

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, MARCH 8, 2011

5:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

- 4 - 5 **Jim Crawford & Cynthia Hildebrand, Baynes Sound Investments Ltd.**, re Proposed Rezoning Application for Lands in Area 'H'.
- 6 **Gordon Buckingham**, re Infrastructure Planning in Area 'E' - Impact of the Proposed Lakes District & Schooner Cove Developments.
- 7 **Bob Poppo, Fairwinds Community Association**, re Extent of Fairwinds Community Association Support for the Proposed Fairwinds Schooner Cove & Lakes District Neighbourhood Plans.
- 8 **Joe Straka**, re A New Regional Park in Fairwinds.
- 9 **G.A. (Gerry) Thompson**, re Proposed Fairwinds OCP Amendments.

MINUTES

- 10 - 14 Minutes of the regular Electoral Area Planning Committee meeting held February 8, 2011.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

- 15 - 23 **Holly Clermont, Garry Oak Ecosystems Recovery Team**, re Fairwinds – Response to January 31, 2011 Public Information Meeting.
- 24 **Wally & Laurie Debling**, re Fairwinds Lakes District & Schooner Cove Development Plans.
- 25 - 26 **Peter Law**, re Rainwater and the Fairwinds Lakes District Plan.
- 27 - 29 **Don Lawseth**, re Fairwinds Application to Amend the Nanoose Bay OCP.

- 30 - 33 **Joe Straka**, re Fairwinds Lakes District Development – Process Leading to Regional Park Dedication.

UNFINISHED BUSINESS

PLANNING

AMENDMENT APPLICATIONS

- 34 - 45 Bylaw No. 500.369 to Support Zoning Amendment Application No. PL2011-009 – RDN – 2834 Northwest Bay Road – Area ‘E’.
- 46 - 54 Bylaw No. 1285.15 to Support Zoning Amendment Application No. PL2010-205 – J.E. Anderson & Associates – 908 and 920 Little Mountain Road – Area ‘F’.
- 55 - 76 Bylaw No. 1400.03 - OCP Amendment - Fairwinds – The Lakes District Neighbourhood Plan – Area ‘E’.
- 77 - 88 Bylaw No. 1400.04 - OCP Amendment – Fairwinds - Schooner Cover Neighbourhood – Area ‘E’.

DEVELOPMENT PERMIT APPLICATIONS

- 89 - 94 Development Permit Application No. PL2009-287 – Roberts – 2270 South Lake Road – Area ‘H’.
- 95 - 104 Development Permit & Site Specific Exemption Application No. PL2010-090 – Cowan – 2502 Blokker Road – Area ‘E’.
- 105 - 110 Development Permit Application No. PL2010-189 – McCaskell – 3728 Horne Lake Caves Road – Area ‘H’.
- 111 - 118 Development Permit Application No. PL2010-223 – Low – 492 Martindale Road – Area ‘G’.

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

- 119 - 124 Development Permit with Variance Application No. 2011-014 – Fern Road Consulting Ltd. – Island Highway & Linx Road – Area ‘H’.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 125 - 131 Amendment to Development Variance Permit Application No. 2009-805– Fern Road Consulting Ltd. – Lot D, District Lot 22, Newcastle District – Area ‘H’.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

ADJOURNMENT

IN CAMERA

Armstrong, Jane

From: Jim Crawford <jcrawford@kwik.net>
Sent: Friday, February 25, 2011 12:53 PM
To: Armstrong, Jane
Cc: Amar Bains; Cynthia Hildebrand
Subject: Agenda for March 8th meeting of EAPC

Jane, we would like to be placed on the agenda as a delegation for the March 8th meeting of the Electoral Area Planning Committee. Our info is as follows:

1. Applicant / Property Owner: Baynes Sound Investments Ltd., Unit 701-17665 66A Avenue, Surrey, B.C. V3S-2A7
2. Contact: Jim Crawford, Project Manager
3. Contact numbers:
 - Jim Crawford: 604-531-6262 office, 604-968-9825 cell jcrawford@kwik.net
 - Amar Bains: 604-576-4996 office, 604-657-1076 cell amarbains@shaw.ca
4. Presenters:
 - a) Introduction Jim Crawford
 - b) Presentation Cynthia Hildebrand, Zeidler Partnership Ltd.
604-388-9494 office, 604-213-8051 cell childebrand@zeidlerpartnership.com
5. Our Consultant Team will be attending to answer questions from Committee Members
6. We will be sending a short outline of the presentation and the project on Monday, March 1, 2011
7. Cynthia's presentation will include PowerPoint. She will be sending an electronic copy by March 7th

Please contact me if you require any further information. JWC.

Deep Bay Development Presentation Outline
RDN Electoral Area Planning Committee
March 08, 2011

Introductions

- team
- presentation overview
- project

Background

- Regional location Map
- Site location map
- overview of project site,
- recent history of site
- overview of project history

Project Vision,

- Goals and Objectives
- Integrated Approach
- Overview of reports undertaken and integrated into layout
- Sustainability Checklist

Site Layout - Comprehensive plan

- highlights of various components within the development
- Park and Open Space
- Lot A –Housing component
- Lot B -RV Resort component

Compliance with RGS, Area H OCP

Next Steps

Thank you

Armstrong, Jane

From: Gordon Buckingham <Gordon.Buckingham@shaw.ca>
Sent: Friday, February 25, 2011 6:08 PM
To: Armstrong, Jane
Subject: EAPC-8Mar11 - Short Presentation

Janet Armstrong,

>

In accordance with the RDN Delegation Request Process, I would like to make a short presentation on my own behalf:

>

My name is Gordon Buckingham;

My mailing address is 3370 Redden Road, Nanoose Bay, BC V9P 9H4 ; my ph. # is 250-468-5612;

>

The title of my short presentation is:

"Infrastructure Planning in Area E - The Impact of proposed Lakes District & Schooner Cove Developments"

>

I intend to voice my concerns regarding water, waste-water and vehicular traffic corridors. It is not evident that any real planning has been done to determine the full extent of the impacts of the proposed development on the existing infrastructure and the resulting costs.

>

Furthermore, due to the scale of the proposed development, the RDN should ensure that all of the residents of Area E have been informed of the potential property tax implications of such a large increase in the number of residences in that part of the Nanoose Peninsula.

>

Normal planning approval processes do not appear to be adequate to deal with such a large development, which will alter the character and quality of life of residents of Area E, for ever.

>

Gordon Buckingham

Armstrong, Jane

From: Robert Popple <rtpopple@shaw.ca>
Sent: Wednesday, March 02, 2011 9:19 PM
To: Lindsay, Dale
Cc: Armstrong, Jane
Subject: Fwd: EAPC RDN Director's Planning Meeting - March 8th

Hi Dale.....Further to my request (below) to address the March 8th EAPC meeting, the following additional information rounds out the required information per your specification:-

My mailing address is 3510 Carmichael Road, Nanoose Bay, B.C. V9P 9G5

Tel. No. 250-468-9835

Presentation Title: The extent of FCA Support for the Proposed Fairwinds Schooner Cove and Lakes District Neighbourhood Plans.

This presentation summarizes the high levels of support for the subject plans based on a 2010 survey of the 268 households in the Fairwinds community. We believe it is important that the RDN Directors be aware of this support in their approval deliberations.

Bob Popple
President, Fairwinds Community Assoc.

Begin forwarded message:

From: Robert Popple <rtpopple@shaw.ca>
Date: March 2, 2011 8:36:30 PM PST
To: dlindsay@rdn.bc.ca
Cc: Chuck Brook <CBrook@brookpoooni.com>
Subject: EAPC RDN Director's Planning Meeting - March 8th

Hi Dale.

I got your name from Chuck Brook,

My name is Bob Popple and I am currently President of the Fairwinds Community Association.

I am writing to request a spot to address the March 8th EAPC meeting with respect to the two neighbourhood plans currently under assessment by the RDN, if there are any 5 or 10 min. spots left.

Kindly advise ASAP if this is feasible.

Bob Popple

Legislative Coordinator, Corporate Services
Regional District of Nanaimo
6300 Hammond Bay Rd.\Nanaimo, BC V9T 6N2

Attn: Jane Armstrong

Subject: Request to be a delegate at the EAPC Meeting, March 8, 2011

Ms. Armstrong

I would like to be placed, as a delegate, on the agenda of the EAPC meeting to be held on March 8, 2011.

I will be speaking, as a Fairwinds resident, in support of the Fairwinds application for modification of amendments to the OCP to include two neighborhood plans.

My presentation is entitled "A new Regional Park in Fairwinds". I require no visual aid equipment.

A two year public/developer collaboration process has created a vibrant, sustainable neighborhood plan for a community nestled in a peaceful natural forest setting with several housing types to suit the tastes of newcomers and current residents.

The Lakes District Neighborhood development plan includes a 300 acre Regional Park and serves the community and housing interests of the residents of Fairwinds and Nanoose Bay and Fairwinds Community and Resort inside a thoroughly researched environmental assessment. The plan presents a harmonious, sustainable co-mingling of human, animal and plant habitats that should serve as a model for major future developments elsewhere.

Thank you for your consideration

Joe Straka
2064 Radford Place
Nanoose Bay, BC V9P 9H4
250-468-1579
strakaen@telus.net

Armstrong, Jane

From: Gerry <gathom@telus.net>
Sent: Monday, February 28, 2011 8:36 PM
To: Armstrong, Jane
Cc: Cormie, Susan
Subject: Proposed Fairwinds OCP Amendments

Dear Ms. Armstrong,

I am having some computer problems. If you have received my 2 previous emails please disregard this email. In any event I would like to register to speak at the March 8 Electoral Area Committee Meeting. I wish to speak in favour of sending both the Lakes Area and the Schooner Cove plans to a Formal Public Meeting to be convened as soon as possible with a view to the adoption of both plans by the RDN also as soon as possible and the expedient implementation of both plans.

I understand that I will have 10 minutes to present my views.

G.A. (Gerry) Thompson
1991 Highland Road
Nanoose Bay
V99 9H6
250 468 1818
gathom@telus.net

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, FEBRUARY 8, 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

Also in Attendance:

M. Pearse	Sr. Mgr., Corporate Administration
P. Thorkelsson	Gen. Mgr., Development Services
D. Lindsay	Manager of Current Planning
P. Thompson	Manager of Long Range Planning
N. Hewitt	Recording Secretary

MINUTES

MOVED Director Holme, SECONDED Director Biggemann, that minutes of the regular Electoral Area Planning Committee meeting held January 11, 2011 be adopted.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Bylaw No. 500.368 - Supports Zoning Amendment Application No. PL2009-746 – Pilcher & Associates Inc. - 2465 Apollo Drive – Area ‘E’.

MOVED Director Holme, SECONDED Director Young, that Application No. PL2009-746 to rezone the subject property from Residential 1, Subdivision District ‘P’ to Comprehensive Development (CD43) be approved subject to the conditions in Schedule No. 1.

CARRIED

MOVED Director Holme, SECONDED Director Young, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.368, 2010" be introduced and read two times.

CARRIED

MOVED Director Holme, SECONDED Director Young, that the public hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.368, 2010" be delegated to Director Holme or his alternate.

CARRIED

Bylaw No. 1285.16 - Supports Zoning Amendment Application No. PL2009-054 - Bazaire - 1724 Alberni Highway – Area ‘F’.

MOVED Director Biggemann, SECONDED Director Holme, that the Summary of the Public Information Meeting held on January 27, 2011 be received.

CARRIED

MOVED Director Biggemann, SECONDED Director Holme, that Application No. PL2009-054 to rezone a portion of the subject property from T-1 (Institutional/Community Facility 1) and R-3 (Village Residential 3) to C-3 (Commercial 3) be approved subject to the conditions included in Schedule No. 1.

CARRIED

MOVED Director Biggemann, SECONDED Director Holme, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 1285.16, 2011" be given 1st and 2nd reading.

CARRIED

MOVED Director Biggemann, SECONDED Director Holme, that the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 1285.16, 2011" be delegated to Director Biggemann or his alternate.

CARRIED

Bylaws No. 1335.05 & 500.367 – OCP & Zoning Amendments to Support Development Permit Application No. PL2010-198 - Fern Road Consulting Ltd. - 6120 Island Highway West – Area ‘H’.

MOVED Director Holme, SECONDED Director Young, that the Summary of the Public Information Meeting held on November 4, 2010, be received.

CARRIED

MOVED Director Holme, SECONDED Director Young, that Application No. PL2010-160 to re-designate the westerly portion of the subject property from Rural Lands to Resort Commercial Lands be approved.

CARRIED

MOVED Director Holme, SECONDED Director Young, that Application No. PL2010-159 to rezone portions of the subject property from Rural I (RUID) and Commercial 5 (CM5B) to Commercial 5 (CM5K) and Comprehensive Development (CD42) be approved.

CARRIED

MOVED Director Holme, SECONDED Director Young, that Application No. PL2010-198 for a Development permit in relation to the proposed rezoning for the subject property be approved subject to the conditions included in Schedule No. 1.

CARRIED

MOVED Director Holme, SECONDED Director Young, that "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Amendment Bylaw No. 1335.05, 2010", be introduced and read two times.

CARRIED

MOVED Director Holme, SECONDED Director Young, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.367, 2010", be introduced and read two times.

CARRIED

MOVED Director Holme, SECONDED Director Young, that the Public Hearing on "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Amendment Bylaw No. 1335.05, 2010", and

"Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.367, 2010", be delegated to Director Bartram or his alternate.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit & Site Specific Application No. PL2011-003 – Fern Road Consulting Ltd. – Mariner Way – Area ‘G’.

MOVED Director Holme, SECONDED Director Burnett, that Development Permit and Site Specific Exemption Application No. PL2011-003 to permit the construction of a dwelling unit be approved subject to the conditions outlined in Schedules No. 1- 3.

CARRIED

Development Permit Application No. PL2011-015 – Newlands - 2754 Dendoff Point Road – Area ‘H’.

MOVED Director Holme, SECONDED Director Burnett, that Development Permit Application No. PL2011-015, to permit the construction of a main floor addition and an upper loft on an existing single storey cabin be approved subject to the conditions outlined in Schedules No. 1 – 2.

CARRIED

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

Development Permit with Variance Application No. PL2009-024 – Peter Mason - 6162 Island Highway West – Area ‘H’.

MOVED Director Holme, SECONDED Director Biggemann, that staff be directed to complete the required notification.

CARRIED

MOVED Director Holme, SECONDED Director Biggemann, that Development Permit with Variance No. PL2009-024 be approved subject to the conditions outlined in Schedules No. 1- 3.

CARRIED

Development Permit with Variance Application No. PL2010-090 – Cowan - 2502 Blokker Road – Area ‘E’.

This application was pulled from the agenda.

Development Permit with Variance Application No. PL2010-100 – Anderson Greenplan Ltd. - 1907 Cedar Road - Area ‘A’.

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

CARRIED

MOVED Director Burnett, SECONDED Director Young, that Development Permit with Variance Application No. PL2010-100 be approved subject to the conditions outlined in Schedule No. 1.

CARRIED

Development Permit with Variance Application No. PL2010-206 – Curran - 3366 Rockhampton Road - Area ‘E’.

Mr. Curran spoke in support of the application.

MOVED Director Holme, SECONDED Director Biggemann, that staff be directed to complete the required notification.

CARRIED

MOVED Director Holme, SECONDED Director Biggemann, that Development Permit with Variance No. PL2010-206 be approved subject to the conditions outlined in Schedules No. 1 - 2.

CARRIED

Development Permit with Variance Application No. PL2010-209 – Waring & Milne - 3732 Horne Lake Caves Road – Area ‘H’.

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

CARRIED

MOVED Director Holme, SECONDED Director Young, that Development Permit with Variance Application No. PL2010-209, to permit the construction of a lower storey on an existing single storey cabin with a variance to the maximum permitted cabin height be approved subject to the conditions outlined in Schedules No. 1 – 2.

CARRIED

Development Permit with Variance Application No. PL2010-230 – Fern Road Consulting Ltd. – 6224, 6266, 6280 & 6290 Island Highway West – Area ‘H’.

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

CARRIED

MOVED Director Holme, SECONDED Director Young, that Development Permit with Variance Application No. PL2010-230 in conjunction with a lot line adjustment subdivision be approved subject to the conditions outlined in Schedule No. 1.

CARRIED

MOVED Director Holme, SECONDED Director Young, that the request to relax the minimum 10% perimeter frontage requirement for proposed Lots A and B be approved.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. PL2011-011 – Muise – 1638 & 1640 Elm Street - Area ‘A’.

MOVED Director Burnett, SECONDED Director Young, that Development Variance Permit Application No. PL2011-011, to legalize the siting of a concrete retaining wall, be approved subject to the conditions outlined in Schedules No. 1- 2.

CARRIED

OTHER

Request for Frontage Relaxation on Subdivision Application No. PL2010-162 – Fern Road Consulting Ltd. - Allgard Road – Area ‘G’.

MOVED Director Holme, SECONDED Director Burnett, that the request to relax the minimum 10% perimeter frontage requirement be approved.

CARRIED

Bylaw No. 1620 – Electoral Area ‘A’ Official Community Plan.

MOVED Director Burnett, SECONDED Director Young, that "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011" be given 1st and 2nd reading.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011" has been considered in conjunction with the Regional District of Nanaimo's Financial Plan and Liquid Waste Management Plan and Regional Growth Strategy to ensure consistency between them.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011" proceed to Public Hearing.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that the Public Hearing on "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011" be delegated to Director Burnett or his alternate.

CARRIED

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

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 6:55 PM

CHAIRPERSON



CAO'S OFFICE			
CAO	✓	GMR&PS	
GMDS	✓	GMT&SWS	
GMF&IS		GMR&CS	
FEB 28 2011			
SMCA		BOARD	
CHAIR			
→ EAP-Correspondence			

February 17, 2011

Electoral Area Planning Committee (EAPC)
 Regional District of Nanaimo
 6300 Hammond Bay Road,
 Nanaimo, BC V9T 6N2

Dear Sirs and Madames:

Re: Fairwinds – Response to Public Information Meeting (January 31, 2011)

As Conservation Specialist for the Garry Oak Ecosystems Recovery Team (GOERT), I respectfully submit this letter regarding Fairwinds’ Lakes District Neighborhood Plan, in lieu of a public presentation at the January 31, 2011 Public Information Meeting (PIM). Although GOERT’s Species at Risk Outreach Specialist, Chris Junck, and I were in attendance, we did not wish to provide public statements. GOERT aspires to work cooperatively with developers, local governments and others to protect and enhance Garry Oak ecosystems and species at risk, and therefore prefers a more personal, pro-active approach. It is notable that we have a large membership, and occasionally our members provide public statements and mention they are GOERT members. The record of this PIM includes a statement by a GOERT member; while this statement has merit, it does not represent the organization.

I have attempted to identify win-win opportunities for environmental protection and sustainable development, and in this spirit have provided recommendations to improve the Neighbourhood Plan. My recommendations address GOERT’s remaining areas of concern, specifically the quality and applicability of surveys and mapping, and attention to various opportunities to protect rare and sensitive areas from the impacts of development. My letter also includes contextual information: up-to-date status information on ecosystems and species at risk, and GOERT’s involvement with Fairwinds to date. Appendix A includes 18 questions identified by GOERT’s Conservation Planning and Site Protection Recovery Implementation Group (RIG) and Planning and Development Working Group.

Thank you for considering these recommendations, and for responding to GOERT’s questions.

Sincerely,

Holly Clermont
 Conservation Specialist
 Garry Oak Ecosystems Recovery Team (GOERT)
 Ph: 250-468-1535 Fax: 468-1535
 holly.clermont@goert.ca | www.goert.ca

Ecc: Russell Tibbels, Fairwinds/ Bentall Kennedy

Context

What is GOERT?

GOERT is a non-profit organization dedicated to the recovery of Garry Oak and associated ecosystems in Canada and the species at risk (SAR) that inhabit them. We are recognized by the Recovery of Nationally Endangered Wildlife (RENEW) Program of Environment Canada as the Recovery Team for Garry Oak and associated ecosystems in Canada, and are leaders in the development of recovery planning for SAR. We work with our partners, including all levels of government, non-governmental organizations, academic institutions, First Nations, volunteers and consultants to implement a recovery program through an federally approved recovery strategy. This science-based program includes assisting local governments, developers and other landowners and managers to protect and mitigate harm to these ecosystems and SAR.

Status of Garry Oak and associated ecosystems and Species at Risk

In Canada, Garry Oak and associated ecosystems are restricted to a narrow coastal strip of southeast Vancouver Island, the nearby Gulf Islands and two small areas of the Fraser Valley. In 2008, Biodiversity BC - a partnership of senior government agencies and non-government organizations - reported that less than 5% of Garry Oak ecosystems remained in near-natural condition. As the ecosystems disappear, so do the species they support. There are currently 113 provincially red and blue-listed species at risk, and 55 species that are at risk nationally, that are dependent on Garry Oak and associated ecosystems. Land development, invasion by exotic species, trampling by people and their pets, and poor management practices have contributed to the loss of Garry Oak areas.

Fairwinds is one of very few areas in the region that contain significant, mostly natural Garry Oak and associated ecosystems; Figures 1 and 2 show historical and remaining sites (as of 2003). The colour gradation indicates the percentage covered by Garry Oak woodlands, meadows, grasslands, transitional forests, rocky outcrops and vernal pools. For example, the lightest coloured patches represent Garry Oak and associated ecosystems coverage of about 10%; the other 90% contains other habitats, such as conifer forests or wetlands. Two major types of Garry Oak ecosystems occurred historically, associated with deep soils and with shallow ones. Historically and in 2003, there were *only 29 hectares* of deep soil Garry Oak and associated ecosystems in the Parksville - Nanaimo area; portions of the Lakes District is included in this calculation. Most of the deep soil, or “parkland” sites in other parts of the range of Garry Oak and associated ecosystems have been cleared for agriculture and urban development. For both deep and shallow Garry Oak and associated ecosystems in the Parksville – Nanaimo area, 33% of ecosystems recorded in 1800 remained in 2003. In 2003, most of the remaining fragments were described as “tiny, isolated and overrun with non-native species”. Further, there has been considerable development in the region since 2003.

GOERT Participation in the Planning Process

Nearly five years ago, in February 2006, GOERT SAR Outreach Specialist Chris Junck spoke at a Public Information Meeting and subsequently penned a letter to RDN Area E Director George Holme, outlining GOERT’s recommendations for protecting critically imperiled ecosystems at Fairwinds. These included recommending the following be done:

- comprehensive surveys at appropriate times of year (requiring multiple visits), by biologists specializing in plant SAR, invertebrate SAR, and vertebrate SAR;

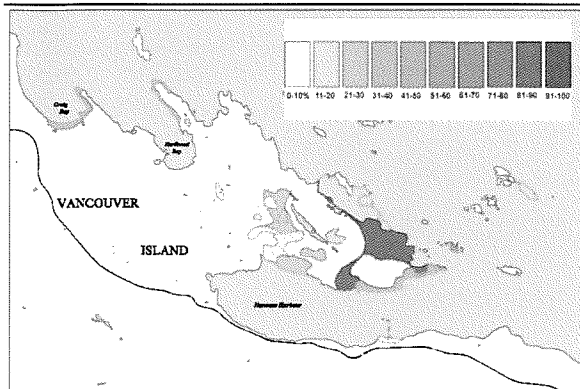


Figure 1. Historical Garry Oak ecosystems of the Nanoose Bay area, circa 1800 (green)

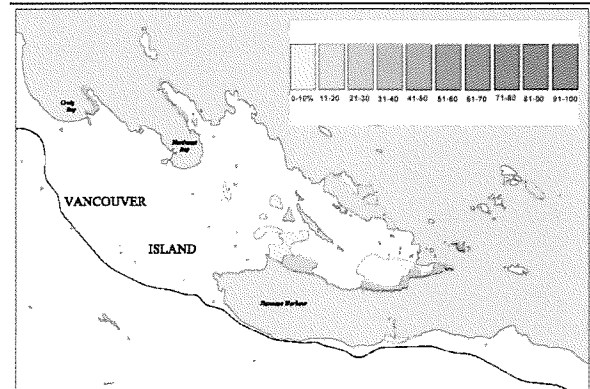


Figure 2. Garry Oak ecosystems of the Nanoose Bay area in 2003 (red).

- accurate mapping of Garry Oak ecosystems; and
- accurate mapping of Garry Oak “associated ecosystems” such as transitional older conifer-dominated forests, rocky outcrops, vernal pools (pools that dry up in the summer), etc., which are also imperiled.

At this time, Mr. Junck made several offers:

- to provide a list of local biologists with the expertise to identify SAR and their critical requirements for survival;
- to help find funding to implement SAR protection measures (e.g. fencing, signage, etc.) in the event that SAR were discovered; and
- to provide printed materials, and possibly training, to assist with land stewardship activities.

Mr. Junck also participated in a meeting with Thomas Roy (Cascadia Biological Services) and Marianne Wade (Mews Consulting for Fairwinds) in the fall of 2007, as well as the Design Workshop for the Lakes District (October 3, 2008) and Open House #2 (November 27, 2008). In May 2009, Mr. Junck spoke with Matt Hammond (RPBio) of PGL Environmental Consulting. In May 2010, comments from GOERT’s Planning & Development Working Group were forwarded to Fairwinds/ Bentall Kennedy. Mr. Junck presented at the Public Information Meeting and Open House (June 28, 2010). On November 16, 2010, Russell Tibbles and Matt Hammond met GOERT Program Manager, Shyanne Smith, and Mr. Junck at the GOERT office to resolve a misunderstanding about Fairwinds’ use of “GOERT polygons” (rather than Garry Oak meadow polygons), and clarify GOERT’s role in the neighbourhood planning process.

In addition to the planning process, GOERT and Fairwinds have cooperated regarding stewardship funding and activities. In 2009, GOERT requested and received a letter of support from Fairwinds for our 2010-11 Habitat Stewardship Program funding application. In 2010, Fairwinds helped GOERT with the costs of printing 200 Garry Oak Gardener’s Handbooks for

area residents. GOERT provided Fairwinds staff with information about landscaping with native plants and corresponded regarding the Audubon golf course certification. Two Fairwinds staff members participated in a GOERT native plant workshop held in March 2010. Also in spring 2010, two GOERT volunteers and Fairwinds staff removed invasive Rose Campion plants from Nanoose Hill.

Opportunities for Improvement

GOERT would like to acknowledge and commend the creative efforts of Fairwinds/ Bentall Kennedy to date, to cluster development and protect natural areas, as well as their provision of numerous opportunities for public input. Russell Tibbles, VP of Fairwinds/ Bentall Kennedy, has been receptive to the interests of GOERT, and we hope to maintain a positive relationship and work with Fairwinds throughout the phased development to provide advice about the protection of Garry Oak and association ecosystems and SAR, and suggest ways to mitigate impacts during and after construction.

GOERT has identified two areas of remaining concern. Together, these offer the potential for win-win opportunities for environmental protection together with development that is more sustainable.

1. Mapping and Surveys

Throughout these discussions, Fairwinds' environmental consultants have asserted that SAR would be protected by protecting Garry Oak ecosystems and other sensitive areas (a coarse filter approach). This is a logical assumption. However, GOERT has maintained that this approach does not necessarily adequately protect imperiled ecosystems or SAR, based on many years of combined experience working with such ecosystems. It has been GOERT's experience that some SAR may be found in small, isolated patches outside areas that are identified for protection through the coarse filter approach. As well, some of the woodlands and Garry Oak "associated ecosystems" (i.e. treeless or coniferous ecosystems that share similar species with Garry Oak woodlands and parklands) have been left out of the areas designated for protection. Associated ecosystems can be equally rare and ecologically valuable. Unfortunately, few biologists are familiar with identifying and delineating these associated ecosystems. Also, only a handful of biologists¹ have the knowledge and experience to find and identify some SAR - because they are rare, few have seen them, they often can only be identified at a specific time of year, and they often occupy very small areas that are easily overlooked.

Cascadia's biophysical report does not provide a complete list of plants found at the site, there is no reference to completing standardized Ground Inspection Forms from *Describing Ecosystems in the Field*, and there are many typos/spelling errors in the scientific names of the few plants that are listed in Tables 3 through 7, which suggests that they are unfamiliar to the author. There has been no attempt to identify grasses, mosses or invertebrates, which are key components of many Garry Oak and associated ecosystems. Timing of the surveys is vague (10

¹ Members of the College of Applied Biology are required to adhere to a Code of Ethics where "the member will undertake only those assignments for which s/he is qualified and will engage, or advise the employer or client to engage, qualified specialists as necessary" (<http://www.cab-bc.org/files/Code%20of%20Ethics%20colour%202008%20one%20page.pdf>)

days between May 2007 and July 17, 2008); it is not clear whether the survey days were continuous, or whether there were repeat surveys to capture early, mid and late season blooming plants. The lists in the appendices are lists of plants and plant communities found in the Coastal Douglas-fir moist maritime (CDFmm) biogeoclimatic subzone, readily retrieved from the BC Conservation Data Centre, and not an inclusive list of plants found within polygons on the site. At the January 31, 2011 PIM, several speakers called for additional inventories/surveys to be conducted in appropriate seasons for each species by individuals with appropriate expertise. GOERT supports this recommendation because it would provide greater certainty about potential SAR occurrences and sensitive ecosystem polygon boundaries.

It is notable that accurate mapping and subsequent protection of all remaining Garry Oak and associated ecosystems is important for adaptation to climate change. It is well documented that diverse, native habitats provide a range of functions and ecological services such as pollination, water filtration, etc.; i.e. they have “functional diversity”. If these habitats contain a number of species that provide similar functions, and the species are able to respond to disturbances in different ways, the habitat is said to have “response diversity”. Functional and response diversity confer resilience (the ability to absorb disturbance). Garry Oak ecosystems may be expected to increase in range with climate change, but only if there are existing areas of sufficient size and diversity and connectedness to other natural spaces.

2. Protecting Endangered Ecosystems

Whenever possible, GOERT encourages the protection of all remaining fragments of Garry Oak and associated ecosystems, as well as other imperiled ecosystems such as older Coastal Douglas-fir forests. Buffering and management of these areas from the effects of development and other threats are essential aspects of protection. To these ends, we would like to draw attention to several opportunities:

- a) Carbon Values: Carbon values are a potential new source of income for owners of forested lands. In 2010, an agreement among the Province, North Denman Island Lands Inc, Ecosystem Restoration Associates, and the Forest Carbon Group protected sensitive forest lands from development through land donations, the transfer of local development opportunities, and carbon offsets. Contact Ian Atherton, Land Acquisition Officer with MoE (250-387-1962) for more information.
- b) Ecological Gifts (Ecogifts): There are several ways that sensitive lands can be protected, at the same time allowing for the landowner to benefit from this protection (*Land Title Act* Section 99(1)(h) parkland dedication, ecological gifts, sale of development rights, etc.). In the case of Ecogifts (<http://www.ec.gc.ca/pde%2Ddegp/>; <http://www.givegreencanada.ca/professional-advisors/ecogifts?&ref=professional-advisors>), the landowner donates the sensitive portion of the lands to a land trust or other charitable organization approved by Environment Canada, which is then responsible for its management. The landowner can deduct the amount of the gift from his taxable income, and can carry forward unused portions for an additional 5 years. A qualified appraiser (approved by the Minister of Environment) determines fair market value. Ecogifts are also 100% exempt from capital gains tax. There may be provincial benefits as well. If the lands

are deemed “inventory lands” (i.e. lands purchased for resale), the tax benefits may be less.

