

**REGIONAL DISTRICT OF NANAIMO**  
**ELECTORAL AREA PLANNING COMMITTEE**  
**TUESDAY, SEPTEMBER 13, 2011**  
**6:30 PM**

*(RDN Board Chambers)*

**A G E N D A**

**PAGES**

**CALL TO ORDER**

**DELEGATIONS**

**Jim Crawford**, re OCP Amendment Application No. PL2011-060 – Baynes Sound Investments – Area ‘H’.

**MINUTES**

3 - 5 Minutes of the regular Electoral Area Planning Committee meeting held July 12, 2011.

**BUSINESS ARISING FROM THE MINUTES**

**COMMUNICATIONS/CORRESPONDENCE**

**UNFINISHED BUSINESS**

**PLANNING**

***AMENDMENT APPLICATIONS***

6 - 28 OCP Amendment Application No. PL2011-060- Baynes Sound Investments – Area ‘H’.

***DEVELOPMENT PERMIT APPLICATIONS***

29 - 37 Development Permit Application No. PL2011-113 – Hay – 1483 Mason Trail – Area ‘G’.

38 - 44 Development Permit Application No. PL2011-141 - Fern Road Consulting Ltd. – 865 Crocus Corner – Area ‘G’.

45 - 52 Development Permit Application No. PL2011-122 - Request for Frontage Relaxation on Subdivision Application No. PL2009-721 and Request for Parkland – TimberWest - Nanaimo Lakes Road – Area ‘A’.

***DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS***

- 53 - 59                      Development Permit with Variance Application No. PL2011-127 – Whittall –  
960 Woodpecker Place – Area ‘G’.

***DEVELOPMENT VARIANCE PERMIT APPLICATIONS***

- 60 - 65                      Development Permit with Variance Application No. PL2011-125 – Dorset - 1921  
& 1949 Akenhead Road – Area ‘A’.
- 66 - 71                      Development Permit Application No. PL2011-137 & Frontage Relaxation –  
Yamato Development – Boat Harbour Road – Area ‘A’.
- 72 - 81                      Request for Parkland (Subdivision Application No. PL2011-079) – 0885538 BC  
Ltd – 564 Wembley Road – Area ‘G’.

***OTHER***

- 82 - 85                      Request for Frontage Relaxation on Subdivision Application No. PL2011-066 –  
Fern Road Consulting Ltd. – Wembley Road – Area ‘G’.
- 86 - 93                      Temporary Use Permit (Renewal) Applications No. PL2011-146 and PL2011-  
147 – Earthbank Resources Systems & Fern Road Consulting – Hodges Road –  
Area ‘G’.

**ADDENDUM**

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**NEW BUSINESS**

**ADJOURNMENT**

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE  
MEETING HELD ON TUESDAY, JULY 12, 2011 AT 6:30 PM IN THE  
RDN BOARD CHAMBERS**

**Present:**

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

**Also in Attendance:**

C. Mason	Chief Administrative Officer
M. Pearse	Senior Manager, Corporate Administration
P. Thorkelsson	Gen. Mgr., Development Services
D. Lindsay	Manager of Current Planning
N. Hewitt	Recording Secretary

**LATE DELEGATIONS**

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

CARRIED

**Richard Coll re Zoning Amendment Application No. PL2011-023 and Development Permit with Variance Application No. PL2011-24 – Fern Road Consulting Ltd. – 883 & 899 Island Highway West – Area ‘G’.**

Mr. Coll submitted a 50 person petition against the zoning amendment application and voiced his concerns with respect to the proposal.

**Bruce and Marlene Feddema, re Zoning Amendment Application No. PL2011-023 and Development Permit with Variance Application No. PL2011-24 – Fern Road Consulting Ltd. – 883 & 899 Island Highway West – Area ‘G’.**

Mr. Feddema operates the Shell gas station on the property to the south and is concerned about access to fuel trucks. He expressed concern that he will be out of business if access is not available.

**Helen Sims, re Zoning Amendment Application No. PL2011-023 and Development Permit with Variance Application No. PL2011-24 – Fern Road Consulting Ltd. – 883 & 899 Island Highway West – Area ‘G’.**

Ms. Sims declined to speak.

**MINUTES**

MOVED Director Stanhope, SECONDED Director Burnett, that the minutes of the regular Electoral Area Planning Committee meeting held June 14, 2011 be adopted.

CARRIED

**PLANNING**

***AMENDMENT APPLICATIONS***

**Zoning Amendment Application No. PL2011-023 and Development Permit with Variance Application No. PL2011-24 – Fern Road Consulting ltd. – 883 & 899 Island Highway West – Area ‘G’.**

MOVED Director Stanhope, SECONDED Director Young, that the Summary of the Public Information Meeting held on April 14, 2011, be received.

CARRIED

MOVED Director Stanhope, SECONDED Director Young, that the Summary of the Public Information Meeting held on May 30, 2011, be received.

CARRIED

MOVED Director Stanhope, SECONDED Director Young, that Zoning Amendment Application No. PL2011-023 to rezone the subject property from Commercial 2 (CM2) to French Creek Landing Comprehensive Development Zone (CD48) be denied.

CARRIED

MOVED Director Stanhope, SECONDED Director Young, that staff review drive-thru’s within the context of the Board’s Strategic Plan, the Regional Growth Strategy and Official Community Plan targets for greenhouse gas reductions, and provide options for the Board’s consideration.

CARRIED

***DEVELOPMENT PERMIT APPLICATIONS***

**Development Permit Application No. PL2011-101 – Donaldson – 901 Shorewood Drive – Area ‘G’.**

MOVED Director Stanhope, SECONDED Director Holme, that Development Permit Application No. PL2011-101 to permit the construction of a dwelling unit be approved subject to the conditions outlined in Schedules 1 - 3.

CARRIED

**Development Permit Application No. PL2011-017 – Fern Road Consulting Ltd. – 6076 Island Highway West – Area ‘H’.**

MOVED Director Holme, SECONDED Director Burnett, that Development Permit No. PL2011-017 in conjunction with a two lot bare land strata subdivision be approved subject to the conditions outlined in Schedules 1 - 2.

CARRIED

***DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS***

**Development Permit with Variance Application No. PL2011-084 – Keith Brown Associates Ltd. – 1922 and 1940 Schoolhouse Road – EA ‘A’.**

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

CARRIED

MOVED Director Burnett, SECONDED Director Young, that Development Permit with Variance Application No. PL2011-084 to permit a fascia sign on a new industrial building and a compacted gravel parking area be approved subject to the conditions outlined in Schedule 1 - 3.

CARRIED

***DEVELOPMENT VARIANCE PERMIT APPLICATIONS***

**Development Variance Permit Application No. PL2011-093 – Heringa and Ladouceur – 3142 and 3146 Meadow Drive – Area ‘C’.**

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

CARRIED

MOVED Director Young, SECONDED Director Burnett, that Development Variance Permit Application No. PL2011-093 be approved subject to the conditions outlined in Schedules No. 1 - 3.

CARRIED

**Development Variance Permit Application No. PL2011-107 – Sitler – 3095 Lear Road – Area ‘A’.**

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

CARRIED

MOVED Director Burnett, SECONDED Director Young, that Development Variance Permit Application No. PL2011-107 be approved subject to the conditions outlined in Schedules No. 1 - 3.

CARRIED

**ADJOURNMENT**

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

CARRIED

TIME: 6:45 PM

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CHAIRPERSON



RDN REPORT	
CAO APPROVAL <i>(Signature)</i>	
EAP	✓ <i>5-sept. 13</i>
COW	
SEP -2 2011	
RHD	
BOARD	

**MEMORANDUM**

**TO:** Paul Thompson  
Manager of Long Range Planning

**DATE:** August 31, 2011

**FROM:** Stephen Boogaards  
Planner

**FILE:** PL2011-060

**SUBJECT:** OCP Amendment Application No. PL2011-060 – Baynes Sound Investments  
Lot A, District Lots 1 and 86, Newcastle District, Plan 48840; Lots B, District Lots 1 and 86, Plan 38643; Lot C, District Lot 86, Plan 38643  
Electoral Area H

**PURPOSE**

To consider an application to amend the Regional Growth Strategy (RGS) and the Electoral Area ‘H’ Official Community Plan (OCP) to include a new village centre within the Urban Containment Boundary (UCB) for a comprehensive mixed use resort community at Deep Bay.

**BACKGROUND**

An OCP amendment application was submitted to the Planning Department for the three properties legally described as Lot A, District Lots 1 and 86, Newcastle District, Plan 48840, Lot B, District Lots 1 and 86, Plan 38643 and Lot C, District Lot 86, Plan 38643 located in Deep Bay in electoral Area ‘H’. The applicant is requesting that the urban containment boundary be amended so that a new village centre can be created inside the UCB. The proposal is for a master planned resort community east of the Vancouver Island University Shellfish Research Centre including 386 single and multifamily homes, 6,975 m<sup>2</sup> of commercial land and 292 Recreational Vehicle units. Also, an area adjacent to the intersection of Gainsberg Road and the Old Island Highway is proposed for commercial development.

The new village centre is proposed as a master planned nodal community with a mix of residential units and a small commercial area built on the previously disturbed portions of the site while preserving the undisturbed and ecologically significant areas. Conforming to these goals the developer proposes to create compact residential neighbourhoods that are walkable to a central commercial area with small retail area, a community building and public gathering spaces. Part of achieving these goals is through the dedication of 41 ha of the total development area as park land / open space / conservation area and community gardens. This would consist of 51% of the site for Lots A and B. The proposed green space would connect both the residential areas and the RV resort to the commercial centre. The densities proposed will be serviced by community water and sewer systems installed by the developer. The application states that the water infrastructure shall become part of the Deep Bay Waterworks District system and the sewer system will be owned and maintained by a strata corporation.

Each of Lots A, B and C were in the Agricultural Land Reserve (ALR) in 2003 when the current RGS was adopted. Since the properties were in the ALR they were designated as Resource Lands and Open Space in the RGS. Lots A and B were removed from the ALR in 2004. The Agricultural Land Commission granted the exclusion on the condition of dedicating 2.8 ha of the site for the Vancouver

Island University Shellfish Research Station. Recognising that the property is no longer in the ALR and its proximity to the established neighbourhood of Deep Bay, the applicant requests the RDN to consider the addition of a new village centre in Electoral Area 'H'.

## **ALTERNATIVES**

1. That the Electoral Area Planning Committee support the application and recommend that the Board consider the application as an amendment to the Regional Growth Strategy.
2. That the Electoral Area Planning Committee resolve that the application be held in abeyance until after the next Electoral Area 'H' Official Community Plan review is completed.
3. That the Electoral Area Planning Committee resolve that the application be held in abeyance until after the Village Centre Study is completed.
4. That the Electoral Area Planning Committee not support the application.

## **FINANCIAL IMPLICATIONS**

The subdivision that could be made possible by the proposed exemption would arguably not result in any direct short term infrastructure costs for the RDN. The capital cost for the development of local road improvements and community services would be borne by the applicant. The applicant proposes to construct an advanced wastewater treatment system that will be owned and maintained by the strata corporation. There would be financial implications for the RDN should the RDN be requested to take over the sewer system at some time in the future.

In terms of staff time and impacts on other ongoing projects, each of the options outlined above have different financial implications.

Alternative 1 has the greatest immediate impact. Processing an application to amend the RGS requires a significant amount of staff time that would normally be spent on other projects. Please see Attachment 3 for an outline of the process to amend the RGS for land in an electoral area. By supporting the application to amend the RGS, the Electoral Area Planning Committee becomes a sponsor of the application and as such, the RDN incurs many of the costs associated with a bylaw amendment. There is no provision to recoup costs that are specific to amending the RGS. The applicant is only required to pay the application fee for the OCP amendment. Perhaps more significantly, departmental resources for this process are not included in the existing 2011 work plan. Undertaking this alternative could therefore also negatively affect the completion of work on other priorities.

Alternative 2 would have the greatest financial impact in the near to medium future. An OCP Review requires an extensive amount of staff time and other resources and must be included in the yearly budgeting and work plan process. Depending on the scope of the OCP review there will be costs associated with resources for staff time, studies by professional consultants, committees and public consultation. An OCP review can be expected to take a minimum of one year, however more recent experience suggests OCP reviews take much longer to complete. The addition of project to the departmental work plan would also mean that community planning projects scheduled for 2012 would have to be postponed unless additional resources are provided.

Alternative 3 would not have any immediate financial impact as the Village Centre Study is already included in the 2011 budget and is on the 2011 Development Services work plan. Depending on the outcome of the study there could be additional financial implications for 2012. For example, should

support for a new village centre develop out of the study results, then proceeding with the RGS amendment would have financial implications similar to Alternative 1, while not proceeding with the application would have financial implications similar to Alternative 4.

Alternative 4 would have the least financial impact as no additional staff time would be required for this application.

## LAND USE IMPLICATIONS

### *Growth Management Implications*

As the application to amend the OCP also requires an amendment to the RGS, the growth management implications must be considered at the regional level as well as the site level. At the site level the main considerations are design and layout, providing for a mix of uses, efficient servicing and the measures taken to protect environmentally sensitive areas.

At the regional level the main considerations are:

1. have they demonstrated that there is a need for a new village centre;
2. what are the impacts on other established village centres; and,
3. does it contribute to regional goals for urban containment, transportation, GHG emission reductions, affordable housing, agriculture, the economy and protection of rural and resource lands.

At the site level, the layout and design of the proposed new village centre at Deep Bay as shown in the concept plan has many of the desirable community elements as advocated in the nodal development policies of the RGS such as a mix of uses, range of housing types, compact growth, walkability and abundant greenspace. Justification for the application has been provided in an extensive amount of information provided with the application and is contained in a binder that is available upon request. Another submission from the applicant that provides a summary of why the application should be supported is titled *Deep Bay, A Rural Village Centre* and is attached to this report as Appendix 4.

From a regional perspective the following discussion briefly reviews the proposal against the framework of the existing RGS Goals:

### *Goal 1 – Strong Urban Containment.*

The application is requesting an amendment to the urban containment boundary to recognise the subject properties as a location for a new village centre. The studies undertaken as part of the RGS review suggest that there is enough supply of land for housing in the region for the next 30 years. As well, the majority of lands in the three existing village centres in Electoral Area ‘H’ remain vacant or underdeveloped. Strictly from a needs perspective, there are no studies that would indicate that a new village centre in Electoral Area ‘H’ is required.

There are many other village centres that are already designated for growth which need new development to support existing retail and facilities and to attract new services and amenities. Concern about the viability of existing village centres to accommodate new growth and become more complete has resulted in a new policy being added into the RGS that directs the RDN to undertake a study of the village centres to determine those locations that have the most potential to evolve into mixed use centres. Consideration of this application may be more appropriately considered within the context of the outcome of that study.



*Goal 2 – Nodal Development.*

The proposed village centre contains a mix of residential housing types together with retail and public buildings to provide services and recreation for residents. While the mix of uses is consistent with the design elements of a mixed-use village, the proposed densities are very low for a compact mixed-use centre. The proposed village centre at Deep Bay only has a gross density of five units/ha and a net density of nine units/ha. This is well below what is considered necessary to support local services and public transit. The recently adopted Bowser Village Centre Plan has set 20-30 units/ha for the entire village area and 35-45 units/ha for specific residential and mixed-use developments.

*Goal 3 – Rural Integrity.*

The RGS directs that land that is designated as Resource Lands and Open Space or Rural Residential should be retained and should consist of large rural holdings. This application requires that the subject properties be re-designated as a village centre to accommodate additional development. There is no documented community need currently understood in the region, nor presented by this proposal, for the conversion of additional rural lands to village centre at this time.

*Goal 4 – Environmental Protection.*

In terms of the proposed development the applicant proposes to take several measures to protect the natural environment. Over 50% of Lot A and B would be designated as community open space and conservation. The preservation of native vegetation as public or commonly held land is consistent with RGS objectives of minimizing the disturbances of sensitive ecosystems and wildlife corridors by the housing footprint. The concept plan for development also shows no development on the waterfront which is aimed at protecting the sensitive shoreline and minimizing impacts on the important shellfish aquaculture industry. Other protection measures include rehabilitation of disturbed sites, a rainwater management plan, and identification and protection of all riparian areas.

Also of note is the proposed full servicing of the development lands. Although not investigated at any depth in the proposal materials, the establishment of the proposed strata operated sewage treatment facility at Deep Bay does suggest the potential for sewer servicing capacity to be more cost effectively introduced for the existing community in association with the proposed development. This does have the potential to provide additional environmental protection in this area particularly in terms of the protection of shellfish aquaculture operations underway in the area. As indicated, significant analysis and study would be required to more fully ascertain the potential and implications of sewer servicing in the broader community of Deep Bay.

*Goal 5 – Improved Mobility.*

At the site level, the proposed Deep Bay Village Centre is compact enough that much of the local travel within the village centre could be by walking and cycling. As well, the concept plan includes provisions for accommodating transit and commuter rail to the area with a passenger station and transit loop. Both of these aspects support this Goal of the RGS. The proposal also includes a limited amount of local services that would bring some additional commercial and service opportunities within easy walking and cycling distance of both residents in the proposed new village area, as well as those in the existing local neighbourhood. However, given the relatively low proposed densities, and the projected population at build-out (approximately 775), it is unclear if even in combination with the existing population between Qualicum Beach and Deep Bay that the development would make regular transit service cost effective. At this time the proposal for the Deep Bay Village does not provide significant analysis or detailed

information of the potential for, or viability of, transit service to this area beyond the inclusion of internal transportation amenities that could support localized transportation alternatives.

*Goal 6 – Vibrant and Sustainable Economy.*

The resort component of the proposal is consistent with the RGS policies to enhance tourism based facilities that benefit the regional economy. The proposal also includes an assessment of the economic benefits associated with the development including:

- Tax revenue from additional development
- Permit and other fees to the RDN generated by development
- Direct and indirect investment into the area
- Local employment generated – both short and long term
- Retail spending generated by additional new residents

The proposal documents highlight that a significant number of jobs would be created during construction with the associated spinoff benefits. Upon completion a smaller number of employment opportunities would be available in the retail and personal service sectors, however it is expected that most working residents would continue to commute to jobs elsewhere. At a broader level, the introduction of new retail businesses in Deep Bay could have an impact on existing businesses in the existing Bowser Village Centre that rely on local customers.

*Goal 7 – Efficient Services.*

The application includes provisions to service the village centre with community water and sewer consistent with RGS policies. The properties are currently within the servicing boundaries for the Deep Bay Waterworks District and the applicant has undertaken a preliminary study which indicated that the DBWD's wells can serve existing residents as well as those of the proposed development. The applicant is proposing to provide an advanced wastewater treatment system that will be owned and maintained by the strata. As discussed above the potential for further sewer servicing of the neighbouring community in association with the development has not been investigated by the proponents or the RDN at this point.

*Goal 8 – Cooperation Among Jurisdictions.*

Making the changes to the RGS to allow the proposal to proceed will require the support of all member municipalities and adjacent regional districts. The RGS is intended to ensure that careful consideration is given to proposals to ensure that the sustainability interests of the entire region are considered. As this is a proposal for an entirely new village centre, it requires changes to the existing UCB and village centre designation in the RGS and necessitates evaluation against the key growth management strategies in the existing RGS. A significant review and analysis by the RDN Board and RGS partners is necessary to determine if the proposal will be a benefit to the Region as a whole.

***Official Community Plan Implications***

Lots A and B are currently designated Rural Lands in the OCP with a minimum parcel size of 4.0 ha. Lot C is within the ALR and designated in the OCP as Resource with a minimum parcel size of 8.0. A small portion of Lot C, located to the north of Highway 19A, is proposed for commercial development. To allow the proposal as currently expressed, the rural designated properties would need to be amended to the village centre designation. The portion on the northeast corner of Lot C would also need to be included in the new village centre designation as the OCP requires (Policy 2, Section 5.5 – Village Centres) that 'commercial sites shall only be located in areas designated as village centres.'

OCPs are developed for and by the community to establish the development and policy expectations of a defined community – the respective community ‘vision’. Significant changes to OCP policies also require comprehensive public consultation with the community. The Deep Bay proposal outlines a lengthy list of meetings and discussions with local individuals, groups and commercial interests undertaken in the development of this proposal. Though considerable and commendable, the community (and the RDN Board) has not had the opportunity through the process to date to fully discuss, debate and understand the implications of a new village centre.

The Board will recall the lengthy and comprehensive Village Planning exercise recently completed with the Electoral Area ‘H’ community for the Bowser Village. A similar process is expected to get underway this year for the Cedar Village Centre in Electoral Area ‘A’. These processes focus on expanding and increasing the detail of community expectations for development in a village centre that already exists and is recognized within the local OCP and the RGS. Given the significant changes expected and required by the creation of a new village centre, from an OCP perspective, consideration of such a proposal would benefit from a full community consultation process along the lines of the periodic full OCP review. This would be a more extensive process, befitting its significance and implications, where the new village centre could be considered within the context of the entire area. Alternatively the need for a new or alternative village centre could be considered as part of the village centre study as currently proposed in the draft RGS under review. It is unlikely that the full implications of a new village centre can be fully understood and adequately considered through the processing of a singular application of this scale.

### ***Sustainability Implications***

As with the growth management implications the sustainability implications must also be considered at the site level and the regional level. At the site level, the applicant is proposing to take several measures to make the development more sustainable. Among the measures focussed at the site level: a compact walkable community, a mix of housing, local shops and services, green buildings, preservation of greenspace, local food production, narrower streets and on-site rainwater management and servicing.

At the regional level however, the proposal requires that a new village centre be created in a location that is not currently intended as a developed area. There has been no assessment that concludes that there is a need for new village centres in the region nor has there been an assessment on the potential impacts on existing village centres. During the current review of the RGS a major concern has been raised that many of the existing village centres are not progressing towards their envisioned future, and there may be a need to reconsider the viability of some village centres as currently defined. In response, a policy has been included in the new Draft RGS to conduct a study to try and determine which of the designated village centres have the most potential to evolve into mixed-use centres. This study is scheduled to begin this year with an estimated completion in early 2012. It is worth noting that there are aspects of the proposed new Deep Bay Village (including the full servicing of development) that set it apart from many of the existing villages that continue to struggle with implementation. As indicated previously, one alternative for consideration of this proposal is to do so in light of the findings generated by the Village Review Study.

### ***Public Consultation Implications***

Should the EAPC support bringing this application forward and the Board agree to consider the application as an amendment to the RGS then the necessary amendment will proceed through the legislated RGS process as outlined in the *Local Government Act*. The complete process for an RGS amendment is outlined in *Attachment 3*. As per the statutory requirements of the process, the Board must approve a public consultation plan for the amendment. The plan will identify meaningful opportunities for

the public to speak to the amendment in relation to the regional sustainability goals of the RGS. Considering the scale of the amendment and the provisions in the OCP for comprehensive consultation with the community, it would be necessary to consider a more extensive process than undertaken for previous RGS amendment applications. As outlined in the Financial Implications of this report, this consultation process is both yet to be fully outlined and is in addition, not part of the departmental work plan established in the 2011 Business Planning and Budgeting process.

The RDN is in receipt of a number of form letters that support the proposed amendment to the Regional Growth Strategy and the Area 'H' Official Community Plan. The letter states that Deep Bay is well positioned to become a rural village centre due to the infrastructure already in place and the economic development opportunities through the marina and shellfish research centres. The letter also supports the sustainable development concept of the new node and notes that the Bowser Village Centre Plan recommends that the Deep Bay area should be part of a review of all the village centres in Electoral Area 'H'. The letter was signed by 63 people, 39 residing within the area surrounding the Deep Bay peninsula, 21 people who reside in other parts of Electoral Area 'H', two people who reside in Electoral Area 'F' and one person living in Electoral Area 'G'.

### ***Intergovernmental Implications***

As outlined in the RGS amendment process (Attachment No. 3), consideration of the application will require referrals to each member municipality and adjacent Regional District. Referrals will also be provided to provincial and federal agencies and First Nations. The governing legislation requires that prior to adoption of the RGS amendment by the RDN Board, it must be accepted by each member Municipal Council and adjacent Regional Board during the 60 day referral period. If one or more local governments do not accept the amendment, then the Minister of Community, Sport and Cultural Development will establish a dispute resolution process between the affected parties.

### **SUMMARY/CONCLUSIONS**

The application is to create a new village centre and include an area of 76 ha inside the UCB at Deep Bay in Electoral Area 'H'. The development proposal must be examined from both the site level and the regional level. At the site level, the proposal is to create a master planned community based on compact residential neighbourhoods that are walkable to a central commercial area that includes small retail, a community building and public gathering spaces. The applicant proposes 51% of the land be designated for park land and open space, being used for trails to connect the community and for conservation of the undisturbed natural areas of the site. The proposal also envisions development that is fully serviced by the local water district and a strata operated sewage collection and treatment system. While it does have a mix of uses and range of housing types, the proposed densities are comparatively low for a designated village centre.

From a regional growth management perspective, the proposal does not fit with the RDN's established growth management strategy which is aimed at containing growth within existing designated urban areas and village centres. A significant amendment to the RGS and the local area OCP are required to facilitate this proposal for a new village centre development on a greenfield site located some distance from established designated growth areas. From an OCP perspective a proposal of this scale and scope necessitates a broad and comprehensive community review, such as that typically undertaken during the review of an Electoral Area OCP. At this time a review of the Electoral Area 'H' OCP is not included in approved departmental work plans nor is such a review expected to be considered in the near term.

The viability of existing designated village centres is an important issue that has been raised during the current RGS review. As a result, the new Draft RGS recommends that a study be conducted to determine which of the currently designated village centres have the most potential to evolve into viable mixed-use centres. This study is scheduled to begin this year with an estimated completion in early 2012. Given the current concern and interest in reviewing the full viability of existing village centres in the region, the consideration of creating an entirely new village may at this time be premature. Notwithstanding the positive aspects of this proposal in creating a complete village community as envisioned by many RDN goals and policies, it is the opinion of staff that the proposal is unlikely to garner broad acceptance from RGS partners at this time without the benefit of additional information such as the conclusions made available by the Village Study.

Although delaying consideration of this proposal is neither in the best interests of the proponent nor the timely evaluation of development applications, holding this application in abeyance until the completion of the Village Study will make those results available to the community and could identify a need and support for a new and viable village centre in Deep Bay.

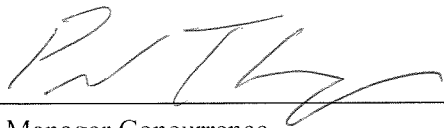
In light of the information presented in this report Staff recommends the Board consider Alternative 3 and hold the Deep Bay Development proposal application in abeyance until the Village Centre Study has been completed.

## RECOMMENDATIONS

1. That the applications to amend the Regional Growth Strategy and the Electoral Area 'H' Official Community Plan be held in abeyance until after the Village Centre Study has been completed.
2. That the proposal for creation of a new village centre in Deep Bay be considered in the Village Centre Study.

