

REGIONAL DISTRICT OF NANAIMO
ELECTORAL AREA PLANNING COMMITTEE
TUESDAY, NOVEMBER 9, 2010
6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

- 3 **Linda Addison**, re OCP Amendment to Support Zoning Amendment Application No. PL2009-778 – Addison – 2610 Myles Lake Road – Area ‘C’.

MINUTES

- 4 - 6 Minutes of the regular Electoral Area Planning Committee meeting held October 12, 2010.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

UNFINISHED BUSINESS

PLANNING

AMENDMENT APPLICATIONS

- 7 - 39 Bylaw No. 1148.07 - OCP Amendment to Support Zoning Amendment Application No. PL2009-778 – Addison – 2610 Myles Lake Road – Area ‘C’.
- 40 - 47 Bylaw No. 500.364 to Support Zoning Amendment Application No. 2010-031 – Peter Mason Land Surveying – 1120 Keith Road – Area ‘H’.

DEVELOPMENT PERMIT APPLICATIONS

- 48 - 53 Development Permit Application No. PL2010-201 with Frontage Relaxation – JE Anderson & Associates – 3175 & 3185 Farrar Road – Area ‘A’.

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

- 54 - 61 Development Permit with Variances Application No. PL2010-102 – Sims – 664
Johnstone Road – Area ‘G’.
- 62 - 72 Development Permit with Variances Application No. PL2010-175 – Allen –
2628 Andover Road - Area ‘E’.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 73 – 79 Development Variance Permit Application No. PL2010-182 – Belveal – 475
MacKenzie Road – Area ‘H’.
- 80 - 86 Development Variance Permit Application No. PL2010-192 – Fern Road
Consulting Ltd. – Shetland Place – Area ‘E’.
- 87 - 95 Development Variance Permit Application No. PL2010-193 – Fern Road
Consulting Ltd - 3816 Island Highway West - Area ‘G’.
- 96 - 103 Development Variance Permit Application No. PL2010-200 – Telford – 2358 &
2364 Pylades Drive - Area ‘A’.

OTHER

- 104 - 112 Consideration of Park Land Dedication and/or Cash-in-Lieu of Park Land on
Subdivision Application No. PL2009-154 – Fern Road Consulting Ltd. – 1031
Lowry’s Road – Area ‘G’.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

ADJOURNMENT

IN CAMERA

Armstrong, Jane

From: Linda Addison [addisoncl@shaw.ca]
Sent: November 1, 2010 11:45 PM
To: Armstrong, Jane
Subject: Delegation Request

To: Jane Armstrong, Legistaltive Coordinator, Corporate Services
Regional District of Nanaimo

Good Morning Jane,

I would like to request to appear as a delegation at the Electoral Area Planning Commission meeting on Tuesday, November 9, 2010. I will be speaking to our application for 2610 Myles Lake Rd. It is my understanding that our application to amend the Area 'C' Official Community Plan will be on this agenda.

Thank you

Linda Addison
2610 Myles Lake Rd.
Nanaimo, B.C.
250-753-3650

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, OCTOBER 12, 2010, AT 6:30 PM
IN THE RDN BOARD CHAMBERS**

Present:

Director D. Bartram	Chairperson
Director J. Burnett	Electoral Area A
Director M. Young	Electoral Area C
Alternate	
Director F. Van Eynde	Electoral Area E
Director L. Biggemann	Electoral Area F
Alternate	
Director L. Derkach	Electoral Area G

Also in Attendance:

P. Thorkelsson	A/C Chief Administrative Officer
M. Pearse	Senior Manager, Corporate Administration
D. Lindsay	Manager, Current Planning
P. Thompson	Manager, Long Range Planning
N. Hewitt	Recording Secretary

DELEGATIONS

Linda Addison, re OCP Amendment to Support Zoning Amendment Application No. PL2009-778 – Addison – 2610 Myles Lake Road – Area ‘C’.

Ms. Addison requested that this application be deferred to the November 9, 2010 Electoral Area Planning Committee.

Ken Woodward, re Community Concerns Regarding Possible Closure of Boat Launch Facility at Schooner Cove Marina.

Mr. Woodward spoke in support of the retention of the boat launch facility at the Schooner Cove Marina.

MINUTES

MOVED Director Burnett, SECONDED Director Van Eynde, that the minutes of the regular Electoral Area Planning Committee meeting held September 14, 2010 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Linda Addison, re OCP Amendment to Support Zoning Amendment Application No. PL2009-778 – Addison – 2610 Myles Lake Road – Area ‘C’

MOVED Director Burnett, SECONDED Director Young, that the correspondence from Linda Addison be received.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

OCP Amendment to Support Zoning Amendment Application No. PL2009-778 – Addison – 2610 Myles Lake Road – Area ‘C’.

MOVED Director Young, SECONDED Director Burnett, that this application be deferred to the November 9, 2010 Electoral Area Planning Committee.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. PL2010-164 – Empey – 2618 East Side Road – Area ‘H’.

MOVED Director Burnett, SECONDED Director Young, that the 4th paragraph in Schedule No. 1 be deleted.

CARRIED

MOVED Director Burnett, SECONDED Director Van Eynde, that Development Permit Application No. PL2010-164, to permit fill to be placed within 15 metres of the natural boundary of Horne Lake, be approved pursuant and subject to the conditions outlined in revised Schedules No. 1 – 3, as amended.

CARRIED

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

Development Permit with Variances Application No. PL2010-109 – Fern Road Consulting Ltd. – Mariner Way – Area ‘G’.

MOVED Director Derkach, SECONDED Director Biggemann, that staff be directed to complete the required notification.

CARRIED

MOVED Director Derkach, SECONDED Director Biggemann, that the request to vary the minimum setback from the interior side lot line be denied.

CARRIED

MOVED Director Derkach, SECONDED Director Biggemann, that Development Permit with Variance and Site Specific Exemption Application No. PL2010-109 to permit the construction of a dwelling unit with a variance to the height be approved subject to the conditions outlined in Schedules No. 1- 3.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. PL2010-173 – JE Anderson & Associates – 2257 & 2291 Yellow Point Road – Area ‘A’.

MOVED Director Burnett, SECONDED Director Young, that staff be directed to complete the required notification.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that Development Variance Permit Application No. PL2010-173 to relax the minimum setback requirements for nine existing greenhouses be approved subject to the conditions outlined in Schedule No. 1.

CARRIED

Development Variance Permit Application No. PL2010-188 – Fern Road Consulting Ltd. – 1969 Seahaven Road – Area ‘E’.

MOVED Director Van Eynde, SECONDED Director Derkach, that staff be directed to complete the required notification.

CARRIED

MOVED Director Van Eynde, SECONDED Director Derkach, that Development Variance Permit Application No. PL2010-188 to permit the construction of a dwelling unit with height and setback variances be approved subject to the conditions outlined in Schedules No. 1- 3.

CARRIED

OTHER

Request for Frontage Relaxation on Subdivision Application No. PL2010-141 – JE Anderson & Associates – 1954 & 1984 Shasta Road – Area ‘A’.

MOVED Director Burnett, SECONDED Director Van Eynde, that the request to relax the minimum 10% perimeter frontage requirements for proposed Lot 1 be approved.

CARRIED

ADJOURNMENT

MOVED Director Van Eynde, SECONDED Director Young, that this meeting terminate.

CARRIED

TIME: 6:45 PM

CHAIRPERSON



CAO APPROVAL		DM
EAP	✓	7 Oct 7 10
COW		
RHD		
BOARD		

MEMORANDUM

TO: Paul Thompson
 Manager of Long Range Planning

DATE: October 26, 2010

FROM: Stephen Boogaards
 Planner

FILE: PL2009-778 AA

SUBJECT: Arrowsmith Benson – Cranberry Bright Official Community Plan Amendment
 OCP & Zoning Amendment Application PL2009-778 AA
 2610 Myles Lake Road
 Electoral Area ‘C’

PURPOSE

To consider an application to amend the Arrowsmith Benson – Cranberry Bright Official Community Plan (OCP) in conjunction with an amendment to the Regional Growth Strategy (RGS) to re-designate the subject property from the Resource designation to the Rural designation to permit rezoning and subsequent subdivision of four lots.

BACKGROUND

An amendment application was received in 2006 by the Planning Department for a property located on 2610 Myles Lake Road in Area ‘C’ (*property map included as Attachment 1*). The application was made to amend the OCP and zoning bylaw to allow for the subdivision of the subject property into four lots with a minimum parcel size of 2 ha (*proposed subdivision included as Attachment 2*). Currently, the subject property is designated for a minimum parcel size of 50 ha in the OCP and is zoned for a 50 ha minimum parcel size in Bylaw 500. The proposal is to change the OCP designation from Resource to Rural and then amend the zoning bylaw from Rural 6V to Rural 6D.

Following the adoption of the Arrowsmith Benson – Cranberry Bright OCP in 1999, an implementation bylaw was adopted to rezone to 50 ha all properties within Area ‘C’ that were in the Forest Land Reserve (FLR). The adoption of the current RGS in 2003 does not allow for a change to the OCP or zoning bylaw without first amending the RGS. Policy 3A of the RGS requires that the minimum parcel size on lands designated as Resource Lands and Open Space or Rural Residential not be reduced below the minimum parcel size in place at the date of adoption of the RGS.

For the OCP and zoning amendment to proceed, the RGS must be amended to acknowledge that the property is exempted from Policy 3A. The RGS designation must also be changed from Resource Land and Open Space to Rural Residential. The RDN Board originally considered the amendment request in 2006 and resolved to hold the application in abeyance until the completion of the RGS Review. In 2009 the applicant requested that the Board reconsider its decision due to the time taken for the completion of the RGS review. The Electoral Area Planning Committee recommended that the Board consider the application to amend the RGS. At its May 2010 meeting the RDN Board decided to consider the application as a site specific amendment.

ALTERNATIVES

1. That 1st and 2nd reading be approved on the application to amend the OCP by re-designating the subject property from Resource to Rural.
2. That the application to amend the OCP be denied and not proceed with the RGS amendment.

FINANCIAL IMPLICATIONS

The Electoral Area Planning Committee has consented to sponsoring the application to the RGS. This means that all staff time, consultation, legal and process expenditures specifically for the RGS amendment will be incurred by the RDN. Application fees for the OCP and zoning bylaw will cover part of the fees for staff time and public consultation, since much of the public engagement for the RGS and OCP bylaws will occur concurrently. The zoning bylaw may be initiated at any time, though adoption must not occur prior to the OCP bylaw amendment.

LAND USE IMPLICATIONS

Process Implications

Prior to the adoption of the OCP bylaw, the RGS amendment must be accepted by each affected local government and adopted by the Regional Board. The RGS amendment is required to allow an exception to Policy 3A, stating that the policy does not apply to the subject property. If the OCP bylaw receives 1st and 2nd reading, it will be referred to the RDN's Intergovernmental Advisory Committee and Sustainability Select Committee.

The Intergovernmental Advisory Committee will review the application in relation to the regional sustainability goals of the RGS and report back to the councils for each municipality who must accept the RGS amendment bylaw. Adjacent regional districts have already been contacted, but will be advised of their role in accepting or rejecting the proposed bylaw and its implications. The timeline for the Regional Board consideration of 1st and 2nd reading for the RGS amendment is in January after the Intergovernmental Advisory Committee and the Sustainability Select Committee have both had an opportunity to review the application and make recommendations.

Growth Management Implications

The growth management implications of this application have been outlined in detail in previous reports to the EAPC and RDN Board. In summary, the proposed subdivision would conflict with most goals of the RGS since it is increasing the density outside of the designated Urban Containment Boundary (UCB). Maintaining large lot sizes is deemed to be beneficial to minimizing the disturbance of sensitive ecosystems and wildlife corridors, reducing the conflict between resource and residential lands and directing growth into existing urban areas where services exist. The only designation in the RGS that supports a decrease in minimum parcel size is Urban Areas located within the UCB in order to support nodal development and complete compact communities.

Official Community Plan Implications

The proposal is to amend the OCP land use designation on the property from Resource to Rural which would allow for the change in the minimum parcel size from 50 ha to 2 ha. The intention of the 50 ha

parcel size is to maintain resource lands as open space and to reduce the amount of suburban forms of housing possible outside of the designated growth centres. Amending the OCP to permit the 2 ha lots will conflict with the RGS goals meant to encourage new development in designated areas. If approved the number of lots will still be limited to the permitted density under the Rural designation.

Development Implications

As a condition of the rezoning, the applicants should be required to submit technical information to support the development of the site as proposed. In particular, one of the concerns to address will be how the proposed development and trail will affect the ecosystem and water regimes of Blind Lake with recommended measures for ecosystem protection and mitigation of impacts. A concern was expressed by the Ministry of the Environment (MOE) and the Stz'uminus First Nation that the development as proposed would degrade the lake ecosystem. The recommendations of the Ministry of the Environment are that the RDN ensure that the subdivision complies with the provincial environmental guidelines, reduce impervious surfaces and establish minimum tree retention policies. The MOE recommendations include preparation of a biological assessment that is then registered as a covenant on the property prior to rezoning approval. This is consistent with Board policy. The applicants may also be required to submit further reports for safety or on-site servicing prior to the adoption of the zoning amendment.

If the application was to receive the RGS and OCP amendment, the development potential of the lot would be limited by policies of the Rural land use designation in the OCP and the land use zoning. Under the OCP designation the lots may have a minimum parcel size of 2 ha and one dwelling unit per new lot created after the adoption of the OCP in 1999.

Based on the correspondence received from MOE, the proposed trail may not be appropriately located. Accessing Heather Way Park from Myles Lake Road may be impossible without damaging the sensitive wetland at the northwest end of Blind Lake. The correspondence explains that fill used to establish the wetland crossing will permanently destroy the wetland and affect the biodiversity of the entire lake. If the Board does decide to proceed with the application then the parkland dedication may need to be revised prior to approval of the zoning bylaw to address such outstanding concerns.

Sustainability Implications

The proposed subdivision contrasts with the intent of RGS goals for 'urban containment' and to maintain 'rural integrity', by perpetuating urban sprawl and automobile dependent forms of development. If approved, the application will also set a precedent for consideration of similar properties that were designated with a 50 ha minimum parcel size to revert back to previous zoning. Interest has been expressed by many property owners in similar circumstances that would like their property included as an amendment to the RGS. Allowing this subdivision may impede rural integrity objectives to halt the suburbanisation of rural lands. Allowing the subdivision also contradicts the RGS goal for 'nodal development', by permitting growth to occur outside of the Extension Village Centre boundaries. Growth in the rural areas detracts from efforts to establish healthy and functioning complete communities.

Intergovernmental Implications

As part the initial phase of the consultation plan for the RGS amendment application, the RDN has sent early referrals to both local governments who must accept the amendment prior to adoption and to other government agencies who may be affected by the amendment. The responses to the agency referral are included as *Attachment 3*. Initial staff responses received from two of the affected local governments suggest that they do not support the proposed change to the RGS. Responses to the initial referrals received are:

Sliammon First Nation – Though within their traditional territories, the Sliammon defers responsibility for responding to the referral to the Vancouver Island Bands.

District of Lantzville – That the Council has no objection at this time to the RGS amendment.

Alberni-Clayoquot Regional District – Reported that the regional district is unaffected by the RGS amendment.

Stz'uminus First Nation – Staff have stated that they will not support the proposal as submitted and prefer that the RDN maintain the existing regulations on the property. The Stz'uminus recommends that if the amendment does proceed then the subdivision should be set back from the lake significantly. The recommendation is that there also be a wildlife corridor be designated along the lake. This should not be available for public use. The RDN must consider whether further consultation with the Stz'uminus is required and also whether their interests can be accommodated. Should the OCP and RGS amendments be approved, the concern about development around Blind Lake could be addressed during the rezoning and/or subdivision process.

Ministry of the Environment – Ministry staff indicated that they do not recommend the approval of the development of 2 ha lots and the pedestrian pathway as it will permanently alter the water intake and species composition of the lake. The Ministry does provide recommendations that the development minimize environmental damage according to provincial guidelines and maintain water infiltration if the project is approved by the Board.

K'omoks First Nation – Chose not to comment on the application as the subject property is not within the traditional territory of the K'omoks First Nation.

City of Nanaimo – City staff do not support the proposed amendment to the RGS and its comments reinforce the original goal of the RGS, that density is not increased beyond what was supported by the Electoral Area OCPs in 2003. Comments also identify that the amendment does not achieve the region's growth management or sustainability goals. This includes compromising the achievement of more sustainable development patterns possible when growth is directed into the Urban Containment Boundaries.

Town of Qualicum Beach – Staff does not support the proposed amendment to the RGS as it will depreciate the long term vision for the region, establish precedence for further amendments to the RGS and is contrary to Policy 3A of the RGS.

Cowichan Valley Regional District – Reported that the regional district declines to comment on the application.

Public Consultation Implications

A Public Information Meeting for the application was held on Thursday September 9, 2010 at Extension Community Hall. The meeting was intended to address each of the RGS, OCP and zoning amendments. However, another meeting may be required at the time of rezoning if deemed necessary. Notification was included in both the Nanaimo News Bulletin and the Parksville Qualicum News due to the regional implications of the RGS amendment. Property owners within 200 metres of the subject property were also mailed a notice for the meeting. Twenty two people attended the information meeting and provided comments with respect to the proposal (*see Attachment No. 4 'Proceedings of the Public Information Meeting'*).

Proceedings at the meeting included expressions of support for the project by local residents who requested that their names be included in the minutes to show support for the project. Concern by some attending the meeting would be that the amendment may establish precedence for the RDN to consider similar other amendments to the RGS. Specific concern was in regards to large land owners such as forestry companies. It was clarified at the meeting that any land owner seeking to follow a similar process first must receive the consent of the Regional Board, similar to the application for the subject property.

CONCLUSIONS

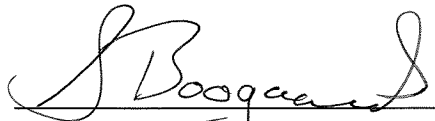
The Board at its May 2010 meeting approved consideration of an OCP and rezoning application for a four lot subdivision that requires an amendment to the RGS. The proposal is to amend the OCP land use designation from Resource to Rural and the zoning bylaw from subdivision district 'V' to subdivision district 'D'. This would decrease the minimum parcel size on the subject property from 50 hectares to two hectares. Prior to the adoption of these bylaws the RGS must also be amended, specifically to provide exception to Policy 3A which restricts new subdivisions on resource lands and change the land use designation from Resource Lands and Open Space to Rural Residential.


Staff believe that allowing the subdivision to proceed may establish precedence for similar requests to amend the RGS. Though the individual subdivision may not have a substantial impact on growth management goals, giving equitable consideration to other RGS amendment requests will significantly compromise these goals. The RGS has never been amended for an application of this type since its inception. Encouraging growth in designated areas helps maintain growth management goals to promote more efficient use of land by creating population thresholds necessary for public and private services, reducing automobile trips, using infrastructure more efficiently and preserving rural lands for open space. As has been recorded in earlier reports, based on established regulations and policy, staff do not support this amendment to the OCP and RGS.

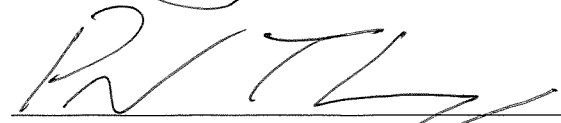
If the Board does grant the OCP bylaw 1st and 2nd reading, the bylaw will be forwarded to member municipalities and adjacent regional districts for their comments on the proposed bylaw amendments. Early staff responses from two of the member municipalities indicate that they do not support the amendment to the RGS. Feedback from the local governments through the Intergovernmental Advisory Committee and the Sustainability Select Committee will inform the recommendation made to the RDN Board when it considers the RGS amendment for 1st and 2nd reading early in 2011.

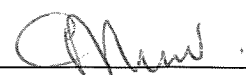
RECOMMENDATION

1. That the application to amend the OCP be denied and not proceed with the RGS amendment.

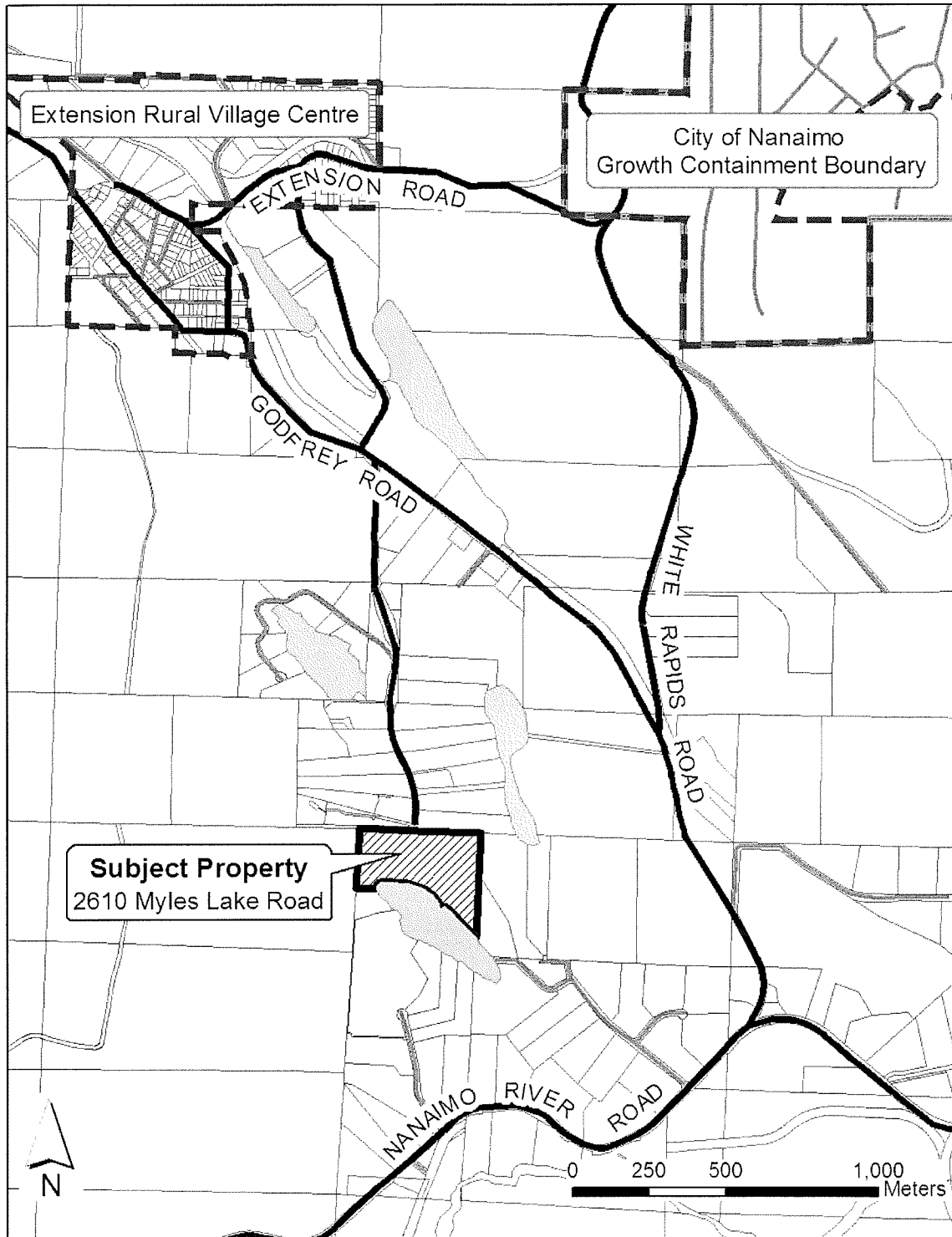

Report Writer


General Manager Concurrence

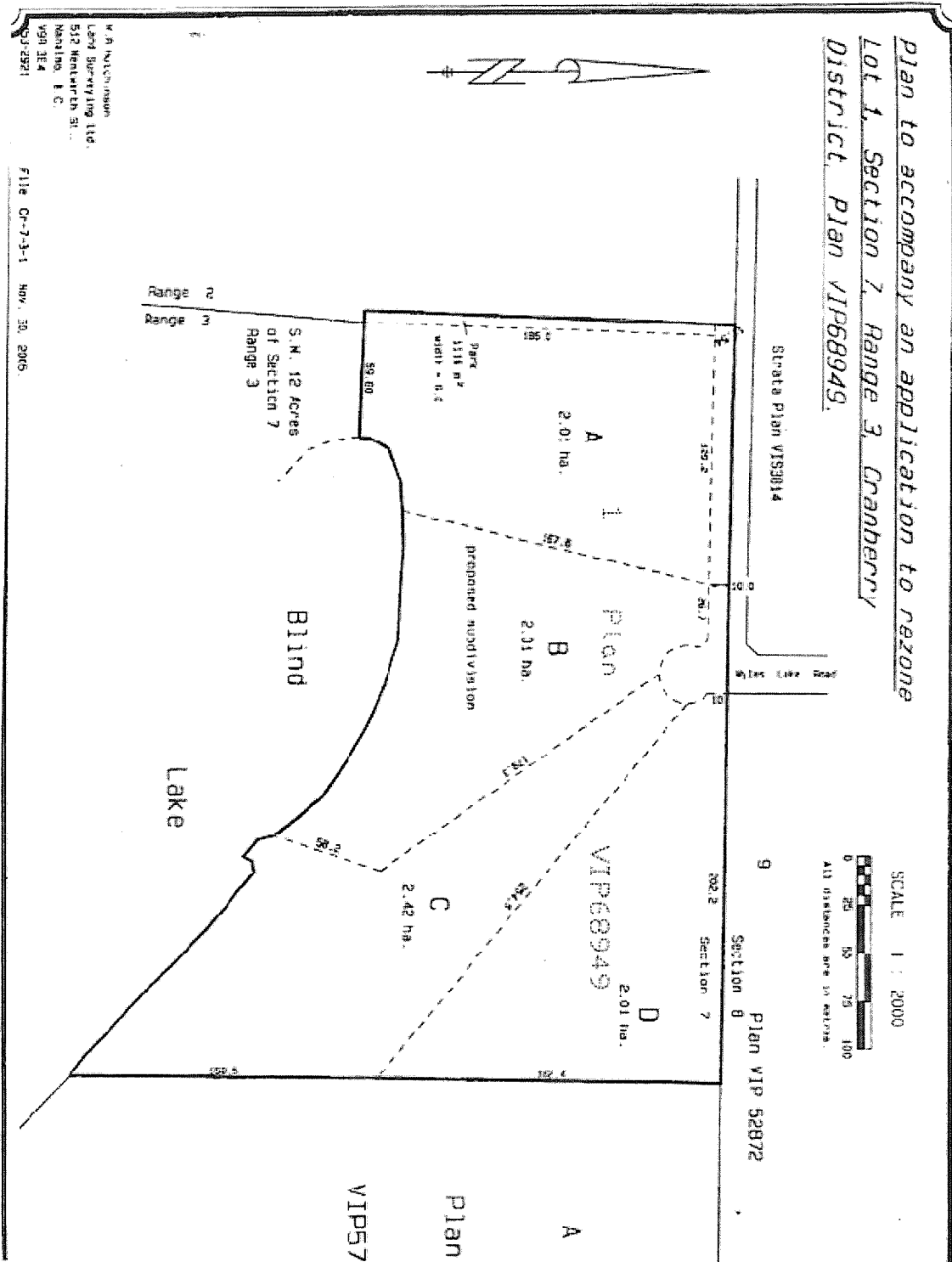

Manager Concurrence


CAO Concurrence

Attachment No. 1
Location of Subject Property



Attachment No. 2
 Proposed Subdivision Plan



**Attachment No. 3
Responses Received from Initial Agency Referral**

07/14/2010 WED 10:23 FAX 604 483 9645 Tla'amin Timber Products

001/001

Sliammon First Nation

Tla'Amin Timber Products Ltd.
RR#2, Sliammon Road, Powell River, B.C. V8A 4Z3
Phone (604) 483 9696 / Fax (604) 483 9645



July 14, 2010

Via Fax: (250) 390-4163

Dear Paul Thompson:

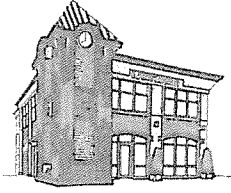
Re: Application for Permit File: PL2009-778 ZA0604 Regional Growth Strategy
Amendment Application

Please note that the Sliammon First Nation hereby defers the responsibility of responding to, identifying and resolving issues (including archaeological) related to the referral noted above, to the Vancouver Island Bands.

This area is under Sliammon protected areas vision, and it is identified as a resource stewardship zone. This is still in the draft stages with the four nations process.

If you have any questions, please feel free to call me at the number below, (604) 483-9696 ext. 224 or email craig.galligos@sliammon.bc.ca

Craig Galligos, Sliammon First Nation, Crown Land Referrals Manager

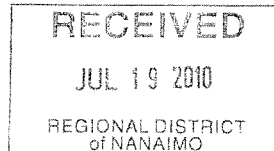


District of Lantzville

Incorporated June 2003

July 14th, 2010

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



Attention: Mr. Paul Thompson, Manager

Dear Mr. Thompson

**Re: Regional Growth Strategy Amendment Application
2610 Myles Lake Road, Electoral Area 'C'**

Further to your letter dated June 23rd, 2010, regarding the above-noted RGS amendment application, I wish to advise that Council considered this application at its Regular Meeting held Monday, July 12th, 2010, and passed the following motion:

C-121-10 **MOVED** and **SECONDED** that Council direct staff to advise the Regional District of Nanaimo that the District of Lantzville has no objection at this time to the Regional Growth Strategy Amendment Application for Lot 1, Section 7, Range 3, Cranberry District, Plan VIP68949, 2610 Myles Lake Road. **CARRIED**

Yours truly

Donna Smith
Deputy Director of Corporate Administration
District of Lantzville

Files: 6530-60
G: corr/10/rdn_thompson_rgsmend_2610 Myles Lake Rd
C: T. Graff, CAO

Phone: (250) 390-4006 • Fax: (250) 390-5188
Email: district@lantzville.ca • Website: www.lantzville.ca
P.O. Box 100, 7192 Lantzville Road, Lantzville, B.C. V0R 2H0

2010 Jul 20 4:25PM ALBERNI-CLAYOQUOT REG DIS 2507231327

p.2



ALBERNI-CLAYOQUOT
REGIONAL DISTRICT

3008 Fifth Avenue, Port Alberni, B.C. CANADA V9Y 2E3

Telephone (250) 720-2700 FAX: (250) 723-1327

July 20, 2010

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

Re: Regional Growth Strategy Amendment Application Referral for Lot 1, Section 7, Range 3, Cranberry District, Plan VIP68949 – 2610 Myles Lake Road, Electoral Area 'C' – Linda & George Addison

Your referral was reviewed by our Board of Directors at our Committee-of-the-Whole meeting held on July 14, 2010. The Alberni-Clayoquot Regional District's interests are unaffected by the proposed Regional Growth Strategy Amendment. Please contact our planning department if you have any further questions.

