

REGIONAL DISTRICT OF NANAIMO
ELECTORAL AREA PLANNING COMMITTEE
TUESDAY, JANUARY 11, 2011
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 - 7 **Ross Peterson, Arrowsmith Parks and Land-Use Council**, re Concerns with the Proposed Fairwinds Lakes District Neighbourhood Plan.

MINUTES

- 8 - 18 Minutes of the regular Electoral Area Planning Committee meeting held November 9, 2010 and the Special Electoral Area Planning Committee meeting held November 23, 2010.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

UNFINISHED BUSINESS

PLANNING

AMENDMENT APPLICATIONS

- 19 - 51 OCP Amendment to Support Zoning Amendment Application No. PL2009-778 – Addison - 2610 Myles Lake Road - Area 'C'.

DEVELOPMENT PERMIT APPLICATIONS

- 52 - 56 Development Permit Application No. PL2010-210 – Longridge & Pearson – 3800 Horne Lake Caves Road – Area 'H'.

57 - 63 Development Permit Application No. PL2010-213 – Fern Road Consulting –
6209 Island Highway West – Area ‘H’.

64 - 73 Development Permit Application No. PL2010-220 – Walman – 3844 Horne Lake
Caves Road – Area ‘H’.

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

74 - 79 Development Permit with Variance Application No. PL2010-228 – Couverdon
Real Estate – Pratt Road – Area ‘F’.

OTHER

80 - 85 Development Permit Application No. PL2010-237 and Associated Request for
Frontage Relaxation & Park Land Dedication – Island West Consulting Inc. –
2560/2570 South Forks Road – Area ‘C’.

86 - 94 Bylaw No. 1621 – Proposed New Board of Variance Bylaw.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

ADJOURNMENT

IN CAMERA

Armstrong, Jane

From: Linda Addison <addisoncl@shaw.ca>
Sent: Thursday, December 30, 2010 10:23 AM
To: Armstrong, Jane
Subject: Fw: 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, January 11, 2011 (11/1/11). I will be speaking to our application for 2610 Myles Lake Rd. It is my understanding that our application to amend the Area 'C' Official Community Plan will be on this agenda.

Thank you

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

Armstrong, Jane

From: Paul Grinder <pgrinder@gmail.com>
Sent: Wednesday, January 05, 2011 10:20 AM
To: Armstrong, Jane
Cc: Ross Peterson
Subject: DELEGATION TO RDN ELECTORAL AREA PLANNING COMMITTEE
Attachments: Submission to RDN EAPC.doc

Hello Jane,

Please find attached our submission to the RDN EAPC meeting scheduled for Monday, January 11, 2011. We are the Arrowsmith Parks and Land-Use Council and our submission is regarding our concern with the proposed Fairwinds Lakes District Neighbourhood Plan. One of our members, Ross Peterson, would like to speak to the Committee regarding our submission.

If you require any further information, please let us know.

On behalf of the Arrowsmith Parks and Land-Use Council,
Paul Grinder
250 468 1714



**Arrowsmith Parks
and Land-Use
Council**

An association of individuals and groups committed to engaging with community, government, and industry to advocate for the conservation and expansion of parks and protected areas within the Mount Arrowsmith watersheds.

3349 Blueback Drive
Nanoose Bay, BC V9P 9H9
250 468 1714
pgrinder@gmail.com

DELEGATION TO RDN ELECTORAL AREA PLANNING COMMITTEE

Re: Concerns with the Proposed Fairwinds Lakes District Neighbourhood Plan.

By: Arrowsmith Parks and Land-Use Council

Date: Dec. 13, 2010

The Arrowsmith Parks and Land-Use Council is an association of individuals and groups committed to engaging with community, government, and industry to advocate for the conservation and expansion of parks and protected areas within the Mount Arrowsmith watersheds.

We wish to talk to you tonight about a few problems with the proposed Fairwinds development in Nanoose Bay, and suggest ways that improvements can be made in the way the plan is being reviewed.

First of all, the magnitude of the proposed development is profound. It has the potential to change Nanoose Bay forever, and have significant effects on the region as a whole.

The ecosystems on this property are both unique and extremely important to the local community, the region, and the province.

Therefore, we must be sure that what we're doing is the right thing, and just as importantly, that what we are doing is what we, the citizens of the area, want. This means we need good science and meaningful public consultation.

1. How do we know what's being planned is right?

Proper planning and review of plans requires good science. Why? The protection of the sensitive ecosystems (an obligation of the RDN, and stated objectives of the proponent) requires a sound scientific understanding of the following:

- the ecological boundaries of the ecosystem,
- how they function,
- what the threats are to their natural functions,
- how sensitive they are to threats such as development disturbance,
- what it will take to protect them.

In our opinion, the quality of science regarding these factors as shown in the proponent's plan is inadequate to substantiate the proponent's claim of insignificant impacts. This includes the science

done on the Garry Oak ecosystem, wetlands, and Coastal Douglas Fir ecosystem. These are all ecosystems that the RDN, through various documents, has agreed to protect.

The lack of good science has resulted in RDN being given inaccurate and inadequate information upon which to base decisions on the acceptability of potential impacts.

Three examples of the poor science in the proposed plan:

- the proposed siting of multi-family structures in the middle of the Garry Oak ecosystem, near the Lookout,
- the proposed siting of the Schooner Cove Drive extension through sensitive wetlands
- the fragmentation of much of the rare Coastal Douglas Fir ecosystem.

It is inconceivable to us how the proponent's claims of insignificant impacts can be substantiated when one looks at these examples.

Importantly, it's not too late to correct these errors. But, the review process must pause until good science catches up. The proponent should be asked to provide better information regarding the following:

1. Ecological boundaries and environmental impact information on the Garry Oak ecosystem near the Lookout,
2. Ecological boundaries and environmental impact information on the beaver pond wetlands,
3. Comparative ecological benefits and costs of alternate routes for the Schooner Cove Drive extension,
4. Alternative development schemes to minimize the fragmentation of the rare Coastal Douglas Fir ecosystem.

Failing this, the proponent should be asked to pull its development further back from these ecosystems to better ensure adequate environmental protection.

One, or the other.

The consequence of not doing either of these will be a high risk of significant impacts and failure of RDN to uphold environmental protection commitments.

2. How do we know if this is what the public wants?

In short, we don't; at least not yet. Why does this matter? The environmental resources, although on private land, are public assets, and therefore the public has a right to know what is happening, to express its opinions, and to participate in decisions on the protection or disruption of these assets.

Here's the problem. The whole planning and review process is really in its early stages. We are nowhere as far along as the proponent has suggested. The public has not yet had the opportunity to discuss the potential impacts that could affect us all.

Sure, there have been 50+ meetings, open houses, workshops, etc. hosted by the proponent, but these have been solely about form and character, and have not involved potential impacts. These public sessions stopped when the Neighbourhood Plans and accompanying Environmental Assessment Report were submitted to RDN in May, 2010.

So, no discussions have been held on the things that really matter to the public. There have been no discussions on the trade-offs between the existing environment and proposed housing, or on the acceptance or rejection of potential impacts. At least not yet. For example:

- Do people feel they will have the same opportunity to enjoy the natural wonders of the area, with the proposed development?
- Do people want adequate protection of beavers, or red-legged frogs? Are people confident that the proposed road alignment near the wetlands will provide enough protection?
- How do people feel about the loss of the “Enchanted Forest”, the stand of veteran western red cedars that would be lost with the proposed alignment of the Schooner Cove Drive extension?
- Do people want the Garry Oak ecosystems protected, or would they favour easier access to them? (They can’t have both).
- Do people understand the consequences of fragmenting the Coastal Douglas Fir ecosystem, and its effect on biodiversity?
- Will people be tolerant of longer line-ups at the grocery or bank?
- Will people accept extra traffic on local roads?
- How will people deal with more deer on their property, a consequence of denying their normal habitats?

Who knows what the answers to these and many more questions will be? The public hasn’t been asked, and we contend that the RDN cannot complete its review of the proponent’s plan until it knows. And, no, the 50+ meetings held in the past do not provide this information.

We need public discussion of potential impacts so we know how significant they are, how they might be mitigated or avoided, or whether some will just have to be tolerated.

This is critical – the RDN must be pro-active in measuring public attitudes towards potential impacts. To do this, RDN must present potential impact information to the public in a meaningful manner, and then solicit reliable public opinions about these impacts. This public consultation process must be driven by the RDN (who represents the public) and not by the proponent. The magnitude of this proposed development and significance of the potential impacts demand nothing less.

In closing, it’s not too late to do the right thing, and make sure it’s what the public wants. The agenda and speed of the development review process must be set by the RDN, and it can’t conclude its work until it has adequate biological inventory and impact information from the proponent and meaningful opinions from the public.

On behalf of the Arrowsmith Parks and Land-Use Council,

Paul Grinder
3345 Blueback Drive
Nanose Bay BC
V9P 9H9
250 468 1714

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, NOVEMBER 9, 2010 AT 6:30 PM
IN THE RDN BOARD CHAMBERS**

Present:

Director J. Stanhope	Chairperson
Director J. Burnett	Electoral Area A
Alternate	
Director F. Van Eynde	Electoral Area E
Director L. Biggemann	Electoral Area F
Director D. Bartram	Electoral Area H

Also in Attendance:

M. Pearse	Sr. Mgr., Corporate Administration
P. Thorkelsson	Gen. Mgr., Development Services
D. Lindsay	Manager, Current Planning
N. Hewitt	Recording Secretary

CALL TO ORDER

The Chairperson welcomed Alternate Director Van Eynde to the meeting.

DELEGATIONS

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

This application has been deferred to the November 23, 2010 Special Electoral Area Planning Committee.

BOARD MINUTES

MOVED Director Stanhope, SECONDED Director Van Eynde, that the minutes of the regular Electoral Area Planning Committee meeting held on October 12, 2010 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Ed Annau, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Ed Annau be received.

CARRIED

Jack & Margery Biickert, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Jack and Margery Biickert be received.

CARRIED

Cliff & Nell Bowles, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Cliff and Nell Bowles be received.

CARRIED

John Carey, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from John Carey be received.

CARRIED

Kathleen Claxton, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Kathleen Claxton be received.

CARRIED

Ken Congpow, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Ken Congpow be received.

CARRIED

Ken Derham, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Ken Derham be received.

CARRIED

Terry Gay, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Terry Gay be received.

CARRIED

Anna Grieve, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Anna Grieve be received.

CARRIED

Brian Hale, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Brian Hale be received.

CARRIED

Tracey Hale, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Tracey Hale be received.

CARRIED

Mark Hanna, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Mark Hanna be received.

CARRIED

Dan Harford, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Dan Harford be received.

CARRIED

Elizabeth Harford, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Elizabeth Harford be received.

CARRIED

Alfred Heringa, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Alfred Heringa be received.

CARRIED

Troy Heringa, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Troy Heringa be received.

CARRIED

J. E. Hoeljcher, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from J.E. Hoeljcher be received.

CARRIED

Catherine Howes, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Catherine Howes be received.

CARRIED

Randy Jenkins, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Randy Jenkins be received.

CARRIED

Bill Kerr, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Bill Kerr be received.

CARRIED

Jeannie Lundine, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Jeannie Lundine be received.

CARRIED

Jim Lundine, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Jim Lundine be received.

CARRIED

Art McCann, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Art McCann be received.

CARRIED

Andrew Medd, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Andrew Medd be received.

CARRIED

John Medd, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from John Medd be received.

CARRIED

Francesca Michaluk, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Francesca Michaluk be received.

CARRIED

John Moore, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from John Moore be received.

CARRIED

Janice O’Reilly, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Janice O’Reilly be received.

CARRIED

Ken Reynolds, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Ken Reynolds be received.

CARRIED

Lucille Reynolds, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Lucille Reynolds be received.

CARRIED

Ellen & Jim Rothwell, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Ellen and Jim Rothwell be received.

CARRIED

Hulda Sauder, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Hulda Sauder be received.

CARRIED

Brite & Kris Sorensen, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Brite and Kris Sorensen be received.

CARRIED

Lawrence & Patricia Stahley, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Lawrence and Patricia Stahley be received.

CARRIED

Paul Turner, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Paul Turner be received.

CARRIED

David Wallace, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from David Wallace be received.

CARRIED

Lynda Whittaker, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Lynda Whittaker be received.

CARRIED

Steve Wilson, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Steve Wilson be received.

CARRIED

Irene & Joan World, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Irene and Joan World be received.

CARRIED

Michael Yarn, re Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that the correspondence from Michael Yarn be received.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Bylaw No. 1148.07 - OCP Amendment to Support Zoning Amendment Application No. PL2009-778 – Addison – 2610 Myles Lake Road – Area ‘C’

This application has been deferred to the November 23, 2010 Special Electoral Area Planning Committee.

Bylaw No. 500.364 to Support Zoning Amendment Application No. 2010-031 – Peter Mason Land Surveying – 1120 Keith Road – Area ‘H’.

MOVED Director Stanhope, SECONDED Director Biggemann, that Zoning Amendment Application No. ZA PL2010-031 to rezone the subject from Subdivision District B' to Subdivision District `CC' be approved subject to the conditions included in Schedule No. 1.

CARRIED

MOVED Director Stanhope, SECONDED Director Biggemann, that "Bylaw No. 500.364, 2010" be introduced and read two times.

CARRIED

MOVED Director Stanhope, SECONDED Director Biggemann, that the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.364, 2010" be delegated to Director Bartram or his alternate.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

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

MOVED Director Burnett, SECONDED Director Van Eynde, that Development Permit Application No. PL2010-201, in conjunction with a two lot subdivision be approved subject to the conditions outlined in Schedule No. 1.

CARRIED

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

CARRIED

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

Development Permit with Variances Application No. PL2010-102 – Sims – 664 Johnstone Road – Area ‘G’.

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

CARRIED

MOVED Director Stanhope, SECONDED Director Burnett, that Development Permit with Variances Application No. PL2010-102 to recognize the siting of an existing storage shed and to vary the parcel averaging provisions in conjunction with a three lot subdivision be approved subject to the conditions outlined in Schedules No. 1 - 2.

CARRIED

Development Permit with Variances Application No. PL2010-175 – Allen – 2628 Andover Road - Area ‘E’.

MOVED Director Van Eynde, SECONDED Director Stanhope, that Development Permit with Variances No. PL2010-175 be approved subject to the conditions outlined in Schedules No. 1- 4.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. PL2010-182 – Belveal – 475 MacKenzie Road – Area ‘H’.

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

CARRIED

MOVED Director Stanhope, SECONDED Director Burnett, that Development Variance Permit Application No. PL2010-182 to legalize the siting of an existing dwelling unit with a variance to the setback be approved subject to the conditions outlined in Schedules No. 1- 3.

CARRIED

Development Variance Permit Application No. PL2010-192 – Fern Road Consulting Ltd. – Shetland Place – Area ‘E’.

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

CARRIED

MOVED Director Van Eynde , SECONDED Director Biggemann, that Development Variance Permit Application No. PL2010-192, be approved subject to the conditions outlined in Schedules No. 1 - 3.

CARRIED

Development Variance Permit Application No. PL2010-193 – Fern Road Consulting Ltd - 3816 Island Highway West - Area ‘G’.

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

CARRIED

MOVED Director Stanhope, SECONDED Director Van Eynde, that Development Variance Permit application No. PL2010-193 to permit the construction of a dwelling unit with a variance to the setback be approved subject to the conditions outlined in Schedules No. 1- 3.

CARRIED

Development Variance Permit Application No. PL2010-200 – Telford – 2358 & 2364 Pylades Drive - Area ‘A’.

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

CARRIED

MOVED Director Burnett, SECONDED Director Van Eynde, that Development Variance Permit Application No. PL2010-200 to vary the maximum permitted accessory building height in order permit the conversion of an existing dwelling unit to an accessory building be approved subject to the conditions outlined in Schedules No. 1- 3.

CARRIED

OTHER

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

MOVED Director Stanhope, SECONDED Director Burnett, that the request to pay 5% cash-in-lieu of park land in conjunction with Subdivision Application No. PL2009-154 be accepted.

