

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, OCTOBER 12, 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’.
- 4 **Ken Woodward**, re Community Concerns Regarding Possible Closure of Boat Launch Facility at Schooner Cove Marina.

MINUTES

- 5 - 8 Minutes of the regular Electoral Area Planning Committee meeting held September 14, 2010.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

UNFINISHED BUSINESS

PLANNING

AMENDMENT APPLICATIONS

- 9 - 43 OCP Amendment to Support Zoning Amendment Application No. PL2009-778 – Addison – 2610 Myles Lake Road – Area ‘C’.

DEVELOPMENT PERMIT APPLICATIONS

- 44 - 51 Development Permit Application No. PL2010-164 – Empey – 2618 East Side Road – Area ‘H’.

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

52 - 61 Development Permit with Variances Application No. PL2010-109 – Fern Road Consulting Ltd. – Mariner Way – Area ‘G’.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

62 - 66 Development Variance Permit Application No. PL2010-173 – JE Anderson & Associates – 2257 & 2291 Yellow Point Road – Area ‘A’.

67 - 75 Development Variance Permit Application No. PL2010-188 – Fern Road Consulting Ltd. – 1969 Seahaven Road – Area ‘E’.

OTHER

76 - 79 Request for Frontage Relaxation on Subdivision Application No. PL2010-141 – JE Anderson & Associates – 1954 & 1984 Shasta Road – Area ‘A’.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

ADJOURNMENT

IN CAMERA

Armstrong, Jane

From: Linda Addison [addisoncl@shaw.ca]
Sent: October 3, 2010 11:55 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, October 12, 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 the agenda.

Thank you

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

Armstrong, Jane

From: kenwoodward [kenwoodward@telus.net]
Sent: October 3, 2010 4:00 PM
To: Armstrong, Jane
Subject: EAPC MEETING

Dear Ms. Armstrong:

As per our telephone conversation last week, I wish to address the next meeting of the Electoral Area Planning Committee on October 12, 2010.

My name is Ken Woodward

Address: 1972 Eagleridge Pl.
Nanoose Bay
V9P 9H7

Phone: 250-468-9746

Email: kenwoodward@telus.net

Subject: Community concerns regarding possible closure of boat launch facility at Schooner Cove Marina.

Many boaters in this area are concerned about future of this facility due to the plans of the developer to build over the ramp in order to provide more space for retail and residential development.

The ramp is located on public land and many feel that it should be retained for public use.

I shall provide a more detailed submission prior to the meeting.

Thanks
Ken Woodward

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, SEPTEMBER 14, 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
Director G. Holme	Electoral Area E
Director L. Biggemann	Electoral Area F
Director J. Stanhope	Electoral Area G

Also in Attendance:

M. Pearse	Senior Manager, Corporate Administration
P. Thorkelsson	General Manager, Development Services
P. Thompson	A/C Manager, Current Planning
N. Hewitt	Recording Secretary

MINUTES

MOVED Director Stanhope, SECONDED Director Holme, that the minutes of the regular Electoral Area Planning Committee meeting held July 13, 2010 be adopted.

CARRIED

DELEGATIONS

MOVED Director Stanhope, SECONDED Director Burnett, that one late delegation be permitted to address the Committee.

CARRIED

Helen Sims, Oceanside Development & Construction Association, re Area 'G' Official Community Plan.

Ms. Sims asked the Committee questions regarding the Area 'G' Official Community Plan.

PLANNING

AMENDMENT APPLICATIONS

Bylaw No. 500.363 for Zoning Amendment Application No. PL2009-751 – Timberlake Jones Engineering Ltd. – 1790 Claudet Road – Area 'E'.

MOVED Director Holme, SECONDED Director Stanhope, that Application No. PL2009-751 to rezone the subject property from Resource Management 3 (RM3) Subdivision District 'B' to Rural 5 (RU5) Subdivision District 'CC' be approved subject to the conditions included in Schedule No. 1.

CARRIED

MOVED Director Holme, SECONDED Director Stanhope, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.363, 2010" be given 1st and 2nd reading.

CARRIED

MOVED Director Holme, SECONDED Director Stanhope, that the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.363, 2010" be delegated to Director Holme or his alternate.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. PL2010-121 – David Ingram & Rebekah Baldwin – 886 Terrien Way – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Biggemann, that Development Permit Application No. PL2010-121, to permit the construction of an addition to an existing dwelling unit, be approved subject to the conditions outlined in Schedules No. 1 - 3.

CARRIED

Development Permit Application No. PL2010-130 – Robert Hill – San Malo Crescent – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Biggemann, that the application for a Development Permit No. PL2010-130, to permit the construction of a single dwelling unit be approved subject to the conditions outlined in Schedules No. 1-3.

CARRIED

Development Permit Application No. PL2010-146 & Request for Frontage Relaxation – Fern Road Consulting Ltd. – Miller Road Strata – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Holme, that Development Permit Application No. PL2010-146, in conjunction with a six lot bare land strata conversion subdivision be approved subject to the conditions outlined in Schedule No. 1.

CARRIED

MOVED Director Stanhope, SECONDED Director Holme, that the request to relax the minimum 10% perimeter frontage requirements for proposed Lots B, C, and D be approved.

CARRIED

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

Development Permit with Variances Application No. PL2010-080 – Philip Muise – Elm 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 the Development Permit with Variance application No. PL2010-080 to permit the construction of a single dwelling unit be approved subject to the conditions outlined in Schedules No. 1-3.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. PL2009-805 – Fern Road Consulting Ltd. – 6360 Island Highway West – Area ‘H’.

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

CARRIED

MOVED Director Stanhope, SECONDED Director Biggemann, that the amendment to Development Variance Permit Application No. PL2009-805 be approved.

CARRIED

OTHER

Bylaws No. 500.346, 500.359, 500.360, 500.361 and 500.362 - Electoral Area ‘G’ Official Community Plan Implementation.

MOVED Director Stanhope, SECONDED Director Holme, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.346, 2008" be removed from the table.

CARRIED

MOVED Director Stanhope, SECONDED Director Holme, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.346, 2008" be abandoned.

CARRIED

MOVED Director Stanhope, SECONDED Director Holme, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.359, 2010" be given 1st and 2nd reading.

CARRIED

MOVED Director Stanhope, SECONDED Director Holme, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.360, 2010" be given 1st and 2nd reading.

CARRIED

MOVED Director Stanhope, SECONDED Director Holme, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.361, 2010" be given 1st and 2nd reading.

CARRIED

MOVED Director Stanhope, SECONDED Director Holme, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.362, 2010" be given 1st and 2nd reading.

CARRIED

MOVED Director Stanhope, SECONDED Director Holme, that staff proceed with the consultation strategy outlined in the staff report prior to the public hearing.

CARRIED

MOVED Director Stanhope, SECONDED Director Holme, that Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaws No. 500.359, 500.360, 500.361, and 500.362, 2010 proceed to public hearing and be delegated to Director Stanhope or his alternate.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 6:47 PM

CHAIRPERSON



RDN REPORT	
CAO APPROVAL ###	
EAP	✓ OCT. 12/10
COW	
OCT 12 2010	
RHD	
BOARD	

MEMORANDUM

TO: Paul Thompson
Manager of Long Range Planning

DATE: October 1, 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 recommend 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.

DISCUSSION

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 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.

Through Policy 3A, the RGS specifically states that there shall not be a decrease in minimum parcel size outside of the designated Urban Areas. The intent of Policy 3A is to support the goals of Urban Containment and Rural Integrity by not providing for an increased amount of development outside of the designated Urban Areas which include the Village Centres. Further, Policy 3A is intended to prevent further fragmentation of the existing large lots in both the Resource Lands and Open Spaces and Rural Residential designations.

The proposal, while insignificant if looked at in isolation, is very significant in terms of setting a precedent for development consideration in the RDN. There are hundreds of parcels in the RDN that are either still classified as privately managed forest lands or have been recently declassified. Decreasing the minimum parcel size on these parcels would significantly increase the development potential in the rural areas. The rate of development in parts of the rural areas is already much higher than the urban areas (Canada Census, 2006). This high rate of growth in the rural areas is inconsistent with the urban containment goal of the RGS, as the primary intent is to encourage more growth in the urban areas and less growth in the rural areas. In addition, such a change in policy would conflict significantly with the broader strategic goals of the RDN with respect to sustainability, greenhouse gas reduction and work underway in relation to action on climate change.

The applicant suggests that the RDN should address former Forest Land Reserve properties, such as the property concerned, which were designated for a 50 ha minimum parcel size through the rezoning process on all Resource Lands and Open Space lands. The intention of rezoning resource lands to 50 ha was to protect these lands from fragmentation and reduce the amount of development outside of urban areas. In Electoral Area 'C' the rezoning was specifically meant to address the former FLR lands.

The full impacts of allowing increased development on current and former privately managed forest lands is not known other than that there will be more people living farther from shopping, jobs, schools and other daily services. There is no justification in terms of meeting a specific housing need. The residential capacity study prepared for the RGS review indicates that there is enough land supply to meet demand for housing for at least 30 years. In addition, providing for more automobile dependent development located far from services does not contribute to RDN goals related to more efficient forms of land use intended to result in greenhouse gas reduction, walkable communities, increased transit opportunities, jobs located close to residences, and more efficient provision of services.

The applicant suggests that the protection of environmentally sensitive areas will be observed through the setbacks to Blind Lake and the maintenance of green space. These actions will only reduce the impacts of development according to guidelines in existing development permit areas. In the context of the Environmental Protection goal, maintaining large lot sizes can be more effective to prevent the disturbance of sensitive ecosystems through the protection of open space that serves as a natural corridor "capable of sustaining native plant and animal communities." The precedence created through such a subdivision will also place designated properties that serve as wildlife habitat under development pressure of other Resource Lands and Open Space.

The applicants identify that the subdivision would "contribute to the economy and increase the tax base". However, this economic contribution will not increase the type of economic development envisioned in the Vibrant and Sustainable Economy goal. The RGS goal supports business and industries that are sustainable and contribute to local employment opportunities. This form of economic development is contrary to the intent of other goals of the RGS for sustainability and the creation of healthy communities. In addition, the amount of taxes levied by the Province on the proposed lots will not significantly increase the funding of community services in the area.

Since the property is outside of the Extension Village UCB, it cannot be serviced with community water and sewer. The applicants acknowledge that the proposed lots will be serviced by well and on-site septic, and do not anticipate the provision of community services. However, many areas in the RDN that currently rely on on-site water supply and sewage disposal are now facing problems with water shortages and failure of septic fields. When this happens, the land owners generally go to the RDN to address the problem by requesting the installation of community water and/or sewer systems. Establishing these services is very expensive and landowners are reluctant to pay the full cost of providing these services.

Finally, in the Cooperation Among Jurisdictions goal, the RDN commits to maintaining the goals and policies of the RGS. As detailed above, the subdivision does conflict with most goals and will have implications for other resource designated properties in the region. Such a specific change to the RGS will require the support of member municipalities through the bylaw adoption process. It is also important to note that to date within the RGS review process there has been little indication of community support for changing policy with respect to development of resource lands.

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 (please see Appendix B). 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 4*. Initial 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 – 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.

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 – The City does 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. 3 '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

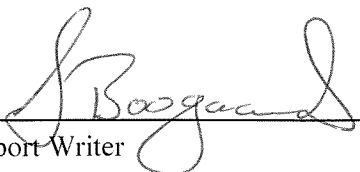
The Board at its May 2010 meeting approved consideration of an OCP and rezoning application for a four lot subdivision that requires an amendment to the RGS. The proposal is to amend the OCP land use designation from Resource to Rural and the zoning bylaw from subdivision district 'V' to subdivision 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 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

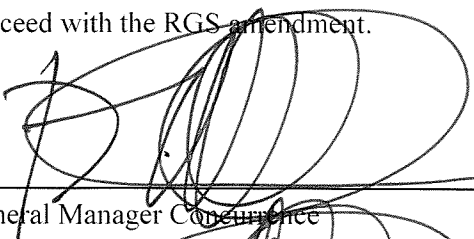
1. The application to amend the OCP be denied and not proceed with the RGS amendment.



