

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, JUNE 11, 2013

6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

2-4 Minutes of the regular Electoral Area Planning Committee meeting held Tuesday, May 14, 2013.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

UNFINISHED BUSINESS

DEVELOPMENT PERMIT APPLICATIONS

5-12 Development Permit Application No. PL2013-046 – Field – Electoral Area ‘G’.

13-20 Development Permit Application No. PL2013-048 – Branch – 3885 & 3889 Bovanis Road, Electoral Area ‘H’.

21-28 Development Permit Application No. PL2013-055 – Holyk – 6615 Island Highway West, Electoral Area ‘H’.

OTHER

29-40 Request to Relax the Minimum 10% Perimeter Frontage Requirement & Request for Acceptance of Park Land Dedication No. PL2013-018 – Fern Road Consulting Ltd., on behalf of 0928323 B.C. Ltd & Pland Land Corp. – 691 Wembley Road, Electoral Area ‘G’

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE MEETING
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, MAY 14, 2013 AT 6:30 PM IN THE
RDN BOARD CHAMBERS**

In Attendance:

Director G. Holme	Chairperson
Director A. McPherson	Electoral Area A
Director M. Young	Electoral Area C
Director J. Fell	Electoral Area F
Director J. Stanhope	Electoral Area G
Director B. Veenhof	Electoral Area H

Also in Attendance:

P. Thorkelsson	Chief Administrative Officer
D. Trudeau	Gen. Mgr. Transportation & Solid Waste
R. Alexander	Gen. Mgr. Regional & Community Utilities
G. Garbutt	Gen. Mgr. Strategic & Community Development
T. Osborne	Gen. Mgr. Recreation & Parks
J. Holm	Mgr. Current Planning
P. Thompson	Mgr. Long Range Planning
T. Armet	Mgr. Building, Bylaw & Emergency Planning Services
J. Hill	Mgr. Administrative Services
N. Tonn	Recording Secretary

CALL TO ORDER

The Chairperson called the meeting to order.

ELECTORAL AREA PLANNING COMMITTEE MINUTES

MOVED Director Stanhope, SECONDED Director Veenhof, that the minutes of the Electoral Area Planning Committee meeting held April 9, 2013 be adopted.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. PL2013-040 – Westwood – Shorewood Drive, Electoral Area ‘G’.

MOVED Director Stanhope, SECONDED Director McPherson, that Development Permit Application No. PL2013-040 to permit the construction of a dwelling unit be approved, subject to the conditions outlined in Schedules 1 to 3.

CARRIED

ZONING AMENDMENT APPLICATIONS

Director Veenhof left the meeting citing a possible conflict of interest with the next Agenda item.

Zoning Amendment Application No. PL2012-123 –Pilcher/Christensen/Masson – 2715 Turnbull Road, Electoral Area ‘H’.

MOVED Director Fell, SECONDED Director Stanhope, that “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.383, 2013” be introduced and read two times.

CARRIED

MOVED Director Fell, SECONDED Director Stanhope, that the public hearing on “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.383, 2013” be chaired by an Electoral Area Director or an alternate.

CARRIED

Director Veenhof returned to the meeting.

OTHER

Electoral Area ‘A’ Draft Cedar Main Street Village Plan – Bylaw No. 1620.01, 2013.

MOVED Director McPherson, SECONDED Director Young, that “Regional District of Nanaimo Electoral Area ‘A’ Official Community Plan Amendment Bylaw No. 1620.01, 2013” be given 1st and 2nd reading.

CARRIED

MOVED Director McPherson, SECONDED Director Young, that “Regional District of Nanaimo Electoral Area ‘A’ Official Community Plan Amendment Bylaw No. 1620.01, 2013” has been considered in conjunction with the Regional District of Nanaimo’s Financial Plan and Liquid and Solid Waste Management Plans.

CARRIED

MOVED Director McPherson, SECONDED Director Young, that “Regional District of Nanaimo Electoral Area ‘A’ Official Community Plan Amendment Bylaw No. 1620.01, 2013” proceed to Public Hearing.

CARRIED

MOVED Director McPherson, SECONDED Director Young, that the Public Hearing on “Regional District of Nanaimo Electoral Area ‘A’ Official Community Plan Amendment Bylaw No. 1620.01, 2013” be delegated to Director McPherson or his alternate.

CARRIED

MOVED Director McPherson, SECONDED Director Young, that staff proceed with the recommended public consultation actions identified in the staff report.

CARRIED

Secondary Suites Study and Consultation Plan.

MOVED Director Veenhof, SECONDED Director Stanhope, that staff be directed to proceed with the Secondary Suites Consultation Plan as outlined in Appendix 'A' of the staff report.

CARRIED

MOVED Director Veenhof, SECONDED Director Stanhope, that the Secondary Suites Study as attached in Appendix 'B' of the staff report be received.

CARRIED

NEW BUSINESS

Notice of Motion – Mobile Homes / Manufactured Homes CSA Certification.

Director Fell noted that the following motion will be brought forward to the May 14, 2013 Board Agenda:

That the requirement that Mobile Homes / Manufactured Homes relocated into Electoral Areas bear CSA Certification stickers be discontinued.

ADJOURNMENT

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

CARRIED

TIME: 6:45 PM

CHAIRPERSON

CORPORATE OFFICER



RDN REPORT		
CAO APPROVAL		100
EAP		
COW	✓	
JUN 03 2013		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: May 30, 2013

FROM: Angela Buick
Planner

FILE: PL2013-046

SUBJECT: Development Permit Application No. PL2013-046 – Field Lot 2, District Lot 9, Newcastle District, Plan 14909, Excepting Any Portion of the Bed of Little Qualicum River as Shown on Said Plan Electoral Area ‘G’

PURPOSE

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

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Daniel Pachkowsky of Harvest Homes on behalf of Clive and Anne Field in order to permit the construction of a dwelling unit and garage on the subject property. The subject property is approximately 1416 m² in area and is zoned Residential 2 (RS2) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (see Attachment 1 for subject property map). The subject property is currently undeveloped and is bordered by developed residential parcels to the north and south, Waters Road to the east and the Little Qualicum River to the west.

The proposed development is subject to the Hazard Lands Development Permit Area as per “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008”.

Proposed Development

The proposed development includes a dwelling unit 157 m² in size, and a detached garage 36 m² in size (see Attachments 3 and 4 for site plan and building elevations). The buildings are proposed to consist of standard wood frame single storey construction. The dwelling unit is proposed to be constructed on a concrete crawl space; not exceeding 1.5 metres in height. The underside of the floor system for the dwelling units is proposed to be above the flood construction elevation as required by the “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006” (Floodplain Management Bylaw). The accessory garage, which is exempt from the requirement to meet the flood construction level as per the Floodplain Management Bylaw, will be constructed with concrete walls up to the flood construction level as per the recommendations of the applicant’s Geotechnical Engineer.

The surveyor has confirmed that no setback or height variance will be required to accommodate the proposed development as submitted.

ALTERNATIVES

1. To approve Development Permit Application No. PL2013-046 subject to the conditions outlined in Attachments 2 - 4.
2. To deny Development Permit Application No. PL2013-046.

LAND USE IMPLICATIONS

Development Implications

In order to address the Hazard Lands Development Permit Area (DPA) guidelines and the requirement of the Floodplain Management Bylaw, the applicant has submitted a Geotechnical Hazards Assessment report prepared by Ground Control Geotechnical Engineering Ltd. and dated August 9, 2012.

The report confirms the flood construction level to be 6.2 metres GSC (Geodetic Survey of Canada datum) to protect buildings and their contents from flood water damage in a 1-in-200 year flood event. In order to protect habitable areas and susceptible building components from damage during flooding the Engineer recommends that the underside of these areas be designed and built with a minimum floor elevation of 6.2 metres GSC. This recommendation is consistent with the proposed dwelling unit building elevation drawings prepared and submitted by Harvest Homes (see Attachment 4). The garage is specifically exempt from the requirement to meet the flood construction level as outlined in the Floodplain Management Bylaw. The Engineer's report concludes that the proposed development as submitted is considered safe for the intended use; provided the recommendations in the report are followed.

In accordance with the DPA Guidelines, staff recommends that the applicant be required to register a Section 219 restrictive covenant that registers the Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd., and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of potential hazards. Development of the property in accordance with the recommendations contained in Geotechnical Hazards Assessment is included in the Conditions of Approval set out in Attachment 2.

Sustainability Implications

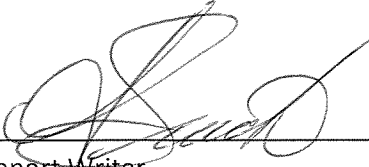
In keeping with Regional District of Nanaimo Board policy, staff reviewed the proposed development with respect to the "Regional District of Nanaimo Sustainable Development Checklist". The proposal is in-fill development which will utilize an existing serviced lot, and will not negatively impact the environment or surrounding properties.

SUMMARY/CONCLUSION

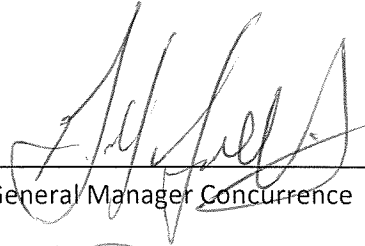
This is an application for a Development Permit to permit the construction of a dwelling unit and detached garage within the Hazard Lands Development Permit Area. The applicant provided a site plan, building elevations and Geotechnical Hazards Assessment report prepared by Ground Control Geotechnical Engineering Ltd., which are consistent with the Hazard Lands Development Permit Area Guidelines and the Floodplain Management Bylaw. Staff recommends that the requested Development Permit be approved subject to the conditions outlined in Attachments 2 – 4.

RECOMMENDATION

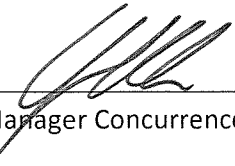
That Development Permit Application No. PL2013-046 to permit the construction of a dwelling unit and garage be approved, subject to the conditions outlined in Attachments 2 – 4.