CARRIED

MOVED Director Stanhope, SECONDED Director Burnett, that the monetary contribution of \$8,000.00 to the Electoral Area ‘G’ Parks Fund be accepted concurrently with the cash-in-lieu of park land payment.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 6:42 PM

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE SPECIAL ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, NOVEMBER 23, 2010 AT 6:30 PM
IN THE RDN BOARD CHAMBERS**

Present:

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

Also in Attendance:

C. Mason	Chief Administrative Officer
M. Pearse	Sr. Mgr., Corporate Administration
D. Lindsay	A/C Gen. Mgr., Development Services
N. Hewitt	Recording Secretary

CALL TO ORDER

The Chairperson welcomed Alternate Director Pinker to the meeting.

DELEGATIONS

Steve Atkinson, re Bylaw No. 500.365 to Support Zoning Amendment Application No. 2010-179 – Atkinson – 2913 Jameson Road – Area ‘C’.

Mr. Atkinson spoke in support of this application.

PLANNING

AMENDMENT APPLICATIONS

Bylaw No. 500.365 to Support Zoning Amendment Application No. 2010-179 – Atkinson – 2913 Jameson Road – Area ‘C’.

MOVED Director Pinker, SECONDED Director Holme, that Zoning Amendment Application No. PL2010-179 to rezone the subject property from Subdivision District 'D' to Subdivision District 'F' be approved excluding the conditions set out in Schedule No. 1.

CARRIED

MOVED Director Pinker, SECONDED Director Holme, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.365, 2010" be introduced and read two times.

CARRIED

MOVED Director Pinker, SECONDED Director Holme, that the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.365, 2010" be delegated to Director Young or her alternate

CARRIED

Bylaw No. 500.366 to Support Zoning Amendment Application No. 2010-084 & Development Permit Application No. 2010-214 – BC Housing – 280 Lions Way – Area ‘H’.

MOVED Director Stanhope, SECONDED Director Holme, that the Summary of the public information meeting held on November 18, 2010 be received.

CARRIED

MOVED Director Stanhope, SECONDED Director Holme, that Application No. PL2010-084 to rezone a portion of the subject property from Public 1(PU 1) to Comprehensive Development (CD41) be approved subject to the conditions in Schedule No. 1.

CARRIED

MOVED Director Stanhope, SECONDED Director Holme, that Application No. PL2010-084 to rezone a portion of the subject property from Public 1(PU 1) to Comprehensive Development (CD41) be approved subject to the conditions in Schedule No. 1.

CARRIED

MOVED Director Stanhope, SECONDED Director Holme, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.366, 2010" be introduced and read two times.

CARRIED

MOVED Director Stanhope, SECONDED Director Holme, that the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.366, 2010" be delegated to Director Bartram or his alternate.

CARRIED

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

Development Permit with Variances Application No. 2010-125 – Summit Signs – 587 Alberni Highway – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Burnett, that Development Permit with Variances Application No. PL2010-125 to permit the construction of a freestanding sign be denied.

CARRIED

OTHER

Bylaw No. 1432.01 – Amends the Development Approval Procedures & Notification Bylaw.

MOVED Director Holme, SECONDED Director Stanhope, that “Regional District of Nanaimo Development Approval Procedures and Notification Amendment Bylaw No. 1432.01, 2010” be introduced and read three times.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 6:46 PM

CHAIRPERSON



RDN REPORT	
CAO APPROVAL <i>CM</i>	
EAP	✓ Jan. 11/11
COW	
DEC 22 2010	
RHD	
BOARD	

MEMORANDUM

TO: Paul Thompson
Manager of Long Range Planning

DATE: December 20, 2010

FROM: Stephen Boogaards
Planner

FILE: PL2009-778 AA

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

PURPOSE

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

BACKGROUND

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

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

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

ALTERNATIVES

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

FINANCIAL IMPLICATIONS

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

LAND USE IMPLICATIONS

Process Implications

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

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

Growth Management Implications

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

Official Community Plan Implications

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

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

Development Implications

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

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

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

Sustainability Implications

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

Intergovernmental Implications

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

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

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

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

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

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

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

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

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

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

Public Consultation Implications

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

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

CONCLUSIONS

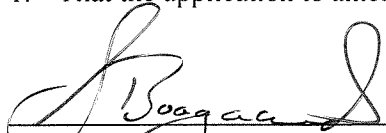
The Board at its May 2010 meeting approved consideration of an OCP and rezoning application for a four lot subdivision that requires an amendment to the RGS. The proposal is to amend the OCP land use designation from Resource to Rural and the zoning bylaw from subdivision district 'V' to subdivision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

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


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

RECOMMENDATION


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




Report Writer



General Manager Concurrence

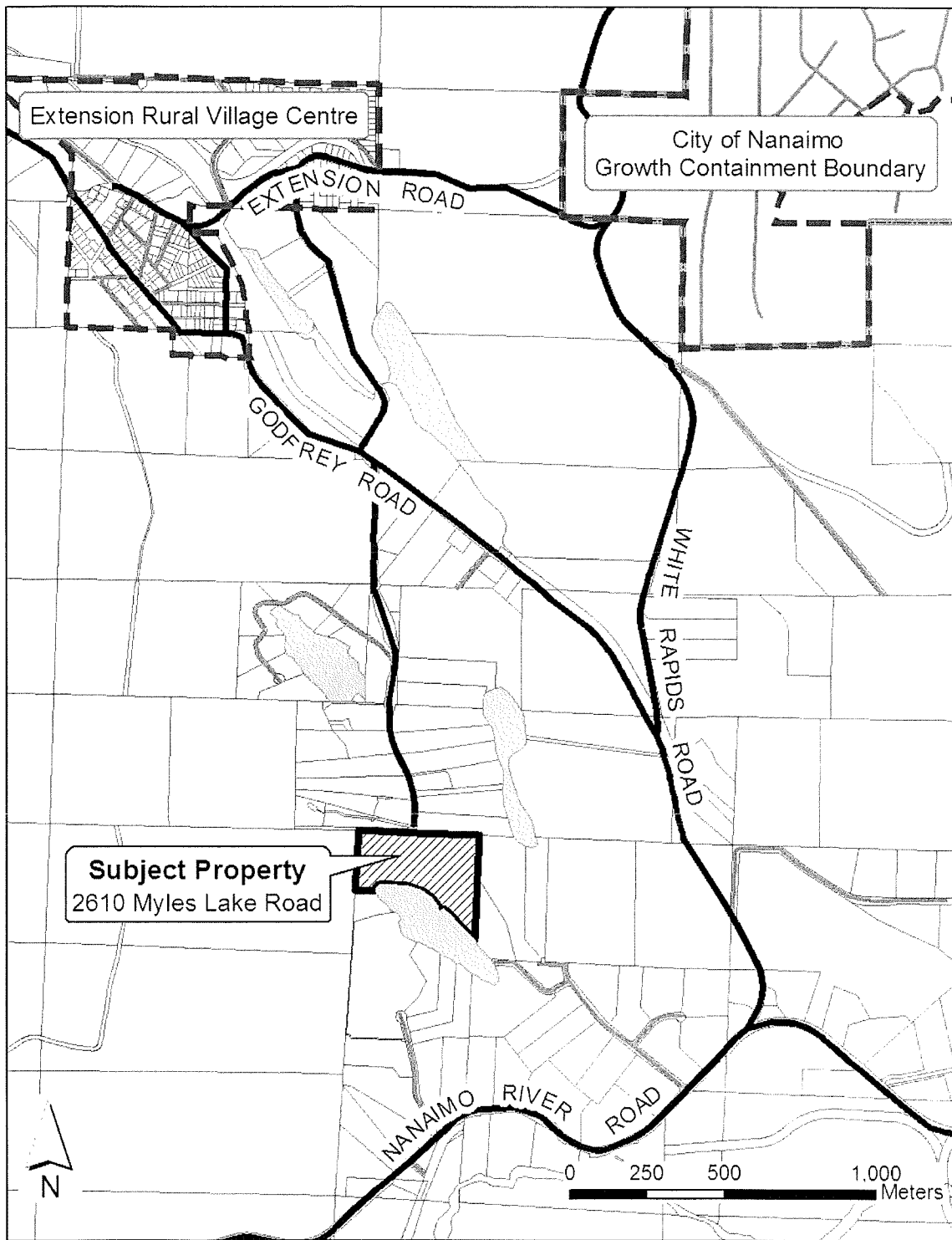


Manager Concurrence



CAO Concurrence

Attachment No. 1
Location of Subject Property



Attachment No. 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:

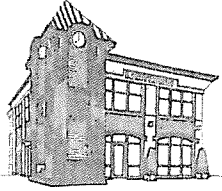
Re: Application for Permit File: PL2009-778 ZA0604 Regional Growth Strategy
Amendment Application

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

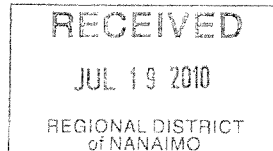
Craig Galligos, Sliammon First Nation, Crown Land Referrals Manager



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

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

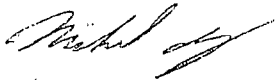
July 20, 2010

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

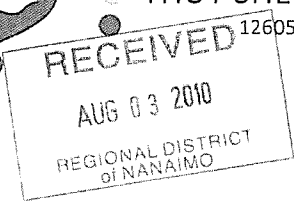
Re: Regional Growth Strategy Amendment Application Referral for Lot 1, Section 7, Range 3, Cranberry District, Plan VIP68949 – 2610 Myles Lake Road, Electoral Area 'C' – Linda & George Addison

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.

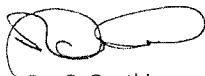
The comments of the Stz'uminus First Nation are as follows:

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.

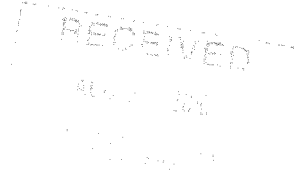
Finally the RAR will apply to this development so that an RAR Assessment is completed and Streamside Protection and Enhancement Areas (SPEAs) established, including any measures to protect the SPEAs.

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



K'ómoks First Nation

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



August 18, 2010

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

Dear Mr. Thompson,

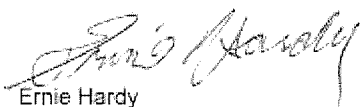
Thank you for your letter dated June 23, 2010 on a proposed amendment to the Regional Growth Management Plan (Addison).

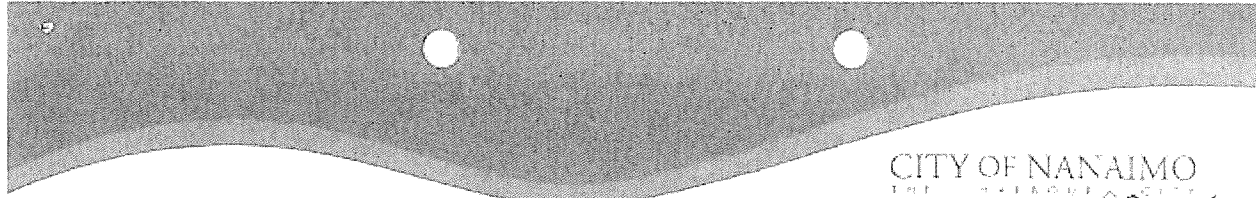
We chose not to comment on this proposed amendment as our interests are unaffected and the subject property is not within the Traditional Territory of the K'ómoks First Nation. However, we appreciate being kept informed of potential changes to the Regional Growth Strategy, and we remain interested in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

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

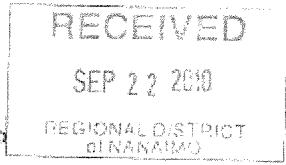
We look forward to full and meaningful participation in this planning process.

Sincerely,


Ernie Hardy
Chief



2010-SEP-14



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).

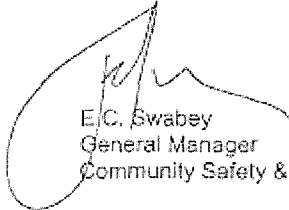
For the City of Nanaimo, the implications include compromising on the achievement of more sustainable development patterns in the region – attempting to focus more of region's growth within the Growth Containment Boundary. Rural residential development takes away from this effort to concentrate growth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

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

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

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

Yours truly,



E.J.C. Swabey
General Manager
Community Safety & Development

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

g:\commplan\mgr\rdn\rgs referral_addison



TOWN OF QUALICUM BEACH

201-1111 Highway 58
P.O. Box 100
Qualicum Beach, BC
V9T 6N2

PHONE: 250-752-0902

QUALICUM BEACH
COMMUNITY DEVELOPMENT
201-1111 Highway 58
P.O. Box 100
Qualicum Beach, BC
V9T 6N2

September 22, 2010

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

Attention: Paul Thompson, RDM Manager of Long Range Planning

Dear Mr. Thompson

Re: Regional Growth Strategy Amendment Application, Lot 1, Section 7, Range 2,
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.

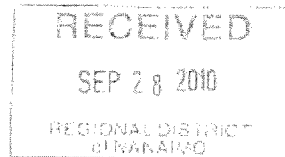
Yours truly,

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

N:\Utilities\2010\docs amendment referral\m.doc
National Communities in Bloom - A Heart 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, MCIP
Planner III
Community and Regional Planning Division

AK/mca

**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, we wish to express
our support in favour of a successful
rezoning application for them.

Thank you

Paul & Heather Gallant

Attachment No. 5

*Correspondence Received Prior to the Public Information
Meeting*

FRIENDS OF FRENCH CREEK
CONSERVATION SOCIETY

September 04, 2010

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

Dear RDN Directors:

Re: PIM Myles Lake Road, Extension, Electoral Area C

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

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

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

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

P.O. Box 331 Qualicum Beach, B.C. V9K 1S6
PHONE: (250) 732-4700 • FAX: (250) 732-4794
email:ccrs@bcconservet.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.

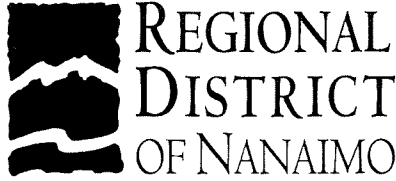
Public Hearing held pursuant to Section 890 of the *Local Government Act* this XX day of XX.

Read a third time this XX day of XX.

Adopted this XX day of XX.

Chairperson

Sr. Mgr., Corporate Administration



RDN REPORT	
CAO APPROVAL <i>[Signature]</i>	
EAP	✓ Jan. 11, 2011
COW	
DEC 30 2010	
RHD	
BOARD	

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: December 29, 2010

FROM: Kristy Marks
Planner

FILE: PL2010-210

SUBJECT: Development Permit Application No. PL2010-210 – C. Longridge & M. Pearson Strata Lot 21, 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
3800 Horne Lake Caves Road – Electoral Area ‘H’

PURPOSE

To consider an application for a Development Permit to allow excavation and re-vegetation within 15 metres of the natural boundary of Horne Lake on the subject property.

BACKGROUND

The Regional District of Nanaimo has received a Development Permit application from Cheryl Longridge & Anne Pearson to allow development within 15 metres of the natural boundary of Horne Lake. The subject property is approximately 1070 m² in area and is zoned Horne Lake Comprehensive Development Zone 9 (CD9) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987.” The property is bound by Common Property and Horne Lake Caves Road to the north, recreational properties to the east and west, and Horne Lake to the south (*see Attachment No. 1 for location of the subject property*).

The proposed development is subject to the Environmentally Sensitive Features for Watercourse Protection and Fish Habitat Protection Development Permit Areas (DPA) pursuant to "Regional District of Nanaimo Area ‘H’ Official Community Plan Bylaw No. 1335, 2003”.

Proposed Development

The applicant is proposing to excavate and re-vegetate a portion of the property within 15 meters of the natural boundary of the lake. The proposed works will increase accessibility to the yard area and beach and will reduce the grade of the lawn area to match the existing grades of adjacent lots. The area to be excavated will gradually slope towards the lake and will be replanted with grass, native trees, and a variety of native shrubs. Properties at Horne Lake are subject to the conditions of Development Permit No. 0120 and the requirements of the CD9 zone; however, given that the proposed development includes site work not previously approved in DP 0210, a new development permit is required. The applicant also plans to construct a new cabin greater than 15 metres from the natural boundary of Horne Lake. The applicant has indicated that the new cabin will meet the requirements of the CD9 zone and the conditions outlined in DP 0120, therefore a Development Permit is not required for this construction.