Sincerely,



Mike Irg
Manager of Planning and Development



THUY'SHE'NUM PROPERTY MANAGEMENT LP.
12605 TRANS CANADA HIGHWAY, LADYSMITH, BC V9G 1M5
250-924-2444 FAX 250-924-2445

RECEIVED
AUG 03 2010
REGIONAL DISTRICT
of NANAIMO

July 23, 2010

Regional District of Nanaimo
Attn: Paul Thompson, Manager
Long Range Planning
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

Dear Mr. Thompson;

RE: your referral PL2009-778 AZ 0604 -- Regional Growth Strategy Amendment Application
Lot 1, Section 7, Range 3, Cranberry Bright District, Plan VIP68949
2610 Myles Lake Road, Electoral Area 'C'
Applicants: Addison, Linda and George

Thuy'she'num Property Management LP., an incorporated entity of the Stz'uminus (Chemainus) First Nation, is in receipt of your referral described above. We bring to your attention that you have not provided information necessary to conduct an aboriginal title and rights assessment.

We wish to advise you that our understanding is this area is *fully within* our core title and rights area of interest. However, the nature and character of our title and rights must be confirmed via a Traditional Use and Occupancy Study and we are willing to commit to this study if your applicant is willing to provide sufficient funding. If your applicant is not willing to fund such a study, then we must maintain existing and unextinguished interests at the site and given its locale these interests include a strong *prima facie* title interest.

The applicant is proposing to create a four lot subdivision with a minimum parcel size of 2 ha from the 8.71 ha property. As a component of the application, pedestrian access to an adjacent park will be designated. We bring to your attention; the maps provided do not clearly indicate where the park is located relative to the parcel. We also note the parcel connects to a significant portion of the northern end of Blind Lake and the parcels of the proposed subdivision will all but one front the lake itself.


The comments of the Stz'uminus First Nation are as follows:

1. We will not support this proposal as it is submitted. Our preference is for the Regional District of Nanaimo to maintain the current zoning and not encourage or permit subdivisions outside of the set containment boundaries in this area.
2. If the proposal must proceed and we remind you that the courts have stated that the first duty of the Crown (government) is to avoid impacts to First Nations title and rights interests, the next duty of the Crown *if and only if the project must proceed*, is to mitigate to the greatest extent possible. However, if the project must proceed, then we expect the subdivision parcels to be set back from the lake significantly, such that no private parcel connects to the lake.
3. As well we expect a wildlife corridor designated or covenanted and not a pedestrian or public access way, surrounding the lake. Our preference is for this wildlife corridor to be set at a number of metres to be determined back from the shoreline, but sufficiently that wildlife will not feel or be harassed.

Our concerns are to protect the lake and its wildlife and habitat attributes - staples of Stz'uminus culture, title and rights - to continue to be maintained in perpetuity.

Finally, there may be other matters that would need to be reviewed, without appropriate studies for wildlife, habitat and environment, this letter forms only our preliminary comments and expresses very high level concerns. However, we are willing to discuss suitable opportunities for accommodation of Stz'uminus title and rights interests and we look forward to reviewing these reports. We would like to hear from your staff about this project and encourage you to contact Kathleen Johnnie, Referrals Impact Assessment Consultant at 250-924-2444. To facilitate communications, as Kathleen is at the office on a sporadic schedule, we provide the following emails: referrals@coastsalishdevcorp.com or outside the office kathleen.johnnie@smartraven.com.

Sincerely,



Ray R. Gauthier
Chief Executive Officer

From: Henigman, Margaret ENV:EX [mailto:Margaret.Henigman@gov.bc.ca]
Sent: Tuesday, July 13, 2010 2:09 PM
To: Thompson, Paul
Cc: Barr, Brenda M ENV:EX
Subject: Blind Lake rezone referral

I've taken a look at the subject rezone for Blind lake in Extension. There are two Sensitive Ecosystem polygons on Blind Lake, one at each end. One wetland polygon lies on the south end and one at the north end, on proposed Lot A. I have an enquiry in to our Victoria office to establish if these polygons were ground truthed or photo interpreted and how they were classified. A look on Google Earth indicates that these units may represent Hardhack swamps. There does not appear to be a defined inlet channel on this lake so it is likely that the lake is fed through soil infiltration from adjacent lands. Maintaining proper functioning condition and biodiversity in this lake should be key considerations in the review of this proposal.

Development of the proposed 2 ha lots will permanently alter water intake to the lake and change its ecology and species composition. Development of the park access through the west end of polygon No270A will introduce a variety of human activity challenges to the wetland and lake ecology including domestic waste dumping, vegetation damage and removal and the spread of invasive species. Fill, used to establish a wetland crossing to accommodate the Park access, will permanently destroy this SEI polygon, alter flow through the wetland, changing water chemistry and altering the species composition and distribution thus altering biodiversity in the wetland and lake.

Another concern is that the lake is annually stocked with Rainbow trout and our Fisheries Program would like to ensure that some form of access is maintained at the lake. For the reasons outlined above we would not support the establishment of a trail at the expense of existing species and ecosystems. Again, lot boundary establishment and access within the wetland polygon on the north end of Blind Lake is not recommended.

Should the RDN board choose to grant this zoning amendment we ask that the developer be required to adhere to the environmental principals outlined in Develop With Care and that the development be required to meet the Water Balance Model to minimize impervious surfaces and infiltrate rain water. We also recommend that the RDN establish minimum tree retention policies so that rainwater is captured and infiltrated to the lake as much as possible.

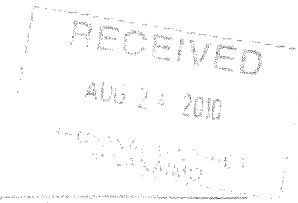
Finally the RAR will apply to this development so that an RAR Assessment is completed and Streamside Protection and Enhancement Areas (SPEAs) established, including any measures to protect the SPEAs.

Maggie Henigman, MA, CCEP
Ecosystems Biologist
Ministry of Environment
(250) 751-3214
margaret.henigman@gov.bc.ca



K'ómoks First Nation

3320 Comox Road, Courtenay BC V9N 3P8 Tel: (250) 339-4545 Fax: (250) 339-7053



August 18, 2010

Mr. Paul Thompson, Manager of Long Range Planning
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

Dear Mr. Thompson,


Thank you for your letter dated June 23, 2010 on a proposed amendment to the Regional Growth Management Plan (Addison).

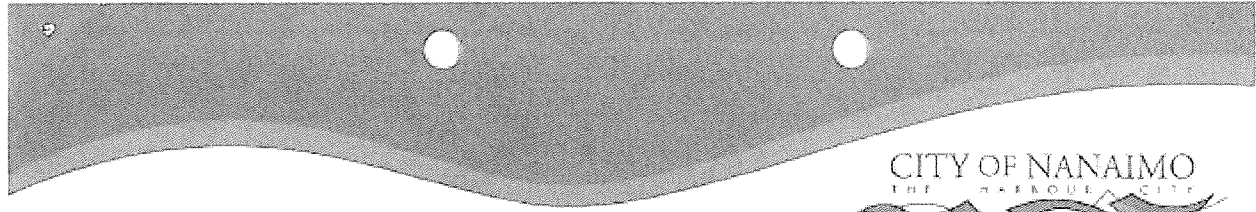
We chose not to comment on this proposed amendment as our interests are unaffected and the subject property is not within the Traditional Territory of the K'ómoks First Nation. However, we appreciate being kept informed of potential changes to the Regional Growth Strategy, and we remain interested in being involved in this process as it unfolds. We request that we receive copies of any draft documents as soon as they are completed, prior to the initiation of the formal reading process, to ensure that our interests in shellfish, aquaculture, and lands are adequately represented in these documents. The statutory time frame provided to referral agencies is insufficient for us to adequately review the documents.

K'ómoks First Nation hereby provides notice that we reserve the right to raise objectives if any cultural use or archaeological sites are identified or if we discover impacts of our rights or interests we had not foreseen, given the information provided to us as part of the Regional Growth Strategy Review.

We look forward to full and meaningful participation in this planning process.

Sincerely,


Ernie Hardy
Chief



2010-SEP-14



File: 0470-30-R01-02

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

Attention: Paul Thompson, Manager of Long Range Planning

Dear Sir:

Re: RGS Amendment Application – 2610 Myles Lake Road (Addison)

Thank you for the opportunity to provide our initial comments on behalf of the City of Nanaimo respecting the above-noted application. We understand the application is for an OCP/ZBL amendment in Electoral Area 'C', however the nature and significance of the proposed development would also require an amendment to the Regional Growth Strategy (RGS). The following comments are confined to the proposed amendment to the RGS.

As noted in your letter of June 23, 2010 (attached), we understand the application requires an exemption to the RGS Policy 3A to allow a minimum parcel size reduction from 50 hectares to 2 hectares to allow a rural residential subdivision on the subject lands. As well, the Resource Lands and Open Space designation in the RGS would have to be changed to Rural Residential for the subject property to permit the proposed residential subdivision.

The RGS acknowledged a level of rural residential development that was reflected in Electoral Area OCPs at the time of RGS adoption in 2003. The current RGS does not contemplate any increased levels of rural residential development beyond this in the region.

The proposed development represents rural sprawl and does not assist the region in achieving the goals set out in the RGS, including those regarding growth management and sustainability. City staff concur with the concerns respecting the impact of the application respecting the RGS as outlined in the February 26, 2010, RDN staff memorandum (File 3360 30 0604).

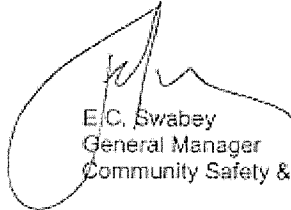
For the City of Nanaimo, the implications include compromising on the achievement of more sustainable development patterns in the region – attempting to focus more of region's growth within the Growth Containment Boundary. Rural residential development takes away from this effort to concentrate growth in urban centres.

Letter to RDN (Addison Referral)
2010-Sep-14
Page 2

The RGS Review process currently underway has led to discussions around the value of reducing or at least limiting the extent of the Rural Residential designated lands in the region. The compromise position in the current Draft RGS document is the inclusion of a policy that does not permit any additional Rural Residential designations in the RDN.

A fundamental intent of the RGS policy is to direct growth to urban and village centres, and to a lesser extent to designated rural residential areas in the region. This application, in effect, rejects this policy direction and would encourage residential growth in a low density form of development in rural areas of the region. For the above reasons, the City is not in a position to recommend support for the proposed amendment to the RGS.

Yours truly,



E.C. Swabey
General Manager
Community Safety & Development

cc Mayor and Councillors
A. Kenning, City Manager
D. Holmes, Assistant City Manager/General Manager, Corporate Services
A.W. Laidlaw, General Manager, Community Services
A. Tucker, Director of Planning
B. Anderson, Manager of Community Planning

g:\commplan\mgr\rdn\rgs referral_addison



TOWN OF QUALICUM BEACH

311-3199 Peninsula St
T.O. B.C. V1N
Qualicum Beach B.C.
V1N 1S7

TEL: (250) 734-1102

Telephone: (250) 734-1102
Fax: (250) 734-1174
E-mail: info@qualicum.bc.ca
Website: www.qualicum.bc.ca

September 22, 2010

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

Attention: Paul Thompson, RDN Manager of Long Range Planning

Dear Mr. Thompson

Re: Regional Growth Strategy Amendment Application, Lot 1, Section 7, Range 3,
Cranberry District, Plan VIP68949, 2610 Myles Lake Road, Electoral Area 'C'
Applicants: Linda E Addison & George C Addison

Thank you for the opportunity to comment on the amendment bylaw described above. The Town of Qualicum Beach staff does not support the bylaw amendment application for the following reasons:

1. To allow site specific exemptions to the goals and policies of the RGS, OCP and Zoning Bylaws will depreciate the long term vision for the region;
2. If the bylaws are amended for one property it may create a precedent for further applications of this nature;
3. Staff support Policy 3a in the RGS that was adopted to stop fragmentation and loss of viability of the resource lands; and reduce the amount of development outside of urban areas. Policy 3a does not allow the minimum parcel size of lands in the Rural Residential and Resource Lands and Open Space designations to be reduced below the minimum parcel size established in the OCP in place at the date of the adoption of the RGS in 2003.

If you have any questions or wish to discuss this matter further, please contact me.

Yours truly,

P.T. (Paul) Butler
Director of Planning
Town of Qualicum Beach

N:\4 letters\2010\res amendment referral\in.doc
National Communities in Bloom, A Fiscal Award Winner



September 27, 2010



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

Attention: Paul Thompson
Manager of Long Range Planning

Dear Paul Thompson:

Re: **Regional Growth Strategy Amendment Application**
2610 Myles Lake Road, Electoral Area C
Lot 1, Section 7, Range 3, Cranberry District, Plan VIP68949

I am writing in response to your request for feedback from the CVRD on the RDN Regional Growth Strategy Amendment Application concerning Lot 1, Section 7, Range 3, Cranberry District, Plan VIP 68949 (2610 Myles Lake Road, Electoral Area C).

We wish to advise you that at the September 8, 2010, Regular Meeting of Cowichan Valley Regional District Board, Resolution No. 10-486.4 was passed as follows:

"That a letter be forwarded to the Nanaimo Regional District advising that the CVRD declines comment respecting the NRD Regional Growth Strategy Amendment Application at 2610 Myles Lake Road."

Further to this, it is understood that, in the event that an RGS bylaw amendment is pursued, the CVRD Board will be asked to formally accept or refuse the amendment.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann Kjerulf".

Ann Kjerulf, MCIP
Planner III
Community and Regional Planning Division

AK/mca

Cowichan Valley Regional District
175 Ingram Street
Duncan, British Columbia V9L 1N8

Toll Free: 1.800.665.3955
Tel: 250.746.2500
Fax: 250.746.2513

The CVRD logo, featuring the word "cowichan" in a stylized font with a small sun/wave symbol above the "i", and the website address "www.cvrld.bc.ca" below it.

**Attachment No. 4
Summary of Comments And Submissions to the Public Information Meeting for
2610 Myles Lake Road**

REGIONAL DISTRICT OF NANAIMO

**REPORT OF THE PUBLIC INFORMATION MEETING HELD MONDAY,
SEPTEMBER 9, 2010 AT 7:00 PM AT EXTENSION COMMUNITY HALL,
2140 RYDER STREET, EXTENSION, BC**

Note that this report is not a verbatim recording of the proceedings, but are intended to summarize the comments of those in attendance at the Public Information Meeting.

Present for the Regional District of Nanaimo:

Maureen Young	Chair, Director, Electoral Area 'C'
Paul Thompson	Manager of Long Range Planning
Stephen Boogaards	Planner

Present for the applicants:

Linda Addison

There were approximately 22 people in attendance at the Public Information Meeting.

Written submissions were received during the Public Information Meeting from:

June Ross, #5, 3400 Rock City Road
Ralph Bennett, 2505 Godfrey Road
Paul and Heather Gallant, 2390 Myles Lake Road

The Chair, Director Young opened the meeting at 7:00 pm, introduced those attending the meeting from the RDN and the applicants.

The Chair stated the purpose and procedures for the Public Information Meeting.

Stephen Boogaards, Planner provided a description of the RDN bylaws and application process.

The Chair asked the applicants to provide a brief description of the proposed application.

Linda Addison explained that they want to subdivide a five acre parcel for their son and this can only be done through rezoning. The property was originally zoned for a five acre minimum parcel size and they were told by RDN staff during the OCP review that they could rezone the property to the original zoning if it was ever removed from the Forest Land Reserve. The proposal includes the dedication of a pathway to Blind Lake. They intend to remain living on the property and are already surrounded by five acre parcels. They are requesting a site specific zoning for their property and ask for the neighbour's support.

The Chair invited submissions with respect to the proposed amendment from the audience.

June Ross, 3400 Rock City Road, asked why the Official Community Plan needed to be amended for a site specific change. She believes that the change will set a precedence that could endanger the little remaining undeveloped land. It is not sustainable to keep breaking up the land. She asked how the RDN defines sustainability. She discussed water modeling planning that can be used to determine how surface and groundwater may be affected by development. She asked if the applicant can guarantee that water is available for all households and that quality will not be affected. She stated that she is not in favour of the amendment and it is contrary to the Official Community Plan and Regional Growth Strategy.

Paul Thompson, Manager of Long Range Planning, addressed the questions from the previous speaker. He explained that the RDN definition of sustainability is in the RDN Board Strategic Plan. He also explained that the RDN does have a new function for watershed protection including the mapping of groundwater resources. The confirmation of water quality and quantity is done at the time of subdivision.

Linda Addison responded to the question by explaining that they have water rights on the lake. She has never seen the water level fluctuating and believes it to be a suitable source of water that will not impact the neighbours.

Wayne Hamilton, 2150 John Street, explained that 13 years ago when the Official Community Plan was being reviewed, the community had established what they wanted at the community meetings. The document was rewritten by the RDN and was never what the community wanted.

Sharon Bennett, 2505 Godfrey Road, read the submission from Ralph Bennett. She added that the property was supposed to be five acres previously and should have reverted back to that zoning after the Forest Land Reserve disbanded. She discussed the 'Green Building' lectures from the night before and the use of cisterns to provide water. She does not believe that the Addison property would affect available water for the neighbours.

Jack Keen, 2680 Heather Way, explained that the land had already been subdivided numerous times. His property is facing onto the subject property and he fully supports the application.

Linda Addison explained that the property was originally purchased by the coal company and had passed through several private owners before being purchased by MacMillian Bloedel in 1980 when it became forestry land.

Sharon Bennett, 2505 Godfrey Road, explained that the rest of the McLean property has already been subdivided into five acre parcels.

Linda Addison addressed the concern over precedence setting. She reviewed the staff report that compared the Myles Lake Road property to other similar lands that have been downzoned to 50 hectares. Only a small number of the properties rezoned to 50 hectares meet the same criteria as her property, and most of these are owned by forestry companies or the Crown. This does not set precedence for others.

Robin Robinson, 484 Columbia Drive, stated that she is a member of the Friends of French Creek Conservation Society. Their organization is very concerned about the precedence that is being set. She would like to see the change being made without the having to amend these documents. She is very concerned that the forestry companies will do the same thing.

Sandy Robinson, 484 Columbia Drive, asked if there was any guarantee that forestry companies could not do the same thing.

Paul Thompson, Manager of Long Range Planning explained that there was no guarantee as it is a Board decision to proceed with an amendment application.

The Chair explained that each request is considered on an individual basis by the Board. Each applicant and forestry company would have to make an application.

Paul Thompson, Manager of Long Range Planning emphasized that the Board has turned down another request to amend the Regional Growth Strategy since deciding to proceed with the Addison's application.

Sandy Robinson, 484 Columbia Drive, asked to clarify that it is Board decision.

Paul Thompson, Manager of Long Range Planning suggested that there is no guarantee that they would not consider another application.

Chuck Addison, 2610 Myles Lake Road, explained that the Board members voting on the application were from both the municipalities and the regional district. The impetus for having it pass, is to recognize that it is unique and we are just getting the zoning back. It is not a property that has never been five acres.

June Ross, 3400 Rock City Road, explained that she does understand arguments but asked why the Regional Growth Strategy needs amending.

Paul Thompson, Manager of Long Range Planning explained that to change the zoning also requires a change to the OCP and RGS. A site specific exception must be identified in the RGS for the application to proceed.

Sharon Bennett, 2505 Godfrey Road, suggested that there were properties that were grandfathered in during the Official Community Plan review. The planner during the review also said that the original zoning would stay on the property.

Paul Thompson, Manager of Long Range Planning suggested that the only way for that to happen is if there was a policy in the Official Community Plan suggesting that if the affected properties were taken out of the Forest Land Reserve, then they would revert back to the original zoning. There is no such policy in the OCP.

Linda Addison explained that she has already considered the other options, and this is the only way.

Gary Britt, 2129 John Street, asked the applicant why it is necessary to subdivide the property into four lots if they just need one for their son.

Linda Addison explained that for a subdivision for a relative the RDN requires the parent parcel to be a minimum of 50 hectares.

Gary Britt, 2129 John Street, asked if they could just apply for just one lot.

Chuck Addison, 2610 Myles Lake Road, explained that the remaining piece would need to be 50 hectares. This is a requirement of the RDN.

Sandy Robinson, 484 Columbia Drive, asked what the process would be.

Paul Thompson, Manager of Long Range Planning, explained the process for the amendment. After the bylaw receives 1st and 2nd reading it would be referred to the local governments that are affected by the Regional Growth Strategy for discussion. A public hearing would be held to receive public comments on the proposed amendment. He emphasized that for the formal government referrals each local government must accept the bylaw. If not, then the affected governments must enter arbitration to come to a resolution on the amendment. The bylaw may be adopted by next summer if every local government agrees to the amendment.

Linda Addison explained that this has been a four year process and they are not even at the subdivision stage. If they are setting precedence, then it will be a 4 – 8 year process.

Ceri Peacey, 661 Gilbert Road, explained that the purpose of zoning was not to prevent the small developer. It is unfortunate there is not a simpler way, but she does have concern for the amount of land that is corporately held.

Linda Addison suggested that some corporations are finding ways of bypassing the RDN.

Ceri Peacey, 661 Gilbert Road, suggested that this has been a particular problem on Vancouver Island.

Linda Addison expressed that they do care about the environment.

June Ross, 3400 Rock City Road, expressed her concern that too many forestry companies were becoming development companies.

Linda Addison expressed that this property would have been exactly the same as surrounding properties.

Ceri Peacey, 661 Gilbert Road, stated that she lives in Area 'F' where regulations are contentious, but she is concerned about the precedents.

Sharon Bennett, 2505 Godfrey Road, asked anyone who support the project to give their names.

Gary Britt, 2129 John Street, suggested that it was not appropriate to have a vote at an information meeting.

Sharon Bennett, 2505 Godfrey Road, stated that there should be a record of the positive support for the application.

Jim Slotte, 1755 Nanaimo River Road, supports the application.

Wayne Hamilton, 2150 John Street, supports the application.

Anita Pangborne – Lahue, 2521 Myles Lake Road, states she is in support of the change and it is good to bring families onto the property. She would be the first one to go to the RDN if forestry companies begin developing land in their community.

Sherrell Blois, 280 Dan's Road, states that she supports the applications as well. It is just a family who wants their son to move onto the property.

Jack Addison, 300 Dan's Road, states that he supports the application. He just wants to get the family together. It should not take four years to say yes or no.

Paul Thompson, Manager of Long Range Planning, clarified that it was a Board decision to hold the application in abeyance until after the review of the Regional Growth Strategy. When the review took longer than expected the Board decided to reverse its decision.

Bill Grose, 2530 Myles Lake Road, expressed his support for the application.

Gary Britt, 2129 John Street, expressed his concern that the meeting changed from an information meeting to a vote. This is flawed. This is the applicant's opportunity to sell the idea.

Paul Thompson, Manager of Long Range Planning, clarified that only Directors get to vote on the approval of the application. The intent of the meeting is meant for information but people can say whatever they want.

The Chair suggested that if people are not at the meeting they can write in.

Brad Whiteside, 2901 Extension Road, suggested that they are only responding to negative comments said. They need to level it out and show that people are for it.

Roberto Rossetto, 1866 Nanaimo River Road, stated that he agrees with the application.

Linda Addison suggested that they have talked to Myles Lake Road residents over four years. Many of these neighbours have appeared at RDN meetings. If people have a strong feeling about the project they come and state it.

Jack Keen, 2680 Heather Way, suggested that the process does not sound democratic. He is not sure if the show of support will matter.

Paul Thompson, Manager of Long Range Planning, suggested that the RDN Board of Directors listen to all comments received.

Linda Addison suggested that if people were opposed they would be out in large numbers.

The Chair asked for clarification that if one municipality opposes the bylaw then it would be the end of the process.

Paul Thompson, Manager of Long Range Planning, explained that provincial legislation establishes that if one local government opposes the bylaw then it must go to arbitration.

The Chair asked if there were any other comments or submissions. Hearing none, the Chair thanked those in attendance and announced that the Public Information Meeting was closed.

The meeting concluded at 8:30 pm.

Recording Secretary

Director Maureen Young
Electoral Area 'C'

Written Submissions Received at the Public Information Meeting:

RDN- OCP AMENDMENT
Electoral Area A
Myles Lake Road

As a citizen of Nanaimo, I am most tired of what is occurring in our community! We have OCP's, that for the most part, are rammed down our throats...as was the City of Nanaimo OCP. We have OCP's that in the end, are not worth the paper they are written on because it appears that anyone we elect into positions to look after the common good...ignores the OCP's, goes against what the diligent community knows is necessary to protect the little remaining land we have on our Island. Development absolutely MUST stop! It is insanity...to say the very least.

POLICY 3A

You have passed Policy 3A which says in part..

The Regional District of Nanaimo and member municipalities agree to promote and encourage the retention of large rural holdings on land designated as Resource Lands and Open Space and lands designated as Rural Residential. To this end, the RDN and member municipalities agree that the minimum parcel size established in official community plans....

Is that minimum size 50 hac? If it is...why are we here???
Why is the answer to these kinds of applications for amendments not simply NO??

SUSTAINABILITY

All of the OCP's use the word "sustainable" within their context. There are very few, if any, that define this word sustainable. "Sustainable" must be defined as....

The outcome of practices, customs, beliefs, regulations and decisions that, over time, enable one generation to leave to the next generation a legacy of land, water, air, infrastructure, energy and health systems, education, social and civic relationships, and economic well-being that is better than what it received."

If you look at this definition in its entirety... are any of you practicing this philosophy and in what manner?

WATER MODEL PLANNING

We need to discuss a change in our planning processes. Are you familiar with Water Modeling Planning??

This is a system that exercises due diligence on behalf of the citizens of a municipality. It maps the aquifers of the area and determines the amount of available water. It maps the above surface sources (rivers, streams, lakes) and determines the water available. It takes possession of watersheds and determines the available water, and treats them with respect due to them being a finite resource.

Once the mapping of all water sources is complete, a series of equations determine what any given water source can support in terms of development, whether it be residential or commercial usage.

If the available water cannot support a proposal well into the future, it just does not happen.

It is time for massive change within municipalities, not only in BC, but our entire country, as our access to quality and quantity of fresh water supplies becomes even further remote from our communities.

This island and other sections in BC are in huge trouble in terms of an adequate supply of clean water. Yet, I find our elected officials unwilling to pay attention to this fact. The process must change. What knowledge or experience have you got on water sources?

Our water sources are not infinite. Is each of you aware of the extent of the finiteness of this supply? Is it not time for you to create positive change empowering and demanding due diligence from staff when you look at development in our areas?

Can you guarantee that each development will be self sufficient in quantity and quality of drinking water without permanent damage to existing aquifers and well structure for the existing homeowners? If you cannot make this guarantee, you are in contravention of the Groundwater Act that states there must be no damage to existing wells.

We insist that all land development and subdivisions approvals be based on available water resources AFTER guaranteeing (as in the regs.) the quantity and quality of potable water resources for existing property owners, under the current zoning status.

It is my opinion you have not performed due diligence to date in terms of water supply, or in terms of environmental impact on the area. If you had... we would not all be here!!

The answer to this amendment proposal must be NO!

Sincerely,
June Ross
#5, 3400-Rock City Road,
Nanaimo, V9T 6E4
(250) 729-0185

To: Regional District of Nanaimo

From: Ralph Bennett
2505 Godfrey Rd
Nanaimo, BC V9X 1E6

Date: 9 September 2010

Re: Application to Rezone Lot 1, VIP68949; 2610 Myles Lake Road

The purpose of this letter is to express my support for the above application.

The application proposes a logical extension of the neighborhood of small-acreage lots currently found along Myles Lake Road. In addition, it fits in with the group of existing lots of a similar size to the south of it, toward Nanaimo River Road.

In my opinion, the proposed subdivision of this property would serve to complete the neighborhood grouping of small acreages, and would in no way detract from it. I therefore support the application and urge you to approve it.

Thank you.

Yours sincerely,



Sept. 9, 2010.

As a resident in the same area
of the Addison's, we wish to express
our support in favour of a successful
rezoning application for them.

Thank you

Paul & Heather Gallant

Attachment No. 5

*Correspondence Received Prior to the Public Information
Meeting*

FRIENDS OF FRENCH CREEK
CONSERVATION SOCIETY

September 04, 2010

Members, Electoral Area Planning Committee
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, B.C. V9T 6N2

Dear RDN Directors:

Re: PIM Myles Lake Road Extension, Electoral Area C

The Friends of French Creek Conservation Society would like to express its concern regarding the proposed changes and subdivision of property located at 2610 Myles Lake Road.

We consider the water body, Myles Lake, to be an essential element of resource land that supports the current land use designation of Resource Lands and Open Space. It's important to maintain consistency across the entire region as regards the Regional Growth Strategy currently in place. To subdivide these lands, which are also beyond current urban containment boundaries and outside of service areas is a complete contradiction to the vision of the Regional Growth Strategy, a vision intended to reduce urban sprawl and to retain strong rural characteristics.

The RDN and its various bodies have been working for years to achieve overall planning tools through the Regional Growth Strategy (RGS), Official Community Plans (OCP) and the consequent zoning bylaws. Currently, the RGS is under revision by RDN Staff with community input since the spring of 2008. The current RGS "Goal 3: Rural Integrity – To protect and strengthen the region's rural economy and lifestyle" does not appear to have been amended since it was implemented in 2003, to do so now when the RGS is under revision does not make sense. Further, to overthrow all the above effort by setting a precedent with ad hoc planning, which once begun will inevitably allow for further decisions to be made on the same basis, totally undermines the years of effort on the part of many individuals, groups and RDN staff.