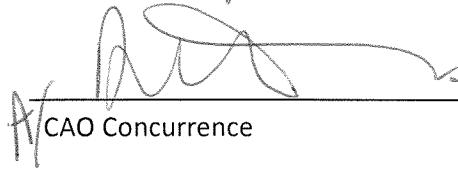
Report Writer



General Manager Concurrence

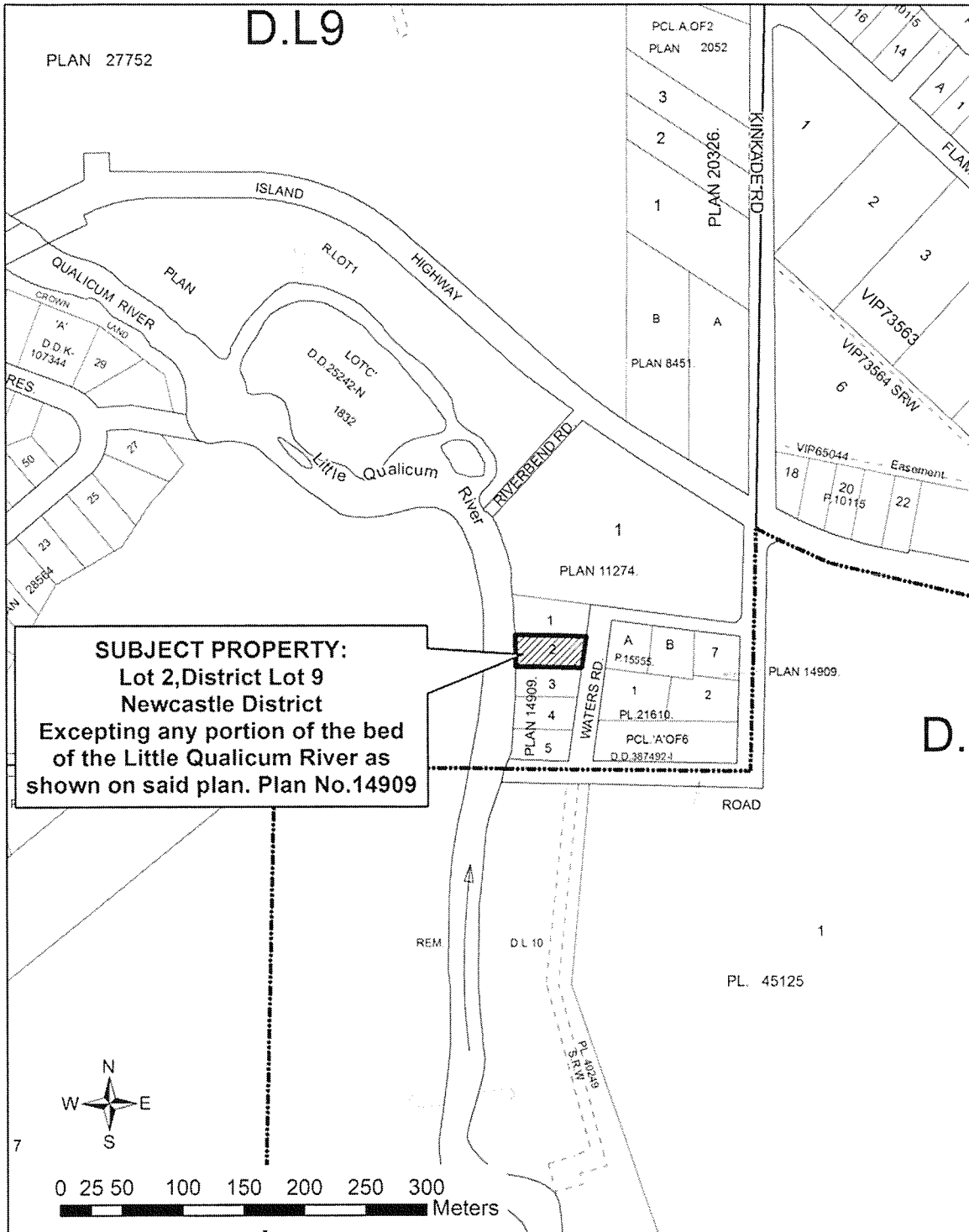


Manager Concurrence



CAO Concurrence

Attachment 1
Subject Property Map



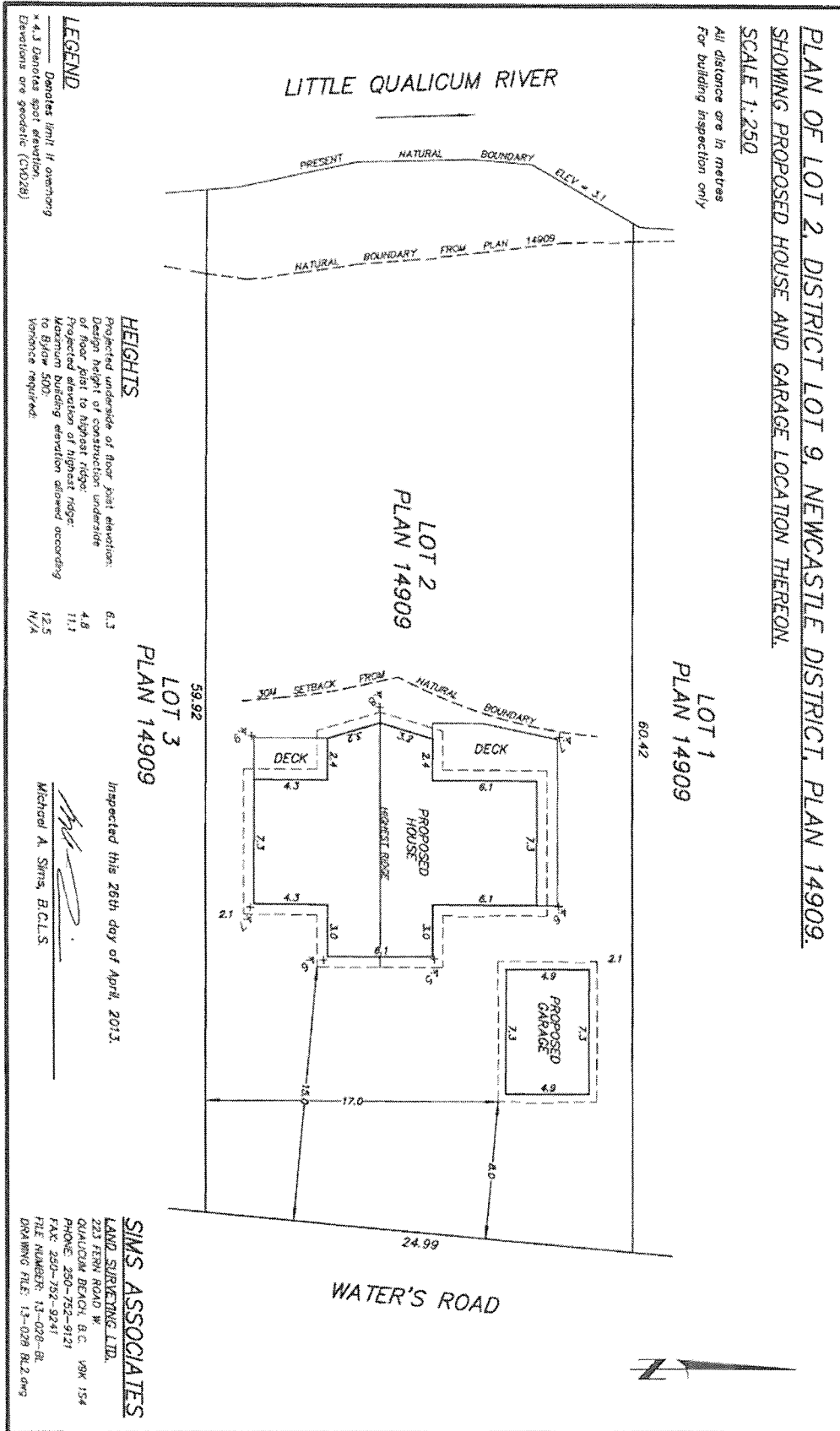
Attachment 2
Conditions of Development Permit

The following sets out the terms and conditions of Development Permit PL2013-046:

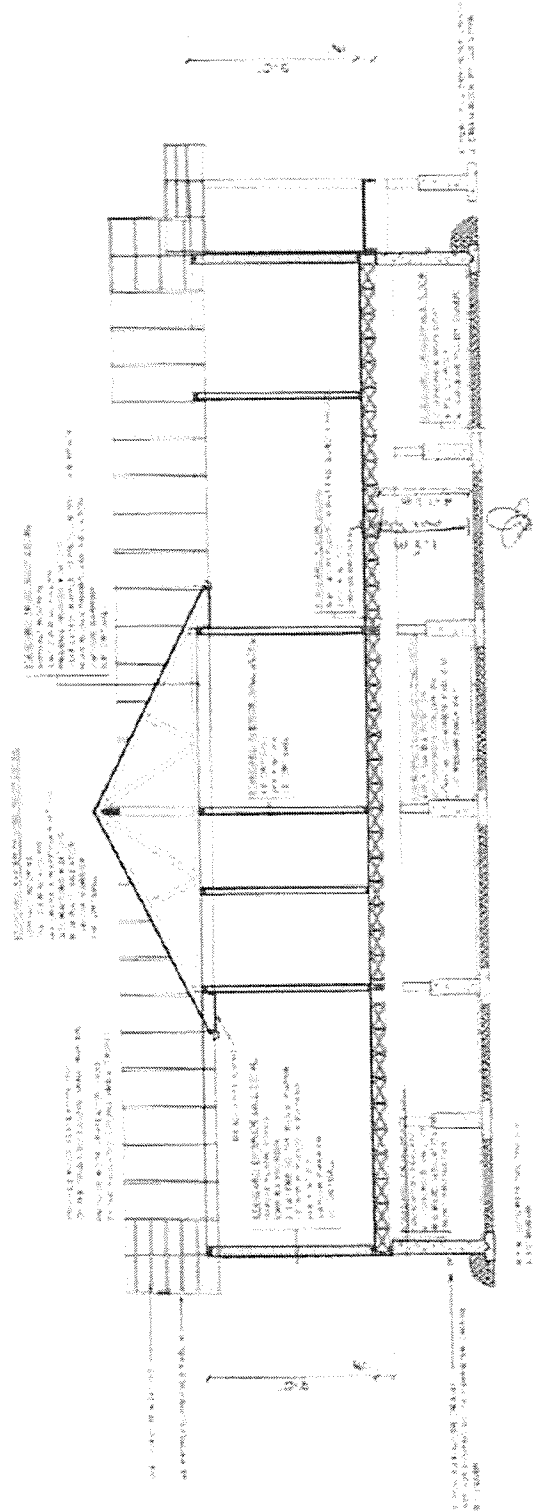
Conditions of Approval

1. The dwelling unit and garage shall be sited generally in accordance with the site plan prepared by Sims Associates Land Surveying Ltd. and dated April 26, 2013 included as Attachment 3.
2. The dwelling unit and garage shall be constructed generally in accordance with the building elevation drawings included as Attachment 4.
3. The Lands shall be developed in accordance with the Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd. and dated August 9, 2012.
4. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 restrictive covenant containing the Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd. and dated August 9, 2012, 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.

