

**REGIONAL DISTRICT OF NANAIMO**

**ELECTORAL AREA PLANNING COMMITTEE**

**TUESDAY, JANUARY 10, 2006**

**6:30 PM**

*(RDN Board Chambers)*

**A G E N D A**

**PAGES**

**CALL TO ORDER**

**DELEGATIONS**

**MINUTES**

**BUSINESS ARISING FROM THE MINUTES**

**PLANNING**

**AMENDMENT APPLICATIONS**

- 3-9                   Amendment Application No. ZA0501 -- Keith Brown & Associates, on behalf of Nanaimo Mini Storage - 2180 South Wellington Road -- Area A.
- 10-33                Amendment Application No. ZA0510 -- Cedar Estates -- Robert Boyle Architecture Inc. on behalf of 700805 BC Ltd. and Lot 6 Holdings -- Cedar and Hemer Road -- Area A.
- 34-42                Amendment Application ZA0520 -- Scouts Canada -- Camp Douglas -- Despard Avenue -- Area E.
- 43-48                Amendment Application ZA0522 -- Rondalyn Resort -- Dan and Linda Lee on behalf of Danron Holdings Ltd. -- 1350 Timberland Road -- Area C.

***DEVELOPMENT PERMIT APPLICATIONS***

- 49-54                Development Permit Application No. 60555 -- Murray Hamilton on behalf of Home Lake Strata Corporation VIS 5160 -- Area H.
- 55-61                Development Permit Application No. 60557 - Gord Atkinson on behalf of Pacific Rim Land & Resource Management Ltd. -- Crosley Road -- Area H.
- 62-68                Development Permit Application No. 60558 -- Gord Atkinson on behalf of Pacific Rim Land & Resource Management Ltd. -- Crosley Road -- Area II.

***DEVELOPMENT VARIANCE PERMIT APPLICATIONS***

69-76                    Development Variance Permit Application No. 90519 – Olsen – 195 Barton  
Road – Area G.

***OTHER***

77-81                    Request for Relaxation of the Minimum 10% Perimeter Requirement – L & S  
Arman – Elizabeth Street – Area C.

**ADDENDUM**

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**NEW BUSINESS**

**IN CAMERA**

**ADJOURNMENT**



REGIONAL DISTRICT OF NANAIMO	
CHAIR	NGM Cms
CAO	GM ES
DA CCD	MoF
JAN 04 2006	
EAP ✓	

MEMORANDUM

TO: Jason Llewellyn  
Manager, Community Planning

DATE: January 3, 2006

FROM: Greg Keller  
Planner

FILE: 3360 30 0501

SUBJECT: Zoning Amendment Application No. ZA0501  
Keith Brown & Associates, on behalf of Nanaimo Mini Storage  
Electoral Area 'A' – 2180 South Wellington Road

PURPOSE

To consider an application to rezone the subject property from Residential 2 Subdivision District 'F' (RS2F) / Industrial 1 Subdivision District 'M' (IN1M) to Comprehensive Development Zone 28 (CD28) in order to facilitate the future development of light industrial uses.

BACKGROUND

The Planning Department has received a zoning amendment application for the property legally described as Lot A, Section 11, Range 7, Cranberry District, Plan VIP76453 and located between the Trans Canada Highway and South Wellington Road in the South Wellington area of Electoral Area 'A' (see Attachment No. 1 for location of subject property). The subject property is 2.37 ha in size and is currently split zoned Residential 2 Subdivision District 'F' (RS2F) / Industrial 1 Subdivision District 'M' (IN1M) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."

Pursuant to the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" (OCP), the subject property is designated within the South Wellington Industrial - Commercial Land Use Designation. The OCP policies for this designation recognize and support the use of the land for light industrial uses. The OCP designates the subject property within the South Wellington Development Permit Area No. 1, which was designated for the protection of the natural environment, its ecosystems and biological diversity and the regulation of the form and character of commercial and industrial development. The OCP also designates a watercourse starting at the southern edge of the subject property and crossing the adjacent highway right-of-way and adjacent property. As a result, the OCP designates the watercourse as within the Watercourse Development Permit Area No. 5. It is staff's understanding that this watercourse is a Ministry of Transportation drainage ditch.

Currently, there are a number of uses established on the site including Nanaimo Mini Storage, U-Haul Truck Rental, ABC Water Systems, and a boat repair business. The bulk of the existing uses are located on the south portion of the subject parcel, which is zoned IN1; however, some vehicle and equipment storage uses are occurring on the northern portion of the site zoned for residential use. It is recommended that these uses be removed from the residential lands prior to final approval of the rezoning application.

Surrounding uses include a public zoned parcel (South Wellington School) and Residential 2 zoned parcels to the west, separated from the subject parcel by South Wellington Road, a commercial zoned parcel and a pedestrian access trail to the south. The Trans Canada Highway separates the subject parcel from the adjacent industrial and commercial uses on the east side of the subject parcel. The subject parcel is highly visible from the Trans Canada Highway and South Wellington Road.

There are currently no community water or community sewer services within the area, nor are services anticipated in the future. The subject property is within an RDN Building Inspection area.

### ***Proposal***

The applicant is requesting an amendment to Bylaw No. 500, 1987 to rezone the subject property from Residential 2 Subdivision District 'F' (RS2F) / Industrial 1 Subdivision District 'M' (IN1M) to Comprehensive Development Zone 28 (CD28) in order to accommodate the existing Nanaimo Mini Storage and allow for a number of light industrial and manufacturing uses.

### ***Public Information Meeting***

As the proposal is consistent with the OCP and there has been relatively low attendance at similar Public Information Meetings in the area, in consultation with the Electoral Area Director, it was decided, pursuant to the Impact Assessment Bylaw No. 1165, that a Public Information Meeting would not be held for this application.

### **ALTERNATIVES**

1. To approve the amendment application as submitted for 1<sup>st</sup> and 2<sup>nd</sup> reading and proceed to Public Hearing.
2. To not approve the amendment application.

### **OFFICIAL COMMUNITY PLAN IMPLICATIONS**

"Regional District of Nanaimo Electoral Area 'A' Official Community Plan No. 1240, 2001" policies support the rezoning of the subject parcel to a comprehensive development zone for a light industrial use in this location.

### **DEVELOPMENT IMPLICATIONS**

#### ***Land Use Implications***

The subject property is designated industrial in the OCP; however, the area is adjacent to a school and residential development and is highly visible from the Highway. Therefore, staff has concerns that all industrial uses may not be appropriate for the site. Staff worked closely with the applicant to identify uses appropriate for the site and to identify additional requirements that reflect the unique nature of this property. The proposed uses are contained in the proposed Comprehensive Development Zone 28 (CD28). The proposed uses are intended to be visually unobtrusive and sensitive to the surrounding public and residential land uses and the highway traffic. The uses are relatively low impact with respect to traffic generation and noise. In addition they are, for the most part, required to be fully contained within a building to reduce the aesthetic and noise impacts on the area.

The only proposed uses not required to be fully contained within a building are Recreational Vehicle Sales and Storage, which is to be limited to a maximum of 10% of the parcel area and Moving Truck and Moving Trailer Rentals both of which are required to be developed and located in accordance with the proposed CD zone. The area proposed for Recreational Vehicle Sales and Storage is a maximum of 2370.5 m<sup>2</sup> and located on the northern tip of the property, was selected in order to provide the applicant some highway visibility but also ensure that the entire Highway frontage is not used for sale and display purposes. The area proposed for Moving Truck and Moving Trailer parking was selected in order to reduce the visual impact on the highway and South Wellington Road.

In order to ensure that future subdivision of the subject parcel is consistent with that permitted under the current zoning, staff proposes to establish a minimum parcel size of 1.0 hectares. If approved, the proposed zoning would permit the subdivision of the subject parcel into two parcels, including the remainder, subject to the approval of all authorities having jurisdictions.

#### *Landscaping and Screening*

Due to the visual sensitivity of the area and in order to ensure that the future uses of the subject property are visually compatible with the surrounding commercial, public, and residential uses, staff is proposing a higher standard of landscaping and screening adjacent to the perimeter of the Recreational Vehicle Sales and Storage Area than what is required pursuant to Bylaw No. 500. Also, as South Wellington Road accommodates pedestrian traffic to and from the school, staff considers it important to ensure that access and egress points from the site are clearly identified through appropriate landscaping.

There is also concern regarding the visual impact of the outdoor recreational vehicle sales and storage area and the moving truck and moving trailer parking area. These types of uses are only considered suitable for the subject property if it is appropriately landscaped, screened, and clearly delineated from the remainder of the subject property to ensure it is restricted to the area identified. In order to address these concerns, staff has included site specific landscaping requirements, which specify the location, type, and density of landscaping and screening to be provided along the perimeter of the outdoor Recreational Vehicle Sales and Storage Area and adjacent to the moving truck and moving trailer parking area.

The applicant has submitted a landscaping plan detailing the landscaping adjacent to the Trans Canada Highway, South Wellington Road, and along the perimeter of the outdoor recreational vehicle sales and storage area. This plan may be viewed at the Development Services Department and shall be available at the Board meeting.

Staff recommends that the applicant, prior to final approval, be required to register a Section 219 covenant on the title of the subject property registering their commitment to undertake the proposed landscaping prior to the use of the undeveloped portion of the site. In addition it is recommended that this covenant include provisions prohibiting the use of pennants, streamers, and banners to reduce visual clutter and to ensure signage is consistent with the South Development Permit Area guidelines.

The proposed covenant would require the applicant to obtain a Development Permit, implement the landscaping plan, and submit a security deposit in an amount equal to the total estimated cost of materials and labour required to allow the applicant to establish uses on that portion of the property. The said covenant would allow for the incremental implementation of the landscape plan provided that the applicant provides landscaping adjacent to all new uses as they are developed and/or established and the overall plan is implemented as the remainder of the subject property is developed. The applicant is in concurrence with this request.

The remainder of the subject property is also subject to the landscaping requirements of Bylaw No. 500. The landscaping required on the remainder of the subject property will be secured through a landscape security deposit at the time of issuance of a Development Permit for the future development.

#### *Development Permit Implications*

No specific development is proposed at this time. However, if this application is approved, future development of light industrial or manufacturing uses shall be subject to the South Wellington Development Permit Area No. 1 guidelines. The development permit process will trigger the landscaping

requirement adjacent to South Wellington Road and the Trans Canada Highway as well as other issues including access signage, drainage, and protection of the aquifer.

### **PUBLIC CONSULTATION IMPLICATIONS**

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

### **ENVIRONMENTAL IMPLICATIONS**

The Environmentally Sensitive Areas Atlas indicates that there is a watercourse that runs through the adjacent property to the south and just crosses the southern boundary of the subject parcel. As no new development is proposed at this time and the area adjacent to the watercourse is currently developed with a mini storage use, no environmental impacts are anticipated.

The applicant also has completed a Waste Management Site Profile, which indicates there have not been any Schedule No. 2 activities on the subject parcel.

### **INTERGOVERNMENTAL IMPLICATIONS**

*Ministry of Transportation* – the Ministry has forwarded the following conditions concerning this application: the applicant to meet the current 4.5 metre setback from the Trans Canada Highway and South Wellington Road, no off-site drainage to impact the road surfaces of South Wellington Road and the Trans Canada Highway, and no direct access to the Island Highway will be permitted. The applicant has submitted an access permit for expanding the existing mini warehouse storage facility.

It should be noted, that the applicant may require an updated access permit at the time of development in order to permit additional light industrial uses. It is also noted that an amendment bylaw is subject to the approval of the Ministry pursuant the *Highway Act*.

*Vancouver Island Health Authority* – Staff has referred this application to the Vancouver Island Health Authority and has received correspondence stating that they have no objections to the proposed zoning amendment.

*Cranberry District Local Fire Chief* – The Planning Department, in consideration of fire safety issues, refers applications for rezonings or OCP amendments to local fire departments. To date, comments have not been received on this application.

### **VOTING**

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

### **SUMMARY**

This is a request to amend Bylaw No. 500, 1987 to permit future industrial related uses on property located between South Wellington Road and the Trans Canada Highway in the South Wellington area of Electoral Area 'A'.

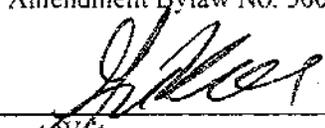
The Electoral Area 'A' OCP designates the subject property within the South Wellington Development Permit Area No. 1. Although the applicant is not proposing further development at this time, any future development of the property is subject to the South Wellington Development Permit Area guidelines and a Development Permit will be required to address the following issues: signage, lighting, drainage, landscaping, etc.

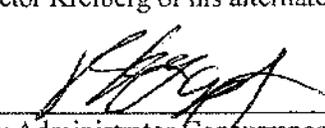
Given the surrounding commercial, public and residential uses, and close proximity to the highway, staff have included site specific use and landscaping requirements in the proposed CD zone. There is a higher standard of landscaping adjacent to the proposed outdoor Recreational Vehicle Sales and Storage Area than that currently required pursuant to Bylaw No. 500.

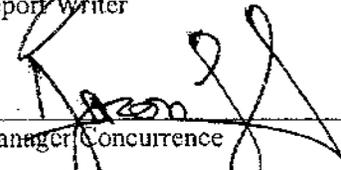
In conclusion, the OCP supports the proposed industrial uses on the subject property. In staff's assessment, the proposed uses are compatible with the adjacent uses if developed in accordance with the proposed CD zone. Therefore, staff recommends Alternative No. 1, to approve the amendment application subject to the conditions set out in Schedule No. 1 for 1<sup>st</sup> and 2<sup>nd</sup> reading and to proceed to Public Hearing.

### RECOMMENDATIONS

1. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.327, 2005" to rezone the property from Residential 2 Subdivision District 'F' (RS2F) / Industrial 1 Subdivision District 'M' to Comprehensive Development 28 (CD28) to allow the industrial use of the property be given 1<sup>st</sup> and 2<sup>nd</sup> reading.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.327, 2005" be approved to proceed to Public Hearing subject to the conditions identified in Schedule 1.
3. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.327, 2005" be delegated to Director Kreiberg or his alternate.

  
Report Writer

  
Deputy Administrator Concurrence

  
Manager Concurrence

  
CAO Concurrence

#### COMMENTS:

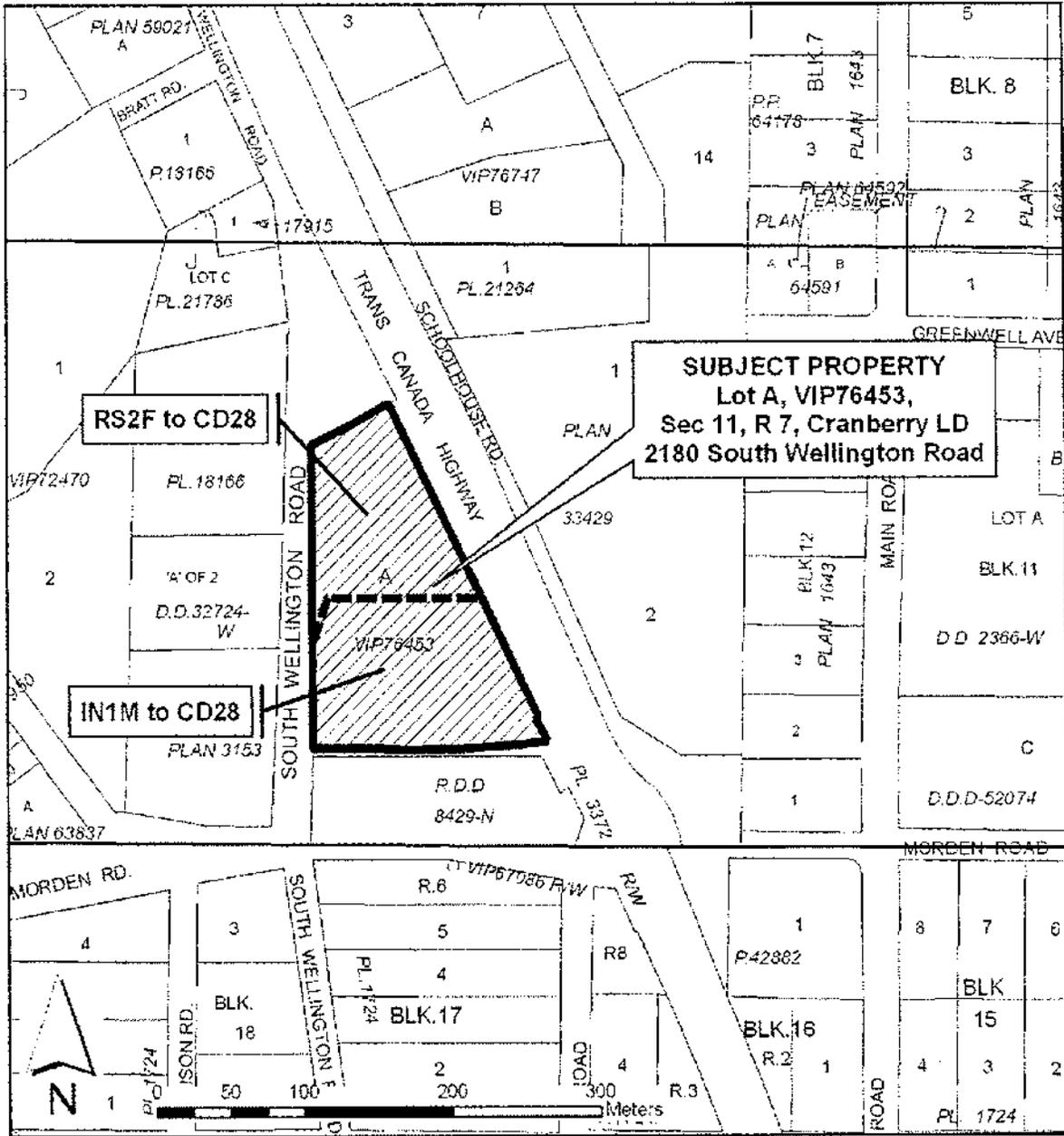
*devsvs/reports/005/ZA3360 30 0501 Jan Brown Nanaimo Mini Storage 1<sup>st</sup> and 2<sup>nd</sup>*

**Schedule No. 1**  
**Conditions of Approval**  
**Zoning Amendment Application No. ZA0501**  
**Lot A Section 11, Range 7,**  
**Cranberry District, Plan VIP76453 - 2180 South Wellington Road**

The following conditions are to be completed prior to consideration of Amendment Bylaw No. 500.327, 2005 for final reading:

1. The applicant shall, at their expense, and to the satisfaction of the Regional District, register on title a Section 219 covenant requiring the issuance of a Development Permit that includes the provision of landscaping in accordance with the landscaping plan submitted by the applicant prior to any use or development occurring on the portion of the subject property currently zoned residential.
2. The applicant shall, at their expense, and to the satisfaction of the Regional District, register on title a Section 219 covenant restricting the placement of streamers, banners, or pennants on the subject property.
3. Applicant to submit written proof indicating that all conditions imposed by the Ministry of Transportation in the letter dated May 18, 2005 and any subsequent requests have been satisfied.
4. All equipment storage, truck parking, and other uses not permitted by the current or proposed zoning shall be removed from the subject property at the applicant's expense.

Attachment No. 1  
Subject Property Map



BCGS Map Sheet No. 92G/01.4.3



REGIONAL DISTRICT OF NANAIMO	
CHAIR	GM Cms
CAO	GM ES
DA CCD	MoF
JAN 04 2006	
EAP ✓	

MEMORANDUM

**TO:** Bob Lapham  
Deputy Administrator

**DATE:** January 3, 2006

**FROM:** Jason Llewellyn  
Manager, Community Planning

**FILE:** 3360 30 0510

**SUBJECT:** Zoning Amendment Application No. ZA0510 – Cedar Estates  
Robert Boyle Architecture Inc. on behalf of 700805 BC Ltd. and Lot 6 Holdings  
Electoral Area 'A' – Cedar and Hemer Roads

PURPOSE

To consider an application to rezone the subject property from Commercial 2 Subdivision District 'M' (CM2M) to Comprehensive Development Zone 29 (Cedar Estates) in order to facilitate the future subdivision and development of the site for residential use and a seniors care facility.

BACKGROUND

The Planning Department has received a zoning amendment application for the vacant properties legally described as 'Lot A, Section 14, Range 7, Cedar District, Plan VIP57874, Except Part in Plan VIP59634, VIP67432 and VIP76260' and 'Lot 6, Section 14, Range 1, Cedar District, Plan VIP59634,' both of which are located adjacent to Cedar and Hemer Roads in Electoral Area 'A' (see Attachment No. 1 for location of subject properties). The portions of the properties under application, which total approximately 4.5 ha in size, are currently zoned Commercial 2 (CM2) and are within Subdivision District 'M' (minimum 2,000 m<sup>2</sup> parcel size with community services) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." Only the southern portion of Lot A below the Morden Colliery Trail is currently under application, as the northern portion (approximately 3 ha) is zoned Rural 4 (RU4) and is located within the Provincial Agricultural Land Reserve (ALR).

Parcels to the south and east of the subject properties are zoned residential and consist mainly of 0.2 ha sized parcels with a single dwelling unit. There are residential parcels to the west beyond the Urban Containment Boundary (UCB). Parcels to the immediate west and northwest are mostly located within the UCB and designated for commercial or recreation uses. Lands to the north are mostly designated rural and are located within the ALR. The subject properties slope gently toward the northwest into the York Lake drainage area and are currently vacant and partly vegetated.

The applicants propose to service the development with community water and community sewer connections to support the proposed density of uses. The subject properties are located within an RDN Building Inspection area and therefore building permits are required for all construction on the site.

Proposal

The applicants are requesting that Bylaw No. 500, 1987 be amended from Commercial 2, Subdivision District 'M' (CM2M) (2,000 m<sup>2</sup> minimum parcel size with community services) to Comprehensive Development 29 Zone (CD29) in order to allow for 55 residential lots and a seniors care facility. Staff created the CD29 zone to include specific land uses and to establish building envelopes, parcel coverage

and minimum parcel sizes to control future densities. In addition, a number of off-site and on-site works will be secured through the registration of a section 219 covenant on the title of the subject properties (see Schedule No. 1).

