

REGIONAL DISTRICT OF NANAIMO
ELECTORAL AREA PLANNING COMMITTEE
TUESDAY, APRIL 12, 2011
6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

- 3 - 4 **Jim Crawford & Cynthia Hildebrand, Baynes Sound Investments Ltd.,** re
Proposed Rezoning Application for Lands in Area 'H'.

MINUTES

- 5 - 10 Minutes of the regular Electoral Area Planning Committee meeting held March 8,
2011.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

UNFINISHED BUSINESS

PLANNING

AMENDMENT APPLICATIONS

- 11 - 18 Bylaw No. 500.370 to Support Zoning Amendment Application No. PL2010-123
– Landeca Services Inc. – 2956 & 2962 Ridgeway Road – Area 'C'.

- 19 – 32 Bylaw No. 500.371 & Consideration of Park Land Dedication and/or Cash-in-
Lieu of Park Land to Support Zoning Amendment Application No. PL2010-216
– Fern Road Consulting Ltd. – Wembley Road – Area 'G'.

DEVELOPMENT PERMIT APPLICATIONS

- 33 - 42 Development Permit Application No. PL2011-047 – Keith Brown & Associates
Ltd. – 1922 - 1940 Schoolhouse Road – Area 'A'.

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

- 43 - 49 Development Permit with Variance & Request for Frontage Relaxation Application No. PL2010-145 – Parrish – 2075 & 2081 Lazy Susan Drive – Area ‘A’.
- 50 - 57 Reconsideration of Development Permit with Variance & Request for Frontage Relaxation Application No. PL2010-230 - Fern Road Consulting Ltd. - 6224, 6266, 6280 & 6290 Island Highway West - Area 'H'.
- 58 - 64 Development Permit with Variance Application No. PL2011-014 – Fern Road Consulting Ltd. – Island Highway & Linx Road – Area ‘H’.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 65 – 71 Development Variance Permit Application No. PL2011-036 – Stouffer – 1454 The Outrigger – Area ‘E’.

OTHER

- 72 - 83 Consideration of Park Land Dedication and/or Cash-in-Lieu of Park Land & Request for Frontage Relaxation on Subdivision Application No. PL2010-169 – Glencar Consultants – 516 Wembley Road – Area ‘G’.
- 84 - 91 Consideration of Park Land Dedication and/or Cash-in-Lieu of Park Land on Subdivision Application No. PL2011-018 – Fern Road Consulting Ltd. – 864 Cavin Road – Area ‘G’.
- 92 - 96 Request for Frontage Relaxation on Subdivision Application No. PL2011-016 – Fern Road Consulting Ltd. – 403 Lowry’s Road – Area ‘G’.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

ADJOURNMENT

IN CAMERA

Armstrong, Jane

From: Jim Crawford <jcrawford@kwik.net>
Sent: Friday, February 25, 2011 12:53 PM
To: Armstrong, Jane
Cc: Amar Bains; Cynthia Hildebrand
Subject: Agenda for March 8th meeting of EAPC

Jane, we would like to be placed on the agenda as a delegation for the March 8th meeting of the Electoral Area Planning Committee. Our info is as follows:

1. Applicant / Property Owner: Baynes Sound Investments Ltd., Unit 701-17665 66A Avenue, Surrey, B.C. V3S-2A7
2. Contact: Jim Crawford, Project Manager
3. Contact numbers:
 - Jim Crawford: 604-531-6262 office, 604-968-9825 cell jcrawford@kwik.net
 - Amar Bains: 604-576-4996 office, 604-657-1076 cell amarbains@shaw.ca
4. Presenters:
 - a) Introduction Jim Crawford
 - b) Presentation Cynthia Hildebrand, Zeidler Partnership Ltd.
 - 604-388-9494 office, 604-213-8051 cell childebrand@zeidlerpartnership.com
5. Our Consultant Team will be attending to answer questions from Committee Members
6. We will be sending a short outline of the presentation and the project on Monday, March 1, 2011
7. Cynthia's presentation will include PowerPoint. She will be sending an electronic copy by March 7th

Please contact me if you require any further information. JWC.

Deep Bay Development Presentation Outline
RDN Electoral Area Planning Committee
March 08, 2011

Introductions

- team
- presentation overview
- project

Background

- Regional location Map
- Site location map
- overview of project site,
- recent history of site
- overview of project history

Project Vision,

- Goals and Objectives
- Integrated Approach
- Overview of reports undertaken and integrated into layout
- Sustainability Checklist

Site Layout - Comprehensive plan

- highlights of various components within the development
- Park and Open Space
- Lot A –Housing component
- Lot B -RV Resort component

Compliance with RGS, Area H OCP

Next Steps

Thank you

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, MARCH 8, 2011 AT 5:30 PM
IN THE RDN BOARD CHAMBERS**

Present:

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

Also in Attendance:

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

DELEGATIONS

Jim Crawford & Cynthia Hildebrand, Baynes Sound Investments Ltd., re Proposed Rezoning Application for Lands in Area 'H'.

Mr. Crawford and Ms. Hildebrand were not in attendance.

Gordon Buckingham, re Infrastructure Planning in Area 'E' - Impact of the Proposed Lakes District & Schooner Cove Developments.

Mr. Buckingham voiced his concerns related to the social, economic & environmental impacts of the proposed Lakes District and Schooner Cove developments.

Bob Popple, Fairwinds Community Association, re Extent of Fairwinds Community Association Support for the Proposed Fairwinds Schooner Cove & Lakes District Neighbourhood Plans.

Mr. Popple spoke for the Fairwinds Community Association and discussed the support that the members of the FCA had for the development.

Joe Straka, re A New Regional Park in Fairwinds.

Mr. Stranka spoke in support of the Fairwinds development and the importance of the Lakes District park.

G.A. (Gerry) Thompson, re Proposed Fairwinds OCP Amendments.

Mr. Thompson spoke in favour of the proposed Fairwinds OCP Amendments.

LATE DELEGATIONS

MOVED Director Stanhope, SECONDED Director Holme, that the late delegations be permitted to address the Committee.

CARRIED

David Campbell, re Fairwinds Official Community Plan.

Mr. Campbell expressed his support for the Fairwinds Official Community Plans.

Ron M. Davis, Schooner Cove Yacht Club, re Proposed Schooner Cove Development Plan.

Mr. Davis discussed the positive attributes of the proposed Schooner Cove Development Plan.

Ross Griffiths, Fairwinds Golf Club Society (FGCS), re FGCS Member Support for the Fairwinds Lakes District and Schooner Cove Neighbourhood Plans.

Mr. Griffiths presented the findings of the survey sent to the Fairwinds Golf Club Society members and advised that the majority of members are in support of the application.

Don Lawseth, re Deferral of the Fairwinds OCP Amendment Application.

Mr. Lawseth had concerns related to the lower quality of life with such developments and requested that the applications be deferred until more information and research has been completed.

Ross Peterson, re Request for Deferral of Fairwinds Neighbourhood Plans Review.

Mr. Peterson requested that the Fairwinds Neighbourhood Plans be deferred.

Kevin Power, re Fairwinds Development - A Homeowner's Perspective.

Mr. Power spoke in support of the proposed Fairwinds OCP Amendment Application.

James Sinclair, re Fairwinds Resident's Position.

Mr. Sinclair indicated his support in favour of the Fairwinds Official Community Plans.

Pam May-Straka, re Schooner Cove and Lakes District Neighbourhood Plans.

Ms. May-Straka spoke in agreement of the proposed applications.

Pam May-Straka for William Hamilton, re Schooner Cove and Lakes District Neighbourhood Plans.

Ms. May-Straka presented correspondence from William Hamilton in support of the proposed Schooner Cove and Lakes District Neighbourhood Plans.

Paul Fenske, Ekistics Town Planning and Russell Tibbles, Fairwinds/Bentall, re Schooner Cove and Lakes District Neighbourhood Plans.

Mr. Fenske of Ekistics Town Planning agent to Fairwinds/Bentall discussed the steps taken for the neighbourhood plans and the public consultation process to date.

Christopher Stephens, re Nanoose Lakes District – A Youth’s Perspective on an Endangered Ecosystem.

Mr. Stephens spoke in opposition of the application with respect to the damage that would be caused to the endangered ecosystem.

Jim Lettic, re Schooner Cove and Lakes District Neighbourhood Plans.

Mr. Lettic voiced his concerns on the environmental impacts of these proposed developments.

MINUTES

MOVED Director Stanhope, SECONDED Director Holme, that minutes of the regular Electoral Area Planning Committee meeting held February 8, 2011 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Holly Clermont, Garry Oak Ecosystems Recovery Team, re Fairwinds – Response to January 31, 2011 Public Information Meeting.

MOVED Director Stanhope, SECONDED Director Burnett, that the correspondence from Holly Clermont of the Garry Oak Ecosystems Recovery Team be received.

CARRIED

Wally & Laurie Debling, re Fairwinds Lakes District & Schooner Cove Development Plans.

MOVED Director Stanhope, SECONDED Director Burnett, that the correspondence from Wally and Laurie Debling be received.

CARRIED

Peter Law, re Rainwater and the Fairwinds Lakes District Plan.

MOVED Director Stanhope, SECONDED Director Burnett, that the correspondence from Peter Law be received.

CARRIED

Don Lawseth, re Fairwinds Application to Amend the Nanoose Bay OCP.

MOVED Director Stanhope, SECONDED Director Burnett, that the correspondence from Don Lawseth be received.

CARRIED

Joe Straka, re Fairwinds Lakes District Development – Process Leading to Regional Park Dedication.

MOVED Director Stanhope, SECONDED Director Burnett, that the correspondence from Joe Straka be received.

CARRIED

Paul Grinder, Arrowsmith Parks and Land-Use Council, re Fairwinds Application to Amend the Nanoose Bay Official Community Plan.

MOVED Director Stanhope, SECONDED Director Burnett, that the correspondence from Paul Grinder of the Arrowsmith Parks and Land-Use Council be received.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Bylaw No. 500.369 to Support Zoning Amendment Application No. PL2011-009 – RDN – 2834 Northwest Bay Road – Area ‘E’.

MOVED Director Holme, SECONDED Director Stanhope, that the Summary of the Public Information Meeting held on February 17, 2011 be received for information.

CARRIED

MOVED Director Holme, SECONDED Director Stanhope, that Application No. PL2011-009 to rezone the subject property from Residential 1 (RS I) to Public 1 (PU 1) be approved subject to the conditions included in Schedule No. 1.

CARRIED

MOVED Director Holme, SECONDED Director Stanhope, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.369, 2011 ", be given 1st and 2nd reading.

CARRIED

MOVED Director Holme, SECONDED Director Stanhope, that the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.369, 2011", be delegated to Director Holme or his alternate.

CARRIED

Bylaw No. 1285.15 to Support Zoning Amendment Application No. PL2010-205 – J.E. Anderson & Associates – 908 and 920 Little Mountain Road – Area ‘F’.

Director Holme left the meeting noting a possible personal conflict of interest with this issue.

MOVED Director Stanhope, SECONDED Director Biggemann, that the application to rezone part of Lot 1, District Lot 136, Nanoose District, Plan 21407 from R-2.54 (Rural Residential 2.54) to R-2 (Rural Residential 2) be approved subject to the conditions outlined in Schedule No. 1.

CARRIED

MOVED Director Stanhope, SECONDED Director Biggemann, that the application to rezone Lot B, District Lot 136, Nanoose District, Plan 41092 from R-2 (Rural Residential 2) to R-2.54 (Rural Residential 2.54) be approved subject to the conditions included in Schedule No. 1.

CARRIED

MOVED Director Stanhope, SECONDED Director Biggemann, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 1285.15, 2011" 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. 1285.15, 2011" be delegated to Director Biggemann or and co-chaired by Director Stanhope.

CARRIED

Director Holme rejoined the meeting.

Bylaw No. 1400.03 - OCP Amendment - Fairwinds – The Lakes District Neighbourhood Plan – Area ‘E’.

MOVED Director Holme, SECONDED Director Burnett, that the summaries of the Public Information Meetings held on June 28, 2010 and January 31, 2011, be received.

CARRIED

MOVED Director Holme, SECONDED Director Burnett, that "Regional District of Nanaimo Nanoose Bay Official Community Plan Amendment Bylaw No. 1400.03, 2011", be given 1st and 2nd reading.

CARRIED

MOVED Director Holme, SECONDED Director Burnett, that the Public Hearing on "Regional District of Nanaimo Nanoose Bay Official Community Plan Amendment Bylaw No. 1400.03, 2011" be delegated to Director Holme or his alternate.

CARRIED

Bylaw No. 1400.04 - OCP Amendment – Fairwinds - Schooner Cover Neighbourhood – Area ‘E’.

MOVED Director Holme, SECONDED Director Stanhope, that the summaries of the Public Information Meetings held on June 28, 2010, and February 1, 2011, be received for information.

CARRIED

MOVED Director Holme, SECONDED Director Stanhope, that "Regional District of Nanaimo Nanoose Bay Official Community Plan Amendment Bylaw No. 1400.04, 2011", be given 1st and 2nd reading.

CARRIED

MOVED Director Holme, SECONDED Director Stanhope, that the Public Hearing on "Regional District of Nanaimo Nanoose Bay Official Community Plan Amendment Bylaw No. 1400.04, 2011", be delegated to Director Holme or his alternate.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. PL2009-287 – Roberts – 2270 South Lake Road – Area ‘H’.

MOVED Director Stanhope, SECONDED Director Holme, that Development Permit Application No. PL2009-287, to permit the construction of a cabin within 15 meters of the natural boundary of Horne Lake be approved subject to the conditions outlined in Schedules No. 1 - 2.

CARRIED

**Development Permit & Site Specific Exemption Application No. PL2010-090 – Cowan – 2502
Blokker Road – Area ‘E’.**

MOVED Director Holme, SECONDED Director Stanhope, that Development Permit and Site Specific Exemption Application No. PL2010-090 to permit the construction of a dwelling unit be approved subject to the conditions outlined in Schedules No. 1 - 3.

CARRIED

**Development Permit Application No. PL2010-189 – McCaskell – 3728 Horne Lake Caves Road –
Area ‘H’.**

MOVED Director Stanhope, SECONDED Director Holme, that Development Permit Application No. PL2010-189, to permit the construction of an addition to an existing cabin within 15 metres of the natural boundary of Horne Lake, be approved subject to the conditions outlined in Schedules No. 1 - 2.

CARRIED

Development Permit Application No. PL2010-223 – Low – 492 Martindale Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Young, that Development Permit Application No. PL2010-223 to permit the construction of a dwelling unit and an accessory building be approved subject to the conditions outlined in Schedules No. 1 to 3.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 7:09 PM

CHAIRPERSON



CAO APPROVAL	
EAP	✓
COW	
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RHD	
BOARD	

MEMORANDUM

TO: Dale Lindsay
Manager, Current Planning

DATE: March 21, 2011

FROM: Elaine Leung
Planner

FILE: PL2010-123

SUBJECT: Bylaw No. 500.370 to Support Zoning Amendment Application No. PL2010-123
Landeca Services Inc.
Lot 3, Section 11, Range 4, Mountain District, Plan 31326
2956 & 2962 Ridgeway Road
Electoral Area 'C'

PURPOSE

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

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Landeca Services Inc. on behalf of Daniel and Gloria Stevens to rezone the subject property from Subdivision District 'D' to Subdivision District 'F' in order to permit a two lot subdivision with 1.0 ha lots.

The subject property (*see Attachment No. 1*), is 2.02 ha in area, is zoned Rural 1, and is designated Subdivision District 'D' (RUID) (*2.0 ha minimum parcel size with or without community services*) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."

The subject property supports two dwelling units with individual wells. The applicant wishes to subdivide in order to create separate lots for each of the dwelling units. The property is bound by rural zoned properties, several of which contain two dwelling units.

ALTERNATIVES

1. To approve the application to rezone the subject property from Subdivision District 'D' to Subdivision District 'F' subject to the conditions outlined in *Schedule No. 1* for first and second reading and proceed to Public Hearing.
2. To deny the Zoning Amendment Application as submitted.

LAND USE IMPLICATIONS

Official Community Plan Implications

The East Wellington – Pleasant Valley Official Community Plan, Bylaw No. 1055 (OCP) designates the subject property within the Rural Residential Land Use designation which recommends minimum 2.0 ha. Despite the 2.0 ha. minimum parcel size this land use designation further supports a minimum 1.0 ha parcel size subject to following criteria:

1. Density is limited to one unit per lot.
2. The subdivision does not adversely affect the character and/or environmental quality of the surrounding lands.
3. Verification that on-site septic disposal capability and potable water sources are sufficient to service the proposed development.

Development Implications

With respect to the OCP policy concerning the character of surrounding lands, under the current Rural 1 Zoning the subject property is permitted a maximum of two dwelling units. As the proposed zoning amendment would not increase the existing density, this application is not expected to have a negative impact on the surrounding neighbourhood.

The Ministry of Transportation and Infrastructure (MOTI) has indicated they have no concerns with the proposal.

On-Site Servicing

In support of the application, the applicants provided well log data for the two existing wells, and a Well Test Report. Based on this information a water supply of 3.5 m³ per day currently exists for both proposed lots. In keeping with Board policy staff recommend, that as a condition of rezoning, a covenant be registered which requires a report from a Professional Engineer confirming that the wells have been pump tested and certified, including well head protection and that water quality meets the Canadian Drinking Water Standards. The covenant will require the report to be provided prior to subdivision.

With respect to septic concerns, the Vancouver Island Health Authority has indicated they have no concerns with the proposal as presented.

Public Consultation Implications

If this application proceeds, a Public Hearing will be held as part of the zoning amendment process.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist". Based on the findings of the preliminary well test, there is adequate water to support the proposed use.

SUMMARY/CONCLUSIONS

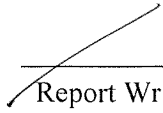
This is a rezoning application to permit the creation of two 1.0 ha parcels on property located in Electoral Area 'C'.

The rezoning, if approved, will not increase density and as such will not result in a development which is out of character with the surrounding rural neighbourhood. The applicants have provided an engineering report as well log data which demonstrates that the proposed lot can be serviced through on-site servicing. As a condition of final approval, staff recommend that a covenant be registered requiring a well report by a Professional Engineer to the satisfaction of the RDN prior to subdivision approval.

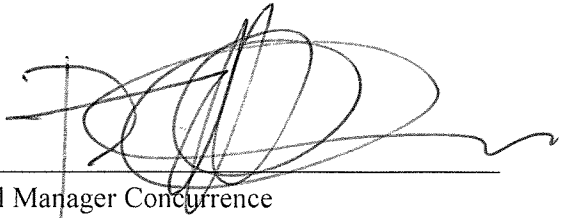
Staff are of the opinion that the proposed development complies with the intent of the OCP and recommend that the Board support the application subject to the conditions set out in *Schedule 1*.

RECOMMENDATIONS

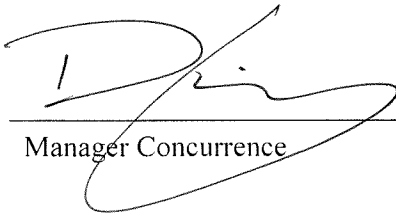
1. That Application No. PL2010-123 to rezone the subject property from Subdivision District 'D' to Subdivision District 'F' be approved subject to the conditions included in Schedule No. 1.
2. That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.370, 2011" be introduced and read two times.
3. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.370, 2011" be delegated to Director Young or her alternate.



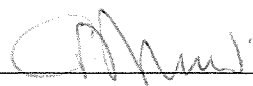
Report Writer



General Manager Concurrence



Manager Concurrence



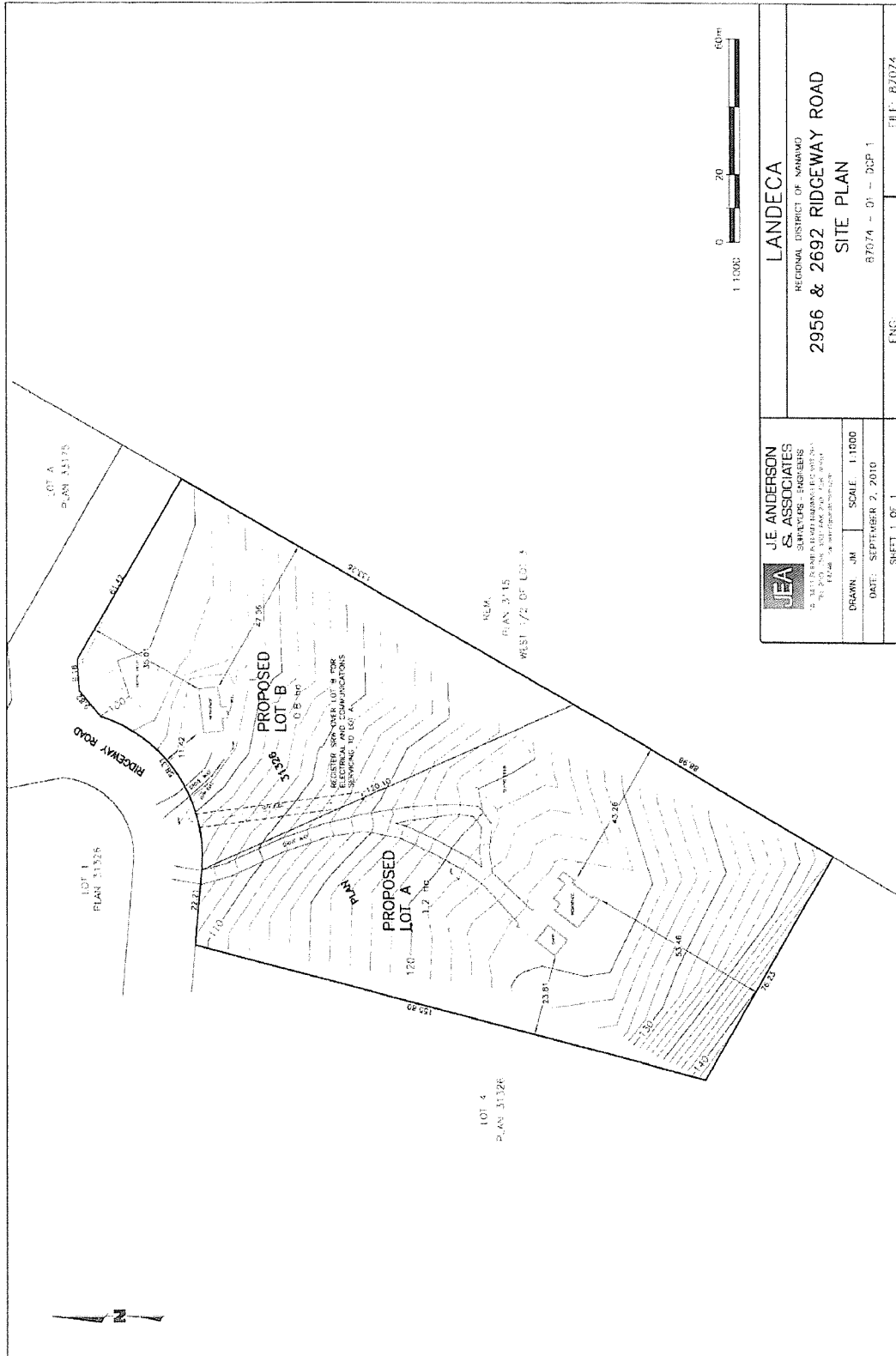
CAO Concurrence

Schedule No. 1
Zoning Amendment Application No. PL2010-123
Conditions of Approval

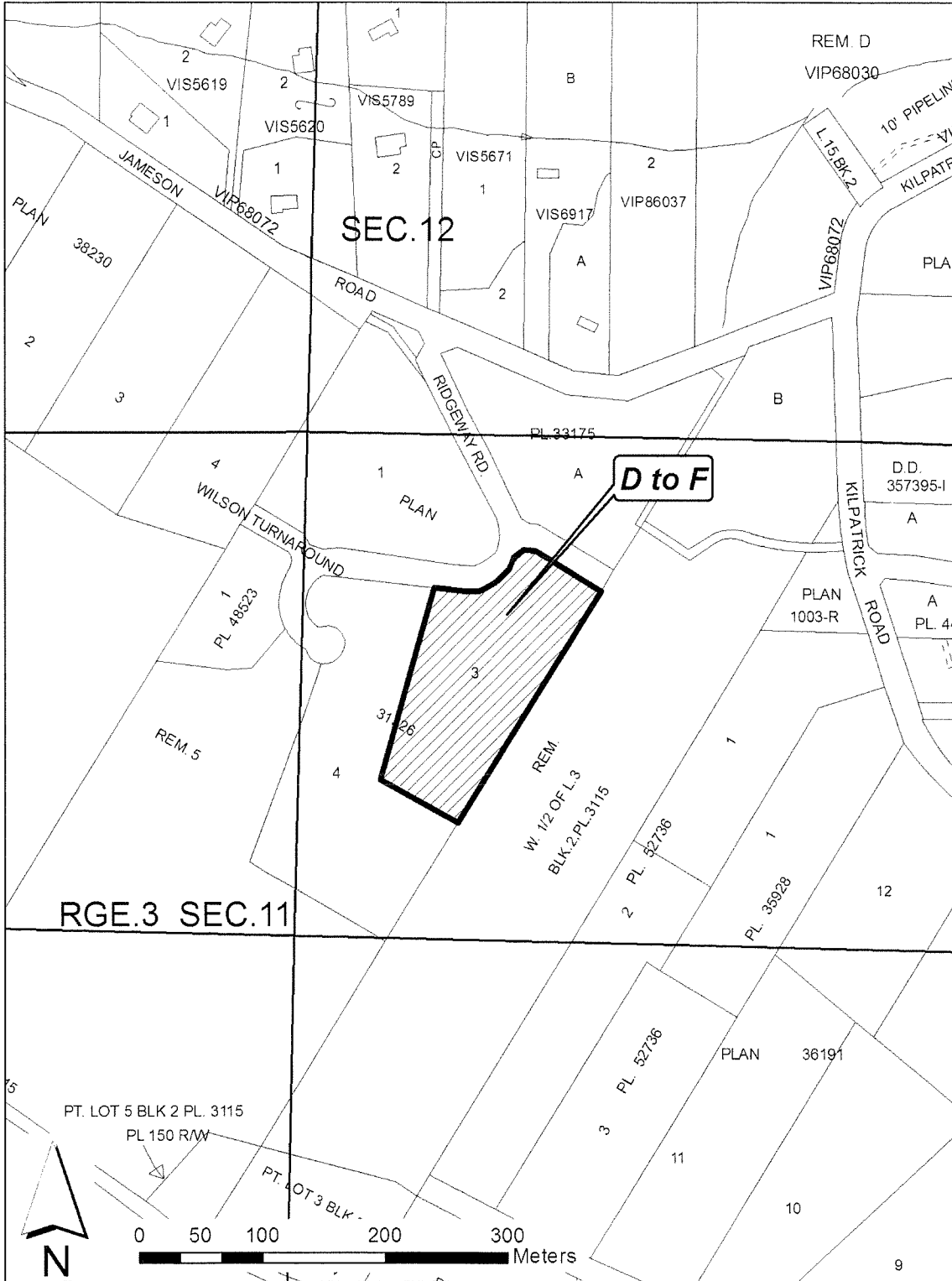
The following sets out the conditions of approval in conjunction with PL2010-123:

1. The applicant, at the applicant's expense, is to prepare and register a covenant stating that no subdivision shall occur until such time that a report from a Professional Engineer (registered in BC) has been completed to the satisfaction of the Regional District of Nanaimo confirming that the well has been pump tested and certified including well head protection, and that the water meets the Canadian Drinking Water Standards.