ALTERNATIVES

1. To approve the Development Permit Application No. PL2010-210 as requested subject to the conditions outlined in *Schedules No. 1-2*.
2. To deny the Development Permit as requested.

LAND USE IMPLICATIONS

The applicant is proposing to excavate a portion of the subject property within 15 metres of the natural boundary of Horne Lake and to replant this area with grass, native trees and shrubs. In addition the applicant plans to construct a new cabin greater than 15 metres from the natural boundary of Horne Lake and in accordance with the CD9 zone requirements and conditions outlined in DP 0120. The location of the area to be excavated and the restoration plan are outlined on *Schedule No. 2*.

In keeping with the Fish Habitat Protection and Environmentally Sensitive Features DPA guidelines, the applicant has submitted a Riparian Areas Assessment prepared by Streamline Environmental Consulting Ltd. dated December 20, 2010. This report establishes a Streamside Protection and Enhancement Area (SPEA) of 15 metres from the natural boundary of the lake. The assessment outlines a restoration plan for the area within the SPEA, sediment and erosion control measures, and environmental monitoring. The assessment also notes that planting is to occur in early spring (before April 15th) or fall (after September 30th). These recommendations are included in the Conditions of Approval set out in *Schedule No. 1*.

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.

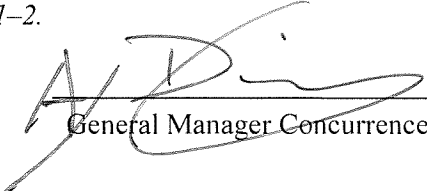
SUMMARY

This is an application for a Development Permit to allow the excavation and re-vegetation of an area within 15 metres of the natural boundary of Horne Lake on the subject property. The applicant has submitted a Riparian Areas Assessment in support of the application. In staff’s assessment, this proposal is consistent with the guidelines of the applicable Development Permit Areas.

RECOMMENDATION

That Development Permit Application No. PL2010-210, to permit the excavation and re-vegetation of a portion of the subject property within 15 metres of the natural boundary of Horne Lake, be approved subject to the conditions outlined in *Schedules No. 1-2*.

Report Writer



General Manager Concurrence



Manager Concurrence



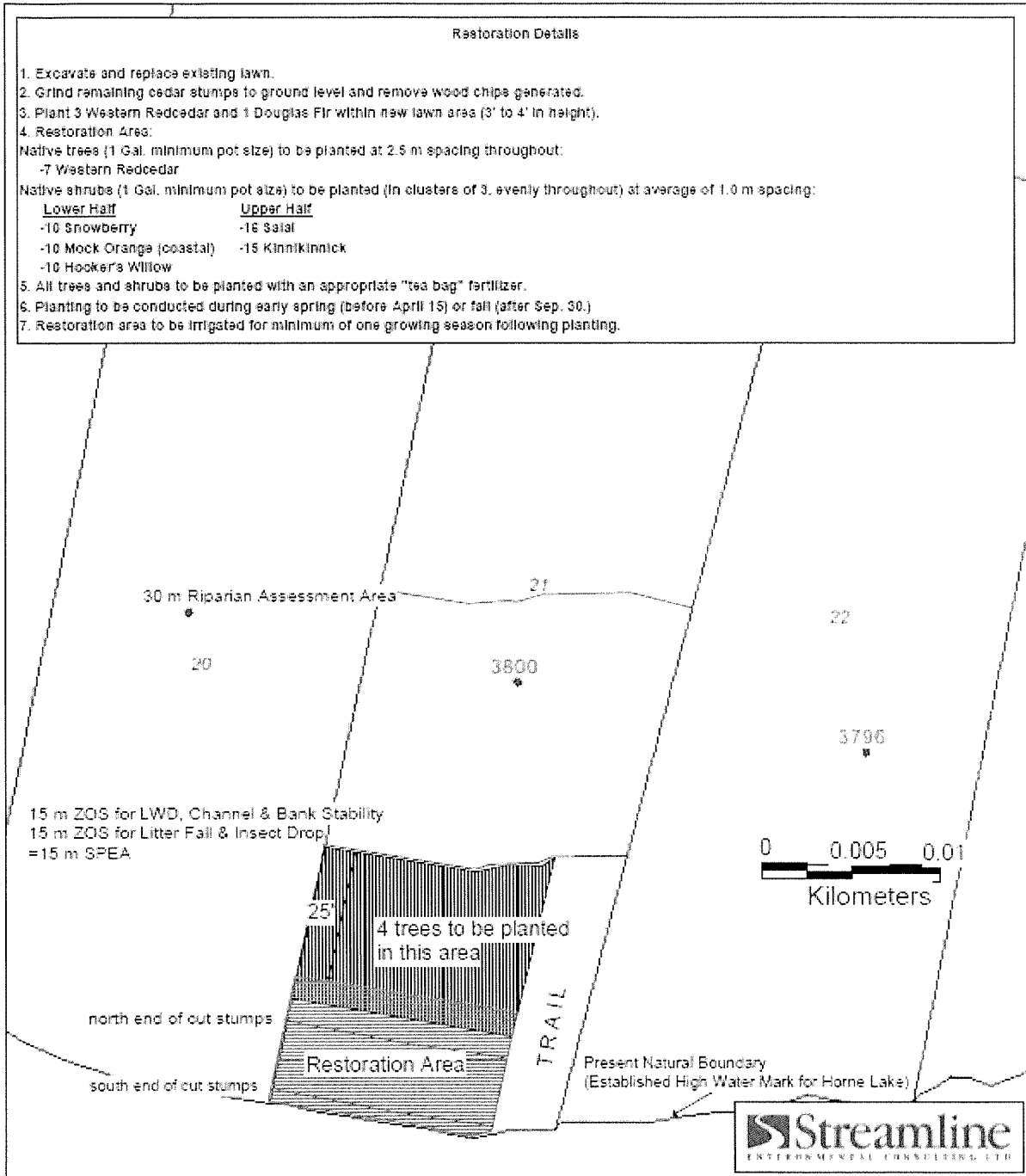
CAO Concurrence



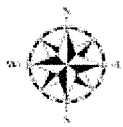
Schedule No. 1
Conditions of Development Permit Application No. PL2010-210

Conditions of Approval:

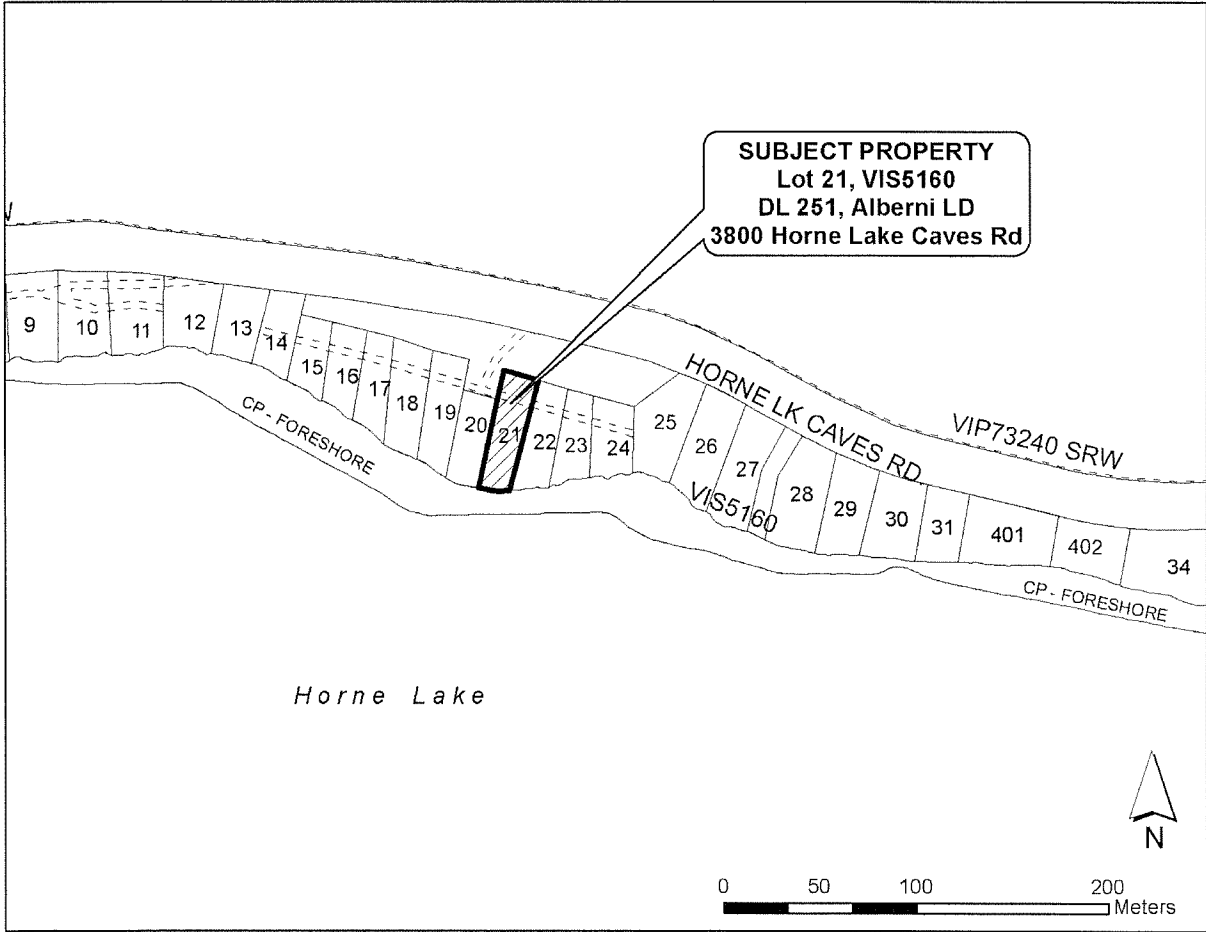
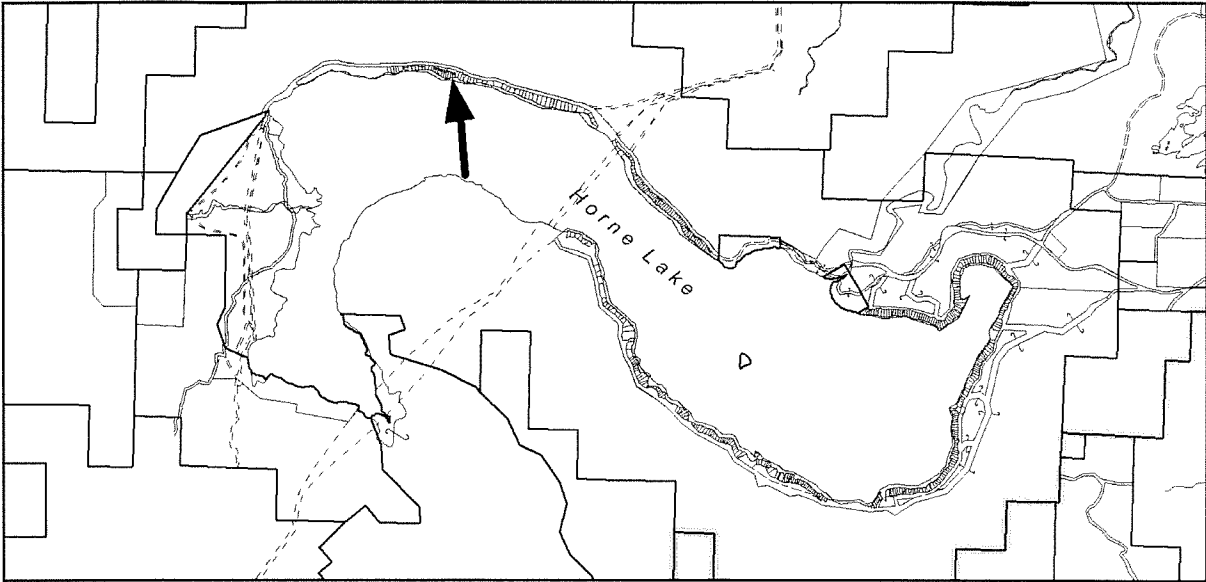
1. The subject property shall be developed in accordance with the recommendations established in the Riparian Areas Assessment prepared by Streamline Environmental Consulting Ltd. dated December 20, 2010 including the Site Restoration Plan, attached as *Schedule No. 2*.

Schedule No. 2 Site Restoration Plan



LEGEND  Existing Lawn  Restoration Area		TITLE Lot 21, Horne Lake Site Restoration Plan			
		Drawing No.: 2546-1	Revision: 1	By: AC	Date: 20Dec2010

Attachment No. 1
Location of Subject Property



BCGS MAPSHEET: 92F.037.1.4



RDN REPORT	
CAO APPROVAL <i>(Signature)</i>	
EAP	✓ Jan. 11, 2011
COW	
DEC 30 2010	
RHD	
BOARD	

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: December 30, 2010

FROM: Elaine Leung
Planner

FILE: PL2010-213

SUBJECT: Development Permit Application No. PL2010-213 – Fern Road Consulting Lot A, District Lot 33, Newcastle District and Part of the Bed of the Strait of Georgia, Nanaimo District, Plan VIP79715 – 6209 Island Highway West Electoral Area ‘H’

PURPOSE

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

BACKGROUND

The Regional District of Nanaimo has received a Development Permit application from Fern Road Consulting on behalf of Douglas and Marjorie Lapaire. The subject property is approximately 2,739 m² (0.27 ha) in size and is occupied by an existing dwelling (*see Attachment No. 1 for location of the subject property*). The applicants wish to remove the existing dwelling and construct a new dwelling unit.

The subject property is zoned Residential 2 (RS2), pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987.”

The subject property (see 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 Coastal Protection
- Hazard Lands

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, and provide further direction to staff.

LAND USE AND DEVELOPMENT IMPLICATIONS

The applicants propose to construct a dwelling unit as outlined on Schedule No 1.

The subject property currently contains a dwelling unit. The applicants wish to remove the existing home and construct a new dwelling.

With respect to the Fish Habitat Protection DPA and Environmentally Sensitive Areas DPA for coastal areas, the applicants submitted an Environmental Assessment prepared by Toth and Associates, dated November 12, 2010, and a Riparian Areas Assessment (RAA). The Environmental Assessment notes that although the proposed new dwelling is located inside the 30 metre DPA area (30 metre horizontal distance from the present natural boundary), it will not extend any closer to the present natural boundary than the existing dwelling, and therefore will not involve any further intrusion into the DPA.

The RAA notes that Ridgewill Creek exists to the west of the subject property, the closest point from the high water mark of the creek, is approximately 15 metres. The report notes that the Streamside Protection Enhancement Area (SPEA) does not appear to fall upon the subject property, and therefore post-development monitoring is not required.

In response to the Hazard Lands Development Permit Area the applicants submitted a Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd. dated October 12, 2010, confirming that the site is considered safe and suitable for the intended residential use. As per Board policy, staff recommends that the applicant be required to register a section 219 covenant that registers the Geotechnical Report 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 flooding. Compliance with the Geotechnical Report has been included within the Conditions of Approval (see *Schedule No. 1*).

The proposed development is consistent with the Fish Habitat Protection, Environmentally Sensitive Features, and Hazard Lands 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 construction of a new dwelling unit, within the Fish Habitat Protection, Environmentally Sensitive Features and Hazard Lands Development Permit Areas.

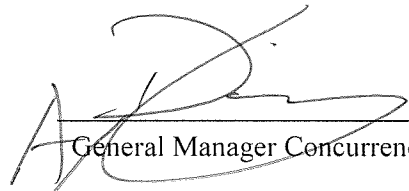
The applicant has submitted an Environmental Assessment, Riparian Areas Assessment, and Geotechnical Report, in support of the application. In staff's assessment, this proposal is consistent with the applicable Development Permit Areas.

RECOMMENDATION

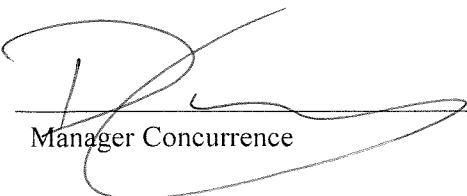
That Development Permit No. PL2010-213 be approved subject to the conditions outlined in *Schedules No. 1 - 3*.