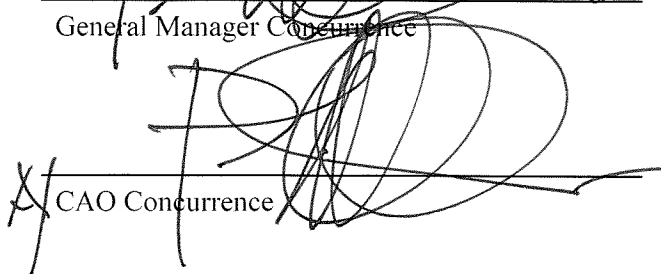
Report Writer



Manager Concurrence

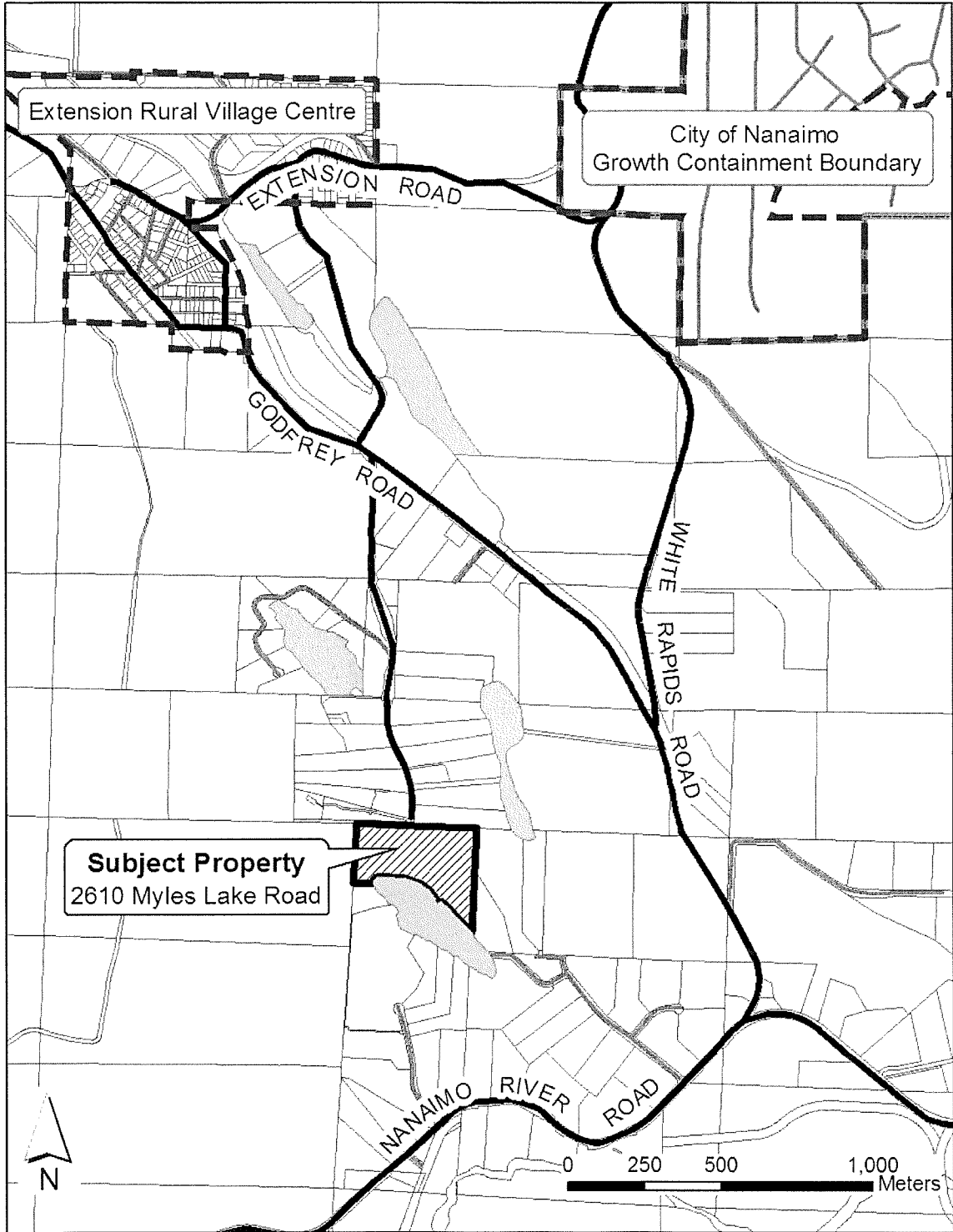


General Manager Concurrence

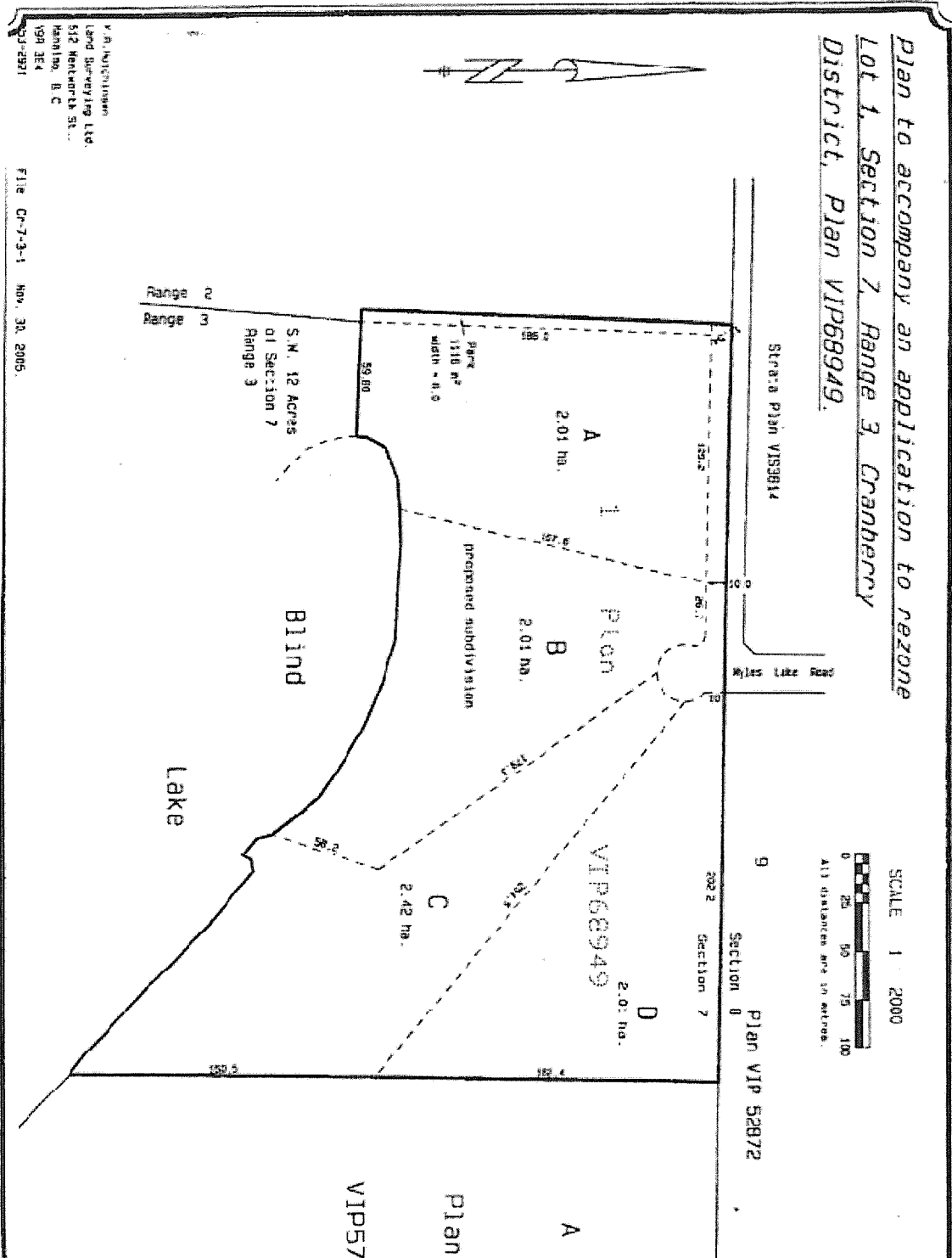


CAO Concurrence

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:

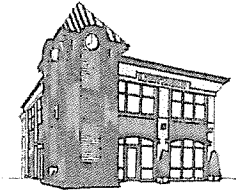
Re: Application for Permit File: PL2009-778 ZA0604 Regional Growth Strategy
Amendment Application

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

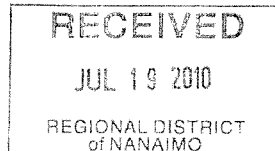
Craig Galligos, Sliammon First Nation, Crown Land Referrals Manager



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_rgсамend_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.

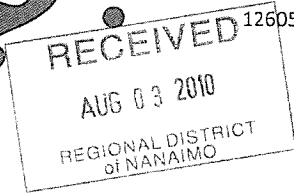
Sincerely,

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



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.

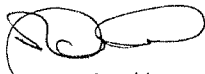
The comments of the Stz'uminus First Nation are as follows:

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.

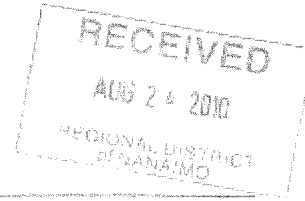
Finally the RAR will apply to this development so that an RAR Assessment is completed and Streamside Protection and Enhancement Areas (SPEAs) established, including any measures to protect the SPEAs.

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



K'omoks 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,

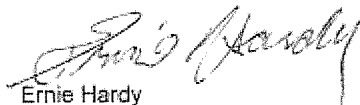
Thank you for your letter dated June 23, 2010 on a proposed amendment to the Regional Growth Management Plan (Addison).

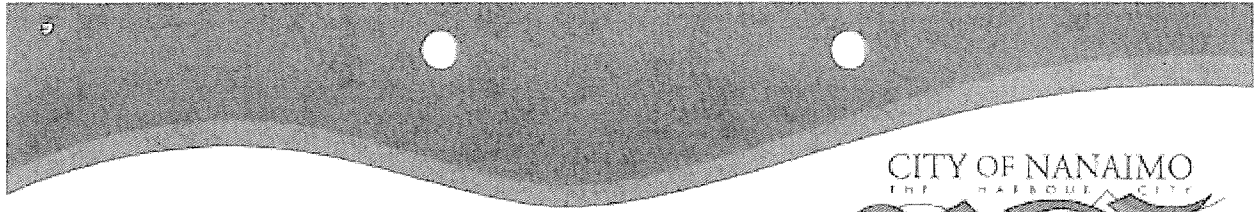
We chose not to comment on this proposed amendment as our interests are unaffected and the subject property is not within the Traditional Territory of the K'omoks First Nation. However, we appreciate being kept informed of potential changes to the Regional Growth Strategy, and we remain interested in 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'omoks 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.

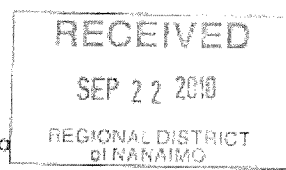
We look forward to full and meaningful participation in this planning process.

Sincerely,


Ernie Hardy
Chief



2010-SEP-14



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

File: 0470-30-R01-02

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).

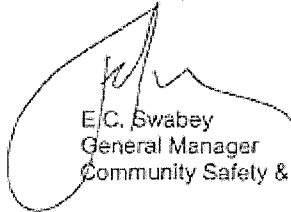
For the City of Nanaimo, the implications include compromising on the achievement of more sustainable development patterns in the region – attempting to focus more of region's growth within the Growth Containment Boundary. Rural residential development takes away from this effort to concentrate growth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

Letter to RDN (Addison R... af)
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

pc 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:\complan\mgr\rdn\rgs referral_addison



TOWN OF QUALICUM BEACH

INCORPORATED 1992

261 - 600 Peninsula St
P.O. Box 100
Qualicum Beach, BC
V9K 1N5

Telephone: (250) 782-1921
Fax: (250) 782-1741
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.

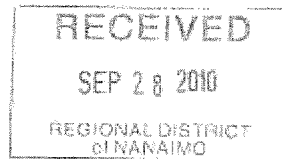
Yours truly,

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

N:\Letters\2010\rgs amendment\referral\in.doc
National Communities in BC, Inc. - A Provincial 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,

Ann Kjerulf, MCP
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

cowichan
www.cvrld.bc.ca

**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 Addition'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 334 Qualicum Beach, B.C. V9K 1S6
PHONE: (250) 752-4700 • FAX: (250) 752-4794
email:ceci@bcsupernet.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.

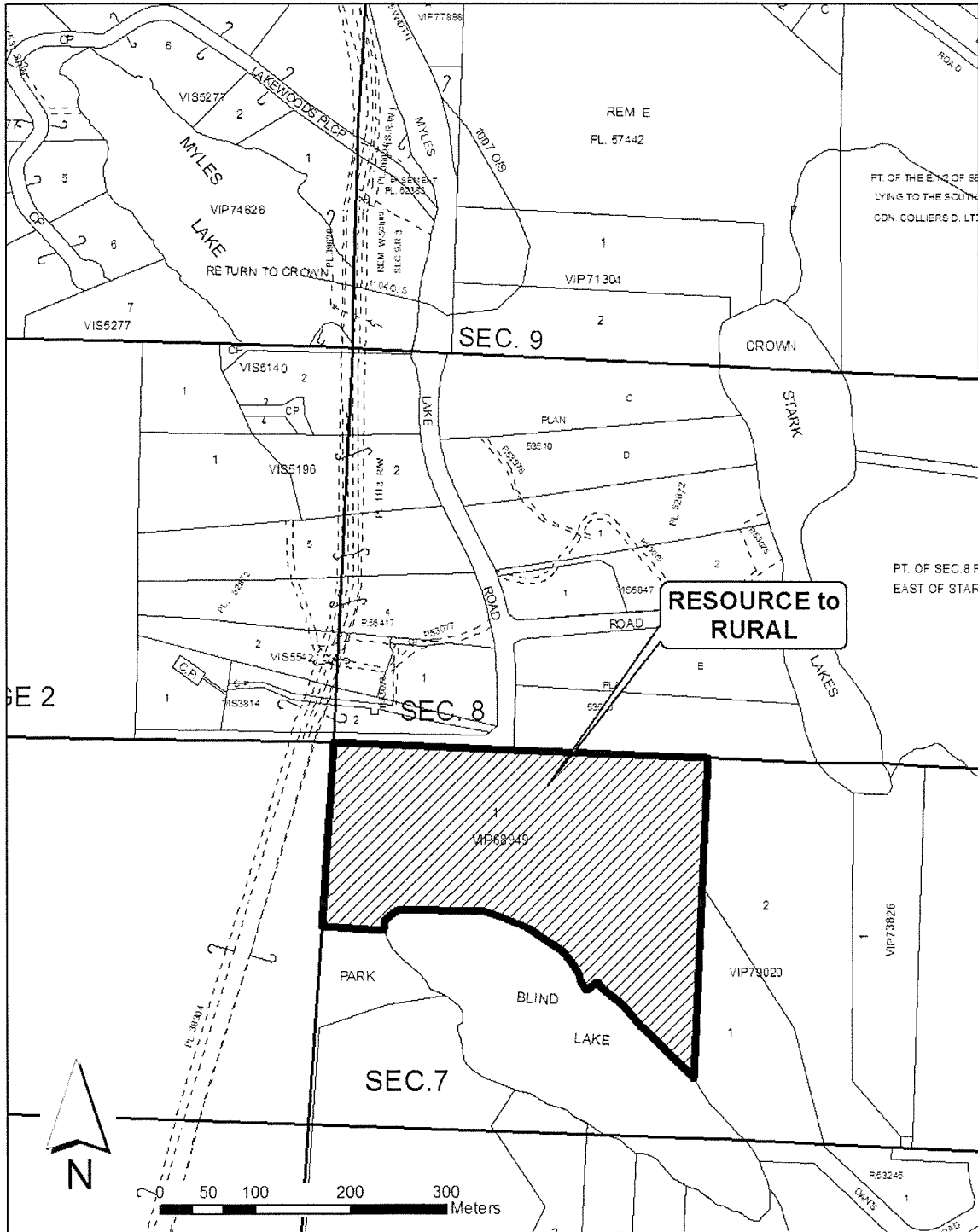
Read a third time this XX day of XX.

Adopted this XX day of XX.

Chairperson

Sr. Mgr., Corporate Administration

Bylaw No. 1148.07
Schedule '1'



BCGS MAPSHEET: 92G 001 4 3



RDN REPORT		
CAO APPROVAL		
EAP	✓	Oct 12 '10
COW		
OCT 12 2010		
RHD		
BOARD		

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: September 23, 2010

FROM: Elaine Leung
Planner

FILE: PL2010-164

SUBJECT: Development Permit Application No. PL2010-164 – Empey
Strata Lot 287, District Lot 251, Alberni District, Strata Plan VIS5160 Together
with An Interest in the Common Property in Proportion To The Unit Entitlement of
the Strata Lot As Shown On Form V
Electoral Area ‘H’ – 2618 East Side Road

PURPOSE

To consider an application for a Development Permit to permit the addition of fill on the subject property, behind a to be constructed retaining wall along the waterfront.

BACKGROUND

The Regional District of Nanaimo has received a Development Permit application from Heather Empey. The subject property is approximately 717 m² with Horne Lake to the north (see Attachment No. 1 for location of the subject property) and is zoned Horne Lake Comprehensive Development (CD9) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987.”

