

**REGIONAL DISTRICT OF NANAIMO**

**ELECTORAL AREA PLANNING COMMITTEE**

**TUESDAY, MARCH 12, 2013**

**6:30 PM**

***(RDN Board Chambers)***

**A G E N D A**

**PAGES**

**CALL TO ORDER**

**DELEGATIONS**

**MINUTES**

- 2 - 3 Minutes of the regular Electoral Area Planning Committee meeting held Tuesday, February 12, 2013.

**BUSINESS ARISING FROM THE MINUTES**

**COMMUNICATIONS/CORRESPONDENCE**

**UNFINISHED BUSINESS**

**DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS**

- 4 - 21 Development Permit With Variance Application No. PL2012-166 – FCM Holdings Ltd., 1882 Fielding Road, Electoral Area 'A'.

**OTHER**

- 22 - 29 Building Strata Conversion Application No. PL2012-159 & Development Permit Application No. PL2012-163 – Walton/Fern Road Consulting – Lot 7, Block 219, Nanoose District, Plan 30113 – 319 Allsbrook Road Electoral Area 'G'.

- 30 - 44 Zoning Amendment Application No. PL2012-035 – Bylaw 500.379 – 928323 BC Ltd.– 691 Wembley Road, Electoral Area 'G'.

- 45 - 53 Zoning Amendment Application No. PL2011-108 – Bylaw 500.381 – Addison – 2610 Myles Lake Road, Electoral Area 'C'.

**ADDENDUM**

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**NEW BUSINESS**

**ADJOURNMENT**



**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE MEETING  
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON  
TUESDAY, FEBRUARY 12, 2013 AT 6:30 PM IN THE  
RDN BOARD CHAMBERS**

In Attendance:

|                                    |                  |
|------------------------------------|------------------|
| Director G. Holme                  | Chairperson      |
| Director A. McPherson<br>Alternate | Electoral Area A |
| Director C. Pinker                 | Electoral Area C |
| Director J. Fell                   | Electoral Area F |
| Director J. Stanhope<br>Alternate  | Electoral Area G |
| Director R. Wahlgren               | Electoral Area H |

Regrets:

|                     |                  |
|---------------------|------------------|
| Director M. Young   | Electoral Area C |
| Director B. Veenhof | Electoral Area H |

Also in Attendance:

|                |  |
|----------------|--|
| P. Thorkelsson | Chief Administrative Officer                   |
| J. Harrison    | Director of Corporate Services                 |
| D. Trudeau     | Gen. Mgr. Transportation & Solid Waste         |
| P. Thompson    | A/ Gen. Mgr. Strategic & Community Development |
| J. Holm        | Mgr. Current Planning                          |
| J. Hill        | Mgr. Administrative Services                   |
| T. Nohr        | Recording Secretary                            |

**CALL TO ORDER**

The Chairperson called the meeting to order and welcomed alternate Directors Pinker and Wahlgren.

**ELECTORAL AREA PLANNING COMMITTEE MINUTES**

MOVED Director Stanhope, SECONDED Director McPherson, that the Minutes of the Electoral Area Planning Committee meeting held January 8, 2013, be adopted.

CARRIED

**DEVELOPMENT PERMIT APPLICATIONS**

**Development Permit Application No. PL2012-167 – 639582 BC Ltd. Lot A, District Lot 28, Nanoose District, Plan VIP60624 – 1395 Island Highway West, Electoral Area ‘G’.**

MOVED Director Stanhope, SECONDED Director Fell, that Development Permit No. PL2012-167 to allow the construction of an addition to an existing commercial building be approved subject to the conditions outlined in Schedule 1.

CARRIED

**OTHER**

**Zoning Amendment Application No. PL2012-119 – Justin Holder Inc. – Lot 36, District Lot 6, Nanoose District, Plan 23588 – 2470 Apollo Drive, Electoral Area ‘E’.**

MOVED Director Stanhope, SECONDED Director Fell, that the summary of the public information meeting held on November 26, 2012 be received.

CARRIED

MOVED Director Stanhope, SECONDED Director Fell, that Zoning Amendment Application No. PL2012-119 to amend the existing Commercial 7 (CM7) zoning of the subject property to permit an additional Floor Area Ratio of 0.1 for office use be approved.

CARRIED

MOVED Director Stanhope, SECONDED Director Fell, that “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.380, 2013” be introduced and read two times.

CARRIED

MOVED Director Stanhope, SECONDED Director Fell, that the public hearing on “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.380, 2013” be chaired by Director George Holme or his alternate.

CARRIED

**ADJOURNMENT**

The meeting was called adjourned at 6:37 p.m.

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CHAIRPERSON

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CORPORATE OFFICER



|  |                                     |
|--|-------------------------------------|
| RDN REPORT                                       |                                     |
| CAO APPROVAL <input checked="" type="checkbox"/> |                                     |
| EAP  | <input checked="" type="checkbox"/> |
| COW  | <input type="checkbox"/>            |
| MAR 04 2013                                      |                                     |
| RHD  | <input type="checkbox"/>            |
| BOARD  | <input type="checkbox"/>            |

**MEMORANDUM**

**TO:** Jeremy Holm  
Manager of Current Planning

**DATE:** February 28, 2013

**FROM:** Lainya Rowett  
Senior Planner

**FILE:** PL2012-166

**SUBJECT:** Development Permit with Variance Application No. PL2012-166 - FCM Holdings Ltd.  
Lot A, Section 14, Range 6, Cranberry District, Plan 7057  
1882 Fielding Road - Electoral Area 'A'

**PURPOSE**

To consider an application for a Development Permit with Variance to permit the redevelopment of an existing industrial property with a new warehouse and accessory administration building.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from Norm Gardner on behalf of FCM Holdings Ltd. for a Development Permit with Variance to allow the construction of a new warehouse and accessory administration building within an existing industrial property (see Attachment 1 for location of subject property).

The subject property is approximately 2.0 ha in area and is zoned Industrial 1 within Subdivision District 'Z' (IN1Z) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The property, which is currently used by a commercial fencing supplier, is largely cleared of vegetation and contains a dwelling unit and accessory buildings which are proposed to be removed. The property is bound by Fielding Road and Schoolhouse Road to the west; rural residential acreages to the east; and industrial designated lots to the north and south, which contain a variety of industrial uses including heavy equipment sales and servicing.

The proposed development is subject to the South Wellington Industrial - Commercial Development Permit Area (DPA) as per the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011".

***Proposed Development and Variance***

The proposed development includes the construction of an industrial warehouse building and a detached accessory administration building. The rear portion of the warehouse includes an overhead crane to service large industrial equipment. In order to achieve the minimum floor-to-ceiling clearance needed to operate the crane the applicant has requested a variance to increase the height of a portion (east end) of the building. The applicant proposes to vary the following regulations from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987":

- **Section 3.4.31 – Maximum Number and Size of Buildings and Structures** to increase the maximum building height from 8.0 m to 9.7 m for a portion of the proposed industrial warehouse building.

The development will be serviced by an existing well, rainwater catchment for re-use in the wash bays and an on-site septic system.

## **ALTERNATIVES**

1. To approve the Development Permit with Variance Application No. PL2012-166 for the development of an industrial warehouse building and an accessory administration building subject to the conditions outlined in Schedules 1 to 6.
2. To deny the Development Permit with Variance Application No. PL2012-166.

## **LAND USE IMPLICATIONS**

### ***Development Implications***

The applicant has submitted site plans, building elevations, landscaping plans, servicing reports, environmental assessments, and signage details to address the development permit (DP) guidelines.

In terms of groundwater protection, an assessment report prepared by Lewkowich Engineering Associates Ltd. concludes that the existing well can supply the anticipated water demand without impacting adjacent properties, and that the proposed development will not negatively impact the aquifer. Development in accordance with this report is noted as a condition of approval in Schedule 1.

A report prepared by Newcastle Engineering Ltd. concludes that the proposed storm water management system will maintain pre-development flows and ensure any contaminants are treated on-site before discharge. The system includes features such as roof top detention (warehouse), bio-swales/rain gardens in parking areas, oil/water separator, and water storage reservoirs for irrigation and vehicle washing (Schedule 6). The applicant will be required to develop the site in accordance with the Engineer's report and register a Section 219 restrictive covenant containing an operations and maintenance schedule as recommended by the Engineer (Schedule 1 Conditions of Approval).

The proposed warehouse (approximately 1,507 m<sup>2</sup> in floor area) is located in the northwest corner of the property, and is designed with non-combustible tilt-up concrete panels and galvanized steel roofing (see Schedules 2 and 3 for site plan and building elevations). The warehouse contains multiple bays and a covered truck wash (east side), and will be used primarily for maintenance of equipment (e.g. trailers, wash cars, and tool cribs) used on construction projects, as well as the storage of tools and materials. Glazing is provided above the bay doors and the building is oriented to maximize natural lighting and solar gain.

The accessory administration building (approximately 940.5 m<sup>2</sup> in floor area) is located in the southwest corner of the site, and is designed with non-combustible Dryvit walls, PVC windows, sunshades, and rooftop HVAC screening (see Schedules 2 and 3). The building includes two levels of office and reception/meeting space, and in-ground storage. The applicant has confirmed the accessory office will be used by the occupants of the property only as an accessory use to the industrial use of the site, and that locating this use in a separate building from the warehouse will create a quieter, safer and healthier work environment. To ensure the use of the office remains accessory to the warehouse, the applicant will be required to register a Section 219 restrictive covenant on the property title to prohibit office rentals, subletting, or any form of strata subdivision of the buildings (Schedule 1).

The applicant also proposes one fascia sign above the entrance of the accessory building (Schedule 3). The sign is well integrated in the building design and its dimensions comply with the RDN Sign Bylaw No. 993, 1995.

In accordance with the DP guidelines, the parking and loading areas are generally located to the rear of the buildings and are well screened by landscaping and topography from view of the Trans-Canada Highway. Forty-five parking spaces are proposed, including one loading space and two handicap spaces; this exceeds the bylaw requirement (see Schedule 2 site plan). The site configuration also provides adequate internal circulation for vehicular movements and two egresses: an entrance/exit to Schoolhouse Road and an exit-only to Fielding Road. A pedestrian walkway is also provided to connect the administration building to the parking areas.

The proposed landscaping plans show native and drought tolerant vegetation, best suited to the site conditions, to be planted in accordance with the DP guidelines. An 8.0-metre wide buffer with trees, shrubs and groundcover is proposed along Schoolhouse and Fielding roads; this exceeds the required 5.0-metre buffer width. A continuous landscape buffer, adjacent to an existing chain link fence, is shown around the remaining property lines, ranging in width from 2.0 metres along the north and south property lines up to 10 metres within a vegetated slope (Eco blanket) along the eastern boundary (Schedule 4). Additional landscaping (rain gardens) is proposed within the parking areas. The applicant is required to provide a landscaping security deposit for materials and labour in the amount of \$69,809.00 (Schedule 1).

One bicycle rack will be provided near the administration building entrance, and a garbage enclosure will be located near the Fielding Road exit. The refuse area will be fully enclosed and well screened from the street view by a back-filled retaining wall and landscaping.

Adequate site illumination will be achieved with pole-mounted luminaries in the parking areas and site entrance/exits, as well as wall-mounted lighting on all sides of the warehouse building (Schedule 5). Lighting will consist of cut-off, down facing luminaries to minimize glare off the site.

#### ***Proposed Variances***

The applicant proposes to increase the maximum building height for the easternmost portion of the proposed warehouse from 8.0 metres to 9.7 metres, a variance of 1.7 metres. The applicant has provided the following rationale in support of this request:

- The variance is necessary to accommodate the operation of a 30-ton overhead bridge crane within the warehouse, and the crane is essential to the proposed use of the property;
- The variance applies only to the easternmost portion (15 metres) of the warehouse and has sufficient spatial separation from the highway (68.3 metres from the west property line);
- Increased setbacks from the north, south and east property lines provide adequate spatial separation from views of other properties, primarily industrial lots;
- Landscaping is proposed around the perimeter of the site, including an 8.0-metre buffer along the west lot line which exceeds the required 5.0-metre buffer;
- Proposed excavation will lower the main floor elevation of the warehouse 3.0 metres below the elevation of the road frontages to further reduce any visual impact from the highway; and
- The increased height will not result in any negative impacts on the environment.

Given that the variance would only apply to a portion of the building, and the site configuration and landscape buffering includes adequate spatial separation and visual screening from adjacent properties

and roads, the proposed variance would not negatively impact the streetscape, the environment or the function of the subject property and adjoining lands.

### **Public Consultation Process**

As part of the required public notification process, pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005", property owners and tenants of parcels located within 50 metres of the subject property 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.

### **Environmental Implications**

The proposed warehouse and accessory office will be serviced by an on-site Type II sewerage system. The applicant submitted a filing for this system to the Vancouver Island Health Authority (VIHA) on February 13, 2013. VIHA staff have confirmed they do not have any concerns with the proposed development wastewater treatment and disposal system. The Engineer has also advised that the location of the proposed sewerage system will not negatively impact the existing well.

The RDN Engineering Department has reviewed the reports on the existing well and recommended the re-establishment of a surface seal on the well, and the addition of a provincial well tag, which the applicant has agreed to do. Completion of these improvements will be required prior to building occupancy as outlined in the Conditions of Approval in Schedule 1.