Amending the RGS to allow this individual piece of property to go from Resource Lands and Open Space to Rural Residential Lands, allowing for amendments to both the Area 'C' OCP and further a zoning amendment is both wrong and expensive in terms of dollars and staff time. We take note that on May 11 of this year an RDN staff report recommended to the EAPC and the Sustainability Select Committee that the application NOT proceed and yet the RDN Committee of the Whole approved consideration for a site specific

P.O. Box 331 Qualicum Beach, B.C. V9K 1S6
PHONE: (250) 752-4720 • FAX: (250) 752-4794
email: fccrsi@bcoupe.net.com

- 2 -

September 4, 2010

amendment. The Friends of French Creek Conservation Society also recommend that the application not proceed.

We live on east coast Vancouver Island where almost 95% of the land is privately owned. In this case, we are dealing with a small scale development, however, the implications of allowing a precedent to be set are significant. The drive for development in the RDN is enormous. The RDN takes pride in informing the public of its efforts to achieve sustainable planning, please also act accordingly.

We support the efforts of all the people who contributed their valuable time to shaping the Regional Growth Strategy and other planning documents. These efforts should not be undermined as this could set a precedent which would greatly impact public participation in all planning processes of the Regional District of Nanaimo.

Submitted by,

Ceri Peacey, President
Friends of French Creek Conservation Society

cc:
Dale Lindsay, Manager of Current Planning, RDN
Paul Thompson, Manager of Long Range Planning, RDN

Attachment No. 6

Proposed Amendment Bylaw No. 1148.07, 2010

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1148.07

**A BYLAW TO AMEND “REGIONAL DISTRICT OF NANAIMO
ARROWSMITH BENSON-CRANBERRY BRIGHT OFFICIAL COMMUNITY PLAN
BYLAW NO. 1148, 1999”**

WHEREAS the Board of the Regional District of Nanaimo wishes to amend “Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan No. 1148, 1999”:

THEREFORE IT BE RESOLVED that the Board of the Regional District of Nanaimo, in open meeting assembled ENACTS AS FOLLOWS:

1. This Bylaw may be cited as "Regional District of Nanaimo ARROWSMITH BENSON-CRANBERRY BRIGHT OFFICIAL COMMUNITY PLAN BYLAW NO. 1148.07, 2010”.
2. The “Regional District of Nanaimo ARROWSMITH BENSON-CRANBERRY BRIGHT OFFICIAL COMMUNITY PLAN BYLAW AMENDMENT BYLAW NO. 1148, 1999” is hereby amended as follows:
 - (1) **MAP 1 LAND USE DESIGNATIONS**, is hereby amended from Resource to Rural the land legally described as:

Lot 1 Section 7 Range 3 Cranberry District Plan VIP68949

as shown in heavy outline on Schedule No. '1' which is attached to and forms part of this Bylaw.

Introduced and read two times this XX day of XX, 2010.

Considered in conjunction with the Regional District of Nanaimo Financial Plan and any applicable waste management plans this XX day of XX, 2010.

Public Hearing held pursuant to Section 890 of the *Local Government Act* this XX day of XX.

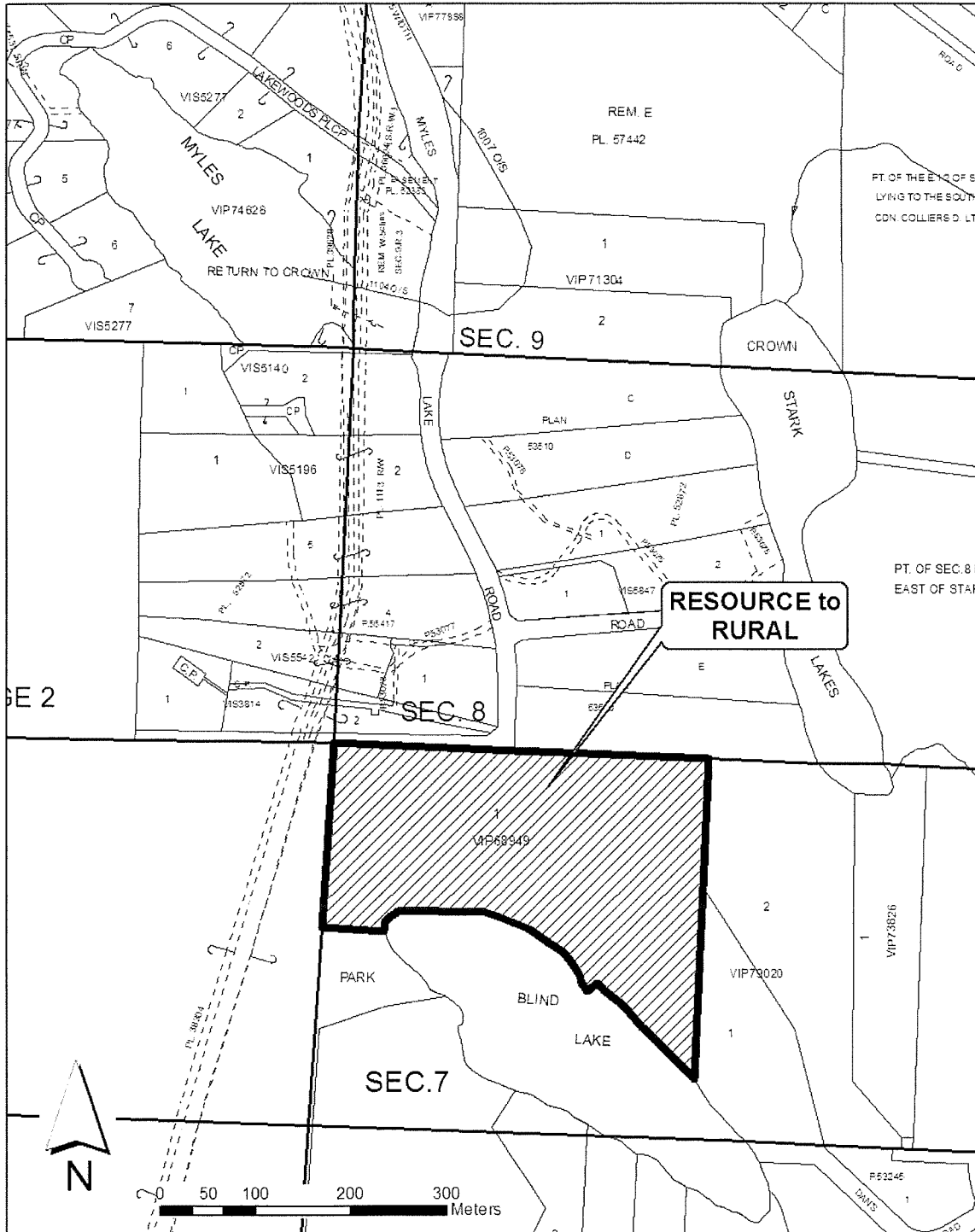
Read a third time this XX day of XX.

Adopted this XX day of XX.

Chairperson

Sr. Mgr., Corporate Administration

Bylaw No. 1148.07
Schedule '1'





RDN REPORT		COW
CAO APPROVAL <i>CM</i>		
EAP	✓	7 Oct 9 '10
NOV 01 2010		
RHD		
BOARD		

MEMORANDUM

TO: Dale Lindsay
Manager, Current Planning

DATE: October 21, 2010

FROM: Elaine Leung
Planner

FILE: PL2010-031

SUBJECT: **Zoning Amendment Application No. PL2010-031**
Peter Mason Land Surveying
Lot 24, Block 360, Newcastle and Alberni Districts, Plan 37698
Except Part in Plan VIP64862
1120 Keith Road - Electoral Area 'H'

PURPOSE

To consider an application to rezone the subject property in order to facilitate a two lot subdivision.

BACKGROUND

The Regional District of Nanaimo has received an application from Peter Mason on behalf of The Osborn Cabin Corporation to rezone a parcel in the Spider Lake area of Electoral Area 'H' for the purposes of facilitating a two lot subdivision. The proposed parcels will be 4.2 hectares and 4.0 hectares in area, and are proposed to be serviced by individual on-site septic disposal systems and wells.

The subject property which currently supports two dwelling units, (*see Attachment No. 1*) is 8.28 ha and is zoned Rural 1. The property is designated within Subdivision District 'B' (*8.0 ha minimum parcel size with or without community services*) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." Keith Road is to the north of the subject property, and Spider Lake is to the east.

Pursuant to Electoral Area 'H' Official Community Plan 1335, 2005, the subject property is designated within the Fish Habitat Protection Development Permit Area (DPA) for the purposes of protecting riparian areas within and adjacent to streams. The applicant has submitted a Riparian Assessment in support of their application. A Development Permit will be required prior to final approval of the subdivision.

ALTERNATIVES

1. To approve the application, to rezone the subject property from Subdivision District 'B' to Subdivision District 'CC' subject to the conditions outlined in *Schedule No. 1*, for first and second reading and proceed to Public Hearing.
2. To deny the amendment application.

OFFICIAL COMMUNITY PLAN IMPLICATIONS

Electoral Area 'H' Official Community Plan Bylaw No. 1335, (OCP) designates the subject property within the Rural Land Use designation. The Rural Lands designation includes policy which supports a parcel size of 4.0 hectares. The OCP also supports 2.0 ha lots under the Rural Lands designation subject to a number of conditions including one dwelling per lot and no frontage variances. As the subject property cannot be subdivided into 2.0 ha lots without frontage relaxation the minimum lot size that can be considered for this lot is 4.0 ha.

DEVELOPMENT IMPLICATIONS

Under the current Rural 1 zone, the parent parcel is permitted a maximum of two single dwelling units. However, by subdividing the parent property, this will result in the potential increased density of two additional dwelling units, for a total of four dwelling units.

On-Site Servicing

With respect to servicing, the applicant has submitted a preliminary hydrogeological assessment which notes that in the opinion of the professional, there is adequate water supply for the proposed use. As a condition of rezoning, Staff recommend that a covenant be registered on title, requiring the applicants to submit an engineering report confirming that a potable water supply of 3.5 m³ per day can be provided for the proposed lot, to the satisfaction of the Regional District of Nanaimo. The Vancouver Island Health Authority (VIHA) has no objections to the proposed application.

Riparian Assessment

The applicants have submitted a Riparian Assessment which concludes that the Streamside Enhancement Protection Area (SPEA) from Spider Lake is 15.0 metres. The assessment indicates that the current proposed development is for subdivision only, and therefore there is no need for environmental monitoring or post-development reporting.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist". The rezoning if approved, will result in two additional units beyond which is currently permitted, however the proposed additional density is keeping with the intent of the Official Community Plan. Based on the findings of the preliminary hydrogeological assessment there is adequate water to support the proposed use without negatively impacting the aquifer.

Intergovernmental Implications

Referrals were forwarded to the Ministry of Transportation, the Vancouver Island Health Authority, and the Local Fire Chief.

Comments received are as follows:

Ministry of Transportation – Comments indicated there were no objections to the proposed rezoning. However, further review, including access and construction requirements will be addressed at the subdivision stage.

Vancouver Island Health Authority (VIHA) – The health inspector indicated there were no concerns with the proposal.

Local Fire Chief – The local fire chief had no objections with the proposal.

SUMMARY

This is an amendment application to rezone the subject property from Subdivision District 'B' (8.0 ha minimum) to Subdivision District 'CC' (4.0 ha minimum) in order to permit a two lot subdivision.

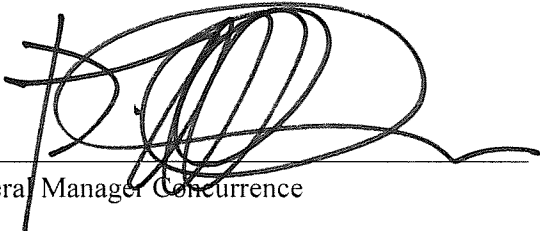
With respect to provision of on-site services, the applicants have provided a report prepared by a Professional Engineer and well log data which demonstrates that the proposed lot can be serviced through on-site wells. As part of the conditions of final approval, staff recommend that a covenant be registered requiring a well report by a Professional Engineer to the satisfaction of the RDN prior to subdivision approval. The Vancouver Island Health Authority has indicated that it has no objections with the proposed application.

RECOMMENDATIONS

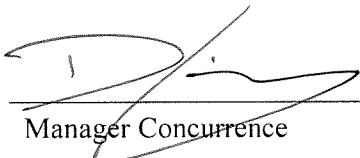
1. That Zoning Amendment Application No. ZA PL2010-031 to rezone the subject from Subdivision District 'B' to Subdivision District 'CC' be approved subject to the conditions included in Schedule No. 1.
2. That "Bylaw No. 500.364, 2010" be introduced and read two times.
3. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.364, 2010" be delegated to Director Bartram or his alternate.



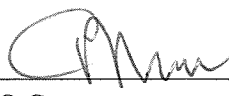
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

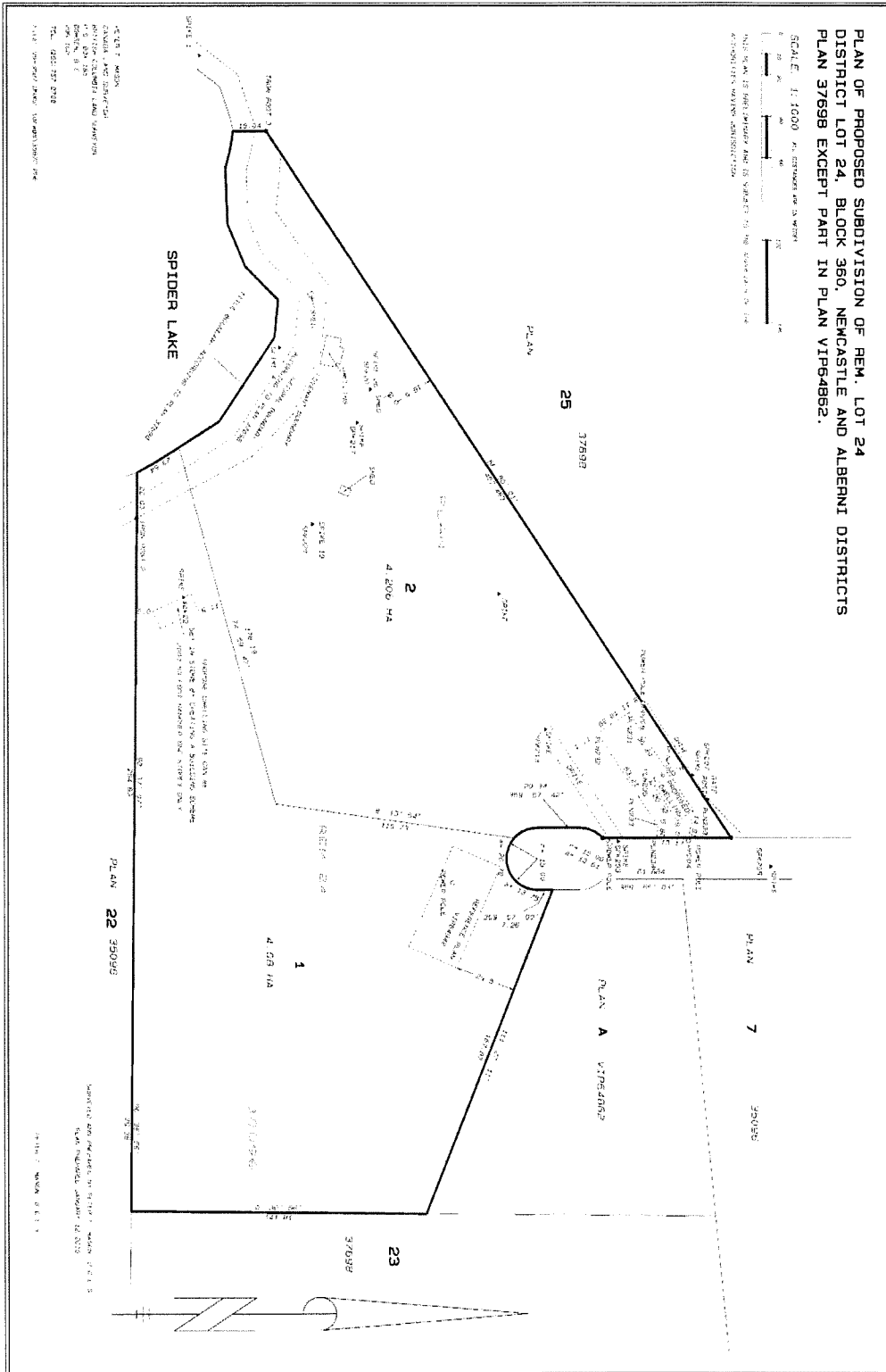
**Schedule No. 1
Zoning Amendment Application No. ZA PL2010-031
Conditions of Approval**

The following sets out the conditions of approval in conjunction with ZA PL2010-031:

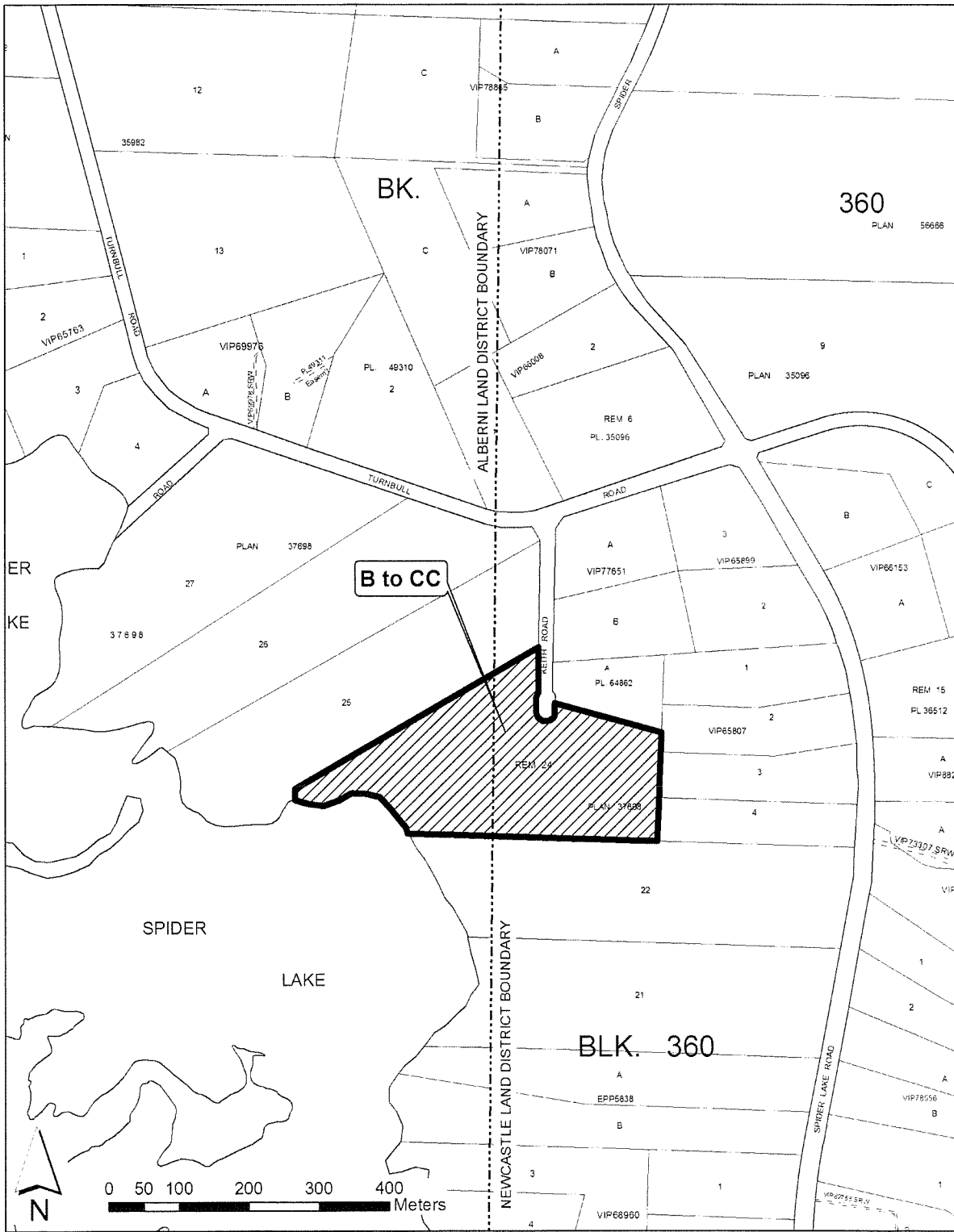
1. The applicant, at the applicant's expense, is to prepare and register a covenant stating that no subdivision shall occur until such time that the following is provided:

Professional Engineer's Report certifying that for proposed Lot 1, as shown on Schedule No. 2 (Proposed Plan of Subdivision prepared by Peter Mason, BCLS and dated January 12, 2010), a drilled water well is constructed which, at a minimum, has a year round potable water supply in the amount of 3.5 m³ per day and that the water supply meets the minimum Canadian Drinking Water Standards in terms of quality. Proof shall include the drilled well be constructed as per the current well regulations and pump tested and certified, including wellhead protection. This report must be acceptable to the Regional District.

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



Attachment No. 1
Zoning Amendment Application No. 0710
Location of Subject Property



**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500.364**

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO LAND USE AND
SUBDIVISION BYLAW NO. 500, 1987**

WHEREAS the Board of the Regional District of Nanaimo wishes to amend “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”;

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

1. This bylaw may be cited as “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.364, 2010”.
2. The “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is hereby amended as follows:
 - (1) **Schedule ‘4B’, SUBDIVISION DISTRICT MAPS**, is designated from Subdivision District ‘B’ to Subdivision District ‘CC’ for the land legally described as:

Lot 24, Block 360, Newcastle and Alberni District, Plan 37698 except Part in Plan VIP64862

and as shown in heavy outline on Schedule No. ‘1’ which is attached to and forms part of this Bylaw.

Introduced and read two times this day of , 2010.

Public Hearing held pursuant to Section 890 of the *Local Government Act* this of , 2010.

Read a third time this day of , 2010.

Adopted this day of , 2010.

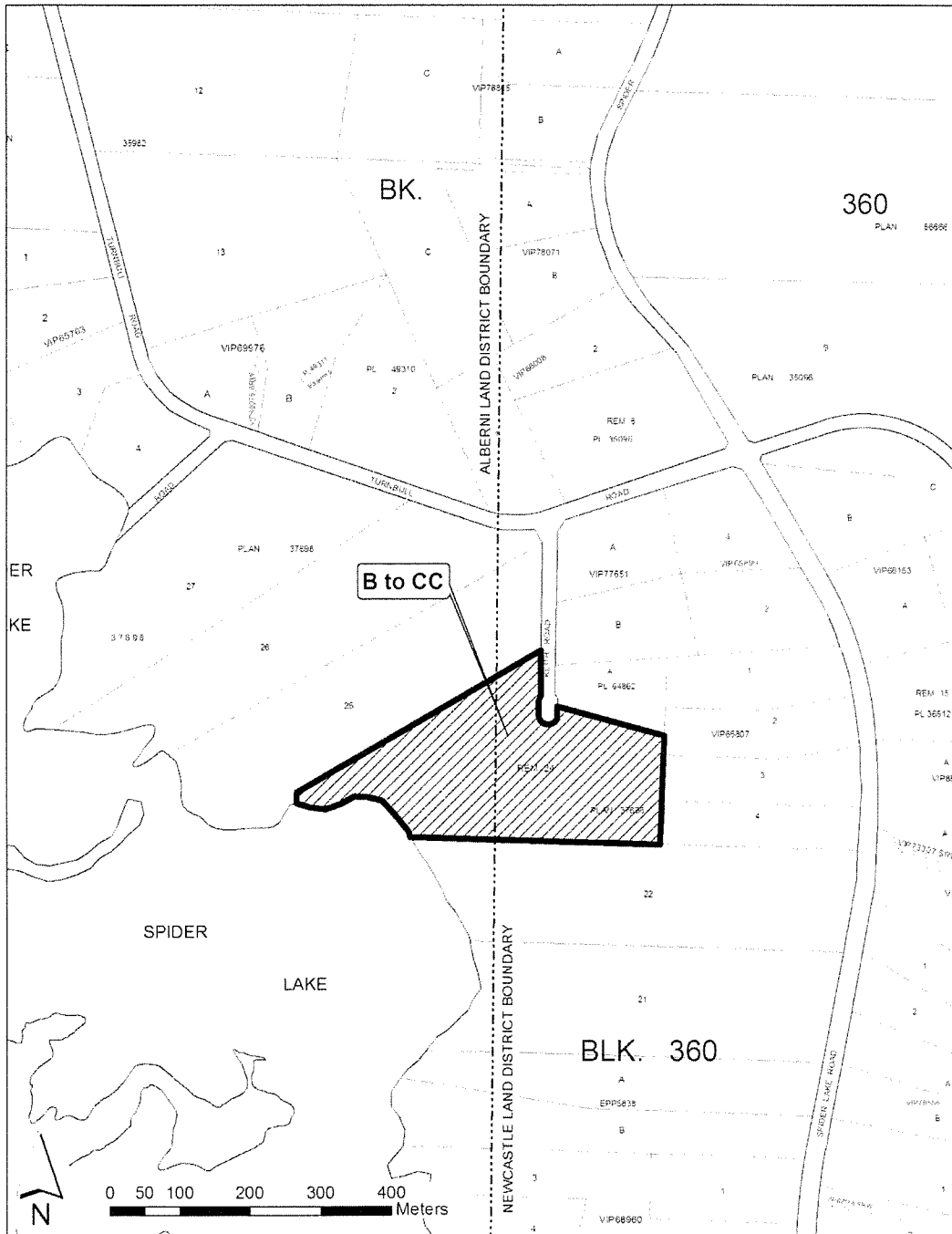
Chairperson

Sr. Mgr., Corporate Administration

Schedule No. '1' to accompany "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.364, 2010"

Chairperson

Sr. Mgr. Corporate Administration





RDN REPORT		
CAO APPROVAL		<i>QW</i>
EAP	✓	Nov 9 '10
COW		
NOV 09 2010		
RHD		
BOARD		

MEMORANDUM

TO: Dale Lindsay
Manager, Current Planning

DATE: October 29, 2010

FROM: Susan Cormie
Senior Planner

FILE: PL2010-201

SUBJECT: **Development Permit Application No. PL2010-201**
JE Anderson & Associates, BCLS
Lot 1 Section 5 Range 5 Cedar District Plan VIP79462
Except That Part in Plan VIP81531
3175 & 3185 Farrar Road - Electoral Area 'A'

PURPOSE

To consider an application for a Development Permit and a request to relax the minimum 10% perimeter frontage requirement in association with a two lot subdivision proposal.

BACKGROUND

The Regional District of Nanaimo (RDN) has received a Development Permit application in conjunction with a two lot subdivision proposal from JE Anderson & Associates, BCLS on behalf of Wayne Roine (see Attachment No. 1 for location of subject property).

The subject property, which has a lot area of 3.26 ha, is zoned Rural 4 (RU4) and is situated within Subdivision District 'D' (2.0 ha minimum parcel size with or without community services) as per the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

The property currently supports 2 single dwelling units along with several agricultural and accessory buildings. Greenway Creek and an unnamed tributary cross the north east corner of the subject property. The property is surrounded by rural zoned parcels with Farrar Road to the north.

The subject property is designated within the Fish Habitat Protection and Streams, Nesting Trees, & Nanaimo River Floodplain Development Permit Areas (DPAs) for the protection of fish habitat and watercourses as per the Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001.

Proposed Development

The applicant is proposing a two lot subdivision under the provisions of Section 946 of the **Local Government Act** (subdivision for a relative). The proposed subdivision will result in a 1.25 ha lot and a 2.02 ha remainder parcel. The parcels are proposed to be served with individual wells and private septic disposal systems.

As part of the application process, the applicant has submitted a Riparian Assessment Report.

Minimum 10% Perimeter Frontage Requirement

Lot B (section 946 parcel) does not meet the minimum 10% perimeter frontage requirement. The proposed frontage is as follows:

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% of Perimeter</i>
Lot B	58.75 m	14.39 m	2.4 %

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

ALTERNATIVES

1. To approve Development Permit No. PL2010-201 subject to the conditions outlined in Schedule No. 1 and to approve the request for relaxation of the minimum 10% perimeter frontage requirement for proposed Lot B.
2. To deny the Development Permit No. PL2010-201 and the request for relaxation of the minimum 10% frontage requirement, and provide further direction to staff.

DEVELOPMENT IMPLICATIONS

Ministry of Transportation and Infrastructure Implications

Ministry staff has indicated that the frontage for the proposed Lot B is acceptable. Despite the reduction in the frontage, the proposed parcel will be able to support intended residential use.

Environmentally Sensitive Development Permit Area

With respect to the Riparian Assessment, the report, which establishes 30.0 metre Streamside Protection Environmental Areas (SPEAs) for the stream and wetland, concludes that, as there is no subdivision-related development activity to occur within the SPEAs, there are no measures or monitoring applicable at this time. It is noted that this assessment required approval from the Department of Fisheries and Oceans as the owner constructed a driveway within 10 metres of the natural boundary of the wetland and stream. This approval was granted September 23, 2010.

Existing Land Use Implications

The applicant has placed a mobile home on the property in anticipation of subdivision approval. The mobile has not been secured in place and is not occupied. RDN Building Services Department has issued a stop work order on the structure. This issue will be resolved prior to registration of the subdivision.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the “Sustainable Community Builder Checklist”. No sustainability implications have been identified in association with this application.

SUMMARY

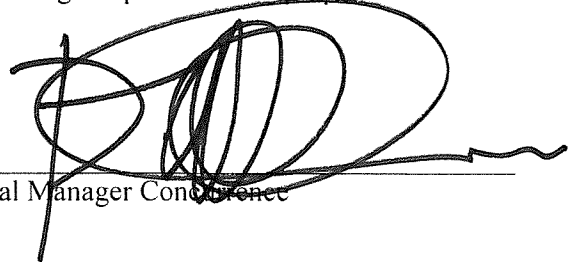
Prior to the development of the subject property, a Development Permit and relaxation of the minimum 10% perimeter frontage requirement are required. As the application is consistent with the applicable Development Permit Guidelines and as the reduced frontage will not negatively impact future uses of the proposed Lot B, staff recommends approval of the Development Permit and relaxation of the minimum 10% perimeter frontage requirement.

