Burnett, 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.

CARRIED

MOVED Director Stanhope, SECONDED Director Burnett, that “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008” proceed to Public Hearing.

CARRIED

MOVED Director Stanhope, SECONDED Director Burnett, that the Public Hearing on "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008" be delegated to Director Stanhope or his alternate.

CARRIED

MOVED Director Stanhope, SECONDED Director Burnett, 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.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 6:32 PM

CHAIRPERSON



RDN REPORT	
CAO APPROVAL <i>[Signature]</i>	
EAP	<i>[Signature]</i>
COW	
FEB - 1 2008	
RHD	
BOARD	

MEMORANDUM

TO: Geoff Garbutt
Manager, Current Planning

DATE: January 31, 2008

FROM: Susan Cormie
Senior Planner

FILE: 3060 30 60703
c/r 3320 20 26726

SUBJECT: Reconsideration of Development Permit Application No. 60703
Ring Contracting Ltd.
Electoral Area 'C' – 470 Nanaimo River Road

PURPOSE

To reconsider a development permit application in conjunction with the creation of a 2-lot subdivision within the Watercourse Protection and Fish Habitat Protection Development Permit Areas on a parcel in located in the Nanaimo River Road area of Electoral Area 'C'.

BACKGROUND

At the May 22, 2007 Regular Board Meeting, the following resolution was passed:

That Development Permit Application No. 60703 be referred back to staff for reconsideration.

CARRIED

The EAPC will recall that this is a subdivision application involving a development permit with variance and a request to relax the minimum 10% perimeter frontage requirement for 1 of the proposed parcels in conjunction with a proposed subdivision involving the parcel legally described as Lot 2, Section 6, Range 5, Cranberry District, Plan VIP55807 and located at 470 Nanaimo River Road in Electoral Area 'C' (See Attachment No. 1 for location of subject property). Concerns were raised by residents with respect to the proposed accesses. In response, the applicant submitted a revised subdivision layout which will meet the minimum 10% perimeter frontage requirement and does not require a bylaw variance for parcel averaging.

The property, which is 5.9 ha in size, is currently zoned Rural 9 (RU9) 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 parent parcel currently supports a dwelling unit.

Surrounding land uses include resource management zoned property to the north; rural zoned properties to the east and west; and Nanaimo River Road and rural zoned property to the south. Documents registered on title of the parent parcel include a section 219 covenant for the protection of Stark Creek and a 7.5 metre wide riparian area. The parent parcel is situated outside of an RDN Building Services area.

Pursuant to the "Arrowsmith Benson – Cranberry Bright Official Community Plan Bylaw No. 1148, 1999" (OCP), the parent parcel is designated within the Watercourse Protection Development Permit Area (DPA) in this case for the protection of Stark Creek which crosses the south west corner of the parent parcel.

Since the writing of the previous staff report, the subdivision application no longer has in-stream status with respect to the Fish Habitat Development Permit Area for the protection of fish habitat and riparian areas. This application is now subject to the Fish Habitat Protection Development Permit Area.

Proposed Development

The applicant is proposing to create 2 fee simple parcels -- Proposed Lot A at 1.6 ha in size and Proposed Lot B at 3.2 ha in size with private potable water wells and individual septic disposal systems (*see Schedule No. 2 for proposed revised subdivision layout*). These proposed parcel sizes will meet the parcel averaging provisions permitted pursuant to Bylaw No. 500, 1987. As part of the development permit process, the applicant has submitted a Riparian Assessment Report along with a revised plan of subdivision.

ALTERNATIVES

1. To approve Development Permit Application No. 60703 subject to the conditions outlined in Schedules No. 1 and 2.
2. To deny the Development Permit as submitted and provide staff with further direction.

DEVELOPMENT IMPLICATIONS

Environmentally Sensitive Features 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 Stark Creek crossing the parent parcel. This report establishes a Stream Protection and Enhancement Area (SPEA) of 15.6 metres from the horizontal distance from the normal bank-full channel width and states that as there is no physical development proposed within the Stark Creek SPEA or below the top of the bank, environmental monitoring should not be necessary. However, as the Ministry of Environment requires that all RAR reports require a schedule for environmental monitoring, the report recommends that a post development site visit be conducted to document post development SPEA conditions with a report to the Regional District. This requirement is included in the Conditions of Approval set out in *Schedule No. 1*.

Future Building Sites / Parcel Size Implications

The applicant amended the original plan of subdivision to meet the parcel averaging provisions pursuant to Bylaw No. 500, 1987. There is currently a dwelling unit located on proposed Lot A. Under the zoning provisions, no additional dwelling units will be permitted. This will be further secured by way of covenant at time of subdivision.

Staff notes that there is available area on the proposed parcel to construct an agricultural building. Proposed Lot A will be capable of supporting the intended uses under the Rural 9 zone. It is noted that although Lot B is proposed to be accessed by way of a panhandle, the minimum perimeter frontage requirement will still be met.

Access Issues Raised by the Public

Through the public notification held as part of the variance process, issues were raised with respect to access to the property and safety concerns with the existing road. Due to the revised plan of subdivision being able to meet the parcel averaging provisions of Bylaw No. 500, 1987; as the application will be able to meet the minimum 10% perimeter frontage requirement; and as the Ministry of transportation is responsible for access to parcels, staff will forward these concerns to the Approving Authority as part of the subdivision review process.

Site Servicing Implications

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

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

The applicant is proposing an individual well for each proposed parcel. Proof of potable water is subject to the approval of the Approving Officer.

VOTING

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

SUMMARY


This is a reconsideration of subdivision application that involves a development permit for the property located at 470 Nanaimo River Road Electoral Area 'C'. The Regional Board, at its regular meeting held on May 22, 2007 referred the submitted development permit application back to staff for further discussion. The applicant then provided a revised plan of subdivision which will meet the minimum 10% perimeter frontage requirement and avoid the need for a variance to Bylaw No. 500, 1987.

The subject property is within the Watercourse Protection and the Fish Habitat Protection Development Permit Areas pursuant to the Arrowsmith - Benson Cranberry - Bright OCP specifically for the purposes of ensuring protection of Stark Creek and its riparian area which crosses the parent parcel. The applicant is not proposing any works in the development permit area and no development below the steep slope. This will be included as a condition of the development permit (*see Schedule No. 1 for Conditions of Approval*).

Given that the applicant has provided a revised Plan of Subdivision which does not require a bylaw variance or 10% relaxation and as there are no proposed works within the established riparian area the Development Permit guideline have been addressed. Staff recommends Alternative No. 1 to approve the development permit subject to the conditions set out in Schedule Nos. 1 and 2 of this staff report.

RECOMMENDATION

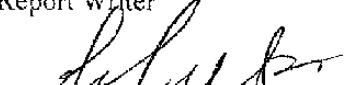
That Development Permit Application No. 60703 submitted by Ring Contracting Ltd., in conjunction with the subdivision on the parcel legally described as Lot 2, Section 6, Range 5, Cranberry District, Plan VIP55807 and located at 470 Nanaimo River Road in Electoral Area 'C' and designated within the Watercourse Protection and Fish Habitat Protection Development Permit Areas, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.



Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

Schedule No. 1
Development Permit Application No. 60703 - Revised
Conditions of Approval

The following sets out the conditions of approval:

1. Subdivision

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

2. Watercourse Development Permit Area (for the protection of Stark Creek)

No development shall occur within the Watercourse Protection Development Permit Area, including but not limited to no building or structures including fences, decks, and patios, outdoor storage, septic fields, wells, and placement of soils; or any alteration of the land by man.

3. Measures to Protect and Maintain the SPEA

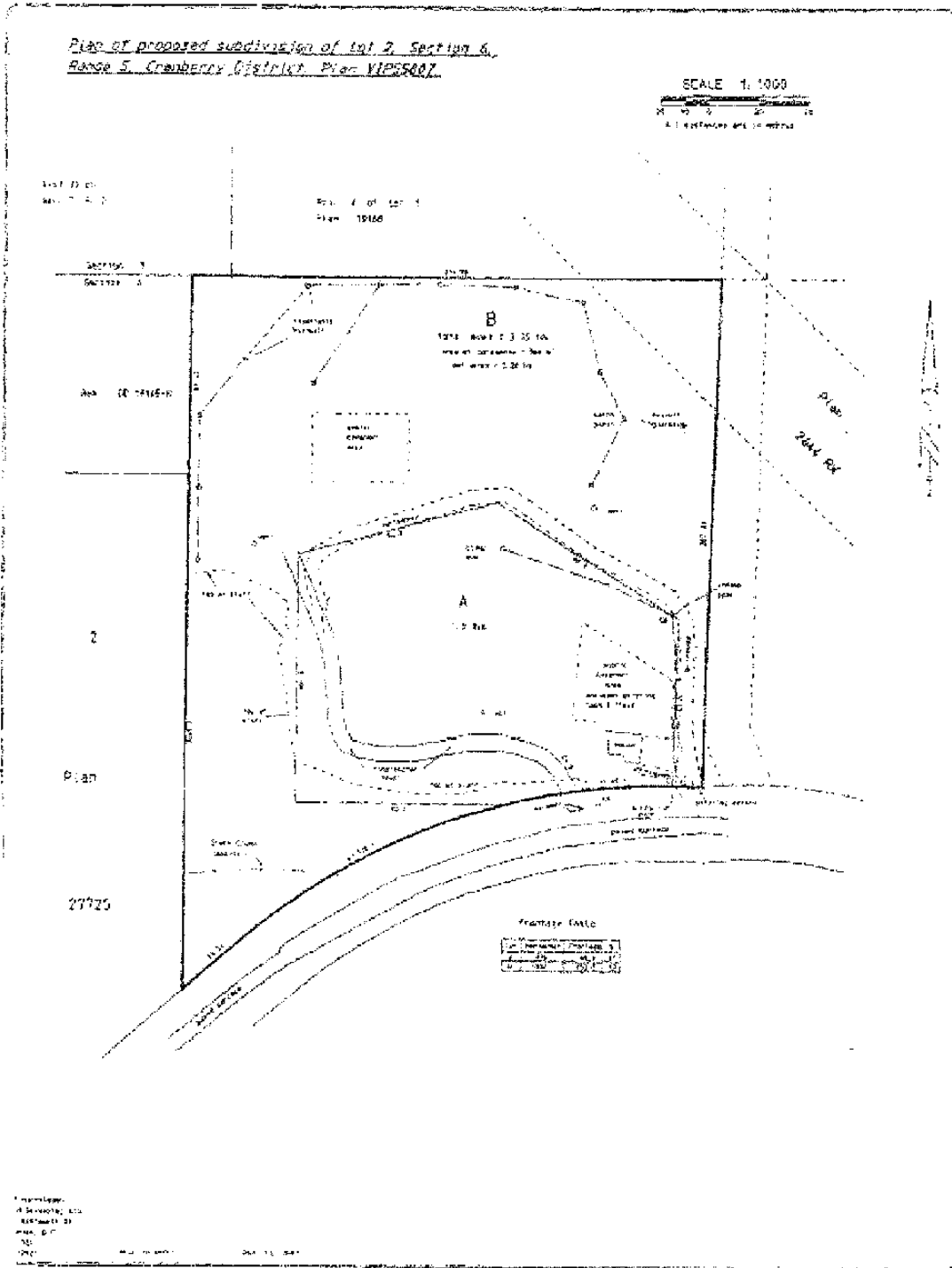
a. The applicant shall complete the recommendations set out in Section 4 – Measures to Protect and Maintain the SPEA of the Riparian Area Assessment No. 383 prepared by Steven Toth and accepted by the Ministry of Environment dated March 19, 2007 (to be attached to and forming part of this permit as Schedule No. 3) to the satisfaction of a Qualified Environmental Professional (QEP) with the QEP submitting written confirmation of completion of these works to the Regional District of Nanaimo.

b. No development is to occur within the SPEA or below the top of the steep bank.

4. 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. 383 to the satisfaction of a Qualified Environmental Professional (QEP) with the QEP submitting written confirmation of completion submitted to the Regional District of Nanaimo.

Schedule No. 2
Development Permit Application No. 60703
Proposed Plan of Subdivision - Revised
 (as submitted by applicant / reduced for convenience)





RDN REPORT	
CAO APPROVAL	
EAP	✓ Feb. 12th
COW	
FEB - 4 2008	
RHD	
BOARD	

MEMORANDUM

TO: Geoff Garbutt
Manager, Current Planning

DATE: January 31, 2008

FROM: Susan Cormie
Senior Planner

FILE: 306030 60735
3320 20 27253

SUBJECT: Reconsideration of 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 M & C Mcade
Electoral Area 'G' – Lundine Lane

PURPOSE

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

BACKGROUND

At the January 22, 2008 Regular Board Meeting the following resolution was passed:

That Development Permit No. 60735 be referred back to staff for further discussion of proposed lot lines between Lots 2 and 3, and a possible request to MOT for approval of an amalgamation of proposed driveways to protect existing sewer lines.

CARRIED

The EAPC will recall that this is a subdivision application involving a Development Permit, 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 of 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 following provides a short summary of the development proposal. Please refer to the previous staff report dated December 21, 2007 and presented at the January 8, 2008 EAPC for additional details of this proposal.

Proposed Subdivision Development

The applicant is proposing to create 4 new parcels, all of which will meet the minimum parcel size requirement of 700 m² 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.

The parent parcel is designated 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. The exemption provisions of the development permit guidelines cannot be met, and a development permit is required.

Request for Frontage Relaxations

Proposed Lots 2 and 3, as shown on the *revised* 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	25.4 m	12.0 m	4.7 %
Lot 3	32.7 m	6.0 m	1.8 %

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 grantor 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 – REVISED PLAN

Building Site Area for Proposed Lot 3

Due to the concerns of the EAPC with respect to a sufficient buildable site area for proposed Lot 3, the applicant's BCLS submitted a revised plan of subdivision showing a building envelope of 346 m² for this proposed lot (*see Schedule No. 2 for Revised Plan of Subdivision*). The revised plan adjusts the lot line between proposed Lots 2 and 3 by reducing the area of proposed Lot 2 and adding it to proposed Lot 3. It is noted that the previous plan showed the building envelope as measured from the Streamside Protection Enhancement Area (SPEA) and not from the minimum setback requirement pursuant to Bylaw No. 500, 1987. The revised plan shows the correct minimum setback requirement and taking this correction into account, the revised plan provides a larger building site area for proposed Lot 3. While Proposed Lot 3 will still have a limited building site area, due to physical site constraints and minimum setback requirements, there will be a sufficient area for the construction of a dwelling unit and a limited sized accessory building.

Site Servicing Implications

With respect to the concern for protection of the existing sewer main and the driveway locations concerning the proposed panhandle portions of proposed Lots 2 and 3, staff has contacted the Ministry of Transportation staff who has verbally indicated that the Ministry will support a shared driveway easement

for Proposed Lots 2 and 3 for the purposes of protecting the sanitary sewer right-of-way. This will be secured through the subdivision review process.

VOTING

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

SUMMARY

As outlined in the staff report dated December 21, 2007 and presented to the January 8th, 2008 Electoral Area Planning Committee, 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. The Regional Board referred the development permit application back to staff to for further discussion of proposed lot lines between Lots 2 and 3 and a possible request to MOT for approval of an amalgamation of proposed driveways to protect existing sewer lines.

With respect to the lot line adjustment, the applicant's BCLS has provided a revised plan of subdivision to allow for a sufficient building site area for proposed Lot 3. While Proposed Lot 3 will still have a limited building site area, due to physical site constraints and minimum setback requirements, there will be sufficient area for the construction of a dwelling unit and a limited sized accessory building.

With respect to the shared driveway easement, the Ministry of Transportation staff has indicated that they have no objection to this request. With respect to the request for relaxation of the minimum 10% frontage requirement for Proposed Lots 2 and 3, Ministry has indicated that they have no objection to the relaxations.

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 Lots 2 and 3 as these lots will have enough parcel size to further subdivide.

In keeping with the section 215 covenant concerning vegetation retention, 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.

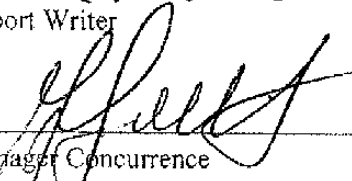
Given that the applicants have provided revised parcel areas and building envelopes for proposed Lots 2 and 3; that there will be vegetation replacement for tree removal along Lundine Lane; that the Ministry of Transportation will support a shared driveway easement for protection of the sanitary sewer main; that the applicable Development Permit guidelines will be able to be met, staff recommends 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 219 covenant document be discharged subject to conditions set out in Schedules No. 1 of the corresponding staff report.

RECOMMENDATIONS

1. That Development Permit No. 60735 submitted by Fern Road Consulting Ltd., on behalf of M & C 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 M & C Meade, to relax the minimum 10% perimeter frontage requirement for Proposed Lots 2 and 3 in conjunction with the proposed subdivision of Lot 6, District Lot 49, Nanoose District, Plan VIP52245 be approved.
3. That the request from Fern Road Consulting Ltd., on behalf M & C 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

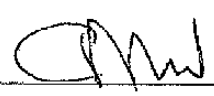


Manager Concurrence

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 for Development Permit No. 60734:

The following sets out the conditions of approval for Development Permit No. 60734:

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 as Schedule No. 3) shall be followed with the Qualified Environmental Professional (QEP) providing written confirmation to the RDN that required measures have been met to the satisfaction of the QEP.

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 with the Qualified Environmental Professional (QEP) providing written confirmation to the RDN that required monitoring has been met to the satisfaction of the QEP.

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 10 metre wide corridor adjacent to Lundine Lane. Replacement trees will be of a suitable species native to the French Creek area and the location of trees are to be approved to the satisfaction of the Regional District prior to installation.

Conditions of Approval for Discharge of Covenant:

1. 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 pursuant to "French Creek Sewer Local Service Area Capital Charge Bylaw No. 1330, 2003" and amendments thereto and "Northern Community Sewer Local Service Area Capital Charge Bylaw No. 1331, 2003" and amendments thereto for 3 parcels to be paid to the Regional District of Nanaimo prior to the discharge of this covenant document.

2. No Further Subdivision Covenant

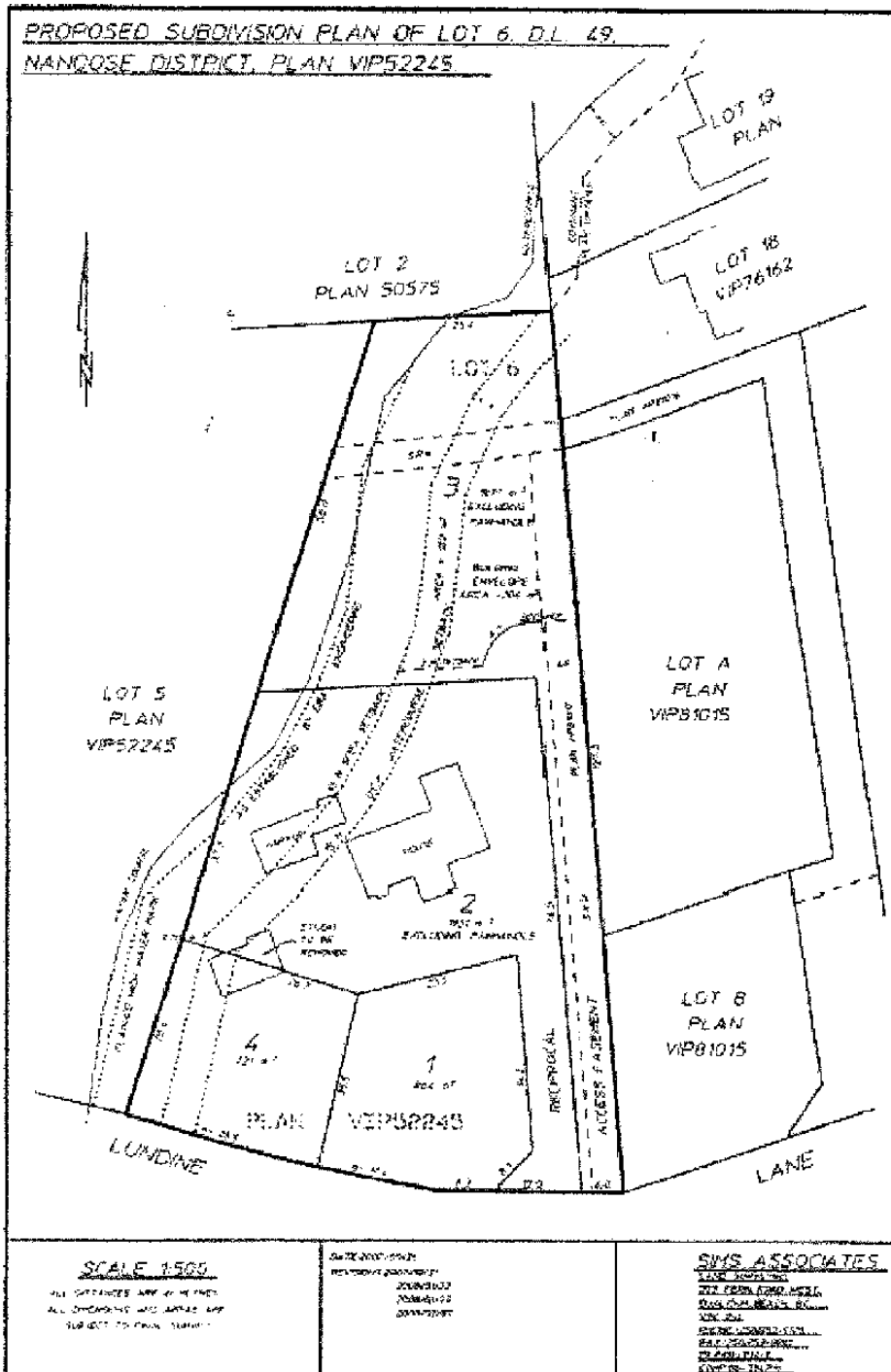
Applicant to prepare and register at their expense a section 219 covenant restricting any further subdivision including a subdivision pursuant to the *Strata Title Act* for Proposed Lots 2 and 3. The draft document to be forwarded to the Regional District of Nanaimo for review prior to registration.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

Conditions of Approval for Relaxation of the Minimum 10% Perimeter Frontage Requirement:

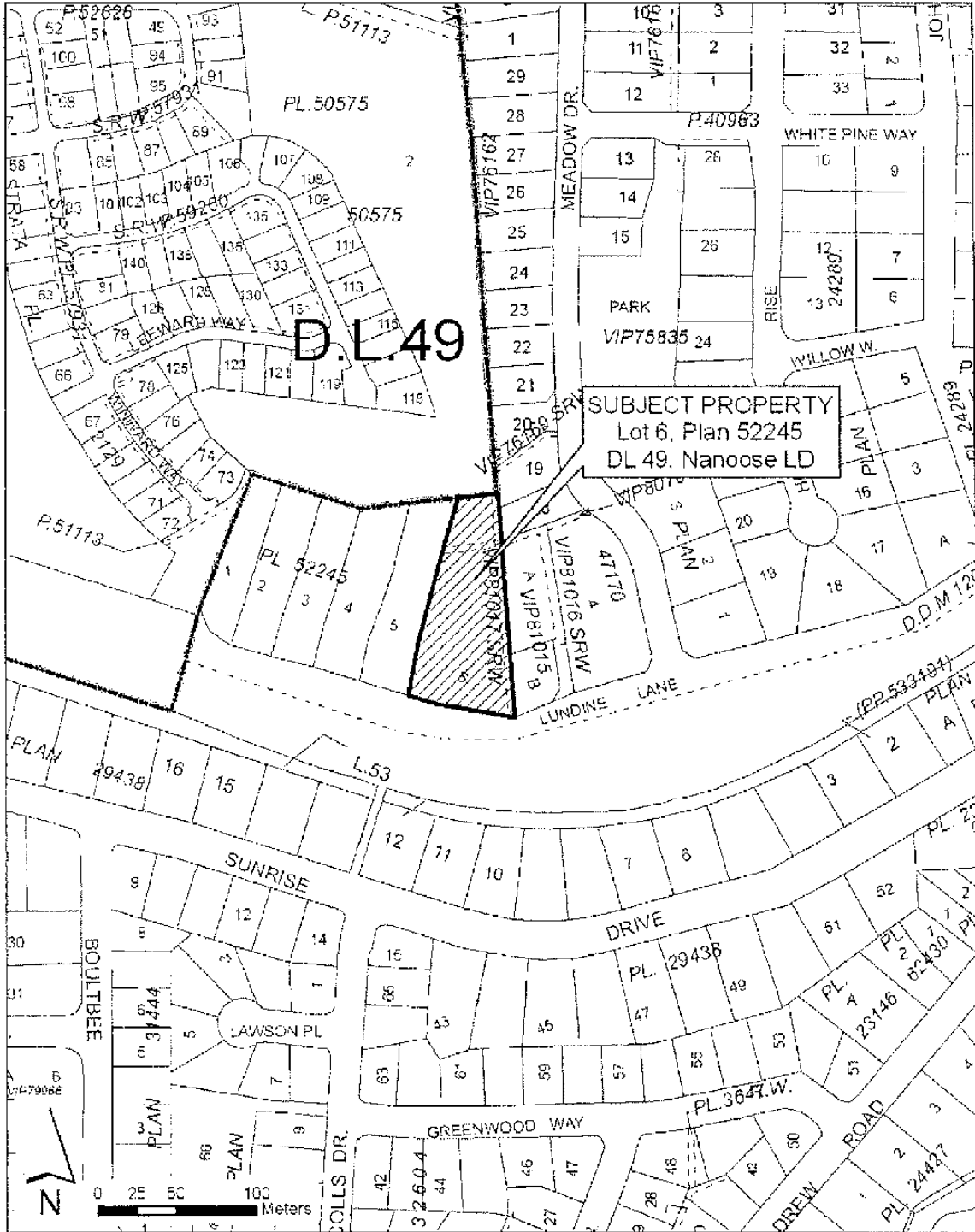
1. Driveway Access

The Regional District shall require that a reciprocal driveway access easement be required to serve proposed Lots 1 and the Remainder of Lot A to the satisfaction of the Ministry of Transportation.