Schedule No. 2
Zoning Amendment Application No. PL2010-123
Proposed Plan of Subdivision
(as submitted by applicant / reduced for convenience)



Attachment No. 1
Zoning Amendment Application No. PL2010-123
Location of Subject Property



BCGS MAPSHEET: 02F.020.4.2

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 500.370

**A Bylaw to Amend Regional District of Nanaimo
Land Use and Subdivision Bylaw No. 500, 1987**

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

- A. This Bylaw may be cited as “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.370, 2011”.
- B. “Regional District of Nanaimo Land use and Subdivision Bylaw No. 500, 1987”, is hereby amended as follows:
 - 1. By rezoning the lands shown on the attached Schedule ‘1’ and legally described as part of Lot 3, Section 11, Range 4, Mountain District, Plan 31326, from Subdivision District ‘D’ to Subdivision District ‘F’.

Introduced and read two times this ____ day of _____ 2011.

Public Hearing held this ____ day of _____ 2011.

Read a third time this ____ day of _____ 2011.

Adopted this ____ day of _____ 201__.

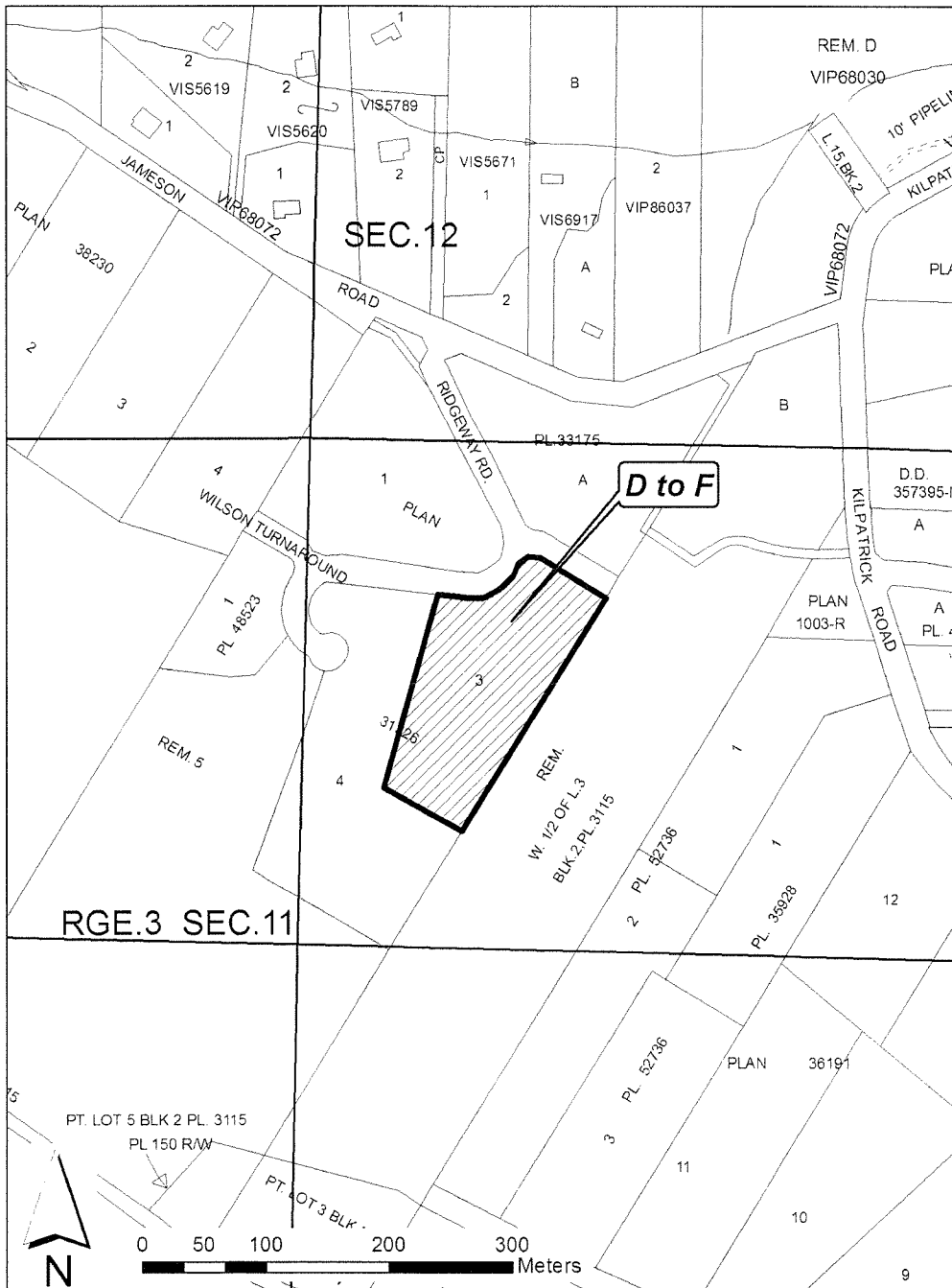
Chairperson

Sr. Mgr., Corporate Administration

Schedule No. '1' to accompany "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.370, 2011"

Chairperson

Sr. Mgr. Corporate Administration



BCGS MAPSHEET: 92F 020 4.2

Attachment No. 2



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APR 05 2011			
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BOARD			

MEMORANDUM

TO: Dale Lindsay
Manager, Current Planning

DATE: April 4, 2011

FROM: Elaine Leung
Planner

FILE: PL2010-216

SUBJECT: **Bylaw No. 500.371 to Support Zoning Amendment Application No. PL2010-216 and Offer to Dedicate Park Land - Fern Road Consulting Ltd.**
Lot 4, District Lot 81, Nanoose District, Plan 1799 Except That Part Lying to the South West of a Boundary Bearing South Thirty Degrees East From a Point on the North Westerly Boundary of Said Lot Distant 624.43 Feet From the North Westerly Corner of Said Lot -Wembley Road
Electoral Area ‘G’

PURPOSE

To consider a Zoning Amendment Application to rezone the subject property from Rural 1 (RU1) to Residential 1 (RS1) and the dedication of park land in conjunction with the development of a 20-lot subdivision proposal.

BACKGROUND

The Regional District of Nanaimo has received a zoning amendment application from Fern Road Consulting Ltd., on behalf of Windward Developments (2002) Ltd, to rezone the subject property in order to create a 20-lot subdivision with park land dedication.

The subject property, which is 2.23 ha in size, is zoned Rural 1 (RU1) Subdivision District ‘F’ (*minimum 1.0 ha with or without community services*) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (*see Attachment No. 1*).

The subject property, which is vacant and fully treed, is bordered by Wembley Road and Lowry’s Road, a RDN community park, and residentially zoned parcels to the northeast; residentially zoned parcels and Osprey Way to the south; residentially zoned parcels to the west; and a rural zoned parcel to the northwest (*see Attachment No. 1 for location of subject property*).

Proposed Development

The applicant is requesting a Residential 1 (RS1) zone with Subdivision District ‘Q’ (*minimum parcel size of 700 m² with community services*) for the purposes of creating a 20-lot subdivision varying in size from 701 m² to 1,153 m² to be served with community water and sewer services. The applicant is also proposing to dedicate park land.

As the applicant is requesting that the dedication of park land be considered concurrently with the Zoning Amendment Application involving a subdivision, the provisions of the **Local Government Act** would still apply. Where an Official Community Plan (OCP) contains policies and designations respecting the

location and type of future parks, the local government may determine whether the owner must provide land or cash or a combination of both. Pursuant to the *Local Government Act*, the maximum amount of park land that the Regional District may request for this property is 5% of the total site area or approximately 1,115 m².

The applicant has proposed to dedicate 1,189 m² of park land area (including the panhandle access) in the northeast corner of the property which would be accessed from both Wembley Road and a walkway from the proposed cul-de-sac varying in width from 3.1 to 3.5 metres.

ALTERNATIVES

1. To approve the Zoning Amendment Application to rezone the subject property from Rural 1 Subdivision District 'F' (RU1F) to Residential 1 Subdivision District 'Q' (RS1Q) for 1st and 2nd reading and to proceed to Public Hearing and to accept the offer of park land in the amount and location as set in *Schedule No. 1*.
2. To not approve the Zoning Amendment Application and deny the offer for dedication of park land.

OFFICIAL COMMUNITY PLAN IMPLICATIONS

The Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008 (OCP) designates the subject property within a Neighbourhood Residential Land Use designation. This designation supports residential development with full community services being provided.

DEVELOPMENT IMPLICATIONS

Servicing Implications

The applicant has provided written confirmation that community water service is available to the proposed subdivision. Concerning sanitary sewer, the subject property was recently included within the French Creek Sewerage Local Service Area; therefore, community sewer service is available.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist". The proposed rezoning involves the infilling of a larger parcel to residential zoning in an urban containment boundary area with full community services.

PARK LAND IMPLICATIONS

The Electoral Area 'G' OCP contains park land related policies, which stipulate that park land is desirable where preferred criteria can be met, such as providing access to the waterfront; providing connections to other parks or natural areas; offering viewpoints or opportunities for nature appreciation; providing opportunities for recreation activities; and providing linear walking trails. In this case, the subject property will provide an opportunity for nature appreciation in that the area is fully treed. While the proposed park land is currently not contiguous with existing park land, there may be an opportunity to locate future park land adjacent to this proposed park if development were to occur on the parcel to the north of the subject property.

Area 'G' Parks and Open Space Advisory Committee

The proposal for park land dedication was referred to the Electoral Area 'G' Parks and Open Space Advisory Committee (POSAC) at its meeting of February 23, 2011, (*see Attachment No. 2 for excerpt of meeting*). It is noted that the applicant widened the proposed panhandle access following the suggestion of the POSAC.

FINANCIAL IMPLICATIONS

Staff notes that the subject property has an assessed value of \$1,127,000.00 according to the 2011 assessment roll. If the applicant is required to pay cash-in-lieu of park land dedication, the valuation of the property for 5% cash-in-lieu of park land charges would be based on a certified appraisal of the land at the time of preliminary subdivision approval (PLA). Therefore, if cash-in-lieu of park land dedication was given, it is anticipated that the appraised market value would result in a contribution of approximately \$56,350.00 (based on a full 5%) to the Electoral Area 'G' community parks fund.

PUBLIC CONSULTATION

Public Information Meeting

A Public Information Meeting (PIM) was held on March 30, 2011, seventy five (75) people attended this meeting (*see Attachment No. 3 for summary of the PIM*).

SUMMARY/CONCLUSIONS

The applicant is proposing to amend Bylaw No. 500, 1987 in order to permit a 20-lot residential subdivision along with the dedication of park land. A Public Information Meeting was held on March 30, 2011, and the summary of the meeting is attached (*see Attachment No. 2*).

Concerning the proposed park land dedication, the applicant's offer to dedicate 1,189 m² park land was referred to the Electoral Area 'G' Parks and Open Space Advisory Committee, which commented that the park land is acceptable, but suggested the access trail (panhandle) be widened to 3.0 or 4.0 metres. The applicant responded by widening this access to 3.1. This park land proposal was presented at the March 30, 2011 Public Information Meeting along with the amendment application.

Given that the proposed Zoning Amendment is in concurrence with the OCP, staff recommends that Amendment Bylaw No. 500.371, 201, receive 1st and 2nd reading and proceed to Public Hearing and as the OCP supports park land in this area, staff recommends the park land be accepted subject to the conditions set out in *Schedule No. 1*.

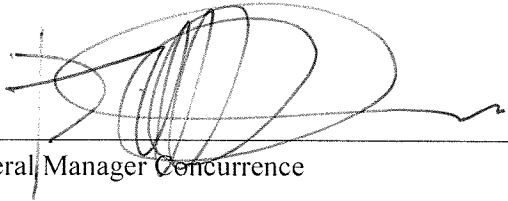
A copy of the proposed Amendment Bylaw is attached to this report (*see Attachment No. 4*).

RECOMMENDATIONS

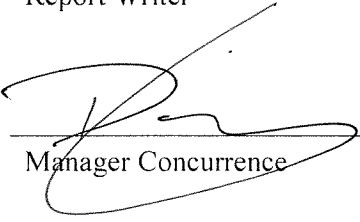
1. That the Summary of the Public information Meeting held on March 30, 2011, be received.
2. That Application No. PL2010-216 to rezone the subject property from Rural 1 Subdivision District 'F' (RS1F) to Residential 1 Subdivision District 'Q' (RS1Q) be approved.
3. That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.371, 2011", be introduced and read two times.
4. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.371, 2011", be delegated to Director Stanhope or his alternate.
5. That the request to accept the dedication of park land, as outlined in Schedule No. 1, be accepted.



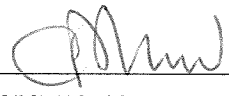
Report Writer



General Manager Concurrence



Manager Concurrence



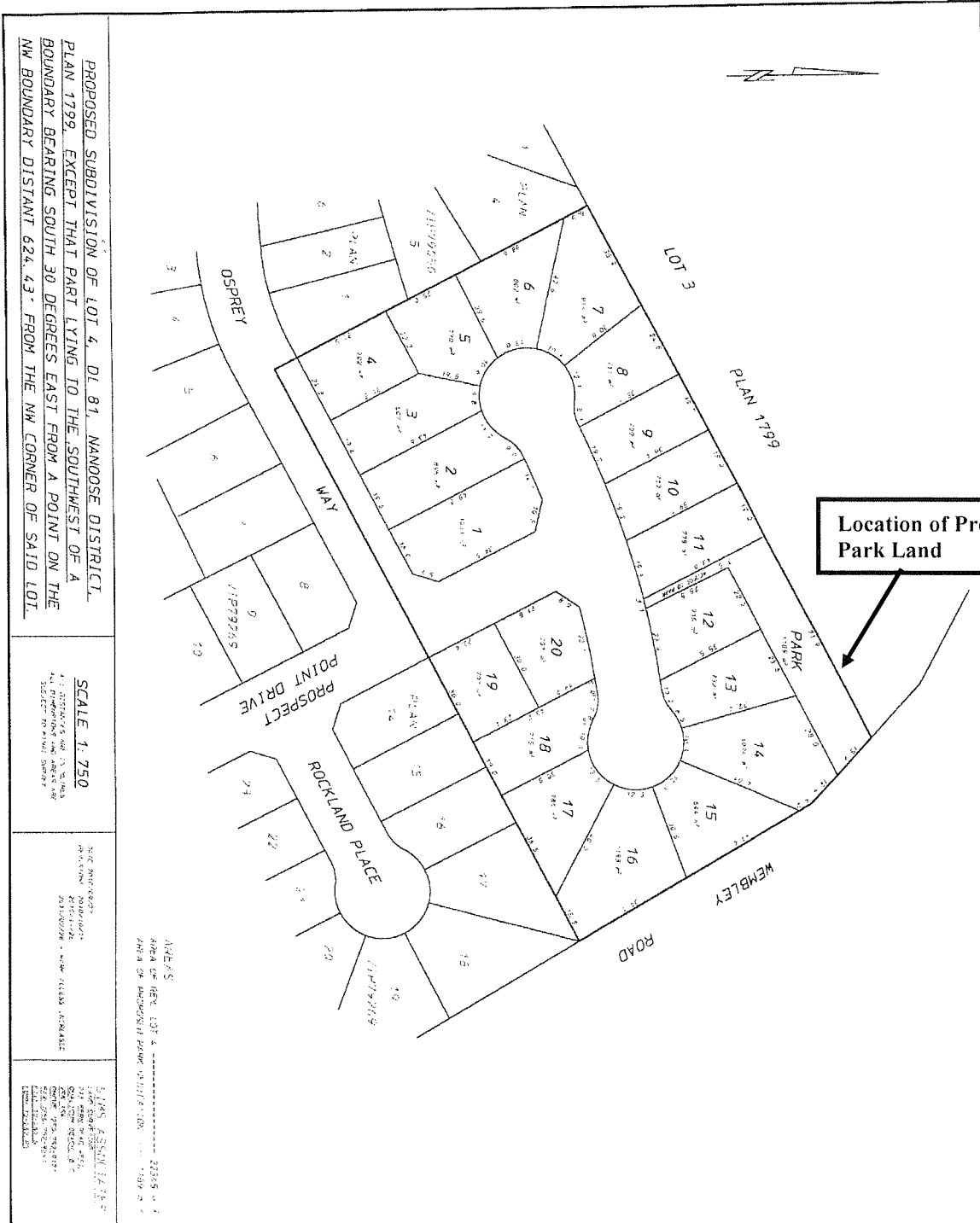
CAO Concurrence

Schedule No. 1
Conditions of Approval
Park Land Dedication in Conjunction with Zoning Amendment Application No. PL2010-216

The following sets out the conditions of approval for park land dedication in conjunction with Zoning Amendment Application No. PL2010-216:

1. Park land shall be dedicated in the amount and location as shown on Schedule No. 2 to be dedicated concurrently with the Plan of Subdivision.
2. The proposed park land area shall be left in a fully treed and vegetated state.

Schedule No. 2 (page 1 of 2)
 Proposed Plan of Subdivision Including Park Land Dedication
 Zoning Amendment Application No. PL2010-216



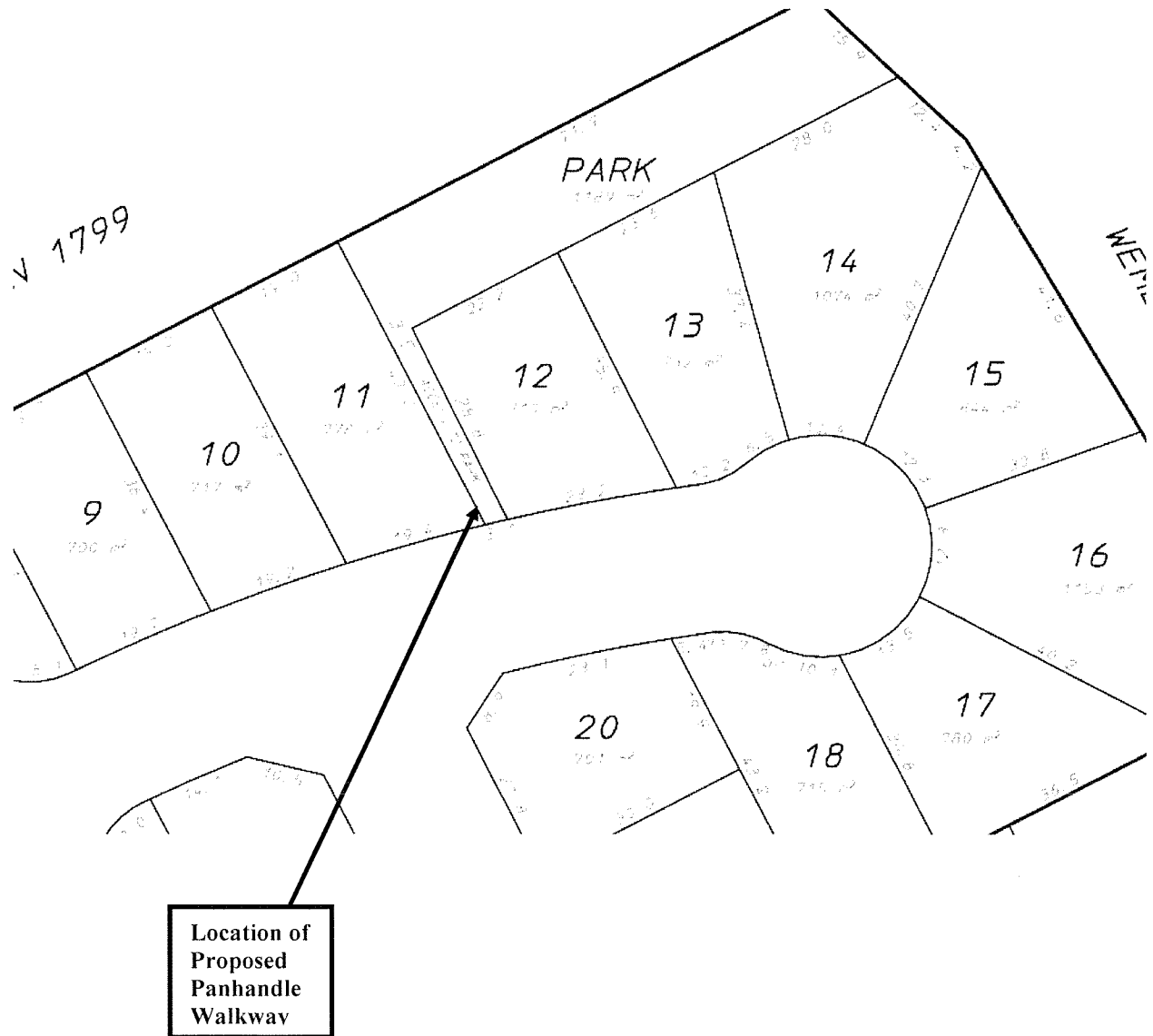
PROPOSED SUBDIVISION OF LOT 4, DL 81, NANOOSE DISTRICT,
 PLAN 1799, EXCEPT THAT PART LYING TO THE SOUTHWEST OF A
 BOUNDARY BEARING SOUTH 30 DEGREES EAST FROM A POINT ON THE
 NW BOUNDARY DISTANT 624.43' FROM THE NW CORNER OF SAID LOT.