RECOMMENDATIONS

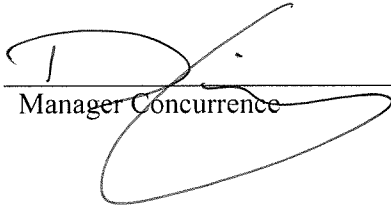
1. That Development Permit Application No. PL2010-201, in conjunction with a two lot subdivision be approved subject to the conditions outlined in *Schedule No. 1*.
2. That the request to relax the minimum 10% perimeter frontage requirement for proposed Lot B be approved.



Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule No. 1
Development Permit Application No. PL 2010-XX
Conditions of Approval

The following sets out the conditions of approval with respect to Development Permit No. PL2010-201:

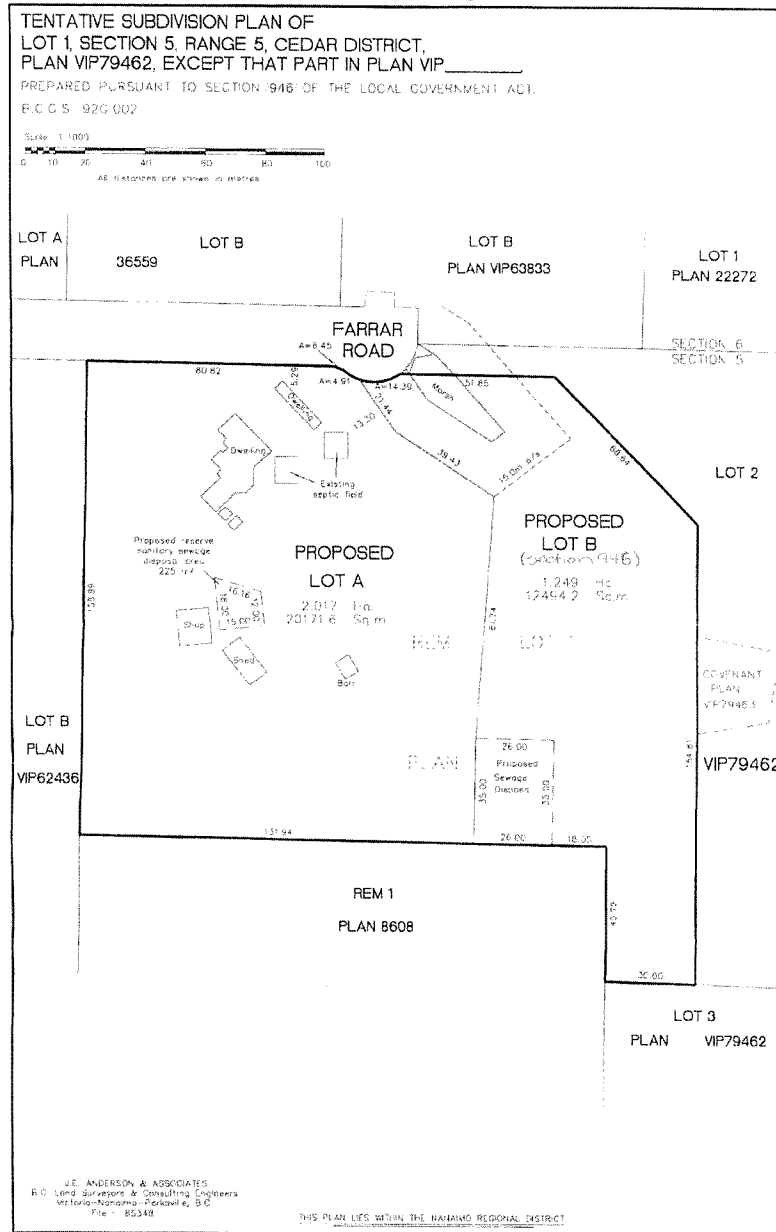
1. Subdivision

The subdivision of the lands shall be in substantial compliance with *Schedule No. 2* (to be attached to and forming part of Development Permit No. PL2010-201).

2. Riparian Assessment

The Riparian Area Assessment No. 1796 prepared by Adam Compton (Streamside Environmental Consulting Ltd.) and dated 2010-10-01 (to be attached to and forming part of the Development Permit as *Schedule No. 3*) applies only to the section 946 subdivision of the parent parcel requiring no associated subdivision related works within the SPEAs. If any subdivision related works, including drainage works or driveways, are to occur in the SPEAs or if there is any future development proposed to occur within the SPEAs, a further riparian area assessment prepared by a Qualified Environmental Professional and registered with the Ministry of Environment will be required.

Schedule No. 2
Development Permit No. PL2010-201
Proposed Plan Subdivision





RDM REPORT	
CAO APPROVAL	
EAP	✓ [Signature] 9/10
COW	
OCT 25 2010	
RHD	
BOARD	

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: October 25, 2010

FROM: Kristy Marks
Planner

FILE: PL2010-102

**SUBJECT: Development Permit with Variances Application No. PL2010-102
Michael & Helen Sims
Lot A (DD M120472), District Lot 49, Nanoose District, Plan 24289
664 Johnstone Road
Electoral Area 'G'**

PURPOSE

To consider an application for a Development Permit with Variances to recognize the siting of a storage shed and to vary the parcel averaging provisions in conjunction with a proposed three lot subdivision of the subject property.

BACKGROUND

At the June 22, 2010 Regular Board Meeting, the following resolution was passed:

“That Development Permit with Variance Application No. PL2010-102 be referred back to staff.”

This report is in response to the Board’s resolution.

The EAPC will recall that this is a Development Permit with Variances application in conjunction with a three lot subdivision proposal from Michael and Helen Sims (*see Attachment No. 1 for location of subject property*). Concerns were raised by residents with respect to the proposed development. In response, the applicants have submitted a conceptual subdivision layout, for the same number of lots (3), which does not require a bylaw variance for parcel averaging (*see Schedule No. 3*). This plan has been provided for information only, the applicant is still requesting a variance to the parcel averaging provisions in order to permit the original proposed plan of subdivision (*see Schedule No. 2*). The proposed variance does not vary the number of lots as a three lot subdivision is supported under the existing zoning with or without the requested variance.

The parent parcel has a lot area of 2,113 m² and is zoned Residential 1 (RS1), Subdivision District ‘Q’ (RS1Q) (*700 m² minimum parcel size with community water and sewer service*) as per the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. It is important to note that although the minimum parcel size is 700 m² the bylaw permits up to 50% of the lots created through subdivision to be 80% of the lot size, which in this case would be 560 m².

The subject property currently contains a dwelling unit, storage shed, and workshop. The property is bound by Johnstone Road to the east, Lundine Lane and the Island Highway to the south, and developed residential parcels to the north and west.

The subject property is designated within the Environmentally Sensitive Features Development Permit Area (DPA) for the protection of the aquifer pursuant to “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008”.

Proposed Development & Requested Variances

As outlined above, the applicants are proposing to create three new parcels. Lot 1 is proposed to be 921 m², Lot 2 is proposed to be 600 m² and Lot 3 is proposed to be 589 m². As more than 50% of the proposed parcels are less than the 700 m² minimum parcel size, a variance to the parcel averaging provisions of Bylaw No. 500, 1987 is required. (See *Schedule No. 2 for Proposed Plan Subdivision*). If approved, the variance will permit 66.67% of the parcels to be less than 700 m², however the parcel average will remain above 700 m² (703 m²). The parcels are proposed to be serviced by community water and sewer service connections.

The applicants are also requesting variances to the setback from the rear lot line from 2.0 m to 1.2 m and the interior side lot line from 2.0 m to 1.9 m to recognize the siting of an existing storage shed. The location of the existing buildings is shown on *Schedule No. 2*.

DEVELOPMENT IMPLICATIONS

Development Permit Area Implications

With respect to aquifer protection, the applicants have submitted a Hydrogeological Impact Assessment that concludes that “the proposed three lot subdivision is very unlikely to negatively impact the underlying aquifer or to jeopardize the groundwater quality or quantity for existing plan area residents”. In addition, the report recommends low impact development measures, where appropriate, “to reduce water use and reintroduce water to ground to maintain the natural water balance”.

Proposed Variance Implications

The parcel averaging provisions of Bylaw No. 500, 1987 require the applicant to register a covenant where the remainder parcel is greater than twice the minimum parcel size. This is to avoid further subdivision of oversized lots which were used as part of the original lot averaging. In this case, as the largest parcel is 921 m² and cannot be subdivided further, registration of a covenant restricting further subdivision is not required. In addition, the average parcel size of all proposed parcels conforms to the minimum parcel size permitted in the applicable subdivision district.

As mentioned above, the applicants are also requesting setback variances in order to legalize the siting of an existing storage shed. The applicants have indicated that the storage shed was constructed sometime in the 1970’s. At that time, “The Regional District of Nanaimo Zoning Bylaw No. 55, 1973” and “The Regional District of Nanaimo zoning and Subdivision Bylaw No. 191, 1975” Residential III zone did not require any setback from a rear lot line and permitted a five foot setback from one side lot line. Although it appears that the storage shed met the setback requirement at the time it was constructed, as there is no building permit on file for this structure the applicants are requesting variances to the setbacks in order to legalize its siting.

The applicants have provided the following justification for the requested variances:

- There are no anticipated view or aesthetic impacts related to the requested setback variances for the existing storage shed;
- The storage shed has been in the current location since the 1970's and the applicants wish to legalize the siting of this structure;
- With respect to the proposed variance to the parcel averaging provision, although it would be possible to create three parcels that meet the minimum parcel size, given the location of the existing dwelling unit this would result in irregular shaped parcels;
- The subject property is located within the urban containment boundary where growth is supported.

Staff have reviewed the additional plan of subdivision provided by the applicant (*Schedule No. 3*). While this alternate plan requires no variances, and results in the same density as the original plan (a total of three parcels), it reduces the smallest proposed parcel size from 589 m² to 560 m² and results in lot lines that are no longer perpendicular to adjoining highways. Staff continue to support the original plan of subdivision (*Schedule No. 2*) as by granting the requested variance to the parcel averaging provisions there is no net increase in the number of new parcels being created, proposed lot lines are perpendicular to adjoining highways and the size of the smallest proposed parcel size is increased. Staff are of the opinion that there are no impacts related to the requested variances, concur with the applicant's rationale and support the variances as requested.

SUSTAINABILITY IMPLICATIONS

In keeping with Regional District of Nanaimo Board policy, the applicants have completed the "Sustainable Community Builder Checklist". The proposed subdivision is situated within the French Creek Urban Containment Boundary where growth is encouraged. The local water provider has confirmed that they have sufficient capacity to service the proposed lots.

ALTERNATIVES

1. To approve Development Permit with Variances No. PL2010-102 to recognize the siting of an existing storage shed and to vary the parcel averaging provisions, as submitted, subject to the conditions outlined in Schedules No. 1 and 2.
2. To approve Development Permit with Variances No. PL2010-102 to legalize the siting of an existing storage shed only, subject to the conditions outlined in Schedules No. 1, excluding Item 3(a).
3. To approve the Development Permit PL2010-102 with no variances.

SUMMARY

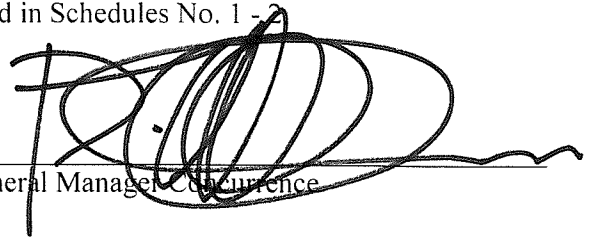
Prior to the subdivision of the subject property a Development Permit is required. In order to permit the proposed subdivision layout as shown on Schedule No. 2 variances are required to vary the parcel averaging provisions of Bylaw No. 500, 1987. In addition, the applicants have applied for variances to legalize the siting of an existing storage shed. The applicants have submitted a plan of subdivision and Hydrogeological Impact Assessment in support of the application. As the proposed variances will result in a preferred subdivision layout and as there are no anticipated view or aesthetic impacts anticipated, staff recommends approval of the Development Permit with Variances.

RECOMMENDATIONS

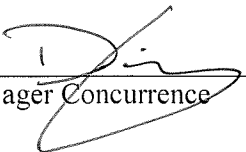
1. That staff be directed to complete the required notification, and
2. That Development Permit with Variances Application No. PL2010-102 to recognize the siting of an existing storage shed and to vary the parcel averaging provisions in conjunction with a three lot subdivision be approved subject to the conditions outlined in Schedules No. 1 - 2




Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule No. 1
Conditions of Approval / Proposed Variances

The following sets out the conditions of approval with respect to Development Permit No.PL2010-102:

1. Subdivision

The subdivision of the lands shall be in substantial compliance with Schedule No. 2 (to be attached to and forming part of Development Permit with Variances No PL2010-102).

2. Aquifer Assessment

The Hydrogeological Impact Assessment prepared by Shelley Bayne, Hydrogeologist and dated February 11, 2010 shall be followed.

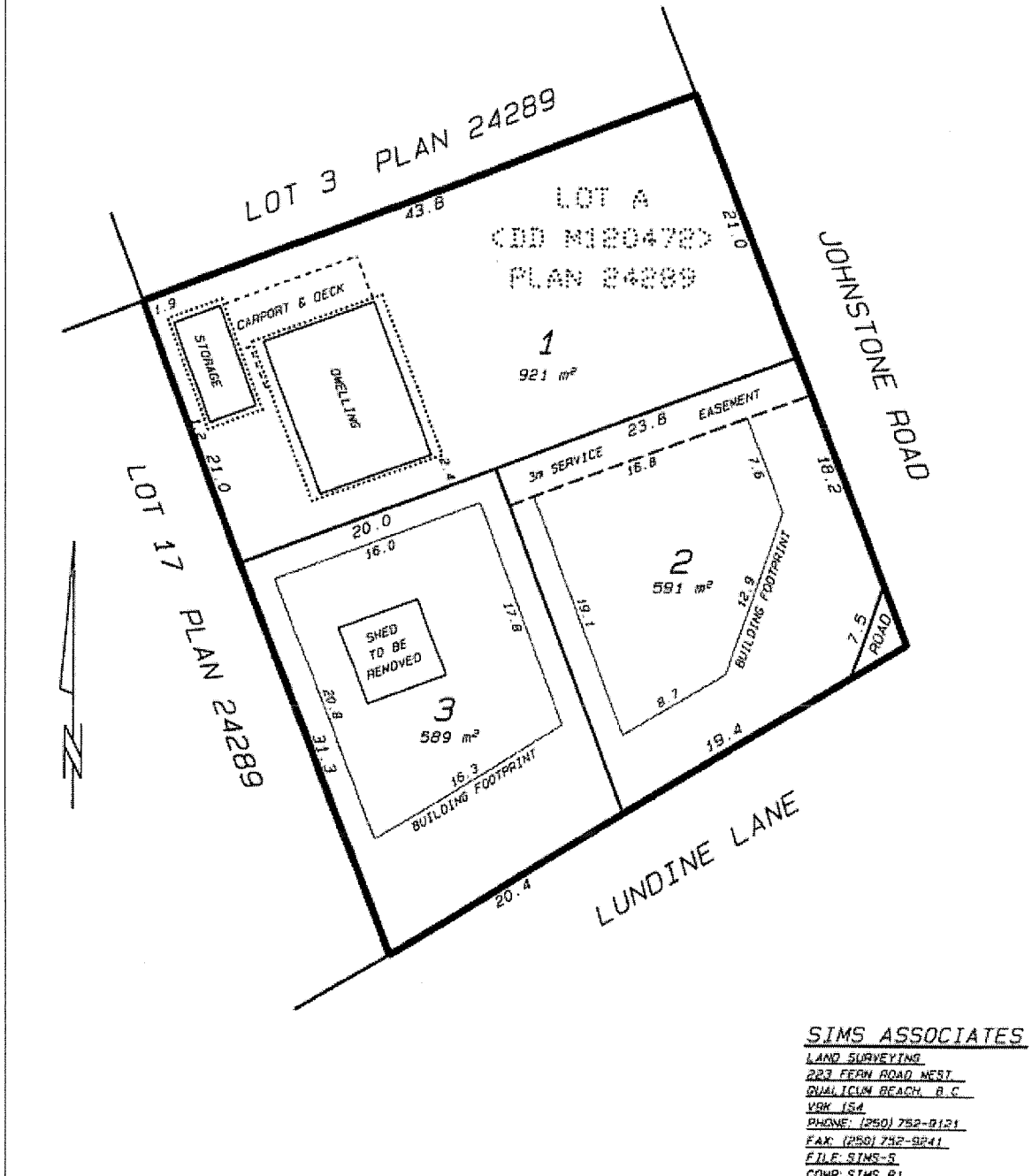
3. Proposed Variances

- a) The requirements of Section 4.3.4a are proposed to be relaxed by varying the parcel averaging provision from a maximum of 50% of the proposed parcels that can be less than 700 m² in size to a maximum of 66.67% of the proposed parcels that can be less than 700 m² in size provided that these parcels are not less than 560 m² in size.
- b) With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” is varied as follows:
 - i. **Section 3.4.61 Minimum Setback Requirements** is hereby varied by reducing the minimum setback from the rear lot line from 2.0 meters to 1.2 metres for a storage shed as shown on *Schedule No 2*.
 - ii. **Section 3.4.61 Minimum Setback Requirements** is hereby varied by reducing the minimum setback from the interior side lot line from 2.0 meters to 1.9 metres for a storage shed as shown on *Schedule No 2*.

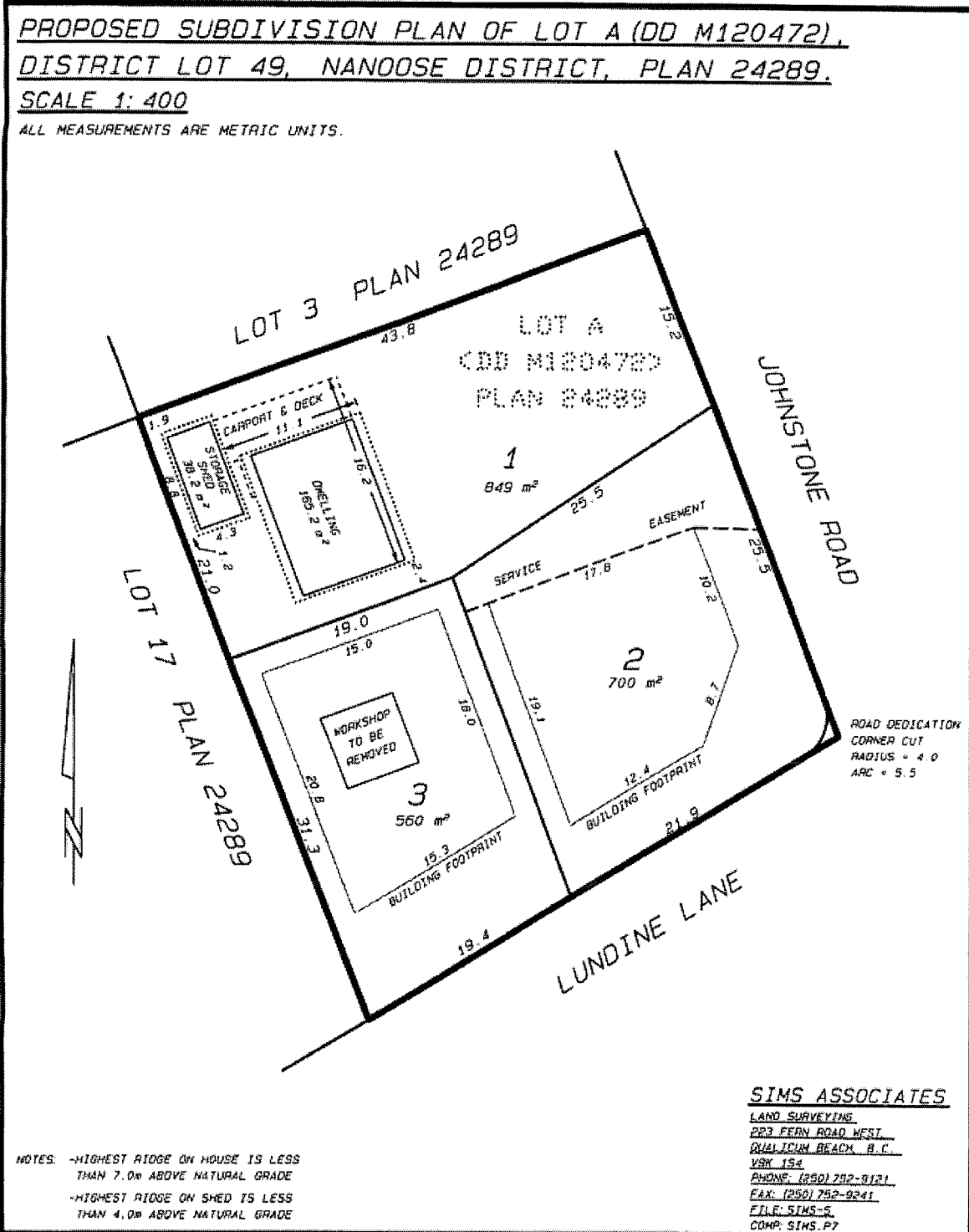
Schedule No. 2
Proposed Plan of Subdivision

PROPOSED SUBDIVISION PLAN OF LOT A (DD M120472),
DISTRICT LOT 49, NANOOSE DISTRICT, PLAN 24289.
SCALE 1: 400

ALL MEASUREMENTS ARE METRIC UNITS.



Schedule No. 3
 Plan of Subdivision without Variances to Parcel Averaging Provisions
 (Attached for Information Only)





RON REPORT		
CAC APPROVAL <i>AW</i>		
EAP	✓	NOV 9 '10
COW		
NOV 01 2010		
RHD		
BOARD		

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: October 29, 2010

FROM: Kristy Marks
Planner

FILE: PL2010-175

SUBJECT: **Development Permit with Variances Application No. PL2010-175 – Allen Lot 1, District Lots 8 & 78, Nanoose District, Plan VIP68559 2628 Andover Road - Electoral Area 'E'**

PURPOSE

To consider a request for the issuance of a Development Permit with Variances to allow the construction of a dwelling unit and detached garage on the subject property.

BACKGROUND

The Regional District of Nanaimo has received an application from Walter Allen on behalf of Richard and Jodie Wittenberg to permit the construction of a dwelling unit and detached garage. The subject property is 1564 m² in area and is split-zoned Residential 1 (RS1) and Residential 8 (RS8) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is bound by Andover Road to the north, developed residential parcel to the east, and Department of Defense (DND) lands to south and west. The property is currently vacant and contains a relatively steep rocky slope at the rear.

The proposed development is subject to the Sensitive Ecosystem Protection Development Permit Area protection of the open woodlands as per "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005".

Proposed Development and Variance

The applicant is requesting approval to construct a dwelling unit and detached garage with proposed variances to the minimum setback from zone boundary line (*see Schedule No. 1 for proposed variances*). Section 3.1(5) of Bylaw No. 500, 1987 states that "where a parcel is divided by a zone boundary, the areas created by such division shall be deemed to be separate parcels for the purposes of determining parcel coverage, setbacks...of this Bylaw" therefore, the zone boundary line is treated like an interior side lot line for the purposes of determining setbacks.

With respect to the proposed dwelling, a variance to the setback from the zone boundary line (interior side lot line) on the RS1 zoned portion of the parcel is requested to be reduced from 2.0 metres to 1.8 metres. The proposed detached garage straddles the zone boundary line therefore variances to the setback from the zone boundary (interior side lot line) from 3.0 metres to 0.0 metres for the RS8 zone and from 2.0

metres to 0.0 metres for the RS1 zone are required to permit the proposed siting of the garage. There are no other variances to height or setbacks from property lines being requested.

ALTERNATIVES

1. To approve the Development Permit with Variances Application as requested subject to the conditions outlined in *Schedules No. 1 – 4*.
2. To deny the Development Permit with Variances Application as requested.

LAND USE AND DEVELOPMENT IMPLICATIONS

The applicant is proposing to construct a dwelling unit and detached garage on the subject property. Variances to the setbacks from the zone boundary line (interior side lot line) are requested for both proposed buildings. The location of the proposed dwelling unit and detached garage are shown on *Schedule No. 2* and building elevations are shown on *Schedule No. 3*.

With respect to the Sensitive Ecosystem Protection Development Permit Area, the applicant has provided a tree assessment report dated October 26, 2010 and a revegetation plan dated October 27, 2010 both prepared by Toth and Associates Environmental Services. Both reports note that at the time of field survey the lot had already been cleared and there was no remaining forest cover. The tree assessment report comments that no obvious hazards trees or areas where development of the property had compromised the root integrity of trees on the neighbouring trees on the DND property. The re-vegetation plan contains recommendations for the restoration of a portion of the slope behind the dwelling including plant species, density, planting procedures, and photo documentation that planting has been completed. Development of the property in accordance with the recommendations contained in these reports is included in the Conditions of Approval set out in *Schedule No. 1*.

The applicant has provided the following justification for the requested variances:

- The applicant was unaware that the property was split zoned until they submitted an application for a development permit;
- Given the steep rocky slope located directly behind the proposed building site it is not possible or practical to move the dwelling unit and detached garage back to meet the minimum setback from the zone boundary;
- The proposed development would not require any variances if the property was not split zoned;
- There is no anticipated view or aesthetic impacts related to the requested variance.

The subject property was registered in 1999 as part of a 55 lot subdivision. The property is split between District Lot 8 and District Lot 78 and the zone boundary follows the District Lot boundary.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the “Sustainable Community Builder Checklist”. No sustainability implications were identified as a result of the proposed development.

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.

SUMMARY

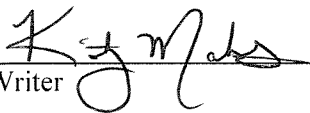
This is an application for a Development Permit with Variances to allow the construction of a dwelling unit and detached garage on the subject property.

The applicant has submitted a site plan, building elevations, revegetation plan, tree assessment and justification for the requested variances in support of the application. In staff's assessment, this proposal is consistent with the guidelines of the "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005" Sensitive Features Ecosystem Protection Development Permit Area.

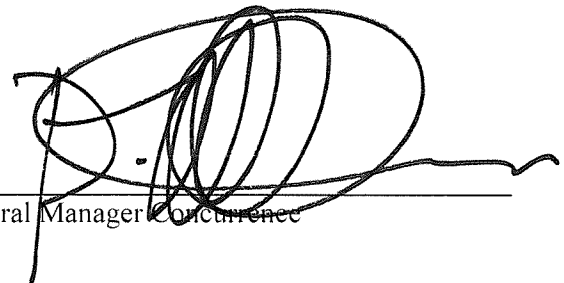
Given that the proposed siting of the dwelling unit and detached garage meet the minimum setbacks from the property boundaries, no variances would be required if the property was not split-zoned and there are no anticipated view or aesthetic impacts related to the proposed development, staff are in support of the requested variances outlined in *Schedule No. 1*.

RECOMMENDATION

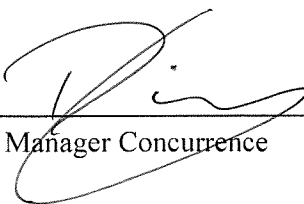
1. That Development Permit with Variances No. PL2010-175 be approved subject to the conditions outlined in *Schedules No. 1- 4*.




