

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, MARCH 11, 2008

6:00 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 3-6 Minutes from the meeting of the Electoral Area Planning Committee held February 12, 2008.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

- 7-10 **P. & C. Roberts**, re Electoral Area 'G' Official Community Plan.

UNFINISHED BUSINESS

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

- 11-18 Development Permit Application No. 60744 – Adjacent to Lions Way and the Island Highway No. 19A – Area H.
- 19-32 Development Permit Application No. 60746 – 2180 South Wellington Road – Area A.
- 33-38 Development Permit Application No. 60803 – 3668 Horne Lake Caves Road – Area H.

DEVELOPMENT PERMIT APPLICATIONS WITH VARIANCE

- 39-51 Development Permit Application No. 60804 and Request for 10% Frontage Relaxation – Adjacent to Northwest Bay Road – Area E.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 52-59 Development Variance Permit Application No. 90715 – 335 Butler Avenue –
Area G.
- 60-71 Development Variance Permit Application No. 90803 – 3680, 3676 & 3672
Horne Lake Caves Road – Area H.
- 72-77 Development Variance Permit Application No. 90805 -- 1021 Koskimo Road –
Area F.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

IN CAMERA

ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, FEBRUARY 12, 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
Alternate	
Director L. Derkach	Electoral Area G

Also in Attendance:

M. Pearse	Senior Manager, Corporate Administration
G. Garbutt	A/General Manager, Development Services
N. Tonn	Recording Secretary

CALL TO ORDER

The Chairperson welcomed Alternate Director Derkach to the meeting.

MINUTES

MOVED Director Holme, SECONDED Director Biggemann, that the minutes of the Electoral Area Planning Committee meeting held January 8, 2008 be adopted.

CARRIED

UNFINISHED BUSINESS

Development Permit Application No. 60703 (reconsideration) – Ring Contracting Ltd. – 470 Nanaimo River Road – Area C.

MOVED Director Young, SECONDED Director Burnett, 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.

CARRIED

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 Meade – Lundine Lane – Area G.

MOVED Director Holme, SECONDED Director Derkach, 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.

CARRIED

MOVED Director Holme, SECONDED Director Derkach, that the request from Fern Road Consulting Ltd., on behalf of 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.

CARRIED

MOVED Director Holme, SECONDED Director Derkach, that the request from Fern Road Consulting Ltd., on behalf of 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.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60742 and Request for Relaxation – Chris Everett, BCLS, on behalf of Davidson – Adjacent to Norman Road – Area ‘A’.

MOVED Director Burnett, SECONDED Director Biggemann, 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.

CARRIED

MOVED Director Burnett, SECONDED Director Biggemann, 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 the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

Development Permit Application No. 60743 – Fern Road Consulting Ltd. on behalf of Foulds – Henry Morgan and Maple Guard Drives – Area ‘H’.

MOVED Director Holme, SECONDED Director Biggemann, 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.

CARRIED

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

CARRIED

MOVED Director Holme, SECONDED Director Biggemann, that staff be directed to pursue, with the Ministry of Transportation and the developer of Lot 2, VIP61726, District Lot 36, Newcastle District, and 85 Henry Morgan Drive, the connection of the gazetted road link between Henry Morgan Drive and Sundry Road in the Village Node of Bowser to enhance mobility, emergency response and safety.

CARRIED

Director Holme left the meeting citing a possible conflict of interest with the next item.

Development Permit Application No. 60802 – JE Anderson & Associates, BCLS, on behalf of Dubyna – 2520 and 2528 East Wellington Road – Area 'C'.

MOVED Director Young, SECONDED Director Burnett, 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 (DD9237N) 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.

CARRIED

Director Holme returned to the meeting.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90715 – D'Angelo – 335 Butler Avenue – Area 'G'.

The Chairperson noted that this item has been tabled.

Mr. D'Angelo submitted correspondence to staff with respect to this application.

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

MOVED Director Holme, SECONDED Director Derkach, that Development Variance Permit Application No. 90802 submitted by Murray Hamilton on behalf of the Horne 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*.

CARRIED

OTHER

Request for Relaxation – McElhanney Consulting Services Ltd. on behalf of 547808 BC Ltd. – 2298 Pylades Drive– Area 'A'.

The Chairperson noted that this item has been removed from the Agenda.

Request for Relaxation and Request to Discharge a Section 219 Covenant- Fern Road Consulting Ltd., on behalf of Lundine – Lundine Lane – Area ‘G’.

MOVED Director Derkach, SECONDED Director Biggemann, that the request from Fern Road Consulting Ltd., on behalf of 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.

CARRIED

MOVED Director Derkach, SECONDED Director Biggemann, that the request from Fern Road Consulting Ltd., on behalf of 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.

CARRIED

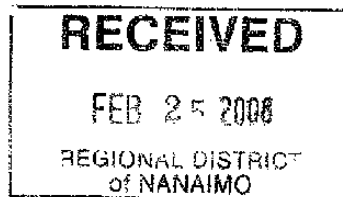
ADJOURNMENT

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

CARRIED

TIME: 6:15 PM

CHAIRPERSON



To: RDN Regional District Planning Committee

February 21st, 2008

Re: Mr. Joe Stanhope's response to review of the OCP Plan for Area "G"

Please find enclosed copies of Mr Stanhope's November 29th, 2007 response to my letter dated November 15th, 2007 for the *Planning Committee's* reference. Now if we may, we would like to make some additional points that we hope will garner a '*second*' look to our suggestions.

We have owned this property at 3487 West Island Highway, located on the corner of Kinkade Road and the West Island Highway, since August 1989. When we purchased this property we had two objectives in mind:

- to build our dream house when we retire (in less than 2 years) on one lot
- to sub-divide the remaining portions into 2 lots for each of our children to build their own homes.

The property occupies 1.88 acres of land with approximately 200 feet of frontage along the Island Highway and over 502 feet running down Kinkade Road. If this were subdivided 3 ways, each lot would be at least 200 feet deep by 166 feet in width. However, this fails to meet the minimum square feet/meter requirement, which is dependent on whether there is access to sewer and/or city water.

These restrictions place our property into a '*no man's land*' situation since we can't access water from the *Surfside Water Service*, currently at capacity, nor from the *Municipality of Qualicum Beach* located directly across the street, which coincidentally uses the same aquifer that feeds our well. In addition, our property is also denied access to the sewer line that runs the length of our property (502 feet), along Kinkade Road, unless our current septic system fails.

We appreciate that *OCP* plans are written with the best intent in mind; however it seems that our property suffers as a result. It is lumped into a category which places it outside the *Urban Containment Boundary*, and unfairly puts us in 'limbo' which in turn prevents development.

With regards to our property, we would like the *RDN* to consider amending its policy. Here is what we would like to propose:

- We have an abundant supply of 'sweet' water on our 1.88 acres parcel of land. We would be willing to allow the *RDN* and the *Surfside Water Services* to access it to address their needs if we would be allowed to sub-divide our property. If the *Surfside Water* is already at capacity, then it only makes sense to look for new sources **now**, rather than wait for a shortage to occur. I am offering that alternative.
- Allow us access to the community sewer. Our septic system will not last forever and it is foolish to wait for it to fail before we would be allowed to access the system.

We feel that the OCP needs to be amended to address not only our issues, but also the needs of other residents in the *Surfside Water Service Area*. At the same time, initiate a plan to get those residents that are currently on a septic system, onto the current sewer technology *before* health or environmental concerns arise.

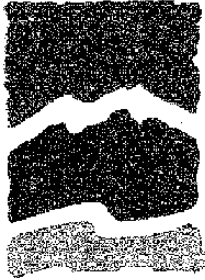
We would appreciate it if our suggestions would be considered in the context that we are all stewards of the land and want what is the most responsible and fair use of it.

Please feel free to contact us at (250) 479-9929 if you have any additional questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Peter & Colleen Roberts". The signature is written in black ink and is positioned above the printed name and address.

Peter & Colleen Roberts
3827 Cardie Court
Victoria, BC
V8Z 7G8



REGIONAL
DISTRICT
OF NANAIMO

November 29, 2007

2

Peter & Colleen Roberts
3827 Cardie Court
Victoria, BC
V8Z 7G8

Dear Mr. and Mrs Roberts:

Re: Electoral Area 'G' OCP Review

Thank you for your letter. As you know, many opportunities have been provided for the community to submit input into the Electoral Area 'G' OCP Review. I encourage you to provide your comments directly to Regional District Planning staff who are involved in this planning process.

With respect to your proposals please consider the following:

- The Town of Qualicum Beach does not provide water to properties outside of its boundary.
- The Surfside Water Service Area is currently at capacity. This system is not able to provide water to additional properties.
- The Regional District must adhere to the policies in the Regional Growth Strategy and therefore is not permitted to extend community sewer or water systems to parcels located outside of the Urban Containment Boundary (UCB). Your parcel is located outside of the UCB.
- There is no need to extend the UCB in Electoral Area 'G' at this time as there is still enough land to meet residential demand for several years.
- Should concerns arise with respect to on-site sewage disposal on your property, the Regional District could then consider extending the community sewer system to address these health and/or environmental concerns.

Thank you again for your comments. I encourage you to get involved in the Electoral Area 'G' OCP Review.

Sincerely,

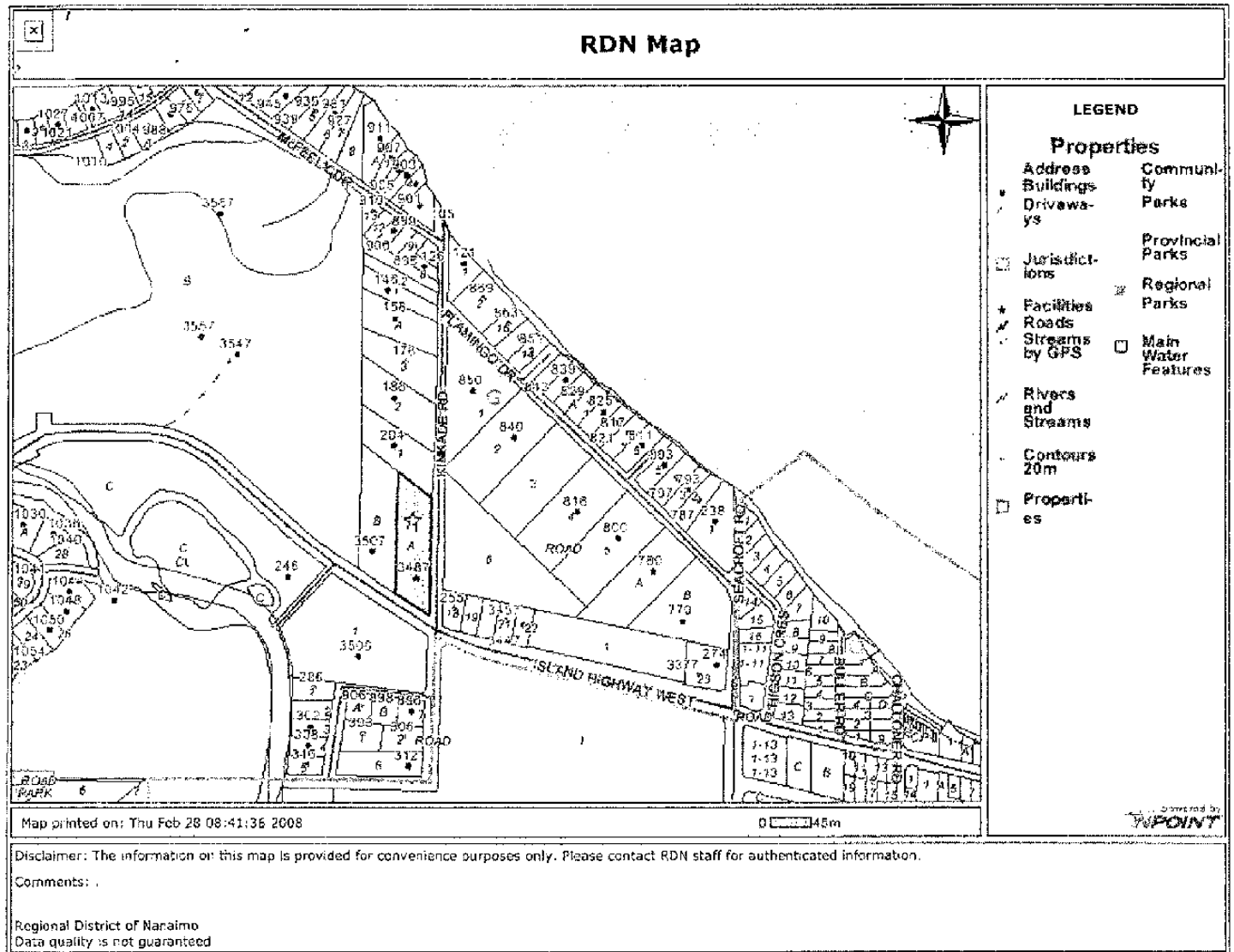
Joe Stanhope
Chair

cc Greg Keller, Senior Planner

6300 Hammond Bay Rd.
Nanaimo, B.C.
V9T 6N2

Ph: (250)390-4111
Toll Free: 1-877-607-4111
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RDR Website: www.rdn.bc.ca





CAO APPROVAL	
EAP	✓ March 11th
COW	
FEB 29 2008	
RHD	
BOARD	

MEMORANDUM

TO: Geoff Garbutt
Manager, Current Planning

DATE: February 26, 2008

FROM: Susan Cormie
Senior Planner

FILE: 3060 30 60744
c/r 3320 20 27356

**SUBJECT: Development Permit Application No. 60744
Fern Road Consulting Ltd., on behalf of A Dorfer
Electoral Area 'H' – off Lions Way and the Island Highway No. 19A**

PURPOSE

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

BACKGROUND

The parent parcel, legally described as Lot 3, District Lot 20, Newcastle District, Plan 6994, Except That Part in Plan 31190, is located adjacent to Lions Way and the Island Highway No. 19A in the Qualicum Bay area in Electoral Area 'H' (*See Attachment No. 1 for location*).

The property, which totals approximately 2.5 ha size, is split zoned Commercial 5 (CM5) Subdivision District 'M' and Rural 1 Subdivision District 'D' 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. A portion of Black Brook crosses the property through Proposed Lot C and runs along the east boundary of Proposed Lot B. There is also an unnamed watercourse which crosses Proposed Lot A. The E & N Railway Corridor and a Gazetted Road crosses Proposed Lot C.

Surrounding uses include the Island Highway No. 19A and commercially zoned parcels to the north, a split zoned commercial/rural parcel to the east; Lions Way, publically zoned parcels, and a resource management zoned parcel to the west; and a resource management zoned parcel to the south.

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 Environmentally Sensitive Features Development Permit Area in this case for the protection of Black Brook and its riparian area and an unnamed watercourse and its riparian area and for the protection of the aquifer;
- The Natural Hazard Development Permit Area, in this case, for the protection of development from the possibility of flooding;
- The Fish Habitat Protection Development Permit Area for the purposes of protecting riparian areas for the protection of fish habitat, in this case Black Brook and an unnamed watercourse; and
- The Highway Corridors Development Permit Area for the form and character of commercial, industrial or multi-family residential development. In this case, this application will meet the

exemption provisions of the development permit area as there are no commercial uses being proposed on the parent parcel at this time.

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

Proposed Development

The applicant is proposing to construct 2 fee simple parcels varying in size from .40 ha to .50 ha and one section 946 parcel 1.53 ha in size. The proposed parcels are proposed to be served with community water service connections from Qualicum Bay-Horne Lake Water Works District and individual septic disposal systems (*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, setbacks, location of watercourses and their riparian areas, septic disposal fields, and available building sites for each parcel;
- Riparian Areas Assessment prepared by Toth And Associates and dated 30/07/07;
- Hydrogeological Impact Assessment prepared by EAB Engineering Ltd. and dated June 13, 2007; and
- Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd. and dated October 27, 2007.

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. 60744, 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 Preliminary Hydrogeological Study concludes that the proposed subdivision will represent a low risk of potential environmental impairment to the underlying groundwater aquifer. It is noted that for the commercially zoned parcels (Lots A and B), if a commercial use is proposed in the future, the development would be subject to the consideration of a development permit. The report includes a recommendation that no underground storage tanks for heating oil be permitted. Therefore, to ensure protection of the aquifer, it is recommended that the development permit conditions of approval include this recommendation (*see Schedule No. 1 for Conditions of Approval*).

With respect to the protection of Black Brook and the unnamed watercourse and their riparian areas, the submitted riparian area assessment has determined a Streamside Protection and Enhancement Area (SPEA) of 10.0 metres for Black Brook and 5.0 metres for the unnamed watercourse. The report provides no measures are required to be taken to protect the SPEAs as no physical alteration is proposed at this

time. If any physical alterations, such as storm water works, do occur during the development of the subdivision, a further report would be required. Staff, as part of the subdivision review process, will forward this information to the Approving Authority. The Ministry of Environment requires that all Riparian Area Regulation (RAR) reports include a schedule for environmental monitoring where considered necessary. In this case, the report recommends that as no physical alteration of the property is planned, monitoring is not required.

With respect to the geotechnical evaluation, the report concludes that geotechnical hazards are limited to the following hazards associated with the creek and a slope hazard on a slope south of the railway right-of-way. While the report states that the site is considered suitable for the support of commercial and/or residential the reports provides a number of recommendations with respect to ensuring safe building sites, but at the time, specific building locations and details were not known. As a result, the report recommends during future development, the suitability of geotechnical conditions for each specific building project be confirmed by a geotechnical engineer. In order to ensure the future parcels are developed in a safe manner, it is recommended that the applicant be required to register this report on title as a save harmless covenant. This will be included in the conditions of approval as set out in *Schedule No. 1* of this staff report. It is also noted this development permit is for the subdivision of the parent parcel and not the future development of each proposed parcel. Therefore, further development of these future parcels will require a development permit.

Building Site Implications

Due to the physical site constraints of the parent parcel combined with the land use bylaw regulations in terms of minimum setbacks, the applicant's BCLS has provided a plan indicating available building site areas for each proposed lot.

Proposed Lot A supports buildings that do not meet the current minimum setback requirements from Lions Way. Staff will, through the subdivision review process, require the applicant to provide written proof that these buildings were previously permitted and were legally sited.

Site Servicing Implications

An application for septic disposal has been submitted 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 applicants' agent has indicated that community water service will be provided by Qualicum Bay-Horne Lake Water Works District.

VOTING

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

SUMMARY

This is a subdivision application that involves a development permit for the property located adjacent to Lions Way and the Island Highway No. 19A in the Qualicum 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 Black Brook and unnamed watercourse riparian areas and the Fish Habitat Protection

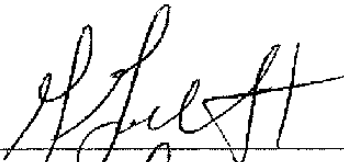
Development Permit Area for the purposes of protecting riparian areas for the protection of fish habitat. In addition, the parent parcel is also designated within the Natural Hazards Development Permit Area for protection of development from hazardous conditions. The submitted engineer's report concludes that the proposed subdivision development represents a low risk of potential environment impairment to the underlying groundwater aquifer provided the septic fields are designed and constructed in accordance with current regulations and no underground fuel storage tanks are used on the future parcels. Therefore, staff recommends that the development permit include these conditions of approval.

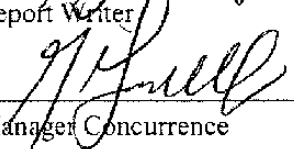
With respect to the geotechnical evaluation, the submitted report concludes the proposed subdivision development is considered safe for the intended use and provides a number of recommendations. In order to ensure these recommendations are carried out, staff recommends that this report be registered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

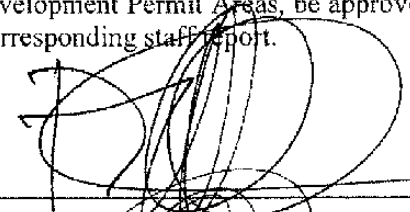
RECOMMENDATIONS


That Development Permit Application No. 60744 submitted by Fern Road Consulting Ltd., on behalf of A Dorfer, in conjunction with the subdivision on the parcels legally described as Lot 3, District Lot 20, Newcastle District, Plan 6994, Except That Part in Plan 31190 and designated within the Environmentally Sensitive Features, Fish Habitat, and Natural Hazards Development Permit Areas, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.



Report Writer


Manager Concurrence



General Manager Concurrence


For CAO Concurrence

COMMENTS:
Folio 759.13563.000

**Schedule No. 1
Conditions of Approval
Development Permit Application No. 60744**

The following sets out the conditions of approval in conjunction with Development Permit No. 60744:

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 development permit).

2. Riparian Assessment

- a. The subdivision of the parent parcel as shown on Schedule No. '2' is to be developed in accordance to the Riparian Areas Assessment No. 601 prepared by Toth and Associates and dated 30/07/07 (to be attached to and forming part of this development permit as Schedule No. '3').
- b. No construction, other than the surveying required for subdivision, shall occur within the riparian area of Black Brook and the unnamed watercourse in association with the subdivision development and the following measures shall be taken as necessary:
 - i. tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be onsite.
 - 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.