Bylaw No. 500.323, 2005 was introduced and given 1<sup>st</sup> and 2<sup>nd</sup> reading on August 23, 2005. However, as a result of the public input discussed below the applicants have revised their proposal and want the Board to consider an amended Bylaw No. 500.323. The revised bylaw includes notably less density than the previous proposal.

**55 Single Family Lots** (area 'A' and 'B' on Schedule 2) - The applicants propose to develop 55 single family residential lots with a minimum parcel size of 444 m<sup>2</sup>. Five of the proposed residential lots allow for the provision of a secondary dwelling unit in the accessory building for use by relatives of the persons living in the house. The applicants propose to register a building scheme covenant on the titles of all single family lots and residential duplex lots that address the form and character of the buildings. This building scheme will not be enforced by the RDN, but is enforced by the residents of the neighbourhood.

**Seniors' Personal Care Units** (area 'C' on Schedule 2) - The applicants propose to develop a seniors' care facility to provide housing and support services for a maximum of 75 seniors. The OCP policy limits the capacity of such a facility to 75 residents, therefore, the proposed CD zone limits the number of units to 75 single room units, or a combination thereof to a maximum of 75 persons. The applicants stated that they wish to have a nurse on site to assist residents with taking medications. One or more meals would be provided daily and housekeeping services would also be available if required.

Facilities such as this typically include a common dining area, overnight guest accommodation, games room, and laundry facility. It may also include an accessory convenience store and accessory personal care services, such as a barber shop/ salon, laundrette.

#### **Development Permit Requirements**

The OCP designates the subject properties within the Cedar Village and Cedar Urban Boundary Commercial/ Industrial Development Permit Area No. 3. Therefore, a development permit addressing building design, landscaping, off-street parking, siting, signage, lighting, location of recycling and garbage facilities, and other form and character issues is required prior to the development of the site for the seniors care facility. A development permit is not required to develop the single family lots.

A development permit is required for the subdivision of the lands. The development permit for subdivision may be issued by the Director of Development Services pursuant to the "Regional District of Nanaimo Delegation of Authority Bylaw No. 1166, 1999."

#### **PUBLIC CONSULTATION**

A Public Information Meeting (PIM) was held on July 13, 2005. The summary of the proceedings of this meeting are attached (see Attachment No. 2). The public raised a number of concerns at the PIM including the following:

- The proposal will result in higher traffic volumes on the already congested Cedar and Hemer Roads.
- The view from adjacent properties will be impacted by three story buildings.
- The proposed density is too high for the Cedar Village and that the existing infrastructure cannot support the proposed densities.

- There is too high a density of seniors' housing proposed and there are no local services for seniors such as a hospital or clinic.
- The drainage from the site may not be adequate and the development may impact York Lake.
- The higher densities may increase crime in the neighbourhood.

Given the concerns outlined above the applicants refined their application and undertook a second Public Information Meeting on August 31, 2005. The summary of the minutes and submissions of the second Public Information Meeting are attached for the Board's consideration (see Attachment No. 3). A number of written comments have been received from the public regarding the application. All submissions have been forwarded to the area director and are available for review upon request.

In consultation with the Area Director, the applicants held two additional open houses on October 4, 2005 and November 10, 2005. Following the October open house the applicants made notable amendments to their development proposal and presented the revised proposal at the November open house. Following the November open house the applicants requested staff to amend their application and proceed to the Board for consideration of an amended Bylaw No. 500.323. If the application proceeds, a formal Public Hearing will be required as part of the zoning amendment process.

#### **ALTERNATIVES**

1. To reconsider the amended Bylaw for 2<sup>nd</sup> reading and proceed to Public Hearing, subject to the applicants meeting the conditions outlined in Schedule No. '1' of this report.
2. To not approve the amendment application.

#### **OFFICIAL COMMUNITY PLAN IMPLICATIONS**

The "Electoral Area 'A' Official Community Plan No. 1240, 2001" identifies the Cedar Village Centre as the main commercial and service centre for Electoral Area 'A'. The OCP policies support the proposal to develop higher density housing for seniors and young families in the Village Centre. Policy No. 2 of the Cedar Village Centre section of the OCP states that a maximum of 100 dwelling units of multi-family residential housing may be considered within the Village Centre, subject to a zoning amendment application. Therefore, the rezoning of the subject properties to a comprehensive development zone for residential uses is supported by the OCP. In fact the OCP would support a higher density than what is proposed.

Policy No. 3 of the OCP states that supported housing accommodating up to 75 residents may be considered within the Cedar Village Centre. Supported housing is defined as 'housing with a combination of support services and combines building features and personal services to enable people to remain living in the community as long as they are able and choose to do so.'

#### **DEVELOPMENT IMPLICATIONS**

##### **Servicing**

The applicants propose to extend the sewer line from the existing force main located at Walsh and MacMillan Roads to the subject properties. Sewage from the site will then be pumped to the Duke Point sewage treatment plant. The applicants have submitted a petition to include the subject properties into the sanitary sewer Local Service Area and are working with staff to finalize the manner in which the project is undertaken. Should the development proceed, the sewer works would be transferred to the RDN upon completion.

With respect to potable water, the applicants have submitted a letter from the North Cedar Improvement District (NCID) indicating that community water connections will be provided for the proposed development (see Attachment No. 4). The correspondence received also indicates no fire protection issues. Prior to final approval of the subdivision, the applicants will need to provide proof, to the satisfaction of the Approving Officer, that the subdivision is serviced with community water.

The applicants propose to locate a storm water detention pond on the ALR portion of Lot A, north of the Morden Colliery Trail. The applicants have received approval from the ALC for this use, and have submitted a petition to be included in the Cedar Community Storm Water Drainage Management Area. The applicants will design and install the drainage system and the RDN will administer the drainage works through a Statutory Right-of-Way. The RDN must approve the design of these works as a condition of final approval of the Bylaw.

### **Sidewalks and Street Lighting**

The applicants propose to install sidewalks and streetlighting within the road rights-of-way within the development. The RDN does not have a sidewalk function that would allow for RDN maintenance of the sidewalks once they are installed, and the MOT is not willing to maintain sidewalks. RDN staff are working with the MOT to come to an agreement regarding how to best resolve the maintenance and liability issues associated with the provision of sidewalks within this and other developments. Staff recommend that the applicants either construct the sidewalks, or provide security to the RDN to ensure installation of the sidewalks once the issue is resolved with the MOT. Design drawings and plan showing the location of the sidewalks is required prior to the Public Hearing.

### **Public Amenity**

The applicants are proposing to subdivide the northern portion of the property which is in the ALR, into 2 rural residential lots. A portion of one of the lots, which abuts the Morden Colliery Trail to the southeast, is proposed to be covered by a right of way allowing for public use of the land (see Schedule No. 2). The area around the storm water detention pond is proposed to be developed as a public park area. Also signage and other improvements to the access to the Morden Colliery Trail at Cedar Road are proposed. The applicants have agreed to provide detailed plans of these community amenities prior to the Public Hearing for Board consideration.

### **Traffic and Pedestrian Safety**

The applicants provided the RDN with a traffic impact study prepared by McElhanney Consulting Services Ltd. in March 2005, which provides details on the existing traffic volumes and projected increases as a result of the development. The traffic impact study states that the projected traffic volumes do not warrant significant road upgrades such as a dedicated left turn lane on Cedar Road at this time. However, given the traffic concerns, and the lack of safe pedestrian route along Hemer and Cedar Roads, the applicants have agreed to provide a wider paved shoulder area along Hemer and Cedar Roads. In addition, the applicants have agreed to provide a left hand turn lane to facilitate safer access to the site from Cedar Road.

A plan showing the proposed road improvements is available at the Development Services Department and shall be available at the Board Meeting. Finalizing the design plans and securing the works is a condition of final approval of the rezoning.

## **Height of Buildings**

To address concerns raised by adjacent property owners with respect to impacts on their views the applicants have agreed to limit the height of all buildings to a maximum of 9.0 metres with the understanding that they may decide to pursue a variance to the maximum height requirement of 9.0 metres. The Board will then have the opportunity to review the proposed building at the Development Permit stage, along with detailed design drawings, landscape plans, and public input. The applicants have acknowledged that a height variance is not guaranteed and is issued at the discretion of the Board.

## **SUBDIVISION IMPLICATIONS**

A subdivision application shall be made to the Ministry of Transportation. At the time of subdivision the RDN will be required to review the proposed subdivision to ensure the requirements of the CD29 zone are met, and issue a Development Permit. The Approving Officer shall ensure that all RDN bylaw requirements and covenant requirements are met to the satisfaction of the RDN. The applicants have some flexibility to make minor amendments to the plan shown in Schedule 2; however, the general layout must be maintained. Park land requirements pursuant to section 941 of the *Local Government Act* have been met during previous subdivision applications.

## **INTERGOVERNMENTAL IMPLICATIONS**

**Ministry of Transportation (MOT)** – As part of the subdivision approval process MOT can require off-site road upgrades. However, MOT will not formally comment regarding the improvements they will require at the time of subdivision; therefore, the RDN must secure the road improvements it considers necessary at the rezoning stage.

MOT will not accept sidewalks installed along Cedar or Hemer Roads at this time. However, in an effort to address the concerns raised at the PIM with respect to pedestrian safety, MOT stated that they would allow the applicants to culvert or relocate the existing ditch along Hemer Road to allow the widening of the roads to provide additional room for pedestrians. They would also allow a left turn lane into the proposed development provided the works are done to MOT standards. The applicants are working with MOT to develop design specifications for these improvements. It is recommended that the off-site works be secured by a section 219 covenant and that appropriate bonding be held by the RDN as part of the zoning amendment process.

**Ministry of Environment – Riparian Areas Regulation** - As of March 31<sup>st</sup>, 2006 any works within 30 metres of the watercourse may require an assessment under the new Riparian Areas Regulation prior to final approval of the rezoning. This shall also apply to any development permit required to be issued after March 31<sup>st</sup>, 2006.

## **VOTING**

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

## **SUMMARY**

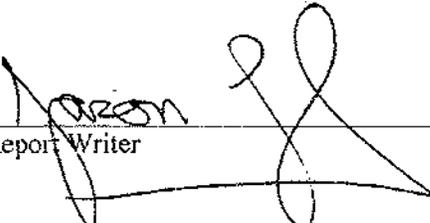
This is an application to amend the zoning for two parcels of land located within the Cedar Village Centre and Urban Containment Boundary from CM2M to Comprehensive Development Zone 29 in order to facilitate the development of 55 single family lots (5 of which allow for secondary dwellings on site), and a 75 unit personal care facility for seniors. In addition, the applicants propose to locate an accessory convenience store and personal service uses in the personal care unit complex.

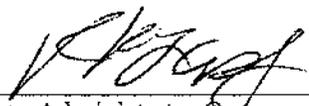
The proposed densities are acceptable for the Village Centre according to the OCP for the area. The applicants are proposing to include a number of amenities as part of the proposal that are designed to enhance the village centre and benefit the area residents. These amenities include road upgrades along Cedar and Hemer Roads, access to lands abutting the Morden Colliery Trail for public use, physical improvements to the Morden Colliery Trail System and adjacent lands, sidewalks within the development, and sewer connections for property owners within the village centre and along the proposed sewer alignment.

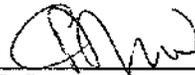
The OCP supports higher density residential and public service uses on these properties, and the applicants are providing public amenities that will help offset the impact of the proposed development on the village centre area. Therefore, staff recommends that the Board approve the amendment application at 2<sup>nd</sup> reading and direct that the application proceed to a Public Hearing, subject to the conditions set out in Schedule No. 1

### RECOMMENDATIONS

1. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.323, 2005" to rezone the lands from Commercial 2 Subdivision District M (CM2M) to Comprehensive Development 29 (CD29) to facilitate the development of residential housing and a personal care use be reintroduced and given 2<sup>nd</sup> reading.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.323, 2005," proceed to Public Hearing, subject to the conditions outlined in Schedule No. 1.
3. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.323, 2005" be delegated to Director Burnette or his alternate.

  
Report Writer

  
Deputy Administrator Concurrence

  
CAO Concurrence

### COMMENTS:

devsvs/reports/2005/ZA3360 30 0510 RBA Inc. au2<sup>nd</sup>

**Schedule No. 1**

**Conditions of Approval for Zoning Amendment Application No. ZA0510  
Lot A, Section 14, Range 7, Cedar District, Plan VIP57874, Except Part in Plan VIP59634,  
VIP67432 and VIP76260 & Lot 6, Section 14, Range 1, Cedar District, Plan VIP59634**

The following conditions are to be completed prior to the Public Hearing for Amendment Bylaw No. 500.323, 2005:

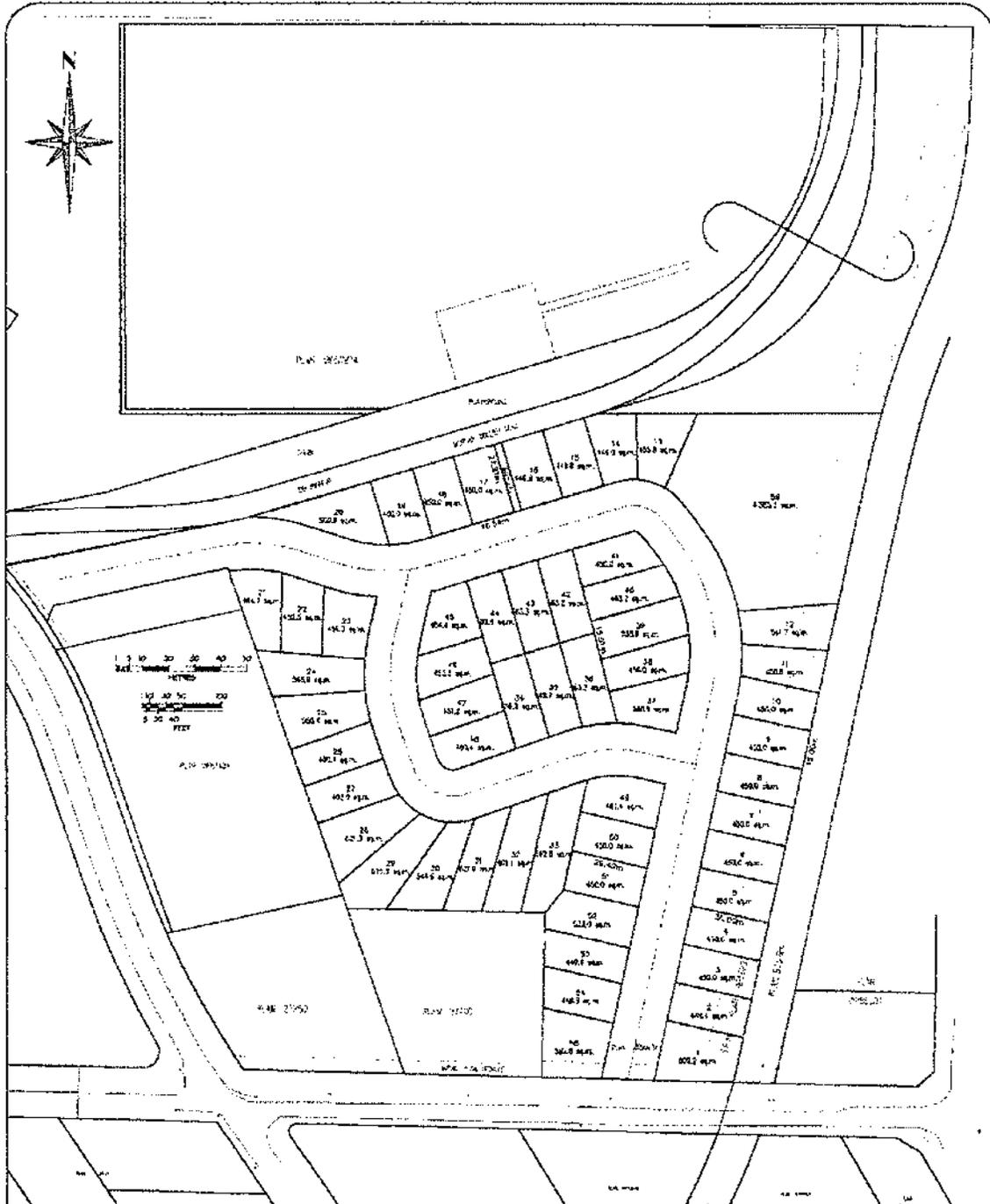
1. Applicants to confirm the proposed sanitary sewer route alignment.
2. Applicants to provide detailed design drawings and location plan for sidewalks and streetlights proposed within the proposed development.
3. Applicants to provide detailed design drawings for road improvements to be provided to Cedar and Hemer Roads.
4. Applicants to provide detailed site plans and drawings for the signage, landscaping, structures, trails and other facilities to be provided within the Mordon Colliery Trail and on lands intended for public use.
5. Applicants to provide a detailed plan showing private lands to be secured for public use.
6. Applicants, at their expense and to the satisfaction of the Regional District, to prepare a draft section 219 covenant that limits the use of the five accessory dwelling units on proposed lots 29-33 to relatives of the persons owning, and living in, the principle dwelling, and restricts any building or construction on the lands until the following has occurred:
  - Applicants shall construct the sidewalks and street lighting system as outlined in the plans provided under condition 2 above, to the satisfaction of the RDN, or provide an agreement and letter of credit or cash in the amount of 125% of the cost to construct the works.
  - Applicants shall construct the improvements to Cedar and Hemer Roads according to the plans provided under condition 3 above, to the satisfaction of the RDN, or provide an agreement and a letter of credit or cash in the amount of 125% of the cost to construct the works.
  - Applicants shall construct the signage, landscaping, structures, trails and other facilities to within the Mordon Colliery Trail and other lands intended for public use according to the plans provided under condition 4 above, to the satisfaction of the RDN, or provide a letter of credit or cash in the amount of 125% of the cost to construct the works.
  - Applicants shall provide a right of way, to the satisfaction of the RDN, securing the use of lands identified in the plans under condition 5, for public use.

The following conditions are to be completed prior to consideration of Amendment Bylaw No. 500.323, 2005 for adoption:

7. Applicants, at their expense and to the satisfaction of the Regional District, to register the Section 219 covenant identified under condition 6 above on the title of the subject properties. Applicants may provide a letter of undertaking from their solicitor that the covenant document will be registered within 14 days of the Board adopting Bylaw No. 500.323, 2005, and acknowledging that the Board will downzone the lands should the covenant not be registered.
8. Applicants to meet all of the requirements of the RDN Engineering and Subdivision Standards Department regarding road upgrades, servicing of the property, including the design and installation of the storm water drainage system, design and installation of the sanitary sewer system and connection to that system, design and installation of the sidewalks and streetlights, and connection to the NCID community water system, including the provision of security in a form and amount acceptable to the RDN if required.

Schedule No. 2

Proposed Subdivision Plan for Zoning Amendment Application No. ZA0510  
Lot A, Section 14, Range 7, Cedar District, Plan VIP57874, Except Part in Plan VIP59634,  
VIP67432 and VIP76260 & Lot 6, Section 14, Range 1, Cedar District, Plan VIP59634



**CEDAR ESTATES**

CE04R 010 PROJECT NO: 2414

**SITE PLAN**

SCALE: 1:500 METRIC  
DATE: 29 SEP 05



**ROBERT BOYLE ARCHITECTURE INC.**

100 UNIVERSITY AVENUE  
SUITE 200  
WINDSOR, ONTARIO  
N9A 7K6  
TEL: (519) 253-1111  
WWW.RBA-ARCHITECT.COM



Attachment No. 1

Location of Subject Property for Zoning Amendment Application No. ZA0510  
Lot A, Section 14, Range 7, Cedar District, Plan VIP57874, Except Part in Plan VIP59634,  
VIP67432 and VIP76260 & Lot 6, Section 14, Range 1, Cedar District, Plan VIP59634



BCGS Map Sheet No. 32G.D01 4.3

**Attachment No. 2  
Zoning Amendment Application No. ZA0510**

**Report of the Public Information Meeting  
Held at Cedar Heritage Centre  
1644 MacMillan Road, Cedar, BC  
July 13, 2005 at 7:00 pm**

**SUMMARY OF THE MINUTES ON THE PROPOSED ZONING AMENDMENT  
FOR LOT A, SECTION 14, RANGE 1, CEDAR DISTRICT, PLAN VIP57874, EXCPET  
PART IN PLANS VIP59634, VIP67432 AND LOT 6, SECTION 14, RANGE 1, CEDAR  
DISTRICT, PLAN VIP59634**

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

There were approximately 69 persons in attendance.

**Present for the Regional District:**

Director Henrik Kreiberg, Electoral Area 'A', Meeting Chair  
Jason Llewellyn, Manager of Community Planning  
Wayne Moorman, Manager of Engineering and Subdivision Standards  
Keeva Kehler, Planner

**Present for the Applicant**

John Morgan, Applicant  
Robyn Kelln, Applicant  
Robert Boyle, RBA Architecture Inc., Agent for applicant  
Bob Hoffstrom, McElhanney Engineering, Agent for applicant

**Director Kreiberg, Chair** opened the meeting at 7:05 pm and outlined the agenda for the evening's meeting. The Chair then stated the purpose of the public information meeting and requested staff to provide background information concerning the proposed zoning amendment. Keeva Kehler then provided a brief outline of the applicant's proposal to amend the zoning from CM2 to a CD zone to facilitate a mix of residential housing options on the subject property.

Following staff's presentation, the **Chair** invited Robert Boyle, agent for the applicant to give a presentation on the details of the proposal. Mr. Boyle outlined that the current proposal was consistent with the OCP policies for the area. The applicants believe that the site is better suited to residential uses rather than commercial uses. Mr. Boyle described the components of the proposed development including the single family lots, medium density duplex, triplex and quadruplex options and seniors' retirement and care facility proposal.

**Les Lindquist, 1885 Starling Road**, stated that he is opposed to rental units in Cedar and is concerned with drug issues.

**Robyn Kelln, Applicant**, stated that they are not proposing rental accommodation. The developer anticipates that the strata council will restrict or prohibit rentals to protect homeowners.

**Les Lindquist** stated that he is supportive of seniors housing options in Cedar.

**Joan Edwards, Cedar Road** asked if there has been an assessment on the impact of the increased traffic levels associated with the proposal. Ms. Edwards stated that there are 10,000 cars on Cedar Road daily and pedestrian safety is a major concern.