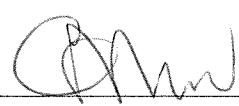
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

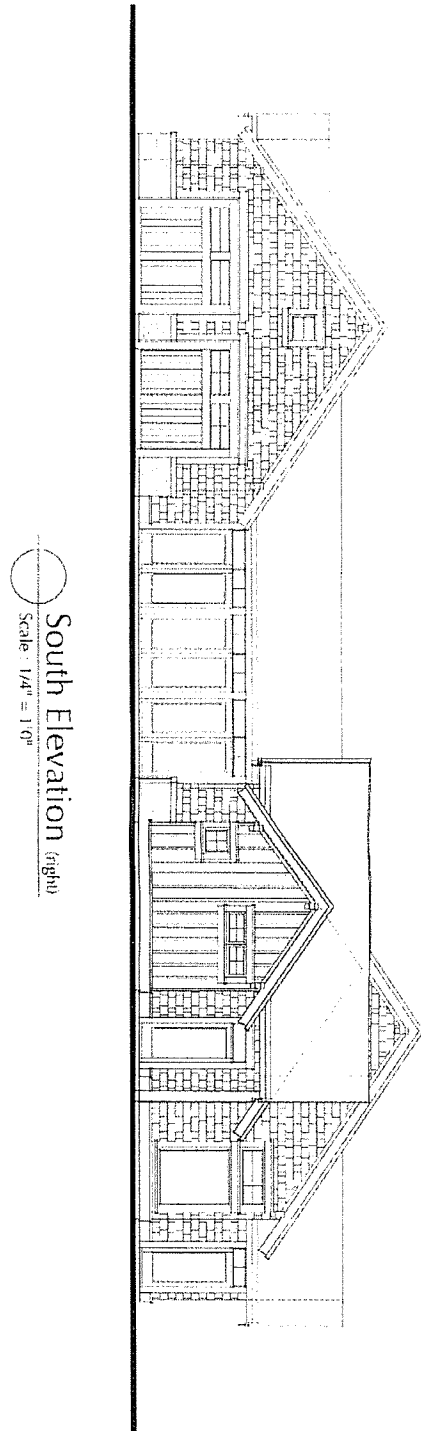
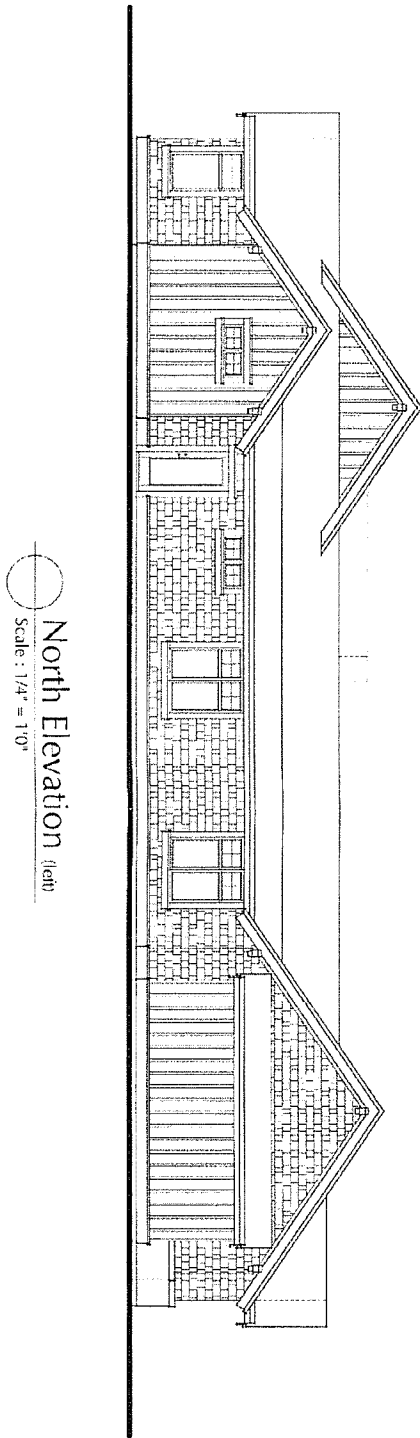
Schedule No. 1
Terms of Development Permit No. PL2010-213

The following sets out the conditions of approval with respect to Development Permit No. PL2010-213:

Conditions of Approval:

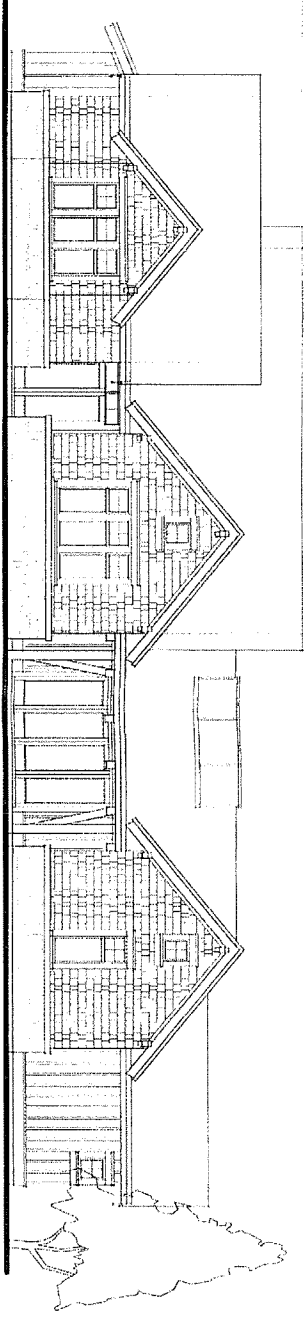
1. The dwelling unit shall be sited in accordance with the site plan prepared by Sims Associates Land Surveying dated September 16, 2010, attached as *Schedule No. 2*.
2. The dwelling unit shall be constructed in accordance with the building elevation drawings prepared by C.A Design, dated September 10, 2010, attached as *Schedule No. 3*.
3. 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 October 12, 2010 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. 3
Building Elevations (Page 1 of 2)

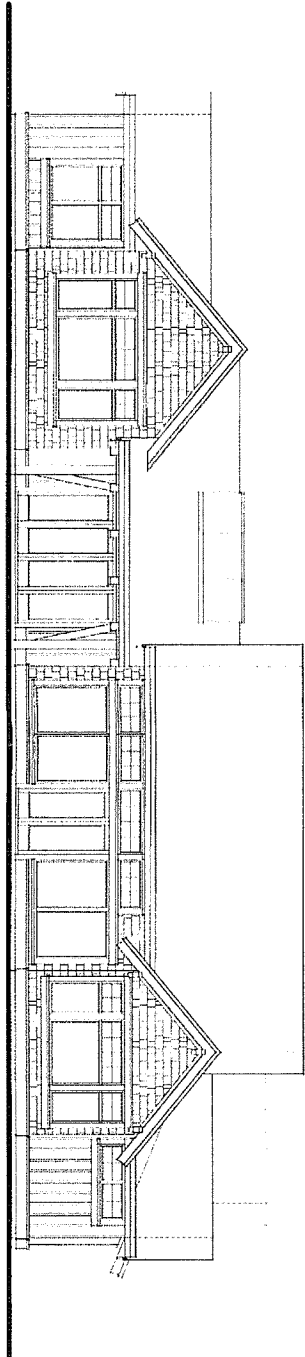


Schedule No. 3
Building Elevations (Page 2 of 2)

NO. 1	1/2" x 2 1/2"
NO. 2	1/2" x 2 1/2"
NO. 3	1/2" x 2 1/2"
NO. 4	1/2" x 2 1/2"
NO. 5	1/2" x 2 1/2"
NO. 6	1/2" x 2 1/2"
NO. 7	1/2" x 2 1/2"
NO. 8	1/2" x 2 1/2"
NO. 9	1/2" x 2 1/2"
NO. 10	1/2" x 2 1/2"
NO. 11	1/2" x 2 1/2"
NO. 12	1/2" x 2 1/2"
NO. 13	1/2" x 2 1/2"
NO. 14	1/2" x 2 1/2"
NO. 15	1/2" x 2 1/2"
NO. 16	1/2" x 2 1/2"
NO. 17	1/2" x 2 1/2"
NO. 18	1/2" x 2 1/2"
NO. 19	1/2" x 2 1/2"
NO. 20	1/2" x 2 1/2"
NO. 21	1/2" x 2 1/2"
NO. 22	1/2" x 2 1/2"
NO. 23	1/2" x 2 1/2"
NO. 24	1/2" x 2 1/2"
NO. 25	1/2" x 2 1/2"
NO. 26	1/2" x 2 1/2"
NO. 27	1/2" x 2 1/2"
NO. 28	1/2" x 2 1/2"
NO. 29	1/2" x 2 1/2"
NO. 30	1/2" x 2 1/2"
NO. 31	1/2" x 2 1/2"
NO. 32	1/2" x 2 1/2"
NO. 33	1/2" x 2 1/2"
NO. 34	1/2" x 2 1/2"
NO. 35	1/2" x 2 1/2"
NO. 36	1/2" x 2 1/2"
NO. 37	1/2" x 2 1/2"
NO. 38	1/2" x 2 1/2"
NO. 39	1/2" x 2 1/2"
NO. 40	1/2" x 2 1/2"
NO. 41	1/2" x 2 1/2"
NO. 42	1/2" x 2 1/2"
NO. 43	1/2" x 2 1/2"
NO. 44	1/2" x 2 1/2"
NO. 45	1/2" x 2 1/2"
NO. 46	1/2" x 2 1/2"
NO. 47	1/2" x 2 1/2"
NO. 48	1/2" x 2 1/2"
NO. 49	1/2" x 2 1/2"
NO. 50	1/2" x 2 1/2"
NO. 51	1/2" x 2 1/2"
NO. 52	1/2" x 2 1/2"
NO. 53	1/2" x 2 1/2"
NO. 54	1/2" x 2 1/2"
NO. 55	1/2" x 2 1/2"
NO. 56	1/2" x 2 1/2"
NO. 57	1/2" x 2 1/2"
NO. 58	1/2" x 2 1/2"
NO. 59	1/2" x 2 1/2"
NO. 60	1/2" x 2 1/2"
NO. 61	1/2" x 2 1/2"
NO. 62	1/2" x 2 1/2"
NO. 63	1/2" x 2 1/2"
NO. 64	1/2" x 2 1/2"
NO. 65	1/2" x 2 1/2"
NO. 66	1/2" x 2 1/2"
NO. 67	1/2" x 2 1/2"
NO. 68	1/2" x 2 1/2"
NO. 69	1/2" x 2 1/2"
NO. 70	1/2" x 2 1/2"
NO. 71	1/2" x 2 1/2"
NO. 72	1/2" x 2 1/2"
NO. 73	1/2" x 2 1/2"
NO. 74	1/2" x 2 1/2"
NO. 75	1/2" x 2 1/2"
NO. 76	1/2" x 2 1/2"
NO. 77	1/2" x 2 1/2"
NO. 78	1/2" x 2 1/2"
NO. 79	1/2" x 2 1/2"
NO. 80	1/2" x 2 1/2"
NO. 81	1/2" x 2 1/2"
NO. 82	1/2" x 2 1/2"
NO. 83	1/2" x 2 1/2"
NO. 84	1/2" x 2 1/2"
NO. 85	1/2" x 2 1/2"
NO. 86	1/2" x 2 1/2"
NO. 87	1/2" x 2 1/2"
NO. 88	1/2" x 2 1/2"
NO. 89	1/2" x 2 1/2"
NO. 90	1/2" x 2 1/2"
NO. 91	1/2" x 2 1/2"
NO. 92	1/2" x 2 1/2"
NO. 93	1/2" x 2 1/2"
NO. 94	1/2" x 2 1/2"
NO. 95	1/2" x 2 1/2"
NO. 96	1/2" x 2 1/2"
NO. 97	1/2" x 2 1/2"
NO. 98	1/2" x 2 1/2"
NO. 99	1/2" x 2 1/2"
NO. 100	1/2" x 2 1/2"



West Elevation (front)
Street Front - Island Hwy.



East Elevation (rear)
Scale: 1/4" = 1'-0"



RDN REPORT		
CAO APPROVAL		
EAP	✓	Jan. 11/11
COW		
DEC 30 2010		
RHD		
BOARD		

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: December 13, 2010

FROM: Elaine Leung
Planner

FILE: PL2010-220

SUBJECT: **Development Permit Application No. PL2010-220 – Walman Strata Lot 10, 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’ – 3844 Horne Lake Caves Road**

PURPOSE

To consider an application for a Development Permit to permit additions to an existing cabin, and the construction of an accessory building.

BACKGROUND

The Regional District of Nanaimo has received a Development Permit Application from Douglas and Barbara Walman. The subject property is approximately 1099 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 (*see Attachment No. 1*) is located within the following applicable Development Permit Area (DPA) pursuant to "Regional District of Nanaimo Area ‘H’ Official Community Plan Bylaw No. 1335, 2005”:

- Fish Habitat Protection

Lands within this designation located at Horne Lake are subject to the conditions of Development Permit No. 0120 which includes a 15 metre setback for all new buildings or structures. As such any development within the 15 metre setback from Horne Lake requires a new Development Permit and associated Riparian Areas Assessment.

ALTERNATIVES

1. To approve the Development Permit No. PL2010-220 as requested subject to the conditions outlined in *Schedules No. 1-5*.
2. To deny the Development Permit as requested.

LAND USE IMPLICATIONS

The subject property is steeply sloping towards Horne Lake and currently contains an existing cabin. The applicants propose to enclose a portion of the existing porch, construct a new deck and an accessory building. The proposed works will comply with all requirements of the CD9 Zone, including setbacks.

The applicants propose to enclose an existing covered porch structure thereby creating more liveable space. The proposed enclosure is 10.0 m², resulting in the total main floor of the cabin being increased to 69.9 m².

The proposed deck is 29.6 m² in area, built at ground level, extending from the edge of the existing building, towards the water. The proposed deck would comply with the 8.0 metre minimum zoning bylaw setback from the natural boundary of Horne Lake.

The applicants also propose a 10.0 m² accessory building for storage purposes. The accessory building will be located on the east side of the cabin given the limited available space at the top of the property (north side) due to a road easement, the slope of the property, and the existing location of the septic field.

The applicants have submitted an Environmental Assessment Report prepared by Polster Environmental Services Ltd. dated December 16, 2010 in support of their application. The report notes that the proposed construction will not encroach into the 8.0 metre Streamside Protection and Enhancement Area (SPEA), and confirms the proposed works will not create any impacts in the riparian area.

As the proposed development is consistent with the Development Permit Area Guidelines, staff recommend approval.

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

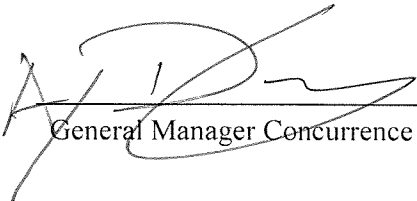
This is an application for a Development Permit in order to permit additions to an existing cabin, and construction of an accessory building within the within the 15.0 metre setback established by the existing Comprehensive Development Permit. The proposed development is consistent with the Development Permit Area Guidelines, staff recommend approval.

RECOMMENDATION

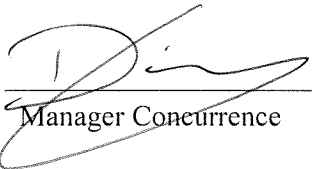
The application for a Development Permit No. PL2010-220, to permit additions to an existing cabin, and the construction of an accessory building, be approved subject to the conditions outlined in *Schedules No. 1 – 5*.