Report Writer



General Manager Concurrence

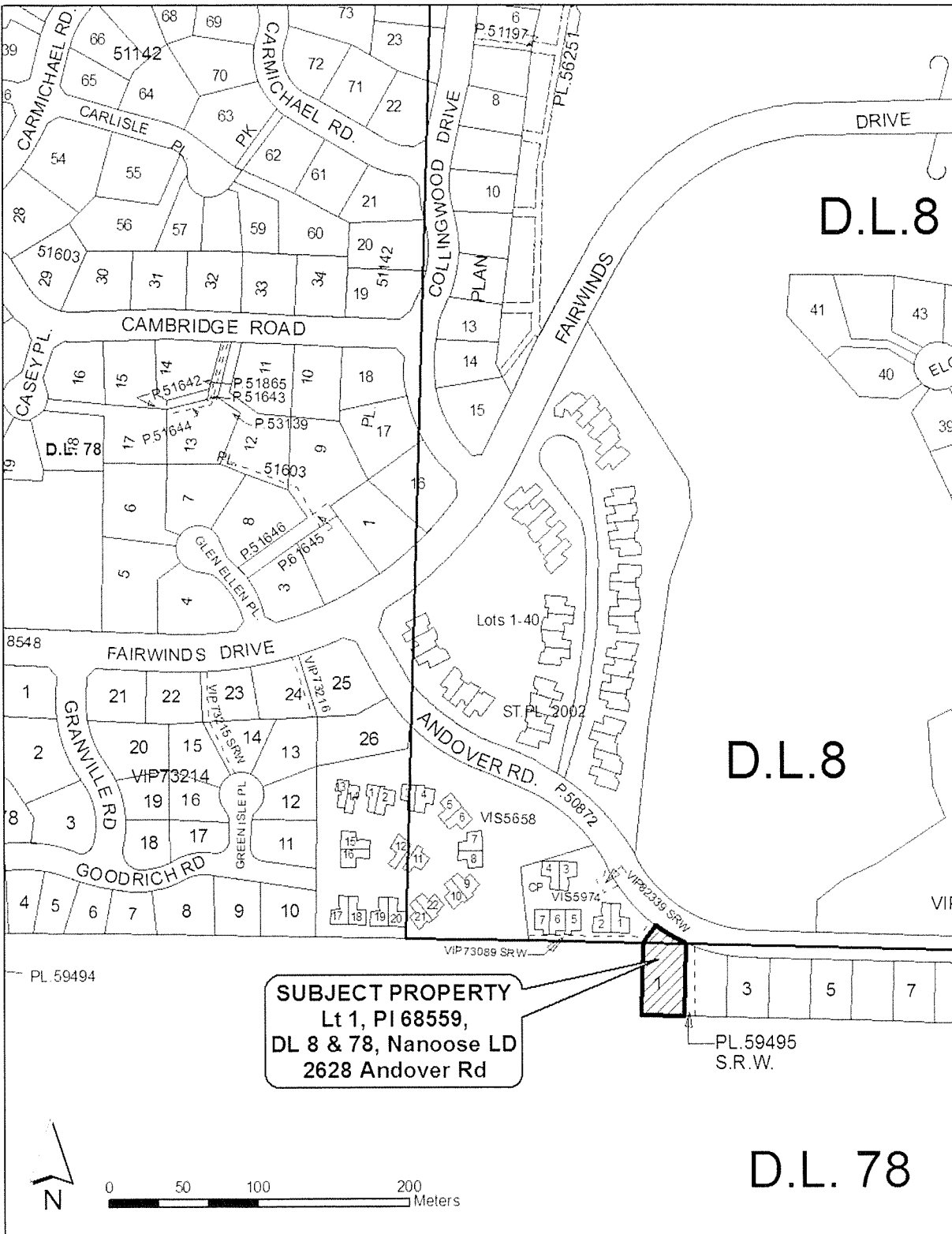


Manager Concurrence



CAO Concurrence

Attachment No. 1
Location of Subject Property



Schedule No. 1
Conditions of Development Permit with Variances No. PL2010-175

Bylaw No. 500, 1987 – Variances

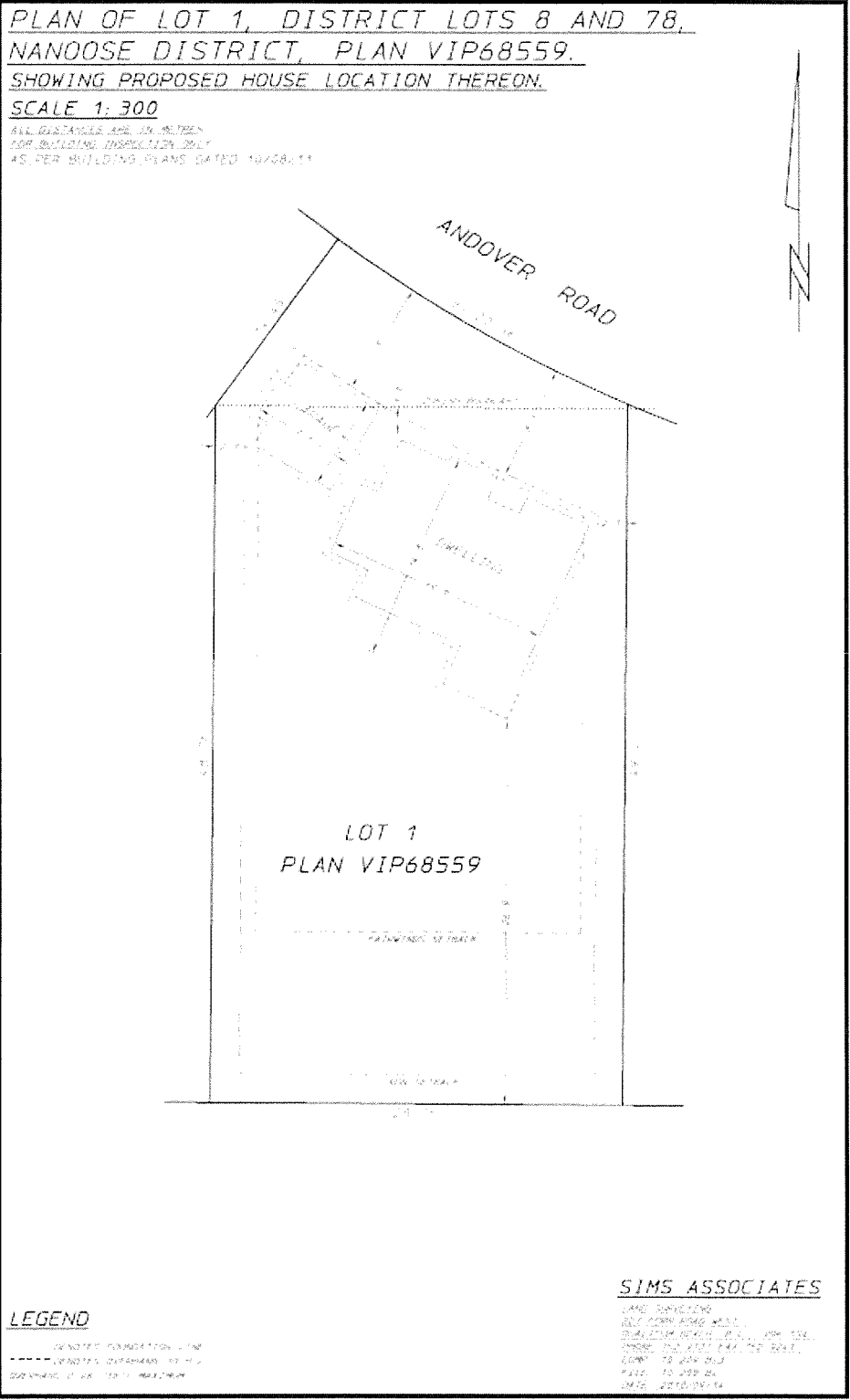
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” is requested to be varied as follows:

1. **Section 3.4.61 Minimum Setback Requirements** is requested to be varied by reducing the setback from the zone boundary (interior side lot line) from 2.0 metres to 1.8 metres for a dwelling unit as shown on *Schedule No 2*.
2. **Section 3.4.61 Minimum Setback Requirements** is requested to be varied by reducing the setback from the zone boundary (interior side lot line) from 2.0 metres to 0.0 metres for a detached garage as shown on *Schedule No 2*.
3. **Section 3.4.68 Minimum Setback Requirements** is requested to be varied by reducing the setback from the zone boundary (interior side lot line) from 3.0 metres to 0.0 metres for a detached garage as shown on *Schedule No 2*.

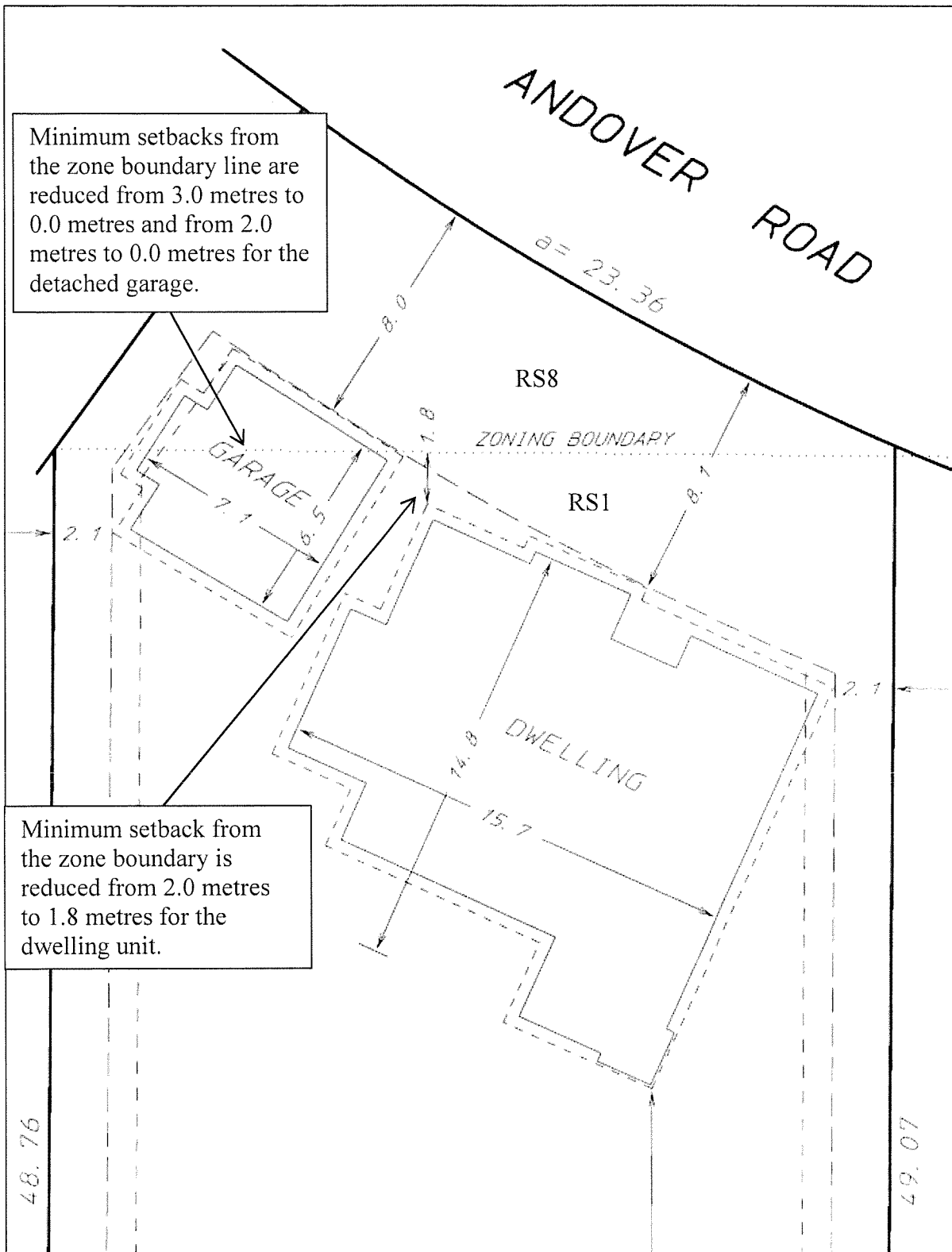
Conditions of Approval:

1. The dwelling unit and detached garage shall be sited in accordance with the site plan prepared by Sims Associates dated September 14, 2010, attached as *Schedule No. 2*.
2. The dwelling unit and detached garage shall be constructed in general accordance with the elevation drawings prepared by Johnsons Home Design, dated August 23, 2010, attached as *Schedule No. 3*.
3. The subject property shall be developed in accordance with the recommendations established in the tree assessment dated October 26, 2010 and revegetation plan dated October 27, 2010 both prepared by Toth and Associates Environmental Services dated October 27, 2010.

Schedule No. 2
Site Plan
(Page 1 of 2)



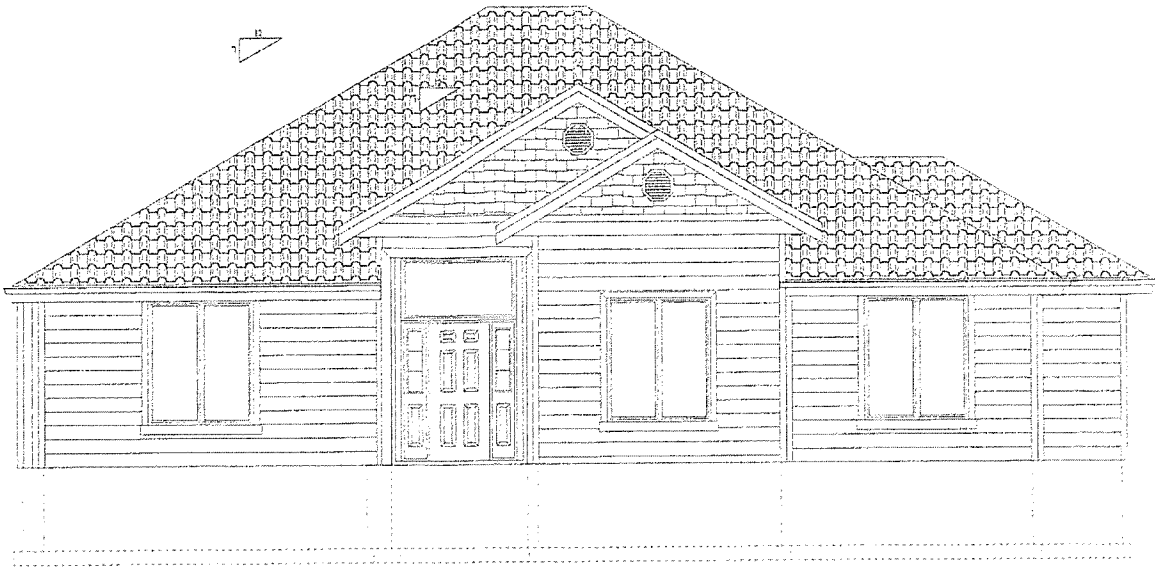
Schedule No. 2
Site Plan
(Page 2 of 2)



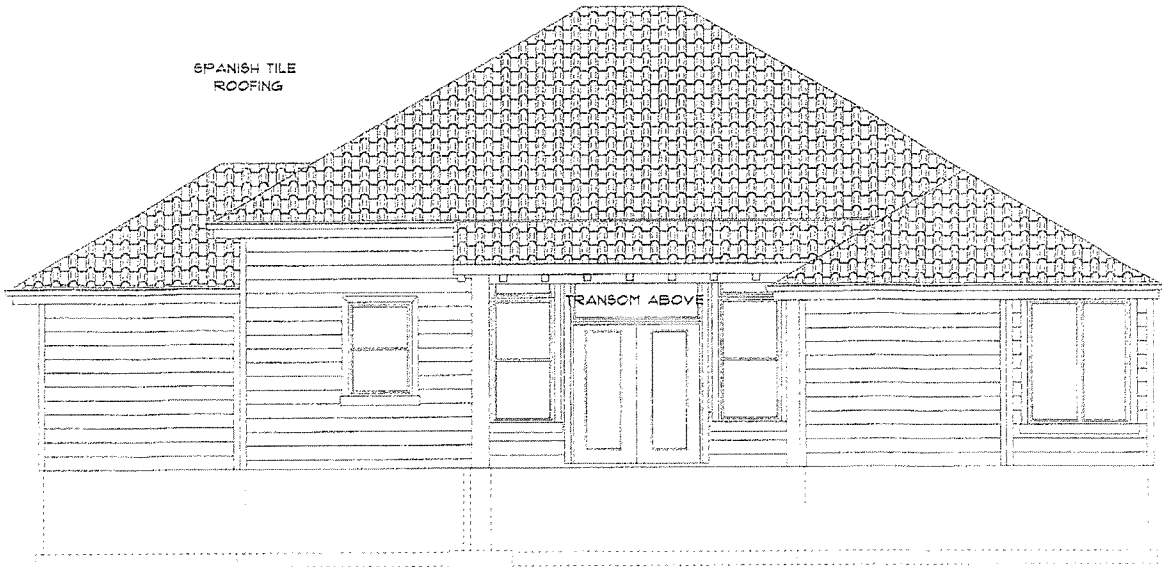
Minimum setbacks from the zone boundary line are reduced from 3.0 metres to 0.0 metres and from 2.0 metres to 0.0 metres for the detached garage.

Minimum setback from the zone boundary is reduced from 2.0 metres to 1.8 metres for the dwelling unit.

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

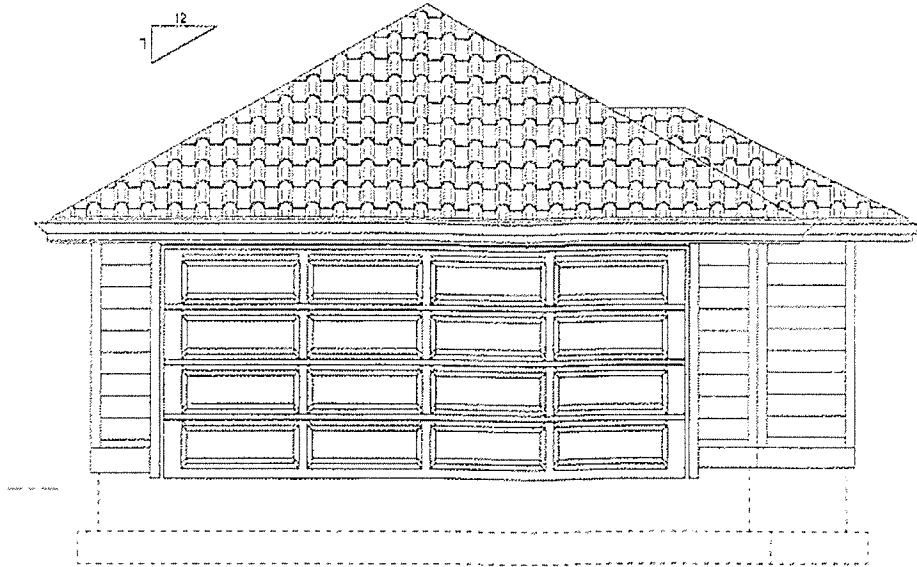


FRONT ELEVATION
SCALE: 1/4" = 1'-0"

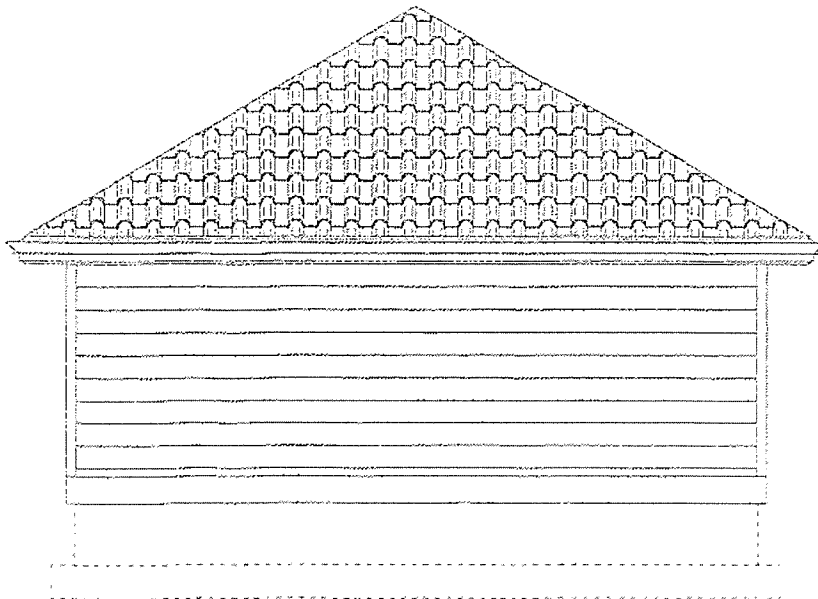


REAR ELEVATION
SCALE: 1/4" = 1'-0"

Schedule No. 3
Building Elevations - Garage
(Page 2 of 2)



FRONT ELEVATION



REAR ELEVATION

**Schedule No. 4
Revegetation Plan
(Page 1 of 2)**



Toth and Associates Environmental Services

6821 Harwood Drive, Lantzville, B.C. V0R 2H0
Tel: (250) 390-7602 Fax: (250) 390-7603
E-mail: stoth@shaw.ca

October 27, 2010

Kehoe Holdings Ltd.
3475 Cambridge Road
NanOOSE Bay, B.C.
V9P 9G3

Att: Jack Kehoe

Re: Revegetation plan for Lot 1 Andover Road, NanOOSE.

Toth and Associates Environmental Services conducted an Environmental Assessment of Lot 1, (PID # 024-388-122) Andover Road in the Fairwinds area of NanOOSE Bay on September 17, 2010.

At the time of the field survey we found that Lot 1 had been cleared (Photograph 1), with no forest cover remaining on the property. Lot 1 consisted of a large amount of rock rubble on a fairly steep slope near the south end of the lot. The building envelope near Andover Road was in the process of preparation for construction.

We have been informed that the Regional District of Nanaimo (RDN) requires a revegetation plan for the subject property. We have reviewed the photographs and information collected from the field survey. We recommend the species indicated below for restoration of the area indicated on Photograph 1.

Species	Common Name
<i>Gaultheria shallon</i>	Salal
<i>Holodiscus discolor</i>	Ocean Spray

Planting Criteria

- Plant stock should be planted approximately 1 per 1.0 square metre density.
- The botanical name should be used when ordering stock to ensure that the desired native species is being purchased. Each specimen should be tagged with the botanical name and the tag should be left attached after planting.
- Stock planted during the fall (Sept - Oct) and spring (Mar - Apr) has the greatest likelihood of surviving. Regular watering may be required until the plants are established. Additional advice on proper planting procedures should be obtained from the nursery supplying the stock.
- Ensure that you photograph the site prior to, and following revegetation.

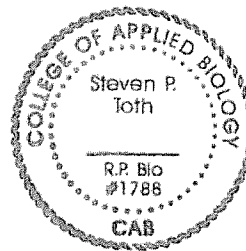
**Schedule No. 4
Revegetation Plan
(Page 1 of 2)**

Revegetation Plan - Lot 1, Andover Road, Nanoose

Plants may be available at Streamside Native Plants in Bowser. More information concerning plant care and protecting your plants from deer can be found on their website: http://members.shaw.ca/nativeplants/streamside_home.html

Please contact us if you require any additional information.

Sincerely,
Steve Toth, ASCT, R.P.Bio.



Toth and Associates Environmental Services



Photograph 1. View south from Andover Road to recommended revegetation area.



CAO APPROVAL		CU
EAP	✓	7cv 9 '10
COW		
OCT 23 2010		
RHD		
BOARD		

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: October 22, 2010

FROM: Kristy Marks
Planner

FILE: PL2010-182

**SUBJECT: Development Variance Permit Application No. PL2010-182
Tarja Belveal
Lot 8, District Lot 41, Newcastle District, 31314
475 MacKenzie Road – Electoral Area ‘H’**

PURPOSE

To consider an application for a Development Variance Permit to vary the setback from the interior side lot line for an existing dwelling unit on the subject property.

BACKGROUND

The Regional District of Nanaimo has received an application from Tarja Belveal to legalize the siting of an existing dwelling unit. The subject property is 2.162 ha in area and is zoned Rural 1 (RU1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (*see Attachment No. 1 for location of subject property*). The property is bound by MacKenzie Road to the northwest and developed rural residential parcels to the northeast, southeast and southwest. According to the current property owner the existing dwelling unit was constructed by a previous owner in approximately 1980. The property is currently for sale and the encroachment was discovered in September 2010 when a survey was completed as a condition of sale. The applicant has received an offer to purchase the property subject to obtaining a variance to legalize the siting of the dwelling.

Proposed Variance

The applicant is requesting a setback variance from the interior side lot line from 8.0 metres to 5.0 metres in order to legalize the siting of an existing dwelling unit.

ALTERNATIVES

1. To approve the Development Variance Permit No. PL2010-182 subject to the conditions outlined in *Schedules No. 1 - 3*.
2. To deny the Development Variance Permit No. PL2010-182.

DEVELOPMENT IMPLICATIONS

The applicant is requesting a variance to the setback from the interior side lot line in order to legalize the siting of an existing dwelling unit on the subject property. The location of the dwelling is shown on *Schedule No. 2* and building elevations are shown on *Schedule No. 3*.

The required setback from all lot lines for this property is 8.0 meters and the applicant is requesting a variance to this setback to 5.0 metres for the dwelling.

The applicant has provided the following justification for the requested setback variance:

- The dwelling unit was constructed in approximately 1980 and there have been no complaints about its current location;
- There are no anticipated view or aesthetic impacts related to the requested variance as a large portion of the parcel is heavily vegetated;
- The existing residential use of the property conforms with the current zoning regulations;
- The legalization of the proposed setback variance would facilitate the sale of the property by giving the potential purchaser assurance that the dwelling unit can remain in its current location.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the “Sustainable Community Builder Checklist”. Given there is no new development proposed no sustainability implications have been identified.

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.

SUMMARY/CONCLUSIONS

This is an application for a Development Variance Permit to vary the minimum setback from the interior side lot line in order to legalize the siting of an existing dwelling unit on the subject property.

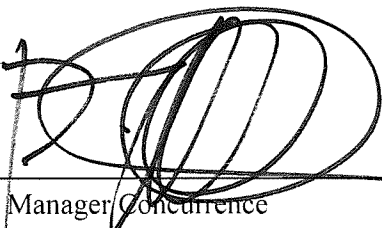
The applicant has submitted a site plan, building elevation and justification for the requested variance in support of the application. In staff’s assessment, there are no anticipated impacts related to the requested variance.

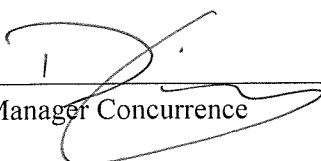
RECOMMENDATION

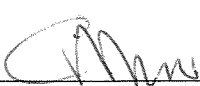
That:

1. Staff be directed to complete the required notification, and
2. The Development Variance Permit application No. PL2010-182 to legalize the siting of an existing dwelling unit with a variance to the setback be approved subject to the conditions outlined in *Schedules No. 1- 3.*

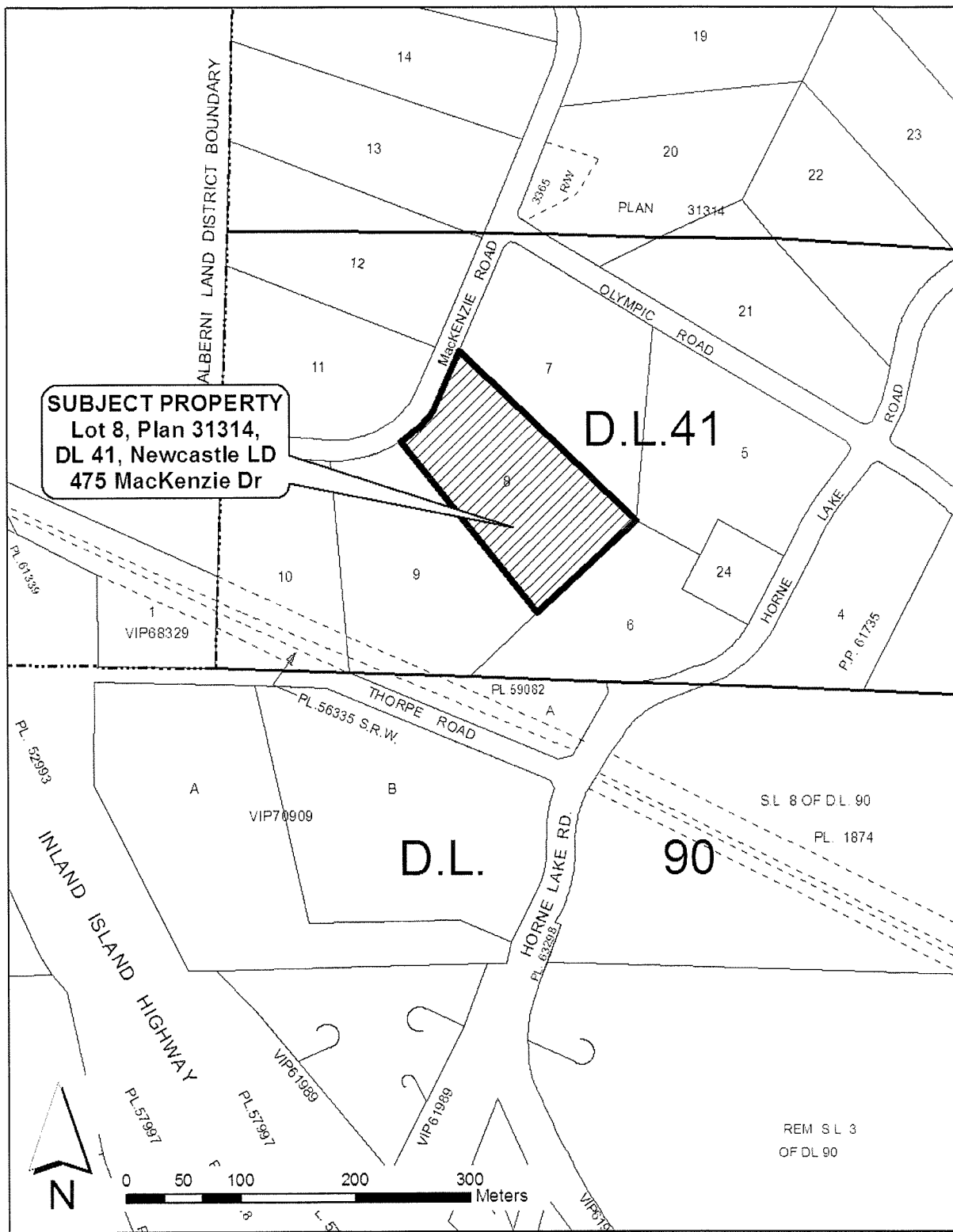

Report Writer


General Manager Concurrence


Manager Concurrence


CAO Concurrence

Attachment No. 1
Location of Subject Property



BCGS MAPSHEET 92F 037 4 4

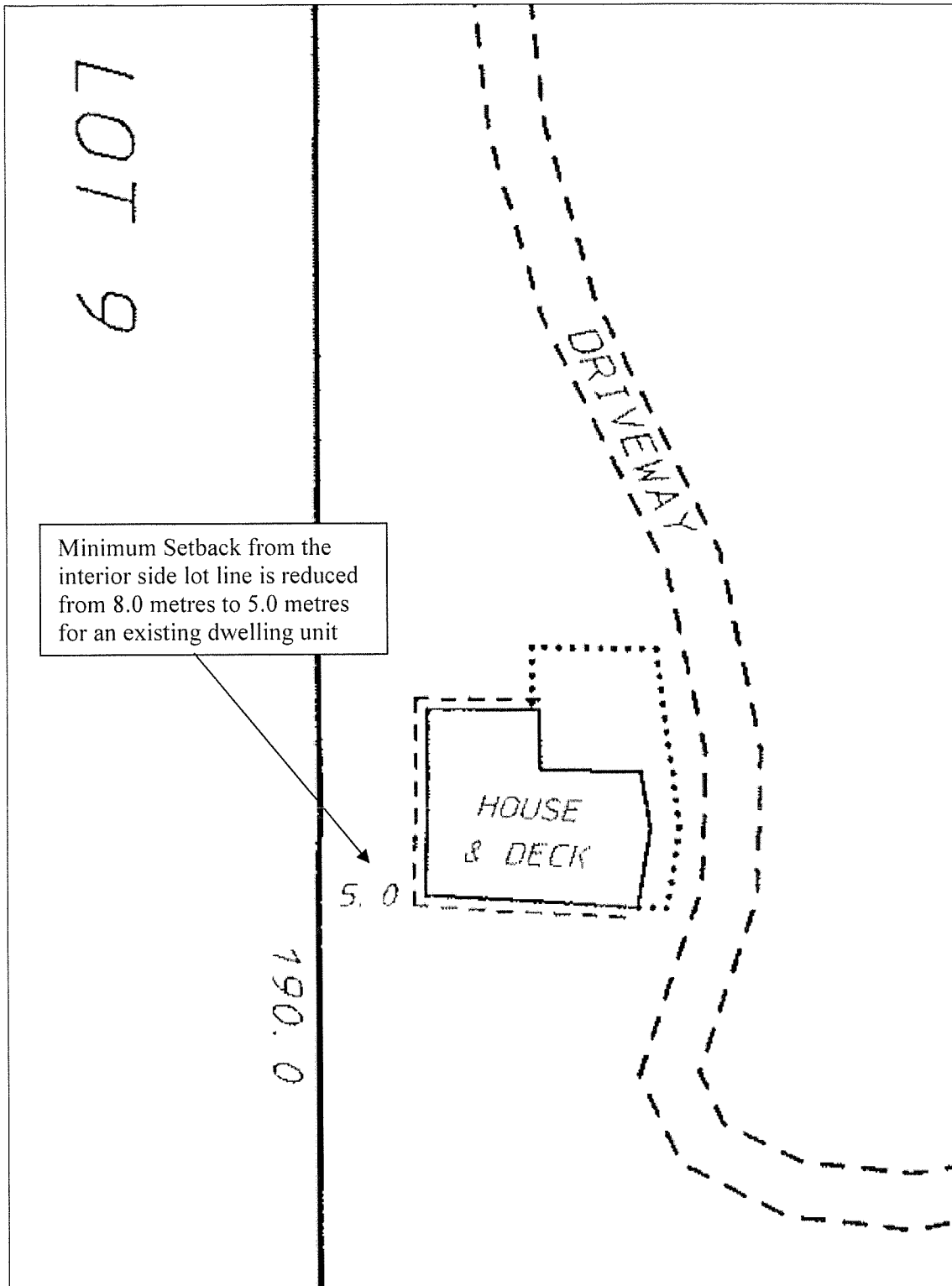
Schedule No. 1
Terms of Development Variance Permit No. PL2010-182