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



Attachment No. 1
Location of Subject Property



BCGS Mapsheet No. 92F.039.1.3



RDN REPORT	
CAO APPROVAL	
EAP	✓ Feb. 12th
COV	
FEB - 1 2008	
RHD	
BOARD	

MEMORANDUM

TO: Geoff Garbutt
Manager, Current Planning

DATE: January 31, 2008

FROM: Susan Cormie
Senior Planner

FILE: 3060 30 60742
c/r 3320 20 27321

SUBJECT: Development Permit Application No. 60742 & Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement
Chris Everett, BCLS, on behalf of F & P Davidson
Electoral Area 'A' – Adjacent to Norman Road

PURPOSE

To consider a development permit application and a request for relaxation of the minimum 10% frontage requirement for both of the proposed parcels in conjunction with a 2-lot subdivision application on a parcel in located in Electoral Area 'A'.

BACKGROUND

The parent parcel, legally described as Lot 1, Section 3, Range 4, Cedar District, Plan VIP53412, is located in adjacent to Norman Road Electoral Area 'A' (see Attachment No. 1 for location of subject property).

The parent parcel, which is 7.49 ha in size, is currently zoned Rural 4 (RU4) and is within Subdivision District 'D' pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The applicant is proposing to create 2 parcels both greater than the minimum parcel size of 2.0 ha which meets the minimum parcel size provision of Bylaw No. 500, 1987.

The parent parcel is designated within the following development permit areas pursuant to the Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001:

- The Streams, Nesting Trees & Nanaimo River Floodplain Development Permit Area No. 5 (DPA), in this case, for the protection of Quennell Lake and its riparian area as well as a wetland and its riparian area which crosses the parent parcel; and
- The Fish Habitat Protection Development Permit Area No. 6 for the protection of fish habitat and its riparian area.

Surrounding land uses to the north, east, and south are rurally zoned parcels with Quennell Lake being situated to the north west of the parent parcel. The parent parcel currently supports a dwelling unit and outbuildings. 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. The applicant has not submitted a Sustainability Checklist.

The following charges are registered on title of the subject property:

- section 219 covenant restricting the removal of vegetation or placement of buildings within 7.5 metres of the natural boundary of Quennell Lake or any nearby marsh or swamp and for the protection of development from flooding;
- an easement agreement for the purposes of ingress and egress to adjacent lands; and
- a statutory right-of-way for BC Hydro and Power.

10% Minimum Perimeter Frontage Requirement

Both proposed parcels, as shown on the submitted plan of subdivision, will not be able to 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 A	68.4 m	20.0 m	4.9 %
Lot B	127.6 m	33.6 m	1.6 %

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. 60742, as submitted, subject to the conditions outlined in Schedule Nos. 1 and 2 and to approve the request for relaxation of the minimum 10% perimeter frontage requirement for proposed Lots A and B.
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

Ministry of Transportation Implications

At the time of writing this report, Ministry of Transportation staff has indicated that issues concerning access, flooding related to access, and access to water pursuant to section 75 of the *Land Title Act* have yet to be resolved. It is noted that if any substantial changes to the submitted plan of subdivision are made, the applicant would be required to reapply to the Regional District for a Development Permit and/or a request to relax the minimum frontage requirement.

With respect to access to water, it is noted that the Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001 supports the access to water through the subdivision process. As a result, staff will continue to recommend to the Approving Authority that access to water is supported.

Future Building Sites Implications

While there is a buildable site area for the proposed Lot B (Lot A currently supports a dwelling unit), the Ministry of Transportation's Approving Authority has indicated concern with the availability of access to the proposed building site. This item will be reviewed by the Approving Authority through the subdivision review process.

Site Servicing Implications

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

The applicant is proposing individual wells 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.

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 the wetland crossing the parent parcel. This report establishes a Stream Protection and Enhancement Area (SPEA) of 15.0 metres for the north side and 30.0 metres for the south side of the wetland, which is connected to Quennell Lake which is a fish-bearing water body. The report provides a number of measures to protect and maintain the SPEA including:

- During construction fencing or flagging is to be placed 5 metres beyond the SPEA to protect the root systems of trees located within the SPEA;
- Prior to development, the SPEA must be clearly demarcated with fencing and signage;
- No activities or development within the SPEA is permitted;
- A large strip of vegetation will be left in place outside the SPEA to help erosion and sediment control; and
- While storm water management is not to occur in the SPEA, mitigation measures are required to help reduce surface runoff that may occur during development;

In addition, as the Ministry of Environment requires that all RAR reports include a schedule for environmental monitoring, this report recommends that prior to construction the developer must contact the Qualified Environmental Professional (QEP) to conduct a site visit to ensure the SPEA is clearly marked with fencing 5 metres past the flagged boundary and the developer must contact the QEP upon completion of construction to evaluate adherence to the measures. These requirements are included in the Conditions of Approval set out in *Schedule No. 1*. It is noted that the accepted Riparian Area Assessment did not reference the portion of Quennell Lake fronting the parent parcel. As a result, there are no protective measures prescribed for the riparian area for Quennell Lake. Staff will recommend, through the subdivision review process, that the Regional Approving Officer require an updated covenant to protect the riparian area adjacent to Quennell Lake.

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 a wetland area and a request for relaxation of the minimum 10% frontage requirement for both of the proposed parcels in conjunction with a 2-lot subdivision for the property located off Norman Road in Electoral Area 'A'.

The subject property is within the Watercourse Protection and Fish Habitat Protection Development Permit Areas (DPA) pursuant to the Electoral Area 'A' OCP, in this case for the purposes of ensuring protection of the riparian area adjacent to the wetland area and Quennell Lake (*see Schedule No. 1 for Conditions of Approval*). The applicant has submitted a Riparian Area Assessment which includes measures and monitoring to protect the Stream Protection and Enhancement Area (SPEA). These requirements will be included in the Conditions of Approval.


With respect to the request for relaxation of the minimum 10% perimeter frontage for the proposed lots, there will be sufficient area outside the designated SPEA to support intended residential uses. At the time of writing this report, Approving Authority-related issues concerning access, flooding related to access,

and access to water pursuant to section 75 of the **Land Title Act** have yet to be resolved. It is noted that if any substantial changes to the submitted plan of subdivision are required by the Regional Approving Authority, the applicant would be required to reapply to the Regional District for a second development permit and/or a request to relax the minimum frontage requirement.

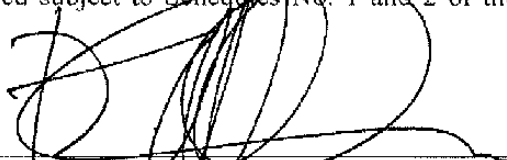
Therefore, as the applicant has provided an accepted Riparian Area Assessment; as there is a building site area on Proposed Lot B for residential uses; and the parcel size is consistent with the Official Community Plan policies, staff recommends Alternative No. 1 to approve relaxation of the minimum 10% perimeter frontage requirement for the proposed Lots A and B and to approve the development permit subject to the conditions outlined in *Schedules No. 1 and 2* of the staff report.

RECOMMENDATIONS

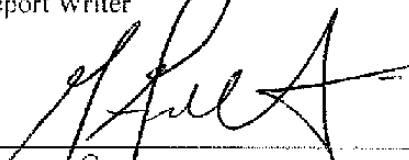
1. That Development Permit Application No. 60742, submitted by Chris Everett BCLS, on behalf of F & P Davidson, in conjunction with the subdivision of the parcel legally described as Lot 1, Section 3, Range 4, Cedar District, Plan VIP53412 and designated within the Watercourse Protection and Fish Habitat Development Permit Areas, 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 A and B in conjunction with the subdivision of the property legally described as Lot 1, Section 3, Range 4, Cedar District, Plan VIP53412 be approved subject to Schedules No. 1 and 2 of the corresponding staff report.



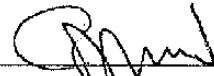
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:
Devrs/reports/2008 fe 10% subd 27321Davidson.doc

**Schedule No. 1
Development Permit No. 60742
Conditions of Approval**

The following sets out the conditions of approval in conjunction with Development Permit No. 60742:

1. Subdivision

The subdivision shall be in substantial compliance with the Proposed Plan of Subdivision prepared by Chris Everett, BCI.S and dated January 28, 2008 as shown on Schedule No. 2 (to be attached to and forming part of the permit).

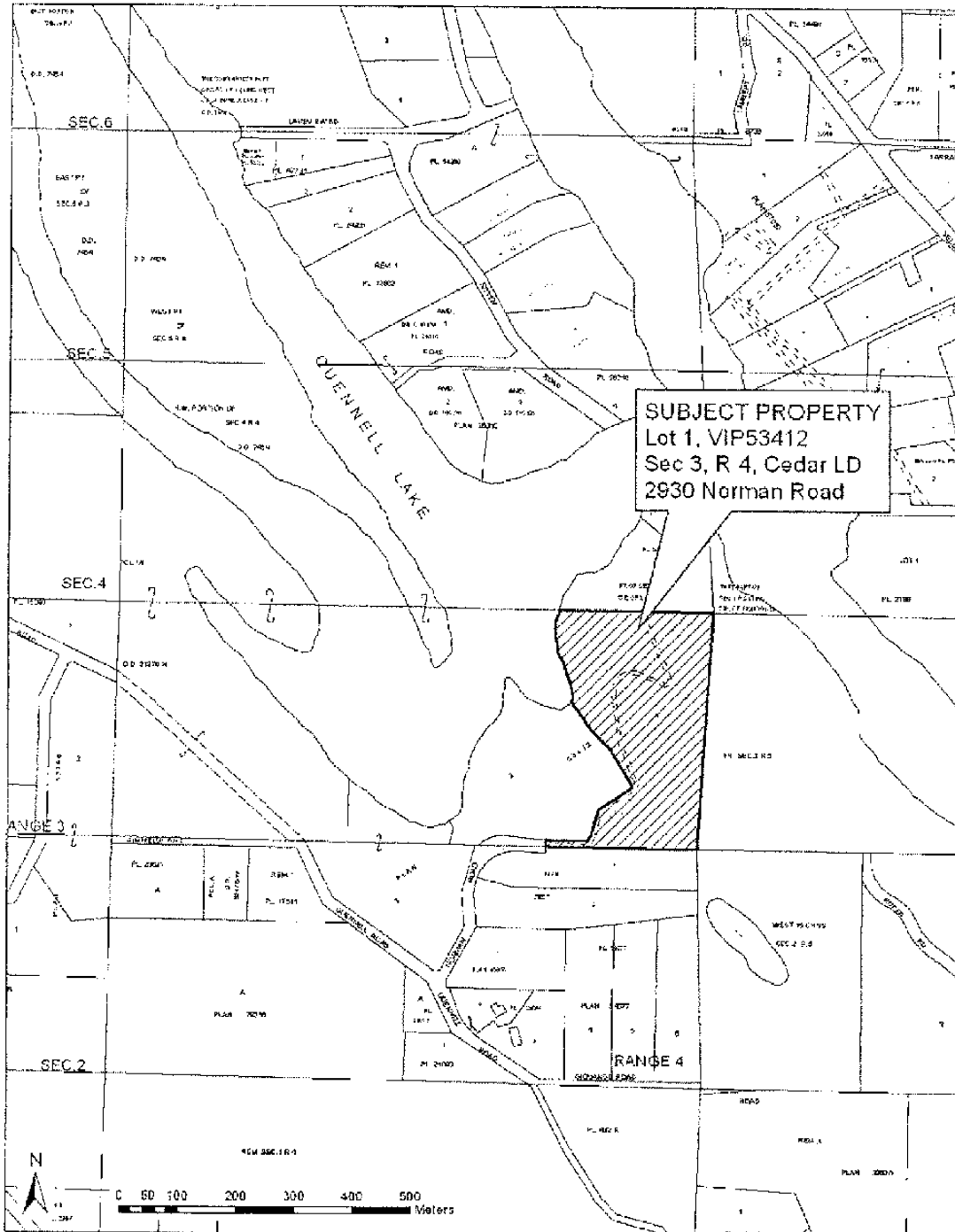
2. Measures to Protect and Maintain the SPEA

- a. No development associated with this subdivision shall occur with the SPEA as indicated in the Riparian Area Assessment No. 626 prepared by Jodie Krakowski and dated September 21, 2007 (to be attached to and forming part of the permit as Schedule No. 3).
- b. The applicant shall complete the recommendations set out in Section 4 -- Measures to Protect and Maintain the SPEA of the Riparian Area Assessment No. 626 prepared by Jodie Krakowski and dated September 21, 2007 to the satisfaction of a Qualified Environmental Professional (QEP) with the QEP submitting written confirmation of completion of these measures to the Regional District of Nanaimo.

3. Environmental Monitoring

The applicant shall complete the requirements as set out in Section 5 – Environmental Monitoring of the Riparian Area Assessment No. 626 prepared by Jodie Krakowski and dated September 21, 2007 to the satisfaction of a Qualified Environmental Professional (QEP) with the QEP submitting written confirmation of completion of the environmental monitoring to the Regional District of Nanaimo.

Attachment No. 1
Development Permit No. 60742
Location of Subject Property



BCGS MAPSHEET: 92G.001.4.2



RDN REPORT	
CAO APPROVAL <i>(initials)</i>	
EAP	<i>✓ Feb. 12th</i>
COW	
FEB - 1 2008	
RHD	
BOARD	

MEMORANDUM

TO: Geoff Garbutt
Manager, Current Planning

DATE: January 31, 2008

FROM: Susan Cormie
Senior Planner

FILE: 3060 30 60743
c/r 3320 20 27316

SUBJECT: Development Permit Application No. 60743
Fern Road Consulting Ltd., on behalf of J & L Foulds
Electoral Area 'H' – Henry Morgan & Maple Guard Drives

PURPOSE

To consider an application for a development permit in conjunction with the creation of a bare land strata lot subdivision within the Environmentally Sensitive Features Development Permit Area on property in Electoral Area 'H'.

BACKGROUND

The parent parcel, legally described as Lot 2 District Lot 36 Newcastle District Plan VIP61726, is located adjacent to and the Island Highway No. 19A in the Deep Bay area in Electoral Area 'H' (*See Attachment No. 1 for location of subject property*).

The property, which totals approximately 2.3 ha size, is zoned Residential 2 (RS2) and is situated within Subdivision District 'M' pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The parent parcel currently supports a dwelling unit and accessory buildings.

Surrounding uses include residentially zoned parcels and Maple Guard Drive to the north; residentially zoned parcels to the east; Essary Road and the E & N Railway to the south; and an RDN community park land and Henry Morgan Drive to the west.

The parent parcel is designated within the following development permits areas pursuant to the Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003:

- The Natural Hazard Development Permit Area, in this case, for the protection of development due to steep slopes;
- The Fish Habitat Protection Development Permit Area for the purposes of protecting riparian areas for the protection of fish habitat. In this case, the applicant's Qualified Environmental Professional (QEP) has confirmed that the watercourse located to the west of the parent parcel does not contain fish habitat nor does it contribute to fish habitat as set out in the Riparian Areas Regulations. This application will meet the exemption provisions of the development permit area;
- The Environmentally Sensitive Development Permit Area, in this case, for the protection of the aquifer; and
- The Village Centres Development Permit Area for the form and character of commercial, industrial or multi-family residential development. This application will meet the exemption provisions of the development permit area.

As the applicants are proposing to subdivide the land, a development permit concerning the Environmentally Sensitive Features and Natural Hazard Development Permit Areas is required.

Proposed Development

The applicant is proposing to construct 10 bare land strata lots which will parcel average to 2102 m² in size, therefore meeting the parcel averaging provisions of the Provincial ***Bare Land Strata Regulation***. The proposed parcels are proposed to be served with community water service connections from Deep Bay Water Works District and common property septic disposal system (*see Schedule No. 2 for proposed subdivision layout*).

As part of the application process, the applicant submitted the following information:

- Proposed plan of subdivision including the location of buildings, and the common property area;
- Revised preliminary Hydrogeological Investigation prepared by EBA Engineering Ltd. and dated September 2007;
- Correspondence entitled Environmental Assessment of 85 Henry Morgan Drive from Toth and Associates Environmental Services; and
- Geotechnical Assessment prepared by Lewkowich Geotechnical Engineering Ltd. and dated September 18, 2006.

In addition the applicant provided a completed Sustainability Checklist as per Board policy and there are no implications related this application.

ALTERNATIVES

1. To approve Development Permit Application No. 60743, as submitted, subject to the conditions outlined in Schedules No. 1 and 2.
2. To deny the development permit as submitted and provide staff with further direction.

DEVELOPMENT IMPLICATIONS

Development Permit / Environmental Implications

With respect to the development permit guidelines for protection of the aquifer, the submitted revised Preliminary Hydrogeological Study concludes that the proposed subdivision will pose a low risk of adverse impact to the underlying aquifer provided mitigative measures are taken. These measures include no additional wells be installed; a storm water management plan be developed; no underground fuel storage tanks be installed; and the sewage system be developed in accordance to the requirements set out in the BC Sewage regulation and it take into consideration the fact that the groundwater travel times in shallow sand will be fairly rapid. Therefore, to ensure protection of the aquifer, it is recommended that the development permit conditions of approval include the recommendations of the report be completed (*see Schedule No.1 for Conditions of Approval*).

With respect to the geotechnical evaluation, the submitted engineer's report identifies the parent parcel as a sloped property with a steeper slope north of Maple Guard Drive and surficial soils consisting of silty sand and gravel underlain by dense, silty sand with gravel. Due to these conditions, the report contains a number of construction-related recommendations which would be difficult to ensure compliance with in a manner as recommended by the geotechnical engineer unless the proposed lots were placed within a RDN

Building Services Areas. Due to this concern, the applicants' agent has provide written confirmation that the applicants are in concurrence to include the parent parcel within an RDN Building Services Area. It is noted that there are other parcels located in Electoral Area 'H' which have recently been included within a Building Services Area or are under consideration for inclusion into a Building Services Area. It is noted further geotechnical evaluations may be required at the time of building permit if the proposed lots are included in a Building Services Area.

Building Site Implications

Under the Provincial *Bare Land Strata Regulation*, bare land strata lots may be parcel averaged. As a result, 9 of the proposed bare land strata lots are less than the 2000 m² minimum parcel size. As the will not be any septic disposal systems and fields located on the individual lots, it is expected that the proposed lots will be capable of supporting the intended residential uses.

Site Servicing Implications

The applicants have applied for an application for the common property septic disposal system 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. Staff will, as part of the subdivision review process; forward the revised preliminary Hydrogeology Investigation Report to the Ministry's Approving Authority for its information in considering the storm water management component of this application.

The applicants' agent has indicated that community water service will be provided by Deep Bay Water Works District.

VOTING

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

SUMMARY

This is a subdivision application that involves an aquifer and natural hazard development permit for the property located adjacent to Henry Morgan and Maple Guard Drives in the Deep Bay area Electoral Area 'H'.

The subject property is designated within the Environmentally Sensitive Features Development Permit Area pursuant to the Electoral Area 'H' OCP specifically for the purposes of ensuring protection of the aquifer and the Natural Hazard Development Permit Area for the purposes of protecting development from natural hazards, in this case steep slopes.

The geotechnical engineer's report contains a number of construction-related recommendations which would be difficult to ensure compliance with in a manner as recommended by the geotechnical engineer unless the proposed lots were placed within a RDN Building Services Areas. As a result, it is recommended that the parent parcel be considered for inclusion into a RDN Building Services Area. The applicants are in concurrence with this recommendation.

With respect to the protection of the aquifer, the submitted Hydrogeological Study concludes that the proposed subdivision will pose a low risk of adverse impact to the underlying aquifer provided mitigative measures are taken. Therefore, to ensure protection of the aquifer, it is recommended that the


development permit conditions of approval include the recommendations of the report be completed (*see Schedule No.1 for Conditions of Approval*).