The subject property presently contains a boat ramp which provides access to Horne Lake. The applicant’s stated intention is to decommission the ramp by installing a new retaining wall along the waterfront and filling the location of the existing ramp (see Schedule 1). Lands within this designation located at Horne Lake are subject to the conditions and guidelines of Development Permit No. 0120. However, this Development Permit does not provide allowances for the placement of fill within 15.0 metres of the natural boundary of Horne Lake. As such a new development permit is required.

The subject property (Attachment No. 1) is located within the following applicable Development Permit Areas (DPA) pursuant to "Regional District of Nanaimo Area ‘H’ Official Community Plan Bylaw No. 1335, 2005:”

- Fish Habitat Protection
- Environmentally Sensitive Features for Aquifer protection

The applicant has obtained a Section 9 Water Act Approval for the proposed works. The applicant has submitted an Environmental Assessment Report and Geotechnical Engineered Report, in support of their application (*see Schedule No. 1 conditions of approval*).

ALTERNATIVES

1. To approve the Development Permit as requested subject to the conditions outlined in *Schedules No. 1-3*.
2. To deny the Development Permit as requested.

LAND USE AND DEVELOPMENT IMPLICATIONS

The subject property currently contains a small cabin and boat launch. As the natural bank is eroding, the applicant wishes to repair the area to a safe grade, by backfilling the boat launch area and constructing a retaining wall. As a result, the applicant is applying for a development permit to allow the use of fill in order to construct a retaining wall for the purpose of erosion control and slope stability. The applicant has indicated the maximum height of the retaining will be 2.0 metres, and that exposed areas within the riparian area will be revegetated.

In keeping with the Fish Habitat Protection and Environmental Sensitive Features for Aquifer Protection DPA, the applicant has submitted an environmental assessment report prepared by Streamline Environmental Consulting Ltd dated August 25, 2010. The Assessment outlines sediment and erosion control measures, including planting native trees and shrubs. Also, it is noted that planting is to occur between October 15 and 31, 2010 to increase likelihood of survival.

The applicant has submitted engineered drawings for the proposed retaining wall, showing it is engineer certified, and suitable for construction. As per Board policy, Staff recommend that the applicant be required to register a Section 219 covenant 'save harmless' clause on title as a condition of the Development Permit.

The proposed development is consistent with the Fish Habitat Protection and Environmentally Sensitive Features DPA guidelines.

SUSTAINABILITY IMPLICATIONS

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist". In staff's opinion there are no sustainability implications resulting from this proposal.

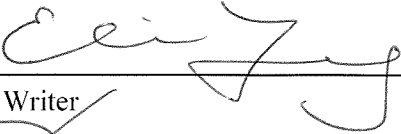
SUMMARY

This is an application for a Development Permit in order to permit the addition of fill within the 15 metre setback of Horne Lake in association with the construction of a waterfront retaining wall and the decommissioning of an existing boat ramp. This application is subject to the Fish Habitat Protection and Environmentally Sensitive Features for Aquifer protection Development Permit Areas.

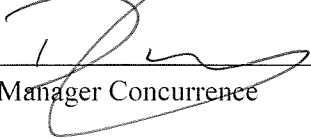
The applicant has submitted approval from The Ministry of Environment, engineered drawings, and an Environmental Assessment in support of the application. In staff's assessment, this proposal is consistent with the applicable Development Permit Areas.

RECOMMENDATION

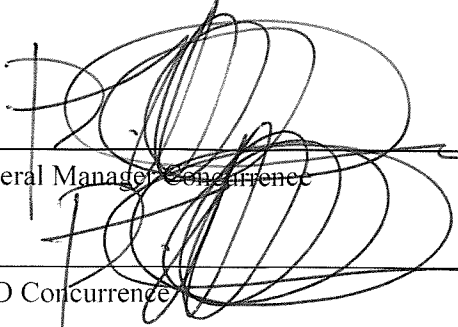
The application for a Development Permit No. PL2010-164, to permit fill to be placed within 15 metres of the natural boundary of Horne Lake, be approved pursuant and subject to the conditions outlined in *Schedules No. 1 – 3*.




Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

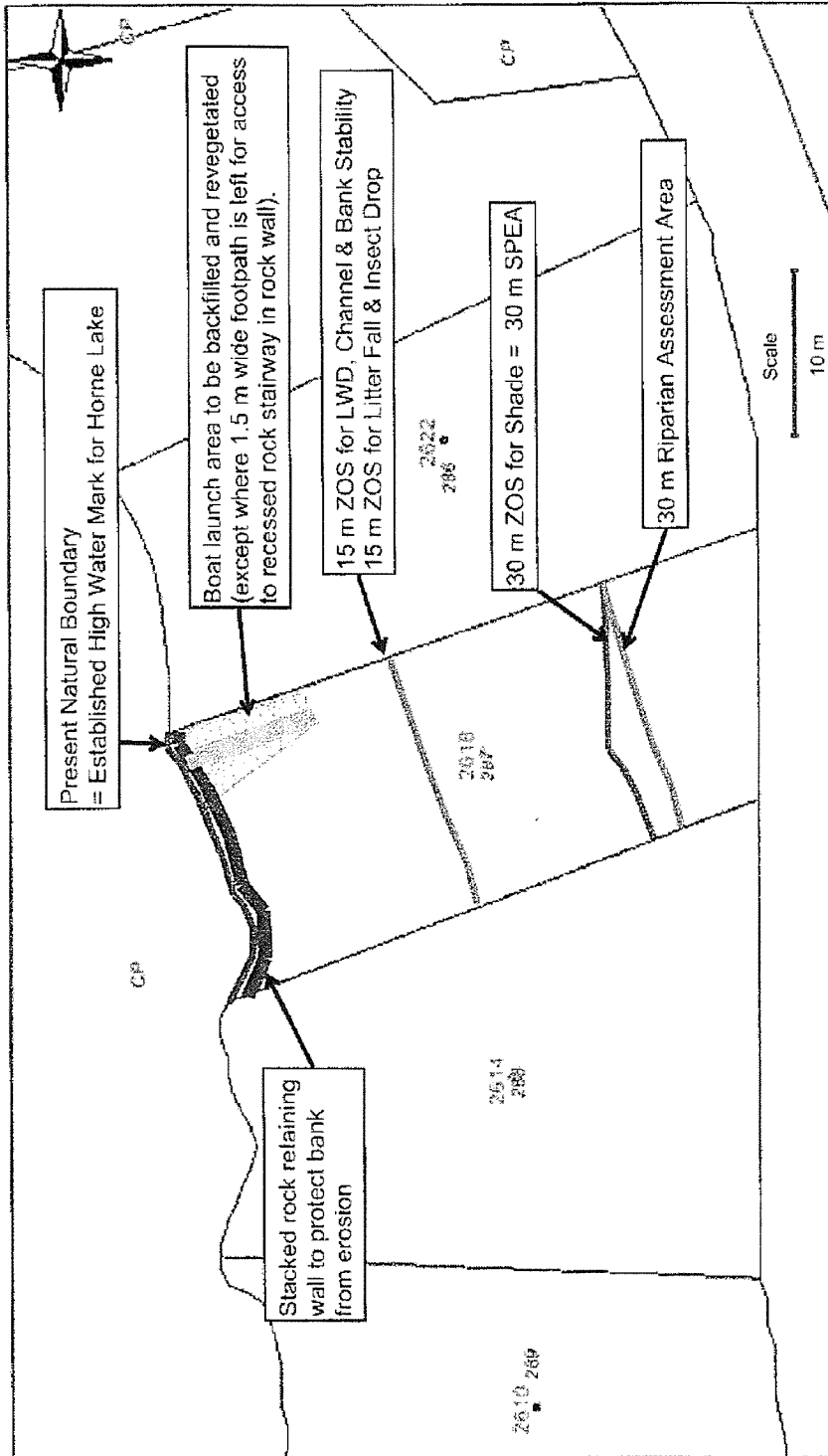
Schedule No. 1
Terms of Development Permit No. PL2010-164

Conditions of Approval:

1. The rock stacked retaining wall shall be sited in accordance with the site plan prepared by Streamline Environmental Consulting attached as *Schedule No. 2*.
2. The rock stacked retaining wall shall be constructed in accordance with the engineered drawings prepared by Ground Control Geotechnical Engineering Ltd. dated August 21, 2007 attached as *Schedule No. 3*.
3. The applicant shall complete the recommendations concerning environmental monitoring as set out in Section 5 of the Riparian Areas Assessment Report, prepared by Streamline Environmental Consulting, dated August 25, 2010, to the satisfaction of a Qualified Environmental Professional.
4. Staff shall withhold the issuance of this permit until the applicant, at the applicant's expense, registers a section 219 covenant that registers the engineered drawings prepared by Ground Control Geotechnical Engineering Ltd., dated August 7, 2007 and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of erosion and/or landslide.

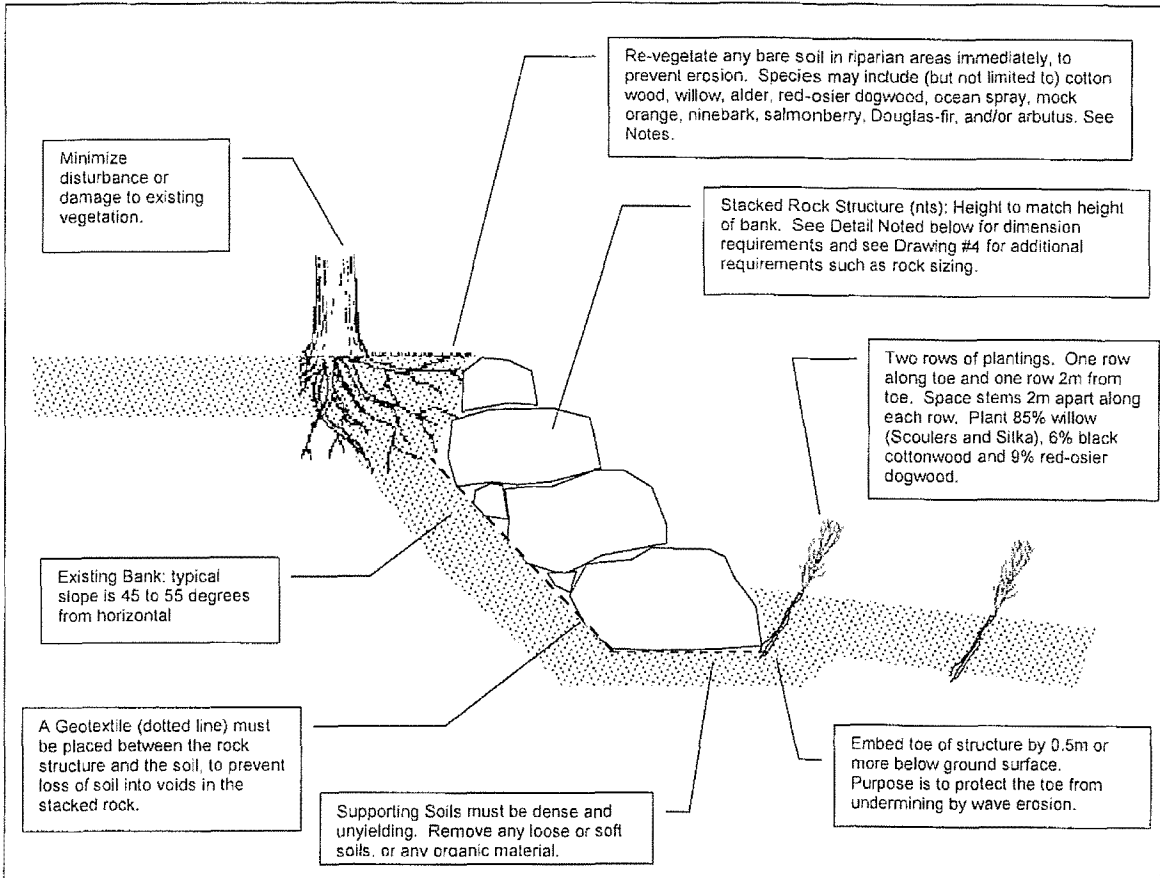
Schedule No. 2
Site Plan

Site Plan for Riparian Areas Regulation Assessment Report
Lot 287, Horne Lake



Prepared by Streamline Environmental Consulting
using screen clip from RDNMap

Schedule No. 3
Retaining Wall Engineered Drawings



DETAIL NOTES


Stacked Rock Structure:

1. Within the confines of the design parameters specified, the contractor may vary the height of the rock structure to fit the height of the existing bank that is to be protected. Maximum allowable height is 2m.
2. The face of the stacked rock structure should never be steeper than 1.5V:1H (i.e. at least 34 degrees from vertical).
3. Stacked rock structure to have constant width (batter the front and back at the same angle) equal to one quarter of the exposed wall height, but never less than 0.6 metres.
4. Sizing for the stacked rock 'wall' structure is summarized graphically below:

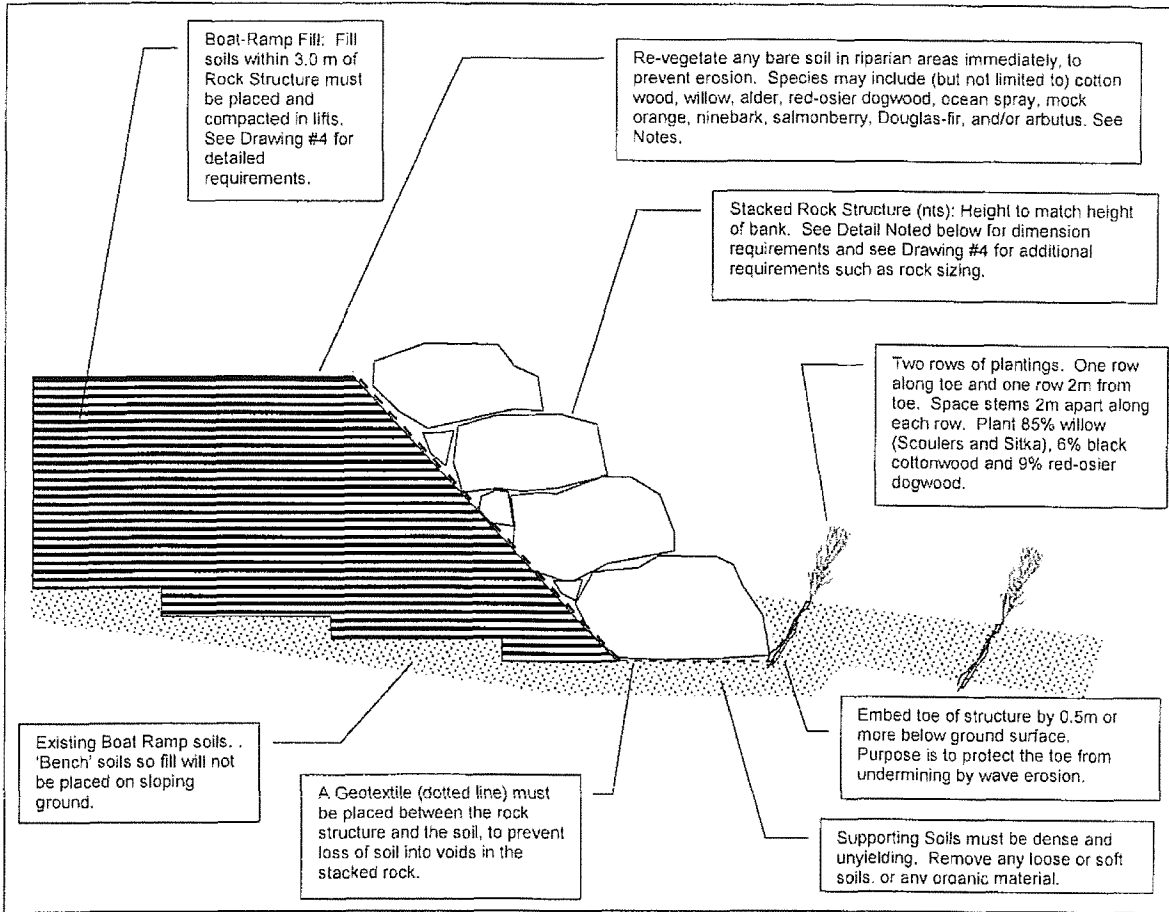
H (2.0m max.)