Bylaw No. 500, 1987 – Variance

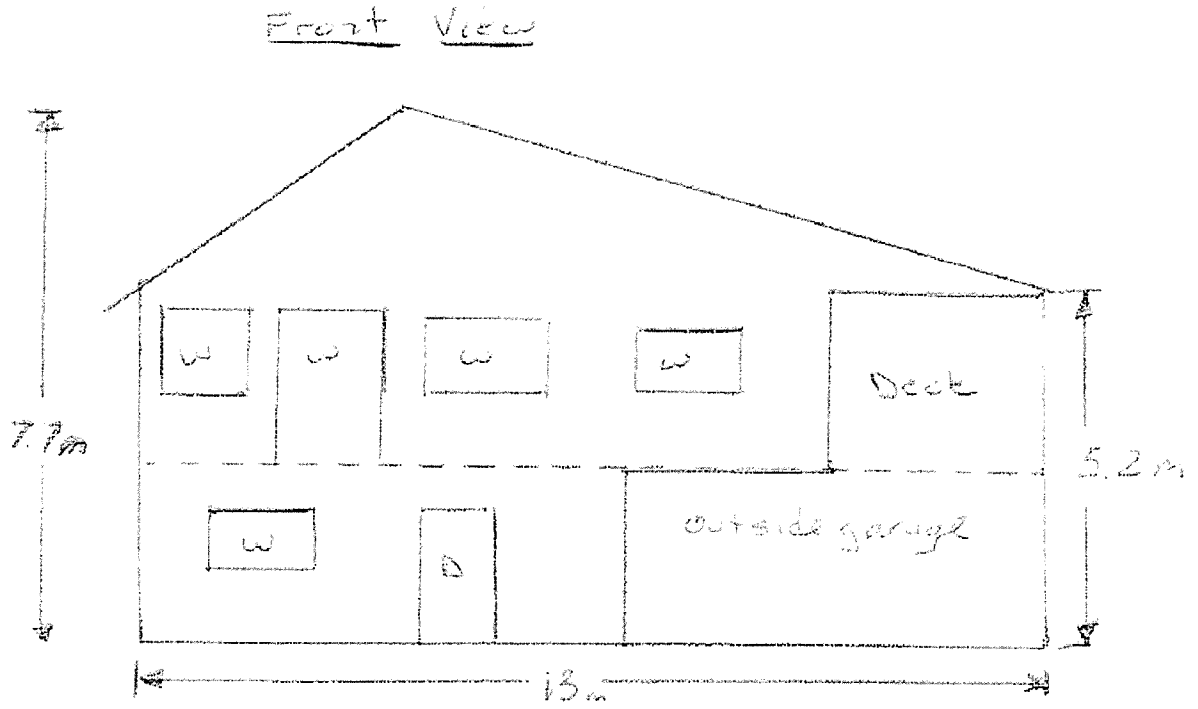
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” is varied as follows:

1. **Section 3.4.81 Minimum Setback Requirements** is hereby varied by reducing the setback from the interior side lot line from 8.0 metres to 5.0 metres for a dwelling unit as shown on *Schedule No. 2*.

Schedule No. 2
Site Plan - Detail
(Page 2 of 2)



**Schedule No. 3
Building Elevation**





RDN REPORT	
CAO APPROVAL <i>AW</i>	
EAP	✓ Nov 9 10
COW	
OCT 27 2010	
RHD	
BOARD	

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: October 22, 2010

FROM: Elaine Leung
Planner

FILE: PL2010-192

SUBJECT: Development Variance Permit Application No. PL2010-192
Fern Road Consulting Ltd.
Strata Lot 50, District Lot 78, Nanoose District, Strata Plan VIS3393
Together with an Interest in the Common Property in Proportion to the Unit
Entitlement of the Strata Lot as Shown on Form 1
Shetland Place – Electoral Area 'E'

PURPOSE

To consider an application for a Development Variance Permit for the construction of a dwelling unit.

BACKGROUND

The Regional District of Nanaimo has received a Development Variance Permit application from Fern Road Consulting on behalf of Nicholas and Kandyce Keen. The property is approximately 1,231 square metres (0.12 ha) in size and is currently vacant (*see Attachment No. 1 for location of the subject property*). The applicant wishes to construct a dwelling unit.

The subject property is zoned Residential 1 (RS1), pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987.” The subject property and is bordered by residential properties.

Proposed Variances

The applicants propose to vary the following from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- *Section 3.4.61 – Minimum Number and Size of Buildings and Structures* is requested to be varied by increasing the maximum dwelling unit height from 8.0 metres to 9.1 metres.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2010-192 subject to the conditions outlined on Schedules No. 1 – 3.
2. To deny Development Variance Permit No. PL2010-192 as submitted.

LAND USE AND DEVELOPMENT IMPLICATIONS

The subject property contains several physical challenges including a considerable slope to the rear and the presence of rock outcrop features. A portion of the proposed dwelling is two storeys, however, due to the topography and the method in which height is calculated, the portion that is a single storey will exceed the maximum allowable height. Therefore, in order to minimize the amount of rock extraction, the applicants are requesting a variance to increase the maximum dwelling unit height from 8.0 metres to 9.1 metres in order to construct a dwelling unit. The proposed location of the dwelling unit is outlined on *Schedule No. 2*. The Building Department has confirmed that the height calculations submitted by the applicant are correct.

The lots to the rear and east are vacant lots. The lot directly across the street contains a dwelling unit and is not expected to be negatively impacted. Staff recommends approval.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist". No sustainability implications were identified as a result of the proposed development.

Public Consultation Process

As part of the required public notification process, pursuant to the *Local Government Act*, property owners and tenants located within a 50.0 metre radius, will receive a direct notice of the proposal, and will have an opportunity to comment on the proposed variance, prior to the Board's consideration of the application.

SUMMARY

This is an application for a Development Variance Permit to permit the construction of a dwelling unit, by increasing the maximum dwelling unit height from 8.0 metres to 9.1 metres. Staff recommends approval of the Development Variance Permit.

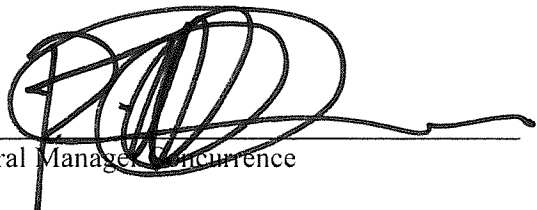
RECOMMENDATION

That

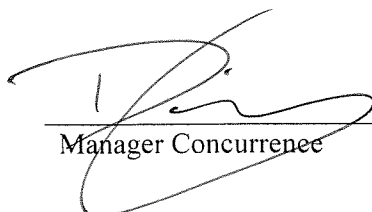
1. Staff be directed to complete the required notification, and
2. The Development Variance Permit Application No. PL2010-192, be approved subject to the conditions outlined in Schedules No. 1 - 3.



Report Writer



General Manager Concurrence



Manager Concurrence

CAO Concurrence

Schedule No. 1
Terms of Development Permit No. PL2010-192

The following sets out the terms and conditions of Development Variance Permit No. PL2010-192.

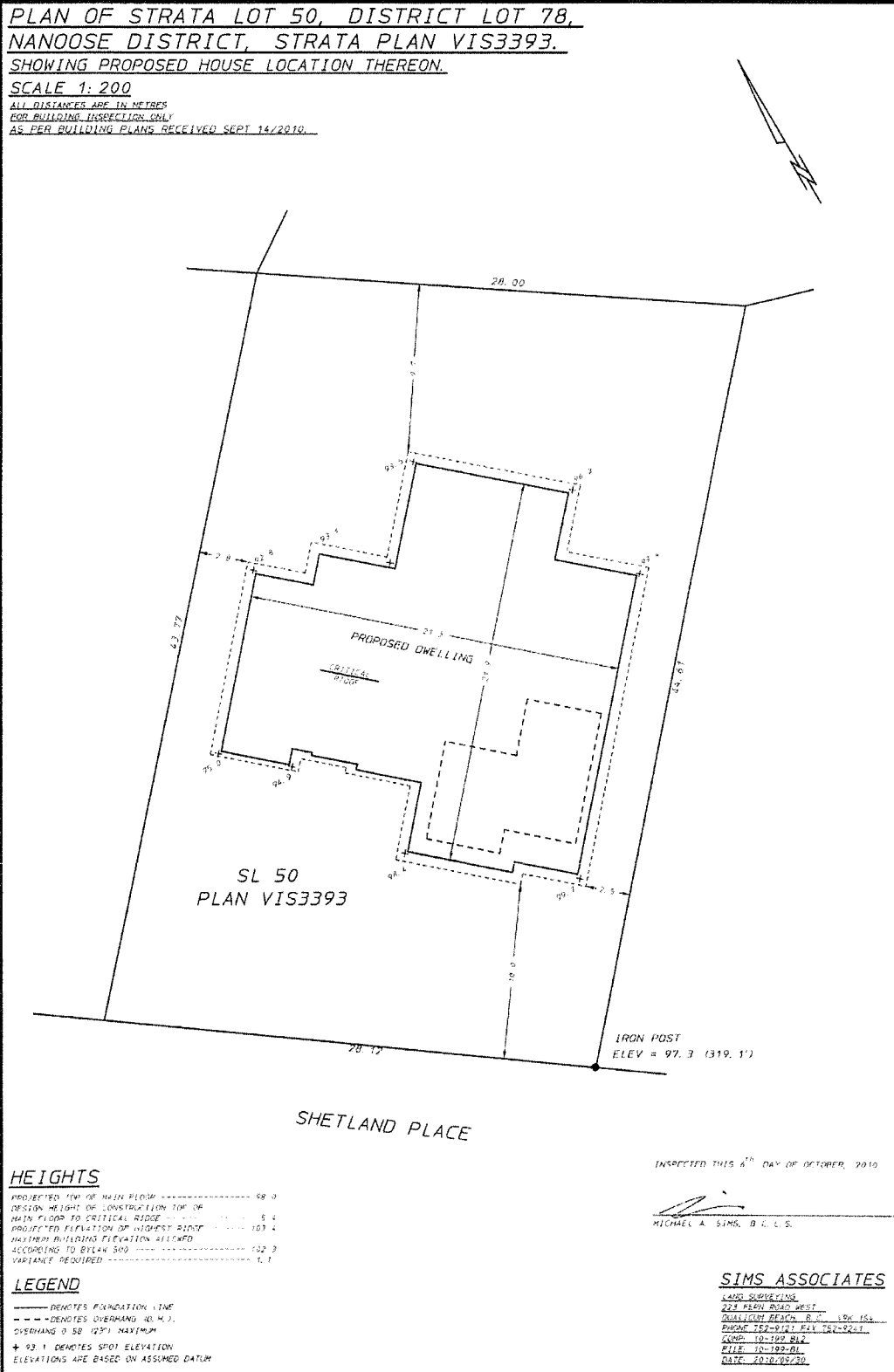
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” is requested to be varied as follows:

1. **Section 3.4.61 Minimum Setback Requirements** is hereby varied by increasing the maximum dwelling unit height from 8.0 metres to 9.1 metres, as shown on *Schedule No. 3*.

Conditions of Permit

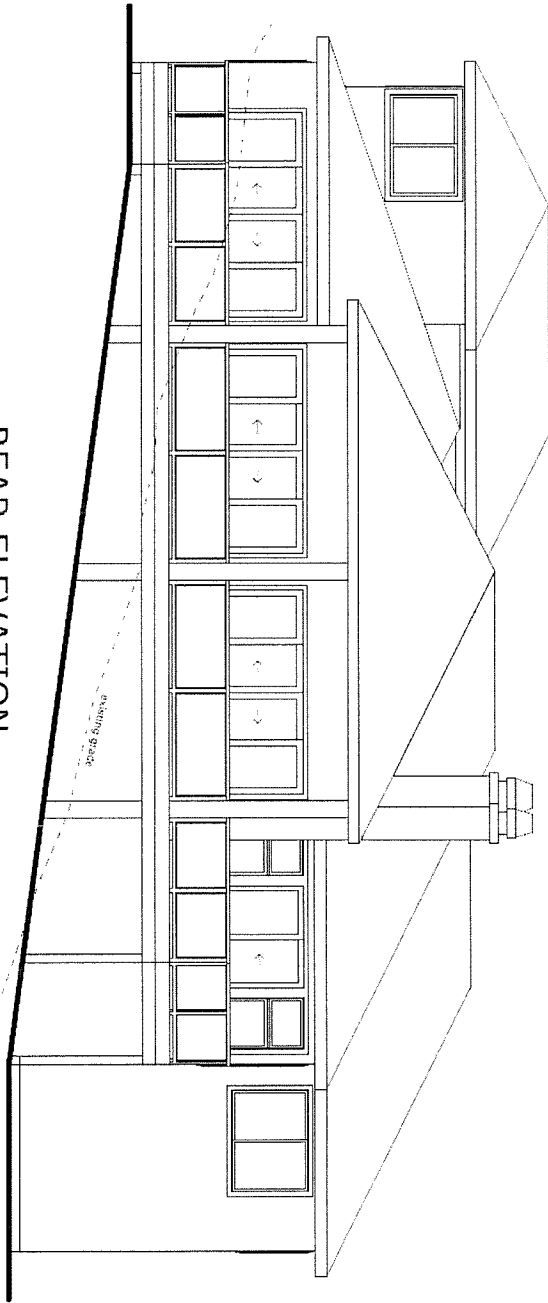
1. The dwelling unit shall be sited in accordance with site plan prepared by Sims Associates Evergreen Home Design, dated September 30, 2010, attached as *Schedule No. 2*.
2. The dwelling unit shall be constructed in accordance with the building elevations submitted by the applicant attached as *Schedule No. 3*.

**Schedule No. 2
 Site Plan**

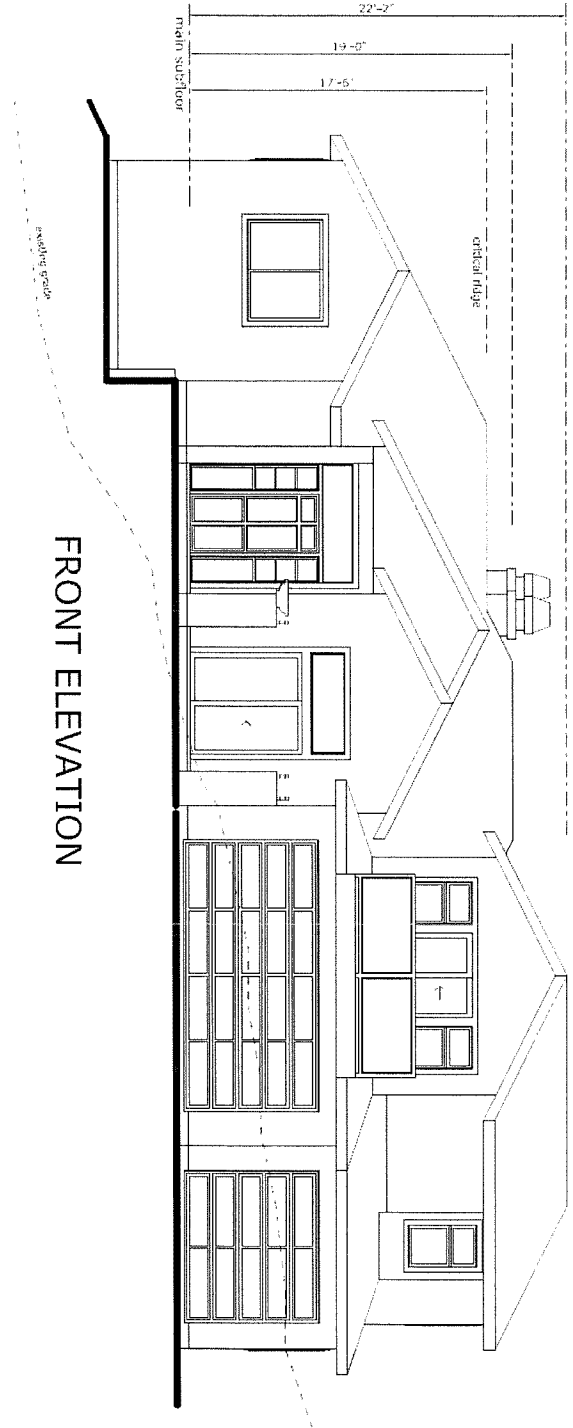


Schedule No. 3
Building Elevations
(Page 1 of 2)

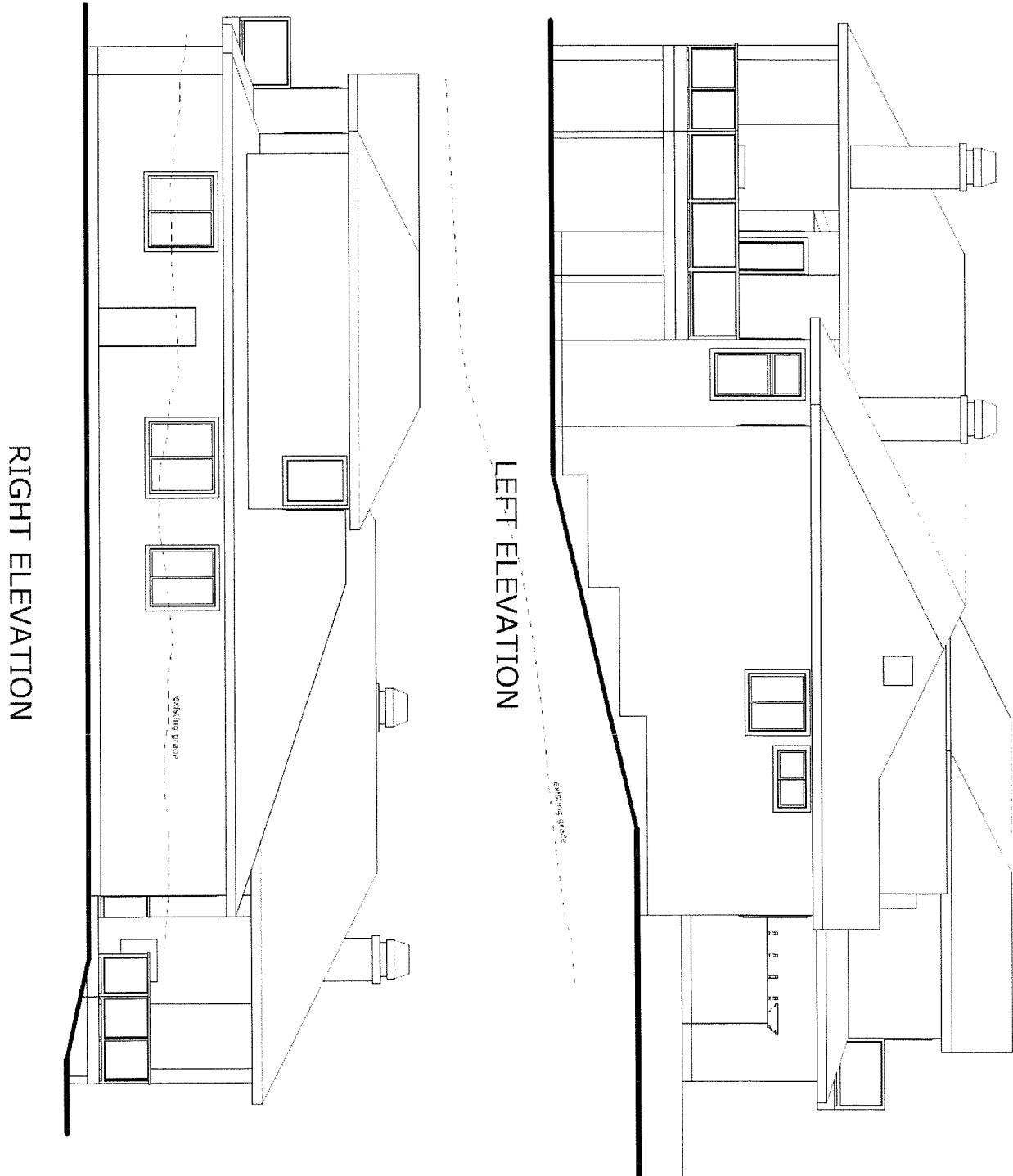
REAR ELEVATION



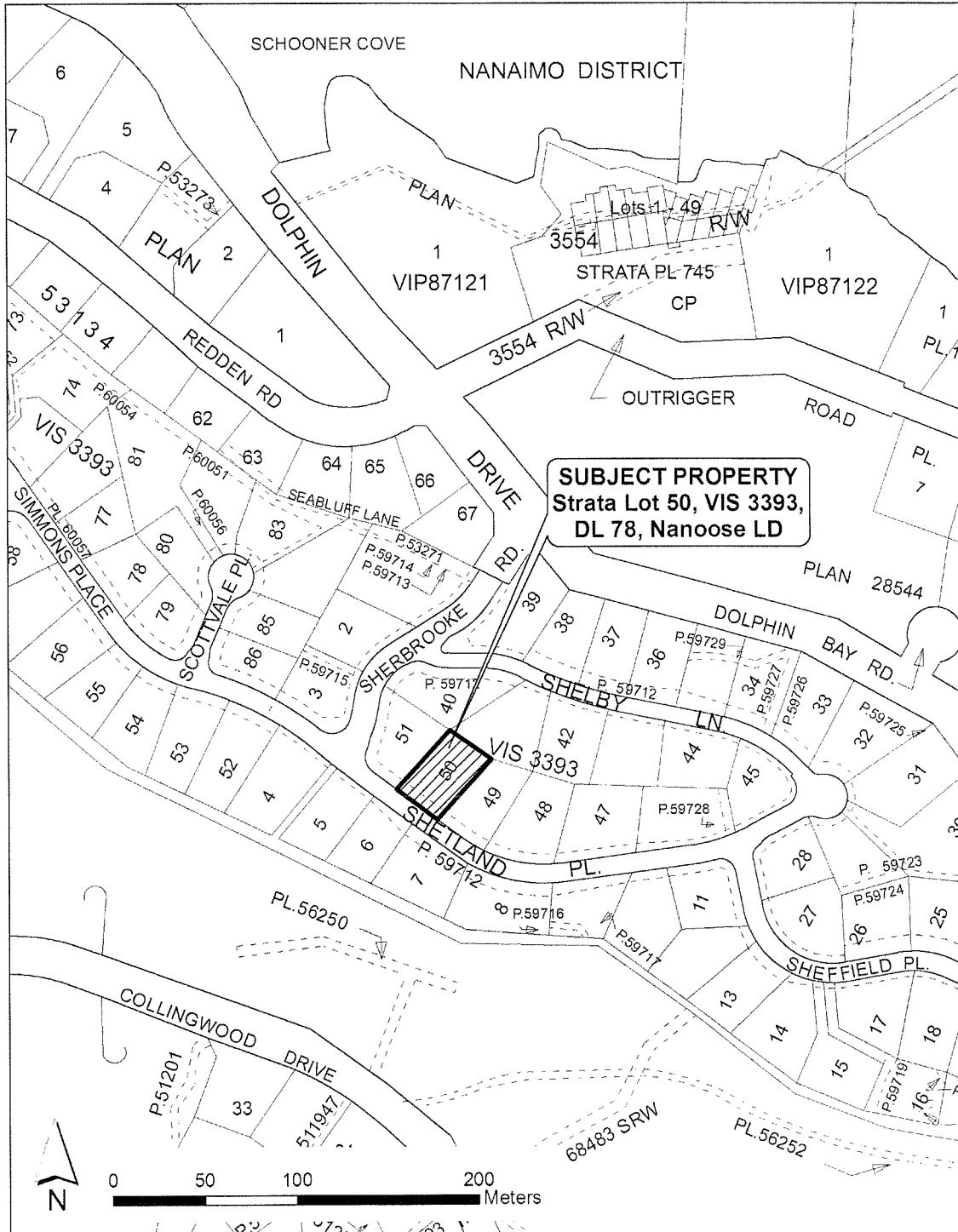
FRONT ELEVATION



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



Attachment No. 1
Location of Subject Property



BCGS MAPSHEET 92F 030 3 4



RDN REPORT	
CAO APPROVAL <i>CM</i>	
EAP	✓ NOV 9 '10
COW	
NOV 09 2010	
RHD	
BOARD	

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: October 29, 2010

FROM: Kristy Marks
Planner

FILE: PL2010-193

SUBJECT: Development Variance Permit Application No. PL2010-193
Fern Road Consulting Ltd.
Lot 6, Block 4, District Lot 11, Newcastle District, Plan 1223
3816 Island Highway West – Electoral Area ‘G’

PURPOSE

To consider an application for a Development Variance Permit to allow the construction a dwelling unit on the subject property.

BACKGROUND

The Regional District of Nanaimo has received an application from Fern Road Consulting Ltd. on behalf of Mark and Michelle Hanna to permit the construction of a dwelling unit. The subject property is approximately 0.27 ha in area and is zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment No. 1 for location of subject property). The property is bound by the Island Highway to the north, developed residential parcels to the south and west and by Lasqueti Road which is unconstructed to the east. The property previously contained a dwelling unit which has recently been removed down to the foundation and the applicants are proposing to construct a new dwelling on the existing foundation. They have obtained the necessary building permit but wish to modify their plans to include a deck that would encroach into the setback from the other lot line adjacent to the unconstructed road.

Proposed Variance

The applicant is requesting a variance to reduce the setback from the other lot line from 5.0 metres to 2.0 metres in order to permit the construction of a dwelling unit.

ALTERNATIVES

1. To approve the Development Variance Permit No. PL2010-193 subject to the conditions outlined in Schedules No. 1 - 3.
2. To deny the Development Variance Permit No. PL2010-193.

DEVELOPMENT IMPLICATIONS

The applicant is requesting a variance to the setback from the other lot line in order to permit the construction of a dwelling unit on the subject property. The location of the dwelling is shown on *Schedule No. 2* and building elevations are shown on *Schedule No. 3*.

The applicant has provided the following justification for the requested setback variance:

- The property owner plans to utilize the existing foundation for the construction of the new dwelling in order to reduce construction waste and therefore the proposed building location was determined by the existing foundation;
- The applicant is proposing to construct a modest dwelling with an approximate floor area of 1200 ft² and the existing building layout requires very specific location of the kitchen and living area. Given the compact nature of the home the owner wishes to utilize the outdoor space from these areas to create a functional living environment;
- Given the sloping topography of the site, access to the outdoors from these areas requires a deck;
- The variance is for the deck portion of the dwelling unit only and the east face of the building is located 5.4 metres from the property line;
- There is no anticipated view or aesthetic impacts related to the requested variance.

The applicants have obtained a permit to reduce the building setback from the Ministry of Transportation and Infrastructure (MOTI). In addition, MOTI has provided confirmation that they do not have any plans to open Lasqueti Road to the Island Highway and that they may consider closing the road and selling a portion of the road right of way to each adjacent property owner.

Given that the required setback from an interior side lot line in the RS2 zone is 2.0 metres and MOTI has indicated that it is unlikely that the unconstructed road right of way will be constructed in the future, staff support the requested variance to reduce the setback.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the “Sustainable Community Builder Checklist”. The applicant is proposing to utilize the existing foundation to reduce construction waste for the construction of a modest 1200 ft² dwelling and to reduce disturbance of existing established vegetation on the site.

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.

SUMMARY/CONCLUSIONS

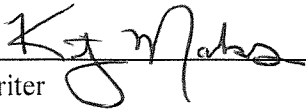
This is an application for a Development Variance Permit to reduce the minimum setback from the other lot line to permit the construction of a dwelling unit on the subject property.

The applicant has submitted a site plan, building elevation and justification for the requested variance in support of the application. In staff’s assessment, there are no anticipated impacts related to the requested variance.

