

REGIONAL DISTRICT OF NANAIMO
ELECTORAL AREA PLANNING COMMITTEE
TUESDAY, NOVEMBER 8, 2011
6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 3 - 4 Minutes of the regular Electoral Area Planning Committee meeting held October 11, 2011.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

UNFINISHED BUSINESS

PLANNING

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

- 5 - 10 Development Permit with Variance Application No. PL 2011-170 – Couverdon Real Estate – Pratt Road – Area ‘F’.

- 11 - 17 Development Permit with Variance Application No. PL2010-186 – Rowe – 2648 East Side Road – Area ‘H’.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 18 - 24 Development Variance Permit Application No. PL2011-123 – Jordan Desrochers – 2347 and 2419 Cedar Road – Area ‘A’.

OTHER

- 25 - 35 Subdivision Application No. PL2011-130 – Request to Relax the Minimum 10% Frontage Requirement and Request to Accept Park Land Dedication – Glencar Consultants Inc. – 702 and 714 Wembley Road, and 916 Island Highway West – Area ‘G’.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

ADJOURNMENT

IN CAMERA

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, OCTOBER 11, 2011 AT 6:30 PM
IN THE RDN BOARD CHAMBERS**

Present:

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

Also in Attendance:

C. Mason	Chief Administrative Officer
M. Pearse	Sr. Mgr., Corporate Administration
N. Avery	Gen. Mgr., Finance & Information Services
P. Thorkelsson	Gen. Mgr., Development Services
J. Finnie	Gen. Mgr., Regional & Community Utilities
T. Osborne	Gen. Mgr., Recreation & Parks Services
D. Trudeau	Gen. Mgr., Transportation & Solid Waste Services
N. Hewitt	Recording Secretary

LATE DELEGATION

MOVED Director Burnett, SECONDED Director Young that a late delegation be permitted to address the Committee.

CARRIED

Philip Muise, re Development Variance Permit Application No. PL2011-149 – Muise – Creekside Place – Area C.

Mr. Muise requested that the covenant on the property not to permit a building strata be removed.

MINUTES

MOVED Director Stanhope, SECONDED Director Burnett, that the minutes of the regular Electoral Area Planning Committee meeting held September 13, 2011 be adopted.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. PL2011-157 – Kuun – Jameson Road – Area ‘H’.

MOVED Director Stanhope, SECONDED Director Holme, that Development Permit Application No. PL2011-157 to permit the construction of a dwelling unit and detached garage be approved subject to the conditions outlined in Schedules No. 1 to 4.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. PL2011-149 – Muise – Creekside Place – Area C.

MOVED Director Young, SECONDED Director Burnett, that Development Variance Permit Application No. PL2011-149 to amend an existing covenant in order to permit a building strata on the subject property be denied.

CARRIED

Development Variance Permit Application No. PL2010-180 – JE Anderson & Associates – 1915 Cormorant Crescent – Area ‘E’.

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

CARRIED

MOVED Director Holme, SECONDED Director Stanhope, that Development Variance Permit Application No. PL2010-180, be approved subject to the conditions outlined in Schedules No. 1 - 4.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 6:38 PM

CHAIRPERSON



RDN REPORT		
CAO APPROVAL		
EAP	✓	NOV. 8/11
COW		
OCT 31 2011		
RHD		
BOARD		

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: October 21, 2011

FROM: Kim Farris
Planner

FILE: PL2011-170

**SUBJECT: Development Permit with Variance Application No. PL2011-170
Couverdon Real Estate
Lots 113, 114, 115, 125, 126, 127, 128, District Lot 8, Cameron District, Plan 1981
Electoral Area 'F'**

PURPOSE

To consider an application for a Development Permit with Variance to the minimum frontage requirement for the subject properties in conjunction with subdivision of the subject lands.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Couverdon Real Estate on behalf of Timberwest Forest II Limited in order to facilitate two subdivision applications (*see Attachment No. 1 for location of subject properties*). The parent parcels, which have a combined lot area of approximately 87.75 ha in area, are split-zoned R-1 (Rural 1) and FR-1 (Forestry/Resource 1) pursuant to "Regional District of Nanaimo Zoning and Subdivision Bylaw No. 1285, 2002". The heavily vegetated and undeveloped properties are traversed by the upper reaches of French Creek and associated tributaries. Pratt Road bisects the R-1 zoned parcels to the west and the FR-1 zoned parcels to the east.

The proposed developments are subject to the Watercourse Protection and Fish Habitat Protection Development Permit Areas as per "Regional District of Nanaimo Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999".

Proposed Development and Variances

The applicant is proposing to adjust the lot lines between six existing parcels to allow for a more efficient and functional lot layout. Four of the lots are currently isolated as their only access is from unconstructed road right-of-ways. The proposed lot line adjustment would realign the lots east to west creating access to Pratt Road. The parcels are proposed to range in size from 5.83 ha to 20.88 ha (*see Schedule No. 2 for Proposed Plan of Subdivision*). Three of the proposed lots meet the minimum lot frontage of 400 metres as stated in the FR-1 zone. Proposed parcels 6, 7, and 8, as shown on the submitted plan of subdivision, have frontages of 249.3, 152.8, and 179.0 metres respectively and do not meet the minimum lot frontage of 400 meters. As these proposed lots do not meet the minimum lot frontage requirement, a variance is required (*see Schedule No. 1 for proposed variance*).

The applicant is also proposing to subdivide Lot 113, zoned R-1, into five new parcels (including remainder). The proposed lots range in size from 2.14 ha to 7.59 ha and met the minimum lot frontage as required in the R-1 zone pursuant to "Regional District of Nanaimo Zoning and Subdivision Bylaw No. 1285, 2002".

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

ALTERNATIVES

1. To approve the Development Permit with Variance Application No. PL2011-170 as requested subject to the Conditions outlined in *Schedules No. 1-2*.
2. To deny the Development Permit with Variance Application No. PL2011-170.

LAND USE IMPLICATIONS

Development Implications

The applicant has provided a Riparian Areas Regulation Assessment prepared by D. R. Clough Consulting dated October 25, 2011 which establishes Streamside Protect and Enhancement Areas (SPEA) for each applicable watercourse. The report concludes that there are no subdivision related development activities to occur within the SPEA and the SPEA boundary will be flagged on each lot at 40 metre intervals. In addition, the report notes that sediment and erosion control has been constructed for Pratt Road leading to the development in order to capture and treat road runoff outside the SPEA.

Despite the reduced frontage for proposed Lot 6, 7, and 8, there is sufficient access and buildable site area available to support intended uses.

Public Consultation Process

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

Ministry of Transportation and Infrastructure Implications

With respect to access, Ministry of Transportation and Infrastructure (MOTI) staff have indicated that they have no issues with the proposed minimum frontage relaxation and a Preliminary Layout Approval has been issued.

SUMMARY/CONCLUSION

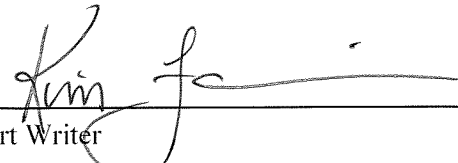
Prior to the development of the subject properties, a Development Permit and Variance to the minimum lot frontage is required. The subject properties are designated within the Watercourse Protection and Fish Habitat Protection Development Permit Areas (DPA) as per the Electoral Area 'F' OCP. The applicant has provided a Riparian Areas Regulation Assessment and no development activities are proposed within the established SPEAs.

All proposed lots, despite the reduced frontage, will be capable of supporting the uses permitted in the zoning provisions. In addition, Ministry of Transportation and Infrastructure staff have indicated that they have no objection to the request for a variance to the minimum frontage requirement and have issued a Preliminary Layout Approval.

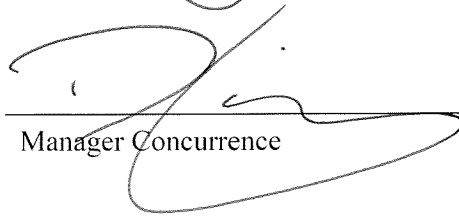
As the application is consistent with the applicable Development Permit Guidelines and as the variance to the minimum lot frontage will not negatively impact future uses of the proposed lots, staff recommends approval of the Development Permit with Variance to the minimum lot frontage requirement.

RECOMMENDATIONS

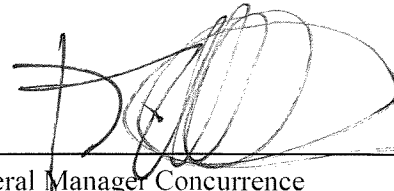
1. That staff be directed to complete the required notification, and
2. That the Development Permit with Variance Application No. PL2011-170 subject to the conditions outlined in *Schedules No. 1-2*, be approved.



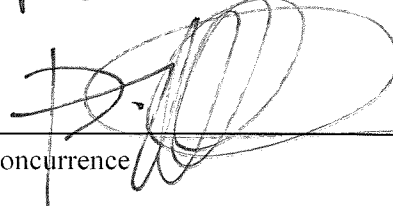
Report Writer



Manager Concurrence



General Manager Concurrence



X/ CAO Concurrence

Schedule No. 1
Conditions of Approval
Development Permit with Variance Application No. PL2011-170

Conditions of Approval:

1. The subdivision of the lands shall be in substantial compliance with the proposed plan of subdivision attached as *Schedule No. 2*.
2. The lands shall be developed in accordance with the Riparian Areas Regulation Assessment prepared by D. R. Clough Consulting dated October 25, 2011.