**Bob Hoffstrom, Agent**, stated that a traffic impact study has been conducted based on the proposed development. Mr. Hoffstrom outlined that manual counts of the existing traffic were done and projected growth over 10 years was assessed. According to the study, there is no warrant for new traffic signals on Cedar Road as a result of the proposal.

**Robert Boyle, Agent** stated that the current CM2 zoning would generate significantly more traffic than the applicants' proposal. Mr. Boyle stated that seniors housing as a use is the lowest traffic generator.

**Gudrun Meynert, 2240 Ara Avenue** asked if the sole cost for installing sewer and water would be borne by the applicants.

**Wayne Moorman, RDN**, explained that water comes from North Cedar Improvement District (NCID) and that the sewer would be turned over to the RDN when constructed. Mr. Moorman stated that the applicant is responsible for bringing the sewer connection from the existing pump station at Duke Point to the site. People fronting on to the sewer system will have the opportunity to buy in and costs share the development. The RDN will only charge those people in the Local Sewer Service Area (L.S.S.A) for sewer and they would have to enter in to the petition process to be included.

**Bob Hoffstrom, Agent** stated that McElhanney Engineering is the engineer for NCID and there will be no cost to existing water users as a result of supplying water to the development. Mr. Hoffstrom explained that the developer contributes capital charges which will partly be used to develop future water capacity.

**Rick Bolton, 1678 Nairne Road**, asked if there was an easier route for the sewer to follow than those proposed on the maps.

**Bob Hoffstrom**, stated that a study was done for the RDN on sewer options and alignments and that the route was selected based on the cheapest option using gravity.

**Rick Bolton** asked what the timeline for sewer was.

**Wayne Moorman, RDN** stated that a treatment facility was needed to provide sewer to the area. Approximately 7 years ago the RDN acquired the Duke Point facility. Sewer service is proposed to be provided in the village core in accordance with the RGS and the OCP. The sewer system was too costly to install 7 years ago. The school is now connected to the sewer. The developers need to extend service to the site and are looking for ways to cost share sewer with the residents and owners along the way.

**Rick Bolton** stated that he believed there would be a moratorium on subdivision in the area until sewer became available.

**Wayne Moorman** stated that the development is the catalyst for sewer in this area. No grants are available provincially at this time because the zoning bylaw permits the subdivision of land below 1 ha when sewer is not available.

**Kerri-Lynne Wilson, 1720 Nairne Road**, asked what was happening with the ALR property and was Ryeland Road being extended.

**Robert Boyle** stated that the land to the north is in the ALR and is not part of the development proposal.

**Sean Roberts, 2748 Cedar Road** asked about the infrastructure to support this development. Mr. Roberts stated that he feels this proposal is a stepping stone for more development in Cedar. Mr. Roberts asked where does the development stop?

**Robert Boyle** stated that the OCP policies for Cedar limit the development options outside the core. This proposal is consistent with the OCP and concern for the rest of the community is implicit in the OCP and the development.

**Sean Roberts** stated that added crime comes with added development.

**Robert Boyle** stated that seniors housing is the main component of the proposal. Mr. Boyle felt that seniors are a welcome addition to a community as they volunteer, pay taxes and contribute to society.

**Clarence Elzinga, 2207 Hemer Road**, stated that kids have to walk along the narrow dangerous roads which are not to standard now and have no sidewalks. Mr. Elzinga felt that the infrastructure is not sufficient now to support existing uses, or the new development.

**Frank Garnish, 2512 Barnes Road** stated that the current zoning is commercial. Mr. Garnish feels like the developer is telling the community what they want and that seniors housing is needed. Mr. Garnish did not feel that the density was appropriate and stated that this was a for-profit enterprise, not for the community.

**Rick Grant, 1806 Meadowlark Crescent** stated that rentals bring crime.

**Robert Boyle** asked the public what restrictions do people have on their own homes now for rental control. Mr. Boyle explained that the developer will register covenants on the title of the town homes that restrict the age of residents and strata bylaws can limit or prohibit rentals.

**Tracy Huston, 1817 Starling Road** stated that rentals cause problems and there are duplexes and triplexes proposed.

**Robert Boyle** stated that the average age in the town homes will be 65 plus and in the apartments will be 85 years. Everyone who rents their property should screen it to ensure that there property is protected.

**Janelle Park, 1812 Cedar Road**, asked about the traffic routes coming out of the development.

**Robert Boyle** stated that there will be a combined exit from the Wheatsheaf parking lot.

**Janelle Park** stated that there is only one bus servicing the area, there are no sidewalks or facilities for pedestrians. This is a rural area of Cedar and Ms. Park felt that the development is too highly concentrated for the area given its existing level of services. Ms. Park stated that the traffic conditions are hazardous now without the extra densities proposed. Ms. Park requested that the traffic impact study be published for all to review.

**Dave Putnam, 2120 Hemer Road** stated that the developer cannot stop rentals and does not care.

**Robert Boyle** stated that people cannot build a home, mortgage it and cover the mortgage with rent. Mr. Boyle felt that the owners will take the same level of care and pride that any other owners will take.

**Rita Rosspport, 178 Cedar Road** asked how many families will be in the development. Ms. Rosspport stated that there are 4 cars per family. Ms. Rosspport stated that the schools are already overcrowded. Ms. Rosspport stated that young families will add to the capacity for schools and older families will add to traffic.

**Robert Boyle** stated that the developer cannot deal with all the problems in the region.

**Rita Rossport** stated that there are too many people in Cedar already.

**Bob Hoffstrom** stated that the schools in Cedar are designed to add extra capacity to accommodate new students.

**Frank Garnish** stated that the number of students is declining in Nanaimo. Mr. Garnish stated that Cedar has room for more students.

**Wanda Best, 1850 Woobank Road** asked if all lots will belong to the same strata. Ms. Best said that everyone has an opportunity to sit on the strata and the rules can be enforced.

**Robyn Kelln, Applicant** stated that they are on the same page as people in the room. Mr. Kelln stated that the strata bylaws are formed before the development is sold, other residents can police the uses and enforce. The regulations put in by the developer will prevent a slum from forming. The densities permitted under the current zoning would generate much more traffic and Mr. Kelln felt that the current proposal creates the least impact on the area.

**Mr. Binnersley, 1879 Starling Road** asked how much of a buffer will remain between the pipeline and the development.

**Robert Boyle** indicated that the gas right-of-way is 37 feet and will be left as is.

**Eileen Knight, 1827 Starling Road** stated that she opposes the 3 storey facility behind her house. Ms. Knight said that she benefits now from the privacy of the pipeline. Ms. Knight has concerns with traffic safety in the community.

**Robert Boyle** reiterated that the property is now zoned commercial. Mr. Boyle said that the developers are planning to build lower densities than the OCP permits.

**Jim Brown** asked about the traffic study and whether MOT has approved it.

**Robert Boyle** explained that the applicant went to MOT 10 months ago but has not received final decisions on what upgrades might be required. MOT is waiting for the zoning to be in place before commenting.

**Jim Brown** stated that people cannot walk down Hemer Road now if 2 cars are coming.

**Penny McKay, 2127 Yellow Point Road** asked about the increase in water consumption and the impact on the Nanaimo River and the aquifer.

**Bob Hoffstrom** explained that NCID has capacity for the development and has purchase another well for future development. NCID has provided a letter of no objection to the proposal.

**Vickie Suddaby, 1847 Woobank Road** stated that she is concerned that the development is too dense and wonders if there is a need for this now in Cedar. Ms Suddaby asked if the 3 storey units could be moved to the other side of the lot and what the plans were for developing the phases of the project.

**Robert Boyle** stated that he anticipated that the single family lots would be developed first and then the duplexes. The developers see the seniors housing as a long term plan built when market conditions warrant.

**Rob Holdum, 2443 Cedar Road** stated that there is a problem with schools and the existing traffic in Cedar, but that this is nothing to do with this development. Mr. Holdum said that he has family members who are aging and want to stay in Cedar. Mr. Holdum felt that the development will meet the needs of seniors in the community. Mr. Holdum added that development is limited to the core area by the availability of sewer. Mr. Holdum felt it was a good proposal for the area.

**Jeff McPheet** asked about the emergency services for the seniors.

**Robert Boyle** explained that home support services are available to seniors now and that it would increase efficiency to have seniors in one condensed area. There will be a LPN on site in the care facility and seniors from this area will be able to age in place.

**Trixie Neufeld, 1859 Starling Road** stated that she would like to see the existing wildlife and trees on the pipeline preserved.

**Alec McPherson, 2678 Nicola Road** asked how many parking spaces would be on the site.

**Wanda Best, 1850 Woobank Road** asked if all lots will belong to the same strata. Ms. Best said that everyone has an opportunity to sit on the strata and the rules can be enforced.

**Robert Boyle** stated that there are 2 off-street spaces per single family lot, 1 or 2 for each townhouse and 1 space per 5 units for the care facility.

**Pattie McPheet, 2160 Hemer Road** said she was concerned if demand for seniors housing does not materialize. Ms. McPheet asked what will happen to the lots then.

**Robert Boyle** indicated that if the zoning goes through the uses are tied down and cannot be switched to a new use. The seniors' facility would not be built until the need is there and will be restricted to seniors use by covenants.

**Pattie McPheet** stated that the traffic is already bad and she is concerned for the safety of the community's children if the development goes ahead and adds to the traffic.

**Director Kreiberg** agreed that the traffic issue is a difficult one and there has been limited success dealing with MOT in the past.

**Pattie McPheet** said that she cannot support the proposal without a road fix.

**Joe Burnett, 2520 Pylades Drive** asked if the community can petition highways to fix the road problems.

**Director Kreiberg** stated that MOT is in transition, but writing letters can only help. Woobank has been identified as needing traffic calming measures.

**Frank Garnish** stated that the RDN can have input on access but in the end MOT will do what they want. Mr. Garnish asked what is being done to attract kids from Cedar to the development. Mr. Garnish also asked if covenants can be changed.

**Janelle Park** asked if a building scheme can be changed if everyone agreed to the change.

**Sharon, Cedar** stated that she has 80 year old parents who use scooters to get around. Sharon was concerned that 1 car per unit for seniors is not realistic. There will likely be a increase in scooter and

pedestrian traffic but there is no facilities to support this now. Seniors will need more medical facilities such as clinics and doctors.

**Robert Boyle** stated that there are standards established for the number of parking spaces.

**Sharon** asked if a survey has been done to determine the need for seniors housing.

**Gudrun Meynert** asked if the seniors care facility will be provincially funded and if it will be a complex care facility with day to day services provided.

**Robert Boyle** explained that some of the seniors units will be for independent living with minimal care and some will be for continuous care meeting a variety of seniors needs.

**Greg Rouvroye, 1820 Starling Road** stated that he is concerned with the influx of people to the area. Mr. Rouvroye feels that there is already a problem with traffic and he would like to see MOT take a proactive stance towards upgrades on this strip of highway.

**Bob Hoffstrom** said that MOT does not want to get involved at the zoning amendment stage, as the development may not get approval and they have constraints on their time with respect to reviewing proposals. MOT deals with the traffic issues at the PLA stage and may ask for upgrades at that time.

**Robyn Kelln** stated that he has met with MOT and explained that sidewalks and upgrades have to occur in the road right-of-way. Mr. Kelln said that they are prepared to work with the RDN, MOT and the engineers to work out some solution on Hemer Road.

**Barry Haslir, 3180 Farrar Road** asked about the time frame for full build out.

**Robyn Kelln** stated that they anticipate it will be at least 3 to 4 years.

**Area resident** asked why the single family units are proposed where they are?

**Robert Boyle** said that the majority of the traffic comes from the single family dwelling units. It is not appropriate to put the seniors facilities between the area of Cedar Road and the single family units where all the traffic will have to pass through to exit the site.

**An area resident** asked if fencing will be installed along the trails.

**Robert Boyle** explained that the trails will be open to the public

**Eileen Knight, 1827 Starling Road** asked if the height of the proposed seniors apartments could be restricted to 2 storeys only.

**Jason Llewellyn** said that was an option that will be discussed with the developers.

**Robert Boyle** stated that the developers must meet a certain density to make the project viable, but they will look at re-configuring the layout to see if they can get the same number of units.

**Robyn Kelln** stated that the topography in this area is such that excavation will occur to develop the buildings so the maximum roof line may not be that high above the pipeline. The architectural design can be amended to minimize the impact of the height.

**Frank Garnish** asked what the height restriction is currently on the site.

**Keeva Kehler** explained that the height for CM2 zoning is 8 metres or 26.25 feet

**Mr. Morris, 3400 Yellow Point Road** said that the NCID fire hall had to meet 11 metres as its height and there is no fire protection equipment that can reach 3 storeys.

**Janelle Park** asked about the drainage plans and the ALC decision. Ms. Park wanted to know if the RDN would make a decision before the ALR meets to review the plan.

**Jason Llewellyn, RDN** explained that the facility is proposed for the ALR and the ALC will review the proposal in August. RDN will not make a decision until the ALC has ruled. It is anticipated that the ruling will come before the Public Hearing.

**Vickie Suddaby** said that she is concerned with the small size of lots proposed.

**Sean Roberts** asked when the developers' responsibility ends

**Robyn Kelln** stated that the topography in this area is such that excavation will occur to develop the buildings so the maximum roof line may not be that high above the pipeline. The architectural design can be amended to minimize the impact of the height.

**Robert Boyle** explained that there are two controls that dictate what can happen on the site. Developers will put covenants on the title and the zoning controls the buildings' height, size and use. People must conform to both.

**Joe Burnett, Pylades Drive** asked if they will be a reverter clause that will make the property return to its previous zone if development does not proceed within a certain time frame.

**Robert Boyle** said that the developers are concerned with land speculation and that the building scheme will state that owners have to build within a certain time frame. Development that is subject to a DP approval must be started in 2 years.

**Jeff McPheet, 2150 Hemer Road** asked about the approval process.

**Jason Llewellyn, RDN** provided an overview of the process for rezoning and DP approval.

**Janelle Park** asked about the process at RDN Board meetings and whether the meetings are open to the public.

**Director Kreiberg** explained that people may attend and present information to the Board up until the Public Hearing is closed.

**Eileen Knight** wanted to see lower density in the area.

**Robyn Kelln** stated that the topography in this area is such that excavation will occur to develop the buildings so the maximum roof line may not be that high above the pipeline. The architectural design can be amended to minimize the impact of the height.

**Robert Boyle** explained that the proposed mix of housing options is consistent with the OCP. Not everyone can afford 0.5 acre lots and the mix of housing options and proposed densities will create a nice community with increased services to the area. The OCP supports this kind of density in the Cedar core.

**Joe Burnett, Pylades Drive** asked if they will be a reverter clause that will make the property return to its previous zone if development does not proceed within a certain time frame.

The **Chair** asked for any further comments or questions.

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

The meeting concluded at 9.50 pm.

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Keeva Kehler  
Recording Secretary

**ATTACHMENT No. 3**

*Report of the Public Information Meeting*

**Proceedings of the Public Information Meeting**

**Report of the Public Information Meeting  
Held at Cedar Community Centre  
2388 Cedar Road, Cedar, BC  
August 31, 2005 at 7:00 pm**

**SUMMARY OF THE MINUTES ON THE PROPOSED ZONING AMENDMENT  
FOR LOT A, SECTION 14, RANGE 1, CEDAR DISTRICT, PLAN VIP57874, EXCEPT  
PART IN PLANS VIP59634, VIP67432 AND LOT 6, SECTION 14, RANGE 1, CEDAR  
DISTRICT, PLAN VIP59634**

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

There were approximately 76 persons in attendance.

**Present for the Regional District:**

Director Henrik Kreiberg, Electoral Area 'A', Meeting Chair  
Jason Llewellyn, Manager, Community Planning  
Greg Keller, Planner

**Present for the Applicant:**

John Morgan, Applicant  
Robert Boyle, RBA Architecture Inc., Agent for applicant  
Russ Irish, McElhanney, Agent for applicant  
Bob Hoffstrom, McElhanney Engineering, Agent for applicant

**Director Kreiberg, Chair**, opened the meeting at 7:05 pm with opening remarks and outlined the agenda for the meeting.

The **Chair** invited Robert Boyle, agent for the applicant, to give a presentation on the details of the proposal. Mr. Boyle outlined the amended proposal including the changes proposed as a result of the concerns identified by the attendees. Mr. Boyle provided a detailed description of the proposal including the proposed sewerage improvements, potential road upgrades, pedestrian access, height reductions, and parking. In particular Mr. Boyle noted the reduced height of the buildings and the proposed road improvements.

**Bob Hoffstrom, Agent**, spoke briefly on the traffic study conducted by the applicant's engineer and indicated that a left turn lane may be required.

**Les Lindquist, 1885 Starling Road**, stated that he is opposed to the proposed development because Cedar is a rural community. Mr. Lindquist is also opposed to the proposed three-storey

buildings and has indicated that he would support two storeys as this would have less impact on his viewscape. Mr. Lindquist also expressed concern over the proposed Personal Care Facility with regards to the enforcement of the proposed age restriction and potential for under age residence.

**Keith Hebron, 2029 Grieve Road**, questioned the procedure for selecting patients of the personal care facility and what level of service would be provided.

**Bob Hoffstrom, Agent**, indicated that potentially there would be a variety of service levels and the facility may be a 'pay and stay facility'.

**Keith Hebron, 2029 Grieve Road**, stated that he was in support of having seniors in the area and that the citizens of the proposed development may get involved in community policing.

**Myo Stevens, 3000 Giovando Road**, expressed concern over the proposed sewage treatment upgrades and the proposed detention pond. Ms. Stevens also inquired about the potential for residents to be able to hook up to sewer service if the development proceeds.

**Russ Irish, McElhanney, Agent**, spoke to the issue of potential sewer upgrades and the storm water detention pond. He provided technical details with respect to potential upgrades to the Duke Point Sewerage treatment plant. Mr. Hoffstrom also indicated that the storm water detention pond would be gravity fed and would be designed in order to ensure that post-development storm water flows equal pre-development flows.

**Robert Boyle, Agent**, added that the intent of the sewer extension would be to provide sufficient capacity to accommodate additional sewer connections to adjacent parcels. With respect to the detention pond, Mr. Boyle explained that a local service area is proposed to be created and the pond would be maintained by the Regional District of Nanaimo, while the underground works in the road right-of-way would be the responsibility of the Ministry of Transportation.

**Chuck White, 2231 Blue Jay Way**, voiced concern regarding pedestrian safety along Hemer and Cedar Roads, especially in winter. Mr. White also requested clarification regarding potential upgrades to the Duke Point sewage treatment plant and whether or not the proposed upgrades would jeopardize previously planned upgrades.

The **Chair** responded by outlining the potential road improvements including the possibility of culverting the existing ditch and filling it in with gravel to create a pedestrian walkway. The Chair also mentioned the possibility of requiring the applicant to provide paved sidewalks to be secured through covenant.

**Bob Hoffstrom, Agent**, briefly provided details with respect to the proposed sewer upgrades and indicated that the users of the existing capacity in the plant must contribute to the fund for future expansion.

**David Chapman, 2237 Blue Jay Way**, posed a question regarding who would cover the cost of sewer extension and when sewer would be expanded.

**Jason Llewellyn, Manager, Community Planning**, in response to Mr. Chapman's question, indicated that the construction costs would be covered by the applicant and other persons who connect and there would be a fee charged for future sewer hook-up to pay for future capacity upgrades.

**Robert Boyle, Applicant**, expanded upon Mr. Llewellyn's comments regarding sewer extension. Mr. Boyle indicated that sewer expansion will occur only if the subject application is approved.

**Rick Smith, 2175 Blue Jay Way**, expressed concern with the suggested density of the proposed development and questioned the need for this density in the Cedar Area. Mr. Smith also asked what the population density would be if the development is approved and voiced his concern over the lack of available services for seniors in the Cedar Area.

**Robert Boyle, Agent**, responded by explaining that the build-out time is projected over a number of years and it is anticipated that the demand for seniors housing will facilitate the need for the proposed development. Mr. Boyle suggested services may become available in Cedar once the demand is increased.

**Janelle Park, 1821 Cedar Road**, was concerned with the proposed density of the development. Ms. Park compared the density proposed by this application to two different subdivisions in the Cedar area, which she considered higher density for the Cedar Area. Ms. Park noted that the proposed density is much higher than the comparables. Ms. Park spoke in support of maintaining the rural integrity of the Cedar area. Ms. Park then expressed concern that traffic safety and drainage were not thoroughly addressed.

**Robert Boyle, Agent**, responded to the density statement by explaining that the higher density is being proposed to provide an alternative residential lifestyle choice and to reduce vehicular dependence.

**Russ Irish, Agent**, indicated that drainage on-site is dictated by site topography and no pumping of storm water to the detention pond is proposed at this time. Mr. Hoffstrom indicated that detailed engineering has not been completed at this time.

**Janelle Park, 1821 Cedar Road**, expressed concern with the small size of the proposed single family parcels and the delayed construction of the proposed personal care facility.

**Bob Hoffstrom, applicant**, responded to an earlier question regarding sewer servicing and indicated that the proposed sewer line would be oversized to allow for additional sewer hook-ups in the future when the capacity of the Duke Point plant is increased.

The **Chair** explained that the proposed project is the driving force behind the sewer line extension. In addition, the Chair added that although the Regional District of Nanaimo has considered a sewer extension in the past, it is unlikely that this extension would occur unless the subject application is approved.

**Barbara Bell, 1981 Woobank Road**, voiced concerns with the proposed age restriction and users of the single, duplex, and quadraplex lots.

**Eileen Knight, 1827 Starling Road**, requested clarification regarding the character of the underground parking and if the underground parking would be located entirely underground. Ms. Knight also expressed concern over the low cost of the proposed housing and potential for undesirable persons living in the area.

**Robert Boyle, Agent**, indicated that the proposed underground parking would be no more than approximately 0.76 metres above natural grade. Mr. Boyle explained that the proposed single family, duplex, and quadraplex units would not be subsidized low income housing, but the lower price is attributed to the smaller lot size and the reduced cost of shared construction. Mr. Boyle clarified the housing is intended to be affordable – not low income or subsidized.