- c) Assistance from retired professionals: The health and integrity of Garry Oak and associated ecosystems are vulnerable to small changes in hydrology. At the January 31st PIM, Peter Law, former MoE Ecosystems Biologist with considerable knowledge of innovative rainwater management systems and the Water Balance model (<http://www.waterbalance.ca/>) offered to help with on-site water management. Although his primary interests are related to maintaining the water quality of Enos Lake for fish, we believe these efforts will help Garry Oak and associated ecosystems as well. We urge the RDN and Fairwinds to take advantage of offers of assistance from Peter and other knowledgeable Fairwinds residents.
- d) GOERT Assistance: We would like to reiterate Mr. Junck’s 2006 offer to provide a list of local biologists with the expertise to identify SAR and their critical requirements for survival; to help find funding to implement Garry Oak and associated ecosystems and SAR protection measures; and to provide printed materials to assist with land use planning and stewardship activities. This year, GOERT will be publishing new materials, including a Restoration Compendium, a Model Bylaw, and two Best Management Practices documents.

Appendix A: Questions regarding the current Lakes District Neighbourhood Plan

GOERT's Planning and Development Working Group and Conservation Planning and Site Protection Restoration Implementation Group would appreciate a response to the following questions, which are directly related to the wording of the current Lakes District Neighbourhood Plan.

3.2.1 Public Park Network, p. 20, para. 3: *The intent of the public park network is to ensure the protection, in perpetuity, of the functional integrity of natural systems, the recreational opportunities associated with passive and active outdoor activities, and the natural features that define the landscape character of the Lakes District.*

By definition, any alteration of landscapes and removal of trees, soil, grade changes, etc. to construct anything will change the functionality of the systems, thereby compromising the integrity of the ecosystem.

Q 1. How will the functionality of the natural systems be maintained? There does not appear to be any proposed monitoring plan, nor any ongoing funding to ensure that such monitoring is carried out in the long-term.

Q 2. How will functionality be measured to ensure that the integrity is maintained?

3.2.2 Regional Park, p. 22, Policies d), also under Community Park, p. 23: *Where identified within a Parks Management Plan, decommission existing trails (not required for recreational purposes) in order to restore damaged habitat.*

Q 3. Will there be a restoration plan drafted to guide the restoration of damaged habitat?

3.3.2 Regional Park, p. 22, Policies e): *In conjunction with the landowner and according to a schedule outlined within the PDA, prepare a Garry Oak Meadows Management Plan including invasive species management practices and monitoring program that are linked to an adaptive management decision framework.*

Q 4. Is there a long-term monitoring plan to accomplish this, and has this been identified in the budget for the project?

3.2.5 Residential – Single Dwelling, Policies, p. 26, f), also under Multiple Dwelling, p. 27-28: *The retention of natural vegetation where feasible as well as the use of native and drought resistant vegetation for new development shall be encouraged.*

Q 5. Will there be buffers adjacent to buildings to prevent establishment and spread of non-native vegetation and to prevent trampling/overuse of green spaces?

3.2.8 Lakehouse, Policies, p. 30: *There is no policy about the landscaping around this structure, which is planned in one of the most sensitive locations in the Lakes District.*

Q 6. Will landscaping around the Lakehouse be restricted to native species only, and will there be measures to prevent the import of invasive alien plant weed seeds on vehicles and equipment during construction?

4.3.1 Master Water Concept, Water Servicing Policies, p. 39 d) and e): *Encourage residents to employ water conservation measures in support of Team WaterSmart guidelines for indoor and outdoor conservation practices. Encourage the use of best practices in green building &*

landscape management according to Lakes District DPA guidelines for water conservation. Suggestions include: reduced lawn areas, onsite reservoirs to collect water for vehicle washing and gardens, installation of drip/mist irrigation systems, and use of native plantings of appropriate species. These techniques would conserve water, which is a precious commodity for Fairwinds given the physiography. After two years, supplemental watering of most native plantings will be unnecessary, providing of course the appropriate plantings are used for the individual microclimates of a specific site.

Q 7. Can these policies “require” rather than “encourage” best practices?

5.1 DPA I, Multiple Family and Commercial Form and Character, p. 50, Landscaping and Screening, 22): *The Regional District of Nanaimo shall require the applicant to submit a Landscape Plan prepared by a qualified Landscape Architect or equivalent professional which meets the British Columbia Landscape Standard and satisfies the following objectives:...*

Q 8. Could the guidelines specify no planting of invasive exotics, including English Ivy, Periwinkle, St. John’s Wort, etc.? (Refer to the Coastal Invasive Plant Committee’s regional weed list.)

5.1 DPA I, Multiple Family and Commercial Form and Character, p. 50, Landscaping and Screening, 31): *Retention of natural vegetation is encouraged.*

Q 9. How does 31 link to 32? (see below)

5.1 DPA I, Multiple Family and Commercial Form and Character, p. 50, Landscaping and Screening, 32): *Where appropriate, establish landscape buffers that create a natural transition between the public, semi-public and private uses – including the Lakehouse Centre and adjacent residential areas – through the use of hard and soft landscaping, such as areas containing layers of shrubs, trees and low walls where required.*

Q 10. What are the parameters/criteria for these buffers and where/how will they be placed on the properties? Will these be monitored on a regular basis? Could natural vegetative buffers be required for all properties?

5.2 DPA II, Natural Environment, p. 54, 4): *Conduct pre-construction plant species at risk surveys by a qualified vegetation ecologist/botanist to identify plants that can be avoided or salvaged.*

Q 11. Will these species at risk surveys be conducted by an experienced rare plant biologist at appropriate and multiple times of the year (or multiple times of year), using standardized methodology and rigorous reporting?

Q 12. Will there be a salvage program, where plants are salvaged at the correct time of year to increase the likelihood of survival, replaced in appropriate habitats, and receive post-transplanting care?

5.5 DPAIL, Exemptions, p. 55, 5): *The removal of invasive plants or noxious weeds on a small scale within the development permit area including; but not limited to: Scotch broom, Himalayan blackberry, morning glory, and purple loosestrife, is permitted provided measures are taken to avoid sediment or debris being discharged into watercourses and the area is replanted with native species.*

Q 13. If native species are replanted, what will be the source of these plants? As there is a

shortage of native plant suppliers, can Fairwinds plan ahead by contracting a grower to provide a local genotypes of the required native plants, and have these plants available for planting out at the correct time of year?

5.5 DPAll, Exemptions, p. 56, 7): *Construction of a single trail subject to the following:...*

Q 14. Will there be a botanical survey at the appropriate times of year by a qualified botanist to determine whether trails will impact plant species at risk? Will salvage methods be employed for native plants during trail construction so they can be used elsewhere?

6.2.3 Provincial Lands, p. 64: *In the northwest areas of the Neighbourhood Plan, landscape conservation covenants on individual residential lots adjacent to Provincial lands may be required to ensure appropriate transitions.*

Q 15. Can an established buffer be recommended, to ensure the natural integrity of these lands is maintained?

6.4 Pre and Post-Construction, p. 65, 3g): *Develop a Construction Environmental Management Plan (CEMP) with an environmental professional that includes: any mitigation measures from plant species at risk surveys*

Q 16. As the original surveys may not have been conducted at appropriate times of the year (using thorough standardized methodology, and by a qualified botanist), will these plant species at risk surveys be re-done thoroughly and following standardized methodology as part of the Construction Environmental Management Plan and prior to construction?

Q 17. How will the success of mitigation be measured?

Schedule A7 Development Permit Areas: **Q 18. If Fairwinds intends to protect the “functional integrity of natural systems” (3.2.1 Public Park Network: A Framework for Future Land Use), why is there a road through/near Garry Oak meadow polygons to the southeast of Enos Lake?**

From: Wally & Laurie Debling [mailto:wallys_world@shaw.ca]
Sent: Monday, February 28, 2011 12:31 PM
To: Cormie, Susan
Subject: Fw: Fairwinds Lakes District and Schooner Cove Development Plans

Hello Susan:

Thanks you for allowing me this time to present my thoughts on the proposed redevelopment of the Schooner Cove / Lakes District. We are fairly new to this area having moved here roughly 3 years ago from Brampton Ontario. We made the move for the natural beauty and quality of life that was offered here in Nanoose Bay.

Our experiences in the east with the continuous cycle of expansion and development allowed us many interactions with developers and development plans, most of which I will say ended with very negative results. With that backdrop, we were very concerned when we learned of plans to redevelop this area, my critique was "here we go again".

We want you to know that our concerns were unfounded and this planning process has been nothing but "Exceptional". All the parties involved in this process should be commended for the way it has evolved over the past 2 or so years. It has been completely transparent, and open to opinion and idea's, I think the final draft is beautiful in its concept and only enhances the natural beauty of the area. Most of our wants have been included and all our concerns with regard to the environment, coastal access, elevation, and overall footprint have been addressed.

I know that not everybody is happy with plans to develop this area, however I know that the process and the results in my opinion are world class and should be used as a model for future growth here in Oceanside. We want to congratulate all people who have worked so hard to make this happen, and we want to thank you for allowing us to participate.

Sincerely

Wally & Laurie Debling

From: Peter Law [mailto:pd.law@shaw.ca]
Sent: Wednesday, March 02, 2011 12:01 PM
To: email, planning
Cc: Lindsay, Dale

Subject: Comments concerning Rainwater and the Fairwinds Lakes District Plan

Good Morning

On January 31st, I made a brief presentation at the Lakes District PIM. During the short 3 minute presentation, I tried to provide an overview of three key environmental issues which I see as weaknesses in the current (January 2011) document. My presentation touched on 3 topic areas:

- 1) A proposed "Water Quality Monitoring Program and Rainwater Management" for Enos Lake.
- 2) The designation of "Future Development Reserves" in areas immediately adjacent to Sensitive Garry Oak ecosystems (designated as Regional Park).
- 3) The location of the Parkway road ROW through the Lakes District (and adjacent wetlands) to connect to Schooner Cove Drive.

Now, my intention in writing this email is to expand on the subject of water sustainability (my item #1 above). I am concerned that this Plan attempts to use standard subdivision layout planning and infrastructure design, rather than "Designing with Nature".

The design with nature approach also promotes the watershed as a fundamental planning unit, and emphasizes that:

- the Built Environment and the Natural Environment are connected;
- improving the Built Environment can protect or help restore the Natural Environment;
- how we develop individual sites has ripple effects at the watershed scale;
- actions on the ground can result in cumulative benefits over time.

Currently in the Lakes District Plan, I do not see how the planners have incorporated a vision of sustaining "watershed health" into the proposed development strategy. There are commitments made to monitor the water quality of Enos Lake (Sec. 3.2.2.f), and to set water quality objectives for the site, but for what purpose? Will the water quality objectives be used to ensure that inputs/runoff from land development do not harm this sensitive ecosystem?

Within the Plan's Civic Infrastructure Section (Sec. 3.2.9.b) there is a statement that the landowner will develop a rainwater (stormwater) pond complex at the head and foot of Enos Lake. This to me indicates that Enos Lake is being looked at as a giant detention pond by the engineers. Enos Lake is an important aquatic ecosystem. Why would we subject this site to receiving runoff targets (flows) that are above the historic condition and inputs of poor water quality (non point source pollution)?

In the Master Rainwater (Stormwater) Concept (Sec. 4.3.3), there is a recognition that the Plan area is located in 2 catchments (Enos and Dolphin). A (Schedule 6) map identifies the "drainage" concept, which appears to be piped to small detention ponds and released into local streams/wetlands/lakes. Rainwater management begins with a recognition that creating impervious surfaces creates runoff. The plan states that "on site" rainwater management will occur where geotechnically feasible. So, rather than a subdivision lot layout designed to ensure that each site is capable of retaining targeted rainfall amounts, this Plan proposes to embrace traditional lot layouts

(with associated blasting) with pipes and detention ponds. These engineering approaches have not worked in the past to meet performance standards (post development flows = pre-development flows), so why is this being proposed here? The Regional District will inherit an expensive infrastructure for drainage, rather than a system that is natural or mimics nature to provide community services. At no time have I read or heard Fairwinds identify the level-of-service that is sustainable to protect watershed health, and then work backwards to determine how to achieve that level of protection and level of drainage service.

I hope these comments will be part of the public record .

Thanks

Peter Law
3417 Carmichael Road
Nanoose Bay BC
V9P9G3

Don Lawseth
1895 Sea Lion Crescent
Nanoose Bay, BC
V9P 9J3
dlawseth@shaw.ca

February 24, 2011

Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC
V9T 6N2

Attention: Electoral Area Planning Committee Members

Re: Fairwinds Application for Amendment to the Nanoose Bay Official Community Plan.

I am writing to express my concern about several aspects of the current applications to amend the Nanoose Bay Official Community Plan, and to urge the Regional District of Nanaimo (RDN) Electoral Area Planning Committee to defer a decision on the Lakes District application until:

1. The RDN conducts its own review of the environmental work that underpins claims of environmental preservation in the neighbourhood plan.
2. Consideration is given to re-routing the proposed connector road from Schooner Cove Drive to Fairwinds Drive to the original Transtide connection in the event that the Schooner Cove neighbourhood plan is approved.
3. Completion of the next Official Community Plan (OCP) in order to consider protecting sensitive ecosystems in the context of a proper park system for the area, thus setting the stage for connecting the Enos Lake corridor with the new Moorcroft Regional Park.

Environmental Review

The much-touted environmental sensitivity and park set-asides of the Lakes District Neighbourhood Plan (LDNP) are based on incomplete data and a faulty environmental impact assessment. For example, the vegetation surveys carried out by Cascadia Biological were inadequate and carried out at the wrong time of year for identifying many of the endangered plant species that are likely in the area; also, the surveys were not carried out by a qualified botanist as is required by the profession. This view is supported by Dr. T. McIntosh, noted academic and expert botanist and Garry Oak Ecosystem Recovery Team member, who presented his concerns at both OCP amendment Public Information Meetings.

The environmental impact assessment reported by Pottinger Gaherty Environmental Consultants Ltd. is flawed in too many ways to deal with in this note, but the following are a couple of examples that put into question the veracity of the work.

First, the PGL Ltd. report is not a reliable environmental impact assessment: no new work was carried out; the report is merely a desk-job that only evaluates the work done by Cascadia Biological. In fact, the assessment claims there will be no significant environmental impacts, despite tripling the human population of Fairwinds and constructing 1675 dwellings on land that is now an intact coastal Douglas fir ecosystem, some of the last remaining such

ecosystem type in the world. This simply defies common sense, and undermines the credibility of the assessment and the environmental preservation claims of the neighbourhood plan.

Second, and probably most significant, the assessment supports placing the Schooner Cove Drive extension road through sensitive wetland ecosystems based on reported successful construction of wildlife underpasses. However, the key reference used by the consultant as evidence of success (Wildlife and Roads, 2009) has a significant caveat, as follows:

“An important caveat is that the safety approach does not address any aspect of wildlife population response. As the models stand, their primary application is for the safety management of existing roads as opposed to design or planning applications for new or newly built roads. Significantly, the before-after analysis may be judged as successful from a road safety perspective, while at the same time the wildlife population concerned may be significantly reduced.”

That the research referenced by the consultant does not actually support the effectiveness of wildlife underpasses on new roads, further evidenced by the failure of wildlife underpasses on the recent Sea to Sky highway expansion, is a strong indication that such mitigation will not work to protect wildlife resources in this area, thus nullifying the claim of no significant impact.

There is no doubt that the environmental consultants carried out their work to the limit of their professional expertise, but their task would be bounded by the terms of reference and budget established by the applicant. And the applicant may believe it operated with all due diligence, but to remove a perception of bias, and to clarify the errors and omissions in the technical work, I believe it is critical that the RDN carries out its own review and assessment with independent and highly qualified environmental expertise.

Connector Road

Despite assurances of no significant impact, it is clear to anyone with common sense that running an arterial road between two sensitive wetlands will effectively destroy the ecological integrity of the related ecosystems. Beavers, which hold the place together, will be displaced, if not immediately then when they become a “nuisance” to property owners who become their neighbours. With the beavers, and thus the ponds, will go many of the sensitive birds, amphibians, reptiles and mammals that rely on the ponds for breeding, refuge and feeding. Other options exist for placement of this road, including the original plan of routing traffic through Transtide and Florence roads, as initially established in the RDN/MOTI long-term plan (before the RDN unilaterally and inexplicably changed the road placement to what is in the LDNP).

In any case, if it is deemed that the benefits of placing the connector road through a sensitive ecosystem outweigh the environmental costs, an honest depiction of expected impacts must be revealed. Furthermore, the road should not be built before the Lakes District development commences. In other words, this road should not be pushed through to facilitate Schooner Cove construction traffic. To ruin so much valuable ecosystem decades in advance of development in the area (perhaps never if the market for such real estate does not develop) is an ecological waste of immense proportions.

It has been argued that the LDNP is merely a concept, and that the detailed environmental work will be carried out at the subdivision permit stage. This will lead to a long series of compromises and trade-offs that each on its own may seem minor, but cumulatively will be devastating to the interconnectedness of the ecological values in the area. These important trade-off decisions must be made with the whole picture in view, at the neighbourhood plan level, and not in an incremental death-by-a-thousand-cuts manner. In fact, this “phased development” approach takes us back to 2005 when the citizens of Nanoose Bay filled

Nanoose Place to rage against the unpermitted intrusion into the Lookout sensitive ecosystem that was part of the Bonnington Drive extension.

An Effective Park System

Finally, I am concerned that the applicant oversells the benefits of the regional park set-asides. The percentage of the property may seem impressive, but much of the set-aside land cannot be developed economically anyway, or would infringe upon sensitive ecosystems in a way that would not be tolerated in any case. The proposed regional park land is too fragmented to support the type of intact ecosystems that currently exist in the area; the widest part of the proposed park land is only about 400 metres at the widest – a five-minute walk for most people. This is a far cry from the aesthetic and ecological values that are presently there.

A more effective way to save the existing ecosystems and aesthetic values of the proposed park land, which I think would elevate the value and marketability for the company, would be to set aside one contiguous area from and including the Notch, then down the Enos Lake valley from height of land to height of land.

I urge the RDN Directors to take bold action and withhold approval of the proposed LDNP until completion of the next OCP, at which time consideration will be given to establishment of a protected area more fitting with our current level of sensitive ecosystem knowledge. This would better meet the RDN's official position on protecting coastal Douglas fir ecosystems, while putting in place another piece of a proper park system that has the potential to connect the Enos Lake corridor with the new Moorecroft Regional Park.

Sincerely yours,



Don Lawseth

cc: S. Cormie
M. Henigman
Debbie O'Brien

Comments on the Process leading to dedication of the Regional Park

I support the Fairwinds Lakes District development proposal and encourage the RDN to grant approval to requested modifications of the Neighborhood Plan. Fairwinds owns 709 acres of forest, lakes and wetlands in the so-called "Lakes District". During the process of deciding how to develop these lands, Fairwinds engaged the local stakeholders (Fairwinds residents, Nanoose Peninsula residents, the Shaw-Naw-As Band, Fairwinds Community Association, the Nanoose Naturalists and other interested parties) to participate in a series of workshops, CAG meetings and open houses (over a two year period). Participants were encouraged to express their likes, dislikes and dreams about what this development should look like. I have participated in all but the CAG meetings and have seen the incorporation of the public input evolve into the final plan we see today. This public/developer collaboration has created a vibrant, sustainable neighborhood plan for a community nestled in a peaceful natural forest setting with several housing types to suit the tastes of newcomers and current residents. The RDN has encouraged this collaborative public process and had a representative present at most of the internal CAG and public sessions as a resource.

I am particularly struck by the amount of professional attention and care that has gone into identifying over 300 acres of environmentally sensitive habitat and dedicating it as a Regional Park. Further, Fairwinds has indicated that they will build an intricate system of pathways and trails (some wheelchair accessible) to provide public access to areas of the park. It is significant to note that Fairwinds' dedication of 300 acres of wetlands, Gary Oak Meadows and Coastal Douglas Fir forest is twice the size of the recent, hotly contested DL 33 Woodlot. The conservationists are being given, in Fairwinds, for free, twice what they feel they lost with DL 33. Christopher Stevens, who has spoken at these public meetings, should be delighted with this dedication. He commented on the RDN Nature Trust purchase of Moorecroft Camp (Oceanside Star, Feb. 24,,2011) saying "It means we're taking a real step forward for preserving our under represented Coastal Douglas Fir ecosystem," adding that other chunks, such as DL33 need to be set aside. The Fairwinds dedication of 300 acres of Coastal Douglas Fir and Gary Oak ecosystem lands as park is three and a half times bigger than Moorecroft camp. That's quite a "chunk" Christopher!

The extension of Schooner Cove Drive through the Lakes District to the 4-way stop sign has been another contentious issue with many presenters at several of the public meetings. The EIA addresses that directly by proposing the installation of wildlife underpasses to mitigate safe passage for beaver, reptiles and amphibians. I have seen the success of these underpasses in the parks of

Alberta where deer, elk moose and bears regularly use them to get from one side of the highway to the other.

Speakers at the two most recent Open Houses would have you believe that the biologic and environmental impact studies of the area (Cascadia Biological Services and Pottinger Gaherty Ltd.) are flawed. They cite various errors of omission (sloppy work) and imply errors of commission (intent).

As a scientist, myself (Phd., P. Geol. (Registered Professional Geologist), I have worked, throughout my career, with government regulators and regulations and environmental/biologic assessment companies relating to environment protection and preparation of Environmental Impact statements in the oil industry. These include the permafrost regions of the Beaufort Delta (NWT), the winter only drilling access regions (northern Alberta), the Burrowing Owl breeding season drilling restrictions (SE Alberta and SW Saskatchewan), the preparation of major blowout and oil spill containment strategic action plans required by the federal government (Offshore Newfoundland and Nova Scotia).

I have researched the backgrounds of both Cascadia Biological Services and Pottinger Gaherty Ltd. to assess their breadth of expertise, client list of past studies, professional accreditation and industry professional qualifications of their staff members. I have similarly researched the contributing members of the Gary Oak Ecosystems Recovery Team (GOERT). As you know, these three organizations have co-operated in developing the bases for selecting the land set aside as Regional Park..

I can present details of each organization's relevant suitability to perform environmental assessment in the Lakes District case, but suffice it to say all three are staffed with professional biologists, foresters, sustainability experts and many other relevant disciplines necessary to evaluate the environmental impact of human developments. They all have websites and the determined investigator can do their own evaluation of the credibility of these organizations. I found their experience and long standing environmental assessment contributions to private business and provincial and federal government agencies impressive and indicative of the quality of work expected by these clients. There is no doubt in my mind that the biological and environmental assessment on the Lakes District carried out by these organizations is thorough and professionally completed.

I am frustrated, as a scientist, with the lack of documentation supporting the presenters' positions at the two previous meetings. The simple action of making a statement does not make it true, and when it is undocumented, it represents opinion only. I trust that the RDN places a greater acceptance on professional, scientifically documented and peer reviewed studies, rather than emotional and, often, unsubstantiated opinion.

The new Regional Park in Fairwinds

I would like to put the significance of the future Lakes District Regional Park into a Central Vancouver Island perspective by looking at existing Regional and Provincial Parks in the area from Duncan to Port Alberni to Campbell River, Fairwinds' proposed Regional Parkland is about 300 acres in size; It is three quarters the size of Horne Lake Caves Provincial Park, two thirds the size of Mt. Benson and roughly one third the size of Newcastle Island and Little Qualicum Falls Provincial Parks; It is about the same size as five Provincial Parks (Chemainus River, Spider Lake Park and Lake, Miracle Beach, Rath Trevor and Cathedral Grove); it is larger than 8 Regional and Provincial Parks (Moorecroft Camp, Sproat Lake, Gordon Bay, French Beach, Rosewall Creek, Morton Creek, Hemer and Englishman River Falls). It currently has 19 Km of trails.

Provincial Park	Acres	Km Trails
Moorecroft Camp	85	
Sproat Lake	98	
Gordon Bay	128	
French Beach	148	
Rosewall Creek	158	
Morton Creek	185	
Hemer	233	
Englishman R. Falls	243	3
Chemainus River	298	
Fairwinds Regional Park	300	19
Cathedral Grove	301	
Spider Lake Park & Lake.	305	
Miracle Beach	343	
Rath Trevor	347	5.5
Horne Lake Caves	395	
Mt. Benson Reg. Park	523	
Newcastle Island	836	
Little Qualicum Falls	1100	6

The land set aside by Fairwinds designated as Regional Park is the same size or larger than 13 mid-island Regional and Provincial Parks. Fairwinds is essentially gifting another major park to the residents of Fairwinds and Nanoose Bay and all Vancouver Islanders. Fairwinds will likely make their profit on the remaining lands. What is the potential monetary value of the land Fairwinds has dedicated for park in terms of cost of purchase of other recently established parklands in the area?

Parcel	Acres	Purchase Price	\$/Acre
Mt Benson	523	\$950,000	\$1800 (A DEAL !)
West Ballenas Is. (Listing price)	100	\$1,950,000	\$19,500

Moorecroft Camp	85	\$4,800,000	\$56,500
Rabbit Is.	35	\$2,500,000	\$71,500

Using the two per acre end members 300 Regional Parkland acres is worth from \$540,000 to \$21,450,000.

According to the Winter 2011 RDN Regional Perspectives news letter “The guiding principles for Recreation and Parks in the 2011-2012 Board Strategic plan are offering a wide range of parks and outdoor recreation opportunities, conservation and wildlife protection, and providing facilities to meet physical, social and cultural needs of residents”. . And, in the words of one of the sustainability principles of the Draft Regional Growth Strategy, “The interconnectedness and interdependence of natural and human systems are recognized and respected.”

By dedicating 300 acres of environmentally sensitive forest and wetlands as a public park, Fairwinds is honoring all of those guiding principles. I propose that this development plan recognizes the importance of harmoniously integrating unique natural and man-made features that create a distinct sense of place and stimulates community pride

This The Lakes District Neighborhood development plan serves the community and housing interests of the residents of Fairwinds and Nanoose Bay and Fairwinds Community and Resort inside a thoroughly researched environmental assessment. The plan presents a harmonious, sustainable co-mingling of human, animal and plant habitats that should serve as a model for major future developments elsewhere.

Again, I urge the RDN to approve this application as soon as possible.

Joe Straka
Fairwinds Resident
2064 Radford Place
Nanoose Bay, B.C.



CAC APPROVAL UCN		
EAP	✓	Mar 8 '11
COW		
FEB 25 2011		
RHD		
BOARD		

MEMORANDUM

TO: Dale Lindsay
Manager, Current Planning

DATE: February 25, 2011

FROM: Susan Cormie
Senior Planner

FILE: PL2011-009

SUBJECT: **Zoning Amendment Application No. PL2011-009**
Regional & Community Utilities, Regional District of Nanaimo
Lot 8, District Lot 130, Nanoose District, Plan 22076 - 2834 Northwest Bay Road
Electoral Area 'E'

PURPOSE

To consider a Zoning Amendment Application to rezone the subject property from Residential 1 (RS1) to Public 1 (PU1) in order to permit a community water treatment plant.

BACKGROUND

A Zoning Amendment Application has been received from the Regional & Community Utilities Department, on behalf of the Regional District of Nanaimo (RDN) to rezone the subject property in order to permit the development of a community water filtration plant.

The subject property (*see Attachment No. 1*), which is 5059 m² in size, is zoned Residential 1 Subdivision District 'F' (RS1F) (*1.0 ha minimum parcel size with or without community services*) as per the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

The subject property currently supports an unoccupied dwelling unit and accessory building which are to be removed. Surrounding land uses include public utility zoned properties (Fire Hall and Nanoose Library) and Nanoose Road to the north, residentially zoned parcels and Northwest Bay Road to the east, a residentially zoned parcel to the south, and a public assembly zoned property to the west.

The parcel is currently being served with an on-site well and septic disposal system.

Proposed Development:

The applicant is requesting a Public 1 (PU1) zone for the purposes of supporting a community water treatment plant proposed to be serviced by community water and an on-site septic holding system (*see Attachment No. 2 for Proposed Development Site Plan*). The proposed water treatment plant, if approved, will result in the construction of 300 m² block building. Access/egress to and from the subject property will be via Nanoose Road. There will be no staff stationed full time at this site, but rather staff will attend the site daily.

Although the subject property is not within any applicable development permit areas and is exempt from the landscaping provisions under Bylaw No. 500, 1987, the applicant is proposing to provide a landscape buffer adjacent to the residential uses consisting of a combination of new and existing vegetation.

It is noted that the subdivision district does not require a change as the subject property does not have any subdivision potential.

ALTERNATIVES

1. To approve the Amendment Application to rezone the subject property from Residential 1 (RS1) to Public 1 (PU1) for 1st and 2nd reading and proceed to Public Hearing subject to the conditions outlined in Schedule No. 1.
2. To not approve the Zoning Amendment Application as submitted.

OFFICIAL COMMUNITY PLAN IMPLICATIONS

Schedule '1' of the Electoral Area 'E' Official Community Plan No. 1400, 2005 (OCP) designates the subject property as Rural Residential. It is noted that the OCP supports the inclusion of this parcel within the Red Gap Village Area and Urban Containment Boundary subject to an amendment to the Regional Growth Strategy Plan.

DEVELOPMENT IMPLICATIONS

Servicing

The applicant has applied for inclusion into the local water service area. The Nanoose Bay OCP supports the connection of publicly held facilities to the community water system. If the zoning amendment proceeds, staff recommends that the community water service approval prior to consideration of adoption of the Amendment Bylaw (*see Schedule No. 1 – Conditions of Approval*). It is noted that the existing well will be decommissioned.

The applicant is proposing that an on-site septic holding system be installed for sewage disposal. Vancouver Island Health Authority staff has indicated that they do not have any issues with this proposal.

The stormwater will be collected by rain barrels and distributed into a bio swale system located along the south property line, which is designed to keep the stormwater on-site. There will be no increase in post-construction flows.

PUBLIC CONSULTATION

Public Information Meeting

In keeping with the Board's public consultation framework, a Public Information Meeting was held on February 17, 2011, at Nanoose Place. Notification of the meeting was advertised in the classified ads of the PQ Newspaper and posted on the RDN website, along with a direct mail out to all property owners within 200 metres of the subject property. Six people attended the information meeting and provided comments with respect to the proposal (*see Attachment No. 3 - 'Proceedings of the Public Information Meeting'*).

Issues raised by the public included:

- concern as to possible nuisances such as odour and noise;
- concern for removal of existing landscaping features and visual impact on neighbouring properties;
- concern for other uses permitted on the parcel; and

In response to the concerns raised, staff's comments are as follows:

With respect to possible nuisances, staff explained the only potential odour would be the septic system, but because it will be a sealed system, this is not expected. Concerning noise, the buildings has been designed with compressors to exhaust away from the adjacent residential properties and the alarm system will not be audio. Other possible nuisances such as lighting and vibration have been accounted for through building design. As this is not a full time staffed building, minimal traffic is expected.

