

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, DECEMBER 9, 2003

**** 6:00 PM ****

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 2-4 Minutes of the Electoral Area Planning Committee meeting held Tuesday, November 25, 2003.

BUSINESS ARISING FROM THE MINUTES

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

- 5-11 DP No. 60354 – French Creek Estates Ltd. – Columbia Drive – Area G.
12-21 DP No. 60355 – Balogh – 5363 Deep Bay Drive -- Area H.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 22-28 DVP No. 90320 & Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement – R. Colclough & Associates Ltd. On behalf of Land & Water BC -- Trans Canada Highway & Kipp Road – Area A.

FRONTAGE RELAXATION

- 29-34 Request for Relaxation of the Minimum 10% Frontage Requirement – Glencar Consultants Inc on behalf of Comox Timber Ltd. – Marshland Road -- Area H.

OTHER

- 35-40 Electoral Area 'H' Draft Official Community Plan Bylaw No. 1335. (Additional information included under separate cover)

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

IN CAMERA

ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, NOVEMBER 25, 2003, AT 6:30 PM
IN THE RDN BOARD CHAMBERS**

Present:

Director E. Hamilton	Chairperson
Director H. Kreiberg Alternate	Electoral Area A
Director B. Jepson	Electoral Area D
Director P. Bibby	Electoral Area E
Director L. Biggemann	Electoral Area F
Director Joe Stanhope	Electoral Area G
Director D. Bartram	Electoral Area H
Director D. Tyndall	City of Nanaimo

Also in Attendance:

B. Lapham	General Manager, Development Services
P. Shaw	Manager of Community Planning
N. Tonn	Recording Secretary

MINUTES

MOVED Director Kreiberg, SECONDED Director Bibby, that the minutes of the Electoral Area Planning Committee meeting held October 28, 2003 be adopted.

PLANNING

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

DP Application No. 60355 – Balogh – 5363 Deep Bay Drive –Area H.

The Chairperson noted that this item has been withdrawn and referred back to staff for further clarification.

DP Application No. 60356 – Nanaimo Mini Storage (Soderstrom) – 2180 South Wellington Road – Area A.

MOVED Director Kreiberg, SECONDED Director Bibby, that Development Permit Application No. 60356 submitted by Nanaimo Mini Storage, to recognize an existing retaining wall within the South Wellington Development Permit Area No. 1 on the property legally described as That Part of Lot 3, Sections 11 & 12, Range 7, Cranberry District, Plan 3153, Lying Within Said Section 11, Except That Part in Plan 11018 and Plan 3372 RW, be approved, subject to the conditions outlined in Schedules No. 1, 2 and 3 of the corresponding staff report and the notification requirements pursuant to the *Local Government Act*.

CARRIED

FRONTAGE RELAXATION

Request for Relaxation of the Minimum 10% Frontage Requirement – Englishman River Land Corporation (Block 564) – Kaye Road – Area G.

MOVED Director Stanhope, SECONDED Director Biggemann, that the request, submitted by Brent Kapler on behalf of Englishman River Land Corporation to relax the minimum 10% frontage requirement for proposed Lots 15 – ALR, 12, 13, 14, 15, 29 and 30 of the proposed subdivision of Lot A, Block 564, Nanoose District, Plan VIP75278 as shown on the plan of subdivision be approved.

OTHER

CARRIED

Electoral Area 'F' Zoning & Subdivision Bylaw No. 1285 – 'Finetuning' Project.

MOVED Director Biggemann, SECONDED Director Bartram:

1. That the staff report recommending proposed amendments to Bylaw No. 1285 be received.
2. That staff be directed to prepare an amendment to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285, 2003" for consideration by the Board at the December 9, 2003 meeting that:
 - Includes housekeeping amends;
 - Recognizes the 42 requests in Table No. 1;
 - Recognizes those requests in Table No. 2 providing supporting documentation is received prior to consideration of the Board; and
 - Recognizes those requests of the 39 in Table No. 2 for additional dwellings where their construction predates Ministry of Health records providing they submit an acceptable septic system inspection and proof of dwelling unit age.
3. That staff report back to Board on the site-specific zoning requests on ALR land.

CARRIED

NEW BUSINESS

Development Permit Area - General Policies.

MOVED Director Bartram, SECONDED Director Stanhope, that staff prepare a report for the Electoral Area Planning Committee on a policy amendment within all OCP's which would ensure that public notification and public consultation takes place for all development permit applications whether the application requires a variance or not.

CARRIED

ADJOURNMENT

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

TIME: 6:47 PM

CARRIED

CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO	
DEC 1 2003	
CHAIR	GMCrs
CAC	GMDS
COMS	GMES
EAP ✓	
DATE:	

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

DATE: November 28, 2003

FROM: Deborah Jensen
Planner

FILE: 3060 30 60354

SUBJECT: Development Permit Application No. 60354 – French Creek Estates Ltd.
Electoral Area 'G' – Columbia Drive

PURPOSE

To consider an application for a Development Permit with variances to vary the minimum permitted setbacks for three proposed parcels within a subdivision proposal approved under Development Permit Nos. 77 and 0249, and further, to provide additional information to the Board subsequent to the staff report submitted at the October 28, 2003 meeting of the Electoral Area Planning Committee.

BACKGROUND

This is an application to consider variances for three proposed parcels within a phased residential subdivision located in French Creek (*see Attachment No. 1*). The subject property, legally described as Lot 1, District Lot 28, Nanoose District, Plan VIP62528 and Lot 2, District Lot 28, Nanoose District, Plan VIP62528, is located along Columbia Drive.

In 1994, French Creek Estates Ltd. applied for, and received approval from the Regional District of Nanaimo for Development Permit No. 77. This is a phased permit that addresses subdivision of land, including development of 65 single-family residential lots and four multi-family residential lots. The single-family residential lots are subject to a development permit due to subdivision of the lots. Development Permit No. 0249, issued in October, 2002 further amended Development Permit No. 77 by adjusting lot lines to increase the average parcel size of the lots by reducing the parcel size for one of the proposed multi-family parcels.

Pursuant to the "Regional District of Nanaimo French Creek Official Community Plan Bylaw No. 1115, 1998", the subject property is within the French Creek Harbour Centre Development Permit Area. While previous Development Permits (Nos. 77 and 0249) have already approved the lot layout of the 40-lot subdivision, the request is to vary the setbacks for three of the proposed lots.

The subject property is zoned Residential 5 (RS5) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The minimum setback requirements for buildings and structures in this zone, excluding a multiple dwelling unit, are 8.0 metres from the front and exterior lot lines and 3.0 metres for other lot lines. Due to these setbacks, the applicant is now proposing to vary the minimum permitted setback for three of the approved lots (*see Schedule No. 2*) in order to ensure adequate building site areas. The proposed variances are as follows:

Lot	Minimum Setback Requirement	Requested Variance
2	8.0 metres	5.0 metres to exterior lot line along Columbia Drive
22	8.0 metres	5.0 metres to exterior lot line (proposed Viking Way)
40	8.0 metres	5.0 metres to exterior lot line along Columbia Drive

The Electoral Area Planning Committee (EAPC) originally reviewed a staff report for this application at their October 28, 2003 meeting and, due to concerns raised by community residents following notification to residents of the proposed variances, the Regional Board at its regular meeting held November 18, 2003 referred this application back to the Electoral Area Planning Committee (EAPC). Staff was directed to provide clarification on issues raised by residents (*as outlined below*).

Eagle Nest Tree

Concern was raised that the existing eagle nest tree within a covenant area has been abandoned and a new nest tree established 10 meters to the east. This will have no bearing on the variances proposed within this application. However, to recognize the change in location of the eagle nest tree would require an amendment to the existing covenant registered to the title of the property, and an amendment to the official community plan.

Development Permit Process

Development Permit No. 77 was registered on the title of Lots 1 and 2, the parent parcel, citing conditions for development of 65 single-family and 4 multi-family residential lots. Development Permit No. 0249 amended this original permit by allowing for lot line adjustments to create larger parcel sizes, with the exception of one parcel that is reduced in size. Given that development permits have been issued on the subject property, the development permit area continues to apply and any additional amendments are considered under the original development permit. Should the Ministry of Transportation approve the proposed subdivision of the parent parcel, any further requests for variances by individual property owners could be processed by means of application for a Development Variance Permit.

Road Rights-of-Way

Concerns were raised regarding visibility along roadways if variances to setbacks are granted for the proposed corner lots. With the exception of private roads, all roadways within the Regional District fall under the jurisdiction of the Ministry of Transportation. The Ministry has established a 4.5 metre setback from the road right-of-way, in part to ensure that traffic visibility is not impacted in a negative manner. If a proposal is made to construct within 4.5 metres of the road right-of-way, then the Ministry must issue an approval for a relaxation of the setback. The proposed variances addressed within this application do not fall within this 4.5 metre setback and therefore do not require approval from the Ministry.

ALTERNATIVES

1. To approve Development Permit No. 60354 subject to the conditions outlined in Schedules No. 1, 2, and 3.
2. To deny the requested permit and consider applications for variances from individual property owners subsequent to completion of subdivision.

LAND USE AND DEVELOPMENT IMPLICATIONS

Four variances were proposed in the original application. The proposed Lot 1 is located in a Residential 1 (RS1) zone and does not require a variance as RS1 zoning allows a setback of 5.0 metres for an exterior side lot line; this lot is not included in this application. The proposed Lot 24 will be located at the corner of Juan de Fuca Boulevard and a private strata road. A private road is treated as a private parcel; therefore, a minimum permitted setback is 3.0 metres. However, a variance to 2.0 metres was established in DP No. 77. The other three proposed parcels requiring variances are all corner lots.

From a site planning perspective, it is often considered more difficult to demarcate a workable building site on a corner lot due to setback requirements for lot lines adjacent to a roadway. Siting of these proposed lots within a Residential 5 (RS5) zone further inhibits buildable site area due to more restrictive

setback requirements. Staff notes that each of the lots requiring a variance is single dwelling unit lots. If the properties were located within a Residential 1 (RS1) zone that is intended for single dwelling unit use, minimum permitted setbacks would be set at 5.0 metres for exterior lot lines and 2.0 metres for interior side and rear lot lines. By varying the setback requirements for the specified four lots, the proposed zoning setbacks would be consistent with the majority of properties located within the French Creek area.

PUBLIC CONSULTATION IMPLICATIONS

Subsequent to the initial staff report for this application, notification was sent to property owners within a 50-metre radius. Comments were received from five separate sources. Three were received from local residents residing within the 50-metre notification radius. The remaining two were from property owners within the greater French Creek area. These comments refer to issues as noted above. No further notification is subsequent to reconsideration by the Board.

VOTING

Electoral Area Directors – one vote, except Electoral Area 'B'.


SUMMARY/CONCLUSIONS


This is an application for a development permit within the French Creek Official Community Plan, Bylaw No. 1115, 1998 French Creek Harbour Centre Development Permit Area. The application includes a request to vary the minimum permitted setback for three of the proposed lots.

Given that these variances will secure single dwelling unit building site areas and will not have any impact on those vegetated and wildlife areas protected by covenant and development permits, staff recommends the requested Development Permit be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 of this report and subject to notification requirements pursuant to the *Local Government Act*.