The applicant submitted a Site Profile Form and indicated sources of site contamination, primarily within the existing dwelling (to be removed) and within the soil in the northeast corner of the property. The applicant's environmental consultant (SLR) has completed a Phase 1 Site Investigation Report and Phase 2 Site Assessment Report, which identified sources of contamination within the subject property. These reports concluded that:

- The property is not a high risk site;
- All contamination is contained within the subject property; and
- Implementation of the remediation plan will result in the appropriate management in accordance with the *Environmental Management Act* and its regulations.

To address the contamination, the applicant has provided a remediation plan, which includes the installation of an impermeable membrane over the contaminated soil area. Fill from the building excavation within the west side of the site (non-contaminated area) will be placed over the capped contaminated soils. The applicant submitted a release request to the Ministry of Environment for the proposed demolition and development permit requests as discussed below.

### **Intergovernmental Implications**

The Ministry of Transportation and Infrastructure (MOTI) has reviewed the proposed development and confirmed that it does not have any concerns. An access permit was issued by MOTI on February 6, 2013 for the proposed development.

The proposal was also referred to the local Fire Chief for comment. The RDN has not yet received a response; however, the development permit application submission included correspondence from the Fire Department indicating there is sufficient water supply in the area for fire suppression on the subject property.

In regards to site remediation, the Ministry of Environment has provided written notice (dated January 29, 2013) to the Regional District that the Board may consider approval of the proposed development permit because the Director of Waste Management has received and accepted a notice of independent remediation of the site.

**Sustainability Implications**

The applicants have completed an RDN Sustainable Development Checklist and identified several sustainability aspects for the proposed development such as:

- The redevelopment of an existing industrial property and improved visual appeal of the site;
- The proposed remediation of an existing contaminated site;
- Rain water catchment and re-use in irrigation and vehicle washing;
- Energy efficient lighting, space heating and HVAC systems are included in the building designs;
- Native and drought tolerant plants and low drip irrigation system to minimize water demand; and
- Plant selections and building orientation to regulate solar gains (e.g. shading and wind buffering).

**SUMMARY/CONCLUSIONS**

This is an application for a Development Permit with Variance to permit the construction of an industrial warehouse and an accessory administration building within the subject property. The applicant proposes to increase the maximum building height for the eastern portion of the warehouse from 8.0 metres to 9.7 metres to accommodate the operation of an overhead crane within the building. The applicant has submitted site plans, building elevations, landscaping plans, servicing reports, environmental assessments, and signage details to address the development permit (DP) guidelines. The proposed development is consistent with the guidelines of the South Wellington Industrial Commercial Development Permit Area, and the proposed variance will not negatively impact the aesthetic, functional or environmental characteristics of the property or adjacent properties. Therefore, staff recommend that the Board approve the proposed Development Permit with Variance No. PL2012-166.

**RECOMMENDATIONS**

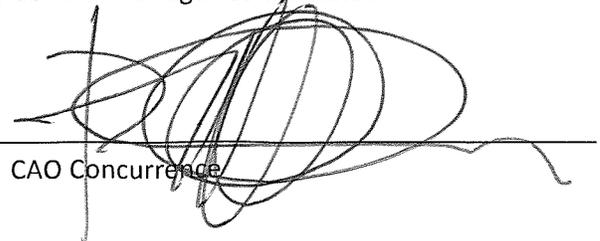
1. That staff be directed to complete the required notification; and
2. That Development Permit with Variance Application No. PL2012-166 be approved subject to the conditions outlined in Schedules 1 to 6.



Report Writer

  
A/General Manager Concurrence

Manager Concurrence



CAO Concurrence

**Schedule 1**  
**Conditions of Approval (Page 1 of 2)**

The following conditions are to be completed as part of Development Permit with Variance No. PL2012-166:

**Bylaw No. 500, 1987 - Variance**

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

- **Section 3.4.31 – Maximum Number and Size of Buildings and Structures** to increase the maximum building height from 8.0 m to 9.7 m for a portion of the proposed industrial warehouse building (as shown on Schedule 2).

**Conditions of Approval**

1. The subject property shall be developed generally in accordance with the site plan prepared by Newcastle Engineering Ltd. dated February 21, 2013, attached as Schedule 2.
2. The applicant shall provide a minimum of forty-five (45) off-street parking spaces, including one loading space and 2 handicap spaces, developed in accordance with the requirements of “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” Schedule ‘3B’ Off-Street Parking & Loading Spaces and as illustrated on the Site Grading and Servicing Plan prepared by Newcastle Engineering Ltd. dated February 21, 2013, attached as Schedule 2.
3. The proposed buildings shall be constructed generally in accordance with the elevations drawings prepared by Studio 2009 Architecture Ltd. dated November 9, 2012, attached as Schedule 3.
4. The subject property shall be developed in accordance with the Groundwater Well Report prepared by Lewkowich Engineering Associates Ltd. dated November 14, 2012.
5. The proposed development shall be landscaped in accordance with the landscaping plan prepared by Jaan Designs, dated November 13, 2012 and revised on February 15, 2013, attached as Schedule 4.

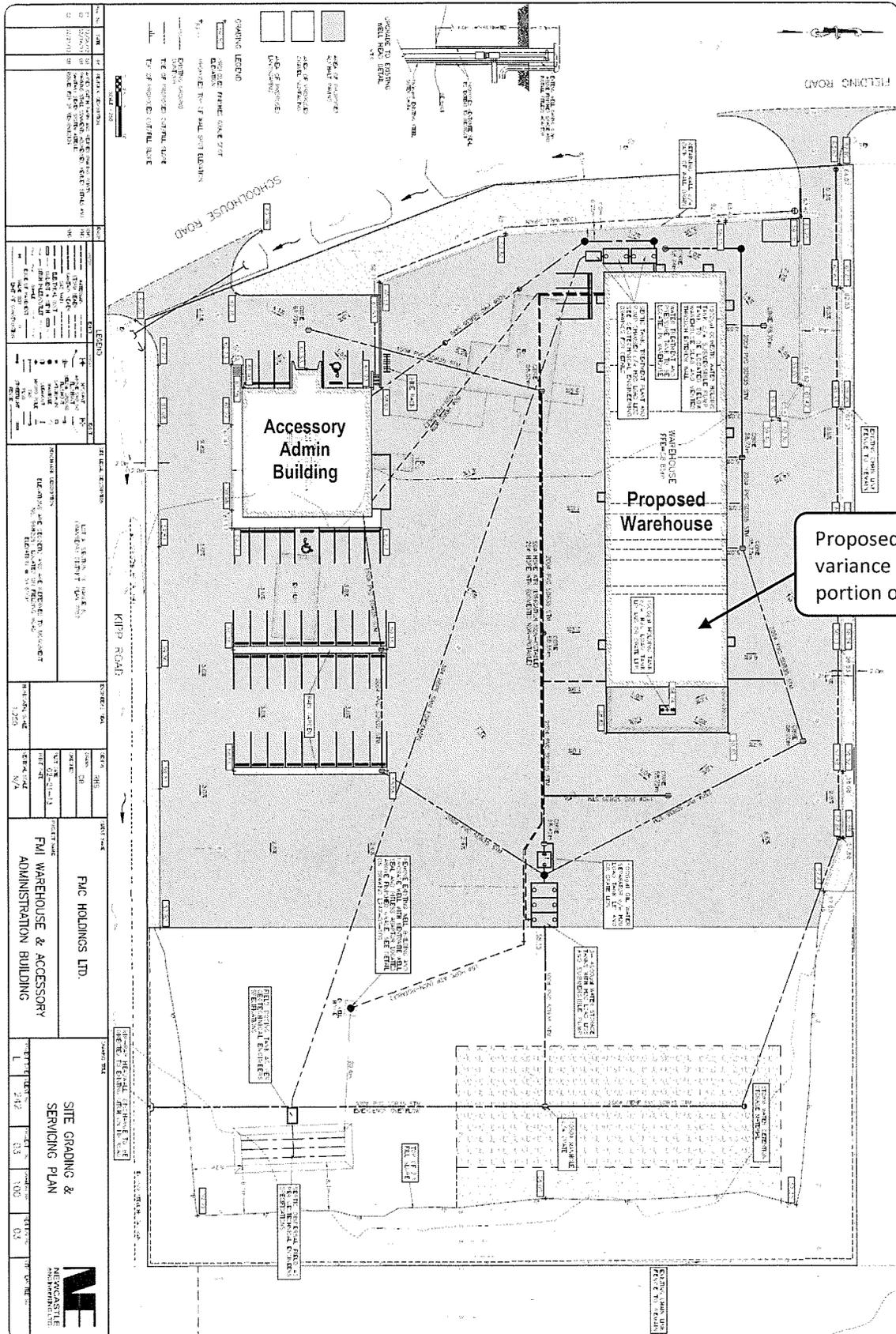
Staff shall withhold the issuance of this permit until the applicant submits a landscaping security deposit in the amount of \$69,809.00, in accordance with the landscaping cost estimate prepared by Jaan Designs dated November 26, 2012.

6. The proposed fascia sign shall be constructed and sited in accordance with the plan submitted by the applicant, attached as Schedule 5, and in accordance with “Regional District of Nanaimo Sign Bylaw No. 993, 1995”.
7. The subject property shall be developed in general compliance with the Storm Water Management Plan prepared by Newcastle Engineering Ltd. dated February 21, 2013, attached as Schedule 6.

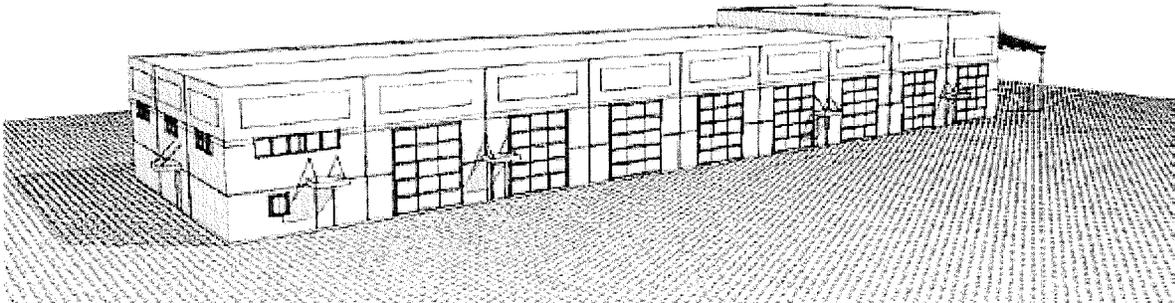
**Schedule 1**  
**Conditions of Approval (Page 2 of 2)**

8. The subject property shall be developed in accordance with the Storm Water Management Report prepared by Newcastle Engineering Ltd. dated November 15, 2012. Prior to issuance of the development permit, the applicant shall register a Section 219 restrictive covenant containing the maintenance schedule and a commitment to maintain the sedimentation, oil, water, and grease separator or other containment system as per the Engineer's recommendations in this Report.
9. Prior to issuance of the development permit, the applicant shall register a Section 219 restrictive covenant to prohibit office use on the property except as an accessory use. The covenant shall also prohibit office rentals, subletting, or any form of strata subdivision of the buildings.
10. The applicant shall obtain the necessary building permits for the proposed development.
11. The applicant is to obtain a valid Controlled Highways Access Permit from the Ministry of Transportations and Infrastructure.
12. The applicant shall complete minor upgrades to the existing well, including re-establishment of the surface seal and placement of a provincial well tag, prior to building occupancy.
13. The applicant must also complete the site remediation and monitoring in accordance with the conditions imposed by the Director of Waste Management pursuant to the *Environmental Management Act* and *Contaminated Sites Regulations*.