With respect to existing landscaping, staff has confirmed that the existing landscaping should be able to be retained. This landscaping will be enhanced with additional plantings. It is noted that the Ministry of Transportation and Infrastructure may require the removal of vegetation within the Nanoose Bay right-of-way as part of the Ministry's access permit approval process.

With respect to other permitted uses, while the Public 1 does allow for other limited uses (i.e., school and personal care), based on the minimum site area requirements of the zone, a single dwelling unit would be the only other use permitted in addition to the public utility use.

SUSTAINABILITY IMPLICATIONS

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist". No sustainability implications were identified through the review of this application.

SUMMARY

The applicant is proposing to amend Bylaw No. 500, 1987 in order to permit a community water treatment plant. A Public Information Meeting was held on February 17, 2011, and the summary of the meeting is attached (*see Attachment No. 3*).

Given that the proposed zoning amendment is in concurrence with the current OCP, staff supports the Amendment Application, subject to the conditions set out in Schedule No. 1 and recommends that the Amendment Bylaw No. 500.369, 2011 receive 1st and 2nd reading and proceed to Public Hearing.

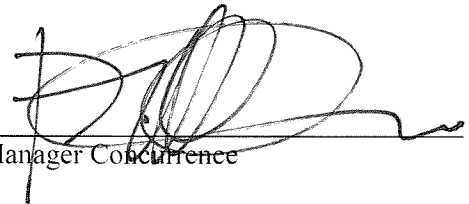
A copy of the proposed Amendment Bylaw is attached to this report (*see Attachment No. 4*).

RECOMMENDATIONS

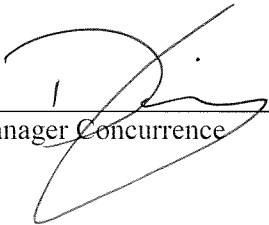
1. That the Summary of the Public Information Meeting held on February 17, 2011, be received.
2. That Application No. PL2011-009 to rezone the subject property from Residential 1 (RS1) to Public 1 (PU1) be approved subject to the conditions included in Schedule No. 1.
3. That “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.369, 2011”, be given 1st and 2nd reading.
4. That the Public Hearing on “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.369, 2011”, be delegated to Director Holme or his alternate.



Report Writer



General Manager Concurrence



Manager Concurrence



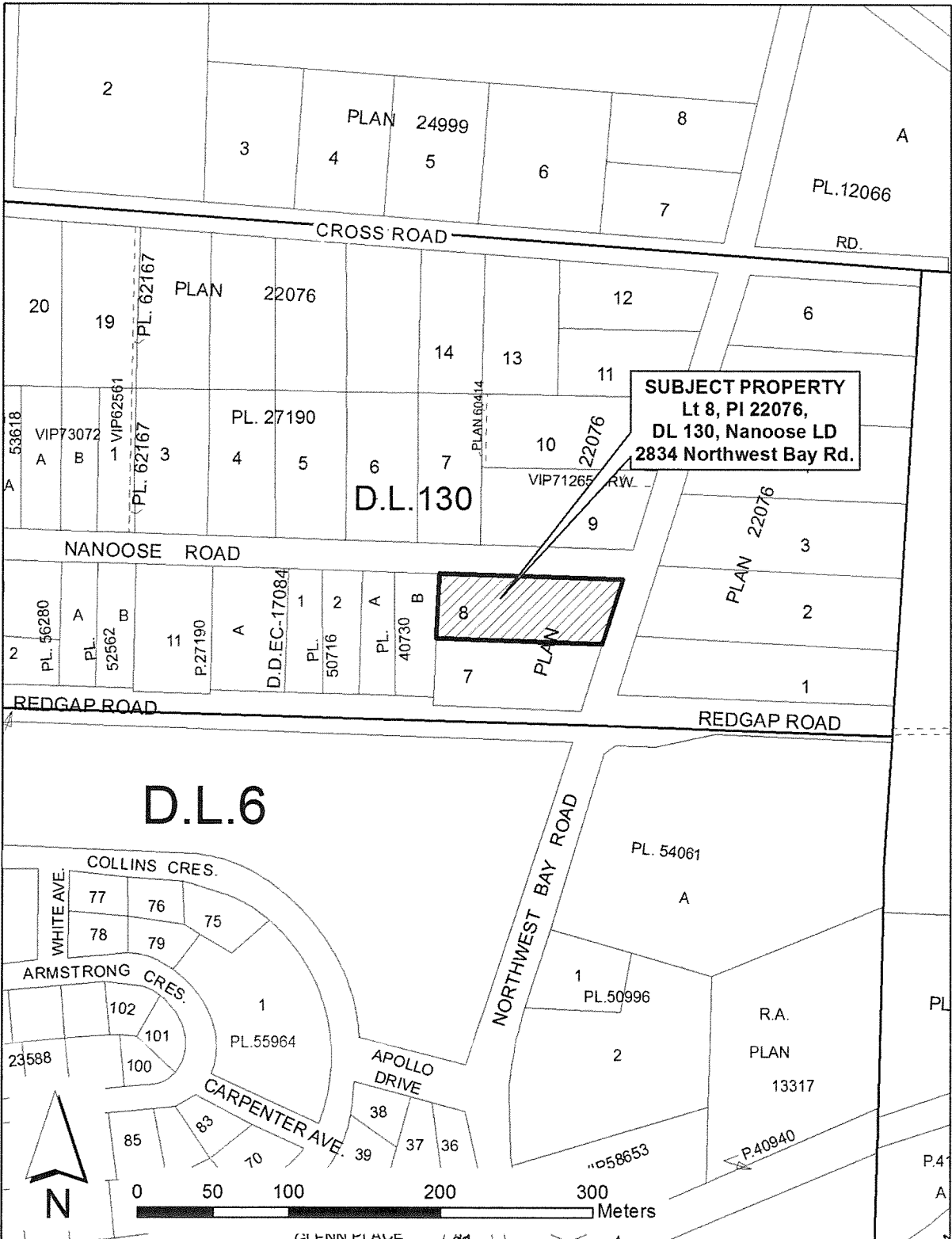
CAO Concurrence

Schedule No. 1
Conditions of Approval
Zoning Amendment Application No. PL2011-009

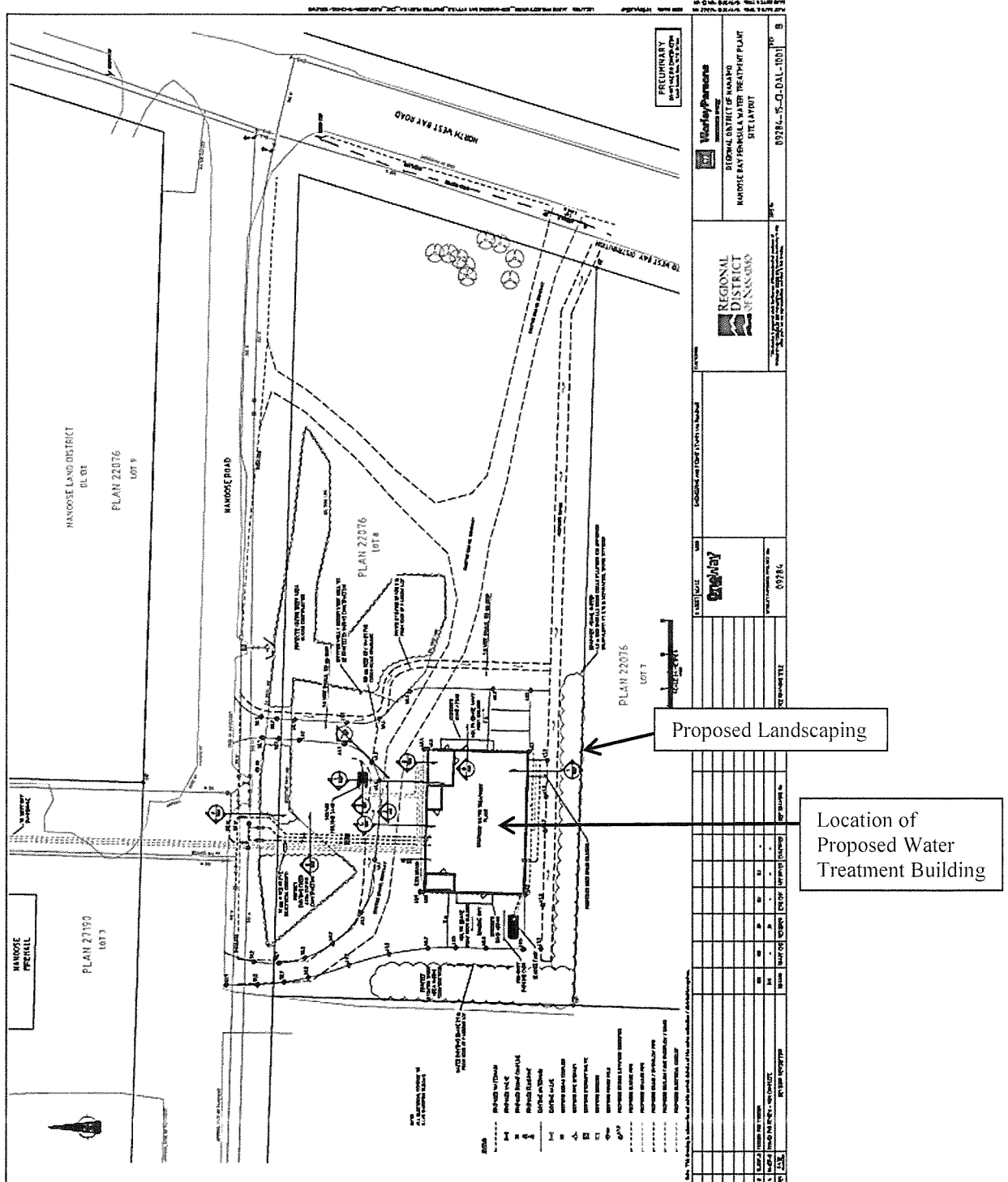
The applicant is to provide the following documentation prior to the Amendment Application being considered for 4th reading:

1. Confirmation that the property has been included within a community water service area.

Attachment No. 1
Location of Subject Property
Zoning Amendment Application No. PL2011-009



Attachment No. 2
 Zoning Amendment Application No. PL2011-009
 Proposed Development Site Plan



Attachment No. 3

**Summary of the Public Information Meeting
Held at Nanoose Place Multi Purpose 1, 2925 Northwest Bay Road, Nanoose Bay
February 17, 2011 Commencing 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 six persons in attendance.

Present for the Regional District:

George Holme, Director, Electoral Area 'E', Chairperson
Wayne Moorman, Manager of Engineering
Mike Donnelly, Manager of Water Services
Susan Cormie, Senior Planner

The Chairperson opened the meeting at 7:00 pm, outlined the agenda for the evening's meeting, and made introductions. The Chairperson then stated the purpose of the Public Information Meeting and requested the Senior Planner to provide background information concerning the zoning amendment application process.

Ms. Cormie gave a brief outline of the application process concerning the amendment application to rezone the property located at Nanoose and Northwest Bay Roads to permit the development of a Regional District community water treatment facility.

The Chairperson then invited the Mr. Moorman to give a presentation of the proposed zoning amendment application.

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

Karen Zaborniak, 2621 Northwest Bay Road, Nanoose Bay asked what kind of treatment will the water receive and are all the wells going to be treated?

Mr. Moorman explained that the water will be treated for manganese and iron and at this time, the four wells in the surrounding area – three Fairwinds wells and the West Bay well - will be treated.

Ms. Zaborniak also asked who will benefit from this water treatment.

Mr. Moorman explained that a number of neighbourhoods will benefit including West Bay Estates, Fairwinds, Arbutus, and Nanoose and there is even the possibility that the treated water will make its way back to serve the Madrona area.

Ms. Zaborniak asked for clarification of how Madrona would be served.

Mr. Moorman explained that the water supply line which runs along Northwest Bay Road would allow treated water feed back to the Madrona area.

Ms. Zaborniak then asked who will be paying for this treatment plant and how much will be cost.

Mr. Donnelly explained that all users of the water system will pay for the plant and the cost will be approximately \$10/year.

Ms. Zaborniak asked if the water is ever treated for bacteria.

Mr. Donnelly explained that chlorine is used to treat the water.

Ms. Zaborniak asked if the blue light system is used instead of chlorine.

Mr. Donnelly explained that this is a filter system and this option is currently not being used.

Jim Lettic, 2855 Ashcraft Road, Nanoose Bay asked if the RDN bought the property from the owner and then subdivided it.

Mr. Donnelly explained that the property was bought as is.

Mr. Lettic also asked if either lot is within the local water service area.

Mr. Donnelly explained that there is no water service connection to this property and it will have to be brought into the local water service area.

Mr. Lettic asked what other uses are permitted in the public zone and what other plans do you have for the property.

Mr. Donnelly explained that there are no plans at this time for the balance of the property other than perhaps a community demonstration garden.

Ms. Cormie outlined the permitted uses in the Public 1 zone concluding that the uses would be limited to a public utility and a single dwelling unit.

Maurice Bouman, 2850 Northwest Bay Road, Nanoose Bay stated that he lives next door and that his main concerns are with the possible smell from the treatment plant and the noise factor.

Mr. Moorman explained that the only potential smell would be the pump and haul system, but it will be a sealed system with minimal use. Mr. Moorman explained that the compressor room is within the building and is designed to exhaust away from the adjacent residential properties. Mr. Moorman also explained that lighting will be limited to photo cell lights on the buildings casting downwards and no yard lighting. Concerning vibration, Mr. Moorman explained that this possible issue has been eliminated through building design, noting that it is not a continuous operating system.

Mr. Donnelly explained the building will be manned on a drop by basis and it is not a building designed for staff to work out of; therefore, traffic should be minimal.

Mr. Moorman also explained that as the alarm system will not be audio, any alarms will not be heard in the neighbourhood.

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

Teom Lim, 2806 Northwest Bay Road, Nanoose Bay asked about the landscaping and if there will be a buffer to help deter noise and visual for next door.

Mr. Moorman explained that the buffer of trees will be saved if possible, but the plans do specify a buffer of cedar trees approximately 7 - 10 feet in height to be planted along the south property line.

Maurice Bouman, 2850 Northwest Bay Road, Nanoose Bay stated that he is concerned about removing the existing trees and felt that they offered a good screen in the summer.

Mr. Moorman explained that a surveyor would be hired to verify the locations of trees. Based on this information it will determine which trees can be saved. Mr. Moorman also explained that the Ministry of Transportation and Infrastructure may require the removal of some vegetation along Nanoose Road in order to ensure sufficient sight distance for drivers.

Jim Lettic, 2855 Ashcraft Road, Nanoose Bay asked how the treatment facility is being financed and noted that it originally was going to a referendum.

The Chair explained that monies will be paid back over 20 years and asked the Manager of Water Services to provide more information.

Mr. Donnelly explained that this is only an overview and Community Works Funds has provided a grant of \$450,000.00; the Nanoose Bay Capital Fund is contributing \$200,000.00, the seven water systems through the remaining Reserve Fund are contributing \$400,000.00 and \$850,000.00 is being borrowed.

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 third 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 concluded at 7:25 pm.

Susan Cormie
Recording Secretary

**Attachment No. 4
Proposed Amendment Bylaw No. 500.369, 2011**

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500.369**

**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. 500.369, 2011.
- B. The "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", is hereby amended as follows:

By rezoning the lands shown on the attached Schedule No. '1' which is attached to and forms part of this Bylaw and legally described as:

Lot 8, District Lot 130, Nanoose District, Plan 22076

from Residential 1 to Public 1

Introduced and read two times this ___ day of _____ 2011

Public Hearing held this ___ day of _____ 2011

Read a third time this ___ day of _____ 2011

Adopted this ___ day of _____ 2011

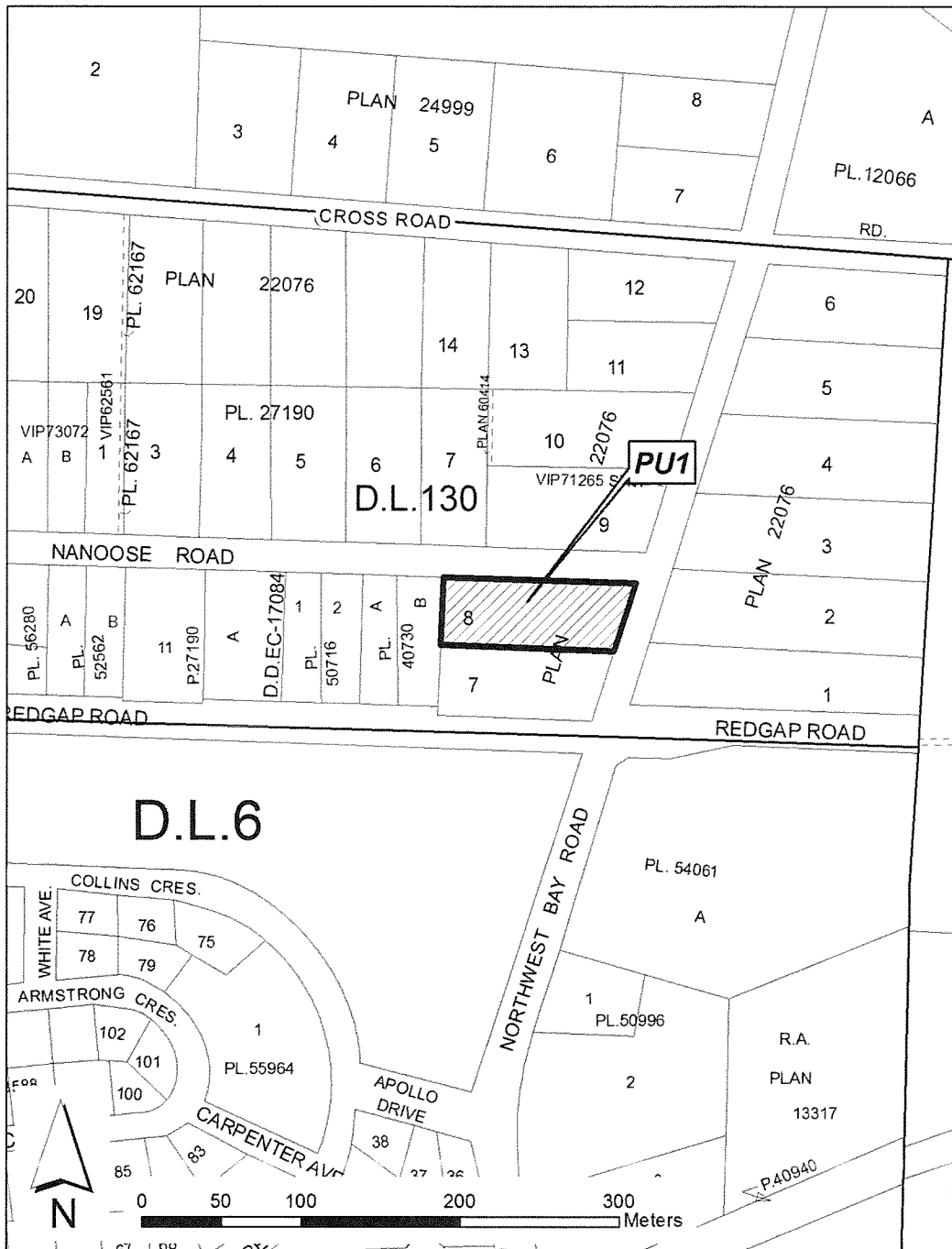
Chairperson

Senior Manager, Corporate Administration

Schedule No. '1' to accompany "Regional District of
Nanaimo Land Use and Subdivision Bylaw Amendment
Bylaw No. 500.369. 2011"

Chairperson

Sr. Mgr., Corporate Administration



BCGS MAPSHEET: 92F 030.3.3



NEW RECEIVED	
CAO APPROVAL (10/11)	
EAP	✓ Mar 8/11
COW	
FEB 25 2011	
RHD	
BOARD	

MEMORANDUM

TO: Dale Lindsay
 Manager, Current Planning **DATE:** February 25, 2011

FROM: Kristy Marks
 Planner **FILE:** PL2010-205

SUBJECT: Zoning Amendment Application No. PL2010-205, Bylaw No. 1285.15
 J.E Anderson & Associates
 Lot 1, District Lot 136, Nanoose District, Plan 21407 and
 Lot B, District Lot 136, Nanoose District, Plan 41092
 908 & 920 Little Mountain Road
 Electoral Area 'F'

PURPOSE

To consider an application to rezone the subject properties in order to facilitate a lot line adjustment subdivision.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from J.E. Anderson & Associates on behalf of Jeffrey Grognet and Mary Louise Janes to rezone the subject properties. Lot 1, Plan 21407 is currently zoned R-2.54 (Rural Residential 2.54) and permits two dwelling units. This lot currently contains a dwelling unit and a cabin. Lot B is currently zoned R-2 (Rural Residential-2) and permits one dwelling unit only. The applicants have been unable to locate a suitable septic area for a new system on existing Lot B but have identified a suitable area on Lot 1. In order to accommodate this new system to service the house and cabin the applicants are proposing a lot line adjustment to include the cabin on proposed Lot B. Given that the parcels have different zoning, a zoning amendment is required. The proposed new Lot B would be zoned R-2.54 and would permit two dwelling units and new Lot A would be zoned R-2 and would permit one dwelling unit only. The properties are bound by Little Mountain Road and developed rural residential parcels to the north and east and by unregistered Crown Land to the south and west (*see Attachment No. 1 for location of subject property*).

The requested rezoning is to facilitate a lot line adjustment subdivision. Proposed Lot A would be approximately 0.5 ha in area and proposed Lot B would be approximately 0.7 ha in area. Each parcel is proposed to be serviced by individual on-site septic disposal systems and potable water wells (*see Schedule No. 2 for proposed plan of subdivision*).

ALTERNATIVES

1. To approve the proposed zoning amendment application to rezone part of Lot 1, District Lot 136, Nanoose District, Plan 21407 from R-2.54 (Rural Residential 2.54) to R-2 (Rural Residential 2) and to rezone Lot B, District Lot 136, Nanoose District, Plan 21407 from R-2 (Rural Residential 2) to R- 2.54 (Rural Residential 2.54) for first and second reading subject to the conditions outlined in Schedule No. 1.
2. To deny the zoning amendment application as submitted.

OFFICIAL COMMUNITY PLAN IMPLICATIONS

The “Regional District of Nanaimo Electoral Area ‘F’ Official Community Plan Bylaw No. 1152, 1999” (OCP) designates the subject properties within the Rural Residential Land Use designation. The rural residential designation includes policy which recommends minimum parcel size of 1.0 ha and one dwelling unit per ha. However, the OCP also recognizes existing dwelling units on certain parcels subject to the conditions outlined in the zoning bylaw and the criteria outlined in the OCP.

Based on the information provided staff are of the opinion that the proposed development complies with the intent of the OCP.

DEVELOPMENT IMPLICATIONS

The surrounding neighbourhood is comprised of rural residential properties ranging in size from roughly 0.3 ha to 1.8 ha. Given that the proposed zoning amendment does not increase the number of parcels, proposed parcel sizes are similar to those of adjacent parcels and density will not be increased, this application is not expected to have a negative impact on the surrounding neighbourhood.

The applicants are proposing to utilize existing wells to serve the existing dwelling units. VIHA has indicated that if the applicants plan to utilize the existing well on proposed Lot B to serve the both dwelling units they must obtain an operating permit, including source approval, for a water supply system.

The applicants have provided a copy of the septic filing for a new sewage disposal system designed to support both the dwelling unit and cabin on proposed Lot B. The existing dwelling unit on proposed Lot A will be serviced by an existing sewage disposal system located on that parcel.

Public Consultation Implications

If this application proceeds, a public hearing will be required to be held as part of the zoning amendment process.

Intergovernmental Implications

The Ministry of Transportation and Infrastructure staff have no issues with the proposed application, however this is not to be construed as subdivision approval and the proposal will be reviewed through the subdivision approval process. The Vancouver Island Health Authority staff have also indicated that they have no concerns with the proposed amendment application.

SUSTAINABILITY IMPLICATIONS

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the “Sustainable Community Builder Checklist”. No sustainability implications were identified through the review of this application.

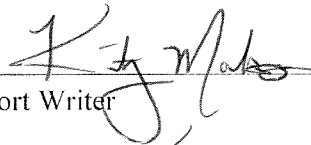
SUMMARY

The applicant is proposing to rezone part of Lot 1, District Lot 136, Nanoose District, Plan 21407 from R-2.54 (Rural Residential 2.54) to R-2 (Rural Residential 2) and to rezone Lot B, District Lot 136, Nanoose District, Plan 41092 from R-2 (Rural Residential 2) to R-2.54 (Rural Residential 2.54) in order to facilitate a lot line adjustment subdivision. Each proposed parcel will be serviced with individual on-site septic disposal systems and potable water wells. Given that the proposed zoning amendment is in

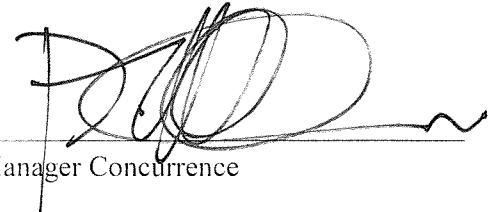
compliance with the current OCP, no new parcels are being proposed and density will not increase, staff support the amendment application, subject to the conditions set out in Schedule No. 1 and recommend that the associated zoning amendment bylaw receive first and second reading and proceed to public hearing. A copy of the proposed amendment bylaw is attached to this report (*see Attachment No.2*).

RECOMMENDATIONS

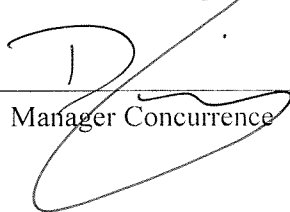
1. That the application to rezone part of Lot 1, District Lot 136, Nanoose District, Plan 21407 from R-2.54 (Rural Residential 2.54) to R-2 (Rural Residential 2) be approved subject to the conditions outlined in *Schedule No. 1*.
2. That the application to rezone Lot B, District Lot 136, Nanoose District, Plan 41092 from R-2 (Rural Residential 2) to R-2.54 (Rural Residential 2.54) be approved subject to the conditions included in *Schedule No. 1*.
3. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 1285.15, 2011” be introduced and read two times.
4. That the public hearing on “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 1285.15, 2011” be delegated to Director Biggemann or his alternate.



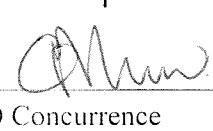
Report Writer



General Manager Concurrence



Manager Concurrence



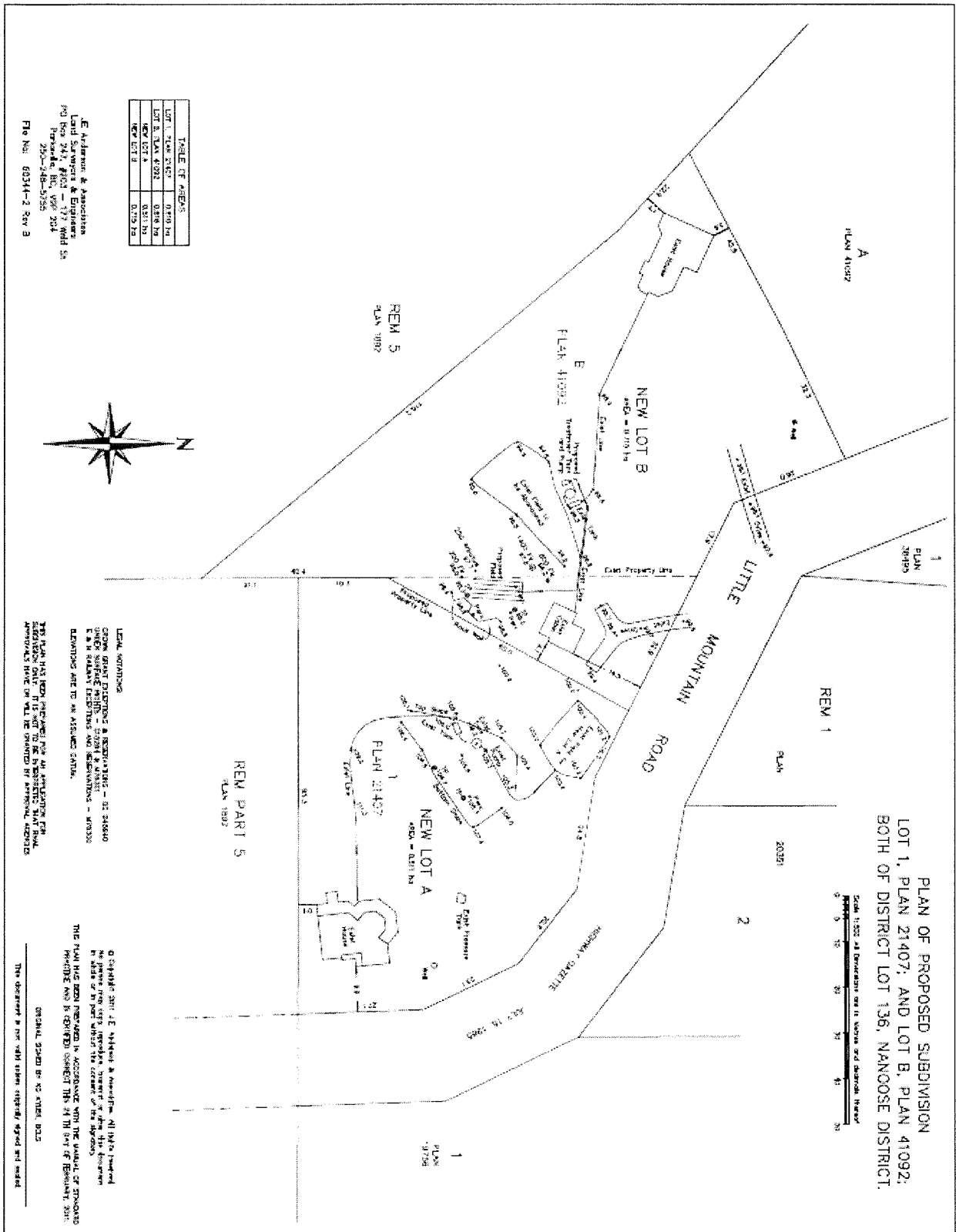
CAO Concurrence

**Schedule No. 1
Conditions of Approval**

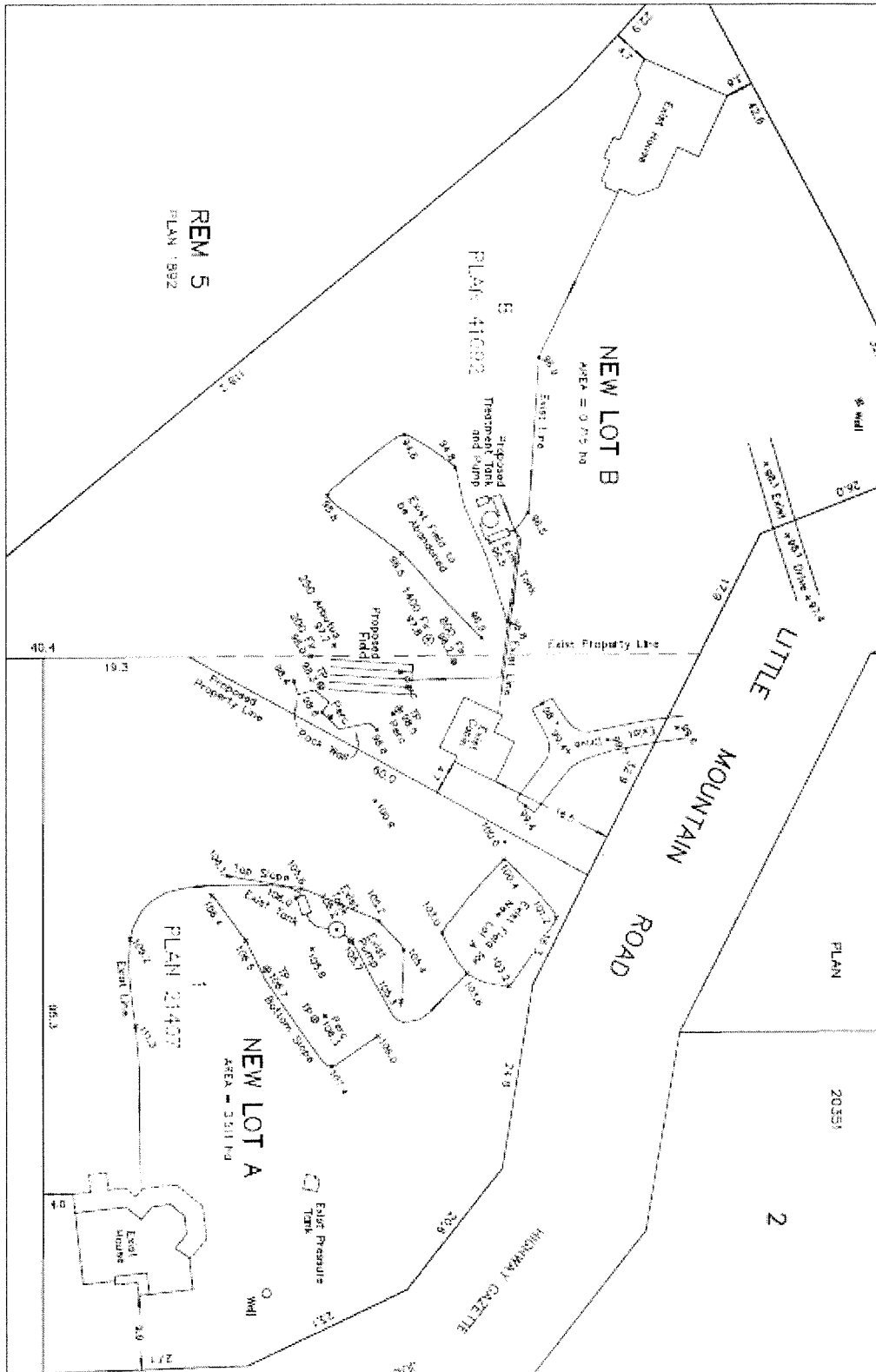
The applicant is to provide the following documentation prior to the Amendment Application being considered for fourth reading:

1. The applicant must submit confirmation of Preliminary Layout Approval from the Ministry of Transportation and Infrastructure (MOTI) prior to the application being considered for fourth reading.