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Report Writer

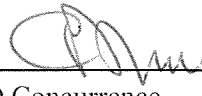


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Manager Concurrence

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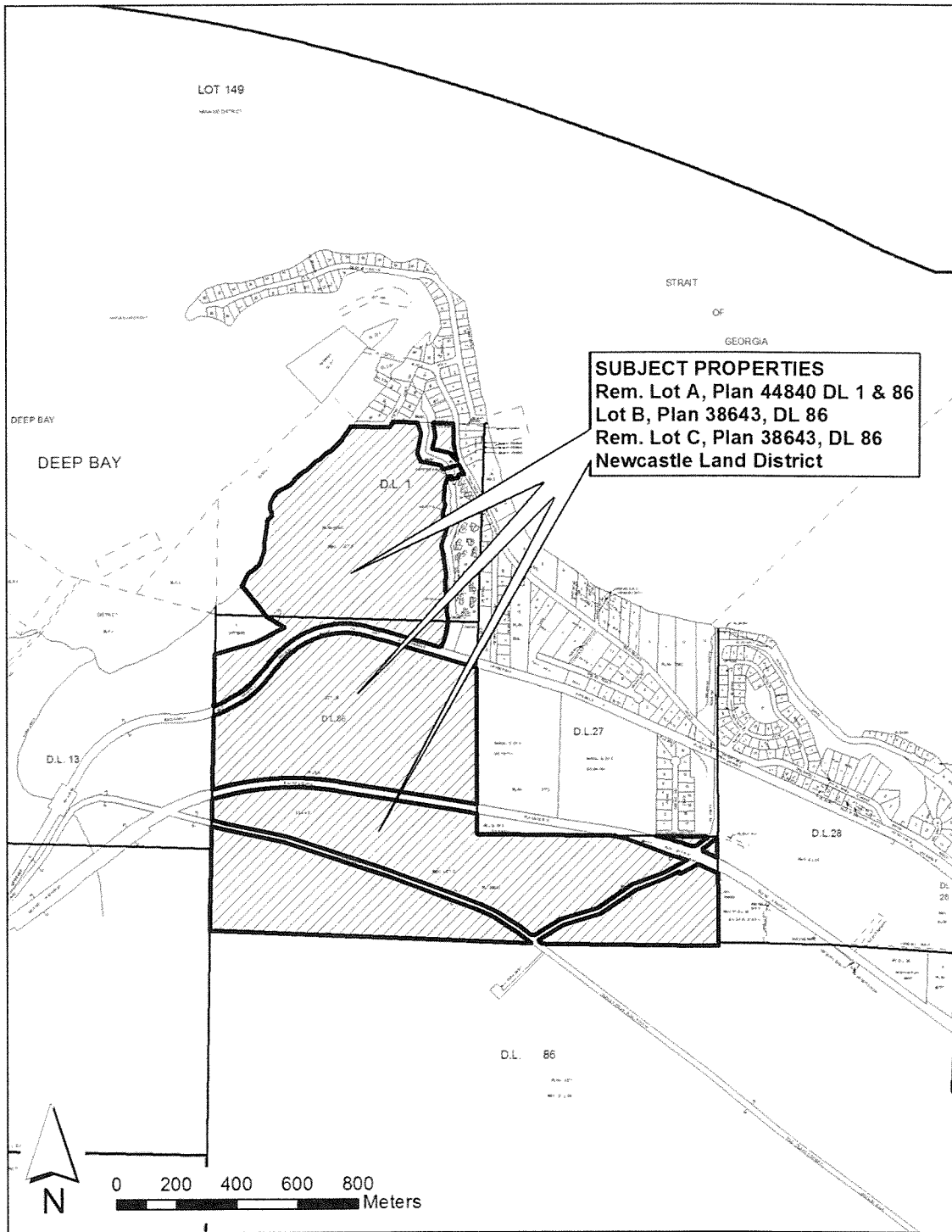
General Manager Concurrence



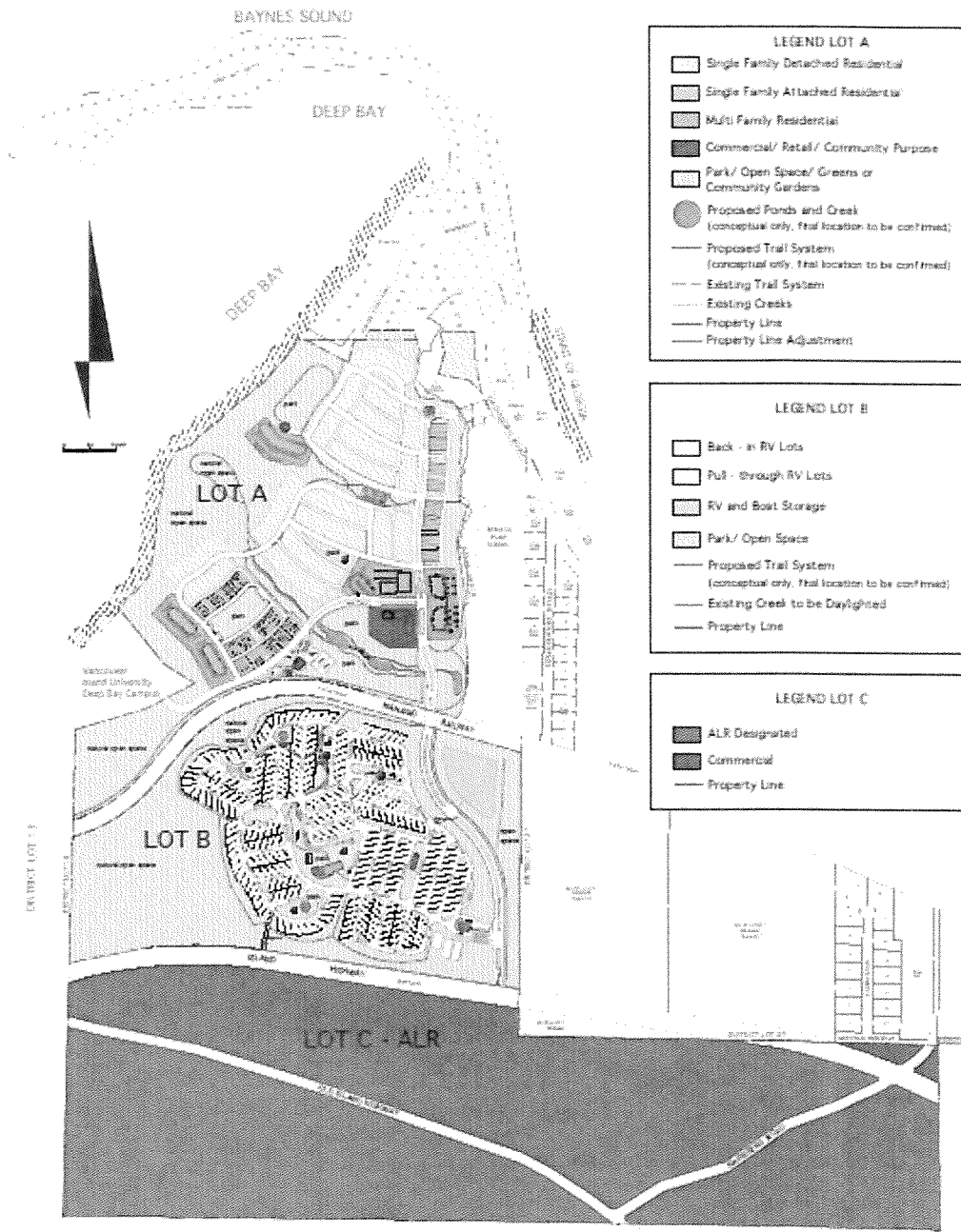
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CAO Concurrence

**Attachment No. 1**  
**Location of Subject Properties**



**Attachment No. 2  
 Concept Plan**



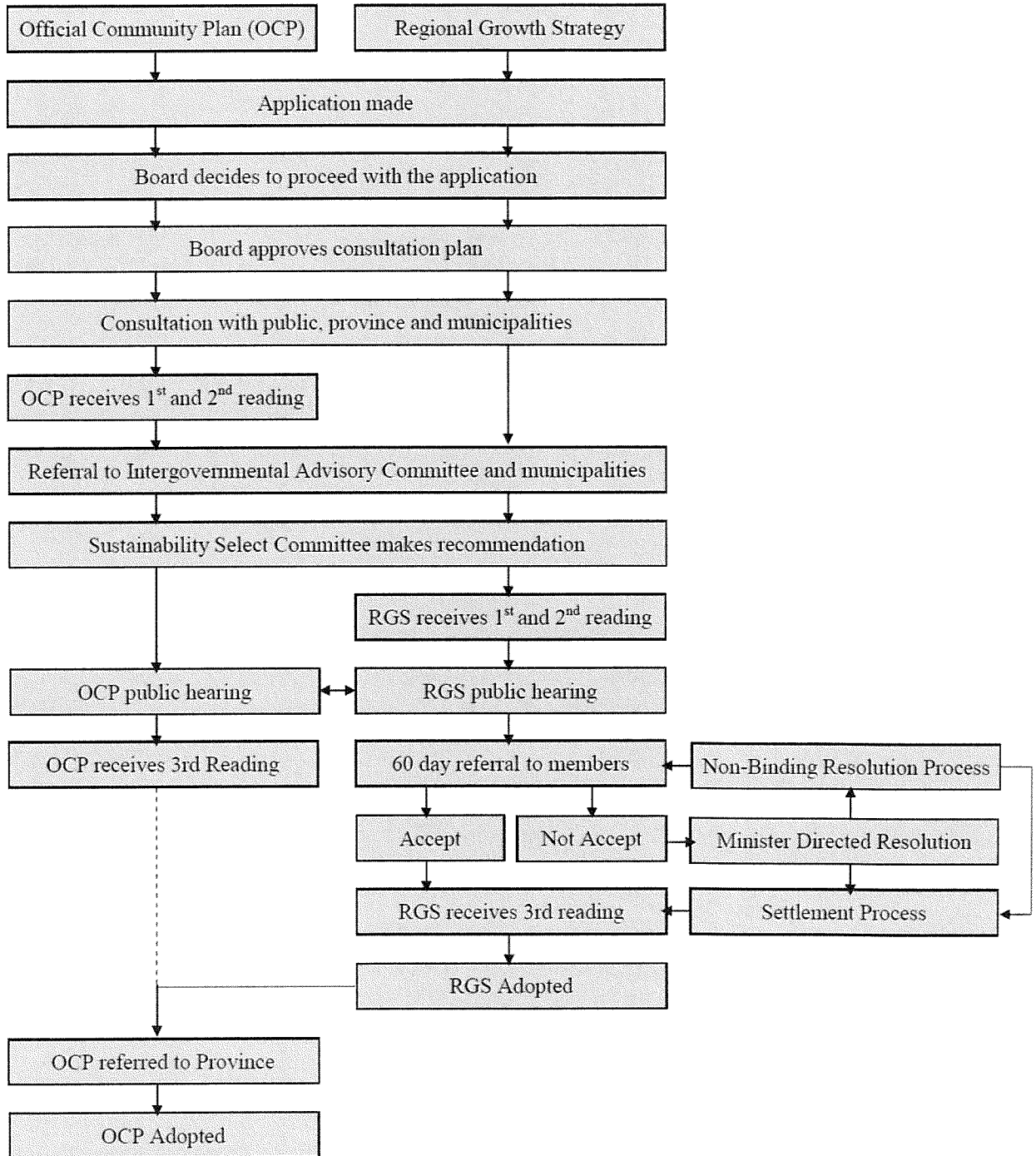
DEEP BAY DEVELOPMENT

Proposed Development Layout



January 2011

**Attachment No. 3  
 Regional Growth Strategy Amendment Process  
 For Land in an Electoral Area**





**Attachment 4**  
**Deep Bay, A Rural Village Centre**



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## Deep Bay, a Rural Village Centre

Submitted to the Regional District of Nanaimo  
by Baynes Sound Investments Ltd.

May, 2011

## Deep Bay, a Rural Village Centre

Baynes Sound Investments Ltd.  
May, 2011

### Background

Baynes Sound Investments Ltd. has submitted an application to the Regional District for the proposed nodal residential development within the community of Deep Bay. As the subject site is currently zoned for large acreage lots, the Electoral Area 'H' OCP will have to be amended designating Deep Bay as a Rural Village Centre creating the zoning for a higher density.

Located in the most northeast section of the Regional District of Nanaimo, Deep Bay is part of a grouping of small village communities along the Island's east coast referred to as Lighthouse Country ([www.travelbritishcolumbia.com](http://www.travelbritishcolumbia.com)). The largest community within a 50 mile [80 km] radius of Deep Bay is Nanaimo, located about 42 miles [67 km] to the southeast has a population of 84,549 (BC Statistics 2006 estimate). The next largest community is Campbell River, located about 44 miles [70 km] to the northwest of Deep Bay and that has a population of 31,940 people (census 2006).

The community of Deep Bay is both an existing success story and an opportunity for the future. In the early 1800's settlers began to arrive in the Deep Bay area drawn to the logging and fishing opportunities. At the turn of the century a cannery and reduction plant were the prominent industries in the area until 1951 when the cannery closed.

Today the community is home to approximately 1200 residents, has an established Fire Department, and supports it's own water system. The Deep Bay Waterworks District services approximately 594 connections and provides fire protection to 639 properties (DBID Annual Report April 13, 2010). Under the administration of the Deep Bay Harbor Authority, the harbor is the homeport to approximately 300 commercial and pleasure boats during the busy spring and summer seasons, and now has immediate plans for expansion and is undertaking a long term planning study (May 2011).

The Shellfish Industry is the largest employer in the RDN Electoral Area H, specifically within Deep Bay. The expansion to double the oyster production was recently announced by Keith Reid at Stellar Bay Shellfish Ltd. The community of Deep Bay is in the center of one of the most protected shellfish growing areas on the Pacific Coast and is now home to the Region's brand new Vancouver Island University (VIU) Deep Bay Marine Field Station.

The VIU Deep Bay Marine Field Station is located on a seven acre site at the southwest corner of Lot A of the proposed Deep Bay Development. Developed as

a 'green design' facility with anticipated LEED® Platinum accreditation to promote and showcase practical applications of alternative technologies for energy and water usage, the Field station building has recently been awarded the 2011 SAB award, a National Green Building Award for Sustainable Architecture and Building.

The mandate of the Field Station is to cluster scientific, environmental, economic and public engagement programming into one facility thereby creating a centre of excellence and innovation to support sustainable shellfish aquaculture development and preservation of coastal ecosystems ([viudeepbay.com](http://viudeepbay.com)). Sustainable Development is the foundation of the Field Station.

The proposed Deep Bay Development fully supports the VIU vision for a more sustainable world and has been designed fully embracing the tenets of Sustainable Development. The proposed development embraces the principles of smart growth and the tenets of triple bottom line sustainability. Our approach has been firmly anchored within this combined philosophy, fully realizing the integration of the social, economic and environmental pillars into land use planning and decision-making.

The design team adhered to the project goals, objectives and principles as well as a specific set of sustainability initiatives. A sustainability matrix and design guidelines will track our goals and ensure that the development is built using the best practices throughout the design and construction. These measures are in keeping with the Regional planning goals for creating sustainable nodal development communities and they fully support the sustainability goals of the VIU Marine Field Station.

## Regional Policy

In the document *Nodal Development: Creating Compact, Complete Mixed-use Communities* the RDN states that in order to help manage population growth and keep the Region sustainable, the Regional growth strategy establishes four clear goals:

- to prevent costly and environmentally damaging sprawl;
- to protect rural areas and farmland;
- to reduce municipal servicing costs; and,
- to improve regional transportation options and connections.

The document further states that one of the most important planning concepts is nodal development (*Nodal Development: Creating Compact, Complete Mixed-use Communities*, RDN, pg. 1).

*"A nodal development is a complete compact, mixed use community that includes places to live, work, learn, play, shop and access services.*

*These communities are called nodal developments because they act as nodes, or hubs, for both the residents living in the centre itself and for the people in nearby communities" (Nodal Development: Creating Compact, Complete Mixed-use Communities, RDN, pg. 2).*

While nodal development tends to be focused within existing urban areas to increase density and create specific communities within the larger urban fabric, the Regional District identifies Village Centres as one form of nodal development. Rural Village Centres are part of the RDN's Regional Growth Strategy focus of managing growth in order to achieve sustainability goals, and which serves to benefit the rural areas of the Region.

The RDN defines Village Centres as "nodes in rural areas in unincorporated electoral areas. With a semi-rural, rustic character, they are intended to provide for limited development of service centers outside of existing urbanized areas and are considered urban enclaves in the midst of more rural communities" (*Nodal Development: Creating Compact, Complete Mixed-use Communities, RDN, pg. 6*).

*"Village Centres are intended to provide for limited development of services centres outside of existing urbanized areas. Lands within the Village Centre designation are intended to be developed into mixed use communities that include places to live, work, learn, play, shop and access services" (Summary VPAG Mtg #8 Apr 15 2009 FINAL.doc, pg.8).*

A sustainable future for Deep Bay will mean planning for growth in a manner more consistent with the RDN Regional Growth Strategy (RGS) at the Village Centre level.

### Benefits of Rural Village Centres

The RDN's Nodal Development: Creating Compact, Complete Mixed-use Communities document states that rural Village Centres create conditions that increase opportunities to live, work, learn and play, and while these Centres are compact and complete, they increase the feasibility of providing cost effective servicing and amenities by concentrating demand.

The benefits to creating a rural Village Centre nodal development include social, environmental, public health, and economic benefits, not only for the Village community but also for the larger Regional community.

Village Centres provide mobility linkages integral to the health of the residents, both physically and emotionally, and to the health of the environment. Bicycle paths, pedestrian walkways, senior and handicapped accessible scooter pathways linking neighborhoods and amenities increase opportunities for healthy, energy efficient modes of transportation, and reduce private vehicle use.

Directing and encouraging denser development within rural Village Centres helps to protect and enhance the rural qualities of life and the interrelated environmental values.

Economic opportunities can be realized through the Village commercial/retail centre, opportunities for home based businesses, enhanced tourist and recreational opportunities and the ripple effect of development: construction related jobs, tax income, etc.

Key planning goals to be achieved within a Rural Village Centre include: increased public transit viability; less driving for daily needs; efficient servicing; expanded housing choices; increased economic opportunity and viability; and the retention of green spaces and ecosystems.

### Proposed Deep Bay Development

The proposed Deep Bay Development is a master planned **nodal community** development with an aggregate area of **341 acres (138 hectares)**. At build out, the development will provide **386** residential units consisting of single family detached, attached, multi family and senior's housing units; 6,975 square meters (75,078.275 square feet) of commercial land with an approximate **1,254 square meter building footprint**; a community building that will house a fitness facility with basketball and tennis courts; a passenger train station; a future transit bus loop; a first class RV resort that will include **292** RV units spaces with **222** back in units and **70** pull through lots along with a **full range of amenities** to support the RV Resort including a clubhouse with pool, laundry facilities, small convenience store, general office, lap pool, golf green, children's play facilities, secured pet areas, washroom facilities, horseshoes, tennis, basketball, badminton and bocce ball.

The proposed Deep Bay Development is committed to preserving **102 acres (41 hectares)** of the total development to parkland/open space/conservation, and community gardens, comprising of over **50%** of the total site developable area\*. \* This calculation includes the two small proposed commercial designations in the northeast section of Lot C –north of the Island Highway - but does not include the road dedications and the ALR designated lands within Lot C).

Both, the residential area and the RV Resort of the proposed development have been designing for an intergenerational population and the design team specifically incorporated our design principles and features into the layout to accommodate an aging population.

## Proposed Development within RDN Policy Context

A sustainable future for Deep Bay will mean planning for growth in a manner more consistent with the RDN Regional Growth Strategy (RGS) at the Rural Village Centre level. Designating Deep Bay as a Rural Village Centre will allow for a higher density mixed-use development to support a variety of sustainability goals and objectives including providing a range of housing types and prices for an aging population, providing community amenities, providing opportunities for reduced automobile use and decreased infrastructure and utility costs, protecting natural open space and habitat areas, protecting ocean and aquifer water quality, and providing economic opportunities.

## Policy Alignment

### **Nodal Structure:**

The proposed Deep Bay Development is a mixed-use development that provides the opportunities to live, work and play, and allows the opportunity to age in place. The proposed development promotes a sense of public community not only through its pedestrian friendly character and a range of public spaces and buildings, but through being inclusive, providing affordable housing and amenities for all age groups, and through sensitive and informed design.

### **Rural Integrity:**

The proposed Deep Bay Development, has adhered to the guiding principle to respect the rural integrity and has applied the universal principles of compact, walkable and complete neighborhoods, and has captured a scale and character appropriate to the rural context and respects the integrity of the surrounding rural community.

### **Environmental Protection:**

The proposed Deep Bay Development concept reflects a deep commitment to the over-arching principles of triple bottom line sustainability and smart growth. The design team has adhered to the commitment of preserving over 50% of the lands to park and open space. We have worked extensively to protect the water supply of the Deep Bay area.

The development will implement best practices into our design for stormwater management, sewage treatment and water systems. With on-site servicing utilizing sustainable and innovative technologies, the proposed Deep Bay Development will not burden the water systems or pose a threat to the existing shellfish industry as is a current concern when implementing the currently

permissible rural large lots serviced with septic technologies.

Pollution from municipal sewage and storm water outfalls, faulty septic fields, agricultural run-off, or discharge from vessels resulted in closures of 121,200 hectares, including shellfish habitat, in 2007, which is a slight decrease in closed area from 2005. There is potential for additional foreshore to be closed each year and the level of contamination in growing waters remains a serious issue. This issue is significant to the commercial fishery because new closures mean a loss of available beach to fish on openings.

In the Baynes Sound area, which is heavily tenured, the aquaculture industry and B.C. Ministry of Agriculture and Lands have worked with the Department, CFIA, and EC to develop a management plan to do extra monitoring of water and shell stock quality to meet CSSP requirements. This initiative is called the **Baynes Sound Management Plan**. The Baynes Sound Management Plan allows for the area to be open at times when rainfall levels are low. The shellfish farming industry must do regular sampling of water quality and have a plan in place to contact shellfish growers when the rainfall exceeds acceptable levels and the area closes. This initiative is a special management plan to allow harvesting in an area with identified fecal contamination under certain circumstances such as heavy rainfall events. Similar initiatives may need to be developed with stakeholders in other areas to address fecal contamination problems.

The Canadian Shellfish Sanitation Program continues to be audited by both the US Food and Drug Administration and the European Union (EU) for assurances that exported commercial product is wholesome and from approved areas. As issues arise with respect to classification of growing waters, harvesting opportunities may be reduced or specific controls put in place. INTEGRATED FISHERIES MANAGEMENT PLAN INTERTIDAL CLAMS, JANUARY 1, 2010 TO DECEMBER 31, 2012 - Fisheries and Oceans Canada

### **Improved Mobility:**

The proposed Deep Bay Development is a walkable and bike-friendly community with enhanced opportunities for hiking. The development provides opportunities for transit links and has allowed for a future transit loop in the design. With the goal of providing alternative modes of transportation, the design includes a passenger train station for the community to easily access the Nanaimo Railway transportation opportunities.

The residential blocks have been designed in short rectangular forms promoting a walkable neighborhood design for all ages. In the residential neighborhood of Lot A, sidewalks, set back from vehicular flow, will be wide enough for both persons with walkers, strollers or tricycles, and will be graded with minimal slopes. Seating opportunities will be provided every 100 meters along every walkway of extended

length. Crosswalks will be raised and clearly delineated with contrasting pavement markings making it easy to identify for both seniors and young children. Parks of varying sizes have been incorporated into each neighborhood, preserving green space while providing opportunities for social gathering, and both passive and active recreation. The landscape plantings within the park areas will be a mixture of both evergreen and deciduous native and naturalized hardy species, which not only benefit the environment but also help the elderly as studies indicate that the seasonal transitions within the natural environment are beneficial to a large portion of the elderly population.

### **A Vibrant and Sustainable Economy:**

The proposed development provides an enhancement of the tourist and recreational economy as well as opportunities for home based businesses, the inclusion of a commercial/ retail centre, Live/Work opportunities and the ripple effect of development: construction related jobs, etc. The Deep Bay Development will significantly contribute to the Regional economy. The project will be developed and marketed over the next ten years, with a value of \$225 million, almost \$25 million will be generated within the local economy through retail, and over \$14.3 million in Regional Tax Revenues as a result of the development over 15 years.

### **Efficient Services:**

The proposed development promotes Alternative Development Standards, which are proven to lower costs of development (environmental and economic), improve quality of life, improve affordability, reduce greenhouse gases, preserve natural habitats and ecosystems and allow for integrated stormwater management techniques and sewer treatment. The development will employ innovative technologies to reduce and re-use water throughout the development, with waste reduction and recycling programs as well as the use of rain gardens and stormwater ponds within the integrated water management plan.

### **Cooperation Among Jurisdictions:**

The Deep Bay Development team has undertaken extensive consultation within the Regional Community. It has the support of the Vancouver Island University as well as the Shellfish Industry. Public open houses have provided very positive and supportive feedback, as well as suggestions that were incorporated into the final concept plan.

Ongoing dialogue with the First Nations continues to build a strong and supportive relationship.



## Why Here? Why Now?

- In 1996 Bowser, Dunsmuir, and Qualicum Bay were designated as Villages "in recognition of their existing and anticipated future role in concentrating retail, service, institutional, recreational and tourist activity". While it was decided to focus on developing a plan for Bowser Village Centre<sup>1</sup> first, the majority of the Village Planning Advisory Group agreed that the Deep Bay Area should be reviewed along with Qualicum Bay and Dunsmuir when considering the role and status of other Village Centres in Electoral Area 'H'.
- Deep Bay currently has a population of 1200.
- Deep Bay has an established Fire Department.
- Deep Bay has it's own water system.
- The Shellfish Industry is the largest employer in Area H, specifically within Deep Bay, and is planning an expansion to double the oyster production, as was recently announced by Keith Reid at Stellar Bay Shellfish Ltd.
- Vancouver Island University has a new seven (7) acre satellite campus in Deep Bay, which is dedicated to the research, development, and conservation of the Shellfish Industry. This Center for Shellfish Research, the Deep Bay Marine Field Station, supports the competitive, social and environmental sustainability of the B.C. Shellfish aquaculture industry.
- The programming for the Centre includes scientific, environmental, economic and public engagement. This new facility is expected to draw a large number of people to the community for the various programmed events.
- Currently the Deep Bay Harbor moors approximately 300 commercial and pleasure boats, under the administration of the Deep Bay Harbor Authority.
- The Harbor Authority has approved plans for immediate expansion, and is undertaking a long term planning study (May 2011).
- Deep Bay has it's own yacht club.

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<sup>1</sup> The Bowser Village Plan was completed in 2010. Bowser has a population of approximately 300 residents and has a small commercial/retail centre.

- Tourism within Deep Bay is currently centered on the nautical activities in the Deep Bay Harbor. However, the VIU Center for Shellfish and Marine Research program will soon provide added tourism opportunities.
- The proposed Deep Bay Development will increase tourism opportunities through the proposed **first class RV Resort**.
- Currently, there is no high-end resort in the area for tourists, and there is an overall lack of tourist accommodation available in the area, therefore the proposed Development at Deep Bay will help fill this void.
- The proposed Baynes Sound Investments Ltd. Deep Bay Development will add an environmentally friendly, sustainable development to the existing Deep Bay community. The planned Development is centered on the principles of sustainability, supporting the planning direction of the Regional District, as well as the foundation of the Centre for Shellfish Research.
- The Deep Bay Development proposes a mix of residential units, seniors housing, retail and commercial space, a community centre with recreational opportunities, parks and open spaces, a first class RV Resort with supporting amenities and a dry land storage facility, all of which will provide the much needed accommodation and amenities for students, working people, retirees, and tourists, as well as the members of the existing community.
- The proposed Development **provides attainable housing** and a variety of housing **choices** into the market.
- Deep Bay Development will provide an **accessible connection** of people, land, water, and wildlife.
- The proposed Development **protects the coastal shoreline** and provides public access to the water views.
- The proposed Development provides opportunities for residents to live, work and play and **promotes health & wellbeing** by promoting an active lifestyle.
- The Deep Bay Development has been **designed for an intergenerational population** and **encourages walking and cycling**. Designed as a

pedestrian friendly neighborhood community the Development provides interconnectivity to the larger neighborhood and the Region through providing extended pedestrian trails, connections to existing trails, and a bike lane system.