SCALE 1:750
 ALL DISTANCES AND BEARINGS
 ARE GIVEN IN FEET AND INCHES
 UNLESS OTHERWISE SPECIFIED

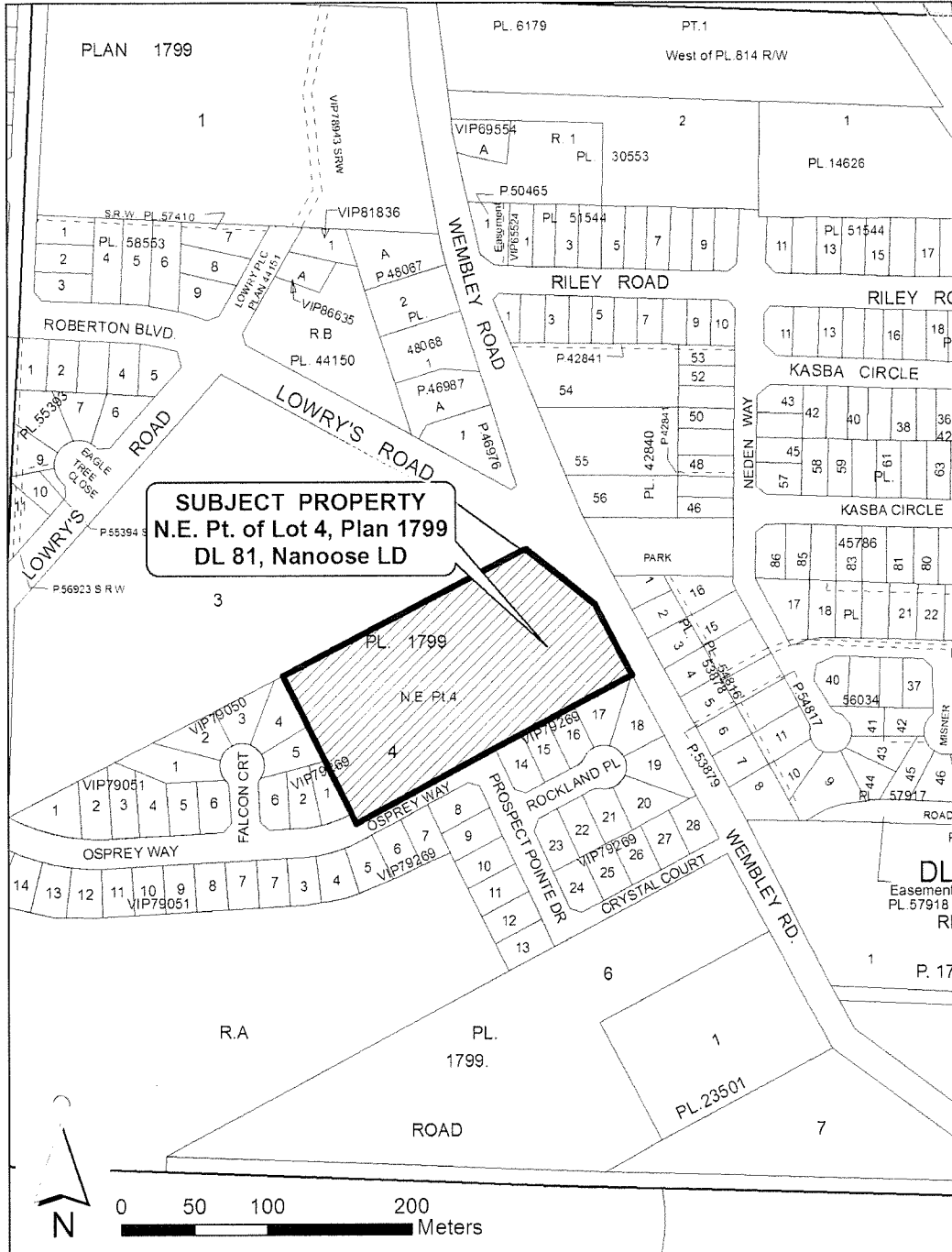
DATE PREPARED: 2/20/11
 DRAWN BY: J. J. JENSEN
 CHECKED BY: J. J. JENSEN
 AREA OF PARCELS TO BE DIVIDED: 1.00 AC.

STATE OF OREGON
 COUNTY OF CLATSOP
 DISTRICT OF CLATSOP
 PLAN 1799
 J. J. JENSEN
 REGISTERED PROFESSIONAL SURVEYOR
 NO. 12345
 EXPIRES 12/31/12

Schedule No. 2 (page 2 of 2)
Detailed Site Plan Showing Proposed Park Land Dedication
Zoning Amendment Application No. PL2010-216



Attachment No. 1
Location of Subject Property



BCGS Map Sheet 92F 039.1.3

Attachment No. 2
Correspondence from the Electoral Area 'G' Parks & Open Space Advisory Committee
Park Land Proposal in Conjunction with Zoning Amendment Application No. PL2010-216
POSAC Comments

Excerpt from the February 23, 2011, minutes of the Electoral Area 'G' Parks & Open Space Advisory Committee:

The Committee supports the proposed park land dedication however, requests that the applicant consider widening the panhandle access from the interior subdivision road to 3.0 or 4.0 meters in width.

Attachment No. 3
Minutes of a Public Information Meeting
Proceedings of the Public Information Meeting
Held at St. Columba Presbyterian Church, 921 Wembley Road
Wednesday, March 30 at 6:30 pm

Note: This summary of the meeting is not verbatim recording of the proceedings, but is intended to summarize the comments of those in attendance at the Public Information Meeting.

There were seventy-five (75) people in attendance.

Present for the Regional District:

Elaine Leung, Planner

Kristy Marks, Planner

Elaine McCulloch, Parks Planner

Present for the Applicant:

Helen Sims, Agent

Paul Turner, Owner

Adam Sturlis, Owner

Vaughan Roberts, Engineer

The meeting was brought to order at 6:55 pm and the Chairperson outlined the agenda for the evening's meeting; stated the purpose of the Public Information Meeting; and provided background information concerning the zoning amendment process.

The Chairperson then invited the Agent for the Owner to give a presentation of the proposed zoning amendment.

Ms. Sims, Agent, gave a brief presentation. She noted the subject property is within the Urban Containment Boundary, and that the applicant is proposing to dedicate 5.3% of park, which is greater than the minimum 5%. When the adjacent larger parcel is developed, the proposal could join the park space area, to create a larger park area. She noted the property is included for street lighting.

Following the presentation, the Chairperson invited questions and comments from the audience.

Nancy Fowler, Robertson Blvd., asked if it is the same owner who owns both properties and how can it be ensured that the other lot will be developed with park as described.

Ms. Sims stated that the RDN has the right to require park lands.

The Chairperson stated that the Directors would insist that park was required at this location to be added on to this proposal.

Brian Couth (member of POSAC) stated that it is the POSAC's intention to position the park space so it could eventually be enlarged. Once it's a park, it remains untouched.

The Chairperson asked for an intermission break, as several people requested to approach the board at the front where the site plan is attached.

Lloyd Seargenson, 961 Rockland Place, stated that several members of the community including myself have thought of another idea; to dedicate park space as 'common ground'. This concept is used in European villages, a common area. The proposed park could be taken out, and instead, put in a 3.0 metre park buffer along the western boundary of the property, and also perhaps along the southern property line; although the proposed park links across the road, it is only speculative.

The Chairperson stated that security is an issue and the RCMP has to review it, as they get involved.

Robbie Baird, 693 Eagle Creek, stated that this plan won't benefit us, or the rest of Area G. this only benefits you, or the people who live directly across from them. The idea of park land is that the park land is for the community.

Name not given, 565 Qualicum, asked if there any plans to retain the trees.

Ms. Sims stated they haven't discussed it, but would not be removing any in the park land area.

Ron Austin, 536 Falcon, asked if all the trees are taken out, and a bulldozer comes along and takes my fence out, who is responsible.

Ms. Sims stated that the boundaries will be properly marked, so your trees will not be damaged.

The Chairperson stated that the developers are responsible in this area.

Gary Perkins, 575 Prospect, stated that Crystal Court is narrow and when residents park along the street, there is only enough space for one car to pass. This development will result in increased traffic. He thought that Crystal Court was only supposed to be temporary and are there any plans to upgrade?

Ms. Leung stated she was not aware of any plans to upgrade; however, MOTI is responsible for all roads.

The Chairperson stated that MOTI will look after it, as it is a dedicated road and agrees that it is a narrow road.

Knox, 650 Wembley Road, stated there is a road easement.

The Chairperson stated that now it will be Ackerman.

Floyd Fleming, Parksville, stated that the points are valid, Crystal Court is narrow.

Bruce Fowler, 1063 Robertson Blvd., stated that there are not many kids in this area and we need improvements to existing parks like Neden Park; we don't need two parks - we already have Neden Park and he would rather see the 5% be donated as cash-in-lieu of park land.

The Chairperson stated that the money can only be used for park purchases in Area G.

Maurice, 965 Rockland, is concerned with water and asked are there any plans.

Ms. Sims stated that EPCOR has confirmed there is adequate water supply for the site.

Name and address not given, asked about future park land on the adjacent lot and is there anything in place that would require or guarantee the park will be put there.

Ms. Sims responded that section 941 of the *Local Government Act* states that the RDN has the right to approve the location of proposed parks.

Name and address not given, stated that with water, hopefully they don't hit the aquifer. Are there guarantees that there is enough water? There is restricted usage now, and will there be in the future.

Denise Henry, 553 Falcon, asked where the houses have access, off of the cul-de-sac. She stated that no fences can be put on Osprey Way. Will these newly developed lots be allowed fences, when we were not?

Ms. Sims responded that she didn't know why you were told you can't have fences; it might have been part of the building scheme.

Gail Murray, unknown address, asked if \$600,000.00 can only be used for new parks. Can the money be used to purchase a bigger area on the adjacent lot.

The Chairperson stated that 5% of the land on the adjacent parcel is substantial and that this isn't the only area in Area G. There are other areas that could use the money.

The Chairperson asked if there were any other questions or comments.

The Chairperson asked a second time if there were any other questions or comments.

The Chairperson asked a final time if there were any other questions or comments.

Being none, the Chairperson thanked those in attendance and announced that the Public Information Meeting was closed.

The meeting was concluded at 7:50 pm.

Elaine Leung
Recording Secretary

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500.371**

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

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

- A. This bylaw may be cited as “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.371, 2011”.
- B. The “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, is hereby amended as follows:
 - 1. By rezoning the lands as shown on attached Schedule No. ‘1’ and legally described as Lot 4, District Lot 81, Nanoose District, Plan 1799 Except That Part Lying to the South West of a Boundary Bearing South Thirty Degrees East From a Point on the North Westerly Boundary of Said Lot Distant 624.43 Feet from the North Westerly Corner of Said Lot, from Rural 1 Subdivision District ‘F’ to Residential 1 Subdivision District ‘Q’.

Introduced and read two times this ___ day of _____ 2011

Public Hearing held this ___ day of _____ 2011

Read a third time this ___ day of _____ 2011

Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this ___ day of _____ 2011

Adopted this ___ day of _____ 2011

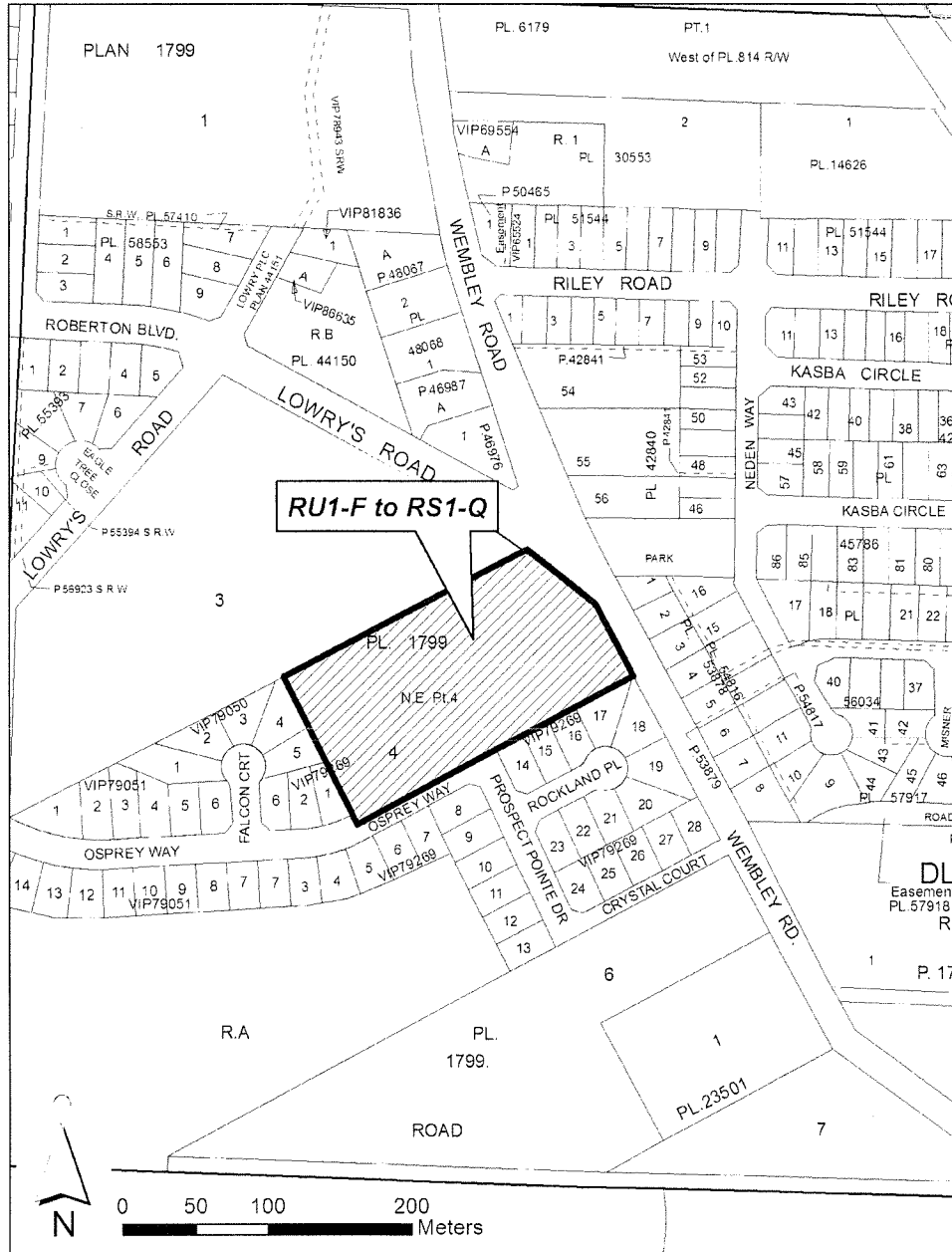
Chairperson

Sr. Mgr., Corporate Administration

Schedule No. '1' to accompany "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.371, 2011"

Chairperson

Sr. Mgr. Corporate Administration





RDN REPORT		
CAO APPROVAL <i>(Signature)</i>		
EAP	✓	Apr 12 11
COW		
APR 04 2011		
RHD		
BOARD		

MEMORANDUM

TO: Dale Lindsay
Manager Current Planning

DATE: April 1, 2011

FROM: Kristy Marks
Planner

FILE: PL2011-047

SUBJECT: **Development Permit Application No. PL2011-047**
Keith Brown & Associates Ltd.
Lot A, Sections 13, Range 6, Cranberry District, Plan VIP77592
1922 - 1940 Schoolhouse Road
Electoral Area 'A'

PURPOSE

To consider an application for a development permit to allow the construction of an industrial building on the subject property.

BACKGROUND

The Regional District of Nanaimo has received an application from Keith Brown & Associates Ltd. on behalf of 0703262 BC Ltd. to permit the construction of an industrial building. The subject property is 1.8 ha in area and is zoned Schoolhouse Road Light Industrial Comprehensive Development Zone 18 (CD18) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property currently contains one industrial building, occupied by Finning (Canada) located on the northern portion of the parcel. The property is bound by dedicated road and industrial parcels to the north, residential and undeveloped light industrial zoned parcels to the east and Schoolhouse Road and the Trans-Canada Highway to the south and west.

The proposed development is subject to the following Development Permit Area as per "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001":

- South Wellington Development Permit Area

Proposed Development

The applicant is proposing to construct a metal fabricated industrial building with an approximate floor area of 680 m² on the southern portion of the property with access from Schoolhouse Road. The location of the proposed building is shown on *Schedule No. 2* and building elevations are shown on *Schedule No. 3*.

The design of the building is well suited to the site and to other buildings on nearby industrial properties to the north and west, across the Trans-Canada Highway. The proposed building and parking areas meet the bylaw requirements with respect to height and setback requirements and adequate parking is provided based on the proposed use. No new signage is proposed at this time and no variances are requested.

ALTERNATIVES

1. To approve the request for Development Permit No. PL2011-047 subject to the conditions outlined in *Schedules No. 1 to 5*.
2. To deny the request for a Development Permit.

LAND USE & DEVELOPMENT IMPLICATIONS

Development Implications

The proposed building and site improvements are consistent with the requirements of the South Wellington Development Permit Area (DPA) objective, to ensure compatible form and character of new development within the existing community. Landscape improvements were approved through the issuance of Development Permit No. 60440 in September 2004. The landscape plan prepared by Victoria Drakeford, Landscape Architect is attached as *Schedule No. 4*. A landscape security deposit in the amount of \$14,500.00 is being held by the RDN awaiting completion of the required landscaping. Additionally, the garbage and recycling area is proposed to be located behind the front face of the building and will be screened with a concrete block wall and cedar fencing.

The applicant has provided a report prepared by John H. Morley P.Eng, Hydraulic Consultant dated March 12, 2011. The hydraulic report contains recommendations for the installation of a storm drainage system on the subject property. Surface water would be collected through a series of catch basins and oil water separators to be treated prior to runoff being directed to a French drain. The French drain is designed to capture runoff from the roof, drainage from catch basins, and potentially from the perimeter drain in order to allow runoff to percolate into the ground and to provide temporary storage of the water. This site servicing, designed by Newcastle Engineering Ltd, is attached as *Schedule No. 5*. The subject property is not underlain by the Cassidy aquifer, but an unnamed bedrock aquifer ('165 11B 10'), which is rated with a 'moderate' vulnerability. Development of the property in accordance with the recommendations contained in this report and the site servicing plans prepared by Newcastle Engineering Ltd. dated March 31, 2011, 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". The proposed development will include a heat pump, planting of native drought tolerant species, and storm drainage system designed to protect groundwater from contamination. In addition, this development represents infill development on an existing parcel of land and the creation of permanent employment opportunities.

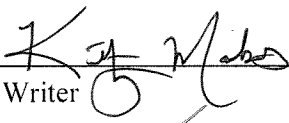
SUMMARY/CONCLUSIONS

This is an application for a Development Permit to allow the construction of an industrial warehouse building on the subject property.

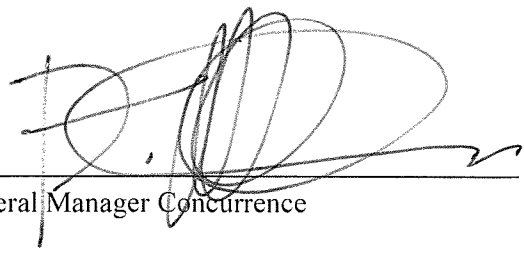
The applicant has submitted a site plan, building elevation plans, landscape plan, hydraulic report and engineered site servicing plan in support of the application. In staff's assessment, this proposal is consistent with the guidelines of the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1540, 2008" South Wellington Development Permit Area.

RECOMMENDATION

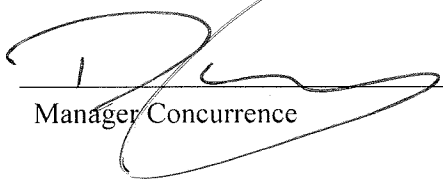
That Development Permit Application No. PL2011-047 to permit the construction of an industrial warehouse building be approved subject to the conditions outlined in *Schedules No. 1- 5*.



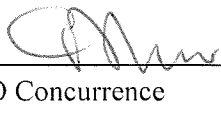
Report Writer



General Manager Concurrence



Manager Concurrence



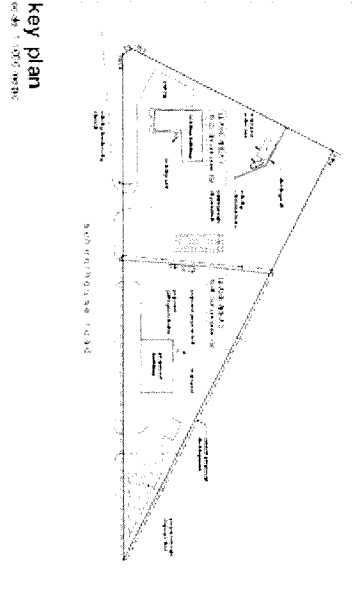
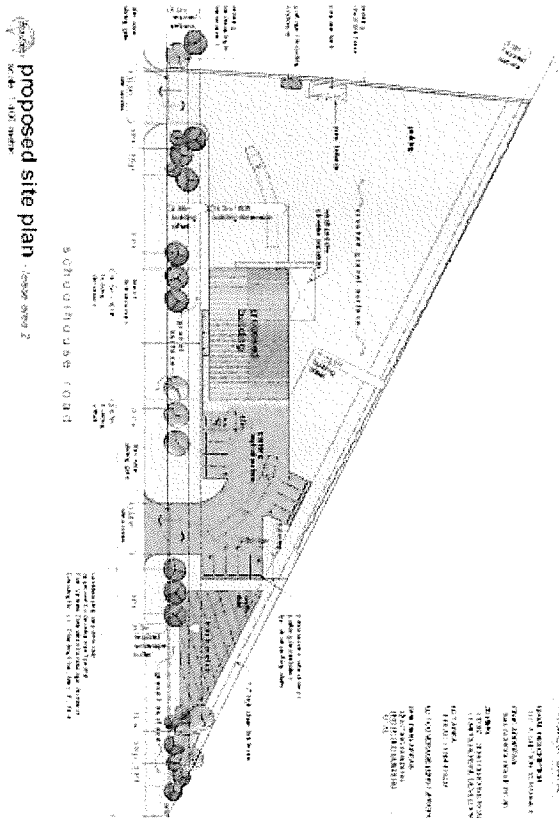
CAO Concurrence

Schedule No. 1
Conditions of Development Permit No. PL2011-047

Conditions of Approval:

1. The subject property shall be developed in accordance with the site plan prepared by Delinea Design Consultants Ltd. dated April 1, 2011, attached as *Schedule No. 2*.
2. The building shall be constructed in accordance with the elevation drawings prepared by Delinea Design Consultants Ltd. dated March 7, 2001, attached as *Schedule No. 3*.
3. A minimum of fourteen off street parking spaces, including one handicap parking space, shall be provided in accordance with *Schedule No. 2*. All parking areas shall be constructed on a hard durable surface that does not produce dust and must be delineated with painted lines or curb stops.
4. The proposed development shall be landscaped in accordance with the Landscaping Plan prepared by Victoria Drakeford, Landscape Architect and approved under Development Permit No. 60440, attached as *Schedule No. 4*.
5. The landscape deposit in the amount of \$14,500.00 shall be held until the completion of the landscape work to the satisfaction of the Regional District of Nanaimo.
6. The subject property shall be developed in accordance with the recommendations of the Hydraulic Consultants report prepared by John H. Morley, P.Eng dated March 12, 2011, and the site servicing plan prepared by Newcastle Engineering Ltd. dated March 31, 2011.