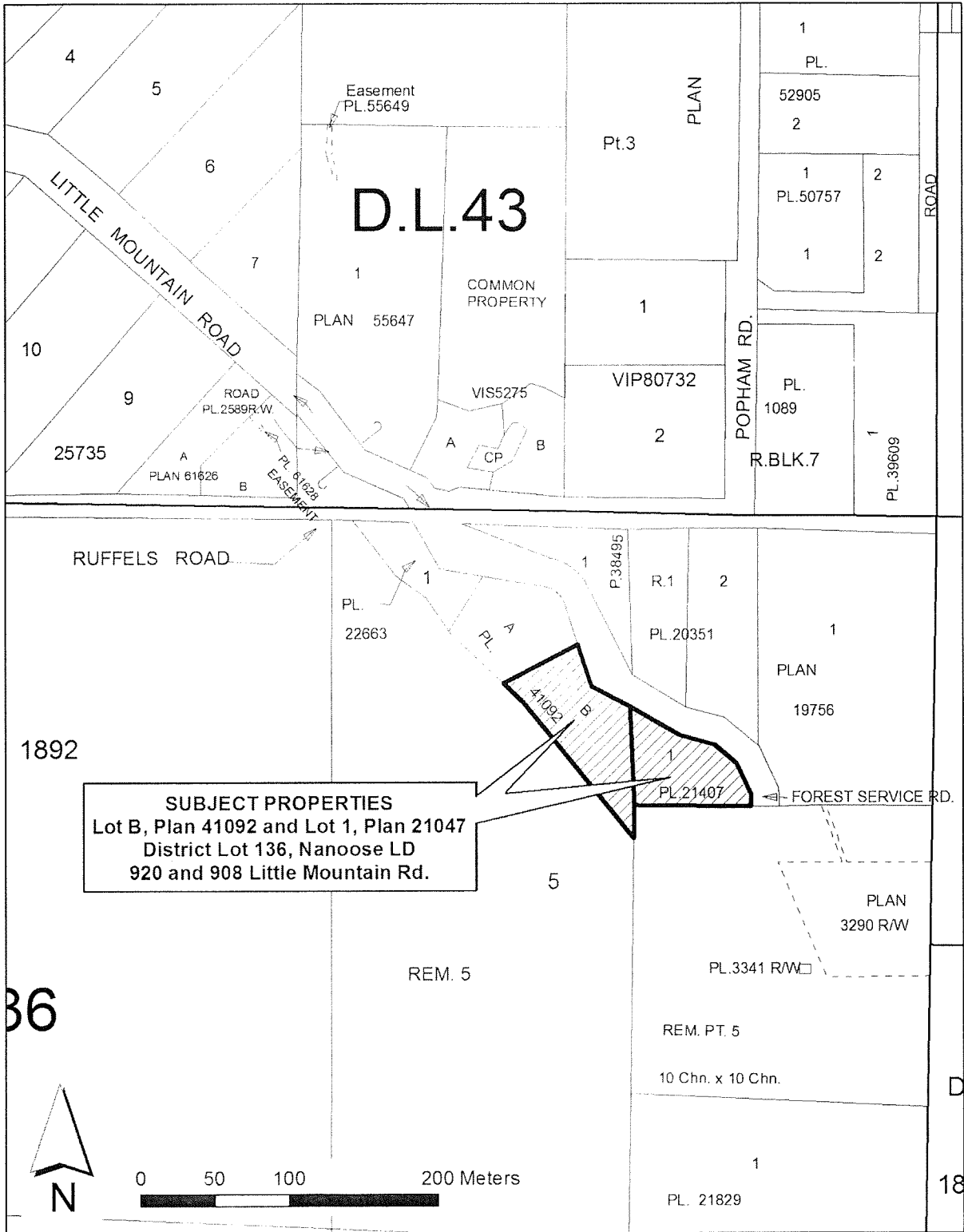
Schedule No. 2
 Proposed Plan of Subdivision



Schedule No. 2
Proposed Plan of Subdivision – Detail



**Attachment No. 1
 Location of Subject Properties**



**Attachment No. 2
Proposed Amendment Bylaw No. 1285.15, 2011**

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1285.15, 2011

**A Bylaw to Amend Regional District of Nanaimo Electoral Area ‘F’
Zoning and Subdivision Bylaw No. 1285, 2002**

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 Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285.15, 2011”.
- B. “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002”, is hereby amended as follows:
 - 1. By rezoning the lands shown on the attached Schedule ‘2’ and legally described as part of LOT 1, DISTRICT LOT 136, NANOOSE DISTRICT, PLAN 21407

from R-2.54 (Rural Residential 2.54) Zone to R-2 (Rural Residential 2) Zone.
 - 2. By rezoning the lands shown on the attached Schedule ‘2’ and legally described as LOT B, DISTRICT LOT 136, NANOOSE DISTRICT, PLAN 41092

from R-2 (Rural Residential 2) Zone to R-2.54 (Rural Residential 2.54).

Introduced and read two times this ___ day of _____ 2011.

Public Hearing held this ___ day of _____ 2011.

Read a third time this ___ day of _____ 2011.

Adopted this ___ day of _____ 201__.

Chairperson

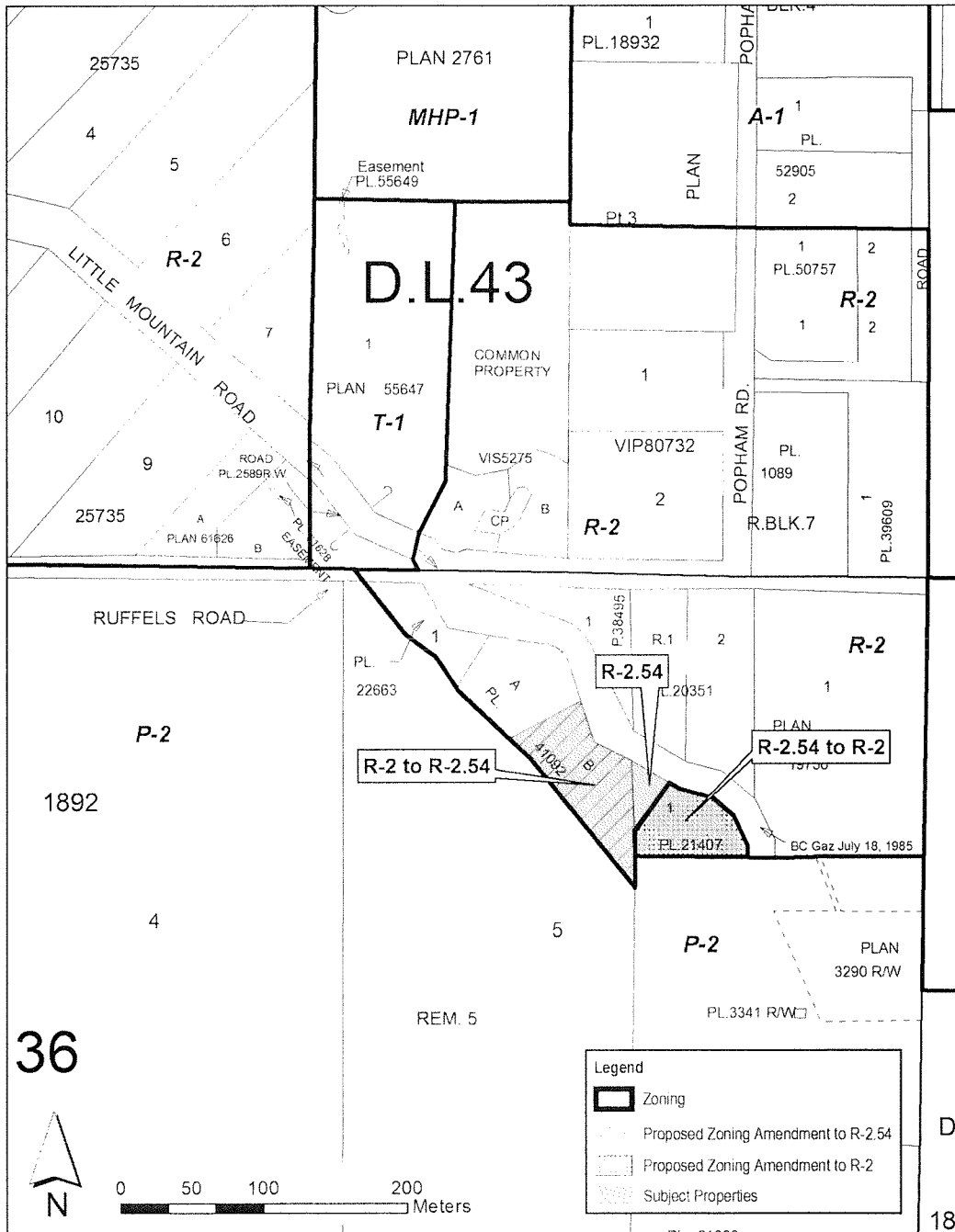
Sr. Mgr., Corporate Administration

Schedule '2' to accompany "Regional District of Nanaimo Zoning and Subdivision Amendment Bylaw No. 1285.15, 2011."

Chairperson

Sr. Mgr., Corporate Administration

Schedule '2' Map



BCGS MAPSHEET: 92F.028.3.4



CAO APPROVAL		<i>[Signature]</i>
EAP	✓	<i>Mar 8 11</i>
COW		
MAR 01 2011		
RHD		
BOARD		

MEMORANDUM

TO: Dale Lindsay
Manager, Current Planning

DATE: February 25, 2011

FROM: Susan Cormie
Senior Planner

FILE: PL2009-225

SUBJECT: Proposed Amendments to Nanoose Bay Official Community Plan Bylaw No. 1400, 2005 in Conjunction with The Lakes District Neighbourhood Plan (Fairwinds) Electoral Area 'E'

PURPOSE

To consider amendments to the Nanoose Bay Official Community Plan (OCP) to incorporate The Lakes District Neighbourhood Plan for the majority of the remaining Fairwinds properties in Electoral Area 'E'.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an OCP amendment application for the purposes of incorporating a Neighbourhood Plan into the OCP for the properties in the Fairwinds area from R. Tibbles on behalf of 3536696 Canada Inc. and bcIMC Realty Corporation (*see Attachment No. 1 for location of subject properties*).

The subject properties, which are 285.8 ha in area, are presently zoned Residential 1 (RS1) Subdivision District 'P' (*1,000 m² with community water and community sewer services*) as per the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987.

The Regional Growth Strategy Plan (RGS) recognizes the Fairwinds land use designation as an urban area and includes the lands within an Urban Containment Boundary (UCB) where new growth is expected and encouraged and full community services are provided. The subject properties are designated within the Fairwinds Land Use designation as per the Regional District of Nanaimo Official Community Plan Bylaw No. 1400, 2005. The OCP includes a number of objectives and policies which support urban style development within the Fairwinds - Community Centre. The OCP provides a residential build-out of 2,500 dwelling units for the area, as well as the development of a neighbourhood service centre.

The subject properties, which are currently vacant, are bordered by Dolphin Beach residentially zoned parcels to the north, Dolphin Lake and existing Fairwinds residential neighbourhood to the east, residentially zoned parcels and the Canadian Forces Maritime Experimental Test Range property (DND Lands) to the south, and Florence Drive and residentially zoned parcels and Provincial Crown Lands to the west.

Submitted Plan

The applicant has submitted a plan titled The Lakes District Neighbourhood Plan, which is proposed to be the guiding document for future development in the area. As part of the application, the applicant has submitted, along with the Neighbourhood Plan, a number of supporting documents including a Detailed Biophysical Assessment, an Archaeological Overview Assessment, a Neighbourhood Plan Servicing

Report, a Transportation Overview, a Traffic Impact Study, a Project Specific Street Standards Report, and a Development Opportunities and Impacts Economic Review Report.

History / Public Process to Date

In 2006, as part of the public consultation process involving Amendment Bylaw No. 500.336, 2006 for the Rockcliffe and Ridge Town Homes projects located on Bonnington Drive in the Fairwinds area, concerns were raised with respect to the protection of the environmentally sensitive areas, mainly the Garry oak ecosystem. As a result of concerns raised, Fairwinds agreed to undertake a special study of sensitive areas in the Bonnington Drive area. Fairwinds followed up by proposing to expand the study area to include the balance of the Fairwinds lands (Lakes District) and evaluating all issues including environmental, urban design, and market impacts with the intent that a Neighbourhood Plan would be developed.

The applicant organized a Planning Team and established a public consultation process including a Terms of Reference and Development Process for The Lakes District, which was endorsed by the Regional District in October 2008. The Fairwinds Planning Team organized and held a series of meetings and events starting in May 2008 which included three public open houses, one workshop, and several meetings with the Community Advisory Group (CAG), which was established by Fairwinds and comprised of representatives from various community associations and organizations in Nanoose Bay.

Following this public consultation process, Fairwinds submitted The Lakes District Neighbourhood Plan along with supporting documentation to the RDN in May 2010. The Plan and the supporting documentation was referred to a number of external agencies and internal departments for review and comments and recommendations and an Open House/Public Information Meeting (PIM) was held on June 28, 2010 (this event included Schooner Cove Neighbourhood Plan as well). Based on the comments and recommendations received through the referral process, Fairwinds responded by revising the Neighbourhood Plan. The revised Plan was received in December 2010. A second Public Information Meeting was held January 31, 2011.

ALTERNATIVES

1. To approve the amendment application to amend Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005 to include The Lakes District Neighbourhood Plan and recommend that "Regional District of Nanaimo Nanoose Bay Official Community Plan Amendment Bylaw No. 1400.03, 201" be given 1st and 2nd reading and proceed to Public Hearing.
2. To not approve the amendment application as submitted and provide further direction to staff as required.

GROWTH STRATEGY / OFFICIAL COMMUNITY PLAN IMPLICATIONS

The Regional Growth Strategy (RGS) 2002, which provides direction for future growth in the Region, is based on the principle of directing growth to nodes or centres. The RGS includes strong urban containment policies and identifies the development of a nodal structure as important to allowing for rural preservation and environmental protection while encouraging improved mobility and the efficient delivery of services. The subject lands are within one of these designated growth centres. Fairwinds is designated as an urban area by the RGS and is included within an UCB.

The Nanoose Bay Official Community Plan (2005) designates the subject lands as Fairwinds - Community Centre and includes these lands within the UCB. Fairwinds, along with Red Gap and

Schooner Cove, comprise the three Community Centres identified by the OCP. The OCP supports the development of these centres as complete, fully serviced communities that contain a wide range of services, recreational opportunities and higher density residential development. Relevant community plan policies include:

- Total residential development of the Fairwinds Community Centre may include a maximum of 2500 dwelling units.
- Fairwinds will include a mix of housing types and densities, including single detached units, pockets of multi-family units clustered in neighbourhoods, and some higher density development within a Neighbourhood Centre.
- The scale and design of new neighbourhoods will include a significant park or open space feature with an integrated system of pedestrian connections or trails.
- The protection of environmentally sensitive areas including working with landowners and developers on the protection of environmentally sensitive areas.
- The protection of Notch Hill, the lands around Enos Lake, and other sensitive lands within this area shall be investigated and pursued in partnership with the landowner and in consideration of the sensitive lands inventory contained in the OCP. The RDN shall be encouraged to continue discussions with the landowner, so that protection of important features can be better guaranteed.
- The Ministry of Transportation & Infrastructure (MOTI) shall be encouraged to require completion of the designated future major road route (Schooner Cove Drive) as shown in the OCP to divert traffic from existing roadways and deal with increased traffic flows resulting from new construction.

The proposed Lakes District Neighbourhood Plan provides a comprehensive approach to the planning of the area and includes a land use plan and designations with policies and direction providing for public park lands dedication and construction of trails (121 ha of dedicated park lands; 19 km of trails, and 19 km of road sidewalks); residential lands with a variety of housing types; and neighbourhood and lakehouse commercial centres. The Plan also provides policies for civic infrastructure including transportation, water, sewer, and stormwater management, and emergency preparedness. The Neighbourhood Plan includes specific policy which requires that future zoning amendment applications must provide proof of potable water prior to rezoning of any lands.

An Implementation Section provides requirements for assessing impacts of development and information required with future zoning amendments and/or development permit applications. In addition, the Plan provides for a number of new development permit areas specifically designed for The Lakes District area including development permit areas to promote energy conservation, water conservation, and the reduction of greenhouse gas emissions, and protection of the natural environment. In addition to the proposed development permit areas, the plan area will remain subject to the current Fish Habitat Protection Development Permit Area as outlined in the OCP.

Proposed amendments to the OCP include a new Lakes District Neighbourhood Plan Area under the Fairwinds – Community Centre land use designation, the inclusion of the Neighbourhood Plan, the removal and/or clarification of policies under the Fairwinds designation which are applicable to The Lakes District area, and the removal of The Lakes District Neighbourhood Plan Area from relevant development permit areas and references to the new development permit areas set out in the Plan (*see Attachment No. 6 for Amendment Bylaw No. 1400.03, 2011*).

The Neighbourhood Plan is consistent with, and supports the goals of the Official Community Plan and the Regional Growth Strategy Plan.

INTERGOVERNMENTAL IMPLICATIONS

The Neighbourhood Plan was referred to external agencies including the Ministry of Transportation and Infrastructure (MoTI), the Ministry of Environment (MoE) and the Department of Fisheries and Oceans (DFO). Formal responses were received from both MOTI and MoE. Through the referral process, MOTI has confirmed support for both the road network and the alternate road standards proposed by the Neighbourhood Plan. The Ministry of Environment's review resulted in the identification of a number of issues that were subsequently addressed by the applicant's consultants with specific amendments being incorporated into the revised plan. These amendments included new requirements for environmental management plans, development permit areas and long term environmental monitoring, education and management.

Prior to the adoption of the Official Community Plan Amendment Bylaw, approval will be required from the Ministry of Community, Sport and Cultural Development.

PUBLIC CONSULTATION IMPLICATIONS

The Regional Board has a Public Consultation/Communication Framework which outlines public consultation procedures for major projects. The Terms of Reference for the Neighbourhood Planning Process was designed in accordance with this Policy. In addition, the *Local Government Act* sets out public consultation provisions for an amendment to an OCP.

Open House / Public Information Meetings

In keeping with the Board's public consultation framework, an Open House/Public Information Meeting which also included the proposed Schooner Cove Neighbourhood Plan was held on June 28, 2010, at Nanoose Place. Notification of this open house Open House/Public Information Meeting was advertised in The PQ News, on the RDN Web Page, and signage was posted on the subject properties along with a direct mail-out to all property owners within 200 metres of the subject properties. In addition, notification was sent by email to members of the Community Advisory Group (CAG) and the Nanoose Bay Parks and Open Space Advisory Committee (POSAC). Approximately 220 persons attended the PIM portion of the event and provided comments with respect to both proposed Neighbourhood Plans (*see Attachment No. 7 for "Summary of Public Information Meeting dated June 28, 2010"*).

Based on the comments and recommendations received through the referral process, Fairwinds responded by revising the Neighbourhood Plan. The revised Plan was received in December 2010. A second public information meeting for The Lakes District was held January 31, 2011.

Notification of the January 31, 2011 Public Information Meeting was advertised in The PQ News, on the RDN Web Page, and signage was posted on the subject properties along with a direct mail-out to all property owners within 200 metres of the subject properties. In addition, notification was sent by email to members of the Community Advisory Group (CAG) and the Nanoose Bay Parks and Open Space Advisory Committee (POSAC). Approximately 180 persons attended the PIM and provided comments with respect to the Neighbourhood Plan (*see Attachment No. 8 for "Summary of Public Information Meeting dated January 31, 2011"*).

A summary of land use related comments received through the public information process are set out in *Attachment No. 7* along with staff comments and recommendations.

Road Network

Through the Public Information Meetings and in subsequent submissions, concern has been expressed regarding the extension of Schooner Cove Drive to Fairwinds Drive and the potential impacts on the wetlands west of Enos Lake.

The concept of a collector road through this area has been in place for a number of years and was included in the original Fairwinds development concept in the 1980's. Most recently the proposed connection was included in the Nanoose Bay Official Community Plan as a proposed major road. As part of the Lakes District Planning process, the applicant completed a Traffic Impact Study. The study identifies the Schooner Cove extension as a required improvement. The subject lands are part of the larger Fairwinds Community Centre which, under existing OCP policy, supports at build out 2500 dwelling units and commercial services. The existing road network, which focuses traffic on Fairwinds and Dolphin Drive, is not sufficient to handle the growth encouraged by the OCP. The Schooner Cove Drive connector is required in order to allow for the implementation of the existing OCP.

Through the Lakes District Planning Process further details on the topography and location of environmentally sensitive lands were obtained; allowing for a significantly improved alignment of the connector. As shown on Attachment No. 3, the connector road has been designed so that it does not cross the existing wetlands. In addition, the plan includes specific policy which recommends that where the road is required to cross the creek, which connects a wetland to Enos Lake, that a clear span bridge be incorporated. In addition to the revised alignment, the applicant has also worked closely with the MOTI to gain support for alternate road standards. The alternate road standards, which are designed to encourage traffic calming, reduce the required road right-of-way and the width of the travel surface. This decrease in road width will allow for greater setbacks from the sensitive areas.

It is important to note that with or without the adoption of the proposed Neighbourhood Plan, the extension of Schooner Cove Drive to Fairwinds Drive is required to facilitate the development of this node under existing OCP policy. The subject lands are presently zoned for residential lots (1000 m²), as such if the lands were to proceed for subdivision under existing zoning, the Provincial Approving Officer would likely require the dedication and construction of the connector as it is identified in MOTI's future road network plan.

MOTI has confirmed that the Schooner Cove Connector is essential and that a connection via Transtide Drive is not an option (see Attachment No. 4).

Protection of Natural Environment

Concern was also raised through the Public Information Meetings with respect to the protection of the environmentally sensitive lands within the planning area. As part of the planning process, the applicant completed a Detailed Biophysical Assessment (Cascadia) and an Environmental Impact Assessment (Pottinger Gaherty Environmental Consultants). These reports were reviewed by MOE. The Ministry identified a number of areas of concern that were subsequently addressed by the consultant through a number of amendments to the Neighbourhood Plan (see Attachment No. 5).

SUSTAINABILITY IMPLICATIONS

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist". The subject properties are designated within an Urban Containment Boundary where growth is encouraged and full community services are supported. The Neighbourhood

Plan incorporates sustainability principles and will result in more sustainable development of the subject lands.

FINANCIAL PLAN /LIQUID WASTE MANAGEMENT IMPLICATIONS

Pursuant to the *Local Government Act*, the Neighbourhood Plan has been considered in relationship to the Regional District's Financial and Liquid Waste Management Plans.

SUMMARY/CONCLUSIONS


The applicant is proposing to amend the Nanoose Bay OCP to include The Lakes District Neighbourhood Plan comprising of 285 ha of land located in the Fairwinds area of Electoral Area 'E'. The applicant has completed an extensive public process, which was endorsed by the Regional District. The RDN held an Open House/Public Information Meeting on June 28, 2010, at which time the Neighbourhood Plan was presented. Based on the comments and recommendations received through the referral process, the applicant revised the Neighbourhood Plan. The revised Plan was received in December 2010. A second Public Information Meeting was held January 31, 2011.

The proposed Neighbourhood Plan does not grant additional development rights to the subject lands or propose to increase density beyond that currently supported by the Nanoose Bay Official Community Plan. The Plan provides for greater detail and direction with respect to the development of the subject lands.

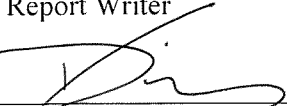
Given that this Neighbourhood Plan is in keeping with both the OCP objectives and policies for Fairwinds area and is consistent with the direction of the Regional Growth Strategy, staff recommends that Amendment Bylaw No. 1400.03, 2011 be given 1st and 2nd reading and proceed to Public Hearing (see Attachment No. 6 for Amendment Bylaw No. 1400.03, 2011).

RECOMMENDATIONS

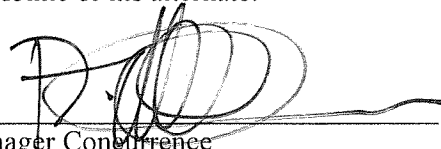
1. That the summaries of the Public Information Meetings held on June 28, 2010 and January 31, 2011, be received.
2. That "Regional District of Nanaimo Nanoose Bay Official Community Plan Amendment Bylaw No. 1400.03, 2011", be given 1st and 2nd reading.
3. That the Public Hearing on "Regional District of Nanaimo Nanoose Bay Official Community Plan Amendment Bylaw No. 1400.03, 2011" be delegated to Director Holme or his alternate.