3. Hydrological Report

- a. The recommendations as set out in the Hydrogeological Impact Assessment prepared by EBA Engineering Ltd. and dated June 13, 2007 (to be attached to and forming part of this development permit as Schedule No. '4') shall be followed. 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.
- b. No underground storage tanks for heating oil shall be permitted.

4. 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.

5. Storm Water Drainage

No storm drainage works shall be contained within or directed to the riparian areas as established in the Riparian Areas Report No. 601 prepared by Toth and Associates and dated 30/07/07 as set out in Schedule No. '3' (to be attached to and forming part of this development permit).

6. 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 Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd. and dated October 27, 2007. Covenant to include that prior to any future development; applicant is to meet the recommendations of the report to the satisfaction of the Regional District of Nanaimo. 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.

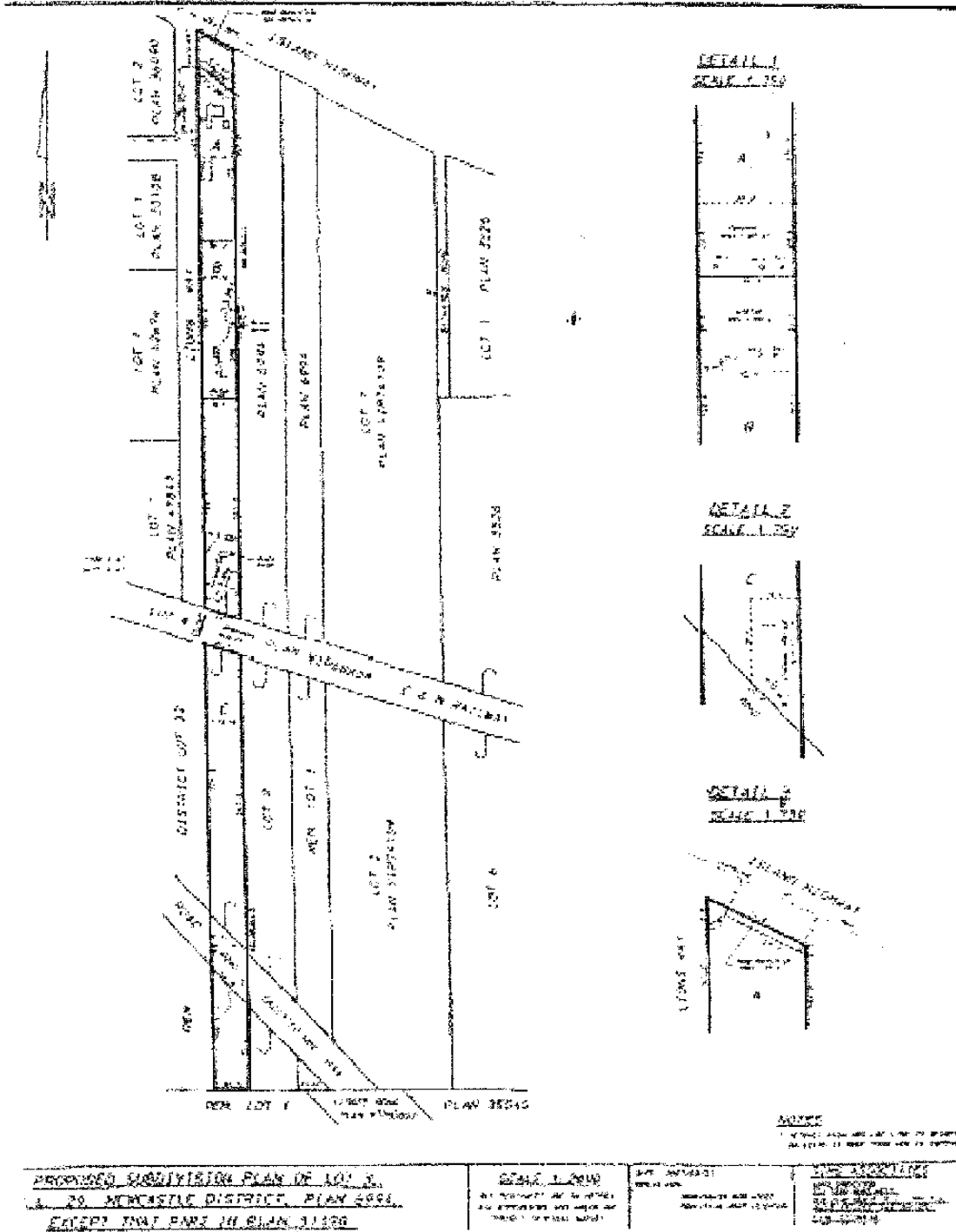
7. Future Development

This development permit allows the development of the subdivision of the parent parcel as shown on Schedule No. '2' only and not any other development or construction on the proposed parcels.

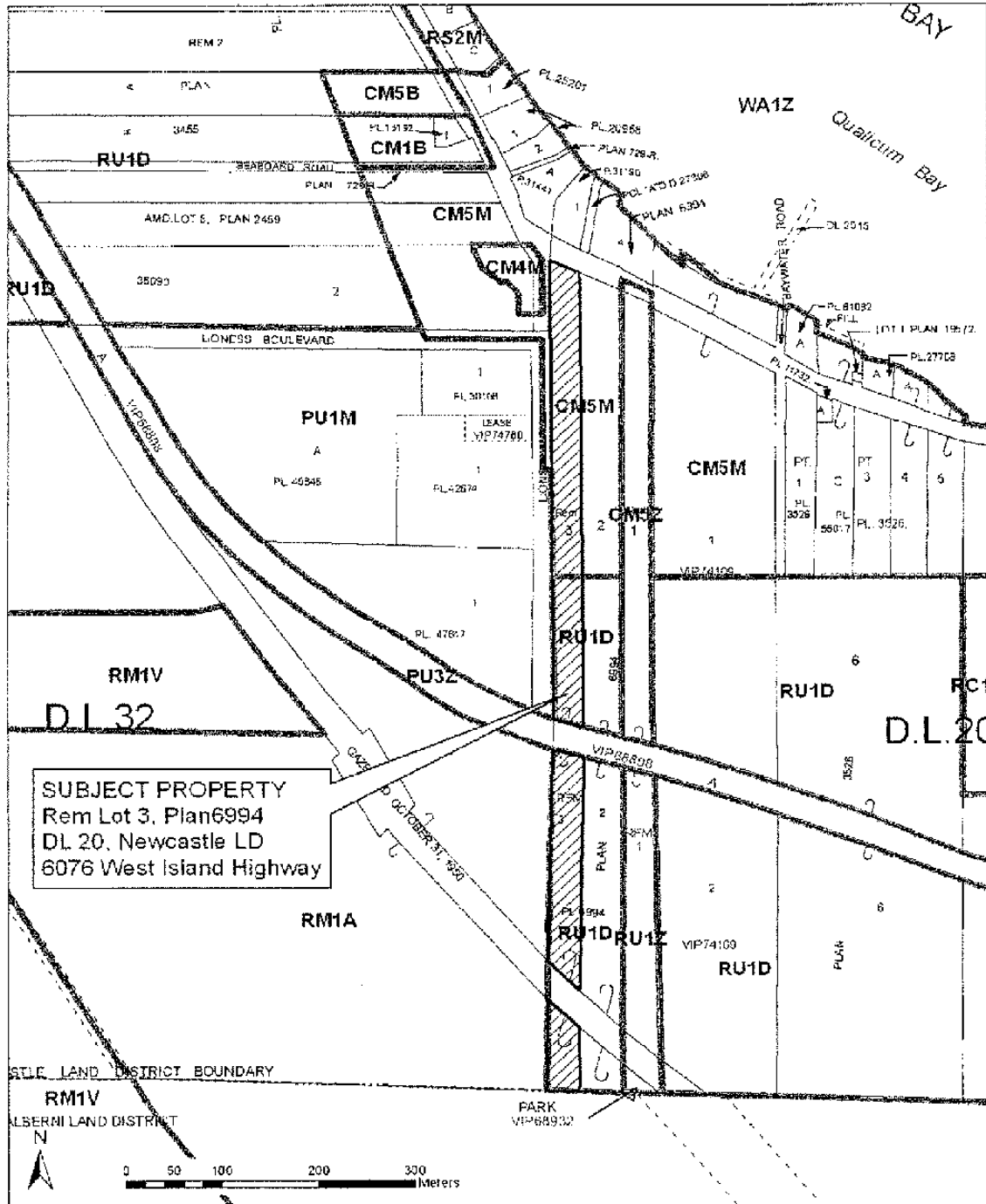
8. Existing Buildings

The applicant is to provide written proof that the existing accessory residential buildings on Proposed Lot A were previously permitted and were legally sited.

Schedule No. 2
Development Permit No. 60744
Proposed Plan of Subdivision



Attachment No. 1
Development Permit No. 60744
Location of Subject Property



BOGS MAPSHEET: 92F.037.4.4, 92F.047.2.2



DEVELOPMENT		CAO APPROVAL
EAP	<input checked="" type="checkbox"/>	March 11th
COW	<input type="checkbox"/>	
FEB 29 2008		
RHD	<input type="checkbox"/>	
BOARD	<input type="checkbox"/>	

MEMORANDUM

TO: Geoff Garbutt, Manager of Current Planning
 Manager, Community Planning

DATE: February 29, 2008

FROM: Kristy Marks
 Planner

FILE: 3060 30 60746

SUBJECT: Development Permit Application No. 60746 – Nanaimo Mini Storage (Soderstrom)
 Lot A, Section 11, Range 7, Cranberry District, Plan VIP76453
 Electoral Area 'A' – 2180 South Wellington Road

PURPOSE

To consider an application for a Development Permit to permit the construction of three additional mini storage buildings at 2180 South Wellington Road.

BACKGROUND

The Planning Department has received a development permit application for the property legally described as Lot A, Section 11, Range 7, Cranberry District, Plan VIP76453 and located at 2180 South Wellington Road in Electoral Area 'A' (see Attachment No. 1 for location of subject property). The subject property is 2.37 ha in area and is zoned South Wellington Light Industrial Comprehensive Development Zone 28 (CD28) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The subject parcel is designated within the South Wellington, Fish Habitat Protection, and Streams, Nesting Trees, & Nanaimo River Floodplain Development Permit Areas (DPA) pursuant to "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001". The applicant has indicated that there are no streams within 30 metres of the proposed development and therefore the proposal is exempt from the Fish Habitat Protection DPA guidelines. The subject property is bounded by commercial property to the south, South Wellington Road, an elementary school and residential properties to the west, residential property to the north and the Trans Canada Highway to the west.

The property currently contains a residential dwelling, Mini Storage business and a commercial tenant. Three unoccupied buildings located on the property are to be demolished as part of this development and the applicant has applied for the necessary building permits and demolition permits. The applicant has completed the "Sustainable Community Builder Checklist", as per Board policy and there are no sustainability implications related to this application.

The Regional District of Nanaimo previously issued four development permits on the subject property. Development Permit No. 64 was issued by the Board on October 20, 1993 to permit the construction of three mini storage warehouse buildings. Development Permit No. 0010 was issued by the General Manager of Development Services on August 23, 1999 to permit a fourth mini storage warehouse. On October 15, 2002 Development Permit No. 0246 was issued by the General Manager of Development Services and permitted an additional two mini storage buildings. The fourth Development Permit No. 60356 was issued by the Board on December 9, 2003 to recognize an existing retaining wall. The

property is also charged with a covenant (FA88175) which establishes landscaping requirements to be completed on the subject property.

PROPOSED VARIANCES

There are no variances being requested to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

ALTERNATIVES

1. To approve the Development Permit No. 60746 as submitted.
2. To deny the requested permit.

DEVELOPMENT IMPLICATIONS

The purpose of the South Wellington Development Permit Area (DPA) is to establish objectives for the form and character of commercial and industrial development. As outlined above the applicant proposes to construct three additional mini storage buildings with a total floor area of 2078 m². The location of the proposed mini storage buildings is outlined on *Schedule No. 2*. Building elevations for the proposed buildings are outlined on *Schedule No. 3*. The exterior finish of the proposed buildings would include concrete block, metal cladding, and a metal roof in keeping with the existing mini storage buildings on the property.

The applicant has submitted an engineered Stormwater Assessment prepared by Lewkowich Geotechnical Engineering Ltd. and dated February 1, 2008 (*see Schedule No. 4*). The engineer recommends that all turbid waters associated with construction be collected and treated prior to entering the storm water system ditches and provision of an oil/water separator to collect all storm water and other runoff from all paved surfaces.

The applicant has provided a landscape plan consistent with the size and density requirements in the Regional District of Nanaimo Landscaping Regulations of Bylaw No. 500 and the registered covenant (FA88175) (*see Schedule No. 2 for proposed landscape plan*). The landscaping has been secured through a deposit in the amount of \$2,600. The deposit will be held until the landscaping requirements have been met to the satisfaction of the RDN. There is no new signage being proposed as part of this application.

In staff's assessment of this application, the proposed development meets the requirements of the South Wellington Development Permit Area No. 1.

VOTING

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

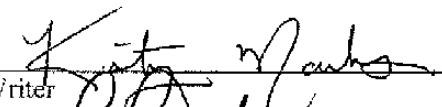
SUMMARY/CONCLUSIONS

This is an application for a Development Permit to permit the construction of three additional storage buildings at 2180 South Wellington Road. The applicant has provided an engineered Stormwater Assessment, landscape plan and deposit, proposed site plan and building elevations in accordance with the guidelines of the South Wellington Development Permit Area No. 1. There is no new signage

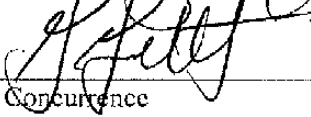
proposed as part of this application. In staff's assessment, the proposed development is in substantial compliance with the guidelines of the South Wellington Development Permit Area No.1 and staff recommend that the application be approved.

RECOMMENDATION

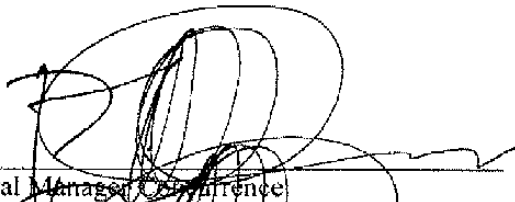
That Development Permit No. 60746 to permit the construction of three additional mini storage buildings on the property legally described as Lot A, Section 11, Range 7, Cranberry District, Plan VIP76453 be approved.



Report Writer



Manager Concurrence



General Manager Concurrence



A/ CAO Concurrence

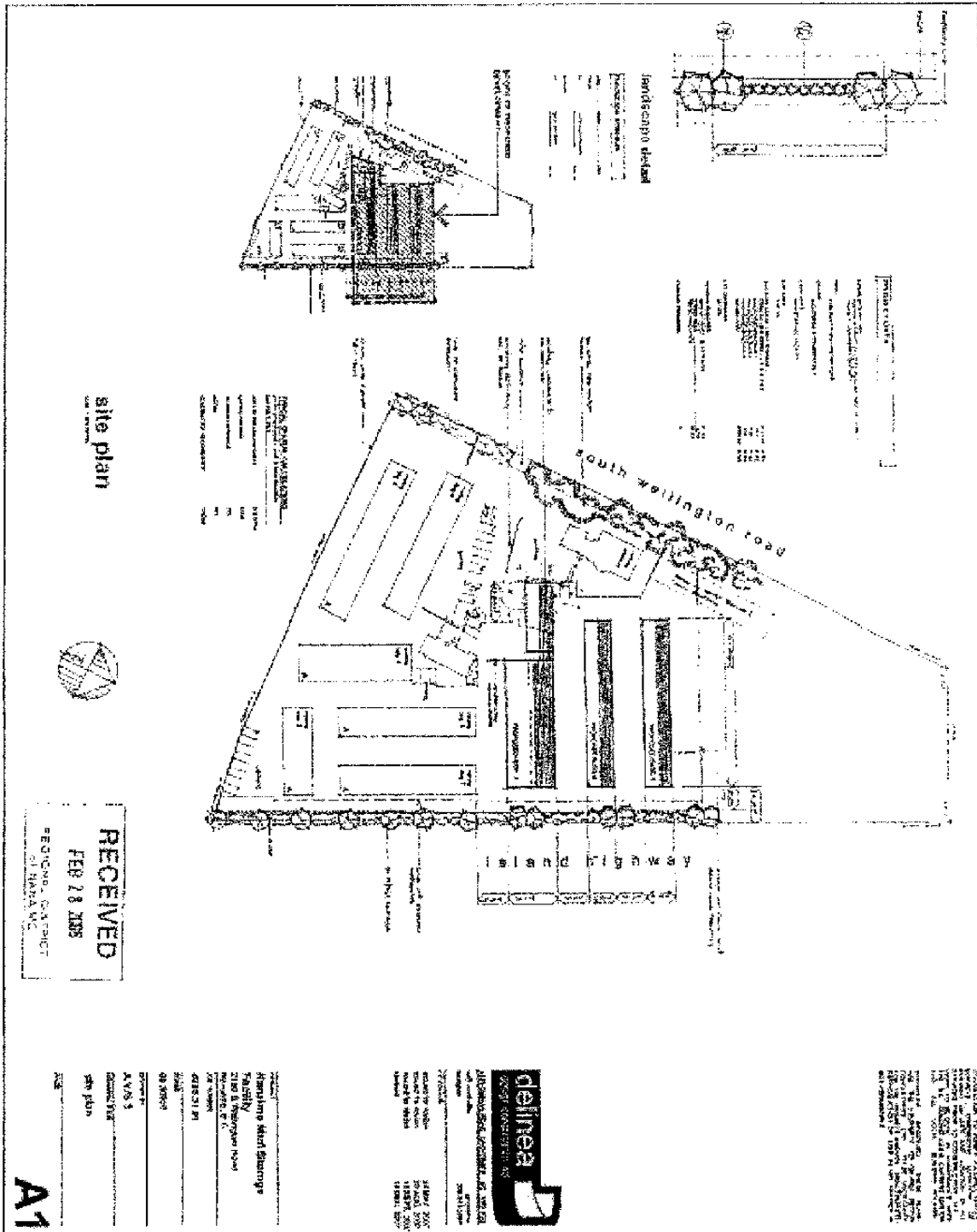
COMMENTS:

Schedule No. 1
Terms of Development Permit No. 60746

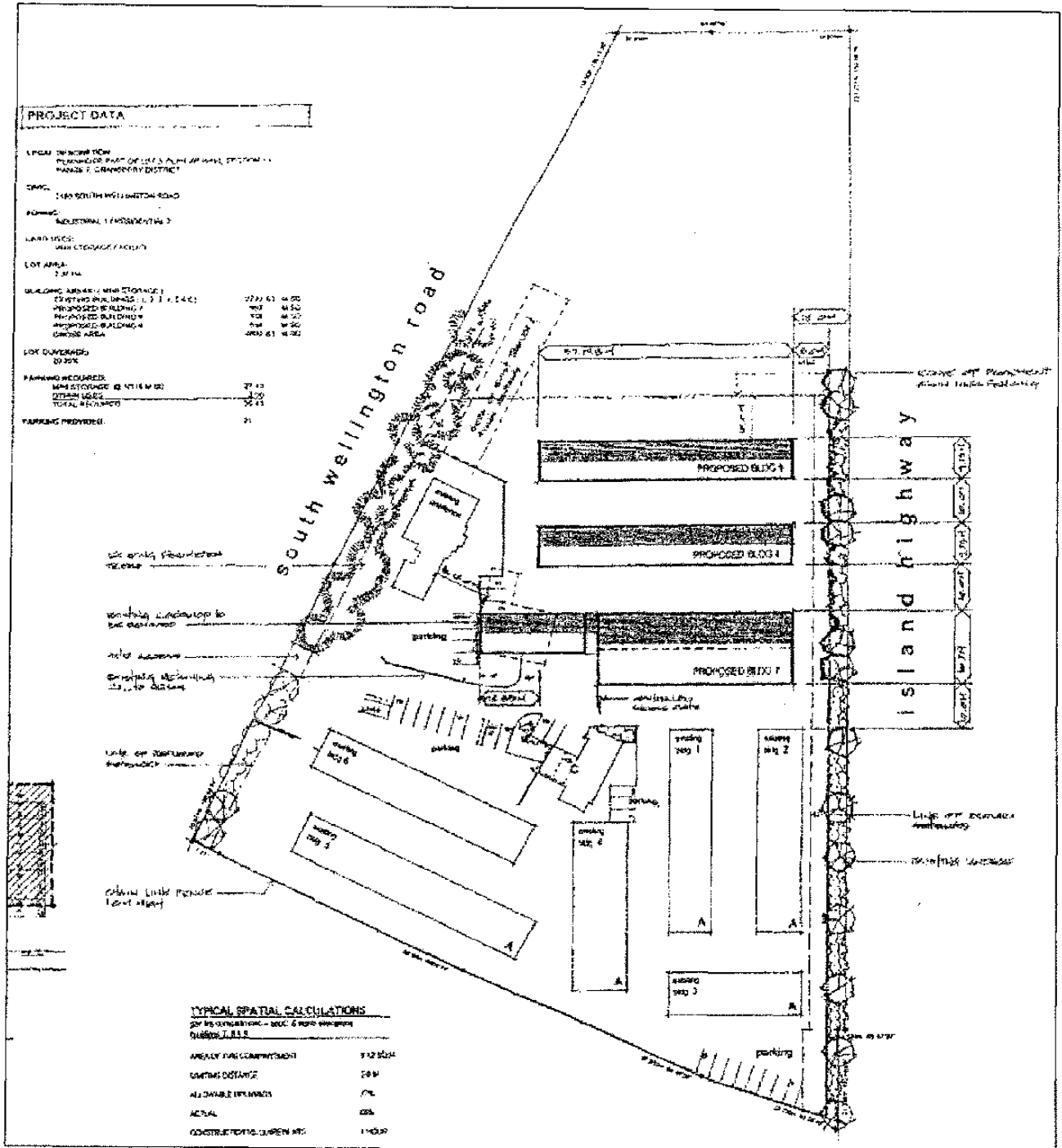
Conditions of Approval

1. The mini storage buildings shall be sited in accordance with the site plan prepared by Delinea Design Consultants Ltd. attached as *Schedule No. 2*.
2. The mini storage building elevations shall be constructed in accordance with the elevation drawings prepared by Delinea Design Consultants Ltd. attached as *Schedule No. 3*.
3. The applicant shall develop the subject property in accordance with the recommendations established in the Stormwater Assessment dated February 1, 2008 prepared by Lewkovich Geotechnical Engineering Ltd. attached as *Schedule No. 4*. The storm water collection system from pavement areas should include an oil/water separator prior to entering the off-site storm system.
4. The applicant shall complete the landscaping in accordance with the landscape plan outlined in *Schedule No. 2*. The landscape security deposit in the amount of \$2,600.00 to be held by the RDN pending the completion of the required landscaping to the satisfaction of the Regional District of Nanaimo.
5. No additional signs shall be enlarged, erected, constructed, or placed on the subject property without Regional District of Nanaimo approval.