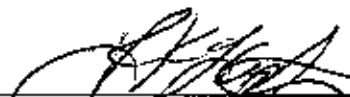
RECOMMENDATION

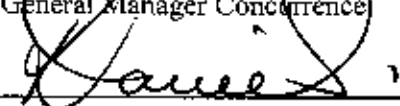
That Development Permit Application No. 60354, submitted by W.R. Colclough, Agent, on behalf of French Creek Estates, to relax the minimum setback requirement for three corner lots within a Residential 5 (RS5) zone as set out in Schedule No. 3 of this staff report, for the property legally described as Lots 1 and 2, District Lot 28, Nanoose District, Plan VIP62528, be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to the notification requirements pursuant to the *Local Government Act*.



Report Writer


Manager Concurrence



General Manager Concurrence


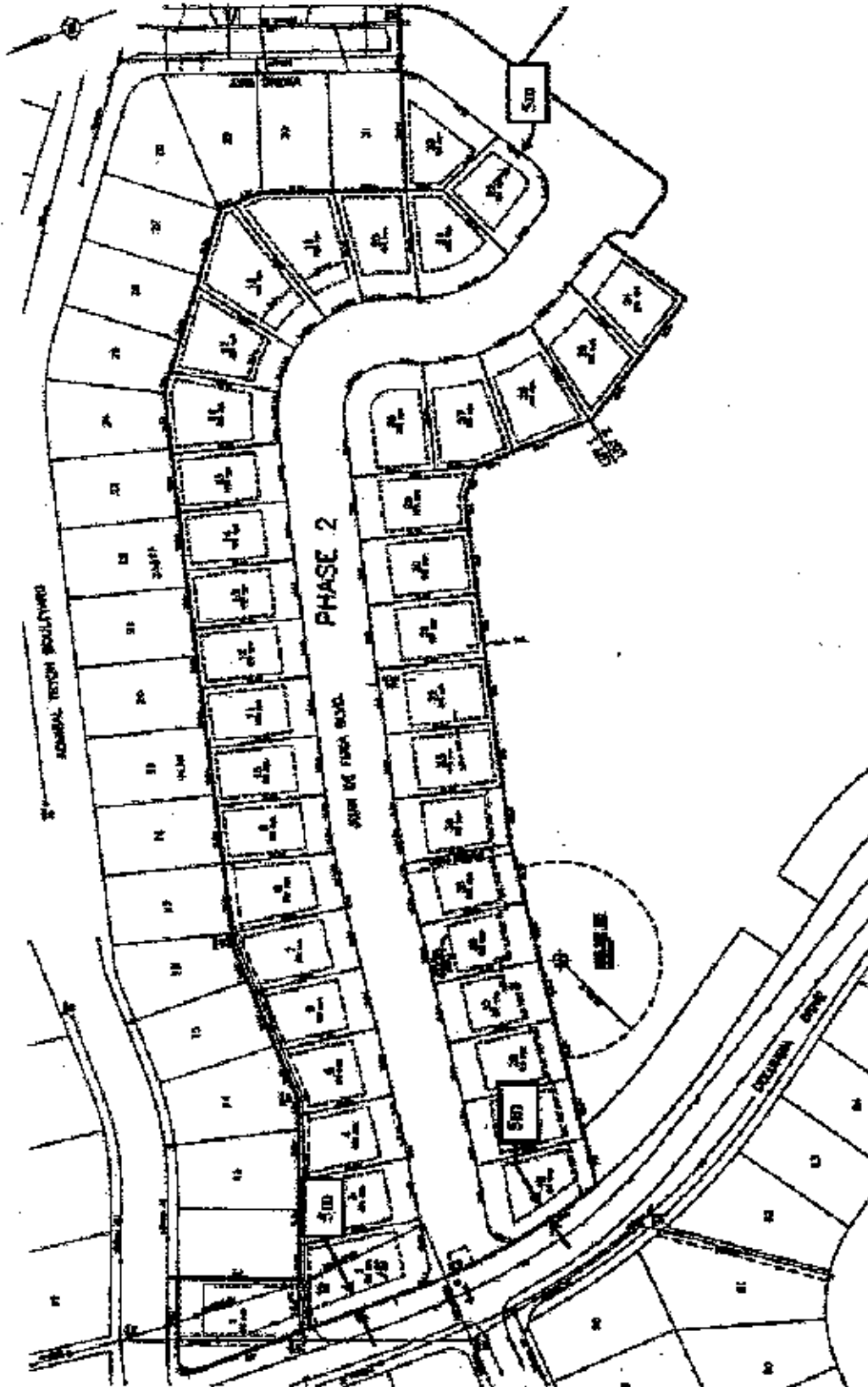
CAO Concurrence

COMMENTS:

Schedule No. 1
Conditions of Approval
Development Permit Application No. 60354

1. This permit provides for variances on 3 lots as part of a subdivision of 40 lots to be subdivided in substantial compliance with the site plan attached as Schedule No. 2.
2. With the exception of the proposed variances to minimum permitted setbacks for Lots 2, 22, and 40, all conditions of approval contained in Development Permits No. 77 and 0249 apply.
3. Applicant to meet all requirements of subdivision approval from the Ministry of Transportation.

Schedule No. 2
Site Plan
Development Permit Application No. 60354



FRENCH CREEK ESTATES
Phase II - 40 Lots

DEVELOPMENT PERMIT APPLICATION
Side Yard Setback Variances
Setback For Lots 1, 2, 22, 24 & 40

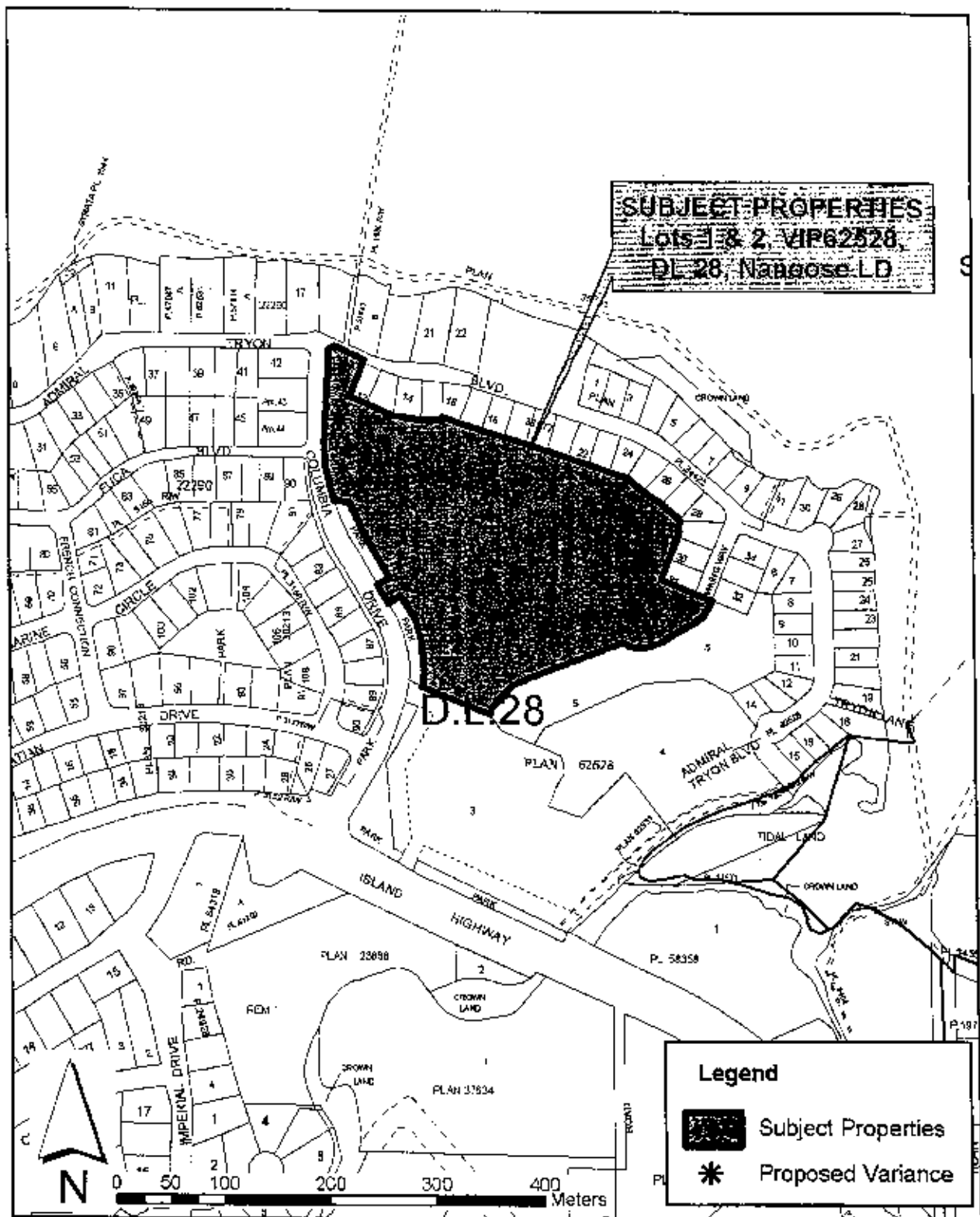
MR COLCLOUGH & ASSOCIATES LTD.
Land Community and Economic Development
Lanette, BC

Schedule No. 3
Variances to
Development Permit Application No. 60354

The following variances are approved based on completion of the conditions outlined in Schedule No. 1:



- Proposed Lot 2:*** Relaxation of the exterior lot line from 8.0 metres to 5.0 metres to facilitate the development of a single dwelling unit.
- Proposed Lot 22:*** Relaxation of the exterior lot line from 8.0 metres to 5.0 metres to facilitate the development of a single dwelling unit.
- Proposed Lot 40:*** Relaxation of the exterior lot line from 8.0 metres to 5.0 metres to facilitate the development of a single dwelling unit.

Attachment No. 1
Subject Property Map



SUBJECT PROPERTIES
Lots 1 & 2, VIP62528,
DL 28, Nanoose LD

Legend

-  Subject Properties
-  Proposed Variance



REGIONAL DISTRICT OF NANAIMO		
DEC 1 2003		
CHAIR		GMCrs
CAO		GMDS
G/Cms		GMES
EAP		
		DATE: _____

MEMORANDUM

TO: Pamela Shaw
 Manager of Community Planning

FROM: Keeva Kehler
 Planner

SUBJECT: Development Permit Application No. 60355 – Balogh
 Electoral Area 'H' – 5363 Deep Bay Drive

November 28, 2003

FILE: 3060 30 60355

PURPOSE

To consider an application to permit the construction of a dwelling unit and ground level deck within the 'Environmentally Sensitive Areas' and 'Hazard Lands' Development Permit Areas pursuant to the "Regional District of Nanaimo Shaw Hill -- Deep Bay Official Community Plan Bylaw No. 1007, 1996".

BACKGROUND

The subject property, legally described as Lot 15, District Lot 1, Newcastle District, Plan 20442, is located on Deep Bay Drive adjacent to the Strait of Georgia along Deep Bay Spit in Electoral Area 'H' (see Attachment No. 1).

The subject property is zoned 'Residential 2 (RS2)' pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The minimum setback requirement for buildings and structures adjacent to the sea is 8.0 metres horizontal distance from the natural boundary. The maximum height for the dwelling unit is 8.0 metres and for accessory buildings is 6.0 metres.

The 'Environmentally Sensitive Areas' Development Permit Area was established to protect the natural environment; this portion of the Development Permit Area is measured 15.0 metres from the natural boundary of the ocean. The 'Hazard Lands' Development Permit Area was established to protect development from hazardous conditions. The entire subject property is designated within the 'Hazard Lands' Development Permit Area due to the potential flood hazard during extreme storm events.