With respect to the geotechnical evaluation, the submitted report concludes the proposed subdivision development is considered safe for the intended use and provides a number of recommendations. In order to ensure these recommendations are carried out, staff recommends that this report be registered on title as a save harmless covenant.

As the proposed subdivision is consistent with the applicable guidelines concerning protection of the aquifer and the watercourse as outlined in the Environmentally Sensitive Features and Development Permit Areas and the applicant has provided a professional engineer's report concluding the site is safe for the subdivision development, staff recommends Alternative No. 1, to approve the development permit subject to conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

RECOMMENDATIONS

1. That Development Permit Application No. 60743 submitted by Fern Road Consulting Ltd., on behalf of J & L Foulds, in conjunction with the subdivision on the parcel legally described as Lot 2 District Lot 36 Newcastle District Plan VIP61726 and designated within the Environmentally Sensitive Features and Natural Hazards 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.
2. 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.




Report Writer

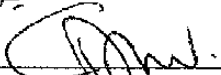


Manager Concurrence

COMMENTS:



General Manager Concurrence



CAO Concurrence

**Schedule No. 1
Conditions of Approval
Development Permit Application No. 60743**

The following sets out the conditions of approval in conjunction with Development Permit No. 60743:

1. Subdivision

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

2. Hydrological Report

- a. In order to ensure protection of the aquifer, the recommendations concerning the mitigative measures as set out in the Revised Preliminary Hydrogeological Investigation prepared by EBA Engineering Ltd. and dated September 2007; shall be followed. These measures include no additional wells be installed; a storm water management plan be developed; no underground fuel storage tanks be installed; and the sewage system be developed in accordance to the requirements set out in the BC Sewage regulation and it take into consideration the fact that the groundwater travel times in shallow sand will be fairly rapid. Therefore, the applicants' professional engineer to provide written certification to the Regional District of Nanaimo that the recommendations as set out in this report have been completed to the satisfaction of the Regional District of Nanaimo.
- b. The applicant is to prepare and register, at his expense, a section 219 covenant registering the report entitled Revised Preliminary Hydrogeological Investigation prepared by EBA Engineering Ltd. and dated September 2007. Applicant's solicitor to provide a draft copy of the covenant document to the Regional District for review prior to registration of the document. Document to be registered concurrently with the plan of subdivision. Applicants' solicitor to provide a legal letter undertaking to register this document.
- c. The location of the existing well(s) shall be provided to the Regional District of Nanaimo.

3. Protection of Aquifer / Sediment and Erosion Control

During construction, the following applies:

- a. All machines on site must be in good working order and no fuels, lubricants or construction wastes are permitted to enter the environment.
- b. A spill kit shall be on-site to prevent the introduction of any fuels in the event of a spill. If a spill occurs, the Provincial Emergency Program must be contacted.
- c. As required, sediment and erosion control measures, must be utilized to control sediment during construction and to stabilize the site after construction is complete. These measures must include:
 - i. Tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be onsite during works.
 - ii. Cover temporary fills or soil stock piles with polyethylene or tarps.
 - iii. Exposed soils must be seeded immediately after disturbance. Soil surfaces to be treated should be roughened in advance of seeding.
 - iv. Temporary fences (snow fences) delineating the property boundary adjacent to the RDN park land shall be installed.

4. Section 219 Covenant – Save Harmless

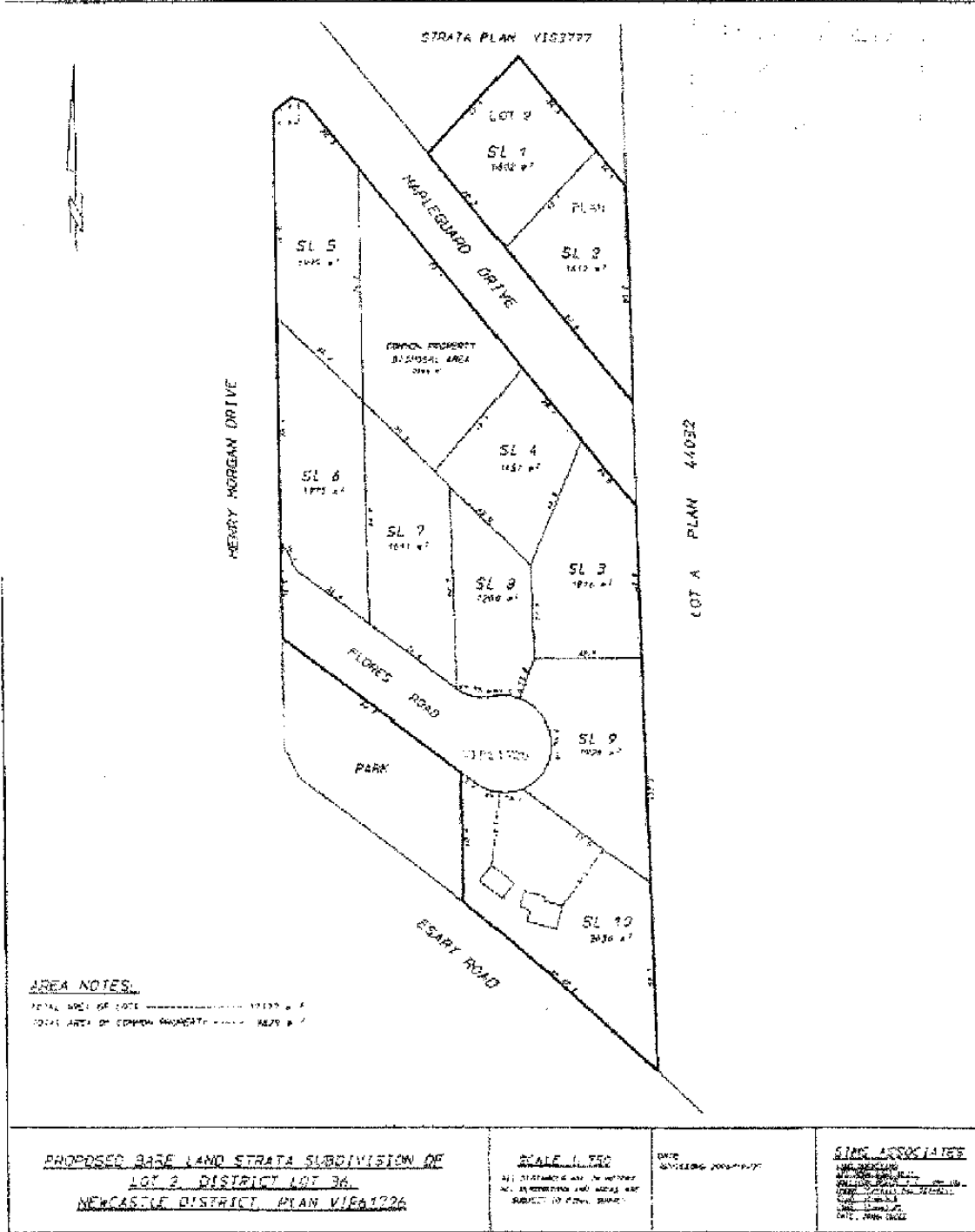
The applicant is to prepare and register, at his expense, a section 219 'save harmless' covenant registering the geotechnical report entitled Geotechnical Assessment prepared by Lewkowich Geotechnical Engineering Ltd. and dated September 18, 2006. Applicant's solicitor to provide a draft

copy of the covenant document to the Regional District for review prior to registration of the document. Document to be registered concurrently with the plan of subdivision. Applicants' solicitor to provide a legal letter undertaking to register this document.

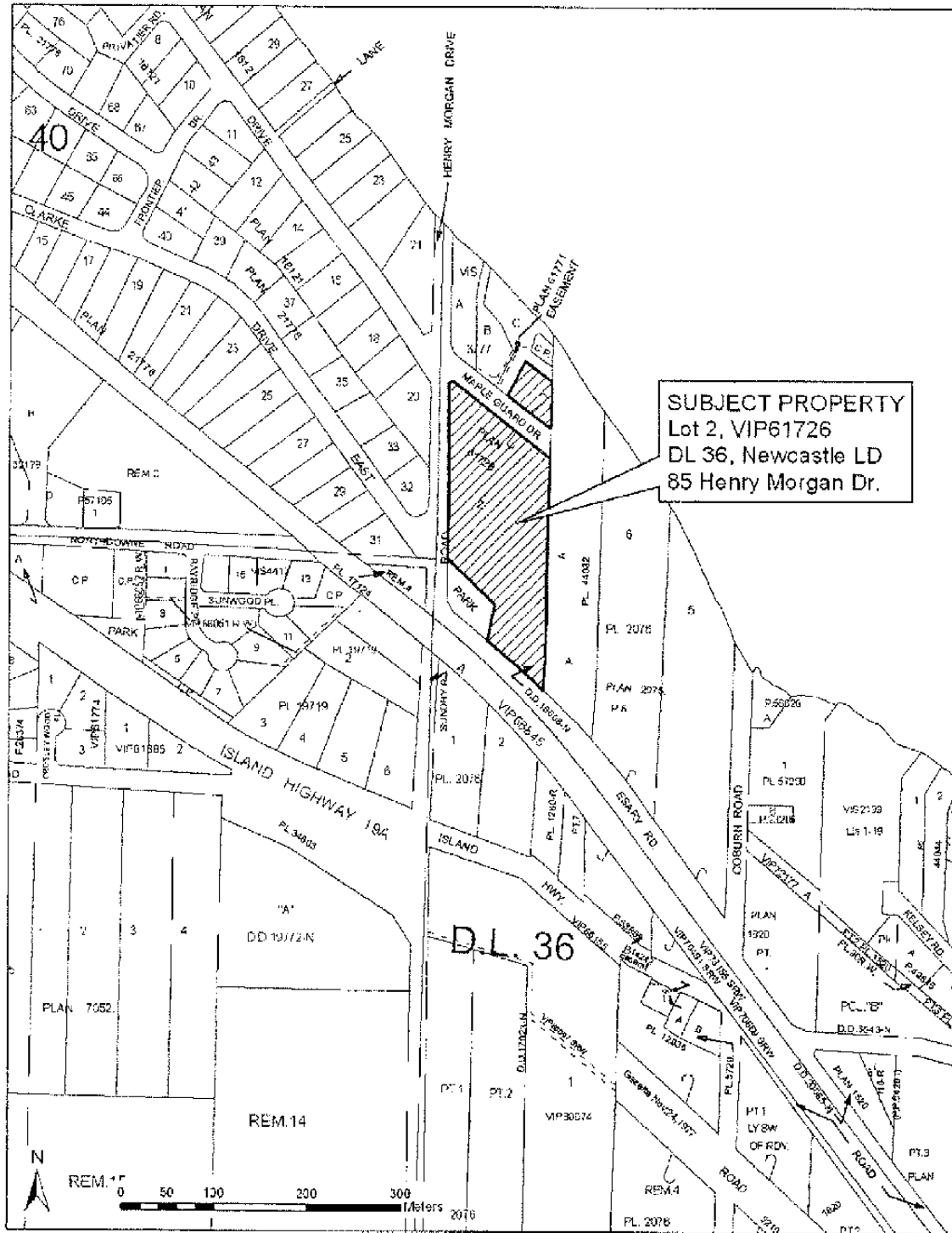
5. RDN Building Services Area

The parent parcel shall be included within a RDN Building Inspection Service area.

**Schedule No. 2
 Development Permit No. 60743
 Proposed Plan of Subdivision**



Attachment No. 1
Location of Subject Property



BCGS MAPSHEET: 92F.047.2.3



RDN REPORT	
CAO APPROVAL	
EAP	✓ FEB 12/08
COW	
FEB - 4 2008	
RHD	
BOARD	

MEMORANDUM

TO: Geoff Garbutt
Manager, Current Planning

DATE: January 31, 2008

FROM: Susan Cormic
Senior Planner

FILE: 3060 30 60802
c/r 3320 20 26677

SUBJECT: Development Permit Application No. 60802
Applicant: JE Anderson & Associates, BCLS on behalf of R Dubyna
Electoral Area 'C' - 2520 & 2528 East Wellington Road

PURPOSE

To consider a development permit application in conjunction with a 2-lot subdivision application on a parcel in located in the East Wellington area of Electoral Area 'C'.

BACKGROUND

The parent parcel, legally described as Parcel A (DD 9237N) of Section 13, Range 5, Mountain District Except That Part Thereof Lying East of the Government Road Registered Under 2641I and Except That Part Shown Outlined in Red on Plan 152 RW, is located in Electoral Area 'C' adjacent to East Wellington Road (see Attachment No. 1 for location of subject property).

The parent parcel, which is 9.8 ha in size, is zoned Rural 1 (RU1) and is within Subdivision District 'D' pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

The parent parcel is designated within the following development permit areas pursuant to the "Regional District of Nanaimo East Wellington - Pleasant Valley Official Community Plan Bylaw No. 1055, 1997":

- The Environmentally Sensitive Areas Development Permit Area, in this case, for the protection of those portions of McGarrigle and McNeil Creeks and an unnamed tributary and their riparian areas which cross the parent parcel; and
- The Fish Habitat Protection Development Permit Area, in this case for the protection of fish habitat and their riparian areas for McGarrigle and McNeil Creeks and an unnamed tributary.

Surrounding land uses include a rurally zoned parcel to the north; Mountain View Elementary School to the northeast; East Wellington Road and parcels within the City of Nanaimo to the east and south with a portion being within the Provincial Agricultural Land Reserve (ALR); and a rural zoned parcel which is situated within the ALR to the west.

There are 2 dwelling units, a barn, accessory buildings, and a large parking/storage area currently situated on the parent parcel. The parent parcel is within an RDN Building Services Area. BC Hydro and Power rights-of-way cross the parent parcel.

Proposed Development

The applicant is proposing to create 2 parcels both 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 parcels are proposed to be served by individual private wells and septic disposal systems.

As part of the application process, the applicant submitted the following information:

- Proposed plan of subdivision;
- Riparian Areas Assessment prepared by Streamline Environmental Consulting Ltd. and dated 2007-04-25.

In addition the applicant provided a completed Sustainability Checklist as per Board policy and there are no implications related this application.

ALTERNATIVES

1. To approve Development Permit Application No. 60802 subject to the conditions outlined in Schedules No. 1 and 2.
2. To deny the Development Permit as submitted and provide staff with further direction.

DEVELOPMENT IMPLICATIONS

Building Implications

There are existing residential buildings on each proposed parcel; therefore each proposed lot is capable of supporting intended residential uses.

A site inspection of the parent parcel revealed there are additional buildings and land uses on the parent parcel that are not indicated on the submitted plan of subdivision. In order to ensure that bylaw provisions for the existing buildings and land uses (Home Based Business regulations) are being met, this matter will be referred to bylaw enforcement to determine whether there is an enforcement issue.

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.

ENVIRONMENTAL IMPLICATIONS

The applicant has provided a Riparian Area Assessment prepared by a Qualified Environmental Professional (QEP) which has been accepted by the Ministry of Environment for those portions of McGarrigle and McNeil Creeks and an unnamed tributary which cross the parent parcel. This report establishes a Stream Protection and Enhancement Area (SPEA) of 30.0 metres for the both sides of all streams as measured from the tops of the banks except where a ravine is greater than 60 metres in width in which case the SPEA is 10 metres from the top of the bank.

As this is a simple assessment and there are no development related activities proposed to occur within the SPEA, there are no measures to protect the SPEA or recommended monitoring. Despite this, staff recommends that the Riparian Assessment be attached as a schedule to the development permit in order to

ensure that no development related activities such as drainage or wells occur within the SPEA (see Schedule No. 1 for Conditions of Approval).

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 areas of McGarrigle and McNeil Creeks and an unnamed tributary in conjunction with a 2-lot subdivision for the property located adjacent to East Wellington Road in Electoral Area ‘C’.

The subject property is within the Environmentally Sensitive Areas and the Fish Habitat Protection Development Permit Areas (DPAs), in this case, for the purposes of ensuring protection of the riparian areas and the fish habitat of McGarrigle and McNeil Creeks and an unnamed tributary. The applicant has submitted a Riparian Assessment which has been accepted by the Ministry of Environment (see Schedule No. 1 for Conditions of Approval).

As part of the subdivision review process, this application will be forwarded to bylaw enforcement to determine whether there is an enforcement issue concerning the land uses on the parent parcel.

Given that the applicant has provided an accepted Riparian Area Assessment, the applicable guidelines of the development permit areas will be met, staff recommends Alternative No. 1 to approve the development permit subject to the conditions outlined in Schedules No. 1 and 2 of the staff report.

RECOMMENDATION

That Development Permit Application No. 60802 submitted by JE Anderson, BCLS, on behalf of R Dubyna, in conjunction with the subdivision on the parcel legally described as Parcel A (DD 9237N) of Section 13, Range 5, Mountain District With Exceptions and designated within the Environmentally Sensitive Areas and Fish Habitat Protection Development Permit Areas pursuant to the East Wellington – Pleasant Valley OCP Bylaw No. 1055, 1997, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence



COMMENTS:

Schedule No. 1
Development Permit No. 60802
Conditions of Approval

The following sets out the conditions of approval in conjunction with Development Permit No. 60802:

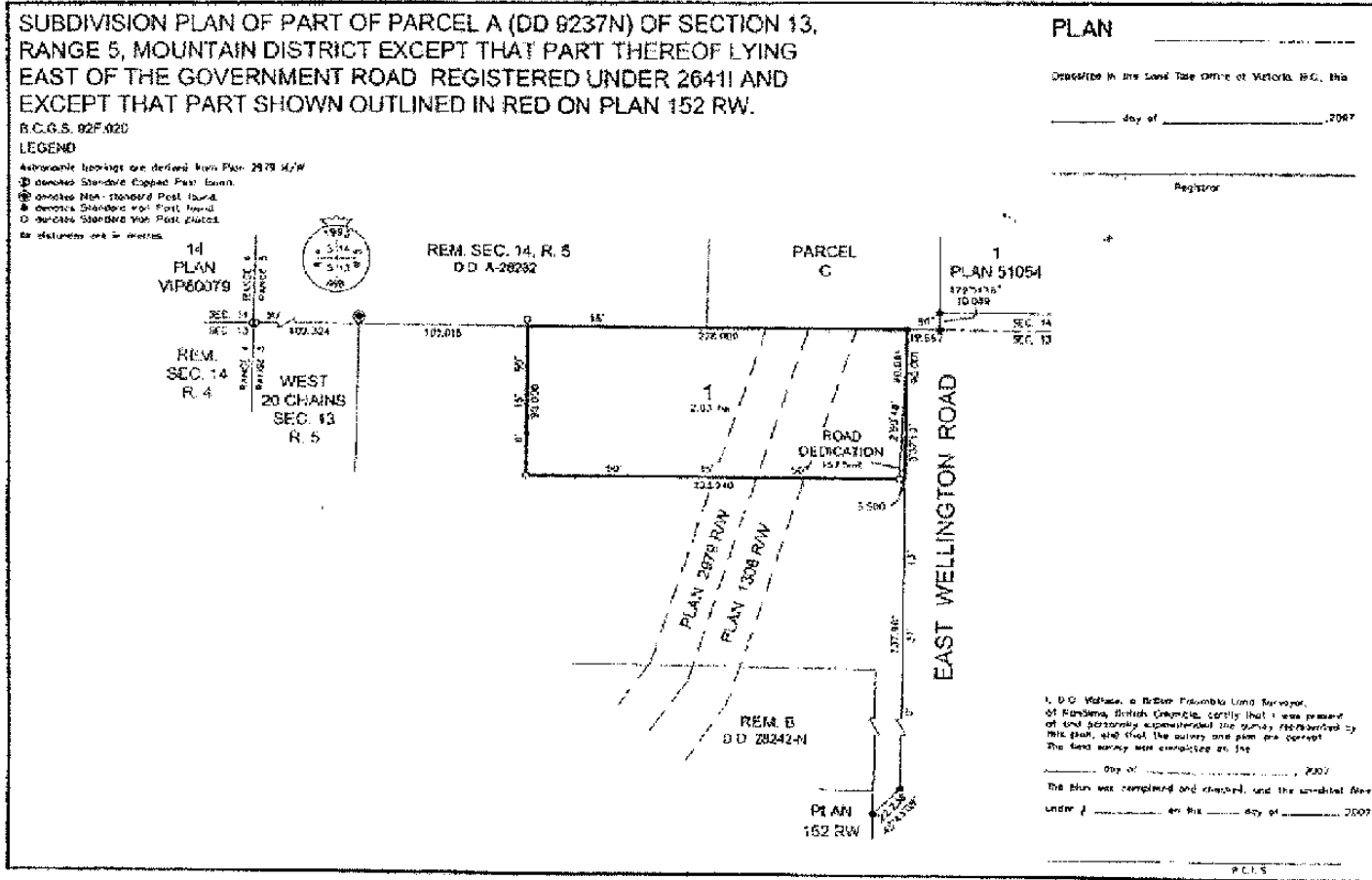
1. Subdivision

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

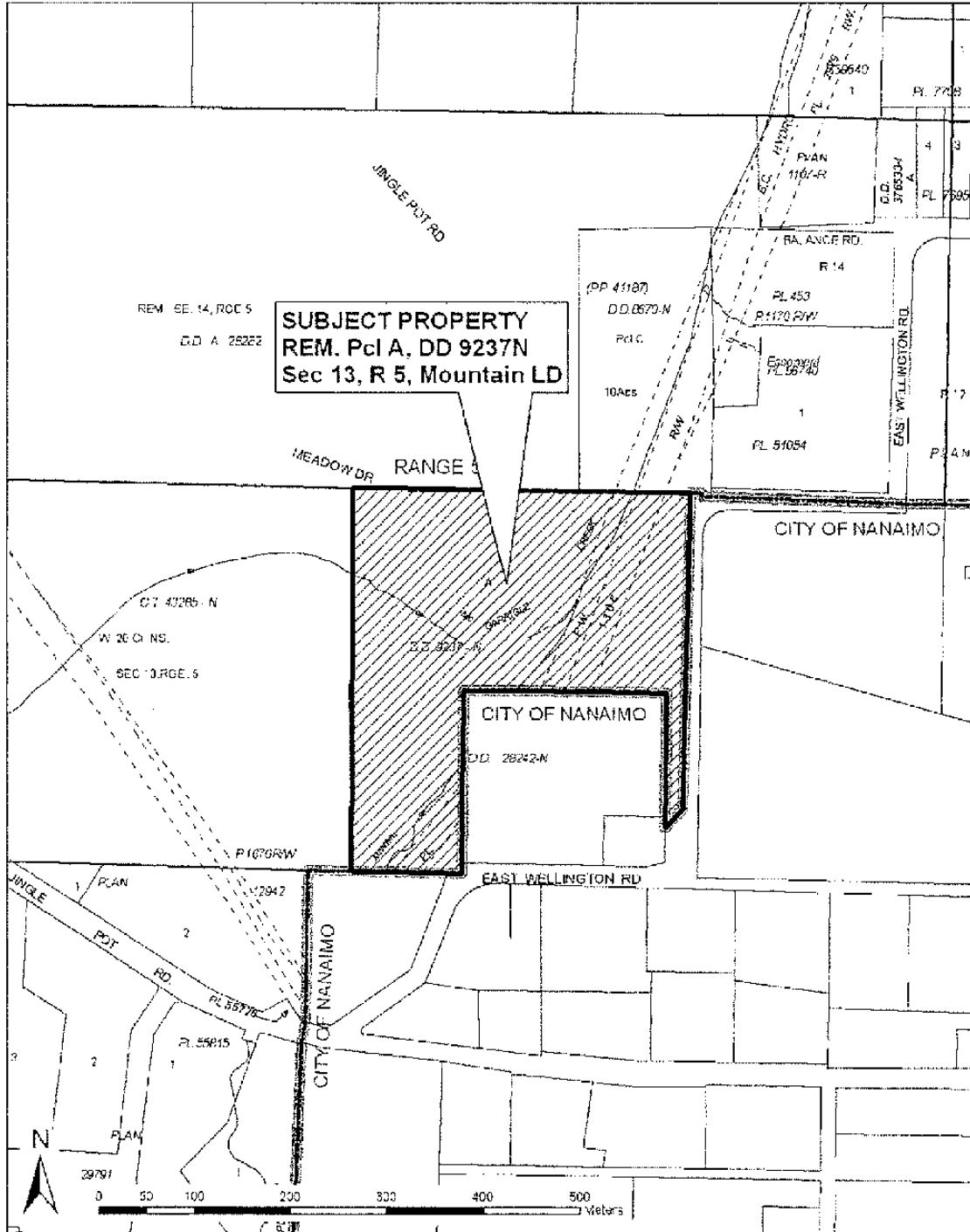
2. Measures to Protect and Maintain the SPEA

- a. There shall be no development activities in conjunction with the proposed subdivision to occur within the SPEA as set out in the Riparian Area Assessment No. 436 prepared by Streamline Environmental Consulting Ltd. and dated 2007-04-25 (to be attached to and forming part of this permit).
- b. Applicant's QEP to provide written confirmation to the Regional District of Nanaimo that no works associated with the subdivision occurred within the SPEA.