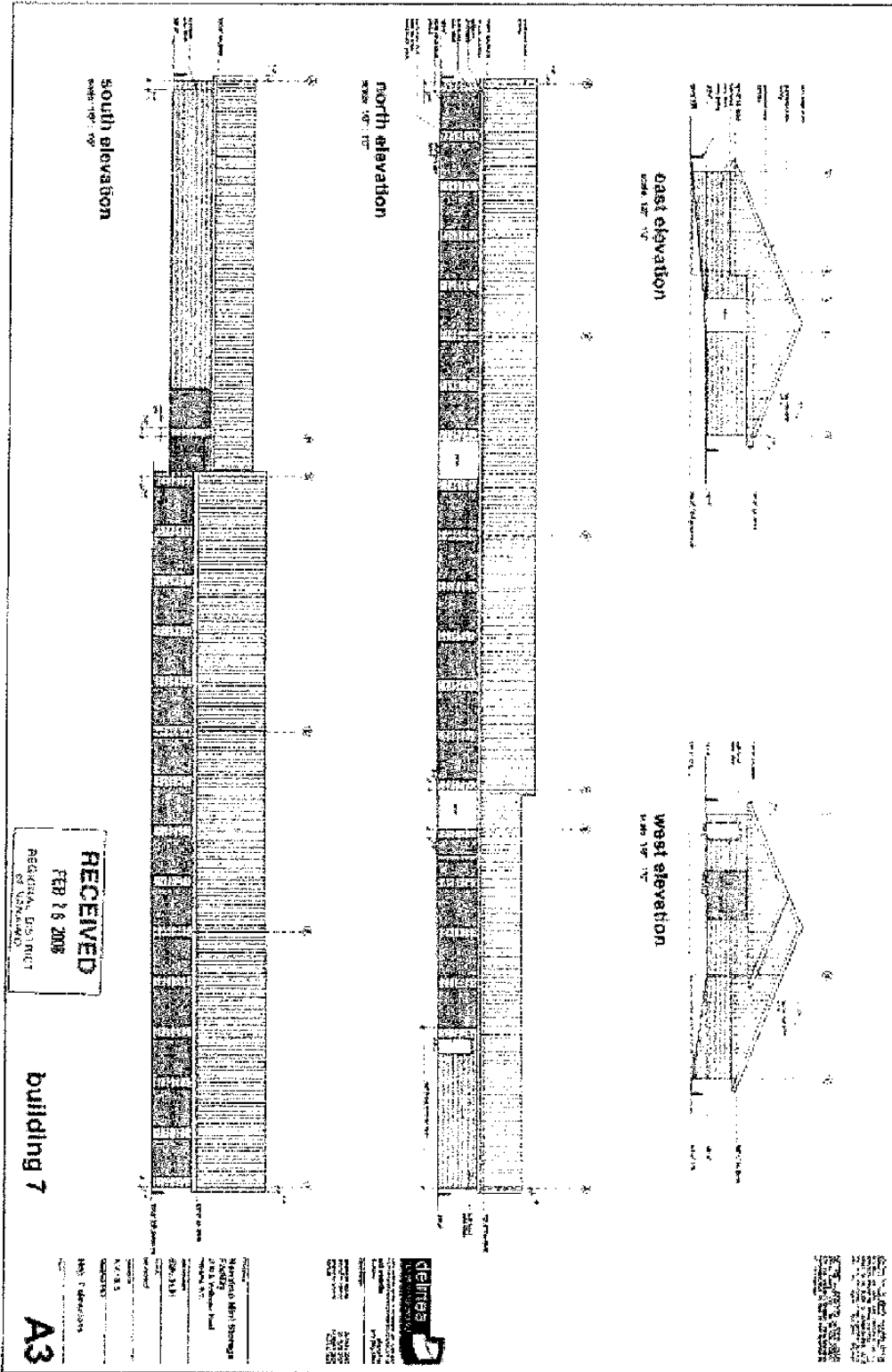
Schedule No. 2
Proposed Site and Landscape Plan
 (Page 1 of 2)



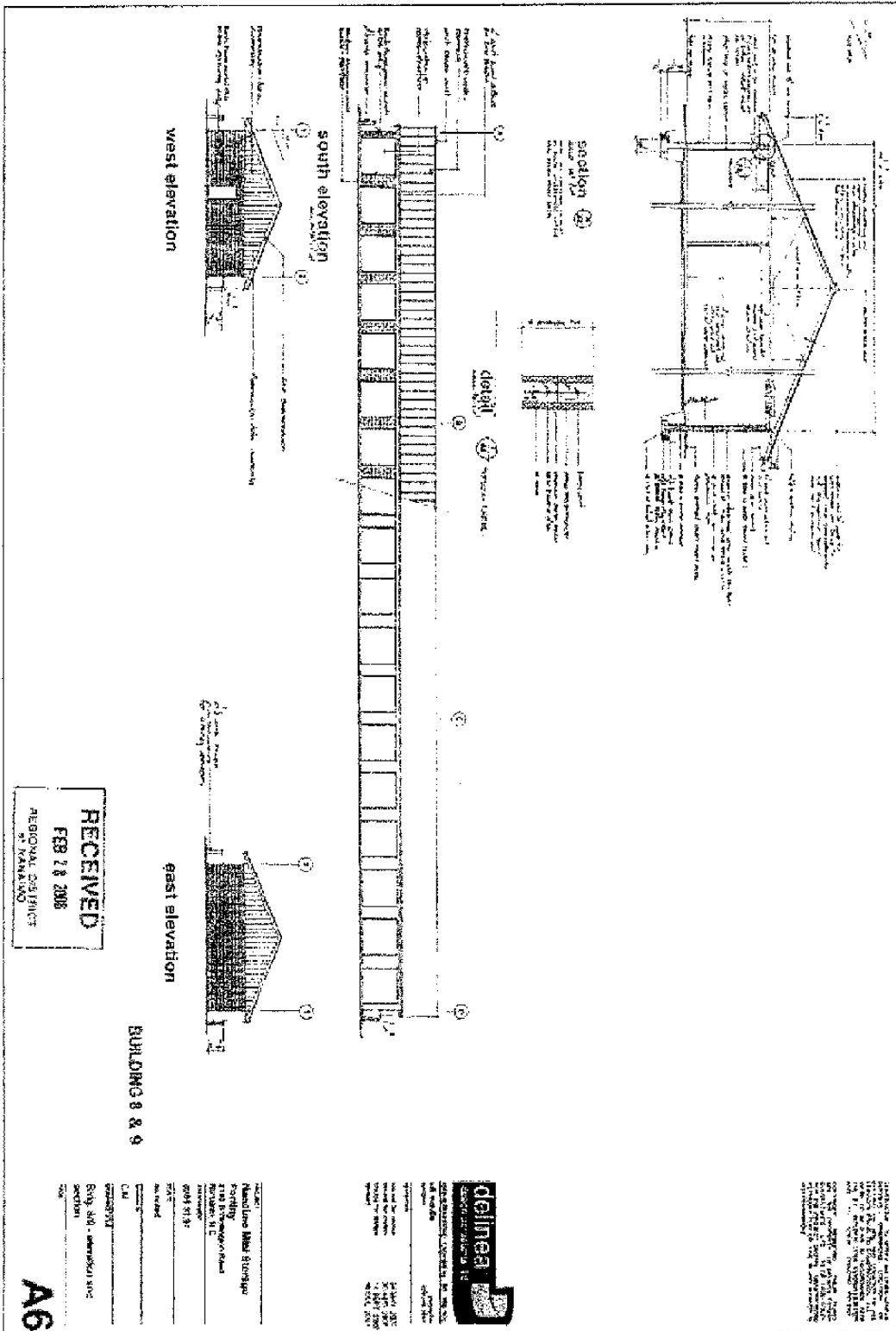
Schedule No. 2
 Proposed Site and Landscape Plan
 (Page 2 of 2)



Schedule No. 3
 Building Elevations
 (Page 1 of 2)



**Schedule No. 3
 Building Elevations
 (Page 2 of 2)**



Schedule No. 4
Stormwater Assessment
(Page 1 of 5)



Lewkowich Geotechnical Engineering Ltd.

File: G5915.01
February 1, 2008

Nanaimo Mini Storage
2180 South Wellington Road
Nanaimo, BC
V9X 1V8

Attn: Mr. J.D.Patterson

**PROJECT: PROPOSED MINI STORAGE FACILITY ADDITION
2180 SOUTH WELLINGTON ROAD,
NANAIMO, B.C.**

SUBJECT: STORMWATER ASSESSMENT

Reference: debora design consultants ltd. Site Plan Drawing, Job number d286.51.91

Dated May 21, 2007

Dear Mr. Patterson:

1. Introduction

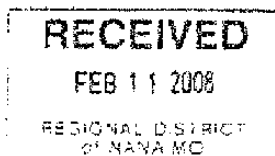
- a. As requested, Lewkowich Geotechnical Engineering Ltd. (LGE) has carried out a storm water assessment of the above site. This report provides a summary of our findings and recommendations.

2. Background

- a. We understand that the mini storage addition will include buildings 7,8, and 9 with a superstructure constructed of concrete block with wood frame partitions supported on a concrete foundation.

3. Assessment Objectives

- a. Our assessment, as summarized within this report, is intended to meet the following objectives:
- i. Determine whether the land can be developed within the Regional District of Nanaimo's stormwater management guidelines and;
 - ii. Acknowledge that approving officers may rely on this report when making a decision on applications for the development of the land.



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

**Schedule No. 4
Stormwater Assessment
(Page 2 of 5)**

Client: Nanaimo Mini Storage
Project: 2180 South Wellington Road, Nanaimo, B.C.
File: G5915.01
February 3, 2008
Page 2 of 5



4. Assessment Methodology

- a. A site investigation was carried out on January 31, 2008, as well as a desk top study conducted of the existing area storm systems, topography, vegetation and watercourses.

5. Site Conditions

5.1 General

- a. The site of the proposed buildings is a triangular shaped property located on a partially developed lot that is bordered by an undeveloped commercial-industrial property to the south, by the Trans-Canada Highway to the east and by an elementary school and residential property to the west. The property is generally flat with overall area relief (approximately 3.0m) sloping downward to the south. Vegetation is limited to tall grasses, berry vines and scorch broom at the top (north) section of the triangle.

5.2 Soil Conditions

- a. Three main soil strata were typically encountered throughout the site. These consisted of: Organics and/or fill, then gravelly, silty sand, underlain by sedimentary bedrock. The depth to bedrock was shallow throughout the site (less than 0.9m) with some exposed areas of bedrock.

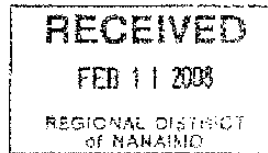
5.3 Stormwater

- a. The existing storm water systems at this site consist of:
 - i. A collection system from roof and paved surfaces of the existing Mini – Storage buildings to manholes, which exists to a drainage ditch along South Wellington Road flowing towards the south.
 - ii. A drainage ditch along the Trans-Canada Highway at the east side of the site flowing towards the south.
 - iii. The off-site drainage ditches lead to larger pipe structures under the Trans-Canada Highway which then lead to a creek which eventually flows into the Nanaimo River approximately 2km to the east.

Lewkowich Geotechnical Engineering Ltd.

**Schedule No. 4
Stormwater Assessment
(Page 3 of 5)**

Client: Nanaimo Mini Storage
Project: 2180 South Wellington Road, Nanaimo, B.C.
File: G5915.01
February 1, 2008
Page 3 of 5



- b. Groundwater conditions consist of surface or near surface flows due to the shallow bedrock. The majority of the storm water flows to the ditches bordering the site although it is probable that a small percentage is absorbed through possible fissures in the bedrock. Groundwater levels can be expected to fluctuate seasonally with cycles of precipitation. Groundwater conditions at other times and locations can differ from those observed at the time of our assessment.

6. Conclusions & Recommendations

6.1 General

- a. From a geotechnical point of view, based on storm water management the site is considered suitable for the intended purpose (storage buildings), provided the recommendations in this report are followed. The proposed development should have minimal effect on the storm water discharge volumes currently present in the ditch lines bordering the site due to the shallow depth to impermeable stratum (bedrock).

6.2 Stormwater Treatment

- a. During the construction period all turbid waters associated with construction should be collected and treated prior to entering the storm system ditches. This may be accomplished by establishing perimeter ditches around the excavations, then directing the turbid water through a series of ditch checks prior to release off-site.
- b. The storm water collection system from pavement drainage should include an oil/water separator prior to entering the off-site storm system.
- c. It is recommended that the Engineer confirm the installation of the storm water systems upon their completion.

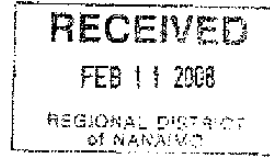
6.8 Permanent Dewatering

- a. Conventional requirements of the B.C. Building Code pertaining to building drainage are considered suitable at this site. Once final plans and tentative elevations are determined, the Geotechnical Engineer should be consulted and provide further dewatering data.

Lewkowich Geotechnical Engineering Ltd.

**Schedule No. 4
Stormwater Assessment
(Page 4 of 5)**

Client: Nanaimo Mini Storage
Project: 2160 South Wellington Road, Nanaimo, B.C.
File: G5915.01
February 1, 2008
Page 4 of 5



-
- b. Ground surfaces should be graded to direct surface water well away from building. Any settlement of backfill around foundations will create undesirable low areas for collection of surface water next to the building, and should be immediately corrected by placement of additional backfill to restore proper surface drainage away from buildings.

Acknowledgements

Lewkovich Geotechnical Engineering Ltd. acknowledges that this report may be requested by the building inspector (or equivalent) of the Regional District of Nanaimo as a precondition to the issuance of a building permit. It is acknowledged that the approving officers and building officials may rely on this report when making a decision on application for development of the land.

We acknowledge that this report has been prepared solely for, and at the expense of, Nanaimo Mini-Storage. We have not acted for or as an agent of the Regional District of Nanaimo in the preparation of this report.

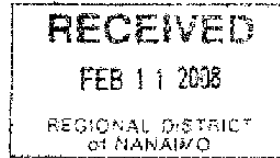
Limitations

The conclusions and recommendations submitted in this report are based upon the data obtained from a limited number of explorations. The nature and extent of variations between these explorations may not become evident until construction or further investigation. If unanticipated conditions are discovered during construction, our office should be contacted immediately to allow reassessment of the recommendations provided.

Lewkovich Geotechnical Engineering Ltd.

**Schedule No. 4
Stormwater Assessment
(Page 5 of 5)**

Client: Nanaimo Mini Storage
Project: 2180 South Wellington Road, Nanaimo, B.C.
File: G5915.01
February 1, 2008
Page 5 of 5



Closure

Lewkowich Geotechnical Engineering Ltd. appreciates the opportunity to be of service on this project. If you have any comments, or additional requirements at this time, please contact us at your convenience.

Respectfully Submitted,
Lewkowich Geotechnical Engineering Ltd.

A handwritten signature in black ink, appearing to read "John Hessels".

John Hessels, ASCT
Senior Technologist

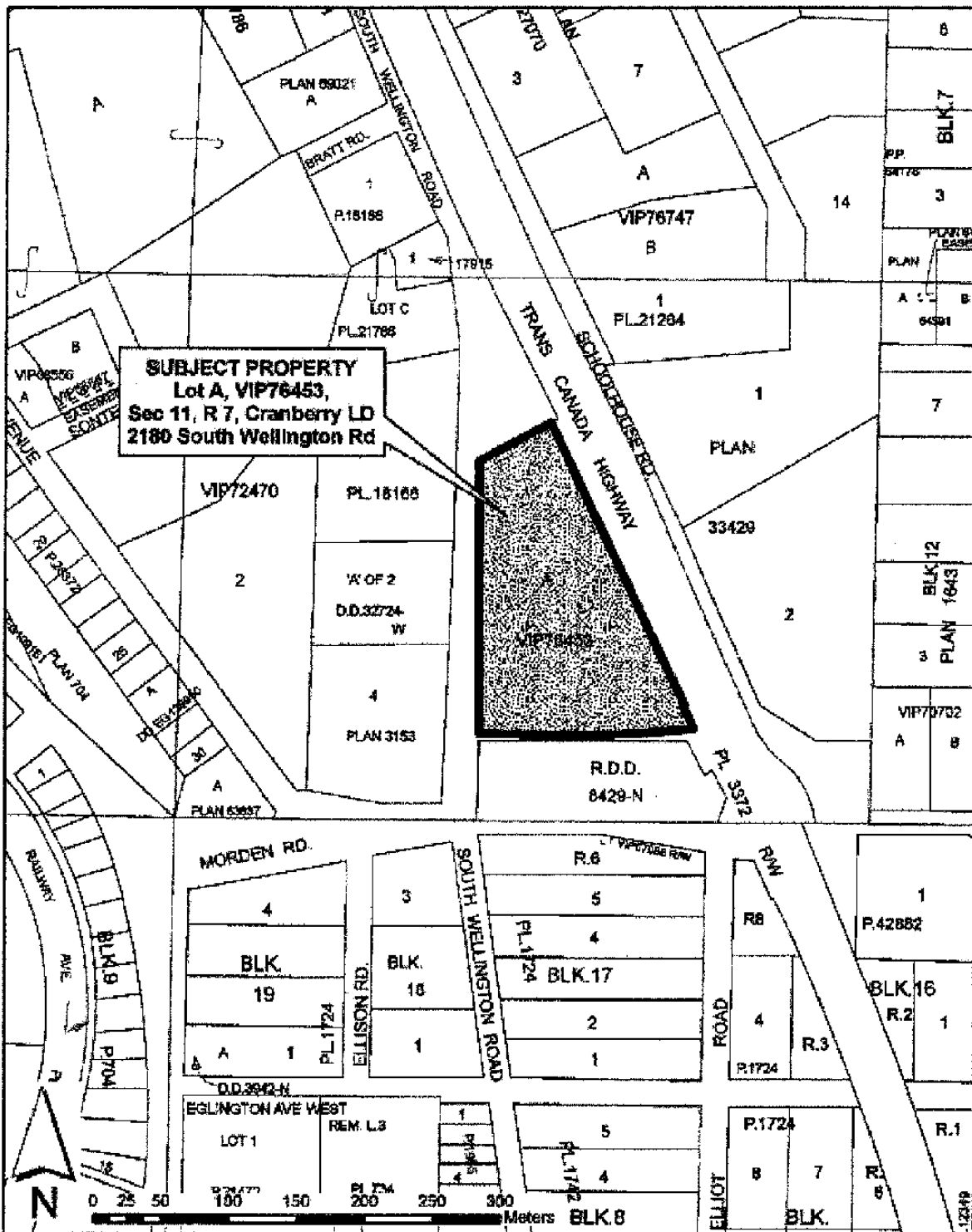
Reviewed by:



Chris Hudec, M.A.Sc., P. Eng.
Project Engineer

Lewkowich Geotechnical Engineering Ltd.

Attachment No. 1
 Location of Subject Property





CAO APPROVAL	
EAP	✓ MARCH 11TH
COW	
FEB 29 2008	
RHD	
BOARD	

MEMORANDUM

TO: Geoff Garbutt
Manager of Current Planning

DATE: February 20, 2008

FROM: Elaine Leung
Planner

FILE: 3060 30 60803

SUBJECT: Development Permit Application No. 3060 30 60803
Strata Lot 49, District Lot 251
Alberni District, Electoral Area "H"

PURPOSE

To consider an application for a Development Permit to construct an accessory residential storage building less than the required 15 metre from the natural boundary, located at Horne Lake.