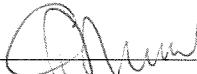
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

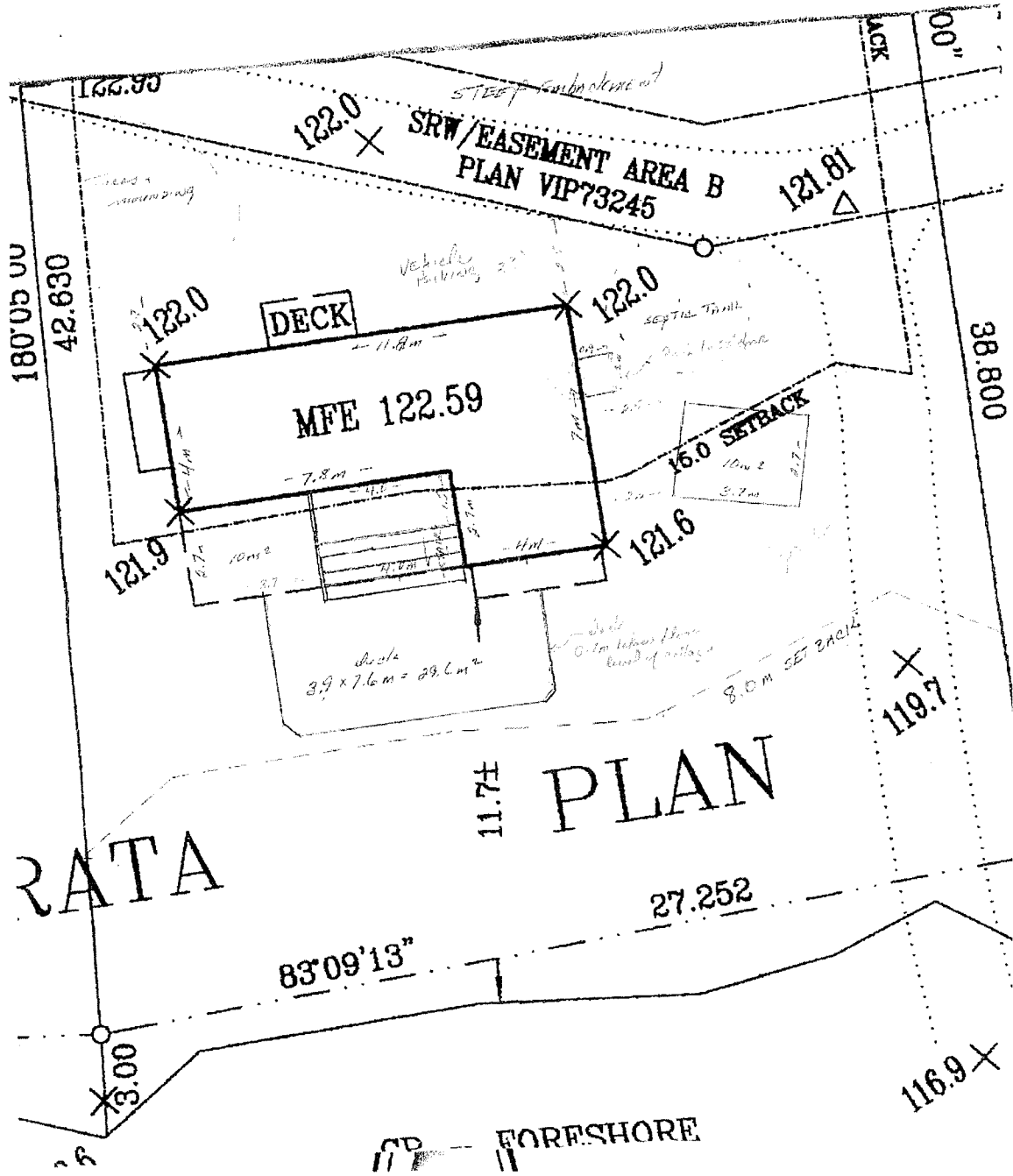
Schedule No. 1
Terms of Development Permit No. PL2010-220

Conditions of Approval:

1. The proposed porch enclosure, deck and accessory building shall be sited in accordance with the site plan prepared by the applicant, attached as *Schedule No. 2*.
2. The proposed porch enclosure, deck and accessory building shall be constructed in accordance with the drawings prepared by the applicant, attached as *Schedule No. 3*.

Schedule No. 2

Schedule No. 2
Site Plan



Scale 1cm = 1.06 m

Schedule No. 3
Proposed Porch Enclosure Drawings
(Page 1 of 2)

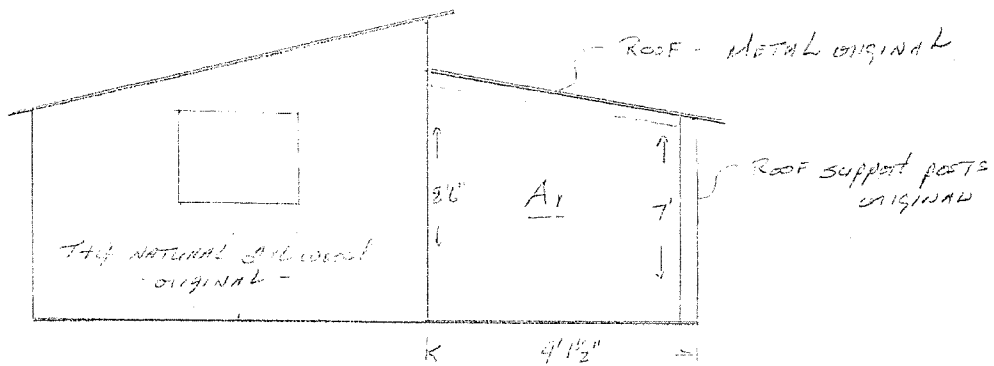
D & B WALTMAN
LOT #10 HORNE LAKE
1662 BARKSDALE DR VICTORIA B.C.
VAN 428 250 721 1011

Project A

WEST EXTERIOR WALL Porch

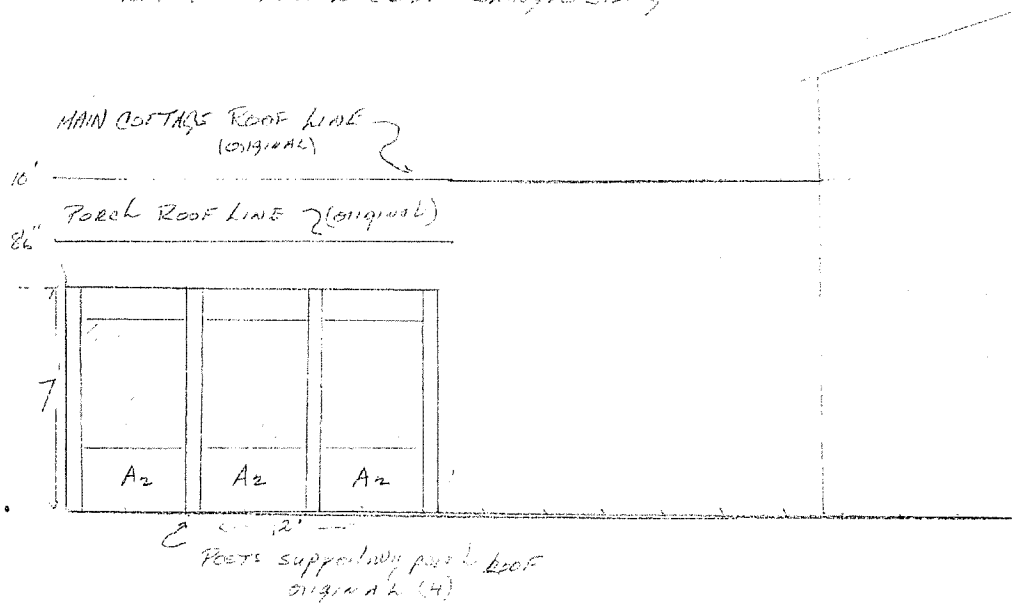
A1 - PROPOSED - ENCLOSE WEST END OF
PRESENT PORCH WITH 2x4 WALL,
SHROUDING & CEDAR SHINGLE FINISH.

TOTAL AREA 10M²



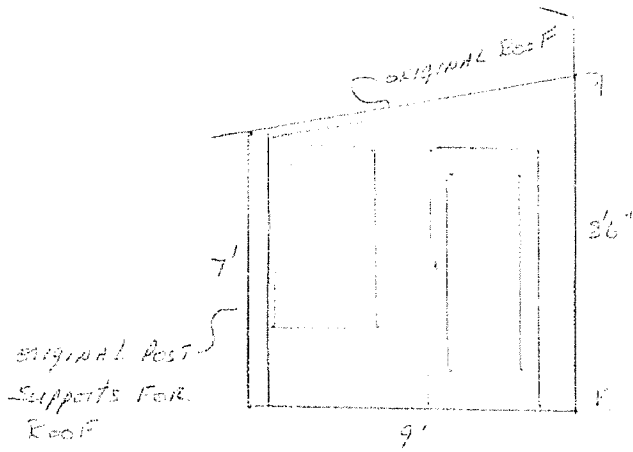
SOUTH EXTERIOR WALL Porch

A2 - PROPOSED - TO ENCLOSE THE AREAS BETWEEN
THE ORIGINAL POSTS SUPPORTING THE ROOF
2x4 PONY WALL, 3x4 WINDOWS & 1x4 HEADER.
EXTERIOR FINISH CEDAR SHINGLE SIDING.



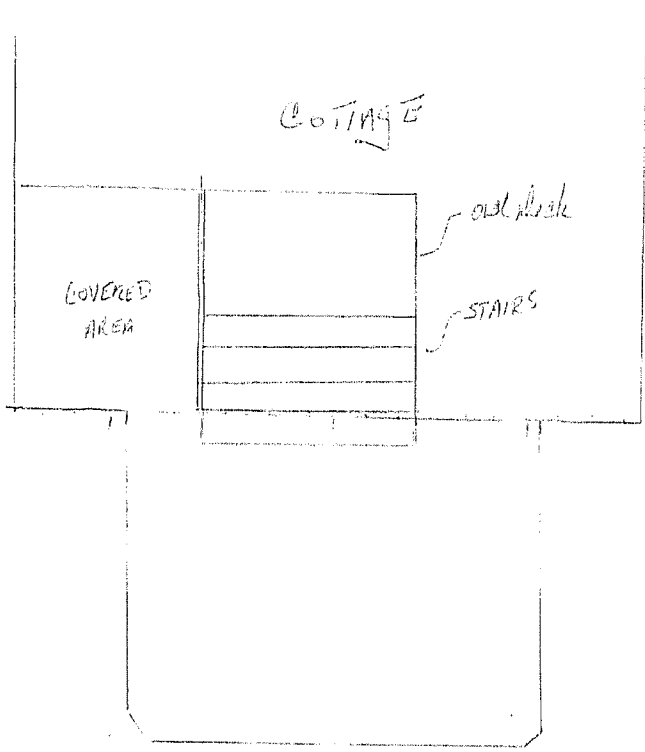
Schedule No. 3
Proposed Porch Enclosure Drawings
(Page 2 of 2)

A₃ - EAST EXTERIOR Porch wall
A₃ - TO ENCLOSE THE EASTSIDE OF THE
PORCH WITH 2x4 WALL, SHEETING +
SEVEN SHINGLE SIDING, WINDOW +
DOOR TO SHEET.



EAST EXTERIOR WALL

**Schedule No. 4
Proposed Deck**

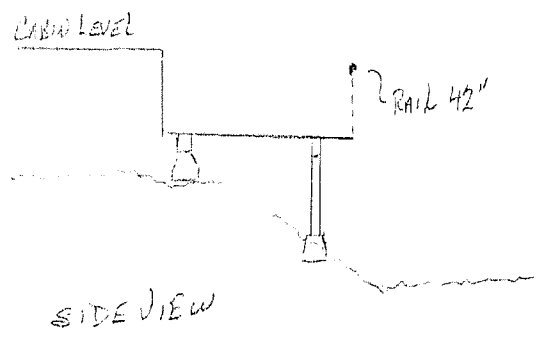
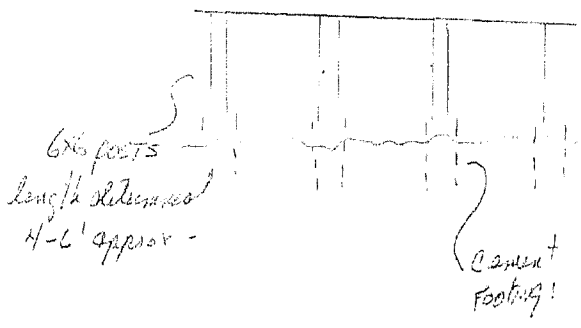


(9)
D+B WALMAN
LOT #10 HORNE LK

Project 8 - Deck +
STAIRS

Scale $\frac{1}{4}'' = 2' \pm$

FRONT VIEW



Schedule No. 5 Proposed Accessory Building

PROJECT C
ACCESSORY BUILDING 10m² ~ LOT 10 HORNE LK

D+B WALMAN

Scale 1/4" = 1 FT

10m²

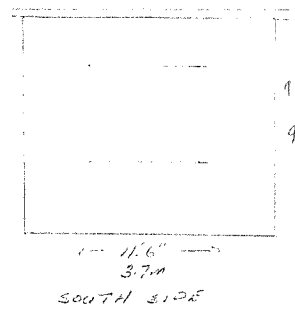
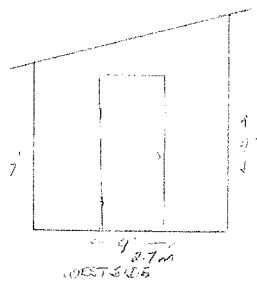
out building

D+B WALMAN
LOT 10 HORNE LAKE

1662 BARKSDALE EX WILSON & C
VAN 428 - 950 721-1011

Proposed 2.7m x 3.7m + building
2nd construction sheets, cobblestone
curbs to rear of cottage & rear
of east & south

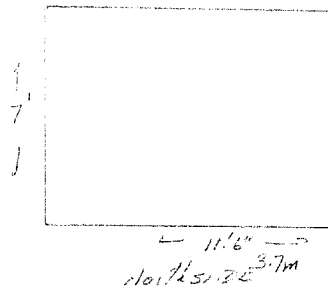
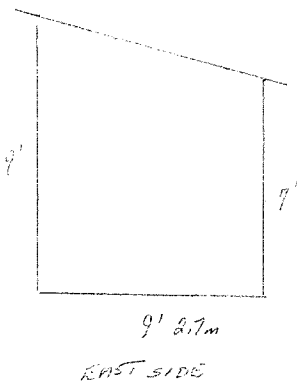
Roof style to match cottage