Schedule No. 2
 Development Permit No. 60802
 Proposed Plan of Subdivision
 (as submitted by applicant)



Attachment No. 1
Development Permit No. 60802
Location of Subject Property



Mapsheet 92F.020.4.4



RDN REPORT	
CAO APPROVAL (R)	
EAP	✓ Feb. 12 / 08
CDW	
FEB - 1 2008	
RHD	
BOARD	

MEMORANDUM

TO: Geoff Garbutt
Manager of Current Planning

DATE: January 31, 2008

FROM: Kristy Marks
Planner

FILE: 3090 30 90715

SUBJECT: Development Variance Permit Application No. 90715 – D’Angelo
Lot F, District Lot 12, Nanoose District, Plan 30913
Electoral Area ‘G’, RDN Map Ref. No. – 92F.039.1.2

PURPOSE

To consider an application for a Development Variance Permit to legalize the siting of an accessory building on a property located at 335 Butler Avenue.

BACKGROUND

The subject property is located at 335 Butler Avenue in Electoral Area ‘G’ (see Attachment No. 1 for location of the subject property). The subject property is a relatively flat lot approximately 1.32 hectares in size and is bordered by developed residential lots to the north, Butler Road to the west, the City of Parksville to the east and undeveloped rural land to the south.

The subject property is zoned Rural 1 (RU1) 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 Englishman River Official Community Plan Bylaw No. 814, 1990". The property is traversed by Shelly Creek near the western property boundary however the applicants have completed the Riparian Areas Regulation Property Declaration Form and have indicated that the development is greater than 30 metres from the creek therefore; 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. The existing building was constructed in 2007 without a building permit and replaced an existing building that was damaged during windstorms in 2006 and 2007. The previous building was constructed in 1989 in the same location without a building permit. On October 3, 2007 a "Stop Work" order was placed on the subject property requesting that the applicant obtain a valid building permit. On October 9, 2007 the owner submitted an application for a Building Permit and contacted the Planning Department to discuss variance options. On December 19, 2007 the applicant submitted an application for a Development Variance Permit.

Requested Variance Summary

The applicants are requesting to vary Section 3.4.81, 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 2.4 metres for the accessory building, labelled 'shed', on the survey submitted by the applicant (Schedule No. 2).

ALTERNATIVES

1. To approve Development Variance Permit No. 90715 subject to the conditions outlined in Schedule No's. 1-3 and the notification requirements of the Local Government Act.
2. To deny the requested variance.

DEVELOPMENT VARIANCE PERMIT POLICY B1.5

Regional District of Nanaimo Development Variance 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 existing building replaced a building that was constructed in 1989 (without a building permit) and was damaged during windstorms in 2006/2007;
- The applicants were under the impression that a building permit was not required for the previous building and that the building could be constructed in the same location without a permit;
- The applicants did not intend to circumvent building permit requirements when they replaced the existing building;
- The Ministry of Transportation has stated that they have no issue with the location of the building; 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 accessory building on Butler Road. The location of the accessory building and requested setback variance are outlined on the survey prepared by J.E. Anderson & Associates attached as *Schedule No. 2*. Building elevations for the accessory building are outlined on *Schedule No. 3*.

The Ministry of Transportation has stated that they have no objection to the setback reduction and that the applicants have submitted a complete application requesting a setback reduction permit.

For the Board's reference, the applicants were aware the property is within a building inspection area, previous building permits have been issued on the subject property and a variance was granted in 1991 for a another accessory building. In staff's assessment of this application, the applicants have not met the requirements of Development Variance Permit Policy B1.5. Although staff does not anticipate the reduced setback will have a negative impact on adjacent properties, given the above noted circumstances, staff recommends that the requested variance be denied and that the Board provide staff with further direction to have the structure removed or relocated.

Public Consultation Process

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

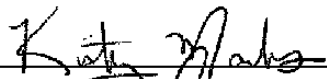
VOTING - Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

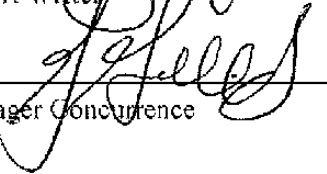
This application for a Development Variance Permit requests a 5.6 metre reduction in the setback from 8.0 m to 2.4 m to recognize the siting of an existing accessory building on a property located at 335 Butler Avenue in Electoral Area 'G'. Although staff do not anticipate the reduced setback will have a negative impact on adjacent properties, the property is in a building inspection area and previous building and variance permits have been granted on the subject property. In staff's opinion, the applicants have not met the requirements of Policy B1.5, and recommend that the requested Development Variance Permit be denied and that the Board provide staff with further direction to have the structure removed or relocated.

RECOMMENDATION


That Development Variance Permit Application No. 90715, to legalize the siting of an existing accessory building with a minimum front lot line setback of 2.4 m on the subject property legally described as Lot F, District Lot 12, Nanoose District, Plan 30913 on Butler Avenue, be denied and that the Board provide staff with further direction to have the structure removed or relocated.



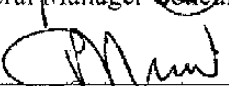
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

Schedule No. 1
Terms of Development Permit No. 90715

Bylaw No. 500, 1987 – Requested Variance

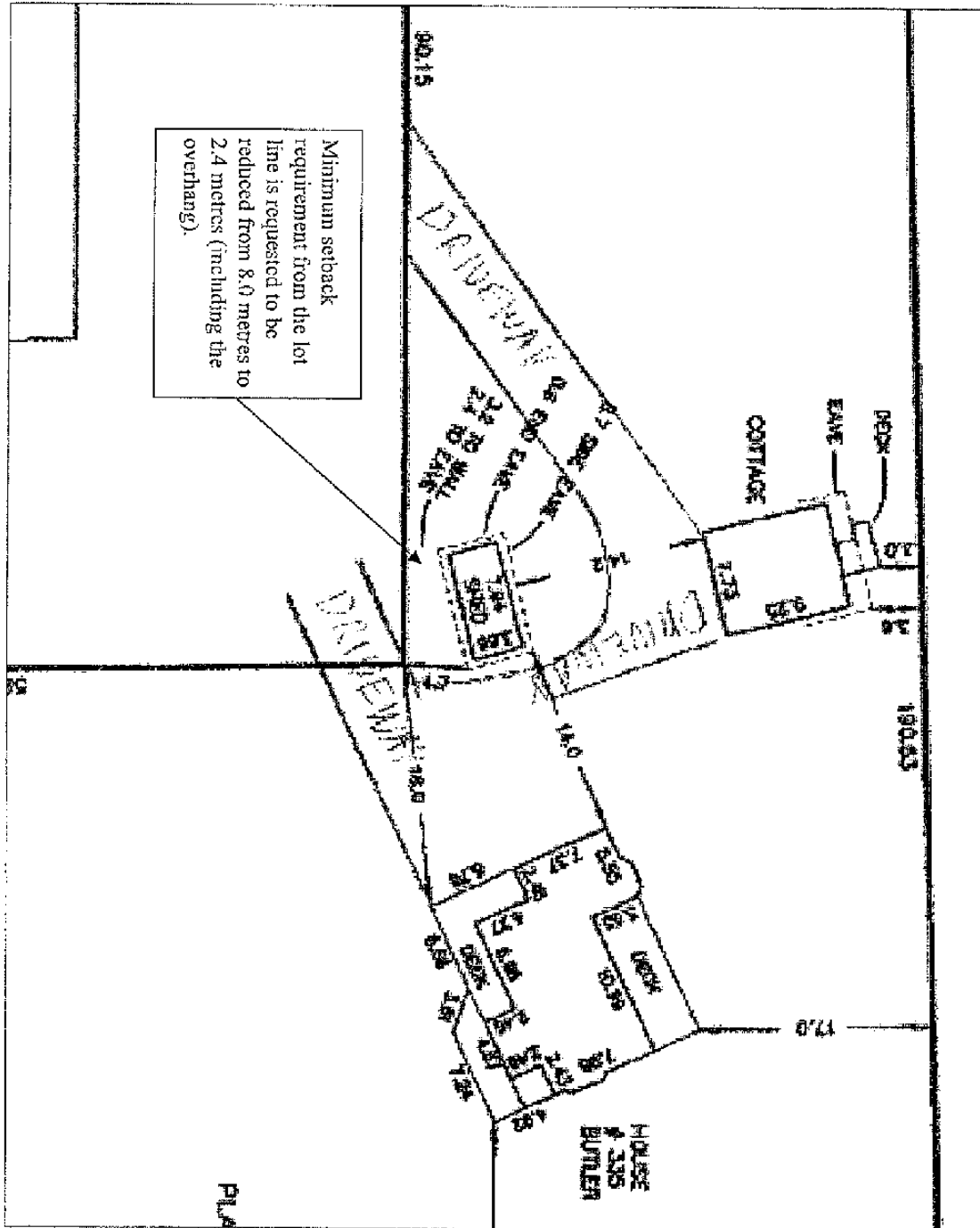
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," the following variance is proposed:

1. **Section 3.4.81, Minimum Setback Requirements** is hereby varied by reducing the minimum setback from the front lot line from 8.0 metres to 2.4 metres for the accessory building only, as shown on *Schedule No. 2*.

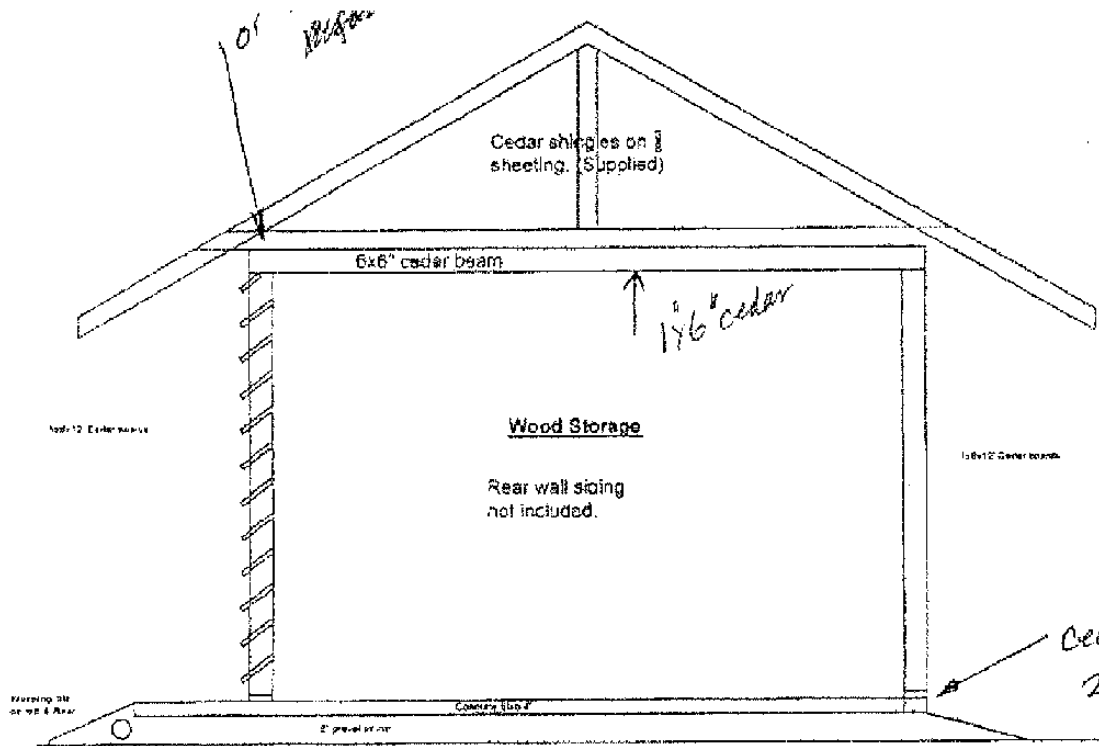
Conditions of Approval

2. The accessory building shall be sited in accordance with survey prepared by J.E. Anderson & Associated dated November 7, 2007 attached as *Schedule No. 2*.
3. The accessory building elevations shall be developed in accordance with the Building Elevations submitted by the applicant attached as *Schedule No. 3*.

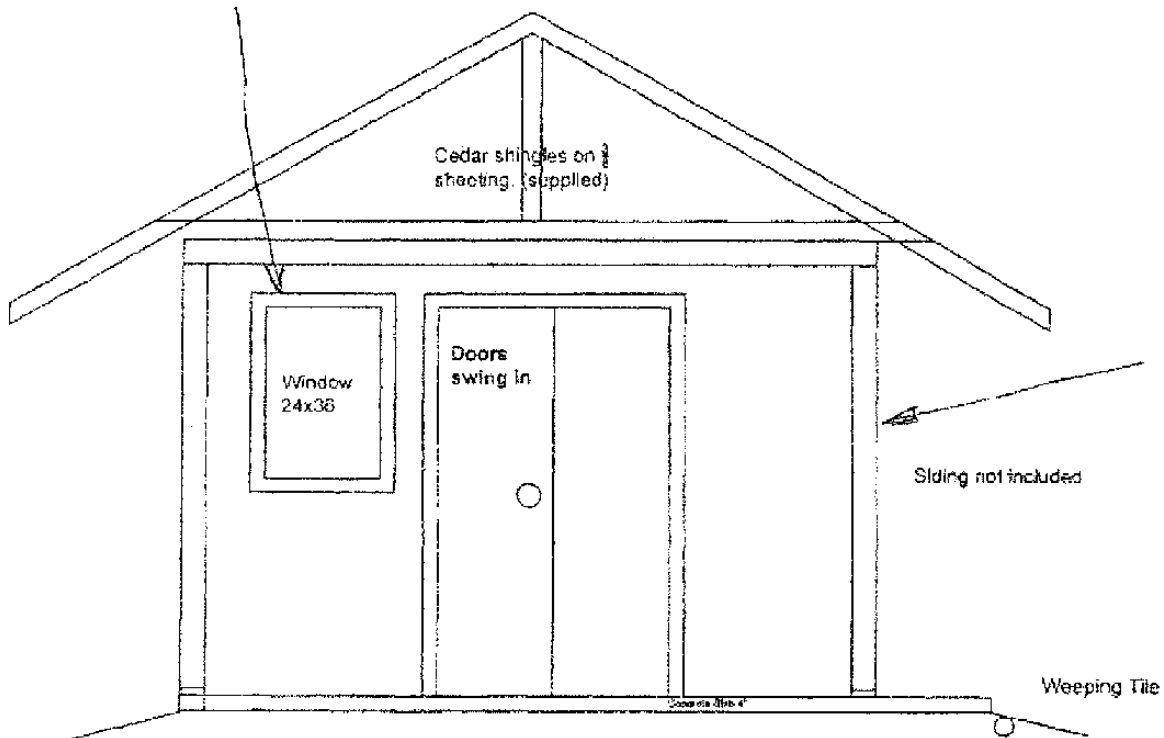
Schedule No. 2
Site Plan (enlarged for convenience)
(page 2 of 2)



Schedule No. 3
Building Elevations

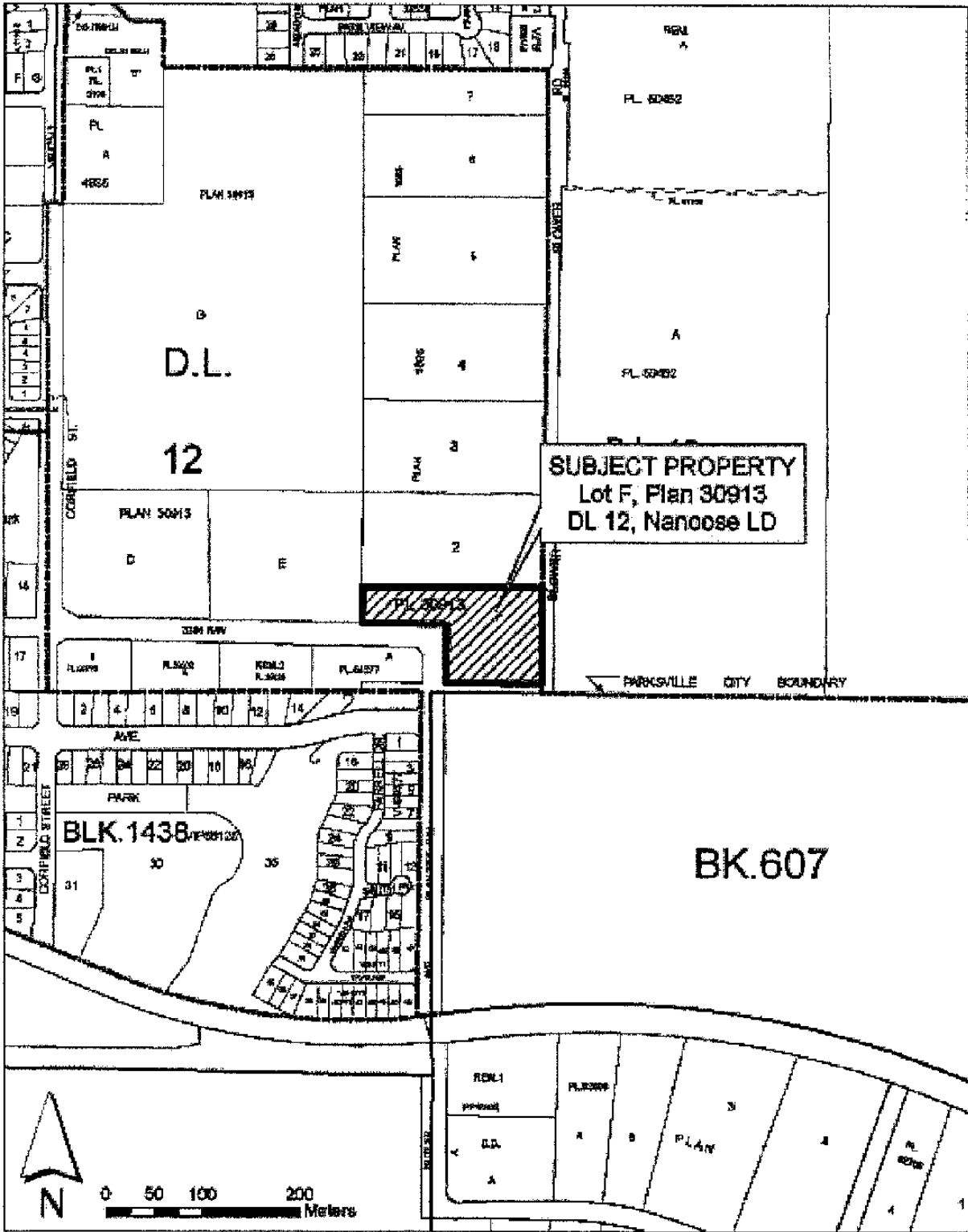


Front Elevation



Rear Elevation

Attachment No. 1
Location of Subject Property





RON REPORT	
CAO APPROVAL <i>(Signature)</i>	
EAP	✓ Feb 6/2/08
COW	
FEB - 4 2008	
RHD	
BOARD	

MEMORANDUM

TO: Geoff Garbutt
Manager, Current Planning

DATE: February 1, 2008

FROM: Susan Cormie
Senior Planner

FILE: 3090 30 90802

SUBJECT: Development Variance Permit Application No. 90802
Murray Hamilton, on behalf of the Horne Lake Strata No. 5160
Horne Lake, Electoral Area 'H'

PURPOSE

To consider a development variance permit application in conjunction with a proposed subdivision involving strata lot line adjustments, consolidation of strata lots, and the creation of 7 new bare land strata lots within the existing Horne Lake bare land strata subdivision in Electoral Area 'H'.

BACKGROUND

The parent bare land strata lots, legally described as Strata Lots 1 – 400, District Lot 251, Alberni District, VIS5160, are located in the Horne Lake Area of Electoral Area 'H' (see Attachment No. 2 for location of parent parcel).

The strata subdivision is currently zoned Horne Lake Comprehensive Development Zone 9 (CD9) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The zone permits a maximum of 400 recreational lots.

The parent parcel is designated within three development permit areas pursuant to the Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003:

- The Environmentally Sensitive Features Development Permit Area for the coastal area of Horne Lake and for the protection of the aquifer;
- The Fish Habitat Protection Development Permit Area for the protection of fish habitat and its riparian areas; and
- The Resort Commercial and Recreational Lands Development Permit Area for the development of the form and character of resort commercial and recreational lands.

Development Permit No. 0120 which was issued on October 31, 2001 predates the establishment of these development permit areas and as a result this application is exempt from these two development permit areas. It is noted that the DFO and Ministry of Environment has examined the Horne Lake Strata as a special case and the Strata Corporation has provided a report which has been considered by the Ministry of Environment to be in compliance with the requirements of the provincial Riparian Area Regulations. Given the nature of the application which involves an amended subdivision plan, the proposal is also exempt from the requirements of the form and character development permit area.