BACKGROUND

The subject property is located at 3668 Horne Lake Caves Road in Electoral Area 'H' (see Attachment No. 1 for location of the subject property). The subject property is approximately 0.29 hectares (0.71 ac) with waterfront on Horne Lake to the south.

The subject property is zoned the Horne Lake Comprehensive Development Zone (CD9) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The parcel is subject to the Fish Habitat Protection Development Permit Area (DPA) and the Resort Commercial & Recreational Lands Development Permit Area (DPA) pursuant to "Regional District of Nanaimo Englishman River Official Community Plan Bylaw No. 814, 1990". As per the policies in the Resort Commercial & Recreational Lands Development DPA, in Electoral Area 'H' Official Community Plan, a Development Permit application is not required for the construction of accessory residential buildings or structures. Lands within this designation located at Horne Lake are subject to the conditions and guidelines of Development Permit No. 0120. The applicants are requesting to amend conditions to Development Permit No. 0120 to allow for the location of the accessory building within the 15 metres setback established by the permit.

Lands located at Horne Lake are not subject to the Fish Habitat Protection Development Permit Area, as the Ministry of Environment has previously confirmed that development located along this area is consistent with the Riparian Areas Regulations Report. The Ministry is satisfied that the guidelines have been met.

ALTERNATIVES

1. To approve Development Permit No. 60803 subject to the conditions outlined in Schedules No. 1-3 and the notification requirements of the Local Government Act.
2. To deny the requested development permit as submitted.

LAND USE AND DEVELOPMENT IMPLICATIONS

The applicants are proposing to construct an accessory building 63 square feet in area and approximately 9.4 feet in height. Due to the steep slope of the subject property, the available building area is limited to this proposed location.

The location of the proposed accessory building is outlined on the survey prepared by Bruce Lewis Land Surveyors, attached as *Schedule No. 2*. Building elevations for the accessory building are outlined on *Schedule No. 3*.

The subject parcel is generally steeply sloping towards Horne Lake and contains an old railway bed near the top of the slope. The proposed accessory building would be approximately the same elevation as the railway bed and would meet the minimum flood construction of 121.7 metres GSC and would be a minimum of 10 metres from the natural boundary of Horne Lake.

Horne Lake Strata Corporation does not have any objections to the proposed development.

VOTING - Electoral Area Directors – one vote, except Electoral Area ‘H’.

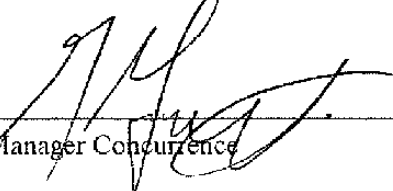
SUMMARY/CONCLUSIONS

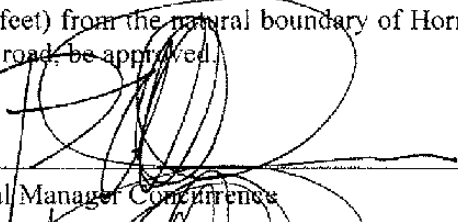
The proposed construction will generally be consistent with development permit area guidelines. As there does not appear to be any negative impacts on adjacent properties, and the location of the proposed development is justified due to the steep topography of the parcel, staff recommends that the application be approved.


RECOMMENDATION

That Development Permit Application No. 60803, to permit construction of a residential accessory building with a minimum rear lot line setback of 3 metres (10 feet) from the natural boundary of Horne Lake on the subject property located at 3668 Horne Lake Caves road, be approved.


Report Writer


Manager Concurrence


General Manager Concurrence


CAO Concurrence

Schedule No. 1
Terms of Development Permit No. 60803

Conditions of Approval

1. The accessory building shall be sited in accordance with survey prepared by Bruce Lewis dated February 22, 2008 attached as *Schedule No. 2*.
2. The accessory building elevations shall be developed in accordance with the Building Elevations submitted by the applicant attached as *Schedule No. 3*.

Flood Construction Level

3. In no event shall the area below the required elevation of 121.7 metres GSC be used for human occupancy, commercial sales, business or storage of goods, the installation of furnaces or other fixed equipment damageable by floodwater or erosion, or the storage or use of contaminants

Sediment and Erosion Control Measures

4. Sediment and erosion control measures must be utilized to control sediment during construction and land clearing works, and to stabilize the site after construction is complete. These measures must include:
 - a) Tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be on site;
 - b) Direct run off flows away from the marine environment using swales or low berms;
 - c) Exposed soils must be seeded immediately after disturbance;
 - d) Cover temporary fills or soil stock piled with polyethylene or tarps;
5. All drainage systems must incorporate measures that prevent the loss of upland soils into the aquatic environment and generally direct drainage away from the marine foreshore when not impractical.

Construction

6. Subject property to be developed in accordance with Development Permit No. 0120, excluding section "Construction" subsection 1 – Accessory Buildings, as altered by this permit;
7. The accessory building must be constructed to meet or exceed British Columbia Building Code requirements and shall be constructed so as to be as structurally sound for the intended purpose.
8. The accessory building shall be constructed as shown on Schedule No. 2. The applicant shall provide survey confirmation of the accessory building location and height at the framing stage of construction.

Schedule No. 2
 Site Plan

SKETCH PLAN FOR DEVELOPMENT PERMIT APPLICATION OVER:
 STRATA LOT 49, DISTRICT LOT 251, ALBERNI
 DISTRICT, STRATA PLAN VIS5160.

LEGEND

Other easements are derived from B.C.S. information. Further
 investigation regarding easements is to be performed
 by the servient through the Work Part 30-02.

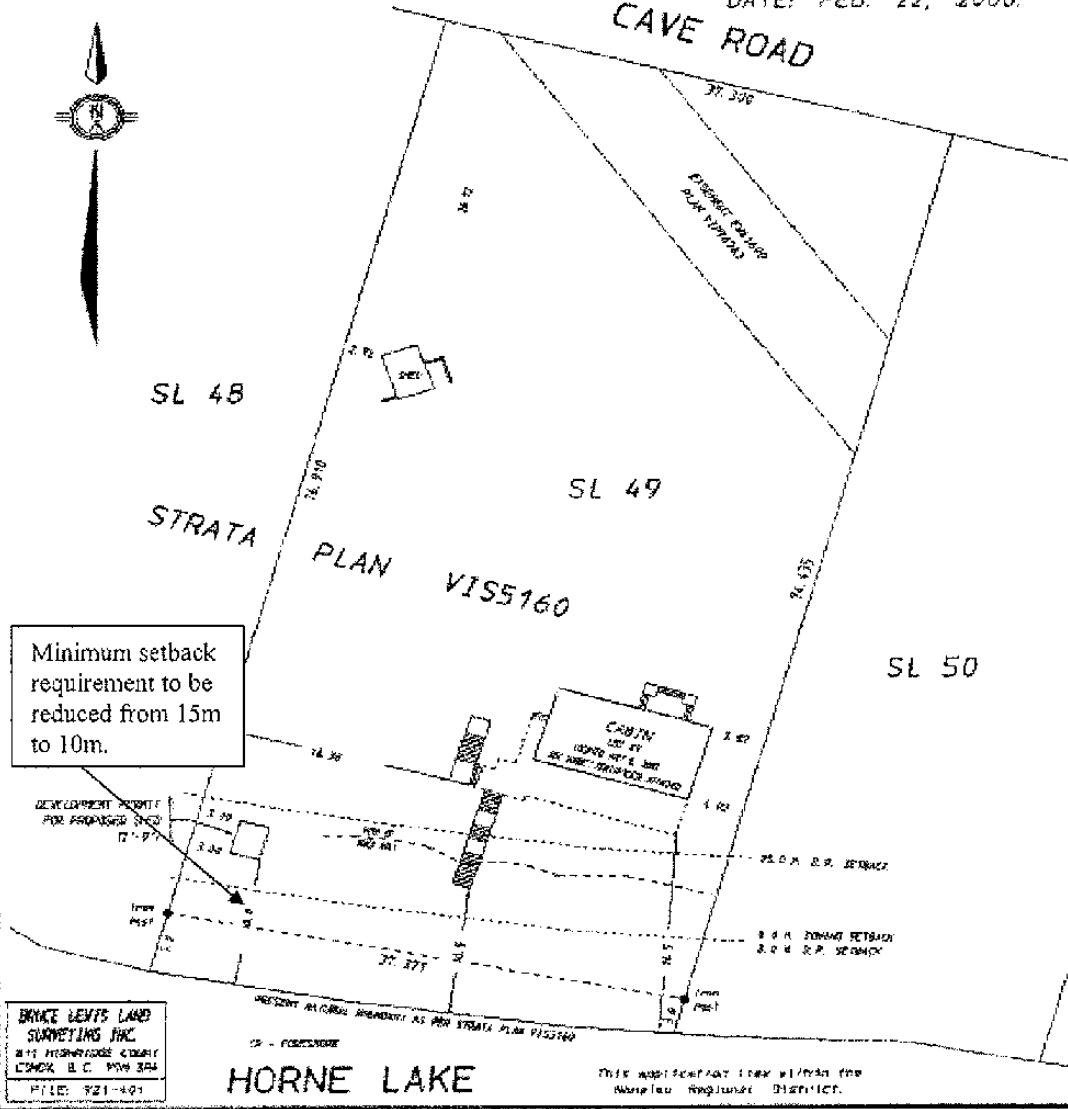
- - detritus - Shaded from Part 30-02 of 02
- CP - detritus - Current Property
- DP - detritus - Development District
- DB - detritus - District Boundary

SCALE = 1:300

All distances are in metres and do not include a tolerance indicated.

- GENERAL NOTES
- 1) ALL PROPOSED IMPROVEMENTS MUST BE CLEAR OF EASEMENTS AND ADJACENT O.P. SECTIONS.
 - 2) SETBACKS INCLUDING TANKS MUST BE GREATER THAN 10 METERS FROM THE MUNICIPAL BOUNDARY AND MUST STAY IN ZONING.
 - 3) FLOOR ELEVATION MUST BE CONFIRMED AFTER CONSTRUCTION.
 - 4) ALL PROPOSED IMPROVEMENTS WITHIN THE ZONE MUST BE INDICATED INCLUDING OF PARKING, ACCESS, PLANS, YARDS & PATIOS.
 - 5) PROPOSED BUILDING SETBACK INFORMATION MUST BE LEGAL SURVEY.
 - 6) ELEVATIONS ARE BENCHMARK AND HAVE BEEN ESTABLISHED BY PROFESSIONAL ORGANIZATION, CONTEMPORARY LEVELING AND MEAN SEA LEVEL TRANSFORM.
 - 7) ELEVATIONS ARE BENCHMARK TO GEODETIC SURVEYS OF CANADA, CANADIAN NATIONAL BUREAU 1984 (C.N.B.) AND ARE IN METERS AND DECIMALS THEREOF.

DATE: FEB. 22, 2008.



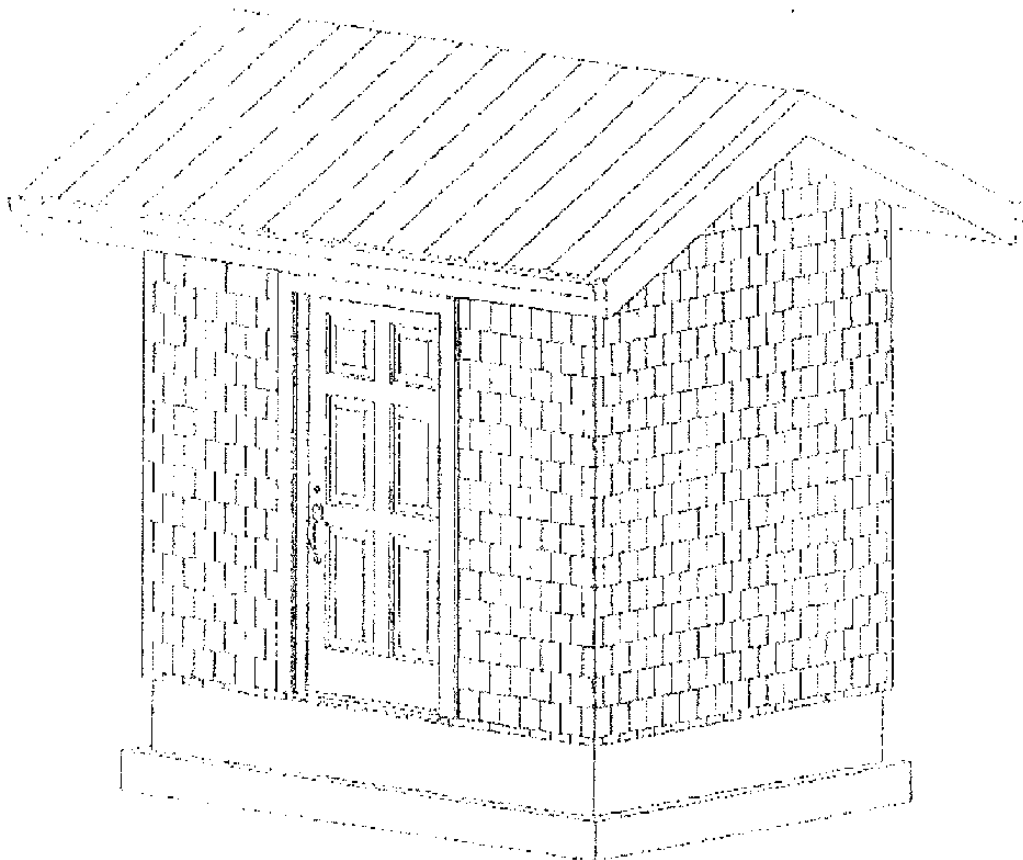
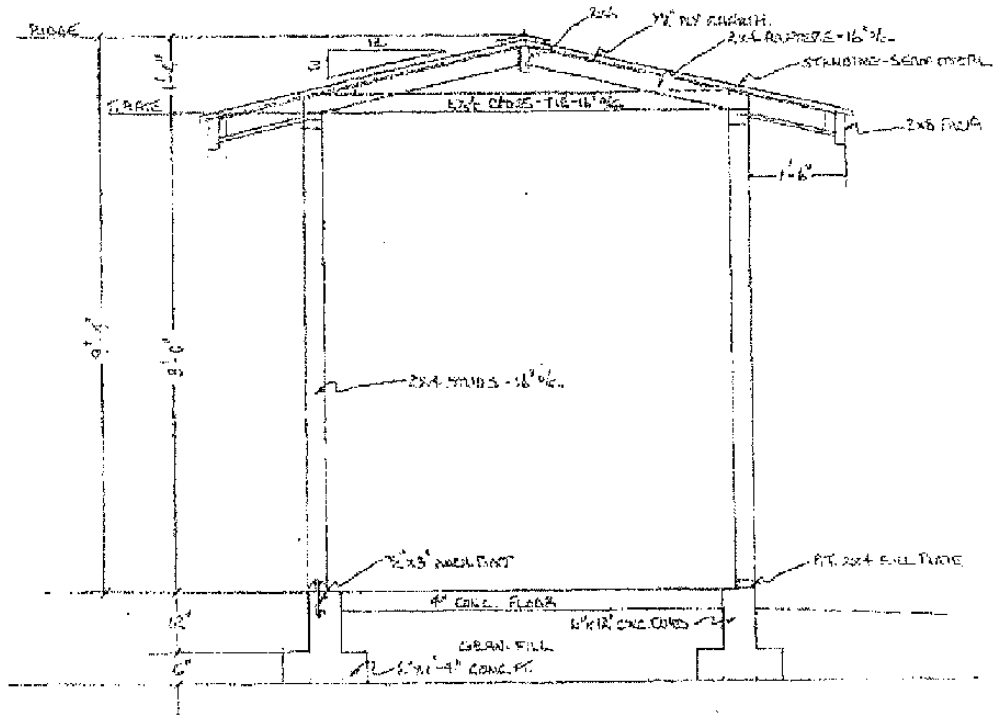
Minimum setback requirement to be reduced from 15m to 10m.

DRUCE LEVITS LAND SURVEYING INC.
 8115 HORNBY ROAD, SUITE 101
 VANCOUVER, B.C. V6N 3A4
 FILE: 921-401

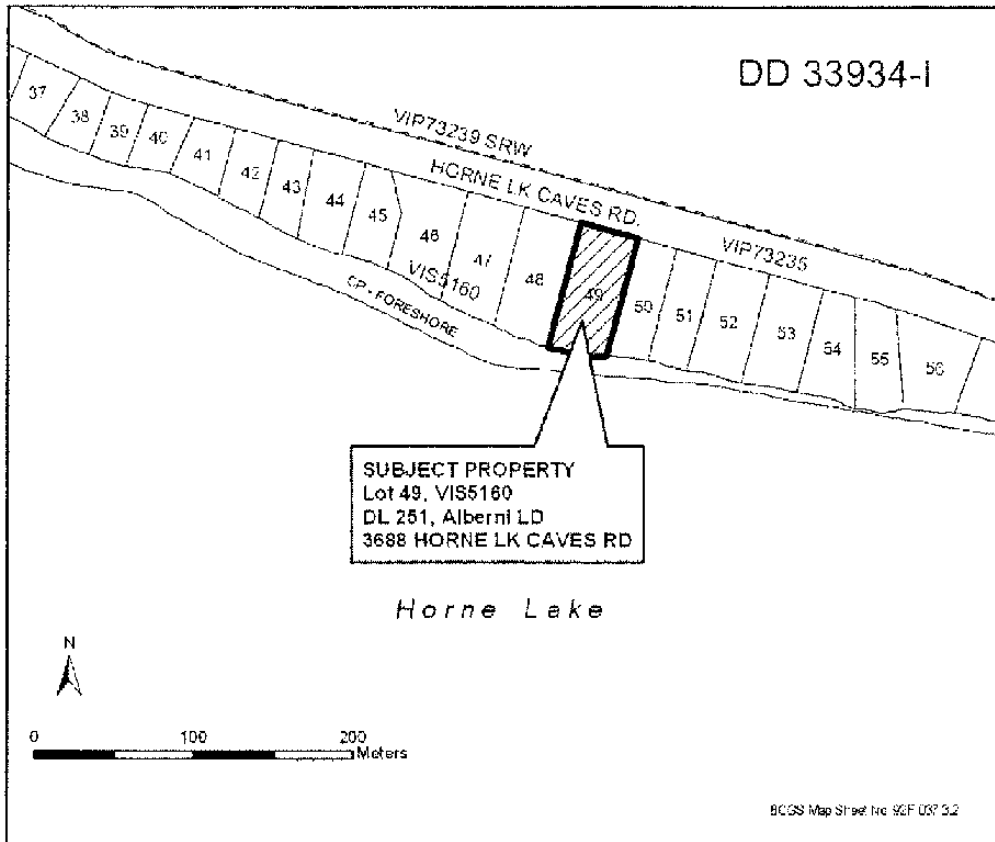
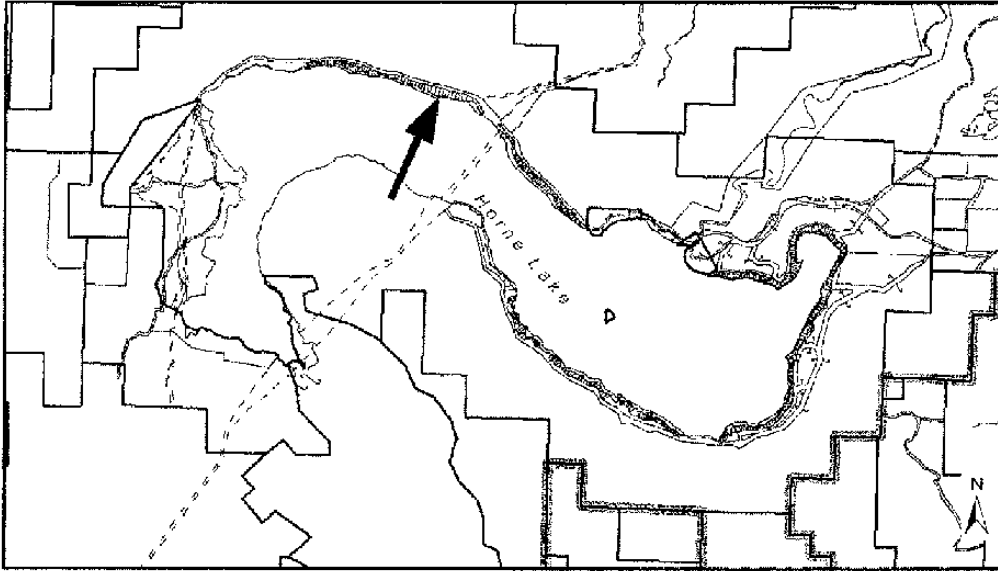
HORNE LAKE

This application is for the Municipality of Alberni District.