**Frank Garnish, 2512 Barnes Road**, began by stating that the OCP supports rural uses. However, Mr. Garnish indicated that he has no objection to a development in the area subject to the development taking

a form that is compatible with the rural atmosphere of the community. Mr. Garnish discussed a previous sewer line extension proposal that would serve a number of parcels and questioned if this proposal would have sufficient capacity to service these parcels. Mr. Garnish also questioned the proposed Comprehensive Development Zone including lot size, parcel coverage, and setbacks. Mr. Garnish then spoke to potential traffic and pedestrian issues related to a left turn lane and graveled pedestrian access on Hemer Road.

**Jason Llewellyn, Manager, Community Planning**, spoke to Mr. Garnish's concerns and indicated that the Ministry of Transportation has given preliminary approval in principal to the road improvements suggested by the applicant. Mr. Llewellyn then indicated that the Ministry of Transportation has no objection to a gravel pedestrian walkway but does not appear to support a sidewalk along Hemer Road. Mr. Llewellyn also indicated that the Regional District of Nanaimo is looking into securing sidewalks through the creation of a sidewalk local service area and covenant. Mr. Llewellyn indicated that the Ministry of Transportation does not have any objection to the widening of Cedar Road at this time. Mr. Llewellyn also indicated that Ministry of Transportation approval of the specific design of road improvements is required.

**Frank Garnish, 2512 Barnes Road**, asked who would control the covenant for the sidewalks.

**Jason Llewellyn, Manager, Community Planning**, indicated that it would be the Regional District of Nanaimo. Upon request from the Chair, Mr. Llewellyn outlined the rezoning, development permit and development variance permit process and explained that issues relating to detailed design, drainage, and parking would be addressed at the development stage.

**Karen Lister, 1957 Birchell Road**, voiced concern over traffic impacts on Cedar Road, proposed density, users of the property, and loss of rural lifestyle.

**Eqou Eilers, 1892 Woobank Road**, expressed concern over the impact of the proposed development on the source and capacity of water.

**Russ Irish, Agent**, assured that there is adequate water capacity to handle the proposed development and to allow for future expansion.

**Patti McPheat, 2153 Hemer Road**, suggested that although the applicant is proposing to reduce the height of the 3-storey buildings by reducing the roof pitch, a flat roof would be visually unappealing. Ms. McPheat also expressed concern over the small lot size and questioned the applicant's rationale for selecting such lot size. Ms. McPheat suggested the applicant consider a larger lot size.

**Robert Boyle, Agent**, explained that current market conditions support the proposed lot size and the small lot size has worked well in other jurisdictions. Mr. Boyle indicated a development permit is required prior to development and the design of the buildings may change. Mr. Boyle clarified that the only issue considered by this application is zoning. Mr. Boyle also spoke regarding the separation between properties and adjacent buildings and explained that setbacks are measured from the outermost portion of buildings and structures.

**John Person, 1873 Starling Road**, expressed concern regarding the potential impact of the proposed development on his viewscape, noise pollution from ambulance traffic, the location of the gas line right-of-way, and removal of vegetation.

**Robert Boyle, Agent**, responded by detailing the setback requirements and proposal to maintain existing mature vegetation where possible.

**Jean Evans, 1818 Meadowlark Crescent**, questioned the phasing of construction and was concerned that the personal care unit would not be constructed concurrently with the residential development.

**Myo Stevens, 3000 Giovando Road**, inquired regarding the source and capacity of the North Cedar Improvement District water supply.

**Robert Boyle, Agent**, responded by explaining the groundwater in this area comes from the Cassidy Aquifer, which is primarily confined to areas in close proximity to the Nanaimo River. The Agent then explained that there are a number of different aquifers in the region and this development is not anticipated to negatively affect other well water users.

**David Chapman, 2237 Blue Jay Way**, indicated that he was concerned with drainage and parcel size. Mr. Chapman questioned the direction of surface runoff as well as the roll of the Regional District of Nanaimo in drainage, approval, and maintenance. Mr. Chapman in expressing his concern over the proposed parcel size compared the current and proposed minimum parcel sizes.

**Robert Boyle, Agent**, outlined the proposed storm water works and creation of a local service area and Regional District of Nanaimo involvement.

**Keith Hebron, 2029 Grieve Road**, expressed concern over the timing of construction. Mr. Hebron indicated that the personal care unit should proceed concurrently with the rest of the development.

**Janelle Park, 1821 Cedar Road**, asked for clarification of the difference between Commercial 2 zoning and the proposed zoning.

**Jason Llewellyn, Manager, Community Planning**, outlined the existing and proposed zone including uses and setbacks.

**Janelle Park, 1821 Cedar Road**, requested clarification on the Bylaw voting process.

The **Chair** explained the voting process and Board involvement.

**Eileen Knight, 1827 Starling Road**, expressed concern regarding zoning setbacks and traffic safety.

**David Chapman, 2237 Blue Jay Way**, questioned the timing of construction of the personal care facility as currently there are waiting lists for these types of facilities.

The **Chair** asked for any further comments or questions.

As there were none, the **Chairperson** thanked those in attendance and announced that the Public Information Meeting was closed.

The meeting concluded at 9:45 pm.

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Greg Keller  
Recording Secretary

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**Attachment No. 4**  
**Zoning Amendment Application No. ZA0510**  
**Lot A, Section 14, Range 7, Cedar District, Plan VIP57874, Except Part in Plan VIP59634,**  
**VIP67432 and VIP76260 & 'Lot 6, Section 14, Range 1, Cedar District, Plan VIP59634**  
**Correspondence from NCID**

JUN-08-2005 16:25

N. CEDAR IMPROVEMENT DIST.

P. 02/02

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## North Cedar Improvement District

1694 Cedar Road, PO Box 210

Cedar, BC V9X 1W1

Phone (250) 722-3711 • Fax (250) 722-3252 email [info@ncid.bc.ca](mailto:info@ncid.bc.ca)

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June 8, 2005

Planning Department  
Regional District of Nanaimo  
Hammond Bay Road,  
Nanaimo, BC.

**Attn: Keeva**

**RE: Re-zoning application -- John Morgan-Lot A, Sec.14, R1, Cedar District-  
Cedar Estates**

Dear Keeva;

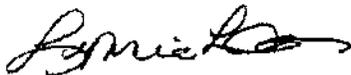
A sub-division application for the above mentioned sub-division has been received at the North Cedar Improvement District Offices for the supplying of domestic water and fire protection.

Our District engineer has reviewed the sub-division application and its implications to the water supply for Cedar. NCID is able to provide water for this sub-division now and into the future.

We trust that this letter will provide you with the assurance you need from a water and fire protection perspective and enable you to proceed with the re-zoning application.

If you have any further questions please don't hesitate to contact the undersigned.

With warm regards,



Lynn Lawlor  
Administrator  
Cc: Bob Hoffstrom-McElhaney Engineering



REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GM ES	
DA CCD		MoF	
JAN 04 2005			

**MEMORANDUM**

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**TO:** Bob Lapham  
Deputy Administrator

**FROM:** Jason Llewellyn  
Manager, Community Planning

**SUBJECT:** Zoning Amendment Application No. ZA0520 – Scouts Canada  
Windsor Rowe on behalf of Scouts Canada  
Electoral Area 'G' – Camp Douglas - Despard Avenue

**DATE:** December 28, 2005

**FILE:** 3360 30 0520

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**PURPOSE**

To consider an application to rezone the subject property from Rural 1 (RU1) to Recreation 1 (RC1) to allow the use of the site for camping and recreation by Scouts Canada.

**BACKGROUND**

An application has been received to rezone the properties legally described as Lot 1, District Lots 128 and 129, Nanoose District, Plan 2142 from Rural 1, Subdivision District D (RU1D) to Recreation 1, Subdivision District D (RC1D) to allow the use of the site for camping and recreation by the Scouts.

The subject property is accessed from Despard Avenue, in Parksville, and is adjacent to the Englishman River. Parcels to the south of the subject property are within the City of Parksville and the surrounding area contains rural residential development (*see Attachment No. 1*). The City of Parksville has expressed no objections to the application from a land use or access perspective.

The "Regional District of Nanaimo Englishman River Official Community Plan Bylaw No. 814, 1990" (OCP) designates the subject property as Rural. The Rural land use designation supports the recreation use proposed by the scouts. The subject property is not within a development permit area.

The property was donated to the Scouts in 1995 and has been used on an intermittent basis as Camp Douglas. The Scouts propose to build a picnic shelter and storage building as shown on Attachment No. 2. They also intend to replace the existing outhouses. The site is proposed to be used for overnight camping and limited day use.

A letter explaining the proposal is attached to this report as Attachment No. 3.

**ALTERNATIVES**

1. To approve Bylaw No. 500.329 for 1<sup>st</sup> and 2<sup>nd</sup> reading, subject to the conditions outlined in Schedule No. '1' of this report and proceed to Public Hearing.
2. To not approve the amendment application for 1<sup>st</sup> and 2<sup>nd</sup> reading.

## **DEVELOPMENT IMPLICATIONS**

### **Safety Implications**

The applicant has provided a report from an engineer which evaluates the flooding and other hazards associated with the use of the site as proposed. The report notes that the site is subject to flooding, but determines that the risk is low and acceptable provided a number of conditions of use are met. The Scouts have indicated that they shall ensure these conditions are met. These conditions include the following:

- Installation of a pedestrian crossing over the scour channel to provide an improved access route to the parking lot (a development permit and building permit may be required).
- The access from the southwest should be the principle access route.
- Development of an evacuation plan.
- Posting of signage advising users of the flooding risk.
- Adherence to Scouts Canada requirements and regulations for Category 2 (yellow) conditions.

To ensure that the recommendations related to the safe use of the site are understood by current and future property owners it is recommended that the report be registered on title as a Section 219 Covenant by the property owner. This covenant should indicate that the site is to be used only in accordance with the recommendations contained in the report.

The proposed storage buildings meets the zoning bylaw setbacks and the elevation requirements within the Floodplain Management Bylaw. The shelter structure meets zoning bylaw setback requirements, but may have to be elevated with fill material to meet the elevation requirements under the Floodplain Management Bylaw. This will be determined as part of the building permit approval process.

### **Access Implications**

The subject property is accessed from the south along Despard Avenue, which is an undeveloped road within the City of Parksville. The City of Parksville has placed a gate across the road to limit its use. However, the Scouts have been given a key to the gate by the City. The City of Parksville indicate no objections to the use of the access route by the Scouts, and do not foresee imposing any restrictions to access in the future. The City has indicated that they have no plans to upgrade the access.

The applicants have applied to the Ministry of Transportation for an access permit as the road is under the jurisdiction of the Ministry where it abuts the subject property; however, the provincial approval is dependant upon access approval from the City of Parksville as the majority of the road is within Parksville's jurisdiction. Staff recommend that final approval of the rezoning be withheld until the required approvals are received from the Ministry and the City of Parksville. It is noted that access to the site from the north is not recommended given that the area is low lying and subject to flooding.

### **Environmental Implications**

The subject property is treed and has a number of valuable natural features. The applicants undertook an environmental assessment of the property which indicates that the proposed buildings and use of the site shall have no significant ecological impacts. It is noted that the use of the property by the Scouts has been beneficial from an ecological perspective. The Scouts have demonstrated a high level of environmental stewardship, their use of the site is relatively passive, and the site's natural features are preserved and used for education purposes.

In order to protect the natural features of this property for the long term it is recommended that, as a condition of final approval of the rezoning bylaw, a Section 219 Covenant be registered on title of the subject property restricting the use of the site to camping and recreational uses associated with scouting, and restricting development to the buildings and features shown on Attachment No. 2. Also, it is recommended that vegetation disturbance and tree removal be restricted to that required only to accommodate the development outlined in Attachment No. 2. These restrictions are also recommended as a result of the access limitations and the flooding hazard that exists.

### Servicing Implications

The Vancouver Island Health Authority has issued a permit for a holding tank for sewage. The applicants do not intend to drill a well and bring their own water supply when using the site. This servicing is considered acceptable given the nature and scale of use of the subject property.

### VOTING

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

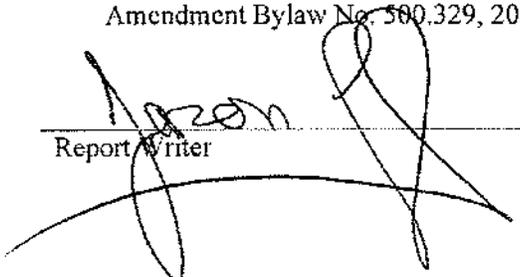
### SUMMARY

An application has been received to rezone the subject property for camping and recreation by the Scouts. The subject property is accessed from Despard Avenue, in Parksville, and is adjacent to the Englishman River. The property was donated to the Scouts in 1995 and has been used on an intermittent basis as Camp Douglas. The Scouts want to build a picnic shelter and storage building as shown on Attachment No. 2. They also intend to replace the existing outhouses. The site is proposed to be used for overnight camping and limited day use, and a number of new buildings are proposed.

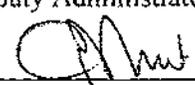
Staff consider the continued use of the site for camping and recreation by the Scouts to be an appropriate use of the land provided that the conditions outlined in Schedule 1 are met in order to address the access, flooding, and environmental conditions that exist.

### RECOMMENDATIONS

1. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.329, 2005" to rezone the subject property from Rural 1 Subdivision District D (RUID) to Recreation 1 Subdivision District D (RC1D) to allow the use of the site for camping and recreation be given 1<sup>st</sup> and 2<sup>nd</sup> reading, subject to the conditions outlined in Schedule No. 1;
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.329, 2005" proceed to public hearing; and
3. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.329, 2005" be delegated to Director Stanhope or his alternate.

  
Report Writer

  
Deputy Administrator Concurrence

  
CAO Concurrence

### COMMENTS:

*devs\reports\2005\ZA3360 30 0510 RBA Inc. au 1<sup>st</sup> and 2<sup>nd</sup>*

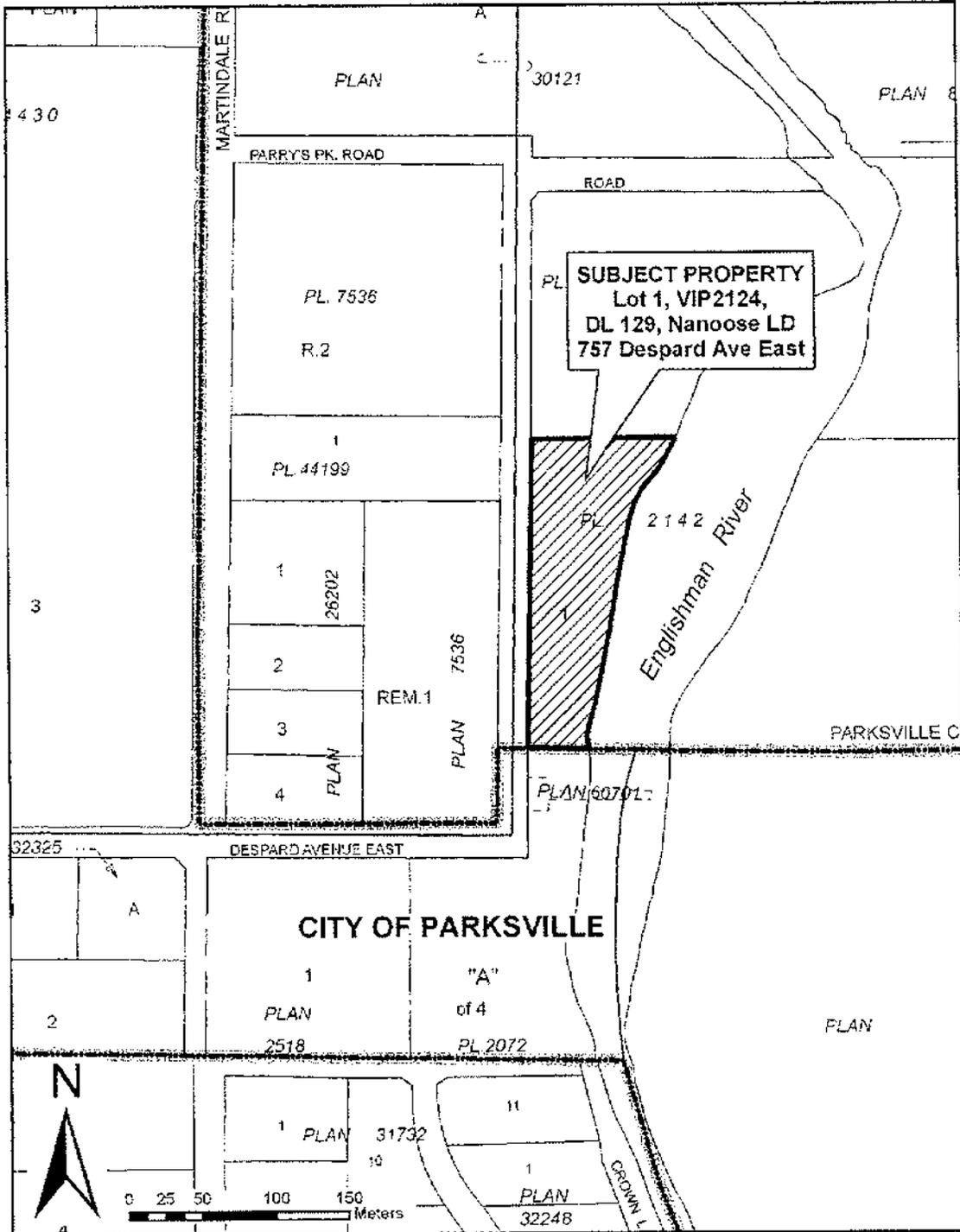
**Schedule No. 1**  
**Conditions of Approval**  
**Zoning Amendment Application No. ZA0520**  
**Lot 1, District Lots 128 and 129, Nanoose District, Plan 2142**

The following conditions are to be completed prior to consideration of the Amendment Bylaw for adoption:

1. At the applicant's expense, the geotechnical report prepared by Lewkowich Geotechnical Engineering dated January 26<sup>th</sup>, 2005, and the addendum to that report dated December 16<sup>th</sup>, 2005, shall be registered on the Certificate of Title as a Section 219 Covenant prior to issuance of the building permit. This covenant must also indicate that the site is to be used only in accordance with the recommendations contained in the report.
2. 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 use of the property.
3. Applicant to provide a copy of the access permit from MOT.
4. At the applicants expense, and to the satisfaction of the Regional District, the applicant shall register on title a section 219 covenant restricting the use of the subject property to camping and other recreational uses associated with scouting, restricting development to the buildings and features shown on Attachment No. 2, and restricting vegetation disturbance and tree removal to only that required to accommodate the development outlined in Attachment No. 2.

Attachment No. 1  
Zoning Amendment Application No. ZA0520  
Lot 1, District Lots 128 and 129, Nanoose District, Plan 2142

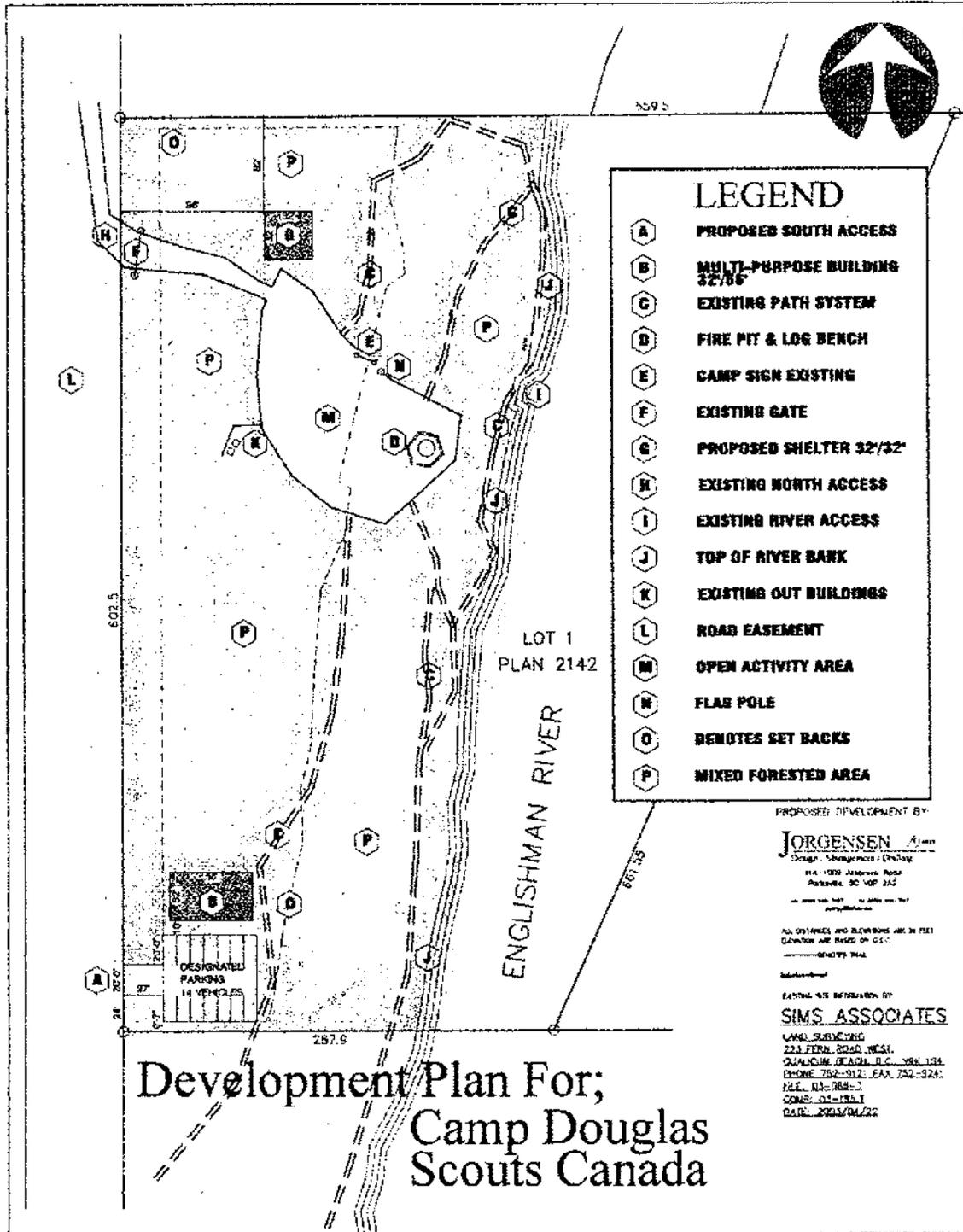
Location of Subject Property



BCGS Map Sheet No. 02P.029.2.1

Attachment No. 2  
 Zoning Amendment Application No. ZA0520  
 Lot 1, District Lots 128 and 129, Nanoose District, Plan 2142

Site Development Plan



Attachment No. 3 (Page 1 of 3)  
Zoning Amendment Application No. ZA0520  
Lot 1, District Lots 128 and 129, Nanoose District, Plan 2142

Letter from Applicant

## Camp Douglas 1<sup>st</sup> Parksville Scouts Intended Camp Uses

### **Narrative - Background Information**

**Location:** Camp Douglas occupies 4 acres with waterfront on the West bank of the Englishman River, accessible from Despard Ave, off Martindale Road, through the City of Parksville wastewater pump-station property. A surveyor's drawing, prepared by SIMS Associates (2003/04/22), illustrates all the features described in this narrative.