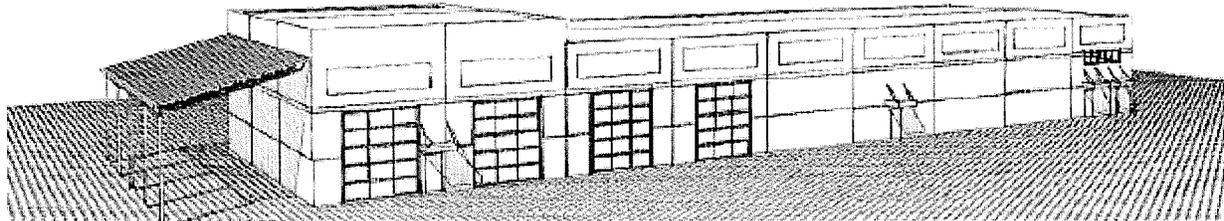
Schedule 2  
 Proposed Site Plan and Variance



**Schedule 3**  
**Building Elevations – Proposed Warehouse (Page 1 of 5)**



South West Perspective

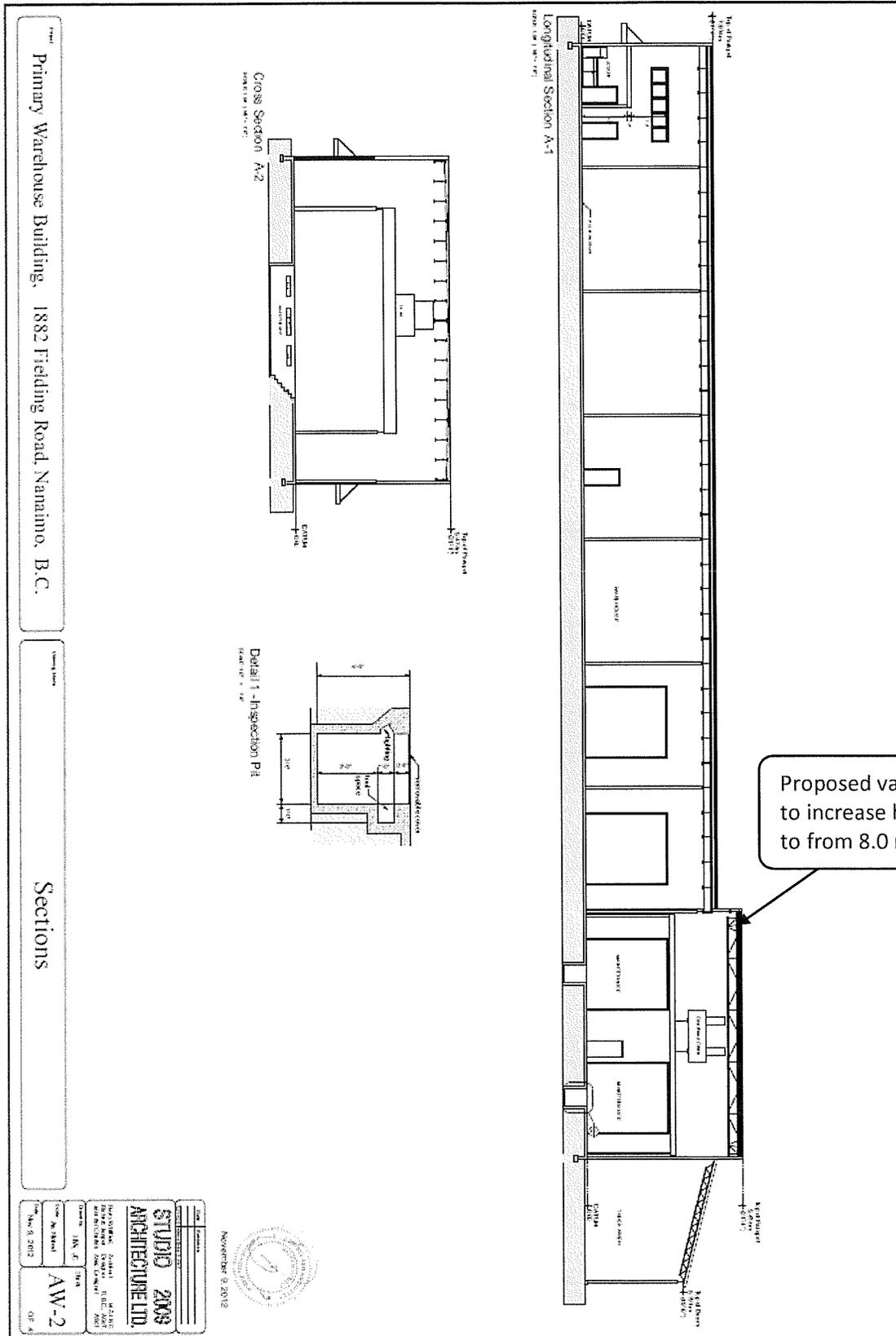


North East Perspective

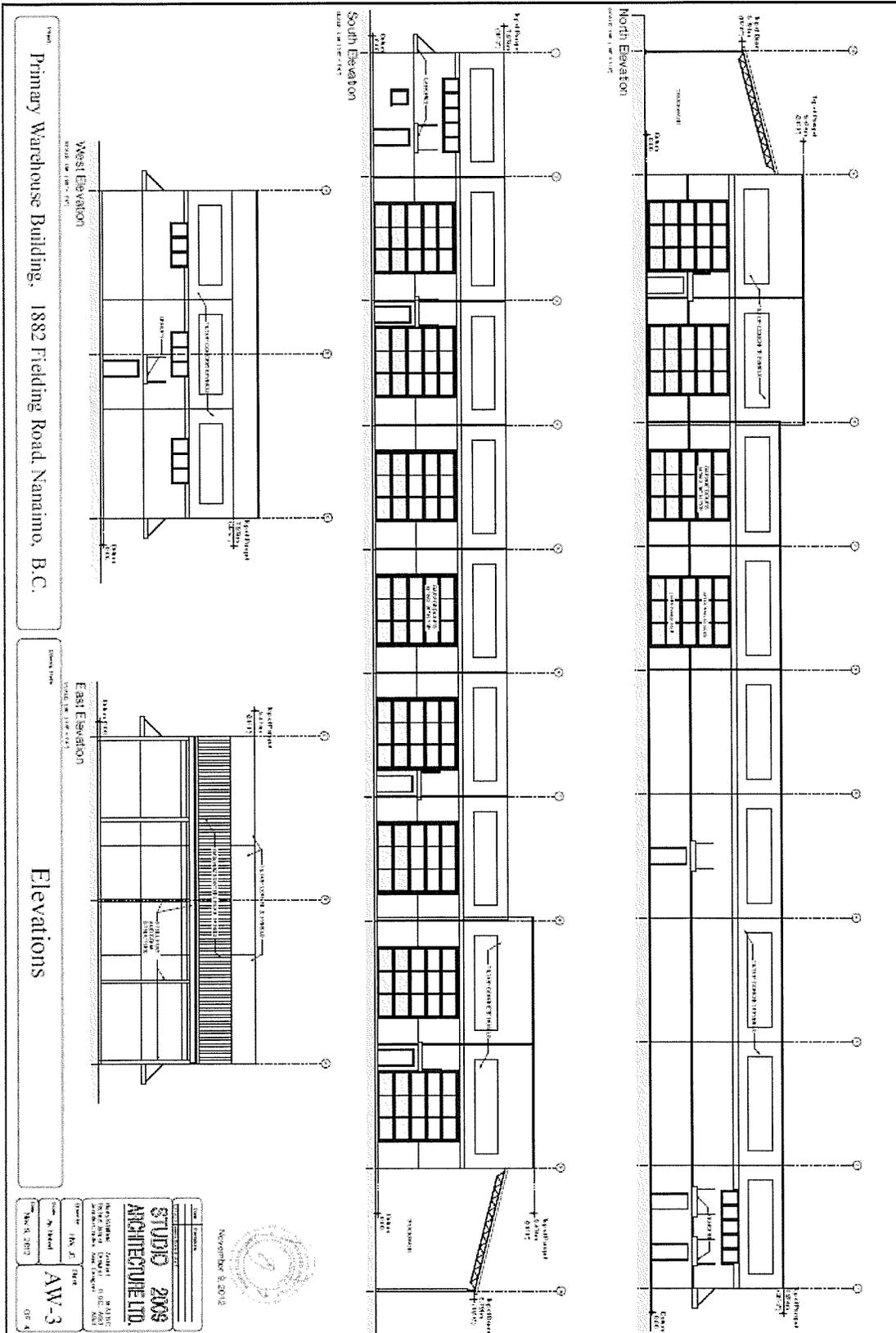
Project: Primary Warehouse Building, 1882 Fielding Road, Nanaimo, B.C.

Drawings: Roof Plan, Perspectives

Schedule 3  
 Building Elevations – Proposed Warehouse (Page 2 of 5)



Schedule 3  
 Building Elevations – Proposed Warehouse (Page 3 of 5)



Schedule 3  
 Building Elevations – Proposed Accessory Administration Building (Page 4 of 5)

The drawing set includes three vertical sections of the building: Section A-1 (top), Section A-2 (middle), and Section A-3 (bottom). Section A-1 shows a cross-section with a reception area, stairs, and a parking area. Section A-2 shows a cross-section with a staircase and multiple rooms. Section A-3 shows a cross-section with a staircase and multiple rooms. To the right is a 'Fascia Signage Detail' showing the 'FMI' logo in a rounded rectangular frame. Below the logo, it states 'Sign size is 0.60 m high x 1.295 m wide'. On the left side, there is a title block with the following information:

Project: Accessory Administration Building, 1882 Fielding Road, Nanaimo, B.C.

Section: Sections

Scale: 1/4" = 1'-0"

Sheet: AA-3

DATE: November 9, 2012

STUDIO 2009 ARCHITECTURE LTD.

ARCHITECT: M. K. B. ARCHITECTURE LTD.

DATE: 11/9/12

SCALE: 1/4" = 1'-0"