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



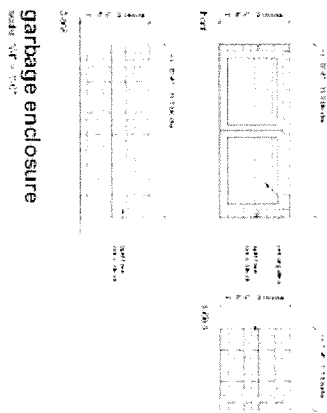
EXISTING DATA

PROPERTY INFORMATION: 1340 SCHOOLHOUSE ROAD, NANAIMO, B.C. V9T 1A1

OWNER: [Name]

PREPARED BY: [Name]

DATE: [Date]



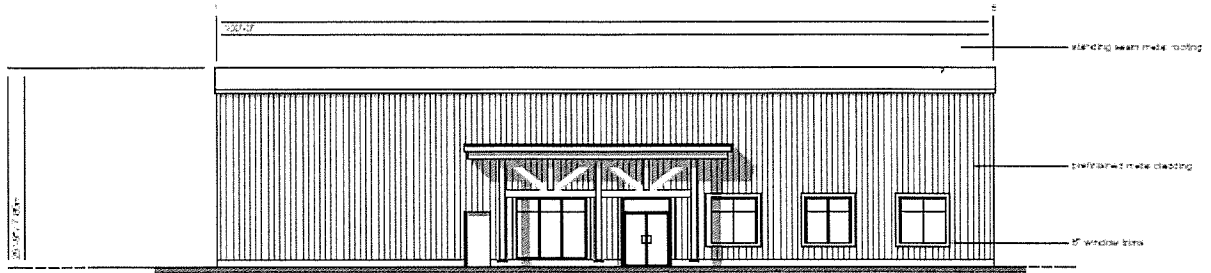
PR1.3

PROPOSED INDUSTRIAL DEVELOPMENT
 1340 SCHOOLHOUSE ROAD
 NANAIMO B.C.

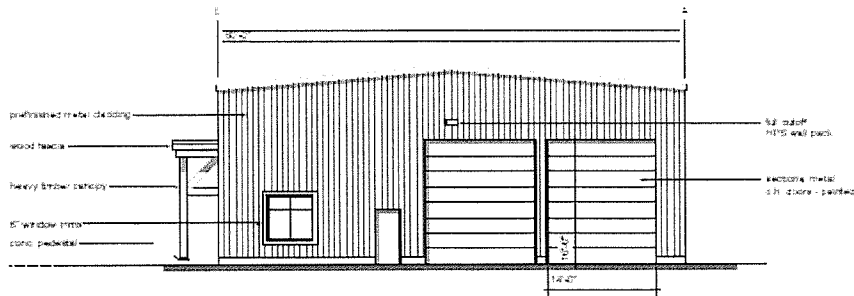
client:



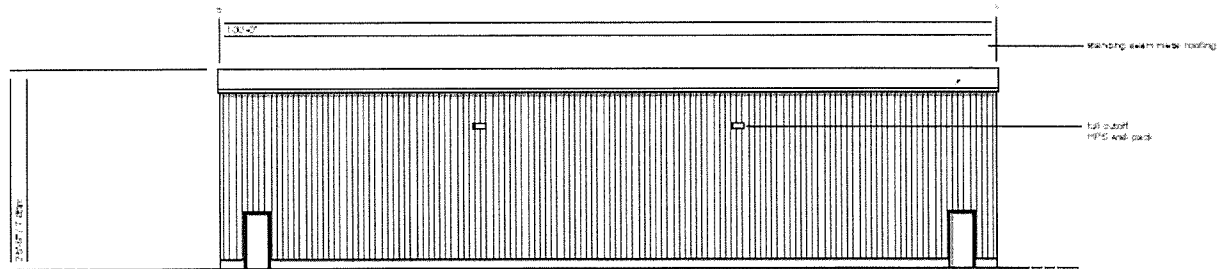
Schedule No. 3 Proposed Building Elevations



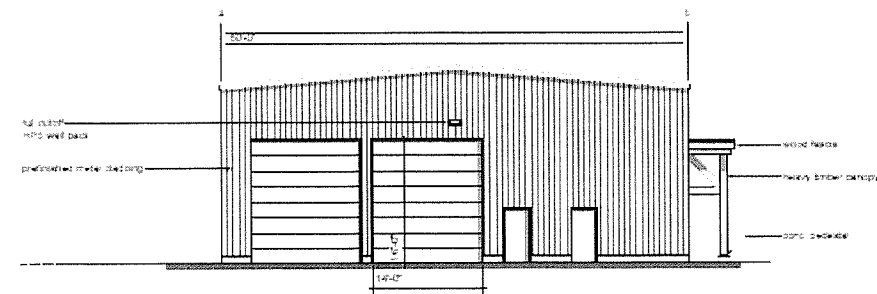
west elevation (facing Schoolhouse Road)
scale: 1/8" = 1'-0"



south elevation
scale: 1/8" = 1'-0"

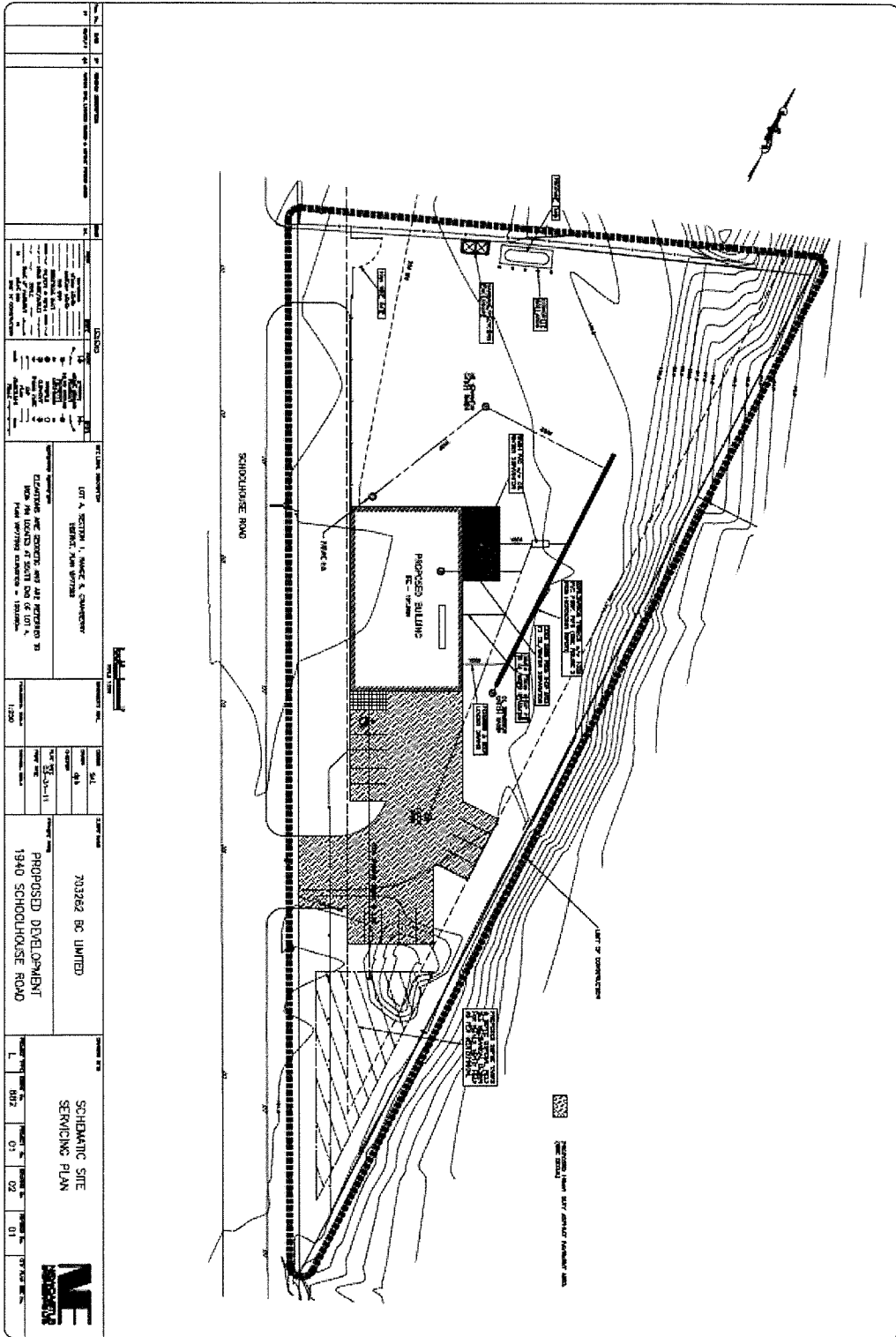


east elevation
scale: 1/8" = 1'-0"

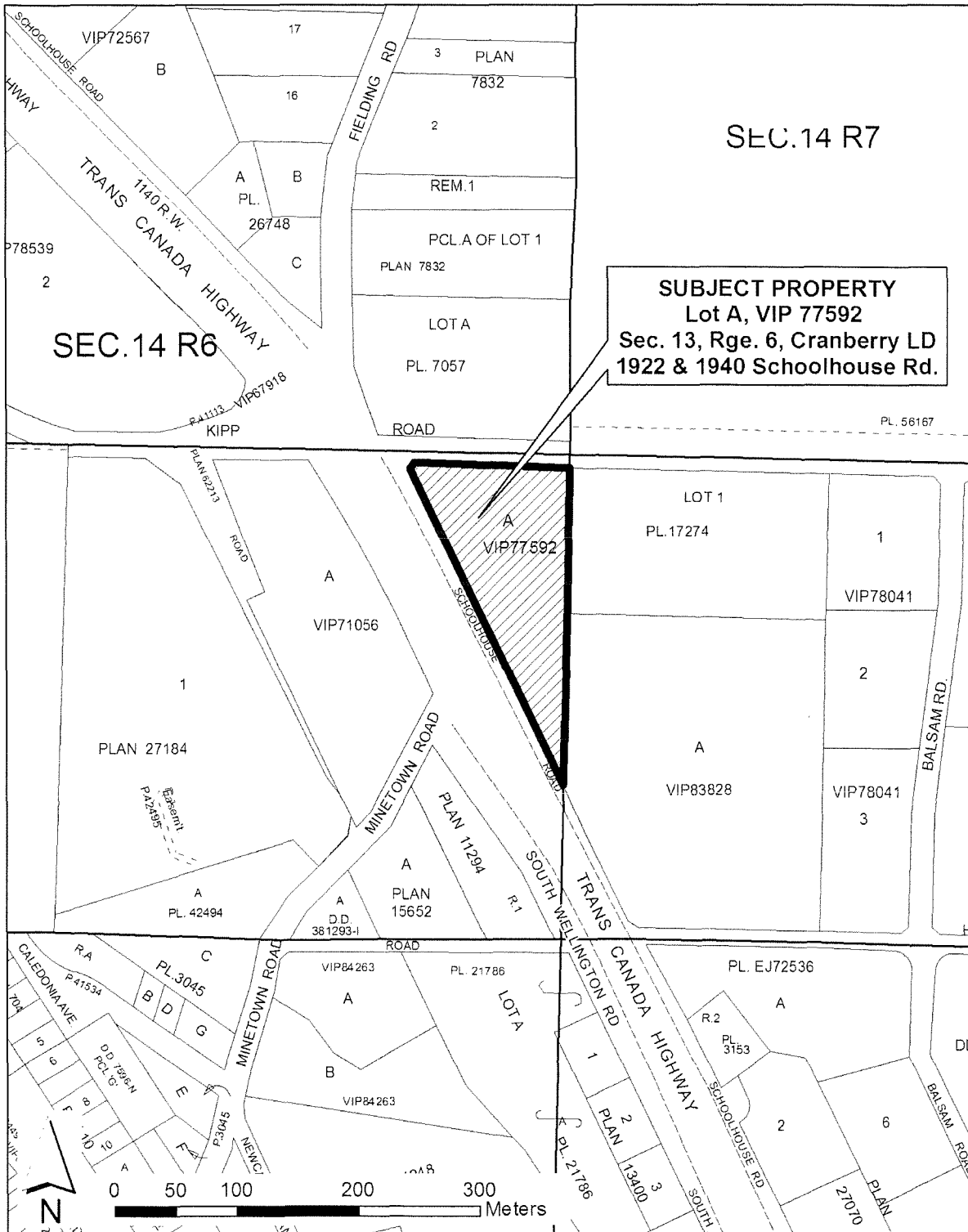


north elevation
scale: 1/8" = 1'-0"

**Schedule No. 5
 Site Servicing Plan**



Attachment No. 1
Location of Subject Property



BCGS MAPSHEET 92G 011.2.1



KUN REPORT		
CAO APPROVAL <i>[Signature]</i>		
EAP	✓	<i>Open 12/11</i>
COW	✓	
APR 04 2011		
RHD		
BOARD		

MEMORANDUM

TO: Dale Lindsay
Manager, Current Planning

DATE: March 31, 2011

FROM: Kristy Marks
Planner

FILE: PL2010-145

SUBJECT: **Development Permit with Variance and Frontage Relaxation**
Application No. PL2010-145 – 2075 and 2081 Lazy Susan Drive
Richard & Ruth Parrish
The West 60 Acres of Section 12 Range 1, Cedar District, Except Parcel A (DD 6974N), and Except Those Parts Within the Areas Outlined Red on Plans 573 RW and 1997 RW, and Except Those Parts in Plans 7914 and 23683
Electoral Area ‘A’

PURPOSE

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

BACKGROUND

The Regional District of Nanaimo (RDN) has received a Development Permit with Variance application in conjunction with a two lot subdivision proposal from Richard & Ruth Parrish on behalf of Roger & Joyce Parrish (*see Attachment No. 1 for location of subject property*).

The subject property, which has a total area of approximately 9.7 ha, is zoned Residential 2 (RS2) and is situated within Subdivision District ‘M’ (*2000 m² minimum parcel size with community water or community water and sewer or 1.0 ha minimum parcel size without community services*) as per the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”.

The property currently contains two dwelling units and a number of accessory buildings and is traversed by Hemer Creek which flows into the Nanaimo River. The property is bound by rural ALR parcels and Lazy Susan Drive to the north, smaller residential parcels to the north and east, rural residential parcels to the south, and the Harmac pipeline and rural ALR properties to the west.

The subject property is designated within the following development permit areas as per the “Regional District of Nanaimo Electoral Area ‘A’ Official Community Plan Bylaw No. 1240, 2001”:

- Fish Habitat Protection
- Streams, Nesting Trees, & Nanaimo River Floodplain

Proposed Development and Requested Variance

The applicant is proposing a two lot subdivision that would result in a 1.0 ha lot and a remainder parcel with an approximate area of 8.7 ha (*see Schedule No. 2 for Proposed Plan of Subdivision*). As part of the application process, the applicants have submitted a Riparian Areas Assessment (RAA) prepared by a Qualified Environmental Professional (QEP).

In addition, the applicants are requesting a variance to increase the maximum permitted floor area of accessory buildings from 250 m² to 403 m² in order to legalize a number of existing accessory buildings on the subject property. The variance will apply to the new remainder parcel only as the accessory buildings on the proposed 1.0 ha parcel will meet the Bylaw requirement.

Minimum 10% Perimeter Frontage Requirement

Given the limited frontage of the existing parcel, neither the proposed new lot nor the remainder lot meet the minimum 10% perimeter frontage requirement. The proposed frontage is as follows:

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% of Perimeter</i>
New Lot	113.12 m	20.0 m	1.8 %
Remainder Lot	209.05 m	87.3 m	4.2 %

As the 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 with Variance subject to the conditions outlined in *Schedule No. 1* and to approve the request for relaxation of the minimum 10% perimeter frontage requirement for the proposed new lot and the remainder lot.
2. To deny the Development Permit with Variance and the request for relaxation of the minimum 10% frontage requirement, and provide further direction to staff.

DEVELOPMENT IMPLICATIONS

Development Permit Area Implications & Variances

The applicants have provided a Riparian Areas Assessment report prepared by Streamline Environmental Consulting Ltd. dated July 13, 2010, which establishes a Streamside Protection and Enhancement Area (SPEA) of 10.0 metres for Hemer Creek and addresses the proposed subdivision. In addition, this report includes recommendations that the construction of any future stream crossing will be addressed separately under other provincial and federal regulatory requirements. Development of the property in accordance with the recommendations contained in this report is included in the Conditions of Approval set out in *Schedule No. 1*.

With respect to the requested variance to increase the maximum permitted floor area of accessory buildings from 250 m² to 403m², the applicants have indicated they have owned the property since 1988 and currently operate a sheep farm. The historical use of the property has been for farming purposes and while agriculture is not currently a permitted use in the RS2, the keeping of livestock is permitted given that the property is greater than 1.0 ha in size. In addition, previous to the adoption of Bylaw 500, 1987 the property was zoned Rural 1 as per “Regional District of Nanaimo Zoning Bylaw No. 159, 1974 which

permitted a number of uses including agriculture. Some of the existing accessory buildings pre-date the adoption of Bylaw No. 500, were historically used for farming purposes and are utilized by the current property owners today.

As part of the subdivision review process, the Ministry of Transportation and Infrastructure (MOTI) has issued a Preliminary Layout Approval (PLA) with a number of conditions including confirmation from Regional District of Nanaimo staff that all RDN bylaws have been complied with. Given that the applicants wish to retain all existing buildings on the property, a variance is required in order to legalize the accessory building floor area and meet the requirements of PLA.

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

- The largest and one of the longest standing buildings on the property is currently used as a workshop, formerly a barn. This building has an approximate floor area of 166 m² in size, is likely non-conforming given that it was constructed prior to the adoption of Bylaw No. 500, and accounts for a good portion of the variance being requested.
- Allowing the accessory buildings to remain would preserve buildings that are generally in good condition and would reduce demolition waste.
- The owners wish to remain on the property as long as possible and have applied for the subdivision in order to uphold their commitment to their son to provide him with a separate title in return for his many years of help on the property.
- There are no view or aesthetic impacts related to the requested variance given the location of the buildings in relation and the large size of the remainder parcel.

Given that the accessory buildings are currently being utilized, are generally in good condition and that there are no anticipated view or aesthetic implications, staff support the requested variance.

Ministry of Transportation and Infrastructure Implications

Ministry staff has indicated that the frontage for the proposed new parcels is acceptable. Despite the reduction in the frontage, the proposed parcels will be able to support the intended residential use. MOTI has requested the proposed subdivision layout and panhandle configuration in addition to the registration of a restrictive covenant in order to ensure that the panhandle access may be dedicated as road should the remainder parcel be subdivided at a future date.

Sustainability Implications

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

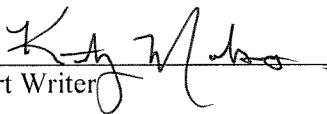
SUMMARY/CONCLUSIONS

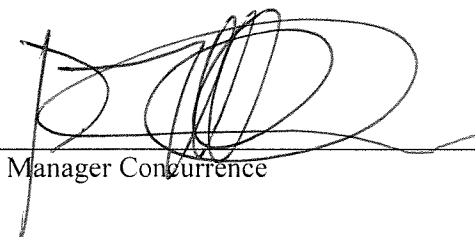
Prior to the development of the subject property, a Development Permit with Variance and relaxation of the minimum 10% perimeter frontage requirement are required. As the application is consistent with the applicable Development Permit Guidelines and as the reduced frontage will not negatively impact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

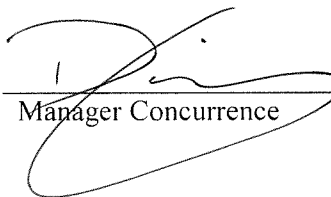
The applicant has submitted a proposed plan of subdivision, Riparian Areas Assessment report, and justification for the requested variance in support of the application. In staff's assessment, there are no anticipated impacts related to the requested variance.


RECOMMENDATIONS

1. That staff be directed to complete the required notification,
2. That Development Permit with Variance Application No. PL2010-145, in conjunction with a two lot subdivision be approved subject to the conditions outlined in *Schedule No. 1*, and
3. That the request to relax the minimum 10% perimeter frontage requirement for the proposed new lot and for the remainder lot be approved.


Report Writer


General Manager Concurrence


Manager Concurrence


CAO Concurrence

Schedule No. 1
Conditions of Approval

The following sets out the conditions of approval with respect to Development Permit with Variance No. PL2010-145:

Bylaw No. 500, 1987 – Variance

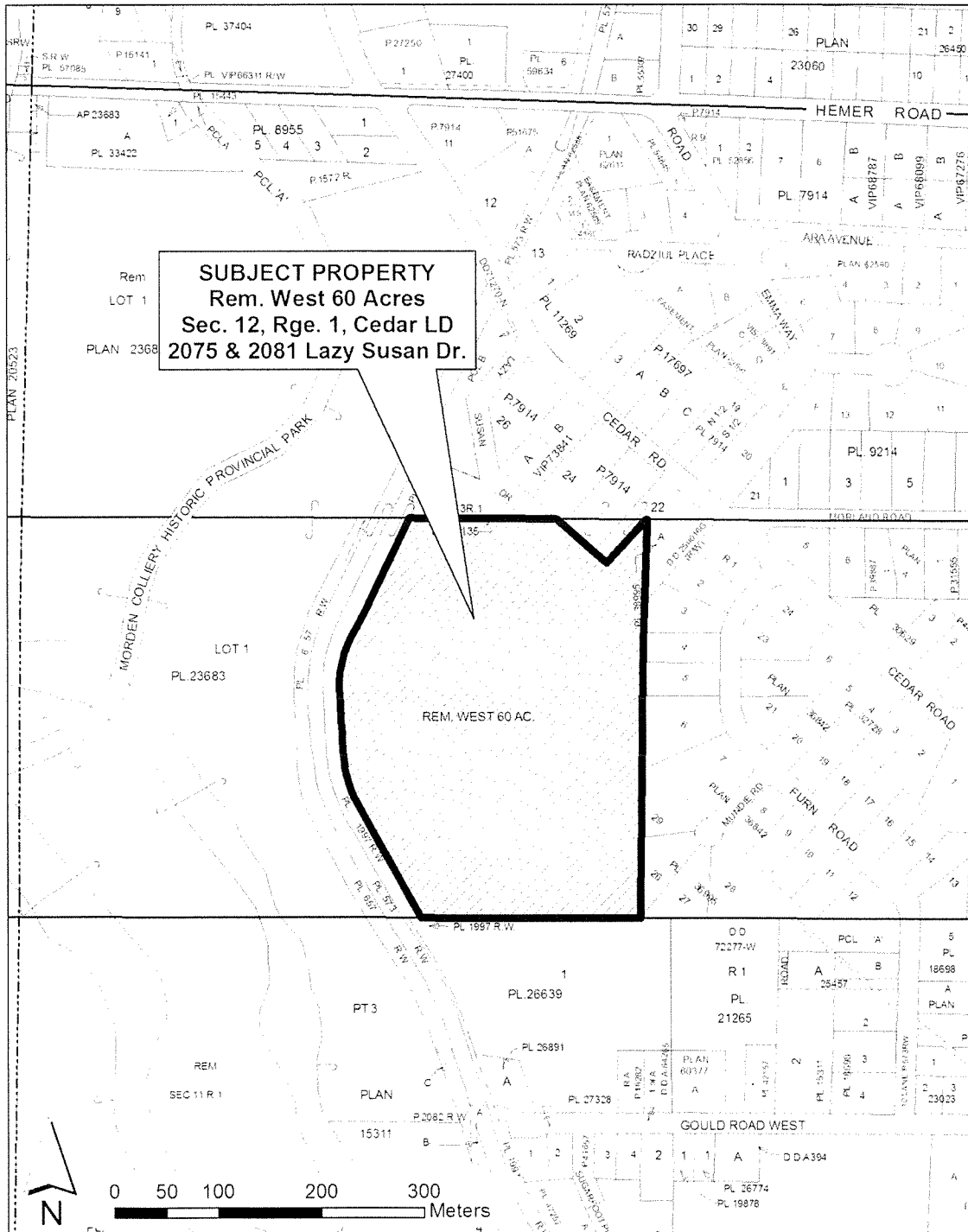
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” is varied as follows:

1. **Section 3.4.62 Maximum Number and Size of Buildings and Structures** is requested to be varied by increasing the maximum permitted floor area for accessory buildings from 250 m² to 403 m² for the buildings shown on *Schedule No. 2*.