Attachment 3
 Site Plan



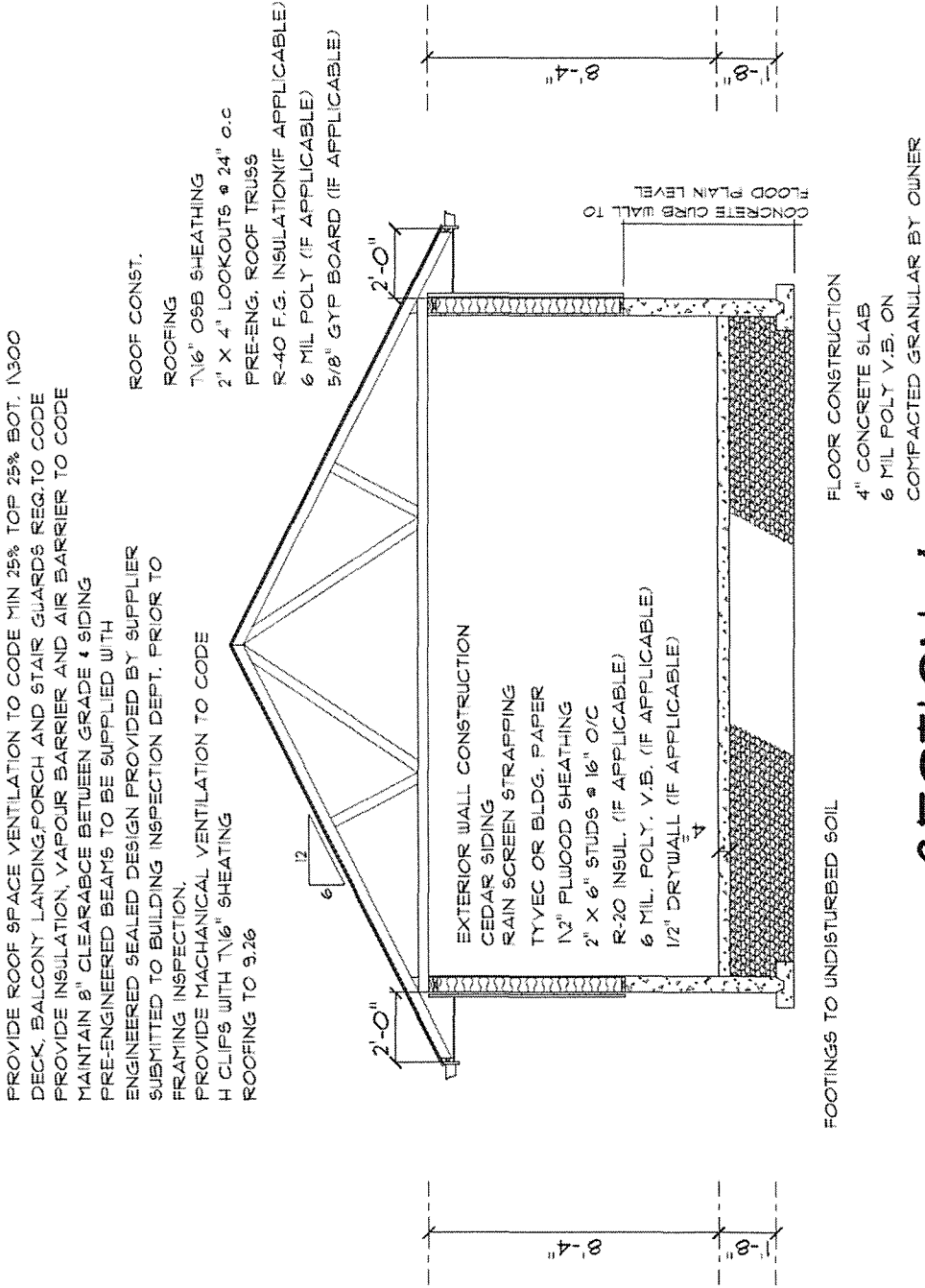
Attachment 4 (Page 1 of 2)
Building Elevations – Dwelling unit



SECTION A

Handwritten note: Groundspan not to exceed 15m.

Attachment 4 (Page 2 of 2)
Building Elevations – Garage



PROVIDE ROOF SPACE VENTILATION TO CODE MIN 25% TOP 25% BOT. N300 DECK, BALCONY LANDING, PORCH AND STAIR GUARDS REG. TO CODE PROVIDE INSULATION, VAPOUR BARRIER AND AIR BARRIER TO CODE MAINTAIN 8" CLEARANCE BETWEEN GRADE & SIDING PRE-ENGINEERED BEAMS TO BE SUPPLIED WITH ENGINEERED SEALED DESIGN PROVIDED BY SUPPLIER SUBMITTED TO BUILDING INSPECTION DEPT. PRIOR TO FRAMING INSPECTION. PROVIDE MECHANICAL VENTILATION TO CODE H CLIPS WITH 1/16" SHEATHING ROOFING TO 9.26

ROOF CONST.

ROOFING

1/16" OSB SHEATHING

2" X 4" LOOKOUTS @ 24" o.c

PRE-ENG. ROOF TRUSS

R-40 F.G. INSULATION (IF APPLICABLE)

6 MIL POLY (IF APPLICABLE)

5/8" GYP BOARD (IF APPLICABLE)

EXTERIOR WALL CONSTRUCTION

CEDAR SIDING

RAIN SCREEN STRAPPING

TYVEC OR BLDG. PAPER

1/2" FLUDED SHEATHING

2" X 6" STUDS @ 16" O/C

R-20 INSUL. (IF APPLICABLE)

6 MIL. POLY. V.B. (IF APPLICABLE)

1/2" DRYWALL (IF APPLICABLE)

FOOTINGS TO UNDISTURBED SOIL

FLOOR CONSTRUCTION

4" CONCRETE SLAB

6 MIL POLY V.B. ON

COMPACTED GRANULAR BY OWNER

SECTION A



RDN REPORT		
CAC APPROVAL <i>[Signature]</i>		
EAP	✓	
COW		
JUN 04 2013		
RHD		
BOARD		
		DATE: May 29, 2013

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

FROM: Angela Buick, Planner

SUBJECT: Development Permit Application No. PL2013-048 – Branch Lot 2, District Lot 22, Newcastle District, Plan 41640
3885 & 3889 Bovanis Road
Electoral Area ‘H’

PURPOSE

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

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Larry and Patricia Branch in order to permit the construction of a dwelling unit on the subject property. The subject property is approximately 4,089 m² in area and is zoned Residential 2 (RS2) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (see Attachment 1 for subject property map). The subject property is bordered by developed residential parcels to the north and south, Bovanis Road to the east and the Strait of Georgia to the west. The property currently contains one dwelling unit and one detached garage.

The proposed development is subject to the Hazard Lands Development Permit Area as per “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008”.

Proposed Development

The applicant is proposing to construct a 46 m² dwelling unit on the subject property (see Attachment 3 Site Plan). The property currently contains one dwelling unit and one accessory building (the garage). A second dwelling unit is permitted on the subject property based on zoning criteria.

ALTERNATIVES

1. To approve Development Permit Application No. PL2013-048 subject to the conditions outlined in Attachments 2 - 4.
2. To deny Development Permit Application No. PL2013-048.

LAND USE IMPLICATIONS

Development Implications

The applicants submitted a Geotechnical Hazards Assessment report prepared by Lewkowich Engineering Associates Ltd. and dated May 29, 2013 to satisfy the Hazard Lands Development Permit Area guidelines and the requirements of the “Regional District of Nanaimo of Nanaimo Floodplain Management Bylaw No. 1469, 2006” (Floodplain Management Bylaw). In addition the Geotechnical Hazards Assessment addresses existing restrictive covenant N69228 which is registered on title to the subject property. Covenant N69228 requires that habitable floor space is to be at an elevation such that

the underside of the floor system is not less than 4.14 metres G.S.C datum. The Geotechnical Hazards Assessment confirms that development will be safe and suitable for the proposed development of a secondary dwelling unit with a minimum elevation of 4.14 metres (underside of joists). In accordance with the Engineer's recommendations, and in order to address the flood construction elevation, the foundation is proposed to be constructed as a concrete crawl space; not exceeding 1.5 metres in height.

The applicant has provided a schematic design demonstrating achievement of the flood construction elevation in compliance with the Floodplain Management Bylaw (Attachment 4). The applicant has also provided elevation drawings for the proposed dwelling unit (Attachment 4).

Sustainability Implications

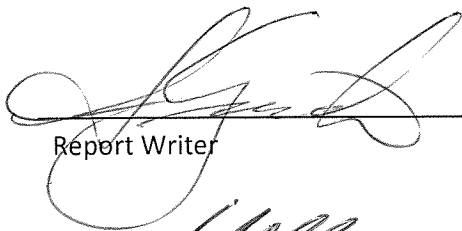
In keeping with Regional District of Nanaimo Board policy, staff reviewed the proposed development with respect to the "Regional District of Nanaimo Sustainable Development Checklist" and note that the proposed development will utilize an existing serviced lot. Provided the Engineer's recommendations are followed, the development will not have a detrimental impact on the environment or adjacent properties.

SUMMARY/CONCLUSION

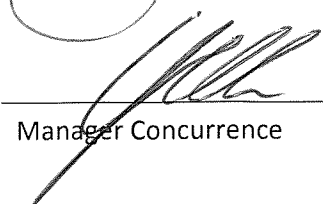
This is an application for a Development Permit to permit the construction of a dwelling unit within the Hazard Lands Development Permit Area. The applicants provided a Geotechnical Hazards Assessment report prepared by Lewkowich Engineering Associates Ltd, dated May 29, 2013 which is consistent with the guidelines of the Hazard Lands Development Permit Area. Staff recommends that the requested Development Permit be approved subject to the conditions outlined in Attachments 2 - 4.