Bylaw No 1285, 2002 - Variance:

With respect to the lands, the “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” is requested to be varied as follows:

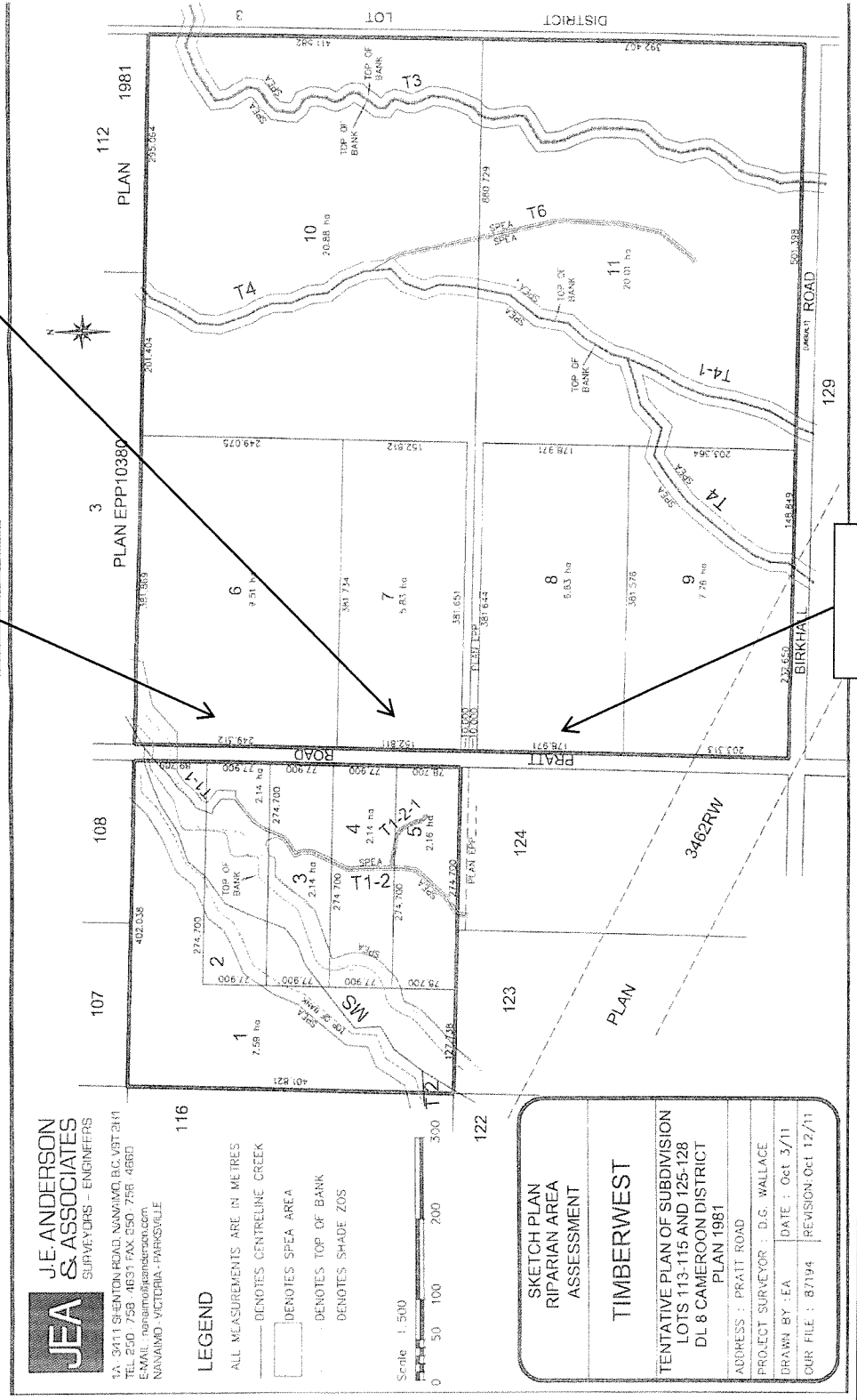
1. **Section 4.6.3c) Minimum Lot Frontage** is reduced from 400 metres to 249.3 metres for Proposed Lot 6 as shown on the proposed plan of subdivision on Schedule No. 2.
2. **Section 4.6.3c) Minimum Lot Frontage** is reduced from 400 metres to 152.8 metres for Proposed Lot 7 as shown on the proposed plan of subdivision on Schedule No. 2.
3. **Section 4.6.3c) Minimum Lot Frontage** is reduced from 400 metres to 179.0 metres for Proposed Lot 8 as shown on the proposed plan of subdivision on Schedule No. 2.

Schedule No. 2
 Plan of Proposed Subdivision

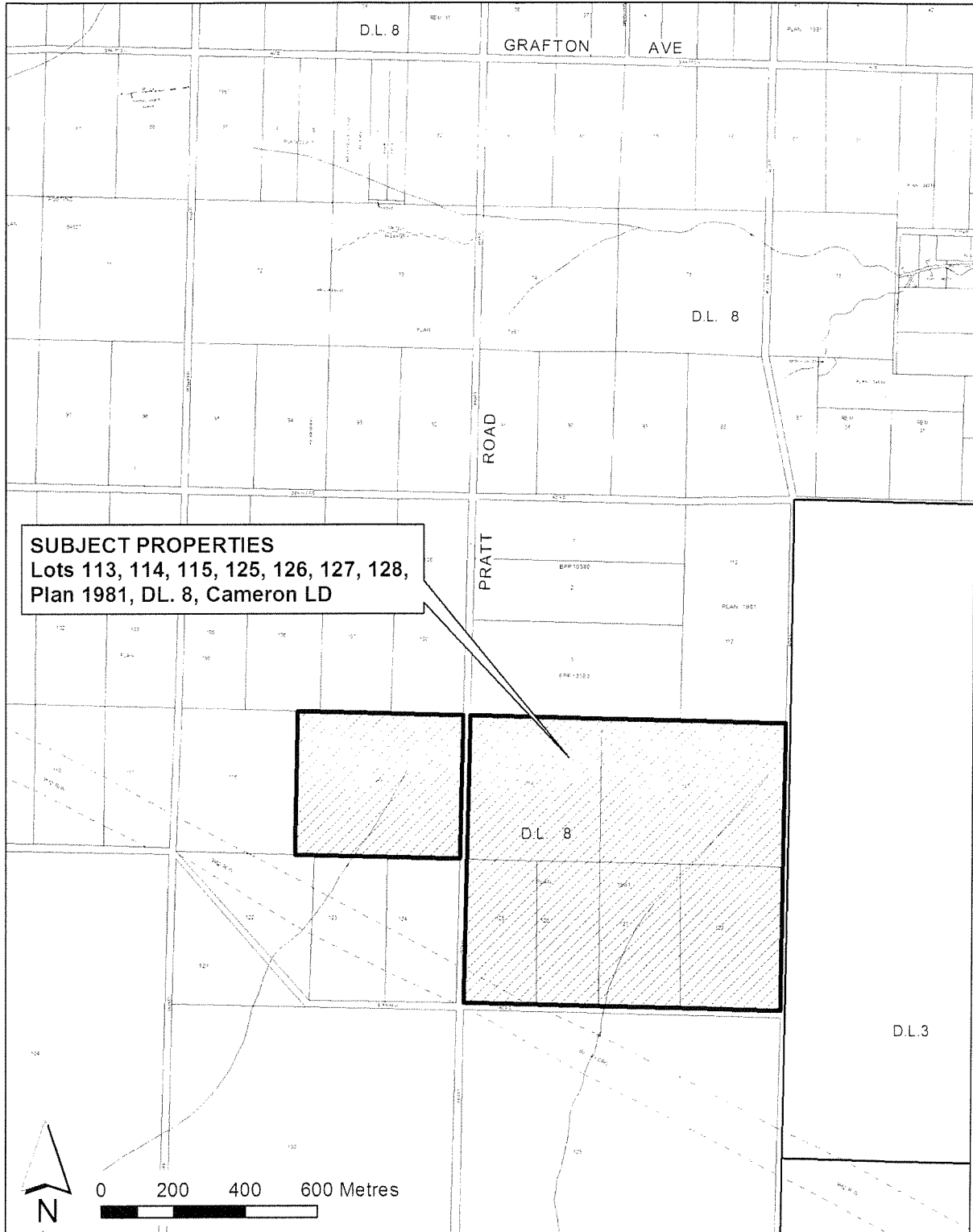
Minimum lot frontage is requested to be reduced from 400 m to 152.8 m for proposed Lot 7

Minimum lot frontage is requested to be reduced from 400 m to 249.3 m for proposed Lot 6

Minimum lot frontage is requested to be reduced from 400 m to 179.0 m for proposed Lot 8



Attachment No. 1 Subject Property Map



BCGS Map Sheet No 92F.028.4.1



RDN REPORT		
CAC APPROVAL		
EAP	✓	Nov. 8/11
COW		
OCT 31 2011		
RHD		
BOARD		

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: October 31, 2011

FROM: Elaine Leung
Planner

FILE: PL2010-186

SUBJECT: Development Permit with Variance Application No. PL2010-186 – Rowe Strata Lot 280, District Lot 251, Alberni District, Strata Plan VIS5160, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V - 2648 East Side Road Electoral Area ‘H’

PURPOSE

To consider an application for a Development Permit with Variance to permit works within the 15.0 m setback to Horne Lake, and to legalize an existing partially constructed cabin.

BACKGROUND

The Regional District of Nanaimo has received an application from Keith and Marilyn Rowe to permit the use of fill within 15.0 m of Horne Lake, and to legalize a partially constructed cabin. The subject property is approximately 862 m² in area and is zoned Horne Lake Comprehensive Development (CD9), pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987.” The subject property is located in the Horne Lake community, with recreational cabins on both sides, and Horne Lake to the north (*see Attachment No. 1 for location of the subject property*).

Lands within this designation located at Horne Lake are subject to the conditions and guidelines of Development Permit Application No. 0120. However, this development permit does not provide allowances for the placement of fill within 15.0 m of the natural boundary of Horne Lake. As such, a new Development Permit is required.

In responding to a complaint in September of 2010, staff attended the site. During a site visit, it was observed that fill had been placed on the property, and a new cabin was being constructed without the proper development permits, and in contravention of the zoning bylaw. With respect to the fill that was brought onto the lawn area of the property, it was placed within the established 15.0 m setback of the Lake through Development Permit Application No. 0120. As a result, in September 2010, staff directed that the owners stop work on the property. The applicants subsequently applied for a Development Permit with Variance, in order to legalize the existing cabin.

The applicants have submitted a Riparian Areas Assessment (RAA) prepared by Streamline Environmental Consulting Ltd., in support of their application. The conditions of the report are set out in *Schedule No. 1*.

Proposed Variances

The applicants propose to vary the following from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

1. ***Section 3.4.107.4 – Minimum Setback Requirement for watercourses except for Horne Lake*** is requested to vary the minimum setback from the watercourse (creek) from the top of bank from 15.0 m to 3.0 m.
2. ***Section 3.4.107.2 (e) (i) – Maximum Number and Size of Building, Structures and Uses*** is requested to be varied by increasing the maximum number of storeys from two to three.
3. ***Section 3.4.107.6 xiv) other Regulations*** is requested to be varied in order to permit enclosed occupiable storage space, in order to permit the development as per the submitted plan.