Schedule No. 2
Building Elevations



Attachment No. 1
Location of Subject Property





RDN REPORT	
CAO APPROVAL	
EAP	<input checked="" type="checkbox"/> March 11th
COW	
MAR 05 2008	
RHD	
BOARD	

MEMORANDUM

TO: Geoff Garbutt
Manager, Current Planning

DATE: March 5, 2008

FROM: Susan Cormie
Senior Planner

FILE: 3060 30 60804
3320 20 26796

SUBJECT: Development Permit with Variance Application No. 60804
Request for 10% Frontage Relaxation
JE Anderson, BCLS, on behalf of Timberstone Development Ltd.
Electoral Area 'E' – Northwest Bay Road

PURPOSE

To consider an application for a development permit with variance and a request for relaxation of the minimum 10% perimeter frontage requirement on property in the Madrona area of Electoral Area 'E' in conjunction with the creation of a 24-lot subdivision.

BACKGROUND

The parent parcel, legally described as Lot 1, DL 68, Nanoose District, Plan 3940 Except For Part in Plan VIP80339, is located in the Madrona area adjacent to Northwest Bay Road in Electoral Area 'E' (see Attachment No. 1 for location of subject property).

The Electoral Area Planning Committee may recall that Development Permit No. 60623 was considered for this parcel in 2006 for the development of a 19-lot subdivision. Since that time, the applicant has revised the original subdivision application to 24 parcels (see Schedule No. 2 for proposed revised subdivision layout). As there have been substantial changes to the development proposal, Development Permit No. 60623 is considered no longer valid and a new development permit is required.

The property, which is 6.6 ha in size is currently zoned Residential 1 (RS1) and is within Subdivision District 'N' pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (1600 m² with community water service connections). The proposed parcels will meet the minimum parcel size provisions pursuant to Bylaw No. 500, 1987.

The parent parcel currently supports a dwelling unit and accessory buildings. In addition, there are two wells located on the property – a production well located on Proposed Lot 23 to the south of the recently acquired RDN community wells and an observation well located on Proposed Lot 24. These wells are not shown on the plan of subdivision.

In addition, the parent parcel is designated within the following development permits areas pursuant to Nanoose Bay Official Community Plan Bylaw No. 1400, 2005:

- Sensitive Ecosystem Protection Development Permit Area; in this case, for the protection of an eagle nesting tree and its buffer area located on the parent parcel and for the protection of the buffer area of an eagle nesting tree located on the adjacent parcel. In 2006, the eagle nest in the tree on the parent

parcel was destroyed by a high wind storm and the Ministry of Environment has since decommissioned the status of the tree. The tree has now been cut down. Therefore, this development permit area now applies to the eagle nesting tree on the adjacent parcel only.

- Farm Land Protection Development Permit Area for the protection of farm land from development; in this case, for the south property boundary which borders an Agricultural Land Reserve parcel.
- Watercourse Protection Development Permit Area; in this case, for the protection of the wetland which borders between the parent parcel and the adjacent parcel to the west. The parcel was not subject to this development permit area when the original subdivision application was made in 2006. Since that time, the development permit area was amended to include the requirements pursuant to the Provincial *Riparian Areas Regulation*.

Given the revised subdivision plan, a new development permit which addresses these Development Permit Areas guidelines is required.

Park land was provided under a previous subdivision application. The subject property is situated within an RDN Building Services area.

Proposed Development

The applicant is proposing to construct 24 fee simple parcels varying in size from 1600 m² to 4100 m² with community water service connections from the Regional District and individual septic disposal systems (see Schedule No. 2 for proposed subdivision layout).

10% Minimum Frontage Requirements

Proposed Lots 14, 15, 16, 19, 20, 21, and 24, as shown on the submitted plan of subdivision, will not meet the minimum 10% perimeter frontage requirement pursuant to section 944 of the *Local Government Act*. The requested frontages are as follows:

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% of Perimeter</i>
14	21.6 m	10.0 m	4.6 %
15	29.8 m	20.5 m	6.9 %
16	19.7 m	10.2 m	5.2 %
19	19.3 m	10.0 m	5.2 %
20	22.1 m	10.0 m	4.5 %
21	20.0 m	10.6	5.3 %
24	29.8 m	6.0	2.0 %

As these 7 proposed parcels do not meet the minimum 10% parcel frontage requirement, approval of the Regional Board of Directors is required.

ALTERNATIVES

1. To approve Development Permit Application No. 60804 with variance, as submitted, subject to the conditions outlined in Schedules No. 1, 2, 3, and 4 and to approve the request for relaxation of the minimum 10% frontage requirements for proposed Lots 14, 15, 16, 19, 20, 21, and 24.
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 requirements.

DEVELOPMENT IMPLICATIONS

Eagle Nesting Tree Located on Adjacent Parcel

As outlined in the previous staff report, for the eagle nesting tree located on the adjacent parcel to the west of the subject parcel, the applicant offered to register a section 219 covenant for the area 1½ times the height of the tree (34.7 metres) restricting any development or removal of vegetation or alteration of land within the buffer area. This offer has not changed with the revised plan of subdivision. Ministry of Environment staff has indicated that this proposed covenant area will be sufficient for the protection of this particular nesting tree and is consistent with the Ministry's Best Management Practices.

In order to ensure there is an adequate buildable site areas for the proposed parcels affected by this proposed covenant area, the applicant's agent has provided suitable building locations for proposed Lots 15, 16, and 19, which are the parcels largely affected by the development permit area (*see Schedule No. 3 showing buildable site areas*). These buildable site areas will allow each parcel to construct a dwelling unit without the need to apply for an additional development permit. It is noted that if a future owner proposes works in the balance of the development permit area, a second development permit would then be required.

Watercourse Protection Development Permit Area

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 along the north and west boundaries of the parent parcel. This report establishes a Stream Protection and Enhancement Area (SPEA) of 30.0 metres for the shade side of the wetland and 15.0 metres for the balance of the riparian area as measured from the high water mark/natural boundary. The report states that as there is no construction within the riparian area proposed with the subdivision at this time, there are no recommendations for protection and enhancement of the SPEA. The report also states that if there is any future development within 30.0 metres of the stream, an updated assessment would be required. This potentially affects proposed Lot 1, 20, 21, 23, and 24 and means that at the time of constructing dwelling units and other related works, an updated riparian assessment report may be necessary (*see Schedule No. 4 showing building site areas for proposed Lots 1, 20, 21, 23, and 24*). In order that the riparian area is clearly visualized on site, it is recommended that the applicant's BCLS delineate the SPEA by way of fencing. The applicant's BCLS has indicated concurrence with this condition.

In addition, the Ministry of Environment requires that all Riparian Area Regulation (RAR) reports include a schedule for environmental monitoring. In this case, there is no monitoring required as there is no construction proposed in the SPEA as part of the subdivision. As outlined above, staff recommends snow fencing or other similar barrier material be erected to protect the riparian area prior to any development of these parcels.

Farm Land Protection Development Permit Area

Proposed Lots 11 to 15 are designated within the Farm Land Protection Development Permit Area as the adjacent lands to the south are situated in the Provincial Agricultural Land Reserve. On the adjacent ALR land there is a farm access road along with wire fencing. In order to provide suitable building sites for these proposed parcels and due to soil conditions, portions of the 15.0 metre buffer area are proposed to be utilized for septic disposal covenant areas. These proposed covenant areas may be used only for septic disposal purposes and may not be built upon. Under Development Permit No. 60623, the applicant offered to register a section 219 covenant over the 15.0 metre wide buffer area to restrict the use to septic

disposal areas only with the remaining trees being retained along with other existing vegetation except as required for installation of septic systems. The applicant, at that time, also offered to install a 1.8 metre solid board fence along the ALR boundary in accordance with the Provincial ALC Guidelines. The fence has now been partially constructed. Staff feels that since there are no major changes to this portion of the site, the original conditions concerning the Farm Land Protection Development Permit Area should remain the same. The applicant's BCLS has indicated concurrence with these conditions. There will be sufficient areas for intended uses for Proposed Lots 11 to 15 outside the proposed covenant area.

In order to meet the Provincial statutory requirements, the applicant is required to dedicate a road to serve the lauds beyond, which will cross a 10.0 metre wide portion of the Farm Land Protection Development Permit Area (*see Schedule No. 2 showing future road*).

Community Water Source Implications

Due to the close proximity of the production well in relation to the recently acquired RDN community wells, staff feels that it would be in the public interest to include this well as part of the Nanoose Bay Integrated Community Water System. It is staff's understanding that this well was constructed as per the new Provincial groundwater regulations and was intended for a public water supply. Therefore, it is recommended that staff meet with the applicant to review the status of both these wells as part of the subdivision review process.

Request for Relaxation of Minimum 10 % Frontage Requirements Implications

Lots 14, 15, 16, 19, 20, and 21 are proposed to be fronted on cul-de-sac roads, which due to the configuration of the roads provides for less available frontage. Proposed Lots 14 and 15 are designated within the Farm Land Protection Development Permit Area (DPA), however the applicant's agent has provided information concerning that there are sufficient buildable site areas to support the intended residential use outside the DPA.

Proposed Lots 15, 16, and 19 are designated within the Sensitive Ecosystem Protection Development Permit Area for the protection of the buffer area of the eagle nesting tree located on adjacent land. As noted above, while the applicant is offering a section 219 covenant to restrict the buffer area 1½ times the tree height, this does not include the entire DPA as the tree is located on an adjacent property. The applicant's agent has also provided buildable site areas for these parcels showing that the proposed parcels will be able to support the intended residential use (note: Proposed Lot 15 is within both development permit areas, but due to the proposed size (4100 m²), there will be a sufficient buildable site area for this parcel) (*see Schedule No. 3 for buildable site areas for Proposed Lots 15, 16, and 19*). Proposed Lots 20 and 21 are designated within the Watercourse Protection Development Permit Area. The applicant's agent has also provided buildable site areas for these parcels showing that the proposed parcels will be able to support the intended residential use (*see Schedule No. 4 for buildable site areas for Proposed Lots 20 and 21*). It is noted that if future owners propose to works within 30 metres from the wetland, a riparian area assessment will be required at that time.

With respect to proposed Lot 24, this parcel is proposed to be served with a 6.0 metre wide panhandle. As the proposed width of the panhandle will not be able to meet the minimum provisions of Bylaw No. 500, 1987, a variance to the bylaw provision is required. This will require a public notification process as set out in the ***Local Government Act***. The applicant's BCLS has offered to register a section 219 covenant restricting further subdivision of this proposed parcel which will ensure no additional subdivision. It is noted the applicant's BCLS has provided a plan showing a building site area outside the 30-metre riparian assessment area (*see Schedule No. 4 for buildable site area for Lot 24*).

Ministry of Transportation staff has indicated that they will support this request for relaxation of the minimum 10% frontage requirement, but noted that the proposed septic field area for Proposed Lot 20 will be required to be altered to allow for reasonable access to the parcel.

Site Servicing Implications

The applicant has applied for an application for septic disposal approval to the Vancouver Island Health Authority. It is noted that the Health Authority has indicated a concern with the proposed parcel size of Lot 23 (1600 m²) in that the health standards requires a minimum parcel size of 2000 m². This may affect the final subdivision layout.

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.

Community water service will be provided by the Regional District. It is noted that the applicant along with the neighbouring property constructed wells which have been turned over to the Regional District of Nanaimo. As part of the subdivision review process, a no wells covenant will be required to be registered on title of all the proposed parcels. In addition, a well head protection covenant is registered on title.

VOTING

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

SUMMARY

This is a revised subdivision application that involves a consideration of the development permit with variance and a request for relaxation of the minimum 10% frontage requirement for seven of the proposed parcels for the property located off Northwest Bay Road in the Madrona area Electoral Area 'E'.

The subject property is within the Sensitive Ecosystems Protection, Watercourse Protection, and Farm Land Protection Development Permit Areas pursuant to the Nanoose Bay OCP specifically for the purposes of ensuring protection of an eagle nesting tree buffer area, the wetland which borders the parent parcel, and ensuring protection of the adjacent lands located in the Provincial Agricultural Land Reserve.

The accepted Riparian Area Assessment has no recommendation concerning the protection and enhancement of the riparian area or for monitoring. Despite this, staff recommends that the riparian area for Proposed Lots 1, 20, 21, 23, and 24 be cleared marked on the ground in order to ensure these areas are not encroached upon without a further riparian assessment being conducted and that snow fencing or other similar barriers be erected to protect the riparian areas.

As with the original application, the eagle nesting tree buffer area for the tree located on adjacent property and the farm land buffer area will be protected by way of covenant. The development permit will also include requirements for measures for construction during eagle breeding season. These requirements are consistent with the applicable guidelines outlined in the Sensitive Ecosystem Protection and Farm Land Protection Development Permit Areas (*see Schedule No. 1 for Conditions of Approval*). Concerning the request for relaxation of the minimum 10% perimeter frontage for six of the proposed parcels, these proposed parcels are designed to be fronted by cul-de-sac roads therefore restricting the available frontage. The seventh parcel (Lot 24) involves a panhandle access, which requires a variance to the

minimum panhandle width under Bylaw No. 500, 1987 as the proposed parcel may have future subdivision potential. The applicant's BCLS has offered to register a section 219 covenant on title restricting further subdivision of this parcel. The proposed variance will require a public notification process pursuant to the *Local Government Act*. The Ministry of Transportation staff has indicated they have no objection to the request for relaxation of the minimum 10% perimeter frontage requirement for these proposed parcels, but note that the septic disposal area for Proposed Lot 20 will need to be adjusted to allow sufficient access.

Concerning the outstanding subdivision related issues concerning the development of Proposed Lots 23 and 24 with respect to septic disposal, minimum parcel size, and status of the two existing wells, it is recommended that staff meet with the applicant.

Given that the applicant has provided a report in compliance with the *Riparian Areas Regulation*; has offered to register section 219 covenants restricting use of the buffer area for the eagle nesting tree on the adjacent parcel and within the Farm Land Protection buffer area, and restricting further subdivision on proposed Lot 24; as the applicant has addressed the requirements of the applicable development permit guidelines; as the request for relaxation of the minimum 10% frontage requirements will not limit the availability of intended uses; and as the parcel size comply with the OCP designation; staff recommends approval of the development permit with variance and the request for relaxation of the minimum 10% frontage requirements as outlined in Schedules No. 1, 2, 3, and 4 of this staff report.

RECOMMENDATIONS

1. That Development Permit Application No. 60804 submitted by JE Anderson, BCLS., on behalf of Timberstone Developments Ltd., in conjunction with the subdivision on the parcel legally described as Lot 1, DL 68, Nanoose District, Plan 3940 Except For Part in Plan VIP80339 and designated within the Sensitive Ecosystem Protection, Watercourse Protection, and Farm Land Protection Development Permit Areas be approved subject to the conditions outlined in Schedules No. 1, 2, 3, and 4 of the corresponding staff report and to the notification procedure pursuant to the *Local Government Act*.
2. That the request for relaxation of the minimum 10% frontage requirement for proposed Lots 14, 15, 16, 19, 20, 21, and 24 be approved.
3. That staff be directed to meet with the applicant to ensure that subdivision-related issues as outlined in the staff report with respect to proposed Lots 23 and 24 concerning septic disposal, minimum parcel size, and status of the two existing wells can be resolved to the satisfaction of the Regional District in conjunction with the subdivision process.

Report Writer

General Manager Concurrence

Manager Concurrence

CAO Concurrence

**Schedule No. 1
Development Permit Application No. 60804 (3 pages)
Conditions of Approval / Proposed Variance**

The following sets out the conditions of approval:

1. Subdivision

- a. The subdivision of the lands shall be in substantial compliance with Schedule No. 2 (to be attached to and forming part of this Permit).
- b. The subdivision shall include the original road configuration for the lands adjacent to the existing park land and proposed Lot 1.

2. Sensitive Ecosystem Development Permit Area (for the protection of the buffer area for the eagle nesting tree located on the adjacent parcel)

- a. Applicant to prepare and register a section 219 covenant, to the satisfaction of the RDN, for the protection of the eagle nesting tree located on the adjacent parcel for a 34.7 metre radius as measured from the base of the tree, restricting the placement of buildings and structures, decks, patios, septic systems, and restricting any removal of vegetation or alteration of soils by the hand of man within the covenant area.
- b. Draft covenant document to be forwarded for review to RDN.
- c. Applicant's solicitor to provide legal letter of undertaking to register the covenant concurrently with the plan of subdivision.
- d. Applicant to indicate the covenant area (demarcation) on the ground by way of permanent fencing or other suitable means.

3. Buildable Site Areas for Proposed Lots 15, 16, and 19

- a. This development permit establishes building site area for proposed Lots 15, 16, and 19 as shown on Schedule No. 3 (to be attached to and forming part of this Permit).
- b. Any works, construction, removal of vegetation, location of septic disposal systems, alteration of land or soils situated outside the building sites areas for proposed Lots 15, 16, and 19 as shown on Schedule No. 3 will require a development permit issued by the Regional District of Nanaimo prior to commencing any works.
- c. The applicant shall indicate the buildable site areas for Proposed Lot 15, 16, and 19 by way of high visibility snow fences or other appropriate means to ensure that no activities occur within the balance of the development permit area to the satisfaction of the Regional District of Nanaimo.

4. Construction Window

- a. No land clearing shall occur between February 1st and June 30th (inclusive).
- b. Applicant to notify the Regional District of Nanaimo a minimum of 48 hours prior to commencing land clearing.

5. Farm Land Protection Development Permit Area

- a. Applicant to prepare and register a section 219 covenant, to the satisfaction of the RDN, for the protection of the farm land buffer area for an area measuring 15.0 metres from the south parent parcel lot line, restricting the use of the land for septic disposal purposes only on Lots 11, 12, 13, and 14 and restricting the removal of vegetation except where necessary for the construction of

septic fields, restricting the placements of any buildings and structures, and including decks, patios, signage, driveways, outdoor storage, or other site improvements.

- b. Draft covenant document to be forwarded for review to RDN.
Document to be registered concurrently with the Plan of Subdivision at Land Title Office, Victoria. Applicants' solicitor to submit to the Regional District of Nanaimo a legal letter undertaking to register this document concurrently with the Plan of Subdivision at Land Title Office, Victoria, BC.
- c. The existing vegetation within the 15.0 metre buffer area shall be maintained and existing trees shall not be removed except where required to install a septic disposal system. Invasive plants such as Himalayan blackberries, Scotch broom, morning glory, and purple loosestrife may be removed and replaced with native species to enhance the buffer area.
- d. The enhancement of the buffer area with additional native vegetation shall be permitted.
- e. Applicant to construct solid board fencing 1.8 metres in height along the ALR boundary and in accordance with the BCPALC Guidelines. These works are to be completed prior to applying for final approval of subdivision.
- f. The dedication of a road to provide access to lands beyond and subject to Ministry of Transportation approvals and standards is permitted.

6. Riparian Assessment

- a. The Riparian Area Assessment No. 784 prepared by Bruce Baxter (Streamside Environmental Consulting Ltd.) and dated 2008-02-29 (to be attached to and forming part of the development permit as Schedule No. 5) shall be followed.
- b. The applicant's BCLS shall clearly mark the 30 metre riparian area which crosses proposed Lots 1, 20, 21, 23, and 24 to the satisfaction of the Regional District of Nanaimo.

7. Buildable Site Areas for Proposed Lots 1, 20, 21, 23, and 24

- a. This development permit establishes building site area for proposed Lots 1, 20, 21, 23, and 24 as shown on Schedule No. 4 (to be attached to and forming part of this Permit).
- b. Any works, construction, removal of vegetation, alteration of land or soils situated within the riparian assessment area and outside the building sites areas as shown on Schedule No. 4 (to be attached to and forming part of this Permit) will require a further riparian assessment as prepared by a qualified environmental professional which may require the consideration of the issuance of a development permit by the Regional District of Nanaimo prior to commencing any works.
- c. The applicant shall indicate the buildable site area of proposed Lots 1, 20, 21, 23, and 24 with high visibility snow fences, silt fences or other appropriate means adjacent to the 15.0 metre Streamside Protection Enhancement Area (SPEA) established by the Riparian Assessment No. 784 to ensure that no activities occur within the balance of the development permit area. This fencing shall be in place prior to final application for subdivision and to the satisfaction of the Regional District of Nanaimo. Following the consideration of any future development permits, if the SPEA is altered, the temporary high visibility fencing shall be relocated prior to issuance of any building permit and permanent fencing (decorative small scale fencing that is a physical barrier not a visual barrier that delineates the SPEA) shall be required to be installed prior to occupancy of building(s).

8. No Further Subdivision Covenant

- a. 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 Lot 24.