$0.25H$ (0.6m min.)

\uparrow 0.5m min. embedment

<p>COMPONENTS – NATURAL BANK AREAS Shoreline Erosion Protection Project, Dale & Heather Empey Property, Lot 287, Horne Lake, BC</p>	<p>Scale: NTS Date: Aug.21, 2007 Drawing: #2 of 5 Revision:</p>	
<p>GROUND CONTROL  GEOTECHNICAL ENGINEERING LTD. 2781 Lana Road, Nanoose Bay, BC Phone/Fax: (250) 468-1759</p>		

Schedule No. 3 Retaining Wall Engineered Drawings



DETAIL NOTES

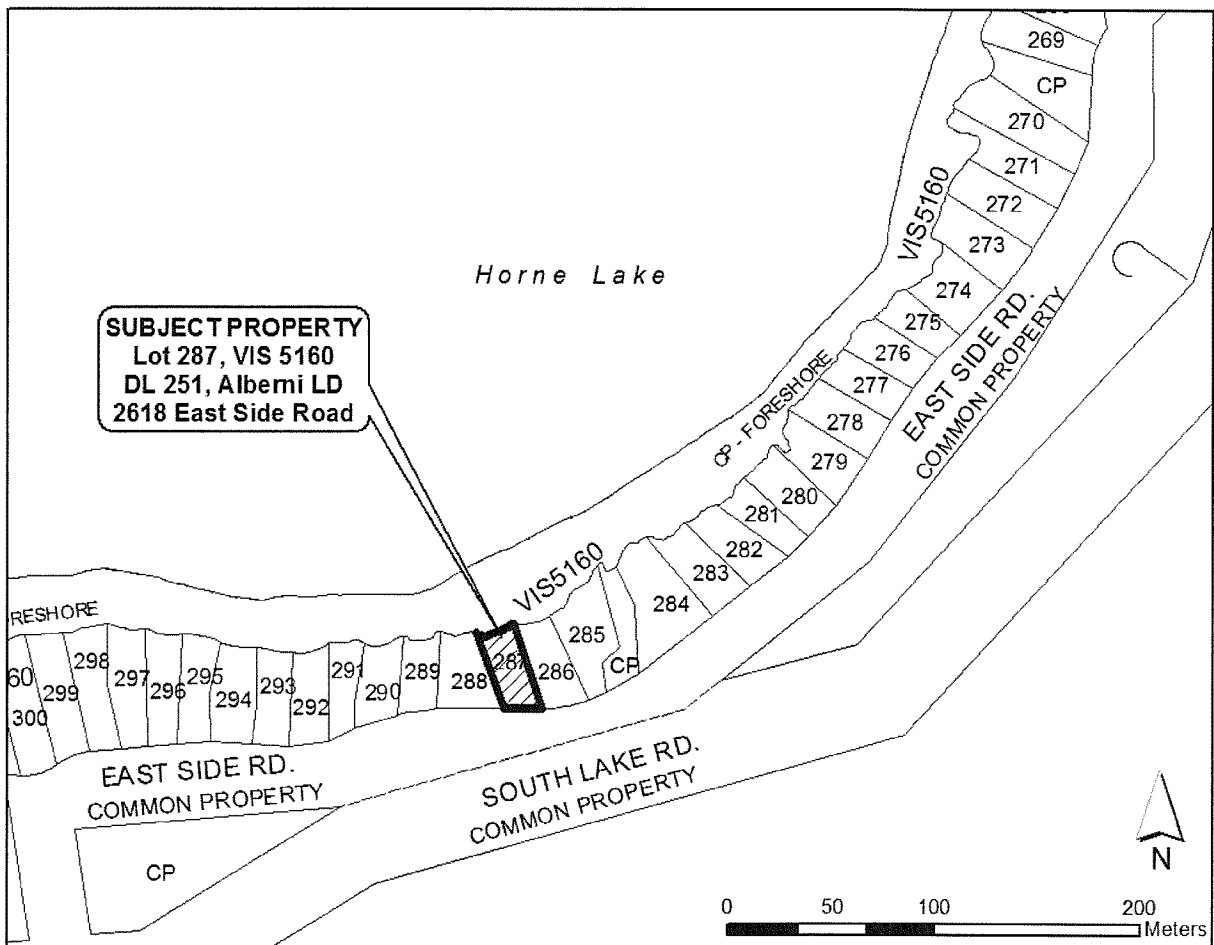
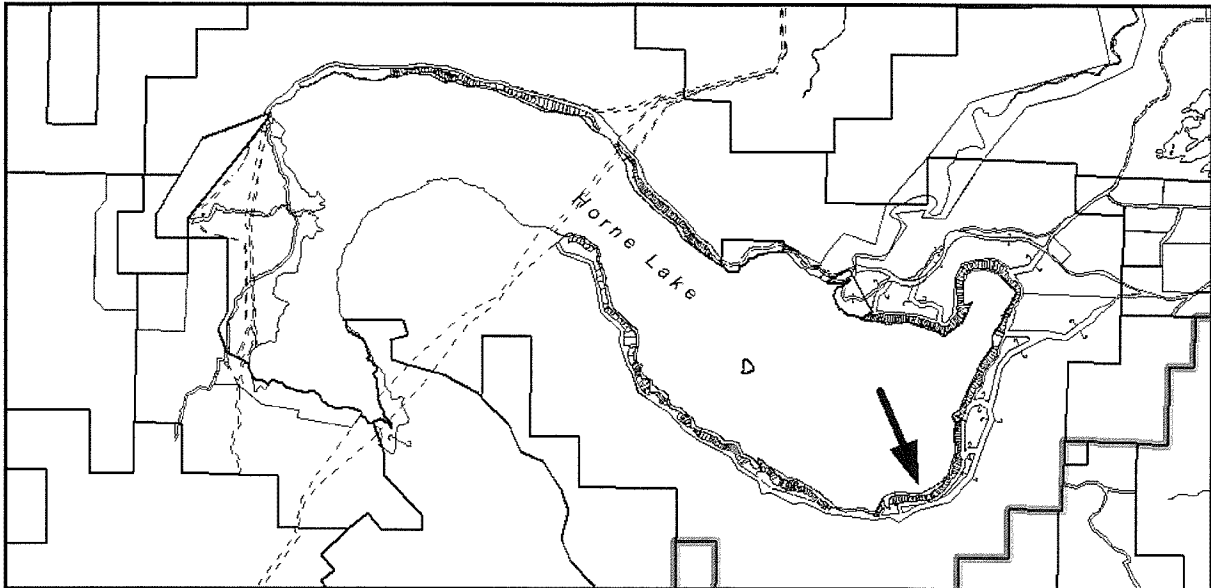
Stacked Rock Structure:

1. Within the confines of the design parameters specified, the contractor may vary the height of the rock structure to fit the height of the existing bank on either side of the boat-ramp. Maximum allowable height is 2m.
2. The face of the stacked rock structure should never be steeper than 1.5V:1H (i.e. at least 34 degrees from vertical).
3. Stacked rock structure to have constant width (batter the front and back at the same angle) equal to one quarter of the exposed wall height, but never less than 0.6 metres.
4. Sizing for the stacked rock 'wall' structure is summarized graphically below:

The diagram shows a trapezoidal cross-section of the stacked rock structure. The height is labeled as H (2.0m max.). The width at the base is labeled as 0.25H (0.6m min.). A vertical dimension line indicates a 0.5m min. embedment below the ground surface.

<p>COMPONENTS – BOAT RAMP AREA Shoreline Erosion Protection Project, Dale & Heather Empey Property, Lot 287, Horne Lake, BC</p>	<p>Scale: NTS Date: Aug.21, 2007 Drawing: #3 of 5 Revision:</p>	
<p>GROUND CONTROL GEOTECHNICAL ENGINEERING LTD.</p>	<p>2781 Lana Road, Nanoose Bay, BC Phone/Fax: (250) 468-1759</p>	

Attachment No. 1
Location of Subject Property





RDN REPORT		
CAO APPROVAL		
EAP	✓	Oct 12 '10
COW		
OCT 9 2010		
RHD		
BOARD		

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: October 1, 2010

FROM: Kristy Marks
Planner

FILE: PL2010-109

SUBJECT: **Development Permit with Variances and Site Specific Exemption**
Application No. PL2010-109
Fern Road Consulting Ltd.
Lot 1, District Lot 181, Nanoose District, Plan VIP71847
Mariner Way - Electoral Area 'G'

PURPOSE

To consider an application for a Development Permit with Variances and a Site Specific Exemption to "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006" to allow the construction of 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 Steven and Joan Bentley to permit the construction of a dwelling unit. The subject property is approximately 0.7 ha in area and is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is bound by developed residential parcels to the northwest and southeast, Mariner Way to the southwest, and the Strait of Georgia to the northeast. The property is currently vacant aside from a rock retaining wall which is to be removed as part of this application.

The proposed development is subject to the Environmentally Sensitive Features for Coastal Protection and Hazards Lands Development Permit Areas as per "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008".

Proposed Development, Variances and Site Specific Exemption Application

The applicant is requesting approval to construct a dwelling unit with proposed variances to the maximum permitted dwelling unit height and the minimum setback from the interior side lot line (*see Schedule No. 1 for proposed variances*). In addition, the applicant is requesting a Site Specific Exemption from the minimum setback of 15.0 metres from the natural boundary of the sea as per the "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006" (Floodplain Management Bylaw).

Site Specific Exemption Applications allow property owners to obtain exemptions from floodplain setbacks or flood level elevation requirements. This type of application was previously approved by the Ministry of Environment until 2003, in 2004 this authority was granted to local governments. As Section

922 of the *Local Government Act* does not permit variances to a floodplain the applicant's must instead apply for a Site Specific Exemption.

ALTERNATIVES

1. To approve the Development Permit with Variance to height and Site Specific Exemption Application No. PL2010-109 and deny the requested setback variance subject to the conditions outlined in *Schedules No. 1 - 3*.
2. To approve the Development Permit with Variances and Site Specific Exemption Application No. PL2010-109 subject to the conditions outlined in *Schedules No. 1 - 3*.
3. To deny the Development Permit with Variances and Site Specific Exemption Application No. PL2010-109.

DEVELOPMENT IMPLICATIONS

The applicant is proposing to construct a dwelling unit on the subject property. Variances to the height and interior side lot line are requested for the proposed dwelling. The location of the proposed dwelling unit is shown on *Schedule No. 2* and building elevations are shown on *Schedule No. 3*.

The applicant has provided a report prepared by Toth and Associates Environmental Services dated October 1, 2010 which includes a re-vegetation / vegetation enhancement plan for the area between the natural boundary and the dwelling. This plan includes a variety of native trees, shrubs and groundcover as well as recommendations for temporary silt fencing to be placed along the toe of the slope to prevent run-off from entering the marine environment once the retaining wall is removed. Development of the property in accordance with the recommendations contained in this report is included in the Conditions of Approval set out in *Schedule No. 1*

With respect to the Hazard Lands Development Permit guidelines and Site Specific Exemption application, the applicant has submitted a Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd. dated August 16, 2010 in accordance with the requirements of the Floodplain Management Bylaw and DPA guidelines. This report concludes that "the proposed development is considered 'safe' for the intended use, provided the recommendations in [the] report are followed". As per the Site Specific Exemption Application and DPA requirements, staff recommends that the applicant be required to register a Section 219 covenant that registers the Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd., and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of potential hazards.

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

- The applicant is requesting the height variance in order to meet the minimum flood construction elevation required in the Floodplain Bylaw and recommended in the Geotechnical Hazards Assessment;
- If the proposed dwelling was not required to meet the required flood construction levels it would meet the maximum permitted height of 8.0 metres;
- Given that the lot is wider at the natural boundary and tapers toward the road, the roof overhang encroaches into the interior lot line setback by 0.5 metres;

- The applicant has provided a Geotechnical Hazards Assessment stating that property is considered safe for the proposed use.

Given that there is adequate site area available on the subject property to support a reasonable sized dwelling without requiring a setback variance and that there may be view implications for adjacent property owners, staff do not recommend the yard setback be varied and that the Board proceed with Alternative No. 1. Staff are of the opinion that the plans for the proposed dwelling could be modified to remove the encroachment and that the applicant has not provided adequate justification for the requested setback variance.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the “Sustainable Community Builder Checklist”. This proposal represents the development of an existing residential parcel. The applicant has provided a coastal re-vegetation plan including a variety of native species.

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/CONCLUSIONS

This is an application for a Development Permit with Variances and a Site Specific Exemption from the Floodplain Bylaw to allow the construction of a dwelling unit on the subject property.

The applicant has submitted a site plan, building elevations, biologist’s report and Geotechnical Hazards Assessment prepared by a Geotechnical Engineer in support of the application. In staff’s assessment, this proposal is consistent with the guidelines of the “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008” Environmentally Sensitive Features and Hazard Lands Development Permit Areas and the Specific Exemption Application requirements of the “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006”.

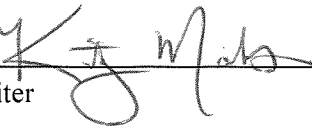
Given that the proposed dwelling unit would meet the maximum permitted height if it was not required to meet the minimum flood construction level, staff are in support of the requested height variance outlined in *Schedule No. 1*. With respect to the request to reduce the setback from the interior side lot line staff are of the opinion that there may be view implications for adjacent property owners and that there is adequate site area to support a reasonable size dwelling and the plans could be modified to remove the encroachment. As such staff are not in support of the requested setback variance.