ALTERNATIVES

1. To approve Development Permit with Variance Application No. PL2010-186 application, for the works within the 15.0 m of Horne Lake, and the setback to the creek, subject to the conditions outlined in *Schedules No. 1 - 3*.
2. To approve Development Permit with Variance Application No. PL2010-186 application with all requested variances, subject to the conditions outlined in *Schedules No. 1 - 3*.
3. To deny the Development Permit with Variance Application No. PL2010-186, as submitted.

LAND USE IMPLICATIONS

Development Implications

The topography of the subject property includes a downward slope towards Horne Lake.

The applicants were in the midst of constructing a cabin, however were directed to stop work pending the consideration of the required development permit and associated variances. The applicants’ cabin is outlined on *Schedule No. 2*. The cabin, as constructed, consists of a fully enclosed basement, contributing to a three storey building, and exceeding the maximum height of 6.1 m (*see Schedule No. 3*). The CD9 zone permits a maximum of two storeys.

The applicants have also poured a concrete patio to the rear of the cabin towards Horne Lake. A corner portion encroaches into the 15.0 m setback from the Lake. In order for the patio to comply with the setback, the applicants are required to remove the corner portion, and re-vegetation is to occur, as noted in the RAA. This requirement is included as a Condition of Approval, set out in *Schedule No. 2*.

Further, the applicants are requesting to vary the minimum setback for the drainage ditch that runs alongside the northeast boundary line from the top of the bank from 15.0 m to 3.0 m. This request will coincide with the recommendations of the original RAA, which identified a 3.0 m setback from the top of the bank of the drainage ditch. The applicants recent Riparian Areas Assessment Report confirms that there are no works proposed within the setback to the ditch.

Pursuant to Section 3.4.107.6 xiv of the CD9 zone, a cabin may be up to 8.0 meters in height, where the difference in height between 8.0 m and 6.1 m arises from the construction of raised foundations or other construction which does *not* enclose habitable or occupiable storage space. The applicants have submitted a survey plan which confirms that the cabin would comply with the maximum height, if the bottom floor was not enclosed. Accordingly, the applicants are requesting a variance in order to permit the existing enclosed occupiable storage space.

Staff recommend approval of the Development Permit and associated watercourse setback variance as the proposed setback is in compliance with the original RAA which was completed for Horne Lake. Staff are not in support of the proposed variances for the maximum number of storeys and to permit enclosed unoccupied storage space on the lowest level. Staff recommend that these variances be denied.

If these variances are denied, the applicant will have the following options in bring the existing structure into compliance with the bylaw:

1. Filling in a portion of the basement, thereby reducing the overall height of the basement, and thus reducing the overall height of the cabin.
2. Converting the lowest level to an unenclosed storage area.

Environmental Implications

In keeping with Development Permit Guidelines, the applicants have submitted a Riparian Areas Assessment report prepared by Streamline Environmental Consulting Ltd. dated August 24, 2011, to address the fill that was placed within the established 15.0 m setback to the Lake. The RAR report confirms that there are no works proposed within the 3.0 m setback of the ditch. The report also includes recommendations to mitigate the recent unauthorized riparian disturbances, such as riparian planting, revegetation and removal of a portion of the patio. Additionally, a post-development monitoring will be required to certify that the conditions set out have been properly implemented. These requirements are included in the Conditions of Approval set out in *Schedule No. 1*.

Public Consultation Process

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

SUMMARY/CONCLUSION

This is an application for a Development Permit with Variance in order to permit the use of fill and revegetation within the 15.0 m setback to Horne Lake. Also for consideration, is the request to legalize an existing partially constructed cabin, by varying the minimum setback to the drainage ditch, by varying the permitted number of storeys, and permitting existing enclosed occupiable storage space. Work was suspended pending the consideration of variances to address the placement of fill, and existing cabin.

In keeping with Development Permit Application No. 0120, the applicants have submitted a Riparian Areas Assessment, which addresses the placement of fill on the subject property and requires revegetation in this location. Compliance with the report has been included within the Conditions of Approval (*see Schedule No. 1*). Staff recommend that the Development Permit with Variance, to permit works within the 15.0 m setback to Horne Lake, be approved.

Given the background, and specifically that the existing Riparian Area has been disturbed, staff are recommending approval of the development permit but not all of the requested variances. Staff recommend approval of a Development Permit with Variance, for the existing fill and revegetation works conducted within the 15.0 m setback to Horne Lake. Staff recommend this option, as the applicant has provided a Riparian Areas Assessment, which includes revegetation works for the disturbed areas. Additionally, staff recommend approval of the 3.0 m setback variance to the creek, as this is consistent with the original Riparian Assessment completed for Horne Lake.

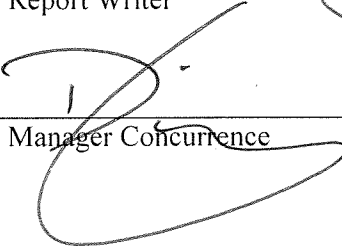
However, staff recommend denial of the requested variances providing for the increased number of storeys, and enclosed storage space in the existing lower level.

RECOMMENDATIONS

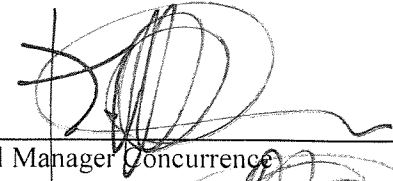
1. That Development Permit with Variance Application No. 2010-186 to permit fill, and re-vegetation of the subject property within the 15.0 m setback to Horne Lake be approved in accordance with the Riparian Areas Assessment prepared by Streamline Consulting Ltd., dated August 24, 2011.
2. That the requested variance to the setback from the creek from 15.0 m to 3.0 m, be approved.
3. That the requested variances to vary the number of storeys, and permit enclosed occupiable storage space, be denied.



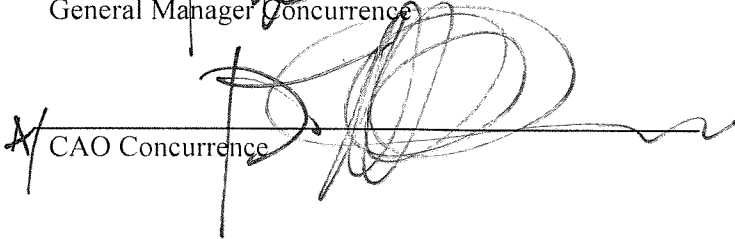
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

Schedule No. 1
Terms of Development Permit No. PL2010-186

The following sets out the terms and conditions of Development Variance Permit No. PL2010-186:

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

Bylaw No. 500, 1987:

1. ***Section 3.4.107.4 – Minimum Setback Requirements*** is requested to vary the minimum setback from all watercourses except from Horne Lake from the top of the bank, from 15.0 m to 3.0 m.
2. ***Section 3.4.107.2 (e) (i) – Maximum Number and Size of Building, Structures and Uses*** is requested to be varied by increasing the maximum number of storeys from two to three.
3. ***Section 3.4.107.6 xiv) other Regulations*** is requested to be varied in order to permit enclosed occupiable storage space, in order to permit the development as per the submitted plan.

Riparian Areas Assessment:

1. The applicant shall remove portions of the existing concrete patio within the 15.0 m setback area to Horne Lake, and conduct re-vegetation works, as set out in Section 1 – Nature of Development of the Riparian Areas Assessment Report.
2. Environmental Monitoring:

The applicant shall complete the recommendations concerning the environmental monitoring as set out in Section 5 – Environmental Monitoring of the Riparian Areas Assessment Report, to the satisfaction of a Qualified Environmental Professional with written confirmation of completion of these works submitted to the Regional District of Nanaimo.

Conditions of Approval:

Cabin

1. The cabin shall be sited in accordance with the site plan prepared by Bruce Lewis Land Surveying, attached as *Schedule No. 2*.

**Schedule No. 2
 Site Plan**

**SKETCH PLAN FOR VARIANCE APPLICATION OVER:
 STRATA LOT 280, DISTRICT LOT 251, ALBERNI
 DISTRICT, STRATA PLAN VIS5160.**

LEGEND

Grid bearings are derived from G.P.S. observations. To derive local astronomic bearings subtract 1°17'34", and are referred to the meridian through the Rock Post No 07.

- denotes - Standard Iron Post (Type 5) found
- CP denotes - Common Property
- D.P. denotes - Development Permit
- PNB denotes - Present Natural Boundary
- - - - - denotes - Top of Bank