**History:** The property was donated to the 1<sup>st</sup> Parksville Scouting Group, Scouts Canada in 1995 and has retained its natural environment as an outdoor meeting area for all Scouting sections. It currently has a flagpole, a carved wooden sign, a ring of logs for seating around a campfire pit and two outhouses (with sanitary buckets). Occasionally, it is used for overnight camping in tents, but usually for one-night events by fewer than a dozen youth and no more than four leaders. An application for re-zoning was originally initiated in 2001 by a member of the 1<sup>st</sup> Parksville Group Committee. The process is still in progress due to a number of administrative challenges and the turnover of personnel (both in the Group Committee & the RDN).

**Intended Uses:** The current application for re-zoning, from Rural 1 (RU 1) to Recreation 1 (RC 1), is being submitted, so that the usage of Camp Douglas will be in compliance with existing zoning regulations. It is intended that the current uses be continued and enhanced by the placement of a picnic shelter to afford some protection from the weather. Furthermore, the 1<sup>st</sup> Parksville Scout Group plans to replace the outhouses with a new vault privvy that will be installed in accordance with the Ministry of Health Application dated 2004/12/02. Camp Doug is also envisioned as an area for the members of the Group to work on handiwork projects, such as building canoes or kayaks. For this purpose, a craft activity & storage building may be built on the South West corner of the property, well back from the river and close to the access right-of-way. This area would accommodate parking, and, possibly, future amenities such as site sewage treatment.

**Access Permits:** Applications for Access Permits have been submitted to the Ministry of Transportation and Highways and to the City of Parksville, since the property is within the Regional District of Nanaimo and adjacent to City of Parksville property. A letter was received from the MoTH, dated 2005/02/04, that indicates a permit would be dependent on receiving access permission from the City of Parksville.

**Attachment No. 3 (Page 2 of 3)**

**Location of Existing and Proposed Structures:** As indicated in previous paragraphs, currently there are a flagpole & sign, a fire-pit & log seating and two out houses located in the clearing in the northern third of the property. These features are shown on the drawing, as well as the improvements proposed in consultation with Peter Jorgensen of Jorgensen/Osmond Limited, on behalf of 1<sup>st</sup> Parksville Scouts. The flagpole & sign are approximately 160 ft from the northern boundary, while the fire pit & log seating and outhouses are about 200 ft from that boundary. The proposed picnic shelter would be situated at the northern edge of the clearing, about 60 ft from the northern boundary. There is no intention to construct kitchen facilities, as only picnic and campfire fare will be prepared on-site. The proposed multi-purpose building would be situated in the southwest corner of the property, 30 ft from the southern and western boundaries. A parking area, for no more than ten vehicles, is proposed for the area to the north of and adjacent to the multi-purpose building. In the future, sewage treatment may also be accommodated in this area under an approved package.

**Vegetation:** As indicated in the Environmental Assessment, prepared by DR Clough Consulting (May 25, 2004), in consultation with Peter Jorgensen, the site is located in a treed second growth forest area. There is a band of Red Cedar near the river and the rest is predominantly Broadleaf Maple. The natural tree regeneration process is not thriving, as there are few saplings or intermediate sized trees. Therefore, a restoration process, under the aegis of Scout Trees, has been initiated with the assistance of David Clough, the restoration biologist. Red Cedars, Douglas Firs and Grand Firs, as well as native species of smaller plants and shrubs are being planted by the members of 1<sup>st</sup> Parksville Scout Group, under supervision and with assistance from other organizations such as Streamkeepers and the BC Conservation Foundation.

**Water Potability:** The standard practice is to bring in containers of water for drinking and cooking needs. The Englishman River is used as the source of municipal water for the City of Parksville and it is chlorinated before distribution. However, if water is drawn from the river for domestic uses (drinking, cooking and washing), it must be boiled for 3-4 minutes. Furthermore, the River is to be treated as a watershed and every effort must be made by users of Camp Douglas to prevent any contamination from entering the watercourse. Therefore, grey water will be disposed of in an approved manner.

**Assembly Areas:** In case of wildfire, or other emergency, such as flooding, the normal assembly area for all users will be the parking lot by the pump-station, south (upstream) of Camp Doug. There is an alternate exit at the Northwest corner of the property onto the access road to Parry's RV Park.

**Attachment No. 3 (Page 3 of 3)**

**Supporting Documents:**

- a) Surveyor's Drawing by SIMS Associates, including existing site information and proposed development by Jorgensen/Osmond, 2003/04/22;
- b) Environmental Assessment by DR Clough Consulting dated May 25, 2004; and
- c) Ministry of Health Application to Construct or Repair a Sewage Disposal System dated 2004/12/02.
- d) Geotechnical Assessment by Lewkowich Geotechnical Engineering Ltd. dated January 26, 2005.
- e) Letter from Ministry of Transportation and Highways dated February 4, 2005.
- f) Boy Scouts of Canada, Scout Group Charter IR # 74, dated October 31<sup>st</sup>, 1976 and renewed annually thereafter.

*Version 4*

*April 4, 2005*

*Prepared by:*

*Gordon Buckingham  
Group Commissioner  
1<sup>st</sup> Parksville Scouts*



REGIONAL DISTRICT OF NANAIMO		
CHAIR	GM Cms	
CAO	GM ES	
DA CCD	MoF	
JAN 04 2006		
EAP.		

MEMORANDUM

**TO:** Jason Llewellyn  
Manager, Community Planning

**DATE:** January 5, 2006

**FROM:** Paul Thompson  
Senior Planner

**FILE:** 3360 30 0522

**SUBJECT:** Zoning Amendment Application No. ZA0522 – Rondalyn Resort  
Dan and Linda Lee on behalf of Danron Holdings Ltd  
Electoral Area 'C' – 1350 Timberland Road

PURPOSE

To consider an application to amend the current Comprehensive Development 13 Zone (Rondalyn Resort) to increase the maximum number of RV/camping spaces from 60 to 90.

BACKGROUND

The Planning Department has received a zoning amendment application for the property legally described as That Part of Block 87, Bright, Douglas and Cranberry Districts, (Lying within said Bright District), Lying to the east of a straight boundary bearing due south from the point on the northerly boundary of said block distant 19.8 chains easterly from the south east corner of District Lot 8, Bright District, except part in Plan VIP54950 which is located 1350 Timberlands Road in Electoral Area 'C' (see Attachment No. 1 for location of subject property). The subject property is currently zoned Rondalyn Resort Comprehensive Development 13 (CD13) and is within Subdivision District 'Z' (no further subdivision) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."

Rondalyn Resorts originally applied for a rezoning in 1996. The original application proposed to allow 90 RV/camping spaces and accessory uses. However, due to difficulty in obtaining a waste disposal permit that would allow 90 camping spaces, the original zoning amendment was changed to a maximum of 60 spaces.

The CD13 zone for the subject parcel was approved on June 28, 2005 (Bylaw 500.287). As indicated above, the waste disposal permit (PE-12121) only permitted a maximum of 60 RV/camping spaces. As the waste disposal permit only permitted a maximum of 60 RV/camping spaces the CD13 zone that was adopted also only permitted a maximum of 60 spaces. This was done even though 90 spaces already existed at the resort. Until the CD13 zone is amended the 30 additional spaces can not be occupied.

Since Bylaw 500.287 was adopted, the waste disposal permit has been amended to remove the limit on the number of RV/camping spaces allowed at the resort. The waste disposal permit now only limits the total volume of effluent that can be discharged each day. The Environmental Protection Officer has also confirmed that the facilities may consist of year-round campsites, seasonal campsites, swimming pool, laundry machines and a residence.

A Land Title Act Section 219 restrictive covenant (EX63612) was a requirement of the previous rezoning. This covenant restricts the uses of the Resort Vehicle Park and limits the total number of RV camping

spaces to 60. The covenant also includes a clause whereby the covenant "shall be amended to permit a total of 90 RV sites" provided approvals are obtained from the Regional District and provincial agencies.

The applicants have confirmed that the development meets all of the requirements of Schedule 3C Campground Regulations and Standards in Bylaw 500.

The applicant is requesting that the Comprehensive Development 13 Zone in Bylaw No. 500, 1987 be amended to increase the maximum number of RV/camping spaces from 60 to 90.

## **ALTERNATIVES**

1. To approve the amendment bylaw as submitted for 1<sup>st</sup> and 2<sup>nd</sup> reading and proceed to a Public Hearing for Amendment Bylaw 500.330.
2. To not approve the amendment bylaw for 1<sup>st</sup> and 2<sup>nd</sup> reading and provide further direction to staff.

## **OFFICIAL COMMUNITY PLAN IMPLICATIONS**

The Arrowsmith Benson – Cranberry Bright Official Community Plan Bylaw No. 1148, 1999 designates this parcel as Resource. The Resource designation policies support campgrounds and recreational vehicle parks provided new development within an existing campground is for temporary or seasonal accommodation. This zoning amendment application is consistent with the OCP as its purpose is to permit additional spaces for temporary accommodation.

## **DEVELOPMENT IMPLICATIONS**

The implications are limited as no new development is proposed. All of the RV/camping spaces are already in place and the purpose of this application is to legalize the extent of the existing uses, in particular the maximum number of RV/camping spaces that may be used at the resort.

The applicants have had an engineer review the existing sewage treatment system to determine the condition of the system and whether the proposed use of the resort will meet the requirements of the amended waste disposal permit. The engineer has stated that the system is in good working order and there is no evidence of "mechanical deterioration, odour or site breakout."

However, the engineer in his calculations to determine compliance with the waste disposal permit, has indicated that only 10 of the spaces can be used on a full time basis. The applicants' engineer has also indicated that the ratio of seasonal and permanent sites will be adjusted so that the proposed use of the resort will remain compliant with the waste disposal permit. This means that instead of 30 year round and 60 seasonal spaces there should be 10 year round and 80 seasonal spaces.

The covenant currently recognizes that up to 30 of the spaces can be used on a year round basis. As the existing sewage treatment system can only meet the requirements of the waste disposal permit with 10 year round and 80 seasonal camping spaces the covenant should be amended to reflect this restriction.

## **PUBLIC CONSULTATION IMPLICATIONS**

In consultation with the Electoral Area Director and pursuant to Impact Assessment Bylaw No. 1165 a public information meeting (PIM) will not be held for this application. A PIM will not be held because the details of this application were reviewed and made available to the public as part of the recently

adopted Bylaw 500.287, no new development is proposed as part of the application, and the proposal is consistent with the official community plan.

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

#### **ENVIRONMENTAL IMPLICATIONS**

Haslam Creek runs through the subject property and a portion of the property is within the Watercourse Protection and Sensitive Ecosystem Development Permit Areas. However, the proposed use of the resort will not result in any further development or land alteration within the Development Permit Areas.

#### **SUBDIVISION IMPLICATIONS**

There are no implications for subdivision. The subdivision district is not changing and no further subdivision is permitted.

#### **INTERGOVERNMENTAL IMPLICATIONS**

The Ministry of Environment's Environmental Protection Division has already provided a letter stating that the Rondalyn Resort has been granted approval to discharge effluent from a recreational vehicle park provided the total sewage flow does not exceed 46 m<sup>3</sup>/day.

#### **VOTING**

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

#### **SUMMARY**

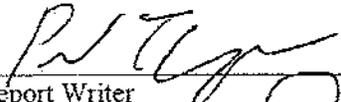
The purpose of Bylaw No. 500.330, 2006 is to amend the existing CD13 zoning for the subject property to permit an additional 30 RV/camping spaces bringing the total number of spaces to 90. The waste disposal permit has been amended so that it is now based on total volume rather than the number of RV/camping spaces and an engineer has confirmed that the proposed use of the resort will meet the requirements of the waste disposal permit provided the ratio of rear round vs seasonal spaces is changed to 10 and 80. No new development is being proposed and the bylaw amendment will legalize the total number of existing spaces. If the bylaw amendment is approved, an existing covenant on title must be amended to reflect the total number of spaces permitted in the bylaw.

Other conditions related to use and required approvals were satisfied as part of the previous zoning amendment for this property. Approvals have already been obtained for the waste disposal permit so the primary condition for this zoning amendment application is to amend the existing covenant to reflect the proposed use.

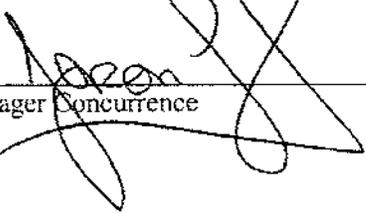
#### **RECOMMENDATIONS**

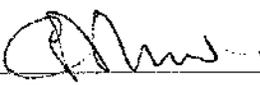
1. That Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.330 to amend the CD13 zone to increase the maximum number of RV/camping spaces from 60 to 90 be given 1<sup>st</sup> and 2<sup>nd</sup> reading.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.330, 2006" be approved to proceed to public hearing.

- 
3. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.330 2006" be delegated to Director Young or her alternate.
  4. That the conditions as outlined in Schedule No. 1 be completed prior to final adoption of the bylaw.

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

  
\_\_\_\_\_  
Deputy Administrator Concurrence

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

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

COMMENTS:

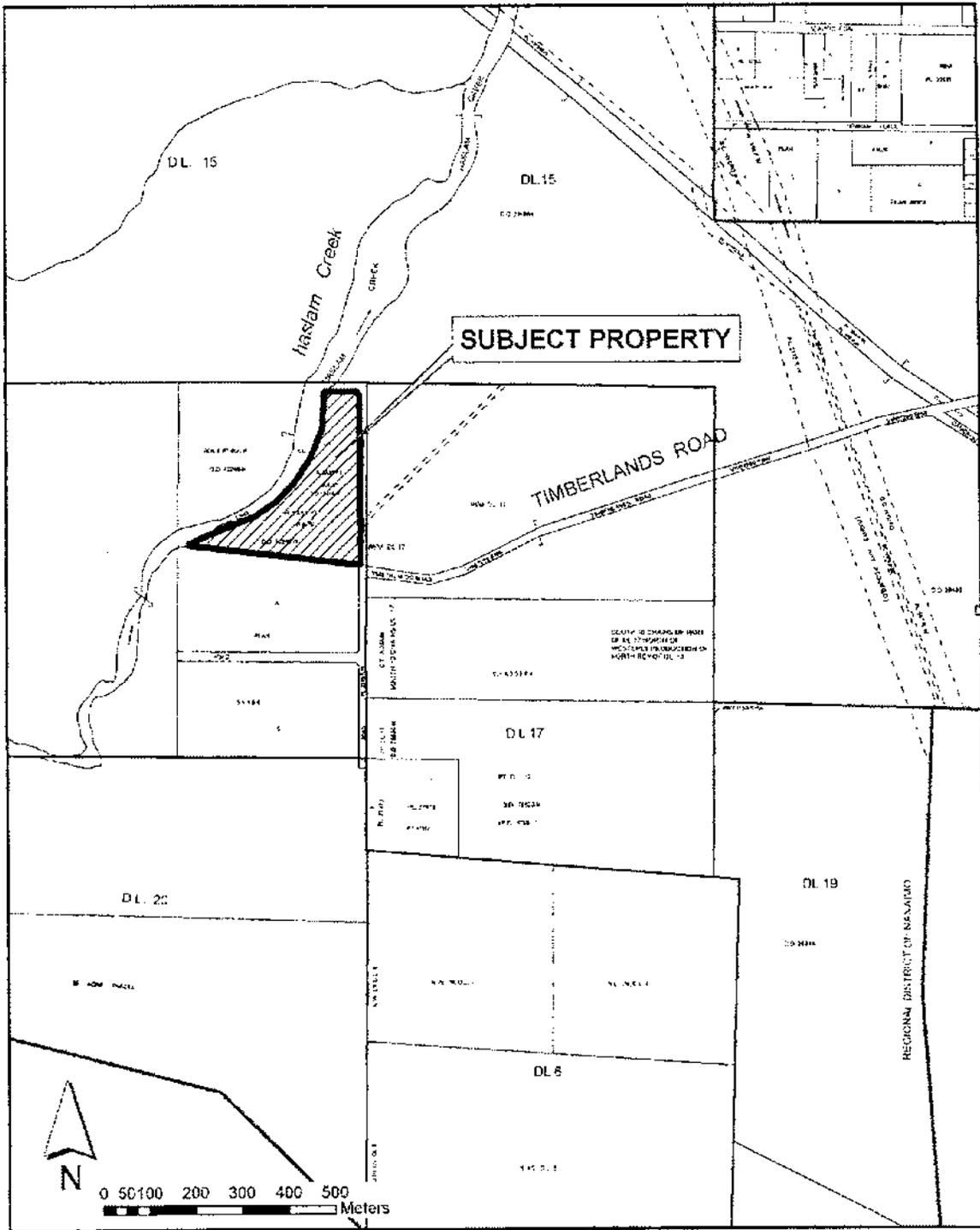
*\\rdn.local\shares\Intranet Drafts\Drafts - Development\current reports\za 3360 30 0522 ja EAPC Roundaityn 1st&2nd.doc*

**Schedule No. 1  
Conditions of Approval for Zoning Amendment Application No. ZA0522  
Rondalyn Resort/Danron Holdings Ltd.**

The following conditions are to be completed prior to final reading of Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.330:

1. Amending Restrictive Covenant EX63612 that is currently registered on title as follows:
  - a. Changing Section 1(a) so that a total of 90 RV camping spaces, of which only 10 spaces may be continuously occupied for more than six months is permitted.
  - b. Removing Section 1(h)

Attachment No. 1  
Location of Subject Property



BCGS MAPSHEET NO. 92G.001.1.4



## ANALYSIS

### *Zoning Implications*

The subject property is zoned Comprehensive Development 9 (CD) and Water 4 (WA4) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" and is being considered for rezoning under Amendment Bylaw 500.314 to permit a boat ramp, wharf and other uses. Final adoption of Amendment Bylaw 500.314 is subject to the issuance of this development permit. There are no variances being requested as part of this permit.

## ENVIRONMENTAL IMPLICATIONS

The boat ramp is proposed to be located on Common Property between Strata Lots 373 and 374 on South Lake Road and will extend onto Common Property foreshore. No concrete will be poured below the actual high water level.

An area of approximately 315m<sup>2</sup> is proposed to be cleared of understory to permit the siting of the boat launch. Fill is only being introduced where the road and the ramp meet to facilitate the access and no fill is proposed to be introduced within 15 m of the natural boundary of Home Lake. Federal Fisheries and Oceans requires the applicant to compensate for the loss of 200 m<sup>2</sup> of fish habitat through implementation of the "Restoration Proposal: Pilot Test Shoreline Revegetation on Home Lake" (Lots 62 and 63 covering approximately 600 m<sup>2</sup>). Federal Fisheries and Oceans requires that the restoration work be overseen by a qualified professional biologist, and may secure the work through a letter of credit in the amount of \$2000. Restoration work is to be done in accordance with the guidelines provided in Stream Stewardship, 1993 and Land Development Guidelines, 1992 published by DFO and MELP and the Environment Objectives, Best Management Practices and Requirements for Land Developments, March 2001 published by MLAP, or any subsequent editions.

It should be noted that the Department of Fisheries dammed Home Lake so that it acts as a reservoir with regulated outflows. The water level of the Lake fluctuates approximately 5 vertical meters over the course of the year. Significant drops in the lake's water level have left privately owned boat launches stranded and owners to contend with muddy lake bottom conditions. As proposed, the construction of the commonly owned boat launch will accommodate the water level fluctuations through extensions of concrete planks that are linked together and laid on the lake bed. The commonly owned boat launch will eliminate the need for owners to maintain and use their private boat launches.

Therefore, staff supports the siting of the boat launch and land alteration subject to the conditions outlined herein as the siting of the commonly owned boat launch will reduce the number of boat launches on Home Lake and provide for 600 m<sup>2</sup> of restored habitat.

## PARKING AND SIGNAGE

No parking is proposed at the boat ramp as boats will be dropped off and vehicles driven back to the recreational residences. There is room for two vehicles and boat trailers to pull off the road while other boats are being launched. The boat launch access will be gated and restricted to members of the Strata Corp and their guests. A condition of approval requires signage to be designed and posted stating that parking is not permitted and the area is for loading only.

Signage that states no fueling of boats and states Provincial Emergency Program phone numbers to contact in the event of a fuel spill is proposed as a condition of this permit.

## INTERGOVERNMENTAL IMPLICATIONS

The boat launch design has been reviewed and approved by Fisheries and Oceans' staff. The following required approvals have been received: Section 9 permit pursuant to the *Water Act* issued by Land and Water BC; approval from Transport Canada pursuant to the *Navigable Waters Act*; approval from Federal Fisheries and Oceans. These authorizations strictly regulate the timing and manner of how the work is to be undertaken. Fulfilling the aforementioned approvals to the satisfaction of the respective agency is a term of this development permit.

## VOTING

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

## SUMMARY/CONCLUSIONS

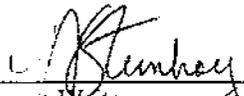
This is an application for a development permit to allow for the construction of a boat launch within the Resort Commercial and Recreation Lands and the Environmentally Sensitive Features Development Permit Areas. There are no variances requested as part of this application.

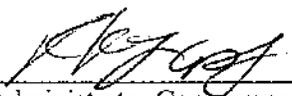
It is expected that the addition of a commonly owned boat launch will reduce the number of privately owned boat launches and provide 400 m<sup>2</sup> of additional habitat. Subject to conditions, the development has received approval from Transport Canada, Federal Fisheries and Oceans, and Land and Water BC.