The subject property is bordered by residential lots to the north, west and south and to the east by the Strait of Georgia. The property to the north is currently vacant.

There is a Building Scheme registered on title of the subject property. The Building Scheme was registered in 1978 and it appears that the applicants are compliant with the terms contained in the scheme. It should be noted, however, that the RDN is not responsible for ensuring compliance with the Building Scheme.

ALTERNATIVES

1. To approve the requested development permit application subject to the conditions outlined in Schedules No. 1, 2 and 3.
2. To deny the requested development permit.

LAND USE AND DEVELOPMENT IMPLICATIONS

The dwelling unit is proposed to be sited 14.2 metres from the natural boundary of the ocean and the deck is proposed to be sited 11.7 metres from the natural boundary of the ocean. The 'Environmentally Sensitive Arcas' Development Permit Area extends 15 metres from the natural boundary of the ocean; therefore a portion of the proposed dwelling unit and the deck are within the Environmentally Sensitive Areas DPA. The entire property is located within the 'Hazard Lands' DPA. Therefore, this proposed development requires Board approval. The applicants are not requesting any variances to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" as part of this application.

Due to the layout of the subdivision and the proposed architectural design of the dwelling, it is not anticipated that there will be any view impacts from the proposed development. The property slopes down from Deep Bay Drive towards the ocean reducing any visual impact for properties located along Burnc Road or the west side of Deep Bay Drive. Further, the applicant will be meeting the maximum permitted dwelling unit height of 8.0 metres above the natural grade.

The area along Deep Bay spit is known to be an archaeologically significant area and the applicant will be advised to develop the property in compliance with the provincial *Heritage Conservation Act*. Should the Board approve the proposed dwelling unit and deck, the applicant will be provided with a handout listing provincial contacts and frequently asked questions with a copy of the Development Permit.

The applicant will be required to provide a letter of confirmation from the Deep Bay Waterworks District stating that water connections to the proposed dwelling unit will be provided.

GEOTECHNICAL AND FLOOD ELEVATION IMPLICATIONS

Given that the property is not located within a building inspection area, Bylaw 843 (RDN Flood Control Bylaw) does not apply. However, due to the potential flood hazard, a geotechnical report is required to ensure that the site is safe for the intended use.

A geotechnical report was completed by Lewkowich Geotechnical Engineering Ltd. on October 24, 2003 and it states "the property is safe and suitable – from a geotechnical perspective – for the use intended (single family residential development) considering a probability of natural hazard of 10 percent in 50 years." It is recommended that this report be registered on the title of the subject property as a condition of the Development Permit approval.

The geotechnical report states that the property is flat and level and between 1.5 and 2.0 metres below the elevation of Deep Bay Drive. The residence will be constructed over a crawl space approximately 0.9

metres high. The report concludes that the minimum habitable floor elevation for the residence be at least 0.5 metres above the natural grade at the east end of the proposed dwelling location. This would place the finished floor elevation at approximately 1.5 metres above the high water level. Based on the current conditions on the property, the geotechnical report determined that it is not expected that the foundation of the proposed residence will be impacted by scour/ erosion due to wave action.

In addition to the geotechnical report, it is recommended that the applicants be required to prepare and register a Save Harmless Covenant on the property saving the Regional District harmless from any action or loss that might result from hazardous conditions that may exist on the property. Although the applicants are proposing to raise the dwelling unit 1.5 metres above the natural boundary of the ocean, the dwelling will be constructed within 15 metres of the natural boundary of the ocean.

This covenant would require that the applicant fully acknowledge the concerns addressed in the geotechnical report with respect to flooding. This covenant must be prepared to the satisfaction of the RDN.

ENVIRONMENTAL IMPLICATIONS

The applicants have not indicated the location of the proposed drainage systems on the sketch submitted with the application. Staff recommends that the Board approve drainage works required as part of this Development Permit Application, provided the works are located away from the foreshore area and outside of the 'Environmentally Sensitive Areas' Development Permit Area. No drainage waters shall be directed into or permitted to enter the marine environment. It is recommended that the applicant provide documentation indicating where the proposed drainage works will be located for the Board's review prior to occupying the dwelling.

The property contains a strip of vegetated land towards the foreshore, which should be maintained to reduce the potential for erosion. Existing vegetation on the property mostly consists of some aquatic grasses and blackberry bushes, grass and low shrubs. Due to the sensitive nature of the waterfront, the retention and enhancement of native vegetation is strongly encouraged wherever possible in the area within 15 metres of the natural boundary of the ocean. As part of this Development Permit, staff recommends that the applicants be required to replant native species in this area. Removal of the blackberry bushes will not negatively impact the foreshore, provided replanting of native vegetation occurs immediately.

In addition to the proposed dwelling unit, the applicants propose to locate a wooden deck attached to the dwelling unit. The proposed deck will measure approximately 3 metres by 16 metres (48 m²) and will wrap around the west side of the dwelling. Because the deck will be at ground level and will not exceed one metre in height, it is not considered a structure and does not require a variance to the zoning setback. However, any alteration of land within the Development Permit Area requires approval of the Board.

There is currently a travel trailer and a small accessory building located on the property. The dwelling is proposed to be sited in the general location of the existing travel trailer, which will be removed. The septic disposal field is located at the front of the property towards Deep Bay Drive and no structures are proposed for this portion of the lot. The driveway will be located along the southern boundary of the lot

avoiding the septic field. There is no retaining wall at the rear of the lot, but the natural boundary is marked by large woody debris, most likely deposited during storm events. There does not appear to be retaining walls on the adjacent properties. No retaining walls are proposed as part of this application.

PUBLIC CONSULTATION IMPLICATIONS

Notification pursuant to the *Local Government Act* is not required for consideration of this application, as no variances to "Regional District of Nanaimo Land use and Subdivision Bylaw No. 500, 1987" have been requested.

VOTING

Electoral Area Directors – one vote, except Electoral Area 'B'.

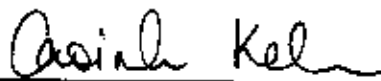
SUMMARY/CONCLUSIONS

This is an application to permit the construction of a dwelling unit and deck within the 'Environmentally Sensitive Areas' and 'Hazard Lands' Development Permit Areas pursuant to the "Regional District of Nanaimo Shaw Hill – Deep Bay Official Community Plan Bylaw No. 1007, 1996".

From staff's assessment of this application, the development permit area guidelines have been addressed and the application has technical merit to be approved subject to the Conditions of Approval outlined in Schedule No. 1.

RECOMMENDATION

That Development Permit Application No. 60355, submitted by Raymond and Catherine Balogh to permit the construction of a dwelling unit and deck within the 'Environmentally Sensitive Areas' and 'Hazard Lands' Development Permit Areas on the subject property legally described as Lot 15, District Lot 1, Newcastle District, Plan 20442 be approved, subject to the Conditions of Approval outlined in Schedules No. 1, 2 and 3.



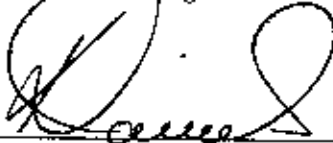
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devsvs/reports/2003/lap no 3060 30 60355 Balogh

Schedule No. 1
Conditions of Approval
Development Permit No. 60355

Development of Site

- a) All uses and construction of buildings and structures to be undertaken must be consistent with "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."
- b) All development on the site must be in compliance with the *Heritage Conservation Act*.
- c) The applicant is to provide the RDN with a letter from the Deep Bay Waterworks District stating that a water connection will be provided to the proposed dwelling unit prior to commencing construction.

Restrictive Covenants

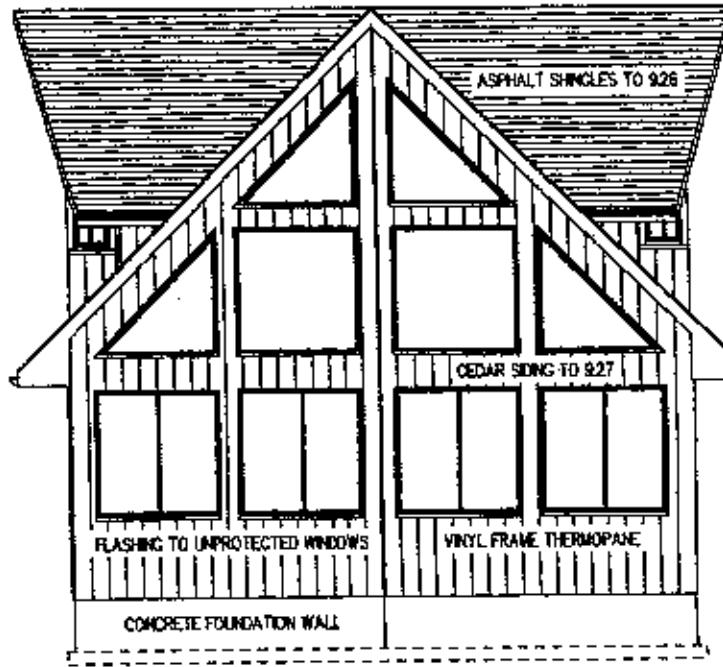
- a) Recommendations established by the Geotechnical Report prepared by Lewkowich Geotechnical Engineering Ltd, date stamped October 24, 2003 shall be undertaken.
- b) The Geotechnical Report prepared by Lewkowich Geotechnical Engineering Ltd. will be required to be registered on the Certificate of Title as a condition of issuance of the development permit. This will ensure that the recommendations contained within this report will be undertaken. This Covenant must be registered on the Certificate of Title prior to commencing construction.
- c) The applicant shall enter into a Restrictive Covenant saving the Regional District of Nanaimo harmless from any action or loss that might result from hazardous conditions and acknowledging the flood risk associated with the existing construction and occupancy of the dwelling unit on the property. This Covenant must be registered on the Certificate of Title commencing construction.

Development Permit Protection Measures

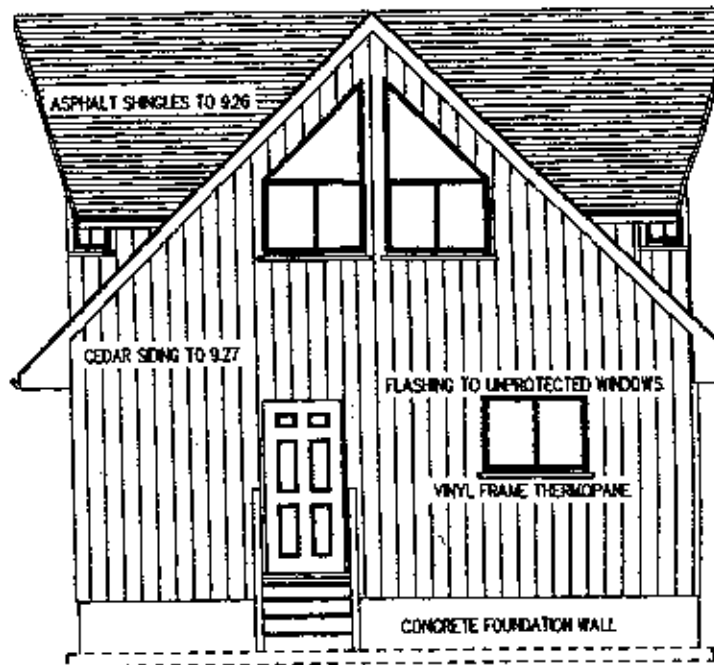
- a) No habitation, storage or building machinery shall be located below the flood elevation of 1.5 metres above the natural boundary.
- b) Sediment and erosion control measures must be utilized to control sediment during construction and land clearing works and to stabilize the site after construction is complete. These measures must include:
 - Tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be onsite.
 - Direct run off flows away from Strait of Georgia using swales or low berms.
 - Exposed soils must be seeded immediately after disturbance. Soil surfaces to be treated should be roughened.
 - Cover temporary fills or soil stockpiles with polyethylene or tarps.