Conditions of Approval:

1. The subdivision of the lands shall be in substantial compliance with the proposed plan of subdivision, *Schedule No. 2*.
2. The lands shall be developed in accordance with the Riparian Areas Assessment prepared by Streamline Environmental Consulting Ltd. dated July 13, 2010.

Attachment No. 1
Location of Subject Property



BCGS MAPSHEET 92G 011 2 1



CAO APPROVAL		CLM
EAP	✓	Apr 12 '11
COW		
APR 04 2011		
RHD		
BOARD		

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: March 31, 2011

FROM: Susan Cormie
Senior Planner

FILE: PL2010-230

**SUBJECT: Development Permit with Variance Application No. PL2010-230
Fern Road Consulting Ltd.
That Part of Lot 6, Plan 2410, Lying to the West of the Island Highway, Except That Part Shown Coloured Red on Plan 95RW; Lot 1, Plan 3530 Except That Part Thereof Lying East of the Island Highway; Parcel A (DD26007W) of Lot 4, Composite Plan 2410, all of District Lot 21, Newcastle District; and Lot A District Lot 33 Newcastle District, Plan VIP68847 - 6224, 6266, 6280, & 6290 Island Highway West Electoral Area 'H'**

PURPOSE

To reconsider an application for a Development Permit with Variance and a request to relax the minimum 10% perimeter frontage requirement in conjunction with a lot line adjustment subdivision proposal.

BACKGROUND

The Electoral Area Planning Committee (EAPC) may recall that this Development Permit with Variance application in conjunction with a lot line adjustment subdivision proposal from Fern Road Consulting Ltd., on behalf of Norene Wilson was denied by the Regional Board on February 22, 2011. Since that time, the Regional Approving Officer has issued a Preliminary Layout Approval (PLA) for the proposed subdivision which includes that the subdivision may be approved as per section 10 of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*. Section 10 gives the Approving Officer the ability to approve subdivisions under certain circumstances without formal approval from the Provincial Agricultural Land Commission.

As a PLA has now been issued for this subdivision application, the EAPC may now consider the Development Permit with Variance application.

The subject properties, which total 29.9 ha in size, are zoned Rural 1 (RU1) and are 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" (*see Attachment No. 1 for location of subject property*).

The subject properties are situated within the Provincial Agricultural Land Reserve. The parent parcels currently support a number of buildings and structures as follows:

- Proposed Lot A - a dwelling unit, a mobile home and accessory buildings;
- Proposed Lot B - a dwelling unit, accessory buildings and a kennel building;
- Proposed Lot C - a dwelling unit, agricultural buildings and accessory buildings; and
- Proposed Lot D - agricultural buildings (*see Schedule No. 2 for the location of existing buildings and structures*).

Surrounding land uses include rural zoned properties situated in the Provincial Agricultural Land Reserve (ALR) to the north and south, the Island Highway No. 19A to the east, and the E&N Railway Corridor to the west. In addition, there are streams, including Nash Creek, and wetlands located within the subject properties.

The subject property is designated within the following development permit areas as the Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003:

- Environmentally Sensitive Features DPA for the protection of lakes, wetlands, ponds, watercourses and streams as measured 15.0 metres from the natural boundary and top of the bank;
- Fish Habitat Protection DPA for the protection of fish habitat and their riparian areas.

It is noted that proposed Lot D will meet the exemption provisions as set out in the Development Permit Guidelines.

Proposed Development & Requested Variances

The applicant is proposing a lot line adjustment between the parent parcels resulting in four new parcels being greater than the minimum parcel size requirements (*see Schedule No. 2 for Proposed Plan of Subdivision*). The parcels are proposed to be served with community water service and individual private septic disposal systems.

As part of the application process, the applicant has submitted Riparian Assessment Report. The applicant is requesting a number of variances for some of the existing buildings from existing lot lines. These variances are outlined in Schedule No. 1.

Minimum 10% Perimeter Frontage Requirement & Minimum Panhandle Width

Proposed Lots A and B, as shown on the submitted plan of subdivision, do not meet the minimum 10% perimeter frontage requirement pursuant to section 944 of the *Local Government Act*. The requested frontages are as follows:

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% of Perimeter</i>
Lot A	79.4 m	55.7 m	6.9 %
Lot B	84.4 m	3.9 m	0.05 %

Therefore, 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.

In addition, as the panhandle portion of Lot B, which is proposed to be 3.9 metres in width, does not meet the minimum 6.0 metre width panhandle provision as per Bylaw No. 500, 1987, a variance is required.

ALTERNATIVES

1. To approve Development Permit with Variance No. PL2010-230, subject to the conditions outlined in *Schedule No. 1* and to approve the request for relaxation of the minimum 10% perimeter frontage requirement for the proposed Lots A and B.
2. To deny the Development Permit with Variance No. PL2010-230 and the request for relaxation of the minimum 10% frontage requirement (and provide further direction to staff).

LAND USE IMPLICATIONS

Agricultural Land Reserve Implications

In keeping with the guidelines of the Agricultural Land Reserve Commission to *not* extend roads into the ALR as well as the requirements of the *Land Title Act* to limit roads being extended into ALR lands, there is a limited amount of road frontage to provide access to the proposed Lots A and B. The Provincial guidelines and regulations support the requested frontage relaxation to serve these proposed parcels.

Minimum Frontage / Ministry of Transportation and Infrastructure Implications

Ministry staff has indicated that the proposed frontage for the proposed Lots A and B are acceptable to the Ministry. Despite the reduction in the frontage, the parcels will be able to continue to support residential and agricultural uses.

The panhandle proposed to serve proposed Lot B has been in place for many years serving as access to the larger parent parcel (Lot 1). Therefore, as there are no changes to the historical panhandle and the parcel size is being reduced, staff supports the variance to reduce the minimum width of the panhandle.

Development Permit Implications

With respect to the Riparian Assessment, the report, which establishes a 10.5 metre Streamside Protection Environmental Area (SPEA) for Nash Creek; a 10.0 metre SPEA for the Nash Creek Tributary; and a 5.0 metre SPEA for the ditch and pond, concludes that, as there is no subdivision-related development activity to occur within the SPEAs, there are no impacts and post monitoring required.

Proposed Variances / Existing Land Use & Building Implications

As part of this Development Permit with Variance application, the applicant is requesting a number of variances to recognize some of existing buildings which the applicant's agent has indicated are in good condition and legalize the existing panhandle width on proposed Lot B.

Proposed Lot A:

Existing Dwelling Unit:

- **Section 3.4.81 Minimum Setback Requirements subsection 2.** is proposed to be varied by relaxing the minimum setback for the north lot line from 8.0 metres to 2.7 metres in order to recognize the siting of the existing dwelling unit.

Existing Mobile Home:

- **Section 3.4.81 Minimum Setback Requirements subsection 2.** is proposed to be varied by relaxing the minimum setback for the north lot line from 8.0 metres to 7.7 metres in order to recognize the siting of the existing mobile home.

Existing Sheds Labeled 1 and 2:

- **Section 3.4.81 Minimum Setback Requirements subsection 2.** is proposed to be varied by relaxing the minimum setback for the north lot line from 8.0 metres to 1.9 metres and 2.8 metres respectively in order to recognize the siting of the existing accessory buildings labeled shed 1 and shed 2.

Proposed Lot B:

Proposed Panhandle:

- **Section 4.5 Parcel Shape and Dimensions subsection 3) b)** is proposed to be varied by relaxing the minimum 6.0 m width panhandle requirement to 3.9 m width panhandle to allow the creation of proposed Lot B.

Proposed Lot C:

Existing Coop and Shed:

- **Section 3.4.81 Minimum Setback Requirements subsection 2.** is proposed to be varied by relaxing the minimum setback for the south lot line from 8.0 metres to 4.0 metres and in order to recognize the siting of the existing accessory buildings labeled shed and the existing agricultural building labeled coop.

As the requested variances to legalize existing conditions will, in staff's opinion, not negatively impact adjacent properties or result in unreasonable setbacks, staff recommends that the variances be approved.

PUBLIC IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

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

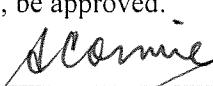
SUMMARY/CONCLUSIONS

This report addresses the reconsideration of a Development Permit with Variance and relaxation of the minimum 10% perimeter frontage requirement for two of the proposed parcels. As the Approving Officer has now issued a Preliminary Layout Approval for the proposed subdivision which includes approval as per the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*, this application may be considered. The subject properties are designated within the Fish Habitat Protection and Environmentally Sensitive Features Development Permit Areas (DPAs) for the protection of watercourses and their riparian areas as per the Electoral Area 'H' OCP. 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 the application is consistent with the applicable Development Permit Guidelines and as the reduced frontages will not negatively impact future uses of the proposed Lots A and B, staff recommends approval of the Development Permit with Variance and relaxation of the minimum 10% perimeter frontage requirement.

RECOMMENDATIONS

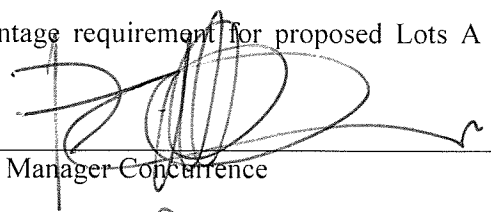
1. That staff be directed to complete the required notification.
2. That Development Permit with Variance Application No. PL2010-230 in conjunction with a lot line adjustment subdivision be approved subject to the conditions outlined in *Schedule No. 1*.
3. That the request to relax the minimum 10% perimeter frontage requirement for proposed Lots A and B, be approved.



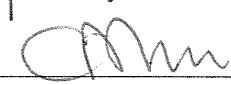
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

Schedule No. 1
Development Permit with Variance Application No. PL2010-230
Conditions of Approval/Proposed Variances

The following sets out the conditions of approval with respect to Development Permit No. PL2010-230:

1. Subdivision

The subdivision of the lands shall be in substantial compliance with *Schedule No. 2* (to be attached to and forming part of Development Permit with Variance No. PL2010-230).

2. Riparian Assessment

The Riparian Area Assessment No. 1875 prepared by Steve Toth and dated May 26, 2010 (to be attached to and forming part of the Development Permit with Variance as *Schedule No. 3*) applies only to the lot line adjustment subdivision of the parent parcels requiring no associated subdivision related works within the SPEAs. If any subdivision related works, including drainage works or driveways, are to occur in the SPEAs or if there is any future development proposed to occur within the SPEAs, a further riparian area assessment prepared by a Qualified Environmental Professional and registered with the Ministry of Environment will be required.

3. Proposed Variances

The following sets out the proposed variances with respect to Development Permit with Variance No. PL2010-230 (as shown on Proposed Plan of Subdivision prepared by Sims Associates, BCLS and dated revision 2010/12/03):

Proposed Lot A:

Existing Dwelling Unit:

- **Section 3.4.81 Minimum Setback Requirements subsection 2.** is proposed to be varied by relaxing the minimum setback for the north lot line from 8.0 metres to 2.7 metres in order to recognize the siting of the existing dwelling unit.

Existing Mobile Home:

- **Section 3.4.81 Minimum Setback Requirements subsection 2.** is proposed to be varied by relaxing the minimum setback for the north lot line from 8.0 metres to 7.7 metres in order to recognize the siting of the existing mobile home.

Existing Sheds Labeled 1 and 2:

- **Section 3.4.81 Minimum Setback Requirements subsection 2.** is proposed to be varied by relaxing the minimum setback for the north lot line from 8.0 metres to 1.9 metres and 2.8 metres respectively in order to recognize the siting of the existing accessory buildings labeled shed 1 and shed 2.

Proposed Lot B:

Proposed Panhandle:

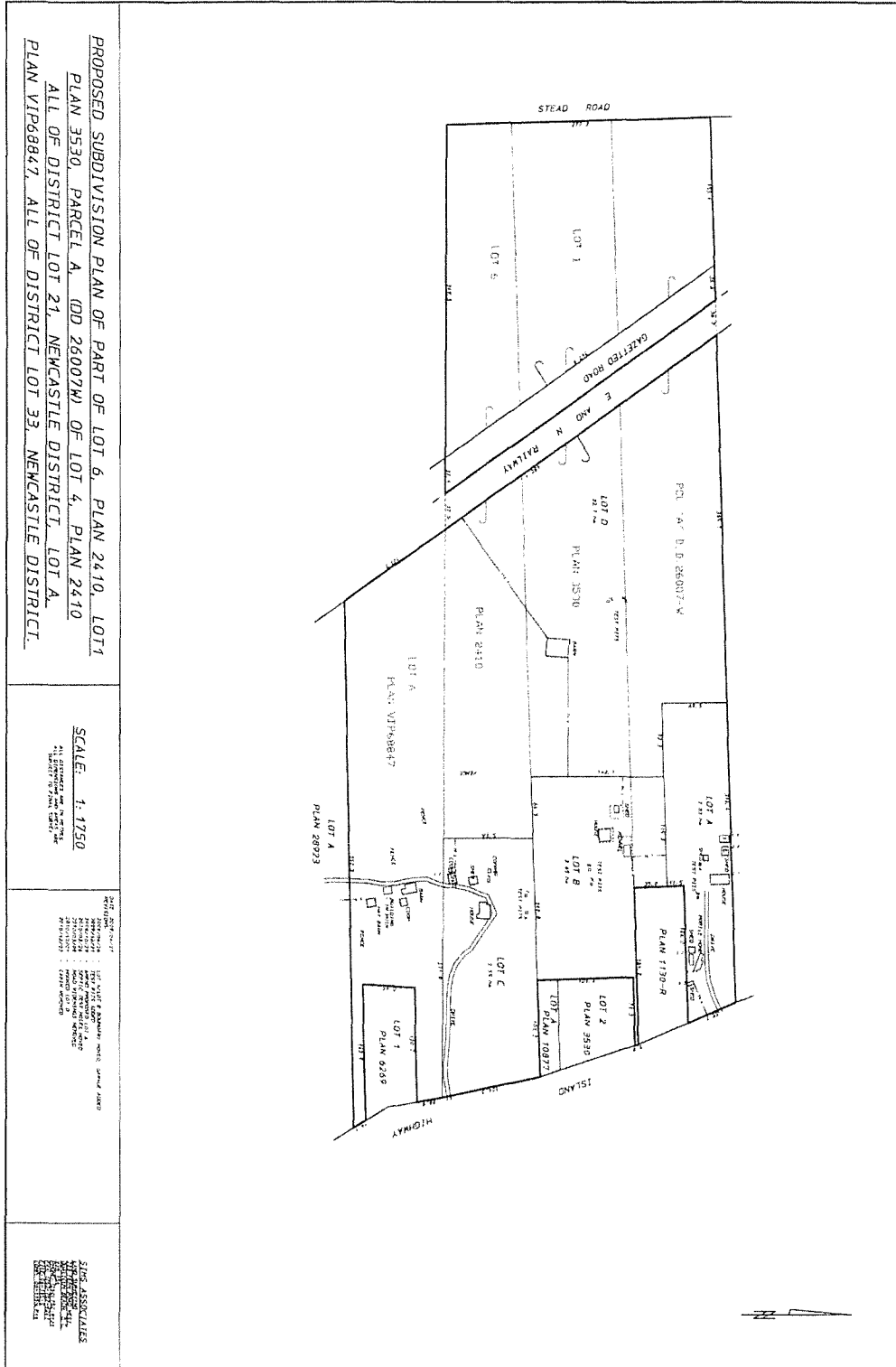
- **Section 4.5 Parcel Shape and Dimensions subsection 3) b)** is proposed to be varied by relaxing the minimum 6.0 m width panhandle requirement to 3.9 m width panhandle to allow the creation of proposed Lot B.

Proposed Lot C:

Existing Coop and Shed:

- **Section 3.4.81 Minimum Setback Requirements subsection 2.** is proposed to be varied by relaxing the minimum setback for the south lot line from 8.0 metres to 4.0 metres and in order to recognize the siting of the existing accessory buildings labeled shed and the existing agricultural building labeled coop.

Schedule No. 2
Development Permit No. PL2010-230
Proposed Plan of Subdivision



PROPOSED SUBDIVISION PLAN OF PART OF LOT 6, PLAN 2410, LOT 1
 PLAN 3530, PARCEL A (OD 26007W) OF LOT 4, PLAN 2410
 ALL OF DISTRICT LOT 21, NEWCASTLE DISTRICT, LOT A,
 PLAN V1P08847, ALL OF DISTRICT LOT 33, NEWCASTLE DISTRICT.

SCALE: 1:1750

DATE: 2011/03/31
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]
 TITLE: [Title]

SINCE ASSOCIATES
 100-1000 [Address]
 [City] [State] [Zip]



RDN REPORT		
CAO APPROVAL <i>[Signature]</i>		
EAP	✓	Apr 12 '11
COW		
RHD		
BOARD		

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: March 25, 2011

FROM: Elaine Leung
Planner

FILE: PL2011-014

SUBJECT: Development Permit with Variance Application No. PL2011-014
Fern Road Consulting
Lot C, District Lot 22, Newcastle District, Plan VIP88349
Electoral Area 'H'

PURPOSE

To consider an application for a Development Permit with Variance, in conjunction with an eight lot subdivision.

BACKGROUND

The Regional District of Nanaimo has received a Development Permit with Variance application from Fern Road Consulting Ltd. on behalf of Mahoe Properties (2002) Ltd. The subject property is surrounded by the Island Highway, Linx Road and an unconstructed road right-of-way (*see Attachment No. 1 for location of subject property*). The site is zoned Residential 6 (RS6) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."

The subject property (*see Attachment No. 1*) is subject to the following Development Permit Area (DPA) pursuant to "Regional District of Nanaimo Area 'H' Official Community Plan Bylaw No. 1335, 2005:"

In conjunction with a subdivision application to create eight lots (PL2010-235), the applicant is requesting a variance in order to vary the minimum setbacks from a watercourse. The applicants have submitted a report prepared by a Qualified Environmental Professional (QEP) which has identified a small watercourse between proposed Lots 3 and 4, and has recommended a 10.0 metre Streamside Protection Enhancement Area (SPEA). The applicants wish to vary the watercourse setbacks in order to coincide with the submitted Riparian Areas Assessment Report.

The subject property (*see Attachment No. 1*) is subject to the following Development Permit Area (DPA) pursuant to "Regional District of Nanaimo Area 'H' Official Community Plan Bylaw No. 1335, 2005":

- Fish Habitat Protection.

Proposed Variance

The applicant proposes to vary minimum setbacks from a watercourse by varying Section 3.3.8 from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” as follows:

- *General Regulations – Setbacks – Water:* By varying the minimum setback from 15.0 metres to 10.0 metres horizontal distance from the natural boundary.

ALTERNATIVES

1. To approve the Development Permit with Variance No. PL2011-014 as requested.
2. To deny the Development Permit with Variance No. PL2011-014.

LAND USE IMPLICATIONS

The Fish Habitat Protection DPA is defined as 30.0 metres as measured from the top of the bank. In support of the Development Permit the applicant has submitted a Riparian Area Assessment (RAA) prepared by a Qualified Environmental Professional (QEP) in accordance with the requirements of the Riparian Areas Regulations (RAR). The report identified the Streamside Protection and Enhancement Area (SPEA) for this watercourse to be 10.0 metres. The applicant is requesting a variance from 15 meters to 10 meters in order to allow the required setback with the recommendations of the RAA.

Staff note that as part of a subdivision application for the parent parcel in 2009 the matter of park land dedication was satisfied. As such, park dedication or cash-in-lieu is not required as a result of the proposed subdivision.

Ministry of Transportation and Infrastructure Implications

The Ministry of Transportation and Infrastructure (MOTI) have issued a Preliminary Layout Approval (PLA) for the proposed subdivision.

Sustainability Implications

The applicant has completed the “Sustainable Community Builder Checklist” as per Board policy. In Staff’s opinion there are no sustainability implications resulting from this proposal.

Public Consultation Process

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

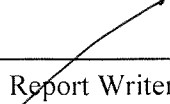
SUMMARY/CONCLUSIONS

This is an application for a Development Permit with Variance to vary the minimum setback from a watercourse from 15.0 metres from the natural boundary to 10.0 metres. A Qualified Environmental Professional has completed a RAA in compliance with the DP guidelines. The assessment established a 10.0 metre SPEA as an appropriate setback. The Ministry of Transportation and Infrastructure have issued a Preliminary Layout Approval for the subdivision. Staff are of the opinion that the development is consistent with the guidelines and recommends approval of the Development Permit with Variance.

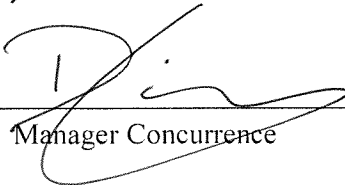
RECOMMENDATION

That;

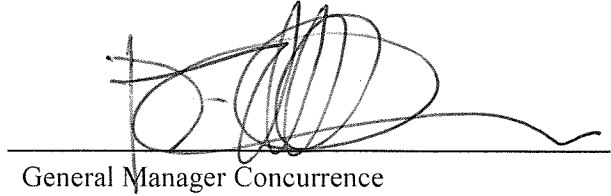
1. Staff be directed to complete the required notification and;
2. The Development Permit with Variance Application No. PL2011-014 be approved subject to the conditions outlined in Schedules No. 1 - 2.