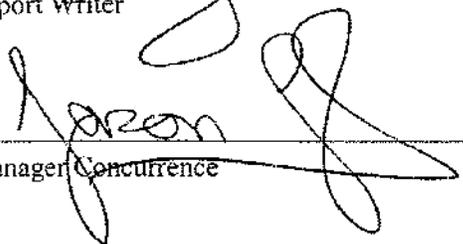
Staff support the proposed use and development of the site subject to the conditions outlined herein.

## RECOMMENDATION

That Development Permit No. 60555, to allow the construction of a boat launch on common property at Horne Lake, be issued subject to the terms outlined in Schedules No. 1 and 2.

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

  
\_\_\_\_\_  
Deputy Administrator Concurrence

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

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

## COMMENTS

reports/development/2005/ dp 3060 30 60555 horne lake2

**Schedule No. 1**  
**Terms of Development Permit No. 60555**  
**South Lake Road**

**Development of Site**

- a) Subject property to be developed in accordance with Fisheries and Oceans Canada, Transport Canada -- Navigable Waters Protection Division, Land and Water British Columbia Inc., Development Permit No. 0120, Schedule No. 1 and 2.
- b) 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.
- c) The boat ramp shall be constructed in compliance with the Building Code of British Columbia.

**Development Permit Protection Measures**

- a. Sediment and erosion control measures must be utilized to control sediment during construction and land clearing works, to ensure water entering the work site will be pumped out, and to stabilize the site after construction is complete. These measures must include:
  - i. The work sites on either side of the creek must be isolated as all works must be conducted in the dry.
  - ii. Pumps with fish screens must be on hand.
  - iii. Exposed soils must be seeded as soon as possible to reduce erosion during rain events.
  - iv. Tarps, sand bags, poly plastic sheeting, and/or filter fabric are required to be on site.
  - v. It is the applicants' responsibility to have and utilize all appropriate sediment and erosion control materials on site for use during and after construction to ensure sediments do not enter the watercourse.
- b. Any excavated materials must be placed upland such that there is no potential for reintroduction into Home Lake.
- c. A spill kit should be on-site to prevent the introduction of any fuels in the event of a spill. If a spill occurs, the Provincial Emergency Program must be contacted.
- d. Concrete poured on site must be fully contained in forms. Concrete, concrete fines, concrete wash, concrete dust or other concrete materials are not permitted to enter any watercourse as these concrete materials are extremely toxic to fish and other fresh water and marine organisms when uncured. It is your responsibility to ensure that materials necessary to ensure that concrete materials are contained and prohibited from entering the watercourse will be on site for use during and after construction.
- e. Clean water flow must always be maintained downstream of the work site to ensure the protection of fish habitat.
- f. Machinery should be in good working condition and no fuels, lubricants or construction wastes are permitted to enter Home Lake. Refueling of machinery is to be conducted more than 25 metres from Home Lake.

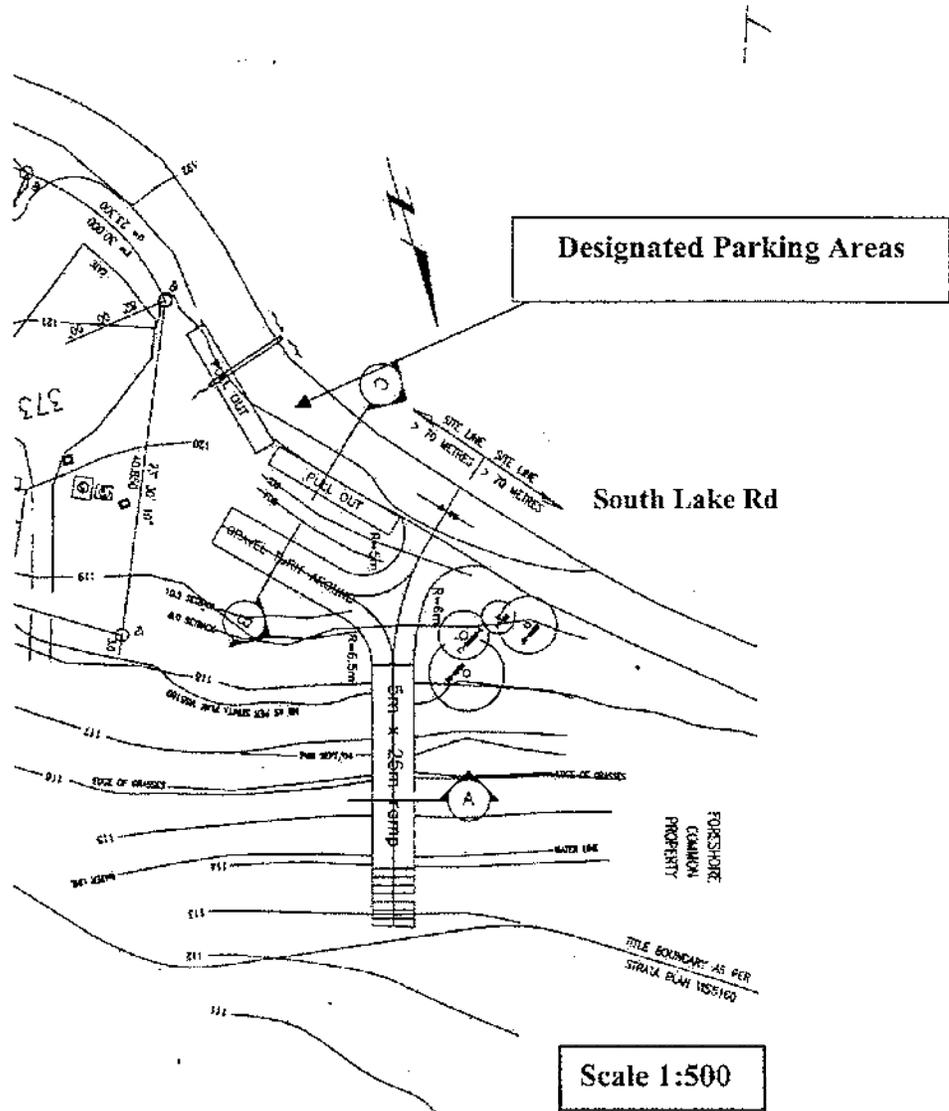
**Parking**

- a) No parking is permitted on the boat launch. The boat launch is to be used for loading and unloading only.
- b) Parking shall be restricted to the designated parking areas.

**Signage**

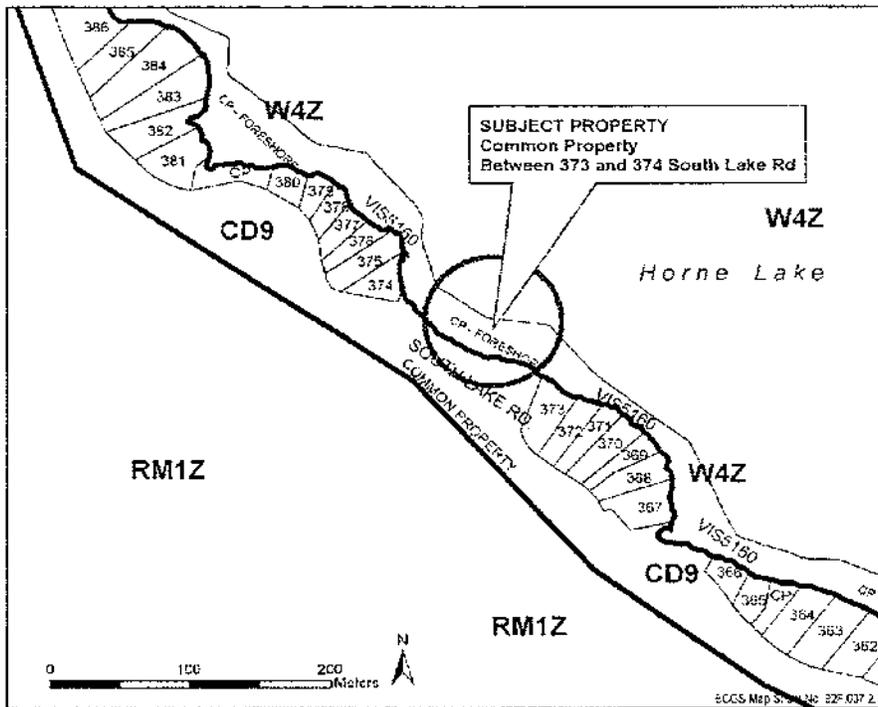
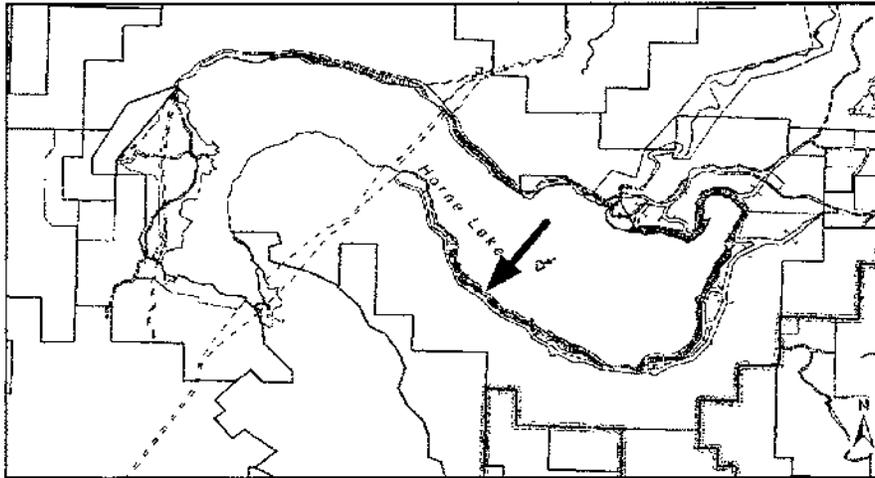
- a) Signs that inform users of the parking and refueling restrictions as well as the Provincial Emergency Program contact information shall be designed, constructed and located, in accordance with "Regional District of Nanaimo Sign Bylaw No. 993, 1995."
- b) No lighting shall be used to illuminate the signs.

Schedule No. 2  
 Development Permit No. 60555  
 Proposed Site Plan  
 (as submitted by applicant / reduced for convenience)



Prepared by	VOICE (250) 248-3009 FAX (250) 249-3356	Design by	Gene
ArrowSmith Engineering Services Ltd.	210 COLWINS, B.C. V0R 1M0	Draft	2005/03/23
		Drawn by	Gene
		PAC	2005/03/23
		Checked by	Date
		Gene	205 Apr 05
		Gene	6 May 05
		Gene	6 May 05

Attachment No. 1  
Development Permit No. 60555  
Subject Property





REGIONAL DISTRICT OF NANAIMO		
CHAIR	GM Cms	
CAO	GM ES	
DA CCD	MoF	
JAN 03 2006		
EAP ✓		
		DATE:

MEMORANDUM

TO: Wayne Mooman  
Manager, Engineering & Subdivisions

FROM: Susan Cormie  
Senior Planner

SUBJECT: Development Permit Application No. 60557  
Gord Atkinson, on behalf of Pacific Rim Land & Resource Management Ltd.  
Electoral Area 'H' – Crosley Road

DATE: January 3, 2006

FILE: 3060 30 60557  
c/r 3320 20 26497A

PURPOSE

To consider an application for a development permit in conjunction with the creation of a 2-lot subdivision within an Environmentally Sensitive Features Development Permit Area in Electoral Area 'H'.

BACKGROUND

The parent parcel, legally described as Lot 1, District Lot 85, Newcastle District, Plan 17124, is located adjacent to Crosley Road in Electoral Area 'H' (See Attachment No. 1 on page 7 for location of parent parcel).

The property, which is 6520 m<sup>2</sup> in size, is zoned Residential 2 (RS2) and is within Subdivision District 'M' pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The parent parcel is surrounded by residentially zoned parcels to the west, Island Highway No. 19A to the north and east, and Crosley Road and rural zoned properties to the south.

In addition, the parent parcel is located within the Environmentally Sensitive Features Development Permit Area pursuant to the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003". The development permit area, in this case, was established for the protection of the aquifer. Therefore, as the applicant is proposing to develop the site, a development permit is required.

Proposed Development

The applicant is proposing to construct 2 fee simple parcels greater than the required size of minimum 2000 m<sup>2</sup> with community water service connections from Bowser Waterworks District and private individual septic disposal systems (see Schedule No. 2 on page 6 for proposed subdivision layout).

As part of the application, the applicant submitted an Aquifer Impact Assessment; prepared by Madrone Environmental Services Ltd., written confirmation from Bowser Waterworks District that community water service is available, and a copy of the septic disposal application.

ALTERNATIVES

1. To approve the Development Permit Application No. 60557, as submitted, subject to the conditions outlined in Schedule Nos. 1 and 2.
2. To deny the development permit as submitted and provide staff with further direction.

## DEVELOPMENT IMPLICATIONS

### *Development Permit Guidelines*

With respect to the development permit guidelines for protection of the aquifer, the applicant has submitted an Aquifer Impact Assessment of the parent parcel prepared by a Professional Engineer. The report concludes that the Bowser aquifer in the area of the proposed subdivision is shallow and unconfined, making it vulnerable to impacts from development. As a result, the report makes a number of recommendations which are intended to mitigate hazards and protect the aquifer. Recommendations include:

- All parcels be connected to community water and no pumping from the aquifer take place;
- Precipitation that is intercepted by hard surfaces should be routed onto permeable ground where it can recharge the water table;
- Septic system design and installation must be performed by an authorized person;
- Appropriate care must be taken during construction; fueling done off-site; and
- Residents must provide a reasonable standard of care with respect to potential contaminant and maintenance of individual septic systems.

With respect to community water, the local community water provider, Bowser Waterworks has indicated that service connections are available for each proposed parcel. In order to ensure that no wells are constructed on the parcels, it is recommended that the applicant prepare and register a section 219 covenant restricting wells on the proposed parcels.

With respect to the routing of rain water onto permeable ground for recharging the water table, it is recommended that the applicant prepare and register a section 219 covenant restricting that drainage from hard surfaces be designed with drainage pathways onto permeable surfaces.

With respect to the septic disposal systems, the Central Vancouver Island Health Authority has approved the septic disposal for these proposed parcels. Concerning the care taken during the installation of the septic systems, the Development Permit can include criteria for protection of the aquifer during installation of the septic systems.

With respect to ensure care of the future systems, staff recommends that the applicant prepare and register a section 219 covenant requiring the maintenance of septic systems every 3 years.

The applicant is in concurrence with providing these covenants.

### *Site Servicing Implications*

The applicant has received approval from the Central Vancouver Island Health Authority for septic disposal.

The Ministry of Transportation is responsible for the storm drainage. As part of the subdivision review process, the Regional Approving Officer will examine the storm water management of the parent parcel and impose conditions of development as required.

Community water service will be provided by Bowser Waterworks District.

### *Existing Building*

Proposed Lot 2 contains an accessory building located on the parent parcel which will be required to be removed or covenanted restricting use until a principal use has been established on the future parcel as part of the subdivision review process.

## VOTING

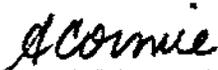
Electoral Area Directors – one vote, except Electoral Area ‘B’.

**SUMMARY**

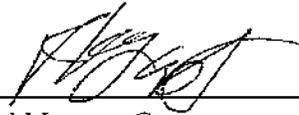
This is an application for a development permit for the property located adjacent to Crosley Road in Electoral Area 'H'. The parent parcel is designated within the Environmentally Sensitive Features Development Permit Area pursuant to the Electoral Area 'H' OCP specifically for the purpose of ensuring protection of the aquifer. The applicant is proposing to develop the parent parcel into 2 parcels. The development permit, which includes measures for protection of the aquifer at the time of construction and the registration of covenants restricting no wells, the maintenance of the septic disposal systems, and the design of drainage systems, is consistent with the applicable guidelines concerning protection of the aquifer outlined in the Environmentally Sensitive Features Development Permit Area. Therefore, for the above reasons, staff recommends Alternative No. 1, to approve the development permit subject to conditions outlined in Schedule Nos. 1 and 2.

**RECOMMENDATION**

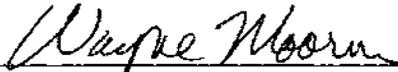
That Development Permit Application No. 60557 submitted by Gord Atkinson, on behalf of Pacific Rim Land & Resource Management Ltd., in conjunction with the subdivision on the parcel legally described as Lot 1, District Lot 85, Newcastle District, Plan 17124 and designated within the Environmentally Sensitive Areas Development Permit Area, be approved, subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.



Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

**COMMENTS:**

*devsvs/reports/2006/dp ja 3060 30 60557/pacific rim land atkinson*

**Schedule No. 1**  
**Conditions of Approval**  
**Development Permit Application No. 60557**

The following sets out the conditions of approval:

**1. Hydrological Report**

The construction of the subdivision and subsequent development of the proposed parcels shall be in accordance with the 7 page Aquifer Impact Assessment Report; prepared by Madrone Environmental Services Ltd., File No. 05.0238 and dated October 12, 2005 (to be attached to and forming part of the Development Permit).

**2. Subdivision**

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

**3. Protection of Aquifer**

- a. All machines on site must be in good working order and no fuels, lubricants or construction wastes are permitted to enter the environment.
- b. All fueling must be done off-site.
- c. A spill kit shall be on-site to prevent the introduction of any fuels in the event of a spill. If a spill occurs, the Provincial Emergency Program must be contacted.
- d. No underground storage of fuels or petroleum products shall be permitted.

**4. Septic System Installation**

Installation of septic disposal systems shall be in accordance with the Aquifer Impact Assessment Report prepared by Madrone Environmental Services Ltd. and dated October 12, 2005.

**5. Recharging of the Water Table Covenant**

In order to ensure sufficient recharging of the water table, the applicant shall prepare and register a section 219 covenant concurrently with the subdivision plan at Land Title Office, Victoria restricting the following:

- i. Drainage from hard surfaces, including pavement and roofs, shall be designed with drainage pathways to allow intercepted precipitation to infiltrate into the ground by routing runoff onto permeable surfaces.

Applicant to submit draft covenant to Regional District for review prior to registration at Land Title Office. This covenant is to be reviewed and accepted by the Regional District prior to being registered on title concurrently with the plan of subdivision at Land Title Office. Applicant's solicitor to submit letter undertaking to register this covenant.

**6. No Wells / Septic System Covenant**

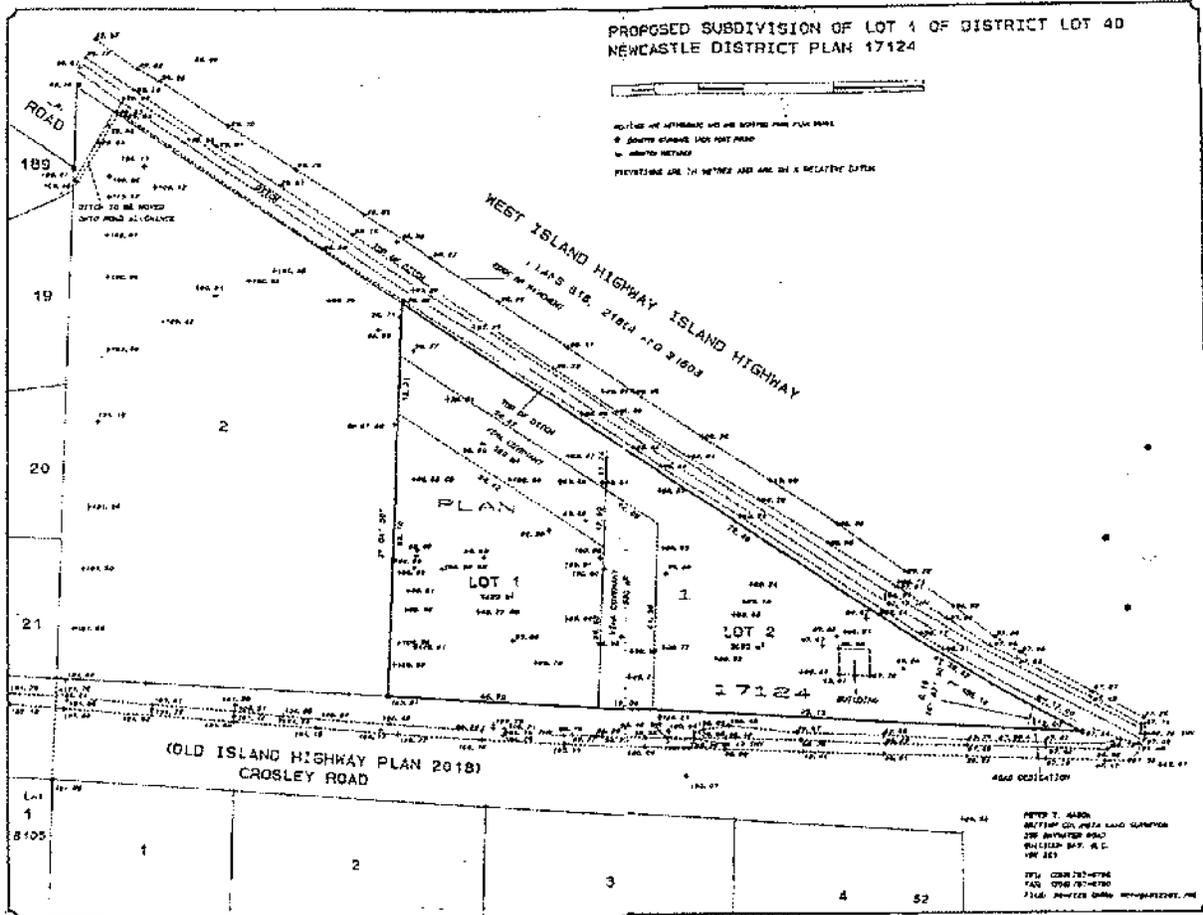
The applicant shall prepare and register a section 219 covenant concurrently with the subdivision plan at Land Title Office, Victoria restricting the following:

- i. No wells, for any purpose, shall be dug or drilled on any parcel.
- ii. the registered owner of the parcel provide evidence that their septic system has been pumped/inspected by a professional engineer or other qualified professional acceptable to the Health Authority, at least every 3 years, and must provide to the Regional District (when requested), certification by the professional engineer or other qualified professional that the septic system has been pumped/inspected and found to be functioning according to the specifications of the septic system design and that the

treatment of domestic sewage effluent within that septic system effluent is in accordance with the standards for approving sewage disposal systems as published by the Central Vancouver Island Health Unit of the Vancouver Island Regional Health Authority, at his or her cost, and;  
in the event that the registered owner fails to provide certification or otherwise fails to upgrade the septic disposal system such owner shall cause any domestic sewage effluent produced on that parcel to be pumped and hauled to an approved sewage disposal facility.