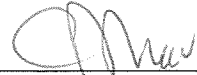
Report Writer



Manager Concurrence

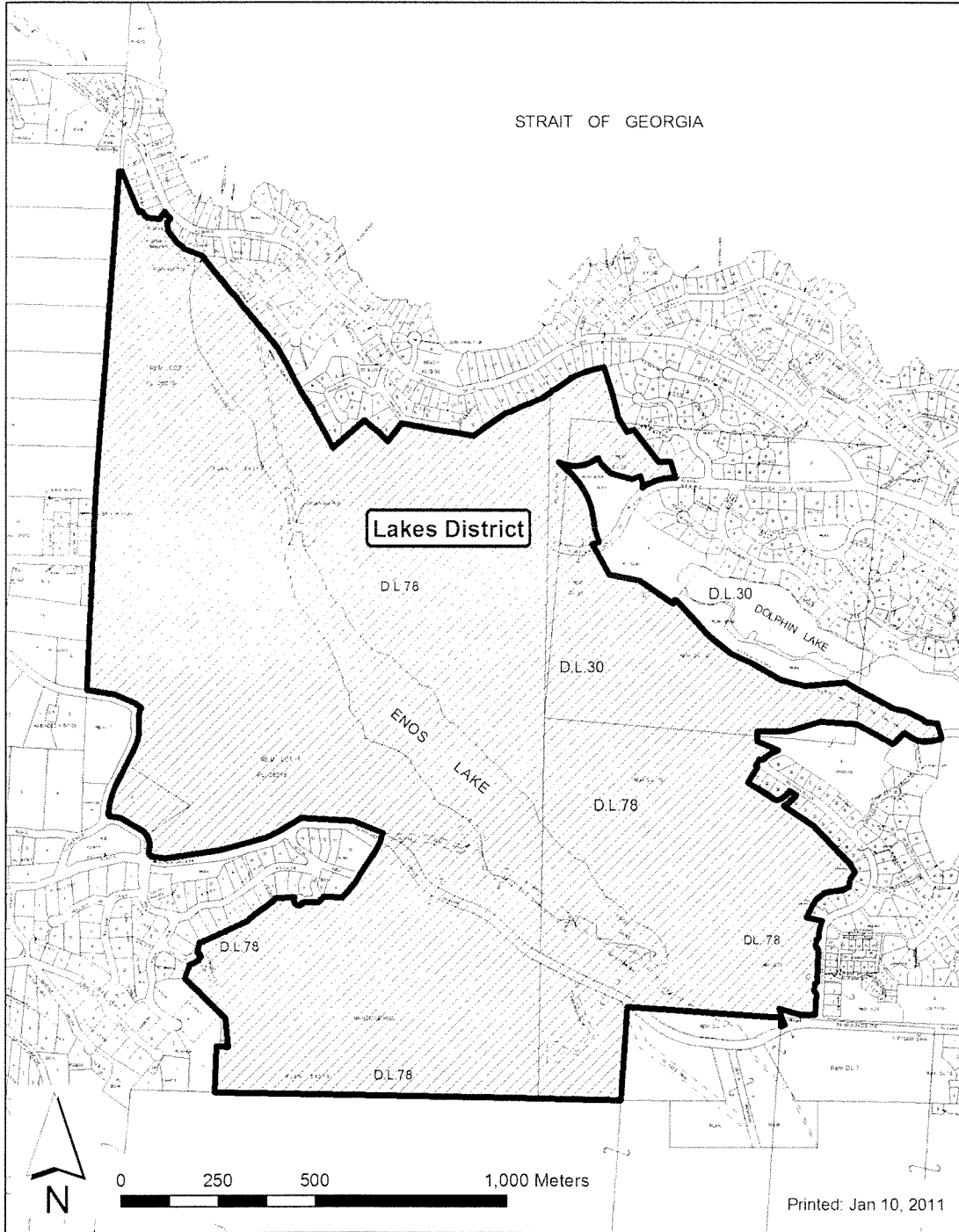


General Manager Concurrence



CAO Concurrence

Attachment No. 1
Location of Subject Properties



**Attachment No. 2
 Summary of Land Use Related Issues and Concerns Received**

Issue or Concern Raised	Staff Comments	Action/Revisions
ENVIRONMENTAL		
Concern for mechanisms to monitor and guide development.	The Plan includes an Implementation Section which sets out pre- and post- construction requirements to guide the implementation of the Plan through the construction phase. These details will be included in the Phased Development Agreement (PDA).	No revisions required as mechanisms to monitor and guide development are included in Plan.
Concern for environmental protection during phases of development and at the time of installation of infrastructure.	The Implementation Section of the Plan includes that a Construction Environmental Management Plan must be developed, the requirements which will be detailed in a Phased Development Agreement.	No revisions required as Plan includes related policy.
Concern for the accuracy of sensitive ecosystem mapping including Garry oak and the need for adequate protection. Concern that biological inventory is not complete. Concern that environmental review is not sufficient.	The applicant has provided a third party (peer) environmental review which verifies the location of the Garry oak ecosystem. The Plan includes a number of environmentally related policies such as the preparation of a Garry oak Management Plan. The Plan was reviewed by the Ministry of Environment which resulted in a number of amendments to the plan (summarized in the staff report)	No revisions
Concern that the remaining Coastal Douglas Fir ecosystem will be destroyed and/or fragmented and not contiguous.	The applicant's R.P. Bio has provided information that there is no old-growth forest on the Fairwinds property, but notes that there are significant portions of second-growth forest that will be protected and the effect of the Plan on the entire Nanaimo Lowlands eco region will be minimal. It is noted that within the proposed park land, the following sensitive ecosystems would be protected: Garry oak meadow – 100% plus a buffer area; Garry oak/arbutus ecosystem – 73%; Riparian areas – 90%; and second growth forest – 33%. It is also noted that the Coastal Douglas Fir (CDF) zone encompasses these ecosystems, which results in 42% of the total of properties.	No revisions required as Plan includes related policy.
Concern that a rare plant survey has not been completed.	The Plan requires that, at development permit time, the location of rare and uncommon species and plant communities must be identified for the lands designated within the Natural Environment Development Permit Area. It is noted the Plan includes the protection of the Garry oak ecosystems which support a number of rare plant species.	
Concern that there are no environmental offsets with the destruction of the sensitive ecosystems.	The sensitive ecosystems that have been identified are proposed to be protected either by park land dedication or covenant or by development permit. The Plan includes that 42.1% of the total area is proposed to be either Regional or Community Park Land, which will provide a significant public benefit and protection of sensitive areas.	No revisions

Concern for who will manage and pay for environmental covenants and monitoring of sensitive areas and storm water management systems. Need for carefully worded covenant documents to ensure buffer zones are protected.	Under the Implementation section, an Environmental Homeowner's Manual will be developed which will include guidance for ecological responsibility. Environmental covenants will be paid for by the land owner.	No revisions required as Plan includes related policy.
Concern with how invasive species; i.e., Scotch broom, will be controlled.	As part of the park lands policies (No. 3.2.2 b.), a Parks Management Plan will be developed which will include direction for protection of environmental sensitive areas. In addition, Policy 6.4.12 involves the development of a Homeowner's Manual will be developed which will include guidance for ecological responsibility	No revisions required as Plan includes related policy.
Need for on-going educational programs.	Policy 6.4.11 of the Implementation Section requires the environmental education initiative for recreational users be developed. Policy 6.4.12 involves the development of a Homeowner's Manual will be developed which will include guidance for ecological responsibility.	No revisions required as Plan includes related policy.
Concern for water quality in Enos Lake.	The Plan includes, under Policy 3.2.2 f.), the development of an Enos Lake Protection and Monitoring Program in conjunction with the land owner and appropriate federal and provincial agencies which will include base line water quality monitoring and assessment and provide support in the development of site specific water quality objectives for the Lake.	No revisions required as Plan includes related policies.
PARK LANDS		
Concern as to how the RDN will ensure that the environmental characteristics of the proposed park lands will be protected and how to manage and mitigate the impacts from increased number of people in the area and will Area 'E' be responsible for park related costs.	As part of the park lands policies (No. 3.2.2 b.), a Parks Management Plan will be developed which will include direction for protection of environmental sensitive areas.	No revisions required as Plan includes related policy.
LAND USE		
Concern with the proposed multiple dwelling site next to the Lookout and Bonnington Drive. Concern with all the future development reserves.	The areas proposed to be part of the future development reserve will provide the RDN with an opportunity to purchase the land at a future date. If the property is not purchased, the applicant would be required to apply for and receive approvals for zoning amendment and development permit applications. These properties is proposed to be designated within a Natural Environment Development Permit Area.	No revisions required as Plan includes related policy.
Concern that residential areas will be too far from services centres.	The Plan includes a Community Mixed Use service area to be located at Fairwinds and Schooner Cove Drives. This designation will permit commercial and civic uses. It is noted that the Nanoose Bay OCP designates Red Gap as the commercial focal point for Nanoose Bay.	No revisions required as Plan includes related policy.

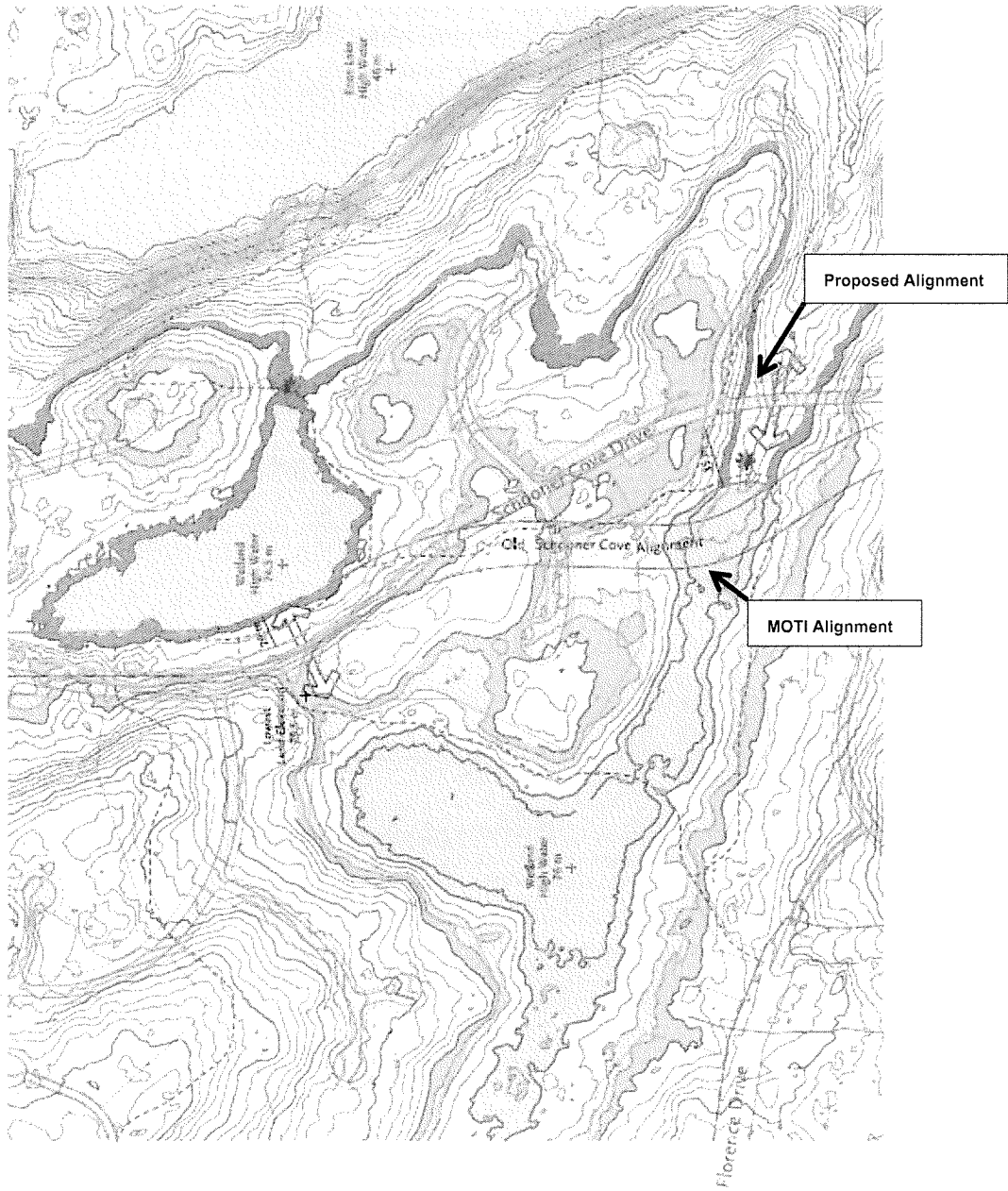
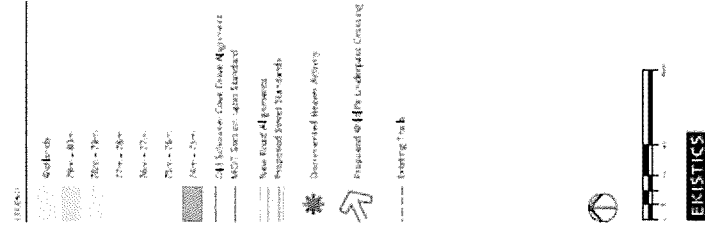
<p>Concern for management of individual building sites by future owners including minimizing home site degradation and controlling excavated site material and imposing penalties if not complying with site disturbance requirements.</p>	<p>The Plan provides that a Construction Environmental Management Plan (Policy No. 6.4 3.) be developed. In addition, for properties within the proposed Natural Environment Development Permit Area, the guidelines set out in the MOE document Develop With Care must be followed.</p>	<p>No revisions required as Plan includes related policy.</p>
<p>SERVICING/TRANSPORTATION</p>		
<p>Concern that the Schooner Cove Drive (connector road) will destroy the adjacent and nearby ecosystems and negatively impact the beaver ponds. Concern for the protection of keystone species, the beaver, and red-legged frogs and that an alternate route would be preferable such as through Transtide Drive. Concern that proposed tunnels will have a negative impact on species.</p>	<p><i>Attachment No. 3</i> shows the location of the future Schooner Cove Drive through the wetland area as proposed by the applicant. This drawing also shows the location of the existing trails and the MOTI's alignment. The proposed alignment indicates the road would be a minimum of 20 metres from the high water mark (HWM) of the northern wetland and 35 metres from the HWM from the southern wetland. Two wildlife underpasses are also proposed, one to connect the wetlands and one to connect the southern wetland to Enos Lake. The proposed road would cross the eastern end of the southern wetland which is approximately 200 metres from the present trail crossing. The Transtide connection would not only cross through properties located outside the UCB, but would also be a winding road not suitable for a collector. Correspondence from MOTI (<i>see Attachment No. 4</i>) confirms that the connector route through to Transtide Drive would not be suitable as it does not provide a direct connection to Powder Point Road.</p>	<p>Plan has been revised to support the construction of clear span bridges in place of open-bottom culverts for watercourse crossings, subject to approval of relevant federal and provincial agencies.</p>
<p>Concern for amount of traffic that will be generated by this development and how the existing roads will be able to handle additional traffic.</p>	<p>As part of the applicant's submission, a Traffic Impact Study was undertaken to evaluate the impact of the development on the road system. Improvements to the road system will be secured through the Phased Development Agreement. In addition, the Plan includes policy that transit-related facilities such as bus pullouts and shelters at transit stops be provided (Policy No. 4.2.d). It is noted that MOTI is the approving authority for transportation/traffic.</p>	<p>No revisions required as Plan includes related policy.</p>
<p>Concern for adequate water supply.</p>	<p>The Plan specifies that proposed development must identify adequate potable water supply prior to a zoning amendment (Policy 4.3.1 a.).</p>	<p>No revisions required as Plan includes related policy.</p>

<p>Concern for emergency services, traffic calming, community facilities.</p>	<p>The proposed Plan includes an Emergency Preparedness Strategy which identifies access and egress routes. The proposed street hierarchy, which is subject to approval of MOTI, promotes the use of traffic calming devices through a pedestrian friendly transportation network. Concerning community facilities, it is noted that the local fire department and school district did not see the need for new facilities in this area. Community/Civic facilities are proposed to be provided through the park land trail system; at the Lakehouse Centre; and as part of the Community Mixed Use area.</p>	<p>No revisions required as Plan includes related policy.</p>
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Attachment No. 3
Schooner Cove Drive Road Alignment
Page 1 of 2

FAIRWINDS
 RESORT
 COMMUNITY

COMMUNITY PARKWAY
 ALIGNMENT ANALYSIS
 LANDFORM UNDERLAY

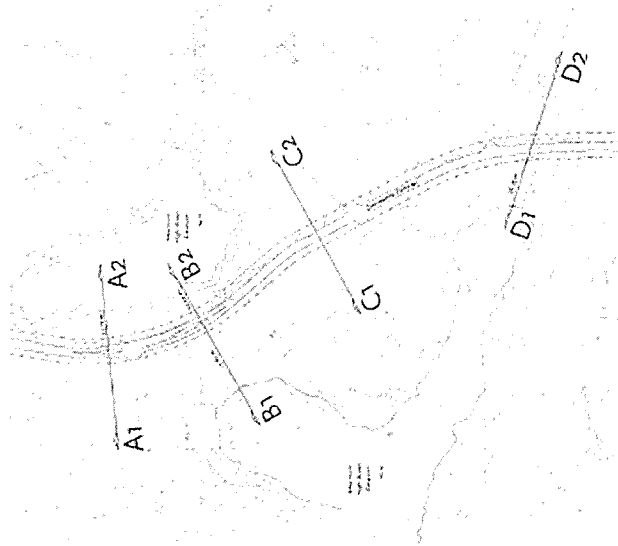


Attachment No. 3
 Schooner Cove Drive Road Alignment
 Page 2 of 2

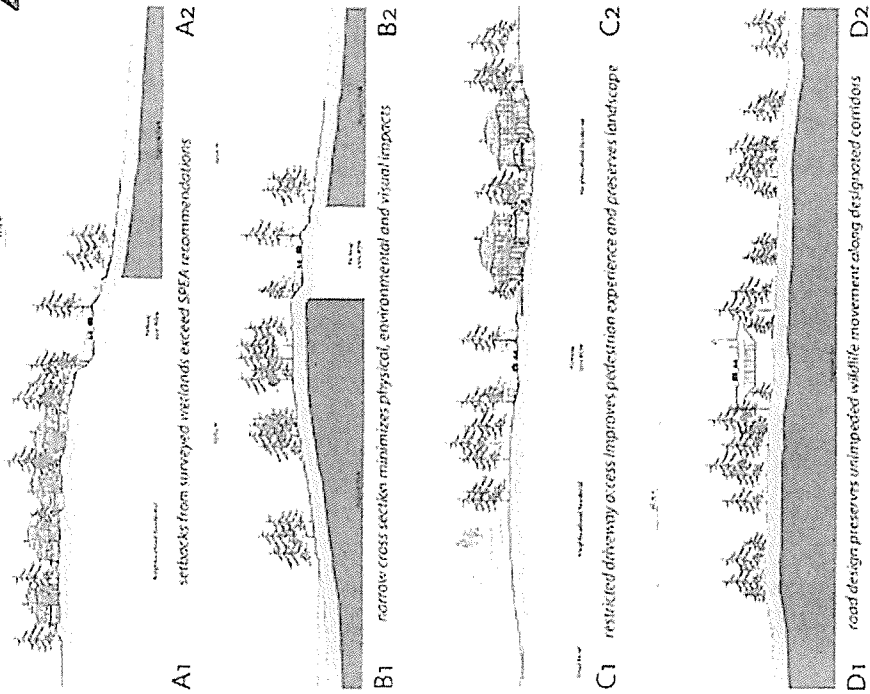
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 REGIONAL DISTRICT
 OF HAWAII

Community Parkway
 (Cross Section Analysis - Environmentally Responsive Design)

The Key Plan below identifies the locations of the cross sections identified at right. Shaded areas denote Critical Enhancement Areas (CEAs) as shown in the table below.



4



Attachment No. 4
Correspondence from Ministry of Transportation and Infrastructure
Concerning Schooner Cove Drive Extension



File: Fairwinds Development

February 25, 2011

Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC
V0T 6N2

Attention: Dale Lindsay, Manager, Current Planning

Re: Schooner Cove Drive Connection to Powder Point Road – Fairwinds

Further to our discussions earlier today regarding the proposed connector route within the Fairwinds community, the Ministry of Transportation & Infrastructure advises that the primary connection from Schooner Cove Drive to Powder Point Road is an essential component of the traffic flow and ease of access by emergency services to the area known as the "Lakes District".

A connection through to Transide Drive would not provide a primary connection to the Lakes District area as Transide Drive does not have a direct connection to Powder Point Road, and traffic would be forced to utilize existing roads within rural residential areas.

If you have any questions, or require any additional information, please do not hesitate to contact me at (250) 751-3268.

Regards,

Debbie O'Brien
Senior District Development Technician
Vancouver Island District

Ministry of
Transportation

Vancouver Island District
Schooner Cove Project

Mailing Address
39 St. James Street East
Nanaimo BC V9T 6G7
Telephone: 250-751-3268
Fax: 250-751-3269

www.gov.bc.ca

Attachment No. 5
Recommended Commitments for Fairwinds
The Lake District and Schooner Cove Neighbourhood Plans

Table H: Recommended Commitments for Fairwinds' The Lake District and Schooner Cove Neighbourhood Plans

Recommended Commitments	Responsibility to Prepare/ Register/ Distribute	Approving Agencies	Advisor
A) Detailed Design / Pre-construction Subdivision (Post Neighbourhood Plan)			
Environmental Considerations During Detailed Design of Each Development Phase			
1. For the Enos Creek crossing, design a clear span bridge, or other design approved by DFO, and design clear span bridges or open-bottomed culverts for other watercourse crossings.	Fairwinds	DFO, MOE	
2. Work with biologists, RDN and MOE to identify: (1) candidate lots for restrictive conservation covenants, (2) the dimensions and details of the covenants, and (3) a procedure for covenant monitoring.	Fairwinds	RDN, MOE	CAG – item (3) only
3. Design the detailed marine shoreline development in Schooner Cove with: (a) DFO to meet regulatory requirements and (b) a marine biologist to achieve a net enhancement of the shoreline ecology, considering Greenshores principles.	Fairwinds	DFO	Marine Biologist
4. Develop a Stormwater Management Plan (SMP) using DFO's BMPs wherever practicable. Based on the SMP and project detailed design, conduct a Hydrological Impact Assessment to meet Official Community Plan expectations.	Fairwinds	MOTI, RDN	
5. Complete a detailed layout of the trail system design in consultation with a professional biologist to limit impact on sensitive areas (SPEAs, Garry Oak meadows) following MOE guidance.	RDN		Technical Advisory Committee
6. Design wildlife road underpasses at locations noted in Appendix 6 for passage of beavers and other small wildlife, following the advice of a biologist's survey to identify the most suitable locations.	Fairwinds		CAG
Environmental Elements of the Fairwinds Values & Procedures Statement			
7. Develop an Enos Lake Protection and Monitoring Program including invasive species management practices	Fairwinds	RDN, MOE	CAG
8. Develop integrated pest management practices for the landscape planning and maintenance of common lands following environmentally friendly practices to control pests without the use of toxic chemicals.	Fairwinds		CAG
Garry Oak Meadows Management Plan			
9. Prepare a Garry Oak Meadows Management Plan including invasive species management practices and monitoring program that are linked to an adaptive management decision framework.	RDN	Fairwinds	GOERT



Recommended Commitments	Responsibility to Prepare/ Register/ Distribute	Approving Agencies	Advisor
Environmental Protection Planning for Construction Phase			
10. Conduct and submit a pre-construction stage RAR assessment ("Construction RAR") to define the protection methods for the SPEAs. Conduct an arborist's assessment of tree retention and management in the SPEAs for input to the Construction RAR assessment	Fairwinds	RDN, MOE	
11. Conduct pre-construction plant species at risk surveys by a qualified vegetation ecologist/botanist to identify plants that can be avoided or salvaged in areas specified in the EIA.	Fairwinds	MOE	
12. Conduct an Archaeological Impact Assessment in areas of potential risk specified in the AOA (as may be refined through focused PRF work during the detailed design stage) based on the detailed design of the development phase to identify any required mitigation	Fairwinds	Nanoose First Nation, Nanaimo First Nation, BC Archaeology Branch	
13. Develop a Construction Environmental Management Plan (CEMP) with an environmental professional that includes: <ul style="list-style-type: none"> • erosion and sediment control plan • spill contingency and response practices • terrain management practices • fire protection practices • tree management and vegetation restoration measures • protection measures for works near water, riparian areas and Garry oak meadows • any mitigation measures from plant species at risk surveys • any mitigation measures from the Archaeological Impact Assessment • construction schedule that avoids or limits activities during sensitive environmental periods (as set forth under 'B' below) • water quality parameters and targets for sediment control and other substances used around waterbodies • requirements for vegetation clearing to avoid destruction or disturbance of bird nests, including pre-clearing nest surveys if during applicable nesting season • practices for amphibian salvages where necessary • construction traffic management 	Fairwinds	RDN, MOE, DFO	



Recommended Commitments	Responsibility to Prepare/ Register/ Distribute	Approving Agencies	Advisor
14. Include the CEMP in construction tender documents and require construction contractor adherence to the CEMP as part of contractual obligations	Fairwinds		
B) Construction Phase			
1. Engage a qualified Environmental Monitor to monitor and report on the construction activities' adherence to the CEMP, regulations and other environmental best management practices.	Fairwinds	RDN, MOE, DFO	
2. Salvage amphibians prior to construction in and around wetlands, creeks and riparian habitats in areas identified by a wildlife biologist. To be conducted by a wildlife biologist under a Wildlife Act permit from MOE.	Fairwinds	MOE	
3. Avoid vegetation clearing outside April 1 to July 31 general bird nesting season, or conduct pre-clearing nest surveys by a qualified wildlife biologist according to MOE/CWS protocol to identify any mitigation (nest avoidance/protection) required	Fairwinds	MOE/CWS	
4. Avoid vegetation clearing outside January 1 to July 31 raptor (owl, eagles, hawks, etc) nesting season or conduct raptor nest surveys according to MOE protocol to identify any mitigation (nest avoidance/protection) required	Fairwinds	MOE/CWS	
5. Identify the number of wildlife trees (under supervision by a biologist) that are planned for removal and compensate in nearby protected areas with nest boxes and/or other wildlife habitat restoration (e.g., wildlife tree creation following advice from an arborist) based on a biologist's assessment of the highest and best use of restoration effort on a site-by-site basis.	Fairwinds		
6. Restore disturbed riparian habitat following a vegetation restoration procedure prepared by a qualified vegetation ecologist	Fairwinds		
C) Post-Construction			
<ul style="list-style-type: none"> Prior to completion of construction, develop and promote an Environmental Homeowner's Manual which includes guidance for ecologically responsible: <ul style="list-style-type: none"> landscaping (Garry Oak Gardener's Handbook), water conservation, recreation, respect for local sensitive areas, and participation in community-based stewardship 	Fairwinds		CAG
2. Implement the Enos Lake Protection and Monitoring Program	Fairwinds		Area residents
3. Develop and implement a trail management plan to identify sensitive areas and monitor use to inform any required post-development restoration and access restriction decisions.	RDN		Fairwinds + area residents



Recommended Commitments	Responsibility to Prepare/ Register/ Distribute	Approving Agencies	Advisor
4. Develop an environmental education initiative for recreational users which includes education on the locally sensitive areas and their value, provides direction on methods of protection and promotes involvement in stewardship activities	Fairwinds		Area residents
5. Implement the Garry Oak Meadows Management Plan	RDN		GOERT



Attachment No. 6
Proposed Amendment Bylaw No. 1400.03

**A BYLAW TO AMEND "REGIONAL DISTRICT OF NANAIMO NANOOSE BAY
OFFICIAL COMMUNITY PLAN BYLAW NO. 1400"**

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 Nanoose Bay Official Community Plan Amendment Bylaw No. 1400.03, 2011".
- B. This Bylaw is applicable to the portion of Electoral Area 'E' of the Regional District of Nanaimo as shown outlined on Schedule No. '1' of this Bylaw.
- C. That the Board of the Regional District has considered the Neighbourhood Plan in conjunction with its most recent capital expenditure program under section 882 of the *Local Government Act* and its Liquid Waste Management Plan and the Regional Growth Strategy and is assured of consistency between them.
- D. Regional District of Nanaimo Nanoose Bay Official Community Plan Amendment Bylaw No. 1400.03, 2011" is hereby amended as set out in Schedule 'A' to this Bylaw.

Introduced and read two times this ____ day of _____, 2011.

Considered in conjunction with the Regional District of Nanaimo Financial Plan and any applicable Waste Management Plan this ____ day of _____, 2011.

Public Hearing held pursuant to Section 890 of the *Local Government Act* this _____ day of _____, 2011.

Read a third time this ____ day of _____, 2011.

Received approval pursuant to Section 882 of the *Local Government Act* this _____ day of _____, 2011.

Adopted this _____ day of _____, 2011.

Chairperson

Sr. Mgr., Corporate Administration

SCHEDULE 'A'

"Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400.03, 2011" is hereby amended as follows:

1. By deleting under Subsection 4.2 – **FAIRWINDS** Policy No. 4., 5., 6., and 7. and renumbering the subsequent policies.
2. By adding under Subsection 4.2 – **FAIRWINDS** the following policy:

"11. Lands within The Lakes District Neighbourhood Plan Area, as shown on Map No. 2, are subject to the Schedule 'B' - Lakes District Neighbourhood Plan which is attached to and forms part this Bylaw. Where there is a discrepancy between the OCP and The Lakes District Neighbourhood Plan, The Lakes District Neighbourhood Plan shall prevail."

3. By amending **Map No. 2 Land Use Designations** to identify the boundary of The Lakes District Neighbourhood Plan Area as shown on Schedule '1', which is attached to and forms part of this Bylaw.
4. By amending **Map No. 6 Development Permit Areas** to remove those lands within The Lakes District Neighbourhood Plan Area from the development permit areas for Form and Character, Farmland Protection, and Sensitive Ecosystem Protection as shown on Map No. 6 and by adding the following notation to the Legend after the words "Watercourse":

"Lands within The Lakes District Neighbourhood Plan Area are subject to the development permits areas included within The Lakes District Neighbourhood Plan."

5. By adding the following under **Table of Contents** after "**Maps Forming Part of this Plan**":

"Neighbourhood Plans Which Form Part of this Plan

Schedule No. 'B' Lakes District Neighbourhood Plan"

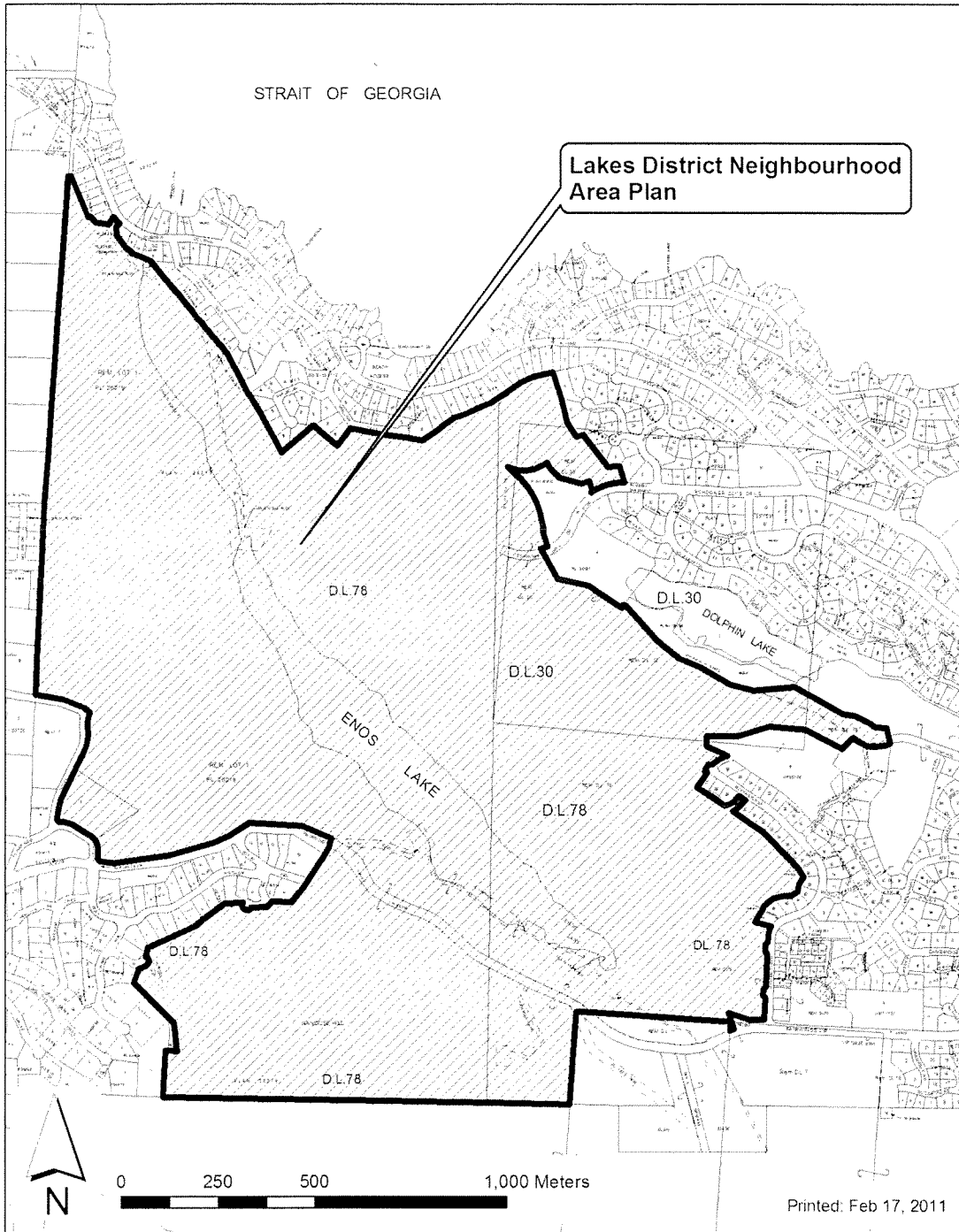
6. By attaching the Lakes District Neighbourhood Plan, attached here in Schedule B as Schedule B to the Bylaw.