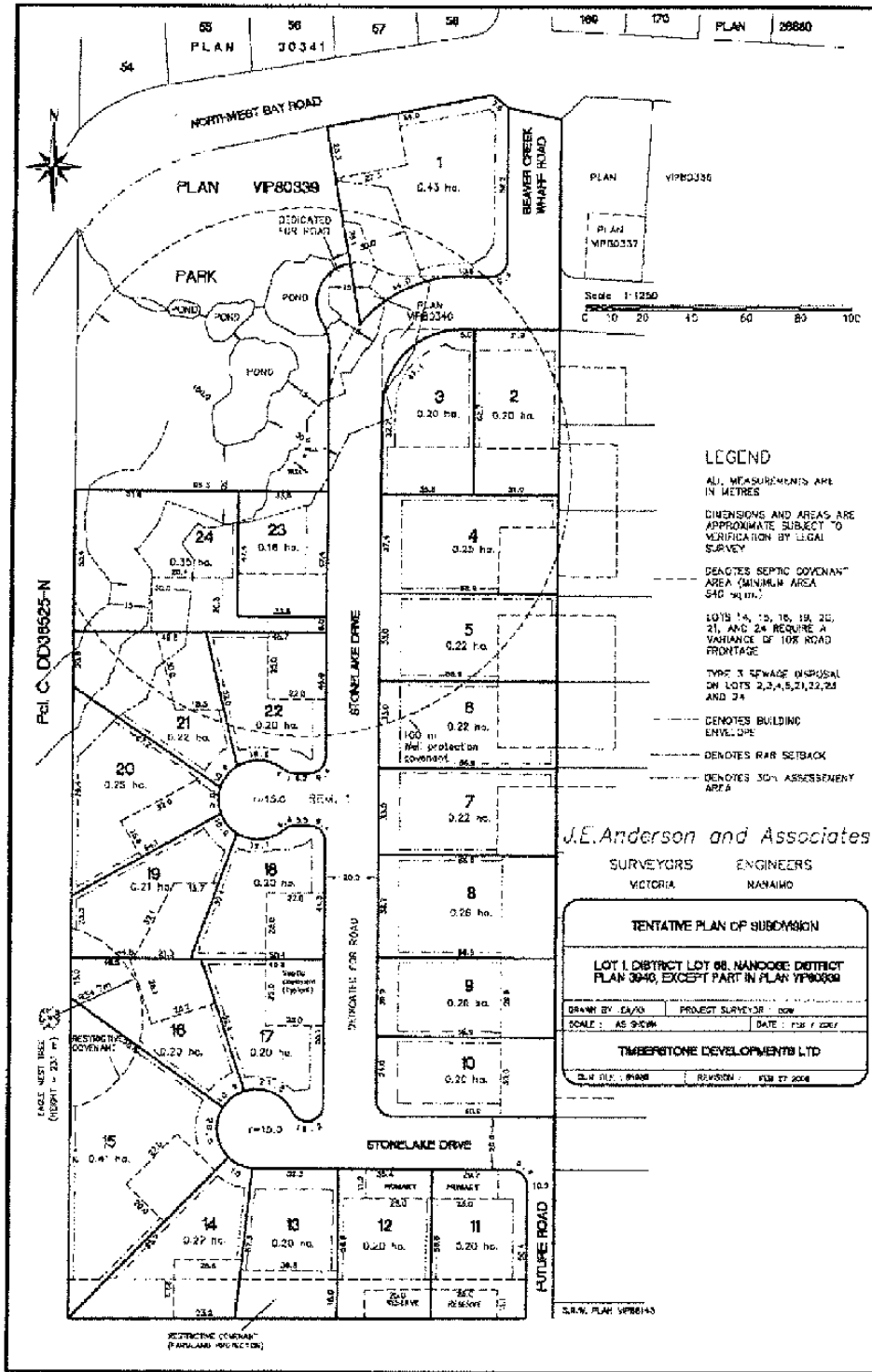
- b. The draft document to be forwarded to the Regional District of Nanaimo for review prior to registration.
- c. Document to be registered concurrently with the Plan of Subdivision at Land Title Office, Victoria. Applicants' solicitor to submit to the Regional District of Nanaimo a legal letter undertaking to register this document concurrently with the Plan of Subdivision at Land Title Office, Victoria, BC.

9. Proposed Variance

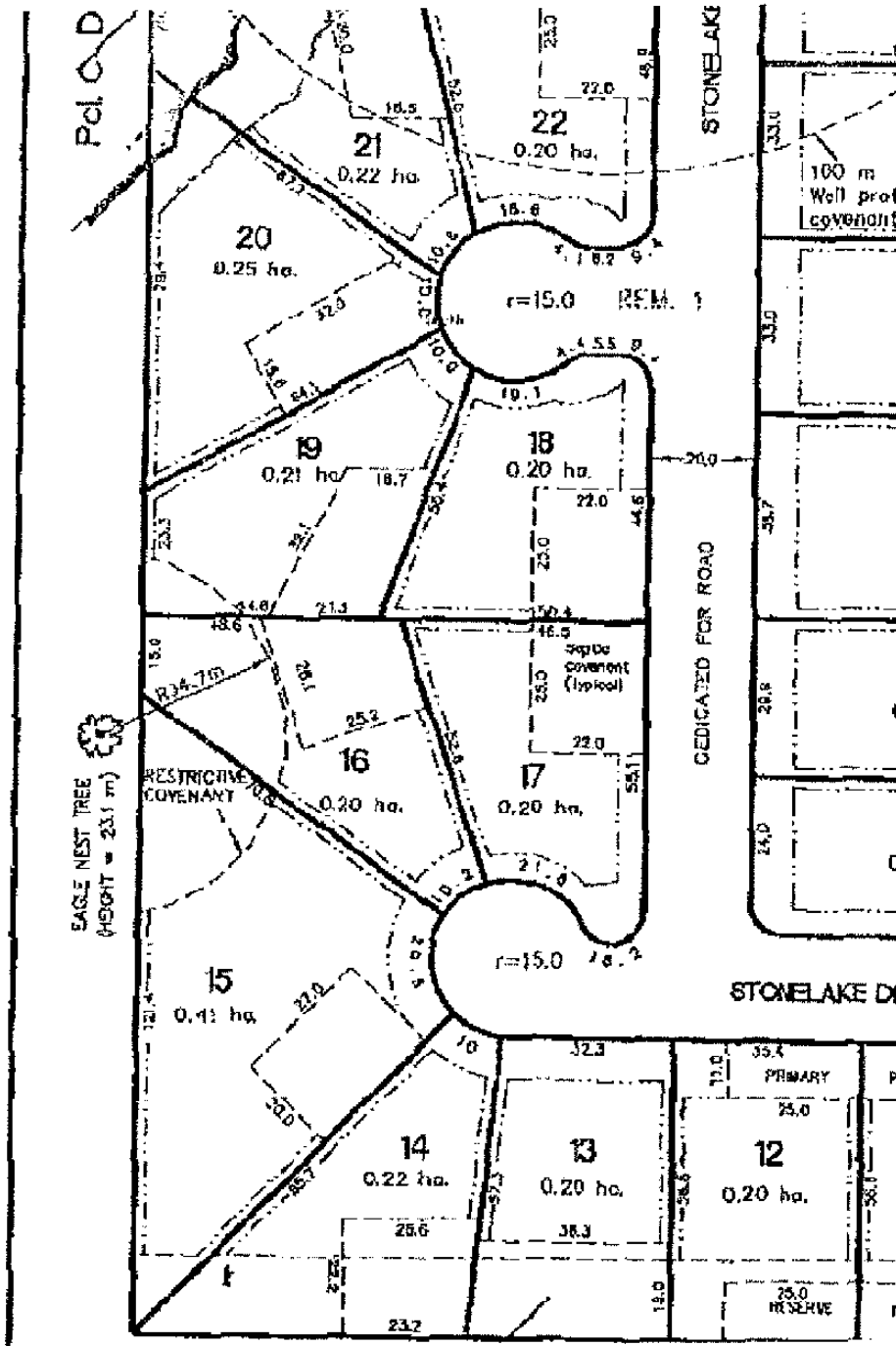
In order to allow the creation of Lot 24 at the time of subdivision of the parent parcel, the following variance is proposed:

Section 4.54.3a) – Parcel Shape and Dimensions is proposed to be varied by relaxing the minimum panhandle width from 10.0 metres to 6.0 metres to accommodate the creation of Lot 24 as shown on Schedule No. 2.

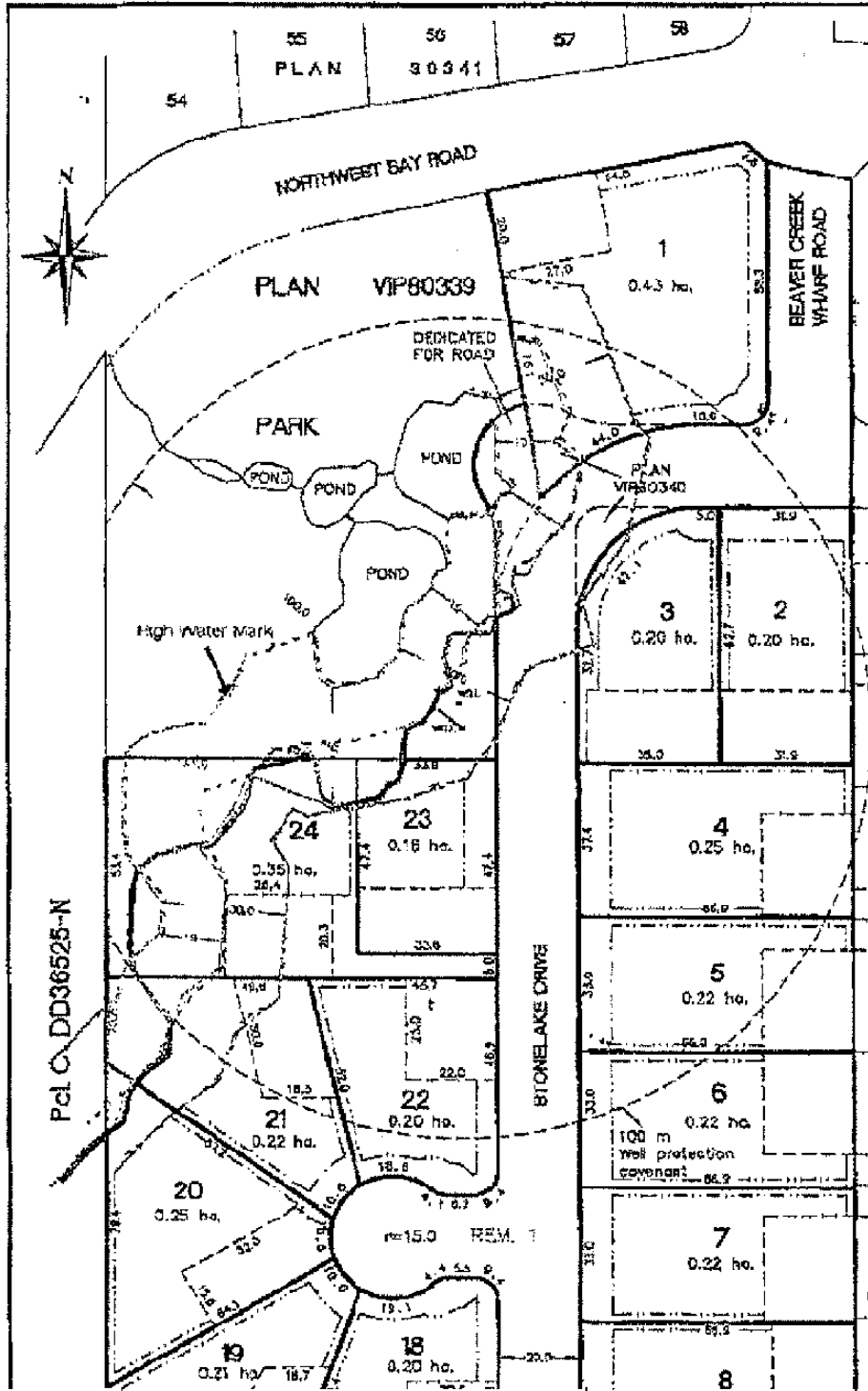
Schedule No. 2
Development Permit Application No. 60804
Proposed Plan of Subdivision



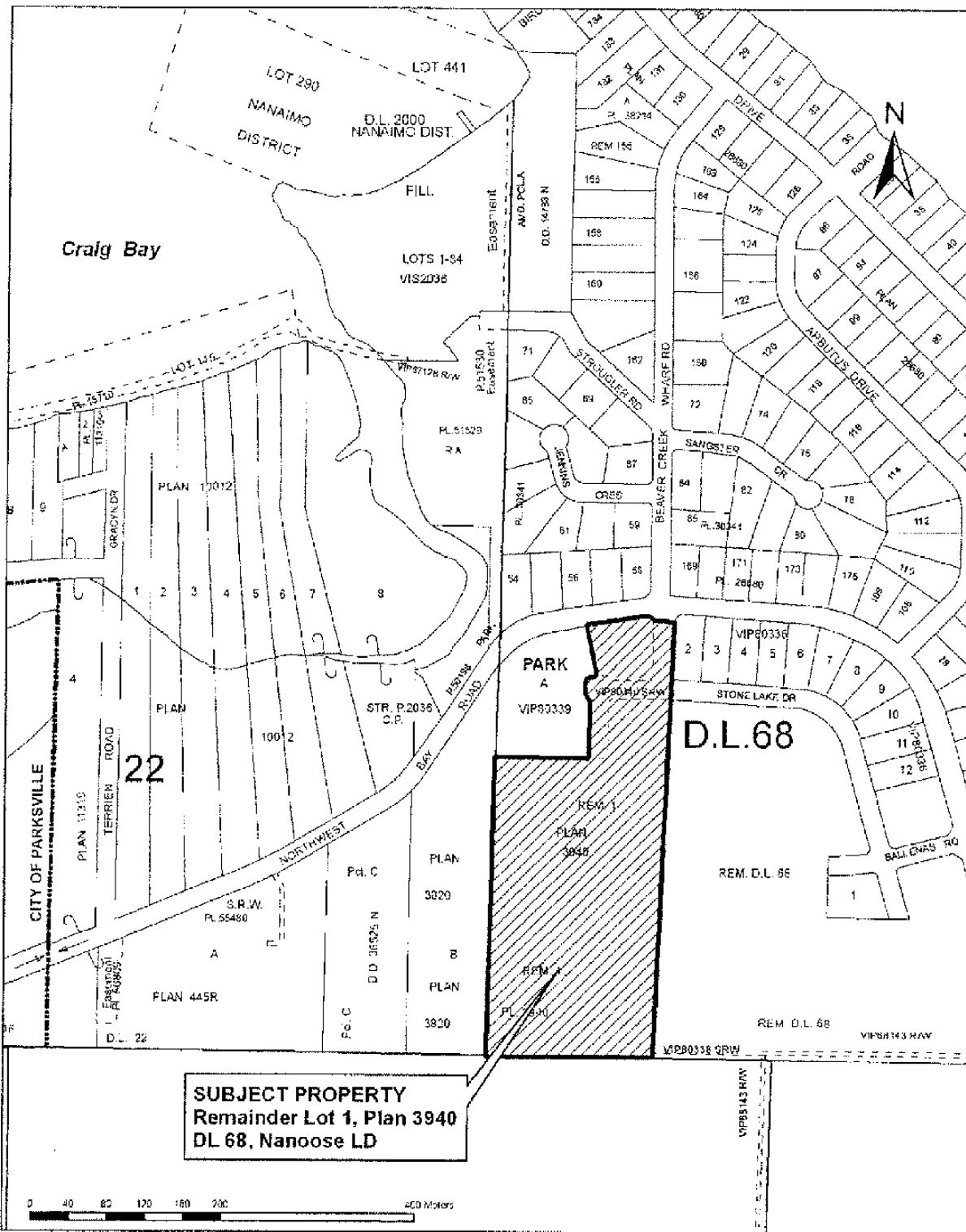
Schedule No. 3
 Development Permit Application No. 60804
 Buildable Site Areas for Proposed Lots 15, 16, and 19



Schedule No. 4
Development Permit Application No. 60804
Buildable Site Areas for proposed Lots 1, 20, 21, 23, and 24



Attachment No. 1
Location of Subject Property





RDN REPORT	
CAQ APPROVAL (R)	
EAP	✓ March 11th
COW	
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 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.

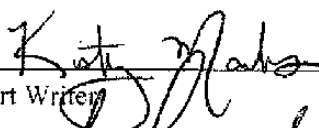
VOTING - Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

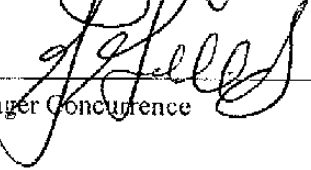
This application for a Development Variance Permit requests a 5.6 metre reduction in the setback from 8.0 m to 2.4 m to recognize the siting of an existing accessory building on a property located at 335 Butler Avenue in Electoral Area 'G'. Although staff do not anticipate the reduced setback will have 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

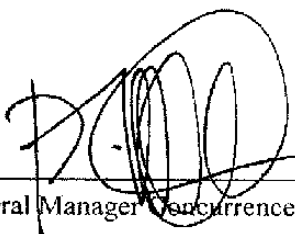
That Development Variance Permit Application No. 90715, to legalize the siting of an existing accessory building with a minimum front lot line setback of 2.4 m on the subject property legally described as Lot F, District Lot 12, Nanoose District, Plan 30913 on Butler Avenue, be denied and that the Board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



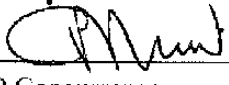
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

Schedule No. 1
Terms of Development Permit No. 90715

Bylaw No. 500, 1987 – Requested Variance

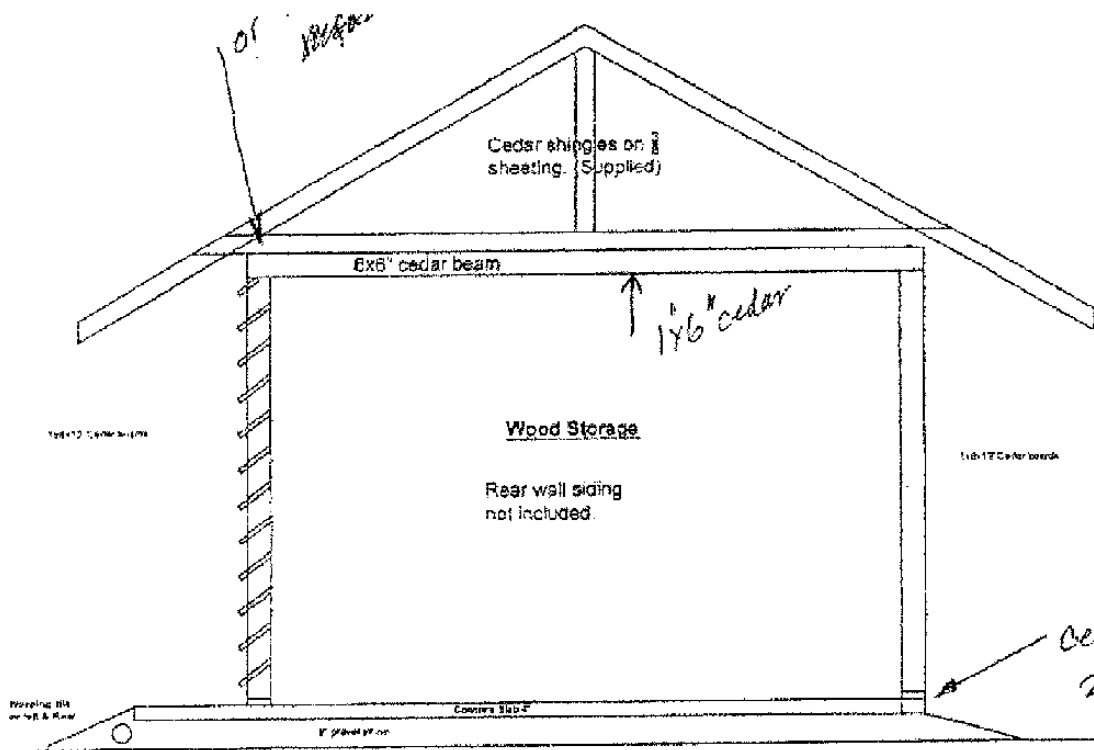
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," the following variance is proposed:

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*.