RECOMMENDATION

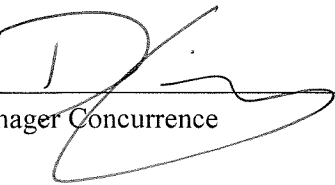
That:

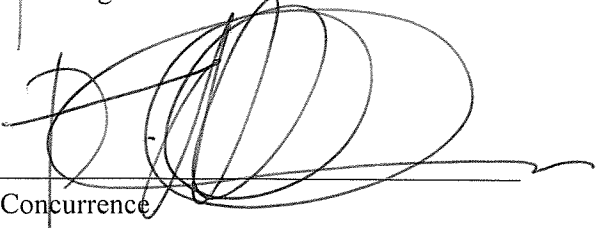
1. Staff be directed to complete the required notification, and
2. The request to vary the minimum setback from the interior side lot line be denied, and

3. The 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*.

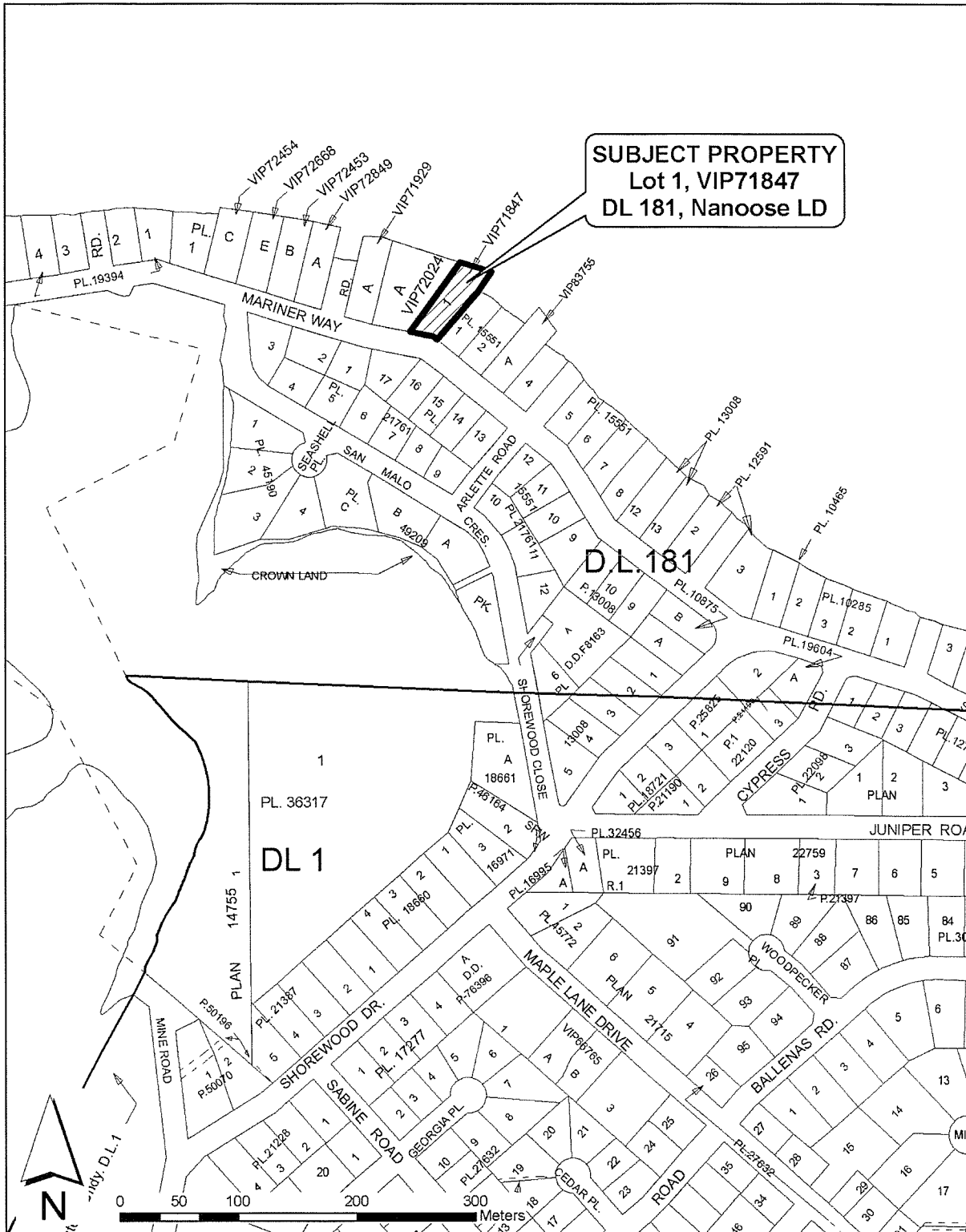

Report Writer


General Manager Concurrence


Manager Concurrence


CAO Concurrence

Attachment No. 1 Location of Subject Property



Schedule No. 1
Conditions of Development Permit with Variance and Site Specific
Exemption Application No. PL2010-109

Bylaw No. 500, 1987 – Variances

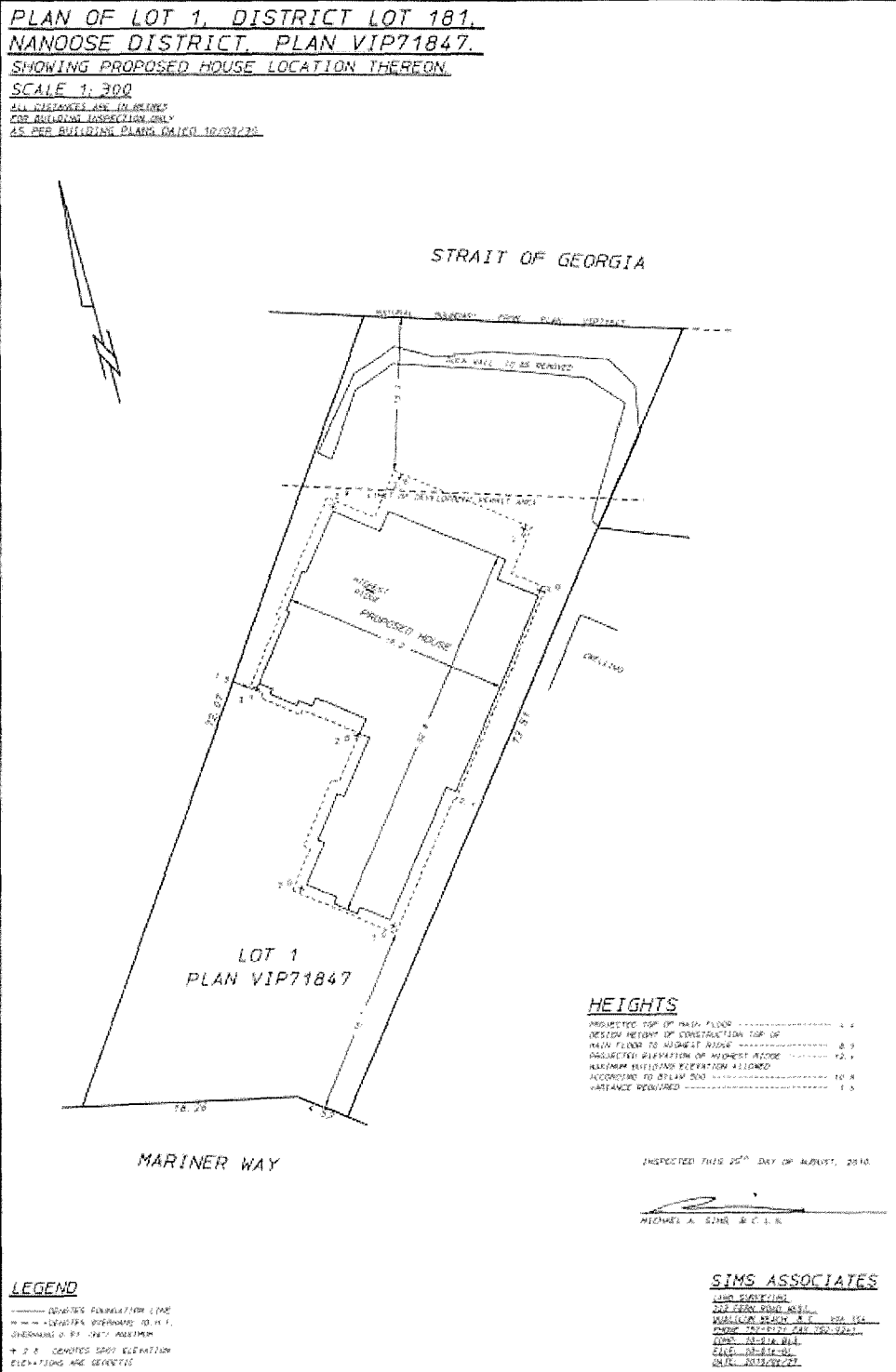
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” is requested to be varied as follows:

1. **Section 3.4.61 Maximum Number and Size of Buildings and Structures** is requested to be varied by increasing the maximum permitted dwelling unit height from 8.0 metres to 9.6 metres for a dwelling unit on as shown on *Schedule No 2*.

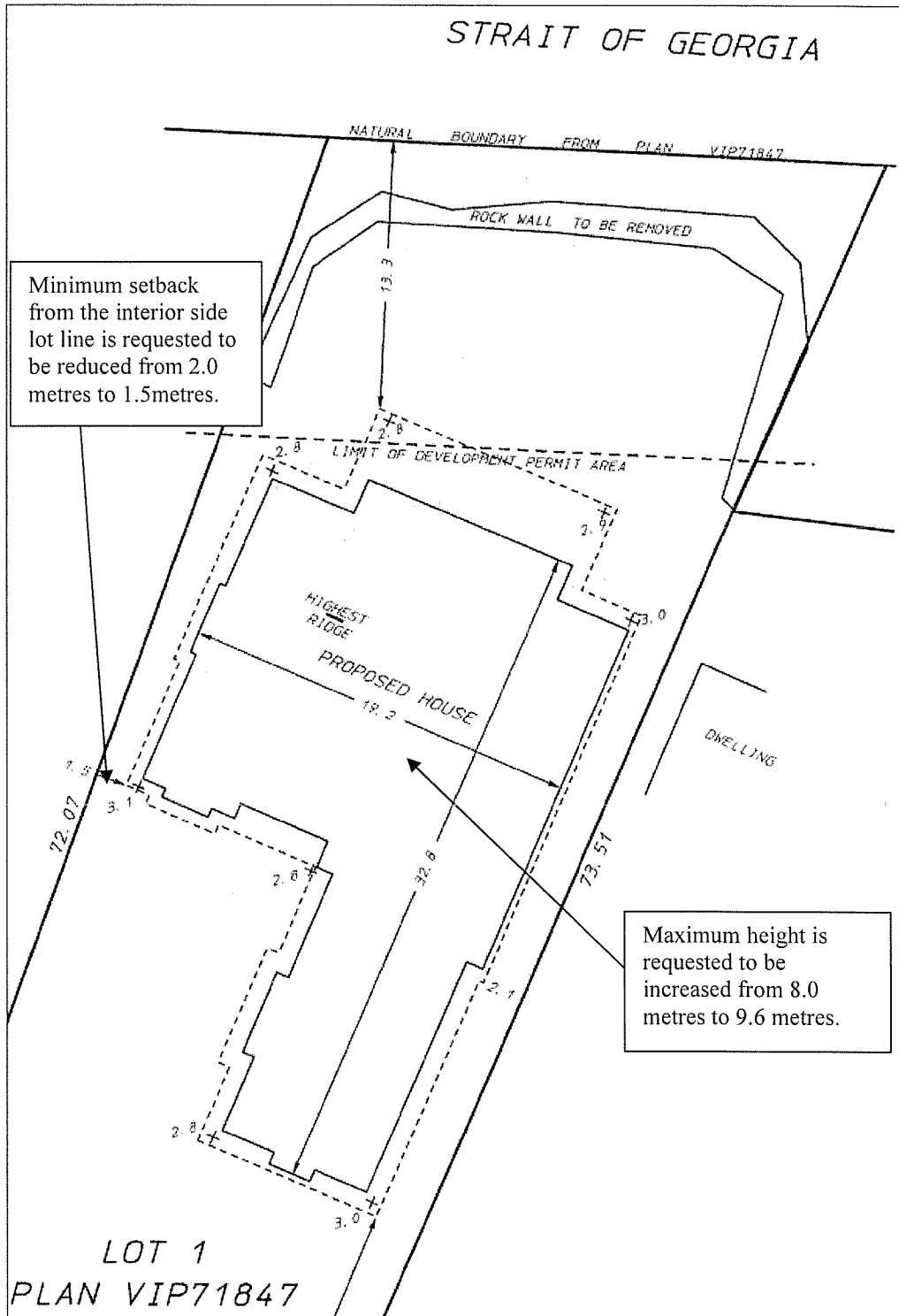
Conditions of Approval:

1. The dwelling unit shall be sited in general accordance with the site plan prepared by Sims Associates dated August 5, 2010, attached as *Schedule No. 2*.
2. The dwelling unit shall be constructed in general accordance with the elevation drawings prepared by Chow Low Hammond Architects Inc., attached as *Schedule No. 3*.
3. The subject property shall be developed in accordance with the recommendations established in the Environmental Review report prepared by Toth and Associates Environmental Services dated October 1, 2010.
4. The dwelling unit shall be constructed in accordance with the Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd. dated August 16, 2010.
5. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 covenant that registers the Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd. dated August 16, 2010 and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard.

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



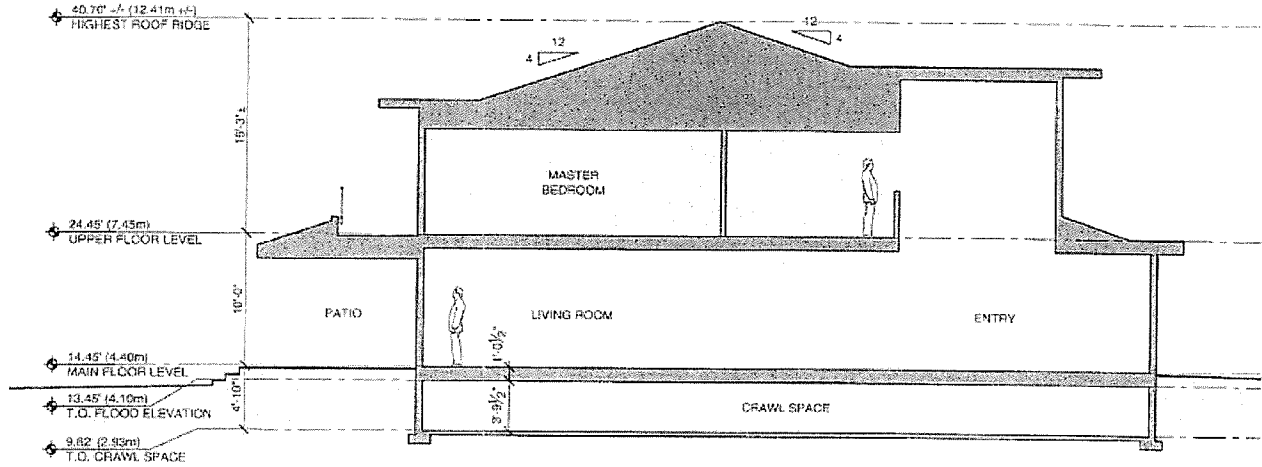
Schedule No. 2
Site Plan - Detail
(Page 2 of 2)



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



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



SCHEMATIC BUILDING SECTION

1/8" = 1'-0"



RDN REPORT	
CAO APPROVAL	
EAP	✓ Oct 12 '10
COW	
OCT 6 2010	
RHD	
BOARD	

MEMORANDUM

TO: Dale Lindsay
Manager, Current Planning

DATE: September 29, 2010

FROM: Susan Cormie
Senior Planner

FILE: PL2010-173

**SUBJECT: Development Variance Permit Application No. PL2010-173
JE Anderson & Associates, BCLS
Lot B, Section 10, Range 2, Cedar District, Plan VIP83661
2257 & 2291 Yellow Point Road
Electoral Area 'A'**

PURPOSE

To consider an application for a Development Variance Permit to vary the minimum setback requirement for a number of existing buildings in association with a subdivision proposal.