- c) All surface drainage collected from the perimeter drains, roof leaders and other hard surfaces shall be directed to a catch basin. Drainage systems will be located towards Deep Bay Drive and away from the foreshore area. Drainage works are not permitted within the 'Environmentally Sensitive Areas' Development Permit Area (within 15 metres of the natural boundary of the ocean). Applicants to provide a plan indicating the location of the proposed drainage works to the RDN prior to commencing construction.
- d) Native vegetation within the 'Environmentally Sensitive Areas' Development Permit Area shall be retained and replanting of native species is encouraged to reduce the potential for erosion due to wind, tidal and precipitation activities. Removal of the blackberry bushes is permitted provided the area is replanted within 30 days.
- e) The applicants will not install a retaining wall near the natural boundary.

Schedule No. 2 (Page 1 of 2)
Building profile (As submitted by Applicants)
Development Permit No. 60355

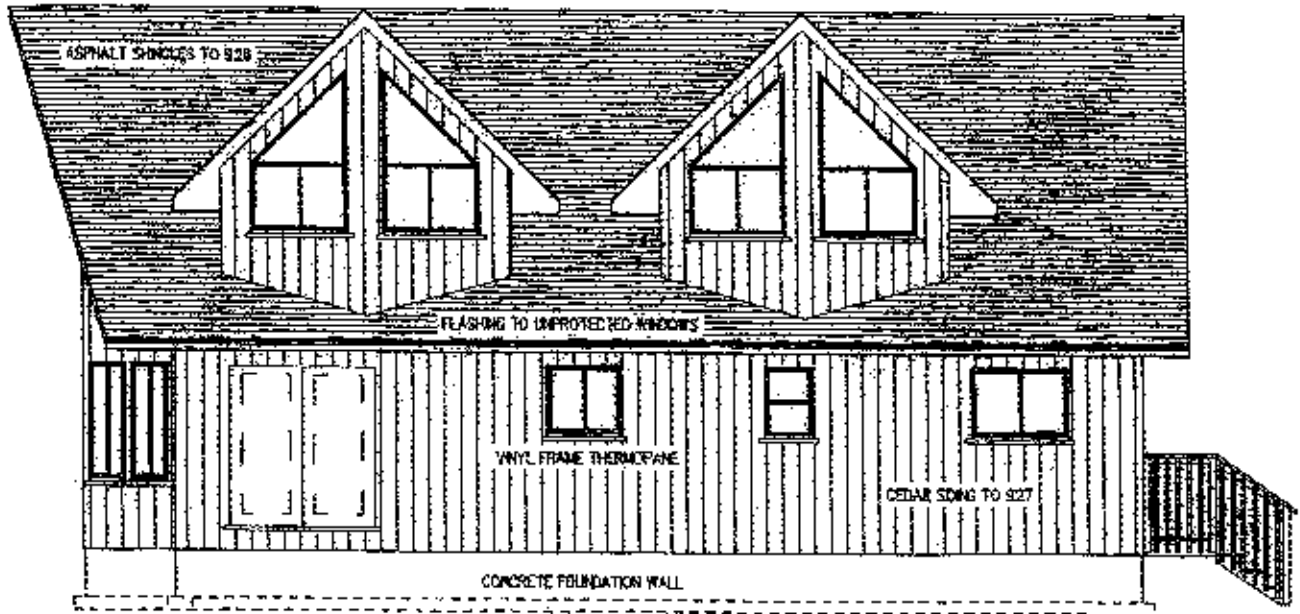


FRONT ELEVATION

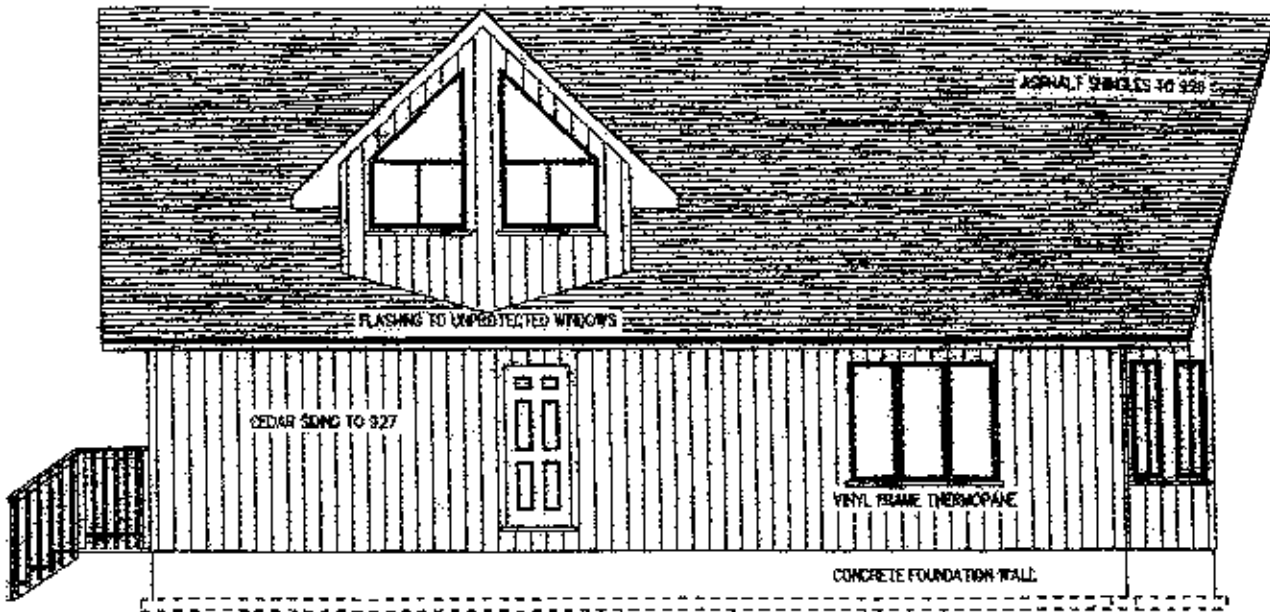


REAR ELEVATION

Schedule No. 2 (Page 2 of 2)
Building profile (As submitted by Applicants)
Development Permit No. 60355

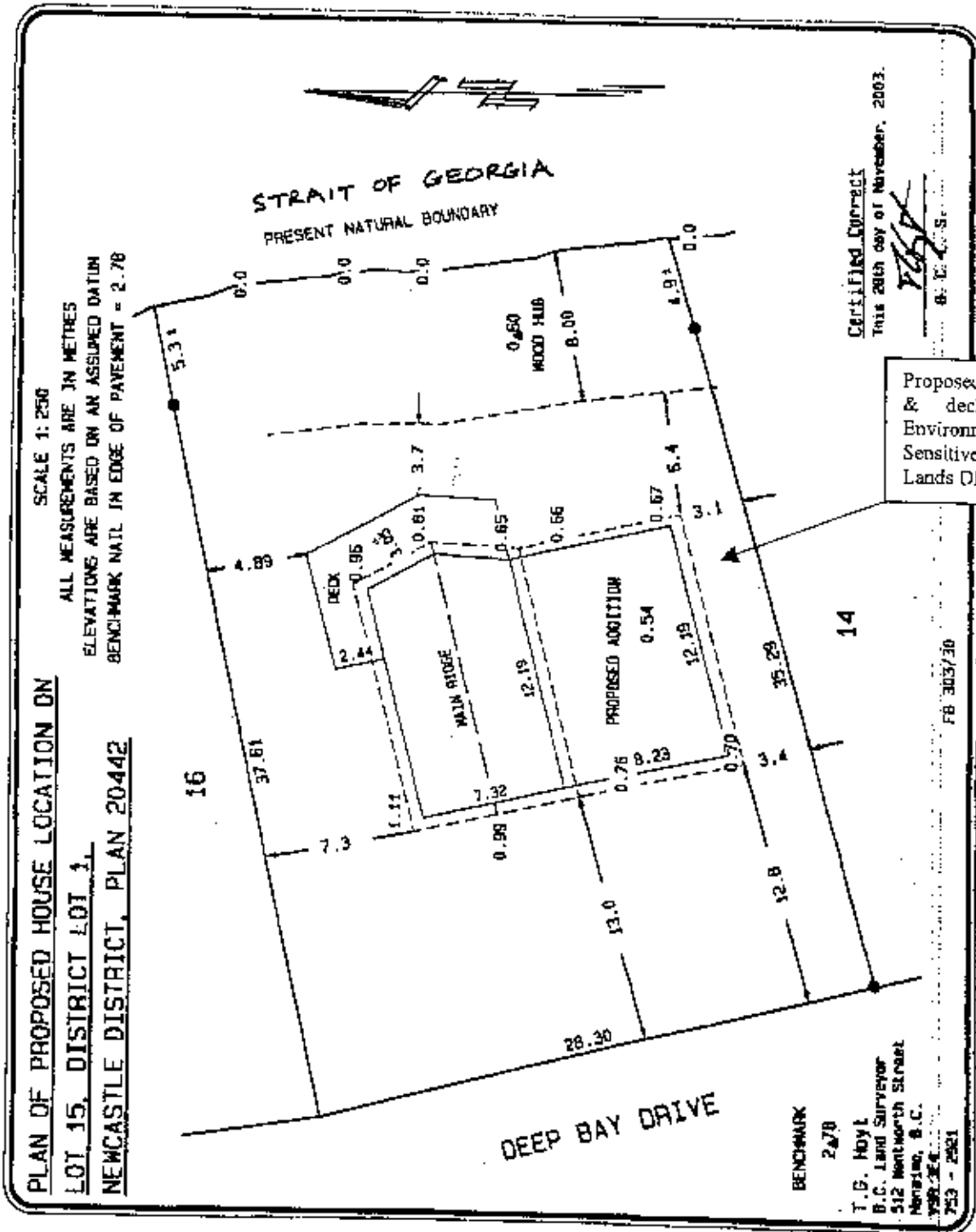


RIGHT ELEVATION



LEFT ELEVATION

Schedule No. 2
Site Plan



SCALE 1:250
 ALL MEASUREMENTS ARE IN METRES
 ELEVATIONS ARE BASED ON AN ASSUMED DATUM
 BENCHMARK NAIL IN EDGE OF PAVEMENT = 2.78