SCHEDULE 'B'

The Lakes District Neighbourhood Plan

**(to be attached to Amendment Bylaw)
(distributed under separate cover)**

SCHEDULE NO. '1'
The Lakes District Neighbourhood Plan Area





BDN REPORT	
CAO APPROVAL <i>[Signature]</i>	
EAP	<i>[Initials]</i>
COW	
MAR 01 2011	
RHD	
BOARD	

MEMORANDUM

TO: Dale Lindsay
 Manager, Current Planning

DATE: February 25, 2011

FROM: Susan Cormie
 Senior Planner

FILE: PL2009-226

SUBJECT: Proposed Amendments to Nanoose Bay Official Community Plan Bylaw No. 1400, 2005 in Conjunction with Schooner Cove Neighbourhood Plan (Fairwinds) Electoral Area 'E'

PURPOSE

To consider amendments to the Nanoose Bay Official Community Plan (OCP) to incorporate the Schooner Cove Neighbourhood Plan for the Fairwinds-owned Schooner Cove properties located in Electoral Area 'E'.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an Official Community Plan (OCP) amendment application for the purposes of incorporating a neighbourhood plan into the OCP for the properties in the Schooner Cove area from R. Tibbles on behalf of 3536696 Canada Inc. and bcIMC Realty Corporation (*see Attachment No. 1 for location of subject properties*).

The subject properties, which are 13.14 ha in area, are zoned Commercial 5 (CM5) Subdivision District 'J' (4000 m² with community water and sewer services); Residential 5 (RS5) Subdivision District 'J' (4000 m² with community water and sewer services); and Water 2 (WA2) Subdivision District 'Z' (*no further subdivision*) as per the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987.

The subject properties are designated within the Schooner Cove Neighbourhood Centre Land Use designation as per the "Regional District of Nanaimo Official Community Plan Bylaw No. 1400, 2005." The OCP includes a number of objectives and policies for creating the urban-style development of the Schooner Cove area. The Regional Growth Strategy Plan (RGS) recognizes the Schooner Cove Neighbourhood Centre land use designation as an urban area and designates the area within an Urban Containment Boundary where new growth is expected and encouraged and full community services are provided. The OCP also provides a residential build-out of 188 dwelling units for the area.

The subject properties currently support a marina and accessory related uses, the now closed Schooner Cove Hotel building, a boat ramp, and tennis courts. The area is bordered by Schooner Cove to the north; the Strait of Georgia and residentially zoned parcels to the west; Dolphin Drive and residentially zoned parcels to the south and west. The subject properties are split by Outrigger Road. In addition, there is a residentially zoned parcel (Schooner House supporting 49 dwelling units) located adjacent to Outrigger Road and surrounded by the subject properties.

Submitted Plan

The applicant has submitted a plan titled Schooner Cove Neighbourhood Plan, which is proposed to be the guiding document for future development for the subject properties. As part of the application information process, the applicant has submitted, along with the neighbourhood plan, a number of supporting documents including:

- Detailed Biophysical Assessment
- Preliminary Geotechnical Terrain Assessment
- Archaeological Overview Assessment
- Traffic and Parking Review
- Parking Study
- Existing Servicing Inventory Report
- Neighbourhood Plan Servicing Report
- Transportation Overview
- Traffic Impact Study
- Project Specific Street Standards Report
- Development Opportunities and Impacts Economic Review Report

History / Public Process To-Date

In 2006, as part of the public consultation process involving Amendment Bylaw No. 500.336, 2006, for the Rockcliffe and Ridge Town Homes projects located on Bonnington Drive in the Fairwinds area, concerns were raised with respect to the protection of the environmentally sensitive areas, mainly the Garry Oak ecosystem. As a result of concerns raised, Fairwinds agreed to undertake a special study of sensitive areas in the Bonnington Drive area. Fairwinds followed up by proposing to expand the study area to include the Fairwinds-owned Schooner Cove lands and evaluating all issues including urban design, traffic, environmental, and market impacts with the intent that a neighbourhood plan would be developed.

The applicant organized a Planning Team and established a public consultation process including Terms of Reference and Development Process for the Schooner Cove area, which was endorsed by the Regional District in October 2008. The Fairwinds Planning Team organized and held a series of meetings and events starting in May 2008, which included three public open houses, two workshops, and several meetings with the Community Advisory Group (CAG), which was established by Fairwinds and comprised of representatives from various community associations and organizations in Nanoose Bay.

Following this public consultation process, Fairwinds submitted The Schooner Cove Neighbourhood Plan along with supporting documentation to the RDN in May 2010. The Plan and the supporting documentation was referred to a number of external agencies and internal departments for review and comments and recommendations and an open house/PIM was held on June 28, 2010, (this event included The Lakes District Neighbourhood Plan as well). Based on the comments and recommendations received through the referral process, Fairwinds responded by revising the neighbourhood plan. The revised Plan was received in January 2011. A second Public Information Meeting (PIM) was held February 1, 2011.

ALTERNATIVES

1. To approve the amendment application to amend Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005, to amend the Fairwinds to include the Schooner Cove Neighbourhood Plan and recommend that Regional District of Nanaimo Nanoose Bay Official Community Plan Amendment Bylaw No. 1400.04, 2011, be given 1st and 2nd reading and proceed to Public Hearing.
2. To not approve the amendment application as submitted and provide further direction to staff as required.

GROWTH STRATEGY / OFFICIAL COMMUNITY PLAN IMPLICATIONS

The Regional Growth Strategy (RGS) 2002, which provides direction for future growth in the Region, is based on the principle of directing growth to nodes or centres. The RGS includes strong urban containment policies and identifies the development of a nodal structure as important to allowing for rural preservation and environmental protection while encouraging improved mobility and the efficient delivery of services. The subject lands are within one of these designated growth centres. Schooner Cove Neighbourhood Centre is designated as an Urban Area by the RGS and is included within an Urban Containment Boundary.

The Nanoose Bay Official Community Plan (2005) (OCP) designates the subject lands as Schooner Cove Neighbourhood Centre and includes these properties within the Urban Containment Boundary. Schooner Cove, along with Red Gap and Fairwinds, comprise the three Community Centres identified by the OCP. The OCP supports the development of these centres as complete, fully serviced communities that contain a wide range of services, recreational opportunities, and higher density residential development. Relevant community plan policies include:

- Total residential development may accommodate approximately 188 residential units.
- Remain as a neighbourhood level service area with a focus of the marina resort environment.
- Schooner Cove may include a mix of uses such as marine related uses, a convenience store, personal services, hotels, resort condominiums, marinas, tourist information booths, tourist stores, outdoor recreation, restaurants, recreation facilities, neighbourhood pubs, public assembly, public utility, and public assembly uses within the Neighbourhood Centre.

The proposed Schooner Cove Neighbourhood Plan provides a comprehensive approach to the planning of the area and includes a land use plan and designations with policies and direction for a nodal centre consisting of a mixed use village and multiple residential dwelling uses, a marina with a jib crane and small boat launch area, public park lands, and walking paths with connections to the waterfront. The Plan also provides policies for civic infrastructure including transportation, water, sewer, and storm water management. It is noted that there are specific policies that future zoning amendment applications must provide proof of potable water prior to rezoning of any lands. An implementation section provides requirements for assessing the impacts of development on servicing and the processing of future zoning amendment and development permit applications. In addition, the Plan provides for a number of new development permit areas specifically designed for The Schooner Cove Neighbourhood Plan Area including development permit areas to promote energy conservation, water conservation, protection of the environment and the reduction of greenhouse gas emissions. (It is noted that the Plan Area would still be subject to the current Fish Habitat Protection Development Permit Area.)

Proposed amendments to the OCP include a new Schooner Cove Neighbourhood Plan Area as part of the Schooner Cove Neighbourhood Centre land use designation, the inclusion of the neighbourhood plan, the amendment of the residential density policy under the Schooner Cove Neighbourhood Centre designation, removal of the Schooner Cove Neighbourhood Plan Area from relevant development permit areas, and the inclusion of references to the new development permit areas set out in the Plan (*see Attachment No. 3 for Amendment Bylaw No. 1400.04, 2011*).

Residential Density

The Schooner Cove Neighbourhood Plan proposes a residential density of 360 units which represents an increase of 221 units to what the OCP currently supports (188 units). There are 49 units constructed within the Schooner Cove Neighbourhood Centre leaving 139 units for the Plan Area. The proposed residential units will offer a range of housing options including independent seniors' living within a walkable village environment. The applicant is proposing an increase in the residential density to support the creation of a viable sustainable neighbourhood village.

INTERGOVERNMENTAL IMPLICATIONS

The proposed neighbourhood plan was referred to external agencies including the Ministry of Transportation and Infrastructure (MoTI), the Ministry of Environment (MoE), and the Department of Fisheries and Oceans (DFO). Formal responses were received from MoTI. Through the referral process, MoTI has confirmed support of alternate road standards proposed by the neighbourhood plan.

Prior to the adoption of the Official Community Plan Amendment Bylaw, approval will be required from the Ministry of Community, Sport and Cultural Development.

PUBLIC CONSULTATION IMPLICATIONS

The Regional Board has an adopted policy titled Public Consultation/Communication Framework which outlines public consultation procedures for major projects. The Terms of Reference for the Neighbourhood Planning Process was designed in accordance with this Policy. In addition, the *Local Government Act* sets out public consultation provisions for an amendment to an official community plan.

Open House / Public Information Meetings

In keeping with the Board's public consultation framework, an open house / PIM which also included the proposed Lakes District Neighbourhood Plan was held on June 28, 2010, at Nanoose Place. Notification of this open house / meeting was advertised in The PQ News, on the RDN Web Page, and signage was posted on the subject properties along with a direct mail out to all property owners within 200 metres of the subject properties. In addition, notification was sent by email to members of the Community Advisory Group (CAG) and the Nanoose Bay Parks and Open Space Advisory Committee (POSAC). Approximately 220 persons attended the PIM portion of the event and provided comments with respect to both proposed neighbourhood plans (*see Attachment No. 4 for "Summary of Public Information Meeting dated June 28, 2010"*).

Based on the comments and recommendations received through the referral process, Fairwinds responded by revising the neighbourhood plan. The revised Plan was received in January 2011. A second Public Information Meeting for the Schooner Cove Neighbourhood Centre was held February 1, 2011.

Notification of the February 1, 2011, PIM was advertised in The PQ News, on the RDN Web Page, and signage was posted on the subject properties along with a direct mail out to all property owners within 200 metres of the subject properties. In addition, notification was sent by email to members of the Community Advisory Group (CAG) and the Nanoose Bay Parks and Open Space Advisory Committee (POSAC). Approximately 210 persons attended the PIM and provided comments with respect to the neighbourhood plan (*see Attachment No.5 for "Summary of Public Information Meeting dated February 1, 2011"*).

A summary of land use related comments are set out in *Attachment No. 2* along with staff.

Breakwater Boardwalk

As part of the public access proposal, the neighbourhood plan included a boardwalk to be built on the breakwater intended for use by the public. Through the PIM process concern was raised with respect to the proposed boardwalk. Specifically, nearby residents raised concerns about privacy, environmental protection, noise, and other possible nuisances. In response, the plan has now been revised, by removing this proposed public boardwalk from the breakwater.

SUSTAINABILITY IMPLICATIONS

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the “Sustainable Community Builder Checklist”. The subject properties are designated within an Urban Containment Boundary where growth is encouraged and full community services are supported.

FINANCIAL PLAN /LIQUID WASTE MANAGEMENT IMPLICATIONS

Pursuant to the *Local Government Act*, the neighbourhood plan has been considered in relationship to the Regional District’s Financial and Liquid Waste Management Plans.


SUMMARY/CONCLUSIONS

The applicant is proposing to amend the Nanoose Bay OCP to include the Schooner Cove Neighbourhood Plan comprising of 13.14 hectares of land located in the Schooner Cove Neighbourhood Centre of Electoral Area ‘E’. The applicant has completed an extensive public process, which was endorsed by the RDN. The RDN held an open house/PIM Meeting on June 28, 2010, at which time the neighbourhood plan was presented. Based on the comments and recommendations received through the referral process, the applicant revised the neighbourhood plan. The revised Plan was received in January 2011. A second PIM was held February 1, 2011.


Subject to an amendment to increase the current OCP policy with respect to residential density from 188 to 409 units, the neighbourhood plan is in keeping with both the OCP objectives and policies for the Schooner Cove area and is consistent with the direction of the RGS. Staff recommends that Amendment Bylaw No. 1400.04, 2011, be given 1st and 2nd reading and proceed to Public Hearing (*see Attachment No. 3 for Amendment Bylaw No. 1400.04, 2011*).

RECOMMENDATIONS

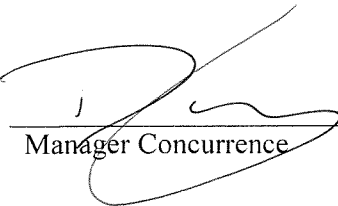
1. That the summaries of the Public Information Meetings held on June 28, 2010, and February 1, 2011, be received.
2. That “Regional District of Nanaimo Nanoose Bay Official Community Plan Amendment Bylaw No. 1400.04, 2011”, be given 1st and 2nd reading.
3. That the Public Hearing on “Regional District of Nanaimo Nanoose Bay Official Community Plan Amendment Bylaw No. 1400.04, 2011”, be delegated to Director Holme or his alternate.



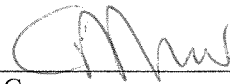
Report Writer



General Manager Concurrence

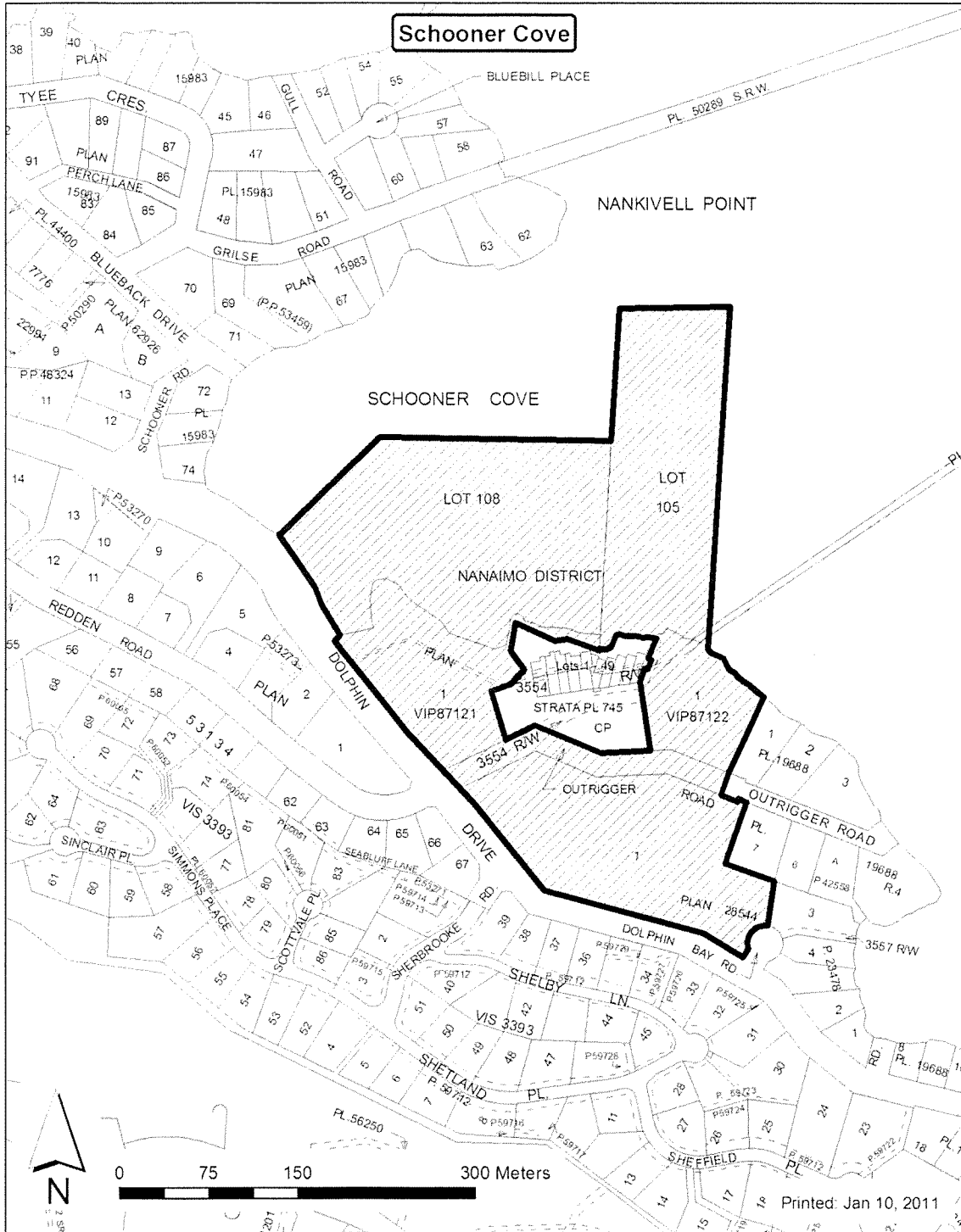


Manager Concurrence



CAO Concurrence

Attachment No. 1
Location of Subject Properties



**Attachment No. 2
 Summary of Land Use Related Issues and Concerns Received**

Issue or Concern Raised	Staff Comments	Action/Revisions
LAND USE		
Concern with the proposed residential density and impacts such as traffic, noise, light pollution, garbage, privacy, and safety on surrounding single dwelling neighbourhoods.	These types of issues will be considered at the time of zoning amendment and development permit application processes. The proposed residential density is in keeping with the character of a village area.	
Concern that residential building masses are out of character with neighbourhood (height and setbacks including setbacks from the sea) and there is a lack of public spaces between existing neighbourhood and proposed development.	Schooner Cove is designated as an Urban Growth Centre with a focus on residential and services for the surrounding community as well as for tourists to the marina. The neighbourhood plan does support additional residential density beyond that in the existing OCP. Future zoning amendment and development permit applications will establish the details concerning setbacks, maximum heights, views, and form and character of building design.	
Concern for proposed jib crane access and the need for a boat ramp. Concern with kayak access to water.	The proposed jib crane will be operated privately with access being established by the operator. Concerning kayak access, the proposal includes a small boat launch from the dock.	
Concern that the site is too small to support the proposed uses, which will lead to the degradation of the marina. Recommended that the commercial component be moved to The Lakes District area. Concern for impact on Red Gap area and recommendation that services and housing should be located in that area.	The OCP designates this area as a neighbourhood village and promotes limiting the size of the village area to ensure efficiency of servicing as well as to benefit its character and form. The marina is a vital part of the development with a marine building being a connection between the marina and the village. The Schooner Cove Neighbourhood Village is not designed to compete with Red Gap, but rather to offer services for the surrounding neighbourhood and marina visitors.	
Concern that there is not enough facilities for tourists.	The Plan a limited amount of tourist accommodation within the Village Mixed Use designation and includes opportunity for the development of commercial uses tourists may use. The Plan was not intended to be solely a tourist designation, but rather a village for the local surrounding neighbourhoods.	
SERVICING/TRANSPORTATION		
Concern regarding the Schooner Cove Drive (connector road).	The applicant has provided a proposed alignment which indicates the road would be a minimum of 20 metres from the high water mark (HWM) of the northern wetland and 35 metres from the HWM from the southern wetland. Clear span bridges are also proposed for the watercourse crossing. The proposed road would cross the eastern end of the southern wetland which is approximately 200 metres from the present trail crossing. Correspondence from MOTI confirms that this route is	

	<p>required and that a connector route through to Transtide Drive would not be suitable as it does not provide a direct connection to Powder Point Road.</p> <p>It is noted that the extension of Schooner Cove Drive is under the authority of MOTI and is therefore subject to the Ministry's approval.</p>	
<p>Concern for traffic management, safe access, emergency vehicle access, and impacts caused by the increase in traffic.</p> <p>Concern that Dolphin Drive is not designed to support additional traffic.</p> <p>Concern that if Schooner Cove Drive is built, it be built with traffic control devices.</p>	<p>As part of the applicant's submission, a Traffic Impact Study was undertaken to evaluate the impact of the development on the road system. Improvements to the road system will be secured through the Phased Development Agreement. It is noted that the MOTI is the approving authority for transportation/traffic.</p>	
<p>Concern for adequate water supply.</p>	<p>The Plan specifies that proposed development must identify adequate potable water supply prior to a zoning amendment (Policy 4.3.2 a.).</p>	
<p>Concern that proposed parking for the marina use will not be adequate and the distance between parking and dock access needs to be addressed</p>	<p>The Plan includes dedicated parking for the marina use as well as temporary parking for boat trailers. Marina users will be provided with a drop zone area to unload and load prior to parking. Related policy includes a parking study to determine parking requirements which would be completed at time of development.</p>	
<p>Need for an alternate boat ramp location in Nanoose Bay with a recommendation that the RDN head this project.</p>	<p>The Regional Board has directed Recreation and Parks staff to add to the 2011 work plan the investigation and assessment of a possible boat ramp location in Nanoose Bay.</p>	<p>Under review.</p>
<p>Concern for proposed boardwalk on the breakwater.</p>	<p>The Plan proposed a boardwalk to be built on the breakwater for use by the public. Due to residents' concerns about privacy, environmental protection, noise and other possible nuisances, the Plan has been changed by removing the public access to the breakwater.</p>	<p>Policy concerning public access to the breakwater has been removed.</p>
<p>ENVIRONMENTAL</p>		
<p>Concern for mechanisms to monitor development to ensure accountability.</p>	<p>The Plan includes an Implementation Section which sets out pre- and post- construction requirements to guide the implementation of the Plan through the construction phase. These details will be included in the Phased Development Agreement (PDA).</p>	

Attachment No. 3
PROPOSED AMENDMENT BYLAW NO. 1400.04

**A BYLAW TO AMEND "REGIONAL DISTRICT OF NANAIMO NANOOSE BAY
OFFICIAL COMMUNITY PLAN BYLAW NO. 1400"**

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 Nanoose Bay Official Community Plan Amendment Bylaw No. 1400.04, 2011".
- B. This Bylaw is applicable to the portion of Electoral Area 'E' of the Regional District of Nanaimo as shown outlined on Schedule No. '1' of this Bylaw.
- C. That the Board of the Regional District has considered the neighbourhood plan in conjunction with its most recent capital expenditure program under section 882 of the *Local Government Act* and its Liquid Waste Management Plan and the Regional Growth Strategy and is assured of consistency between them.
- D. Regional District of Nanaimo Nanoose Bay Official Community Plan Amendment Bylaw No. 1400.04, 2011" is hereby amended as set out in Schedule 'A' to this Bylaw.

Introduced and read two times this ____ day of _____, 2011.

Considered in conjunction with the Regional District of Nanaimo Financial Plan and any applicable Waste Management Plan this ____ day of _____, 2011.

Public Hearing held pursuant to Section 890 of the *Local Government Act* this ____ day of _____, 2011.

Read a third time this ____ day of _____, 2011.

Received approval pursuant to Section 882 of the *Local Government Act* this ____ day of _____, 2011.

Adopted this ____ day of _____, 2011.

Chairperson

Sr. Mgr., Corporate Administration

SCHEDULE 'A'

“Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400.04, 2011” is hereby amended as follows:

1. By deleting under Subsection 4.2 – **SCHOONER COVE NEIGHBOURHOOD CENTRE** Policy No. 4. and replacing it with the following:

“4. Approximately 409 dwelling units may be accommodated in the Schooner Cove Neighbourhood Centre.”

2. By adding under Subsection 4.2 – **SCHOONER COVE NEIGHBOURHOOD CENTRE** the following policy:

“6. Lands within the Schooner Cove Neighbourhood Plan Area, as shown on Map No. 2, are subject to the Schedule ‘B’ – Schooner Cove Neighbourhood Plan which is attached to and forms part this Bylaw. Where there is a discrepancy between the OCP and the Schooner Cove Neighbourhood Plan, the Schooner Cove Neighbourhood Plan shall prevail.”

3. By amending **Map No. 2 Land Use Designations** to identify the boundary of the Schooner Cove Neighbourhood Plan Area as shown on Schedule ‘1’, which is attached to and forms part of this Bylaw.

4. By amending **Map No. 6 Development Permit Areas** to remove those lands within the Schooner Cove Neighbourhood Plan Area from the development permit areas for Form and Character, as shown on Map No. 6 and by adding the following notation to the Legend after the words “Watercourse”:

“Lands within the Schooner Cove Neighbourhood Plan Area are subject to the development permits areas included within Schooner Cove District Neighbourhood Plan.”

5. By adding the following under **Table of Contents** after “**Maps Forming Part of this Plan**”:

“Neighbourhood Plans Which Form Part of this Plan

Schedule No. ‘C’ Schooner Cove Neighbourhood Plan”

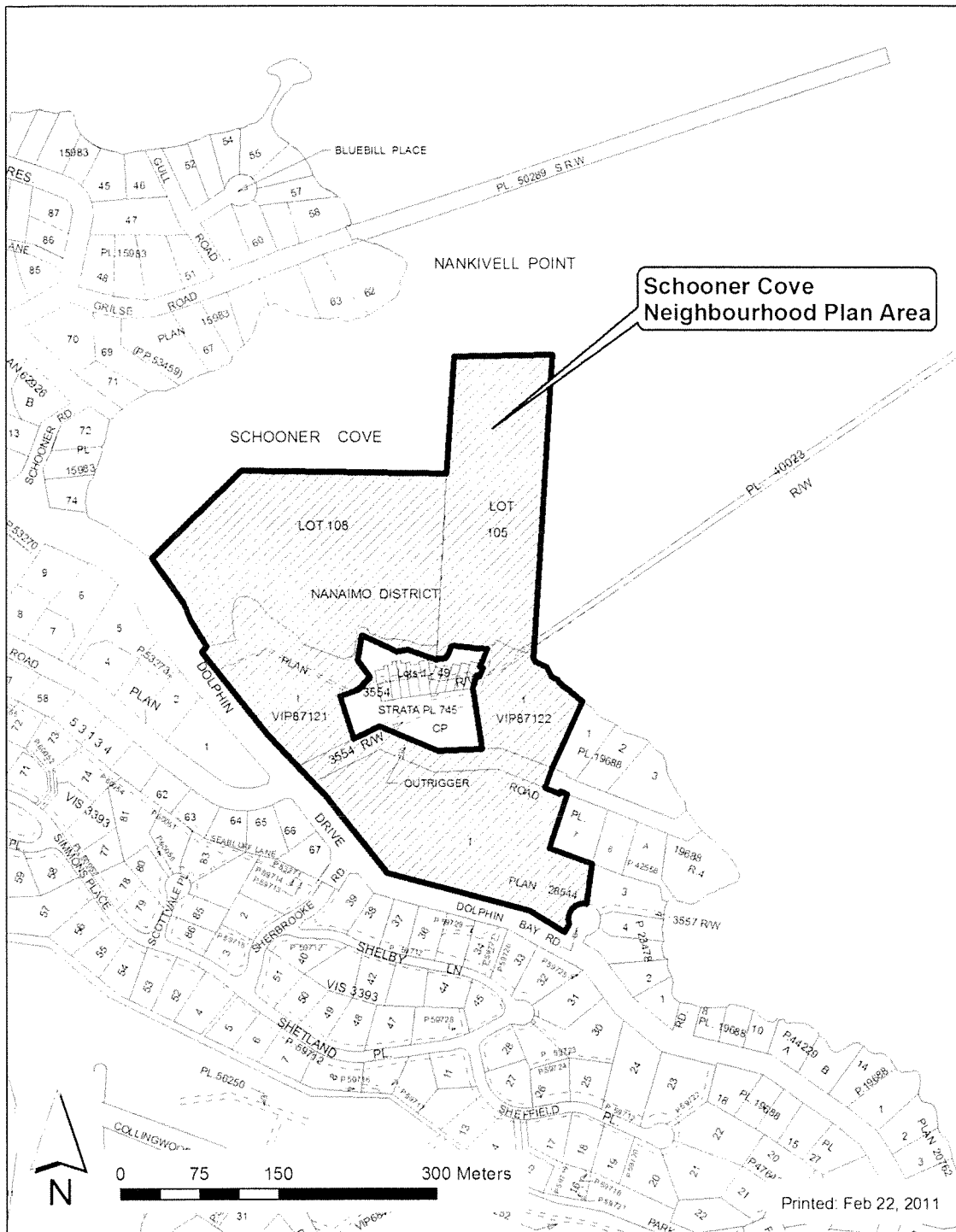
6. By attaching the Schooner Cove Neighbourhood Plan, attached here in Schedule B as Schedule C to the Bylaw.

SCHEDULE 'B'

The Schooner Cove Neighbourhood Plan

**(to be attached to Amendment Bylaw)
(distributed under separate cover)**

Schedule No. '1' The Schooner Cove Neighbourhood Land Use Designation





RDN REPORT		CAO APPROVAL	<i>CW</i>
EAP	✓	<i>7/24 8 11</i>	
COW			
FEB 25 2011			
RHD			
BOARD			

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: February 24, 2011

FROM: Kristy Marks
Planner

FILE: PL2009-287

SUBJECT: Development Permit Application No. PL2009-287 – Cynthia and Lawrence Roberts Strata Lot 366, 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 – 2270 South Lake Road Electoral Area ‘H’

PURPOSE

To consider an application for a Development Permit to allow the construction of a recreational residence (cabin) on the subject property.

BACKGROUND

The Regional District of Nanaimo has received a Development Permit application from Cynthia and Lawrence Roberts to allow the construction of a cabin with an upper loft on an existing undeveloped parcel. The subject property is approximately 584 m² in area and is zoned Horne Lake Comprehensive Development Zone 9 (CD9) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987.” The property is bound by Horne Lake to the north, a developed recreational parcel to the east, and South Lake Road (common property) to the south and west. The property currently contains a driveway access to a flat RV pad where the cabin is to be constructed. This flat cleared area is bound by relatively steep, vegetated areas that slope down towards the lake and up towards the road (*see Attachment No. 1 for location of the subject property*).

The property is subject to the Environmentally Sensitive Features for Watercourse Protection and Fish Habitat Protection Development Permit Areas (DPA) pursuant to "Regional District of Nanaimo Area ‘H’ Official Community Plan Bylaw No. 1335, 2003”.

Proposed Development

The applicant is proposing to construct a new cabin on an existing vacant parcel. The main floor of the cabin is proposed to have a maximum floor area of approximately 68 m² and the upper loft is proposed to be approximately 34 m² in area. The majority of proposed the cabin is located within 15.0 metres of the natural boundary of Horne Lake.

ALTERNATIVES

1. To approve the Development Permit Application No. PL2009-287 as requested, subject to the conditions outlined in *Schedules No. 1 - 2*.
2. To deny the Development Permit Application as requested.

LAND USE IMPLICATIONS

The applicant is proposing to construct a two storey cabin on an existing undeveloped parcel. The location of the proposed cabin is shown on *Schedule No. 2*.