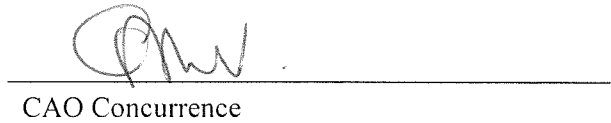
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

Schedule No. 1
Terms of Development Permit with Variance No. PL2011-014

Conditions of approval:

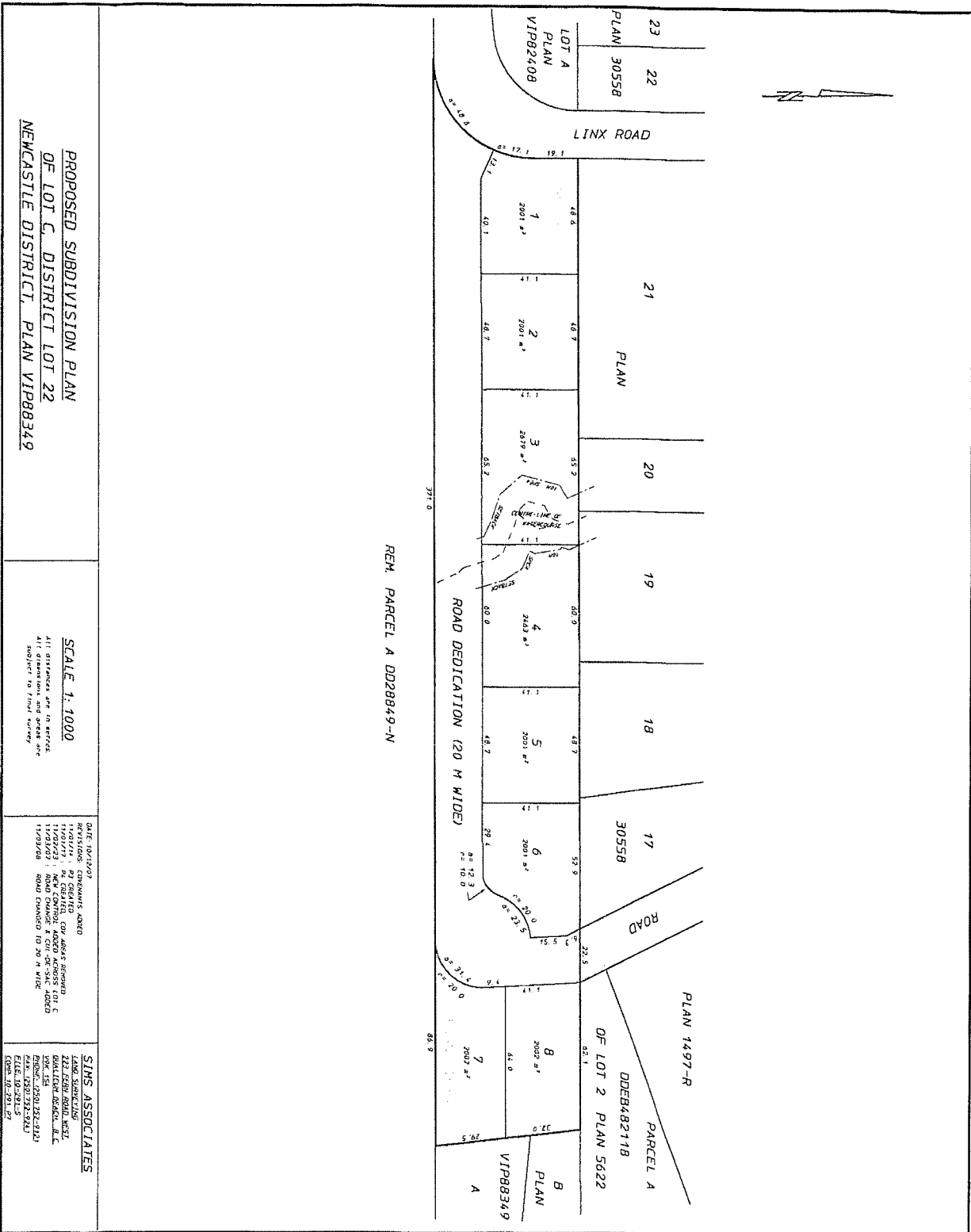
1. The subdivision of the lands shall be in substantial compliance with the proposed plan of subdivision attached as Schedule No. 2

Bylaw No. 500, 1987 – Requested Variance

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

1. **Section 3.3.8 General Regulations; Setbacks – Water** is hereby varied by reducing the minimum setback from 15.0 metres horizontal distance from the natural boundary, to 10.0 metres, as shown on *Schedule No. 2*.

Schedule No. 2
 Site Plan



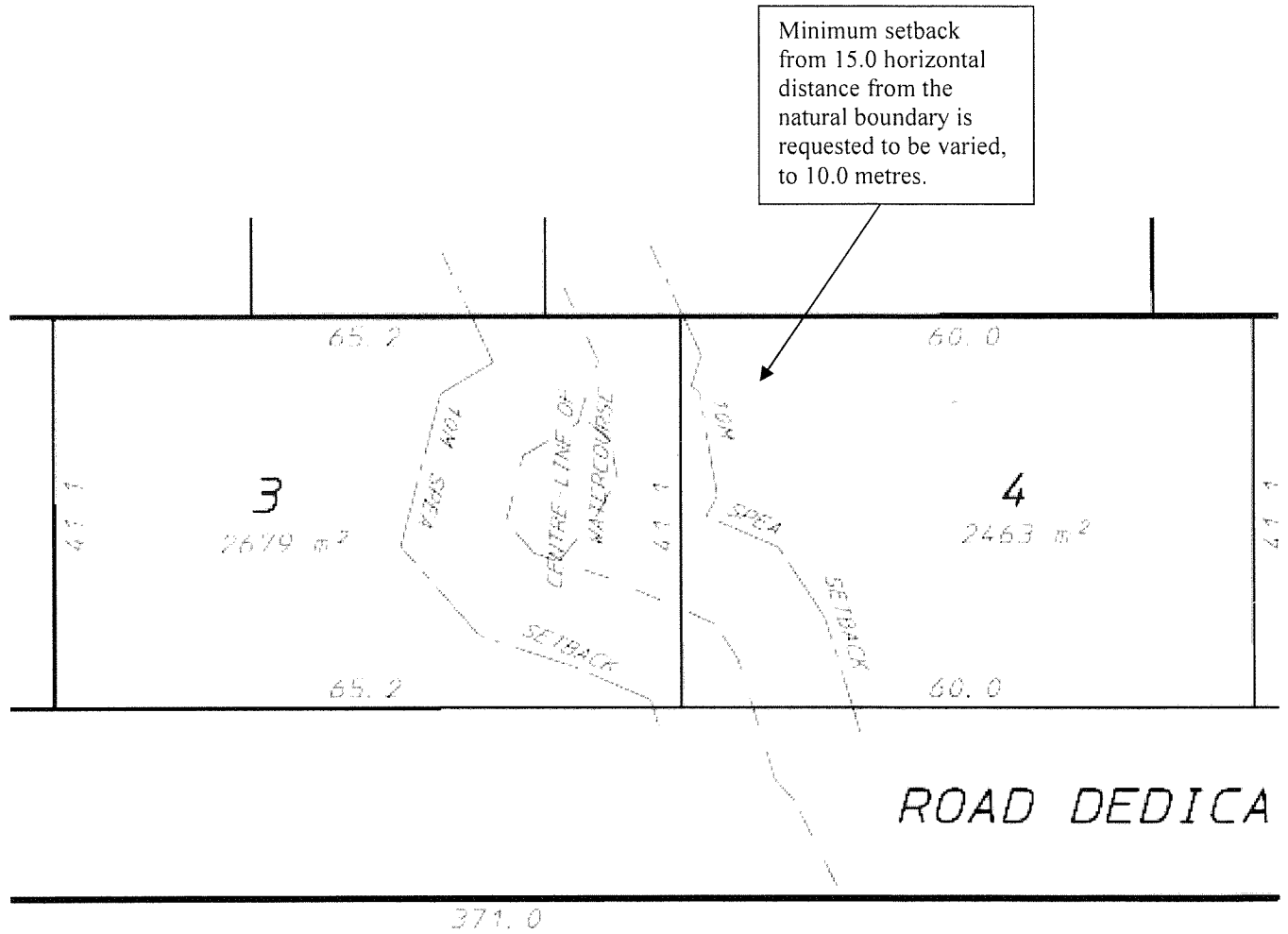
PROPOSED SUBDIVISION PLAN
 OF LOT C, DISTRICT LOT 22
 NEWCASTLE DISTRICT, PLAN VIP88349

SCALE 1:1000
 ALL DIMENSIONS ARE IN METRES
 UNLESS OTHERWISE SPECIFIED

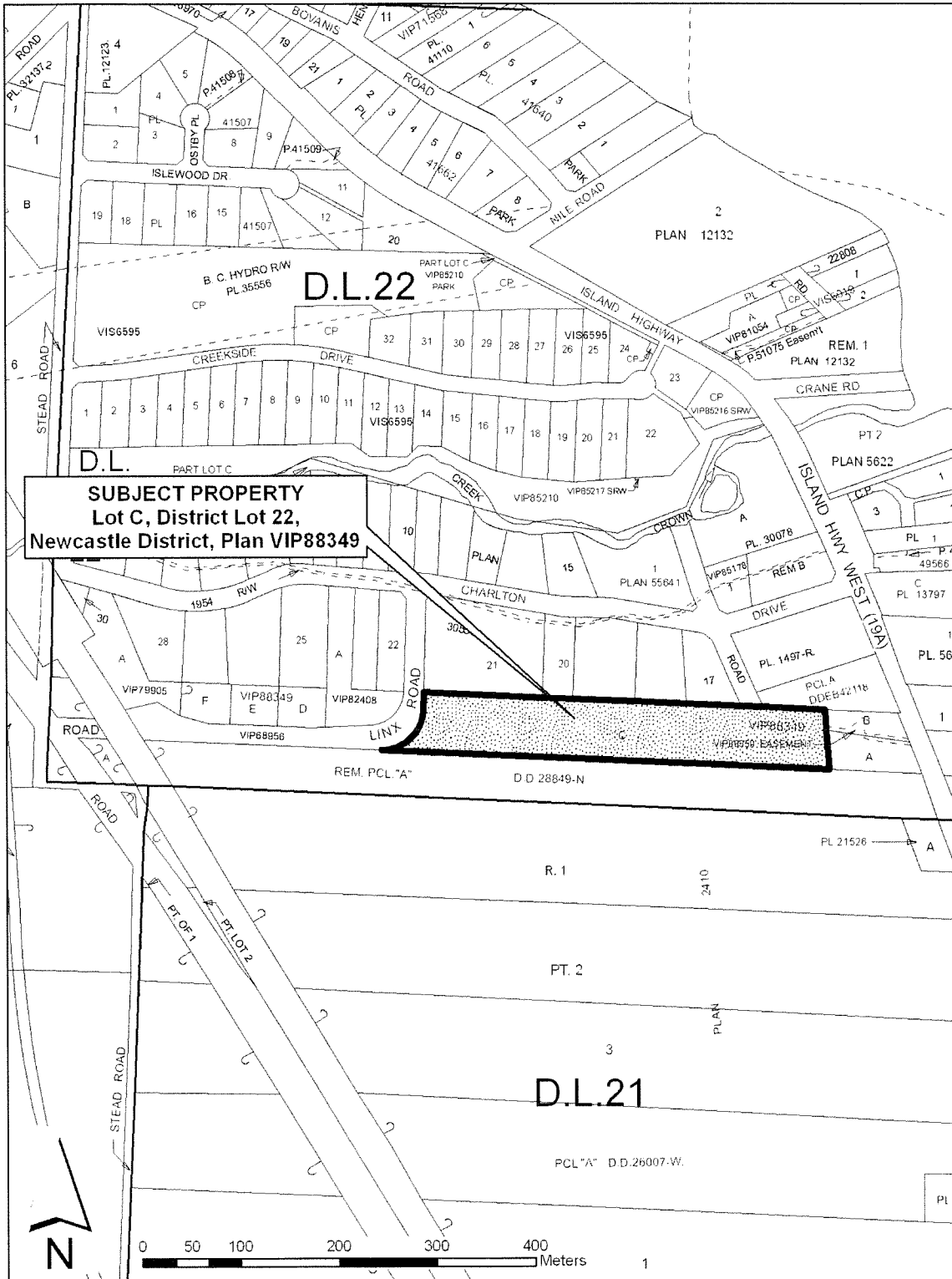
DATE: 10/12/07
 DRAWN BY: J. G. GRIFFIN
 CHECKED BY: M. G. GRIFFIN
 DATE: 11/03/07
 ROAD CHANGE & CIVIL ENGINEERING
 ROAD CHANGE 10.20 M WIDE

SIMS ASSOCIATES
 1200 WESTERN AVENUE
 SUITE 100
 VICTORIA, BC V8W 2E1
 TEL: (250) 383-2222
 FAX: (250) 383-2223
 WWW.SIMS-ASSOCIATES.COM

Detailed Site Plan



Attachment No. 1
Location of Subject Property



BCGS MAPSHEETS: 92F.047.2.1.2.2



RDN REPORT	
CAO APPROVAL <i>CM</i>	
EAP	✓ <i>April 12 '11</i>
CCW	
APR 14 2011	
RHD	
BOARD	

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: March 30, 2011

FROM: Kristy Marks
Planner

FILE: PL2011-036

SUBJECT: **Development Variance Permit Application No. PL2011-036 – S & K Stouffer
Lot 13, Block J, District Lot 38, Nanoose District, Plan 13054 - 1454 The Outrigger
Electoral Area ‘E’**

PURPOSE

To consider an application for a Development Variance Permit to legalize the siting of an existing garage and carport on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from S. & K. Stouffer to legalize the siting of an existing single storey garage and carport. The subject property is approximately 1137 m² in area and is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment No. 1 for location of subject property). The property is bound by Pilot Way to the north, The Outrigger to the west, and developed residential parcels to the south and east. The property currently contains a dwelling unit and detached garage and carport. The carport addition was constructed in approximately 2008 without a building permit and if the variance is approved the applicants will obtain the necessary building permit to legalize the existing structure.

Proposed Variance

The applicant is requesting a variance to reduce the setback from the front lot line from 8.0 metres to 0.15 metres in order to legalize the siting of the existing garage and carport.

ALTERNATIVES

1. To approve the Development Variance Permit No. PL2011-036 subject to the conditions outlined in *Schedules No. 1 - 3.*
2. To deny the Development Variance Permit No. PL2011-036.

DEVELOPMENT IMPLICATIONS

The applicant is requesting a variance to the setback from the front lot line in order to legalize the siting of an existing garage and carport on the subject property. The location of the garage and carport are shown on *Schedule No. 2* and a photograph of the building is shown on *Schedule No. 3.*

The property owner has indicated that the existing garage has been a long-standing building on the property, pre-dating their purchase of the property in 1997. There are no building permit records on file for the dwelling unit or garage. The carport addition was constructed in approximately 2008 without a

building permit and since its construction, the applicant is requesting a variance and will obtain the necessary building permit in order to legalize the structure. The applicant has obtained a permit to reduce building setback to less than 4.5 metres from the Ministry of Transportation and Infrastructure (MOTI), with the condition that the applicants also obtain a variance permit from the RDN.

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

- The applicants were under the impression that there had been a non-conforming carport in this location in the past, given the asymmetrical roof line of the existing garage and the existing cement pad beside the garage and thought they were replacing a non-conforming structure.
- Given the current layout of the property, siting of the existing garage and developed yard space, siting the carport next to the existing garage seemed like the most logical, efficient location for the carport.
- MOTI has issued a permit to reduce the building setbacks and have no concerns with the siting of the existing garage and carport.
- There are no anticipated view or aesthetic impacts related to the requested variance.

Given that there are no anticipated view or aesthetic impacts related to the requested variance and that MOTI has issued a permit to reduce the setback from a highway, staff support the requested variance to reduce the setback.

Public Consultation Process

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

SUMMARY/CONCLUSIONS

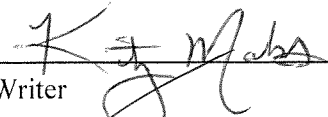
This is an application for a Development Variance Permit to reduce the minimum setback from the front lot line to legalize the siting of an existing garage and carport on the subject property.

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

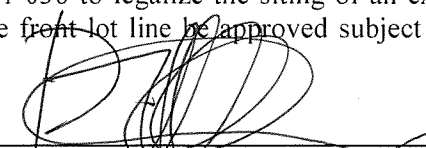
RECOMMENDATION

That:

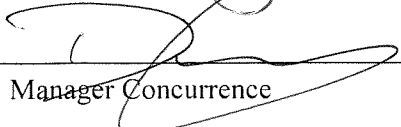
1. Staff be directed to complete the required notification, and
2. The Development Variance Permit application No. PL2011-036 to legalize the siting of an existing garage and carport with a variance to the setback from the front lot line be approved subject to the conditions outlined in *Schedules No. 1- 3*.



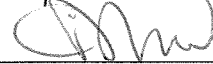
 Report Writer



 General Manager Concurrence



 Manager Concurrence



 CAO Concurrence

Schedule No. 1
Terms of Development Variance Permit No. PL2011-036

Bylaw No. 500, 1987 – Variance

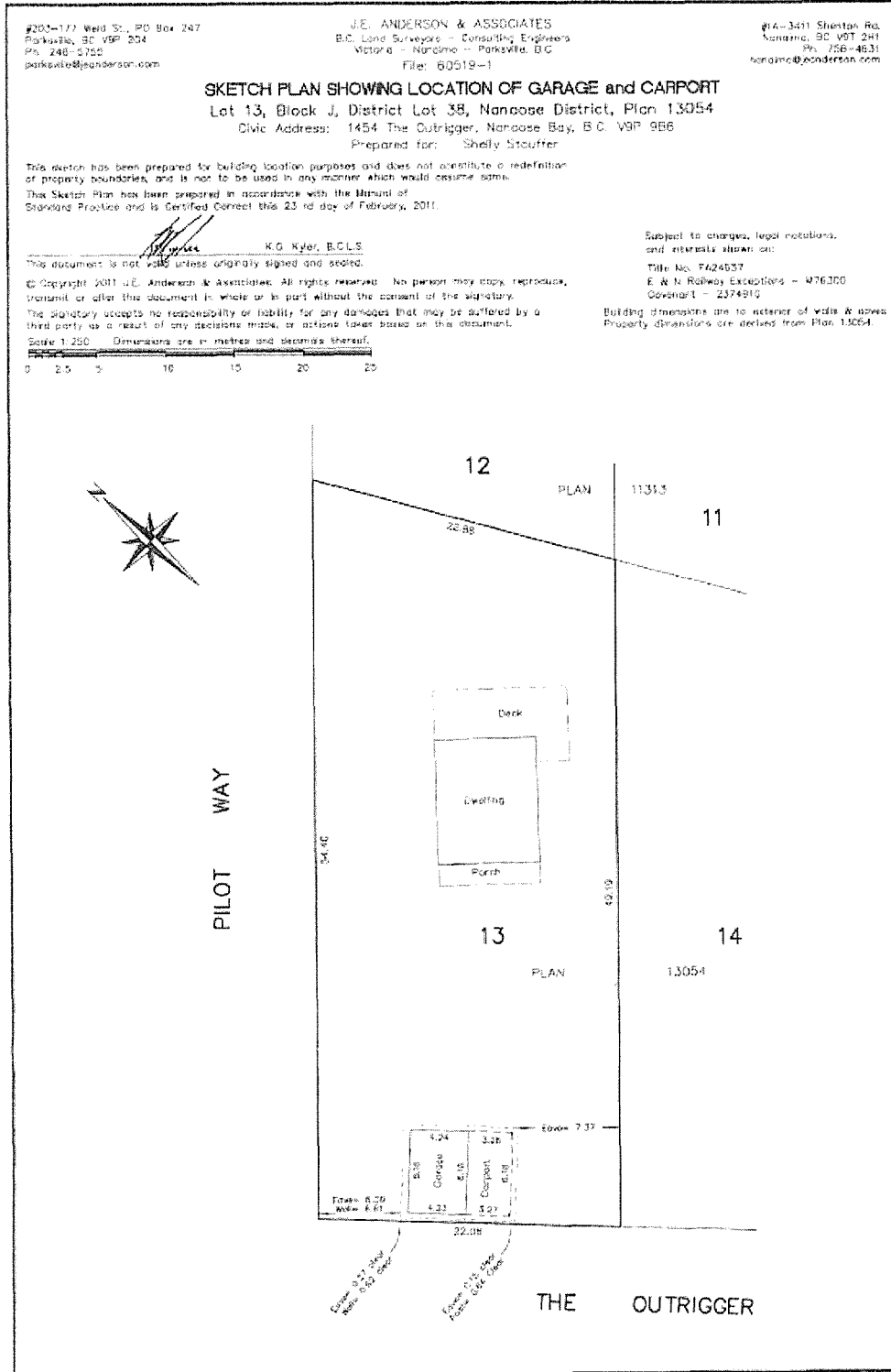
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” is varied as follows:

1. **Section 3.4.61 Minimum Setback Requirements** is hereby varied by reducing the setback from the front lot line from 8.0 metres to 0.15 metres for an existing dwelling unit as shown on *Schedule No. 2*.

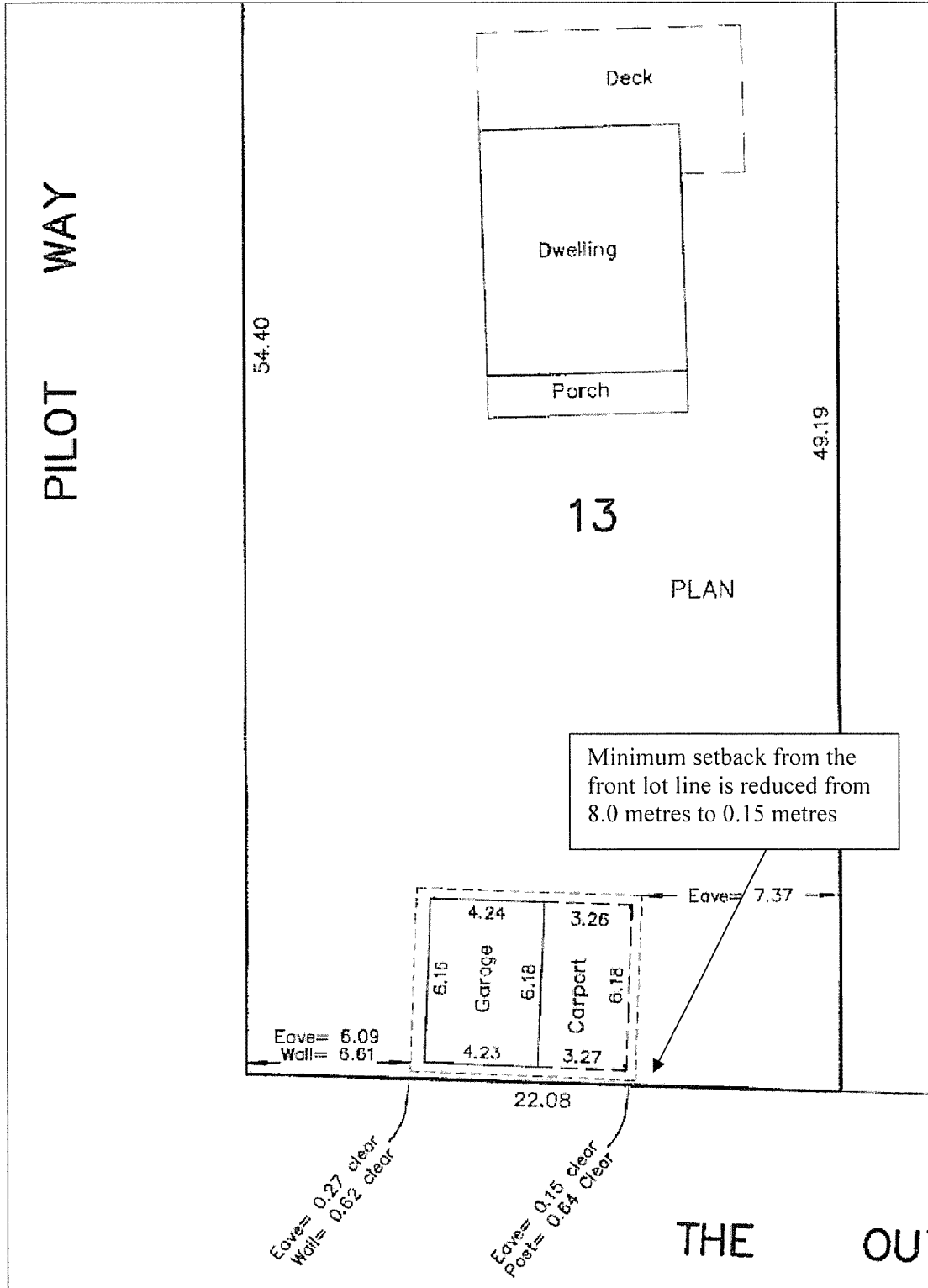
Conditions of Approval:

1. The garage and carport shall be sited in accordance with the site plan prepared by J.E. Anderson & Associates dated February 23, 2011, attached as *Schedule No. 2*.
2. The garage and carport shall be constructed in general accordance with the photograph as shown on *Schedule No. 3*.
3. The applicant shall obtain a building permit for the carport from the Regional District of Nanaimo Building Department.