ACCESSORY BUILDING 10m²

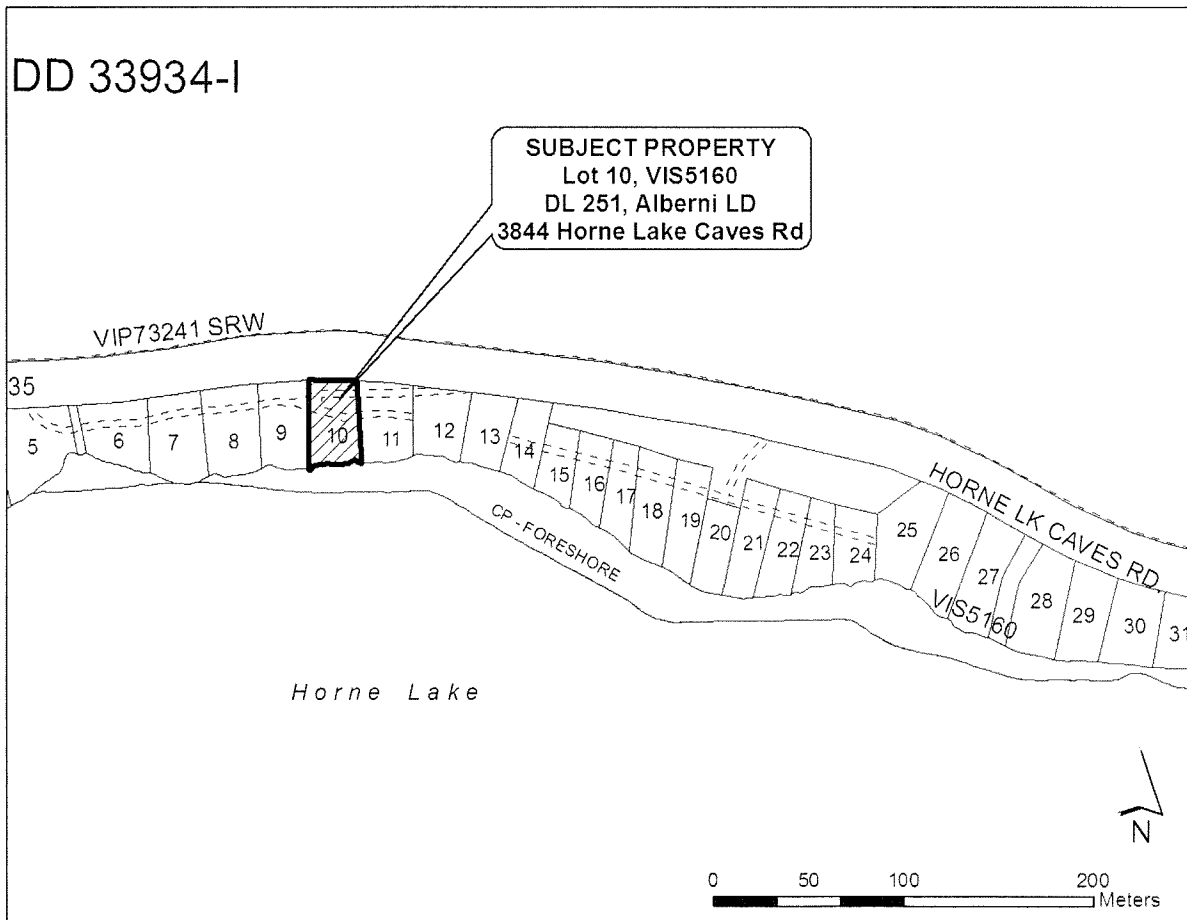
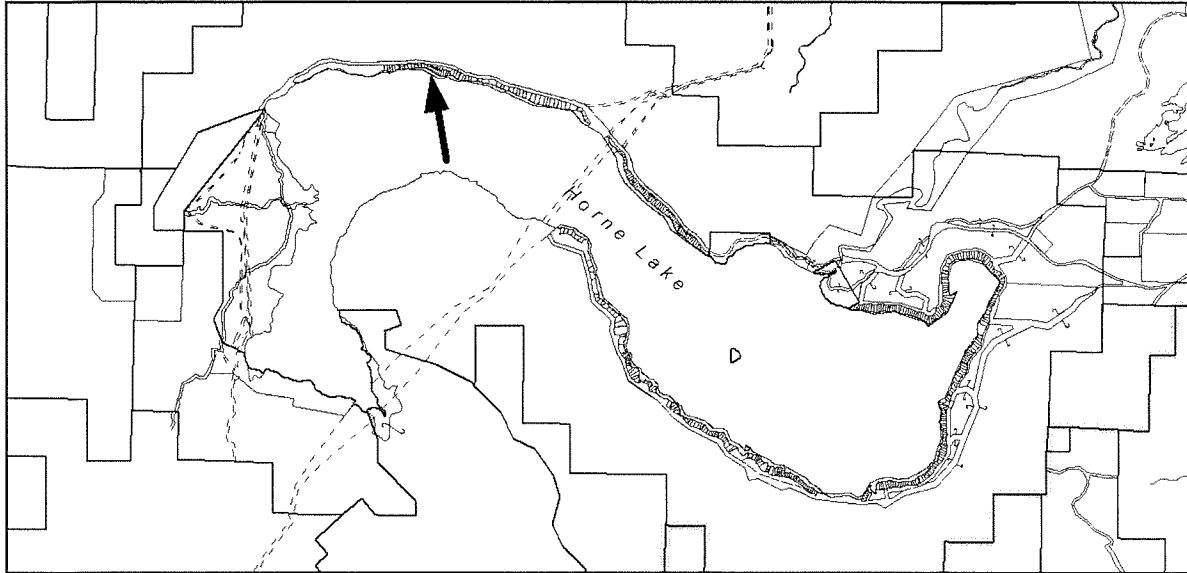
OUT BUILDING Page 9

Scale 1/4" = 1 FT



2nd construction
sheets &
frontal curb
shingles

Attachment No. 1
Location of Subject Property



BOGS MAPSHEET 92F 037 1 4



RDN REPORT		
CAO APPROVAL <i>[Signature]</i>		
EAP	✓	Jan. 11, 2011
COW		
DEC 30 2010		
RHD		
BOARD		

MEMORANDUM

TO: Dale Lindsay
Manager, Current Planning

DATE: December 29, 2010

FROM: Kristy Marks
Planner

FILE: PL2010-228

SUBJECT: Development Permit with Variance No. PL2010-228 – Couverdon Real Estate
Lots 109, 110, & 111, District Lot 8, Cameron District, Plan 1981
Pratt Road
Electoral Area ‘F’

PURPOSE

To consider an application for a Development Permit with Variance to the minimum frontage requirement for the subject properties in conjunction with a proposed lot line adjustment subdivision.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Couverdon Real Estate on behalf of Timberwest Forest II Limited in order to facilitate a lot line adjustment subdivision (*see Attachment No. 1 for location of subject properties*). The parent parcels, which have a combined lot area of approximately 35.1 ha in area, are split-zoned A-1 (Agriculture 1) and FR-1 (Forestry/Resource -1) pursuant to "Regional District of Nanaimo Zoning and Subdivision Bylaw No. 1285, 2002". The properties are traversed by the upper reaches of French Creek and are bound by Denwood Road to the north, A-1 zoned parcels to the east, FR-1 zoned parcels to the south and Pratt Road to the west. A portion of the subject properties are located within the Agricultural Land Reserve and all parcels are currently heavily vegetated and undeveloped.

The proposed development is subject to the Watercourse Protection and Fish Habitat Protection Development Permit Areas as per "Regional District of Nanaimo Electoral Area ‘F’ Official Community Plan Bylaw No. 1152, 1999".

Proposed Development and Variance

The applicant is proposing a lot line adjustment between three existing parcels. The parcels currently run in a north-south direction and access to two of the lots is from an unconstructed road right-of-way (Denwood Road). The proposed lot line adjustment would realign the lots in an east to west and allow all lots to have access from Pratt Road. The parcels are proposed to range in size from 9.6 ha to 15.5 ha (*see Schedule No. 2 for Proposed Plan of Lot Line Adjustment Subdivision*). Two of the proposed lots meet the minimum lot frontage of 100 metres outlined in the A-1 zone. The third proposed lot is zoned FR-1 and does not meet the minimum frontage requirement. The parcels are proposed to be serviced by individual private wells and septic disposal systems.

Proposed Lot 3, as shown on the submitted plan of subdivision, has a frontage of 266.2 metres and does not meet the minimum lot frontage of 400 meters required in the FR-1 zone. As this proposed lot does not meet the minimum lot frontage requirement, a variance is required (*see Schedule No. 1 for proposed variance*).

ALTERNATIVES

1. To approve the Development Permit with Variance application as requested subject to the Conditions outlined in *Schedules No. 1-2*.
2. To deny the Development Permit with Variance application.

LAND USE IMPLICATIONS

Development Implications

The applicant has provided a Riparian Areas Assessment prepared by D. R. Clough Consulting dated December 3, 2010 which establishes a 30 metre Streamside Protection and Enhancement Area (SPEA). The report concludes that there are no subdivision related development activities to occur within the SPEA and the SPEA boundary will be flagged on each lot. In addition, the report notes that sediment and erosion control has been constructed for Pratt Road leading to the development in order to capture and treat road runoff outside the SPEA.

Despite the reduced frontage for proposed Lot 3, given that the proposed lot is approximately 15.5 ha in area and has a proposed frontage of 266.5 metres there is sufficient access and buildable site area available to support intended uses.

Public Consultation Implications

As part of the required public notification process, 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.

Sustainability Implications

In keeping with RDN Board policy, the applicant has completed the "Sustainable Community Builder Checklist". No sustainability implications were identified through the review of this application.

Ministry of Transportation and Infrastructure Implications

With respect to access, Ministry of Transportation and Infrastructure (MOTI) staff has indicated that they have no issues with the proposed minimum frontage relaxation and a Preliminary Layout Approval has been issued.

SUMMARY

Prior to the development of the subject properties, a Development Permit and variance to the minimum lot frontage is required. The subject properties are designated within the Watercourse Protection and Fish Habitat Protection Development Permit Areas (DPA) as per the Electoral Area 'F' OCP. The applicant has provided a Riparian Areas Assessment and no development activities are proposed within the established 30 metre SPEA.

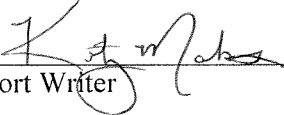
All proposed lots, despite the reduced frontage, will be capable of supporting the uses permitted in the zoning provisions. In addition, Ministry of Transportation and Infrastructure staff have indicated that they have no objection to the request for a variance to the minimum frontage requirement and have issued a Preliminary Layout Approval.

As the application is consistent with the applicable Development Permit Guidelines and as the variance to the minimum lot frontage will not negatively impact future uses of the proposed lots, staff recommends approval of the Development Permit with Variance to the minimum lot frontage requirement.

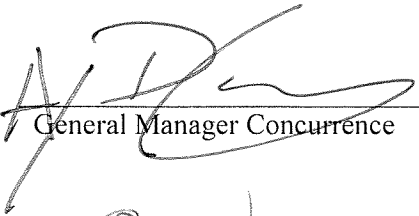
As the application is consistent with the applicable Development Permit Guidelines and as the variance to the minimum lot frontage will not negatively impact future uses of the proposed lots, staff recommends approval of the Development Permit with Variance to the minimum lot frontage requirement.

RECOMMENDATIONS

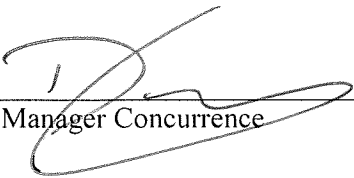
1. Staff be directed to complete the required notification, and
2. Development Permit with Variance No. PL2010-228 be approved subject to the conditions outlined in *Schedules No. 1- 2*.



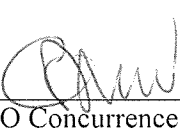
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule No. 1
Conditions of Development Permit with Variance Application No. PL2010-228

Conditions of Approval:

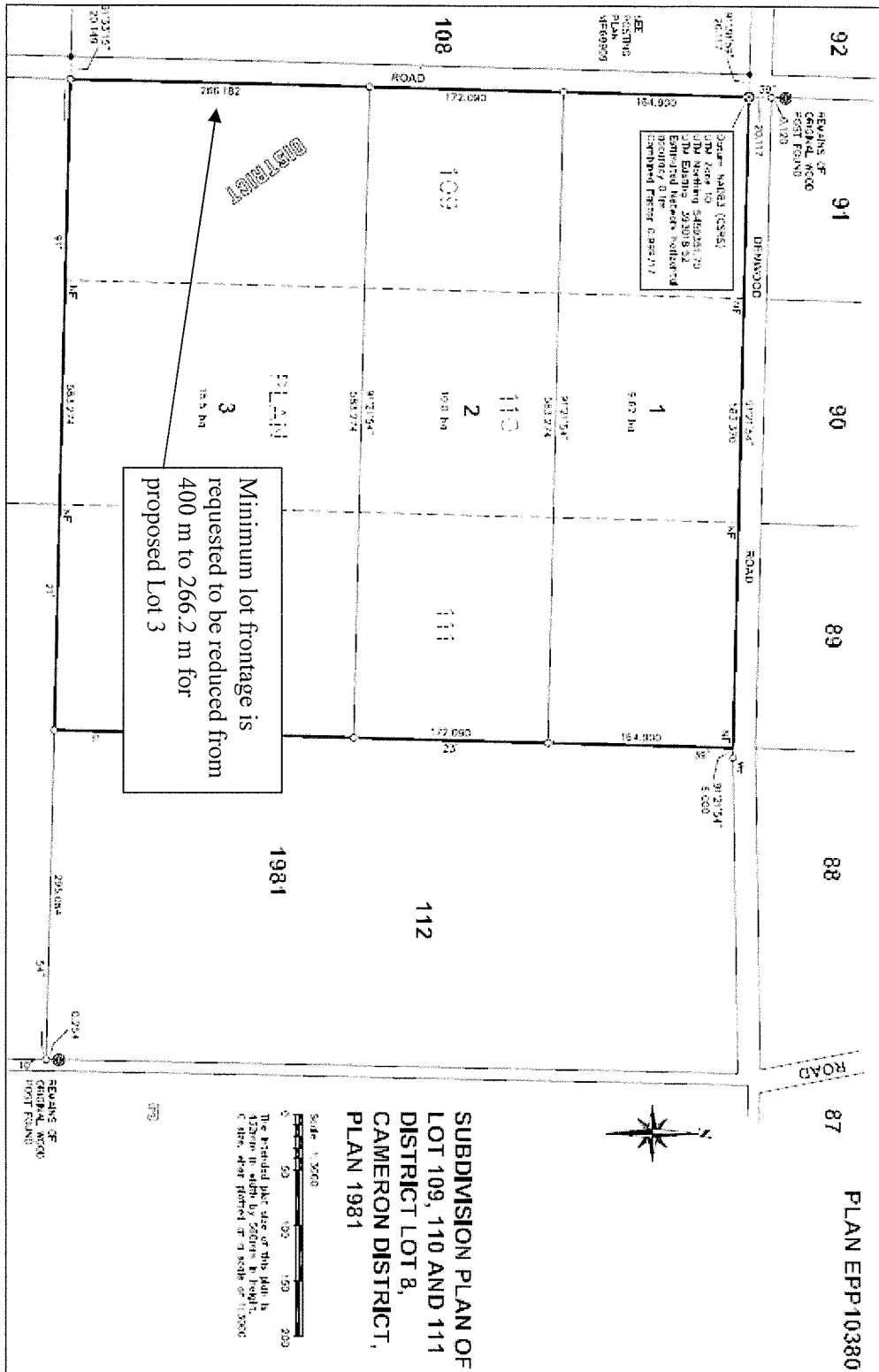
1. The subdivision of the lands shall be in substantial compliance with the proposed plan of subdivision attached as *Schedule No. 2*.

Bylaw No 1285, 2002 - Variance:

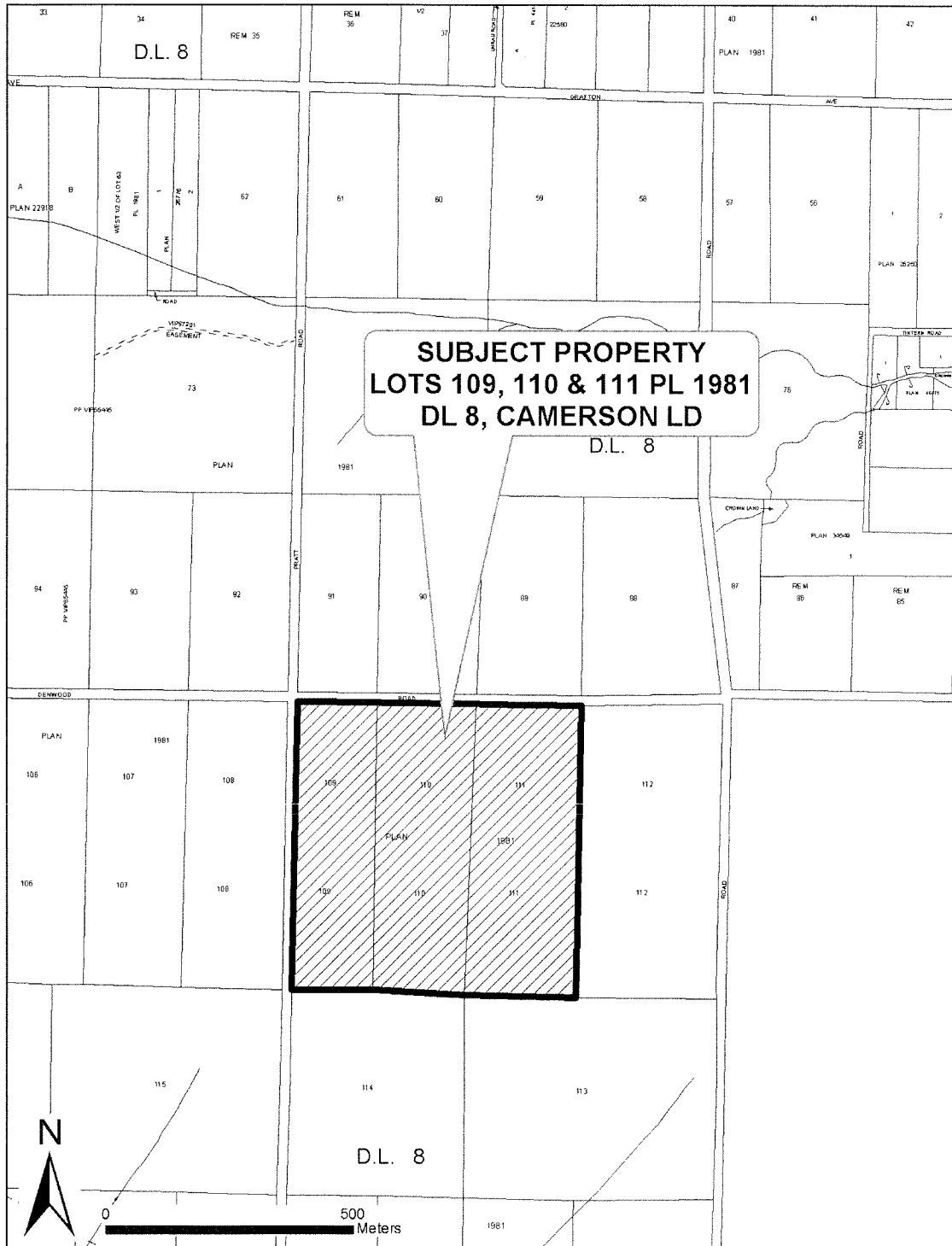
With respect to the lands, the “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” is requested to be varied as follows:

1. **Section 4.6.3c) Minimum Lot Frontage** is reduced from 400 metres to 266.2 metres for Proposed Lot 2 as shown on the proposed plan of subdivision on Schedule No. 2.