In keeping with the Fish Habitat Protection and Environmentally Sensitive Features DPA guidelines, the applicant has submitted a Riparian Areas Assessment prepared by Streamline Environmental Consulting Ltd. dated June 15, 2009. This report established an ideal Streamside Protection and Enhancement Area (SPEA) of 30 metres from the natural boundary of the lake. Given that the entire parcel is located within the 30 metre SPEA, the approval of Fisheries and Oceans Canada (FOC) was required in order to permit development to take place within the SPEA boundary. The assessment concludes that there is a relatively low risk for environmental impacts and outlines measures to protect and maintain the SPEA and for environmental monitoring. These recommendations are included in the Conditions of Approval set out in *Schedule No. 1*.

Given the relatively small parcel size and constrained building site, the proposed cabin is sited in close proximity to the top of the bank adjacent to Horne Lake. In order to ensure that the proposed building site is safe for the intended use staff requested the applicant to provide an assessment prepared by a qualified geotechnical engineer. The applicant submitted a Slope Assessment prepared by Ground Control Geotechnical Engineering Ltd. dated December 3, 2009. The report concludes that the proposed development is considered safe assuming that the recommendations of the report are followed. Given that a geotechnical assessment is not a requirement of the applicable DPA's, the registration of a section 219 covenant is not a condition of this permit.

Sustainability Implications

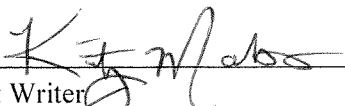
In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist". In staff's opinion there are no sustainability implications resulting from this proposal.

SUMMARY

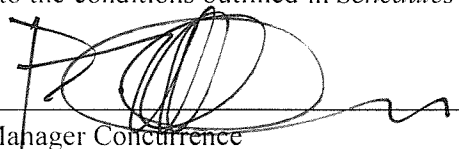
This is an application for a Development Permit to allow the construction of a cabin on an existing recreation property within 15.0 metres of the natural boundary of Horne Lake. The applicant has submitted a site plan, Riparian Areas Assessment, and Slope Assessment in support of the application. In staff's assessment, this proposal is consistent with the guidelines of the applicable Development Permit Areas.

RECOMMENDATION

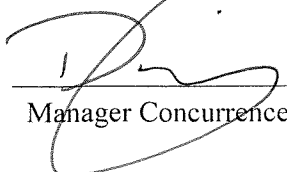
That Development Permit Application No. PL2009-287, to permit the construction of a cabin within 15 meters of the natural boundary of Horne Lake be approved subject to the conditions outlined in *Schedules No. 1 – 2*.



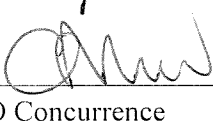
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule No. 1
Conditions of Development Permit Application No. PL2009-287

Conditions of Approval:

1. The cabin is to be sited in general accordance with the site plan prepared by Bruce Lewis Land Surveying Inc. dated February 22, 2011, attached as *Schedule No. 2*.
2. The subject property shall be developed in accordance with the recommendations established in the Riparian Areas Assessment prepared by Streamline Environmental Consulting Ltd. dated June 15, 2009.

Schedule No. 2
 Site Plan
 (Page 1 of 2)

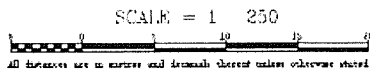
SKETCH PLAN FOR BUILDING PERMIT APPLICATION OVER:
 STRATA LOT 366, DISTRICT LOT 251, ALBERNI
 DISTRICT, STRATA PLAN VIS5160.

February 22, 2011

LEGEND

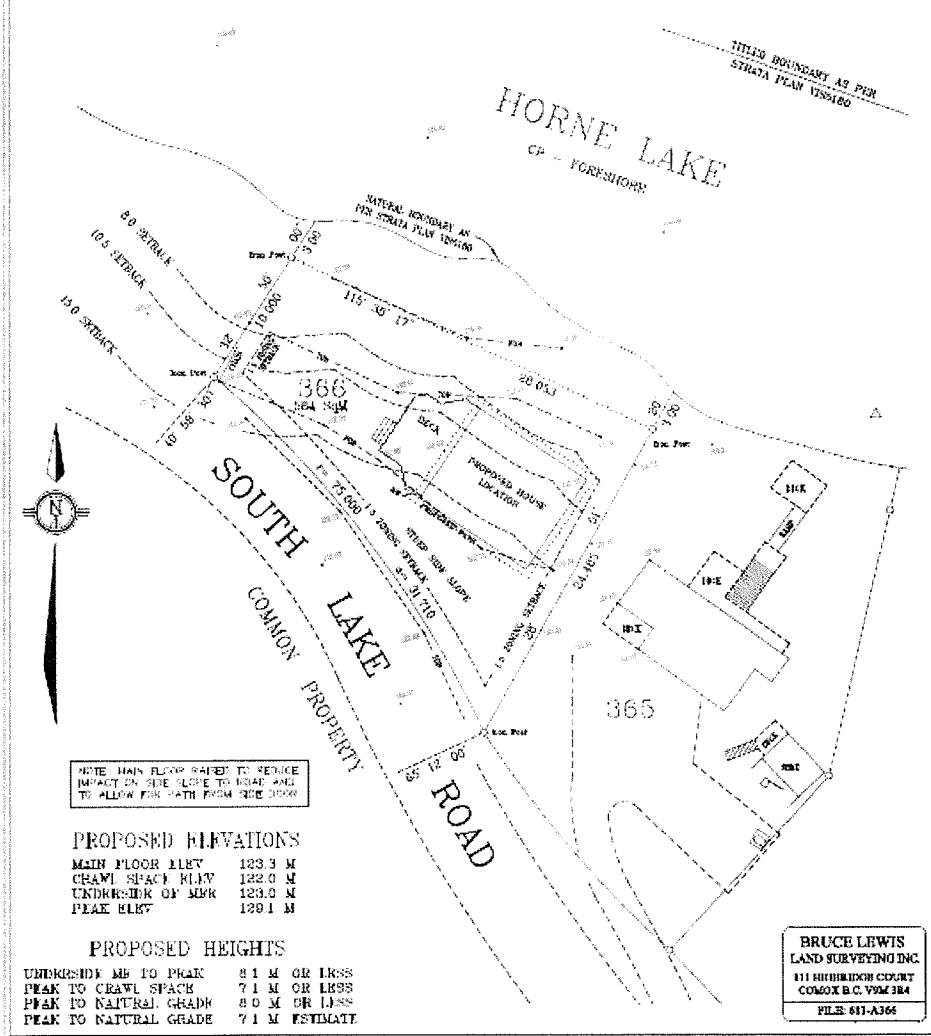
Grid bearings are derived from GPS observations, to derive local astronomic bearing subtract 119°54' and are referred to the meridian through the Rock Post 66 24

- - denotes - Staked Red Post
- - denotes - Boundary Property



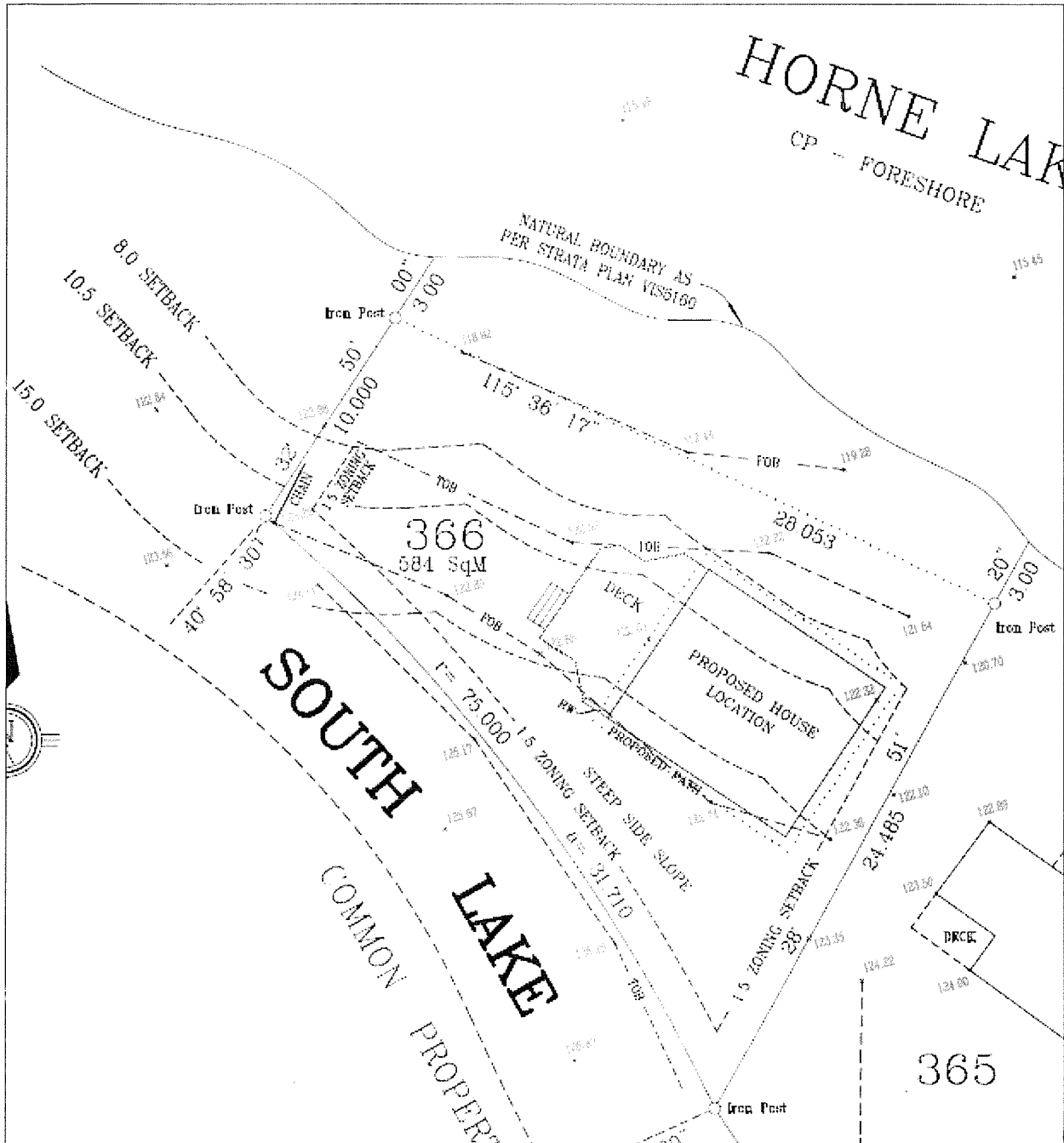
This application lies within the
 Municipal Regional District

- 1) ALL PROPOSED IMPROVEMENTS SHALL BE TO BE OF PERMANENT AND APPLICABLE TO THE SURFACE
- 2) DETERMINED BY SURVEY CONDITIONS UNDER WHICH THE
- 3) THESE BUILDING SHALL BE TO BE OF PERMANENT AND APPLICABLE TO THE SURFACE
- 4) MAKE SURE PROVISIONS ARE TO BE COMPLETED FOR THE
- 5) CONFORMANCE
- 6) ALL PROPOSED IMPROVEMENTS SHALL BE OF PERMANENT AND APPLICABLE TO THE SURFACE
- 7) IN ADDITIONAL PROVISIONS OF BUILDING ACT AND REGULATIONS
- 8) THESE & PARTS
- 9) PROPOSED IMPROVEMENTS SHALL BE TO BE OF PERMANENT AND APPLICABLE TO THE SURFACE
- 10) PROPOSED IMPROVEMENTS SHALL BE TO BE OF PERMANENT AND APPLICABLE TO THE SURFACE
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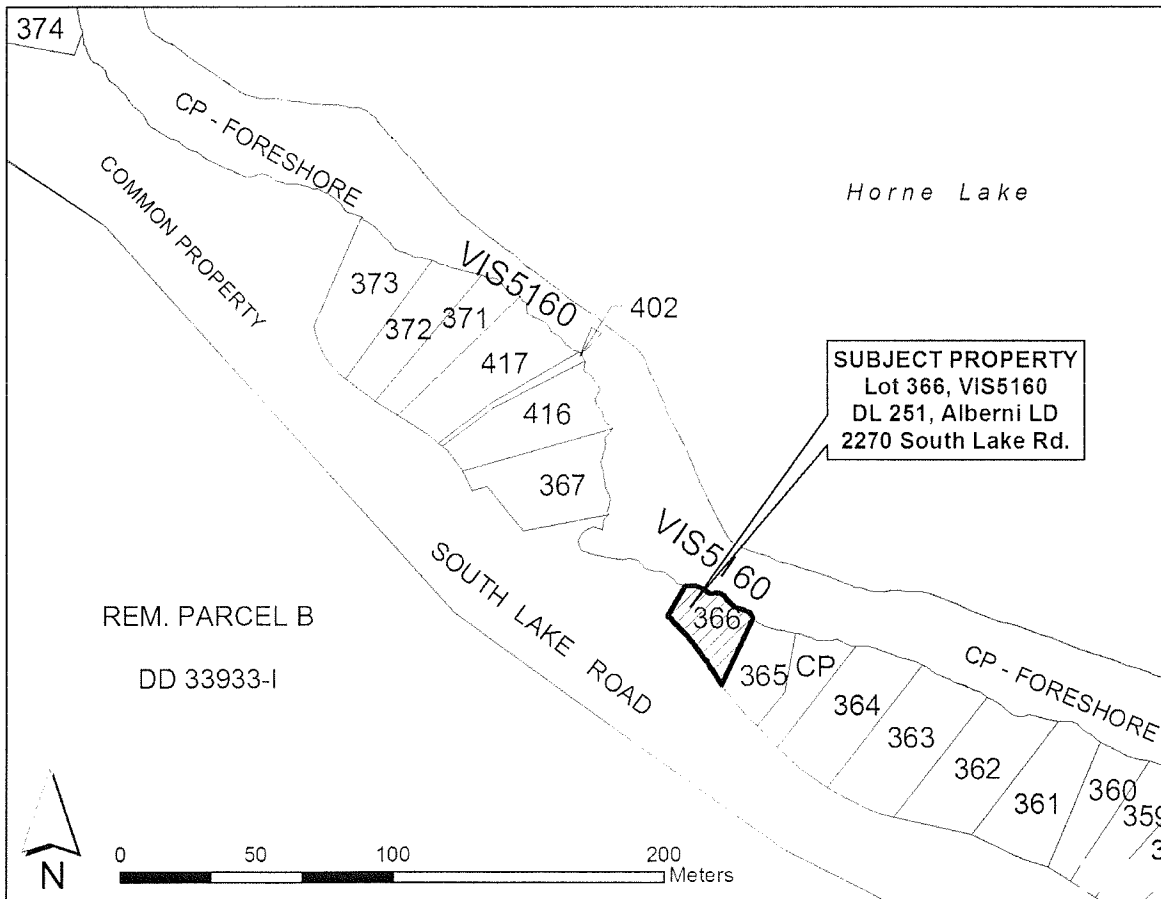
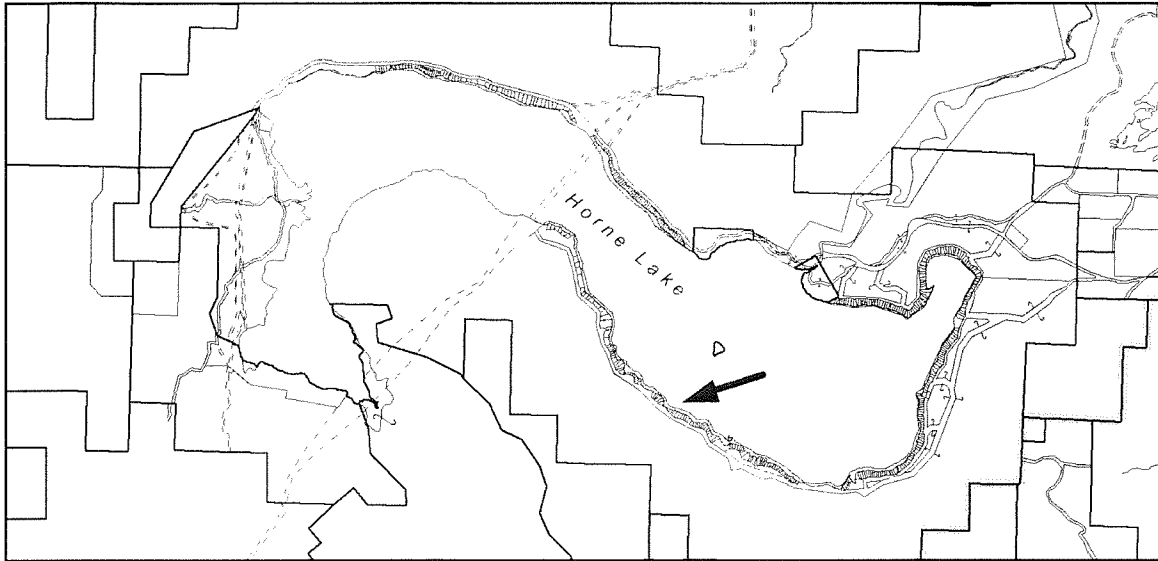


BRUCE LEWIS
 LAND SURVEYING INC.
 111 HIGHLAND COURT
 COMOX B.C. V9M 3R4
 FILE: 611-A366

Schedule No. 2
Site Plan - Detail
(Page 2 of 2)



Attachment No. 1
Location of Subject Property



BCGS MAPSHEET: 92F 037.2.3



RDN REPORT	
CAO APPROVAL <i>OWN</i>	
EAP	<i>Mar 8 2011</i>
COW	
FEB 25 2011	
RHD	
BOARD	

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: February 22, 2011

FROM: Kristy Marks
Planner

FILE: PL2010-090

SUBJECT: **Development Permit and Site Specific Exemption Application No. PL2010-090 - Elaine Cowan**
Lot 1, District Lot 67, Nanoose District, Plan 31996 - 2502 Blokker Road
Electoral Area 'E'

PURPOSE

To consider an application for a Development Permit and a Site Specific Exemption to “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006” to allow the construction of a dwelling unit on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Elaine Cowan to allow the construction of a single storey dwelling unit. The subject property is approximately 1.97 ha in area and is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is traversed by a small pond and is bound by residential parcels to the east and west, Blokker Road to the north, and Nanoose Bay to the south. The property is currently vacant and vegetation on the southern portion has recently been cleared. The northern portion of the lot, above the pond is vegetated and contains a driveway access.

The proposed development is subject to the Watercourse Protection Development Permit Areas as per "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005". Although the dwelling unit is proposed to be sited greater than 30 metres from the natural boundary of the pond, works related to the development of the property including vegetation removal and construction of a driveway access have taken place within the designated Development Permit Area.

Recent clearing on the north and south sides of the existing pond as well as the placement of fill in a portion of the pond to provide a driveway access have taken place on the property. The applicant has submitted a Riparian Areas Assessment and Fish Habitat Rehabilitation Plan in order to offset adverse effects on fish habitat and to satisfy the Watercourse Protection Development Permit Guidelines and the Department of Fisheries and Oceans Canada (FOC).

In addition, the applicant is required to obtain a Section 9 Approval or Notification from the Ministry of Natural Resource Operations prior to conducting any in-stream works required in order to restore connectivity between the pond and downstream fish habitat.

The subject property is also located within a known archaeological site. The applicant has submitted an Archaeological Impact Assessment prepared by Madrone Environmental Services Ltd. dated June 21, 2010 and has obtained a Site Alteration Permit from the Provincial Archaeology Branch.

Proposed Development and Site Specific Exemption Application

Given that the pond is located approximately 1.0 metre higher than the natural grade at the proposed building site, significant elevation and a height variance would be required in order for the proposed dwelling unit to meet the minimum flood construction level (FCL) of 1.5 metres above the natural boundary of the pond as per the “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006” (Floodplain Management Bylaw). In order to reduce the amount of fill required and avoid the need for a height variance, the applicant is requesting a Site Specific Exemption from the Floodplain Management Bylaw. The proposed dwelling unit will meet the minimum FCL of 1.5 metres above the natural boundary of the sea.

ALTERNATIVES

1. To approve the Development Permit and Site Specific Exemption Application No. PL2010-090 subject to the conditions outlined in *Schedules No. 1 - 3*.
2. To deny the Development Permit and Site Specific Exemption Application No. PL2010-090.

DEVELOPMENT IMPLICATIONS

The applicant is proposing to construct a single storey dwelling unit on the subject property. The location of the proposed dwelling unit is shown on *Schedule No. 2* and building elevations are shown on *Schedule No. 3*.

The applicant has provided a Riparian Areas Assessment prepared by Toth and Associates Environmental Services dated May 2, 2010. This report establishes a Streamside Protection and Enhancement Area (SPEA) of 15 metres for areas north, east and west of the pond and 30 metres on the south side of the pond. As shown on the attached site survey, the dwelling unit is proposed to be located approximately 47 metres from the natural boundary of the pond and therefore the construction of the dwelling itself is exempt from the requirements of the Riparian Areas Regulation (RAR). Given that extensive vegetation removal has occurred within the SPEA, this report includes a number of recommendations for the protection and maintenance of the SPEA, environmental monitoring during construction, and post development reporting. Development of the property in accordance with the recommendations contained in this report is included in the Conditions of Approval set out in *Schedule No. 1*.

In order to satisfy the requirements of the Riparian Areas Assessment and the requirements of Fisheries and Oceans Canada (FOC) the applicant has submitted a Fish Habitat Rehabilitation Plan prepared by Streamline Environmental Consulting Ltd. dated October 27, 2010. This report provides recommendations for culvert installation required in order to restore connectivity between the pond and downstream fish habitat in addition to an extensive vegetation rehabilitation plan. The rehabilitation plan includes a variety of native trees and shrubs in two planting areas, north and south of the pond. The replanting requirements have been secured through a deposit in the amount of \$12,812.80. The deposit will be held until the rehabilitation requirements have been met to the satisfaction of the RDN. Development of the property in accordance with the recommendations contained in this report is included in the Conditions of Approval set out in *Schedule No. 1*.

With respect to the Site Specific Exemption requirements, the applicant has submitted a Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd. dated February 18, 2011, in accordance with the requirements of the Floodplain Management Bylaw. This report concludes that “the proposed development is considered ‘safe’ for the intended use, provided the recommendations in [the] report are followed”. As per the Site Specific Exemption Application and DPA requirements, staff recommends that the applicant be required to register a Section 219 covenant that registers the Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd., and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of potential hazards.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the “Sustainable Community Builder Checklist”. This proposal represents the development of an existing residential parcel and a proposed building site with significant constraints. The applicant has submitted a Habitat Rehabilitation Plan in order to enhance native vegetation within the SPEA and restore fish habitat and has obtained a Site Alteration Permit.

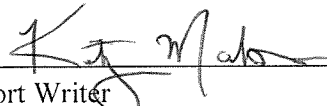
SUMMARY/CONCLUSIONS

This is an application for a Development Permit and Site Specific Exemption to allow the construction of a single storey dwelling unit on the subject property.

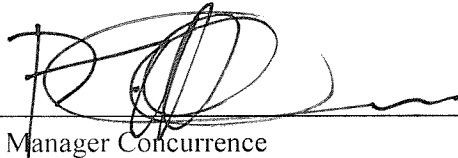
The applicant has submitted a site plan, building plans, Riparian Areas Assessment, Fish Habitat Rehabilitation Plan, and Geotechnical Hazards Assessment in support of the application. In staff’s assessment, this proposal is consistent with the guidelines of the “Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005” Watercourse Protection Development Permit Area and the Site Specific Exemption requirements of the Floodplain Management Bylaw.

RECOMMENDATION

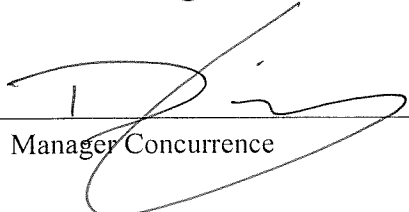
That Development Permit and Site Specific Exemption Application No. PL2010-090 to permit the construction of a dwelling unit be approved subject to the conditions outlined in *Schedules No. 1 - 3*.




Report Writer



General Manager Concurrence



Manager Concurrence



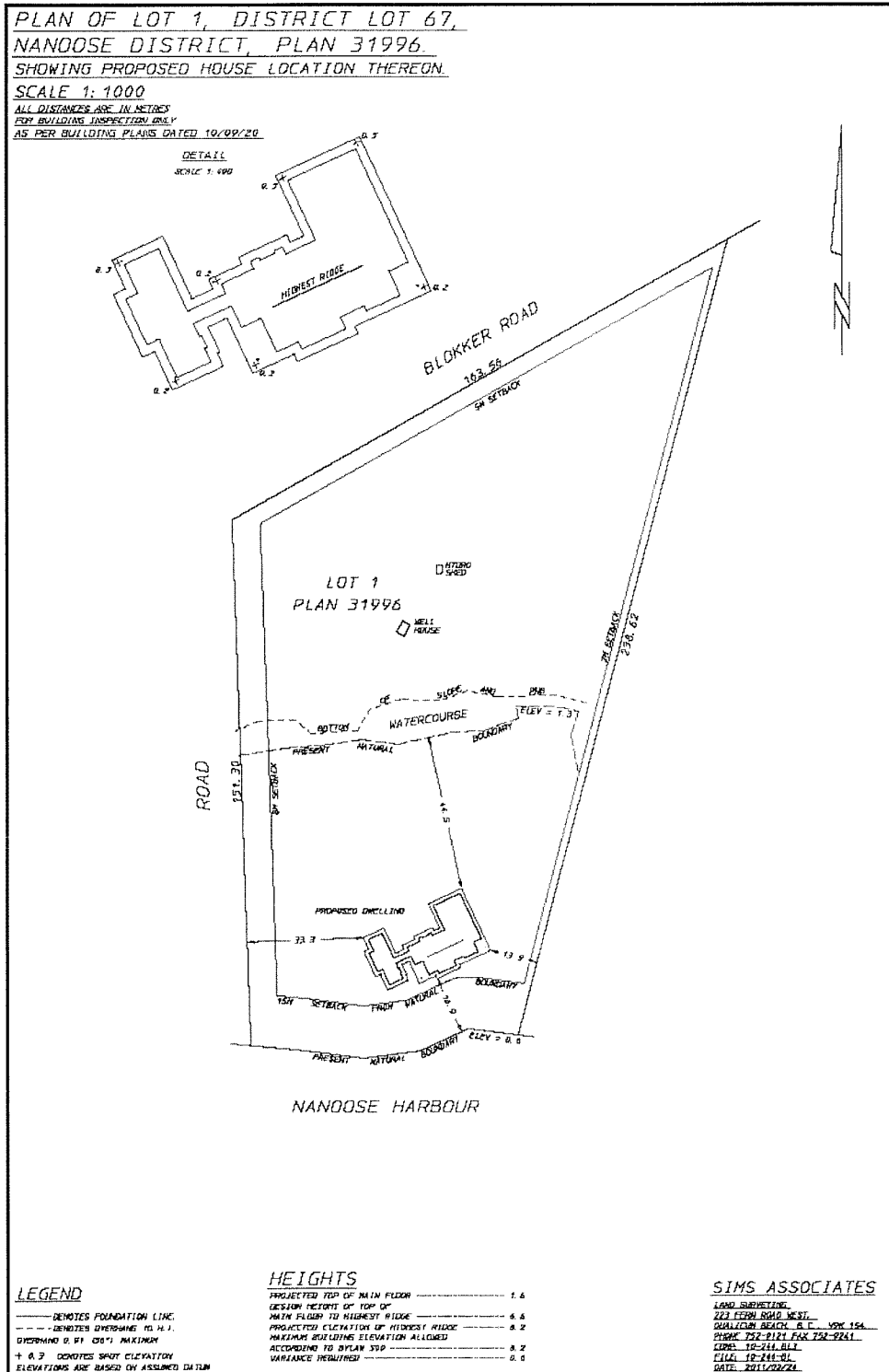
CAO Concurrence

Schedule No. 1
Conditions of Development Permit Application No. PL2010-090

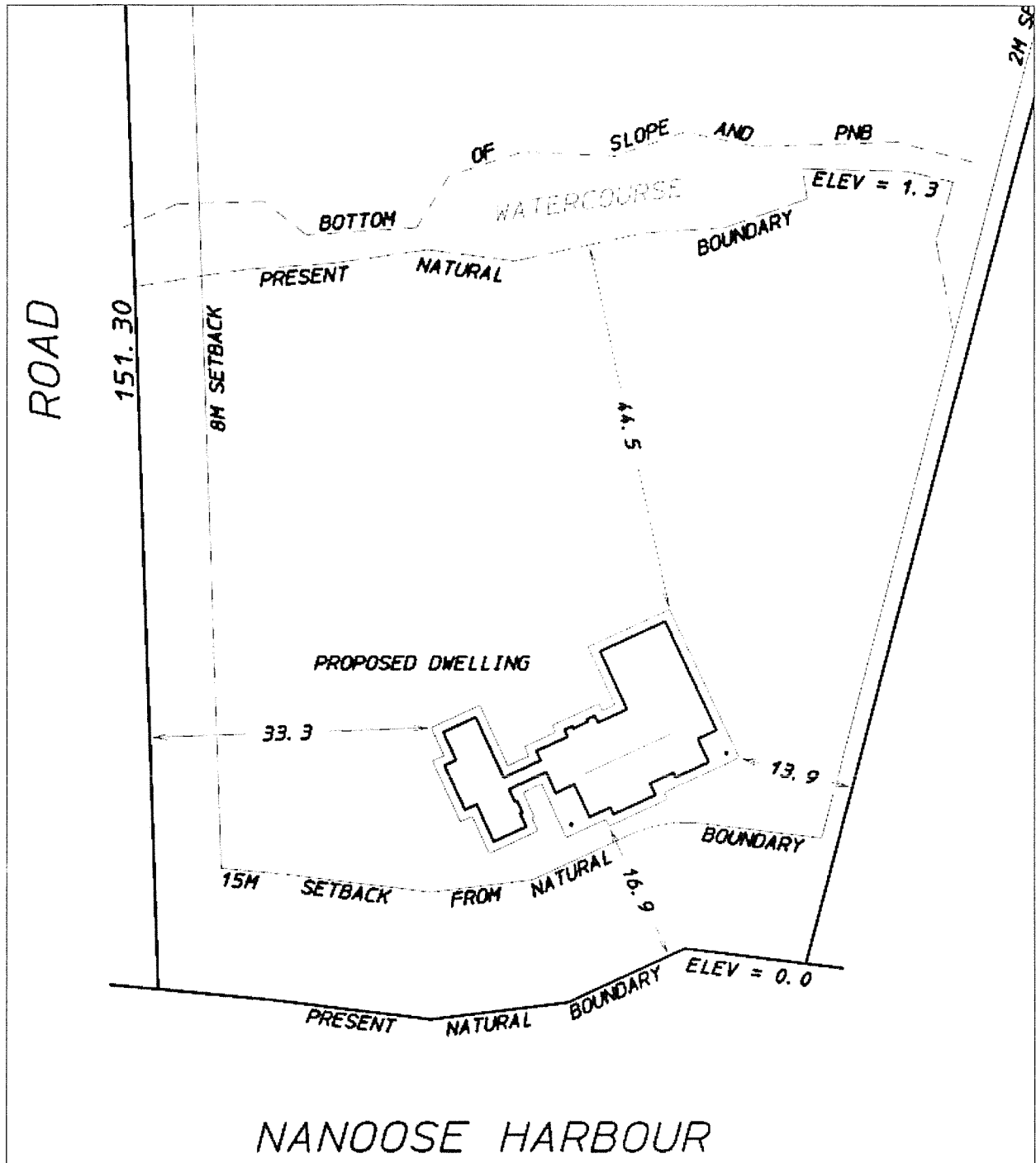
Conditions of Approval:

1. The dwelling unit shall be sited in general accordance with the site plan prepared by Sims Associates Land Surveying dated February 15, 2010, attached as *Schedule No. 2*.
2. The dwelling unit shall be constructed in general accordance with the elevation plans prepared by Lindberg CAD Services dated September 20, 2010, attached as *Schedule No. 3*.
3. The subject property shall be developed in accordance with the recommendations established in the Riparian Areas Assessment prepared by Toth and Associates Environmental Services dated May 2, 2010.
4. The subject property shall be developed in accordance with the recommendations established in the Fish Habitat Rehabilitation Plan prepared by Streamline Environmental Consulting Ltd. dated October 27, 2010.
5. The security deposit in the amount of \$12,812.80 shall be held until the requirements of the Fish Habitat Rehabilitation Plan prepared by Streamline Environmental Consulting Ltd. dated October 27, 2010 have been completed to the satisfaction of the RDN.
6. The dwelling unit shall be constructed in accordance with the Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd. dated February 18, 2011.
7. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 covenant that registers the Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd. dated February 18, 2011, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard.