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



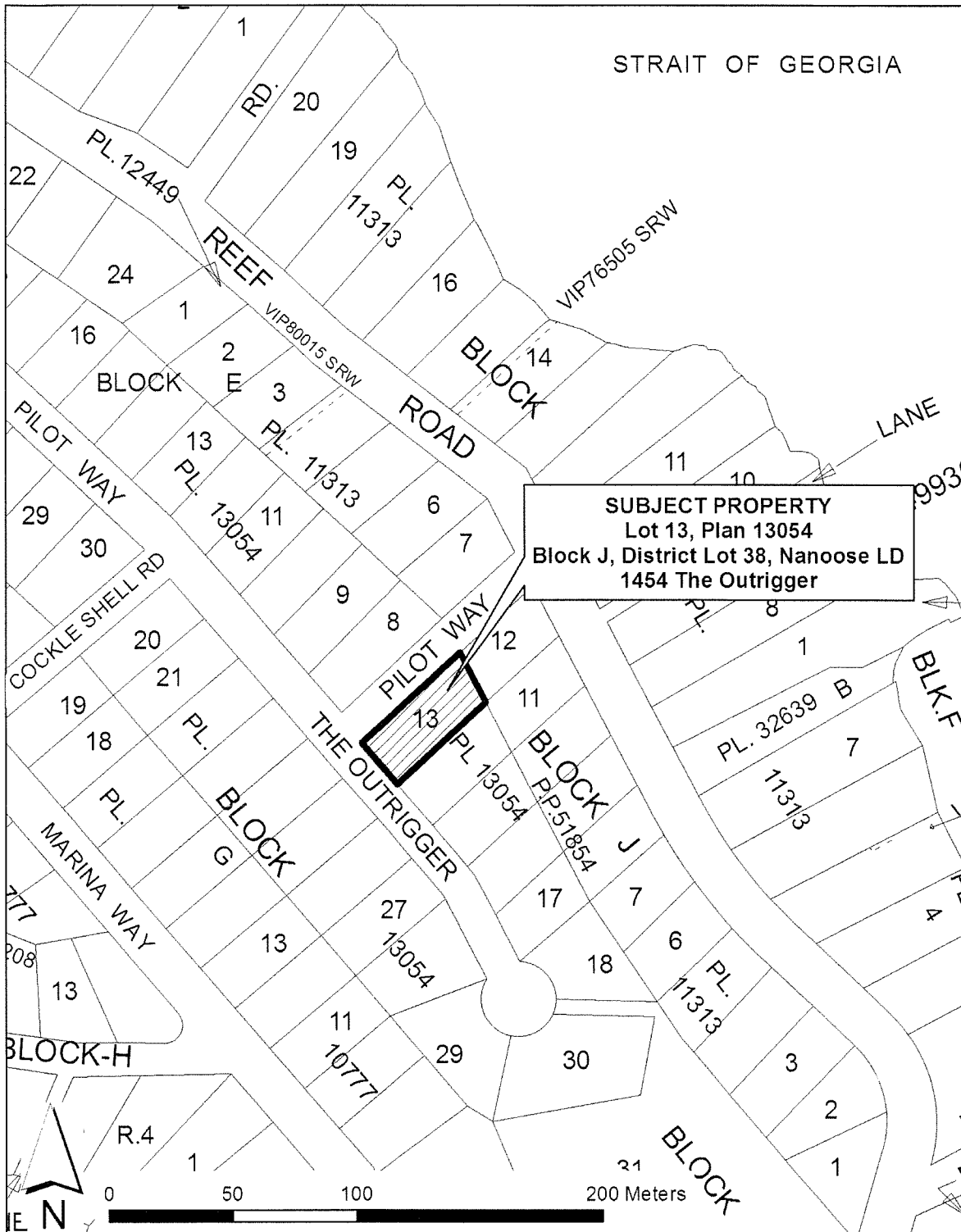
Schedule No. 2
Site Plan - Detail
(Page 2 of 2)



Schedule No. 3
Garage & Carport



Attachment No. 1
Location of Subject Property





RDN REPORT	
CAO APPROVAL	
EAP	✓ Apr 12 11
COW	
APR 05 2011	
RHD	
BOARD	

MEMORANDUM

TO: Dale Lindsay
Manager, Current Planning

DATE: April 4, 2011

FROM: Elaine Leung
Planner

FILE: PL2010-169

SUBJECT: Request for Acceptance of a Combination of Park Land and Cash-in-Lieu of Park Land & Request to Relax the Minimum Perimeter Frontage Requirement
Glencar Consultant Ltd.
Lot 8, District Lot 81, Nanoose District, Plan 1799 – 516 Wembley Road
Electoral Area ‘G’

PURPOSE

To consider a combination of park land dedication and cash-in-lieu of park land dedication and relaxation of the minimum 10% perimeter frontage requirement in conjunction with a 20-lot subdivision proposal.

BACKGROUND

The Regional District of Nanaimo has received a subdivision application from Glencar Consultant Ltd., on behalf of 0849459 BC Ltd., for the development of the above-noted property. The proposed subdivision is subject to the consideration of park land or cash-in-lieu of park land or a combination of both (see Attachment No. 2 for location of subject property).

The subject property, which is 1.64 ha in size, is zoned Residential 1 (RS1) and is within Subdivision District ‘Q’ (minimum 700 m² with both community water and sewer services) as per the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

The parent parcel supports a single dwelling unit and is surrounded by residentially zoned parcels to the north, Ackerman Road, a commercially zoned parcel, and the RDN’s Oceanside Place situated in the City of Parksville to the east, and Wembley Road and rural zoned parcels to the south and west.

Proposed Development

The applicant is proposing to create 20 residential lots varying in size from 700 m² to 984 m², therefore meeting the minimum parcel size requirement. The parcels are proposed to be served with community water and sewer service connections (see Schedule No. 1 for proposed subdivision layout including park land).

Lots 16, 17, 18, 19, and 20 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 16	12.37 m	10.0 m	8.1 %
Lot 17	11.99 m	10.0 m	8.3 %
Lot 18	11.52 m	10.0 m	8.7 %
Lot 19	12.08 m	8.3 m	8.4 %
Lot 20	23.40 m	14.0 m	6.0 %

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.

Park Land Proposal

Where an Official Community Plan (OCP) contains policies and designations respecting the location and type of future parks, the local government may determine whether the owner must provide land or cash or a combination of both. Pursuant to the *Local Government Act*, the maximum amount of park land that the Regional District may request for this property is 5% of the total site area or approximately 820 m².

This proposal was referred to the Electoral Area 'G' Parks and Open Space Advisory Committee (POSAC) on March 7, 2011, and was presented at a Public Information Meeting held on March 30, 2011.

The applicant's original proposal was for 5% cash-in-lieu of park land dedication. Upon discussions with the RDN Recreation and Parks Department staff and following the POSAC meeting, the applicant revised the proposal to dedicate 136 m² in area or 0.83% of the total land area for a pedestrian walkway connecting the proposed cul-de-sac road to Wembley Road. The remaining 4.17% is proposed to be given as cash-in-lieu of park land dedication. In addition, the applicant has offered to donate an additional 0.83% of the appraised value for park land works in Area 'G'.

ALTERNATIVES

1. To accept the offer of a combination of park land dedication and cash-in-lieu of park land in the amount and location as set out in Schedule No. 1, to accept the offer to donate 0.83% of the appraised value for park land works, and to approve the request for relaxation of the minimum 10% perimeter frontage requirement for the proposed Lots 16, 17, 18, 19, and 20.
2. To not accept the offer of park land in the amount and location as proposed and not approve the request for relaxation of the frontages and provide further direction to staff.

FINANCIAL IMPLICATIONS

The subject property has an assessed value of \$1,001,000.00 according to the 2011 assessment. The valuation of the property for the proposed balance of 4.17% cash-in-lieu of park land charges will be based on a certified appraisal of the land at the time of preliminary subdivision approval (PLA). Therefore, it is anticipated that the appraised market value would result in an approximately \$44,044.00 contribution (based on 4.17%) to Electoral Area 'G' community parks fund.

Considering the offer to donate an additional 0.83% of the appraised value for future park land work projects in Electoral Area 'G', it is anticipated that the appraised market value would result in approximately \$8,308.00 for future park land development projects in Electoral Area 'G'. It is noted that the combined amounts total a 5% cash contribution to the Area 'G' community parks fund and future park land development.

DEVELOPMENT IMPLICATIONS

Official Community Plan Implications

The Electoral Area 'G' Official Community Plan contains park land related policies, which stipulate that park land is desirable where preferred criteria can be met, such as providing access to the waterfront; preserving riparian areas and natural features; providing opportunities for recreation activities; and providing linear walking trails. In this case, while the subject property does not meet any of the preferred park land criteria, it does provide an opportunity to obtain a desired walkway/trail connecting Wembley Road through to Ackerman Road. This trail would provide a logical connection for local residents to access Wembley Mall and across the Island Highway at the controlled intersection at Stanhope Road.

Public Consultation Implications

Area 'G' Parks and Open Space Advisory Committee

In accordance with Board Policy, the proposal for a combination of park land dedication and cash-in-lieu of park land was referred to the Electoral Area 'G' Parks and Open Space Advisory Committee (POSAC) for comment. The POSAC commented that the Regional District accept the proposed park land dedication, but with a 4.0 or 5.0 metre wide trail instead of the proposed 3.0 metre wide dedication (*see Attachment No. 3 for POSAC comments*). Based on these comments, the applicant revised the park land walkway/trail to provide a width of 4.0 metres.

Public Information Meeting

A Public Information Meeting (PIM) was held on March 30, 2011. Approximately seventy-five (75) people attended this meeting (*see Attachment No. 2 for summary of the PIM*).

Ministry of Transportation and Infrastructure Implications

Ministry staff has indicated that the frontage for the proposed Lots 16, 17, 18, 19, and 20 are acceptable to the Ministry. Despite the reduction in the frontages, the proposed parcels will be capable of supporting the intended residential uses. It is noted that these parcels are proposed to front on a cul-de-sac, which due to its configuration, provides limited frontages.

Sustainability Implications

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

SUMMARY/CONCLUSIONS

This is a request to accept a combination of park land dedication and cash-in-lieu of park land as well as an offer to contribute monies to the Electoral Area 'G' park land development fund in conjunction with a subdivision application for the property located at Wembley and Ackerman Roads in the French Creek neighbourhood of Electoral Area 'G'.

The applicant's offer to provide a combination of park land and cash-in-lieu of park land was referred to the Electoral Area 'G' Parks and Open Space Advisory Committee, which commented that the proposal was acceptable but a 4.0 or 5.0 metre wide walkway would be preferable. As a result of this suggestion, the applicant revised the park land proposal to widen the walkway to 4.0 metres. A Public Information Meeting was held on March 30, 2011.

As the reduced parcel frontages will not negatively impact the intended residential uses of proposed Lot 16, 17, 18, 19, and 20, staff recommends approval of relaxation to the minimum 10% perimeter frontage requirement.

Although the subject property does not contain any of the preferred park land criteria as set out in the OCP, Recreation and Parks staff notes that the proposed walkway provides an opportunity to obtain a desired connection between Wembley Road through to Ackerman Road. As a result, staff recommends the proposed combination of dedication of park land and cash-in-lieu of park land dedication and the offer to donate 0.83% of the appraised value of the land be accepted.

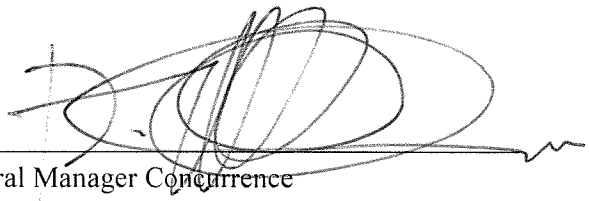
RECOMMENDATIONS

1. That the request to accept a combination of park land and cash-in-lieu of park as outlined in *Schedule No. 1* in conjunction with Subdivision Application No. PL2010-169 be accepted.
2. That the offer to provide 0.83% of the appraised value of the subject property for park land development works in Electoral Area 'G' be accepted as outlined in *Schedule No. 1* be accepted.
3. That the request to relax the minimum 10% perimeter frontage requirements for proposed Lots 16, 17, 18, 19, and 20 be approved.

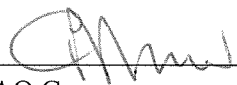
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

Schedule No. 1
Subdivision Application No. PL2010-169
Conditions for Park Land Dedication / Cash-in-Lieu of Park Land

The following sets out the conditions of approval in conjunction with the provisions of section 941 of the *Local Government Act* for Subdivision File No. PL2010-169:

1. Area and Location of Park Land

An area, not less than 136 m² (0.83%) nor less than 4.0 metres in width as shown in the location labeled 'Walkway' on Schedule No. 2, shall be dedicated as park land concurrently with the Plan of Subdivision.

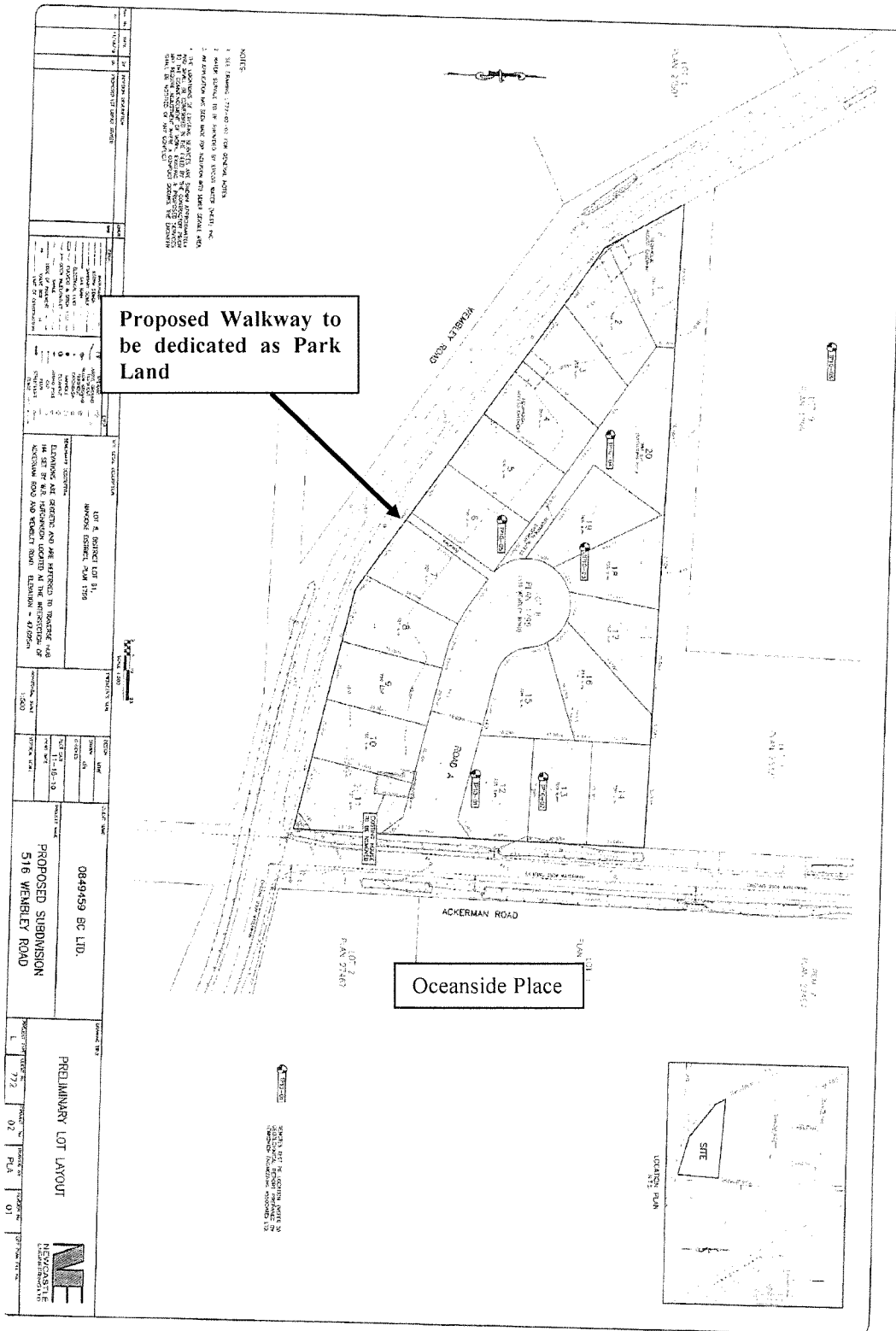
2. Cash-in-Lieu of Park Land

The applicant shall provide the balance of the 5% park land provision as cash-in-lieu of park land in the amount equivalent to 4.14% of the appraised value of the land.

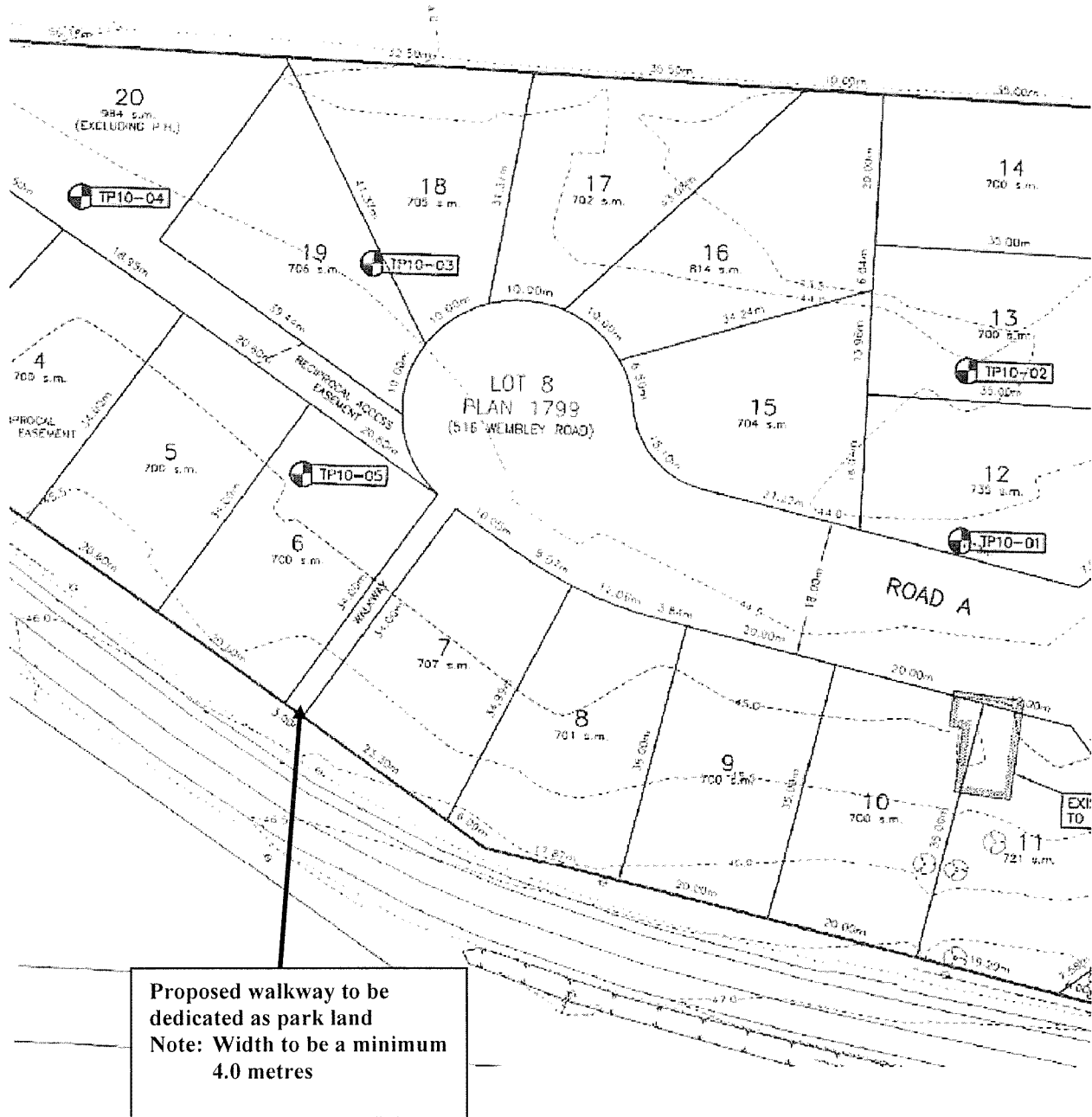
3. Park Land Development Offer

The applicant shall provide cash in the amount equivalent to 0.83% of the appraised value of the land for Electoral Area 'G' park land development works.

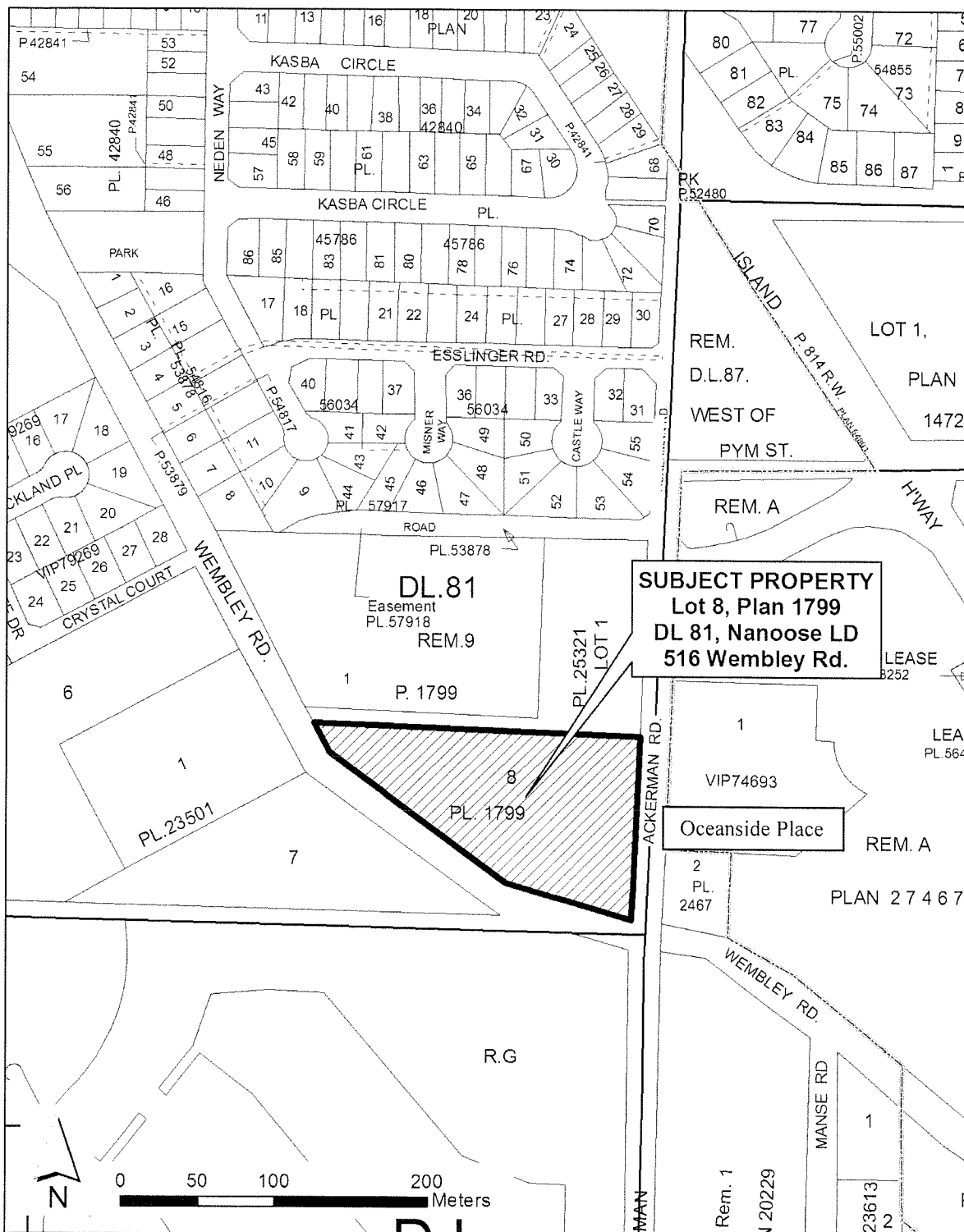
Schedule No. 2 (page 1 of 2)
 Proposed Subdivision Layout Including Park Land Dedication Proposal



Schedule No. 2 (page 2 of 2)
Detailed Site Plan Showing Proposed Park Land



Attachment No. 1
Location of Subject Property



Attachment No. 2
Correspondence from the Electoral Area 'G' Parks & Open Space Advisory Committee
Subdivision Application No. PL2010-169
POSAC Comments

Excerpt from the March 7, 2011, minutes of the Electoral Area 'G' Parks & Open Space Advisory Committee:

The Committee supported the proposed trail connection however, requested the proposed park land trail be widened to four or five metres.