SHEET: AA-3

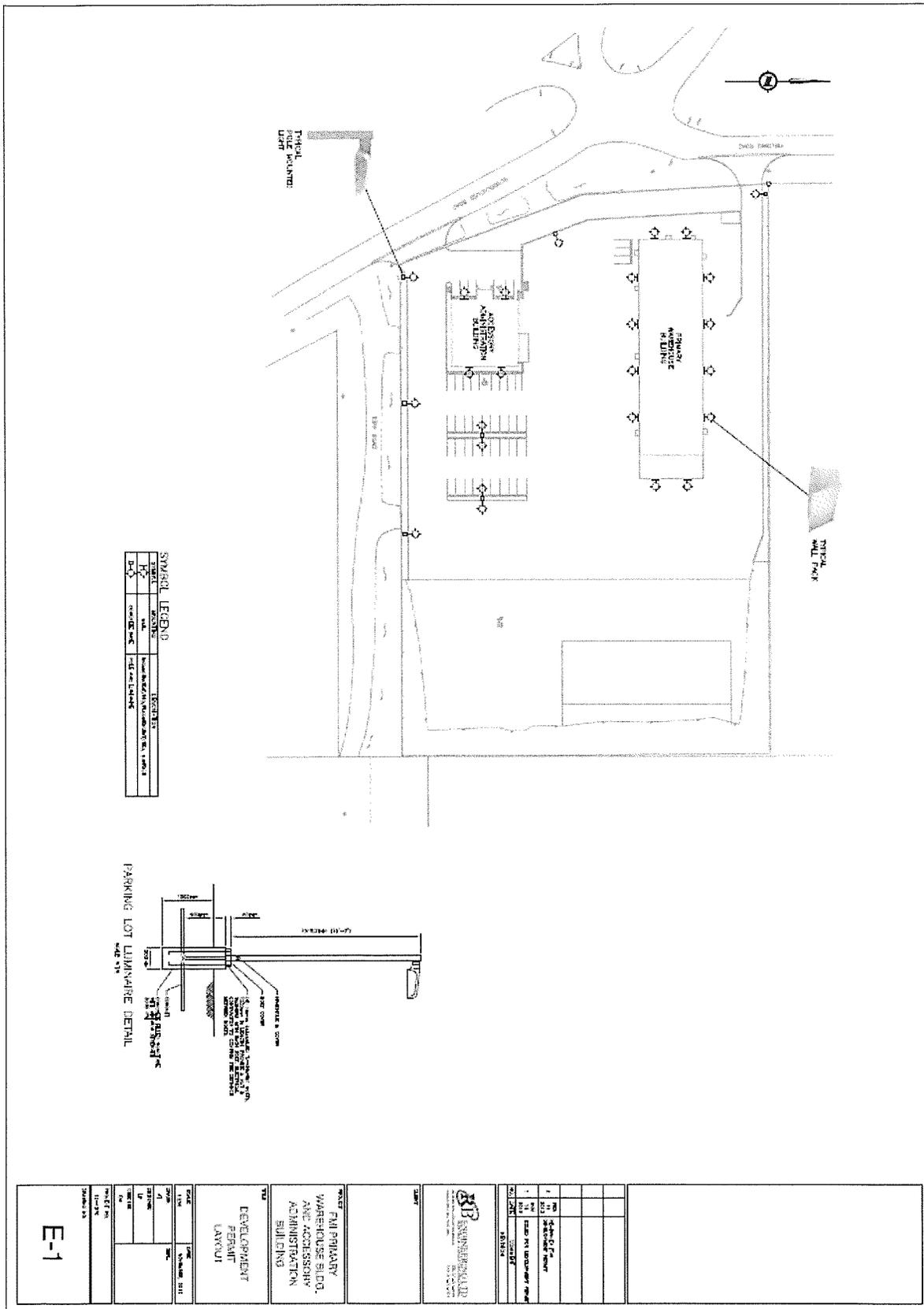
DATE: 11/9/12





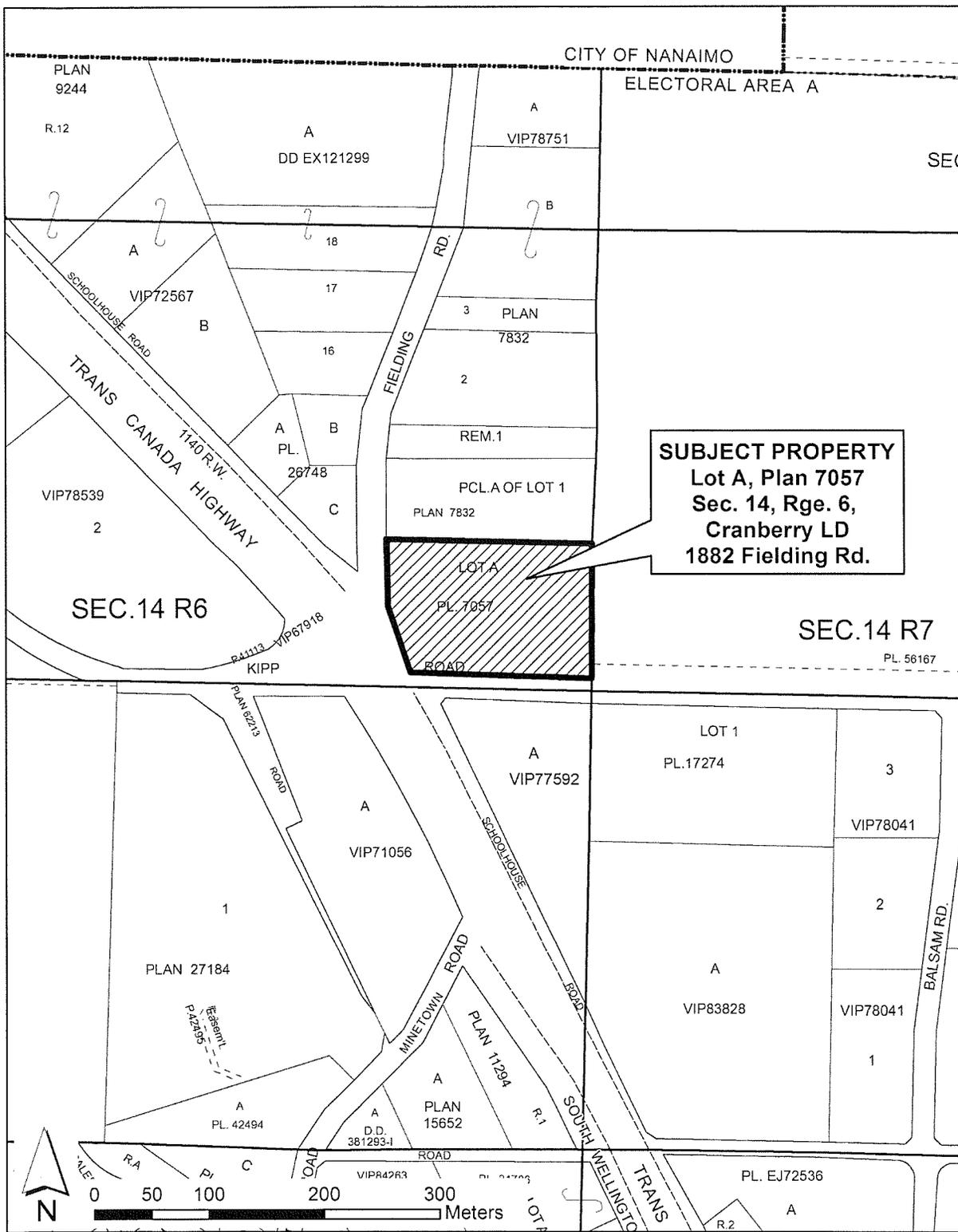


Schedule 5  
 Site Illumination Plan





**Attachment 1**  
**Subject Property Map**



BCGS MAPSHEET: 92G.011.2.1



|              |                                     |
|--------------|-------------------------------------|
| RDN REPORT   |                                     |
| CAO APPROVAL |                                     |
| EAP          | <input checked="" type="checkbox"/> |
| COW          | <input type="checkbox"/>            |
| MAR 04 2013  |                                     |
| RHD          | <input type="checkbox"/>            |
| BOARD        | <input type="checkbox"/>            |

**MEMORANDUM**

**TO:** Jeremy Holm  
Manager of Current Planning

**DATE:** March 1, 2013

**FROM:** Angela Buick  
Planner

**FILE:** PL2012-159 & PL2012-163

**SUBJECT:** Building Strata Conversion Application No. PL2012-159 & Development Permit Application No. PL2012-163– Walton/Fern Road Consulting Lot 7, Block 419, Nanoose District, Plan 30113 – 319 Allsbrook Road Electoral Area 'G'

**PURPOSE**

To consider a request to approve a building strata conversion pursuant to Section 242 of the *Strata Property Act* and an Aquifer Protection Development Permit, in order to permit the creation of two residential building strata lots.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received a building strata conversion application from Fern Road Consulting Ltd. on behalf of David and Caroline Walton, owners of the subject property, for the parcel legally described as Lot 7, Block 419, Nanoose District, Plan 30113 and located at 319 Allsbrook Road within Electoral Area 'G' (see Attachment 1 for location of subject property). The property is zoned Rural 1 (RU1) and is situated within Subdivision District 'D', (2.0 ha minimum parcel size) as per the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". Given that the subject property is 2.02 ha in area, the zoning would permit a density of two dwelling units.

The subject property currently contains one dwelling unit and three greenhouses. The dwelling unit was completed in 2004 under RDN Building Permit No. PR22338-26391. Surrounding land uses include rural residential to the east, west, north and south. The property is bound by Allsbrook Road to the south and the Inland Island Highway to the north.

Pursuant to "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw 1540, 2008", the proposed development is subject to the Environmentally Sensitive Features Development Permit Area for Aquifer protection. In order to permit the proposed strata subdivision the applicant has submitted a development permit application concurrently.

***Proposed Development***

The applicants propose to create two building strata lots. Proposed Strata Lot A includes the existing single storey dwelling unit while proposed strata Lot B includes the siting for a proposed dwelling unit (see Schedule 2 for proposed building strata subdivision plan). The existing greenhouse structures are to be removed as part of the application. The proposed building strata units are to be serviced with their

own individual wells and septic disposal systems. Vehicular access will be from Allsbrook Road. The applicant has provided a completed building strata conversion application; proposed building strata plan; a completed Site Profile; and Professional Engineer's reports related to both the existing dwelling unit and to potable water supply. As part of the development permit area requirements for Aquifer Protection, the applicant has also submitted a Preliminary Hydrogeological Impact Review.

## **ALTERNATIVES**

1. To approve the request for Building Strata Conversion Application No. PL2012-159 and Development Permit Application No. PL2012-163 as submitted, subject to the conditions outlined in Schedules 1 and 2.
2. To deny the request for Building Strata Conversion Application No. PL2012-159 and Development Permit Application No. PL2012-163.

## **LAND USE IMPLICATIONS**

### ***Official Community Plan Implications***

Pursuant to the "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008", the subject property is located within the Rural Residential 2 land use designation. The objectives of this designation are to protect and maintain the recreational, agricultural, forestry and aggregate land based activities, without negatively impacting the environment, and provide for continued residential opportunities without contributing further to rural sprawl. The Rural Residential 2 Land Use Designation Policy No. 12 supports:

- A minimum parcel size of 2.0 ha, at the same time recognizing that there are existing parcels smaller than 2.0 ha.

Although the land use designation does not support the creation of parcels smaller than 2.0 ha, this building strata conversion does not facilitate the creation of any new parcels as per the definition of parcel under Bylaw 500, 1987. As the land use designation is silent on building strata conversions and the RU1 zoning permits 2 dwelling units, the proposed building strata conversion is neither contrary to the OCP or the zoning. As such, the building strata conversion may be supported.

### ***Strata Property Act***

Section 242 of the *Strata Property Act* provides for the conversion of previously occupied buildings into strata lots subject to the approval of the approving authority, in this case, the Regional Board. The Board is to ensure that an adequate supply of rental units remain available and that units being converted meet the current minimum standard of construction. The *Strata Property Act* specifies that the Board must consider the following criteria in its decision:

1. The priority of rental accommodation over privately owned housing in the area;
2. Any proposals for the relocation of persons occupying a residential building;
3. The life expectancy of the building;
4. Projected major increases in maintenance costs due to the conditions of the building; and
5. Substantial compliance of the building with applicable bylaws and the building code.

In addition to the above required criteria, the Board may also consider any other matters that, in its opinion, are relevant. Approval of the proposed strata conversion subdivision is at the Board's discretion.

### ***Development Implications***

The proposed building strata conversion appears to address the criteria that the Board must consider in accordance with Section 242 of the *Strata Property Act*. With respect to the priority of rental accommodation over privately owned housing in the area, the neighborhood where the subject property is located is characterized by owner-occupied single dwellings situated on rural and rural residential parcels. As a result, the priority of rental accommodation is not considered to be significant. Furthermore, the owners currently occupy the building to be stratified so there is no relocation of tenants involved.

With respect to the life expectancy of the building, the applicant submitted an engineering report prepared and certified by Paul Mullen, P.Eng. and dated August 10, 2012. The report concludes that the building substantially complies with building codes as of August 2012, and therefore no building upgrades are required for the proposed strata conversion. The report certifies that the existing dwelling unit substantially complies with existing building codes, is in good condition, and would not require any significant maintenance when compared to a new building.

To address the development permit area guidelines for aquifer protection, the applicant has submitted a Preliminary Hydrogeological Impact Review report, written by Shelly Bayne of Waterline Resources Inc. dated November 27, 2012 and amended February 18, 2013. The report considered potential impacts to the aquifer and nearby water sources from well-to-well interface from groundwater extraction, septic disposal, increased impervious area/rainwater management and hazardous chemical storage and use. The report concludes that the proposed two-lot strata conversion subdivision represents a low risk of adverse impact to adjacent properties for the underlying aquifers. Therefore, the applicant has met the development permit area guidelines for aquifer protection.

### ***Building Strata Conversion Policy Guidelines***

In addition to the building strata conversion criteria outlined above in the *Strata Property Act*, the Board may consider "any other matters that, in its opinion, are relevant" in making its decision to approve or deny the requested strata conversion. The Board's Strata Conversion Policy and Guidelines (Policy No. B1.7) is intended to guide the Regional District in its review and evaluation of these applications and to assist applicants in the preparation of an application. This policy requires confirmation of waste water disposal, proof of potable water supply, the life expectancy of the building(s) and measure of compliance with relevant bylaws and building codes, etc. To address this policy, the applicants have provided the following information:

- Proposed strata site plan;
- Professional Engineer's report of existing dwelling unit and its conformity to building codes;
- Copy of septic filing and conformation of compliance;
- Detailed well records and Certificate of Analysis;
- Confirmation of Septic Certificate to Construct a system and filing for authorization to operate a sewage disposal system;
- Preliminary Hydrogeological Impact Review;
- Site Profile form.

With respect to waste water disposal, the engineering report prepared by Paul Mullen, P.Eng., dated August 10, 2012 certifies that the existing septic disposal system substantially complies with the applicable regulations in place at the time the system was built. The Preliminary Hydrogeological Impact Review prepared by Waterline Resources Inc. notes that a new septic system and disposal field will need to be designed and installed for proposed strata Lot B to suit its intended use.

### ***Water Quality, Quantity and Well Standards***

In order to address the Strata Conversion Policy and Guidelines, the applicant submitted a Preliminary Hydrogeological Impact Review compiled by Waterline Resources Inc. dated November 27, 2012 and amended February 18, 2013. The report includes a well analysis which was derived from every well located within a 500 metre radius (a total of 22 wells). The reports concludes that the creation of proposed strata Lot B represents a low risk of adverse impact to the adjacent properties or to the underlying aquifers. The existing well (#106186) on proposed strata Lot A has a reported yield of 55 m<sup>3</sup>/d. Based on the recorded well yields of the 22 wells within the 500 metre radius of the subject property the report concluded that an average well yield for the area is approximately 47.8 m<sup>3</sup>/d and that it is highly probable that a well provided to service the proposed new strata Lot B could sustain volume required by the RDN for subdivision approval. Staff have reviewed the information provided and accepted this information as having reasonably demonstrated the ability to meet the RDN Bylaw 500, 1987 requirement that a year round potable water supply of 3.5 m<sup>3</sup>/d can be provided for each proposed strata lot. Staff recommend that proof of potable water by way of separate well for each strata lot be provided prior to final approval of the strata subdivision as set out in the conditions of approval.

### ***Intergovernmental Implications***

The Ministry of Transportation and Infrastructure have reviewed the proposed strata plan and confirmed they do not have any concerns with respect to the existing or proposed accesses.

### ***Sustainability Implications***

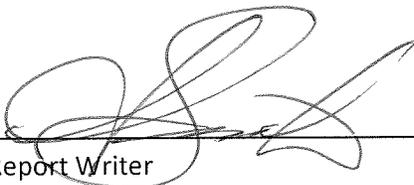
The applicant has completed the "Regional District of Nanaimo Sustainable Development Checklist". The applicant has demonstrated that the proposed development will not negatively impact the underlying aquifer as required by the Aquifer Protection Development Permit Area Guidelines. As this application is meeting the existing density allowed within the bylaw, no additional sustainability implications were identified through the review of this application.

### **SUMMARY/CONCLUSIONS**

The applicant is requesting a building strata conversion to create separate titles for an existing single dwelling unit and a proposed second dwelling unit, which is permitted under the existing zoning (RU1) within the parent parcel. In addition, the applicants have submitted an Aquifer Protection Development Permit application in relation to the subdivision. Provided the recommended conditions of approval are met, the application will meet the minimum requirements for the approval of a building strata conversion as set out in the *Strata Property Act* and RDN Board Policy. The proposed subdivision has also been demonstrated to meet Aquifer Protection Development Permit Area Guidelines. Therefore staff recommends the Board approve the building strata conversion and development permit application subject to the conditions as set out in Schedules 1 and 2.