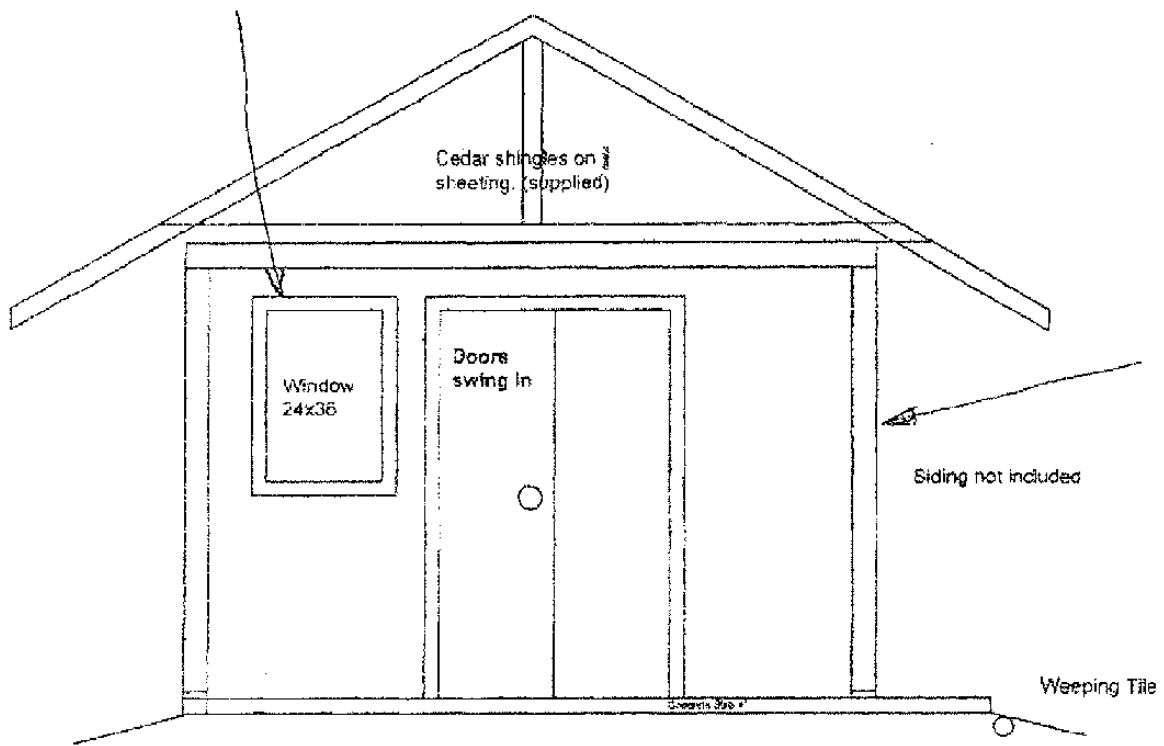
Conditions of Approval

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. 3 Building Elevations

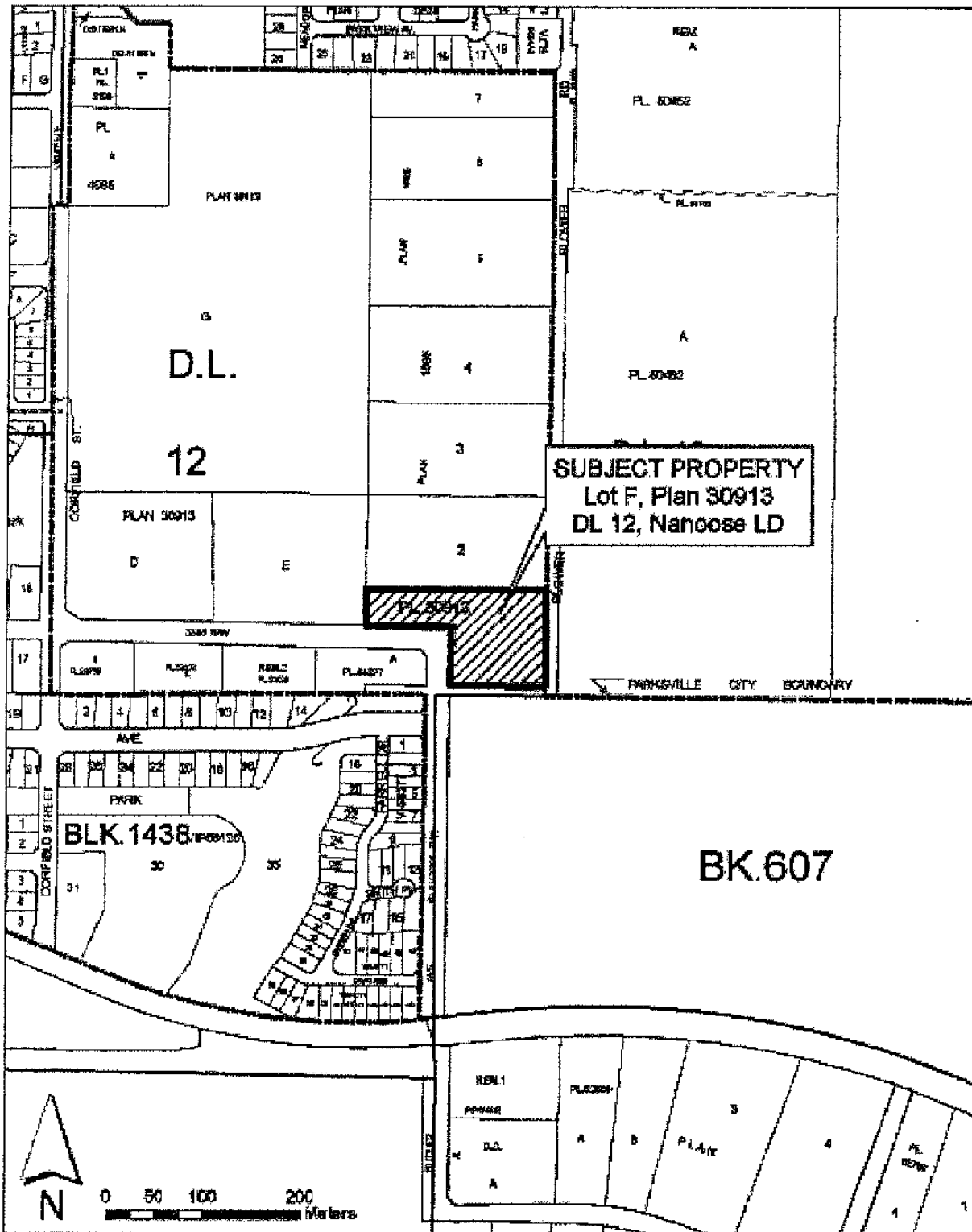


Front Elevation



Rear Elevation

Attachment No. 1
Location of Subject Property





EAP REPORT	
CAO APPROVAL	
EAP	✓ MARCH 11/08
COW	
FEB 29 2008	
RHD	
BOARD	

MEMORANDUM

TO: Geoff Garbutt
Manager of Current Planning

DATE: February 28, 2008

FROM: Elaine Leung
Planner

FILE: 3090 30 90803

SUBJECT: Development Variance Permit Application No. 90803 – Boudreau/Smith
Lots 51, 52 & 53, District Lot 251,
Alberni District, Electoral Area 'H'

PURPOSE

To consider an application for a Development Variance Permit to permit the construction of a concrete 'lock block' retaining wall with no minimum side yard setback.

BACKGROUND

The subject properties are located on lots 51, 52 & 53, Horne Lake Caves Road in Electoral Area 'H' (see Attachment No. 1 for location of the subject property), at 3680, 3676 & 3672 Horne Lake Caves Rd. There is an existing cottage located on lot 52.

The properties are zoned the Horne Lake Comprehensive Development Zone (CD9) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." They are located within the Fish Habitat Protection Development Permit Area (DPA) and the Resort Commercial & Recreational Lands Development Permit Area pursuant to "Regional District of Nanaimo Englishman River Official Community Plan Bylaw No. 814, 1990." As per the policies in the Resort Commercial & Recreational Lands Development DPA, in Electoral Area 'H' Official Community Plan, a Development Permit application is not required for the construction of accessory residential buildings or structures. Lands within this designation located at Horne Lake are subject to the conditions and guidelines of Development Permit No. 0120. Lands located at Horne Lake are not subject to the Fish Habitat Protection Development Permit Area, as the Ministry of Environment has previously confirmed that development located along this area is consistent with the Riparian Areas Regulations Report. The Ministry is satisfied that the guidelines have been met. The applicants proposed and existing retaining wall is beyond the 15 metre setback established by the permit.

In order to access the subject properties, the applicants propose to construct a concrete retaining wall which will cross the boundary between lot 52 to lot 53. There is currently a separate existing concrete wall which allows access to the properties and crosses the boundary of lots 51 to 52. The proposed and existing walls will be over 1 metre in height, and therefore are considered a 'structure' as defined in Zoning Bylaw 500. Subsequently, the applicants are requesting a development variance to reduce the required interior side yard setback from 1.5 metres to 0 metres to recognize the location of both the proposed and existing retaining walls.

Requested Variance Summary

The applicants request to vary Section 3.4.107.4, Minimum Setback Requirements of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," as follows:

1. To vary the required side yard setback from 1.5 metres to 0 metres.

ALTERNATIVES

1. To approve Development Variance Permit No. 90803 subject to the conditions outlined in Schedule Nos. 1-3 and the notification requirements of the Local Government Act.
2. To deny the requested variance.

POLICY B1.5

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

The applicants have submitted a report prepared by Ground Control Geotechnical Engineering Ltd, dated February 26, 2008 (see attached), in support of the application. It addresses the construction and supervision of the installation of the proposed and existing wall. In addition, it confirms that the construction of the existing and proposed retaining wall are engineered certified and safe.

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

- Horne Lake Strata Corporation does not have any objections to the proposed development.
- 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 reduce the required side yard setback from 1.5 metres to 0 metres to permit the construction of a concrete retaining wall, which will cross lot 52 to 53, in addition to a separate concrete retaining wall crossing lot 51 to 52. The location of the proposed and existing wall are outlined on the survey prepared by Koers & Associates Engineering Ltd. attached as *Schedule No. 2*.

The requested variance is required in order to provide access to the subject property. Staff note that the variance requested is reasonable, and that the applicants have demonstrated that the existing and proposed structure is engineered sound and safe.

In staff's assessment of this application, the applicants have provided justification for the requested variance. The requested variance is not expected to negatively impact adjacent property owners. Staff recommends approval of the request.

Public Consultation Process

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

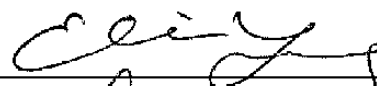

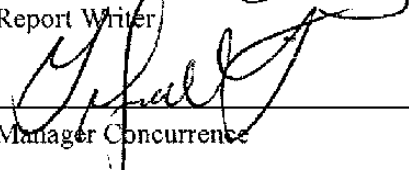
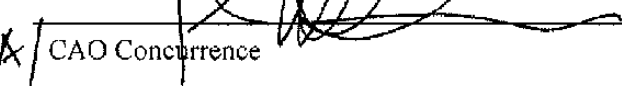
VOTING - Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

This application for a Development Variance Permit requests a reduction from the required 1.5 metre side yard setback to 0 metres to permit the construction of two separate concrete 'lock block' retaining walls, the first of which will cross the boundary of lot 51 to 52, and a second wall which will cross the boundary of lot 52 to 53. Given the requirement to access the property and the engineering report by Ground Control Geotechnical Engineering Ltd confirming the construction and safety of the retaining walls, staff recommends that the requested Development Variance Permit be approved subject to the terms outlined in Schedules No. 1-3 of this report, and subject to notification requirements pursuant to the *Local Government Act*.

RECOMMENDATION

That Development Variance Permit Application No. 90803, to permit the construction of two separate concrete retaining walls with an interior side yard setback of 0 metres, on the subject property legally described as Lots 51, 52 & 53, District Lot 251, Alberni District, Electoral Area 'H' on Horne Lake Caves Road, be approved subject to the conditions outlined in Schedules No. 1-3 and the notification requirements of the *Local Government Act*.

 _____ Report Writer	 _____ General Manager Concurrence
 _____ Manager Concurrence	 _____ X/ CAO Concurrence

Schedule No. 1
Terms of Development Permit No. 90713

Bylaw No. 500, 1987 – Requested Variance

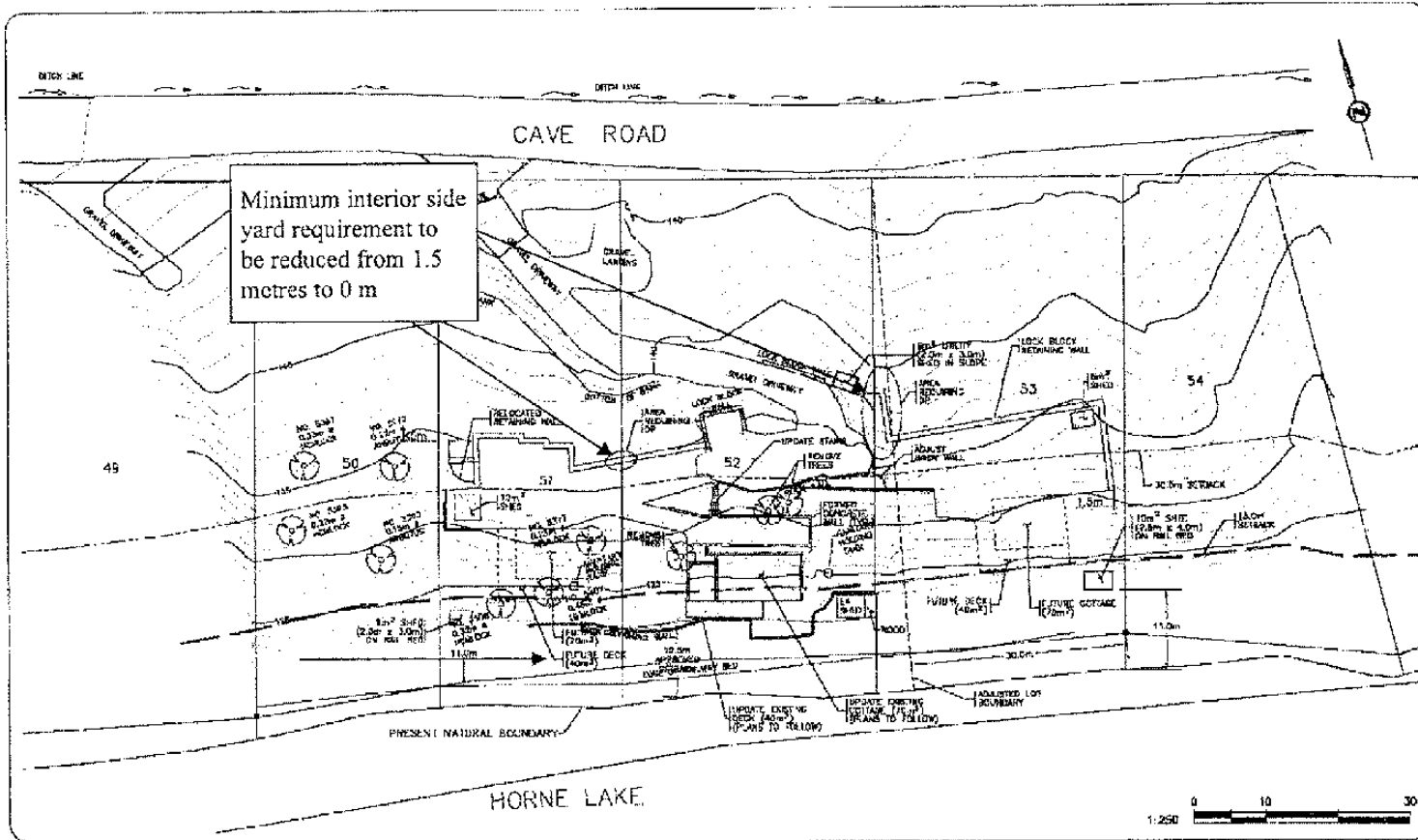
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” the following variance is proposed:

1. **Section 3.4.107.3, Minimum Setback Requirements** is hereby varied by reducing the minimum setback from the side lot line from 1.5 metres to 0 metres for the concrete retaining wall only, as shown on *Schedule No. 2*.

Conditions of Approval

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

**Schedule No. 2
 Site Plan and Requested Variance**



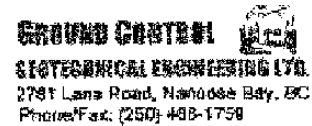
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CLIENT	PETER BOUDREAU & CAROL SMITH
PROJECT	HORNE LAKE - LOTS 50,51,52 & 53

TITLE		LOTS 50 TO 53 2007 DEVELOPMENT PLAN	
APPROVED	SCALE	1:250	
DATE	DATE	DWG #	LOT PLAN 2007
REV #	P2		

File: W:\PBA Staff Temp\roy's files\Horne Lake\LOT PLAN-01.dwg Plot Time: Nov 18, 2007 - 3:15pm User: rjms

**Schedule No. 3
Geotechnical Report**



File: P8C-001
February 26, 2008

Peter Boudreau and Carol Smith
4218 Commerce Circle
Victoria, BC
V8Z 6N6

SUBJECT: GEOTECHNICAL ASSESSMENT AND DESIGN
PROJECT: PROPOSED AND EXISTING RETAINING WALLS
LOCATION: LOTS 50 TO 53, CAVE ROAD, HORNE LAKE, B.C.

Dear Mr. Boudreau and Ms. Smith:

1. INTRODUCTION

- a. As requested, Ground Control Geotechnical Engineering Ltd. (Ground Control) has assessed your existing Lock-Block retaining walls at Lots 51 and 52, and has prepared a design for your proposed new Lock-Block retaining walls on Lots 52 and 53. The purpose of this report is to summarize our findings and recommendations.

2. BACKGROUND

- a. The clients own four adjacent Lots, #50 to #53, on Cave Road adjacent to Horne Lake. The site is currently occupied by a small house on Lot 52. An existing access driveway traverses Lots 51 and 52, and the embankment along the up-slope side of some portions of this driveway is supported by a Lock-Block retaining wall.
- b. We understand that the clients wish to further develop the site by extending the driveway eastward onto Lot 53, which will require the construction of a new Lock-Block retaining wall along the up-slope side of the driveway from Lot 52 onto Lot 53.
- c. A client-prepared plan of existing and proposed structures is attached to this report for the reader's reference.

Geotechnical Report Continued
Page 2 of 5

Retaining Walls
File: PBC-001
February 26, 2008
Page 2 of 5

- d. We understand that as part of the Development Variance Permit application process, the Regional District of Nanaimo has requested:
- i. An assessment of whether the existing retaining wall on lots 51-52 is safe; and
 - ii. Submission of a suitable design for the new retaining wall on Lots 52-53, as well as inspection requirements for construction.

3. EXISTING RETAINING WALL

- a. The existing wall is partially shown in the photos below.



GROUND CONTROL 
GEOTECHNICAL ENGINEERING LTD.

Geotechnical Report Continued
Page 3 of 5

Retaining Walls
File: PBC-001
February 26, 2008
Page 3 of 5

- b. The stability of the existing wall has been assessed and is considered to have a factor of safety of 2.0 against overturning failure and 1.5 against sliding failure for static conditions.
- c. For seismic conditions, this wall is expected to survive a moderate earthquake (ground accelerations up to 0.3g) with acceptable displacements. Predicted peak ground accelerations for a 1 in 475 year seismic event at this site are 0.23g, and accepted practice allows halving these peak values for seismic design of retaining structures. Consequently, effective ground accelerations at this site during are well below the 0.3g threshold.
- d. Based on our analysis, the existing wall is considered safe, where 'safe' is defined as a probability of a geotechnical failure or another substantial geotechnical hazard resulting in property damage of less than 10 percent in 50 years.
- e. If the existing walls are increased in height or if additional soil is piled above/behind them, the walls will no longer meet the definition of 'safe'. Consequently these actions should be avoided.

4. PROPOSED RETAINING WALLS

- a. A suitable design for the proposed retaining walls on Lots 52 and 53 has been previously prepared by Ground Control, and a copy of the design is attached (Drawings 1 and 2).
- b. We recommend that Ground Control be retained to confirm that construction is carried out in accordance with our requirements. Notify Ground Control at least one day before construction commences to schedule inspections.
- c. We recommend that a first inspection be carried out when the granular base for the wall has been prepared and placement of the first row of blocks is underway. This will allow Ground Control to observe the fully exposed cut-face of the embankment, the base conditions supporting the wall, and the block placement methods.

GROUND CONTROL 
GEOTECHNICAL ENGINEERING LTD.

Page 4 of 5

Retaining Walls
File: PBC-001
February 28, 2008
Page 4 of 5

- d. At least one subsequent inspection is recommended, to observe placement of the upper level blocks and confirm that backfilling procedures and materials behind the wall are suitable.
- e. In addition, a complete digital photo-record of the construction should be made, either by the contractor or owner, to fully document all phases of the project, including excavation, benching of the slope, placement and compaction of backfill, drainage installations, and Lock-Block placement. We recommend that photos be e-mailed to Ground Control on an ongoing basis during construction so that any problems or issues are likely to be identified in a timely manner.

5. LIMITATIONS

- a. The Lock-Block retaining walls have been assessed and designed based on a 1 in 475 year return-period earthquake. In order to meet the definition of 'safe' (defined as a probability of a geotechnical failure or another substantial geotechnical hazard resulting in property damage of less than 10 percent in 50 years).
- b. Stakeholders should be aware that earthquakes larger than the designated 1 in 475 year event are possible, although they are relatively unlikely on human time-scales.

6. ADDITIONAL COMMENTS

- a. In the unlikely event of a large earthquake that exceeds the design criteria for the walls, the geotechnical hazards might include toppling or outward sliding of the retaining wall. It appears that this would only impact unoccupied areas of the site (the driveway). It is our understanding that the driveway adjacent to the retaining walls will be used for vehicle passage and parking only and will not be used for activities involving assembly of persons (e.g. residences, sitting areas) and we recommend that this usage pattern be maintained in the future.

Geotechnical Report
Page 5 of 5

Retaining Walls
File: PBC-001
February 26, 2008
Page 5 of 5

7. ACKNOWLEDGEMENTS

- a. Ground Control Geotechnical Engineering Ltd. acknowledges that this report may be requested by Approving Officers and Building Inspectors as a precondition to the issuance of a building permit and that this report, or any conditions contained in this report, may be included in a restrictive covenant filed against the title to the subject property. It is acknowledged that the Approving Officers and Building Officials may rely on this report when making a decision on application for the subdivision or development of the land.
- b. We acknowledge that this report has been prepared solely for, and at the expense of, the owner of the subject land.