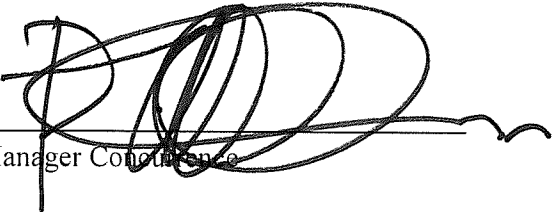
RECOMMENDATION

That:

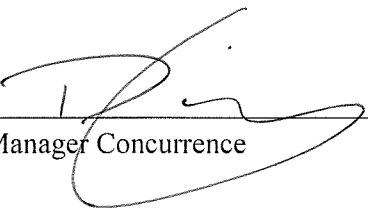
1. Staff be directed to complete the required notification, and
2. The Development Variance Permit application No. PL2010-193 to permit the construction of a dwelling unit with a variance to the setback be approved subject to the conditions outlined in *Schedules No. 1- 3.*



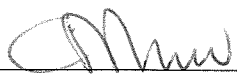
Report Writer



General Manager Concurrence

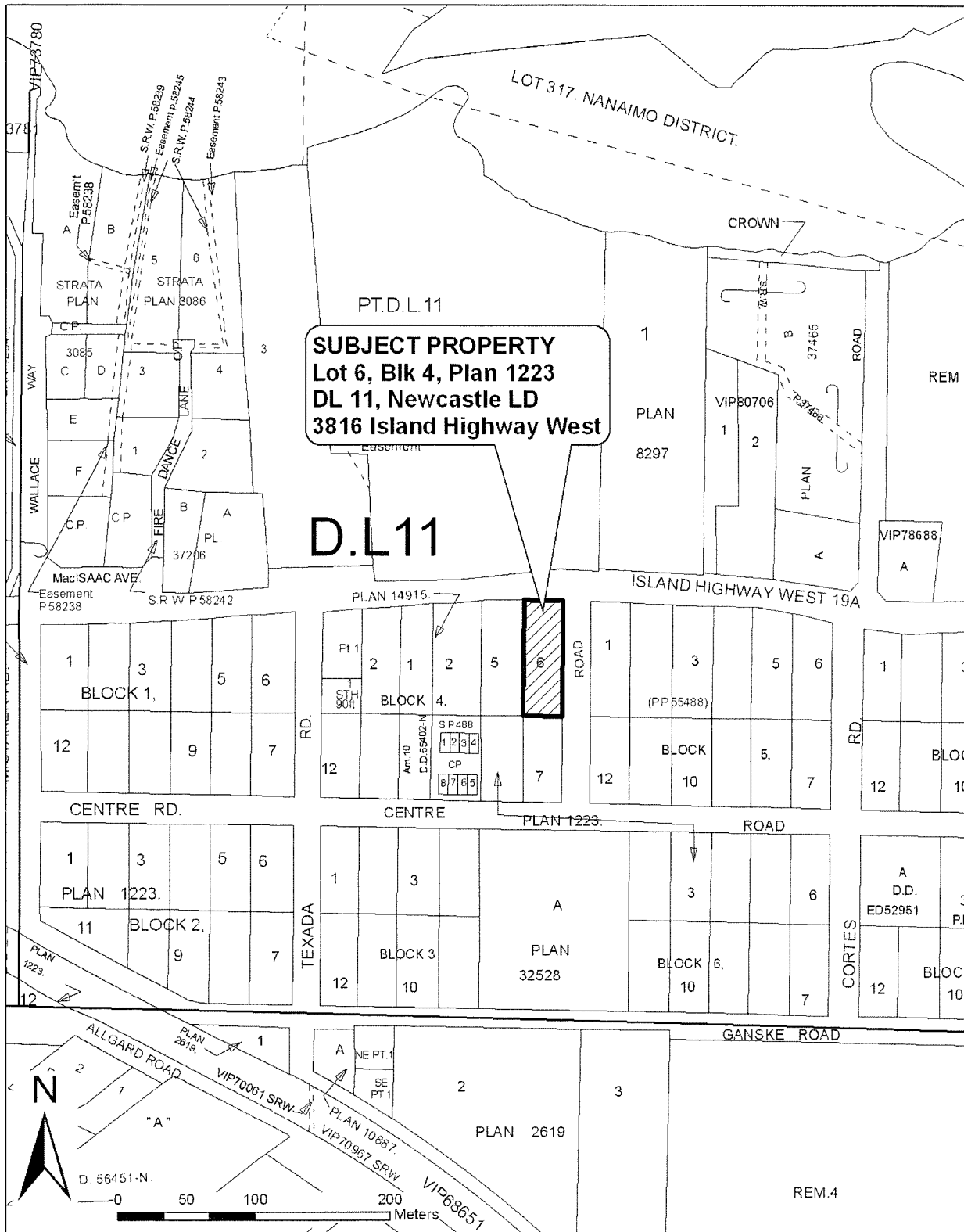


Manager Concurrence



CAO Concurrence

Attachment No. 1
Location of Subject Property



Schedule No. 1
Terms of Development Variance Permit No. PL2010-193

Bylaw No. 500, 1987 – Variance

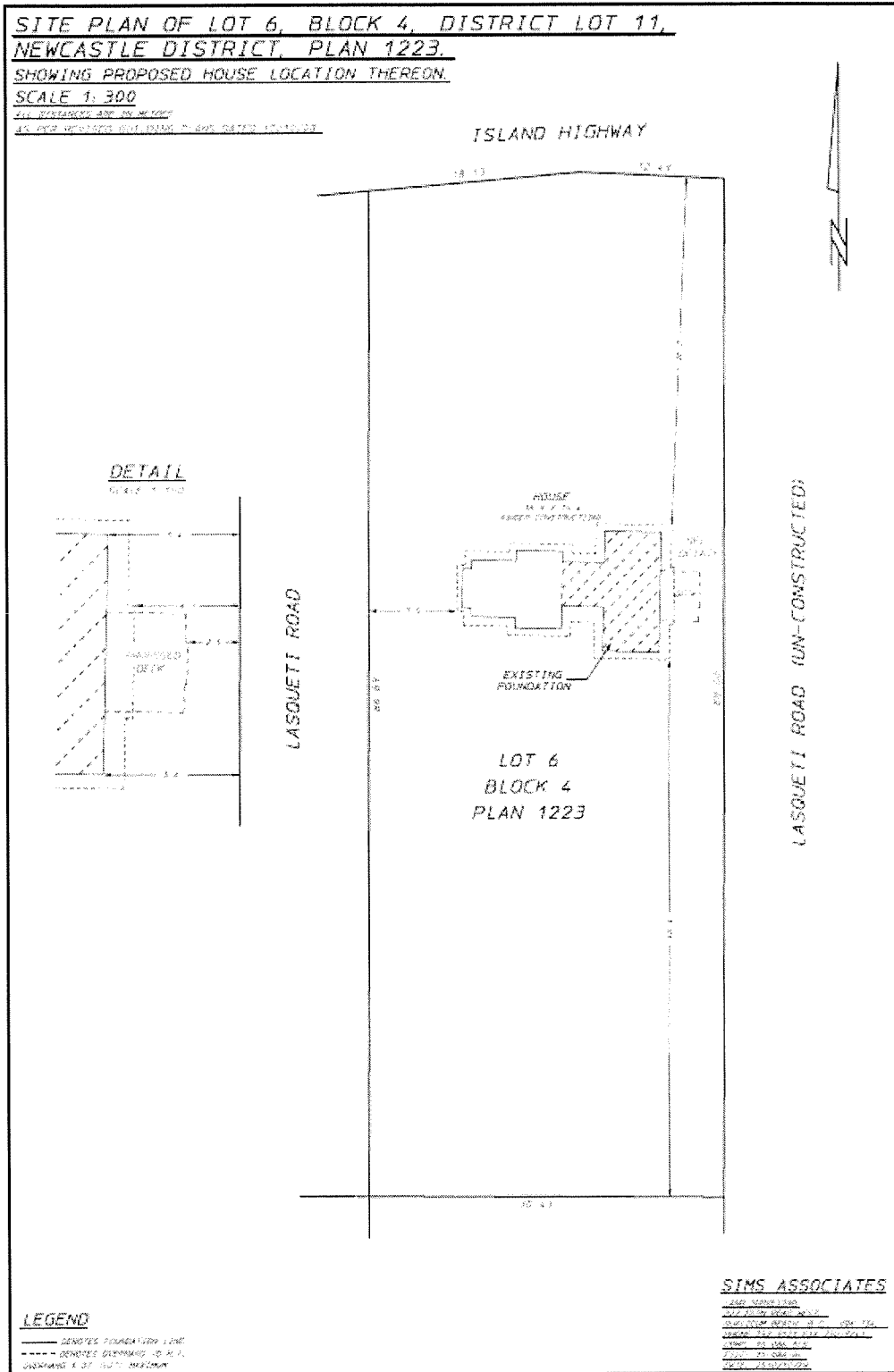
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” is varied as follows:

1. **Section 3.4.62 Minimum Setback Requirements** is hereby varied by reducing the setback from the other lot line from 5.0 metres to 2.0 metres for a dwelling unit as shown on *Schedule No. 2*.

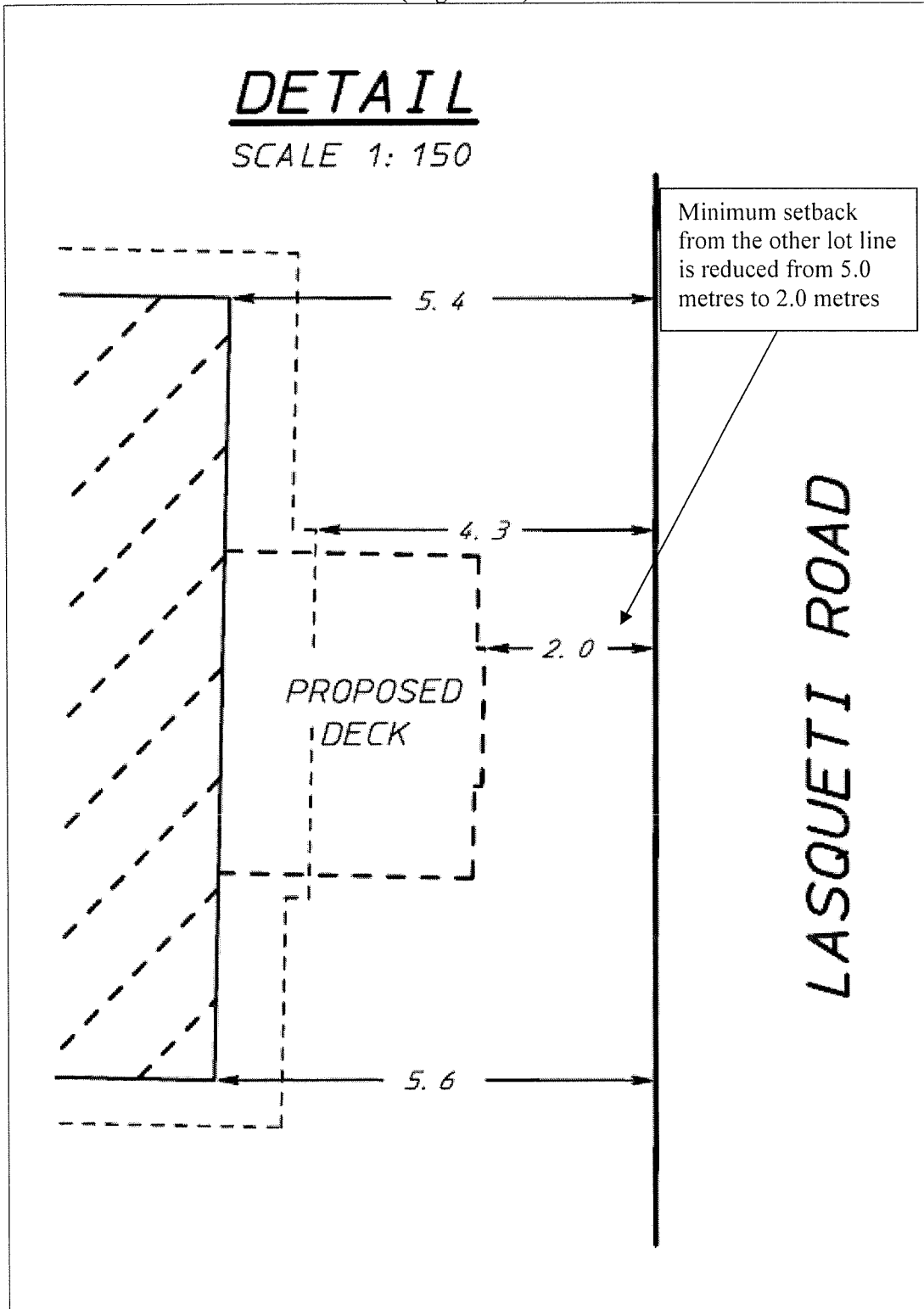
Conditions of Approval:

1. The dwelling unit shall be sited in accordance with the site plan prepared by Sims Associates dated October 29, 2010, attached as *Schedule No. 2*.
2. The dwelling unit shall be constructed in accordance with the elevation drawings prepared by C.A. Design dated November 25, 2009, attached as *Schedule No. 3*.

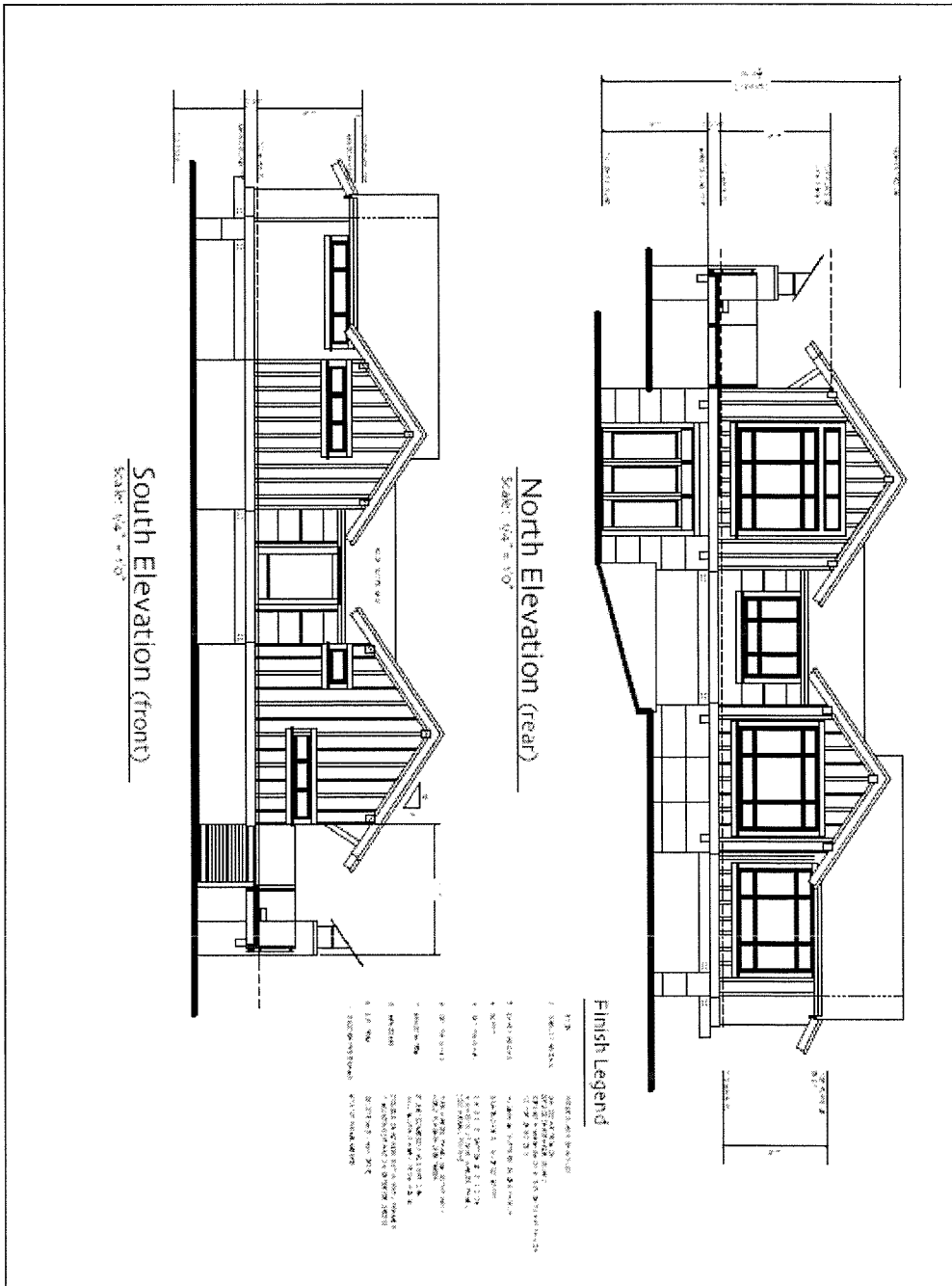
**Schedule No. 2
 Site Plan - Detail
 (Page 1 of 2)**



Schedule No. 2
Site Plan - Detail
(Page 2 of 2)



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



CA DESIGN

3835 ISLAND HWY.
 OAKLAND, CA 94618
 TEL: (415) 554-1111
 FAX: (415) 554-1112
 WWW.CADDESIGN.COM

PROJECT NO.
DATE

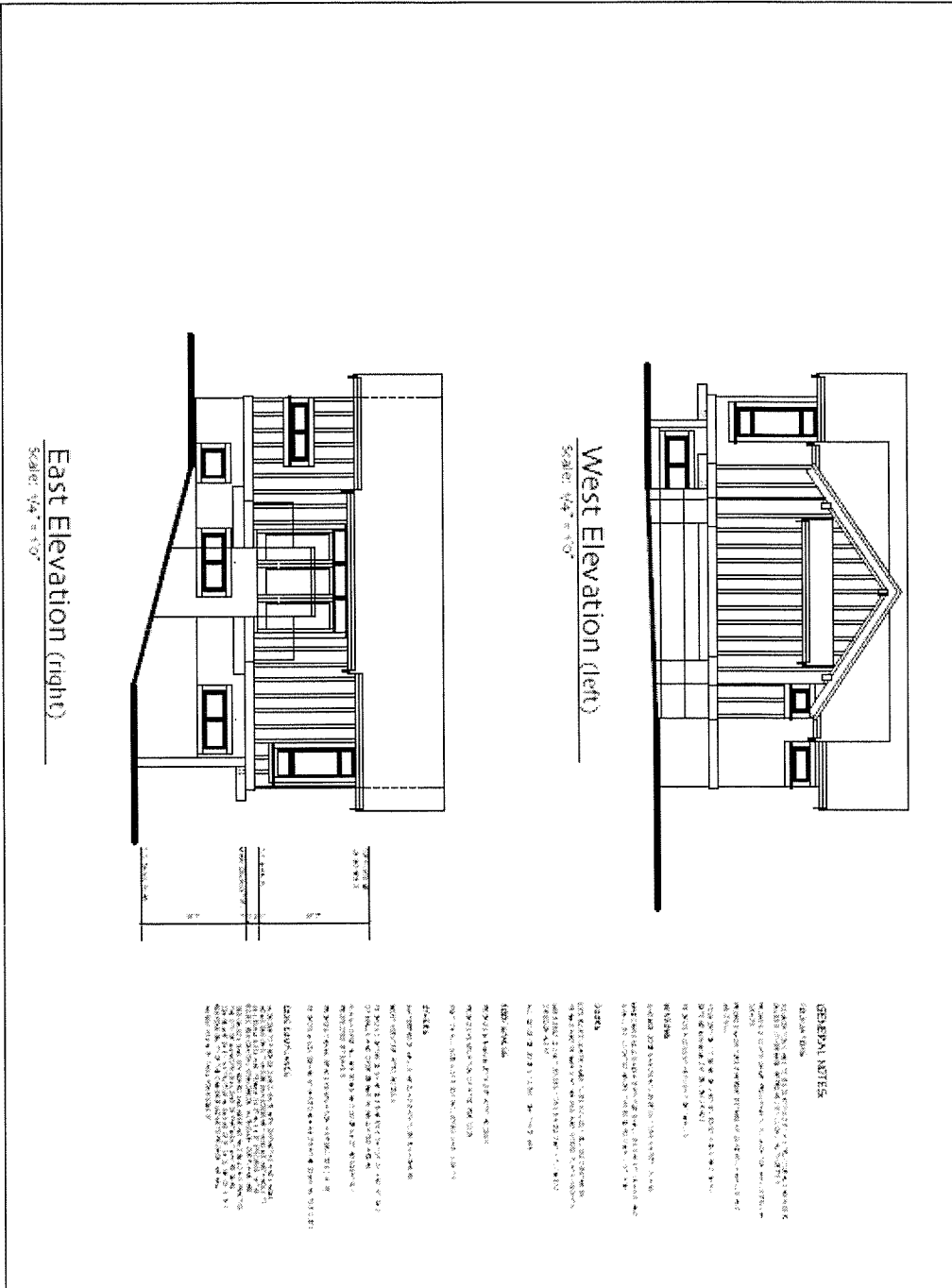
CLIENT
ADDRESS

DESIGNER
DATE

SCALE
DATE

3

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



CA DESIGN

1000 ...

GENERAL NOTES
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE ...
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE ...
 3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES ...
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES ...
 5. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND CONDITION AT ALL TIMES ...

NOTES
 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE ...
 2. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES ...
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES ...
 4. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND CONDITION AT ALL TIMES ...

3.000
 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE ...
 2. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES ...
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES ...
 4. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND CONDITION AT ALL TIMES ...

1.000
 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE ...
 2. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES ...
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES ...
 4. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND CONDITION AT ALL TIMES ...

GENERAL NOTES
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE ...
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE ...
 3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES ...
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES ...
 5. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND CONDITION AT ALL TIMES ...

NOTES
 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE ...
 2. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES ...
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES ...
 4. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND CONDITION AT ALL TIMES ...

4



CAO APPROVAL		DM
EAP	✓	Nov 9/10
COW		
NOV 01 2010		
RHD		
BOARD		

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: November 1, 2010

FROM: Kristy Marks
Planner

FILE: PL2010-200

SUBJECT: Development Variance Permit Application No. PL2010-200
0884051 BC Ltd, Inc. No. BC0884051
Lot 1, Section 9, Range 6, Cedar District, Plan 24395
2358 & 2364 Pylades Drive – Electoral Area ‘A’

PURPOSE

To consider an application for a Development Variance Permit to vary the maximum permitted accessory building height in order to allow the conversion of an existing dwelling unit to an accessory building on the subject property.

BACKGROUND

The Regional District of Nanaimo has received an application from Brent Tedford on behalf of 0884051 BC Ltd, to vary the height of an existing dwelling unit that the owner wishes to convert to an accessory building. The subject property is approximately 5.06 ha in area and is split zoned Rural 4 (RU4), Subdivision District ‘D’ (2.0 ha minimum parcel size) and Residential 2 (RS2), Subdivision District ‘F’ (1.0 ha minimum parcel size) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment No. 1 for location of subject property). The maximum permitted dwelling unit height is 8.0 metres in the RS2 zone and the maximum permitted accessory building height is 6.0 metres.

The property is divided by Pylades Drive, and bound by residential parcels to the north, rural parcels to the south and west, and Stuart Channel to the east. The property currently contains a shop/pump house and two dwelling units that were constructed in the late 1990’s. Currently, two dwelling units are permitted on the property, however the applicant has submitted a subdivision application and received preliminary layout approval (PLA) for a three lot subdivision as shown on *Schedule No. 2*. The proposed subdivision layout results in the siting of both dwelling units on one of the proposed RS2 lots. Given that this proposed lot is 1.42 ha in size and there are no community services available to the property, only one dwelling unit is permitted. Rather than demolish one of the existing dwellings, the applicant wishes to convert one of the dwellings, a small two storey log cabin, to an accessory building. As the existing cabin is greater than 6.0 metres in height, the applicant is requesting a height variance in order to permit the conversion of the dwelling unit to an accessory building. The applicant must obtain a building permit for the conversion of the dwelling unit to an accessory building as outlined in the Conditions of Approval set out in *Schedule No. 1*.

Proposed Variance

The applicant is requesting a height variance from the 6.0 metres to 7.76 metres to permit the conversion of an existing dwelling unit to an accessory building.

ALTERNATIVES

1. To approve the Development Variance Permit No. PL2010-200 subject to the conditions outlined in *Schedules No. 1 - 3*.
2. To deny the Development Variance Permit No. PL2010-200.

DEVELOPMENT IMPLICATIONS

The applicant is requesting a variance to increase the maximum permitted height of an accessory building in order to permit the conversion of an existing dwelling unit to an accessory building on the subject property. The location of the existing dwelling is shown on *Schedule No. 2* and general building elevations are shown on *Schedule No. 3*.

If the height variance is approved, the existing cabin which is approximately 100 m² in floor area and the existing pump house/workshop which is approximately 75 m² in floor area and will meet the maximum permitted accessory building floor area of 250 m² in the RS2 zone.

The applicant has provided the following justification for the requested height variance:

- Given that existing dwelling is a timber frame cabin, it cannot reasonably be modified in order to reduce its height to 6.0 metres;
- Allowing the building to be converted to an accessory building would permit the re-use of an existing building and reduce demolition waste;
- A building permit was obtained in order to permit the construction of the dwelling unit in approximately 1997;
- There are no anticipated view or aesthetic impacts related to the requested variance as a large portion of the parcel is heavily vegetated and the building is located below a ridge.

Given that a building permit was obtained for the construction of the dwelling, the existing building will be able to meet the maximum permitted floor area for accessory buildings, and there are no anticipated view implications, staff support the requested height variance.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist". Given there is no new development proposed no sustainability implications have been identified.

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.

SUMMARY

This is an application for a Development Variance Permit to vary the maximum permitted height of an accessory in order to permit the conversion of an existing dwelling unit to an accessory building on the subject property.

The applicant has submitted a site plan, elevation plan and justification for the requested variance in support of the application. In staff's assessment, there are no anticipated impacts related to the requested variance.

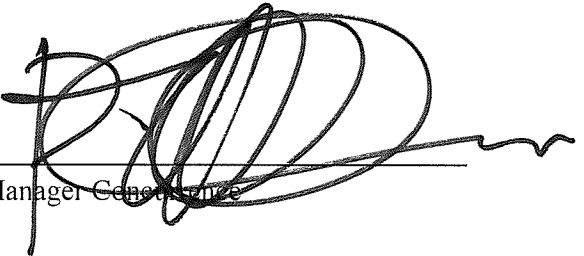
RECOMMENDATION

That:

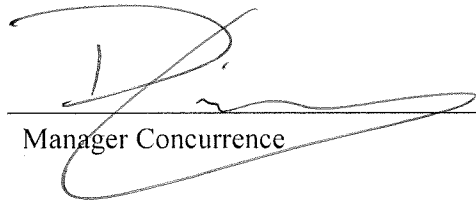
1. Staff be directed to complete the required notification, and
2. The Development Variance Permit Application No. PL2010-200 to vary the maximum permitted accessory building height in order permit the conversion of an existing dwelling unit to an accessory building subject to the conditions outlined in *Schedules No. 1- 3.*



Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule No. 1
Terms of Development Variance Permit No. PL2010-200

Bylaw No. 500, 1987 – Variance

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

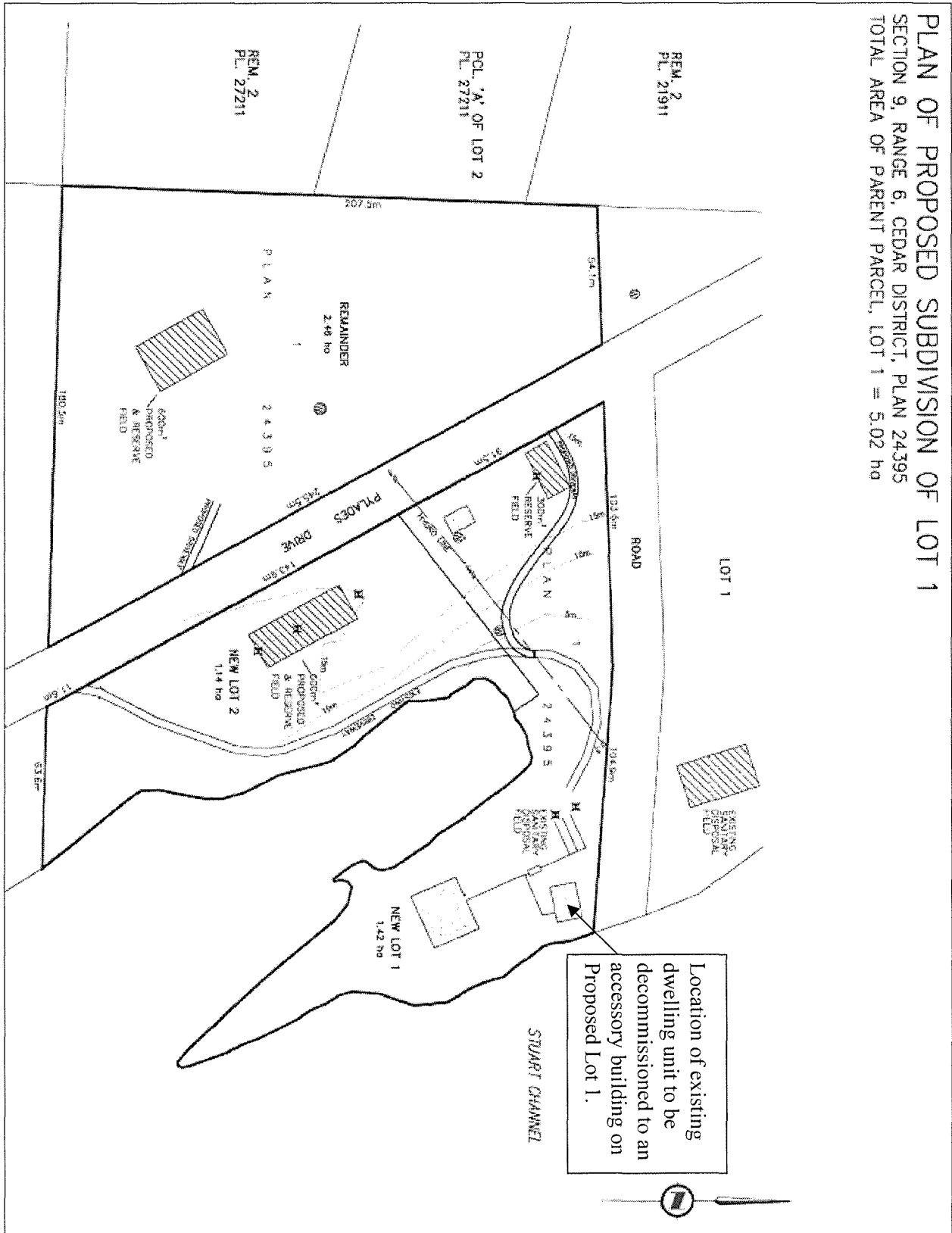
1. **Section 3.4.62 Maximum Number and Size of Buildings and Structures** is hereby varied by increasing the maximum permitted height of an accessory building from 6.0 to 7.76 as shown on *Schedule No. 2*.