**RECOMMENDATIONS**

1. That the request from Fern Road Consulting Ltd. on behalf of David and Caroline Walton for the Building Strata Conversion Application No. PL2012-159 as shown on the proposed strata plan of Lot 7, Block 419, Nanoose District, Plan 30113, and Development Permit Application No. PL2012-163 be approved subject to the conditions being met as set out in Schedules 1 and 2.
2. That Development Permit Application No. PL2012-163 to permit the proposed strata conversion subdivision be approved subject to the conditions outlined in Schedules 1 and 2.



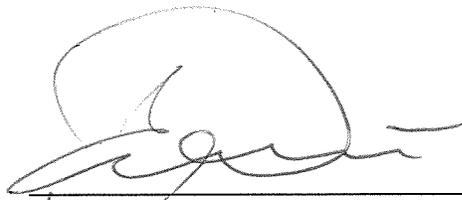
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Report Writer



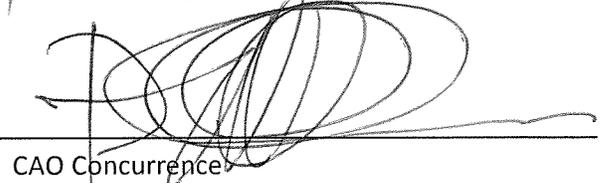
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Manager Concurrence



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A General Manager Concurrence



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CAO Concurrence

**Schedule 1**  
**Conditions of Approval**

**Conditions of Approval for Development Permit Application No. PL2012-163:**

The following condition is to be completed as part of the Development Permit Application No. PL2012-163:

1. Subdivision

The building strata conversion shall be in substantial compliance with the plan of strata conversion, attached as Schedule 2.

**Conditions of Approval for Building Strata Conversion Application No. PL2012-159**

The following conditions are to be completed as part of the Building Strata Conversion Application No. PL2012-159:

1. Subdivision

The building strata conversion shall be in substantial compliance with the plan of strata conversion, attached as Schedule 2.

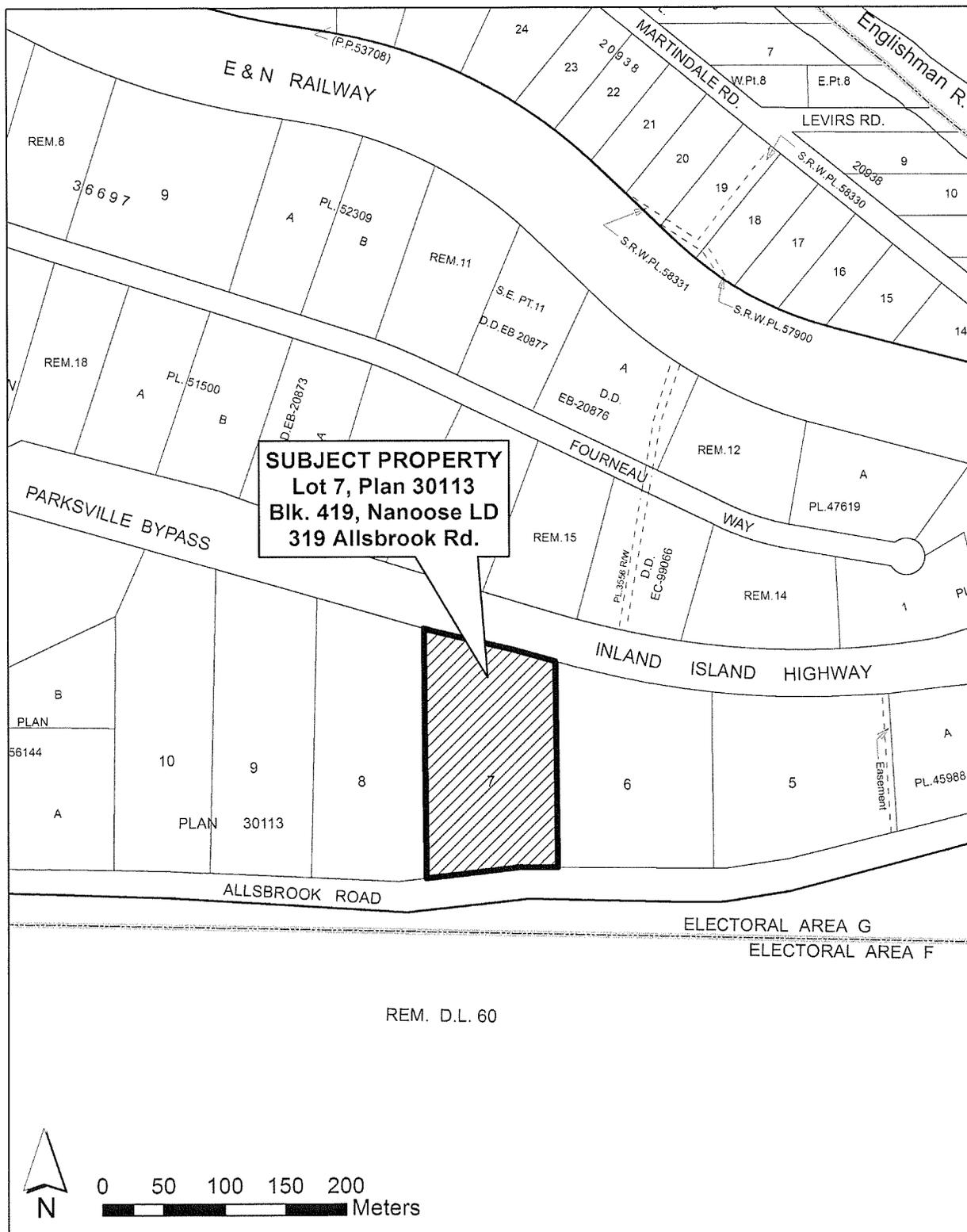
2. Buildings

The applicants' British Columbia Land Surveyor is to provide written proof that all structures labeled "Greenhouse" have been removed. The applicant is to obtain necessary demolition permits

3. Prior to RDN's approval of the final strata conversion plan, the applicant shall provide proof of potable water supply necessary to service each Strata Lot in accordance with "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 – Part 4 Subdivision Regulations" to the satisfaction of the General Manager of Strategic and Community Development.



### Attachment 1 Location of Subject Property





|              |                                     |                                     |
|--------------|-------------------------------------|-------------------------------------|
| CAO APPROVAL |                                     | <input checked="" type="checkbox"/> |
| EAP          | <input checked="" type="checkbox"/> |                                     |
| COW          | <input checked="" type="checkbox"/> |                                     |
| MAR 04 2013  |                                     |                                     |
| RHD          |                                     |                                     |
| BOARD        |                                     |                                     |

**MEMORANDUM**

**TO:** Jeremy Holm  
Manager, Current Planning

**DATE:** February 28, 2013

**FROM:** Lainya Rowett  
Senior Planner

**FILES:** PL2012-035

**SUBJECT:** Zoning Amendment Application No. PL2012-035 – Bylaw No. 500.379 – 928323 BC Ltd.  
Lot 1 District Lot 81, Nanoose District, Plan 1799 - 691 Wembley Road  
Electoral Area 'G'

**PURPOSE**

To consider an application to rezone the subject property from Rural 1 Zone (RU1), Subdivision District 'F' to Residential 1 Zone (RS1), Subdivision District 'Q' in order to permit a subdivision of the property into approximately 38 residential lots and park.

**BACKGROUND**

The Regional District of Nanaimo has received a zoning amendment application from Fern Road Consulting Ltd. on behalf of 928323 BC Ltd. to rezone the subject property in order to permit a 38-lot subdivision with park. The property is approximately 4.1 ha in area and contains an existing dwelling and accessory buildings to be removed prior to subdivision. The property is surrounded by developed residential lots and is bounded by roads on three sides, including Yellowbrick Road to the north, Arrowsmith Way to the west, and Wembley Road to the east, as well as Oceanside Middle School to the northeast (see Attachment 1 for subject property map).

***Proposed Development***

The applicant proposes to rezone the property from Rural 1 Zone (RU1), Subdivision District 'F' (1.0 ha minimum parcel size) to Residential 1 Zone (RS1), Subdivision District 'Q' (700 m<sup>2</sup> minimum with community water and sewer) (see Attachment 2 for proposed Amendment Bylaw No. 500.379, 2013). The requested amendment would permit a proposed 38-lot subdivision with park land dedication pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The proposed lots would range in area from 700 m<sup>2</sup> to 1,304 m<sup>2</sup> and would be limited to one dwelling unit per parcel (see Schedule 2 for proposed subdivision plan). The applicant proposes to service the lots with community water (EPCOR) and RDN community sewer (French Creek).

**ALTERNATIVES**

1. To proceed with Zoning Amendment Application No. PL2012-035 in consideration of first and second reading of the Amendment Bylaw and proceeding to public hearing.
2. To not proceed with the Bylaw readings and public hearing.

## LAND USE IMPLICATIONS

### *Official Community Plan Implications*

The subject property is designated Neighborhood Residential in the “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008”. This designation includes existing residential neighborhoods within the French Creek urban containment boundary, and it supports infill development that is compatible with the character of existing neighborhoods (i.e. ground-oriented and not exceeding a density of 15 dwelling units per hectare). The proposed subdivision would create ground-oriented residential lots with a density of 9 dwellings per hectare; therefore, the proposed amendment is consistent with the OCP policies.

### *Development Implications*

The existing zoning (Rural 1) of the subject property allows agriculture, aquaculture, home based business, produce stand, silviculture, and residential use (up to two dwellings per parcel greater than 2.0 ha). The property has sufficient site area to subdivide under current zoning into 1.0-hectare parcels with two dwellings per parcel; however, this type of acreage development is uncharacteristic in this semi-urban area. The proposed zoning (Residential 1) would permit residential use and home based business use only, and would allow 700 m<sup>2</sup> lots (Subdivision District ‘Q’, with community servicing). Single-dwelling lots of this size would be consistent with existing surrounding land use, and would support additional housing near a public school (see Schedule 3). It is noted that if the zoning amendment is approved the applicant will be required to obtain Board approval, at the time of subdivision, for a relaxation of the minimum 10% perimeter frontage requirement for some of the proposed lots located on the cul-de-sac.

The applicant proposes to dedicate approximately 5.4% of the site area as park land at the time of subdivision, which exceeds the minimum 5% park land requirement pursuant to section 941 of the *Local Government Act*. The proposed park (2,227 m<sup>2</sup>) is centrally located within the subdivision and would provide a public connection between the proposed cul-de-sac and the extension from Lowry Place, which runs north to the school (see Schedules 2 and 3). In order to ensure that future development adjacent to the park provides an appropriate interface and maximizes natural surveillance of the park area, the applicant will be required to register a section 219 restrictive covenant with the following criteria:

- Fencing along the common boundary of the residential lot and the park shall be limited to low permeable fencing. It will also be encouraged that landscaping be maintained to provide visual surveillance to the park;
- Buildings and structures on lots where the rear lot line is common to the park shall be articulated with windows, porches, and decks that are oriented to provide maximum visual surveillance of park. Points of access to the park, such as gates, will be encouraged to provide a direct connection to the park from each lot; and,
- Dumping of yard waste or refuse in the park area is prohibited.

As part of the rezoning application, the applicant also proposes to provide the following community amenity contribution in recognition of the increased development potential that would be achieved through rezoning:

- A soft-surface pedestrian trail (e.g. gravel) through the proposed park to connect the proposed cul-de-sac to the extension of Lowry Place; and
- A \$32,000.00 cash contribution towards the design and construction of an off-site multi-use trail to be located within the undeveloped Stanhope Road right-of-way between Wembley and Ackerman roads (see Schedule 3 for location of future trail).

The provision of this amenity contribution is noted as a condition of approval in Schedule 1 for the proposed Amendment Bylaw 500.379. Parks and Recreation staff have reviewed the proposal and recommend that the Board support the proposed amenity contribution.

#### ***Inter-governmental Implications***

The Ministry of Transportation and Infrastructure (MOTI) has reviewed the proposed amendment and confirmed that it does not have any concerns. MOTI has also advised that, at the time of subdivision, the applicant will be required to provide additional improvements to enhance vehicular and pedestrian mobility near the site, particularly in relation to the existing school. The detailed design and location of these improvements will be determined by MOTI at the subdivision stage.

The proposed development was also referred to the local Fire Department and the RCMP for comment. Neither had any concerns with the proposed use. The Fire Department requested consideration of renaming some segments of road to avoid any confusion in the road name configuration for emergency response. Staff have forwarded these comments to MOTI, and this request will be considered at the subdivision stage.

#### ***Sustainability Implications***

Staff have reviewed the proposed zoning amendment and identified that the amendment will enable infill within an existing urban containment area and in close proximity to an existing school. The proposed amenity contribution of a park trail and future improvements will enhance opportunities for safe pedestrian access.

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

A Public Information Meeting (PIM) was held on August 13, 2012, and forty-seven people attended this meeting in addition to the applicants and RDN staff (see Attachment 3 for Summary of PIM Minutes). In response to comments received at the PIM, staff consulted with MOTI and the applicant to review opportunities for improved road networking and pedestrian mobility around the site. MOTI will be requiring improvements through the future subdivision, as discussed above. One clarification that was requested from the community was regarding the potential closure of access from Yellowbrick Road to Wembley Road. MOTI has given favorable consideration to the closure of Yellowbrick Road to Wembley Road; this closure will be considered further through the subdivision review. If the proposed Amendment Bylaw receives first and second reading the proposal will proceed to public hearing pursuant to section 890 of the *Local Government Act*.