The application has completed the Sustainability Checklist as per Board policy.

Proposed Development

The applicant is proposing to reconfigure a number of existing bare land strata lots and create 7 new bare land strata lots for a total of 400 strata lots (*see Schedule No. No. 2 for proposed subdivision*). The proposed plans also provide details as to access and available building sites for each proposed parcel.

Proposed Variance for a Non Contiguous Parcel

Strata Lot 402 is proposed to be created as a non-contiguous parcel. As section 4.5.4 of Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 prohibits the creation of non-contiguous parcels, a variance permit is necessary to allow the creation of this strata lot (*see Schedule No. 1 for proposed variance*).

ALTERNATIVES

1. To approve Development Variance Permit Application No. 90802.
2. To not approve Development Variance Permit Application No. 90802.

DEVELOPMENT IMPLICATIONS

Lot Configuration Implications

Attachment No. 1 provides a summary of the proposed changes to the current bare land strata subdivision. The rationale for each of the proposed lot line adjustments is also included in this summary (*see Attachment No. 1 for proposed plan of subdivision*). Generally, the lot consolidations and lot line adjustments are a fine tuning of the original subdivision in that the proposed lots will be assured of building site areas and availability of access.

Strata Lot No. 402 is proposed to be a non-contiguous lot consisting of numerous parts. The applicants' agent has indicated that this Strata Lot will be owned by the strata as an asset and will be used to provide access to the Lake and to locate portable fire protection equipment. In order to ensure that this proposed bare land strata lot will not be built upon, a section 219 covenant is recommended to be registered on title. The applicants' agent has indicated that they are in concurrence with this requirement.

With respect to access to Proposed Bare Land Strata Lots New SL430, SL431, SL432, SL433, SL434, and SL435, these lots are proposed to be served by private easement. As access is a requirement of subdivision, these proposed accesses will be subject to approval from the Regional Approving Authority through the subdivision review process. It is noted that other existing strata lots have shared accesses.

Site Servicing Implications

The strata lots are currently on pump and haul and the proposed new lots will be included within this program. It is noted that no full time occupancy of the recreational residences is permitted.

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.

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 development variance permit application involving a request to vary the bylaw provisions to permit the creation of a non-contiguous parcel as part of a subdivision application involving a number of lot line adjustments and the creation of 7 new bare land strata lots. The proposed variance is set out in *Schedule No. 2* of this staff report. The application will meet the exemption provisions of the applicable development permit areas. While the provisions of Development Permit No. 0120 are in place, it is noted that the applicants’ agent provided a Riparian Area Assessment which has been accepted by the Ministry of Environment. Given that the subdivision is a fine tuning of the original subdivision in order to ensure building envelopes and access, staff recommends Alternative No. 1 to approve this development variance permit subject to the public notification procedure.

RECOMMENDATION

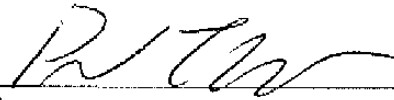
That Development Variance Permit Application No. 90802 submitted by Murray Hamilton on behalf of the Home Lake Strata Corporation Plan VIS5160, in conjunction with the subdivision on the bare land strata lots legally described as Strata Lots 1 – 400, District Lot 251, Alberni District, VIS5160 be approved subject to Schedules No. 1 and 2 of the corresponding staff report and to the notification procedure pursuant to the *Local Government Act*.




Report Writer



Manager Concurrence



Acting General Manager Concurrence



CAO Concurrence

COMMENTS:

Schedule No. 1
Development Variance Permit No. 90802
Conditions of Development and Proposed Variance

Conditions of Development

The following sets out the conditions of development in conjunction with Development Variance Permit No. 90802:

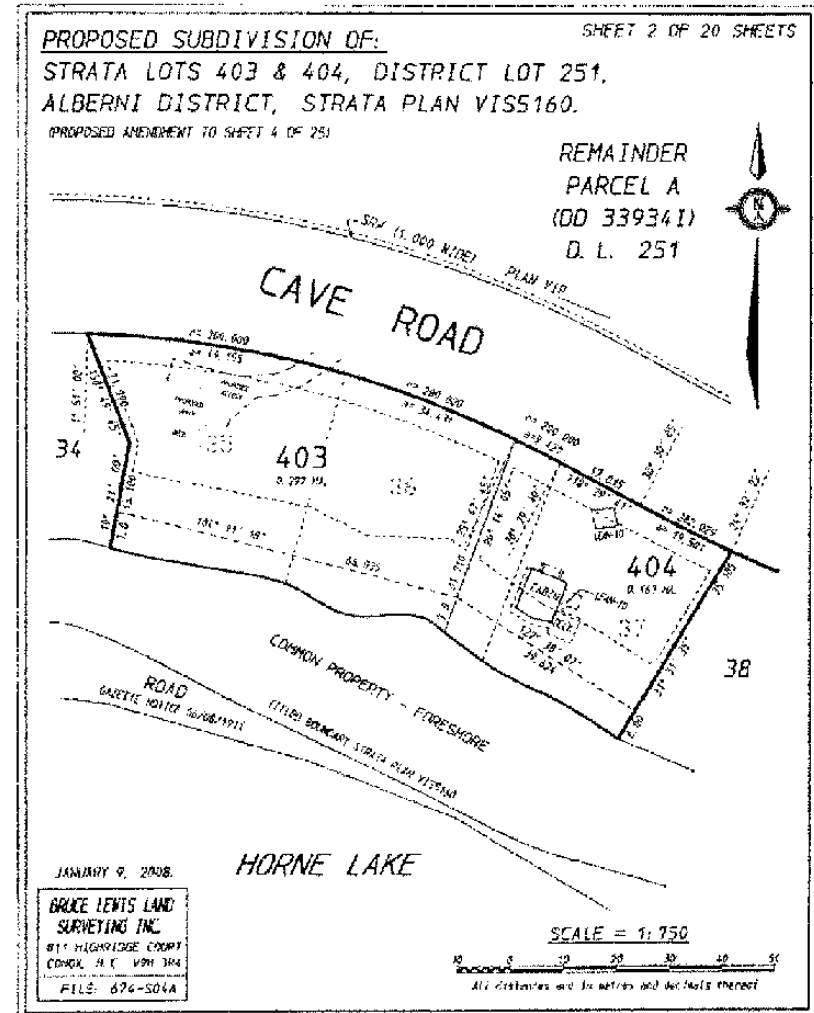
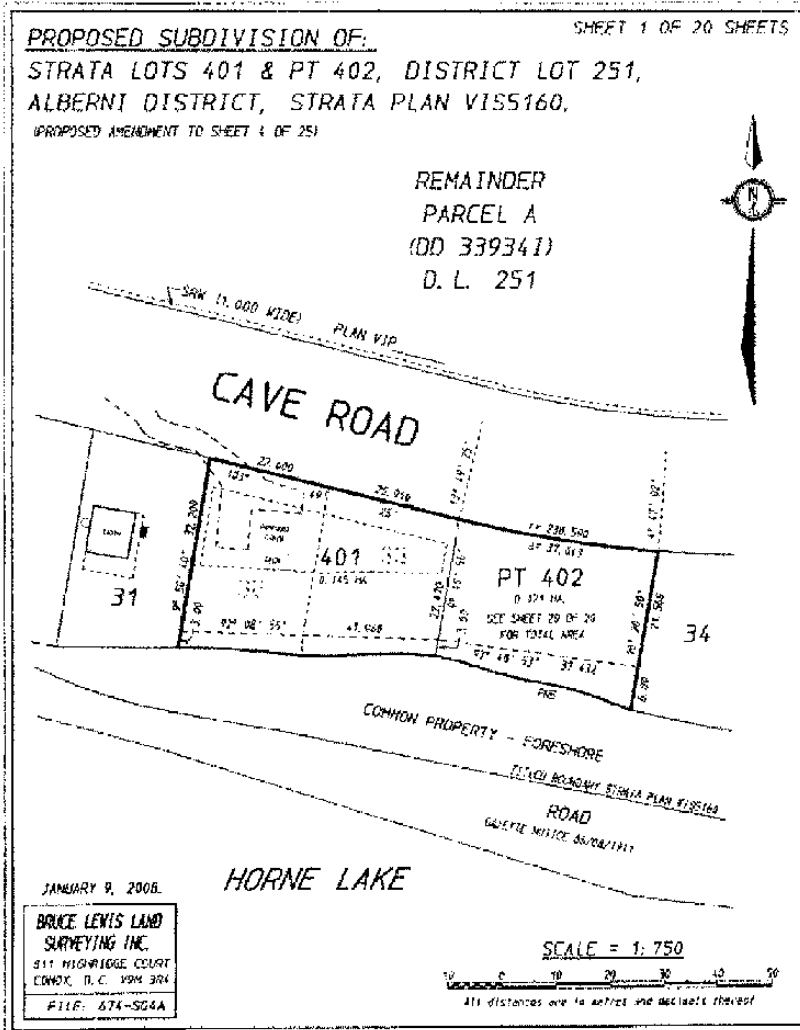
1. The subdivision shall be in substantial compliance with Schedule No. 2 (to be attached to and forming part of Development Variance Permit No. 90802).
2. The applicant is to prepare and register, at his expense, a section 219 covenant restricting no buildings or structures on Bare Land Strata Lot 402. Applicant's solicitor to provide a draft copy of the covenant document to the Regional District for review prior to registration of the document. Document to be registered concurrently with the plan of subdivision. Applicants' solicitor to provide a legal letter undertaking to register this document.

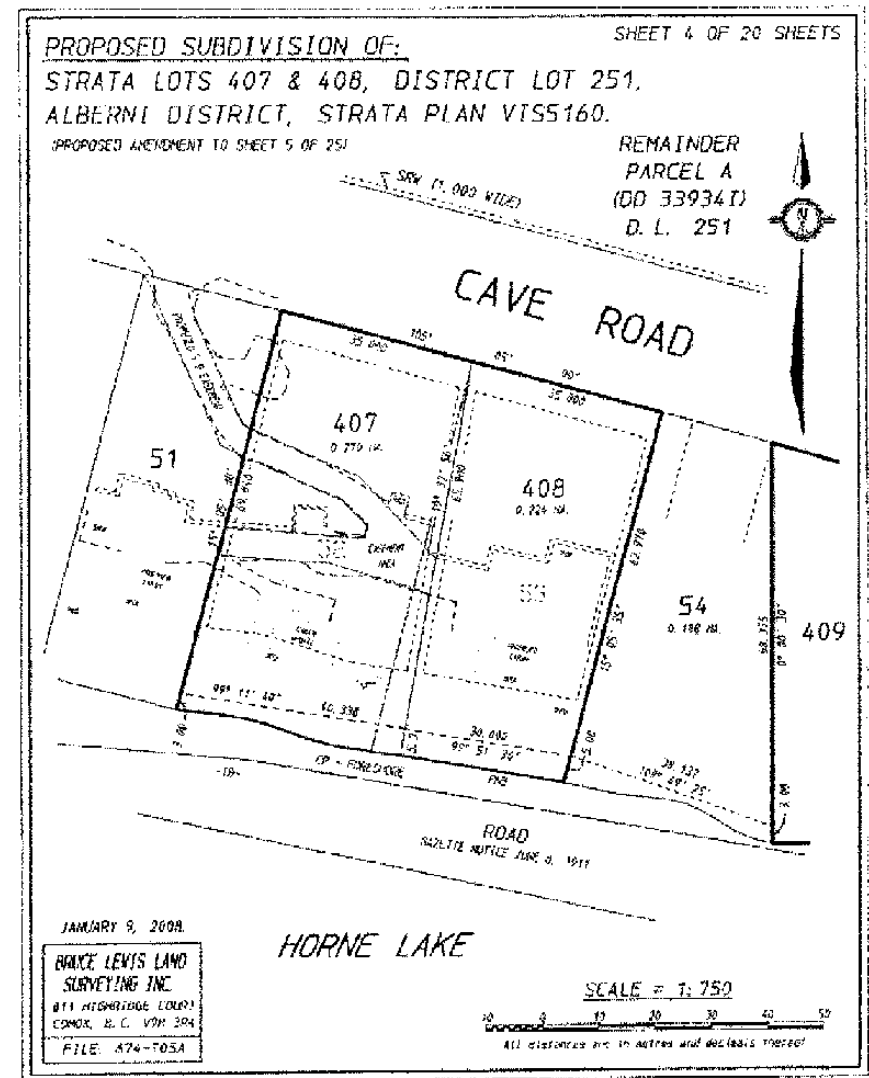
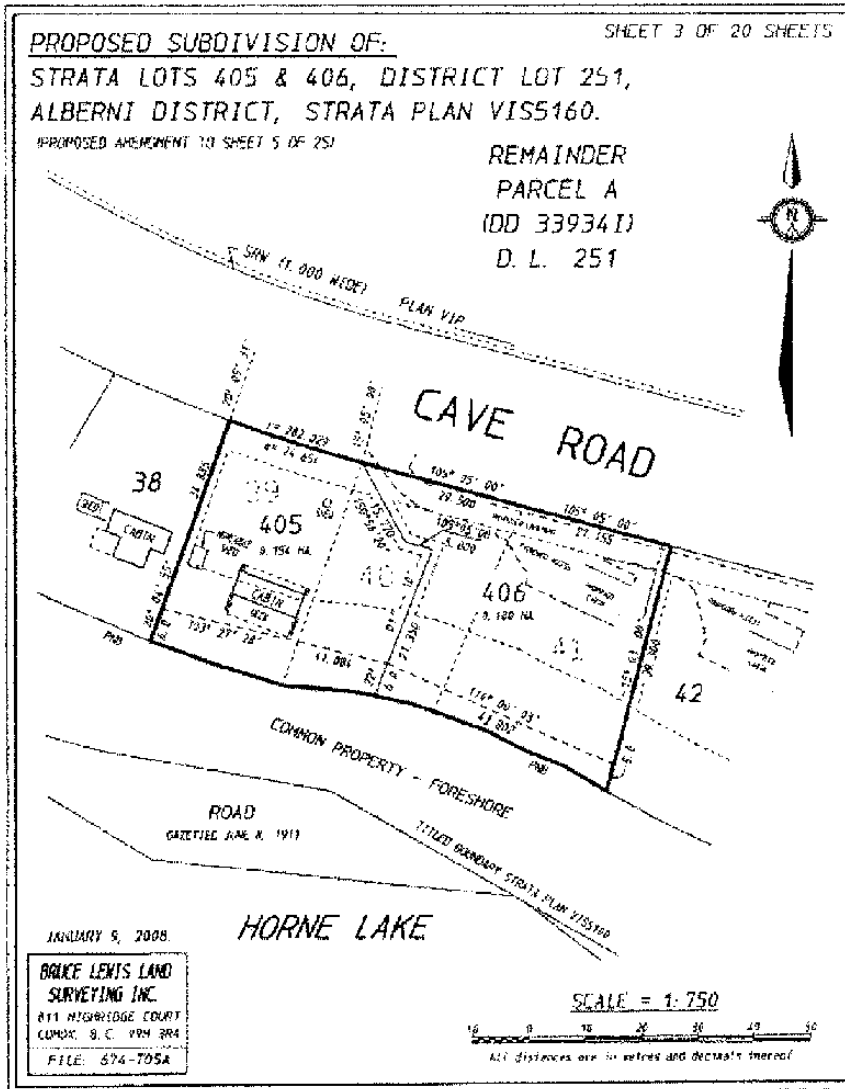
Proposed Variance

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

The requirement of section 4.5.4 is proposed to be relaxed by varying the non-contiguous parcel provision to allow proposed Strata Lot 402 to be created as a non-contiguous parcel.

Schedule No. 2 (10 pages)
 Development Variance Permit No. 90802
 Proposed Subdivision

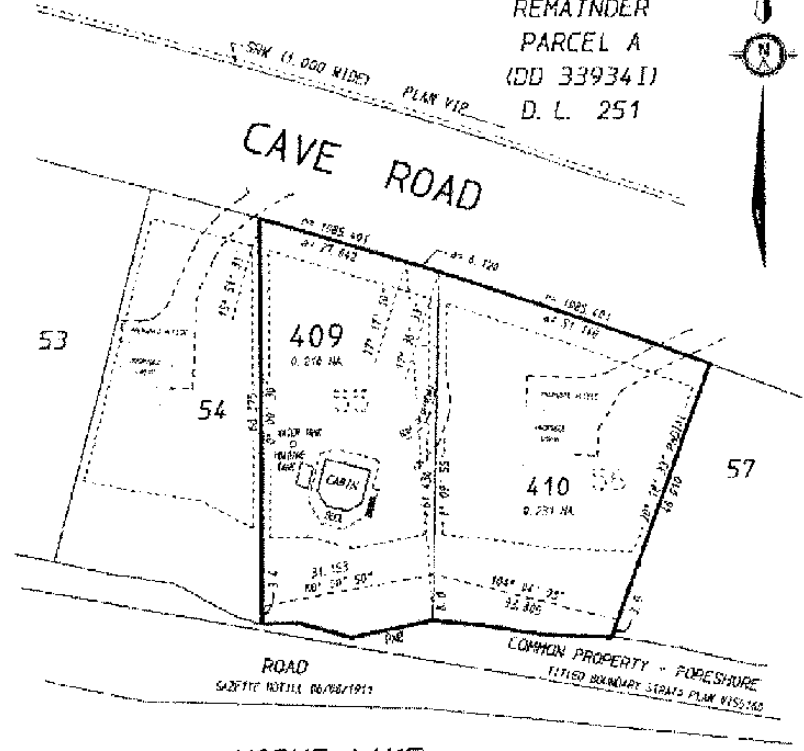




PROPOSED SUBDIVISION OF:
 STRATA LOT 409 & 410, DISTRICT LOT 251,
 ALBERNI DISTRICT, STRATA PLAN VIS5160.
 PROPOSED AMENDMENT TO SHEET 5 & 6 OF 25)

SHEET 5 OF 20 SHEETS

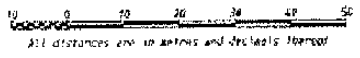
REMAINDER
 PARCEL A
 (DD 339341)
 D. L. 251



JANUARY 9, 2008.
 BRUCE LEWIS LAND
 SURVEYING INC.
 811 HIGHWIDGE COURT
 COMOX, B.C. V9N 3R4
 FILE: 674-105A

HORNE LAKE

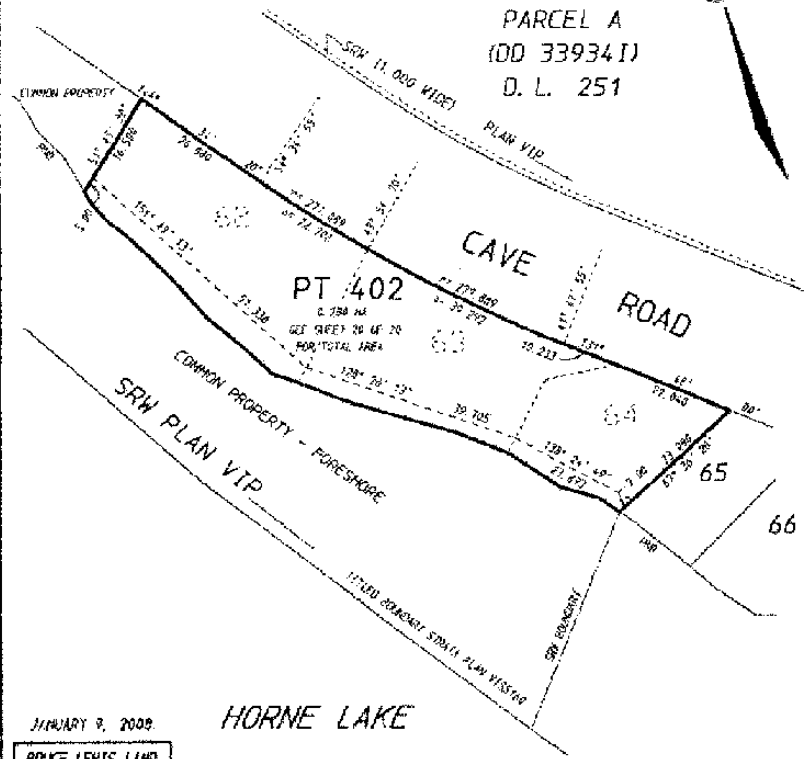
SCALE = 1:750



PROPOSED SUBDIVISION OF:
 STRATA LOT PT 402, DISTRICT LOT 251,
 ALBERNI DISTRICT, STRATA PLAN VIS5160.
 PROPOSED AMENDMENT TO SHEET 6 OF 25)

SHEET 6 OF 20 SHEETS

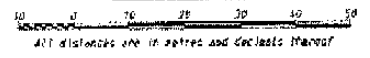
REMAINDER
 PARCEL A
 (DD 339341)
 D. L. 251