SCALE = 1 : 250

All distances are in metres and decimals thereof unless otherwise stated

ELEVATIONS

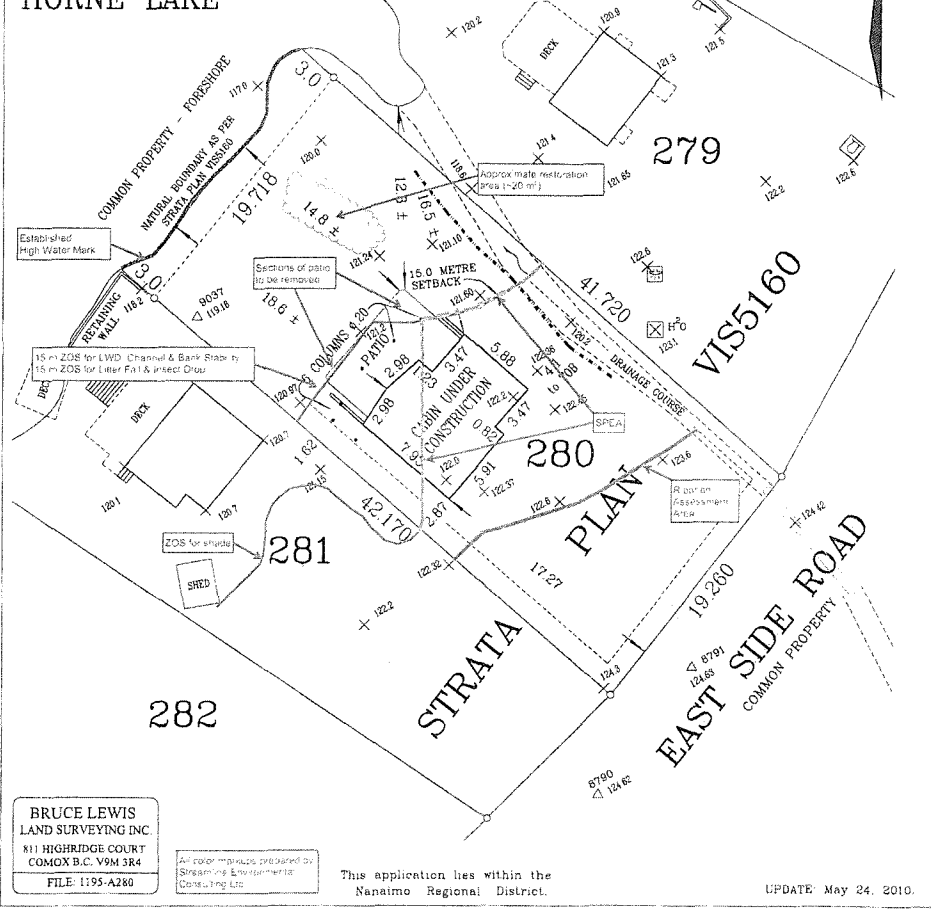
LOWER FLOOR ELEVATION	120.34 M
MAIN FLOOR ELEVATION	122.96 M
PEAK ELEVATION	128.68 M
LOFT FLOOR ELEVATION	125.68 M
UNDERSIDE OF MAIN FLOOR	122.71 M *
* NO ACCESS ASSUME 2"-10" FLOOR SYSTEM OR 125 M	

NOTE: GEODETIC ELEVATIONS ARE REFERENCED TO GEODETIC SURVEYS OF CANADA. CONTROL POINTS WERE USED WITH AN ELEVATION OF 154.40 METRES. ELEVATIONS ARE ESTABLISHED BY COMBINATIONS OF DIFFERENTIAL LEVELING AND WATER LEVEL TRANSFERS.

GENERAL NOTES

- 1) ALL PROPOSED IMPROVEMENTS MUST BE CLEAR OF ZONING AND APPROVED D.P. SETBACKS
 - INCLUSIVE OF EAVES, CHIMNEYS, DECKS, STEPS, ETC.
- 2) SEPTIC HOLDING TANK MUST BE GREATER THAN 15 METRES FROM THE NATURAL BOUNDARY AND WITHIN ZONING SETBACKS
- 3) MAIN FLOOR ELEVATION MUST BE CONFIRMED PRIOR TO CONSTRUCTION
- 4) ALL PROPOSED IMPROVEMENTS WITHIN THE DP ZONE MUST BE INDICATED (INCLUSIVE OF PARKING, ACCESS, PATHS, DECKS & PATIOS).
- 5) PROPOSED BUILDING SETBACK INFORMATION MAY VARY UPON LEGAL SURVEY
- 6) ELEVATIONS ARE GEODETIC AND HAVE BEEN ESTABLISHED BY TRIGONOMETRIC OBSERVATIONS, DIFFERENTIAL LEVELING AND WATER LEVEL TRANSFERS.
- 7) ELEVATIONS ARE REFERENCED TO GEODETIC SURVEYS OF CANADA, CONTROL MONUMENT 84C022 (150.443) AND ARE IN METRES AND DECIMALS THEREOF
- 8) SITE INFORMATION PROVIDED FROM FEB 22, 2000 SURVEY

HORNE LAKE



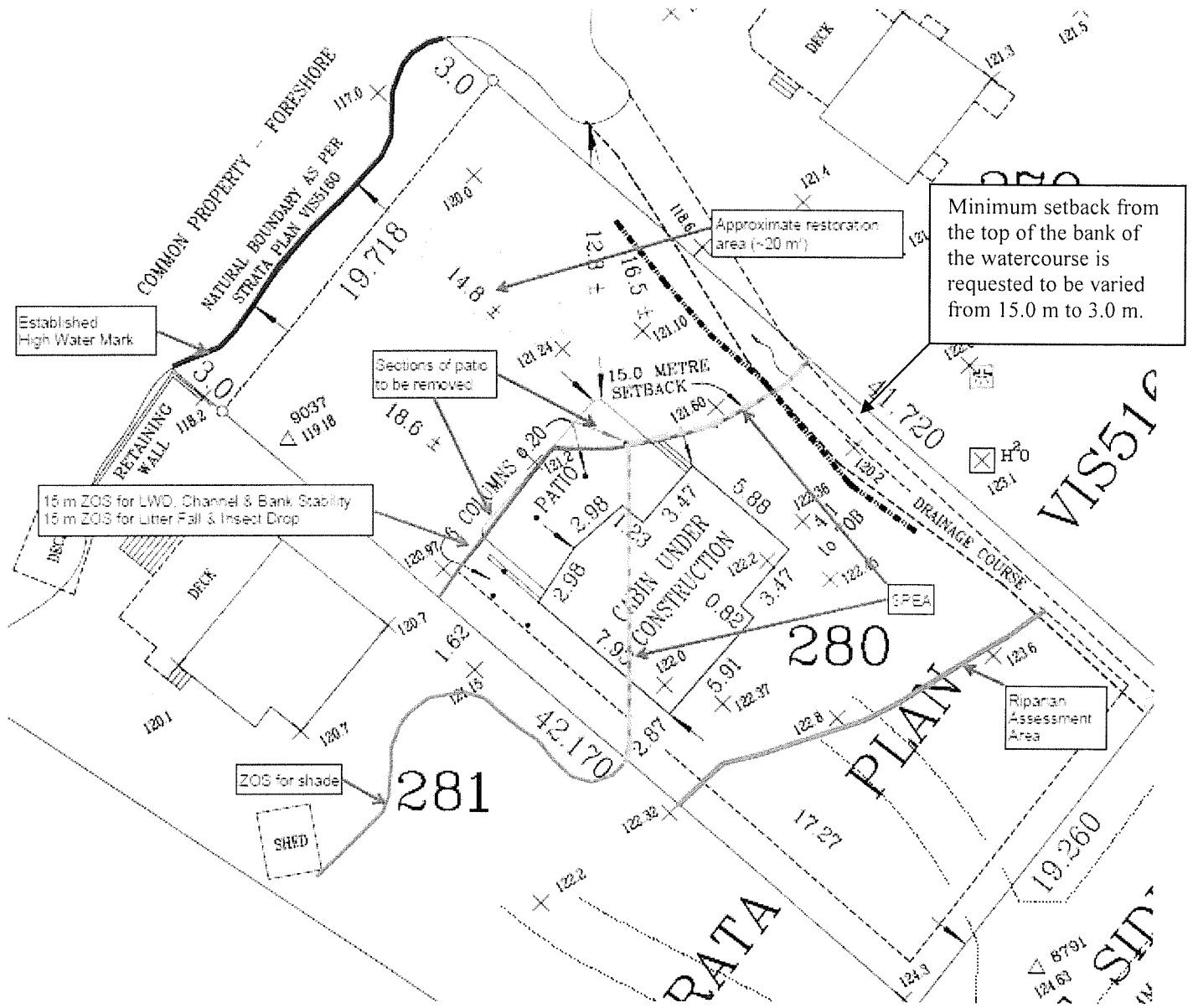
**BRUCE LEWIS
 LAND SURVEYING INC.**
 811 HIGHLIDGE COURT
 COMOX B.C. V9M 3R4
 FILE: 1195-A280

All color maps prepared by
 Streamline Environmental
 Consulting Ltd.

This application lies within the
 Nanaimo Regional District.

UPDATE: May 24, 2010.

Detailed Site Plan





**REGIONAL
DISTRICT
OF NANAIMO**

RDN REPORT		
CAO APPROVAL		
EAP	✓	Nov. 8/11
COW		
OCT 31 2011		
RHD		
BOARD		

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: October 24, 2011

FROM: Robert Stover
Planning Technician

FILE: PL2011-123

SUBJECT: Development Variance Permit Application No. PL2011-123 – Jordan Desrochers
Lot A, Sections 8, 9 and 10, Range 1, Cedar District, Plan VIP76153
2347 and 2419 Cedar Road
Electoral Area ‘A’

PURPOSE

To consider an application for a Development Variance Permit to allow for a free-standing sign on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Jordan Desrochers on behalf of Memorial Gardens Canada Ltd. to vary the setback in order to allow for the siting of a free-standing sign along Cedar Road.

The subject property is approximately 30 hectares in area and is split-zoned Public 1 (PU1) on the eastern portion, and Rural 4 (RU4) on the western and southern portions of the parcel pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. (Bylaw No. 500) The Rural 4 zoned portions of the property are located within the Agricultural Land Reserve (*see Attachment 1 for location of subject property*).

The PU1 zoned portion of the property, on which the sign is proposed to be sited, is currently used as a cemetery. The subject property is bordered by the Nanaimo River to the west; Rural 4 (RU4) zoned properties to the east and south, and a number of Residential 2 zoned (RS2) properties to the north.

Proposed Variances

The applicant is requesting variances to reduce the setback from an exterior side lot line from 5.0 metres to 0.0 metres for a proposed free-standing sign (*see Schedule No. 1 for the variance*).

ALTERNATIVES

1. To approve Development Variance Permit Application No. PL2011-123 subject to the conditions outlined in *Schedules No. 1 and 2*.
2. To deny the Development Variance Permit Application No. PL2011-123.

DEVELOPMENT IMPLICATIONS

The applicant is requesting a variance to reduce the minimum setback for a proposed free standing sign. The location of the proposed sign is shown on *Schedule No. 2*. Dimensions of the proposed sign, which conform to the requirements of Bylaw No. 993 for regulation of signs, are shown on *Schedule No. 3*. With respect to the proposal to vary minimum setbacks from the property line, staff are of the opinion that the applicant has supplied sufficient rationale for requiring a setback variance, given the visibility conditions at the entrance to the subject property. There is a distance of approximately 6.0 meters from the property line to the edge of south-bound lane of Cedar Road. (*See Attachment No. 2 for an approximate rendering of the proposed sign at the entrance to the subject property*)

Applicant Rationale

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

- A large landscaped area along the property line fronting Cedar Road limits visibility onto the subject property near the entrance site. Reducing the setback for the proposed sign is necessary to maximize visibility of the sign to passing traffic.
- The sign is necessary to direct traffic on and off the site.