Applicant to submit draft covenant to Regional District for review prior to registration at Land Title Office. This covenant is to be reviewed and accepted by the Regional District prior to being registered on title concurrently with the plan of subdivision at Land Title Office. Applicant's solicitor to submit letter undertaking to register this covenant.

Schedule No. 2  
Development Permit No. 60557  
Proposed Plan of Subdivision







REGIONAL DISTRICT OF NANAIMO		
CHAIR		GM Cms
CAO	(initials)	GM ES
DA CCD		McF
JAN 03 2006		
EAP ✓		
		DATE:

MEMORANDUM

**TO:** Wayne Moorman  
Manager, Engineering & Subdivisions

**FROM:** Susan Cormie  
Senior Planner

**SUBJECT:** Development Permit Application No. 60558  
Gord Atkinson, on behalf of Pacific Rim Land & Resource Management Ltd.  
Electoral Area 'H' – Crosley Road

**DATE:** January 3, 2006

**FILE:** 3060 30 60558  
c/r 3320 20 26497B

PURPOSE

To consider an application for a development permit in conjunction with the creation of a 3-lot subdivision within an Environmentally Sensitive Features Development Permit Area in Electoral Area 'H'.

BACKGROUND

The parent parcel, legally described as Lot 2, District Lot 85, Newcastle District, Plan 17124, is located adjacent to Crosley Road in Electoral Area 'H' (See Attachment No. 1 on page 7 for location of parent parcel).

The property, which is 8094 m<sup>2</sup> in size, is zoned Residential 2 (RS2) and is within Subdivision District 'M' pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The parent parcel is surrounded by residentially zoned parcels to the west and east, Island Highway No. 19A to the north, and Crosley Road and rural zoned properties to the south.

In addition, the parent parcel is located within the Environmentally Sensitive Features Development Permit Area pursuant to the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003". The development permit area, in this case, was established for the protection of the aquifer. Therefore, as the applicant is proposing to develop the site, a development permit is required.

Proposed Development

The applicant is proposing to construct 3 fee simple parcels greater than the required size of minimum 2000 m<sup>2</sup> with community water service connections from Bowser Waterworks District and private individual septic disposal systems (see Schedule No. 2 on page 6 for proposed subdivision layout).

As part of the application, the applicant submitted an Aquifer Impact Assessment; prepared by Madrone Environmental Services Ltd., written confirmation from Bowser Waterworks District that community water service is available, and a copy of the septic disposal application.

ALTERNATIVES

1. To approve the Development Permit Application No. 60558, as submitted, subject to the conditions outlined in Schedule Nos. 1 and 2.
2. To deny the development permit as submitted and provide staff with further direction.

## DEVELOPMENT IMPLICATIONS

### *Development Permit Guidelines*

With respect to the development permit guidelines for protection of the aquifer, the applicant has submitted an Aquifer Impact Assessment of the parent parcel prepared by a Professional Engineer. The report concludes that the Bowser aquifer in the area of the proposed subdivision is shallow and unconfined, making it vulnerable to impacts from development. As a result, the report makes a number of recommendations which are intended to mitigate hazards and protect the aquifer. Recommendations include:

- All parcels be connected to community water and no pumping from the aquifer take place;
- Precipitation that is intercepted by hard surfaces should be routed onto permeable ground where it can recharge the water table;
- Septic system design and installation must be performed by an authorized person;
- Appropriate care must be taken during construction; fueling done off-site; and
- Residents must provide a reasonable standard of care with respect to potential contaminant and maintenance of individual septic systems.

With respect to community water, the local community water provider, Bowser Waterworks has indicated that service connections are available for each proposed parcel. In order to ensure that no wells are constructed on the parcels, it is recommended that the applicant prepare and register a section 219 covenant restricting wells on the proposed parcels.

With respect to the routing of rain water onto permeable ground for recharging the water table, it is recommended that the applicant prepare and register a section 219 covenant restricting that drainage from hard surfaces be designed with drainage pathways onto permeable surfaces.

With respect to the septic disposal systems, the Central Vancouver Island Health Authority has approved the septic disposal for these proposed parcels. Concerning the care taken during the installation of the septic systems, the Development Permit can include criteria for protection of the aquifer during installation of the septic systems.

With respect to ensure care of the future systems, staff recommends that the applicant prepare and register a section 219 covenant requiring the maintenance of septic systems every 3 years.

The applicant is in concurrence with providing these covenants.

### *Site Servicing Implications*

The applicant has received approval from the Central Vancouver Island Health Authority for septic disposal.

The Ministry of Transportation is responsible for the storm drainage. As part of the subdivision review process, the Regional Approving Officer will examine the storm water management of the parent parcel and impose conditions of development as required.

Community water service will be provided by Bowser Waterworks District.

## VOTING

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

**SUMMARY**

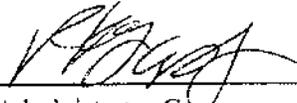
This is an application for a development permit for the property located adjacent to Crosley Road in Electoral Area 'II'. The parent parcel is designated within the Environmentally Sensitive Features Development Permit Area pursuant to the Electoral Area 'H' OCP specifically for the purposes of ensuring protection of the aquifer. The applicant is proposing to develop the parent parcel into 3 parcels. The development permit, which includes measures for protection of the aquifer at the time of construction and the registration of covenants restricting no wells and maintenance of the septic disposal systems, is consistent with the applicable guidelines concerning protection of the aquifer outlined in the Environmentally Sensitive Features Development Permit Area. Therefore, for the above reasons, staff recommends Alternative No. 1, to approve the development permit subject to conditions outlined in Schedule Nos. 1 and 2.

**RECOMMENDATION**

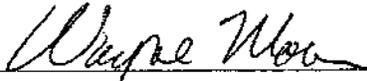
That Development Permit Application No. 60558 submitted by Gord Atkinson, on behalf of Pacific Rim Land & Resource Management Ltd., in conjunction with the subdivision on the parcel legally described as Lot 2, District Lot 85, Newcastle District, Plan 17124 and designated within the Environmentally Sensitive Areas Development Permit Area, be approved, subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.



Report Writer



Deputy Administrator Concurrence



Manager Concurrence



CAO Concurrence

**COMMENTS:**

*devsys/reports/2006/dp ja 3060 30 60558 pacific rim land atkinson*

**Schedule No. 1  
Conditions of Approval  
Development Permit Application No. 60558**

The following sets out the conditions of approval:

**1. Hydrological Report**

The construction of the subdivision and subsequent development of the proposed parcels shall be in accordance with the 7 page Aquifer Impact Assessment Report; prepared by Madrone Environmental Services Ltd., File No. 05.0238 and dated October 12, 2005 (to be attached to and forming part of the Development Permit).

**2. Subdivision**

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

**3. Protection of Aquifer**

- a. All machines on site must be in good working order and no fuels, lubricants or construction wastes are permitted to enter the environment.
- b. All fueling must be done off-site.
- c. A spill kit shall be on-site to prevent the introduction of any fuels in the event of a spill. If a spill occurs, the Provincial Emergency Program must be contacted.
- d. No underground storage of fuels or petroleum products shall be permitted.

**4. Septic System Installation**

Installation of septic disposal systems shall be in accordance with the Aquifer Impact Assessment Report prepared by Madrone Environmental Services Ltd. and dated October 12, 2005.

**5. Recharging of the Water Table Covenant**

In order to ensure sufficient recharging of the water table, the applicant shall prepare and register a section 219 covenant concurrently with the subdivision plan at Land Title Office, Victoria restricting the following:

- a. Drainage from hard surfaces, including pavement and roofs, shall be designed with drainage pathways to allow intercepted precipitation to infiltrate into the ground by routing runoff onto permeable surfaces.

Applicant to submit draft covenant to Regional District for review prior to registration at Land Title Office. This covenant is to be reviewed and accepted by the Regional District prior to being registered on title concurrently with the plan of subdivision at Land Title Office. Applicant's solicitor to submit letter undertaking to register this covenant.

**6. No Wells / Septic System Covenant**

The applicant shall prepare and register a section 219 covenant concurrently with the subdivision plan at Land Title Office, Victoria restricting the following:

- i. No wells, for any purpose, shall be dug or drilled on any parcel.
- ii. the registered owner of the parcel provide evidence that their septic system has been pumped/inspected by a professional engineer or other qualified professional acceptable to the Health Authority, at least every 3 years, and must provide to the Regional District (when requested), certification by the professional engineer or other qualified professional that the septic system has been pumped/inspected and found to be functioning according to the specifications of the septic system design and that the treatment of domestic sewage effluent within that septic system effluent is in

accordance with the standards for approving sewage disposal systems as published by the Central Vancouver Island Health Unit of the Vancouver Island Regional Health Authority, at his or her cost, and;  
in the event that the registered owner fails to provide certification or otherwise fails to upgrade the septic disposal system such owner shall cause any domestic sewage effluent produced on that parcel to be pumped and hauled to an approved sewage disposal facility.

Applicant to submit draft covenant to Regional District for review prior to registration at Land Title Office. This covenant is to be reviewed and accepted by the Regional District prior to being registered on title concurrently with the plan of subdivision at Land Title Office. Applicant's solicitor to submit letter undertaking to register this covenant.

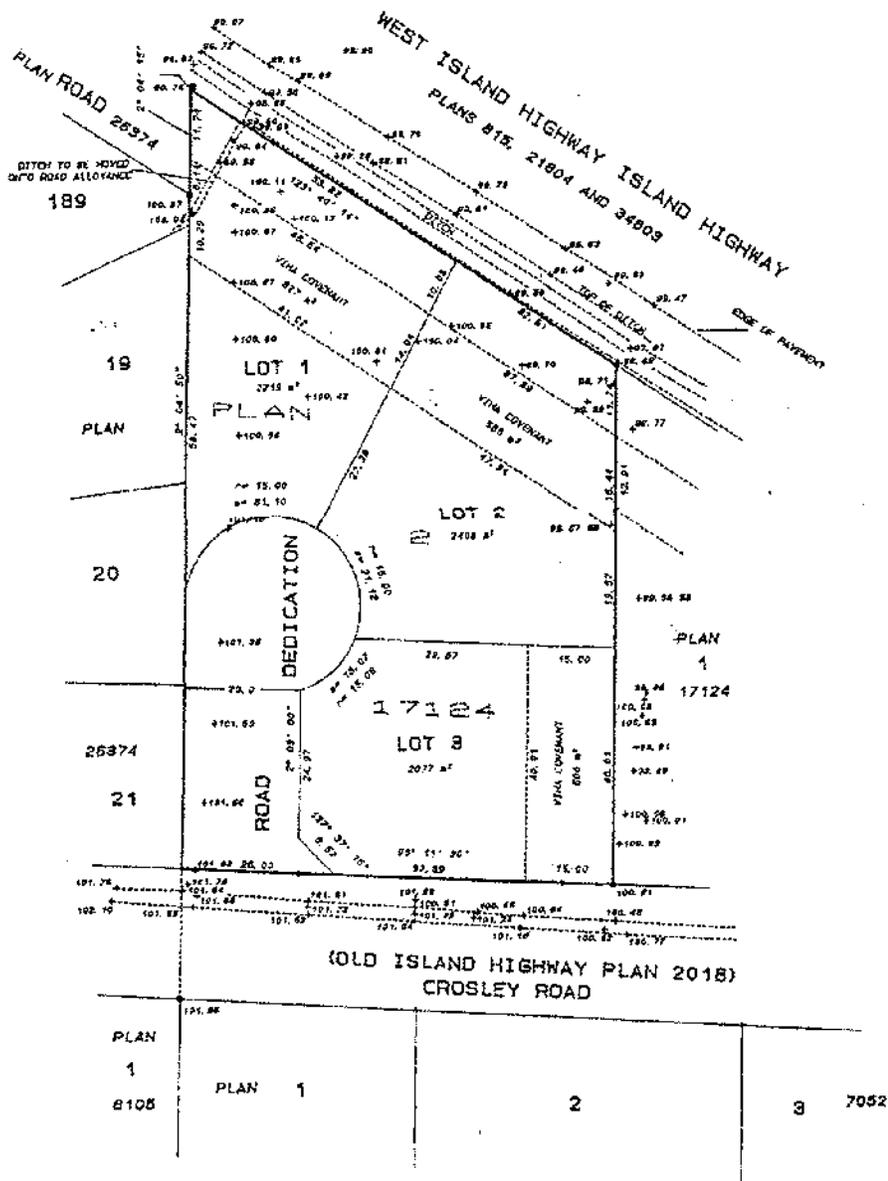
Schedule No. 2  
 Development Permit No. 60558  
 Proposed Plan of Subdivision

PROPOSED SUBDIVISION OF LOT 2 OF DISTRICT LOT 40  
 NEWCASTLE DISTRICT PLAN 17124

SCALE: 1:500

LEGEND

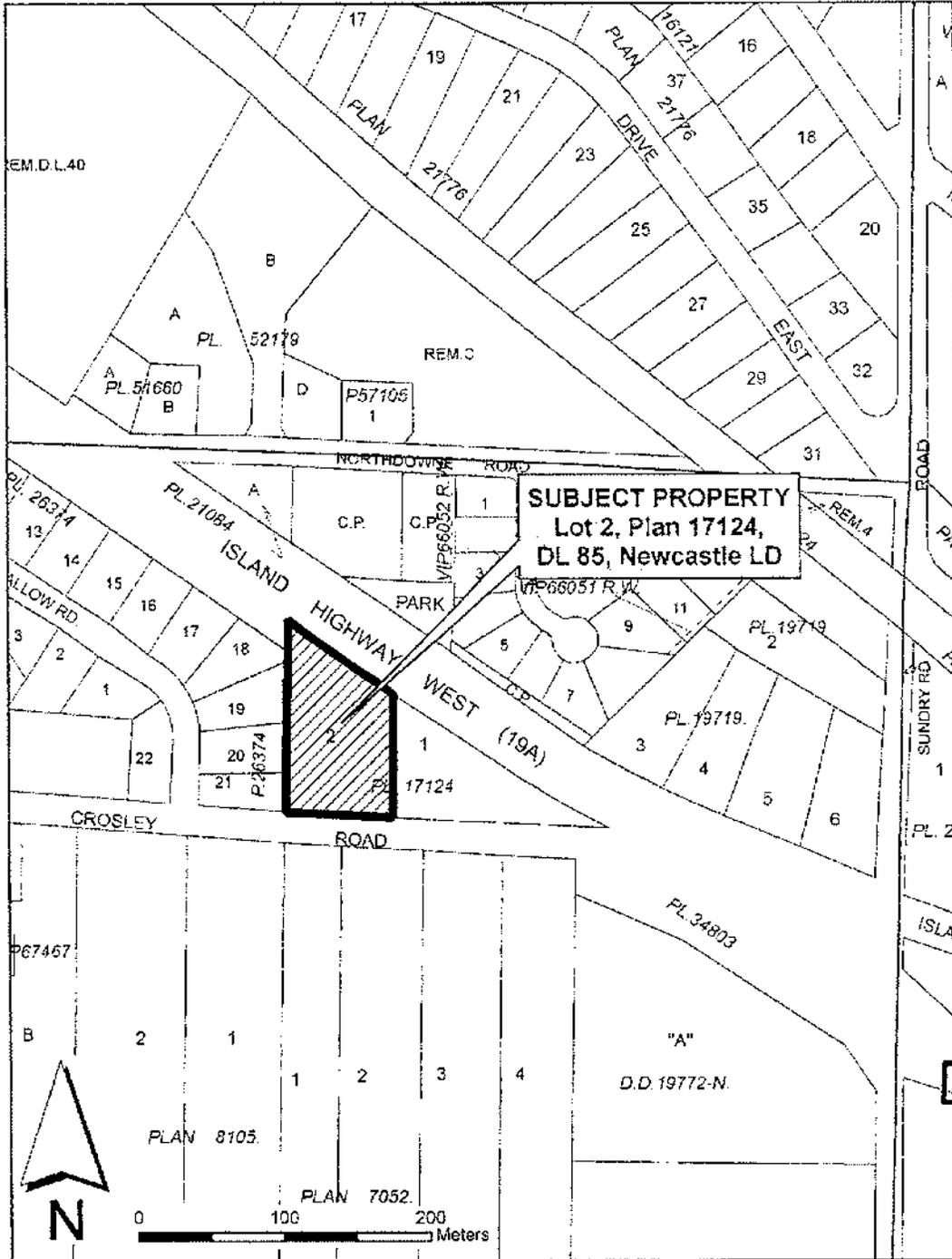
BOUNDARIES AND ATTRIBUTES AND ARE DERIVED FROM PLAN 17124.  
 ○ DENOTES STAKING AND POINT PRINT  
 □ DENOTES RECTANGLE  
 ELEVATIONS ARE IN METRES AND ARE ON A RELATIVE DATUM



PETER J. HADON  
 DRAFTING ENGINEER LAND SURVEYOR  
 235 BARNARD ROAD  
 QUALIFON BAY, N.C.  
 70K 251

TEL: 0261 227-6788  
 FAX: (050) 787-8740  
 E-MAIL: 04-2726 DRA, edr@pds2296.NZ

Attachment No. 1  
Location of Subject Property  
Development Permit No. 60558



BCGS Map Sheet No. 92F.047.2.3



**REGIONAL  
DISTRICT  
OF NANAIMO**

REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GM ES	
DA CCD		MoF	
JAN 03 2006			
EAP ✓			

**MEMORANDUM**

**TO:** Jason Llewellyn  
Manager, Community Planning

**DATE:** January 3, 2006

**FROM:** Greg Keller  
Planner

**FILE:** 3090 30 90519

**SUBJECT:** Development Variance Permit Application No. 90519 - Olsen  
Electoral Area 'G' – 195 Barton Road

**PURPOSE**

To consider an application for a Development Variance Permit to legalize an existing over height accessory building located on a property at 195 Barton Road in Electoral Area 'G'.

**BACKGROUND**

The Planning Department has received a Development Variance Permit application to increase the maximum accessory building height for an existing accessory building located on the property legally described as Part of Lot 15, District Lot 80, Newcastle District, Plan 1969, as shown on Attachment No. 1. The subject property is a gently sloping residential parcel located on the east side of Barton Road.

The subject property is approximately 4442 m<sup>2</sup> in area and is currently zoned Residential 2, Subdivision District 'M' (RS2M) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The subject parcel is not located within a Development Permit Area pursuant to "Regional District of Nanaimo Shaw Hill-Deep Bay Official Community Plan Bylaw No. 1007, 1996" and the Environmentally Sensitive Features Atlas does not indicate the presence of any environmentally sensitive features.

The applicant began construction of a double car garage with a 2<sup>nd</sup> story on the subject property prior to the issuance of a building permit. The Building Department became aware of the new construction, issued a *Stop Work Order* on June 8, 2005, and requested that the applicant apply for a building permit. The applicant submitted a building permit application which indicated that the second storey above the double car garage was to function as a dwelling unit, and that the building is over height.

The subject property is serviced with community water and is currently developed with two single dwelling units. A third dwelling unit is not permitted within the RS2 zone. As a result, the applicant was required to amend the floor plan of the building so it would not function as a dwelling unit. The applicant removed the upper storey partitioning walls, the three-piece washroom and all plumbing to the upper level and resubmitted an amended floor plan.

There are currently two dwelling units and a number of accessory buildings located on the subject parcel. The Building Inspection and Enforcement Department is in the process of requiring the applicant to remove three accessory buildings located on the subject property that were built without building permits. These structures will be removed prior to final inspection and approval of the subject accessory building.

### *Proposed Variance*

The survey submitted by the applicant, shows that the building exceeds the maximum height requirement for accessory buildings in the RS2 zone. Therefore, the applicant is requesting a variance to **Section 3.4.62 – Maximum Number and Size of Buildings and Structures** of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" to increase the maximum accessory building height from 6.0 metres to 6.5 metres for the accessory building shown on Schedule No. 2.

### **ALTERNATIVES**

1. To approve Development Variance Permit No. 90519 subject to the Board's consideration of the comments received as a result of public notification.
2. To deny the requested permit and take action to have the structure removed or brought into conformity with the zoning bylaw.

### **LAND USE AND DEVELOPMENT IMPLICATIONS**

The requested variance is not anticipated to have a negative impact on the views from adjacent properties. The property to the south is developed and is separated from the subject property by a dense stand of native deciduous and evergreen trees, shrubs, and plants, which severely restrict ocean views. The property to the west on the opposite side of Barton Road is developed and is separated from the subject parcel by similar dense vegetation and any ocean view from this lot would not be directed towards the subject property.

Based on the amended floor plan, staff is of the opinion that the proposed building meets the definition of an accessory building pursuant to Bylaw No. 500 as it does not include eating, living, and sanitary facilities and does not function as a dwelling unit. However, the outer appearance and architectural design of the building resembles a dwelling unit.

Staff has concerns that potential purchasers of the subject property may not be aware that the existing accessory building cannot be used as a dwelling unit in the future. Therefore, staff recommends that prior to the issuance of this permit the applicant be required, at the applicant's expense and to the satisfaction of the Regional District of Nanaimo, to prepare and register a Section 219 covenant on the title of the subject property indicating that the subject building is prohibited from being used as a dwelling unit. The applicant is in concurrence with this request.

The applicant has indicated that he was unaware of the zoning and building regulations in the area when construction of the building was begun. As a result, the building was constructed over the maximum allowable height of 6.0 metres. There is no solid planning rationale justifying the need for the variance, however, the request is for a minor height variance which does not impact on the views from the adjacent properties and complies with all other requirements of the residential 2 zone. Staff note that altering the structure to bring it into compliance with Bylaw No. 500 would compromise the design of the structure and be onerous for the applicant.