RECOMMENDATION

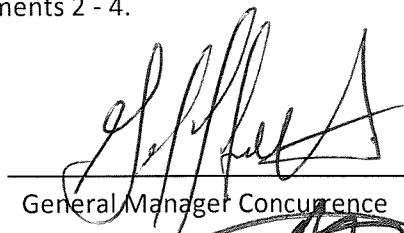
That Development Permit Application No. PL2013-048 to permit the construction of a dwelling unit be approved, subject to the conditions outlined in Attachments 2 - 4.



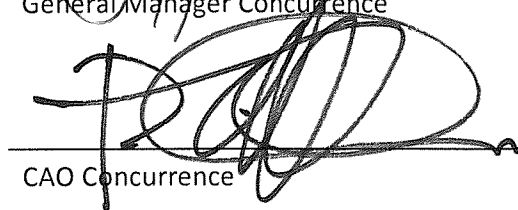
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

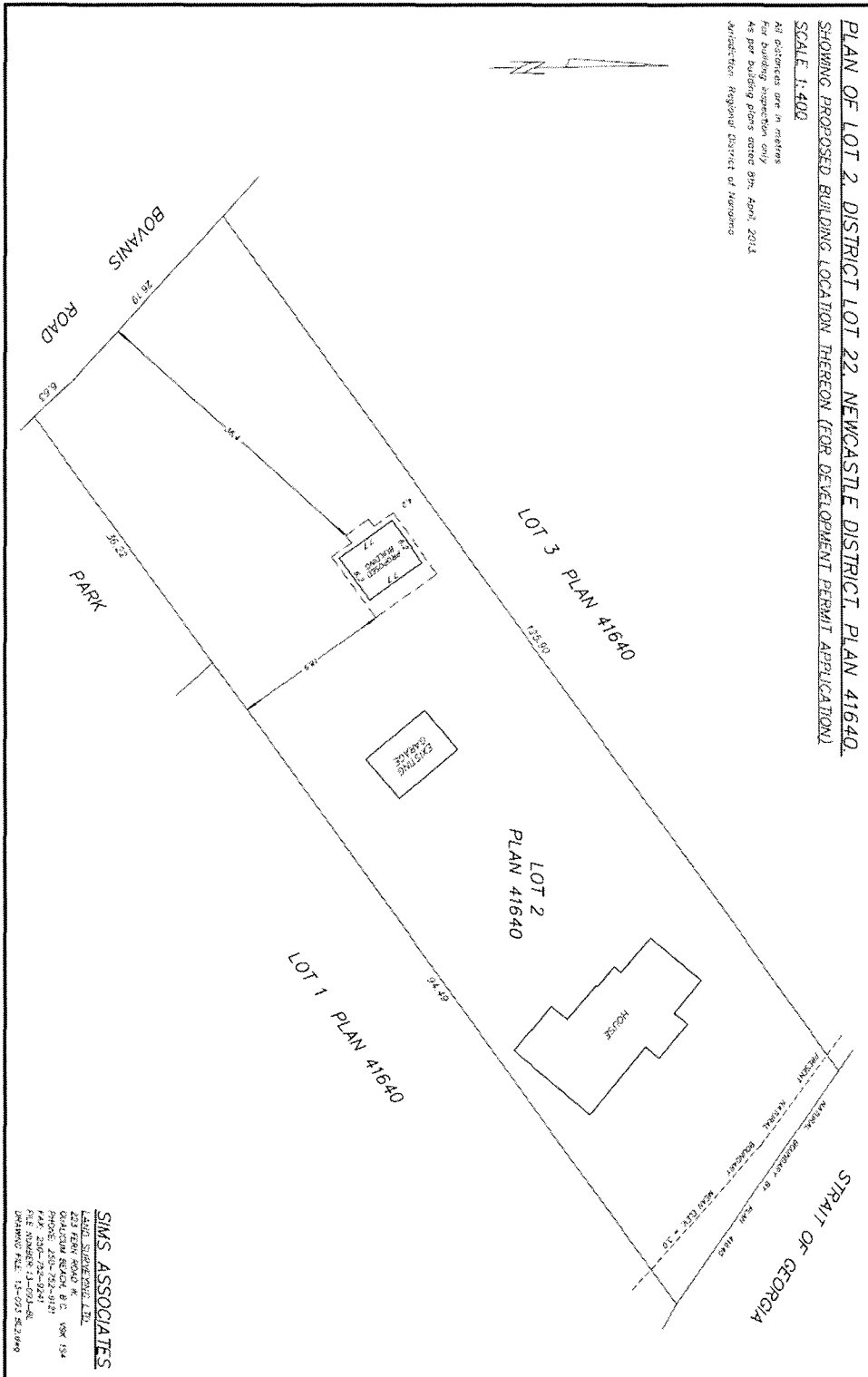
Attachment 2
Conditions of Development Permit

The following sets out the terms and conditions of Development Permit No. PL2013-048:

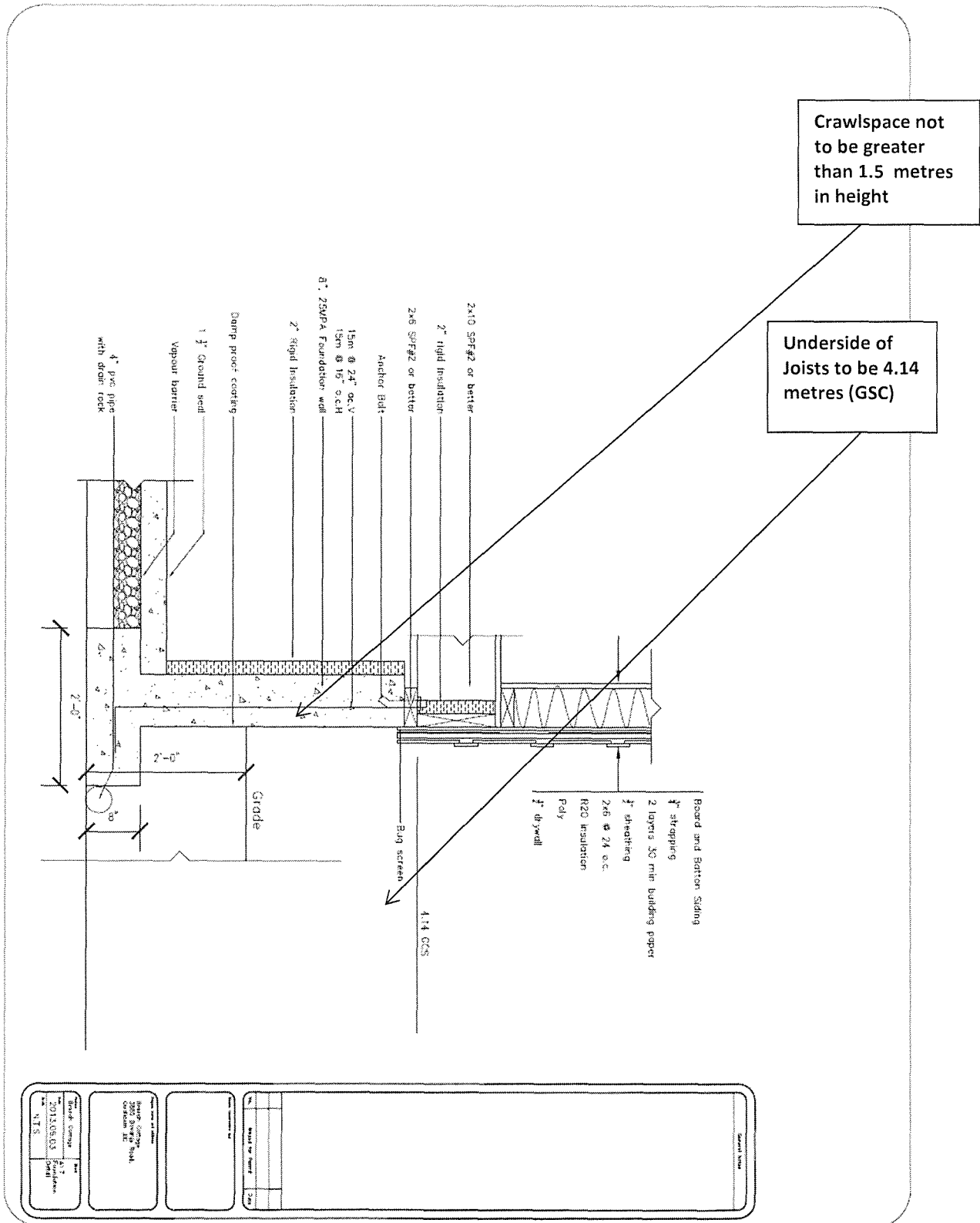
Conditions of Approval

1. The dwelling unit shall be sited generally in accordance with the site plan prepared by Sims Associates Land Surveying Ltd., as outlined in Attachment 3.
2. The dwelling unit shall be constructed generally in compliance with the elevation drawings as outlined in Attachment 4.
3. The Lands shall be developed in accordance with the recommendations outlined in the geotechnical report prepared by Lewkowich Engineering Associates Ltd. and dated May 29, 2013.