BACKGROUND

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

The subject property, which has a lot area of 21.4 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 subject property is within the Provincial Agricultural Land Reserve (ALR). The property currently is being operated as an active farm and supports a single dwelling unit along with several agricultural buildings. Surrounding land uses include Tiesu Road (dedicated only), residential parcels, and rural zoned parcels to the north; Yellow Point Road and rural zoned parcels to the east; rural zoned parcels and the Crow and Gate Pub to the south; and Cedar Road and rural zoned parcels to the west. The surrounding lands are also within the ALR.

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 1.9 ha lot and a 19.9 ha remainder. As the subject property is within the ALR approval is required by the Agricultural Land Commission before the subdivision can be complete. The ALC has reviewed the proposal and have provided their approval.

There are a number of existing greenhouses on the parent parcel. Some of the structures are non-conforming with respect to setbacks from existing lot lines, and a number of the buildings will be non-conforming with respect to setbacks from the proposed property line. In association with the proposed subdivision the applicants are requesting setback variances to legalize the siting of these structures.

There are seven greenhouses located on the remainder which will not meet the minimum setback from the proposed rear lot line of future proposed Lot 1 (Section 946 lot) (*see Schedule No. 2 for Proposed Plan of Subdivision*). Proposed variances from the proposed new lot line are as follows:

<i>Building No.</i>	<i>Proposed Setback From 8.0 m to:</i>
Greenhouse 1	7.94 m
Greenhouse 2	7.93 m
Greenhouse 3	7.92 m
Greenhouse 4	7.91 m
Greenhouse 5	7.90 m
Greenhouse 6	7.89 m
Greenhouse 7	7.88 m

In addition to the greenhouses located adjacent to the proposed new lot line, there are five greenhouses located within Proposed Lot 1 of which two of these buildings do not meet the minimum setback provisions from existing lot lines. Requested setbacks are as follows:

<i>Building No.</i>	<i>Proposed Setback From 8.0 m to:</i>
Greenhouse 8	5.68 m from north lot line
Greenhouse 9	6.81 m from south lot line

ALTERNATIVES

1. To approve Development Variance Permit No. PL2010-173, subject to the conditions outlined in *Schedule No. 1*.
2. To deny the Development Variance Permit No. PL2010-173.

DEVELOPMENT IMPLICATIONS

With respect to the greenhouses which require variances from the proposed new lot line, the requested variances are minor (maximum 12 cm). The proposed property line is in the preferred location relative to adjacent parcels, and has been approved by the ALC.

Concerning the greenhouses located on proposed Lot 1, these greenhouses have been in this location for a number of years and as the adjoining parcels are also situated within the ALR, any negative impact is considered minor.

The greenhouses are being used for growing plants and there is no manure being stored or livestock being kept within the buildings. The variances, if granted, will specify that the buildings cannot be used for housing livestock or storing manure.

PUBLIC CONSULTATION IMPLICATIONS

As part of the required public notification process, property owners located within a 50.0 metre radius will receive notice of the proposed variances and will have an opportunity to comment on the proposed variances, prior to the Board's consideration of the permit.

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

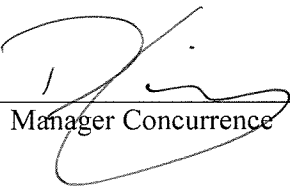
This is a Development Variance Permit application to vary the minimum setback requirements in order to legalize several greenhouses and allow them to remain in conjunction with a section 946 subdivision proposal. Staff recommends approval of the Development Variance Permit.

RECOMMENDATIONS

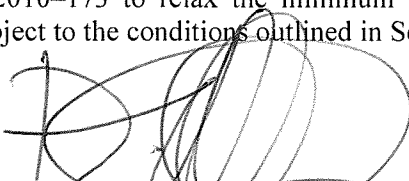
1. That staff be directed to complete the required notification.
2. That Development Variance Permit Application No. PL2010-173 to relax the minimum setback requirements for nine existing greenhouses be approved subject to the conditions outlined in Schedule No. 1.




Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

Schedule No. 1
Development Variance Permit Application No. PL 2010-173
Conditions of Approval / Proposed Variances

The following sets out the conditions of approval with respect to Development Permit No. PL2010-173:

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 Variance Permit No. PL2010-173).

2. Proposed Variances – Bylaw No. 500, 1987

- a. The requirements of Section 3.4.84 2. Minimum Setback Requirements are proposed to be varied by relaxing the minimum setback requirement for the proposed future lot line (proposed rear lot line of Proposed Lot 1) from 8.0 metres for buildings not housing livestock or for storing manure to:

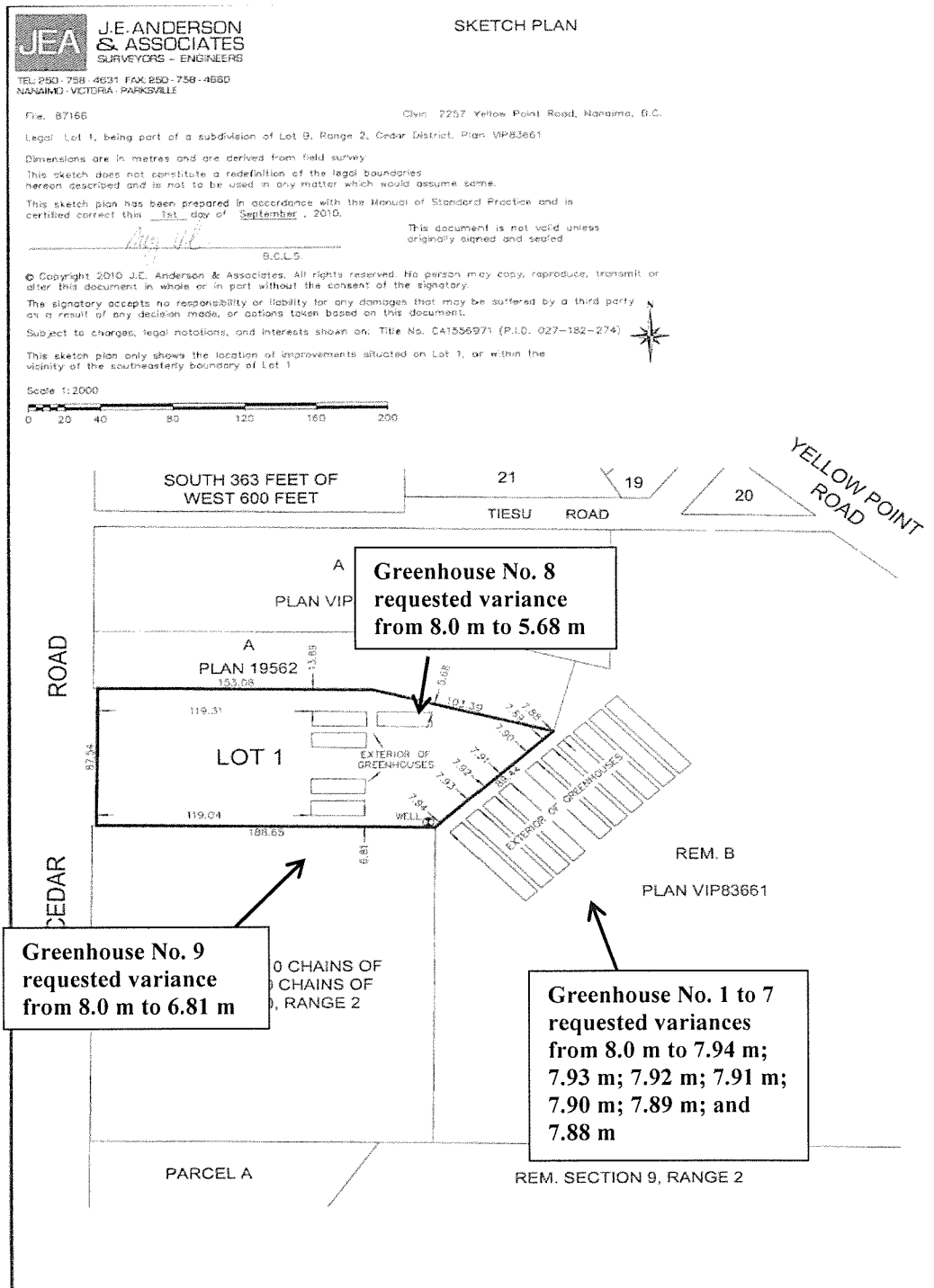
Greenhouse 1	7.94 m
Greenhouse 2	7.93 m
Greenhouse 3	7.92 m
Greenhouse 4	7.91 m
Greenhouse 5	7.90 m
Greenhouse 6	7.89 m
Greenhouse 7	7.88 m

to accommodate the continued siting of these greenhouses not housing livestock or for storing manure as shown in the location on Schedule No. 2.

- b. The requirements of Section 3.4.84 2. Minimum Setback Requirements are proposed to be varied by relaxing the minimum setback requirement for the north lot line of proposed Lot 1 from 8.0 metres for buildings not housing livestock or for storing manure to 5.68 m to accommodate the continued siting of Greenhouse 8 not housing livestock or for storing manure as shown in the location on Schedule No. 2.
- c. The requirements of Section 3.4.84 2. Minimum Setback Requirements are proposed to be varied by relaxing the minimum setback requirement for the south lot line of proposed Lot 1 from 8.0 metres for buildings not housing livestock or for storing manure to 6.81 m to accommodate the continued siting of Greenhouse 9 not housing livestock or for storing manure as shown in the location on Schedule No. 2.

**Schedule No. 2
 Development Variance Permit No. PL2010-173
 Proposed Plan Subdivision Showing Location of Buildings and Requested Variances**

Greenhouse Nos. 1 to 7





RDN REPORT	
CAO APPROVAL TH	
EAP	✓ Oct. 12/10
COW	
RHD	
BOARD	

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: October 1, 2010

FROM: Kristy Marks
Planner

FILE: PL2010-188

SUBJECT: **Development Variance Permit Application No. PL2010-188**
Fern Road Consulting Ltd.
Lot 1, District Lot 72, Nanoose District, Plan 9546
1969 Seahaven Road – Electoral Area ‘E’

PURPOSE

To consider an application for a Development Variance Permit to vary the building height and the setback from the sea in order to allow the construction of dwelling unit on the subject property.

BACKGROUND

The Regional District of Nanaimo has received an application from Fern Road Consulting Ltd. on behalf of Ryan and Diane Pettersen to permit the construction of a dwelling unit. The subject property is approximately 1000 m² in area and is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is bound by developed residential lots to the east and west, Seahaven Road to the south and the Strait of Georgia to the north.

Development Variance Permit No. PL2009-807 was issued in January 2010 to permit the construction of a dwelling unit with a variance to height and setback from the natural boundary of the sea. The previously approved variance varied the maximum height from 8.0 metres to 8.5 metres and the setback from sea from 15 metres to 9.8 metres. Since the variance was granted the applicants have obtained a building permit and begun site preparation. However, due to an error in referencing of the natural grade elevations on the original survey, an additional variance is required in order to meet the minimum floodplain elevation recommended by the geotechnical engineer.

Proposed Variance

The applicant is requesting a height variance from 8.0 metres to 8.9 metres and a setback variance from the natural boundary of the sea from 15.0 metres to 9.8 metres in order to construct a new dwelling unit.

ALTERNATIVES

1. To approve the Development Variance Permit No. PL2010-188 subject to the conditions outlined in *Schedules No. 1 - 3.*
2. To deny the Development Variance Permit No. PL2010-188.

DEVELOPMENT IMPLICATIONS

The applicant is proposing to construct a dwelling unit with variances to height and setbacks from the sea on the subject property. The location of the proposed dwelling is shown on *Schedule No. 2* and building elevations are shown on *Schedule No. 3*.

The applicant has provided a Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd. dated December 7, 2009. This assessment states that the property is considered safe for the intended use and that the property can be considered appropriately 'protected by erosion works'. The report recommends a minimum flood elevation of 4.1 metres GSC (Geodetic Survey of Canada). The applicant is requesting a height variance for the proposed dwelling unit from 8.0 metres to 8.9 in order to permit the construction of a two storey dwelling unit above the recommended flood construction elevation.

The required setback from the sea for this property is 15.0 metres horizontal distance from the natural boundary and the applicant is requesting a variance to this setback to 9.8 metres from the natural boundary for the proposed dwelling unit.

The "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006" permits structures to be located up to 8.0 metres from the natural boundary of the sea where the sea frontage is protected from erosion by a natural bedrock formation or works designed by a professional engineer. As noted above, the Geotechnical Hazards Assessment states that the proposed building setback of 9.8 metres from the seawall is considered to be a geotechnically safe and suitable separation of the building from the ocean.

The applicant has provided the following justification for the requested height and setback variances:

- The applicant is requesting the height variance in order to meet the minimum flood construction elevation required in the Floodplain Management Bylaw and recommended in the Geotechnical Hazards Assessment;
- There are no anticipated view or aesthetic impacts related to the requested variances as the proposed dwelling unit is in generally the same location as the existing dwelling and is in line with the adjacent dwellings;
- The applicant has provided a Geotechnical Hazards Assessment stating that the location of proposed dwelling in relation to the sea wall/natural boundary is considered safe;
- Given the location of the existing septic system, between the proposed building site and existing garage, it is difficult to locate the proposed dwelling unit more than 15.0 metres from the sea.

As this is a coastal property located in Northwest Bay, an area which contains known archaeological sites, the property owners contacted I.R. Wilson Consultants Ltd. to conduct a site impact assessment and have received a site alteration permit from the Provincial Archaeology Branch.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist". This proposal represents the redevelopment of an existing residential parcel.