- The Deep Bay Development encourages alternative modes of transportation and **encourages pedestrian movement to a commercial node.**
- The Development provides well-connected streets, incorporating boulevards and **traffic calming measures** with planted street edges, **rain gardens**, planted medians, and **raised crosswalks** with textured pavement.
- The proposed Development preserves & enhances environmental areas, providing over **50% of the site for park and open space.**
- The proposed Development **protects water corridors, restores and enhances damaged aquatic and riparian systems, daylights culverted streams and exceeds regulated riparian setbacks.**
- The proposed Development provides a **comprehensive** approach to **stormwater management** through a connective, multi-functioning infrastructure for **harvesting water, restoring biodiversity, and enhancing the community's sense of place and identity.**
- The proposed development removes servicing operations and responsibility from the Regional District, **reduces infrastructure costs** required to service the development, and proposes a **comprehensive approach to the management and disposal of sewage.**
- The Deep Bay Development provides **long-term economic benefits** to the Regional District through an **enhancement of the tourist and recreational economy** as well as opportunities for home based businesses, the inclusion of a commercial/ retail centre, Live/Work opportunities and the ripple effect of development.
- The proposed Development will be implemented and marketed over the next ten years, with a value of \$225 million, almost **\$25 million will be generated within the local economy** through retail, and **over \$14.3 million in Regional Tax Revenues** as a result of the development over 15 years.

- The proposed Deep Bay Development will also **provide a new entrance to Deep Bay from Highway 19A and provide a second emergency exit.**

## Conclusion

In summary, both the recent and proposed developments within the community of Deep Bay fully support an amendment to the OCP allowing for the designation of Deep Bay as a Rural Village Centre within Electoral Area 'H'.

A sustainable future for Deep Bay will mean planning for growth in a manner more consistent with the RDN Regional Growth Strategy (RGS) at the Rural Village Centre level. The proposed Deep Bay Development fully supports a sustainable future.



RDN REPORT		
CAC APPROVAL <i>(initials)</i>		
EAP	✓	Sept. 13/11
COW		
SEP - 6 2011		
RHD		
BOARD		

# MEMORANDUM

**TO:** Dale Lindsay  
Manager of Current Planning

**DATE:** June 28, 2011

**FROM:** Elaine Leung  
Planner

**FILE:** PL2011-113

**SUBJECT:** Development Permit Application No. PL2011-113 – Hay  
Lot 20, District Lot 28, Nanoose District, Plan 23031  
1483 Mason Trail  
Electoral Area 'G'

## PURPOSE

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

## BACKGROUND

The Regional District of Nanaimo has received an application from Charlene Hay in order to permit the construction of a dwelling unit. The subject property is approximately 1,675 m<sup>2</sup> (0.17 ha) in area and is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."

The subject property is located at the end of an existing cul-de-sac and is bordered by residential properties (*see Attachment No. 1*).

The proposed development is subject to the Hazard Lands Development Permit areas as per "Regional District of Nanaimo Area 'G' Official Community Plan Bylaw No. 1540, 2008:"

### *Proposed Development*

The applicants wish to remove an existing cabin and construct a new dwelling unit.

## ALTERNATIVES

1. To approve the Development Permit No. PL2011-113 subject to the conditions outlined in *Schedules No. 1 to 4*.
2. To deny the Development Permit No. PL2011-113.

## LAND USE IMPLICATIONS

### *Development Implications*

The rear of the subject property slopes upward. The applicants are proposing to place backfill at the rear of the property between the proposed dwelling unit and the slope, in order to strengthen the slope, and create a level rear yard space. The dwelling unit is outlined on *Schedule No. 2. Building Elevations* for the proposed dwelling unit are shown on *Schedule No. 3*.

In keeping with the Hazard Lands DPA, the applicants have submitted a Geotechnical Report prepared by Simpson Geotechnical Ltd., dated July 28, 2011, confirming the site is safe and suitable for the intended residential use, provided the recommendations are followed. The report recommends that the proposed dwelling be constructed a minimum of 3.0 metres laterally from the existing toe of the slope, as well as includes recommendations regarding foundation wall and drainage piping details. Compliance with the Geotechnical Site Report has been included within the Conditions of Approval (*see Schedule No. 1*).

As per Board policy, Staff recommends that the applicant be required to register a covenant that registers the Geotechnical Report, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of erosion and/or landslide.

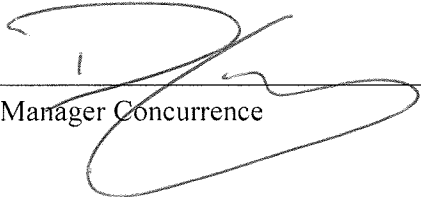
**SUMMARY/CONCLUSION**

This is an application for a Development Permit to permit the construction of a dwelling unit within the Hazard Lands Development Permit Areas. In Staff's assessment, this proposal is consistent with the applicable Development Permit Areas, and staff recommends approval.

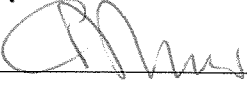
**RECOMMENDATION**

That Development Permit Application No. PL2011-113 to permit the construction of a dwelling unit be approved subject to the conditions outlined in *Schedules No. 1 to 4*.

  
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Report Writer

  
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
General Manager Concurrence

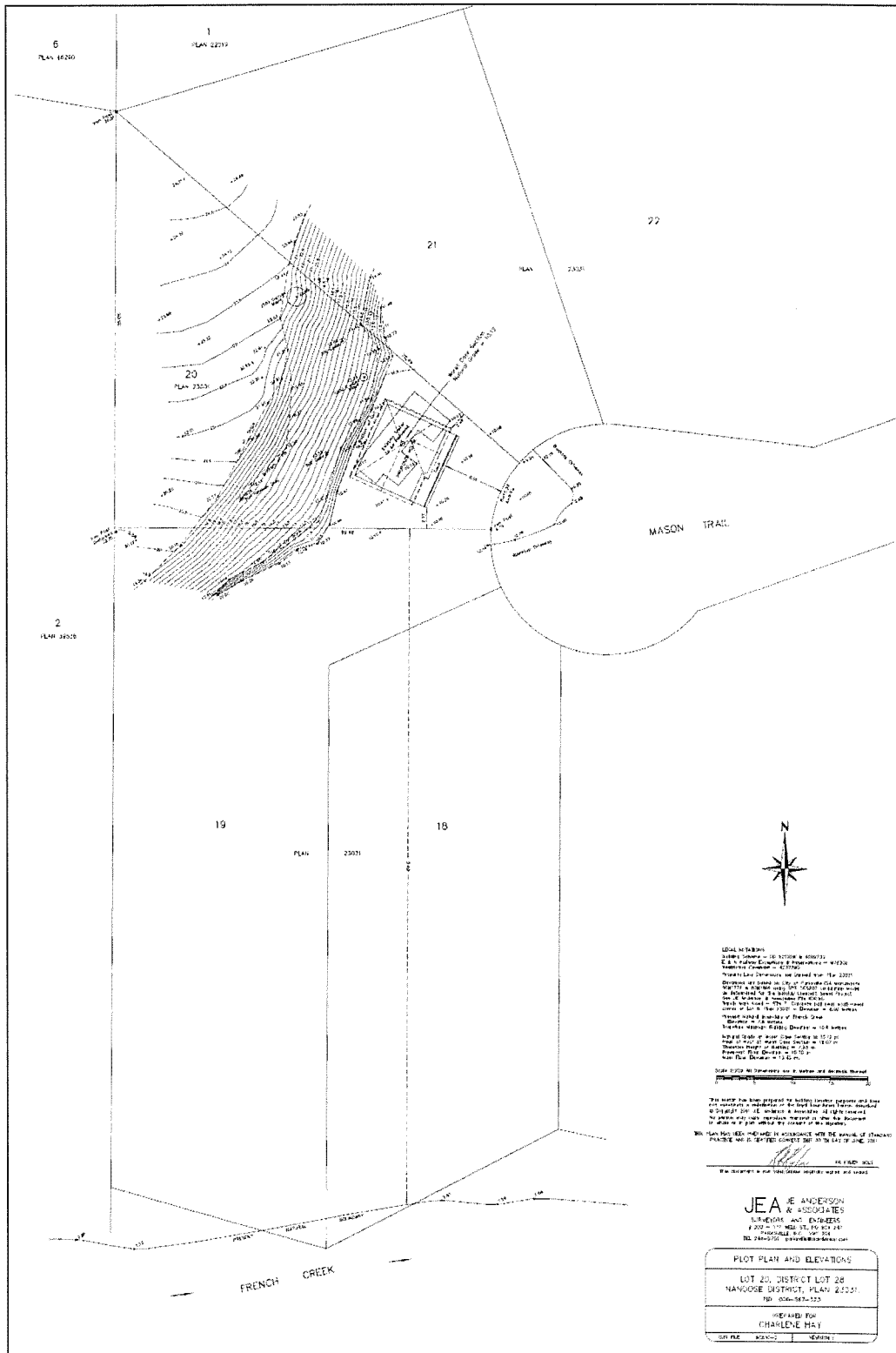
  
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CAO Concurrence

**Schedule No. 1**  
**Conditions of Development Permit Application No. PL2011-113**

***Conditions of Approval:***

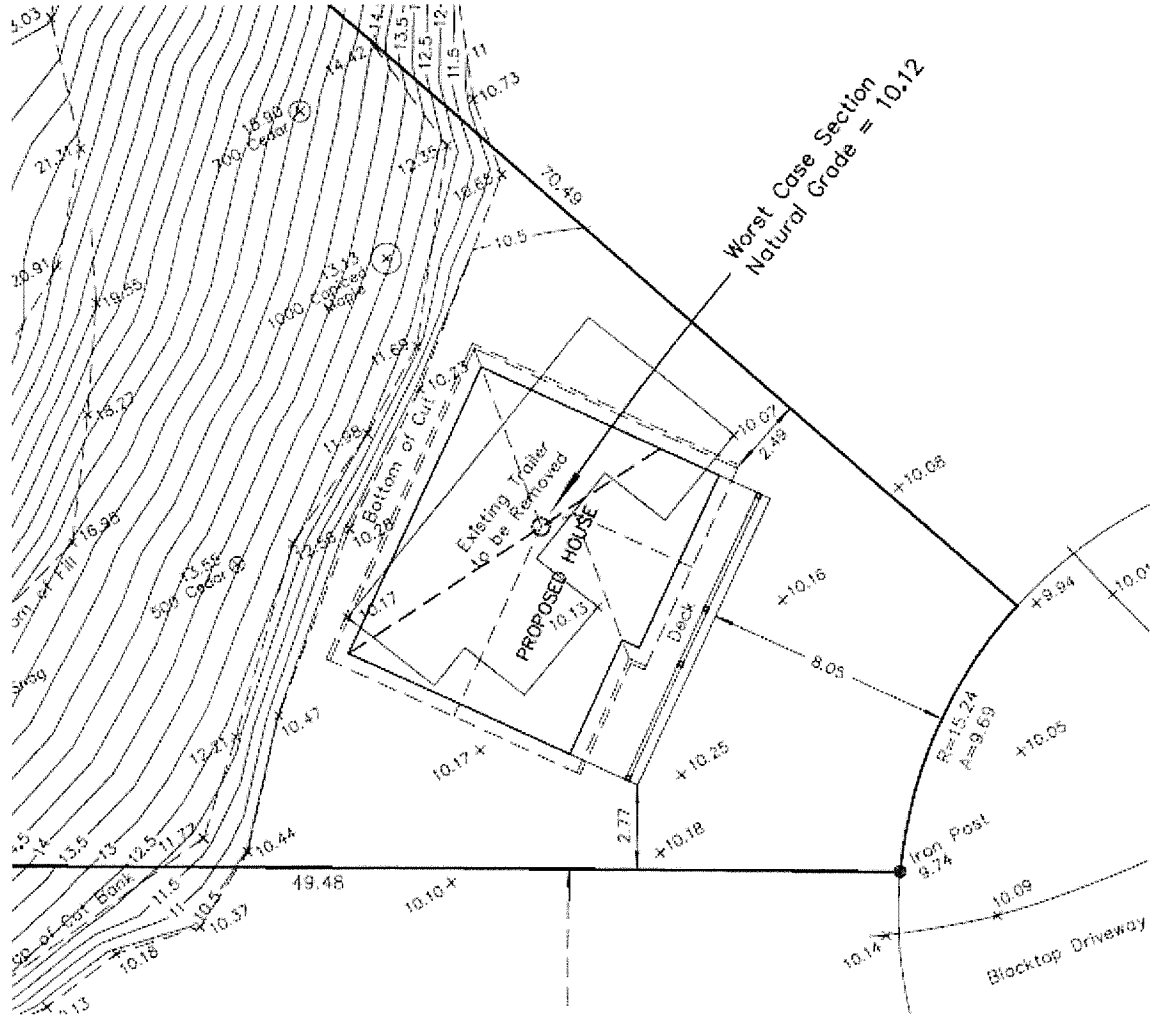
1. The proposed dwelling unit shall be sited in accordance with the site plan prepared by Williamson & Associates Professional Surveyors dated June 30, 2011, attached as *Schedule No. 2*.
2. The dwelling unit shall be constructed in accordance with the elevation drawings prepared by Kevin J. Rurka Design dated June, 2011, attached as *Schedule No. 3*.
3. The proposed dwelling unit shall be constructed in accordance with the Geotechnical Site Report prepared by Simpson Geotechnical Ltd. dated July 27, 2011.
4. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 covenant that registers the Geotechnical Assessment prepared by Simpson Geotechnical Ltd. dated July 27, 2011 and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of erosion and/or landslide.

Schedule No. 2  
Site Plan  
Page 1 of 2

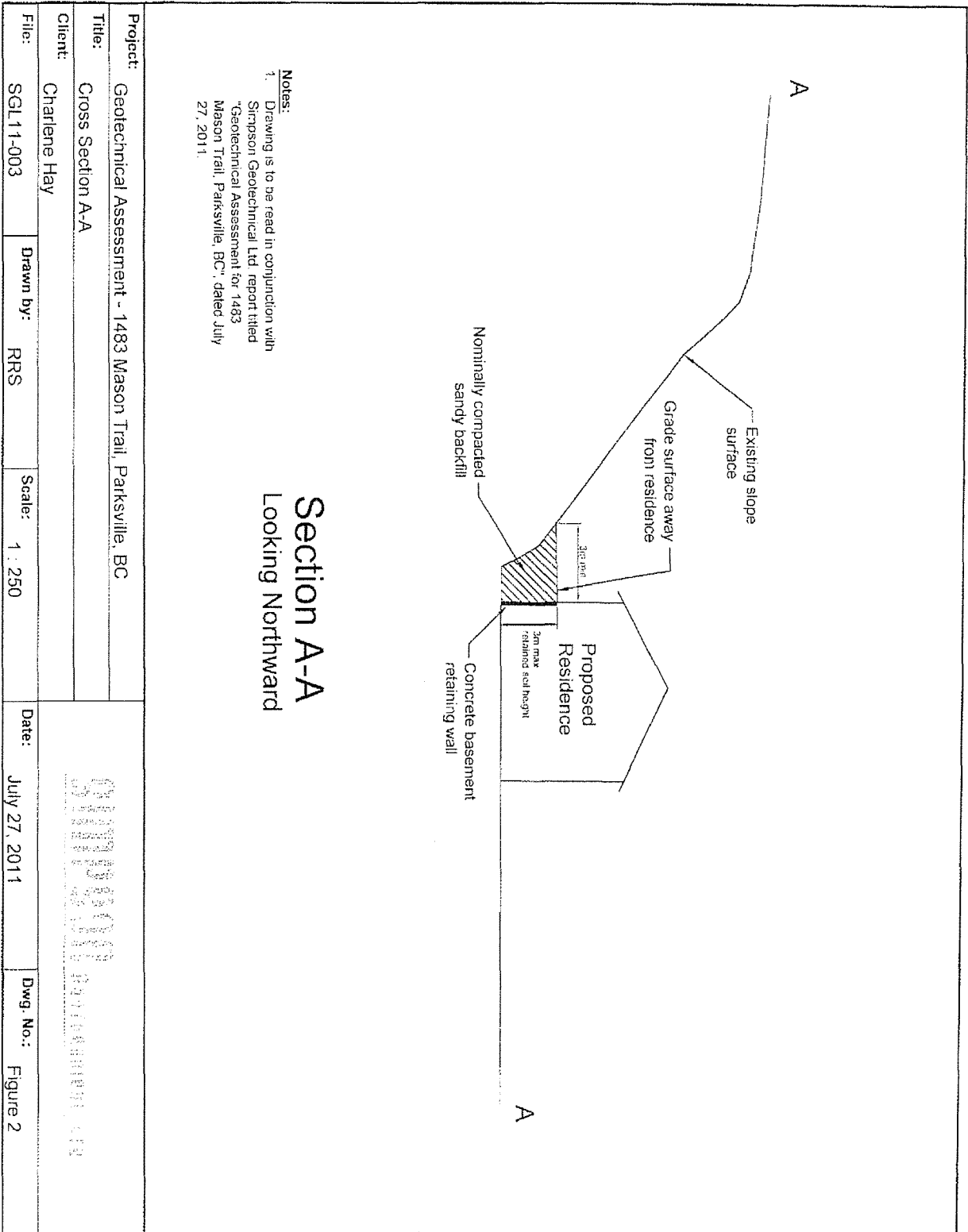




**Schedule No. 2**  
**Detailed Site Plan**  
**Page 2 of 2**



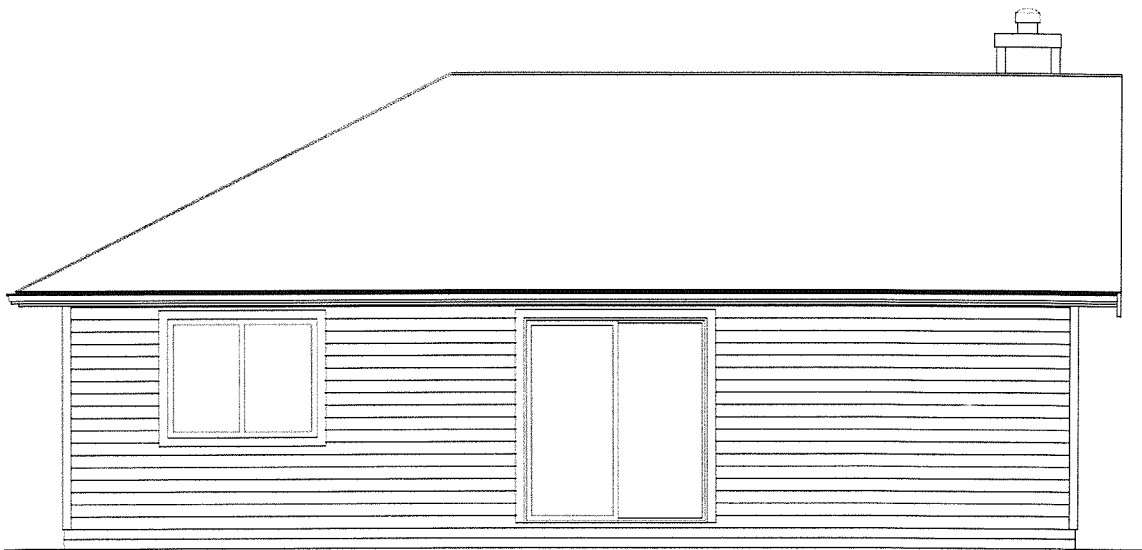
**Schedule No. 3  
 Cross Section**



**Schedule No. 4**  
**Building Elevations**  
**Page 1 of 2**

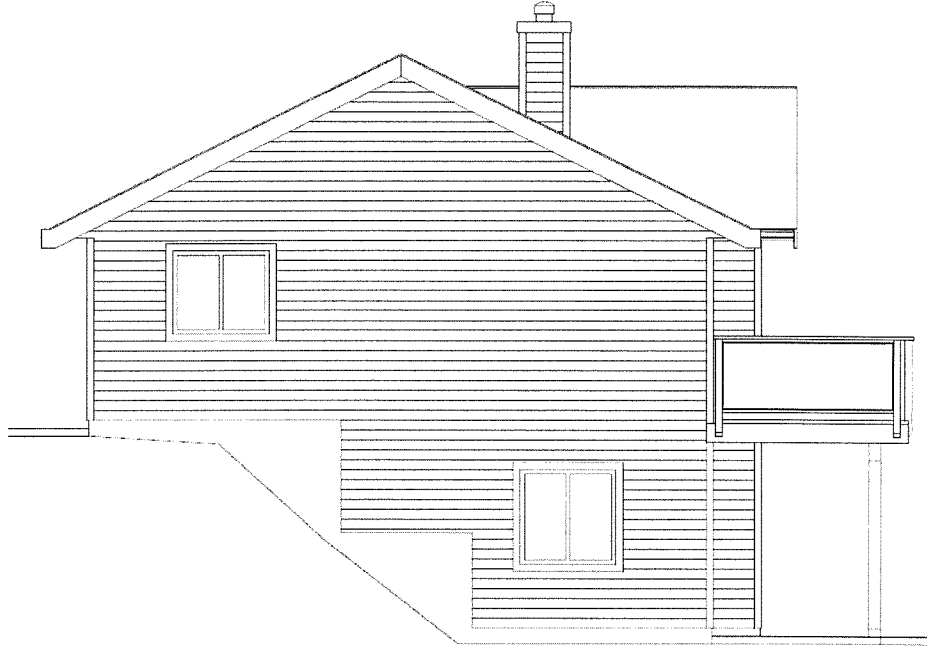


*FRONT ELEVATION*

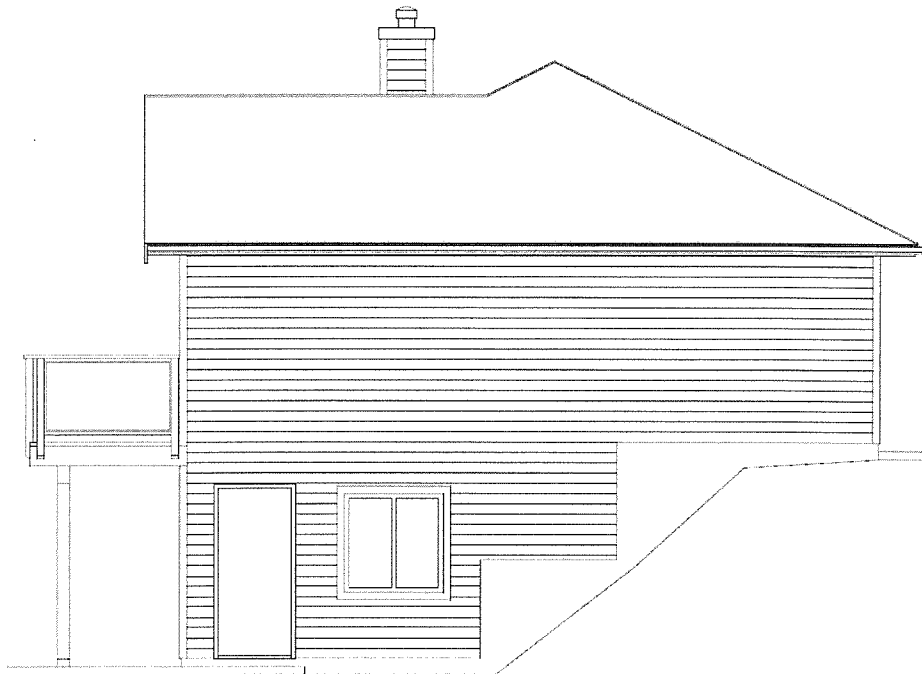


*REAR ELEVATION*

**Schedule No. 4**  
**Building Elevations**  
**Page 2 of 2**

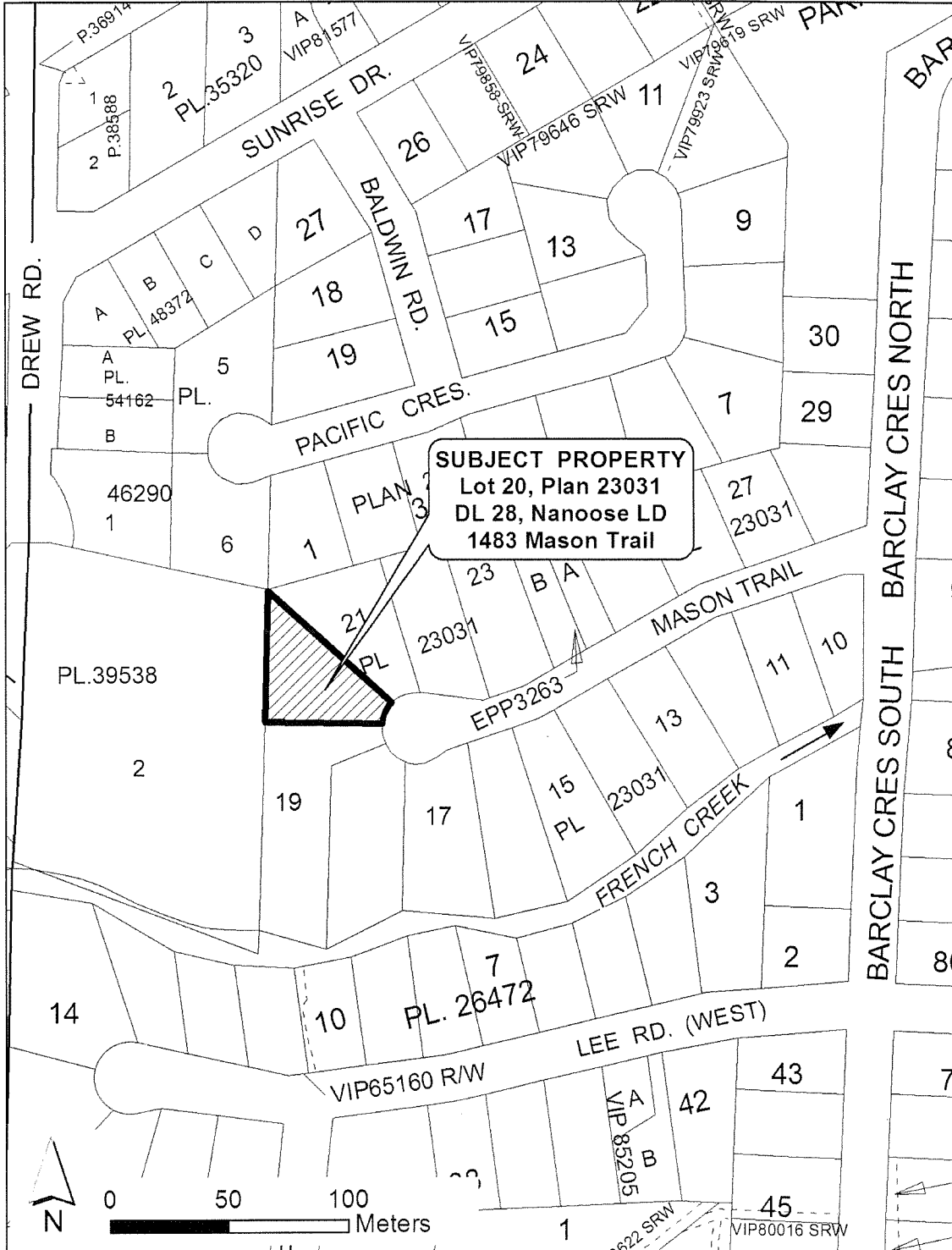


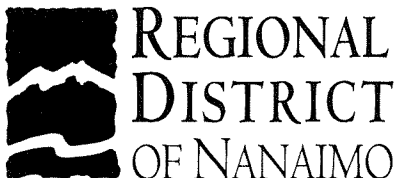
*LEFT ELEVATION*



*RIGHT ELEVATION*

**Attachment No. 1  
Location of Subject Property**





RDN REPORT	
CAO APPROVAL <i>(Signature)</i>	
EAP	✓ Sept. 13/11
COW	
SEP - 6 2011	
RHD	
BOARD	

# MEMORANDUM

**TO:** Dale Lindsay  
Manager, Current Planning **DATE:** August 25, 2011

**FROM:** Elaine Leung  
Planner **FILES:** PL2011-141

**SUBJECT:** Development Permit Application No. PL2011-141 – Fern Road Consulting Ltd.  
Lot 3, District Lot 29, Nanoose District, Plan 45632 – 865 Crocus Corner  
Electoral Area ‘G’

## PURPOSE

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

## BACKGROUND

The Regional District of Nanaimo has received an application from Fern Road Consulting on behalf of Windward Homes, in order to permit the construction of a dwelling unit. The subject property, located at 865 Crocus Corner, is approximately 749 m<sup>2</sup> in area and is zoned Residential 1, Subdivision District ‘Q’ (RS1Q) pursuant to the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (see *Attachment No. 1* for location of subject property).