Inter-Governmental Implications

Details of this application, including drawings of the proposed sign dimensions and location were referred to Ministry of Transportation and Infrastructure (MOTI) for comment. Ministry staff did not identify any issues with the location for the proposed sign.

Public Consultation Process


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

SUMMARY/CONCLUSION


This is an application for a Development Variance Permit to vary the setback for a proposed free-standing sign from 5.0 metres to 0.0 metres from an exterior side lot line fronting Cedar Road. The applicant has submitted a site plan, drawings showing sign dimensions, and justification for the requested variance in support of the application. Staff are of the opinion that the justification provided by the applicant for siting of the proposed sign on the property line is consistent with Board Policy No. B1.5 for the evaluation of Development Variance Permit applications.

RECOMMENDATION

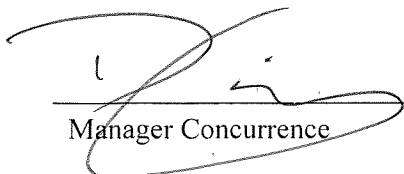
That Development Variance Permit Application No. PL2011-123 to vary the minimum setback from 5.0 metres to 0.0 metres from an exterior side lot line fronting Cedar Road, be approved.



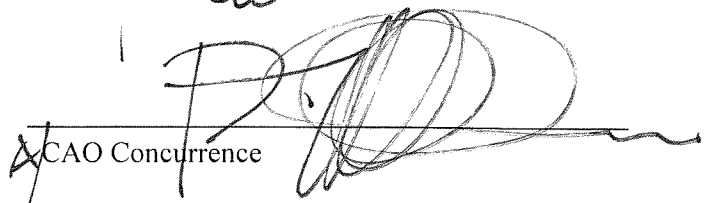
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule No. 1
Terms of Development Variance Permit No. PL2011-123

Bylaw No. 500, 1987 – Variance

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

1. **Section 3.4.41 Minimum Setback Requirements** is requested to be varied by reducing the minimum setback from the other lot line from 5.0 metres to 0.0 metres for a freestanding sign as shown on *Schedule No. 2*.

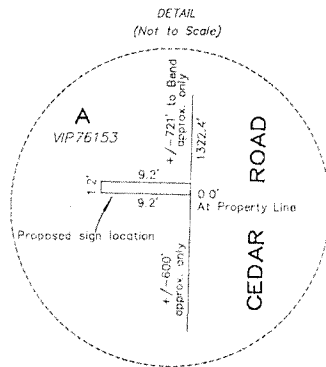
Conditions of Approval:

1. The sign shall be sited in accordance with the site plan prepared by Target Land Surveying dated October 18, 2011, attached as *Schedule No. 2*.
2. The sign shall be constructed in accordance with the dimensional drawing prepared by Priority Permits dated May 30, 2011, attached as *Schedule No. 3*.

Schedule No. 2
 Site Plan - Detail

SKETCH PLAN OF PROPOSED SIGN
 LAYOUT LOCATION OVER PART OF
 LOT A SECTIONS 8, 9 AND 10
 RANGE 1 CEDAR DISTRICT
 PLAN VIP76153

CIVIC ADDRESS:
 2347 Cedar Road, Nanaimo, BC
 PID: 025-803-301
 SCALE: 1" : 100'
 ALL DISTANCES IN FEET



ADDISON WAY

SRW PLAN 37779



855.2'

66.0'

Bend

+/- 171' to Bend
 approx. only

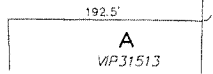
1322.4'

A
 VIP76153

SEE DETAIL

CEDAR ROAD

+/- 800'
 approx. only



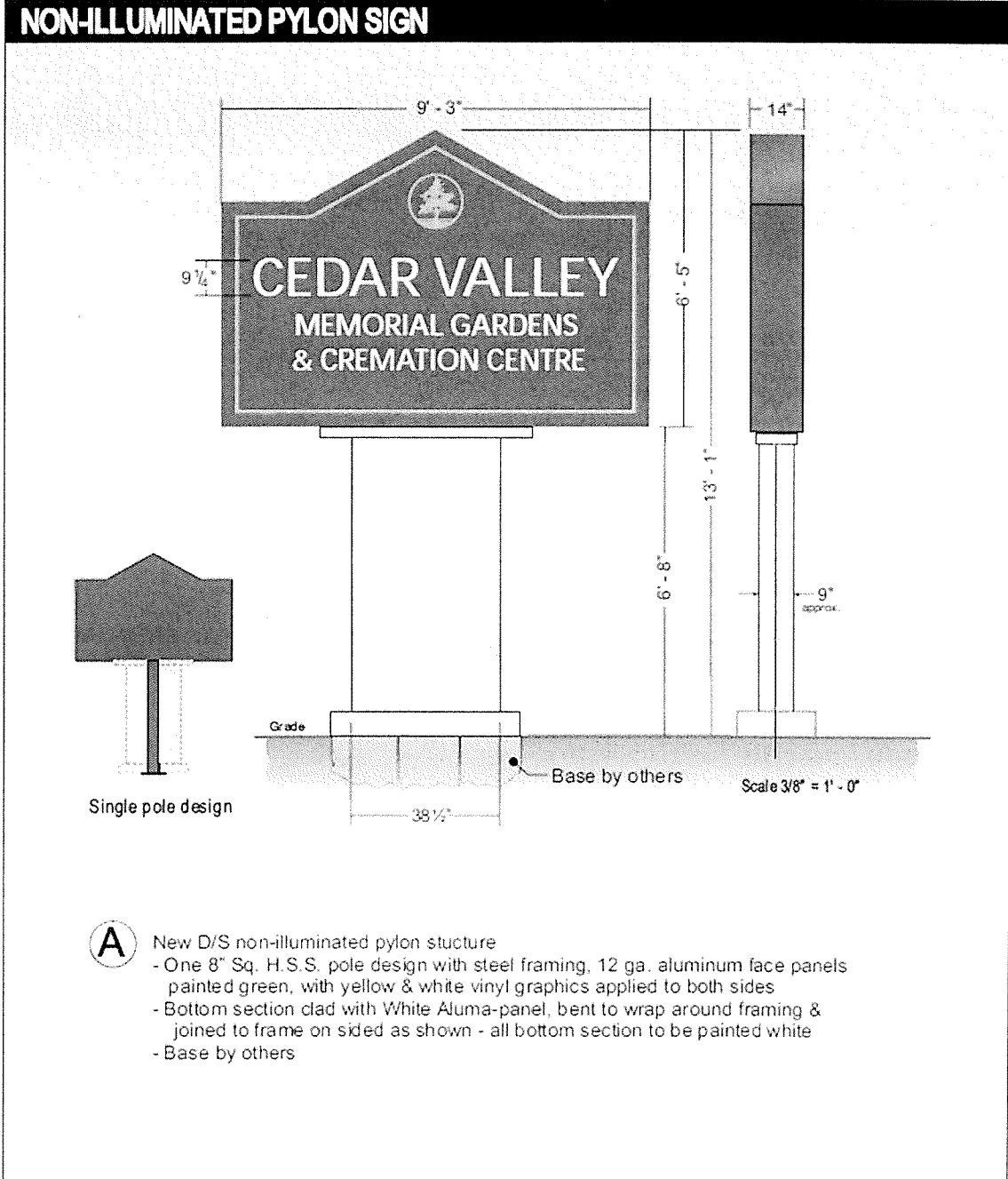
NOTES: Measurements shown are to the proposed exterior of sign.
 Property boundary dimensions shown hereon, are derived from Plan VIP76153.
 This document shows the relative location of surveyed structures with respect to the boundaries of the parcel described above.
 All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or part without the consent of the signatory.
 The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.


CERTIFIED CORRECT
 DATED THIS 18TH DAY OF OCTOBER, 2011
PRELIMINARY
 Shannon Aldridge B.C.L.S.

TARGET
 LAND SURVEYING
 NEW WESTMINSTER, B.C.
 604-524-0161
 FILE: N1659-CERT-PRELIM-FT

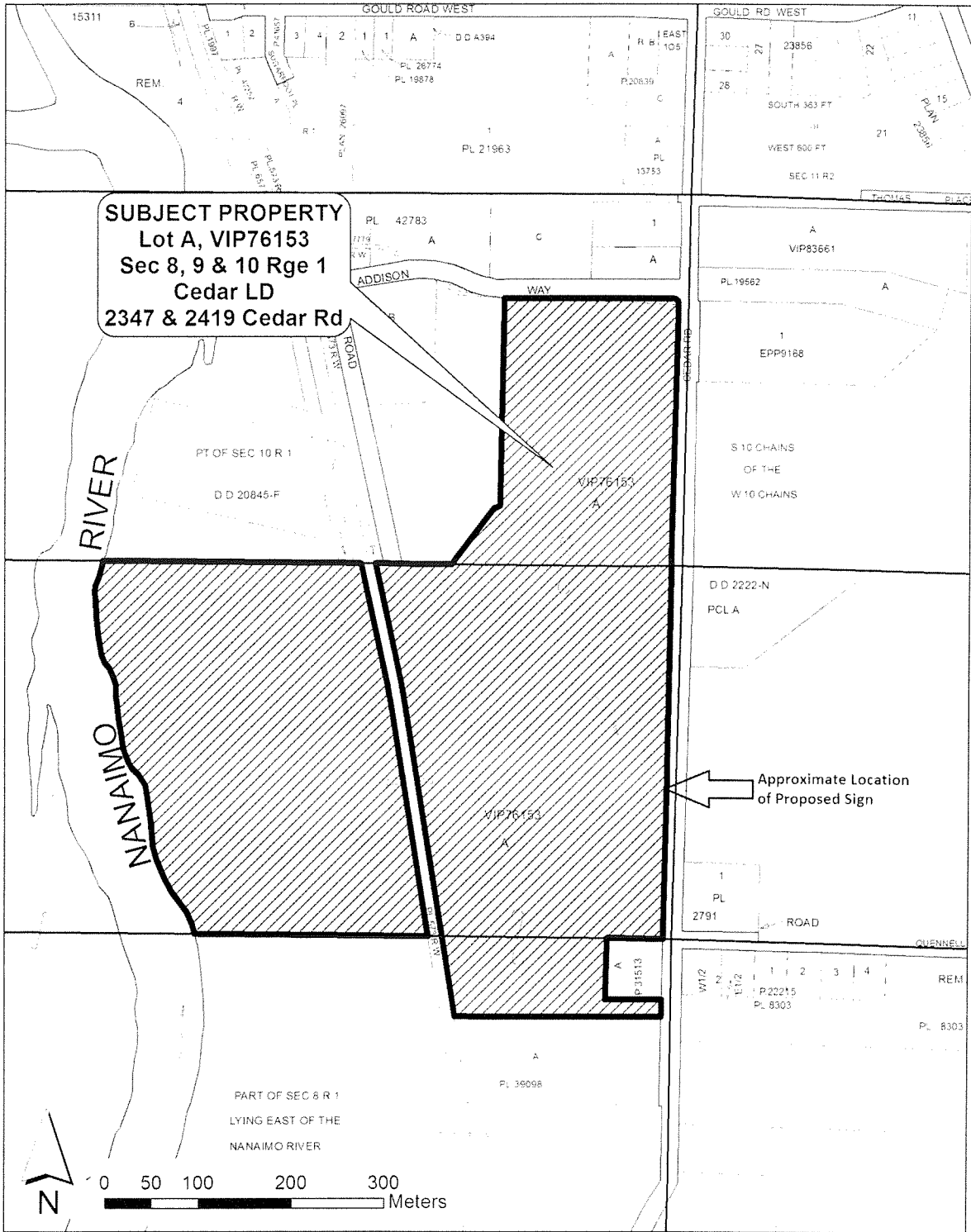
THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED
 BUILDING OFFSETS SHOWN ON THIS PLAN ARE NOT TO BE USED TO RE-ESTABLISH PROPERTY LINES OR CORNERS