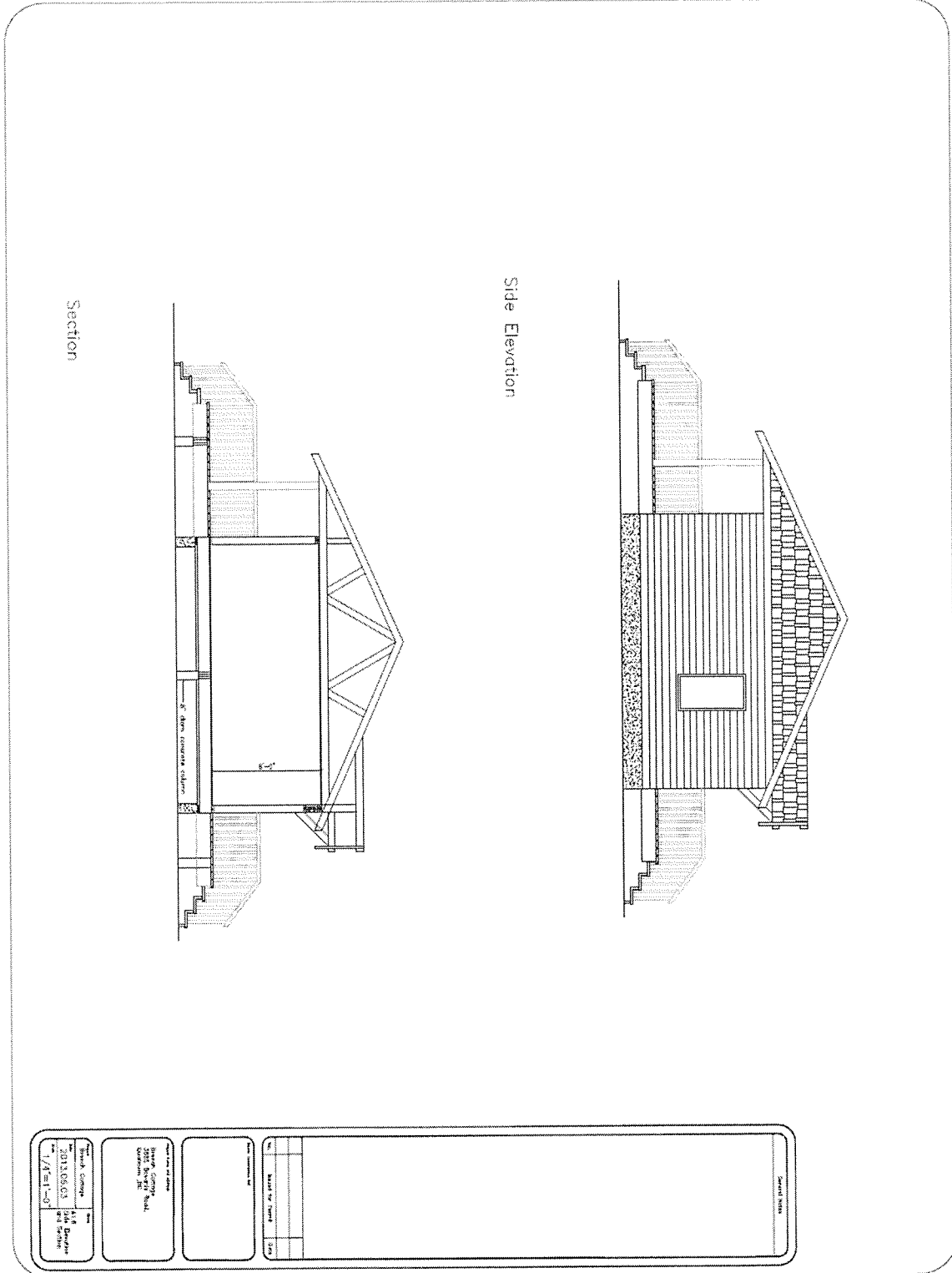
Attachment 3 Site Plan



Attachment 4 (Page 1 of 3)
 Building Elevation - Schematic Design



Attachment 4 (Page 2 of 3)
 Building Elevation



Project Name: _____ Project Number: _____	
Date: _____ Scale: 1/4" = 1'-0"	Sheet No. _____ of _____
Prepared by: _____ Checked by: _____ Date: _____	Approved by: _____ Date: _____



RDN REPORT		
CAO APPROVAL		<i>RW</i>
EAP	<input checked="" type="checkbox"/>	
COW	<input type="checkbox"/>	
MAY 31 2013		
RHD	<input type="checkbox"/>	
BOARD	<input type="checkbox"/>	

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: May 30, 2013

FROM: Robert Stover
Planning Technician

FILE: PL2013-055

SUBJECT: Development Permit Application No. PL2013-055 – Holyk
Lot A, District Lot 85, Newcastle District, Plan 19744 Except Part in Plan 22209
6615 Island Highway West
Electoral Area ‘H’

PURPOSE

To consider an application for a Development Permit to permit the construction of an accessory building on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Karen Holyk on behalf of Bryan Holyk in order to permit the construction of an accessory building. The subject property is approximately 0.33 hectares in area and is zoned Residential 2 (RS2) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (see Attachment 1 for subject property map).

The subject property is bordered by residential parcels to the east and west, the Island Highway to the south, and the Georgia Strait to the north. A dwelling unit is sited on the northern portion of the property.

The proposed development is subject to the Hazard Lands Development Permit Area (DPA) as per “Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003”, in this case for coastal flood hazard.

Proposed Development

The applicant is proposing to construct an accessory building on the subject property (see Attachments 3 through 4 for site plan and building elevations). The proposed accessory building is to be constructed at an elevation of 0.8 metres above the natural boundary. While this elevation is below the design requirements for residential buildings, the structure is not a habitable building. Exemption ‘C’ of Bylaw No. 1469 states that “a building or that portion of a building to be used as a garage, carport, or storage building not used for the storage of goods damageable by flood waters, toxic materials, or materials that may contaminate the environment”. The proposed accessory building is to be used as a garage for the storage of vehicles, thereby meeting the above noted exemption criteria for flood construction levels outlined in the “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006”.

As the structure is proposed to be constructed on lands designated within the Hazard Lands DPA, a development permit is required prior to the issuance of a building permit.

ALTERNATIVES

1. To approve the Development Permit Application No. PL2013-055 subject to the conditions outlined in Attachments 2 through 4.
2. To deny the Development Permit Application No. PL2013-055.

LAND USE IMPLICATIONS

Development Implications

The applicant has submitted a geotechnical site evaluation, prepared by Lewkowich Engineering Associates Ltd. and dated May 29, 2013 to satisfy the Hazard Lands Development Permit Area guidelines.

The assessment concludes that the site is geotechnically safe and suitable for the intended use, and will not have detrimental impacts on the environment or adjoining properties. The report makes recommendations for choice of building and landscaping materials to mitigate the potential damage caused by inundation.

Sustainability Implications


In keeping with the Regional District of Nanaimo Board policy, staff reviewed the proposed development with respect to "Regional District of Nanaimo Sustainability Development Checklist". The proposed accessory building will be constructed in accordance with the recommendations provided by the Geotechnical Engineer's report, and will not have detrimental impacts on the environment or adjoining properties.

SUMMARY/CONCLUSIONS


This is an application for a Development Permit to allow for construction of an accessory building within the Hazard Lands Development Permit Area. The applicant has provided a geotechnical site evaluation prepared by Lewkowich Engineering Associates Ltd. which is consistent with the Hazard Lands DPA guidelines. The report concludes that the site is geotechnically safe and suitable for the intended use, and will not have detrimental impacts on the environment or adjoining properties. The report makes recommendations for the use of building and landscaping materials to mitigate potential damage caused by inundation.

RECOMMENDATION(S)

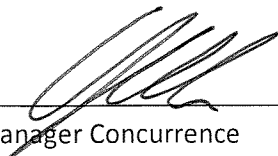
That Development Permit Application No. PL2013-055 to permit the construction of an accessory building be approved subject to the conditions outlined in Attachments 2 through 4.




Report Writer



General Manager Concurrence

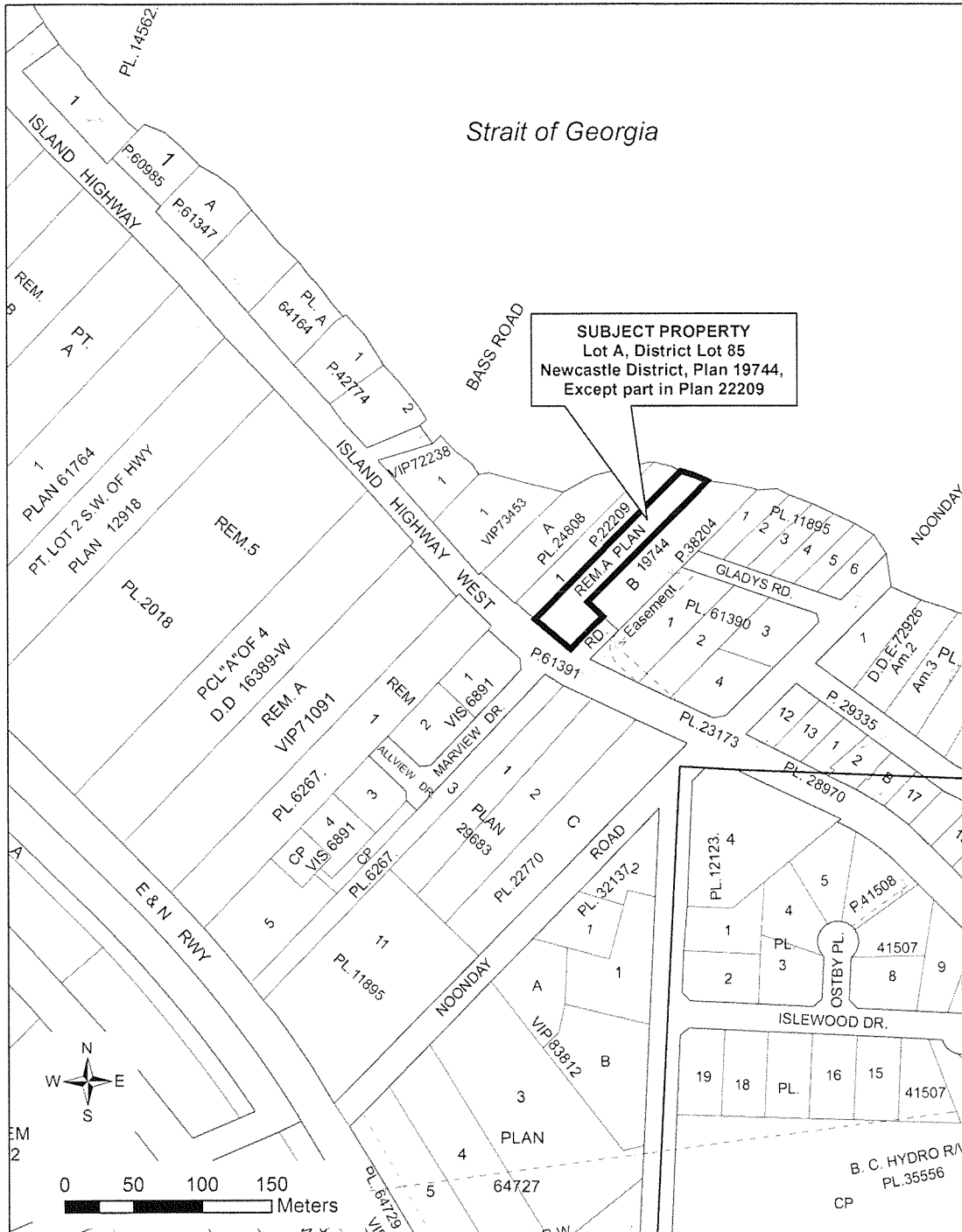


Manager Concurrence

For 

CAO Concurrence

Attachment 1
Subject Property Map



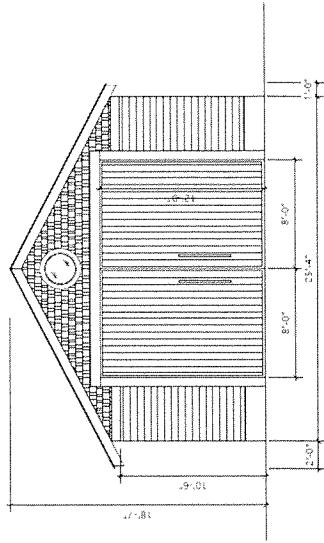
**Attachment 2
Terms and Conditions of**