## SUMMARY/CONCLUSIONS

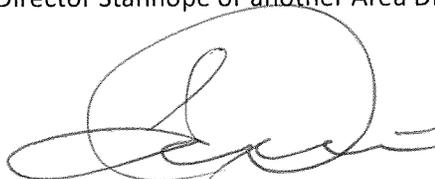
The applicant proposes to rezone the subject property from Rural 1 Zone, Subdivision District 'F' to Residential 1 Zone, Subdivision District 'Q', in order to permit the subdivision of the subject property into 38 residential lots with park land dedication. The proposed development is consistent with the OCP policies for the Neighborhood Residential land use designation, and the future subdivision is compatible with the surrounding existing residential development. The proposed lot sizes will provide adequate site area for the intended use with community servicing to be provided. The proposed park land dedication and frontage relaxation request will require Board consideration at the time of a subdivision application. The applicant proposes to provide a trail within the proposed park and a cash contribution (\$32,000.00) towards the design and construction of a future multi-use trail within the Stanhope Road right-of-way. Given that the proposed amendment is consistent with the OCP and will contribute to the enhancement of public pedestrian mobility, staff recommends that the proposed Zoning Amendment Bylaw No. 500.379, 2013 receive first and second reading and proceed to public hearing.

## RECOMMENDATIONS

1. That Zoning Amendment Application No. PL2012-035 to rezone the subject property from Rural 1 Zone, Subdivision District 'F' to Residential 1 Zone, Subdivision District 'Q' be approved subject to the conditions outlined in Schedule 1.
2. That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.379, 2013" be introduced and read two times.
3. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.379, 2013" be delegated to Director Stanhope or another Area Director.



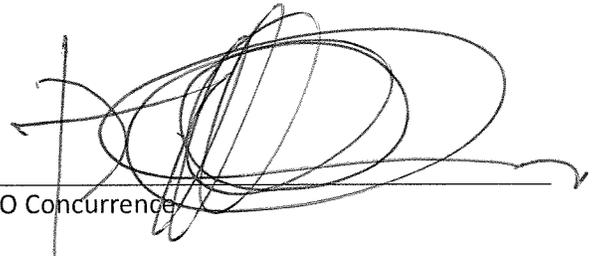
Report Writer



A / General Manager Concurrence



Manager Concurrence

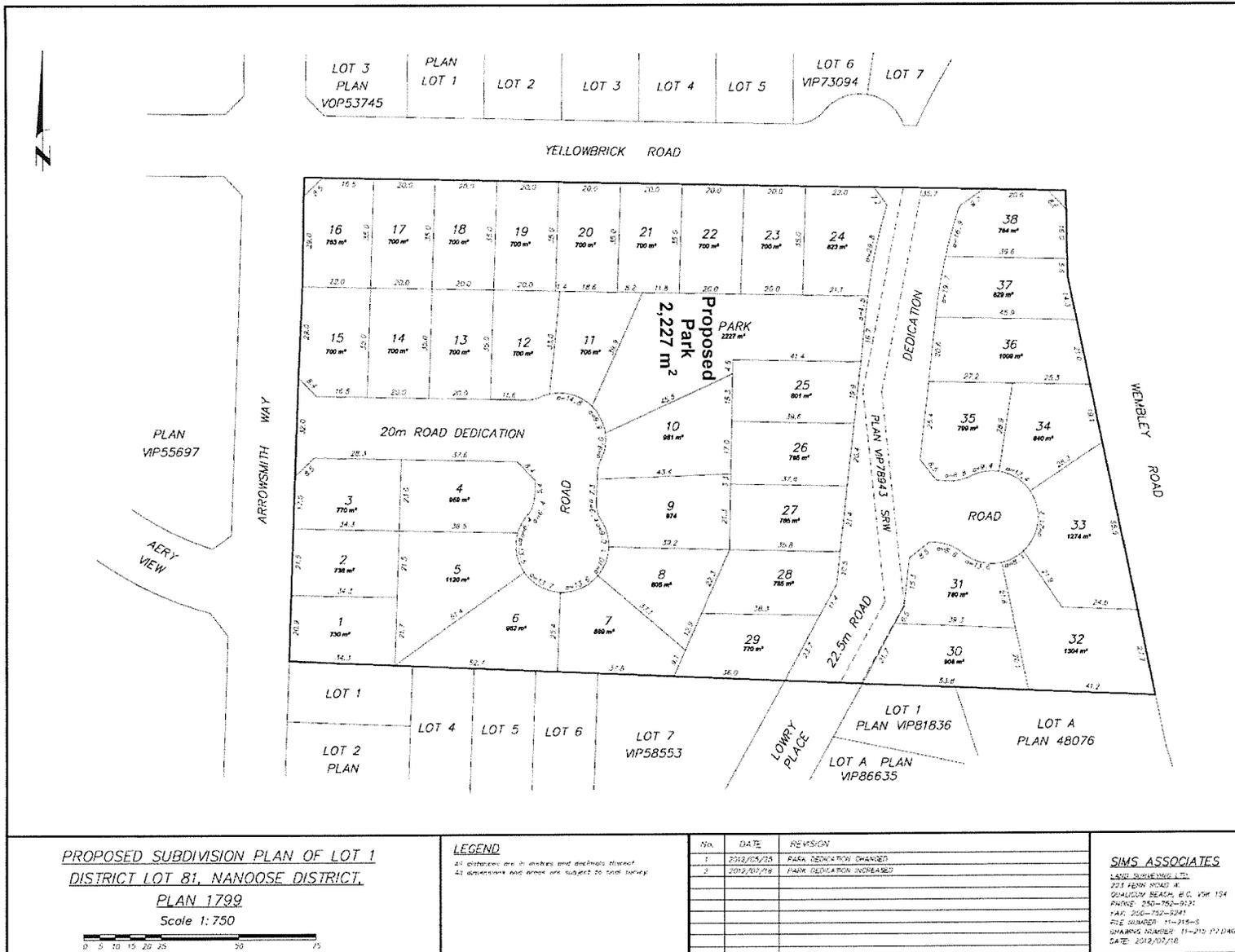


CAO Concurrence

**Schedule 1**  
**Conditions of Approval for Zoning Amendment Application**

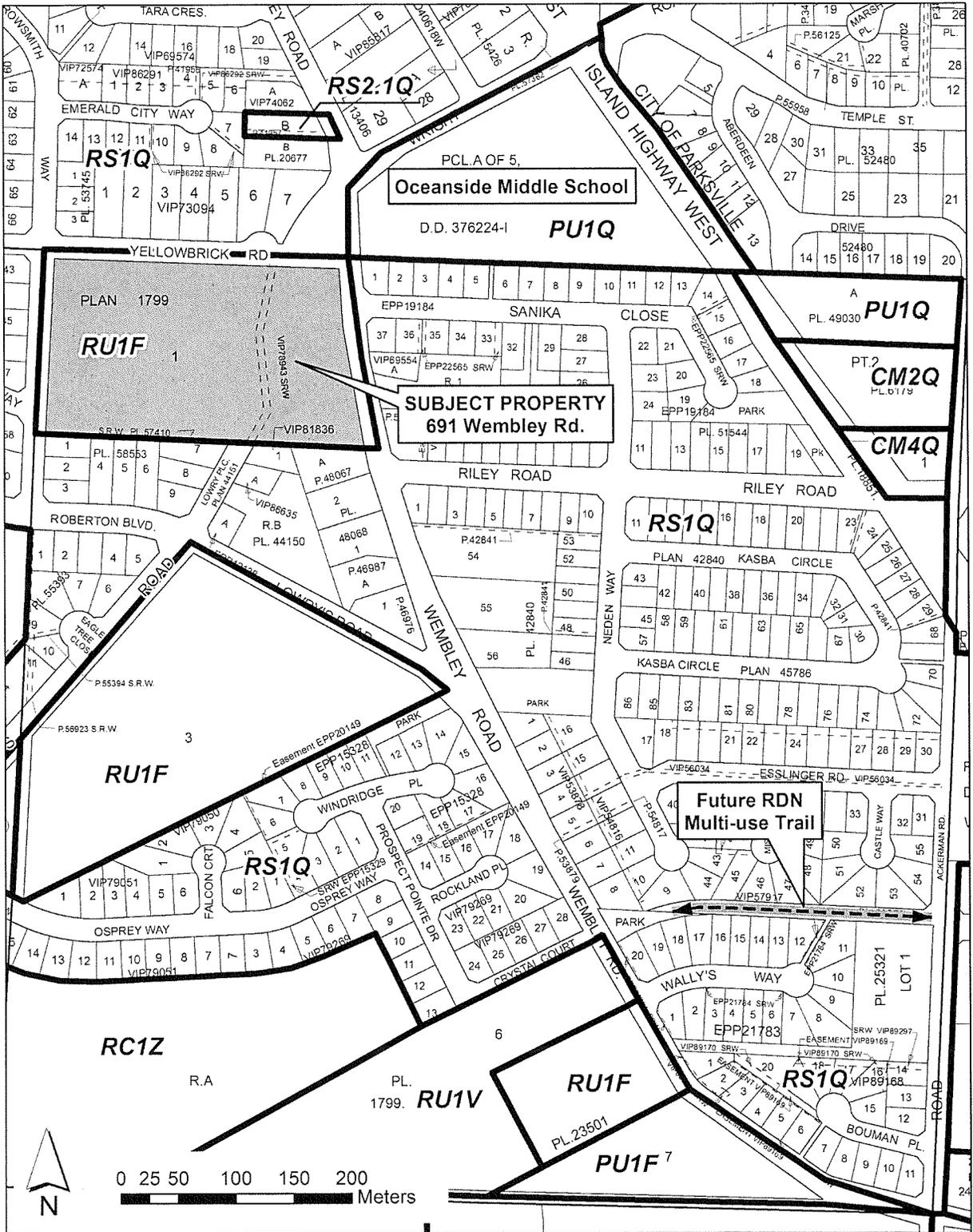
The following is required prior to the Amendment Bylaw No. 500.379, 2013 being considered for adoption:

1. The subject property shall be developed generally in accordance with the proposed plan of subdivision prepared by Sims Associates dated July 18, 2012 and attached as Schedule 2.
2. The applicant shall provide a community amenity contribution in the amount of \$32,000.00 for the future development of a multi-use trail within the Stanhope Road right-of-way.
3. The applicant shall construct a soft surface trail within the proposed park dedication to the satisfaction of the General Manager of Strategic & Community Planning. The trail will be secured prior to adoption and constructed prior to subdivision final approval.
4. The applicant shall register a section 219 restrictive covenant to ensure that future development on lots immediately adjacent to the park complies with the following criteria:
  - Fencing along the common boundary of the residential lot and the park shall be limited to low permeable fencing. It will also be encouraged that landscaping be maintained to provide visual surveillance to the park;
  - Buildings and structures on lots where the rear lot line is common to the park shall be articulated with windows, porches, and decks that are oriented to provide maximum visual surveillance of park. Points of access to the park, such as gates, will be encouraged to provide a direct connection to the park from each lot; and,
  - Dumping of yard waste or refuse in the park area is prohibited.