Conditions of Approval:

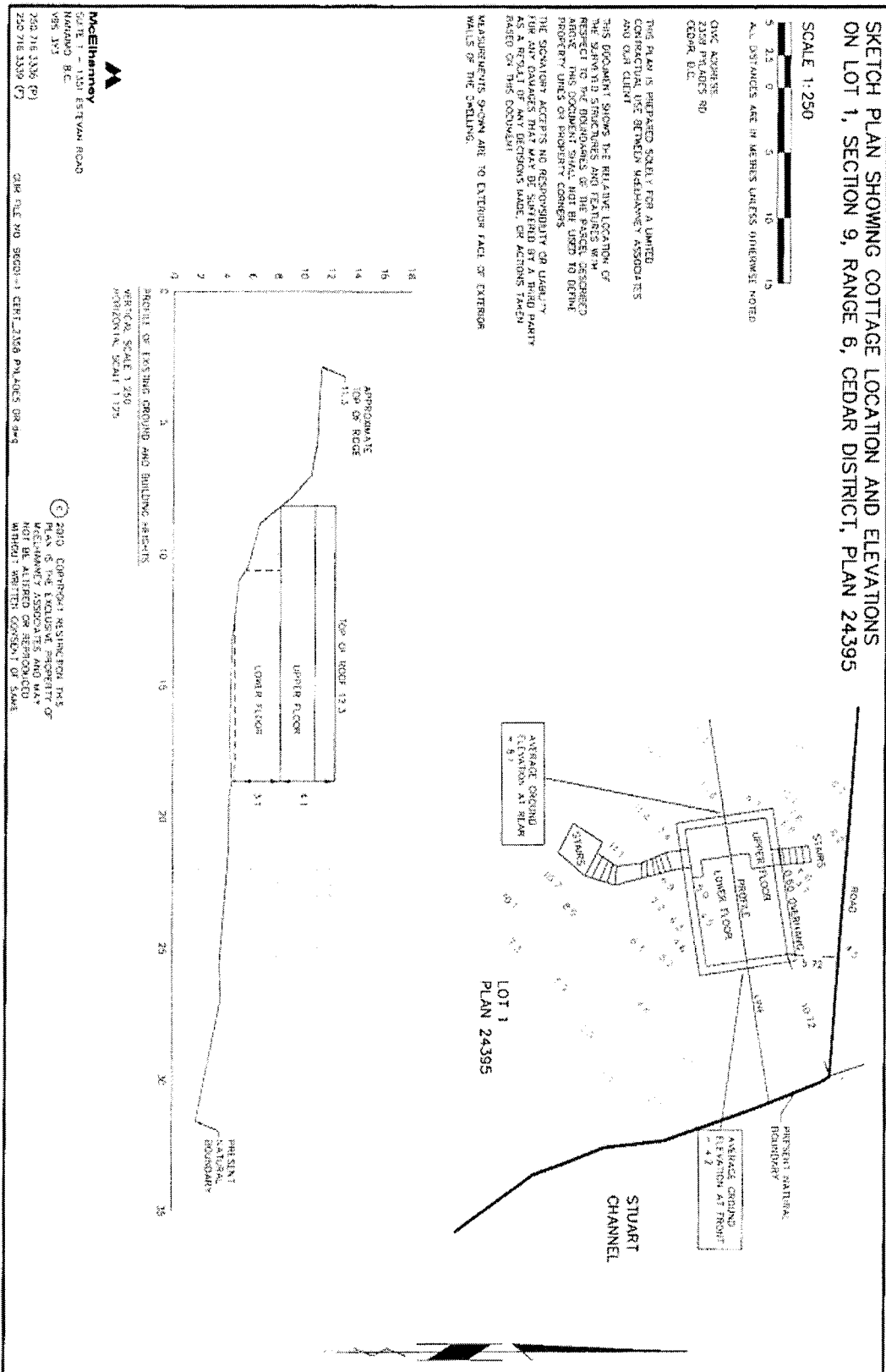
1. The applicant shall obtain a building permit to decommission the dwelling unit to an accessory building prior to the RDN providing confirmation to the Ministry of Transportation and Infrastructure (MOTI) that all applicable bylaws and regulations have been complied with.

**Schedule No. 2
 Proposed Plan of Subdivision**

PLAN OF PROPOSED SUBDIVISION OF LOT 1
 SECTION 9, RANGE 6, CEDAR DISTRICT, PLAN 24395
 TOTAL AREA OF PARENT PARCEL, LOT 1 = 5.02 ha



Schedule No. 3
 Site Plan & Building Elevation



SKETCH PLAN SHOWING COTTAGE LOCATION AND ELEVATIONS ON LOT 1, SECTION 9, RANGE 6, CEDAR DISTRICT, PLAN 24395

SCALE 1:250



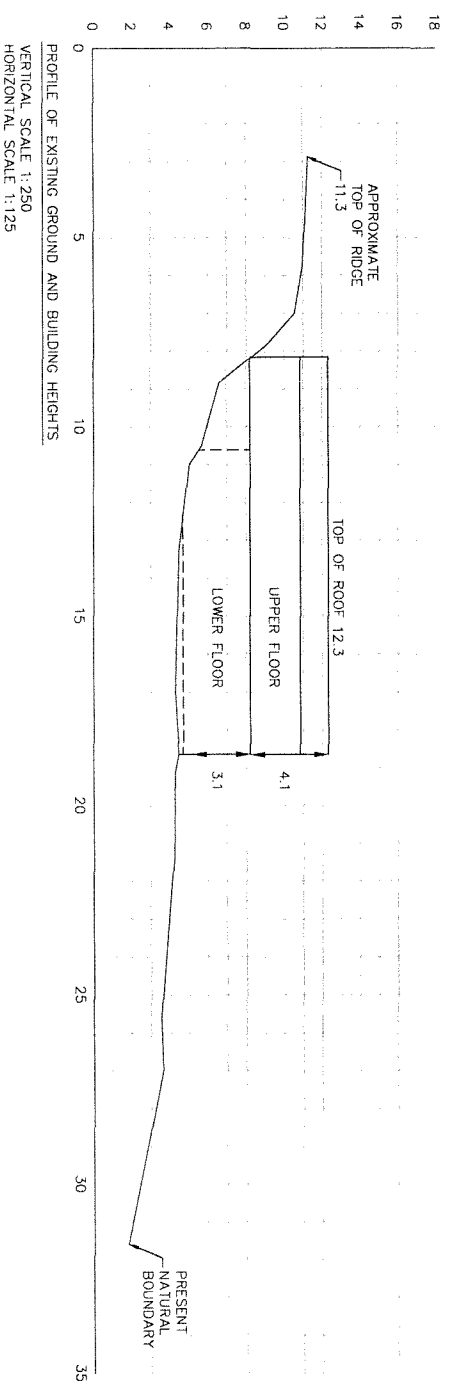
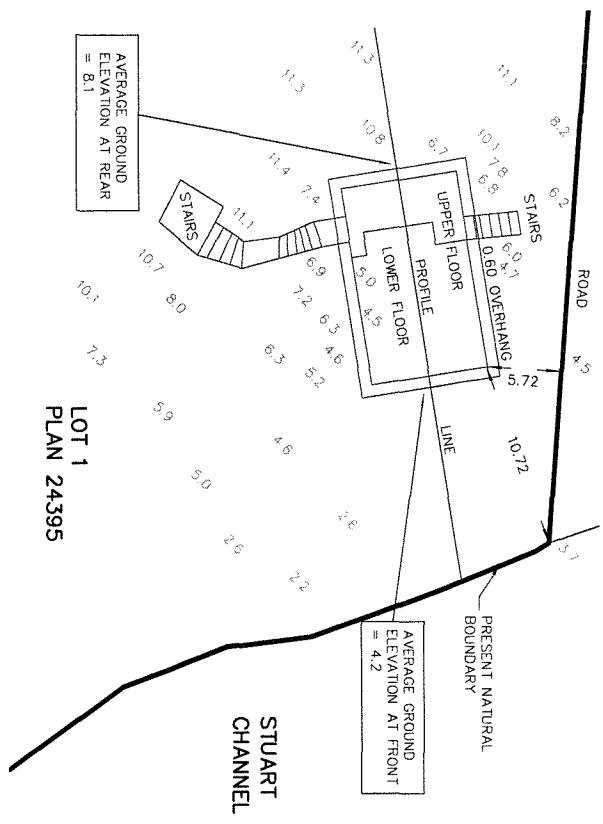
CIVIC ADDRESS:
2358 PLYADES RD
CEDAR, B.C.

THIS PLAN IS PREPARED SOLELY FOR A LIMITED CONTRACTUAL USE BETWEEN MCELHANNNEY ASSOCIATES AND OUR CLIENT.

THIS DOCUMENT SHOWS THE RELATIVE LOCATION OF THE SURVEYED STRUCTURES AND FEATURES WITH RESPECT TO THE BOUNDARIES OF THE PARCEL DESCRIBED ABOVE. THIS DOCUMENT SHALL NOT BE USED TO DEFINE PROPERTY LINES OR PROPERTY CORNERS.

THE SIGNATORY ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF ANY DECISIONS MADE, OR ACTIONS TAKEN BASED ON THIS DOCUMENT.

MEASUREMENTS SHOWN ARE TO EXTERIOR FACE OF EXTERIOR WALLS OF THE DWELLING.



© 2010 COPYRIGHT RESTRICTION. THIS PLAN IS THE EXCLUSIVE PROPERTY OF MCELHANNNEY ASSOCIATES AND MAY NOT BE ALTERED OR REPRODUCED WITHOUT WRITTEN CONSENT OF SAME.

McElhannney
SUITE 1 - 1351 ESTEVAN ROAD
NANAIMO, B.C.
V9S 3Y3
250.716.3336 (P)
250.716.3339 (F)

OUR FILE NO. 96001-1 CERT_2358 PLYADES DR.dwg



RDN REPORT	
CAO APPROVAL <i>AN</i>	
EAP	✓ Nov 9 '10
COW	
NOV 01 2010	
RHD	
BOARD	

MEMORANDUM

TO: Dale Lindsay
Manager, Current Planning

DATE: November 1, 2010

FROM: Susan Cormie
Senior Planner

FILE: PL2009-154

**SUBJECT: Request for Acceptance of Cash-in-lieu of Park Land Dedication
Fern Road Consulting Ltd.
Lot B, District Lot 81, Nanoose District, Plan 44150, Except Part in Plans 44151
and VIP81836 - 1031 Lowry's Road
Electoral Area 'G'**

PURPOSE

To consider cash-in-lieu of park land dedication, in conjunction with the creation of a two lot subdivision on the subject property.

BACKGROUND

This is a subdivision application from Fern Road Consulting Ltd. on behalf of Lorrie Shaver and Nancy Shaver. The subdivision is subject to the consideration of park land or cash-in-lieu of park land or a combination of both (*see Attachment No. 2 for location of subject property*).

The subject property, which is .67 ha in size, is zoned Residential 1 (RS1) and is within Subdivision District 'Q' (*minimum 700 m² with both community water and sewer services*) as per the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

The parent parcel supports a dwelling unit and accessory buildings. The property is surrounded by residentially zoned properties and is adjacent to Lowry's Road to the south and Lowry Place to the west.

Park Land Requirements / Proposed Development

The applicant is proposing a two lot subdivision with both community water and sewer service connections, which will meet the minimum parcel size requirement pursuant to Bylaw No. 500, 1987 (*see Attachment No. 1 for proposed subdivision layout*). As this subdivision application involves a parcel that was created within the last five years, the provision of park land or cash-in-lieu is required as per the Local Government Act. The maximum amount of park land that the Regional District may request is 5% of the total site area, which for this application is 337 m².

Given the subdivision proposal and size of required park dedication, the applicant is proposing to provide cash-in-lieu of park land. This offer was referred to the Electoral Area 'G' Parks and Open Space Advisory Committee (POSAC) on October 4, 2010 and was presented at a Public Information Meeting held on October 28, 2010.

In addition, the applicant has offered to provide an additional \$8,000.00 contribution to the Parks Fund subject to cash-in-lieu-of park land being accepted. The additional contribution is intended for Area 'G' Parks Fund only and may be used for any park functions, maintenance, equipment purchase or land acquisition.

ALTERNATIVES

1. To require the applicant to pay cash-in-lieu of park land and accept the offer to provide an additional \$8,000.00 to be contributed to the Electoral Area 'G' Parks Fund.
2. To not accept the offer of cash-in-lieu of park land and instead require the applicant to dedicate 5% park land.

FINANCIAL IMPLICATIONS

The subject properties have a combined assessed value of \$218,000.00 according to the 2010 assessment roll. The valuation of the property for 5% cash-in-lieu of park land charges would be based on a certified appraisal of the land at the time of preliminary layout approval (PLA). If cash-in-lieu of park land were to be required, it is anticipated that the appraised market value would result in approximately a \$10,900.00 contribution (based on a full 5%) to Electoral Area 'G' Community Parks Acquisition Fund.

In addition, the applicant has offered to provide an additional \$8,000.00 contribution to the parks funds provided the offer will accompany cash-in-lieu of park land only. The additional funds are designated for Area 'G' Parks only and may be used for any park functions, maintenance, equipment purchase or land acquisition.

LAND USE IMPLICATIONS

Official Community Plan Implications

The Electoral Area 'G' OCP contains park land related policies, which stipulate that park land is desirable where preferred criteria can be met, such as providing access to the waterfront; preserving environmentally sensitive lands; offering viewpoints; providing opportunities for recreation activities or where land is identified for future parks or trails including linkages to other existing park or natural areas. In this case, there is little park land related values associated with the parent parcel. In addition, the subject property is also located on busy street with a significant amount of traffic including commercial truck traffic. As the properties do not meet the criteria set out in the OCP, staff considers the proposal of cash-in-lieu of park land to be the preferred alternative.

Public Consultation Implications

Area 'G' Parks and Open Space Advisory Committee

In accordance with Board Policy C1-05, the proposal for cash-in-lieu of park land was referred to the Electoral Area 'G' Parks and Open Space Advisory Committee (POSAC) for comment. The POSAC recommended that park dedication be provided in association with this subdivision (*see Attachment No. 3 for Advisory Committee comments*).

Public Information Meeting

A Public Information Meeting (PIM) was held on October 28, 2010 with twenty people in attendance.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the “Sustainable Community Builder Checklist”. This subdivision involves the infilling of larger residentially zoned parcels in an urban containment boundary area with full community services.

SUMMARY

This is a request to accept cash-in-lieu of park land in conjunction with a subdivision application for the property located at 1031 Lowry’s Road in the French Creek neighbourhood of Electoral Area ‘G’.

The applicant’s offer to provide cash-in-lieu of park land was referred to the Electoral Area 'G' Parks and Open Space Advisory Committee, which commented that park land dedication is preferable. A Public Information Meeting was held on October 28, 2010.

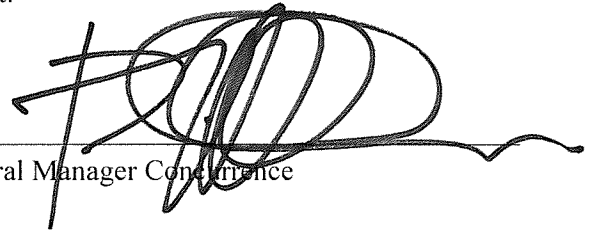
As the properties do not meet the preferred park land criteria set out in the OCP, staff recommends cash-in-lieu of park land dedication and to accept the offer of \$8,000.00 for the Area ‘G’ Parks Fund.

RECOMMENDATIONS

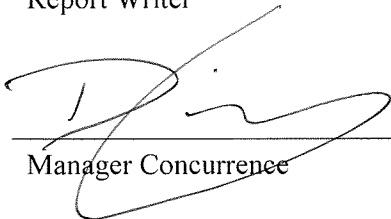
1. That the request to pay 5% cash-in-lieu of park land in conjunction with Subdivision Application No. PL2009-154 be accepted.
2. That the monetary contribution of \$8,000.00 to the Electoral Area ‘G’ Parks Fund be accepted concurrently with the cash-in-lieu of park land payment.



Report Writer



General Manager Concurrence

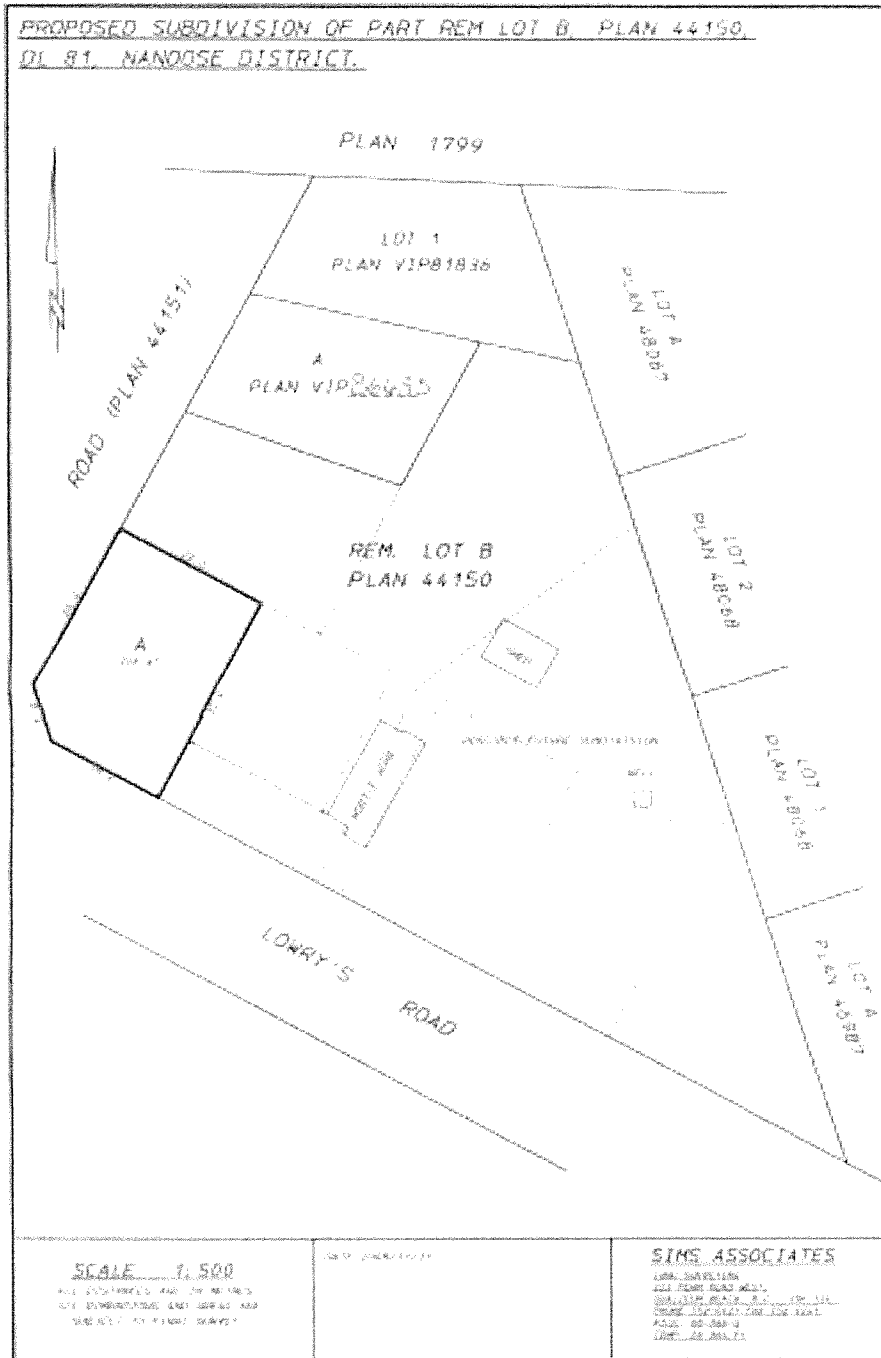


Manager Concurrence

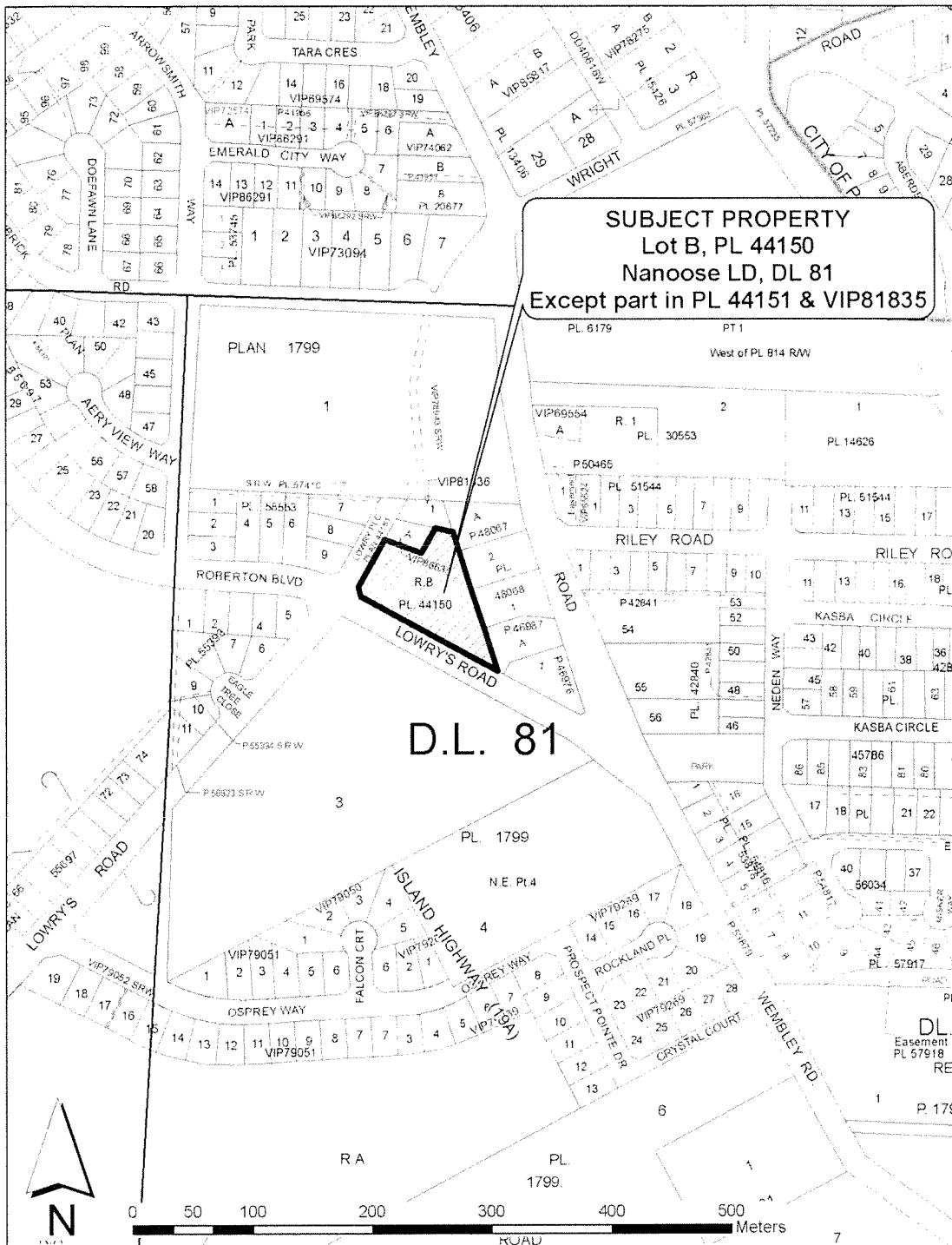


CAO Concurrence

Attachment No. 1
Subdivision File No. PL2009-154
Proposed Subdivision Layout



Attachment No. 2
Subdivision File No. PL2009-154
Location of Subject Property



BCGS Map Sheet 92F 039 13

Attachment No. 3
Correspondence from the Electoral Area 'G' Parks & Open Space Advisory Committee
Subdivision Application No. PL2009-154
POSAC Comments

Excerpt from the October 4, 2010 minutes of the Electoral Area 'G' Parks & Open Space Advisory Committee

That the Electoral Area 'G' Parks and Open Space Advisory Committee recommend that the Regional District of Nanaimo request parkland in the matter of the proposed subdivision of Lot B, District Lot 81, Nanoose District, Plan 44150, except part in Plans 44151 and VIP81836 (1031 Lowry Road).

CARRIED

Attachment No. 4
Summary of a Public Information Meeting
Held at the St Columba Presbyterian Church Hall, 721 Wembley Road
on October 28, 2010 at 7:00pm
In conjunction with Application No. PL2009-154
For the property legally described as Lot B, District Lot 81, Nanoose District, Plan 44150, Except
Part in Plans 44151 and VIP81836

Note: these minutes are not a verbatim recording of the proceedings, but are intended to summarize the comments of those in attendance at the Public Information Meeting.

Present: : Twenty people in attendance

For the Applicant: Lorrie Shaver, Owner
Helen Sims, Agent

For the RDN: Joe Stanhope, Chairperson
Susan Cormie, Senior Planner
Elaine McCulloch, Parks Planner

The Chair opened the meeting at 7:00 pm and followed with greetings to the public and an introduction of the staff, the applicant and applicant's agent.

The Chair stated the purpose of the public meeting and asked the Susan Cormie, Senior Planner to provide an overview of the statutory provisions as it relates to park land provision.

Susan Cormie provided the statutory provisions and gave an overview of the proposal.

The Chair then asked the applicant, Lorrie Shaver, to give a summary of the cash-in-lieu of park land proposal.

Helen Sims, Agent explained that Lorrie Shaver is requesting to provide cash-in-lieu of park land and outlined the reasons for this request. Helen Sims also presented the applicant's additional offer to contribute \$8,000.00 cash to the Area 'G' Parks Fund subject to the offer will only accompany cash-in-lieu of park land; the offer will be withdrawn if land is chosen; and the additional money (\$8,000.00) is for Area 'G' Parks Fund only to be used for any park functions, maintenance, equipment purchase or land acquisition.

The Chair then invited comments and questions from the audience with respect to the cash-in-lieu of park land proposal.

Nick Andreeff, 485 Lowry's Road, commented that the offer is generous and it is the sensible solution to accept cash. Mr. Andreeff further commented that there is no sense in having a small park in this location.

Tom Thornton, Director, French Creek Residents Association, no address given, asked how will the developer use the land.

The applicant's agent explained that the land will become part of the future parcels.

Mr. Thornton replied that the applicant would then be able to get full value for the property and a considerable amount of money.

Helen Simms explained how land is valued at the time of subdivision for park land and agreed that while there is a profit for the owner it is still expensive to develop the land.

Terry Kelloway, 687 Lowrys Place, asked if there was a park in the subdivision, where would it be located.

Helen Sims explained that this has not been discussed with the RDN as cash-in-lieu of park land is the proposal.

Mr. Kelloway commented that perhaps the RDN could purchase half a lot to add to park land dedication. Mr. Kelloway also asked where the closest park in Morningstar is located.

The Chairperson explained that for Morningstar the park land is along French Creek.

The Parks Planner added that in this neighbourhood the nearest park land is approximately 150 metres away from the property under consideration.

Nancy Fowler, 1063 Robertson Blvd., explained that she is not opposed to the cash-in-lieu of park land. Ms. Fowler stated that she is concerned with the strip of roadway (Lowry's Road) across from the property in terms of traffic in that it dark and the trees and bush needs trimming.

The Senior Planner explained that the road maintenance is under the jurisdiction of the Ministry of Transportation and Infrastructure.

Bruce Fowler, 1063 Robertson Blvd., stated that he is opposed to postage stamp sized lots for park land, but noted that there are larger properties in the area that when developed will have a larger park land contribution. Mr. Fowler wondered if the funds from this application can be allotted in the neighbourhood.

The Chairperson explained that the funds are allocated for all of Area 'G'.

Brian Coath, 1654 Admiral Tryon Blvd., stated that he is a member of the Parks and Open Space Advisory Committee (POSAC) and explained why the POSAC preferred park land over cash.

Michael Jesson, Director, French Creek Residents Association, no address given, asked two questions – firstly, has anyone thought of buying two of the lots to achieve a reasonable size park and secondly, please define what a serviced lot is.

The Senior Planner noted that staff has not looked at purchasing land to add to the required park land. The Senior Planner also explained what a serviced lot is – a parcel which has full community services.

Patricia Stahley, 691 Wembley Road, stated that she is favour of the proposal for cash-in-lieu of park land. Ms. Stahley commented that a small park can be a gathering place for kids and felt that this location would not be an appropriate place.

Sonia Hickey, 1067 Robertson Blvd., stated that she agreed with the cash-in-lieu of park land as there is already a park nearby and there is never anyone using it. Ms. Hickey also commented that the park land area for this subdivision is too small for a park. Ms. Hickey asked who maintains the parks.

The Parks Planner explained that the RDN maintains the community parks.

Nora Crosby, 688 Wembley Road, stated that she has no problem with the cash-in-lieu of park land proposal. Ms. Crosby noted that there are concerns with traffic on Wembley Road and in the neighbourhood, including commercial traffic travelling at high speeds.

Joanne Nemith, 673 Wembley Road, stated that she supports the cash-in-lieu of park land for this site and noted the traffic concerns as well.

Vern Maedel, 1064 Robertson Blvd., stated that he is in favour of the cash-in-lieu of park land noting that there is nothing there on the site and park land is not needed.

Brian Coath, 1654 Admiral Tryon Blvd., noted that Nedan Park (existing nearby park land) does not have much activity and there is always concern by neighbours that youth will party at a park site. Mr. Coath stated that he has not seen youth creating a problem in the parks and kids do not congregate in a park if the neighbours take ownership. Mr. Coath further commented on the POSAC's comments noting that the POSAC thought a small park might a place for wheelchairs or prams to get off the road. Mr. Coath commented that park land is forever.

Michael Jesson, no address given, stated that one of the issues is the traffic to the nearby farms, the fish compost place, and the golf course and suggested that this is an issue the RDN must examine.

The Chairperson commented that this was a good point to be considered.

Tom Thornton, no address given, asked that the note submitted by the French Creek Residents Association as part of the OCP review recommending a traffic study be completed and a truck route designated be taken into account.

The Chair asked if there were any further comments with respect to the park land proposal.

There being none, the Chair thanked those in attendance and closed the Public Information Meeting.

The meeting concluded at 7:33 pm.

Original Signed

Susan Cormie
Recording Secretary