8. CLOSURE

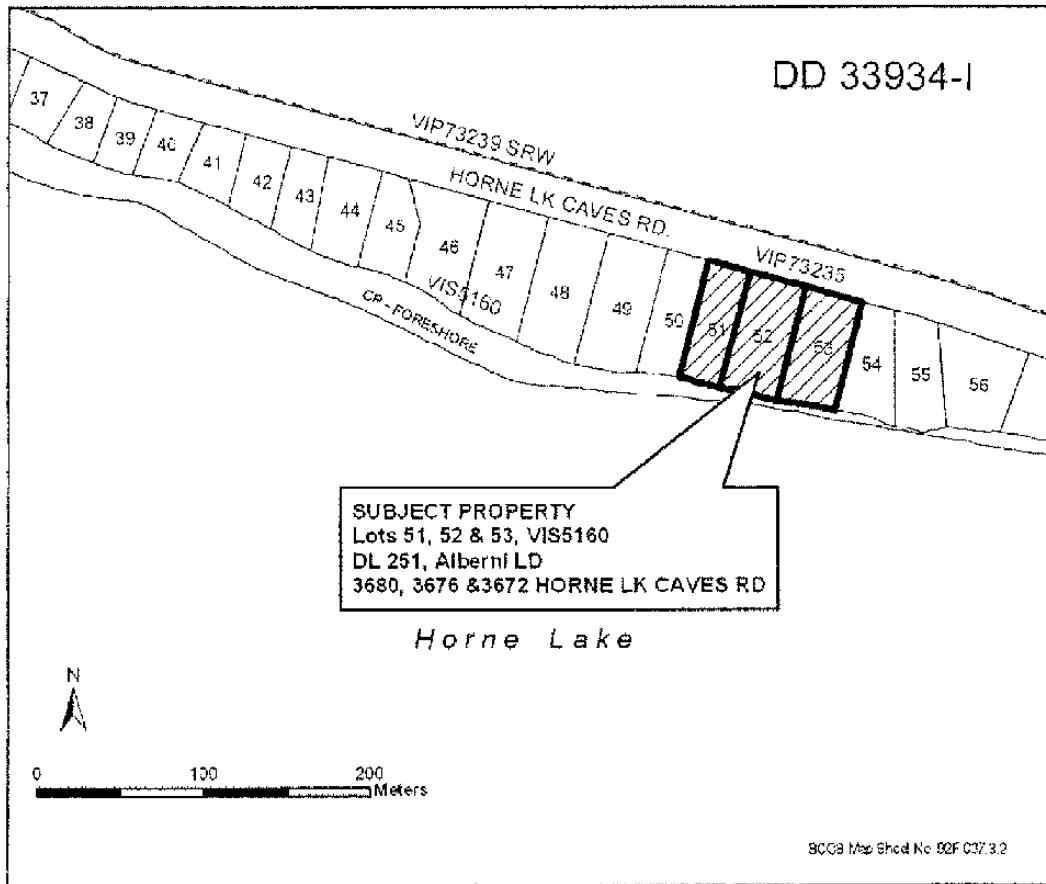
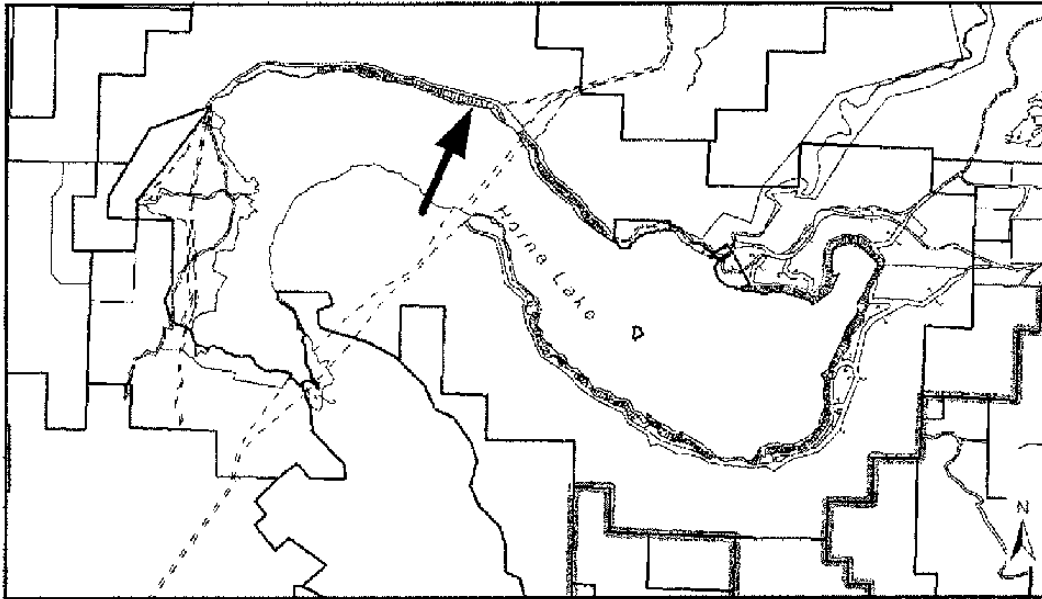
- a. Please feel free to contact the undersigned if you have any questions or additional requirements.

Yours Truly,
Ground Control Geotechnical Engineering Ltd.



Richard McKinley, P. Eng.
Geotechnical Engineer

Attachment No. 1
Location of Subject Property



BCGA Map Sheet No. 02F 037.3.2



CAO APPROVAL	
EAP	✓ March 11th
COW	
FEB 29 2008	
RHD	
BOARD	

MEMORANDUM

TO: Geoff Garbutt
Manager, Current Planning

DATE: February 27, 2008

FROM: Susan Cornie
Senior Planner

FILE: 3060 30 90805
c/r 3320 30 27343

SUBJECT: Development Variance Permit Application No. 90805
Applicant: Fern Road Consulting Ltd., on behalf of P. and S. Carr
Electoral Area 'F', 1021 Koskimo Road

PURPOSE

To consider a Development Variance Permit (DVP) to facilitate a two lot subdivision proposal on property located adjacent to Koskimo Road in Electoral Area 'F'.

BACKGROUND

The applicant's agent has requested that the minimum lot frontage requirement be relaxed for one of the proposed parcels as part of a two-lot subdivision proposal for the property legally described as Lot 35, Block 359, Newcastle District, Plan 41094 and located adjacent to Koskimo Road in the Electoral Area 'F' (see Attachment No. 1 for location of parent parcel).

The subject property is zoned R-2 (Rural Residential 2) pursuant to the "Regional District of Nanaimo Zoning and Subdivision Bylaw No. 1285, 2002". The applicant is proposing to subdivide the parent lot into two lots 1.01 ha each in size (exclusive of the panhandle portion). Both proposed lots will be able to meet the minimum lot size requirement pursuant to Bylaw No. 1285 (see Schedule No. 2 for proposed plan of subdivision).

There is currently one dwelling unit and an accessory building located on Proposed Lot A. Surrounding uses include R-2 (Rural Residential 2) zoned lots to the east and west, Koskimo Road to the north, and the RDN Little Qualicum River Regional Park to the south. There is a steep bank located on the park land which slopes away from the parent parcel. The top of this bank generally runs along the south lot line of the parent parcel.

The parent lot is designated within the Fish Habitat Protection Development Permit Area (DPA) pursuant to the Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999. As the exemption provisions of the DPA will be able to be met, a development permit is not required.

There is a section 215 covenant registered on title which restricts the location of buildings or structures within 10 metres of the top of bank.

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

The parent lot is situated outside an RDN Building Services Area.

Proposed Variance

Proposed Lot A, as shown on the plan of subdivision submitted by the applicant, will not be able to meet the minimum lot frontage requirement pursuant to section 4.14.3c) of Bylaw No. 1285. The requested variance to the minimum frontage requirement is as follows:

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>
A	40.0 m	21.1 m

ALTERNATIVES

1. To approve Development Variance Permit Application No. 90805, as submitted, subject to the conditions outlined in Schedules No. 1 and 2.
2. To deny the development variance permit as submitted.

DEVELOPMENT IMPLICATIONS***Lot Configuration Implications***

As Proposed Lot A (panhandle lot) already supports the intended residential use, the proposed lot has an established building site area. With respect to residential density, the proposed lots would be permitted a maximum of one dwelling unit per lot. The reduced frontage will create a lot which reflects the minimum parcel size in the OCP for the area and the configuration is not expected to result in impacts on adjacent properties

Ministry of Transportation staff has indicated that they will support this request for relaxation of the minimum lot frontage requirement for proposed Lot A.

It is noted that the proposed lot configuration will not further impact the adjacent regional park and the steep bank as there will be no additional lots created adjacent to the park land.

Drainage Implications

Due to the location of the park land and the steep river bank within the park land, staff was concerned that the proposed subdivision would negatively impact the park land in terms of storm water run off. As a result of this concern, the applicants' geotechnical engineer reviewed the site and determined that buildings and structures should be located a minimum of 30 metres from the top of the slope (existing buildings are greater than 30 metres from the top of the bank). The report also recommends that practices that introduce groundwater into the ground, such as landscape watering and storm water discharges should not be installed within 30 metres of the slope crest. It is recommended that these restrictions be included as conditions of approval. In order to ensure that the 30 metre setback area will not be encroached, it is also recommended that the applicant be required to clearly delineate the 30 metre setback area. As this measurement is from the top of the bank, this demarcation should be completed by a BCLS.

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. In addition to the RDN's concerns for potential drainage into the adjacent park land, as part of the subdivision review process, the Regional Approving Officer will also 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'.

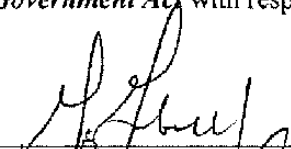
SUMMARY

This is a development variance permit application to relax the minimum lot frontage requirement for one of the proposed lots as part of a two-lot subdivision proposal for property located adjacent to Koskimo Road in Electoral Area 'F'. The requested variance is outlined in *Schedule No. 2* of this report. Despite the proposed narrower frontage, the lot will continue to support the dwelling unit as permitted in the R-2 zone. The Ministry of Transportation staff has verbally indicated they have no objection to the request for relaxation of the frontage requirement. The submitted geotechnical evaluation supports protection of the river bank (located within the RDN Little Qualicum River Regional Park) by recommending all buildings and structures and drainage be located a minimum of 30 metres from the top of the bank.

Given that there is sufficient area for the continued residential use on the proposed panhandle lot, that the applicants' geotechnical engineer has provided recommendations to ensure protection of the adjacent regional park land, and as the Ministry of Transportation staff has no objection to this request; staff recommends approval of Development Permit No. 90805 subject to the conditions set out in Schedules No. 1 and 2 and to the notification procedures pursuant to the *Local Government Act*.

RECOMMENDATION

That Development Permit Application No. 90805 submitted by Fern Road Consulting Ltd., on behalf of Peter and Sandra Carr, in conjunction with the subdivision on the parcel legally described as Lot 35, Block 359, Newcastle District, Plan 41094, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report and to the notification requirements pursuant to the *Local Government Act* with respect to the proposed variance.



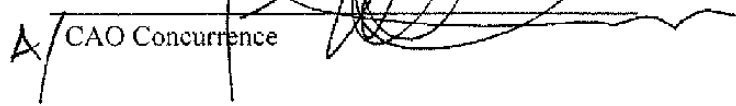
Report Writer



Manager



General Manager Concurrence



CAO Concurrence

COMMENTS:
Folio No. 769.012266.135

Schedule No. '1'
Development Variance Permit No. 90805
Conditions of Approval / Requested Variance

Conditions of Approval:

The following sets out the conditions of approval:

1. Subdivision

- a. The subdivision of the lands shall be in substantial compliance with Schedule No. '2' (to be attached to and forming part of DVP 90805).
- b. Applicant to construct a potable water well for each proposed lot with proof of these wells provided to the Regional District of Nanaimo.

2. 30 Metre Setback Area From Top of Bank

- a. The recommendations set out in Part 6 of the Geotechnical Hazards Assessment dated September 18, 2007 and the Follow-up Geotechnical Hazards Assessment dated February 12, 2008 both prepared by Ground Control Geotechnical Engineering Ltd. (to be attached to and forming part of this development variance permit) shall be followed as time of subdivision and at time of any other future development or construction.
- b. Applicant's geotechnical engineer to provide written confirmation to the Regional District of Nanaimo that the recommendations have been followed as part of the subdivision development of the site.
- c. The applicants' BCLS shall clearly delineate the 30-metre setback area from the top of the bank at intervals not less than 10 metres apart as outlined in the Geotechnical Hazards Assessment dated September 18, 2007 and the Follow-up Geotechnical Hazards Assessment dated February 12, 2008 both prepared by Ground Control Geotechnical Engineering Ltd. to the satisfaction of the Regional District of Nanaimo.

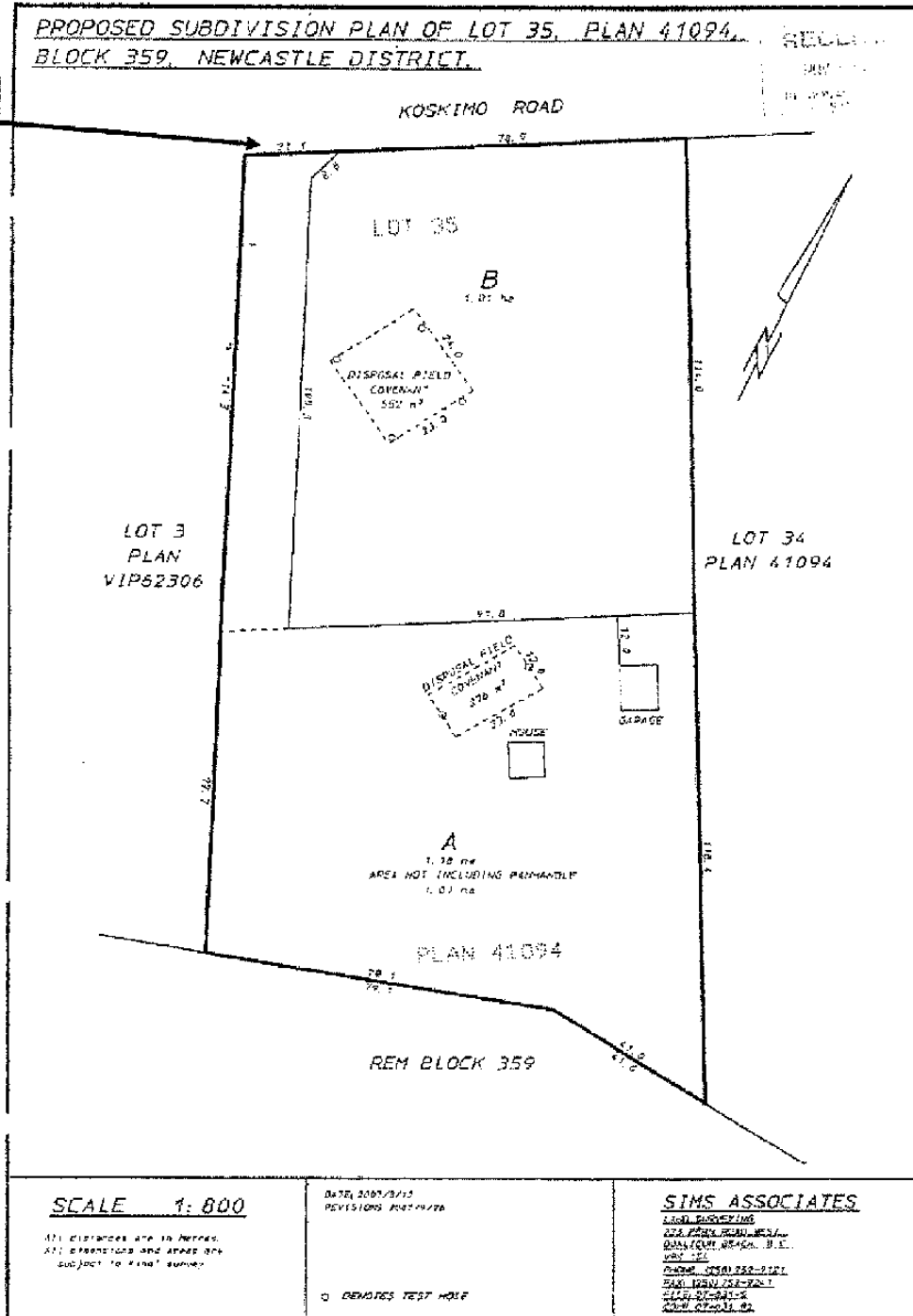
Requested Variance:

With respect to the lands, the Regional District of Nanaimo Zoning and Subdivision Bylaw No. 1285, 2002, is varied as follows:

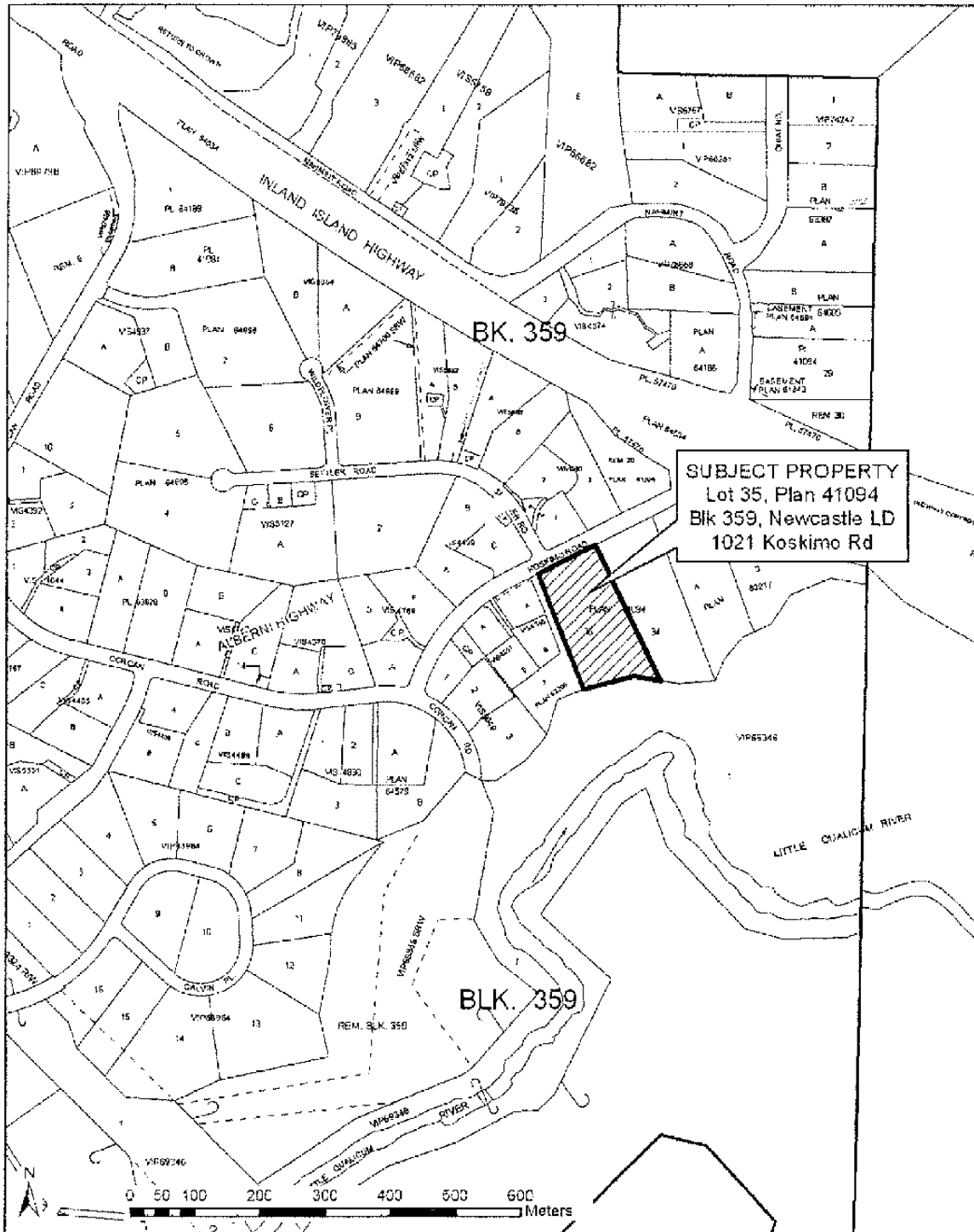
1. Pursuant to section 4.14.3c) the minimum lot frontage is reduced from 40 metres to 21.1 metres for Proposed Lot A as shown on the plan of subdivision on Schedule No. '2'.

Schedule No. '2'
 Development Variance Permit No. 90805
 Proposed Plan of Subdivision

Proposed variance from 40 metres to 21.1 metres for proposed frontage of Lot A



Attachment No. 1
Location of Subject Property
Development Variance Permit No. 90805



BCGS MAP SHEET NO. 92F-033,1,4