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

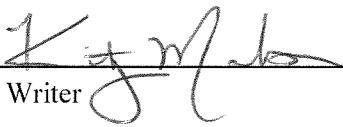
This is an application for a Development Variance Permit to vary maximum height and the setback from the sea in order to permit the construction of a dwelling unit on the subject property.

The applicant has submitted a site plan, building elevations, and a Geotechnical Hazards Assessment in support of the application. In staff's assessment, there are no anticipated impacts related to the requested variances.

RECOMMENDATION

That:

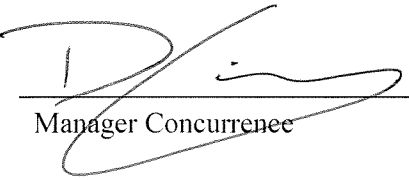
1. Staff be directed to complete the required notification, and
2. The Development Variance Permit application No. PL2010-188 to permit the construction of a dwelling unit with height and setbacks variances be approved subject to the conditions outlined in *Schedules No. 1- 3.*



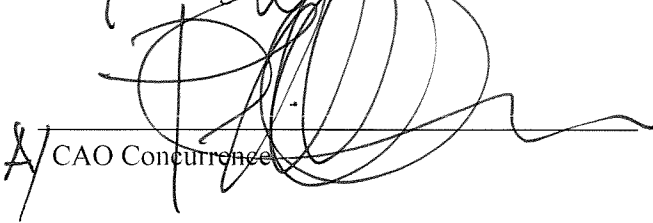
Report Writer



General Manager Concurrence

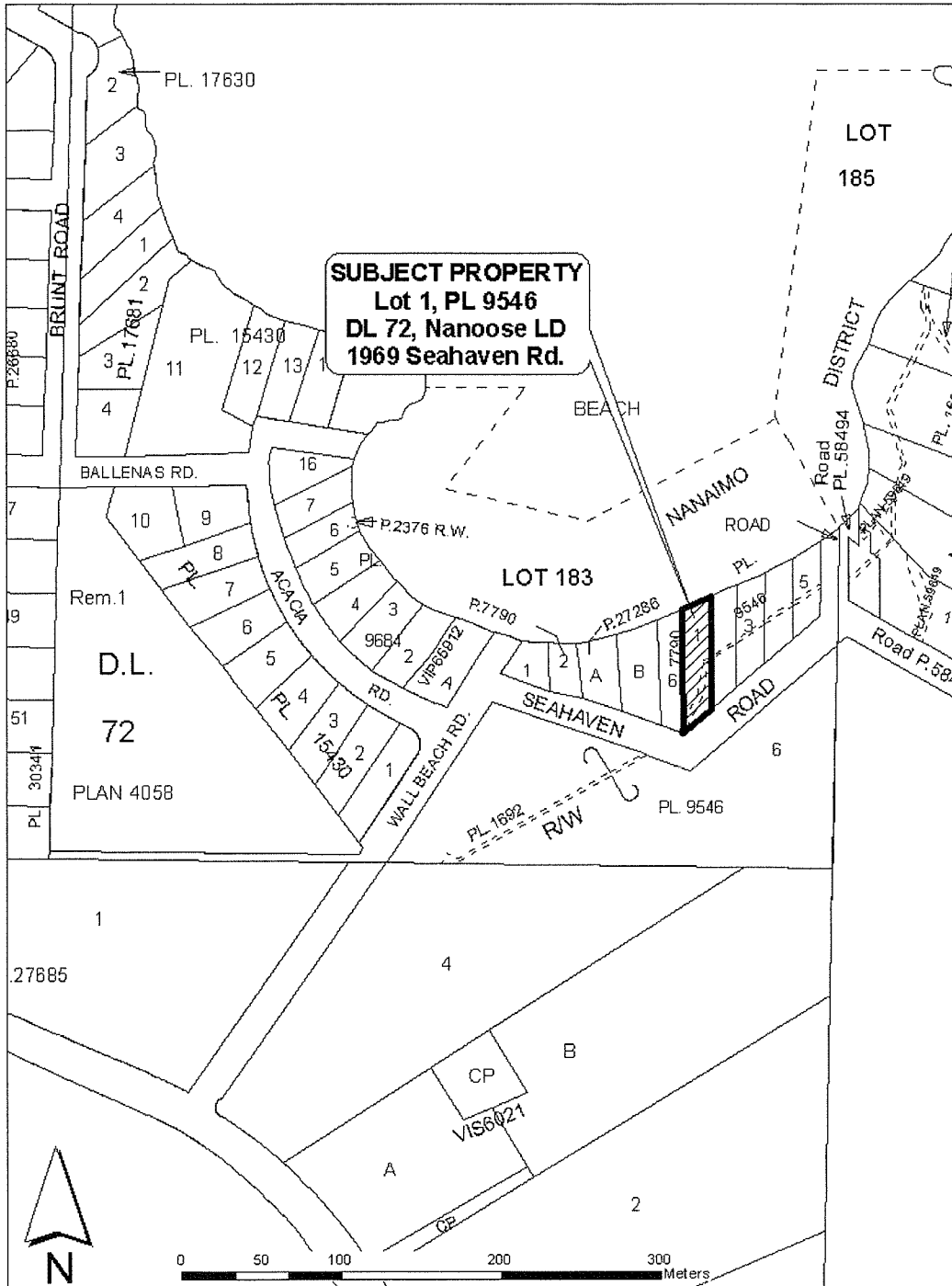


Manager Concurrence



CAO Concurrence

Attachment No. 1
Location of Subject Property



BCGS MAPSHEET: 92F 039 2.2

Schedule No. 1
Terms of Development Variance Permit No. PL2010-188

Bylaw No. 500, 1987 – Variance

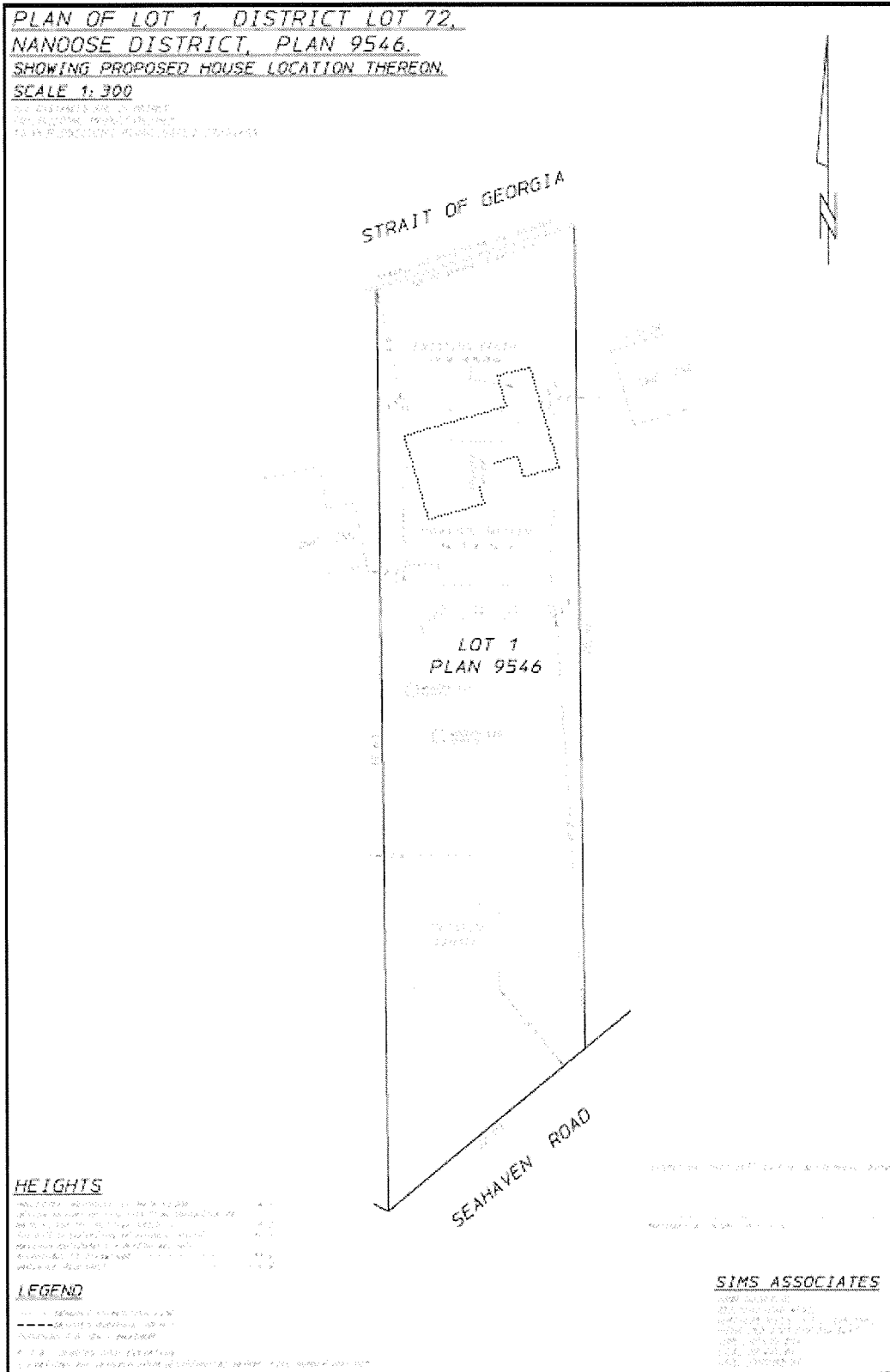
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” is varied as follows:

1. **Section 3.3.8 Setbacks – Sea** is hereby varied by reducing the minimum setback from the natural boundary of the sea from 15.0 meters to 9.8 metres horizontal distance for a dwelling unit as shown on *Schedule No 2*.
2. **Section 3.4.61 Maximum Number and Size of Buildings** is hereby varied by increasing the maximum height from 8.0 metres to 8.9 metres for a dwelling unit as shown on *Schedule No. 2*.

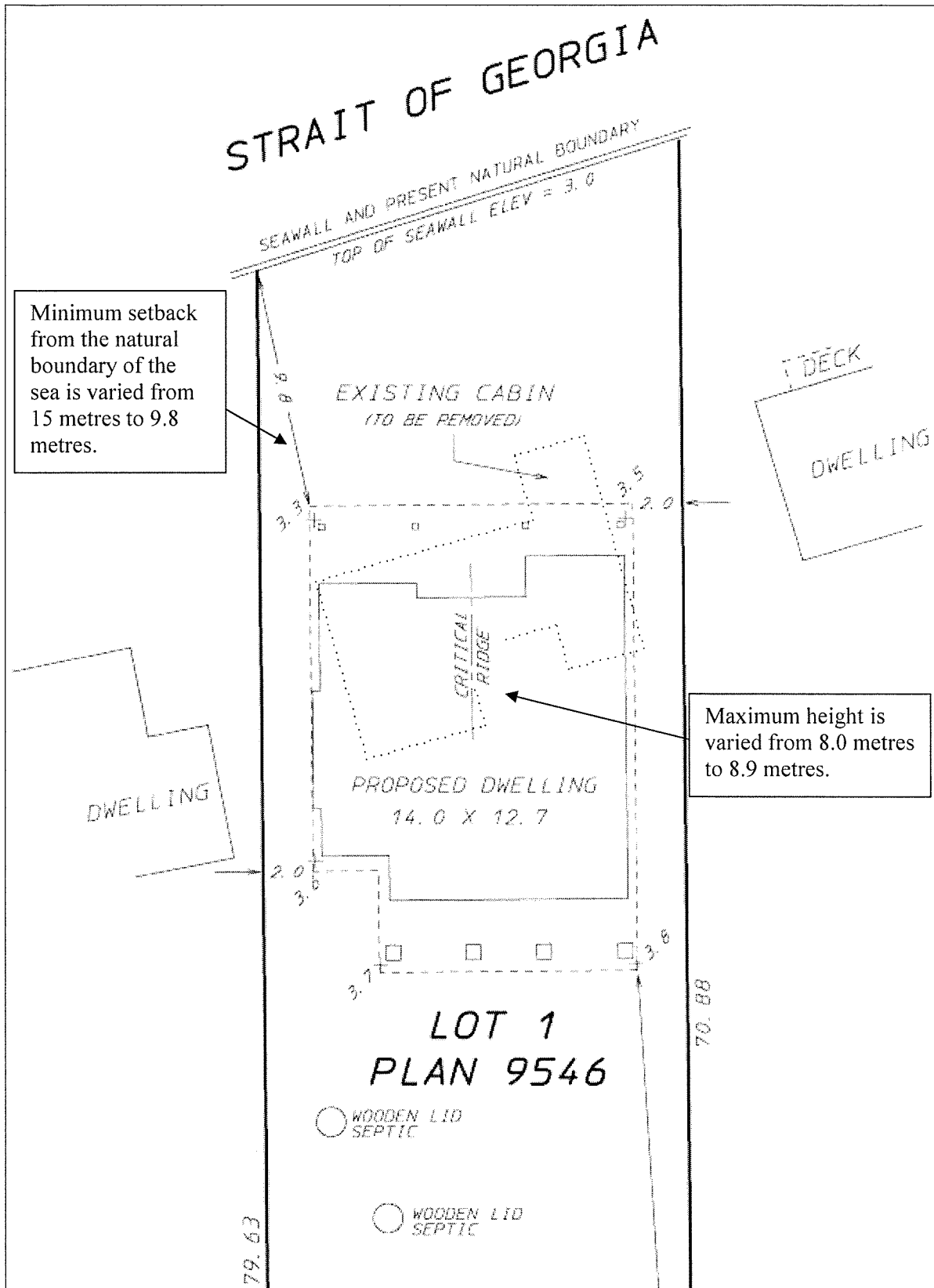
Conditions of Approval:

1. The dwelling unit shall be sited in accordance with the site plan prepared by Sims Associates dated September 30, 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 April 4, 2007, attached as *Schedule No. 3*.
3. The dwelling unit shall be constructed in accordance with the Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd. dated December 7, 2009.
4. The applicant shall provide confirmation of building height and setbacks by a British Columbia Land Surveyor at the framing stage of construction.