JANUARY 9, 2008.
 BRUCE LEWIS LAND
 SURVEYING INC.
 811 HIGHWIDGE COURT
 COMOX, B.C. V9N 3R4
 FILE: 674-106A

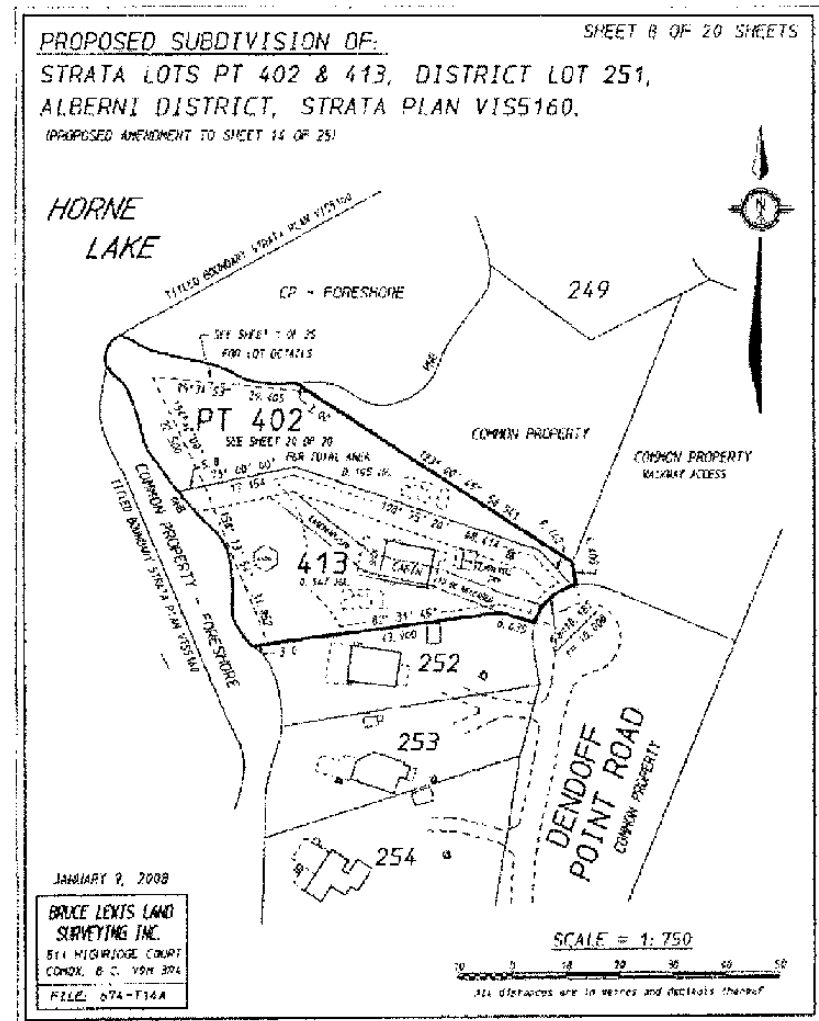
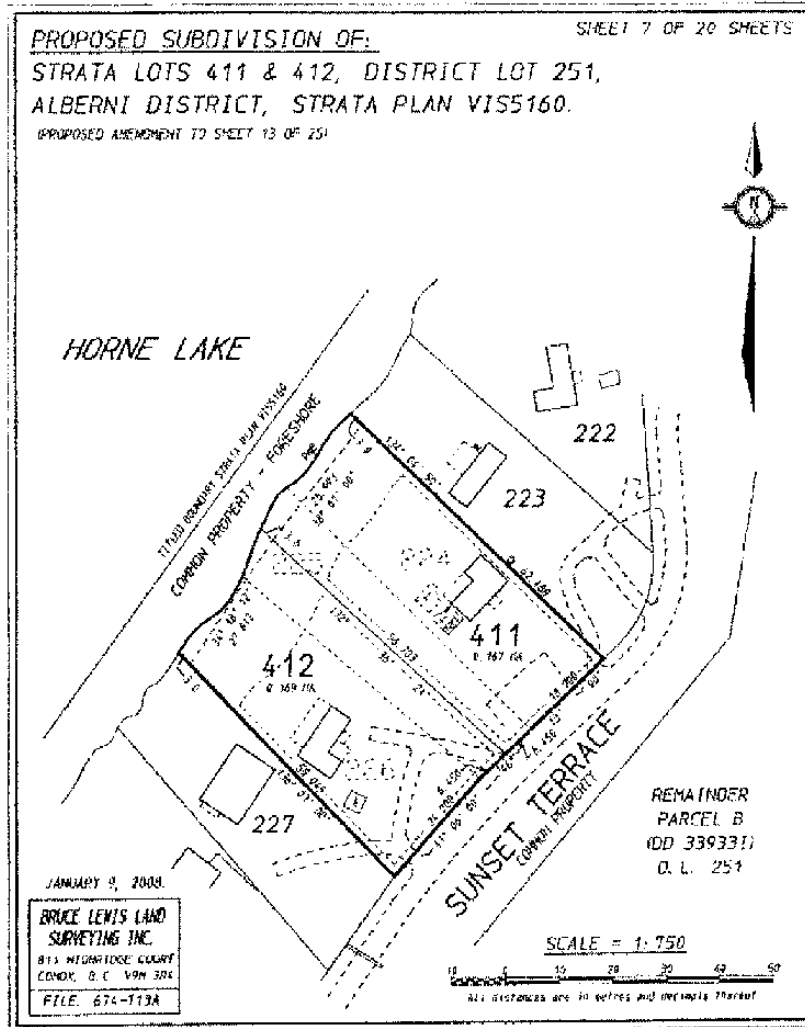
HORNE LAKE

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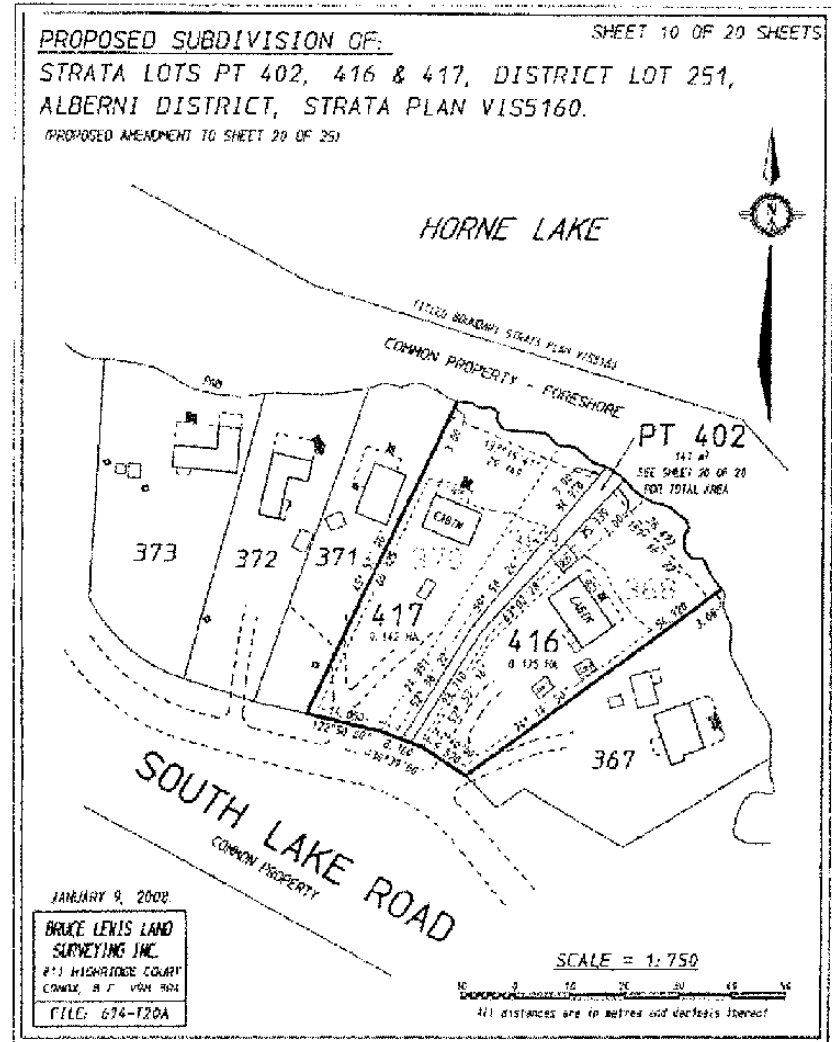
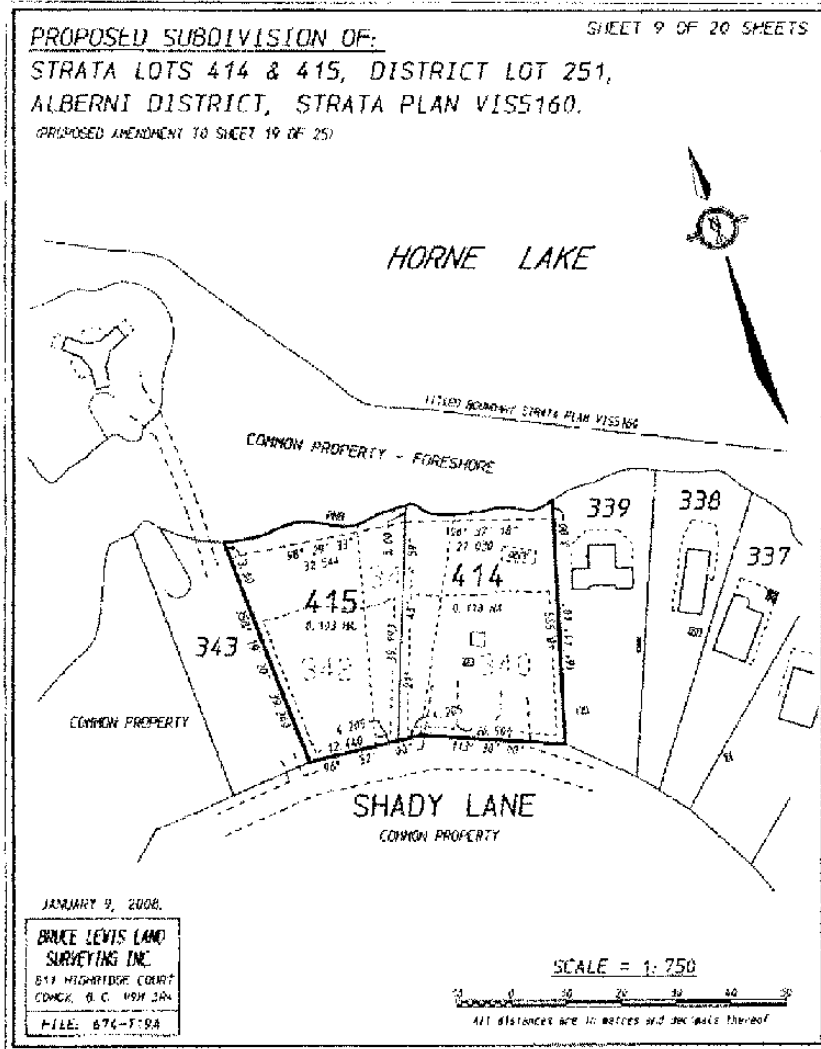


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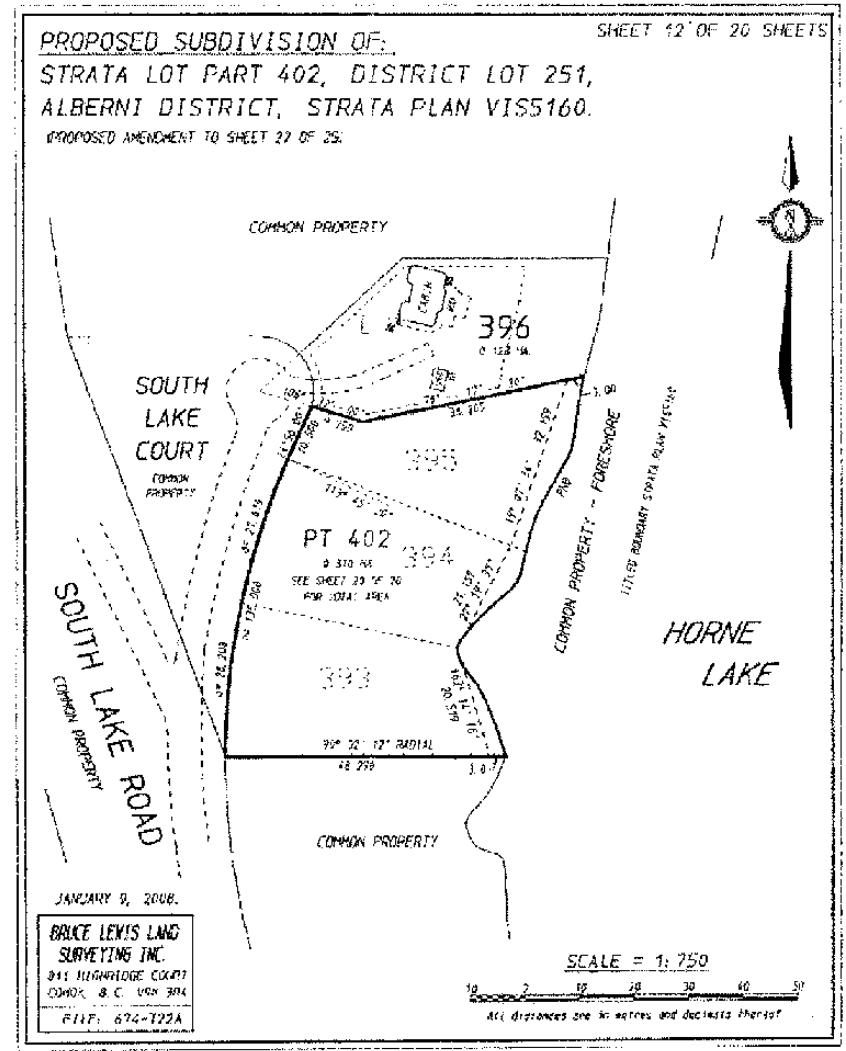
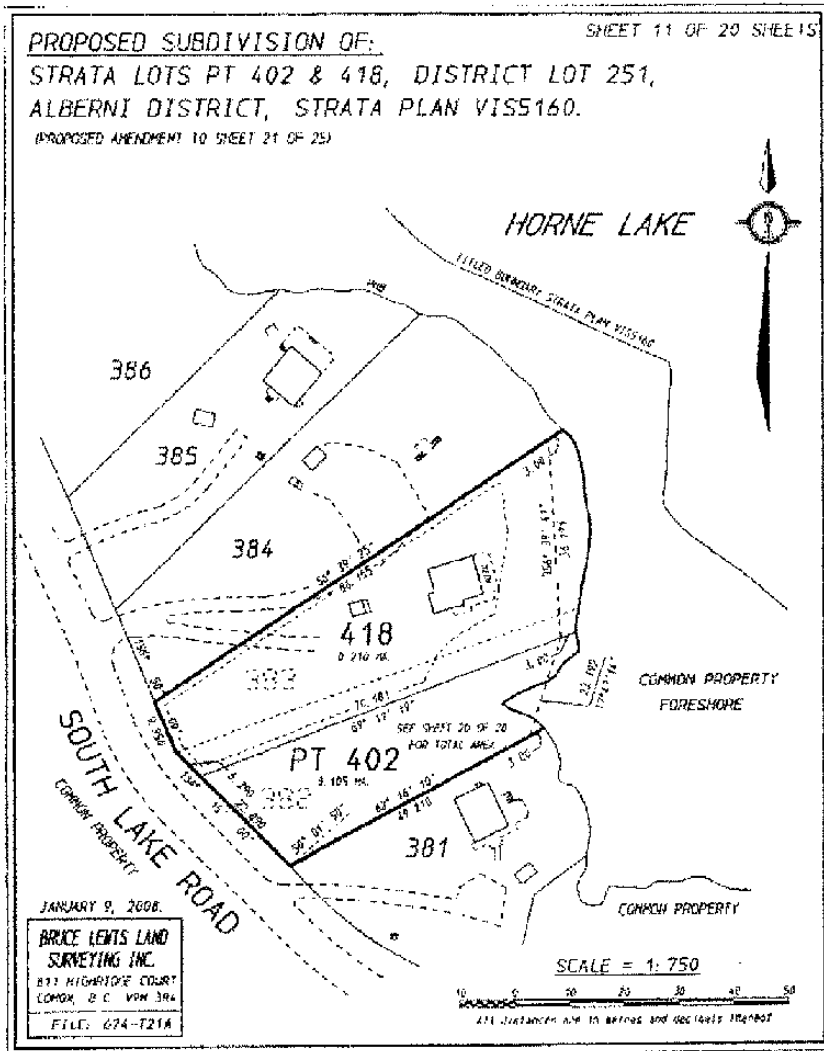
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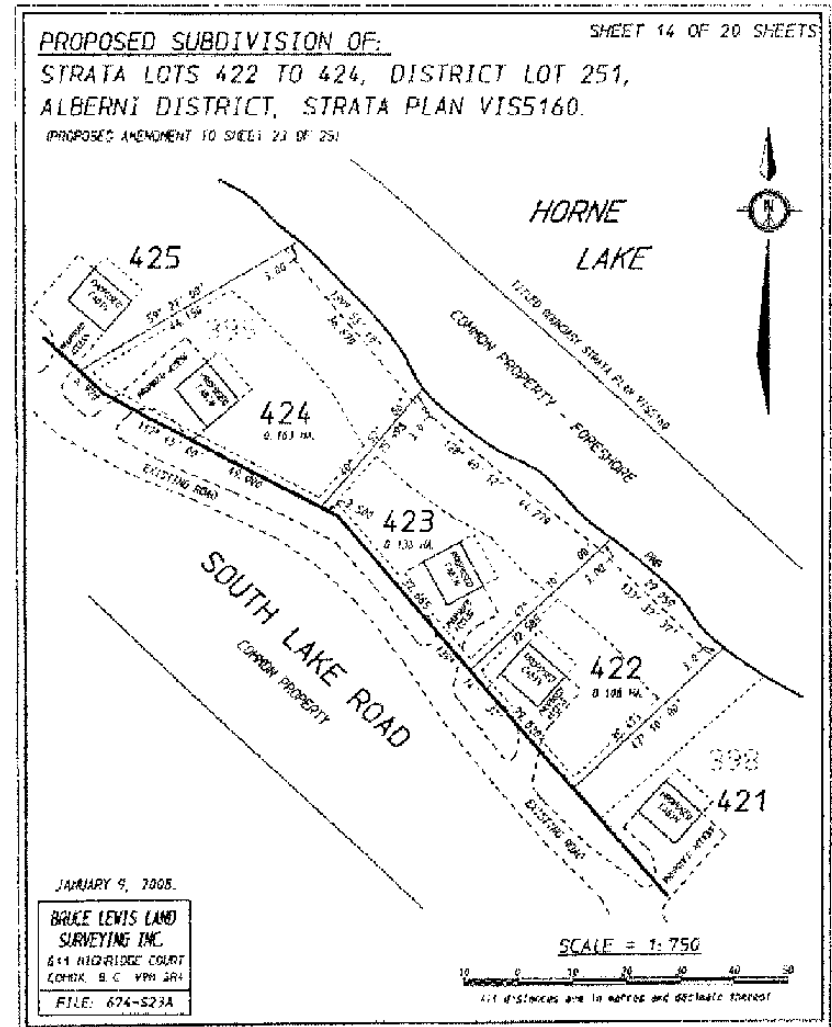
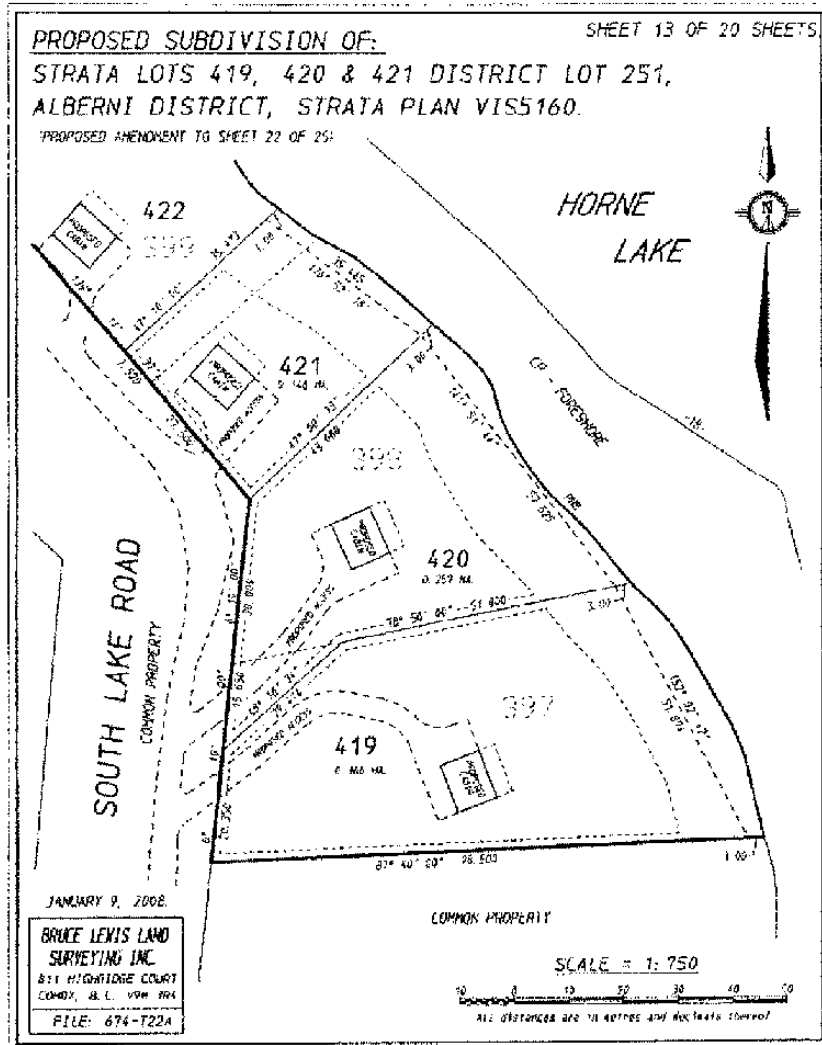