The following sets out the terms and conditions of Development Permit. PL2013-055:

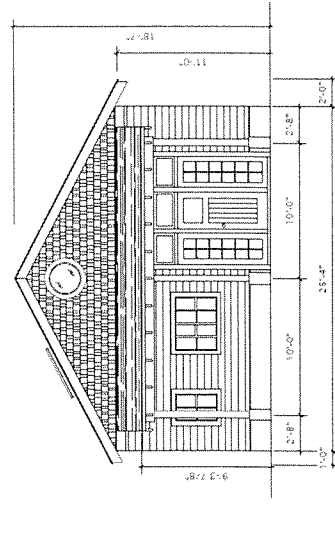
Conditions of Approval

1. The proposed accessory building is sited in general accordance with the Site Plan prepared by Peter Mason dated May 15, 2013 and attached as Attachment 3.
2. The proposed development is completed in accordance with the recommendations outlined in the Geotechnical Engineer's report prepared by Lewkowich Engineering Associates Ltd. and dated May 29, 2013.
3. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

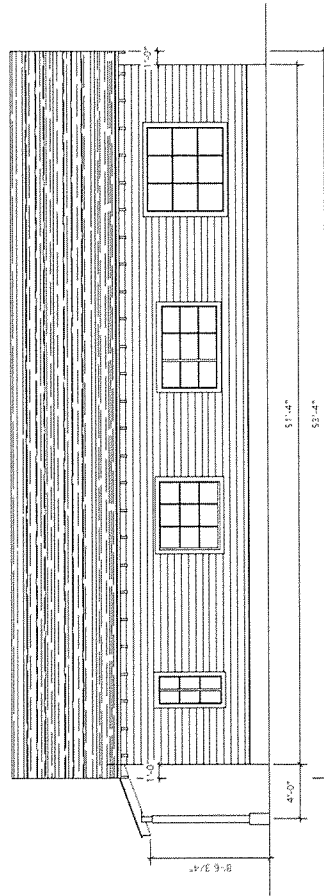
Attachment 4 Building Elevations



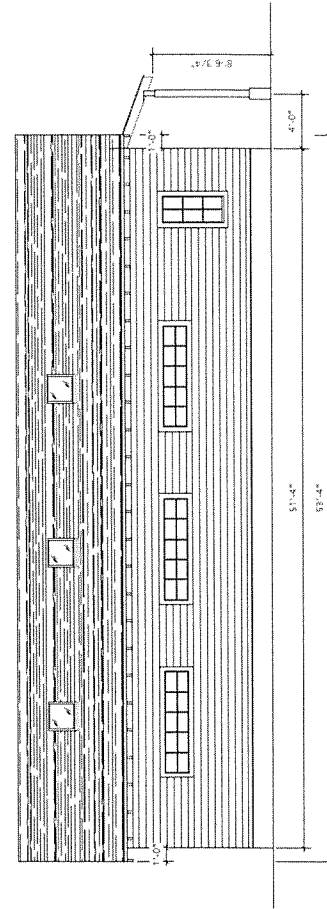
2 South-West Elevation
Scale: 1/4" = 1'-0"



4 North-East Elevation
Scale: 1/4" = 1'-0"



1 North-West Elevation
Scale: 1/4" = 1'-0"



3 South-East Elevation
Scale: 1/4" = 1'-0"



RDN REPORT		
CAO APPROVAL		<i>[Signature]</i>
EAP	<input checked="" type="checkbox"/>	
COW	<input type="checkbox"/>	
MAY 30 2013		
RHD	<input type="checkbox"/>	
BOARD	<input type="checkbox"/>	

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: May 29, 2013

FROM: Tyler J. Brown
Planner

FILE: PL2013-018

SUBJECT: Request to Relax the Minimum 10% Perimeter Frontage Requirement & Request for Acceptance of Park Land Dedication
Fern Road Consulting Ltd., on behalf of 0928323 B.C. Ltd & Pland Land Corp.
Lot1, District Lot 81, Nanoose District, Plan 1799
Electoral Area 'G' – 691 Wembley Road

PURPOSE

To consider a request for relaxation of the minimum 10% perimeter frontage requirement in conjunction with a proposed thirty-eight lot subdivision and to consider a request for acceptance of park land dedication on property in Electoral Area 'G'.

BACKGROUND

The Regional District of Nanaimo has received a request to relax the minimum 10% perimeter frontage requirement and to accept park land dedication in conjunction with a fee simple subdivision application (No. PL2013-018) from Fern Road Consulting Ltd. on behalf of 0928323 B.C. Ltd. and Pland Land Corp.

The parent parcel, located at 691 Wembley Road, is 4.1 ha in area and is bordered by Yellowbrick Road to the north, Arrowsmith Way to the west and Wembley Road to the east (see Attachment 1). The property was rezoned on May 28, 2013 (Amendment Bylaw No. 500.379) to Residential 1 (Subdivision District 'Q') to permit the proposed subdivision into thirty-eight residential lots (approximately 700m² to 1,304m² in area per lot)(see Attachment 2). The proposed lot sizes meet the minimum parcel size pursuant to the "Regional District of Nanaimo's Land Use and Subdivision Bylaw No. 500, 1987", with community water and sewer provided.

As the proposed subdivision will create more than three new parcels, the applicant is required, pursuant to Section 941 of the *Local Government Act*, to provide park land dedication and/or cash-in-lieu of park land. The applicant proposes to dedicate 2,227 m² as park land, which amounts to 5.4% of the total parent parcel. Additionally, as a condition of bylaw adoption, the applicant will construct a soft-surface pedestrian trail through the dedicated park connecting the proposed cul-de-sac with a proposed extension of Lowry Place.

Proposed Development

The applicant proposes to subdivide the parent parcel into thirty-eight residential lots and proposes frontage relaxations and acceptance of park land dedication to accommodate subdivision (see Attachment 2 for Proposed Plan of Subdivision).

Minimum 10% Perimeter Frontage Requirement

Proposed lots 5, 6 and 8 do not meet the minimum 10% parcel frontage requirement for the subdivision. The proposed frontages are as follows:

Proposed Lot No.	Required Frontage	Proposed Frontage	Approximate % of Perimeter
Lot 5	14.7 m	13.5 m	9.2%
Lot 6	14.3 m	13.7 m	9.6%
Lot 8	12.6 m	10.1 m	8.3%

These proposed parcels do not meet the minimum 10% parcel frontage requirement pursuant to Section 944 of the *Local Government Act*. Therefore, approval of the Regional District Board of Directors is required to allow exemption from the requirements of Section 944.

ALTERNATIVES

1. To approve the request for relaxation of the minimum 10% perimeter frontage requirement for proposed Lots 5, 6 and 8, and to accept the offer of park land dedication in the amount and location as set in Attachment 2.
2. To deny both, or either of, the request for relaxation of the minimum 10% frontage requirement and the offer for dedication of park land.

LAND USE IMPLICATIONS

Development Implications

With regards to the proposed relaxation for Lots 5, 6 and 8, the lot configurations will provide adequate site area to support the permitted uses. The frontages are constrained by their location on a cul-de-sac which is an acceptable situation to consider relaxation in keeping with Board Policy No. B1.4.

Inter-governmental Implications

The Ministry of Transportation and Infrastructure staff have indicated that they have no concerns with the proposed frontage relaxations for Lots 5, 6 and 8, and the subdivision proposal will be subject to a Preliminary Layout Approval by the Ministry.

Sustainability Implications

The proposed subdivision will facilitate infill development within an existing urban area and where community sewer and water is available.

Additionally, the proposed park land dedication and trail connection the proposed will promote active transportation and provide better connectivity for pedestrian movement.

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. In this case, the proposed park will be surrounded by residential lots and provide a pedestrian connection from a proposed cul-de-sac to an extended Lowry Place (see Attachment 2 for Proposed Plan of Subdivision).

The park area is well treed and is intended to remain as natural as possible, apart from clearing for a trail, in order to function as open space. 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 pedestrian connections in the surrounding neighborhood.

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 at its meeting of March 13, 2013. The Committee supports the proposed park land dedication in conjunction with the proposed subdivision.

PUBLIC CONSULTATION

Public Information Meeting

The proposed park dedication was presented in conjunction with Rezoning Application PL2012-035 at a public information meeting (PIM) held on August 13, 2012 (see Attachment 3 for Summary of Minutes). The majority of comments at this meeting were related to ongoing traffic concerns on Wembley Road and the surrounding road network. One comment about the park related to concern regarding potential crime and vandalism related to the park. Staff referred the park proposal to the local RCMP for comment and they advised that they have no concerns with the proposed park location. The applicant also registered a Section 219 restrictive covenant, through the zoning amendment application, to ensure that buildings and structures adjacent to the park are designed to provide allow for natural surveillance (eg. low permeable fencing).

SUMMARY/CONCLUSIONS

The applicant has requested the relaxation of the minimum 10% perimeter frontage requirement for three lots within a proposed subdivision of the subject property. Despite the reduced frontages, Lots 5, 6 and 8 will be able to accommodate the proposed residential use. Ministry staff indicated that they have no objection to the request for relaxation of the frontages for these parcels.

Additionally, the proposed subdivision will create more than three new parcels. Therefore, the applicant is required, pursuant to Section 941 of the *Local Government Act*, to provide park land dedication and/or cash-in-lieu of park land. The applicant proposes to dedicate 2,227 m² as park land, which amounts to 5.4% of the total parent parcel.