**PLAN OF PROPOSED HOUSE LOCATION ON
 LOT 15, DISTRICT LOT 1,
 NEWCASTLE DISTRICT, PLAN 20442**

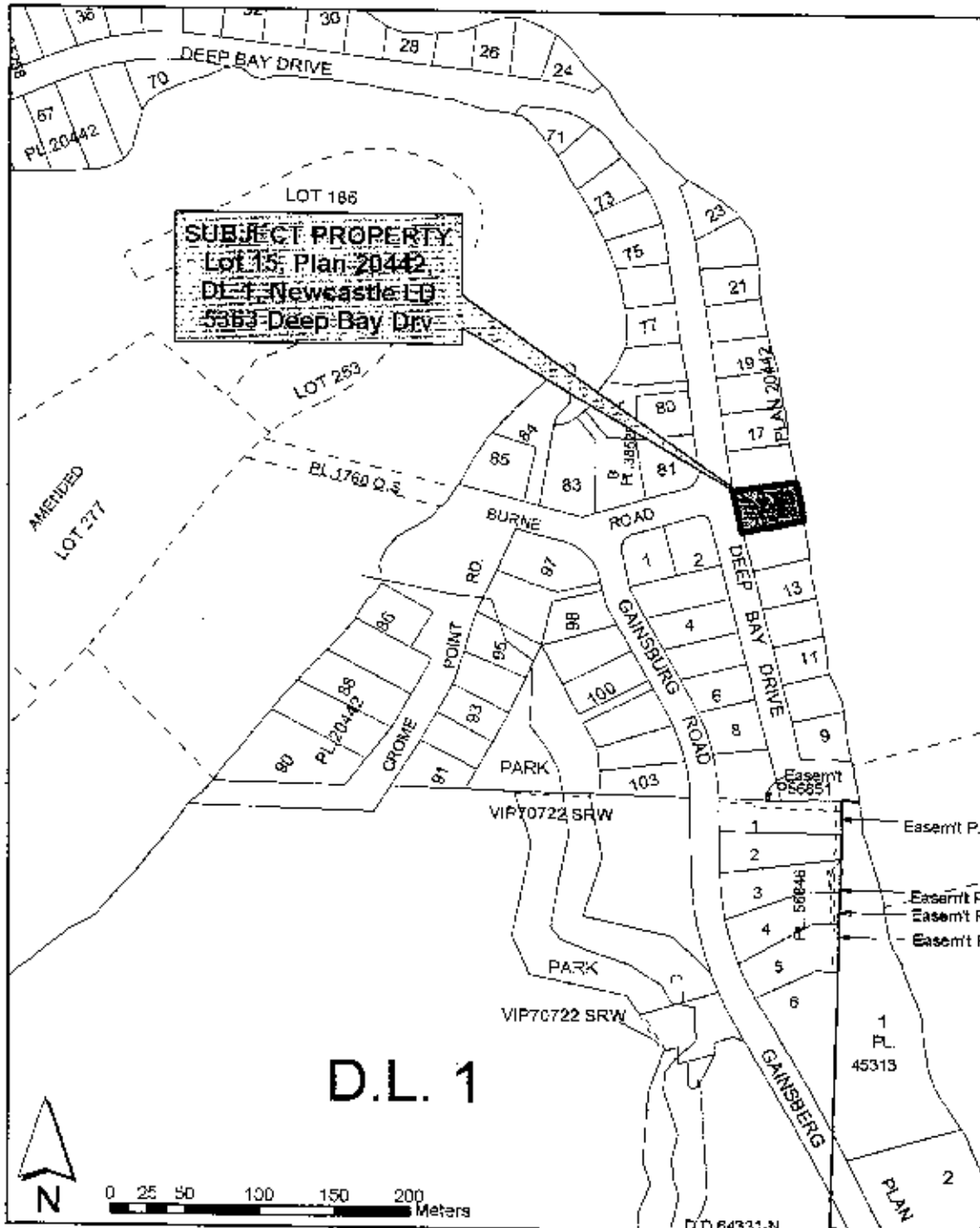
Certified Correct
 This 28th day of November, 2003.
 T.G. Noyl
 B.C. Land Surveyor

Proposed dwelling unit
 & deck within the
 Environmentally
 Sensitive & Hazard
 Lands OPA

BENCHMARK
 2.78
 T.G. Noyl
 B.C. Land Surveyor
 512 Wentworth Street
 Nanaimo, B.C.
 V9S 2E4
 253 - 2421

FB 303/30

Attachment No. 1
Subject Property
Development Permit No. 60347





**REGIONAL DISTRICT
OF NANAIMO**

DEC 4 2003

CHAIR		GMCrS	
CAO		GMDS	
GMCMS		GMES	
		EAP	✓

MEMORANDUM

TO: Pamela Shaw
Manager of Community Planning

DATE: December 2, 2003

FROM: Susan Cormie
Senior Planner

FILE: 3090 30 90320 & 3220 30 25253

SUBJECT: Development Variance Permit Application No. 90320 & Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement
Applicant: Robert Colclough & Associates Ltd. on behalf of Land & Water BC
Trans Canada Highway & Kipp Road, Electoral Area 'A'

PURPOSE

To consider a development variance permit application to create a non-contiguous parcel and to consider relaxation of the minimum perimeter 10% frontage requirement in order to facilitate a 5-lot subdivision.

BACKGROUND

The applicant's agent, RG Colclough & Associates Ltd., is requesting approval for the creation of a non-contiguous parcel as part of a 5-lot subdivision proposal for 29.7 hectare total sized properties located adjacent to the Trans Canada Highway and Kipp Road within the South Wellington area of Electoral Area 'A' (see Attachment No. 1 for location). The applicant is also requesting a relaxation of the minimum perimeter frontage requirement for one of the proposed parcels.

The subject properties include 14 undeveloped parcels that are currently split zoned Residential 2 Subdivision District 'F' (RS2F) (1.0 ha minimum parcel size) and Rural 4 Subdivision District 'D' (RU4D) (2.0 ha minimum parcel size) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The applicant is proposing to reconfigure the parcels into 5 new parcels all of which will meet the minimum parcel size provisions (see Schedule No. 2 for proposed subdivision). In addition, the applicant is offering to transfer the 5th lot (shown as the Remainder Lot on Schedule No. 2) to the Regional District for park land purposes.

In addition, the subject properties are designated within the Island Highway Corridor pursuant to the Vancouver Island Highway Agreement.

Watercourses within or adjacent to the subject property include a large wetland/lake crossing in a north to south direction to the west of the E&N Railway and a small wetland in the northeast corner of the site. The large wetland/lake is proposed to be situated entirely within the proposed park land area while a portion of the smaller wetland may be partially located within proposed Lot 1.

Surrounding properties include the lands within the City of Nanaimo to the north, the Trans-Canada Highway to the east, rural zoned acreages to the south, and City of Nanaimo owned property (partially within the ALR) to the west.

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The E&N Railway crosses the west side of the properties in the north to south direction. An old Pacific Coast Coal rail line also runs parallel to the E&N line in the south west corner, which is cultural significance to the area. A gas line runs from Kipp Road in a westerly direction along the south boundary of the parent parcels.

Proposed Lot 1 and 2 contain some rock outcrop adjacent to the Trans Canada Highway and are treed. Proposed Lot 3 is relatively flat treed lot. Proposed Lot 4, which is also treed, contains some steep slopes.

The parcels are proposed to be serviced by individual private septic disposal systems and individual private wells.

Proposed Minimum 10% Frontage Relaxation Request

Lot 4, as shown on the plan of subdivision as submitted by the applicant, proposes a 20-metre or 2.1% perimeter frontage. Therefore, as this parcel does not meet the minimum 10% perimeter frontage requirement pursuant to section 944 of the *Local Government Act*, approval from the Regional Board of Directors is required to relax this requirement.

Non-Contiguous Parcel Variance

The Remainder Lot is also proposed to cross the E&N Railway corridor thus creating a non-contiguous parcel. Therefore, as a non-contiguous parcel is not permitted under section 4.5.4 of Bylaw No. 500, a development variance permit is required to allow the creation of this proposed parcel.

ALTERNATIVES

1. To approve Development Variance Permit No. 90320 to permit the creation of a non-contiguous parcel and to allow the relaxation of the minimum 10% perimeter frontage requirement subject to the conditions outlined in Schedule Nos. 1 and 2 and the notification requirements pursuant to the *Local Government Act*.
2. To deny the request variance and the relaxation of the minimum 10% perimeter frontage requirement.

DEVELOPMENT IMPLICATIONS

Recreation and Park / Environmental Implications

The Electoral Area 'A' Community Trails Study sites the subject properties as being located within an area of interest for a number of reasons including the amount of public land in the area; the existence of informal trails throughout the subject properties as well as the adjacent City-owned lands; the cultural interest in that an old coal railway line is in the area; and the existence of the wetland sensitive ecosystem. The Trails Study also notes that a crossing of the E&N railway property would have to be negotiated in order to access the wetland area. Therefore, this study supports the creation of park land within this subject property. Staff met with the applicant who is in concurrence to transfer the proposed Remainder Lot to the Regional District for park land purposes.

With respect to the small wetland area situated within the north east corner of the subject properties, a portion of it may be within proposed Lot 1. The applicant is in concurrence to provide a covenant for the protection of the wetland and its adjacent riparian area (15.0-metre areas as measured from the natural boundary) if this is the case. Therefore, the environmentally sensitive aspects of the site will be protected.

Development and Lot Constraints / Ministry of Transportation Implications

Due to the site constraints of proposed Lot 4, while vehicular access is possible onto the proposed parcel, Ministry of Transportation staff has indicated that access to building sites may be physically difficult due to the steep slopes within the property. Pursuant to Bylaw No. 500, 1987, the zoning supports 2 dwellings on the parcel; however, due to these site constraints, staff recommends that the number of dwelling units be limited to one. The applicant has indicated that he is in concurrence to this restriction. In addition, it is staff's understanding that there are site constraints associated with proposed Lot 1 and 2 with respect to septic disposal and as a result, staff recommends restricting the number of dwelling units for these parcels to a maximum of 1 as well.

The non-contiguous parcel is proposed to be the Remainder Lot, which is the property being transferred to the Regional District for park land purposes. As the non contiguous portion of the proposed Remainder Lot is to be retained as an environmentally sensitive area within park land and as vehicular access is not required, staff supports the creation of the non-contiguous parcel.

With respect to the 6.0 metre access to the proposed park land, the applicant is in concurrence to widen this as necessary to ensure adequate access to the park land. This will be verified at time of subdivision.

Highways Implementation Agreement

The Highway Implementation Agreement includes the subject properties. As a result, retention of the vegetated buffer area adjacent to the Trans Canada Highway is recommended. Such a covenant should also include the restriction of no buildings or structures including signs be permitted within the retention area. The applicant is in concurrence with this requirement.

INTERGOVERNMENTAL IMPLICATIONS

With respect to the City-owned parcel to the west of the subject properties, City staff has indicated that the City has no immediate plans for this parcel and that future disposition of the land would require Council direction.

VOTING

Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY

This is an application for a development variance permit to allow the creation of a non-contiguous parcel and to relax the minimum perimeter 10% frontage requirement. The applicant is in concurrence to transfer the proposed Remainder Lot, which contains the large wetland area to the Regional District for park land purposes. This is supported in the Electoral Area 'A' Trails Plan. Ministry of Transportation staff has indicated support for the request for minimum 10% frontage relaxation.

Therefore, as the applicant is in concurrence to meet the conditions set out in Schedule Nos. 1 and 2 of the staff report, staff recommends this application be approved subject to Schedule Nos. 1 and 2 and the notification procedures pursuant to the *Local Government Act*.

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RECOMMENDATION

That Development Variance Permit Application No. 90320, submitted by RG Colclough & Associates Ltd. on behalf of Land & Water BC, to allow the creation of a non-contiguous lot and to allow the relaxation of the minimum 10% perimeter frontage requirement in conjunction with the proposed subdivision be approved subject to the conditions outlined in Schedules No. 1 and 2 of the staff report and notification requirements pursuant to the *Local Government Act*.

Normie

Report Writer

R. H. H. H.

General Manager Concurrence

M. Shaw

Manager Concurrence

David S.