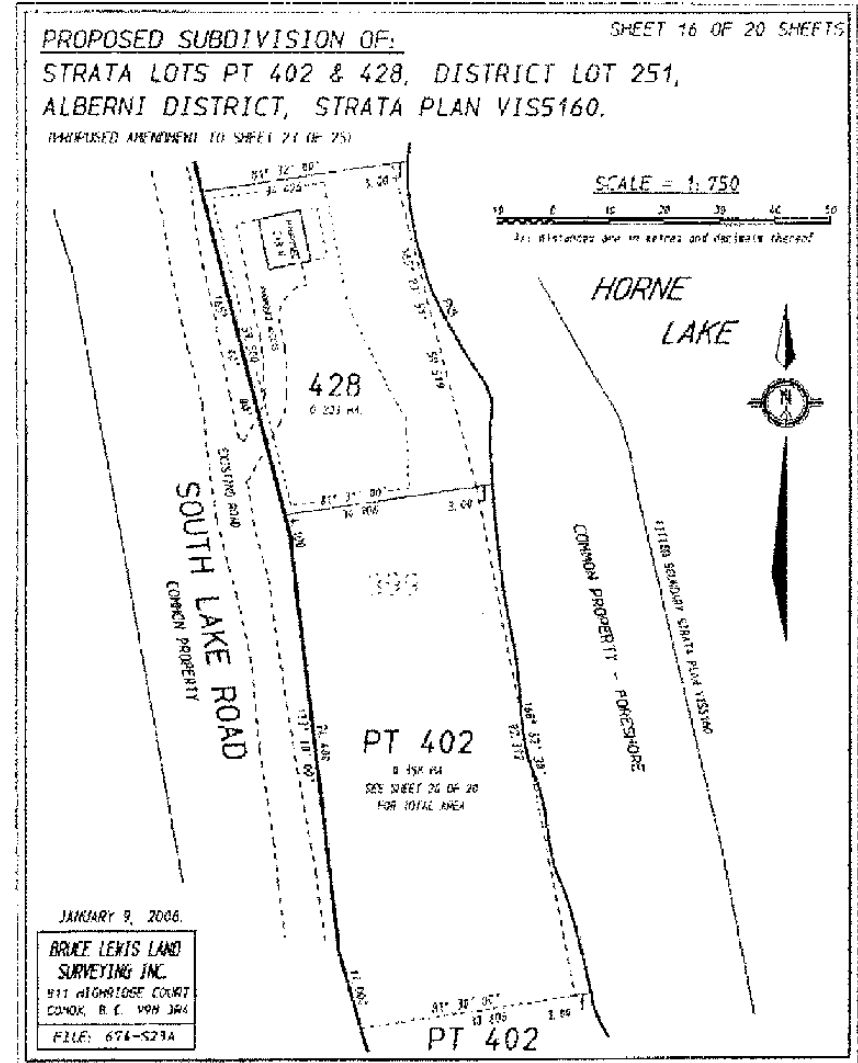
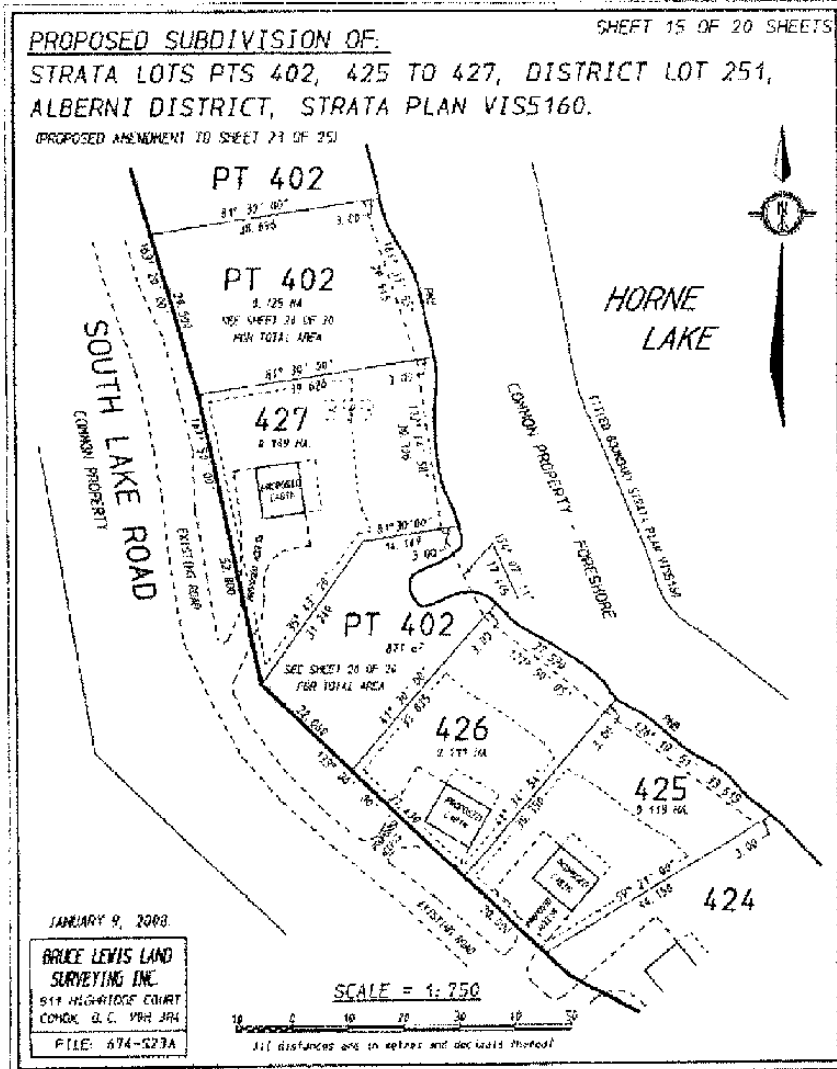
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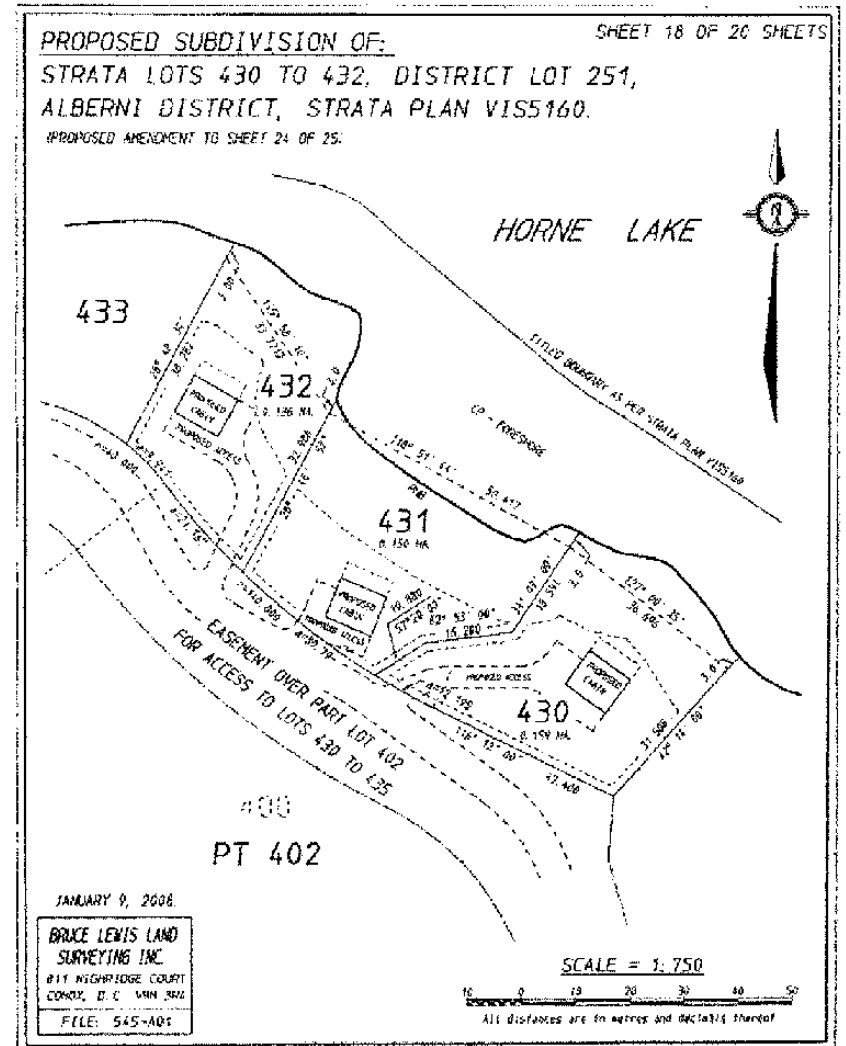
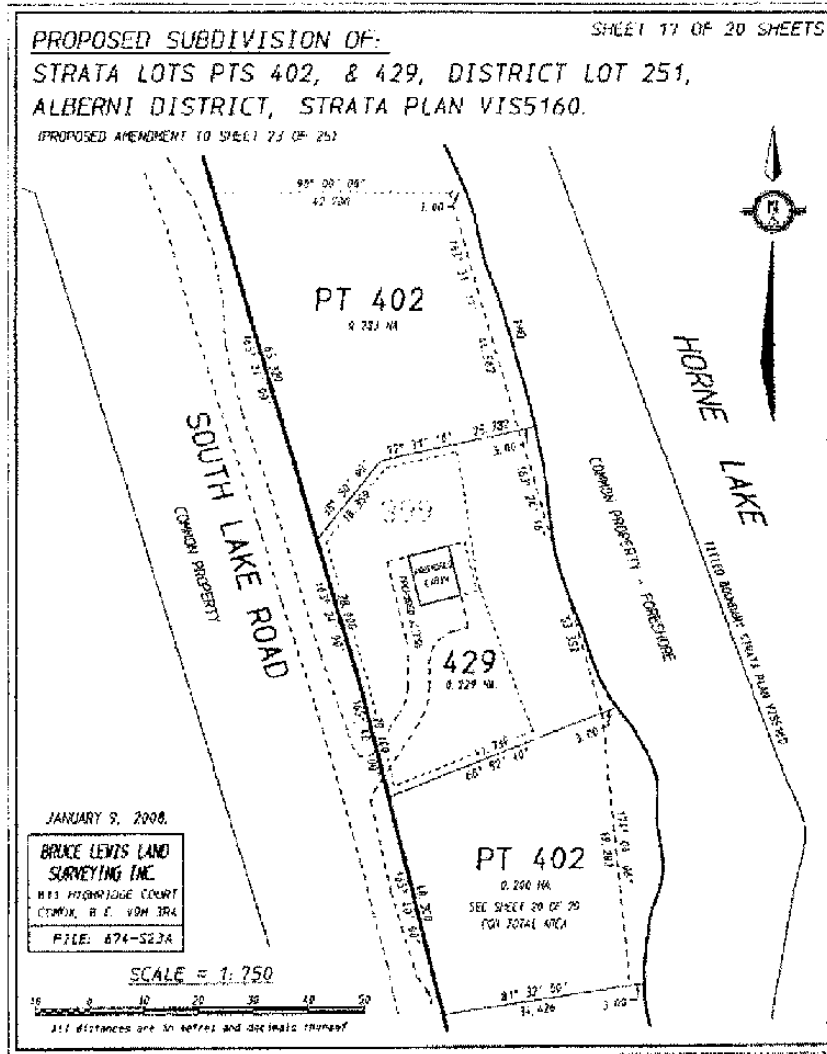
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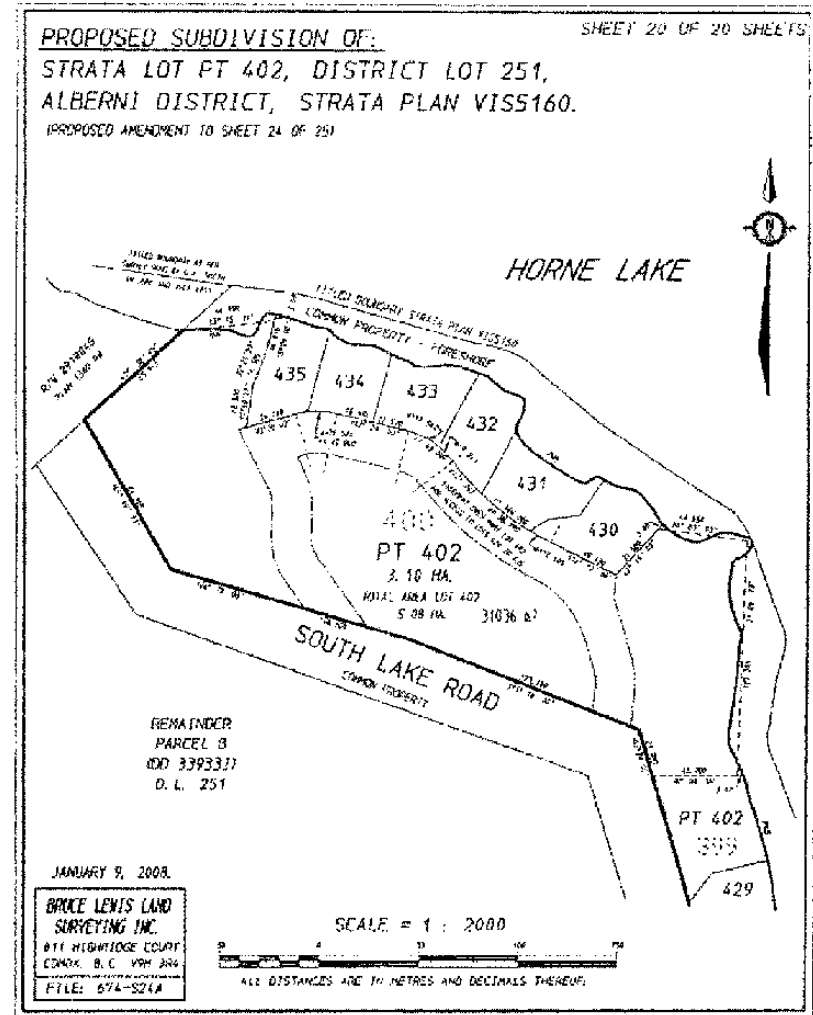
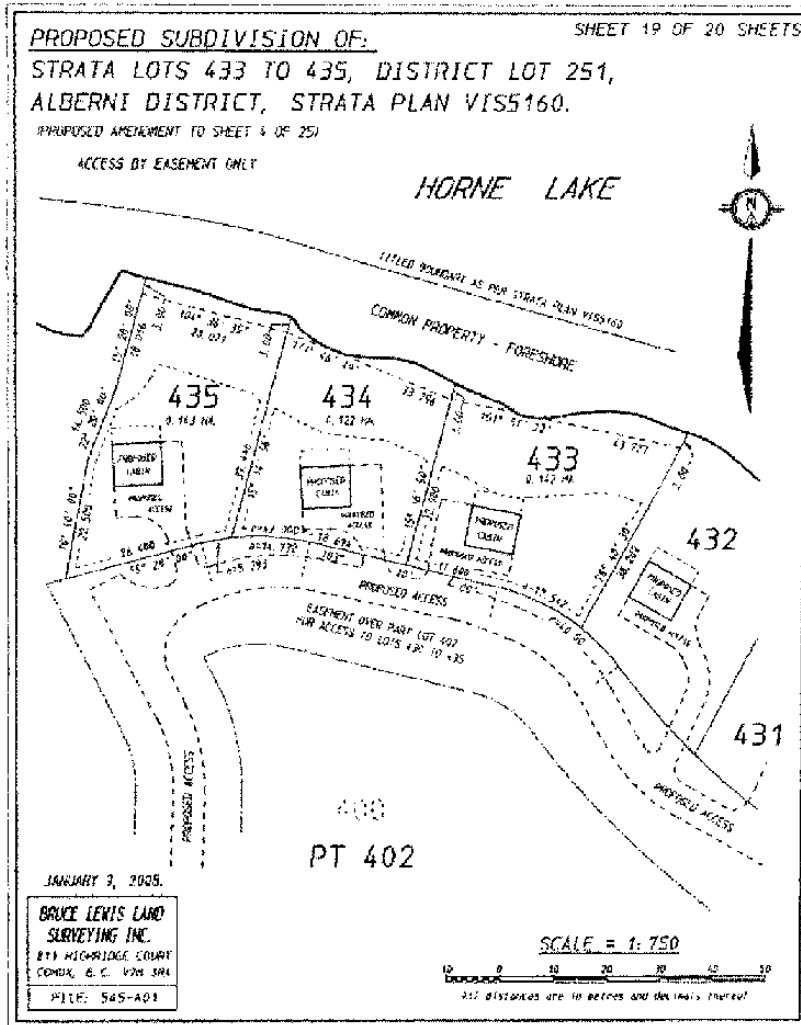




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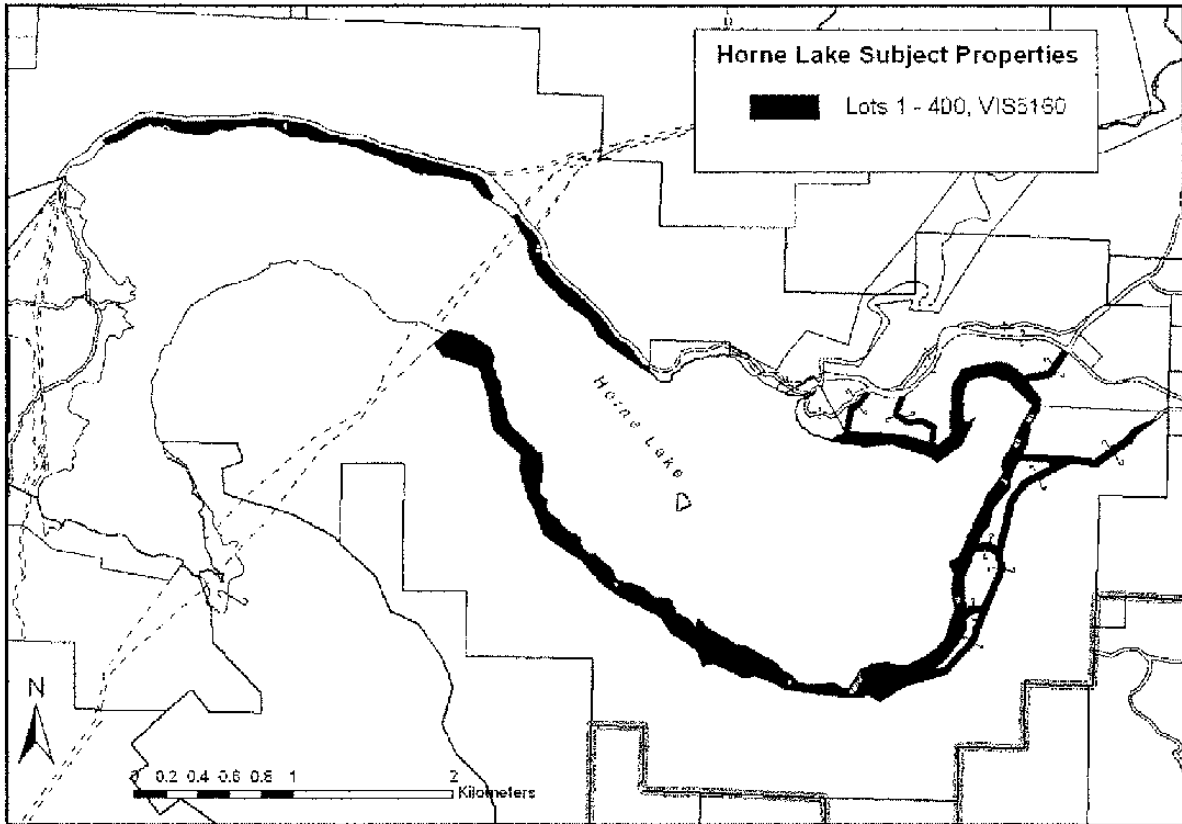
64



Attachment No. 1
Development Variance Permit No. 90802
Summary of Proposed Strata Subdivision

<i>Existing Strata Lot No.</i>	<i>Proposed Subdivision</i>	<i>Proposed Strata Lot No.</i>
SL32 & SL33	SL32 and SL33 do not have sufficient building site areas. Proposal is to consolidate portions of these lots into a new lot with the balance being part of Proposed Strata Lot 401 to be owned by Home lake Land Corporation as a Common Asset of the Strata Corporation (becoming SL402)	<ul style="list-style-type: none"> • New SL401 • Part of New SL402
SL35 / SL36 / SL37	SL36 does not contain a building site area. Proposal is to split a portion of SL36 and the remainder being added to SL35 to create SL403	<ul style="list-style-type: none"> • New SL403 • New SL404
SL39, SL40, SL41, SL42, SL43, SL44, & SL45	In order to provide access to SL42, 43, 44, and 45, SL40 is proposed to be split by a portion going into SL 39 to create SL405, a portion going into SL 41 to create SL406, and the remainder becoming part of the access route.	<ul style="list-style-type: none"> • New SL405 • New SL406
SL52 & SL53	Same owner of both lots wishes to make SL52 larger to provide more buffer between lots – SL52 with a portion of SL53 to create SL 407 and the Remainder of SL53 becomes SL408	<ul style="list-style-type: none"> • New SL407 • New SL408
SL55 & SL56	Driveway to SL55 encroaches into SL56; therefore a boundary adjustment is proposed to accommodate the driveway wholly within SL55 resulting in SL55 becoming SL409 and SL56 becoming SL410	<ul style="list-style-type: none"> • New SL409 • New SL410
SL62, SL63, & SL64	These lots, which supported old cabins that since been removed, are within a BC Hydro ROW. The ROW document limits the development potential. Proposal is that these lots will become part of the Common Asset to be held by the Strata Corporation under SL402	<ul style="list-style-type: none"> • Part of New SL402
SL224, SL225, SL226	SL225 is a narrow steep lot proposed to be split between SL224 and SL226. Therefore, a portion of SL225 and SL224 to be created as SL411 and a portion of SL225 and SL226 to be created as SL412	<ul style="list-style-type: none"> • New SL411 • New SL412
SL250 / SL251	SL250 is low lying and due to its configuration (on a point), it is difficult to meet minimum setbacks and as a result there is insufficient building site area. Therefore, it is proposed that a portion of SL250 will be combined with SL251 to create SL413 and the balance of SL250 will become a portion of SL402 (Common Asset Lot).	<ul style="list-style-type: none"> • New SL413 • Part of New SL402
SL340, SL341, and SL342	These strata lots are too small to provide sufficient building site areas and as a result, SL341 is proposed to be split by adding a portion to SL340 creating SL414 and adding a portion to SL342 to create SL415.	<ul style="list-style-type: none"> • New SL414 • New SL415
SL368, SL369, & SL370	SL369 has a limited building site area. As a result, it is proposed that a portion of SL369 be incorporated with SL368 to create SL416 and a portion be incorporated with SL370 to create SL417. The remainder of SL369 is proposed to be part of SL402 to provide access to the lake.	<ul style="list-style-type: none"> • New SL416 • New SL417 • Part of New SL402
SL382/ SL383	SL382 is a challenging lot to build on. . As a result, it is proposed that a portion of SL382 be incorporated with SL383 to create SL418 with the balance be proposed to be part of SL402	<ul style="list-style-type: none"> • New SL418 • Part of New SL402
SL393, 394, & 395	These lots, currently vacant are low and as a result there are lake view opportunities. It is proposed that these lots be consolidated with Proposed SL402 (Common Asset)	<ul style="list-style-type: none"> • Part of New SL402
SL397	Due to location of access, SL397 is proposed to be adjusted to create SL419	<ul style="list-style-type: none"> • New SL419
SL398	Due to location of access, SL398 is proposed to be adjusted to create SL419	<ul style="list-style-type: none"> • New SL420
SL399	Currently a large lot, proposed to subdivided into 8 new strata lots with a portion being included in proposed SL402 (Common Asset)	<ul style="list-style-type: none"> • New SL421, SL422, SL423, SL424, SL425, SL426, SL427, SL428, and SL429 • Part of New SL402
SL400	Currently a large lot; proposed to subdivided into 6 new strata lots. Approval of these proposed lot would be subject to access via a private easements	<ul style="list-style-type: none"> • New SL430, SL431, SL432, SL433, SL434, and SL435
		<ul style="list-style-type: none"> • Net total 400 strata lots

Attachment No. 2
Development Variance Permit No. 90802
Location of Subject Property





RDN REPORT	
CAO APPROVAL <i>(initials)</i>	
EAP	<input checked="" type="checkbox"/> Feb. 12/07
COW	
FEB - 1 2007	
RHD	
BOARD	

MEMORANDUM

TO: Geoff Garbutt Manager, Current Planning DATE: February 1, 2007

FROM: Susan Cormie Senior Planner FILE: 3320 30 27136

SUBJECT: Request for Relaxation of the Minimum 10% Perimeter Requirement McElhanney Consulting Services Ltd., on behalf of 547808 BC Ltd. Electoral Area 'A' - 2298 Pylades Drive

PURPOSE

To consider a request to relax of the minimum 10% perimeter frontage requirement in conjunction with the development of a revised subdivision proposal.

BACKGROUND

This is a request to consider a relaxation of the minimum 10% perimeter frontage requirement as part of a revised subdivision proposal for the property legally described as Lot A, Section 9 & 10, Range 6, Cedar District, Plan VIP71176 and located at the end of Pylades Drive in Electoral Area 'A' (see Attachment No. 2 for location map of parent parcel).