Attachment No. 3
Summary of a Public Information Meeting
Held at the St Columba Presbyterian Church Hall, 921 Wembley Road
on March 30, 2011 at 6:30 pm
In conjunction with Application No. PL2010-169
For the property legally described as Lot 8, District Lot 81, Nanoose District, Plan 1799

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

There were approximately seventy-five (75) persons in attendance.

Present for the Regional District of Nanaimo:

Director Joe Stanhope, Electoral Area 'G' (the Chairperson)
Elaine Leung, Planner
Kristy Marks, Planner
Elaine McCulloch, Parks Planner

Present for the Applicant:

Glen Carey, Glencar Consultant Ltd. (the Agent)

The Chairperson opened the meeting at 6:38 pm and outlined the agenda for the evening's meeting for proposed park land dedication in conjunction with a subdivision application, introduced the head table and Regional District staff in attendance. The Chairperson then stated the purpose of the public information meeting and requested Elaine Leung, Planner provide background information concerning the application. Elaine Leung provided a brief outline of the application proposals and background, and applicable regulations.

Mr. Carey, Agent, gave a brief presentation on the proposed subdivision and park land dedication.

Nancy Fowler, Robertson Blvd., asked if all the lots accessed off the cul-de-sac and are there any plans for sidewalks or street lighting. There is not enough lighting in this area.

The Chairperson explained that residents can apply for street lighting service.

Martha Holmes, 600 Wembley Road, stated that he has lived in the area for ten years and was under the understanding that Ackerman Road was planned to be the main road link to Church Road. Was this not the original plan? Wembley Road is becoming busier. He likes the proposed park.

The Chairperson stated that it is his understanding is that Stanhope Road will be a major road. MOTI has made some changes.

Mr. Carey stated that Ackerman will have more traffic.

Rena, Essinger Road, asked that if the proposed subdivision will use Ackerman Road, will this not cut off the highway. Where do the lots have access?

Mr. Carey, stated that several of the lots will have shared access

Bernie Mazur, 1006 Osprey Way, asked if the area residents will get stuck with the water bill for this development. He stated they are stuck paying \$20.00 a year for a silo for the development one year ago on Church Road. When water levels went down last year when it was hot, did they come back up? The water rates are increasing; there are concerns with EPCOR, is there enough water? EPCOR cannot guarantee there is enough. He states the need for the RDN to conduct a feasibility study.

Mr. Carey stated that they have approval from EPCOR and that there is enough water.

Maurice Nicholson, 965 Rockland Place, supports Bernie Mazur's comments. He is also concerned with "more people using limited resources" according to RDN's Watersmart document

The Chairperson stated that there was a representative from EPCOR at the meeting. The approving authority for subdivisions is MOTI, as part of their approval; they require proof of adequate water. He agreed this issue is important.

Maurice Nicholson, 965 Rockland Place, stated that the Watersmart document says there is a limited supply. He states that something will go wrong.

Vern Hupp, 650 Wembley Road, asked to be shown where the easement is located on the aerial photo.

Bruce Fowler, 1063 Robertson Blvd., asked what percentage is dedicated for the park, and what percentage is cash?

Dale, owner of property, stated that the percentage is 135m² or \$41,000.00; that they have also offered the POSAC money to build a trail and that they are offering the full 5% plus a trail.

Bruce Fowler stated that Neden Park is down the road and we don't need another park. The \$41,000.00 to upgrade Neden Park instead.

Terry, Kasba Circle, stated that Neden Park needs money. He asked where does Ackerman go to.

Mr. Carey stated that Ackerman will join to traffic lights at Stanhope.

The Chairperson stated that the RDN is trying to work with MOTI.

Gail Murray, Kasba Circle, asked that until MOTI approves this proposal, does anything happen to the roads in the meantime? Who maintains?

Dale (owner of the property), stated that as the developer, he is responsible.

Roy Fedirchuk, 607 Neden Way, asked if sewage is available and what do we do with twenty more lots in the area? Is there a limit? Won't the system be overtaxed?

Mr. Carey, stated that yes, there is sewage service and suggest speaking with an EPCOR representative.

The Chairperson stated that the expansion goes to French Creek area sewer plan and DCC's are to cover expense. He also mentioned the number of odour complaints have gone down. If there is a concern, it needs to be reported.

Ian Todd, Wembley Rd, stated that four lots are proposed off Wembley Road and he has concerns with the access for these lots. There is an increase in the number of vehicles, and dark conditions are a concern in this location. He stated that improved lighting should be a condition.

Charlotte McPhee, Parksville, asked how do these developments relate to the RGS? Aren't we supposed to be preventing sprawl?

The Chairperson stated that this is located within the Urban Containment Boundaries and that this is where growth is supposed to occur.

Bernie Mazer, asked if there are any plans for more lights?

Mr. Carey stated this is included in the lighting service area. We can look into it.

The Chairperson stated that residents have to pay for the lights. It then becomes a service area and it becomes the responsibility of those who benefit from the service.

The Chairperson asked if there were any further questions or comments.

Being none, the Chairperson thanked those in attendance and announced that the Public Information Meeting was closed.

The meeting was concluded at 6:54 pm

Elaine Leung
Recording Secretary



RDN REPORT		
CAO APPROVAL <i>DMW</i>		
EAP	✓	<i>April 12 '11</i>
COW		
APR 04 2011		
RHD		
BOARD		

MEMORANDUM

TO: Dale Lindsay
Manager, Current Planning

DATE: March 31, 2011

FROM: Kristy Marks
Planner

FILE: PL2011-018

SUBJECT: Request for Acceptance of Cash-in-lieu of Park Land Dedication
Fern Road Consulting Ltd.
Lot B, District Lot 29, Nanoose District, VIP88467- 864 Cavin Road
Electoral Area 'G'

PURPOSE

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

BACKGROUND

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

The subject property, which is 0.32 ha in size, is zoned Residential 1 (RS1) and is within Subdivision District 'Q' (*minimum 700 m² with both community water and sewer services*) as per the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

The parent currently contains a dwelling unit under construction and is surrounded by Cavin Road to the north, Wright Road to the south and developed residential parcels to the east and west.

Park Land Requirements / Proposed Development

The applicant is proposing a four lot subdivision with both community water and sewer service connections, which will meet the minimum parcel size requirement pursuant to Bylaw No. 500, 1987 (*see Attachment No. 1 for proposed subdivision layout*). As this subdivision application involves the creation of more than three parcels, the provision of park land or cash-in-lieu is required as per the *Local Government Act* applies. The maximum amount of park land that the Regional District may request is 5% of the total site area, which for this application is 160 m².

Given the subdivision proposal and size of required park dedication, the applicant is proposing to provide cash-in-lieu of park land. This offer was referred to the Electoral Area 'G' Parks and Open Space Advisory Committee (POSAC) on March 7, 2011, and was presented at a Public Information Meeting held on March 30, 2011.

ALTERNATIVES

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

FINANCIAL IMPLICATIONS

The subject property has an assessed value of \$305,000.00 according to the 2011 assessment roll. The valuation of the property for 5% cash-in-lieu of park land charges would be based on a certified appraisal of the land at the time of preliminary layout approval (PLA). If cash-in-lieu of park land were to be required, it is anticipated that the appraised market value would result in approximately a \$15,250.00 contribution (based on a full 5%) to Electoral Area 'G' Community Parks Acquisition Fund.

LAND USE IMPLICATIONS

Official Community Plan Implications

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

Public Consultation Implications

Area 'G' Parks and Open Space Advisory Committee

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

Public Information Meeting

A Public Information Meeting (PIM) was held on March 30, 2011, (*see Attachment No. 4 for Minutes of the Meeting*).

Sustainability Implications

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

SUMMARY/CONCLUSIONS

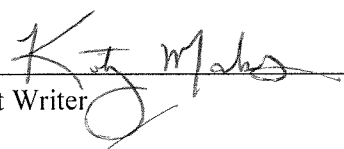
This is a request to accept cash-in-lieu of park land in conjunction with a subdivision application for the property located at 864 Cavin Road in the French Creek neighbourhood of Electoral Area 'G'.

The applicant's offer to provide cash-in-lieu of park land was referred to the Electoral Area 'G' Parks and Open Space Advisory Committee, which agreed with the proposal to provide cash-in-lieu of park land. A Public Information Meeting was held on March 30, 2011.

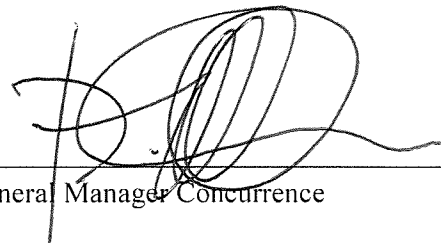
As the properties do not meet the preferred park land criteria set out in the OCP, staff recommends cash-in-lieu of park land dedication for the Area 'G' Electoral Area 'G' Community Parks Acquisition Fund.

RECOMMENDATION

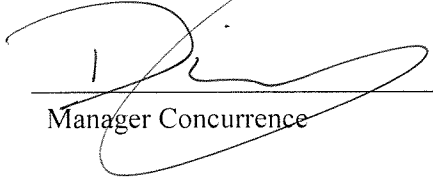
That the request to pay 5% cash-in-lieu of park land in conjunction with Subdivision Application No. PL2011-018, be accepted.



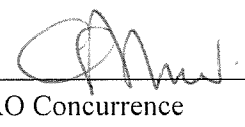
Report Writer



General Manager Concurrence

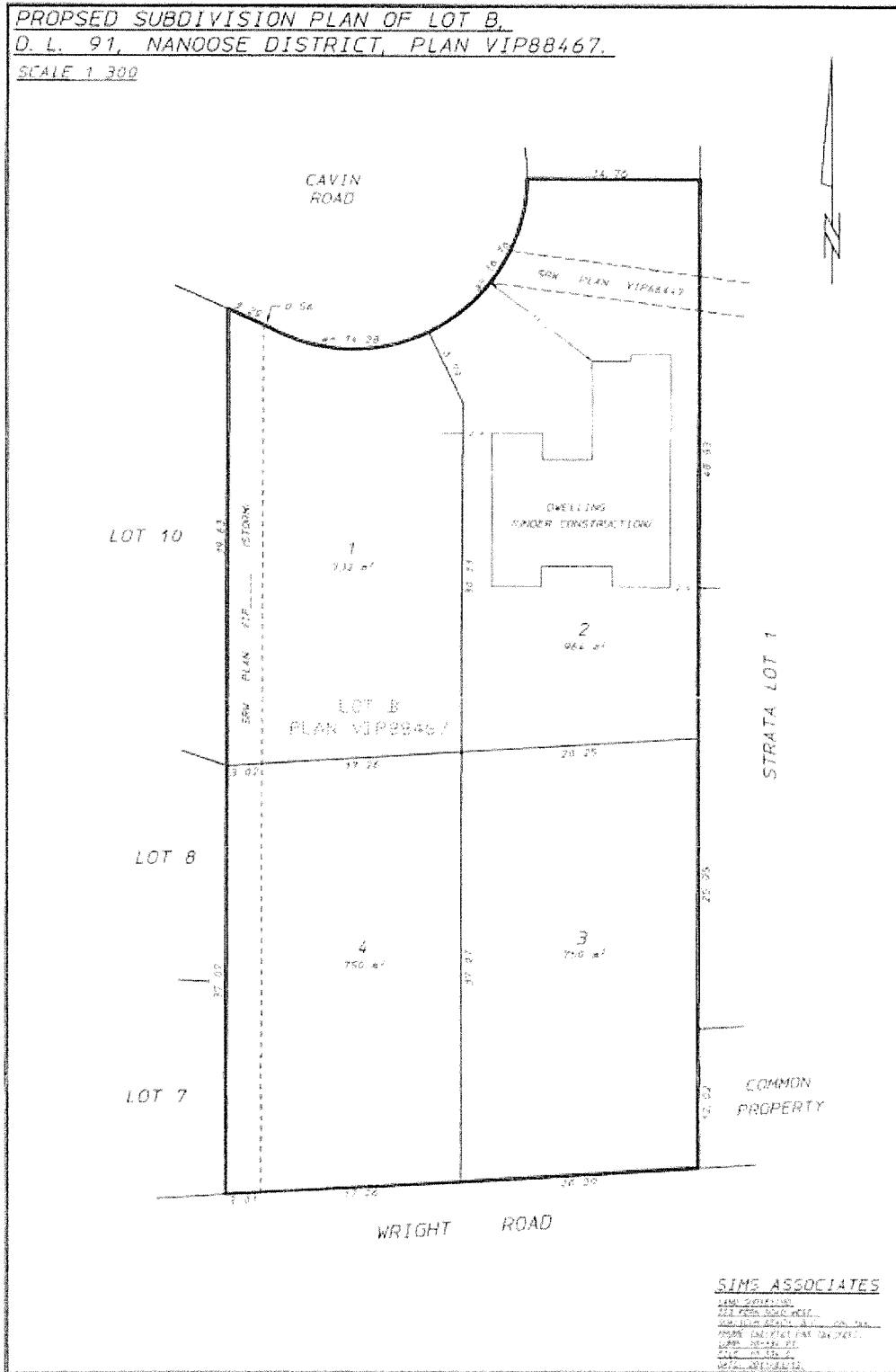


Manager Concurrence

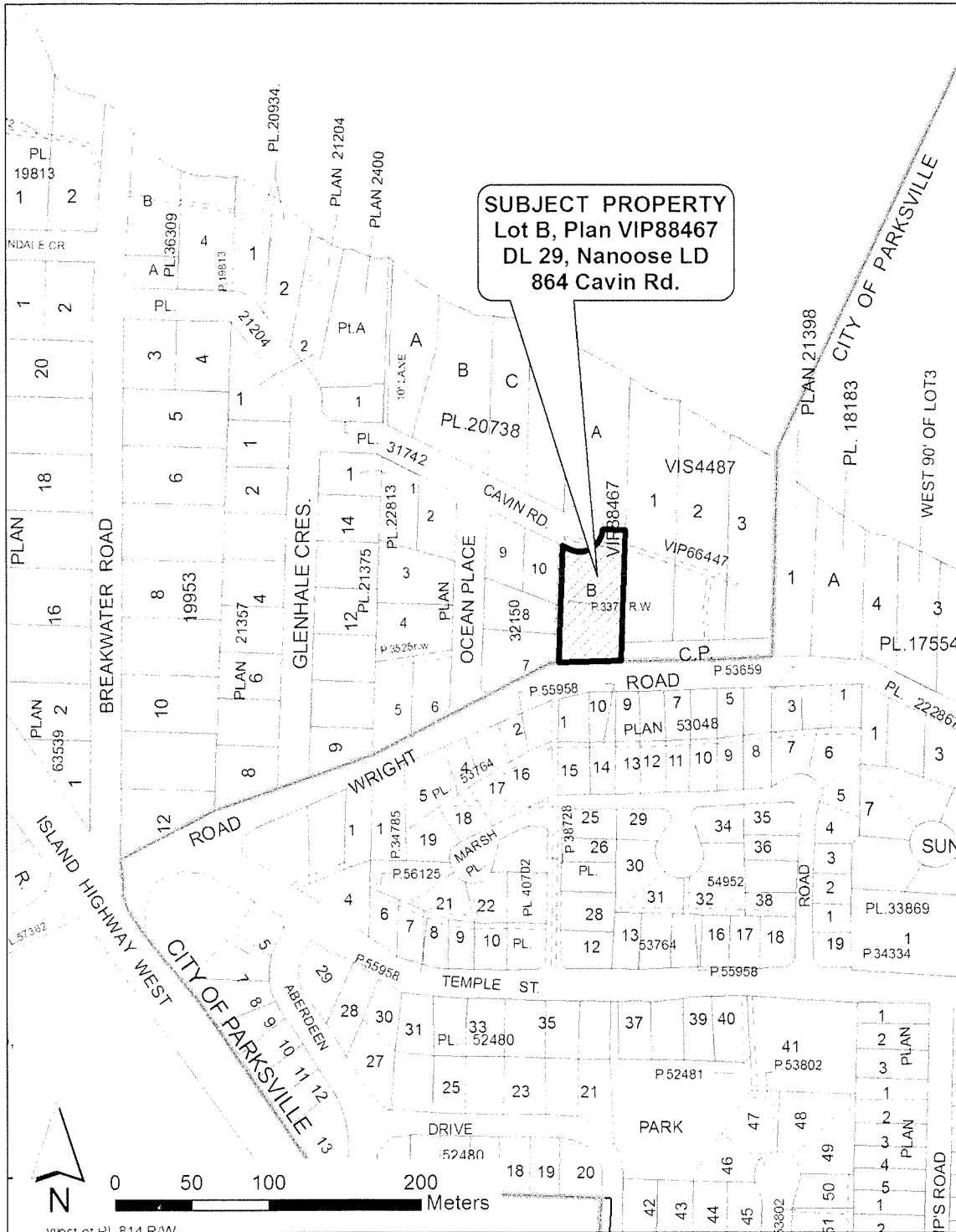


CAO Concurrence

Attachment No. 1
Proposed Subdivision Layout



Attachment No. 2
Location of Subject Property



Attachment No. 3
Correspondence from the Electoral Area 'G' Parks & Open Space Advisory Committee
POSAC Comments

Excerpt from the March 7, 2011 minutes of the Electoral Area 'G' Parks & Open Space Advisory Committee.

The Committee agrees with the proposed cash-in-lieu of park land proposal.

CARRIED

Attachment No. 4
Summary of a Public Information Meeting
Held at the St Columba Presbyterian Church Hall, 721 Wembley Road
on March 30, 2011 at 6:30 pm
In conjunction with Application No. PL2011-018
For the property legally described as Lot B, District Lot 29, Nanoose District, Plan VIP88467

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

Present: Seventy-five people in attendance

For the Applicant: Helen Sims, Agent

For the RDN: Joe Stanhope, Chairperson, RDN
Kristy Marks, Planner, RDN
Elaine Leung, Planner, RDN
Elaine McCulloch, Parks Planner, RDN

The Chair opened the meeting at 6:40 pm and followed with greetings to the public and an introduction of staff.

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

Kristy Marks provided the statutory provisions and gave an overview of the proposal.

The Chair then asked the Agent, Helen Sims, to give a summary of the cash-in-lieu of park land proposal.

Helen Sims, Agent explained that the applicants are requesting to provide cash-in-lieu of park land and outlined the reasons for this request. Helen also provided a summary of the statutory provisions and outlined the proposed plan of subdivision.

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

Bruce Clint, 871 Ocean Place, commented on an existing beach access next to 889 Cavin Road that has been blocked off by fencing and vegetation from adjacent properties.

Helen Sims, Agent explained that this beach access is not actually park land but a Ministry of Transportation and Infrastructure (MOTI) road access. She noted that concerns regarding restricted access should be directed to the Ministry.

Speaker, 886 Cavin Road commented that this access is across the street and noted that it is not currently accessible for the public to use.

Gail Murray, 743 Casba Circle asked what happens to the cash provided in lieu of park land and asked about the RDN's purchase of the parcel.

The Chairperson explained that the money would be used to purchase park land and that the RDN is not purchasing the parcel but may accept cash-in-lieu of the provision of park land.

Elaine McCulloch explained that the cash can only be used to purchase park land in Electoral Area 'G'.

Speaker, 886 Cavin Road asked how the four proposed parcels would be accessed.

Helen Sims indicated that two lots would access from Wright Road and two would have access from Cavin Road and that these roads are already constructed.

Martha, 660 Wembley Road expressed concern with the RDN accepting cash-in-lieu noting the importance of green space and beach access to the community. She spoke in favour of accepting park land rather than cash-in-lieu.

The Chairperson explained that the amount of park land that would be required for this proposal would not be enough to provide adequate space for a park and that there would be no connection to the beach if it was required.

Speaker, Cavin Road noted the importance of protecting park spaces and providing beach access to the public.

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

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

The Meeting concluded at 6:55 pm.

Original Signed

Kristy Marks
Recording Secretary



CAO APPROVAL		<i>[Signature]</i>
EAP	✓	JPL 12 11
COW		
APR 04 2011		
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BOARD		

MEMORANDUM

TO: Dale Lindsay
 Manager, Current Planning

DATE: March 8, 2011

FROM: Elaine Leung
 Planner

FILE: PL2011-016

SUBJECT: Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement on Subdivision Application No. PL2011-016 – Fern Road Consulting District Lot 19, Nanoose District, Except That Part in Plan 13475, and Lot A, District Lots 19 and 83, Nanoose District, Plan 13475, Except Part in Plan VIP76730 403 Lowry’s Road Electoral Area ‘G’

PURPOSE

To consider a request to relax the minimum 10% perimeter frontage requirement for the subject properties in conjunction with a boundary adjustment between the subject lands.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting Ltd. on behalf of Irene Wengatz and Morningstar Springs Farm Ltd. 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 65.82 ha in area, are zoned Rural 1 (RU1) and are located within the Agricultural Land Reserve. The properties are surrounded by Rural zoned properties, and one property zoned Forestry/Resource (FR-1), to the west.

Proposed Development

The applicant is proposing to adjust the existing lot line between the subject properties in order to increase the area for fields on proposed Lot 2 (*see Schedule No. 1 for Proposed Plan of Subdivision*). The western lot is currently land locked, with no direct access to a dedicated road. An existing easement over the property to the north provides access to Hodges Road. Proposed Lot 2 has frontage onto Hodges and Lowry’s Road. The proposed lot line adjustment will not impact the current existing easement access for Lot 1, or the current frontage of Lot 2.

Minimum 10% Perimeter Frontage Requirement

Proposed Lot 1 and Lot 2, as shown on the submitted plan of subdivision, do not meet the minimum 10% perimeter frontage requirement pursuant to Section 944 of the *Local Government Act*. The requested frontage relaxation is as follows:

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% of Perimeter</i>
Lot 1	253 m	0.0 m	0%
Lot 2	279 m	210 m	7.5%

As the proposed parcels do not meet the minimum 10% parcel frontage requirement pursuant to Section 944 of the Local Government Act, approval by the RDN Board of Directors is required.

ALTERNATIVES

1. To approve the request to relax the minimum 10% perimeter frontage requirement for proposed lots 1 and 2.
2. To deny the request for relaxation of the minimum 10% perimeter frontage requirement.

LAND USE IMPLICATIONS

Development Implications

As noted above, the proposed lot line adjustment will not impact the current road access for either lot, as proposed lot 1 currently has a road easement agreement in place, and proposed lot 2 currently fronts onto Hodges and Lowry's Road.

Sustainability Implications

In keeping with RDN Board policy, the applicant has completed the "Sustainable Community Builder Checklist." Staff note that this is a lot line adjustment subdivision application and no new parcels are being created. 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/CONCLUSIONS

In order to proceed with a proposed boundary adjustment, relaxation of the minimum lot frontage is required. At present one of the existing parcels has no road frontage and is accessed via an easement while the second lot has road frontage. The proposed frontage relaxation and associated boundary adjustment will not impact the existing easement or alter the amount of existing road frontage.

The proposed lots, despite the reduced frontage, will be capable of supporting the uses permitted in the zoning provisions. In addition, the Ministry of Transportation and Infrastructure 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.

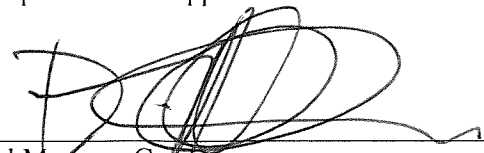
As the proposal will not negatively impact future uses of the proposed lots, staff recommends approval of the frontage relaxation.

RECOMMENDATIONS

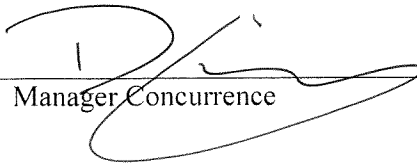
That the request to relax the minimum 10% perimeter frontage requirement be approved.



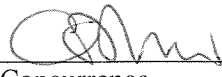
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule No. 2
Plan of Proposed Lot Line Adjustment Subdivision