CAO Concurrence

COMMENTS:

devs/report/2003/dvp oc 3090 311 90320 RG Colclough/LWBC.doc

**SCHEDULE No. 1
CONDITIONS OF APPROVAL**

In Conjunction with Development Variance Permit No. 90320 & Subdivision File No. 25253

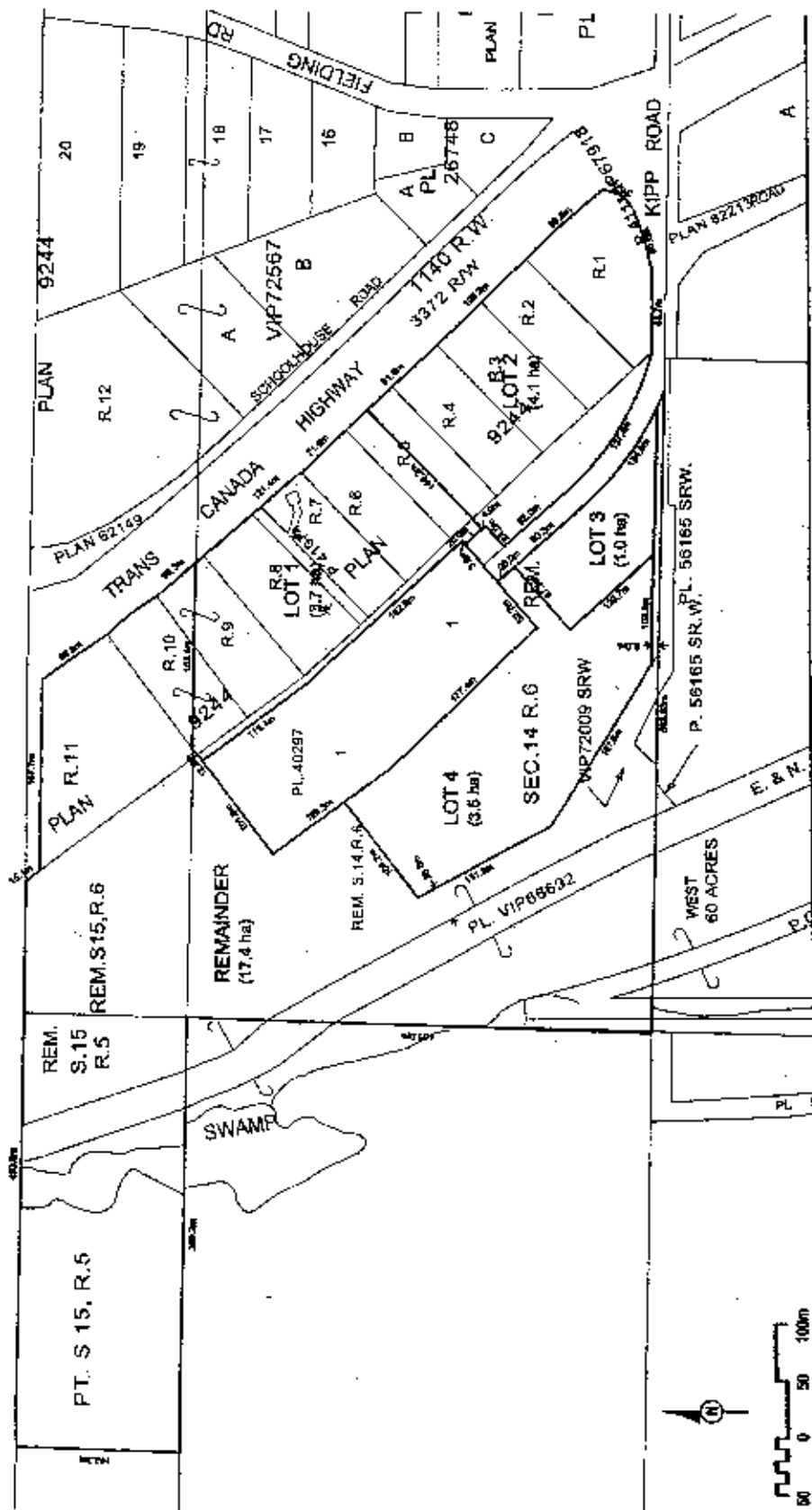
The following sets out the conditions of approval with respect to Development Variance Permit No. 90320:

1. The applicant will transfer to the Regional District of Nanaimo proposed Remainder Lot to be used for park land purposes only subject to widening of the 6.0 metre panhandle portion if necessary to ensure access.
2. The following covenants are to be registered concurrently with the plan of subdivision:
 - a) As necessary, the applicant shall prepare and register a section 219 covenant on proposed Lot 1 restricting the use of the land within 15.0 metres of the small wetland as measured from the natural boundary for:
 - i) vegetation retention (no removal of vegetation other than noxious weeds on a small scale and replanted immediately in accordance with the development permit guidelines) / native vegetation enhancement; and
 - ii) no placement buildings or structures including decks or patios or signs.
 - b) The applicant shall prepare and register a section 219 covenant on proposed Lots 1 and 2 restricting the removal of vegetation and no placement buildings or structures including decks or patios or signs within 30.0 metres of the lot line adjacent to the Trans Canada Highway.
 - c) The applicant shall prepare and register a section 219 covenant on proposed Lots 1, 2, and 4 restricting the number of dwelling units to a maximum of 1 per parcel.

These covenants are to be reviewed and accepted by the Regional District prior to be the applicant registering the documents on title concurrently with the plan of subdivision at Land Title Office.

3. Applicant's solicitor to provide a letter undertaking to complete the above-noted requirements.

SCHEDULE No. 2
Plan of Proposed Subdivision
 (As submitted by applicant)

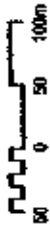


WR COLCLOUGH & ASSOCIATES LTD.
 Land, Community and Economic Development

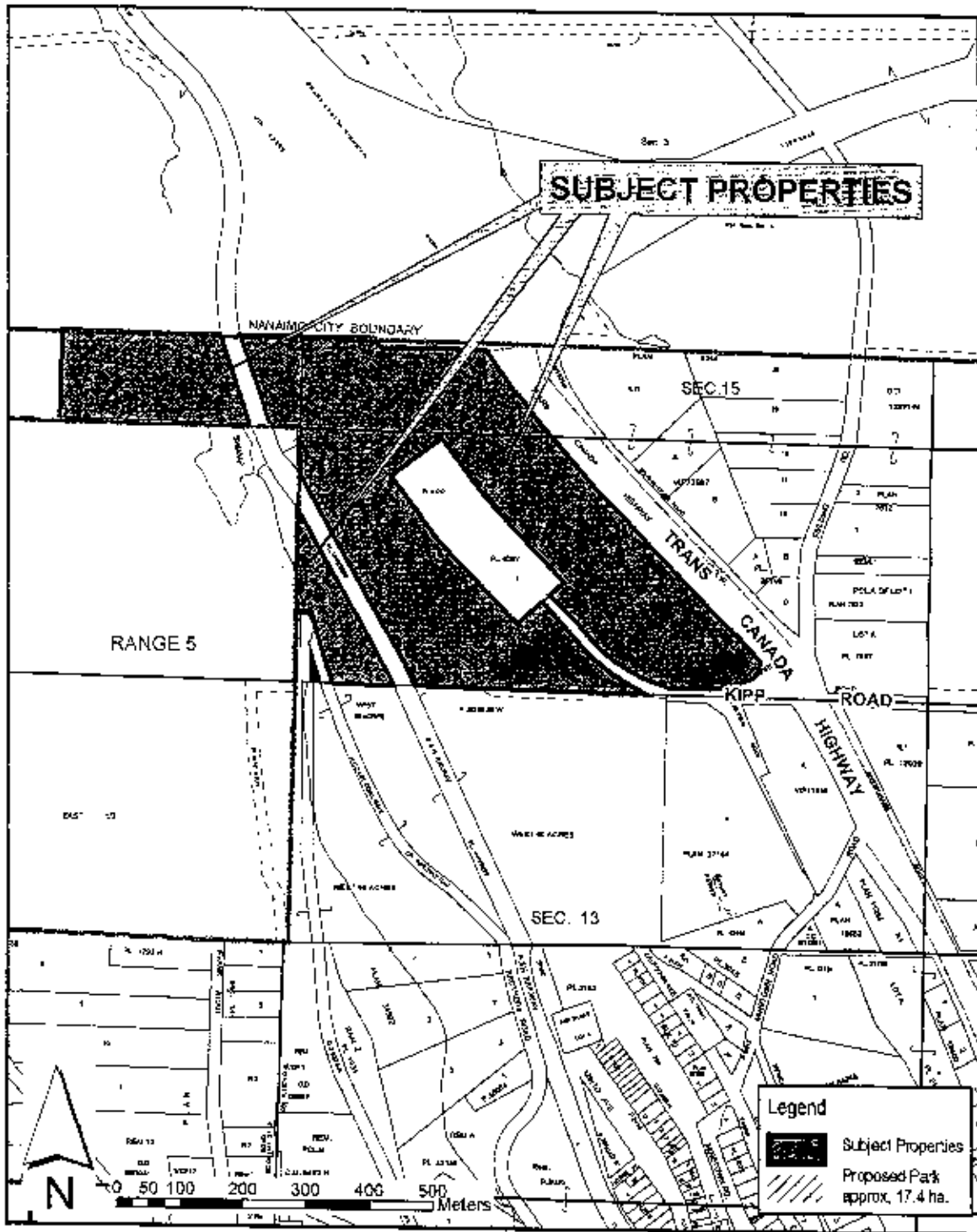
KIPP ROAD REDEVELOPMENT.
 Land and Water BC Inc.

PROPOSED CONSOLIDATION
 14 Lots into 5 Lots

Date: May 29, 2003
 Scale: as shown



ATTACHMENT NO. 1
Location of Subject Properties



BCGS MAPSHEET NO. 82G.011.3 2



REGIONAL DISTRICT OF NANAIMO	
DEC 1 2003	
CHAIR	GMCrs
CAO	GMDS
GMCms	GMES
EAP ✓	

MEMORANDUM

TO: Pamela Shaw
Manager of Community Planning

DATE: November 28, 2003

FROM: Susan Cormie
Senior Planner

FILE: 3320 30 25331

SUBJECT: Request for Relaxation of the Minimum 10% Frontage Requirement
Applicant: Glencar Consultants Inc., on behalf of Comox Timber Ltd.
Electoral Area 'H', Marshland Road

PURPOSE

To consider a request to relax the minimum 10% perimeter frontage requirement as part of a 4-lot subdivision proposal.

BACKGROUND

The applicant's agent has requested the minimum 10% perimeter frontage requirement be relaxed for the proposed remainder lot as part of a 4-lot subdivision proposal for the property legally described as Block 184 Newcastle and Alberni District Except Part in Plan 34682 and located on Marshland Road within Electoral Area 'H' (see Attachment No. 1 for location).

The subject property is currently zoned Resource Management 1 (RM1) and is within Subdivision District 'A' pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987. The applicant is proposing to subdivide the parent parcels into 4 parcels, which will be greater than the 20.0 ha, minimum parcel size, therefore meeting the minimum parcel size requirement. (see Attachment No. 2 for proposed subdivision). The parcels are proposed to be served by individual private septic disposal systems and private water wells.

The parent parcel currently contains a rock quarry, which has been in operation for approximately 12 years. This use is permitted under the Resource Management 1 zone.