The Electoral Area Planning Committee may recall that it considered, at its February 2007 regular meeting, the original subdivision application (3 parcels) which included a request to relax the minimum frontage requirement for the Proposed Remainder Lot and a development variance permit for the creation of a non-contiguous parcel. The Regional Board subsequently endorsed the EAPC's recommendation. As a result the Development Variance Permit No. 90702 was issued and the corresponding Subdivision Review Report was forwarded to the Regional Approving Authority.

The applicant has now submitted a revised plan of subdivision which has altered the original proposal by reducing the total number of parcels from 3 to 2 and reconfiguring the proposed road extension from a dead end road to a full size cul-de-sac (see Attachment No. 1 for Revised Plan of Subdivision). The revised plan does not require a variance to the Land Use and Subdivision Bylaw No. 500, 1987 as there is no longer a non-contiguous parcel being proposed.

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

The parent parcel, which is 4.5 ha in size, currently supports one dwelling unit. Surrounding land uses include Stuart Channel to the north and east; residentially zoned parcels to the south with access to Pylades Drive; and residentially zoned parcels to the west.

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 Inspection Area.

10% Minimum Frontage Requirement

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

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% of Perimeter</i>
Rem. of Lot A	120.9 m	69.7 m	5.8 %

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

ALTERNATIVES

1. To approve the request to relax the minimum 10% perimeter frontage requirement for proposed Remainder of Lot A as shown on the revised plan of subdivision.
2. To deny the request for relaxation of the minimum 10% perimeter frontage requirement.

DEVELOPMENT IMPLICATIONS

Ministry staff has verbally indicated that they have no concerns at this time with this request for relaxation of the minimum 10% frontage. It is noted that the proposed access to serve the Remainder of Lot A will provide more frontage than the current access serving the parent parcel. The proposed subdivision is not expected to negatively impact surrounding residential properties.

Site Servicing Implications

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

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

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

Environmentally Sensitive Areas Atlas

The Environmentally Sensitive Areas Atlas indicates a Fish Present Fish Habitat for Stuart Channel and the coastal area; a photo-interpreted stream, and Older Forest and Coastal Bluffs Sensitive Ecosystems for the parent parcel. Staff will, through the subdivision review process; bring these features to the attention of the Approving Authority.

Access to Water (Stuart Channel) Implications

Pursuant to the *Land Title Act*, the applicant is required to provide a 20-metre wide access to Stuart Channel to the satisfaction of the Regional Approving Officer. Staff has visited the site and feels that the proposed 20-metre wide access would offer an opportunity for the public to access the beach area via rambling, well treed area. As part of the subdivision review process, staff will inform the Approving Officer that this access would be suitable for pedestrian access to the waterfront.

VOTING

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

SUMMARY

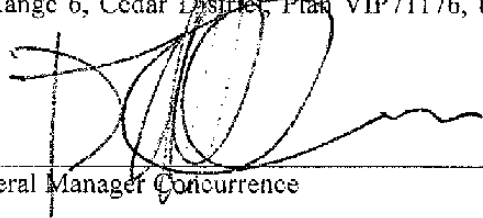
This is a request to relax the minimum 10% frontage requirement for the proposed Remainder of Lot A pursuant to Section 944 of the *Local Government Act* as part of a revised subdivision proposal which reduces the total number of lots from 3 to 2. The proposed subdivision is not expected to impact surrounding uses. The proposed 20-metre wide access to Stuart Channel offers a future opportunity for providing beach access to the public. Given that the Ministry of Transportation is satisfied that the proposed access is achievable and the proposed Remainder Lot will be able to support intended residential uses, staff recommends Alternative No. 1, to approve the relaxation of the minimum 10% frontage for the proposed Remainder of Lot A.

RECOMMENDATION

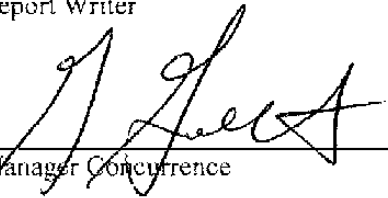
That the request submitted by McElhanney Consulting Services Ltd., on behalf of 547808 BC Ltd., to relax the minimum 10% frontage requirement for the proposed Remainder of Lot A, as shown on the revised plan of the subdivision of Lot A, Section 9 & 10, Range 6, Cedar District, Plan VIP71176, be approved.



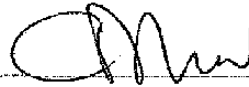
Report Writer



General Manager Concurrence



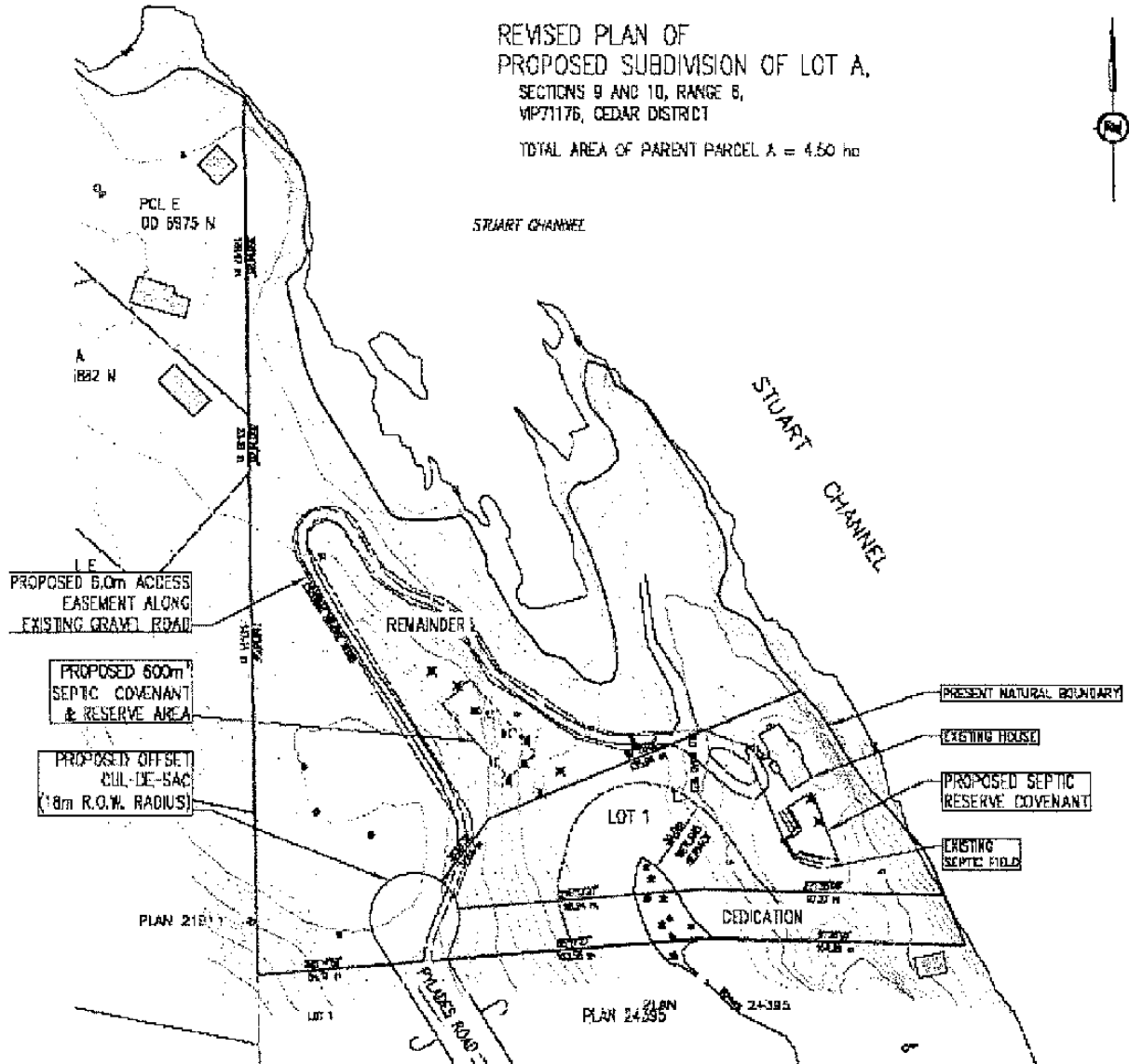
Manager Concurrence



CAO Concurrence

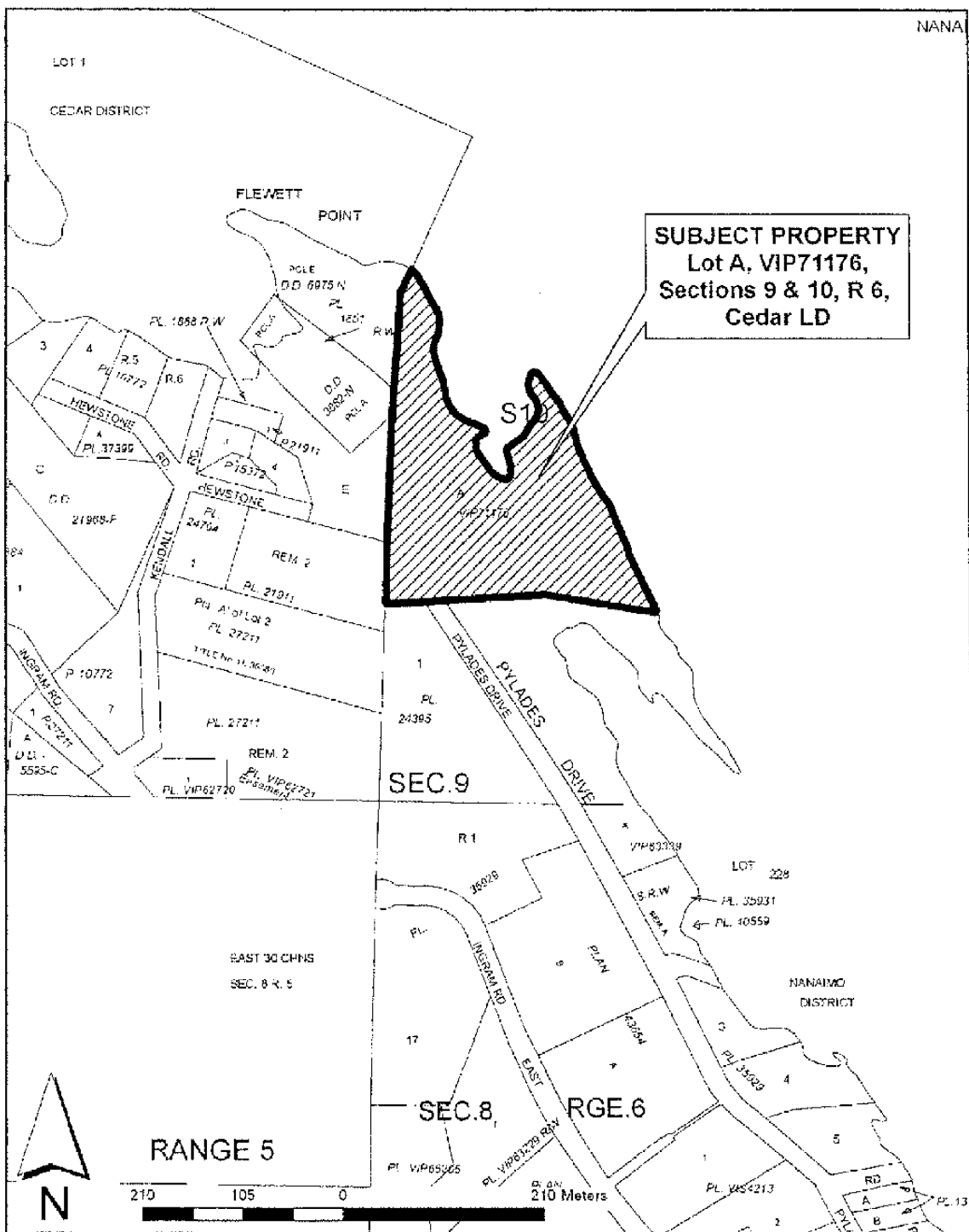
COMMENTS:

Attachment No. 1
Subdivision Application No. 27136
Portion of Proposed Plan of Subdivision
(As Submitted by Applicant)



<p>THIS DRAWING IS THE PROPERTY OF THE ENGINEER OR ARCHITECT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER OR ARCHITECT.</p>		<p>McElhannay McElhannay Consulting Services Ltd. 100-10100-101 Avenue Edmonton, Alberta T6E 1K1</p>	Drawn: BH Checked: FT Date: APR
<p>DATE: FEB 1, 2008</p> <p>SCALE: 1:10000</p> <p>(ALL DIMENSIONS ARE IN METERS)</p>			Drawn: BH Checked: FT Date: APR

Attachment No. 2
Development Variance Permit Application No. 90702
Subdivision Application No. 27136
Location of Subject Property



Mapsheet 92G.002.3.3



RDN REPORT	
C&O APPROVAL	
EAP	✓ FEB 12 2008
COW	
FEB - 1 2008	
RHD	
BOARD	

MEMORANDUM

TO: Geoff Garbutt
Manager, Current Planning

DATE: January 31, 2008

FROM: Susan Cormie
Senior Planner

FILE: 3320 20 27253

SUBJECT: Request for Relaxation of the Minimum 10% Frontage Requirement
Request to Discharge a Section 219 Covenant
Applicant: Fern Road Consulting Ltd., on behalf of J Lundine
Electoral Area 'G' – Lundine Lane

PURPOSE

To consider a request to relax the minimum 10% perimeter frontage requirement and a request to discharge an existing section 219 covenant as part of a 2-lot subdivision proposal on property in the French Creek area of Electoral Area 'G'.

BACKGROUND

This is a subdivision application involving a request to relax the minimum perimeter frontage requirement for both proposed parcels and a request to discharge a registered section 219 covenant in conjunction with a further subdivision for the parcel legally described as Lot A, District Lot 49, Nanoose District, Plan VIP81015 and located adjacent to Lundine Lane in the French Creek area of Electoral Area 'G' (see Attachment No. 1 for location of subject property).

The subject property, which is 3311 m² in size, is zoned Residential 1 (RS1) and is within Subdivision District 'Q' (minimum 700 m² with community water and community sewer) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The parent parcel, which is currently vacant, is surrounded by residentially zoned parcels and fronts Lundine Lane.

There are a number of documents registered on title including a covenant for payment of a yearly rent charge to Breakwater Enterprises Ltd.; a statutory right-of-way for community sanitary sewer; a covenant restricting further subdivision unless an additional sewer capital charge for each lot is paid to the RDN; a building scheme; and a statutory right-of-way for BC Hydro and Power Authority.

The parent parcel is designated 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. As the parent parcel is located outside the 10.0 metre riparian area of the Brook established in a recent riparian area assessment, this application is exempt from requiring a development permit.

Adjacent land uses include residentially zoned parcel to the north, east, and west with Lundine Lane to the south. It is noted that the adjacent parcel to the west is currently under consideration for subdivision approval. The applicant has provided a completed Sustainable Community Builder Checklist as per Board policy.

Proposed Subdivision Development

The applicant is proposing to create 2 new parcels, which will be meet the minimum parcel size of 700 m² 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 Lot 1 and the Remainder of Lot A, 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 1	19.6 m	12.4 m	6.3 %
Rem Lot A	29.8 m	6.3 m	2.1 %

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.

ALTERNATIVES

1. To approve the request for relaxation of the minimum 10% frontage requirement for Proposed Lot 1 and the Remainder of Lot A 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 request for relaxation of the minimum 10% frontage requirement and not approve the request to discharge of the covenant.

DEVELOPMENT IMPLICATIONS

As shown on *Schedule No. 2*, the parcels are proposed to be accessed by way of panhandles. Under Bylaw No. 500, 1987 provisions, a panhandle portion of a parcel is not included in the parcel size calculation and as a result, further subdivision of the proposed parcels would not be permitted as minimum parcel sizes would not be achievable under the zoning provisions. Despite the reduced frontages, there are sufficient buildable site areas available to support the intended residential uses on these proposed parcels.

With respect to access, Ministry of Transportation staff has verbally indicated that they have no issues with the proposed minimum frontage relaxations and will support combined accesses to serve the proposed parcels.

With respect to the discharge of the section 219 covenant restricting subdivision unless the capital charges for sanitary sewer are paid, the applicant's agent has indicated that the applicant is in concurrence to pay the required capital charge for contribution to the sewage treatment plant for the additional lots being created (2).

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 2-lot subdivision. It is noted that the statutory right-of-way prohibits other pipes or conduit within the right-of-way. As a result, the water service connection to the Proposed Remainder of Lot A will need to via an easement through Proposed Lot 1. Community sewer services are 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 request to relax the minimum 10% perimeter frontage provision for both proposed parcels and a request to discharge a section 219 covenant document. The proposed parcels, despite the reduced frontages, will be capable of supporting the residential uses permitted in the zoning provisions. Ministry of Transportation staff has verbally indicated that they have no objection to the request for relaxation of the frontage for these parcels and, in addition, will support a combined access to reduce the number of driveway accesses from Lundine Lane.

Concerning the discharge of the section 219 covenant for restricting subdivision unless capital charges are paid for additional parcels, the applicants are in concurrence to pay the required amounts. It is noted that no additional subdivision beyond this lot layout will be possible as minimum parcel size requirements would not be able to be met.

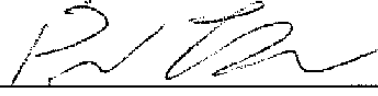
Given that this subdivision proposal represents infill within a fully serviced suburban area, that building site areas are available for both proposed parcels, and that the Ministry of Transportation staff has indicated they have no objection to the request for frontage relaxation, staff recommends Alternative No. 1 to approve the request for relaxation of the minimum perimeter frontage requirement and discharge of the section 219 covenant concerning no further subdivision subject to conditions set out in Schedule Nos. 1 and 2 of the corresponding staff report.

RECOMMENDATIONS

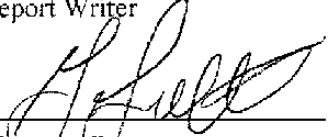
1. That the request from Fern Road Consulting Ltd., on behalf J Lundine to relax the minimum 10% perimeter frontage requirement for Proposed Lots 1 and The Remainder of Lot A, in conjunction with the proposed 2-lot subdivision of Lot A, District Lot 49, Nanoose District, Plan VIP81015, be approved.
2. That the request from Fern Road Consulting Ltd., on behalf J Lundine, 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



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

Schedule No. 1
Subdivision File No. 27253
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 of the corresponding staff report.

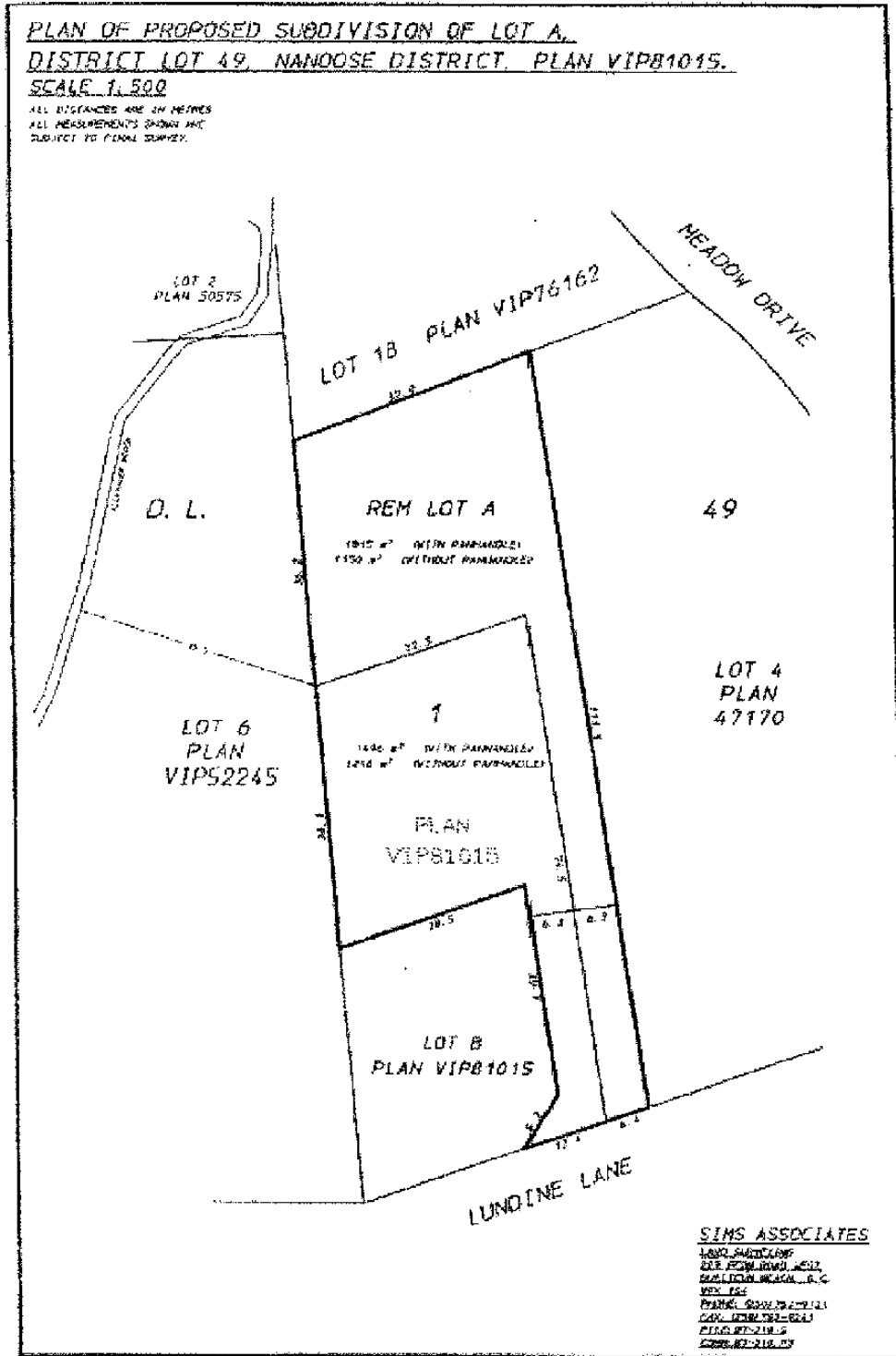
2. Discharge of Covenant Document

Applicant to prepare and register a discharge document to discharge the section 219 covenant Document No. EX27378. Full payment of capital charges pursuant to "French Creek Sewer Local Service Area Capital Charge Bylaw No. 1330, 2003" and amendments thereto and "Northern Community Sewer Local Service Area Capital Charge Bylaw No. 1331, 2003" and amendments thereto for 2 parcels to be paid to the Regional District of Nanaimo prior to the discharge of this covenant document.

3. Driveway Access

The Regional District shall require that a reciprocal driveway access easement be required to serve proposed Lots 1 and the Remainder of Lot A to the satisfaction of the Ministry of Transportation.

Schedule No. 2
Subdivision File No. 27625
Proposed Plan of Subdivision
(as submitted by applicant / reduced for convenience)



Attachment No. 1
Location of Subject Property