The property is bordered by residential properties to the north and south. Morningstar Golf Course property is located to the rear.

Due to the presence of Morningstar Creek which flows at the rear of the property, the proposed development is subject to the Fish Habitat Protection Development Permit Area as per the “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008.”

### *Proposed Development*

The proposed development is a one storey dwelling unit (see *Schedules No. 2 and 3* for the proposed site plan and building elevations).

## ALTERNATIVES

1. To approve the Development Permit No. PL2011-141 subject to the conditions outlined in *Schedules No. 1 to 3*.
2. To deny the Development Permit No. PL2011-141.

## LAND USE IMPLICATIONS

### *Development Permit Implications*

The Development Permit Area is defined as 30.0 meters as measured from the top of the bank. In keeping with the Fish Habitat Protection Development Permit Guidelines, the applicant has submitted a Riparian Areas Regulation Assessment report prepared by a Qualified Environmental Professional (QEP) in accordance with the requirements of the *Riparian Area Regulation* (RAR). The QEP has identified and recommended the Streamside Protection and Enhancement Area (SPEA) of 12.9 metres. The report concludes the proposed dwelling will not intrude within the SPEA; however a post development report will be required to show the development has not resulted in an intrusion into the SPEA. This requirement is included in the Conditions of Approval as set out in *Schedule No. 1*.

The proposed development is consistent with the Fish Habitat Protection DPA guidelines, and therefore Staff recommends approval of the application, as submitted.

## SUMMARY/CONCLUSIONS

This is an application for a Development Permit to allow the construction of a dwelling unit on the subject property.

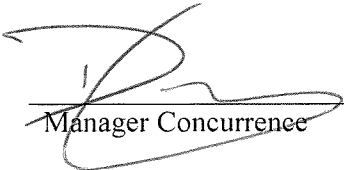
The applicant has submitted a site plan, building elevations and a Riparian Areas Regulation Assessment Report in support of the application. In staff's assessment, this proposal is consistent with the guidelines of the Fish Habitat Protection Development Permit Area, and therefore recommend approval.

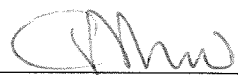
## RECOMMENDATION

That Development Permit Application No. PL2011-141 to permit the construction of a dwelling unit be approved subject to the conditions outlined in *Schedules No. 1 to 3*.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
General Manager Concurrence

  
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
CAO Concurrence

**Schedule No. 1**  
**Conditions of Approval**  
**Development Permit Application No. PL2011-141**

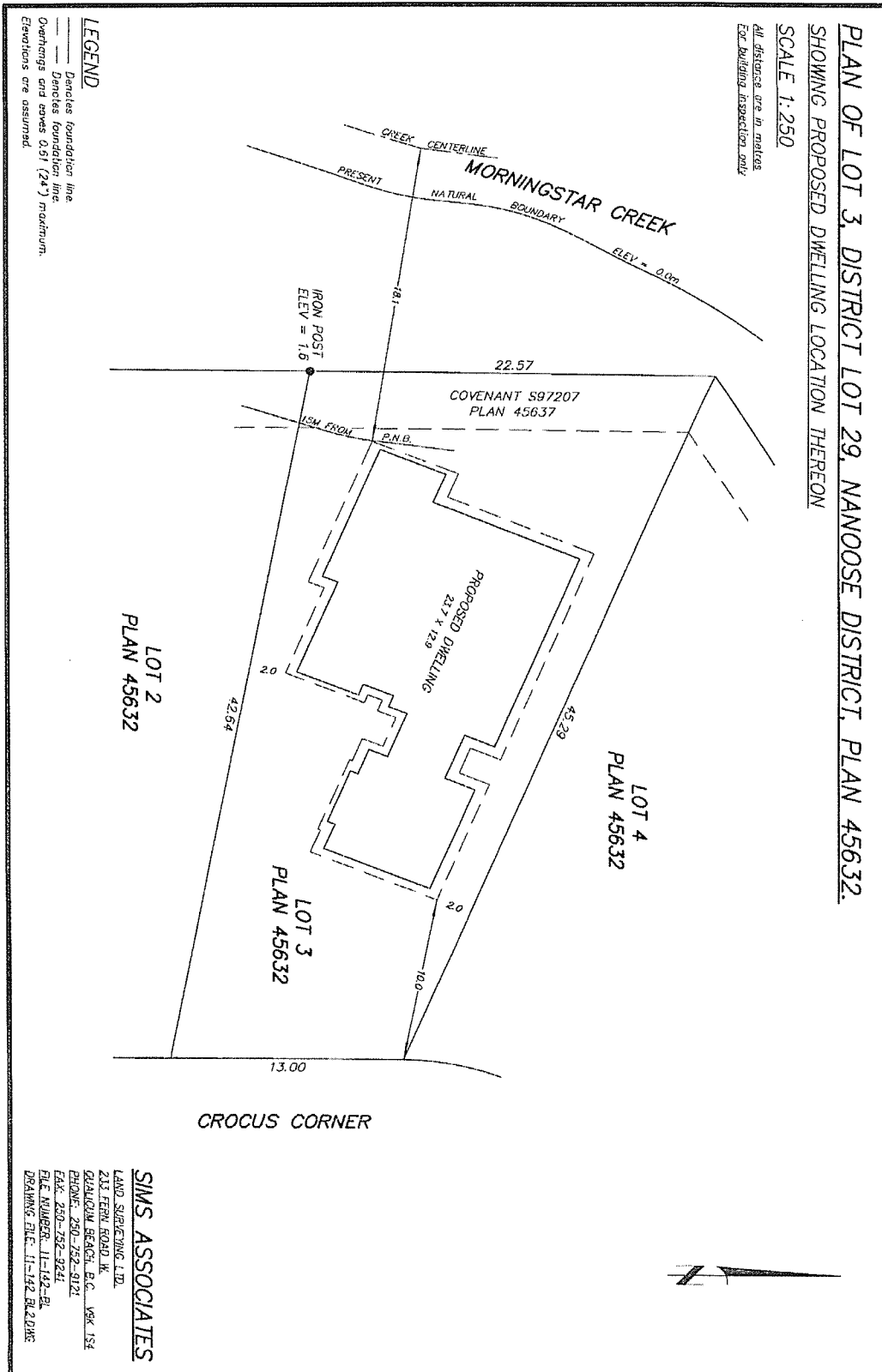
The following conditions are to be completed as part of Development Permit No. PL2011-141:

***Conditions of Approval:***

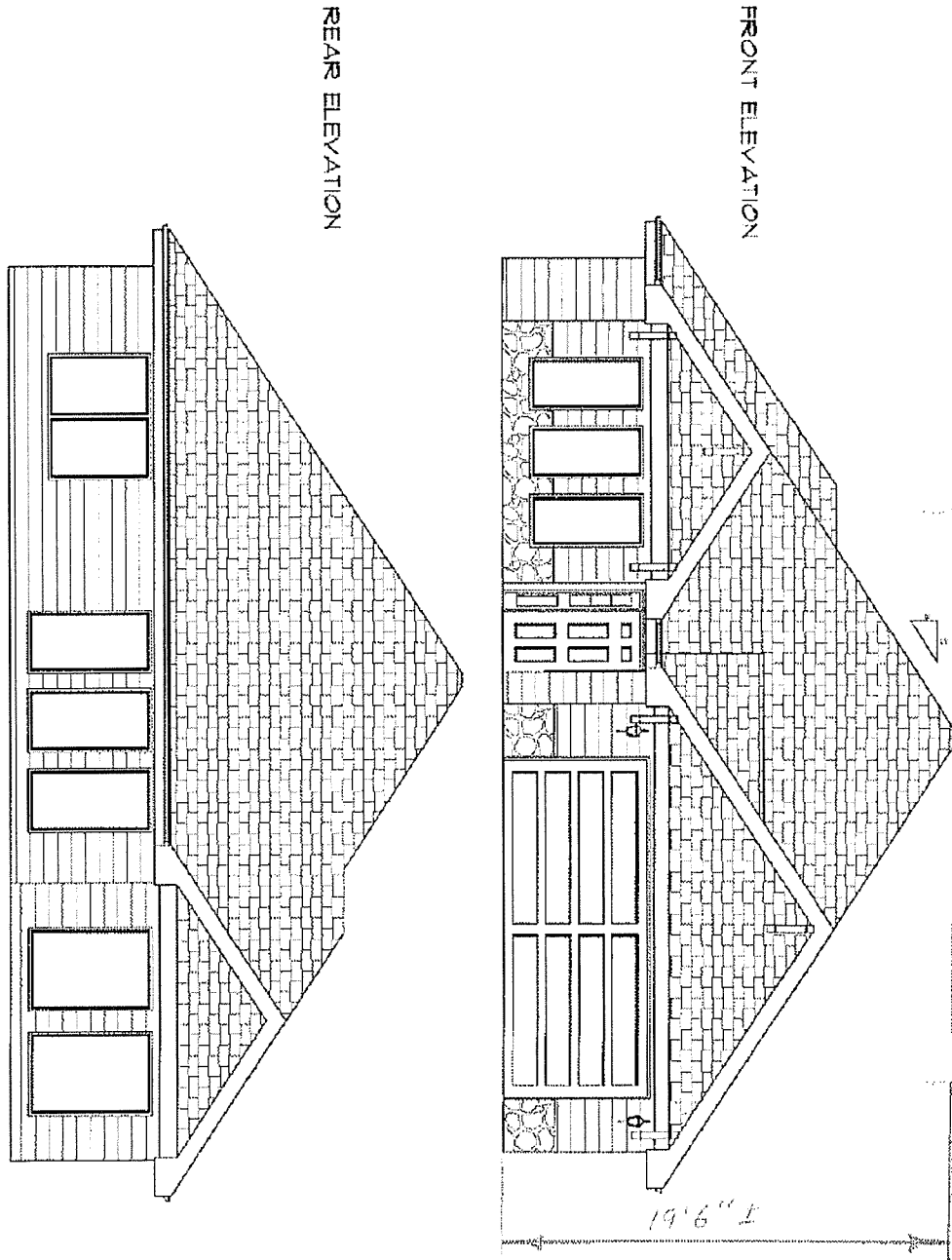
1. The dwelling unit shall be sited in accordance with the site plan prepared by Sims Associates Land Surveying, attached as *Schedule No. 2*.
2. The dwelling unit shall be constructed in accordance with the building elevation drawings, attached as *Schedule No. 3*.



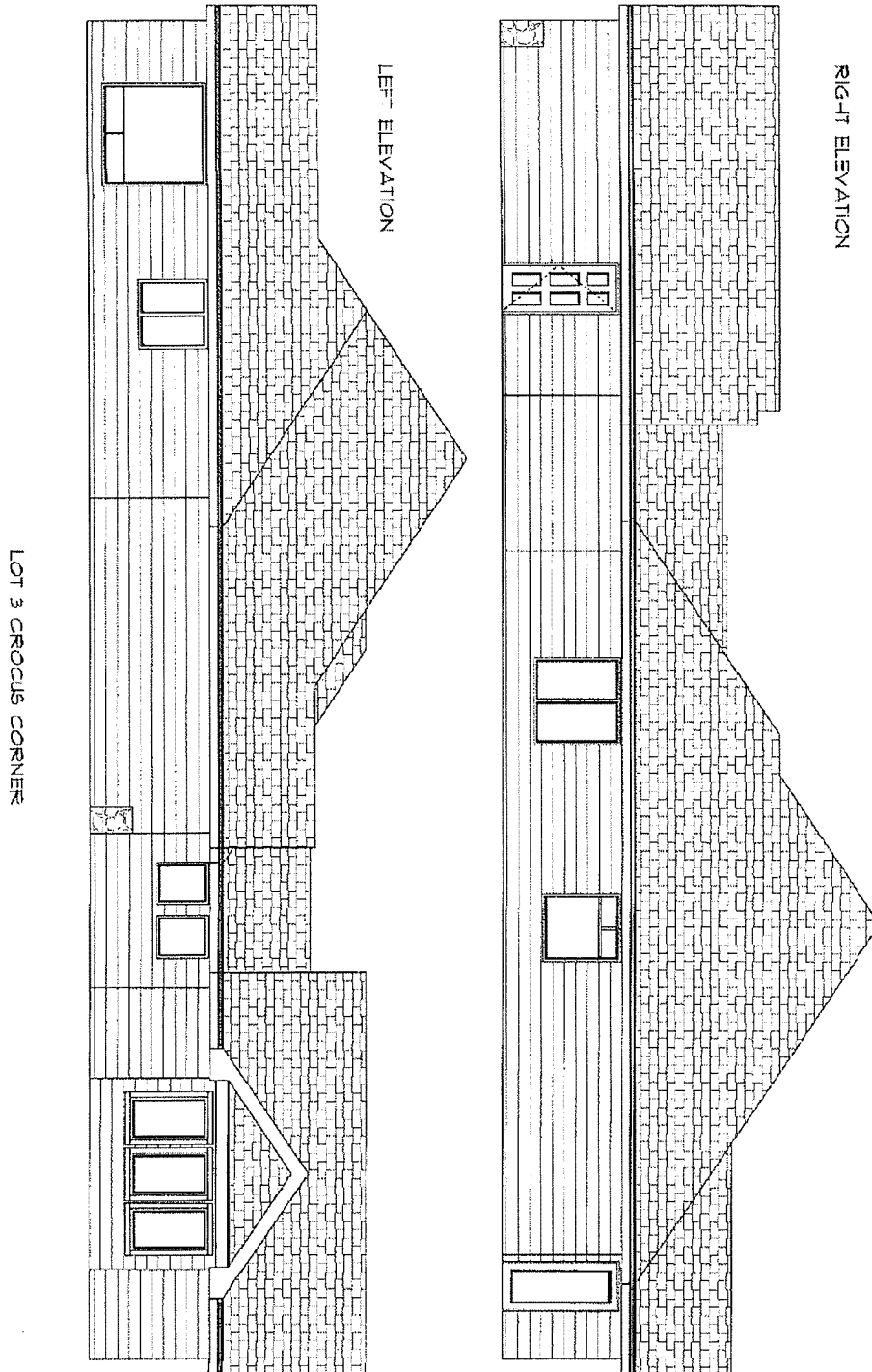
**Schedule 2  
 Site Plan**



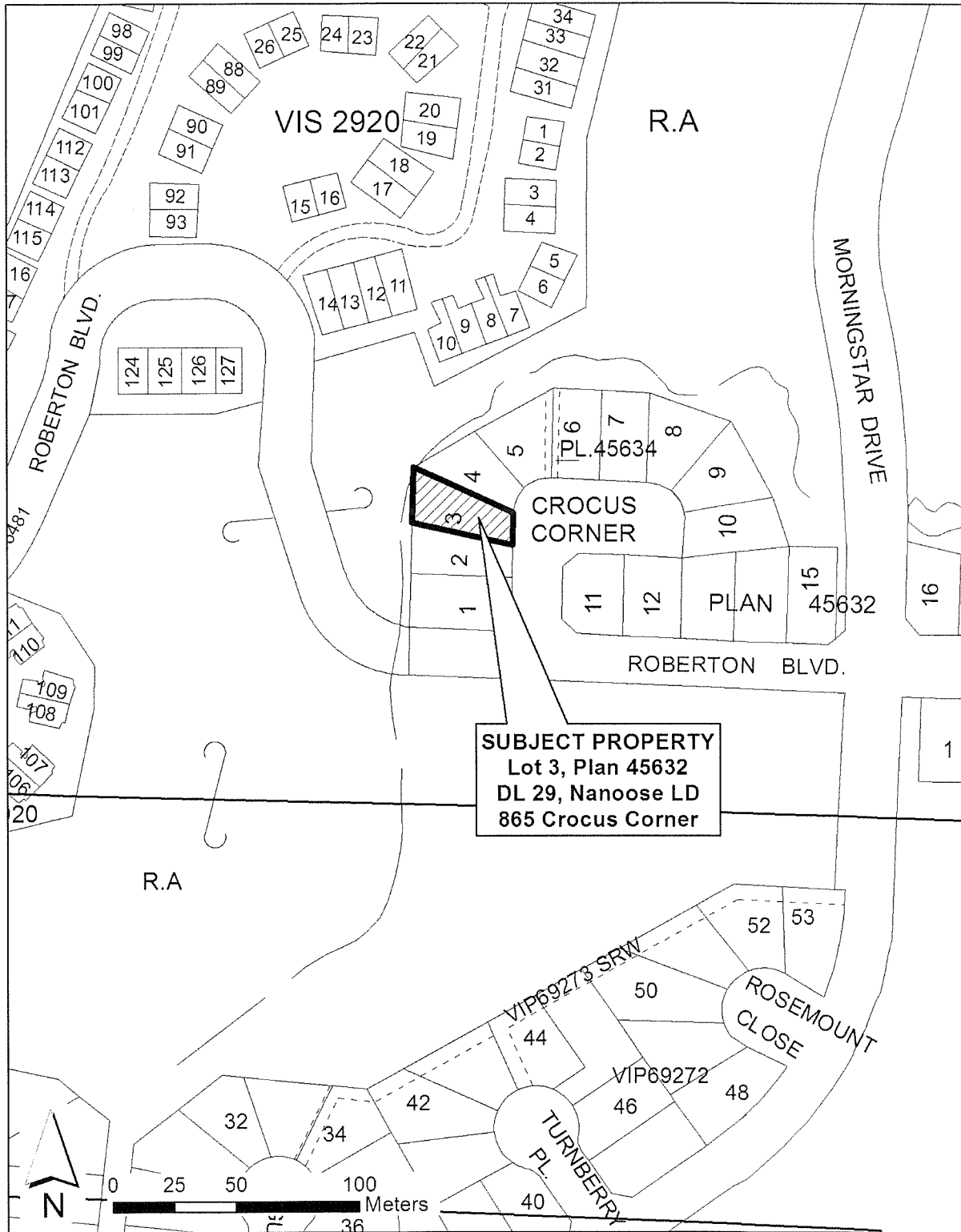
Schedule No. 3  
Building Elevations  
Page 1 of 2



Schedule No. 3  
Building Elevations  
Page 2 of 2



**Attachment No. 1**  
**Location of Subject Property**





RDN REPORT	
CAO APPROVAL <i>(Signature)</i>	
EAP	<input checked="" type="checkbox"/>
COW	<input type="checkbox"/>
SEP - 6 2011	
RHD	<input type="checkbox"/>
BOARD	<input type="checkbox"/>

# MEMORANDUM

**TO:** Dale Lindsay  
Manager of Current Planning

**DATE:** August 17, 2011

**FROM:** Susan Cormie  
Senior Planner

**FILE:** PL2011-122

**SUBJECT:** **Development Permit Application No. PL2011-122; Consideration of Minimum 10% Frontage Requirement & Consideration of Offer to Dedicate Park Land - Couverdon Part of Remainder of Block 601; District Lot 12; Remainder of District Lot 10; That Part of Block 601 in Plan 842R; Block 713; That Part of Block 601 in Plan 463RW; All of Dunsmuir District; Part of the Remainder of Block 651; That Part of Block 651 in Plan 403RW; Part of the Remainder of Block 589; That Part of Block 589 in Plan 403RW; That Part of Block 589 in Plan 291 RW; The North Part of Block 645; The Remainder of District Lot 15; That Part of District Lot 15 in Plan 403RW; All of Douglas District – Nanaimo River Road Electoral Area ‘C’**

## PURPOSE

To consider a development permit, frontage relaxation, and an offer to dedicate park land in conjunction with a lot line adjustment subdivision proposal involving fourteen parcels.

## BACKGROUND

The Regional District of Nanaimo has received a development permit application along with a request to relax the minimum 10% frontage requirement for one of the proposed parcels in conjunction with a lot line adjustment subdivision proposal from Couverdon, on behalf of Timberwest Forest I Limited. In addition, the applicant is offering to dedicate 10.0 ha of park land adjacent to the Nanaimo River.

The subject properties, which total 394.6 ha in size, are zoned Resource Management 4 (RM4) and are situated within Subdivision District ‘V’ (*50.0 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 parent parcels, which are vacant, are surrounded by Nanaimo River Road to the north, resource management zoned parcels to the east and west, and the Nanaimo River to the south.

With exception of two parent parcels, the balance of the properties have forestry assessment classification and are therefore exempt from the **Riparian Areas Regulation (RAR)** and corresponding Development Permit Guidelines. However, as proposed Lots 3 to 10 are intended for residential use, the RAR and applicable Development Permit Guidelines apply.

Proposed Lots 3 to 10 are designated within the following applicable development permit areas as per the Arrowsmith Benson – Cranberry Bright Official Community Plan Bylaw No. 1148, 1999:

- The Fish Habitat Protection Development Permit Area for the protection of fish habitat and its riparian areas;
- The Watercourse Protection Development Permit Area for the protection of lakes, rivers, stream or other water bodies.

***Proposed Development***

The applicant is proposing a lot line adjustment subdivision between the parent parcels resulting in fourteen reconfigured parcels. Not all of the parcels will meet the minimum required parcel size; however, the provisions of Bylaw No. 500, 1987 allow adjustments between parent parcels if these parcels are not reduced more than 20% of their original size. The proposed parcels will meet this provision of the Bylaw (*see Schedule No. 2 for Proposed Plan of Subdivision*). The parcels are proposed to be served with individual private potable well water and private septic disposal systems.

***Minimum 10% Perimeter Frontage Requirement & Minimum Panhandle Width***

Proposed Lot 14, as shown on the submitted plan of subdivision, does not meet the minimum 10% perimeter frontage requirement pursuant to Section 944 of the ***Local Government Act***. The requested frontage is as follows:

<b><i>Proposed Lot No.</i></b>	<b><i>Required Frontage</i></b>	<b><i>Proposed Frontage</i></b>	<b><i>% of Perimeter</i></b>
Lot 14	916 m	347 m	3.8 %

Therefore, as the proposed parcel does not meet the minimum 10% parcel frontage requirement approval of the Regional District Board of Directors is required.

In addition, the applicant is offering to dedicate 10.0 ha of park land which includes an existing hiking trail along a portion of the Nanaimo River and provides access to the Nanaimo River.

**ALTERNATIVES**

1. To approve Development Permit No. PL2011-122, subject to the conditions outlined in *Schedule No. 1*; to approve the request for relaxation of the minimum 10% perimeter frontage requirement for the proposed Lot 14; and to accept the offer to dedicate park land subject to conditions outlined in *Schedule No. 1*.
2. To deny the Development Permit No. PL2011-122 and provide further direction to staff; deny the request for relaxation of the minimum 10% frontage requirement, and deny the offer of park land.

**LAND USE IMPLICATIONS**

***Minimum Frontage / Ministry of Transportation and Infrastructure Implications***

Ministry staff has indicated that the proposed frontage for the proposed Lot 14 is acceptable to the Ministry. Despite the reduction in the frontage, the parcel will be able to support the permitted uses.

### ***Development Permit Implications***

The Riparian Assessment Report establishes a 30.0-metre Streamside Protection Environmental Area (SPEA) for the Nanaimo River, and between 10.0 and 12.6 metres for four tributary streams. This information was determined through a simple riparian assessment of Lots 11 to 14; and a detailed riparian assessment of Lots 3 to 10. Together these assessments concluded that no development activity, as a result of the proposed subdivision, will occur within the SPEAs. Therefore, no protective measures or post development monitoring is required at this time.

If any further development for residential use is proposed to be located within the riparian assessment areas (RAAs) and SPEAs on any of the lots, then further RAR assessment reports and development permits may be required prior to such development. This recommendation has been included in the conditions of the development permit.

### ***Park Land Implications***

As part of the subdivision, the applicant is offering to dedicate 10.0 ha of park land, which includes an existing hiking trail, adjacent to the Nanaimo River. This dedication is not considered park subject to the provisions of Section 941 of the ***Local Government Act***, as the subdivision includes a lot line adjustment only. This park land is being proposed as one consolidated access to the river in lieu of the applicant dedicating 20-metre wide road accesses along the river every 400 metres, pursuant to Section 75 (1) of the ***Land Title Act***.

Recreation and Parks staff has reviewed the proposal and support the inclusion of the park area as it will provide recreational opportunities and access along a portion of the Nanaimo River corridor.

Since the proposed park land is not subject to the provisions set out in Section 941 of the ***Local Government Act***, the Board policy concerning park land dedication at time of subdivision is not applicable.

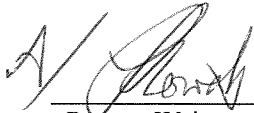
### **SUMMARY/CONCLUSIONS**

Prior to approval of the proposed 14 lot line adjustment subdivision, a development permit and relaxation of the minimum 10% perimeter frontage requirement is required. The applicant has provided a riparian assessment report which concludes that, as there is no subdivision-related development activity to occur within the SPEAs, there are no impacts or mitigation required. As part of the proposed subdivision, the applicant has also offered to dedicate a 10.0 ha park adjacent to the Nanaimo River corridor.

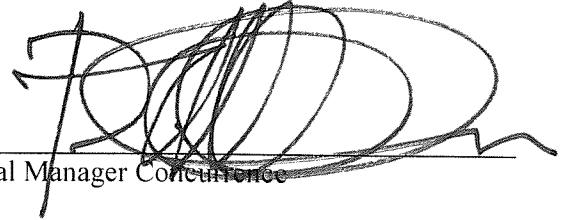
As the application is consistent with the applicable Development Permit Guidelines; and the reduced road frontage will not negatively impact the uses of the proposed parcel; and as the offer to dedicate park land will provide access to the Nanaimo River corridor, staff recommends approval of the proposed development permit, relaxation of the minimum 10% perimeter frontage requirement, and acceptance of the proposed park land dedication.