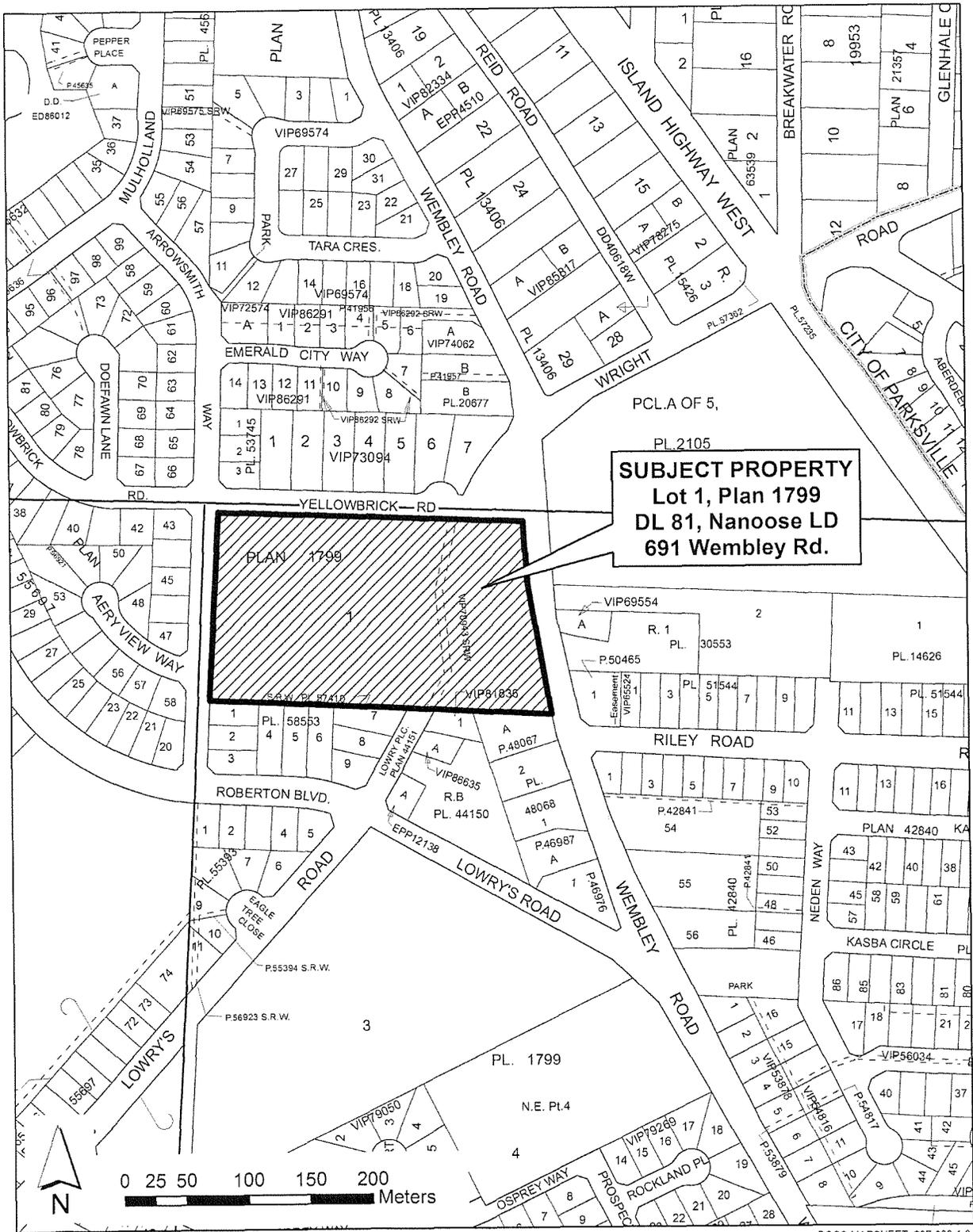
**Schedule 2  
Proposed Subdivision Plan**

**Schedule 3**  
**Existing Zoning & Future Stanhope Road Trail**



BCGS MAPSHEET: 92F.039.1.3

**Attachment 1**  
**Location of Subject Property**



**Attachment 2**  
**Proposed Amendment Bylaw No. 500.379, 2013**  
**REGIONAL DISTRICT OF NANAIMO**  
**Bylaw No. 500.379**  
**A Bylaw to Amend "Regional District of Nanaimo**  
**Land Use and Subdivision Bylaw No. 500, 1987"**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

- A. This Bylaw may be cited as "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.379, 2013".
- B. "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", is hereby amended as follows:
  - 1. By rezoning the lands shown on the attached Schedule '1' and legally described as

Lot 1 District Lot 81, Nanoose District, Plan 1799

from Rural 1 Zone, Subdivision District 'F' to Residential 1 Zone, Subdivision District 'Q'

Introduced and read two times this \_\_\_\_ day of \_\_\_\_\_ 201\_\_.

Public Hearing held this \_\_\_\_ day of \_\_\_\_\_ 201\_\_.

Read a third time this \_\_\_\_ day of \_\_\_\_\_ 201\_\_.

Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this \_\_\_\_ day of \_\_\_\_\_ 201\_\_.

Adopted this \_\_\_\_ day of \_\_\_\_\_ 201\_\_.

\_\_\_\_\_  
Chairperson

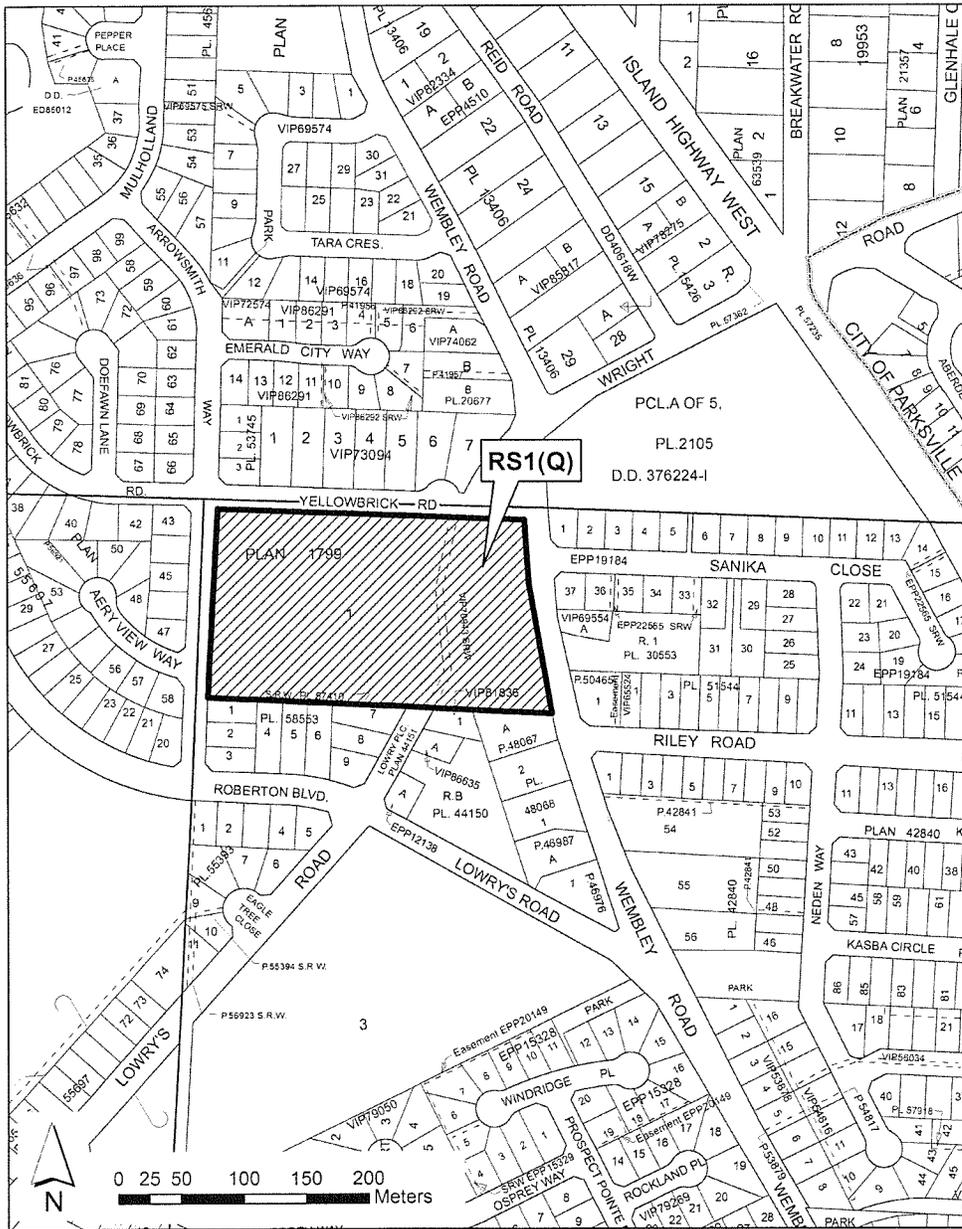
\_\_\_\_\_  
Corporate Officer

Schedule '1' to accompany "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.379, 2013"

Chairperson

Corporate Officer

Schedule '1'



**Attachment 3**  
**Summary of Minutes of a Public Information Meeting**

**Held at Oceanside Place, 830 West Island Highway, Parksville**  
**Monday, August 13, 2012 at 7:00 PM**

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

There were 47 members of the public in attendance at the meeting.

*Present for the Regional District:*

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

*Present for the Applicant:*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sharnie McFee, Parksville, asked why rural zoned lots have been rezoned for higher density in this area, and said the traffic problems are a consequence of designating the area for higher density (urban containment). She also asked if the subject property was part of the Coastal Douglas Fir ecosystem and if it would be clear-cut through development.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Chairperson asked a final time if there were any other questions or comments. Being none, the Chairperson thanked those in attendance and announced that the public information meeting was closed.

The meeting was concluded at 8:40 pm.

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Lainya Rowett  
Recording Secretary



|              |                                     |
|--------------|-------------------------------------|
| RDN REPORT   |                                     |
| CAO APPROVAL |                                     |
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| BOARD        |                                     |

## MEMORANDUM

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**TO:** Jeremy Holm  
Manager, Current Planning

**DATE:** February 26, 2013

**FROM:** Kristy Marks  
Planner

**FILE:** PL2011-108

**SUBJECT:** Zoning Amendment Application No. PL2011-108 – Addison  
Lot 1, Section 7, Range 3, Cranberry District, Plan VIP68949 – 2610 Myles Lake Road  
Electoral Area 'C'

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### PURPOSE

To consider a Zoning Amendment Application to rezone the subject property from Rural 6 Zone (RU6) Subdivision District 'V' to Rural 6 Zone (RU6), Subdivision District 'D' in order to permit a four-lot subdivision.

### BACKGROUND

The Regional District of Nanaimo has received a zoning amendment application from Turner Land Surveying Inc. on behalf of Chuck and Linda Addison to rezone the subject property in order to permit a four-lot subdivision. The property is 8.71 ha in area and is located at the south end of Myles Lake Road in Electoral Area 'C' (see Attachment 1 for subject property map). The property contains a dwelling unit and accessory buildings and is surrounded by rural residential parcels to the north and east, Blind Lake to the south and forestry lands to the west.

#### *Proposed Development*

The applicant proposes to rezone the subject property from Rural 6 Zone Subdivision District 'V' (50.0 ha minimum parcel size) to Rural 6 Zone Subdivision District 'D' (2.0 ha minimum parcel size) in order to permit a four-lot subdivision pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (Bylaw 500). Each proposed parcel will be a minimum of 2.0 ha in area and will be limited to one dwelling per parcel. The parcels are proposed to be serviced by individual on-site septic disposal systems and potable water wells (see Schedule 2 for proposed plan of subdivision).

The subject property is designated within the following applicable Development Permit Areas (DPA) pursuant to the "Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw No. 1148, 1999":

- Fish Habitat Protection;
- Watercourse Protection; and

- Sensitive Ecosystems.

If the zoning amendment application is approved, the applicant will be required to obtain a development permit prior to final subdivision approval.

## **ALTERNATIVES**

1. To proceed with Zoning Amendment Application No. PL2011-108 in consideration of first and second reading of the Amendment Bylaw and proceeding to public hearing.
2. To not proceed with the Bylaw reading and public hearing.

## **LAND USE IMPLICATIONS**

### ***Regional Growth Strategy and Official Community Plan Implications***

The Board will recall that amendments to “Regional Growth Strategy Bylaw No. 1309, 2003” (RGS) and “Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw No. 1148, 1999” (OCP) were approved on June 28, 2011 in order to change the RGS designation for the property from Resource Lands and Open Space to Rural Residential, and change the OCP designation from Resource to Rural. The OCP designation supports a minimum parcel size of 2.0 ha and the proposed zoning amendment is consistent with the OCP policies.

### ***Development Implications***

In order to permit the future subdivision of the subject property into four rural residential lots, the applicant is proposing to amend the Subdivision District from 'V' (50 ha minimum parcel size) to Subdivision District 'D' (2.0 ha minimum parcel size) (see Attachment 2 for the proposed “Regional District of Nanaimo Amendment Bylaw No. 500.381, 2013”). The existing Rural 6 zoning designation and permitted uses would remain unchanged allowing one dwelling unit, agriculture, aquaculture, home based business, produce stand, silviculture and accessory buildings.

The proposed plan of subdivision illustrates existing buildings future building envelopes, and the Streamside Protection and Enhancement Area (SPEA) established in the Riparian Areas Assessment that was completed for the property. The plan demonstrates that the proposed minimum lot size (2.0 ha) can be met for each lot and that the lots would accommodate adequate site area for a dwelling unit. It is noted that if the zoning amendment application is approved the applicant will be required to obtain Board approval for a relaxation from the minimum 10% perimeter frontage requirement for proposed Lots C and D at the time of subdivision.

As part of the amendment application, the applicant proposes to contribute \$2,000.00 as a community amenity contribution. The applicant has requested that the money be transferred to the Extension Recreation Society for park related improvements within the Extension Village Centre. The provision of this amenity contribution is noted as a condition of approval of the proposed Amendment Bylaw No. 500.371 as outlined in Schedule 1. Parks and Recreation staff have reviewed the proposal and recommend that the Board support the proposed amenity contribution. Given that all proposed parcels are greater than 2.0 ha in area the provision of park land pursuant to Section 941 of the *Local Government Act* is not required.

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

In light of the comprehensive public consultation process that was completed through the OCP and RGS amendments, a Public Information Meeting (PIM) was waived for the proposed zoning amendment application. If the proposed application receives first and second reading, the proposal will then proceed to Public Hearing pursuant to Section 890 of the *Local Government Act*.

### ***Environmental Implications***

The applicant has submitted a Riparian Areas Assessment prepared by a Qualified Environmental Professional (QEP). The report provides recommendations intended to protect the SPEA during development of the property. The recommendations of this report will be addressed through the development permit approval process at the time of subdivision and/or construction.