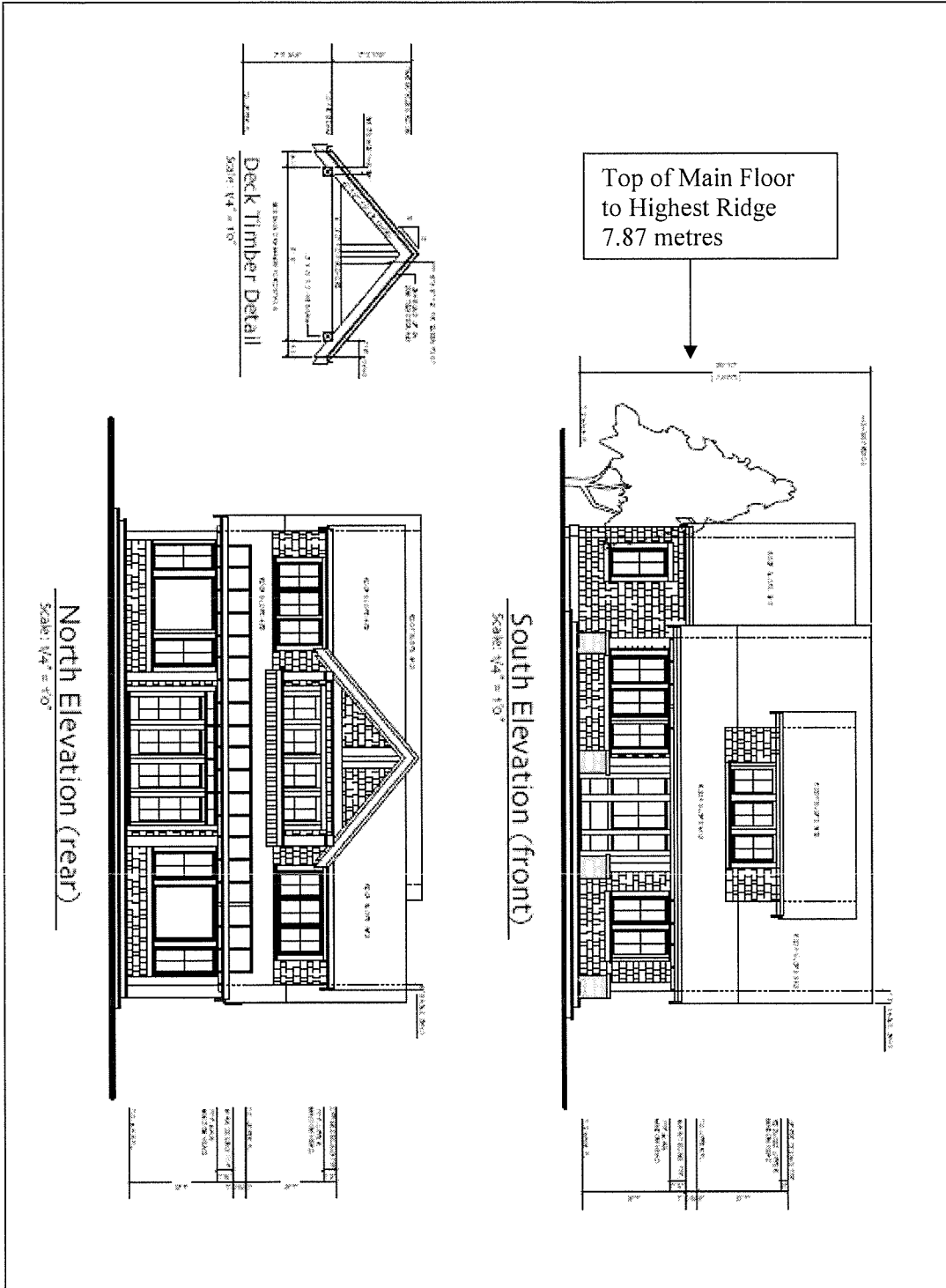
Schedule No. 2
Site Plan
(Page 1 of 2)



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

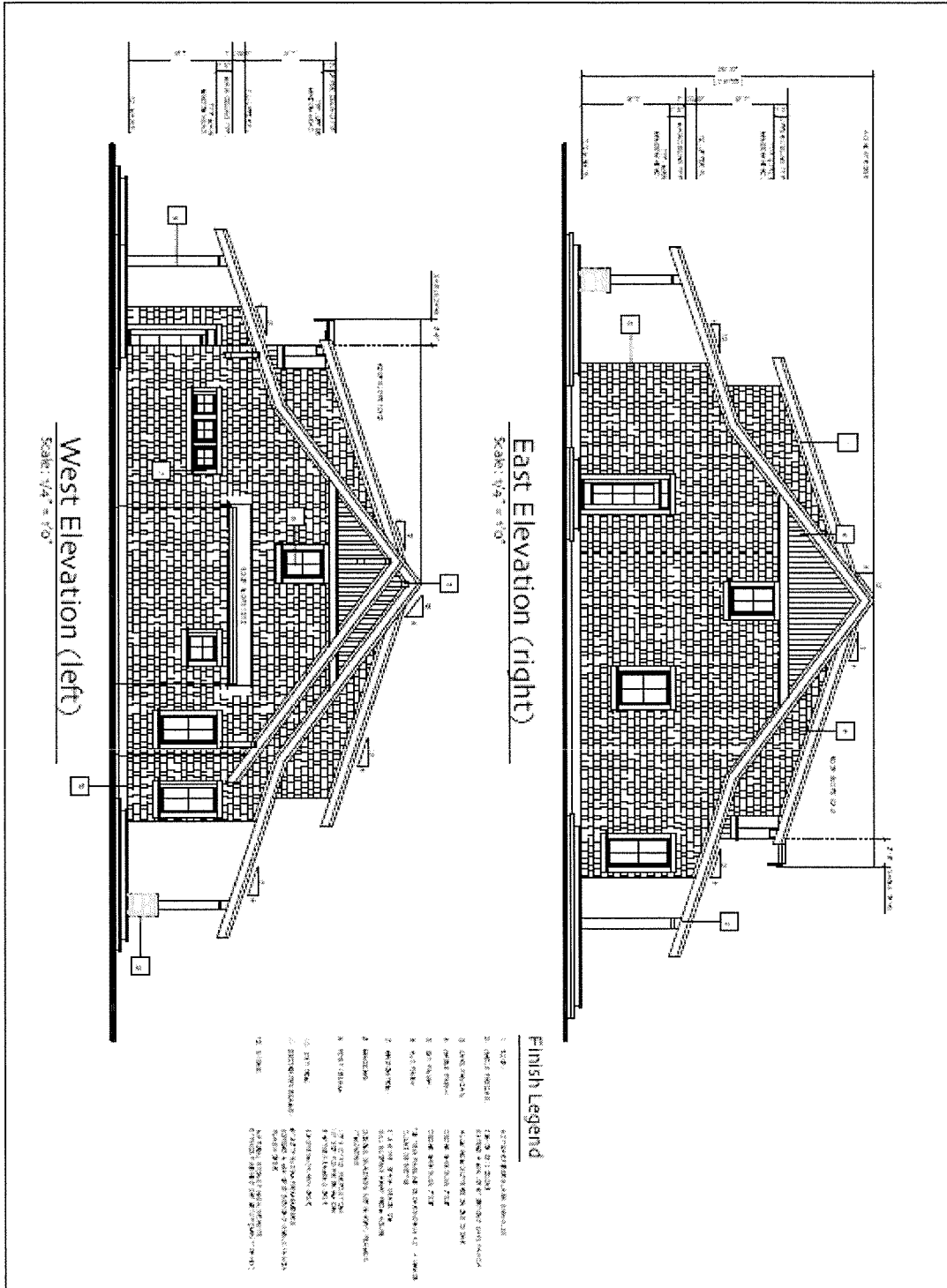


**Schedule No. 3
 Building Elevations
 (Page 1 of 2)**



C.A. DESIGN	
PROJECT NO. 10-188 DATE: 10/1/10 DRAWING NO. 10-188-08	
CLIENT: RYAN & DANIELE PETERSEN ADDRESS: 10-188	
ARCHITECT: RYAN & DANIELE PETERSEN ADDRESS: 10-188	
ENGINEER: PETERSEN ENGINEERING ADDRESS: 10-188	
CONTRACT NO. 10-188-08	
SHEET NO. 10-188-08-01	
TOTAL SHEETS: 10-188-08-01 TO 10-188-08-05	
FRONT / REAR ELEVATIONS	
5	

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



C.A. DESIGN

6

LEFT / RIGHT ELEVATIONS

PETERSEN RES

RYAN & DANIEL PETERSEN



CAO APPROVAL	
EAP	✓ Oct 12 '10
COW	
OCT 01 2010	
RHD	
BOARD	

MEMORANDUM

TO: Dale Lindsay
Manager, Current Planning

DATE: September 30, 2010

FROM: Susan Cormie
Senior Planner

FILE: PL2010-141

SUBJECT: Subdivision Application No. PL2010-141 – JE Anderson & Associates, BCLS
Lot A, Section 13, Ranges 4 and 5, Cedar District, Plan 19608, Except Part in
Plan 28465
1954 & 1984 Shasta Road
Electoral Area ‘A’

PURPOSE

To consider a request to relax the minimum 10% perimeter frontage requirement in conjunction with a seven lot subdivision proposal.

BACKGROUND

The Regional District has received a request to relax the minimum 10% perimeter frontage requirement of one lot in conjunction with a proposed seven lot subdivision from JE Anderson & Associates, BCLS on behalf of Yamato Development Canada Inc.

The subject property is zoned Rural 4 (RU4) and is situated within Subdivision District ‘D’ (2.0 ha minimum parcel size with or without community water and sewer services) as per the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (see Attachment No. 1 for location of subject property). The proposed parcels will meet the minimum parcel size provisions of Bylaw No. 500, 1987.

Surrounding land uses include Shasta Road and rural zoned properties to the north, Headland Road and rural zoned properties to the south, rural zoned properties to the west, and the Strait of Georgia to the east.

Proposed Development

The applicants are proposing to create seven fee simple parcels all greater than the minimum 2.0 ha parcel size (see Attachment No. 2 for Proposed Plan of Subdivision). The parcels will be served with individual potable water wells and septic disposal systems.

Lot 1 is proposed to be served by panhandle and as a result 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 1	79.8 m	12.0 m	1.5 %

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 the request for relaxation of the minimum 10% perimeter frontage requirement for the proposed Lot 1.
2. To deny the request for relaxation of the minimum 10% frontage requirement.

DEVELOPMENT IMPLICATIONS

Ministry of Transportation and Infrastructure Implications

Ministry staff has indicated that the frontage for the proposed Lot 1 is acceptable to the Ministry. Despite the reduction in the frontage, the proposed parcel will be capable of supporting the intended residential and rural uses.

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 the proposal.

SUMMARY

The relaxation of the minimum 10% perimeter frontage requirement for proposed Lot 1 is required in association with this proposed seven lot subdivision development.

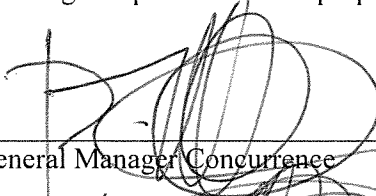
As the reduced frontage will not negatively impact the intended rural and residential use of proposed Lot 1, staff recommends approval of relaxation to the minimum 10% perimeter frontage requirement.

RECOMMENDATION

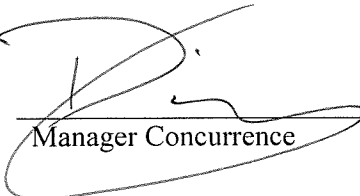
That the request to relax the minimum 10% perimeter frontage requirements for proposed Lot 1 be approved.



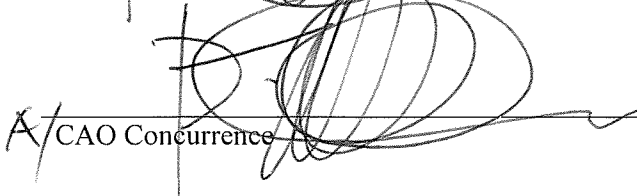
Report Writer



General Manager Concurrence

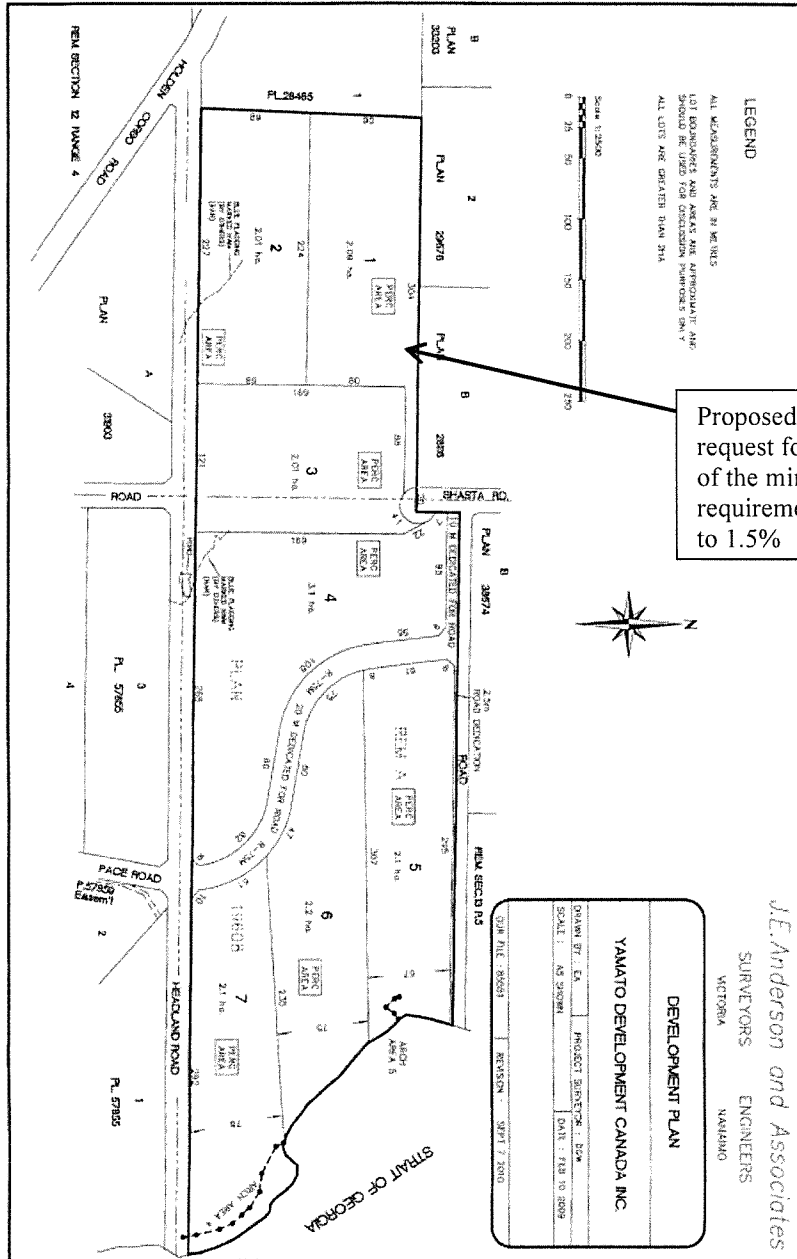


Manager Concurrence



CAO Concurrence

Attachment No. 1
 Proposed Plan of Subdivision



Attachment No. 2
Location of Subject Property