The Shaw Hill - Deep Bay Official Community Plan Bylaw No. 1007, 1996 designates a portion of a stream crossing the subject property within the Environmentally Sensitive Development Permit Area. However, in this case, the applicant is exempt from requiring a development permit as proposed property lines do not cross the stream and there are no works proposed as part of the subdivision within the development permit area.

In addition, a portion of the parent parcel is within the Provincial Agricultural Land Reserve (ALR). As the ALR land is not affected by the subdivision, approval from the Land Commission is not required in this case.

The Remainder of Block 184 is proposed to have a parcel frontage of 70.0 metres or approximately 0.05% perimeter frontage. Therefore, as this proposed lot does not meet the minimum 10% parcel

frontage requirement pursuant to Section 944 of the *Local Government Act*, approval of the Regional Board of Directors is required.

ALTERNATIVES

1. To approve the request for the relaxation of the minimum 10% frontage requirement for proposed Remainder of Block 184.
2. To deny relaxation of the minimum 10% frontage requirement.

DEVELOPMENT IMPLICATIONS

Ministry of Transportation staff has indicated that the Approving Officer is not requiring further highway dedication through the proposed Remainder of Block 184 at this time due to the proposed parcel size. Staff also noted that, at time of future subdivision of the proposed Remainder of Block 184, the Approving Officer would consider the dedication of road as a condition of subdivision. Staff also indicated that the proposed access point is of a sufficient width to support intended uses. Therefore, the Ministry has no objection to this request.

OFFICIAL COMMUNITY PLAN / ENVIRONMENTAL IMPLICATIONS

The Regional District of Nanaimo Environmentally Sensitive Areas Atlas indicates the presence of several streams and their corresponding Fisheries Planning Boundaries as well as some Wetland Sensitive Ecosystem areas. As a result of these environmentally sensitive areas, the draft Electoral Area 'H' Official Community Plan Bylaw No. 1335 (draft OCP) proposes to designate these streams and wetlands and their riparian areas within a development permit area. However, as this draft OCP has not been adopted, the requirements of this development permit area are not in effect and in fact, taking into account the 12-month in-stream status provision of the *Local Government Act*, the requirements of the OCP bylaw upon adoption would not take effect for this additional time period after the adoption of the draft OCP. Despite this, the applicant's agent has indicated that the applicant is in concurrence to provide protective covenants restricting the removal of vegetation and the placement of buildings or structures within the 15.0 metre areas for the streams (as measured from the top of the bank) and the wetlands, (as measured 15.0 metres from the natural boundary) which is in keeping with the proposed development permit guidelines set out in the draft OCP and outlined in Schedule No. 1 of this report.

VOTING

Electoral Area Directors - one vote, except Electoral Area 'B'.

SUMMARY

This is a request to relax the minimum 10% perimeter frontage requirement. The parent parcel contains a number of environmentally sensitive features, but is exempt from the requirements of the corresponding development permit requirements of the current Shaw Hill - Deep Bay Official Community Plan and the draft OCP for Electoral Area 'H' is not yet adopted. Despite this, the applicant is in concurrence to register protective covenants on title concurrently with the plan of subdivision. The Ministry of Transportation has indicated that future road dedication will be determined at the time of future

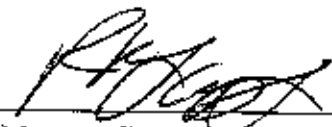
subdivision of this proposed Remainder of Block 184 and as a result, Ministry staff has no objection to the request for the proposed minimum 10% perimeter frontage relaxation. Therefore, as the Ministry of Transportation staff has no objection to this request and the applicant is in concurrence to register protective covenants for the streams and wetlands contained within the parent parcel, staff recommends Alternative No. 1 to approve the relaxation of the minimum 10% perimeter frontage for proposed remainder of Block 184.

RECOMMENDATION

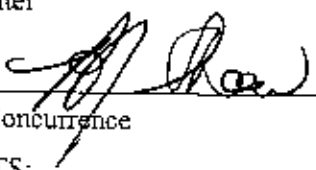
That the request, submitted by Glencar Consultants Ltd., on behalf of Comox Timber Ltd. to relax the minimum 10% frontage requirement for proposed Remainder of Block 184, as shown on the proposed plan of subdivision of Block 184 Newcastle and Alberni District Except Part in Plan 34682, be approved subject to Schedule No. 1 of the staff report.



Report Writer



General Manager Concurrence



Manager Concurrence

CAO Concurrence

COMMENTS:

devsvs/report/2003/frige de 3320 30 25331 glencar.doc

SCHEDULE No. 1
CONDITIONS OF APPROVAL
In Conjunction with Subdivision File No. 25331

The following sets out the conditions of approval with respect to Subdivision File No. 25331:

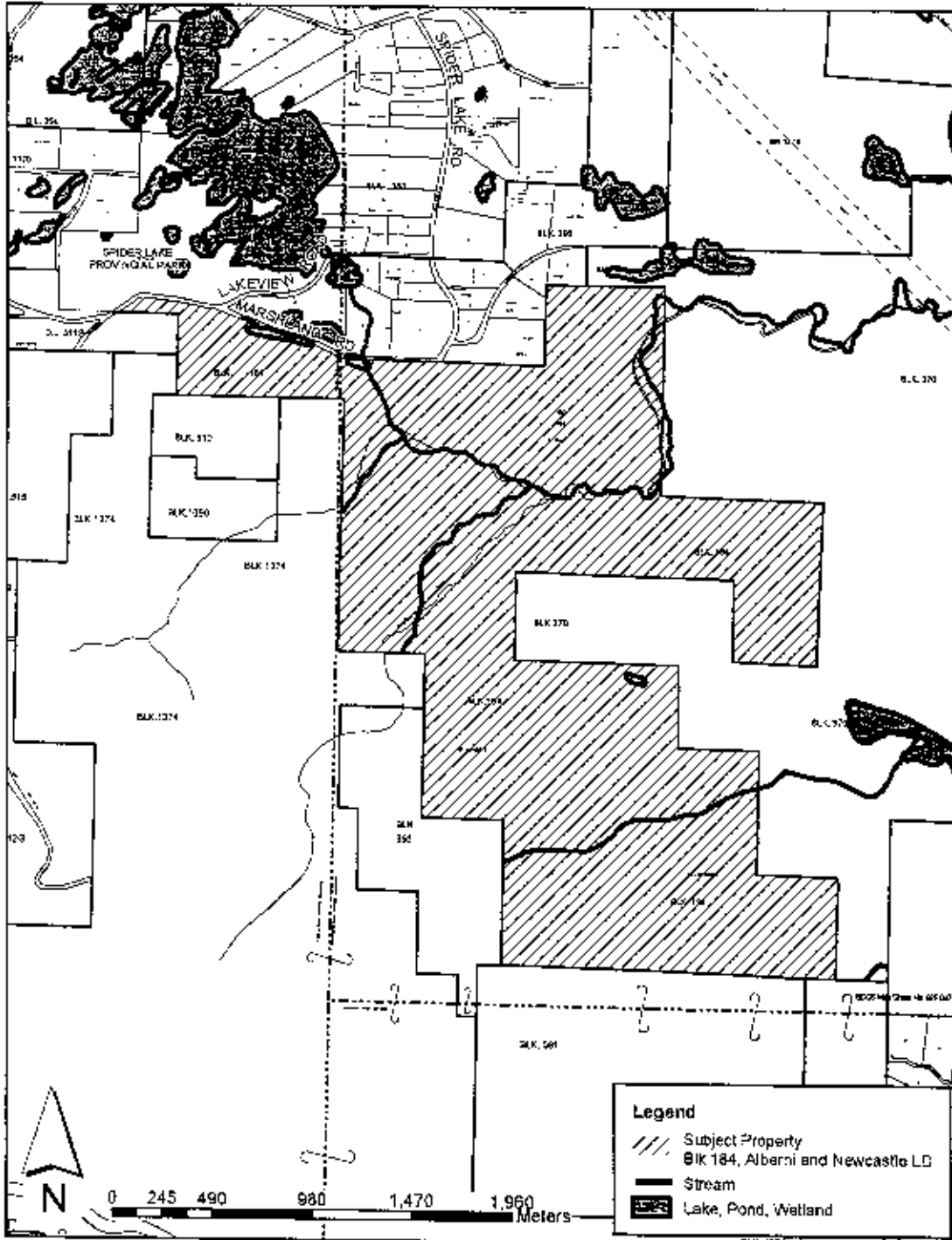
1. The following covenant is to be registered concurrently with the plan of subdivision:

The applicant shall prepare and register a section 219 covenant on the proposed parcels restricting the use of the land within 15.0 metres of the streams as measured (5.0 metres from the top of the bank) and within 15.0 metres of the wetlands as measured from the natural boundary for:

- a) vegetation retention (no removal of vegetation other than noxious weeds on a small scale and replanted immediately in accordance with the development permit guidelines) / native vegetation enhancement; and
- b) no placement buildings or structures including decks or patios.

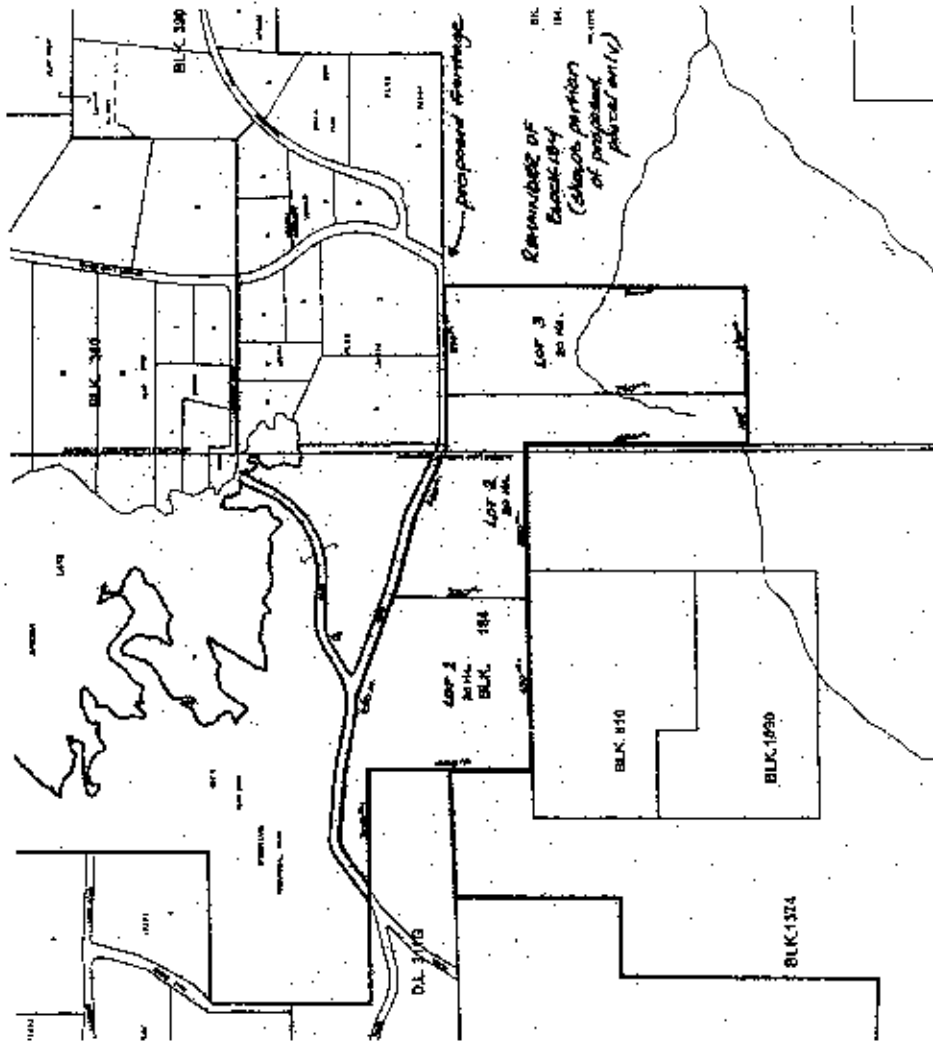
This covenant is to be reviewed and accepted by the Regional District prior to be registered on title concurrently with the plan of subdivision at Land Title Office.