**RECOMMENDATIONS**

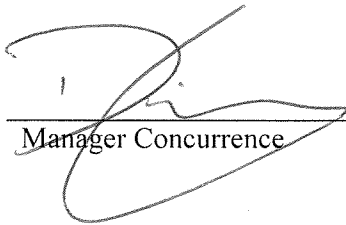
1. That Development Permit Application No. PL2011-122 in conjunction with a lot line adjustment subdivision be approved subject to the conditions outlined in *Schedule No. 1*.
2. That the request to relax the minimum 10% perimeter frontage requirement for proposed Lot 14 be approved.
3. That the offer to dedicate park land be accepted in the amount and location outlined in *Schedule No. 2* and subject to the conditions outlined in *Schedule No. 1*.



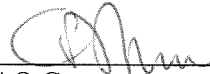
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence



**Schedule No. 1**  
**Development Permit Application No. PL2011-122**  
**Conditions of Approval**

The following sets out the conditions of approval with respect to Development Permit No. PL2011-122:

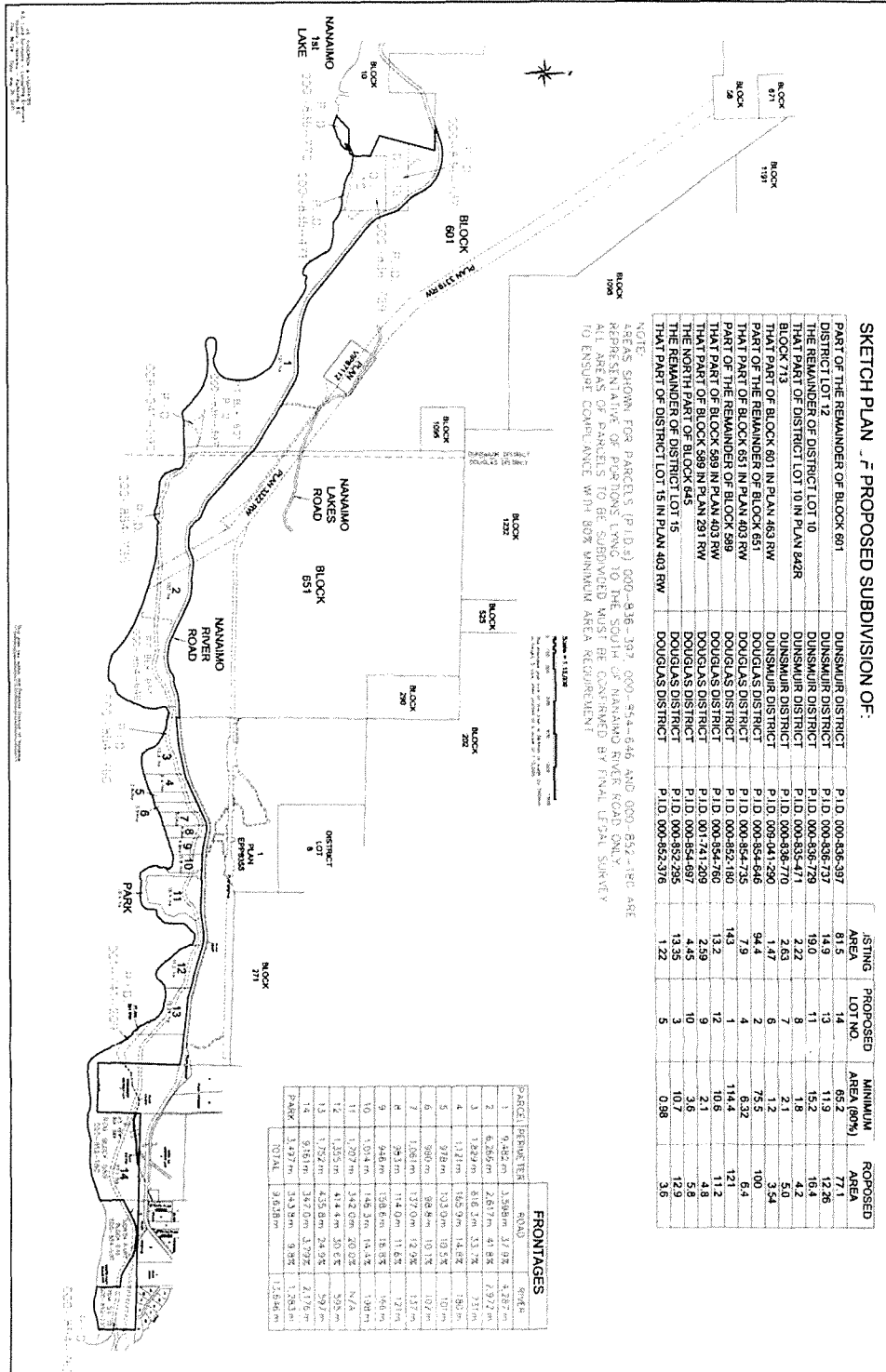
**1. Subdivision**

- a) The subdivision of the lands shall be in substantial compliance with *Schedule No. 2* (to be attached to and forming part of Development Permit No. PL2011-122).
- b) The proposed subdivision of lands is intended for residential use. Despite this intent, the conditions of the Development Permit No. PL2011-122 shall not have the effect of restricting a forest management activity on the lands, in accordance with section 21 of the Private Managed Forest Land Act (PMFLA).

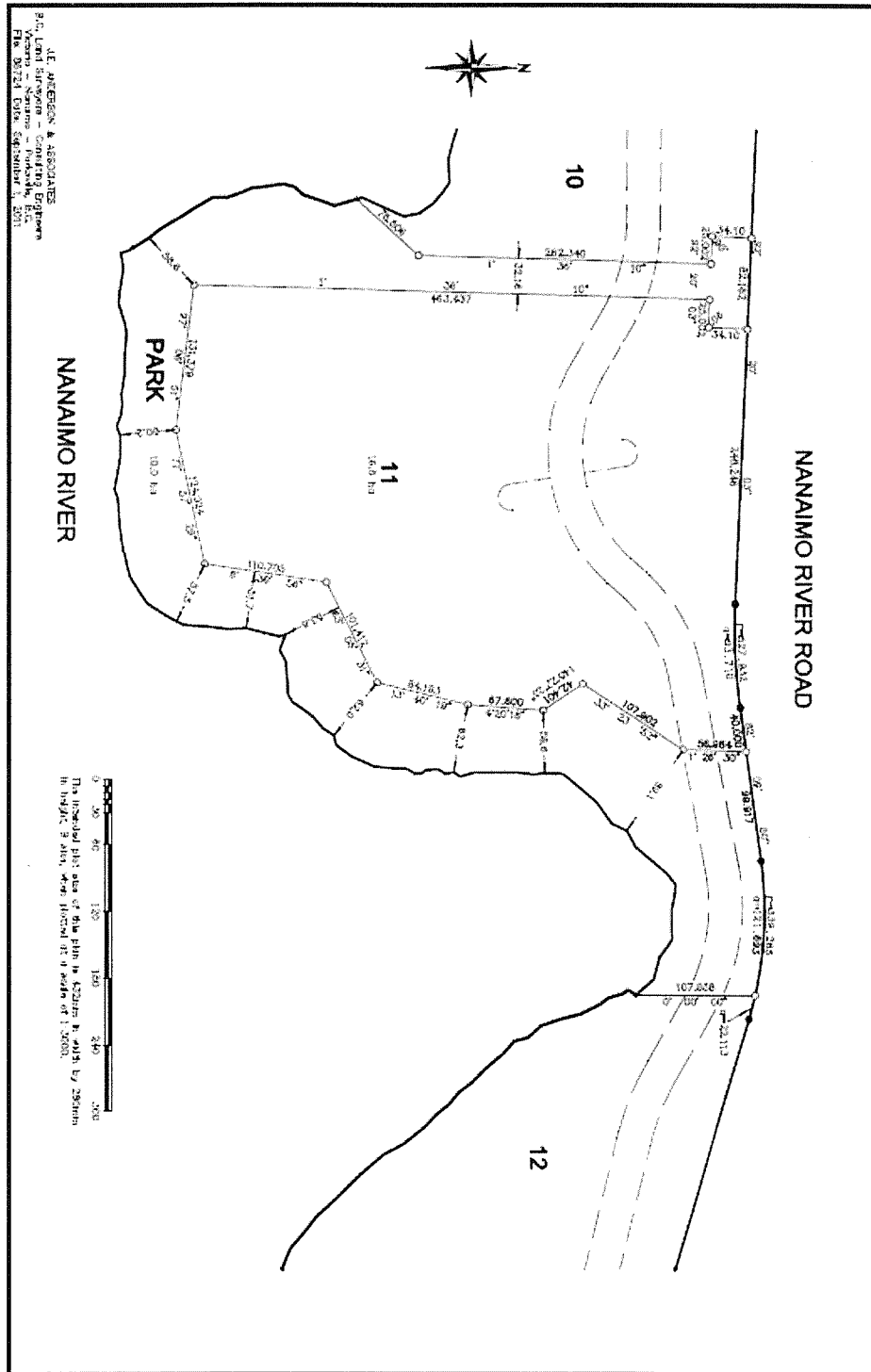
**2. Riparian Assessment**

- a) The Riparian Area Assessment No. 2080 prepared by Streamside Environmental Consulting Ltd. and dated 2011-07-18 applies only to the lot line adjustment subdivision of the parent parcels, labeled as proposed Lots 3 to 14. If any subdivision related works, including drainage works or driveways, are to occur in the SPEAs, or if any future development for residential use is proposed to occur within the development permit areas and SPEAs on these lots, then further riparian area assessments and development permits may be required prior to commencing any development activity.
- b) With respect to any potential residential development on the island located adjacent to the large side river channel, flowing through proposed Lots 3 and 4, the Riparian Area Assessment No. 2080 recommends a study be conducted by an appropriately qualified professional, such as a hydrologist or fluvial geomorphologist, to assess the floodplain concerns and risks to structures and the riparian area associated with such development.

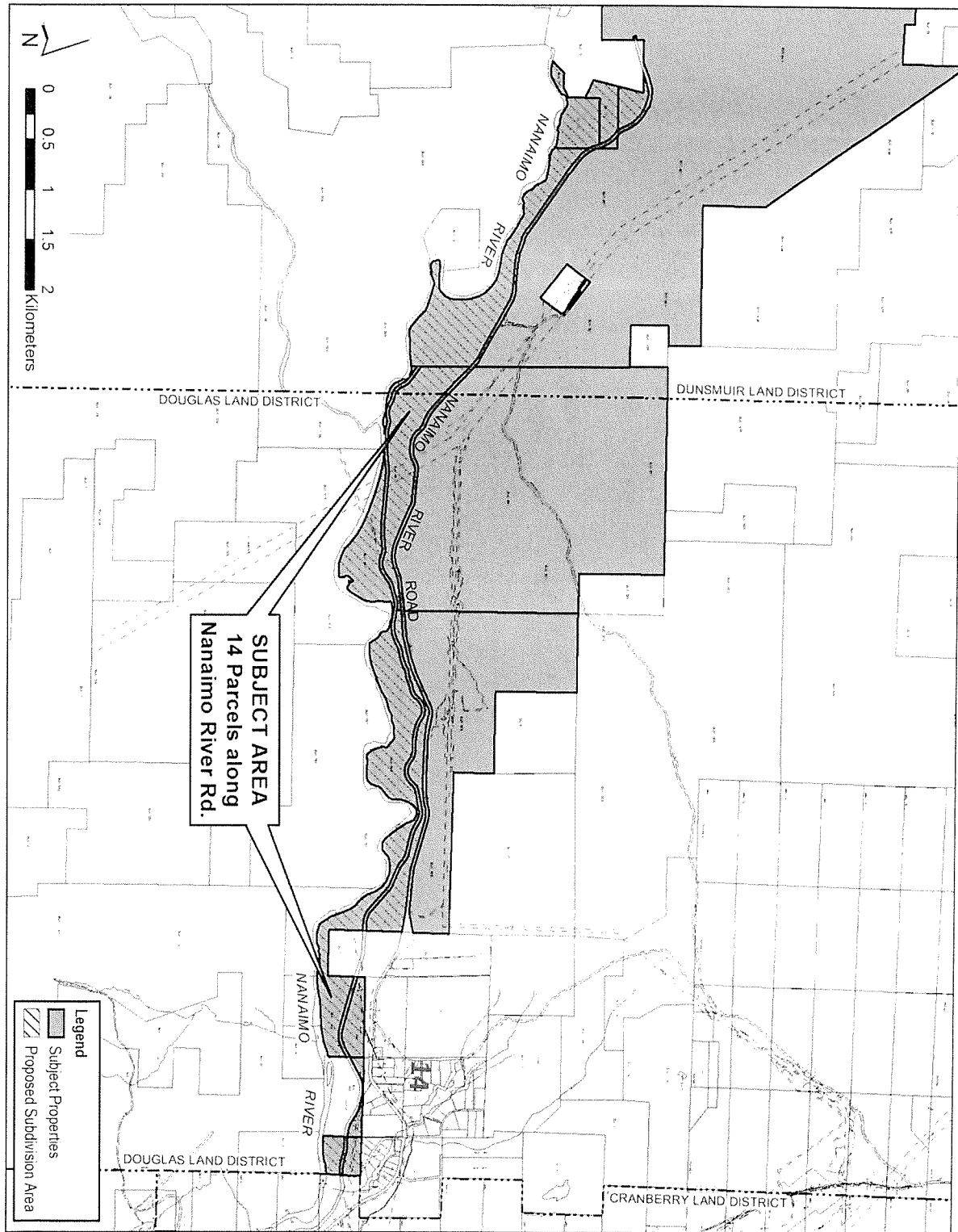
**Schedule No. 2**  
**Development Permit No. PL2011-122**  
**Proposed Plan of Subdivision including Park Land Dedication**  
**Page 1 of 2**



Schedule No. 2  
Development Permit No. PL2011-122  
Proposed Plan of Subdivision including Park Land Dedication  
Page 2 of 2



### Attachment No. 1 Location of Subject Properties





RDN REPORT	
CAO APPROVAL <i>(Signature)</i>	
EAP	✓ Sept. 13/11
COW	
SEP - 6 2011	
RHD	
BOARD	

**MEMORANDUM**

**TO:** Dale Lindsay  
 Manager of Current Planning

**DATE:** August 26, 2011

**FROM:** Stephen Boogaards  
 Planner

**FILE:** PL2011-127

**SUBJECT:** **Development Permit with Variance Application No. PL2011-127 –Whittall Lot 90, District Lot 1, Nanoose District, Plan 30958 – 960 Woodpecker Place Electoral Area ‘G’**

**PURPOSE**

To consider an application for a Development Permit with Variance to vary the maximum permitted accessory building height for a detached garage and loft storage within a hazard lands development permit area.

**BACKGROUND**

The subject property, located at 960 Woodpecker Place, is 1685.8 m<sup>2</sup> and is zoned Rural 1 within the Subdivision District ‘N’ (RU1N) pursuant to the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (see *Attachment No. 1* for location of subject property). A single storey home with attached garage is already on the property and is consistent with the neighbouring land uses. The maximum permitted height for accessory buildings allowed through the RU1 zoning is 6.0 m.

The property is in the San Paniel community of Electoral Area ‘G’ which has been designated within the Hazard Development Permit Area as per the “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008,” due to its proximity to the Englishman River floodplain. The proposed location for the garage is outside of the floodplain setbacks but below the flood construction level prescribed by provincial mapping.

***Proposed Development and Variance***

The applicant proposes to construct a detached garage and loft storage 99 m<sup>2</sup> in floor area on the northeast portion of the property (see *Schedule No. 2 and 3 for site plan and elevation drawings*). The entire property is located within the Englishman River Floodplain based on the 1 in 200 year flood event. The minimum flood plain construction level for the location is 4.1 m GSC (Geodetic Survey of Canada datum) to address both ocean and river flooding potential as recommended by their engineer. Though the applicant is not meeting the flood elevation levels they have requested raising the elevation of the accessory building to the same elevation of the existing house (3.65 GSC). The applicant requests a height relaxation from 6.0 m to 6.7 m to accommodate the accessory building at this elevation.

**ALTERNATIVES**

1. To approve the Development Permit with Variance No. PL2011-127 subject to the conditions outlined in *Schedules No. 1 to 3*.
2. To deny the Development Permit with Variance No. PL2011-127.

## LAND USE IMPLICATIONS

### *Development Implications*

Requirements of the development permit area are for the applicant to provide a report by a professional engineer to confirm that the proposed construction is considered safe for its intended use, adjacent property and the natural environment. The applicant submitted a geotechnical engineering report by Ground Control Geotechnical Engineering dated July 21, 2011, to satisfy this requirement. The engineer concludes that the proposed construction is safe for its intended use provided that conditions in the report are followed as per *Schedule 1*. No site specific exemption is required from the Floodplain Management Bylaw No. 1469 as garages and unoccupied structures are exempted from the requirements to meet the flood construction levels. A bathroom is proposed on the second storey, though it will be above the prescribed flood construction level.

The garage will not be meeting the flood construction level as prescribed by the Province but it will meet the grade of the existing house and garage. This will avoid the awkwardness of the garage floor being above or below the grade of the existing dwelling. In compliance with the recommendation of the engineering report it is being recommended that the applicant register a covenant on the title to the property recognizing the flood risk associated with the construction below the flood construction level and holding harmless the Regional District of Nanaimo from damages caused by the potential hazard.

### *Public Consultation Implications*


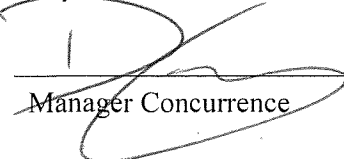
Pending recommendation of the Electoral Area Planning Committee, notice will be mailed to each neighbour within a 50.0 m radius of the subject property, consistent with the requirements of the *Local Government Act*. Neighbours will have the opportunity to provide comment on the variance prior to the RDN Board decision.

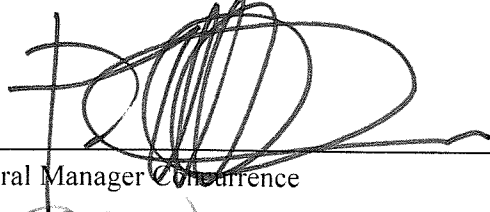

## SUMMARY/CONCLUSION

The application is for a Development Permit with Variance to allow the construction of an accessory garage and loft storage with a height variance of 0.7 m so that the proposed building will be at the same elevation of the existing house. In staff's assessment, the proposal is consistent with the development permit guidelines and as such recommend approval.

## RECOMMENDATIONS

1. That staff be directed to complete the required notification;
2. That Development Permit with Variance Application No. PL2011-127 be approved subject to the conditions outlined in *Schedule 1*.

  
\_\_\_\_\_  
Report Writer  
  
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
General Manager Concurrence  
  
\_\_\_\_\_  
CAO Concurrence

**Schedule No. 1**  
**Conditions of Approval**  
**Development Permit Application No. PL2011-127**

The following conditions are to be completed as part of Development Permit with Variance No. PL2011-127:

**Bylaw No. 500, 1987**

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 – Maximum Number and Size of Buildings and Structures** is requested to be varied by increasing the maximum accessory building height from 6.0 metres to 6.7 metres, as shown on *Schedule No. 2 and 3*.

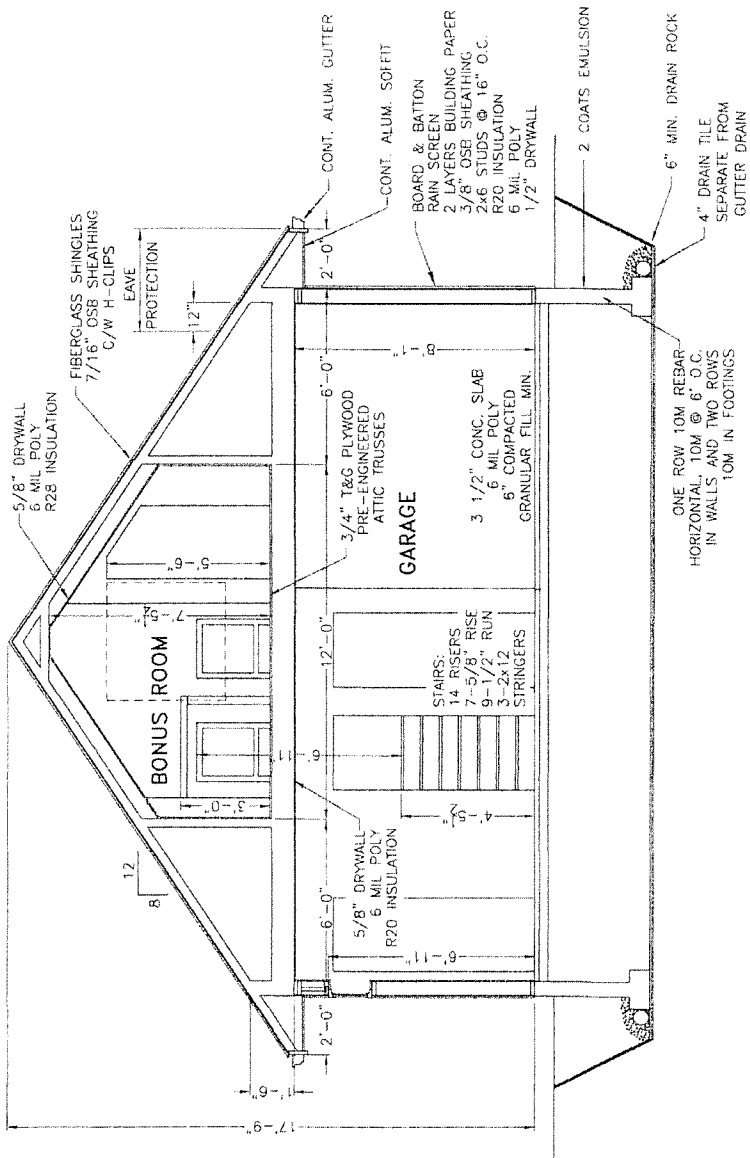
**Conditions of Approval**

1. The garage and loft storage shall be sited in accordance with the site plan prepared by J.E. Anderson & Associates dated August 11, 2011, attached as *Schedule No. 2*.
2. The garage and loft storage shall be constructed in general accordance with the elevation drawings attached as *Schedule No. 3*.
3. The lands shall be developed in accordance with the Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd. dated July 21, 2011.
4. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 covenant that registers the Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd. dated July 21, 2011, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard.



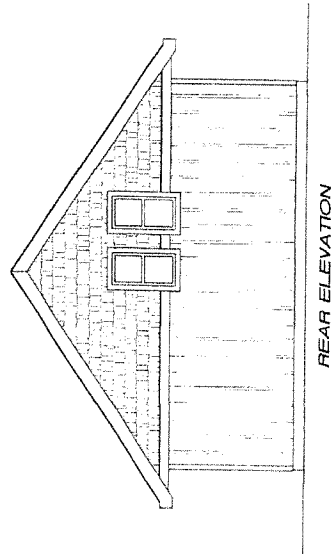
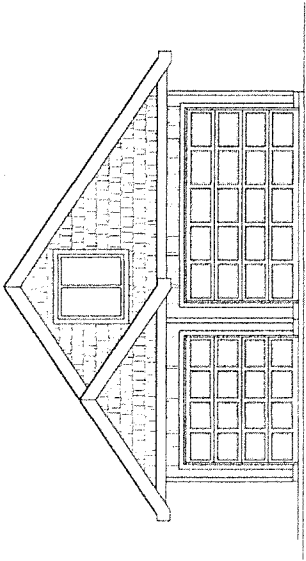
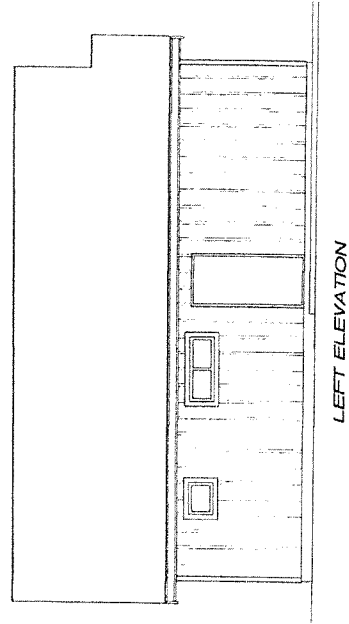
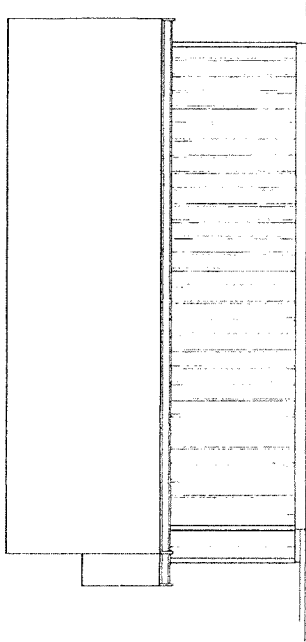


**Schedule No. 3**  
**Elevation Drawings**  
 Page 1 of 2

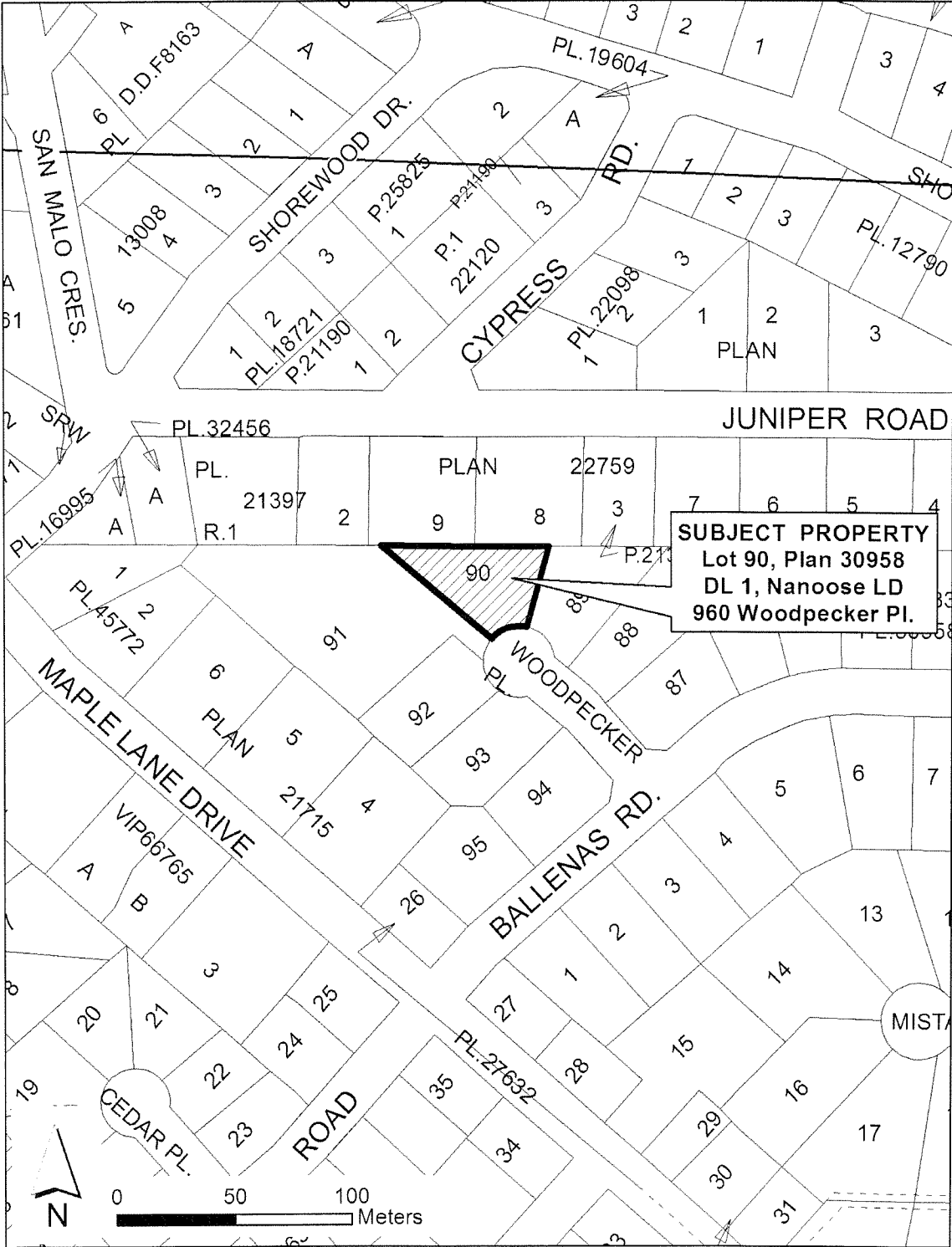


**SECTION A-A**

**Schedule No. 3**  
**Elevation Drawings**  
**Page 2 of 2**



**Attachment No. 1  
Location of Subject Property**





RDN REPORT		
CAO APPROVAL (RW)		
EAP	✓	Sept. 13/11
COW		
SEP - 6 2011		
RHD		
BOARD		

**MEMORANDUM**

**TO:** Dale Lindsay  
Manager, Current Planning

**DATE:** August 26, 2011

**FROM:** Susan Cormie  
Senior Planner

**FILE:** PL2011-125

**SUBJECT:** Development Permit with Variance No. PL2011-125 - Thomas Hoyt, BCLS  
Lot 1, Plan 30391 and Lot A, Plan VIP88234, Both of Section 13, Range 7,  
Cranberry District - 1921 & 1949 Akenhead Road  
Electoral Area 'A'

**PURPOSE**

To consider an application for a Development Permit with Variance for the subject property in conjunction with a lot line adjustment subdivision proposal.