**Schedule No. 3
 Proposed Sign Dimensions**



 1150 Clarendon Dr. Richmond, B.C. Ph. 752-4718 #610 4100 DEER CREEK LANE #202 Jona Ph. 752-4718 #611	Client Name Cedar Valley Memorial	Start Date: May 19 / 2011 Last Revision: May 30 / 2011	Sales Rep: Richard Eastman
	Location: Cedar, B.C.	Drawing #: Cedar Valley Mem PYLON R2.cdr Page: 1 of 3	Client Approval Landlord Approval

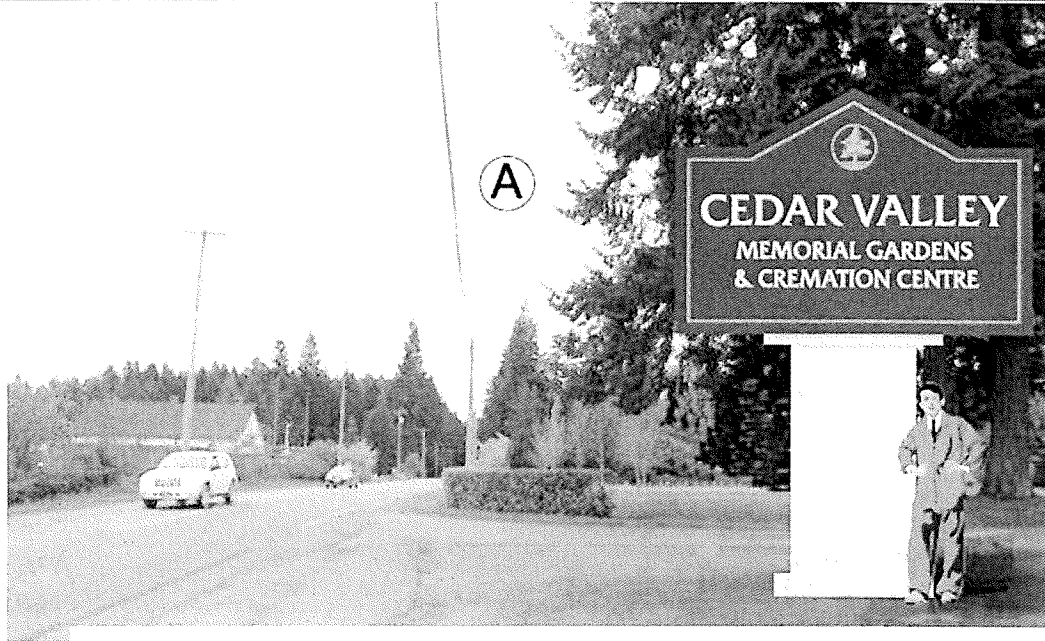
Attachment No. 1 Location of Subject Property




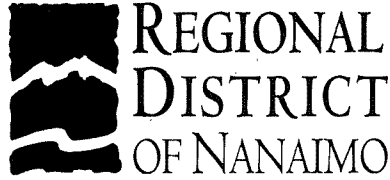
BCGS MAPSHEET 92G 001 4 3

Attachment No. 2
Rendering Showing Approximate Location of Sign on Subject Property

NON-ILLUMINATED PYLON SIGN



	Cedar Valley Memorial Location:	Last Revision: May 30 / 2011 Drawing# Cedar Valley Mem \ PYLON R2.cdr Page: 3 of 3	Client Approval _____ Landlord Approval _____	Richard Eastman Designer: Weldon
	Cedar, B.C.	1250 Clatsop Dr. Milwau, B.C. Ph: 250-478-8610 4 COPPERTON LANE MAIL SIGN LTD. VAN. Fax: 250-478-9571		



RDN REPORT	
CAO APPROVAL <i>PH</i>	
EAP	✓ Nov. 8/11
COV	
OCT 31 2011	
RHD	
BCARD	

MEMORANDUM

TO: Dale Lindsay
Manager, Current Planning

DATE: October 24, 2011

FROM: Lainya Rowett
Senior Planner

FILE: PL2011-130

SUBJECT: Subdivision Application No. PL2011-130
Request to Relax the Minimum 10% Frontage Requirement; and
Request to Accept Park Land Dedication - Glencar Consultants Inc.
Lot 2, District Lot 81, Nanoose District, Plan 30553; That Part of Lot 1, District Lot 81, Nanoose District, Plan 6179 Lying to the West of the Westerly Boundary of Plan 814 RW; and Lot 1, District Lot 81, Nanoose District, Plan 14626
702 & 714 Wembley Road, and 916 Island Highway West
Electoral Area 'G'

PURPOSE

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

BACKGROUND

The Regional District of Nanaimo has received a development application from Glencar Consultants Inc., on behalf of Clinton & Ila Melnechenko, Carmen Schmitz, and Helmut and Lydia Bose, to subdivide three subject properties into thirty-seven residential lots with park land dedication, and a request to relax the minimum frontage requirement.

The subject properties, which are 3.96 ha in total site area, are zoned Residential 1 (RS1) Subdivision District 'Q' (*minimum 700 m² with community water and sewer services, or 1.0 ha without community services*) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

The subject properties have been largely cleared of vegetation. There are two existing dwellings and accessory buildings that will also be removed from the subject properties. The properties are bordered by Wembley Road on the west side and the Island Highway West on the east side; Oceanside Middle School to the north; and residentially zoned properties to the south (*see Attachment No. 1 for location of subject properties*).

Proposed Development

The applicant proposes to subdivide the subject properties under their current zoning (RS1) to create thirty-seven residential lots, varying in size from 700 m² to 999 m² (*see Schedule No. 2 for proposed plan of subdivision*). The applicant has advised that the lots will be served with community water (EPCOR), and the applicant has applied to the Regional District of Nanaimo for community sewer service for the proposed lots. The applicant is also proposing to dedicate an area of park land (1,980 m²) within the southeast corner of the property fronting the Island Highway West.

Where an Official Community Plan (OCP) contains policies and designations respecting the location and type of future parks, the local government may determine whether the owner must provide land or cash or a combination of both. Pursuant to the *Local Government Act*, the maximum amount of park land that the Regional District may request for this property is 5% of the total site area, which amounts to 0.198 ha in this case. The applicant proposes to dedicate 0.198 ha (1,980 m²) of park land, in the southeast corner of the property, to meet the 5% requirement (*see Schedule No. 2 for detailed plan*).

Minimum 10% Perimeter Frontage Requirement

Proposed Lots 30 and 31 do not meet the minimum 10% perimeter frontage requirement for the subdivision. The proposed frontages are as follows:

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>Approximate % of Perimeter</i>
Lot 30	21 m	6.0 m	3 %
Lot 31	21 m	6.0 m	3 %

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

ALTERNATIVES

1. To approve the request for relaxation of the minimum 10% perimeter frontage requirement for proposed Lots 30 and 31, and to accept the offer for park land dedication in the amount and location as set in *Schedules No. 1 and 2*.
2. To deny both, or either of, the request for relaxation of the minimum 10% frontage requirement or the offer for dedication of park land.

DEVELOPMENT IMPLICATIONS

Ministry of Transportation and Infrastructure Implications

The proposed parcels, despite their reduced frontages, are capable of supporting the intended residential uses as permitted in the zoning provisions. Ministry of Transportation & Infrastructure staff have indicated that the frontages for proposed Lots 30 to 31 are acceptable, and a Preliminary Layout Approval has been given for the proposed subdivision.

PARK LAND IMPLICATIONS

The Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008 contains park land related policies, which stipulate that park land is desirable where it provides connections to other parks or natural areas; and offers opportunities for nature appreciation. In this case, the proposed park is located in the southeast corner of the site, adjacent to existing residential properties and the Island Highway West; and it aligns, in part, with an existing park (Riley Park) (*see Schedule No. 2 for detailed site plan*). The proposed park will provide a pedestrian connection from Riley Road, through Riley Park, into the subdivision and, ultimately, to Oceanside Middle School via a walkway between proposed Lots 5 and 6.

The park area is well treed, and it is intended that this area remain as natural as possible, to function as open space and provide buffering for some of the existing residential properties to the south.

Recreation and Parks staff have also reviewed the proposed park land dedication and support the inclusion of this area as it enhances opportunities for open space and pedestrian connections in this neighborhood.