RECOMMENDATIONS

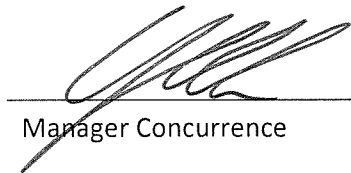
1. That the request to relax the minimum 10% perimeter frontage requirement for proposed Lots 5, 6 and 8, be approved.
2. That the request to accept the dedication of park land, as outlined in Attachment 2, be accepted.



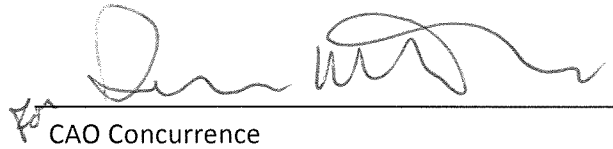
Report Writer



General Manager Concurrence

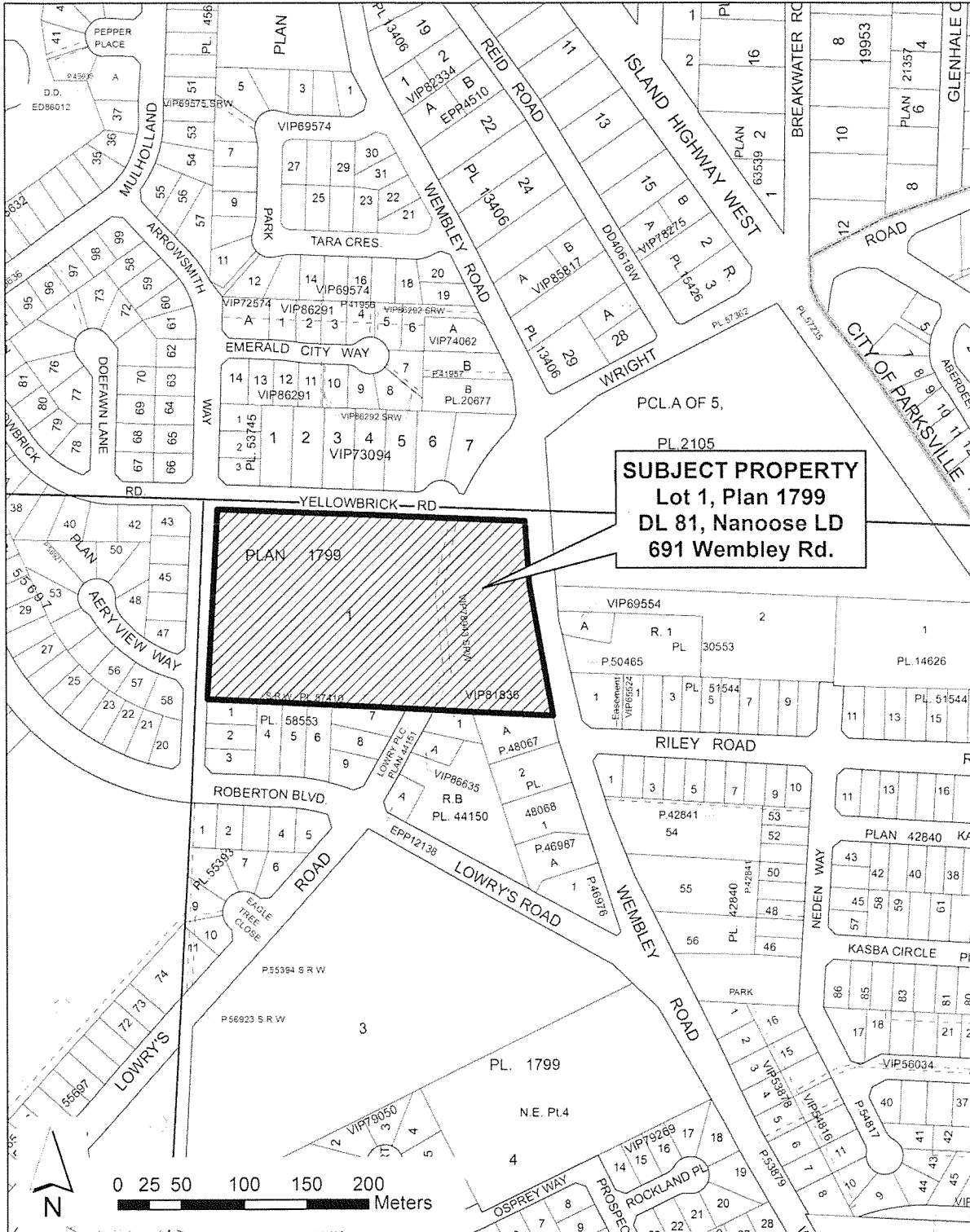


Manager Concurrence



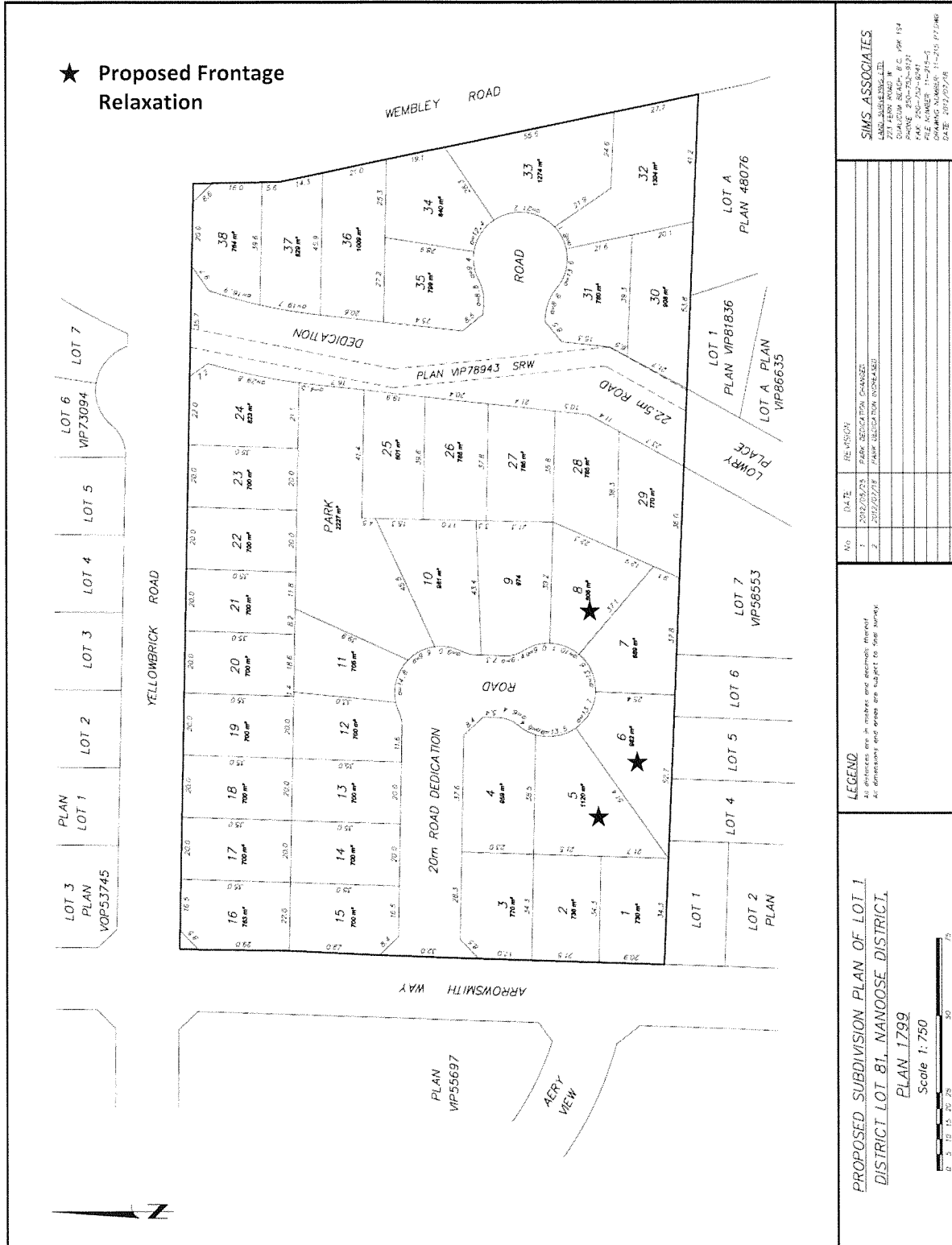
CAO Concurrence

Attachment 1
Location of Subject Property

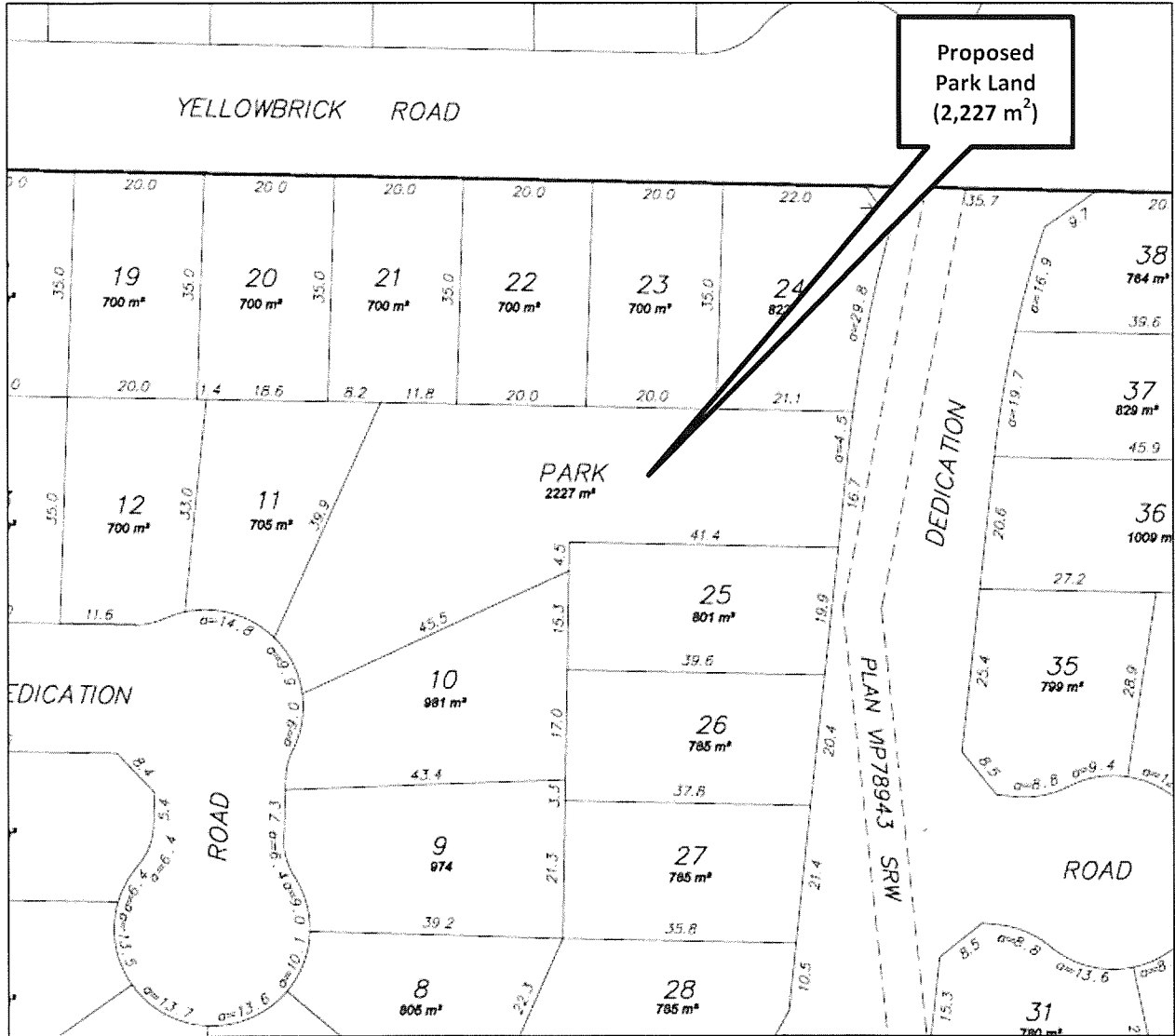


BCGS MAPSHEET: 92F.039.1.3

Attachment 2 (page 1 of 2)
Proposed Plan of Subdivision



Attachment 2 (page 2 of 2)
Detail of Subdivision Plan Showing Proposed Park Land Dedication



Attachment 3

Summary of Minutes of a Public Information Meeting

Held at Oceanside Place, 830 West Island Highway, Parksville
Monday, August 13, 2012 at 7:00 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 47 members of the public in attendance at the meeting.

Present for the Regional District:

Joe Stanhope, Chairperson and Director Electoral Area 'G'
Lainya Rowett, Senior Planner handling the development application
Elaine McCulloch, Parks Planner
Robert Stover, Planning Technician

Present for the Applicant:

Guy Fletcher, Sims Associates, Agent
Helen Sims & Linda Rann, Fern Road Consulting Ltd., Agent
Adam Sturlis & Paul Turner, Applicants

The Chairperson opened the meeting at 7:10 pm, introduced RDN staff and the project consultants, and explained the course of events for the meeting. The Chairperson then stated the purpose of the public information meeting and asked RDN staff to provide background information concerning the development application.

Staff then provided a brief summary of the proposed rezoning and explained the application process.

The Chairperson invited the applicants to give a presentation of their development proposal.

Guy Fletcher, Sims Associates presented an overview of the proposal.

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

David Courtis, 680 Arrowsmith Way, asked about an existing easement on the north side of the subject property, and whether or not a new easement would be introduced along the south side of the subject property near his lot. He said he was told that he might have to move his shed and fence from this area.

Guy Fletcher confirmed there are no plans for a statutory right-of-way along the south property line, and that he could look into the ownership of the existing the right-of-way and follow up with Mr. Courtis.

Dixie Deans, 767 Doefawn Lane, said there are too many lots entering onto Yellowbrick Road given the proximity to the nearby school. She also had concerns about water supply issues and asked if the development proposal had been referred to the local water provider (EPCOR).

Helen Sims advised that EPCOR will complete a design review at the subdivision stage, and that capability must be dealt with before the new lots can be created. She noted that EPCOR is also expanding the well field, and that the applicants will be required to pay their share of the capital cost charges for the infrastructure. She also explained that the proposed zoning and lot sizes are consistent with existing zoning in the area.

Sharnie McFee, Parksville, asked if alternative forms of development had been considered such as clustering, and if the OCP policies surrounding groundwater availability were considered.

Guy Fletcher explained that the lot sizes and configurations are market-driven and based on the minimum lot size requirement, with some of the lots being larger than required.

Nancy Fowler, 1063 Robertson Boulevard, expressed concerns regarding traffic on the proposed extension of Lowry's Place (e.g. trucks accessing the golf course), and asked if there would be further public consultation closer to subdivision approval.

Bruce, 1035 Yellowbrick Road, said that MOTI staff told him that the end of Yellowbrick Road would become a cul-de-sac.

Staff advised that the RDN was unaware of this plan and that staff would follow up with MOTI to confirm.

James Swanson, 1602 Marine Circle, Oceanside Cycling Coalition, expressed concerns about traffic and pedestrian safety for kids walking to the nearby school. He would like to see a separated walkway along Yellowbrick Road for safe pedestrian access.

A gentleman from 1029 Yellowbrick Road supplied a copy of an older subdivision concept plan, which showed Yellowbrick Road ending in a cul-de-sac without any connection through to Wembley Road.

Susan McLean, 1050 Tara Crescent, asked if there were any prior applications to rezone the subject property. She expressed concerns about the proposal being out of character for the area, and does not support the higher density. She also expressed concerns about the rapid removal of trees.

Staff explained that the proposed density complies with the Official Community Plan (OCP) policies.

Wayne Bush, 1088 Tara Crescent, expressed concerns about any additional traffic that would be generated onto Wembley Road as a result of the proposed subdivision. He also noted concerns about speeding on Wembley Road.

Kathryn Collins, 701 Arrowsmith Way, expressed concerns about speeding and traffic congestion and the loss of green space as a result of the proposed subdivision. She said existing owners should be compensated by the RDN; that the proposed park is too small; and the RDN should compensate the owner to turn the subject property entirely into a public park.