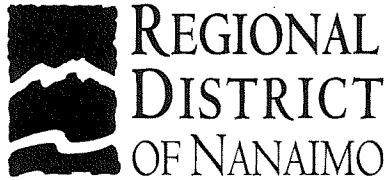
Schedule No. 2 Plan of Proposed Lot Line Adjustment Subdivision



Attachment No. 1 Location of Subject Properties



BCGS Mapsheet 92F.028.4.3



RDN REPORT	
CAO APPROVAL <i>(Signature)</i>	
EAP	✓ Jan. 11, 2011
COW	
DEC 30 2010	
RHD	
BOARD	

MEMORANDUM

TO: Dale Lindsay
Manager, Current Planning

DATE: December 21, 2010

FROM: Susan Cormie
Senior Planner

FILE: PL2010-237
PL2009-791

SUBJECT: **Development Permit Application No. PL2010-237; Subdivision No. PL2009-791 Request to Relax the Minimum 10% Frontage Requirement; and Request to Accept Park Land Dedication - Island West Consulting Inc. Lot 2, District Lot 3, Douglas District, Plan VIP73765 – 2560/2570 South Forks Rd Electoral Area ‘C’**

PURPOSE

To consider a Development Permit, frontage relaxation, and proposed park land dedication in conjunction with a proposed two lot subdivision.

BACKGROUND

The Regional District of Nanaimo (RDN) has received a Development Permit application in conjunction with a two lot subdivision proposal from Island West Consulting Inc., on behalf of K & R Bixby (*see Attachment No. 1 for location of subject property*).

The subject property, which is 3.16 ha in size, is zoned Rural 9 (RU9) 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 parent parcel supports two dwelling units and accessory buildings. The property is surrounded by a rural zoned property and RDN community park land to the north, RDN community park land to the east and south, and White Rapids Road to the west.

The subject property is designated within the Fish Habitat Protection Development Permit Area as per the Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw No. 1148, 1999, for the purposes of protecting riparian areas for the protection of fish habitat.

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 0.66 ha lot and a 2.16 ha remainder (*see Attachment No. 1 for proposed subdivision layout*). Both parcels are proposed to be served with individual private water wells and septic disposal systems. In addition, the applicant is offering to dedicate 0.34 ha for park land.

Minimum 10% Perimeter Frontage Requirement

Proposed Lot A and the Remainder of Lot 2 do not meet the minimum 10% perimeter frontage requirement. The proposed frontages are as follows:

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% of Perimeter</i>
Lot A	33.1 m	16.79 m	5.07 %
Remainder of Lot 2	88.8 m	16.79 m	0.19 %

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

ALTERNATIVES

1. To approve Development Permit No. PL2010–237 subject to the conditions outlined in Schedule No. 1, to approve the request for relaxation of the minimum 10% perimeter frontage requirement for proposed Lot A and the Remainder of Lot 2, and to accept the offer for dedication of park land.
2. To deny all or any of: Development Permit No. PL2010-237; the request for relaxation of the minimum 10% frontage requirement; or the offer for dedication of park land.

DEVELOPMENT IMPLICATIONS

Frontage / Ministry of Transportation and Infrastructure Implications

The proposed parcels, despite their reduced frontages, are capable of supporting the intended residential uses as permitted in the zoning provisions. Ministry of Highways & Infrastructure staff has indicated that the frontages for the proposed Lot A and the Remainder of Lot 2 are acceptable.

Environmental Implications

The subject property is designated within the Development Permit Area (DPA) for the protection of watercourses as per the Arrowsmith Benson – Cranberry Bright OCP. A Riparian Assessment was completed in support of this subdivision. The report, which establishes 10.0 metre Streamside Protection Environmental Area (SPEA) for the unnamed tributary to Berkley Creek, concludes that, as the majority of the SPEA is located outside the subject property and there is no subdivision-related development activities to occur within the SPEA, there are no measures or monitoring applicable at this time.

Park Land Implications

The adjacent existing dedicated park land consists of two small creeks (Berkley Creek and an unnamed tributary) which flow into the Nanaimo River. This park land was previously dedicated to provide protection of these natural areas and to provide a wildlife corridor. The proposed park land is adjacent to the existing park and consists of a side channel of the unnamed tributary and a 10 metre riparian area. Recreation and Parks staff has reviewed the proposal and support the inclusion of this area as it enhances the values of the existing park land. It is noted that, as this offer of park land is not subject to the provisions set out in section 941 of the *Local Government Act*, the Board policy concerning park land dedication at time of subdivision is not applicable. If the park land is not accepted, the applicant will be required to amend the Riparian Assessment to include this side stream area and revise the development permit application.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the “Sustainable Community Builder Checklist”. The applicants have offered to dedicate, as park land, a small side channel which will be incorporated with the existing park land adding to the environmental values of the park.

SUMMARY

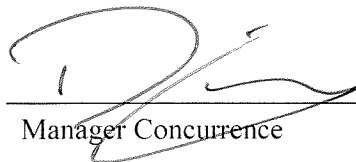
Prior to approval of the proposed two lot subdivision, a Development Permit and relaxation of the minimum 10% perimeter frontage requirement is required. The applicant has provided a Riparian Assessment Report which concludes that, as there is no subdivision-related development activity to occur within the SPEAs, there are no impacts or mitigation required. As part of the proposed subdivision the applicant has also offered to dedicate a small area of park land.

As the application is consistent with the applicable Development Permit Guidelines, as the reduced frontages will not negatively impact the uses of the proposed parcels, and as the offer for park land will enhance the existing park land area, staff recommends approval of the Development Permit, relaxation of the minimum 10% perimeter frontage requirement, and acceptance of the proposed park land dedication.

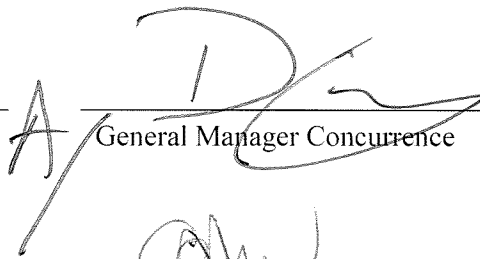
RECOMMENDATIONS

1. That Development Permit Application No. PL2010-237, in conjunction with the two lot subdivision be approved subject to the conditions outlined in Schedule No. 1.
2. That the request to relax the minimum 10% perimeter frontage requirement for proposed Lots A and the Remainder of Lot 2 be approved.
3. That the offer to dedicate park land in the amount and location as shown on Schedule No. 2 be accepted.

Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

**Schedule No. 1
Development Permit No. PL2010-237/Subdivision No. PL2009-791
Conditions of Approval**

The following sets out the conditions of approval with respect to Development Permit No. PL2010-237:

1. Subdivision

The subdivision of the lands shall be in substantial compliance with Schedule No. 2 (to be attached to and forming part of Development Permit No. PL2010-237).

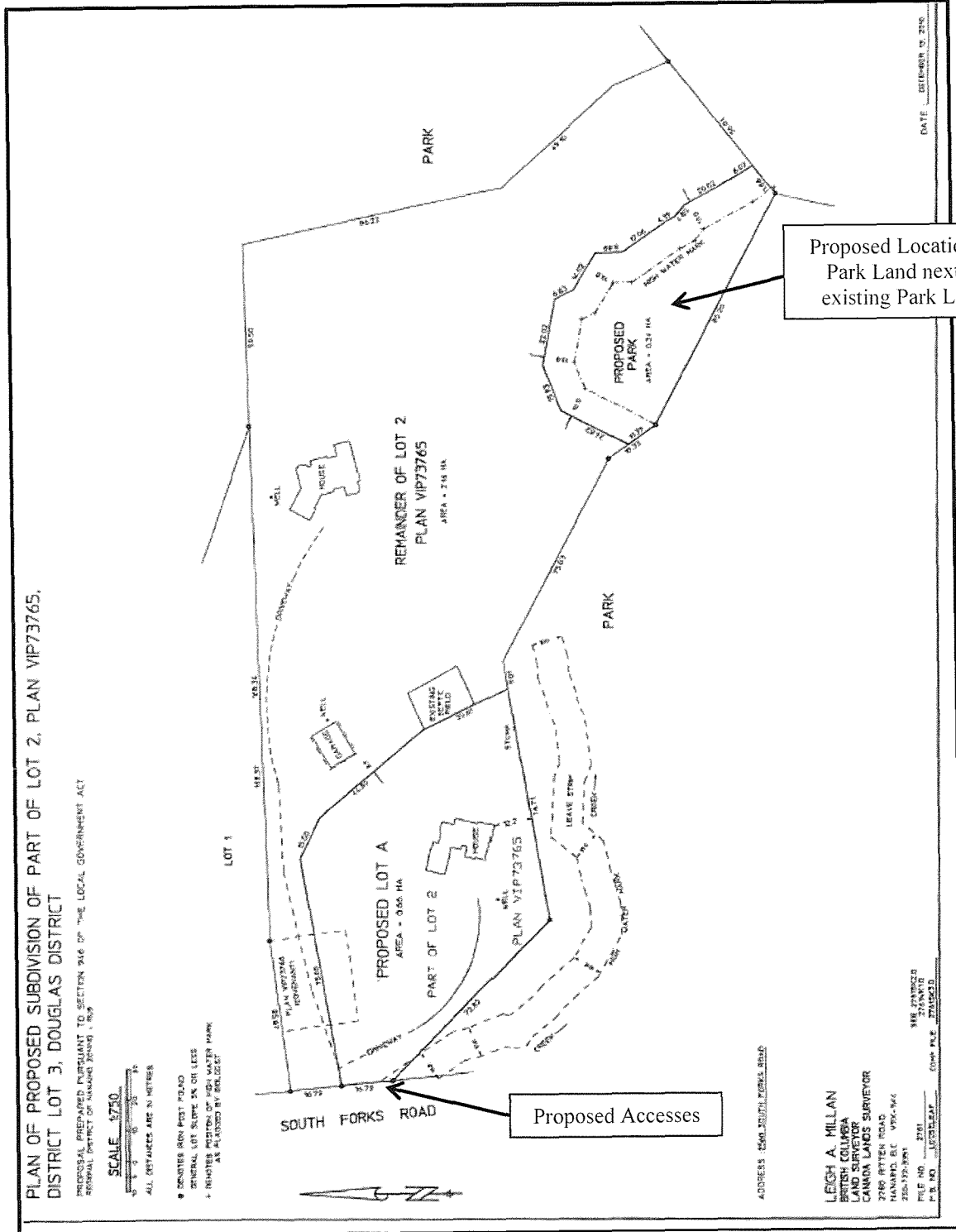
2. Riparian Assessment

The Riparian Area Assessment No. 1718 prepared by Cindy Hannah (Strategic Group) and dated 2010-06-24 (to be attached to and forming part of the Development Permit as Schedule No. 3) applies only to the section 946 subdivision of the parent parcel requiring no associated subdivision related works within the SPEA. If any subdivision related works, including drainage works or driveways, are to occur in the SPEA or if there is any future development proposed to occur within the SPEA, a further riparian area assessment prepared by a Qualified Environmental Professional and registered with the Ministry of Environment will be required.

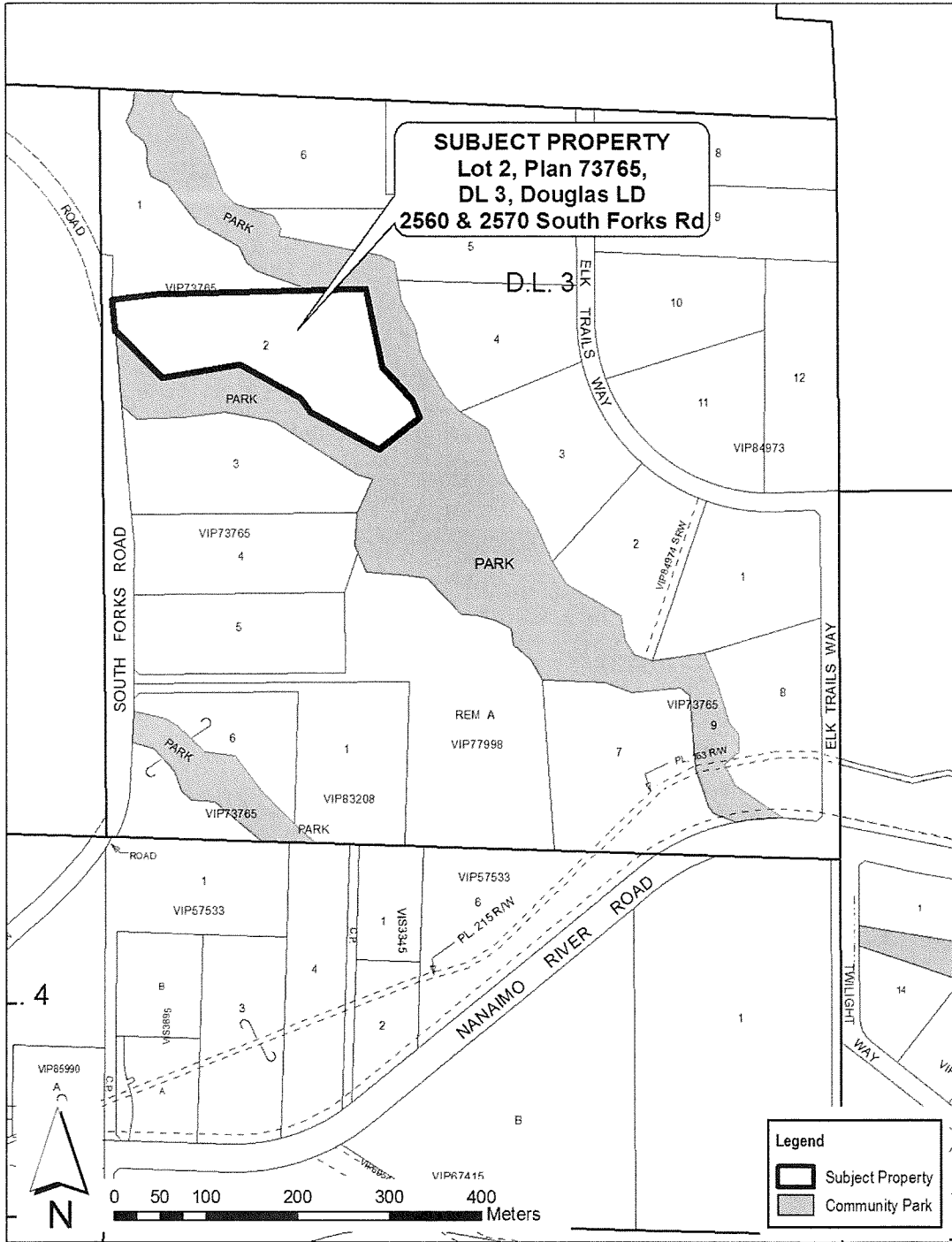
3. Park Land

Park land, as shown in the location and amount on Schedule No. 2, shall be dedicated concurrently with the Plan of Subdivision.