**BACKGROUND**

The Regional District of Nanaimo has received a Development Permit with Variance application in conjunction with a lot line adjustment subdivision proposal from Thomas Hoyt, BCLS on behalf of Linda Dorset.

The subject properties are zoned Rural 4 and are situated within Subdivision District 'D' (RU4D) (*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 properties*).

The subject properties each contain one existing single dwelling unit and accessory buildings. Surrounding land uses include King Avenue and a rural zoned property in the Agricultural Land Reserve to the north, Akenhead Road and rural zoned properties to the east, and residentially zoned parcels to the south and west. A creek crosses the northwest corner of one of the subject properties (Lot A).

This subdivision application has in-stream status pursuant to section 943 of the *Local Government Act* and, therefore, the requirements of the Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001 remain in effect until July 26, 2012. Under Bylaw No. 1240, 2001, the parcel is designated within the following Development Permit areas:

- The Streams, Nesting Trees, & Nanaimo River Floodplain Development Permit Area No. 5 (DPA No. 5) for the protection of the natural environment and the protection of development from hazardous conditions, in this case for the Nanaimo River Floodplain; and
- The Fish Habitat Protection Development Permit Area No. 6 (DPA No. 6) for the protection of riparian areas, in this case, for a stream crossing the subject property.

For the Board's reference, if the subdivision is not finalized by July 26, 2012, all requirements of Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011 will come into effect.

### ***Proposed Development & Requested Variance***

The applicant is proposing a lot line adjustment between the parent parcels resulting in two new parcels. Under Bylaw No. 500, 1987 provisions, parcels which do not meet the minimum parcel size may adjust the boundary between the parent parcels, provided the boundary change does not result in the reduction of either parent parcel by 20% or more of its original size. In this case, the applicant is requesting that the parent parcel Lot A be reduced in size by 27.4%, from a minimum parcel area of 7,680 m<sup>2</sup> to the proposed area of 6,902m<sup>2</sup>; therefore, a variance is required to reduce the size of this lot. The parcels are proposed to be served with potable well water and individual private septic disposal systems (*see Schedule No. 2 for Proposed Plan of Subdivision*).

### **ALTERNATIVES**

1. To approve Development Permit with Variance No. PL2011-125 as submitted, subject to the conditions outlined in *Schedule No. 1*.
2. To deny the Development Permit with Variance No. PL2011-125 as submitted, and provide further direction to staff.

### **LAND USE IMPLICATIONS**

#### ***Environmentally Sensitive Development Permit Area Implications***

The Ministry of Environment has accepted the Riparian Assessment prepared for a previous subdivision that involved one of the parent parcels (Lot A) from this lot line adjustment proposal. The assessment report establishes a Streamside Protection and Enhancement Area (SPEA) of 30.0 metres for the portion of the stream crossing the northeast corner of Lot A. As there is not expected to be any works within the SPEA at the time of subdivision, or at the time of future construction of buildings, the Qualified Environmental Professional has not required any measures or monitoring as part of the assessment.

#### ***Natural Hazard Implications***

Under the previous subdivision, a geotechnical covenant was registered on the parent parcel (Lot A) for the southeast corner of the lot. As proposed, Lot 1 already supports a dwelling unit, an additional report was therefore deemed unnecessary for the purposes of this application.

#### ***Proposed Variance Implications***

As part of this Development Permit with Variance application, the applicant is requesting a variance to the maximum allowable 20% reduction in parcel size to allow a 27.4% reduction in size for the parent parcel (Lot A). This variance will allow the proposed parcels to have a well and septic field within the parcels without the need for easements. It is staff's opinion that this variance will allow for a better lot configuration and reduce the encumbrances on the parcels.

#### ***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.

**SUMMARY/CONCLUSIONS**

Prior to the development of the subject properties, a Development Permit with Variance is required. The subject properties have in-stream status under the *Local Government Act*, as it relates to the subdivision application, and are designated within the Streams, Nesting Trees, & Nanaimo River Floodplain Development Permit Area No. 5 for the protection of the natural environment and the protection of development from flooding, as well as the Fish Habitat Protection Development Permit Area No. 6 for the protection of riparian area of the stream crossing the subject property, as per the Electoral Area 'A' OCP 1240, 2001. If the subdivision is not finalized by July 26, 2012, the applicable provisions of the recently adopted Electoral Area 'A' OCP Bylaw No. 1620, 2011 will come into effect. The applicant has provided a Riparian Assessment Report which concludes that there are no development impacts and, therefore, no mitigation is required. The existing geotechnical covenant will continue to run with the land and apply to proposed Lot 1.

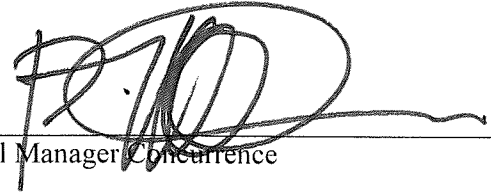
As the application is consistent with the applicable Development Permit Guidelines, staff recommends approval of the Development Permit with Variance.

**RECOMMENDATIONS**

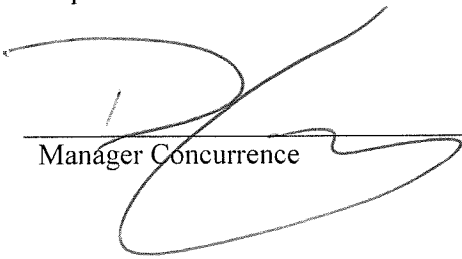
1. That staff be directed to complete the required notification.
2. That Development Permit with Variance Application No. PL2011-125, in conjunction with a lot line adjustment subdivision, be approved subject to the conditions outlined in *Schedule No. 1*.



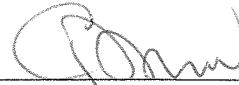
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

**Schedule No. 1**  
**Development Permit with Variance Application No. PL 2011-125**  
**Conditions of Approval / Proposed Variance**

**Conditions of Approval**

The following sets out the conditions of approval with respect to Development Permit with Variance No. PL2011-125:

**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. PL2011-125).

**2. Riparian Assessment**

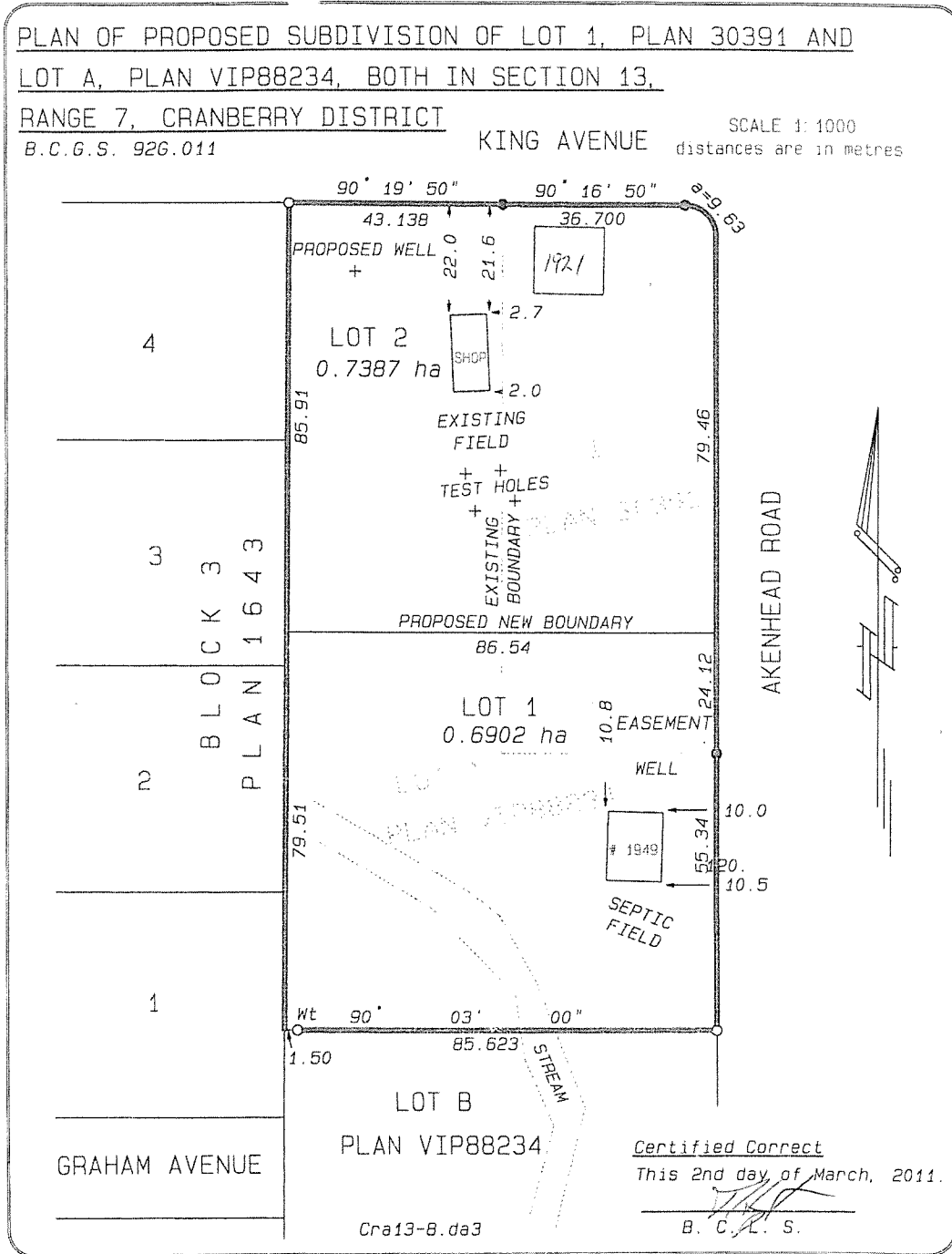
The Riparian Area Assessment No. 1446 prepared by David Clough and dated October 26, 2009, applies to the lot line subdivision of the parent parcels. No construction, other than the surveying required for subdivision, shall occur within the riparian area. If any subdivision related works, including drainage works or wells are to occur in the SPEA, or if there is any future development proposed to occur within the SPEA, a further riparian area assessment prepared by a Qualified Environmental Professional and registered with the Ministry of Environment will be required.

**Proposed Variance**

The following sets out the proposed variance to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” with respect to Development Permit with Variance No. PL2011-125:

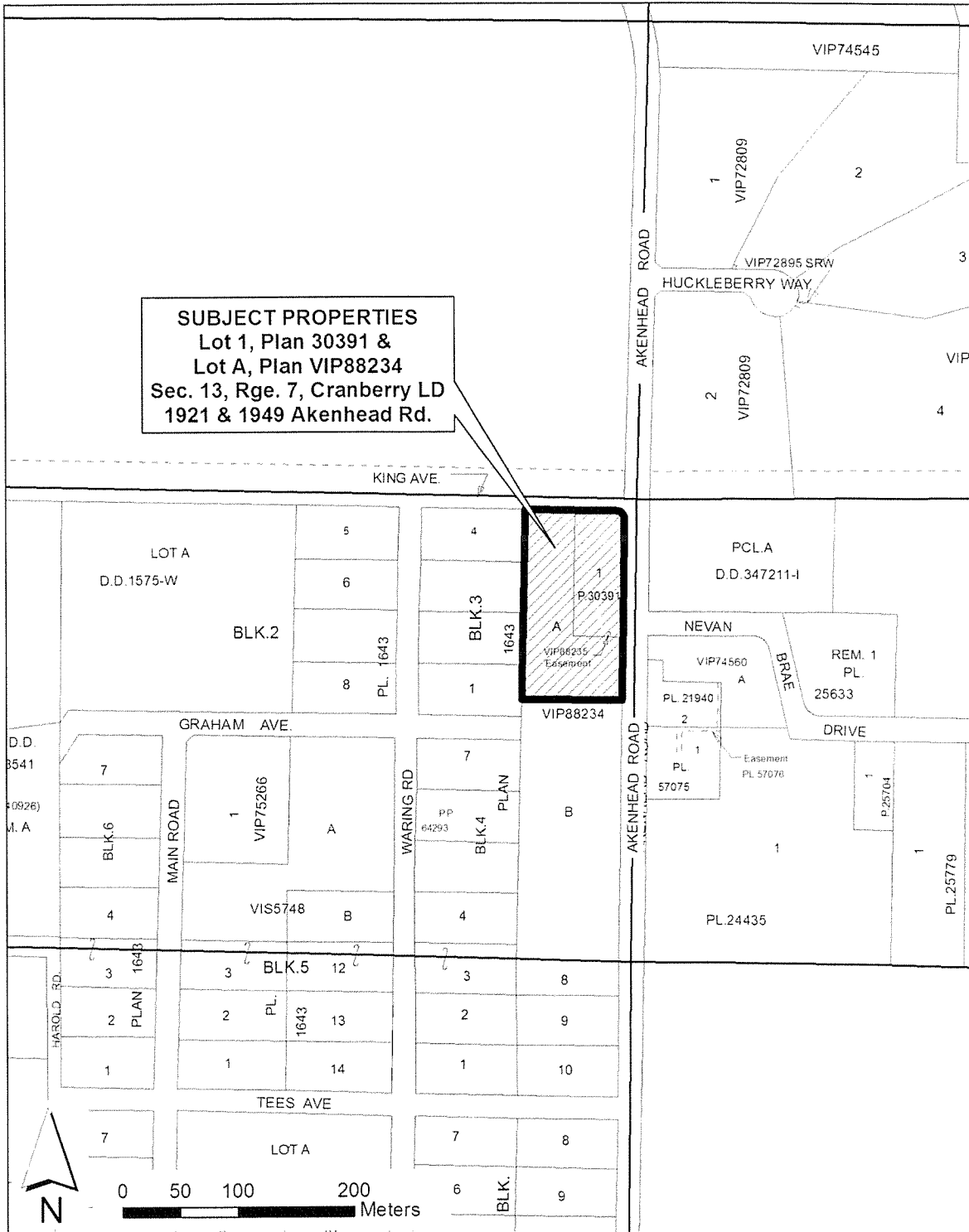
1. Section 4.4.1) b) *Parcels Exempt from Minimum Parcel Size Requirements* is proposed to be varied by relaxing the maximum provision for the reduction in size of a parent parcel (in this case for Lot A) from 20% to 27.4% to allow the creation of the lot line adjustment subdivision between Lot 1, Plan 30391 and Lot A, Plan VIP88234, both of Section 13, Range 7, Cranberry District as shown on *Schedule No. 2*.

**Schedule No. 2**  
**Development Permit with Variance No. PL2011-125**  
**Proposed Plan of Subdivision**





**Attachment No. 1  
Location of Subject Property**



BCGS MAPSHEET: 92G.011.2.1



RUM REPORT	
CAO APPROVAL <i>CLW</i>	
EAP	<input checked="" type="checkbox"/>
COW	<input type="checkbox"/>
SEP - 6 2011	
RHD	<input type="checkbox"/>
BOARD	<input type="checkbox"/>

## MEMORANDUM

**TO:** Dale Lindsay  
Manager of Current Planning

**DATE:** August 26, 2011

**FROM:** Susan Cormie  
Senior Planner

**FILE:** PL2011-137

**SUBJECT:** Development Permit Application No. PL2011-137 and Consideration of Relaxation of Minimum 10% Frontage Requirement – Keith Brown  
Part of The West 60 Acres of Section 10, Range 4, Cedar District, Except Part in Plans 21023, 30315, 32519  
Boat Harbour Road and Ingram Road  
Electoral Area ‘A’

### PURPOSE

To consider a Development Permit and frontage relaxation in conjunction with a five lot subdivision proposal.

### BACKGROUND

The Regional District of Nanaimo has received a Development Permit application along with a request to relax the minimum 10% frontage requirement for one of the proposed parcels in conjunction with a five lot subdivision proposal from Keith Brown, on behalf of the owner.

The subject property, which is 11.7 ha in size, is zoned Rural 4 (RU4) and is situated within Subdivision District ‘D’ (*2.0 ha minimum parcel size with or without community services*) as per the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (*see Attachment No. 1 for location of subject property*).

The parent parcel is surrounded by rural zoned parcels with Boat Harbour Road located to the south and Ingram Road and an unnamed road right-of-way located to the east. There are a number of watercourses crossing the parent parcel.

This subdivision application has in-stream status pursuant to section 943 of the *Local Government Act*; therefore, the requirements of the Electoral Area ‘A’ Official Community Plan Bylaw No. 1240, 2001 remains in effect until July 26, 2012. Under Bylaw No. 1240, 2001, the parcel is designated within the following Development Permit areas:

- The Streams, Nesting Trees, & Nanaimo River Floodplain Development Permit Area No. 5 (DPA No. 5) for the protection of the natural environment and the protection of development from hazardous conditions, in this case for the protection of one of the streams crossing the parent parcel.

- The Fish Habitat Protection Development Permit Area No. 6 (DPA No. 6) for the protection of riparian areas, in this case, for a number of streams crossing the parent parcel as well as four wetland areas.

For the Board's reference, if the subdivision is not finalized by July 26, 2012, all requirements of Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011 will come into effect.

### ***Proposed Development***

The applicant is proposing five lot subdivision, with all parcels being greater than the minimum 2.0 ha parcel size, therefore meeting the Bylaw provisions (*see Schedule No. 2 for Proposed Plan of Subdivision*). The proposed parcels will be served with individual private potable well water and private septic disposal systems.

### ***Minimum 10% Perimeter Frontage Requirement & Minimum Panhandle Width***

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

<b><i>Proposed Lot No.</i></b>	<b><i>Required Frontage</i></b>	<b><i>Proposed Frontage</i></b>	<b><i>% of Perimeter</i></b>
Lot 2	58.5 m	36.0 m	6.2 %

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

### **ALTERNATIVES**

1. To approve Development Permit No. PL2011-137, 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 Lot 2.
2. To deny the Development Permit No. PL2011-137 and provide further direction to staff and deny the request for relaxation of the minimum 10% frontage requirement.

### **LAND USE IMPLICATIONS**

#### ***Minimum Frontage / Ministry of Transportation and Infrastructure Implications***

Ministry staff has indicated that the proposed frontage for the proposed Lot 2 is acceptable to the Ministry. Despite the reduction in the frontage, the parcel will be able to support the intended residential uses.

#### ***Development Implications***

As part of the submission requirements, the applicant has provided a Riparian Assessment report, which establishes a Streamside Protection Environmental Area (SPEA), ranging from 10.0 to 30.0 metres, for the various streams. As the proposed cul-de-sac is being built as part of the subdivision development, the report provides measures for protecting the SPEAs during the construction phase of the subdivision. This information has been included in the conditions of the development permit (*see Schedule No. 1 for Conditions of Approval*). Additional riparian assessment reports may be required at the time of further development of the proposed parcels.

It is noted that proposed Lot 3 contains a limited building envelope due to topography and the location of streams. The applicant's engineer has provided a plan showing the potential buildable area within this lot. Staff will recommend, as part of the subdivision review process, that the approving authority be satisfied that proposed Lot 3 has sufficient buildable area to support the intended uses.

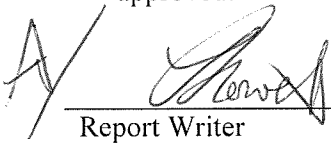
**SUMMARY/CONCLUSIONS**

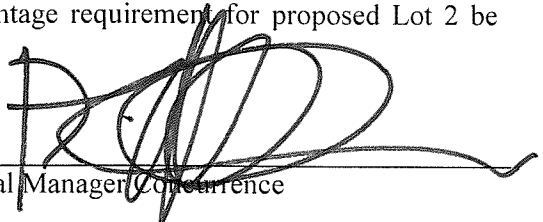
Prior to approval of the proposed five lot subdivision, a Development Permit and relaxation of the minimum 10% perimeter frontage requirement is required. The applicant has provided a Riparian Assessment report, which makes recommendations for the protection of riparian areas during the future construction of the cul-de-sac.

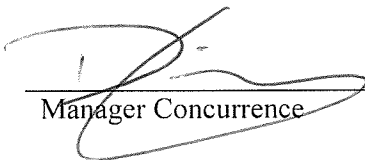
The proposal is consistent with the applicable Development Permit Guidelines and the reduced frontage will not negatively impact the uses of the proposed parcel; therefore, staff recommends approval of the Development Permit and the relaxation of the minimum 10% perimeter frontage requirement.


**RECOMMENDATIONS**

1. That Development Permit Application No. PL2011-137 in conjunction with a five lot subdivision be approved subject to the conditions outlined in *Schedule No. 1*.
2. That the request to relax the minimum 10% perimeter frontage requirement for proposed Lot 2 be approved.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
General Manager Concurrence

  
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
CAO Concurrence

**Schedule No. 1**  
**Conditions of Development Permit Application No. PL2011-137**

***Conditions of Approval:***

The following sets out the conditions of approval with respect to Development Permit No. PL2011-137:

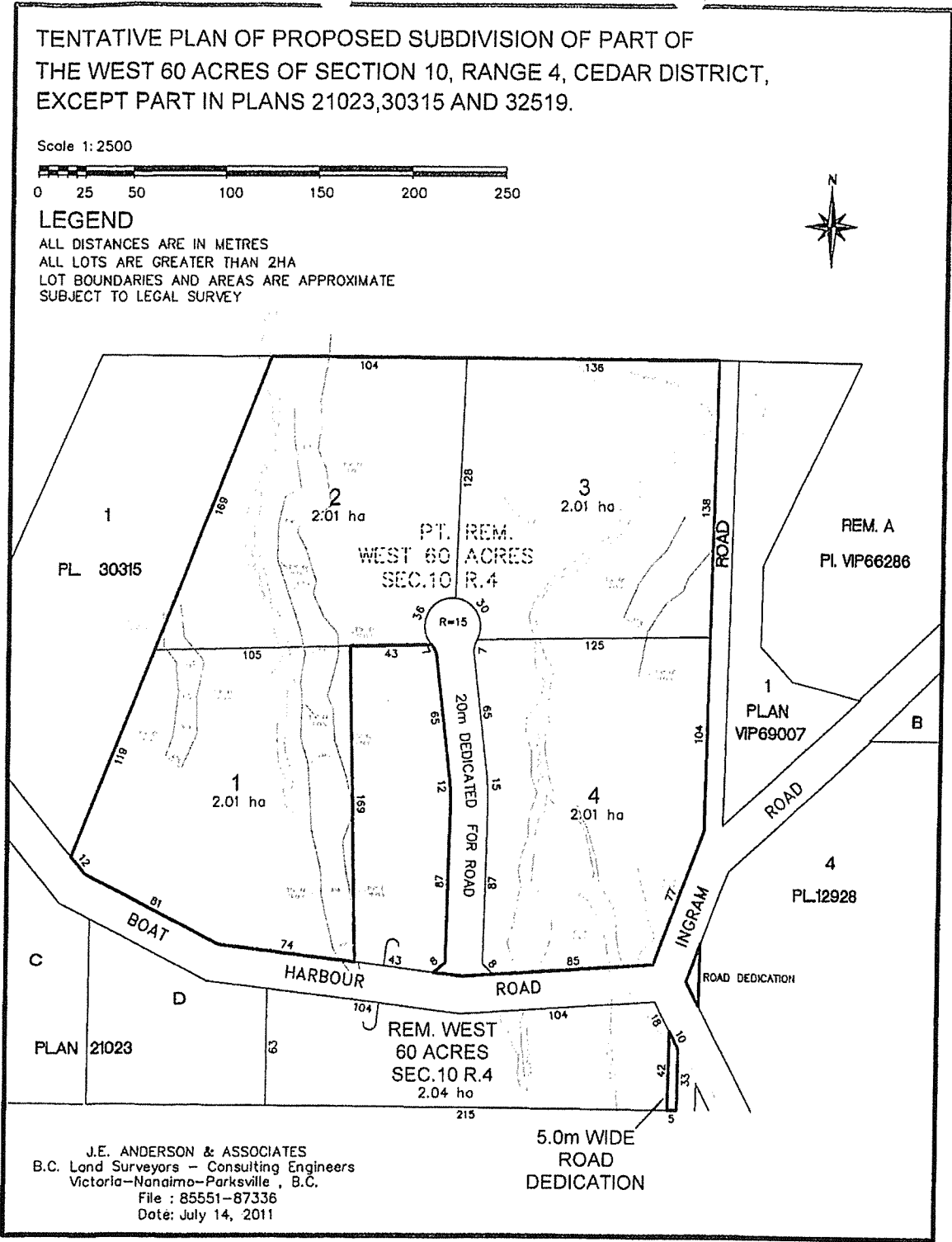
**1. Subdivision**

The subdivision of the lands shall be in substantial compliance with *Schedule No. 2* (to be attached to and forming part of Development Permit No. PL2011-137).