Therefore, staff recommends Alternative No. 1, to approve Development Variance Permit Application No. 90519 subject to the outcome of the public notification.

**PUBLIC CONSULTATION IMPLICATIONS**

As part of the required public notification process pursuant to the *Local Government Act*, property owners located within a 50 metre radius will receive notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board's consideration of the permit.

**VOTING**

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

**SUMMARY/CONCLUSIONS**

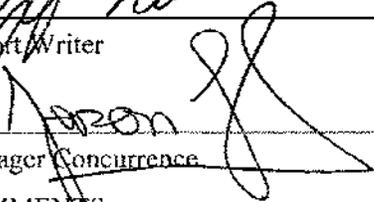
This is an application for a Development Variance Permit to legalize an existing over height accessory building for a property located at 195 Barton Road in Electoral Area 'G'. The proposed variance, if approved, would vary Section 3.4.62 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" – **Maximum Number and Size of Buildings and Structures** by increasing the maximum accessory building height from 6.0 metres to 6.5 metres as measured from natural grade.

Due to the location and density of existing native vegetation, the requested variance does not negatively affect the view from adjacent properties. The applicant is willing to register a Section 219 covenant prohibiting the use of the subject building as a dwelling unit prior to the issuance of this permit. Therefore, staff recommends this application be approved subject to the Board's consideration of comments received as a result of public notification.

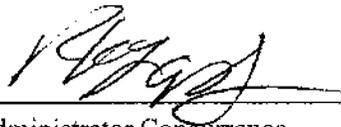
**RECOMMENDATION**

That Development Variance Permit Application No. 90519 be approved according to the terms contained in Schedule No. 1, subject to the Board's consideration of comments received as a result of public notification.

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

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

COMMENTS:  
devsr\dvp ja 3090 30 90519 olsen.doc

  
\_\_\_\_\_  
Deputy Administrator Concurrence

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

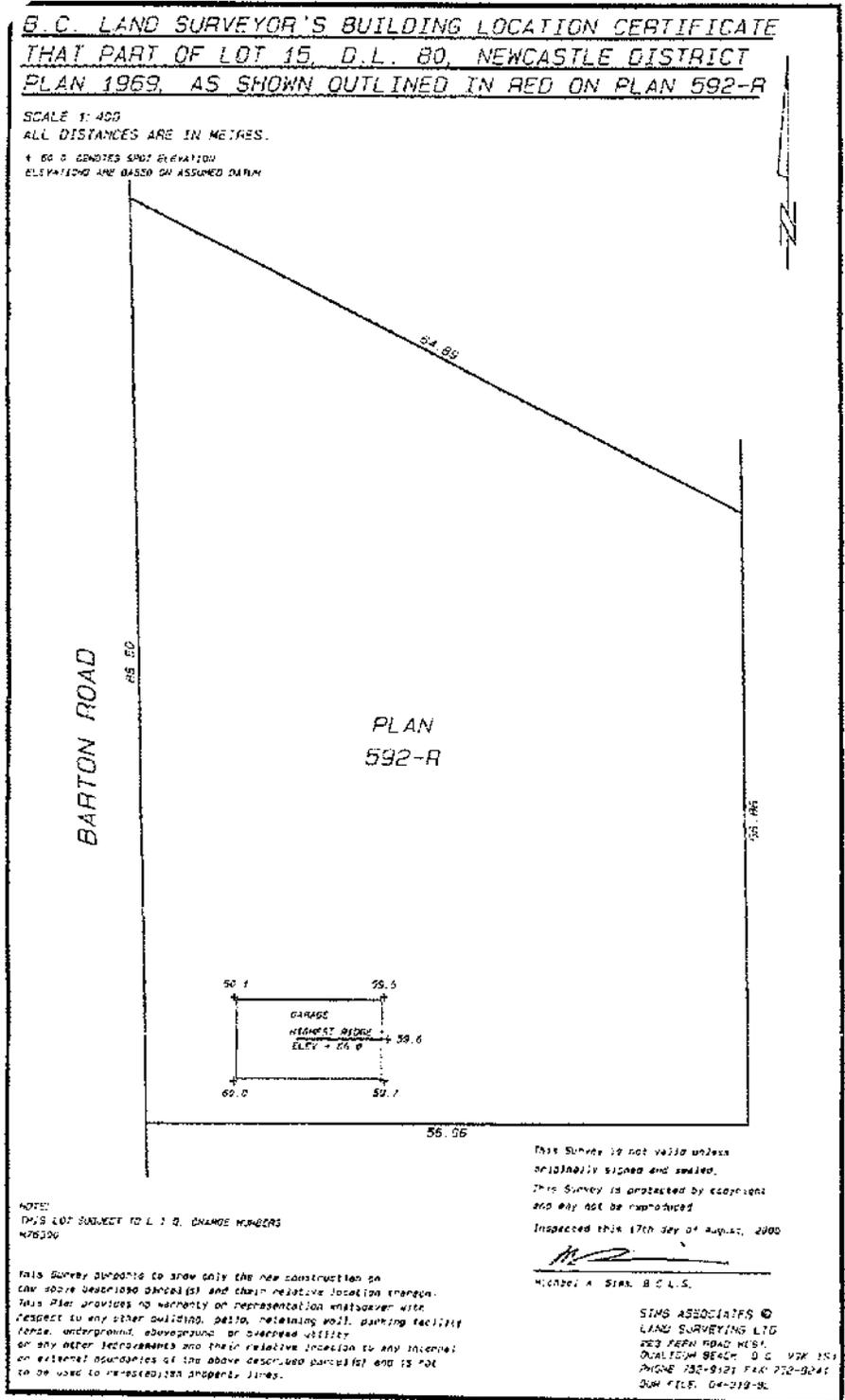
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**Schedule No. 1**

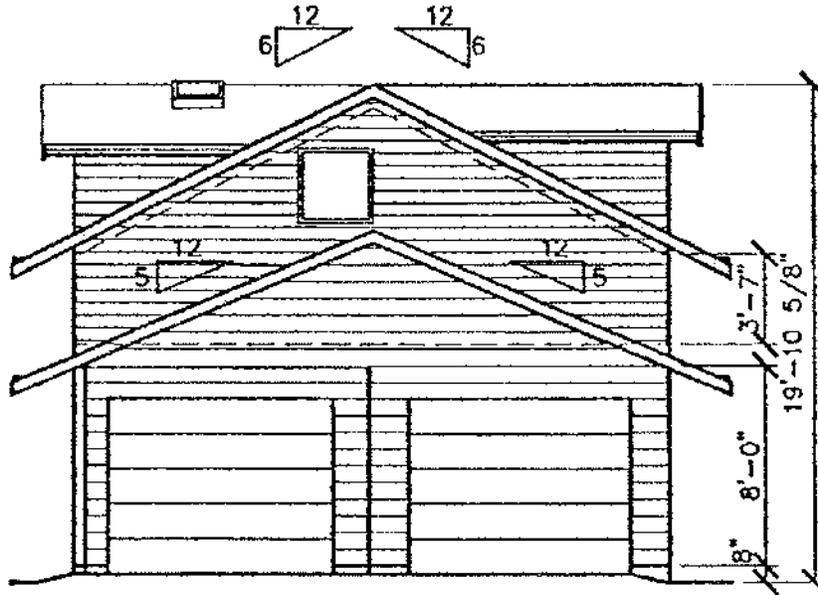
**Terms of Development Variance Permit Application No. 90519  
for Part of Lot 15, District Lot 80, Newcastle District, Plan 1969,  
as shown outlined in red on plan 592-R  
195/199 Barton Road**

1. Section 3.4.62 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied to increase the maximum permitted accessory building height from 6.0 metres to 6.5 metres.
2. This variance applies only to the accessory building located and designed in substantial compliance with Schedules No. 2 and 3.
3. The applicant shall satisfy all terms and conditions of the RDN Building Inspection Department including the removal of all accessory buildings deemed necessary by the Chief Building Inspector.
4. The applicant shall submit a survey, prepared by a British Columbia Land Surveyor, confirming the height and siting of the proposed single dwelling unit prior to occupancy if deemed necessary by the Chief Building Inspector.
5. This permit shall not be issued by staff to the applicant until the applicant has, at the applicant's expense and to the satisfaction of the Regional District of Nanaimo, prepared and registered a Section 219 covenant prohibiting the accessory building from being used as a dwelling unit.

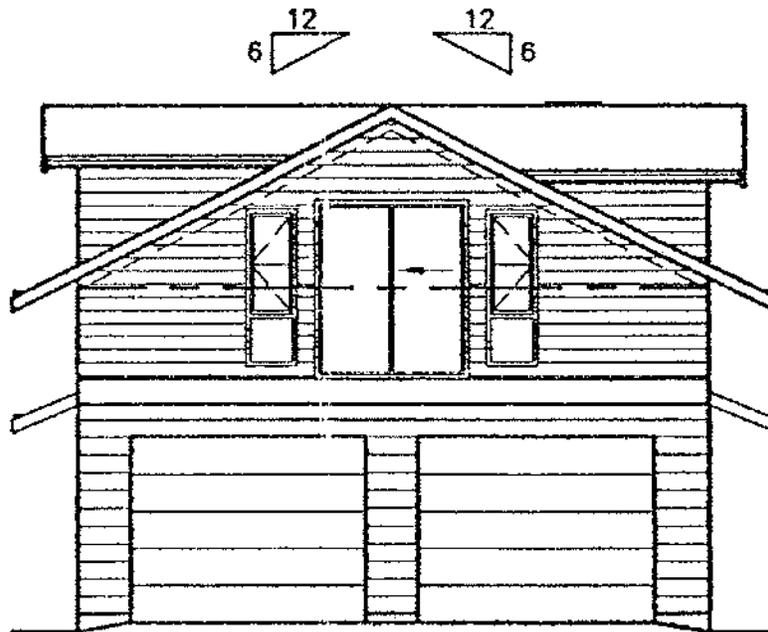
Schedule No. 2  
Site Plan (submitted by applicant)  
Development Variance Permit Application No. 90519



Schedule No. 3 (Page 1 of 2)  
Building Profiles (submitted by applicant)  
NOT TO SCALE  
Development Variance Permit No. 90519

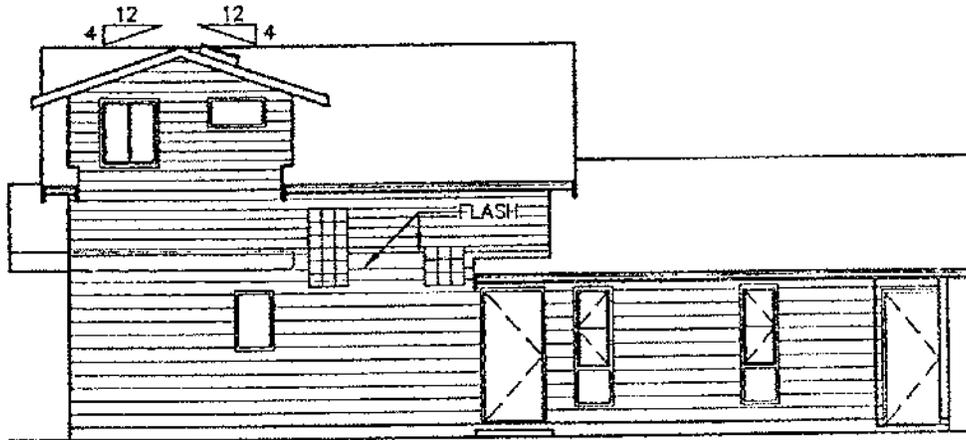


**FRONT**

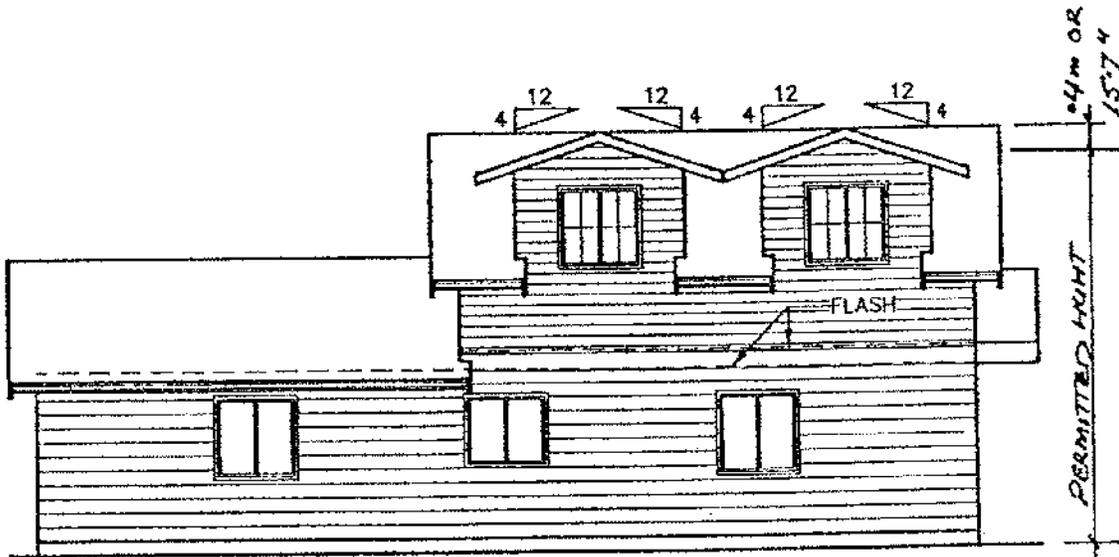


**REAR**

Schedule No. 3 (Page 2 of 2)  
Building Profile (submitted by applicant)  
NOT TO SCALE  
Development Variance Permit Application No. 90519

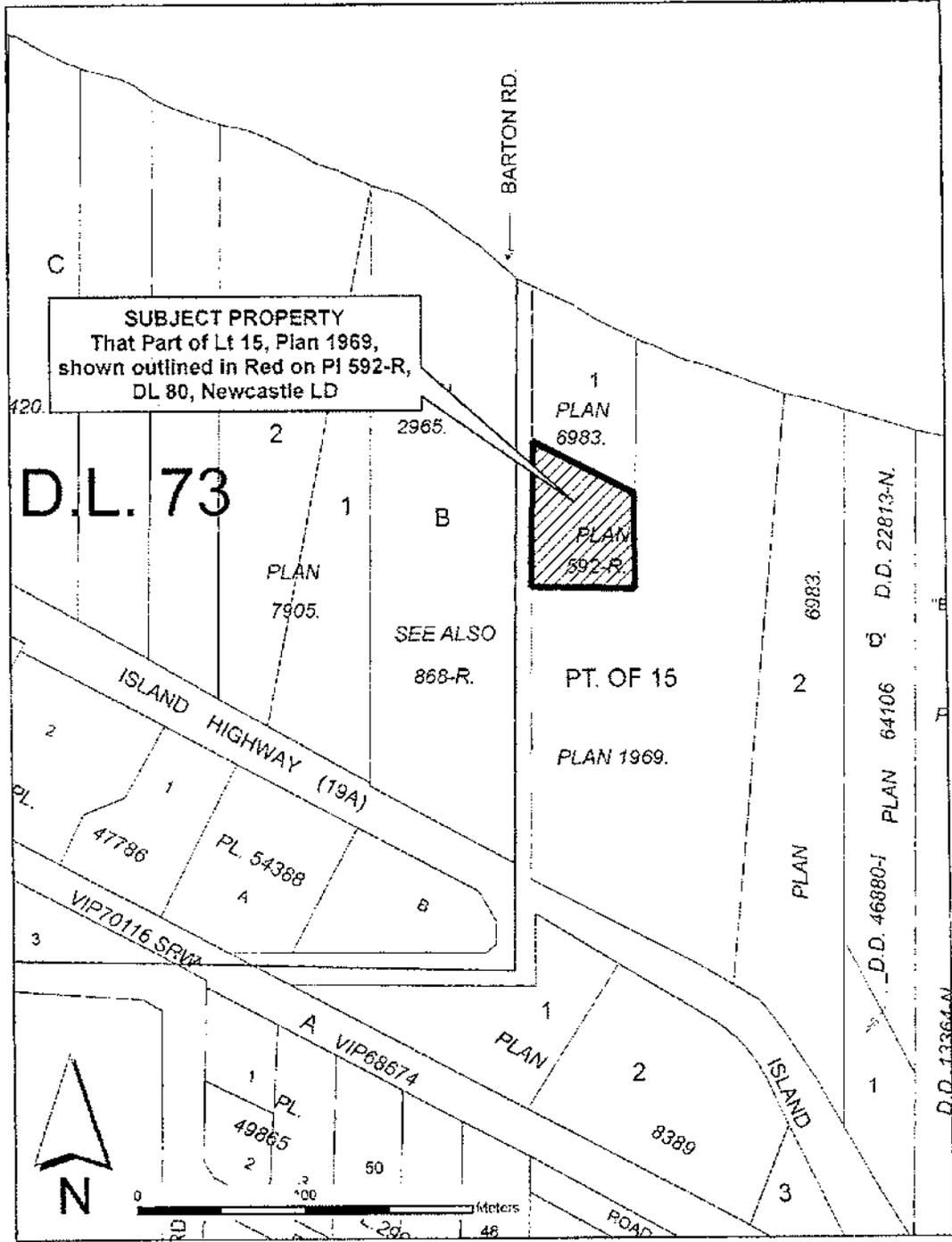


**LEFT**



**RIGHT**

Attachment No. 1  
Subject Property Map  
Development Variance Permit Application No. 90519





REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GM ES	
DA CCD		MoF	
JAN 03 2006			
EAP ✓			

**MEMORANDUM**

**TO:** Wayne Moorman  
Manager, Engineering & Subdivisions

**DATE:** January 3, 2006

**FROM:** Susan Cormie  
Senior Planner

**FILE:** 3320 20 26471

**SUBJECT:** Request for Relaxation of the Minimum 10% Perimeter Requirement  
L & S Arman  
Electoral Area 'C' – Elizabeth Street

**PURPOSE**

To consider a request to relax the minimum 10% perimeter frontage requirement in order to facilitate the creation of a section 946 parcel as part of a 2-lot subdivision proposal.

**BACKGROUND**

This is an application requesting relaxation of the minimum 10% perimeter frontage requirement for a proposed section 946 parcel as part of a 2-lot subdivision for the property legally described as Lot 1, Section 12, Range 2, Cranberry District, Plan 35220 and located adjacent to Elizabeth Street in the Extension area of Electoral Area 'C' (see Attachment No. 2 on Page 5 for location of parent parcel).

The parent parcel is currently zoned Rural 1 (RU1) and is within Subdivision District 'D' pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987. The applicants are proposing to subdivide one parcel pursuant to section 946 of the *Local Government Act* as part of a 2-lot subdivision. The proposed new parcel will be greater than the 2500 m<sup>2</sup> minimum parcel size, therefore meeting the minimum parcel size requirement for a section 946 parcel pursuant to Bylaw No. 500, 1987 (see Attachment No. 1 on Page 4 for proposed subdivision). The Board may recall a recent amendment to Bylaw No. 500 concerning section 946 applications amending the minimum parcel size to 1.0 ha unless community water service connections were in place prior to June 10, 2003. While this application has in-stream status with respect to this bylaw amendment, it is noted that the application would meet the provisions of the new amendment.

The parent parcel, which is 2.44 ha in size, currently supports one dwelling unit. The parcels are proposed to be served by individual private septic disposal systems and community water service connections (existing).

**10% Minimum Frontage Requirement**

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

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% of Perimeter</i>
A	35.8 m	27.0 m	7.5 %

Therefore, as this proposed parcel 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 to relax the minimum 10% perimeter frontage requirement for proposed Lot A.
2. To deny the request to relax the minimum 10% perimeter frontage requirement.

## DEVELOPMENT IMPLICATIONS

Due to some steep slopes within the parent parcel, the Ministry of Transportation, as part of its review of the subdivision application, required the applicants to submit a geotechnical review, prepared by a professional engineer to review the suitability of the site. The applicants forwarded a copy of the report to the Regional District. The report concludes that the land, buildings, and the works and services can be safely developed and is safe for the intended uses. The report also includes a number of recommendations that an owner is to comply with. Therefore, as part of the subdivision review, staff will recommend to the Approving Officer, that this report be registered on title of the new parcels. In addition, as the parent parcel is situated with an RDN Building Inspection area, a further geotechnical review may be required at time of building permit.

The parent parcel currently supports 1 dwelling unit. The proposed access to the section 946 parcel is acceptable to the Ministry of Transportation and therefore they have no concerns at this time with this request for relaxation of the minimum 10% frontage.

The proposed subdivision will have little impact on the adjacent residential neighbourhood. The proposed Remainder Lot is not expected to impact surrounding rural properties.

The Central Vancouver Island Health Authority has approved the method of septic disposal for the proposed subdivision.

With respect to intended uses, as Lot A is proposed to be a smaller parcel, the ability to place buildings for the purposes of housing animals or storing manure is limited. As part of the subdivision review process, the applicant will be required to enter into a covenant restricting the placement of buildings or structures housing animals or manure unless minimum setbacks can be met or a variance has been approved by the Regional Board.

## VOTING

Electoral Area Directors – one vote, except Electoral Area ‘B’.

## SUMMARY

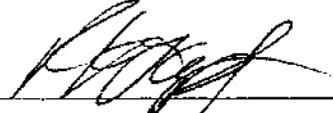
This is a request to relax the minimum 10% frontage requirement pursuant to Section 944 of the *Local Government Act* in order to facilitate the creation of a new section 946 parcel as part of a 2-lot subdivision proposal. The proposed subdivision is not expected to impact surrounding uses. Given that the Ministry of Transportation is satisfied that the proposed access is achievable and the proposed parcels will be able to support residential uses, staff recommends Alternative No. 1, to approve the relaxation of the minimum 10% frontage for proposed Lot A.

**RECOMMENDATION**

That the request from Lanny and Susan Arman to relax the minimum 10% frontage requirement for proposed Lot A, as shown on the submitted plan of the subdivision of Lot 1, Section 12, Range 2, Cranberry District, Plan 35220, be approved.



Report Writer



Deputy Administrator Concurrence



Manager Concurrence



CAO Concurrence

**COMMENTS:**

*Devstrs\reports\2006\frige ja 3320 20 26471 arman.doc*



Attachment No. 2  
Location of Subject Property