ATTACHMENT NO. 1
SUBJECT PROPERTY LOCATION



BOS Map Sheet No. 95F 037 2 4

ATTACHMENT NO. 2
PROPOSED SUBDIVISION
(as submitted by applicant)



ROW

PROPOSED SUBDIVISION OF PART OF BLOCK 184,
ALBANY AND NEWCASTLE DISTRICTS
SCALE: 1:10000

ALBERTSON CONSULTANTS INC.
ALBANY, N.S.



REGIONAL DISTRICT OF NANAIMO	
DEC 4 2003	
CHAIR	GMCrs
CAO	GMOS
GMCms	GMES
E. Shaw	
DATE	
FILE:	

MEMORANDUM

TO: Robert Lapham
General Manager, Development Services

FROM: Pamela Shaw
Manager, Community Planning

SUBJECT: Electoral Area 'H' Draft Official Community Plan – Bylaw No. 1335, 2003
All Electoral Areas

PURPOSE

To receive a summary of the issues and staff recommendations resulting from the public consultation process for the preparation of the draft Electoral Area 'H' Official Community Plan (OCP), to introduce the Official Community Plan Bylaw at 1st and 2nd reading, and to refer the bylaw to a Public Hearing.

BACKGROUND

The Electoral Area 'H' Official Community Plan review process has been underway since January 2003. Prior to drafting the OCP Draft Bylaw, a number of events were held for the purpose of gathering community and agency input. These included the following:

- **Establishment and Operation of the Community Working Group**
This Working Group's role was to identify community objectives and issues and review the draft OCP. The members of the Working Group donated hundreds of volunteer hours to the OCP process through the Working Group meetings, participation at public events, and as 'information sources' in the community. The Working Group concluded its role with the advancement of the Draft Plan to the Electoral Area Planning Committee and RDN Board.
- **Publication of Newsletters and Meeting Advertisements**
Newsletters and ads were published throughout the OCP review process and were designed to keep the residents and landowners of the Plan Area up-to-date on the status of the project and provided a means for requesting comments from area citizens. A final newsletter outlining the OCP's contents and announcing the public hearing will be direct mailed to Area property owners in advance of the public hearing.
- **Government Agency Forum**
Representatives of the various Provincial and Federal agencies and local governments attended a government agency forum, held on April 28, 2003. The purpose of this forum was to inform the agencies of the OCP process, to identify and coordinate roles between agencies, and to collect technical information for input in the OCP.
- **Open Houses**
An open house was held January 27th, 2003, early in the Plan Process, to provide the community with an overview of the current OCP, examine issues to be considered in the new OCP process, present the Community Values Statement, and to gather public comments. Advertising of this event was by flyer distributed by bulk mail and newspaper display ads.

A second open house was held April 9, 2003 to review the work completed to that date on the OCP. Short presentations were scheduled for 3:00, 5:00 and 7:00 pm to brief the public on the proposed Community Values Statement that formed the basis of the OCP. Members of the Working Group actively participated in this event as presenters.

▪ **2 Public Meetings**

The first public meeting was held February 12, 2003. At the meeting, residents and landowners were invited to attend and identify directions for future development and key issues in their community. The second public meeting was held on November 17th to present the draft OCP to the public.

▪ **Site Office**

An OCP site office was opened in Bowser from March to June 2003 and again from September to November 2003. In the earlier opening, the site office served as a means for the public to comment directly to staff on the OCP, submit written documentation, or review the OCP as it evolved. In the latter opening, the site office provided a local venue for residents to obtain a copy of the OCP and to view the document and mapping as the OCP was being amended to a final draft product.

Based on the community and agency comments received and the Working Group's review and input, staff prepared the Draft OCP Bylaw. Copies of the Draft OCP Bylaw were made available on the RDN web site, at the site office and RDN Planning Department, and upon request by mail. A copy of the draft OCP has been forwarded under separate cover to all Board members, and is available on the RDN website at rdn.bc.ca.

Issues Evolving During the OCP Process

Two land use issues (which would require substantial revisions to the existing land use designations) were raised by proponents as the OCP review process proceeded. These proposals are outlined below (see Attachment 1 for location of subject properties):

1. **Deep Bay Residential Development-** The subject property is located upland of Mapleguard Point. While the community was aware of discussions regarding the development of the subject property, the proposal was not addressed during the public consultation component or in the drafting of the OCP as the lands were in the Agricultural Land Reserve and evolving OCP policies fully supported ALR regulations and the retention of lands within the ALR.

An application to exclude the subject properties from the Agricultural Land Reserve was made in Spring 2003 and approval (subject to a number of conditions) was granted in late Fall 2003.

This proposal consists of 125 housing units on approximately 78 hectares (about 200 acres) of land. Lot sizes would range through two categories; 112 lots 0.2 hectares in size (approximately ½ acre) and 13 lots hectares (about 5 acres) in size. The proponents have indicated that full community water and sewer services would be extended to the development.

2. **Crown Lands Development-** the subject properties are located between Highways 19 and 19A, stretching from Qualicum Bay to the northern reaches of the Plan Area (in total, approximately 1900 hectares or 4700 acres). Land and Water British Columbia (LWBC) approached the RDN

for inclusion into the OCP process fairly early in the plan process; staff from LWBC attended a public open house and presented the idea of future development on Crown lands in the Plan Area. Community response to the proposal was noncommittal; generally, the public agreed that not enough information was available on the proposal to either include or exclude the proposal from the ongoing OCP review process.

However, very recently, the proponent (LWBC) presented a much more fully conceptualized proposal to staff and the Area Director. This proposal consists of approximately 2500 housing units (including a mix of resort, multi and single residential units) and 4 championship golf courses. In the first phase, two of the golf courses and approximately 1/2 of the housing units would be developed within and adjacent to the existing Qualicum Bay Village Centre. The remaining housing units and 2 golf courses would be developed in a second phase (5 years later) adjacent to the existing Bowser Village Centre.

Recent discussions with the proponents of both projects would indicate that they are now prepared to proceed with applications. In both cases, amendments to the Regional Growth Strategy, the OCP, and current zoning will be required.

ALTERNATIVES

1. To receive the Electoral Area 'H' Official Community Plan and introduce "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" at 1st and 2nd reading and proceed to Public Hearing.
2. To receive the Electoral Area 'H' Official Community Plan, and refer it back to staff with direction on amendments to the proposed Official Community Plan.
3. To abandon the Electoral Area 'H' OCP initiative.

GROWTH STRATEGY IMPLICATIONS

The proposed draft Electoral Area 'H' Official Community Plan is fully congruent with the goals and policies of the RDN's Regional Growth Strategy (RGS). However, as outlined above, the community and staff are aware of at least two pending development proposals that may be requesting Regional Growth Strategy, OCP and zoning amendments. These proposals have not been fully vetted by the public in Area 'H' or the RDN, nor have the implications of the projects for the community or the Region been considered.

It is anticipated that if applications to amend the OCP are received, conceptual development proposals would be submitted together with supporting information. This information would be evaluated from a local and regional perspective to determine if the applications have merit to proceed and to establish what policy criteria would have to be met in order for the proposals to proceed to a more detailed level of review. The applications would be presented at a local public information meeting before a report is prepared for the Electoral Area Planning Committee. Where an application requires an amendment to the RGS, if the Electoral Area Planning Committee decides that the application has merit to proceed, it would be referred to the Committee of the Whole to be evaluated from a regional perspective. If the Board agrees that the application has merit to proceed, the application would continue through the OCP amendment process prior to final consideration of an amendment to the RGS by the Board.

PUBLIC CONSULTATION IMPLICATIONS

The Board has an adopted policy and Public Consultation Framework, which outline public consultation procedures for major RDN projects. In addition, the *Local Government Act* sets out public consultation provisions for the adoption of OCPs. When the OCP project was initiated in January, the Board adopted a public consultation strategy; this strategy and the requirements of the Board policy and the *Local Government Act* have been adhered to throughout the process.

Outstanding public consultation actions to be completed include: notification of the public hearing, formal referrals to member municipalities and agencies, a newsletter notifying citizens of the public hearing, the public hearing, required referrals pursuant to the *Local Government Act*, and adoption of the OCP by the RDN Board.

INTERGOVERNMENTAL IMPLICATIONS

Following the publication of the preliminary draft of the Electoral Area 'H' Draft OCP, written comments were received Land and Water BC, The Ministry of Transportation, and the Agricultural Land Reserve. Minor amendments have been made to the plan to address the concerns of these agencies. Specifically, the following changes have been made to the draft plan: the mapping of aquifers has been clarified to separate unconfined from confined aquifers within Crown Land; text has been added to recognize the *Right to Farm Act* and the mandate of the Agricultural Land Commission, and the rationale behind subdivision criteria for Rural Lands has been clarified. As noted, these changes are considered minor in nature and will be highlighted for the public in the newsletter advertising the public hearing.

FINANCIAL / LIQUID WASTE MANAGEMENT IMPLICATIONS

Pursuant to the *Local Government Act*, the official community plan has been considered in relation to the Regional District's capital expenditure program as well as its Liquid Waste Management Plan. It should be noted that if community sewer service is expanded throughout the Village Centres and/or surrounding Rural Residential Lands, a sewer local service area would need to be established to finance the construction and maintenance of all associated works.

VOTING

Electoral Area Directors – one vote, except Electoral Area 'B'.


SUMMARY/CONCLUSION


Following an extensive public consultation process, a draft Electoral Area 'H' Official Community Plan has been prepared for the Board's consideration. Staff recommends Alternative No. 1 to give 1st and 2nd reading to the OCP Bylaw and proceed to formal referrals and a Public Hearing.

As a separate issue, this report also introduces two potential Regional Growth Strategy, Official Community Plan and zoning amendment applications in Electoral Area 'H'. For reasons outlined above, the proposed draft OCP does not address these potential amendments; however, in order to clarify that there may be requests to amend the Regional Growth Strategy prior to its next review, it is noted that a statement has been included in the Regional Context Statement to allow for the possibility for amendments at intervals resulting from applications.

RECOMMENDATIONS

1. That the draft Electoral Area 'H' Official Community Plan be received.
2. That "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" be given 1st and 2nd reading.
3. That "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" has been considered in conjunction with the Regional District of Nanaimo's Capital Expenditure Plan and Liquid Waste Management Plan and Growth Management Plan to ensure consistency between them.
4. That "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" proceed to Public Hearing.
5. That the Public Hearing on "Regional District of Nanaimo 'H' Official Community Plan Bylaw No. 1335, 2003" be delegated to Director Bartram or his alternate.


Report Writer


General Manager Concurrence


CAO Concurrence

COMMENTS:

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Attachment No. 1
Subject Properties