As part of the Official Community Plan and Regional Growth Strategy amendment process the application was referred to local governments and other governmental organizations for their comments. Through this process the Ministry of Environment and the Stz'uminus First Nations expressed concern that development may negatively impact the lake ecosystem. In order to address this concern, the applicant has provided a Biophysical Assessment prepared by Aquaparian Environmental Consulting Ltd. dated September 2012. Development of the property in accordance with the recommendations contained in this report will also be addressed through the development permit process.

In response to concerns raised by the Ministry of Environment during the OCP and RGS amendment process the applicants have submitted a Dispersal Assessment as part of the rezoning application prepared by Lewkowich Engineering Associates Ltd. dated February 1, 2013 in order to ensure that the proposed subdivision will not negatively impact groundwater or receiving waters and that predevelopment flows will be maintained. The recommendations outlined in this report will be addressed through the development permit process.

In order to satisfy Board Policy B1.21 concerning the rezoning of unserviced lands, the applicant has constructed and tested three new wells to service proposed lots A, B, and C and confirmed that an existing well, constructed in 2005, currently services the existing dwelling unit on proposed lot D. In accordance with the Policy the applicant has submitted individual Hydrogeological Assessments reports prepared by Lewkowich Engineering Associates Ltd. dated November 2012 for the three new wells. The well reports meet the requirements of the policy and confirm that adequate potable water is available for the proposed lots and that the wells meet the minimum standards outlined in the BC Ground Water Protection Regulations. Given that the wells have been constructed and tested in accordance with the policy, the applicant is not required to register a covenant on title requiring this work to be completed prior to final approval of subdivision.

The applicant also provided a report prepared by Lewkowich Engineering Associates dated May 15, 2012 which confirms that the property meets the VIHA standards for subdivision with respect to on-site sewerage disposal.

**Sustainability Implications**

The proposed new parcels will have a minimum parcel size similar to that of adjacent parcels and the proposal is consistent with the policies outlined in the OCP. In addition, the applicant has provided a number of reports to ensure that the lake ecosystem is not negatively impacted by future development.

**Inter-governmental Implications**

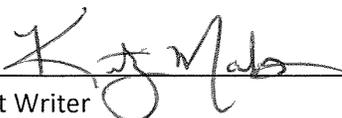
The Ministry of Transportation and Infrastructure (MOTI) has reviewed the proposed development and have indicated they have no concerns with the proposed zoning amendment. MOTI staff have advised that a 10m wide road dedication will be required along the northern edge of proposed Lots A and B and that the applicant may be required to provide access to water pursuant to Section 75 of the *Land Title Act* at the time of subdivision.

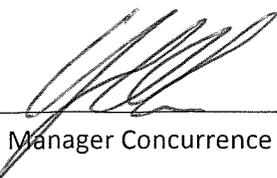
**SUMMARY/CONCLUSIONS**

The applicant proposes to rezone the subject property from Rural 6 Zone Subdivision District 'V' to Rural 6 Zone Subdivision District 'D', in order to permit the subdivision of the subject property into four, rural residential parcels. The applicant has provided a Riparian Areas Assessment, Biophysical Assessment, Hydrogeological Assessments, Dispersal Assessment, and Subdivision Report in support of the application. The proposed development is consistent with the Rural Residential OCP land use designation which supports a minimum parcel size of 2.0 ha, and the applicant has demonstrated that the future lots would have adequate site area and on-site servicing to support the intended residential use. Therefore, staff recommends that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.381, 2013" proceed for first and second reading and to Public Hearing, subject to the conditions set out in Schedule 1.

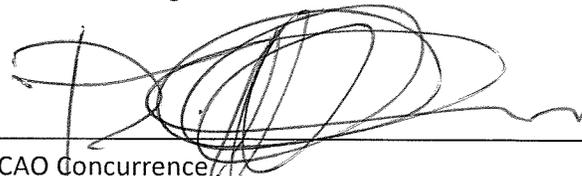
**RECOMMENDATION**

1. That the conditions set out in Schedule 1 of the staff report be completed prior to Bylaw No. 500.381, 2013 being considered for adoption.
2. That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.381, 2013", be introduced and read two times.
3. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.381, 2013", be chaired by Director Young or her alternate.

  
Report Writer

  
Manager Concurrence

  
General Manager Concurrence

  
CAO Concurrence

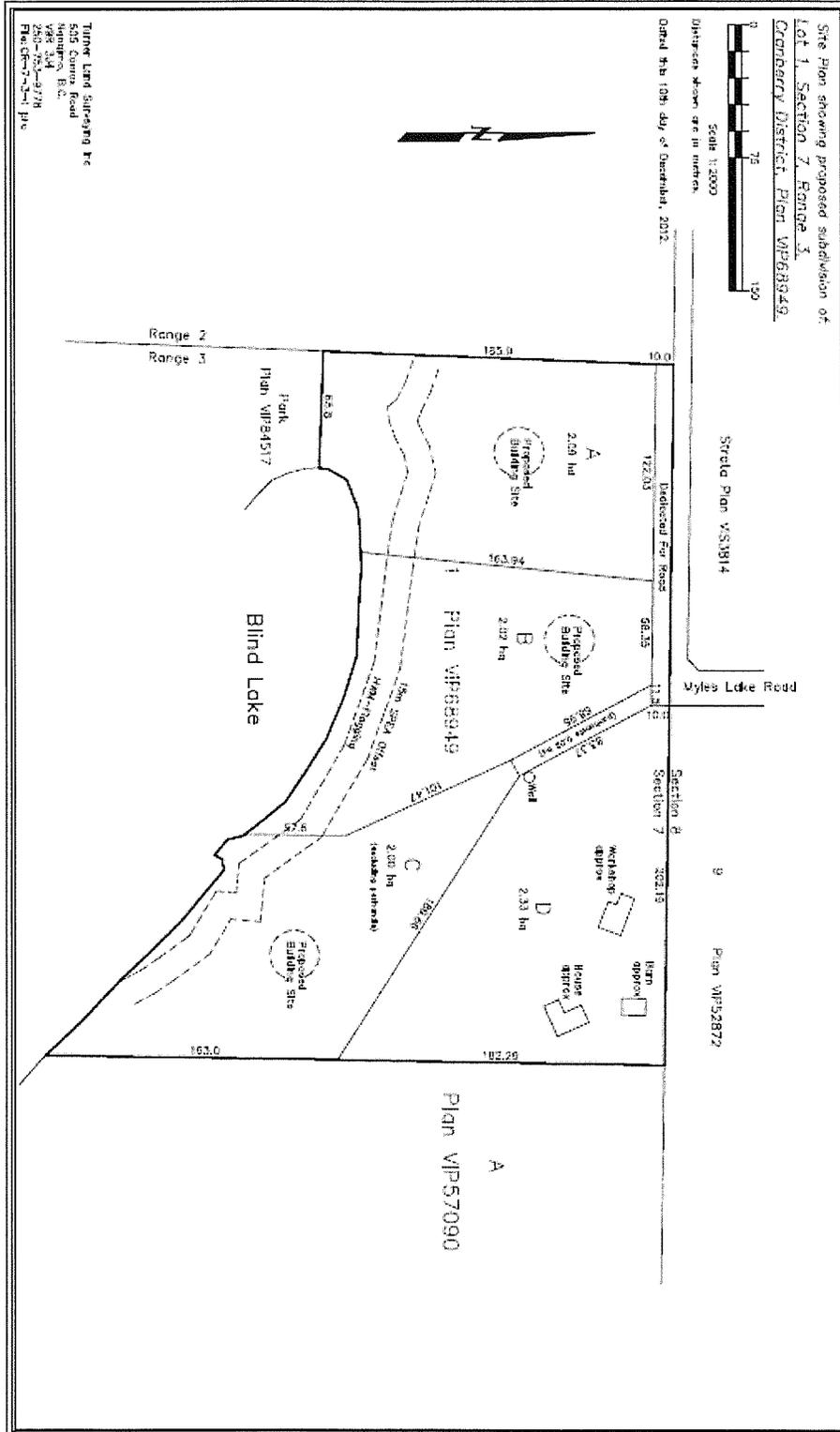
**Schedule 1**  
**Condition of Zoning Amendment**

Condition of Approval

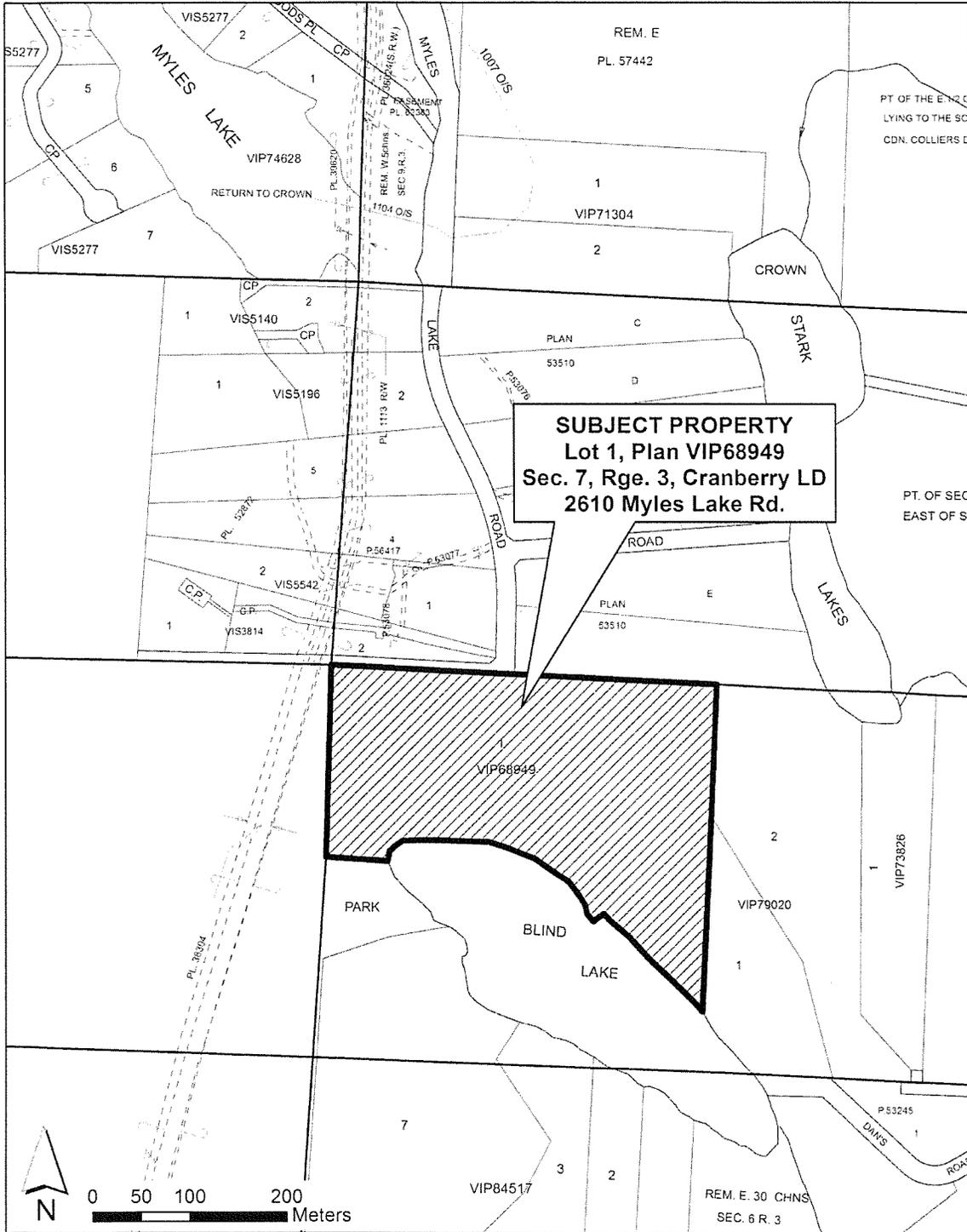
The following condition is to be met prior to the Amendment Bylaw No. 500.381, 2013 being considered for adoption:

1. Provision of a \$2,000.00 community amenity contribution to the Regional District of Nanaimo for the Extension Recreation Society to be used for parks-related improvements located in the Area 'C' Extension Village Centre.

Schedule 2  
 Proposed Plan of Subdivision



**Attachment 1**  
**Location of Subject Property**



**Attachment 2  
Proposed Amendment Bylaw No. 500.381, 2013**

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 500.381**

**A BYLAW TO AMEND "REGIONAL DISTRICT OF NANAIMO  
LAND USE AND SUBDIVISION BYLAW NO. 500, 1987"**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

- A. This Bylaw may be cited as "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.381, 2013".
- B. The "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", is hereby amended as follows:

By rezoning the lands as shown on the attached Schedule '1' and legally described as:

Lot 1, Section 7, Range 3, Cranberry District, Plan VIP68949

from Rural 6 Zone, Subdivision District 'V' to Rural 6 Zone, Subdivision District 'D'.

Introduced and read two times this \_\_\_\_ day of \_\_\_\_\_ 2013.

Public Hearing held this \_\_\_\_ day of \_\_\_\_\_ 201\_\_.

Read a third time this \_\_\_\_ day of \_\_\_\_\_ 201\_\_.

Adopted this \_\_\_\_ day of \_\_\_\_\_ 201\_\_.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Corporate Officer