Area 'G' Parks and Open Space Advisory Committee

The proposal for park land dedication was referred to the Electoral Area 'G' Parks and Open Space Advisory Committee at its meeting of September 7, 2011 (see Attachment No. 2 for excerpt of meeting). The Committee supports the proposed park land dedication in conjunction with the proposed subdivision.

PUBLIC CONSULTATION

Public Information Meeting

A Public Information Meeting (PIM) was held on October 20, 2011, and thirty (30) people attended this meeting (see Attachment No. 3 for summary of the PIM). Generally, the comments from this meeting supported the proposed park with the retention of trees wherever possible.


SUMMARY/CONCLUSIONS

The applicant proposes to subdivide the subject properties under the current zoning (RS1) into thirty-seven residential lots. Prior to subdivision approval, a relaxation of the minimum 10% perimeter frontage requirement is required, for proposed Lots 30 and 31. The applicant has also offered to dedicate 5% of the property (0.198 ha) as park land. This proposal was referred to the Electoral Area 'G' Parks and Open Space Advisory Committee, which commented that the park land is acceptable. The park dedication proposal was also presented at a Public Information Meeting held on October 20, 2011.

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

RECOMMENDATIONS

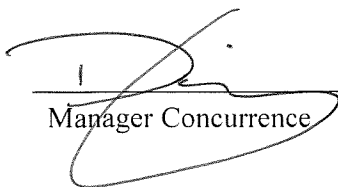
1. That the request to relax the minimum 10% perimeter frontage requirement for proposed Lots 30 and 31, be approved.
2. That the request to accept the dedication of park land, as outlined in Schedule No. 1, be accepted.
3. That the Summary of the Public Information Meeting held on October 20, 2011, be received.



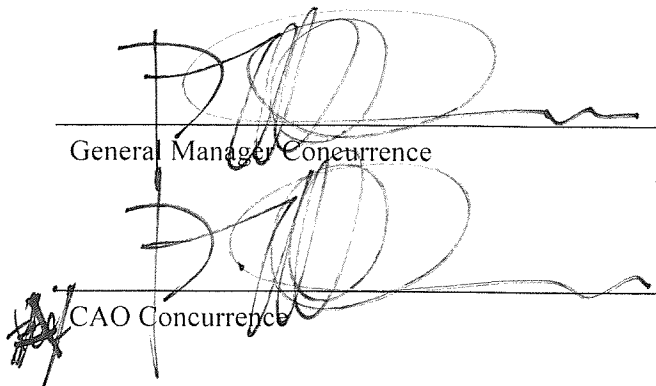
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

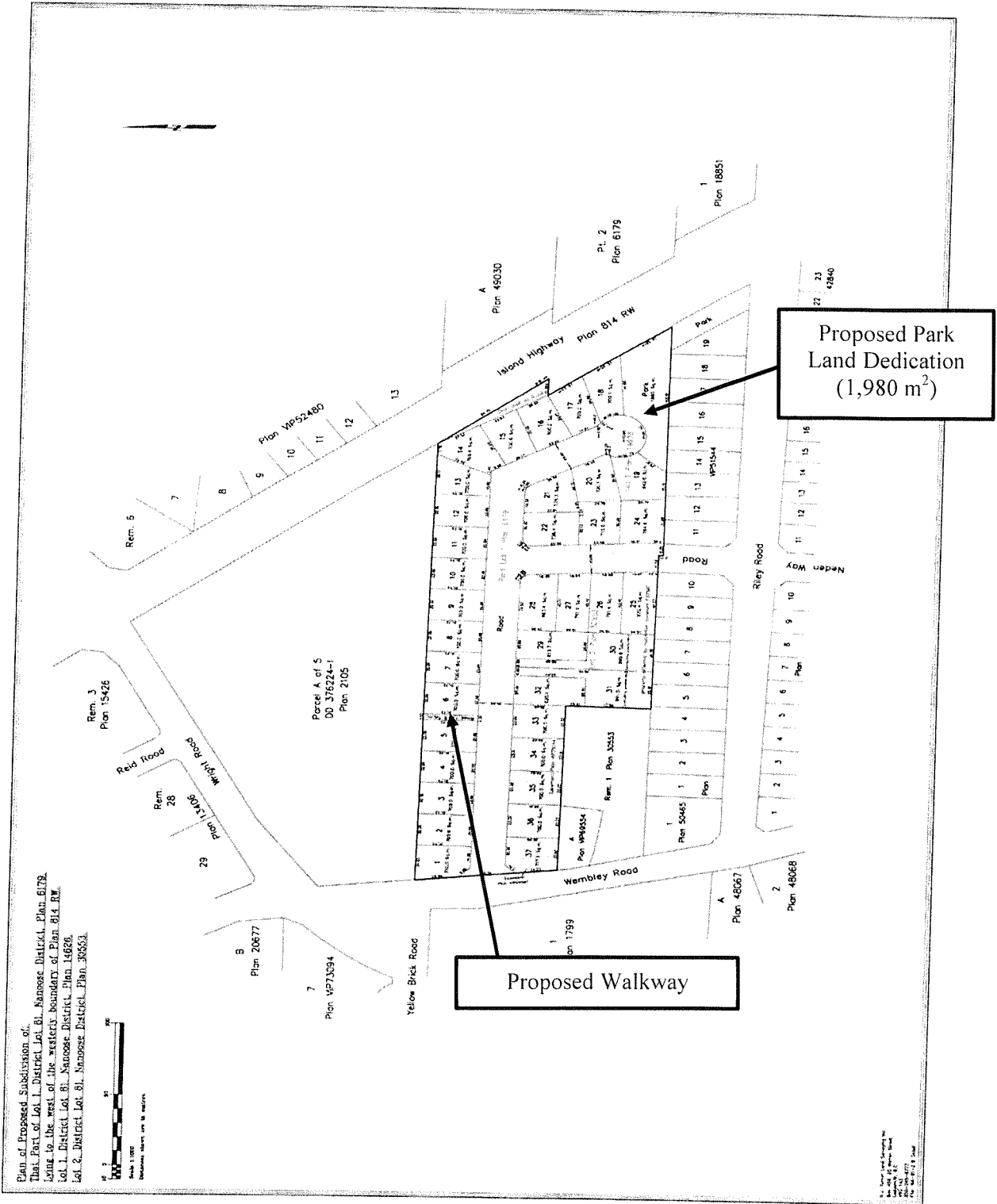
Schedule No. 1
Conditions of Approval
Park Land Dedication in Conjunction with Subdivision Application No. PL2011-130

The following sets out the conditions of approval for park land dedication in conjunction with Subdivision Application No. PL2011-130:

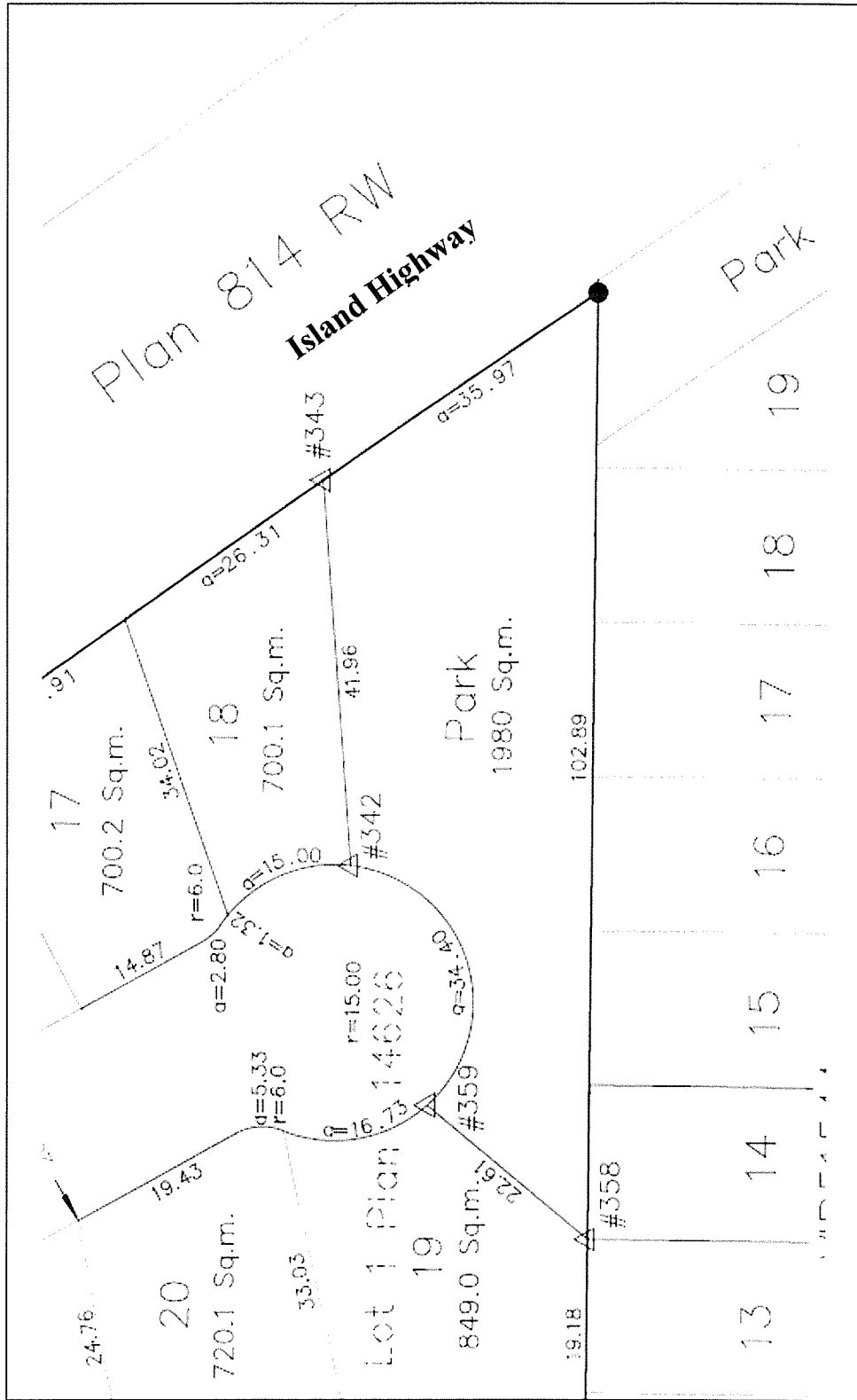
Conditions of Approval:

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

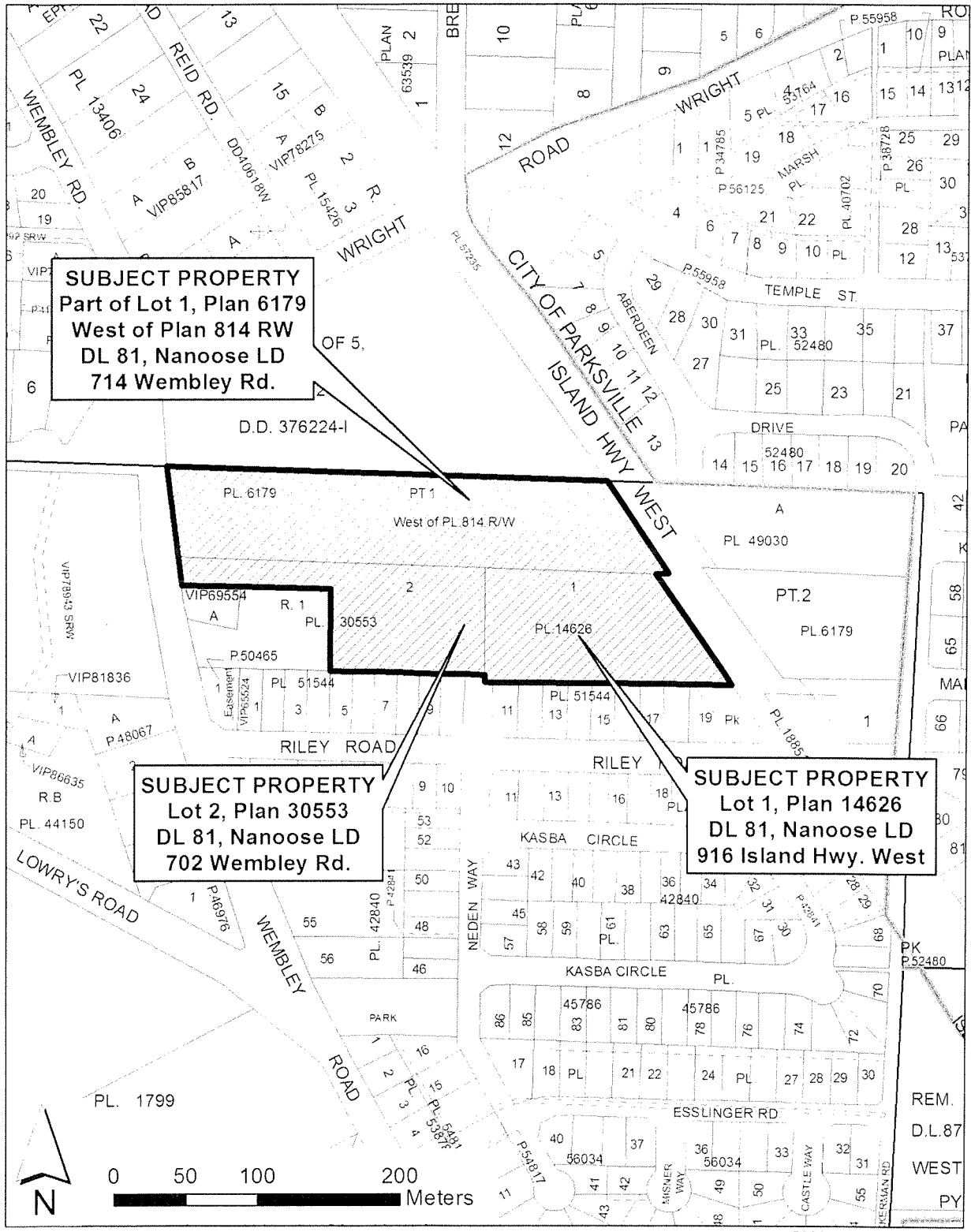
Schedule No. 2 (page 1 of 2)
 Proposed Plan of Subdivision



Schedule No. 2 (page 2 of 2)
Detail of Subdivision Plan Showing Proposed Park Land Dedication



Attachment No. 1
Location of Subject Property



Attachment No. 2
Correspondence from the Electoral Area 'G' Parks & Open Space Advisory Committee
Park Land Proposal in Conjunction with Subdivision Application No. PL2011-130

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

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

1. Prior to site clearing, the developer is encouraged to differentiate the proposed park site from the development area of the site to help ensure that grades, soil, and native vegetation remain the same as they were prior to development. Posting signage to identify parkland as a non-disturb area and temporarily fencing the perimeter of the parkland will minimize the impacts of adjacent development activity, and discourage parking on the site.
2. The development prepare the proposed park land in the following ways:
 - Basic surface re-grading in existing disturbed areas;
 - Re-routing and subsequent in-fill of existing ditch through the park;
 - Removal of existing fruit trees (parks staff to identify with flagging); and
 - Removal of garbage/slash piles on the site.

The owner must contact park staff prior to doing any of the above noted works on future park land.

3. The developer is encouraged to provide the following items as part of a building scheme for Lots 5, 6, 18, and 19 whose rear and side yards abut on to the park or walkway:
 - a. Rear yard fencing is to be limited to low (1.2 metre max height) permeable fencing (such as picket, split rail or chain link) or low plantings.
 - b. Buildings are to be articulated so that windows, porches, decks are oriented to provide maximum visual surveillance of park/public pathway.
4. The developer is encouraged to advise future property owners that dumping of yard waste/refuse is not permitted in the park area.

Attachment No. 3
Minutes of a Public Information Meeting
Held at Oceanside Place, 830 Island Highway West
Thursday, October 20, 2011 at 6:30 pm

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

There were thirty (30) people in attendance.

Present for the Regional District:

Lainya Rowett, Planner

Elaine McCulloch, Parks Planner

Present for the Applicant:

Glenn Carey, Agent

The meeting was brought to order at 6:30 pm and the Chairperson outlined the agenda for the evening's meeting; stated the purpose of the Public Information Meeting; and provided background information concerning the application process.

Staff provided a summary of the proposed park land dedication.

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

Glenn Carey, Agent, gave a brief presentation.

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

Ray Jones, 953 Riley Road asked if Riley Road would be opened up to the Island Highway West as a result of this development.

Glenn Carey confirmed that Riley Road would not be opened, but remain as a dead-end road.

949 Riley Road, a woman asked where the vehicular traffic would travel in and out of the subdivision.

Glenn Carey confirmed that vehicular access will be provided to the subdivision from Wembley Road along Neden Way, which is to be extended through the proposed subdivision as required by the Ministry of Transportation and Infrastructure.

949 Riley Road, the woman asked where the construction vehicles would travel in and out of the subdivision during construction.

Glenn Carey said these vehicles could be routed to minimize impacts to residents along Riley Road.

945 Riley Road, Bob asked if one of the two accesses in/out of the subdivision could be designed as a fire lane instead of an open public road.

Glenn Carey advised that the Ministry of Transportation and Infrastructure requires that the road (Neden Way) be opened to provide public access through the subdivision.

945 Riley Road, a gentleman asked if there would be fences constructed to buffer the existing residential properties from the noise during construction of the subdivision/houses.

Glenn Carey said the construction of fences is left to the property owners to complete at their own will.

Another gentleman asked what kind of buffer would be provided.

945 Riley Road, the gentleman asked if it would be possible to retain trees as a buffer to the existing properties along Riley Road.

Glenn Carey indicated that the applicant will meet with property owners along Riley Road to discuss opportunities for tree retention, if feasible.

929 Kasba Circle, Lynne Riley asked for confirmation from RDN staff on the notification area for the Notice of the Public Information Meeting. She also indicated that she is concerned about the loss of habitat, through tree removal for the proposed development.

Staff confirmed that the notification area included properties within 100 metres of the subject properties.

Glenn Carey added that the applicant will look at opportunities for tree retention within the subdivision.

983 Riley Road, Trish Ellis expressed concern about the dumping of composting materials within the existing Riley Park, and asked how the proposed park would be developed/designed. She also asked, generally, when developers pay 5% cash in lieu of park where this money is spent. She further expressed concern about the impacts of additional traffic on the condition of Riley Road.

Glenn Carey indicated it is the Ministry's responsibility to maintain public roads.

Trish asked if the new lots would be serviced by the existing local sewage treatment plant.

Glenn Carey confirmed this is correct and advised that the applicant is required to pay development cost charges for community sanitary services.

Trish also asked if the subdivision would be serviced by EPCOR water.

Glenn Carey confirmed this is correct and advised that the Ministry of Transportation and Infrastructure has confirmed with EPCOR that there is sufficient water supply to service the proposed subdivision.

Peter Simpkin (no address provided) asked if the proposed park would be left in its natural state and if it would be cleaned of any debris.

The applicant confirmed this is correct and that the debris would be removed from the park.

Elaine McCulloch advised that any walkway or trail within the park would be constructed by the RDN.

A gentleman from Mullholland Drive, Parksville, asked how many lots are proposed.

Michael Jessen asked Glenn Carey to explain why a previous development near this site was required to improve Ackerman Road, and the proposed subdivision is not required to improve Riley Road.

Glenn explained that the other development directly fronted Ackerman Road and this road was not up to MOTI standards, so the developer had to improve the road. However, the proposed subdivision does not directly front Riley Road, and the applicant is not required to conduct any improvements on this road.

945 Riley Road, a gentleman asked if the 5% park dedication was required for each of the three parent parcels in the subdivision.

Staff confirmed that the 5% requirement is based on the entire site area, not each parcel.

A woman asked if the existing access to #916 off the Island Highway would remain.

Glenn Carey advised that MOTI requires this access to be removed.

The Chairperson asked how the attendees would like to see the park developed.

820 Beach Road, Lance said he would like to see a bike trail through the park to provide access off the Island Highway West.

A gentleman asked if a fence would be constructed along the south side of the proposed park.

Glenn Carey said no fence is proposed and that it is intended to be left in a natural state.

929 Kasba Circle, Lynne Riley said she prefers the park be left as natural as possible, without trails in it.

Glenn Carey provided further information concerning an open well that was found on the property near the school and that had been filled in/removed.

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

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

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

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

The meeting was concluded at 7:15 pm.

Lainya Rowett
Recording Secretary