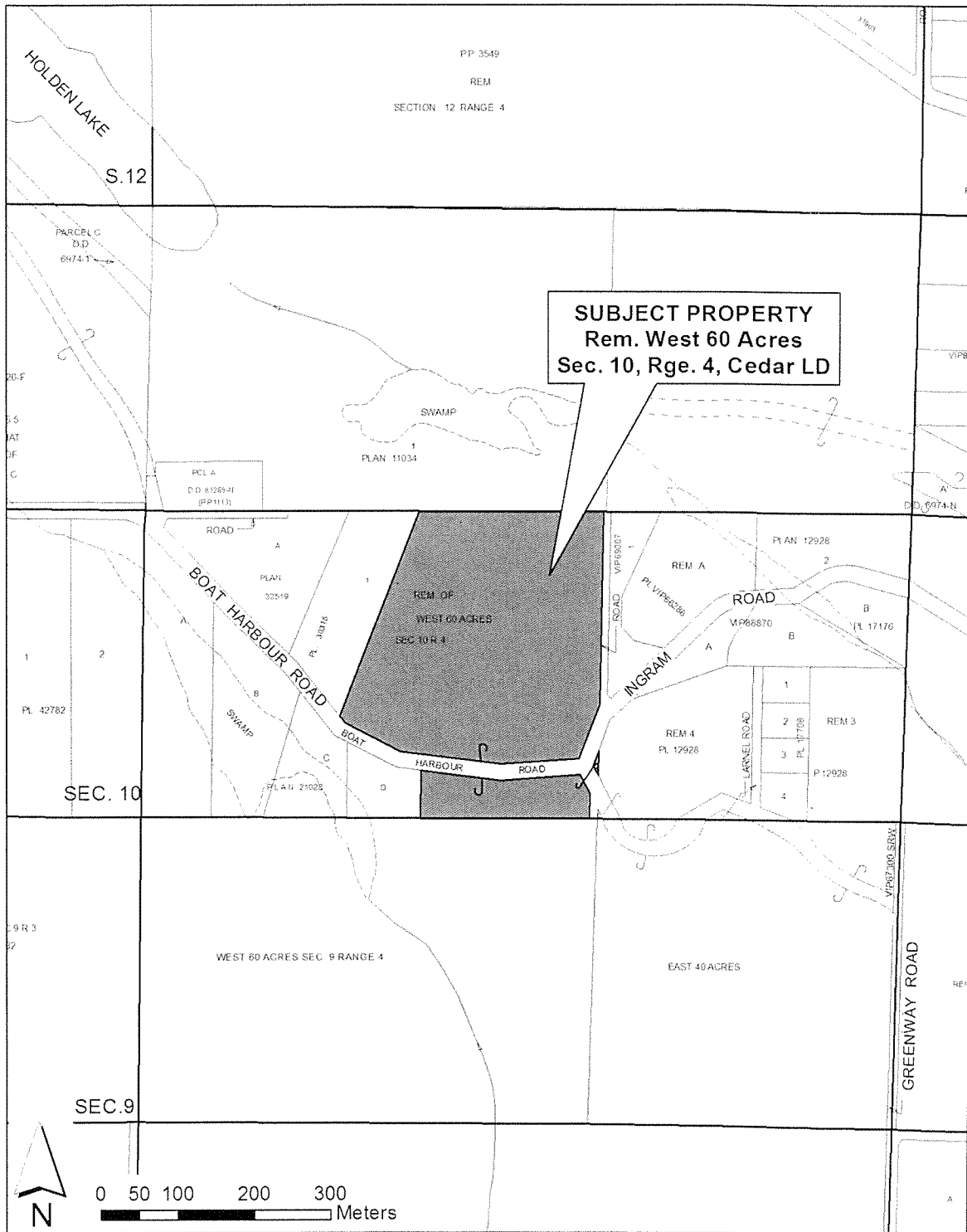
**2. Riparian Assessment**

- a) The Riparian Area Assessment prepared by Adam Compton of Streamline Environmental Consulting Ltd. and dated 2011-08-09 applies only to the five lot subdivision of the parent parcel and includes the measures for protection of the SPEAS during construction phase. If any other 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 development permit areas and SPEAs, a further riparian area assessment prepared by a Qualified Environmental Professional and registered with the Ministry of Environment will be required prior to commencing any development activity.
- b) Written confirmation from the Qualified Environmental Professional (QEP) certifying that the measures and monitoring as set out in the Riparian Assessment have been completed to the QEP's satisfaction is to be submitted to the RDN prior to applying for final RDN approval of the subdivision.

**Schedule No. 2**  
**Development Permit No. PL2011-137**  
**Proposed Plan of Subdivision**



### Attachment No. 1 Location of Subject Property



BOGS MAPSHEET: 92G.001.4.4



RDN REPORT	
CAO APPROVAL <i>[Signature]</i>	
EAP	✓ Sept. 13/11
COW	
SEP - 6 2011	
RHD	

## MEMORANDUM

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**TO:** Dale Lindsay  
Manager, Current Planning

**DATE:** August 26, 2011

**FROM:** Lainya Rowett  
Planner

**FILE:** PL2011-079

**SUBJECT:** **Subdivision Application No. PL2011-079**  
**Request to Relax the Minimum 10% Frontage Requirement; and Request to Accept Park Land Dedication - Glencar Consultants Inc.**  
**Lot 9, District Lot 81, Nanoose District, Plan 1799 Except Part in Plan 25321**  
**564 Wembley Road**  
**Electoral Area 'G'**

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### PURPOSE

To consider a frontage relaxation and proposed park land dedication in conjunction with a proposed twenty lot subdivision.

### BACKGROUND

The Regional District of Nanaimo has received a development application from Glencar Consultants Inc., on behalf of 885538 B.C. Ltd, to subdivide the subject property into twenty residential lots with park land dedication, and a request to relax the minimum frontage requirement.

The subject property, which is 2.1 ha in size, is zoned Residential 1 (RS1) Subdivision District 'Q' (*minimum 700 m<sup>2</sup> with community water and sewer services, or 1.0 ha without community services*) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

The subject property is heavily treed and contains an existing dwelling and accessory buildings, which are to be removed. The property is bordered by Wembley Road to the west; Stanhope Road (undeveloped) and residentially zoned parcels to the north; as well as residentially zoned parcels to the east and south (*see Attachment No. 1 for location of subject property*).

### *Proposed Development*

The applicant proposes to subdivide the subject property under its current zoning (RS1) to create twenty residential lots, varying in size from 701 m<sup>2</sup> to 1,259 m<sup>2</sup> (*see Schedule No. 2 for proposed plan of subdivision*); the lots will be served with community water and sewer services. The applicant is also proposing to dedicate an area of park land (1,063 m<sup>2</sup>) within the northwest corner of the property fronting Wembley Road.

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 0.1 ha. The applicant proposes to dedicate 0.1 ha (1,063 m<sup>2</sup>) of park land, in the northwest corner of the property, to meet the 5% requirement (*see Schedule No. 2 for detailed site plan*).



**Minimum 10% Perimeter Frontage Requirement**

Proposed Lots 7, 8, 9 and 10 do not meet the minimum 10% perimeter frontage requirement for the subdivision. The proposed frontages are as follows:

<b>Proposed Lot No.</b>	<b>Required Frontage</b>	<b>Proposed Frontage</b>	<b>% of Perimeter</b>
Lot 7	13.8 m	<b>12.0 m</b>	8.7 %
Lot 8	15.3 m	<b>11.2 m</b>	7.3%
Lot 9	12.8 m	<b>10.0 m</b>	7.8 %
Lot 10	12.2 m	<b>10.0 m</b>	8.2 %

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

**ALTERNATIVES**

1. To approve the request for relaxation of the minimum 10% perimeter frontage requirement for proposed Lots 7, 8, 9 and 10, and to accept the offer for park land dedication in the amount and location as set in *Schedules No. 1 and 2*.
2. To deny both, or either of, the request for relaxation of the minimum 10% frontage requirement or the offer for dedication of park land.

**DEVELOPMENT IMPLICATIONS****Ministry of Transportation and Infrastructure Implications**

The proposed parcels, despite their reduced frontages, are capable of supporting the intended residential uses as permitted in the zoning provisions. Ministry of Transportation & Infrastructure staff have indicated that the frontages for proposed Lots 7 to 10 are acceptable.

**PARK LAND IMPLICATIONS**

The Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008 contains park land related policies, which stipulate that park land is desirable where it provides connections to other parks or natural areas; offers opportunities for nature appreciation; and provides linear walking trails. In this case, OCP Map No. 8 *Mobility Options and Road Network Plan* identifies a future pedestrian trail, and road, running east-west from Wembley Road to Ackerman Road, along the northern boundary of the subject property. The trail/road is shown within undeveloped road allowance (Stanhope Road) and the northwest corner of the subject property (*see Schedule No. 2 for detailed site plan*).

Through the application review process the Ministry of Transportation and Infrastructure has confirmed that it is not pursuing the connection of Stanhope Road in this location for vehicular access. Instead, the Ackerman/Stanhope road connection is a more viable option to access the Island Highway, considering the future development of this intersection.

The proposed park opens up to Wembley Road and aligns with the future trail corridor within Stanhope Road. Together, the park and trail area will provide an east-west linkage between Wembley and Ackerman roads, and connect the residential area to the nearby Wembley commercial centre. Additional access to the trail will be provided via a 4.0-metre wide walkway, between proposed Lots 11 and 12, within the subdivision.

The park area and the future trail corridor are heavily treed; it is intended that these areas remain undeveloped in their natural state, to provide opportunities for nature appreciation, as well as privacy between the subdivision and existing residential properties to the north.

***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 June 20<sup>th</sup>, 2011 (*see Attachment No. 2 for excerpt of meeting*). The Committee supports the proposed park land dedication in conjunction with the proposed subdivision. Recreation and Parks staff have also reviewed the proposed park land dedication and support the inclusion of this area as it enhances opportunities for open space and linear walking trails in this neighborhood.

**PUBLIC CONSULTATION**

***Public Information Meeting***

A Public Information Meeting (PIM) was held on August 17, 2011, and seventeen (17) people attended this meeting (*see Attachment No. 3 for summary of the PIM*).

**SUMMARY/CONCLUSIONS**

The applicant proposes to subdivide the subject property under the current zoning (RS1) into twenty residential lots. Prior to subdivision approval, a relaxation of the minimum 10% perimeter frontage requirement is required, for proposed Lots 7 to 10. The applicant has also offered to dedicate 5% of the property (0.1 ha) as park land. This proposal was referred to the Electoral Area 'G' Parks and Open Space Advisory Committee, which commented that the park land is acceptable. The park dedication proposal was also presented at a Public Information Meeting held on August 17, 2011.

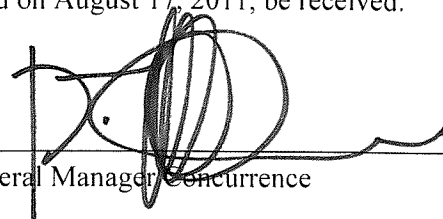
As the reduced lot frontages will not negatively impact the uses of the proposed parcels, and as the offer for park land will enhance opportunities for open space and walking trails in this neighborhood, staff recommends approval of the relaxation of the minimum 10% perimeter frontage requirement, and acceptance of the proposed park land dedication subject to the conditions set out in *Schedule No. 1*.

**RECOMMENDATIONS**

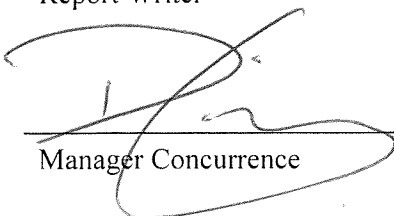
1. That the request to relax the minimum 10% perimeter frontage requirement for proposed Lots 7, 8, 9 and 10 be approved.
2. That the request to accept the dedication of park land, as outlined in Schedule No. 1, be accepted.
3. That the Summary of the Public Information Meeting held on August 17, 2011, be received.



Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

**Schedule No. 1**  
**Conditions of Approval**  
**Park Land Dedication in Conjunction with Subdivision Application No. PL2011-079**

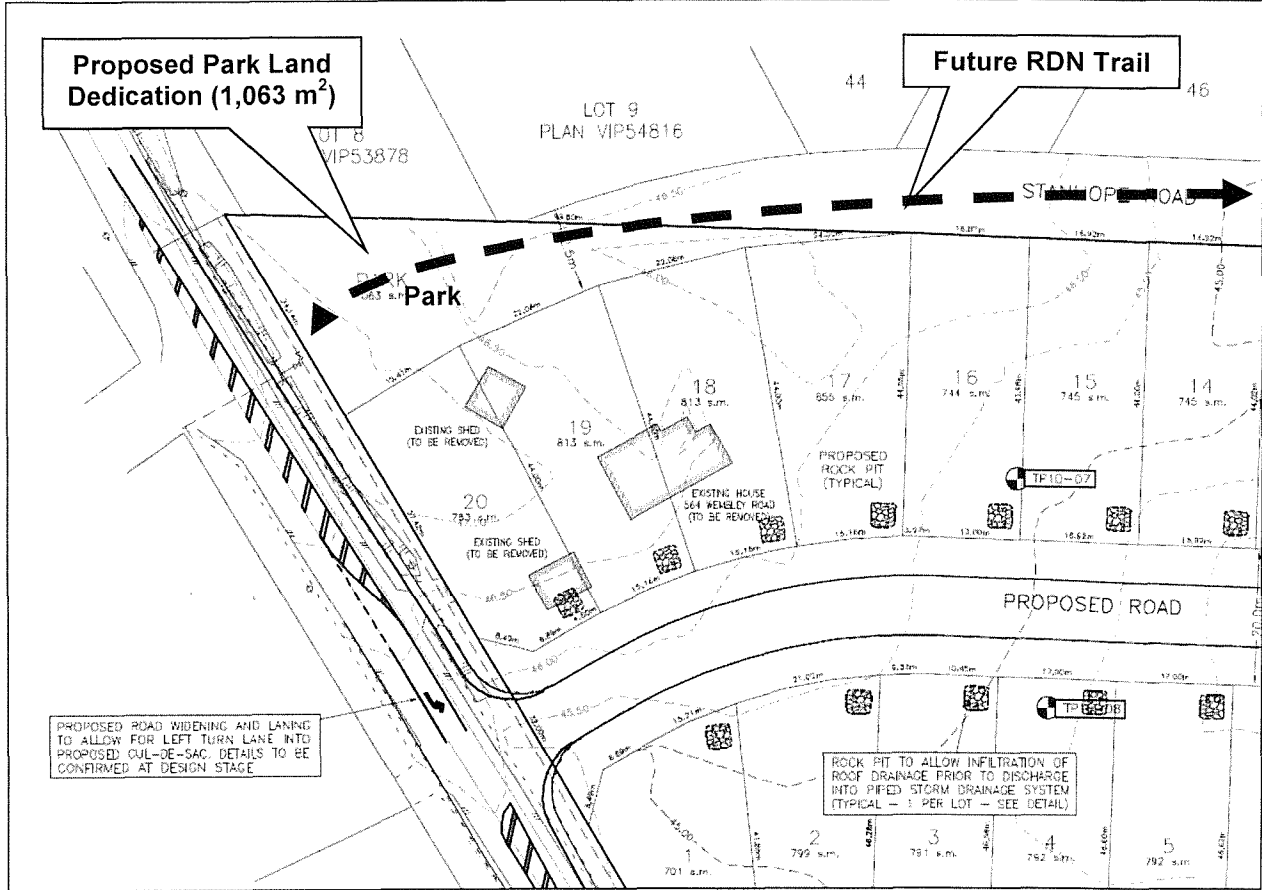
The following sets out the conditions of approval for park land dedication in conjunction with Subdivision Application No. PL2011-079:

***Conditions of Approval:***

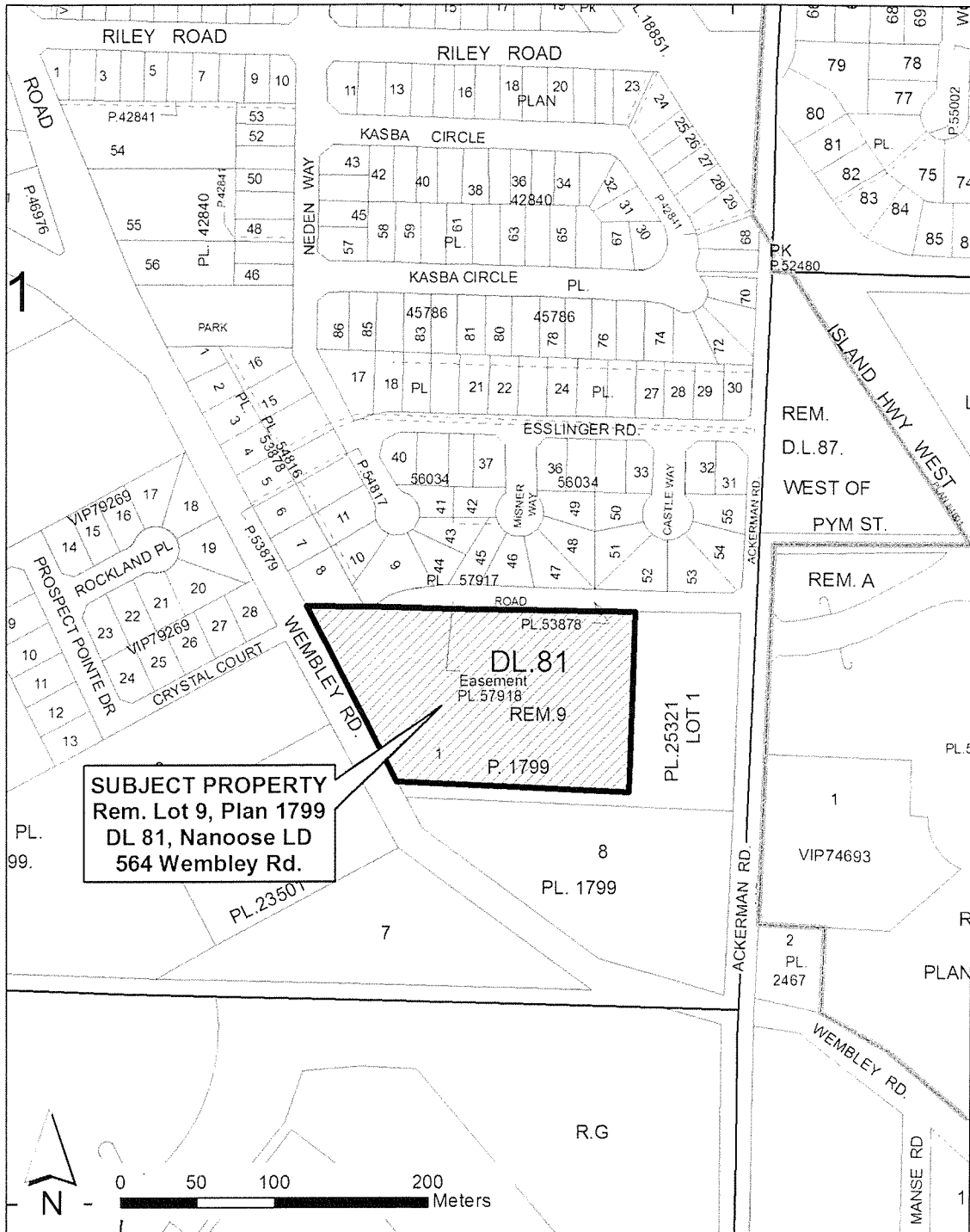
1. Park land shall be dedicated in the amount and location as shown on *Schedule No. 2* to be dedicated concurrently with the Plan of Subdivision.
2. The proposed park land area shall be left in a naturally vegetated state.



Schedule No. 2 (page 2 of 2)  
Detailed Site Plan Showing Proposed Park Land Dedication & Future RDN Trail  
Application No. PL2011-079



**Attachment No. 1**  
**Location of Subject Property**



BCGS MAPSHEET: 92F.039.1.4

**Attachment No. 2**  
**Correspondence from the Electoral Area 'G' Parks & Open Space Advisory Committee**  
**Park Land Proposal in Conjunction with Subdivision Application No. PL2011-079**  
**POSAC Comments**

Excerpt from the June 20, 2011, minutes of the Electoral Area 'G' Parks & Open Space Advisory Committee:

Park staff supports the proposed park land dedication with the following recommendations:

1. A crosswalk to be constructed connecting the proposed multi-use trail across to Crystal Court.
2. Developer to construct driveway entrance off Wembley Road at the location that is aligned with the proposed crosswalk.
3. Open ditches to remain on both sides of the park's driveway entrance to discourage unauthorized vehicles from entering the park.
4. Walkway dedication to have a paved apron leading off the proposed internal road.
5. Shoulders along Wembley Road to remain as dedicated bike lane.
6. If above ground utility kiosks are located within the road right-of-way adjacent to the Park, care should be taken to ensure that sightlines into the park are not compromised, and that the entrance to the park is not diminished.
7. Prior to site clearing, the developer is encouraged to differentiate the proposed park site from the development area of the site to help ensure that grades, soil, and native vegetation remain the same as they were prior to development. Posting signage to identify parkland as a non-disturb area and temporarily fencing the perimeter of the parkland will minimize the impacts of adjacent development activity, and discourage parking on the site.
8. The developer is encouraged to provide the following items as part of a building scheme for lots 11 - 20 whose rear and side yards abut on to the park and/or public pathways:
  - a. Rear yard fencing is to be limited to low (1.2 metre max height) permeable fencing (such as picket, split rail or chain link) or low plantings.
  - b. Buildings are to be articulated so that windows, porches, decks are oriented to provide maximum visual surveillance of park/public pathway.
9. The developer is encouraged to educate future property owners of the following items:
  - a. Dumping of yard waste/refuse is not permitted in the park or along undeveloped Stanhope Road.
  - b. The community park and the undeveloped portion of Stanhope Road along the rear edge of properties 11 - 20 will be developed by the RDN as a public multi-use pathway.

**Attachment No. 3**  
**Minutes of a Public Information Meeting**  
**Held at St. Columba Presbyterian Church, 921 Wembley Road**  
**Wednesday, August 17<sup>th</sup>, 2011 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 seventeen (17) people in attendance.

Present for the Regional District:

Lainya Rowett, Planner

Elaine McCulloch, Parks Planner

Present for the Applicant:

Glenn Carey, Agent

The meeting was brought to order at 6:30 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 application process.

Staff provided a summary of the proposed park land dedication.

The Chairperson then invited the Agent for the Owner to give a presentation of the proposed park land dedication.

Glenn Carey, Agent, gave a brief presentation.

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

Al Bruce, 583 Neden Way, asked for clarification of which trees would be removed as a result of the subdivision development. He stated that the tree buffer was important to provide privacy for his property, which borders the proposed park. The consultant confirmed that the trees within the proposed park land and within the undeveloped road allowance (Stanhope Road), a future trail corridor, would be retained.

Lloyd Fedirchuk, 607 Neden Way, asked about the source of water supply for the proposed lots. He also asked about cost charges to facilitate improvements to water service in this area.

Al Bruce asked for further confirmation regarding trees that would be removed or retained as a result of the proposed development. He indicated that he would like to see the proposed park remain in as natural a state as possible, and that a trail would be nice.

Terry Receiver, 703 Kasba Circle, asked what would happen if Stanhope Road was ever opened up as a connecting road.

The consultant confirmed that the proposed subdivision layout and park land dedication would preclude the development of this park for any vehicular connection.

Terry further commented on other parks located within the area near the subject property.

Chris Roberts, 580 Wembley Road, asked what kind of development will occur within the proposed park, and if new residents could dictate what kind of park they want to see developed.



Parks staff explained the process for considering the development of park improvements.

Roy, 607 Neden Way, asked where the water service would come from.

Warren Ackerman, 545 Ackerman Road, described how the proposed trail corridor, within Stanhope Road, would run along the north side of his property, and asked when the trail would be constructed. He did not object to the park land proposal.

Heidi Rose (arriving late to the meeting) expressed concern that the trees within Stanhope Road would be cleared through development, and said that she did not want the trees to be cleared.

The Chair re-iterated that the trees within this area would be retained.

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 6:55 pm.

Concluded at 6:55pm

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Lainya Rowett  
Recording Secretary



RDN REPORT		
CAO APPROVAL		
EAP	✓	Sept. 13/11
COW		
SEP - 6 2011		
RHD		
BOARD		

# MEMORANDUM

**TO:** Dale Lindsay  
Manager, Current Planning

**DATE:** August 17, 2011

**FROM:** Elaine Leung  
Planner

**FILE:** PL2011-066

**SUBJECT:** **Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement on Subdivision Application No. PL2011-066 – 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 request to relax the minimum 10% perimeter frontage requirement in conjunction with a twenty lot subdivision application.

**BACKGROUND**

The Regional District of Nanaimo has received an application from Fern Road Consulting Ltd. on behalf of Windward Developments Ltd. to relax the minimum perimeter frontage requirement in conjunction with a 20 lot subdivision proposal. The subject property is 2.23 ha in size, (see Attachment No. 1 for location of subject property).

The property borders Wembley Road and Osprey Way, and is bordered by a rural zoned lot to the north and residential zoned lots to the south and west.

***Proposed Development***

The applicant is proposing to develop a twenty lot subdivision. The property was recently rezoned to Residential 1 Subdivision Q (RS1Q) which permits 700 m<sup>2</sup> fully serviced lots.

***Minimum 10% Perimeter Frontage Requirement***

The proposed lots will vary in size from 701 m<sup>2</sup> to 1,153 m<sup>2</sup>. Due to the design of the proposed cul-de-sac, proposed Lot 7 as shown on the submitted plan of subdivision will not meet the 10% parcel frontage requirement pursuant to Section 944 of the **Local Government Act**, and therefore approval by the RDN Board of Directors is required. The requested frontage relaxation is as follows:

<b><i>Proposed Lot No.</i></b>	<b><i>Required Frontage</i></b>	<b><i>Proposed Frontage</i></b>	<b><i>% of Perimeter</i></b>
Lot 7	12.8 m	10.4 m	8.1%

**ALTERNATIVES**

1. To approve the request to relax the minimum 10% perimeter frontage requirement for proposed Lot 7.
2. To deny the request for relaxation of the minimum 10% perimeter frontage requirement.

**LAND USE IMPLICATIONS**

***Servicing Implications***

With respect to on-site water servicing, the applicant has submitted correspondence confirming that a community water system connection to EPCOR Waterworks will be provided to each lot.

With respect to sanitary sewer servicing, Bylaw No. 889.59, 2011 was recently adopted on March 22, 2011, which includes the subject property in the French Creek Sewerage Local Service Area.

***Ministry of Transportation and Infrastructure Implications***

The Ministry of Transportation and Infrastructure (MOTI) have issued a Preliminary Layout Approval (PLA). As a condition of PLA, Ministry Staff request a covenant pursuant to Section 219 of the Land Title Act which prohibits direct access to Wembley Road for proposed Lots 14, 15 and 16.

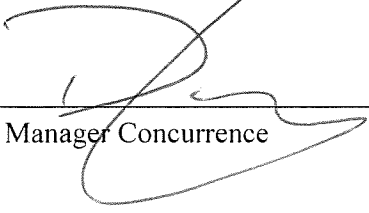
**SUMMARY/CONCLUSION**

As the reduced parcel frontage will not negatively affect the intended residential use of proposed Lot 7, staff recommend approval of relaxation to the minimum 10% perimeter frontage requirement.