Schedule No. 2
Development Permit No. PL2010-237 / Subdivision No. PL2009-791
Proposed Subdivision Layout Including Proposed Park Land Area



Attachment No. 1
Development Permit No. PL2010-237/Subdivision File No. PL2009-791
Location of Subject Property



BCGS MAPSHEET: 92G.001.3.3



CAO APPROVAL		✓
EAP	✓	Jan 11 '11
COW		
JAN 11 2011		
RHD		
BOARD		

MEMORANDUM

TO: Dale Lindsay
Manager, Current Planning

DATE: December 30, 2010

FROM: Susan Cormie
Senior Planner

FILE: 3900 20 1621

SUBJECT: Proposed New Board of Variance Bylaw No. 1621, 2011

PURPOSE

To Repeal “Regional District of Nanaimo Board of Variance Bylaw No. 1260, 2002” and consider “Regional District of Nanaimo Board of Variance Bylaw No.1621, 2011”.

BACKGROUND

The *Local Government Act* requires that when a local government has adopted a Zoning Bylaw that it also must establish, by bylaw, a Board of Variance (BOV). As outlined in the Act the bylaw which establishes the Board must set out the procedures to be followed by the Board of Variance, including the manner in which applications are to be brought forward and how notice is to be given.

The existing Bylaw was adopted in 2002. Staff are now proposing a number of general amendments to the existing Bylaw in order to correct errors, clarify the application process, and to reflect the current requirements of the *Local Government Act* and the *Community Charter*. Given the relatively small size of the Bylaw, Staff are recommending to repeal and replace the existing bylaw rather than introduce an amendment bylaw.

ALTERNATIVES

1. That the Board give three readings to and adopt Bylaw No. 1621, 2011.
2. That the Board not adopt Bylaw No. 1621, 2011.

IMPLICATIONS

Proposed Amendments

1. Application Deadline

The existing bylaw establishes the BOV meeting dates as the second Wednesday of each month. At present the bylaw states that if no application is made within 14 days of the BOV meeting the meeting will be cancelled. However as presently drafted the bylaw could be interpreted to mean that the application deadline is 14 days prior to the meeting. As the Bylaw requires notice to be given to adjacent tenants and owners not less than 10 days prior to the meeting, 14 days does not provide sufficient time for staff to review the application and prepare the required notification. This is further complicated by the fact that in order to comply with the 10 day notice for a Wednesday meeting, the

notice must be sent out 13 days prior to the meeting date (due to weekends). The Bylaw also states that a hearing of the Board of Variance shall be held a maximum of 45 days after the date of receipt of an application. As the meetings are scheduled once a month it may be possible that an applicant could miss the deadline and be more than 45 calendar days from the next meeting. Given the relatively small size of the Board (three members as established under the *Local Government Act*) it is also not uncommon to have meetings cancelled or postponed due to availability of members.

Standard practice when preparing the yearly Board of Variance Calendar has been to establish an application deadline nine business days prior to the notification date. In this manner there is sufficient time for Staff to review the application and prepare the required notification. The proposed BOV Bylaw removes the reference to the above mentioned timeframes. Staff propose to continue with the existing practice and require complete applications to be submitted nine working days prior to the date of notification. (A copy of the 2011 BOV schedule, based on current practice, is attached as Schedule A for information).

2. *Decisions of the Board of Variance*

The existing bylaw states that the BOV must make a decision on the application within seven days of the meeting. The existing bylaw is not in compliance with the *Community Charter*, which requires that meetings of the BOV be open to the public and that any decision be made at an open meeting. As such the proposed bylaw requires the decision of the BOV to be made at the meeting.

3. *Applications requirements*

The proposed bylaw amends the list of technical information required in support of an application to specify the scale of the required drawings, require all measurements in metric, and provide a digital copy of the required plans.

4. *Updated application form*

The BOV application form has been updated and is attached as a schedule to the proposed bylaw. Staff have been attempting to standardize all application forms and are recommending the proposed bylaw include the form in the revised format. The form, which is currently available on the Region's web site, will also be "on-line fillable". As such an applicant will now be able to complete the application form on their home computer and print out a copy to be included in their application.

5. *Housekeeping and Text amendments*

In addition to the above noted amendments the proposed bylaw will also include minor text amendments to update wording, remove references to Electoral Area D, and clarify the quorum requirements of the BOV.

SUMMARY

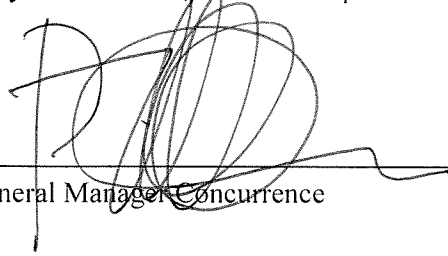
In order to correct errors, clarify the application process, and to reflect the current requirements of the *Local Government Act* and the *Community Charter* staff recommends that the existing "Regional District of Nanaimo Board of Variance Bylaw No.1260, 2002" be repealed and that the Board consider adoption of "Regional District of Nanaimo Board of Variance Bylaw No.1621, 2011".

RECOMMENDATIONS

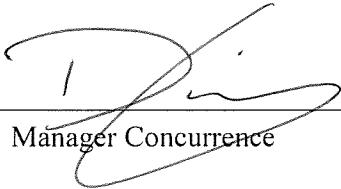
1. That "Regional District of Nanaimo Board of Variance Bylaw No. 1621, 2011" be introduced and read three times.
2. That "Regional District of Nanaimo Board of Variance Bylaw No. 1621, 2011 be adopted.



Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1621
A BYLAW TO ESTABLISH A BOARD OF VARIANCE

WHEREAS Section 899 of the *Local Government Act* provides that where a local government has adopted a zoning bylaw, the local government must establish a board of variance;

AND WHEREAS pursuant to Section 900 of the *Local Government Act*, the bylaw establishing a Board of Variance must set out procedures to be followed by the Board of Variance;

NOW THEREFORE, The Board of the Regional District of Nanaimo, in open meeting assembled, enacts the following:

1. Part 1 – Short Title

This Bylaw may be cited as “Regional District of Nanaimo Board of Variance Bylaw No. 1621, 2011”.

2. Part 2 - Establishment

A Board of Variance is hereby established for Electoral Areas ‘A’, ‘C’, ‘E’, ‘F’, ‘G’, and ‘H’ of the Regional District of Nanaimo.

3. Part 3 – Jurisdiction

The Board of Variance shall hear and determine appeals, on the grounds and to the extent, in accordance with the *Local Government Act*.

4. Part 4 - Secretary

The responsibilities of the Secretary of the Board of Variance shall be:

- a) to receive completed Board of Variance applications;
- b) to notify the Chairperson of the Board of Variance the receipt of completed Board of Variance applications;
- c) to ensure that proper notification is given in compliance with this Bylaw;
- d) to keep proper records of the Board of Variance proceedings;
- e) to appoint a representative to receive the notices of appeal when circumstances require an appointment; and
- f) to determine whether an applicant seeks a decision of the Board which would be in conflict with a covenant registered pursuant to section 219 of the *Land Title Act*, a Section 215 covenant registered before the repeal of that section, or a section 24(a) covenant pursuant to the *Land Registry Act* before the repeal of that *Act*; a requirement for a permit under Part 26 of the *Local Government Act*, or a matter which is covered in a land use contract.

5. Part 5 – Notice of Application

1. An applicant, exercising the right of appeal, shall deliver to the Secretary of the Board of Variance or appointee, a completed Board of Variance Application as outlined in the sample form contained in Schedule ‘1’, together with such plans and technical information as the applicant or Secretary deems necessary to support the appeal including, but not limited to, the following:
 - a) two (2) survey plans (all measurements in metric) certified by a BC Land Surveyor and include topographical information as required;
 - b) two (2) site plan (all measurements in metric) to a maximum scale of 1:500;
 - c) two (2) building elevation plans (all measurements in metric) to a maximum scale of 1:100;
 - d) electronic copies in an acceptable form of a), b), and c) above;
 - e) a qualified engineer’s report, completed and signed and sealed by a professional engineer with current standing in British Columbia, providing facts and recommendations with respect to drainage, topography, geotechnical consideration, or other pertinent matters;
 - f) a letter outlining the details of the appeal;
 - g) a letter of authorization from all registered property owner(s) if an agent is acting on behalf of the owner(s); and
 - h) a copy of the Certificate of Indefeasible Title (dated within the past 30 days).
2. Prior to the processing of a Board of Variance application, the applicant shall pay, to the Regional District, the fee set out in the “Regional District of Nanaimo Planning Services Fees and Charges Bylaw No. 1259, 2002” or amendments thereto.
3. Upon receipt of a completed Board of Variance Application, the Secretary of the Board of Variance shall, not less than 10 days prior to the date of the hearing, give notice of the hearing to:
 - a) the members of the Board of Variance;
 - b) the applicant;
 - c) all owners and tenants in occupation of the land that is the subject of the application; and
 - d) all owners and tenants in occupation of the land within 50 metres of the land that is the subject of the application.
4. The notice of the hearing shall state the date, time, and place of the hearing and shall include a copy of the Notice of Hearing and a summary of the application.

6. Part 6 - Hearings

1. A hearing of the Board of Variance shall be held on the second Wednesday of each month, unless otherwise varied by the Chairperson of the Board of Variance in consultation with the Secretary and all other members of the Board of Variance.
2. In the event that no completed notice of appeal is deposited with the Secretary of the Board of Variance no hearing shall be held.
3. A hearing of the Board of Variance shall be convened by the Chairperson on the date of hearing and at the time and place set out in the notice of hearing and the Board may adjourn the hearing from time to time, and may reconvene without further published notice if the time, date, and place of reconvening is announced at adjournment.

4. The Board of Variance shall hear all representations made to the Board.
5. The applicant shall be afforded the first opportunity to present evidence and arguments, and thereafter, evidence and arguments shall be presented in such sequence as the Chairperson may direct until all parties to the application have been afforded an opportunity to present their evidence and arguments.

7. Part 7 – Decision

1. A majority of the members of the Board shall constitute a quorum.
2. The decision of the Board shall be by a majority of those members present.
3. The Secretary of the Board of Variance shall, within seven days of the decision, send by mail, or otherwise, the written decision of the Board of Variance to the applicant.
4. The Secretary shall, within seven days of the decision, enter that decision in the record maintained at the Regional District office.

8. Part 8 – Repeal

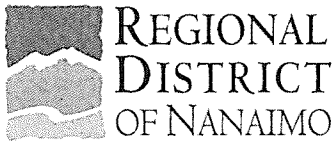
1. That “Regional District of Nanaimo Board of Variance Bylaw No. 1260, 2002” and any amending bylaws thereto are hereby repealed.

Introduced and read three times this 11th day of January, 2011.

Adopted this day of , 2011.

CHAIRPERSON

SR. MGR. CORPORATE ADMINISTRATION



Development Services Department

6300 Hammond Bay Road Nanaimo, BC V9T 6N2
 250-390-6510 (Nanaimo) 250-854-3798 (District 69)
 1-877-807-4111 (within BC) Fax 250-390-7511

Board of Variance Application Form

OFFICE USE ONLY		
Application Fee: _____	Receipt No. _____	File No. _____

SECTION 1: DESCRIPTION OF PROPERTY
(AS INDICATED ON THE STATE OF TITLE CERTIFICATE)

Lot _____ Plan _____ Block _____ District Lot _____

Section _____ Range _____ Other Description _____

Civic Address _____

Electoral Area _____ Parcel Identifier (PID) _____

SECTION 2: OWNER INFORMATION
(ATTACH ADDITIONAL PAGE IF MORE THAN TWO OWNERS)

1) Name _____ Mailing Address _____ Town / Province _____ Postal Code _____ Telephone/ Cell _____ Fax _____ Email _____	2) Name _____ Mailing Address _____ Town / Province _____ Postal Code _____ Telephone/ Cell _____ Fax _____ Email _____
---	---

SECTION 3: AGENT INFORMATION

Name _____	Mailing Address _____	Town/Province _____
Postal Code _____	Telephone/ Cell _____	Fax _____ Email _____

SECTION 4: REASON FOR APPEAL

I/We, the registered owner(s) of the above noted property, hereby appeal to the Board of Variance for the following:

To review a decision made by the Regional District of Nanaimo Manager of Building, Bylaw & Emergency Planning Services pursuant to Section 911(8) of the **Local Government Act**.

Or,

To determine that compliance with the following will cause undue hardship:

Relating to siting, size and dimensions of a building or structure, or the siting of a manufactured home in a manufactured home park. (Note: use and density, including varying maximum building size provisions, will not be considered for variance)

The prohibition of structural alteration and addition pursuant to Section 911 (5) of the **Local Government Act**.

A subdivision servicing requirement pursuant to Section 938 (1c) of the **Local Government Act** in an area zoned for agricultural or industrial uses.

SECTION 5: APPLICATION COMPLETION CHECKLIST:
ALL MEASUREMENTS TO BE IN METRIC

- A copy of Certificate of Indefeasible Title (dated within past 30 days)
- A letter of authorization
- A letter outlining the details of the appeal
- Application Fee
- Two (2) survey plans certified by a BC Land Surveyor to a maximum scale of 1:500, showing location of existing and proposed buildings and structures and parts thereof
- Electronic copies of all plans

Additional information may be required, such as:

- Two (2) building elevation plans to a maximum scale of 1:100
- Two (2) survey plans certified by a BC Land Surveyor including topographical information
- Professional Engineer's Report
- Other _____

SECTION 6: Registered Owner's Authorization
(ATTACH ADDITIONAL PAGE IF MORE THAN TWO OWNERS)

I hereby declare that all the above noted statements and information contained in this application and supporting documents are true and correct.

Signature of Registered Owner

Date

Signature of Registered Owner

Date

In order to process your application, please provide all necessary documentation with your application. Please refer to the Board Of Variance Guide for further information. Contact the Board of Variance Secretary if you require assistance.

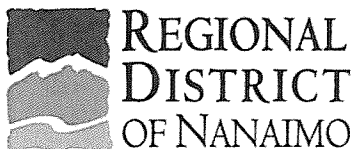
Submit the completed application form, required fee, plans, and supporting material to the Regional District of Nanaimo. The fee is payable to the "Regional District of Nanaimo".

BOARD OF VARIANCE

2011 SCHEDULE

DEADLINE DATE FOR APPLICATION SUBMISSION	DATE OF AGENDA DELIVERY/MAILOUT	DATE OF BOARD OF VARIANCE MEETING
Monday, December 17 th	Friday, December 31 st	Wednesday, January 12 th
Monday, January 17 th	Friday, January 28 th	Wednesday, February 9 th
Monday, February 14 th	Friday, February 25 th	Wednesday, March 9 th
Monday, March 21 st	Friday, April 1 st	Wednesday, April 13 th
Monday, April 18 th	Friday, April 29 th	Wednesday, May 11 th
Monday, May 16 th	Friday, May 27 th	Wednesday, June 8 th
Monday, June 20 th	Thursday, June 30 th	Wednesday, July 13 th
Monday, July 18 th	Friday, July 29 th	Wednesday, August 10 th
Monday, August 22 nd	Friday, September 2 nd	Wednesday, September 14 th
Monday, September 19 th	Friday, September 30 th	Wednesday, October 12 th
Monday, October 17 th	Friday, October 28 th	Wednesday, November 9 th
Monday, November 21 st	Friday, December 2 nd	Wednesday, December 14 th
Monday, December 19 th	Friday, December 30 st	Wednesday, January 11 th

Please note that all meetings are convened at 4:00 p.m. and are held in the Committee Room at the Regional District of Nanaimo Office, 6300 Hammond Bay Road, Nanaimo. Please use the main entrance



Development Services Department

6300 Hammond Bay Road Nanaimo, BC V9T 6N2
 (250) 390-6510 (Nanaimo) (250) 954-3798 (District 69)
 1-877-607-4111 (within BC) Fax: (250) 390-7511