Susan Spicer, 796 Arrowsmith Way, expressed concerns regarding traffic safety on Wembley Road, and asked if MOTI will look at ways to make Wembley Road safer including walking/bike lanes.

Sonya Hicke, 1067 Robertson Boulevard, expressed concerns about traffic (trucks) on Robertson Boulevard, and noted if Yellowbrick Road is a cul-de-sac and closed off from Wembley it would result in more traffic on Lowry's Place. She asked for confirmation of whether or not Yellowbrick Road would be closed.

Grant Martin, 1132 Yellowbrick Road, said he heard that MOTI originally intended to cul-de-sac Yellowbrick Road and that it was only opened temporarily for truck traffic to build Morningstar golf course.

Gerald Filipski, 1068 Robertson Boulevard, expressed concerns about road safety and increased traffic on Robertson Boulevard and Wembley Road if Yellowbrick Road was closed off with a cul-de-sac.

Richard Hish, Qualicum Beach, said kids need more exercise, but so many are driven to school, resulting in increased morning/afternoon traffic near the school; he noted safety concerns as a reason why kids aren't riding their bikes to school, and said there should be a bike lane added to Yellowbrick Road (it should be widened).

Vernon Aubichon, 704 Wembley Road, said there should be a pedestrian-controlled access at the intersection of Yellowbrick Road and Wembley Road; that Neden Way needs to be upgraded; and the developer should pay for sidewalks to make walking safer for children.

Staff explained that the RDN does not have a sidewalk authority/service and that all road standards are determined and approved by MOTI.

Lester McLean, 1050 Tara Crescent, expressed concerns about the increased load on the existing sewer system as a result of the proposed development, and concerns about potential declines in French Creek flows and water quality.

Staff said the RDN Engineering Department confirmed there is adequate capacity in the existing community sewer system to support the proposed development.

Helen Sims also explained that no effluent would be going into French Creek from this development.

Gord Nixon, 759 Doefawn Lane, expressed concerns about the proposed park dedication becoming a throughway for young people and encouraging property crime (e.g. vandalism). He suggested consideration of an alternate park location at the corner of the site facing the road, with a parking area for parks users; or elimination of the proposed park.

Terri Haywood, 1104 Aery View Way asked if the roads in this area could be re-named because navigation is confusing for emergency vehicles (e.g. Robertson Boulevard and Lowry's Place).

Sharnie McFee, Parksville, asked why rural zoned lots have been rezoned for higher density in this area, and said the traffic problems are a consequence of designating the area for higher density (urban

containment). She also asked if the subject property was part of the Coastal Douglas Fir ecosystem and if it would be clear-cut through development.

Staff said there are no covenants or bylaws that currently prohibit tree removal on the subject property, neither have any sensitive ecosystems or Development Permit Areas been identified in the OCP which would restrict tree removal.

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

Nancy Fowler, 1063 Robertson Boulevard, asked if the lots would be individually owned and built on.

A gentleman asked when the community would get answers to the questions raised at this meeting.

Staff explained that a summary of the comments received would be included in a report to the Planning Committee/Board and said staff could update the community at the time of a public hearing.

Dixie Deans, 767 Doefawn Lane, said she didn't want this proposal to slide through without being addressed (e.g. water supply).

The Chairperson said the traffic issues exceed RDN's jurisdiction but staff would follow up with MOTI.

Vernon Aubichon, 704 Wembley Road, asked why MOTI staff did not attend the public information meeting and said he was disappointed they weren't there.

Gord Nixon, 759 Doefawn Lane, said there are limited opportunities for casual surveillance in the proposed park location, and he would rather see the RDN take cash-in-lieu for improvements in existing park or sidewalks.

Guy Fletcher said that cash-in-lieu of park could be used for parks maintenance, only acquisition.

Vernon Aubichon, 704 Wembley Road, asked if the proposed amenity contribution could be used for improvements in other existing parks.

Staff explained that the amenity contribution towards the development of a multi-use trail within Stanhope Road was selected in accordance with the OCP policies.

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

A gentleman asked about the park dimensions and expressed concerns about the use of the park.

A woman asked if there is a map/plan showing future developments planned for this area.

Another woman asked about the anticipated timing of development and land clearing for the site.

A gentleman asked if there is anything that could be done at the planning stage to ensure better communications between MOTI and RDN.

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 8:40 pm.



Lainya Rowett
Recording Secretary