**RECOMMENDATION**

That the request to relax the minimum 10% perimeter frontage requirement for proposed Lot 7 be approved.

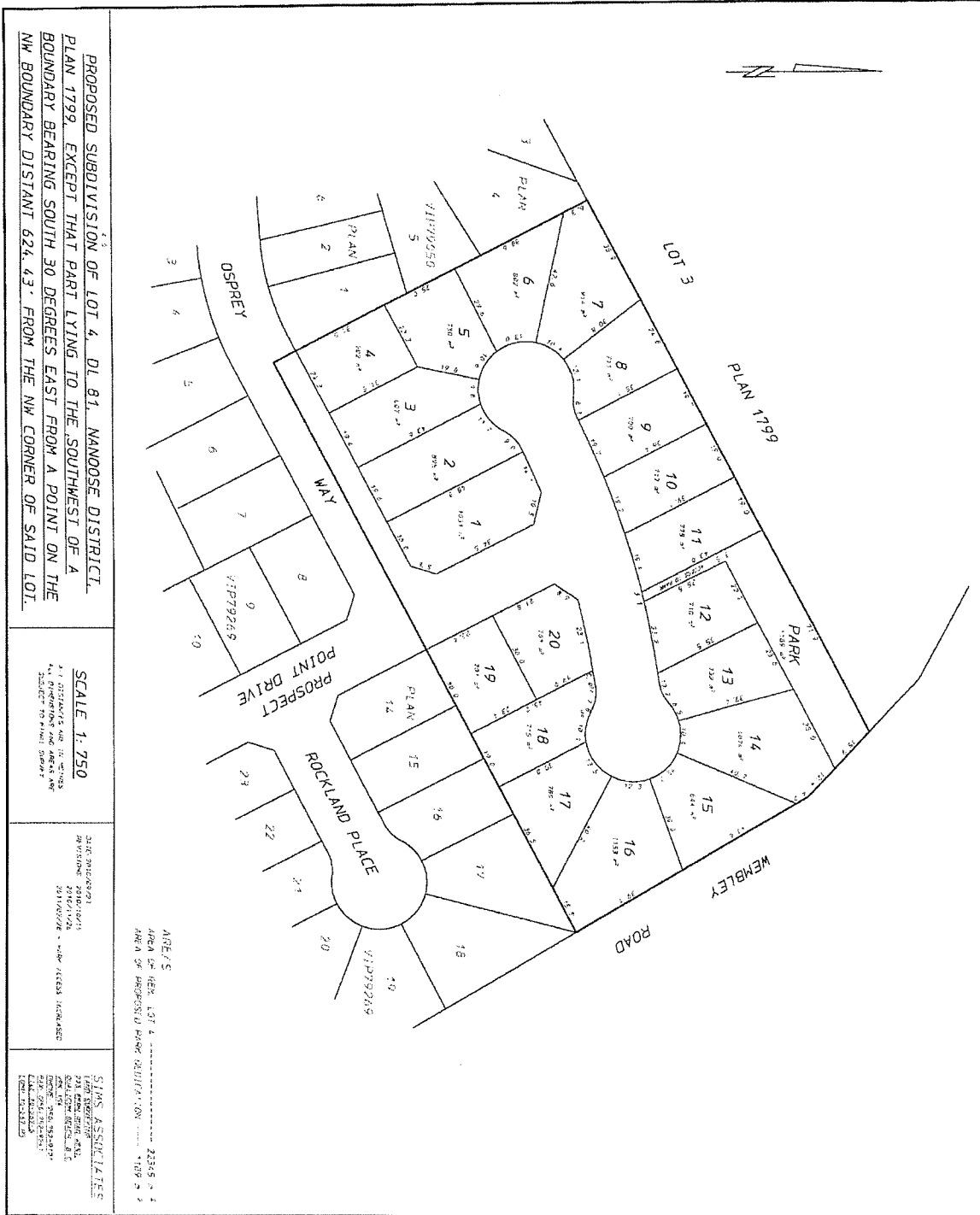
  
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Report Writer

  
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Manager Concurrence

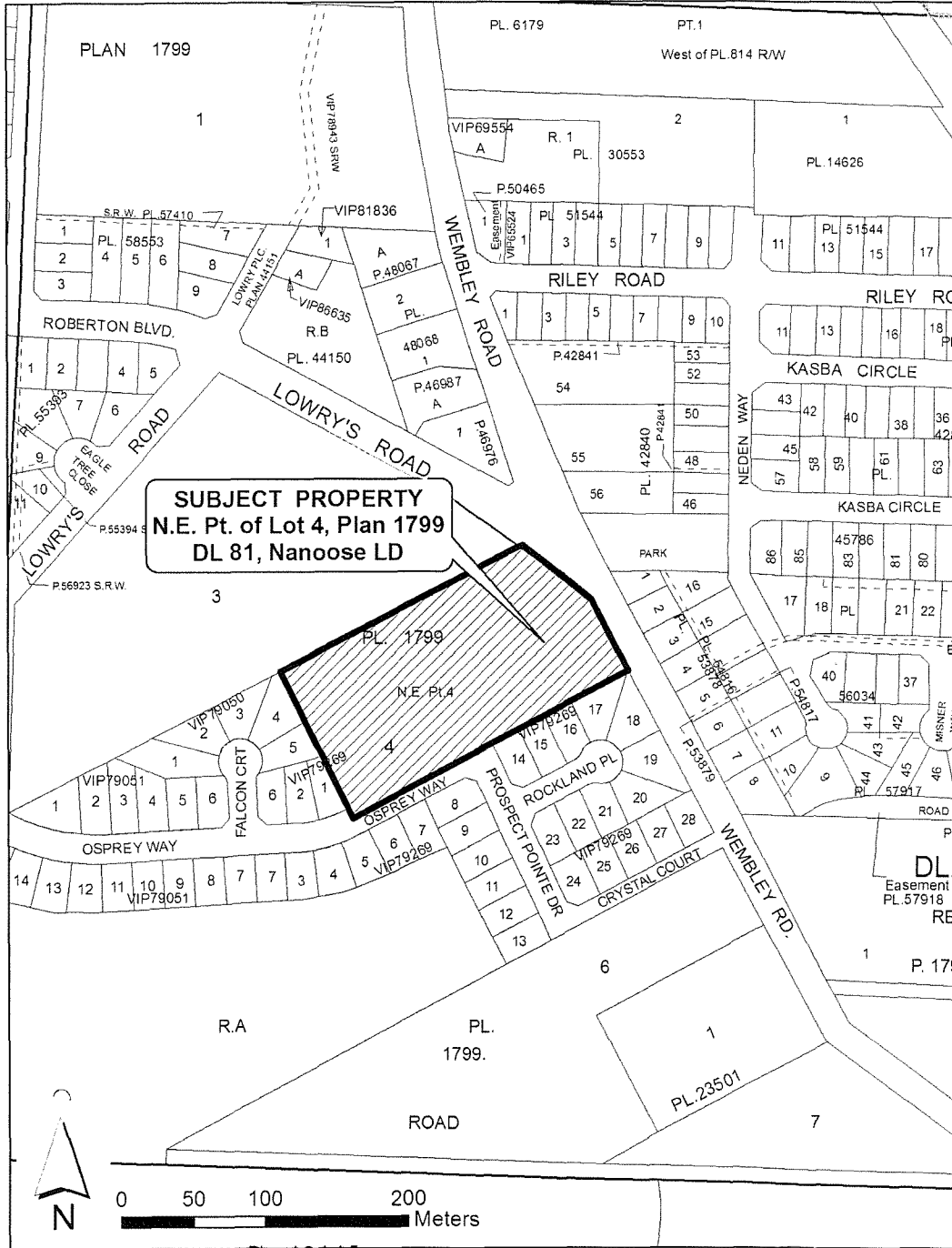
  
\_\_\_\_\_  
General Manager Concurrence

  
\_\_\_\_\_  
CAO Concurrence

**Schedule No. 1**  
**Application No. PL2011-066**  
**Proposed Plan of Subdivision**



**Attachment No. 1**  
**Application No. PL2011-066**  
**Location of Subject Property**



BCGS Map Sheet 92F.039.1.3



RDN REPORT	
CAC APPROVAL <i>(Signature)</i>	
EAP	✓ Sept. 13/11
COW	
SEP - 6 2011	
RHD	
BOARD	
<b>DATE:</b>	

**MEMORANDUM**

**TO:** Dale Lindsay  
Manager, Current Planning

**DATE:** August 31, 2011

**FROM:** Lainya Rowett  
Planner

**FILE:** PL2011-146 &  
PL2011-147

**SUBJECT:** **Temporary Use Permit (Renewal) Applications No. PL2011-146 & PL2011-147 Earthbank Resources Systems & Fern Road Consulting DL19, Nanoose District, Except That Part in Plan 13475; and, Lot C, District Lot 26, Nanoose District, Plan VIP80909 Electoral Area ‘G’**

**PURPOSE**

To consider two temporary use permit renewal applications in order to permit an existing commercial composting facility to continue to operate in its current location.

**BACKGROUND**

The Regional District has received applications for the renewal of two temporary use permits (TUP No. 0902 and No. 0901) for the subject properties legally described as District Lot 19, Nanoose District, Except that Part in Plan 13475; and Lot C, District Lot 26, Nanoose District, Plan VIP80909, which are located at the intersection of Hodges Road and Fritzsche Road in Electoral Area ‘G’ (see *Attachment No. 1* for location of subject properties).

The properties (38 ha and 24 ha in area) are zoned “Rural 1” pursuant to the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987.” In September 2009, the Regional District of Nanaimo Board approved a temporary use permit (TUP) for each of the subject properties to permit a commercial composting operation and accessory retail sales to operate for a two-year period subject to the conditions outlined in *Schedule No. 1* (attached to this report). All of these conditions were met, including the issuance of an RDN Waste Stream Management License (WSML) to regulate the composting operation in accordance with the “Regional District of Nanaimo Waste Stream Management Licensing Bylaw No. 1386, 2004.”

***Proposed Development***

The applicant is currently applying to renew these TUPs, in advance of their expiration dates on September 22, 2011, in order to comply with RDN bylaws and to allow the use to continue in its current location and extent for a maximum of three years after the original TUPs expire.

The applicant has further submitted a rezoning application to allow the existing composting use to continue indefinitely in this location. The rezoning proposal will be presented to the Board for consideration under a separate application and report.

## ALTERNATIVES

1. To approve the Temporary Use Permit (renewal) Applications No. PL2011-146 and No. PL2011-147 subject to the conditions outlined in *Schedule No. 2*.
2. To deny the Temporary Use Permit (renewal) Applications No. PL2011-146 and No. PL2011-147.

## LAND USE IMPLICATIONS

### *Development Implications*

The existing Earthbank composting operation is located within a portion of each of the subject properties, approximately eight hectares or 13% of the total area of the subject properties (see *Schedule No. 3* for Site Plans). The applicant has confirmed that no significant material changes have been made to the operation since the TUPs were approved in 2009; however, some minor changes include:

- Earthbank receives a slightly higher percentage of land clearing debris than in 2009 because the pulp mills are taking less volume of debris than in previous years;
- The processing time for the composting operation has been accelerated from two years to eighteen months due to changes in the processing of wood waste. This change is beneficial in further reducing the potential for odour during processing; and
- Earthbank is in the process of purchasing one of the two properties in which the operation is situated.

### *Environmental Implications*

The OCP designates the subject properties within the *Environmentally Sensitive Features Development Permit Area* for Aquifer Protection. Under the approved TUPs, the applicants addressed the DP guidelines by providing a detailed hydrogeological impact assessment, prepared by a professional engineer (EBA Consultants), which concluded that the composting operation does not negatively impact the aquifer. Regular monitoring and reporting of the wells and water quality is required through Earthbank's Waste Stream Management License (WSML). The WSML also requires Earthbank to continue operating in accordance with the approved *Detailed Operating Plan* which includes provisions for odor management and traffic operation. It is noted that neither the applicant nor the Regional District has received any odor complaints about this operation since the TUPs were approved in 2009.

## SUMMARY/CONCLUSION

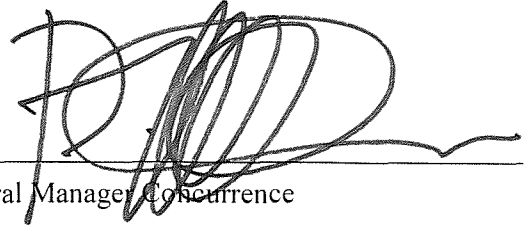
This proposal includes two temporary use permit renewal applications to allow an existing commercial composting facility and accessory retail sales to continue operating within its current location and extent of the two subject properties in Electoral Area 'G.' Given that the proposal is in keeping with the OCP and RGS policies; and the existing use is operating in compliance with RDN bylaws; and that a rezoning application has been submitted for consideration of the intended long term use of these properties, staff supports the proposed TUP renewal applications as submitted, subject to the *Conditions of Permit* set out in *Schedule No. 2*.

**RECOMMENDATIONS**

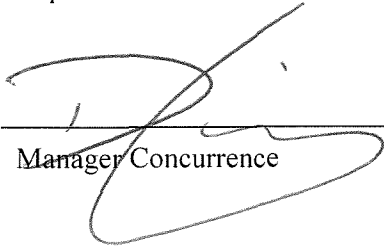
That Temporary Use Permit (renewal) Applications No. PL2011-146 and PL2011-147 to continue to permit an existing commercial composting operation and accessory retail sales, for a period of three years after the expiration date of the original TUPs, be approved subject to the *Conditions of Permit* outlined in *Schedule No. 2*.



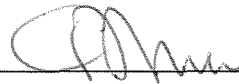
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence



**Schedule No. 1**  
**Conditions of Permit for Original TUPs No. 0901 & No. 0902**

The following conditions are to be completed as part of the Temporary Use Permit Applications No. 3360 50 0901 and No. 3360 50 0902:

**1. Proposed Development**

The proposed commercial composting operation and accessory retail sales be sited only within the locations identified on the surveyed site plans prepared by Sims Associates Land Surveying and dated June 19, 2009, attached herein as *Schedule No. 2*.

**2. Proposed Use and Site Operations**

The proposed commercial composting operation and accessory retail sales be operated and maintained in accordance with the *Detailed Operating Plan* submitted by the applicants and attached herein as *Schedule No. 3*.

**3. Transportation - Site Access**

The applicants provide the RDN with a copy of an approved highways access permit from the Ministry of Transportation and Infrastructure.

**4. Hydrogeological Management**

The composting operation and groundwater quality be monitored on an ongoing basis in accordance with the conclusions and recommendations made in the "Hydrogeological Impact Assessment – 1424 Hodges Road, Parksville, BC" report prepared by EBA Engineering Consultants Ltd. and dated June 17, 2009.

**5. Waste Stream Management License (WSML)**

The applicants obtain a Waste Stream Management License (WSML) to regulate the commercial composting operation, in accordance with the "Regional District of Nanaimo Waste Stream Management Licensing Bylaw No. 1386, 2004."

**Schedule No. 2**

**Conditions of Permit for Proposed TUP renewal Applications No. PL2011-146 & PL2011-147**

The following conditions are to be completed as part of the Temporary Use Permit (renewal) Applications No. PL2011-146 & PL2011-147:

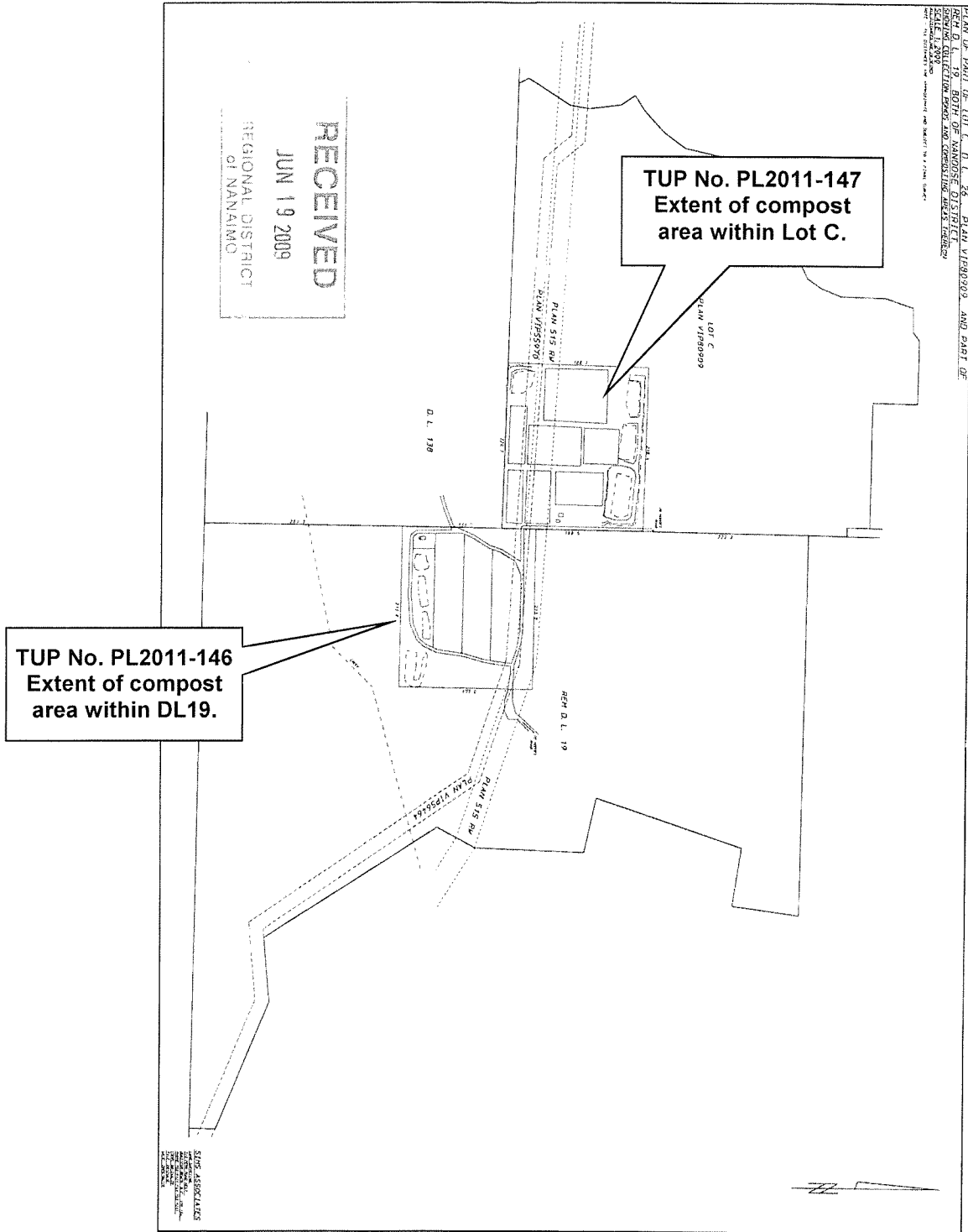
**1. Proposed Development**

The existing commercial composting operation and accessory retail sales continue to be sited only within the locations identified on the surveyed site plans prepared by Sims Associates Land Surveying and dated June 19, 2009, attached herein as *Schedule No. 3*.

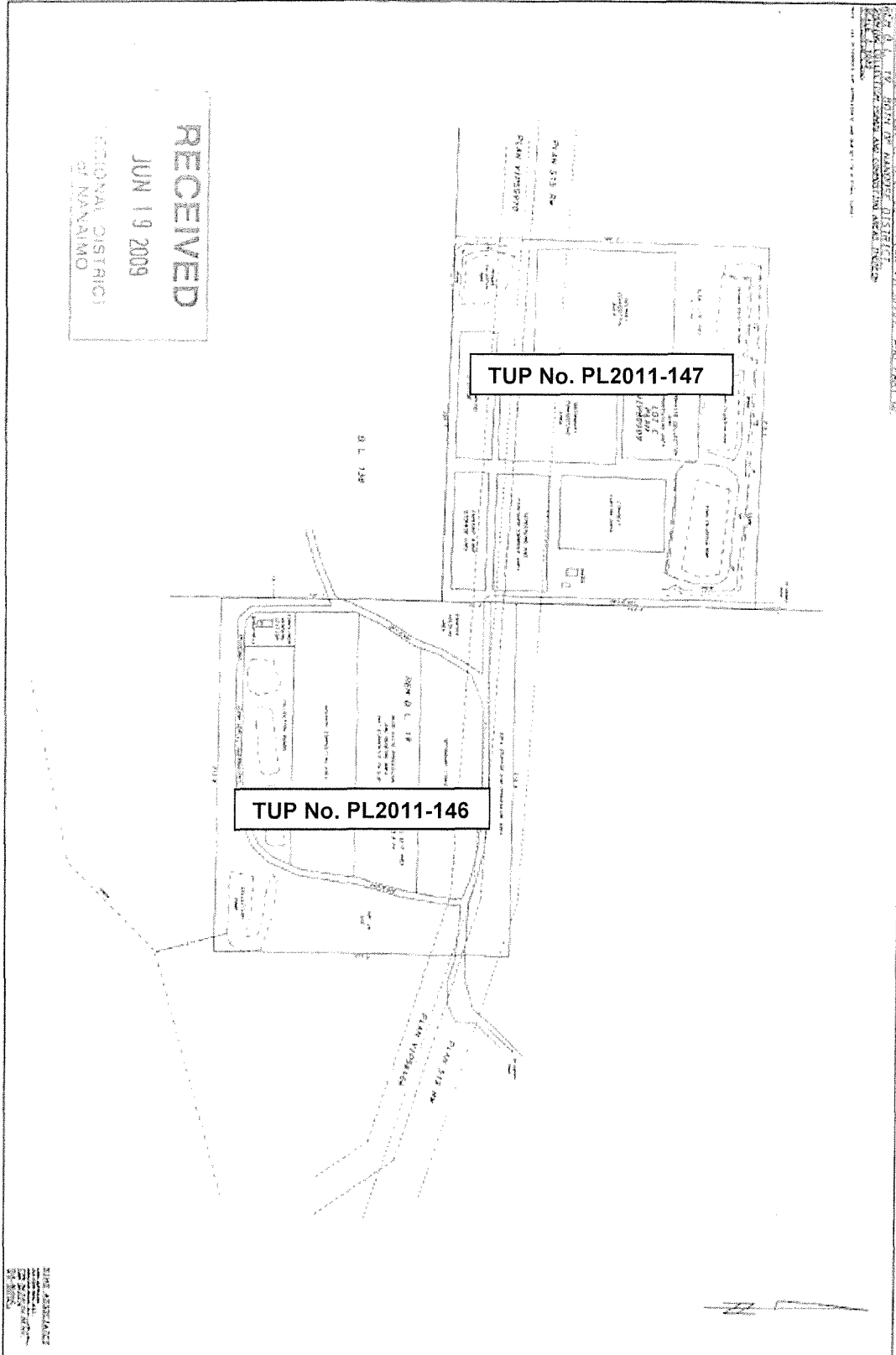
**2. Waste Stream Management License (WSML)**

The existing commercial composting facility continue to operate and be maintained in accordance with the Waste Stream Management License (WSML) that was issued in 2011 in accordance with the “Regional District of Nanaimo Waste Stream Management Licensing Bylaw No. 1386, 2004.”

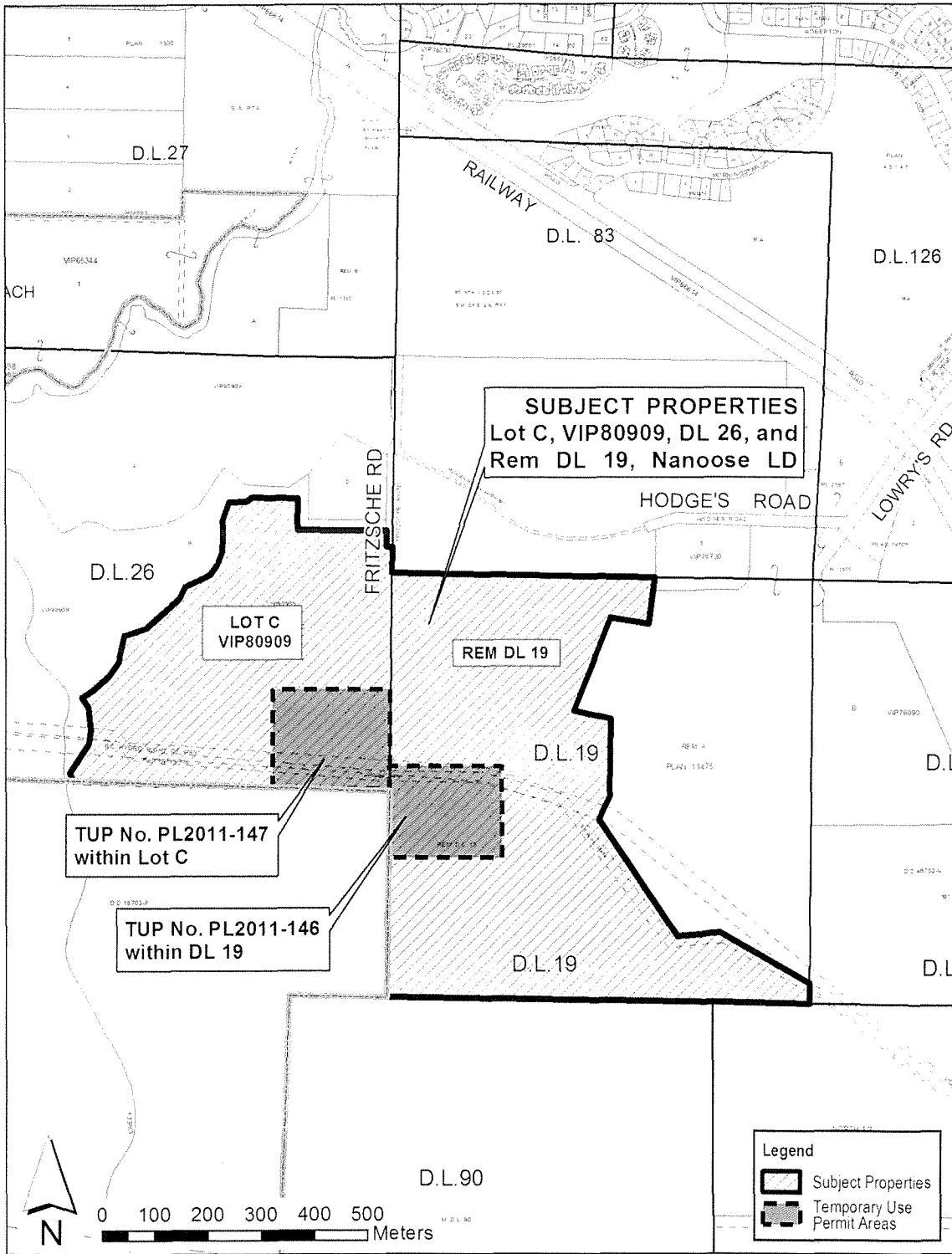
Schedule No. 3  
Site Plan for TUP (Renewal) Applications No. PL2011-146 & PL2011-147 (Page 1 of 2)



**Schedule No. 2**  
**Site Plan Detail for TUP (Renewal) Applications No. PL2011-146 & PL2011-147 (Page 2 of 2)**



**Attachment No. 1**  
**Location of Subject Properties**  
**TUP Applications No. PL2011-146 & PL2011-147**



BCGS MAPSHEET: 92F 039.1.1, 1.3