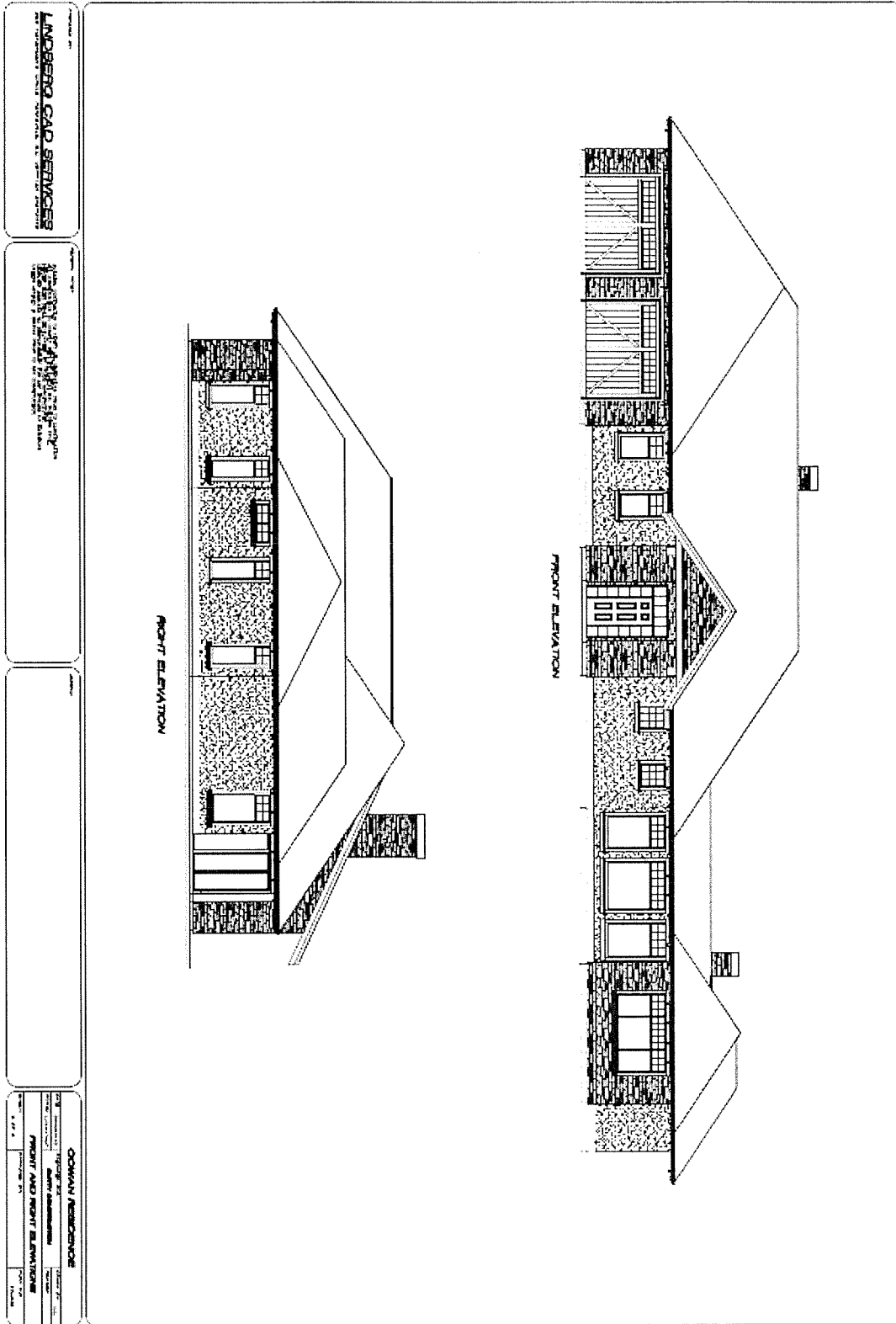
Schedule No. 2
Site Plan
(Page 1 of 2)



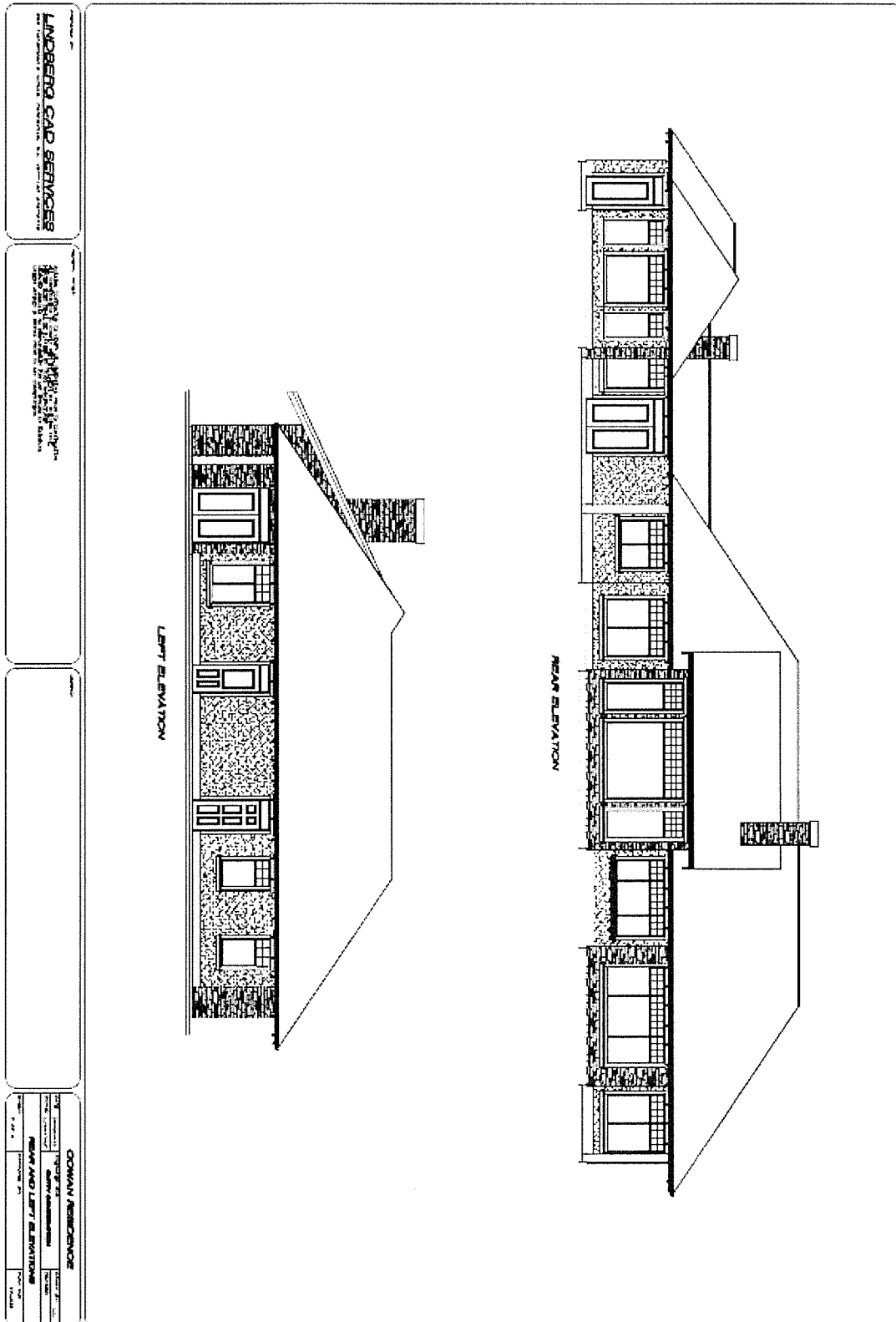
Schedule No. 2
Site Plan - Detail
(Page 2 of 2)



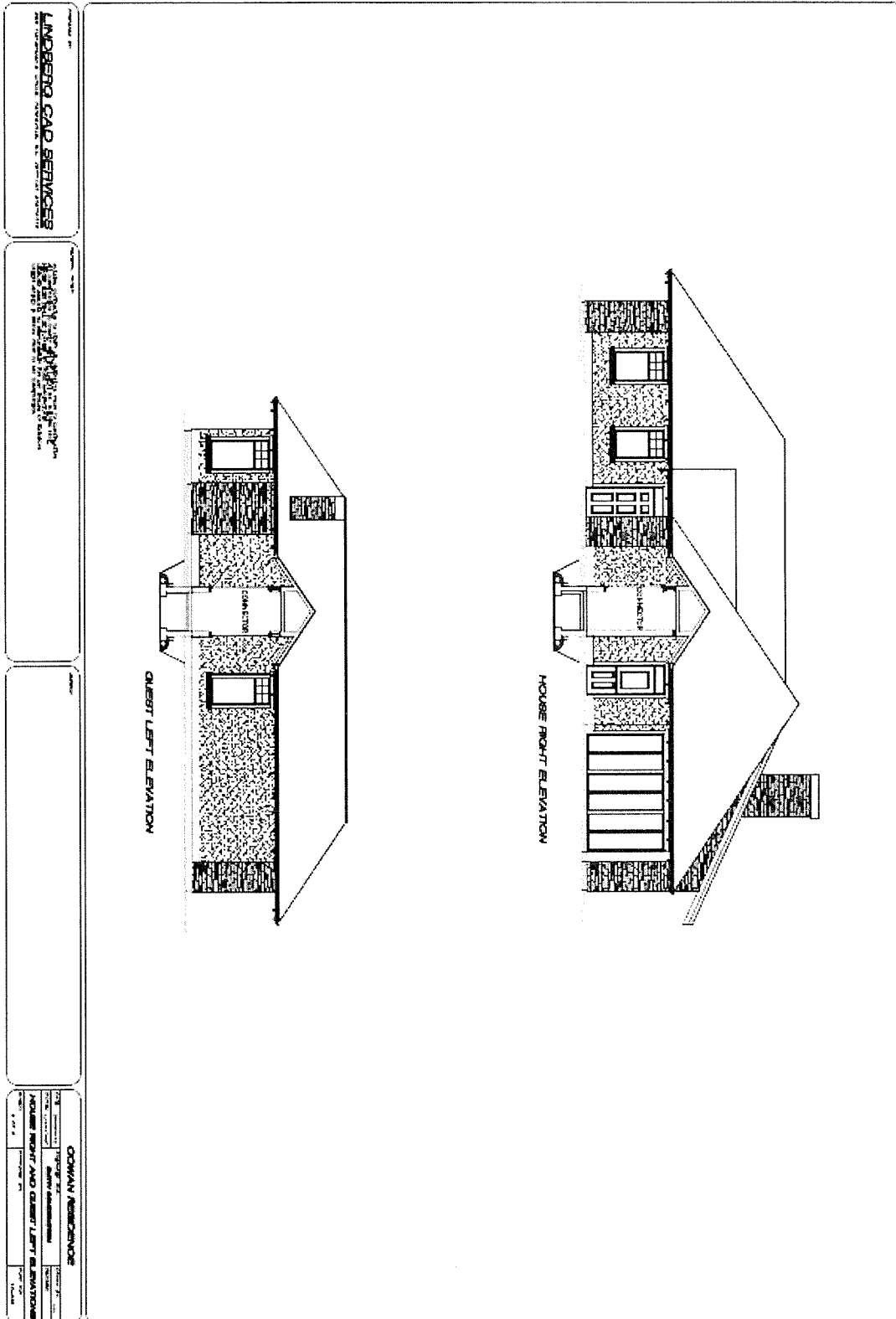
Schedule No. 3
Building Elevations
(Page 1 of 3)



**Schedule No. 3
 Building Elevations
 (Page 2 of 3)**



Schedule No. 3
Building Elevations
(Page 3 of 3)



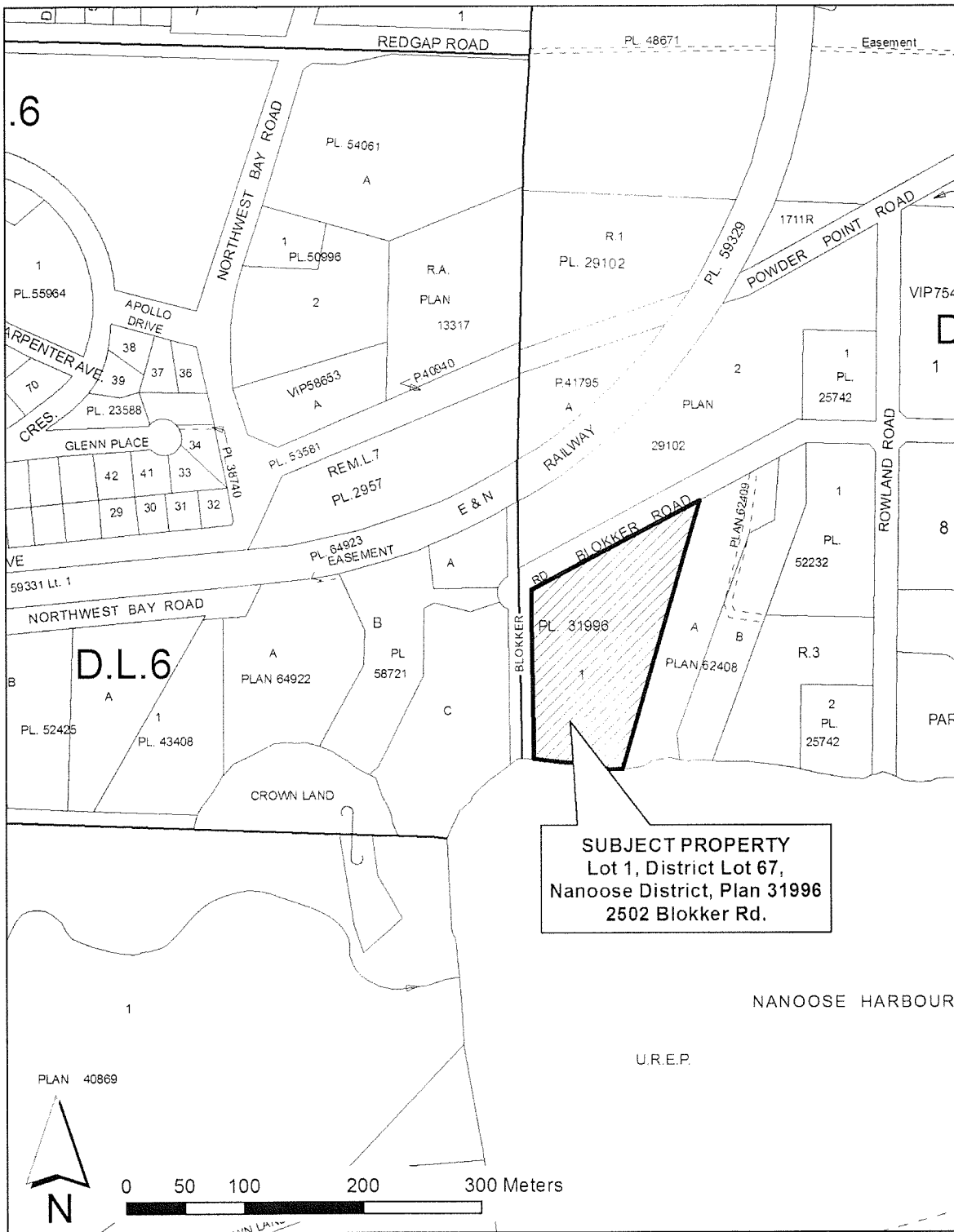
LANDBERG CAD SERVICES
1100 14th Street, Suite 100
Vancouver, BC V6P 4K6
Tel: 604-271-1111
Fax: 604-271-1112
www.landbergcad.com

CHRYSLER FINANCIAL SERVICES
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www.chryslerfinancial.com

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Fax: 604-271-1112
www.chryslerfinancial.com

CHRYSLER FINANCIAL SERVICES	
DATE	2011.02.22
PROJECT	QUEST HOUSE
DESCRIPTION	QUEST HOUSE
REVISION	QUEST HOUSE
APPROVED BY	QUEST HOUSE
DATE	QUEST HOUSE

Attachment No. 1 Location of Subject Property





RDN REPORT	
CAO APPROVAL	
EAP	✓ Mar 8 '11
COW	
FEB 25 2011	
RHD	
BOARD	

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: February 24, 2011

FROM: Kristy Marks
Planner

FILE: PL2010-189

SUBJECT: **Development Permit Application No. PL2010-189 – Mary Lou McCaskell Strata Lot 405, 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 - 3728 Horne Lake Caves Road Electoral Area ‘H’**

PURPOSE

To consider an application for a Development Permit to allow the construction of an addition to an existing cabin.

BACKGROUND

The Regional District of Nanaimo has received a Development Permit application from Mary Lou McCaskell to allow the construction of a main floor addition to an existing single storey cabin within 15 metres of the natural boundary of Horne Lake. The subject property is approximately 1540 m² in area and is zoned Horne Lake Comprehensive Development Zone 9 (CD9) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987.” The property is bound by Horne Lake Caves Road to the north, recreational properties to the east and west, and Horne Lake and Common Property to the south (*see Attachment No. 1 for location of the subject property*).

The proposed development is subject to the Environmentally Sensitive Features for Watercourse Protection and Fish Habitat Protection Development Permit Areas (DPA) pursuant to "Regional District of Nanaimo Area ‘H’ Official Community Plan Bylaw No. 1335, 2003”.

Proposed Development

The applicant is proposing to construct a main floor addition of approximately 17.5 m² to an existing single storey cabin with an approximate floor area of 51.8 m². The total floor area of the cabin will not exceed the maximum permitted 70 m² and a portion of the proposed addition is located within 15 metres of the natural boundary of Horne Lake.

ALTERNATIVES

1. To approve the Development Permit Application No. PL2010-189 as requested subject to the conditions outlined in *Schedules No. 1 - 2*.
2. To deny the Development Permit as requested.

LAND USE IMPLICATIONS

The applicant is proposing to construct an addition to an existing single storey cabin on the subject property within 15 metres of the natural boundary of Horne Lake. The location of existing cabin and proposed addition are shown on *Schedule No. 2*.

In keeping with the Fish Habitat Protection and Environmentally Sensitive Features DPA guidelines, the applicant has submitted a Riparian Areas Assessment (RAA) prepared by Streamline Environmental Consulting Ltd. dated February 15, 2011. This report establishes an ideal Streamside Protection and Enhancement Area (SPEA) of 15 metres from the natural boundary of the Lake. Given there is a steep vegetated slope immediately north of the existing cabin it is not practical to construct an addition in this area, outside the 15 metre SPEA. In order to mitigate any riparian impacts the applicant is proposing to construct the addition on a level portion of the lot where no vegetation removal is required. In addition, the assessment outlines recommendations for planting of native shrubs as well as measures to protect and maintain the SPEA and environmental monitoring. These recommendations are included in the Conditions of Approval set out in *Schedule No. 1*.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist". The applicant has provided a Riparian Areas Assessment and planting plan in order to mitigate any riparian impacts. In staff's opinion there are no sustainability implications resulting from this proposal.

SUMMARY

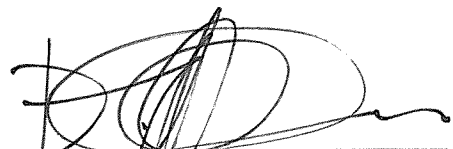
This is an application for a Development Permit to allow the construction of an addition to an existing single storey cabin within 15 metres of the natural boundary of Horne Lake on the subject property. The applicant has submitted a site plan and Riparian Areas Assessment in support of the application. In staff's assessment, this proposal is consistent with the guidelines of the applicable Development Permit Areas.

RECOMMENDATION

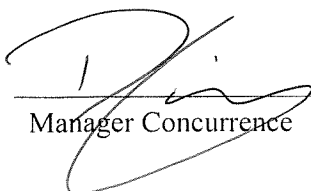
That Development Permit Application No. PL2010-189, to permit the construction of an addition to an existing cabin within 15 metres of the natural boundary of Horne Lake, be approved subject to the conditions outlined in *Schedules No. 1 – 2*.




Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule No. 1
Conditions of Development Permit Application No. PL2010-189

Conditions of Approval:

1. The addition is to be sited in general accordance with the site plan as submitted by the applicant, attached as *Schedule No. 2*.
2. The subject property shall be developed in accordance with the recommendations established in the Riparian Areas Assessment prepared by Streamline Environmental Consulting Ltd. dated February 15, 2011.

Schedule No. 2
 Site Plan
 (Page 1 of 2)

SKETCH PLAN FOR BUILDING PERMIT APPLICATION OVER:
 STRATA LOT 405, DISTRICT LOT 251, ALBERNI
 DISTRICT, STRATA PLAN VIS5160.

Sep 3, 2010.

LEGEND

Grid bearings are derived from G.P.S. observations to derive local astronomic bearings azimuth $\Gamma 1734'$, and are referred to the meridian through the Rock Post No 07.

- O - denotes - Standard Iron Post
- CP - denotes - Common Property

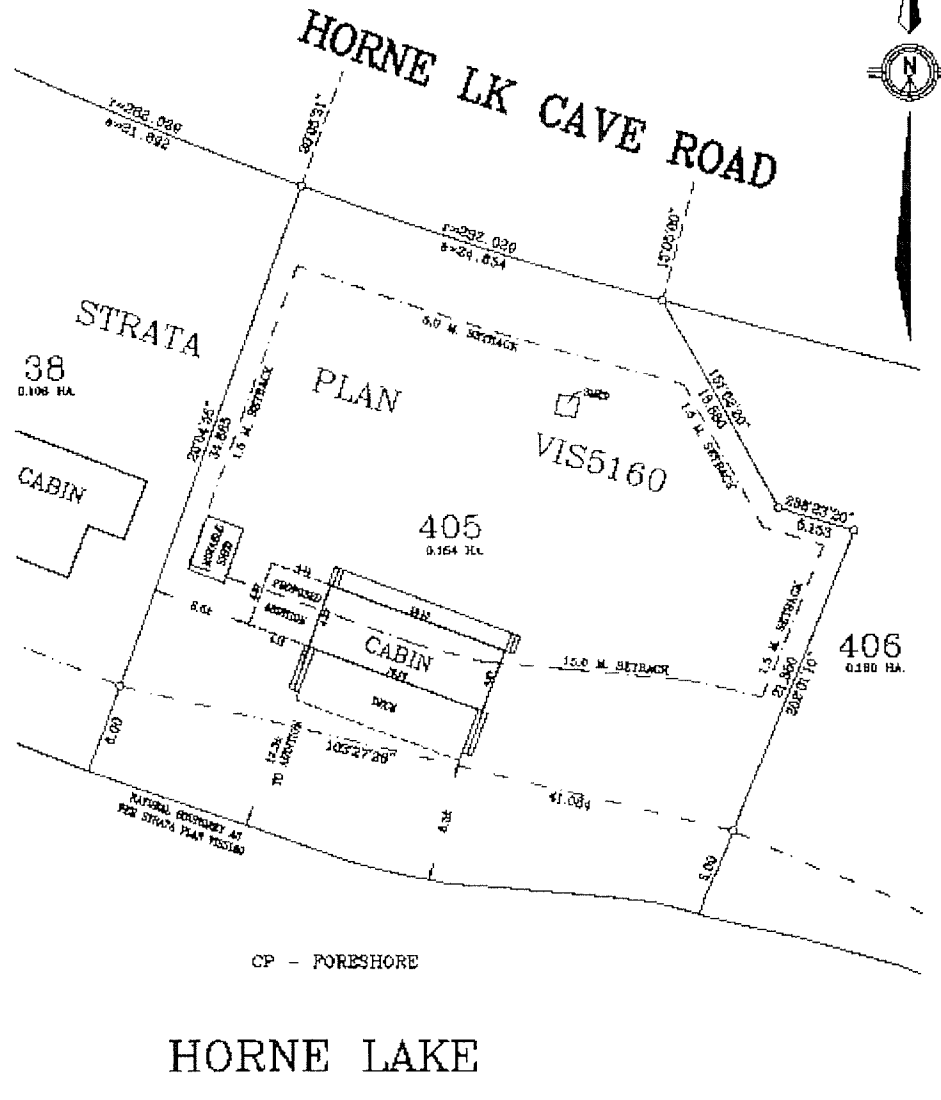
SCALE = 1 : 250



This application lies within the Nanaimo Regional District.

GENERAL NOTES

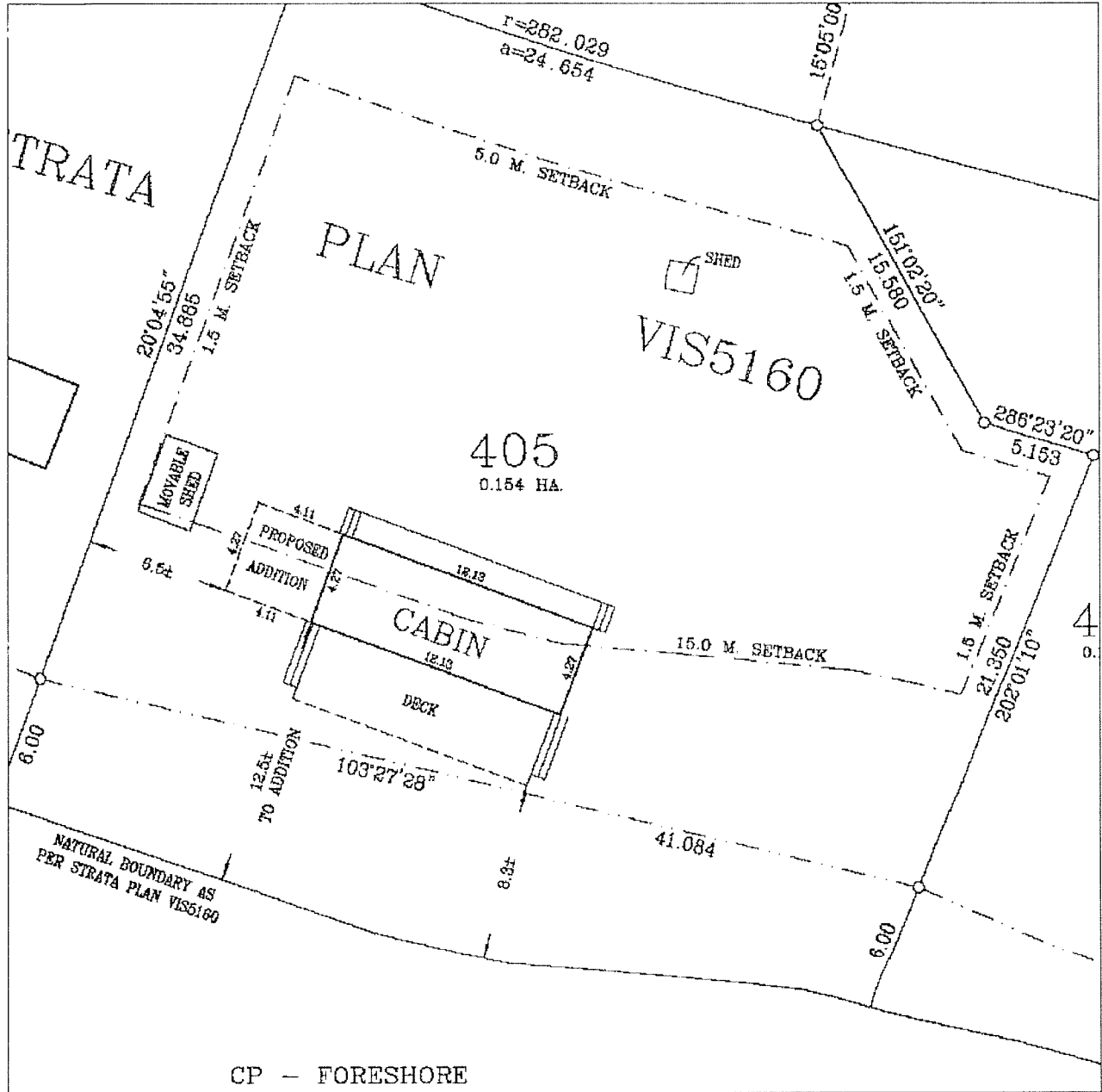
- 1) ALL PROPOSED IMPROVEMENTS MUST BE CLEAR OF ZONING AND APPROVED D.P. ETTBACKS - INCLUSIVE OF FENCES, CURBWAYS, DRIVE STEPS, ETC.
- 2) SETBACK BEHIND YARD MUST BE GREATER THAN US METERS FROM THE NATURAL BOUNDARY AND WITHIN ZONING SETBACKS.
- 3) MAIN FLOOR ELEVATION MUST BE COMPLETED PRIOR TO CONSTRUCTION.
- 4) ALL PROPOSED IMPROVEMENTS WITHIN THE DP ZONE MUST BE INDICATED (INCLUDING OF PARKING, ADDRESS, PATIO, DRIVE & FENCING).
- 5) PROPOSED BUILDING SETBACK INFORMATION MAY VARY UPON LEGAL SURVEY.
- 6) ELEVATIONS ARE GEODETIC AND HAVE BEEN ESTABLISHED BY TRIGONOMETRIC OBSERVATIONS, DIFFERENTIAL LEVELLING AND WATER LEVEL TRANSFERS.
- 7) ELEVATIONS ARE REFERENCED TO GEODETIC SURVEYS OF CANADA, CONTROL MONUMENT 84028 (180 443) AND ARE IN METRES AND DECIMALS THEREOF.
- 8) SITE INFORMATION PROVIDED FROM FEB. 22, 2000 SURVEY.
- 9) EXISTING CABIN INFORMATION PROVIDED FROM JAN 8 2008 SURVEY.



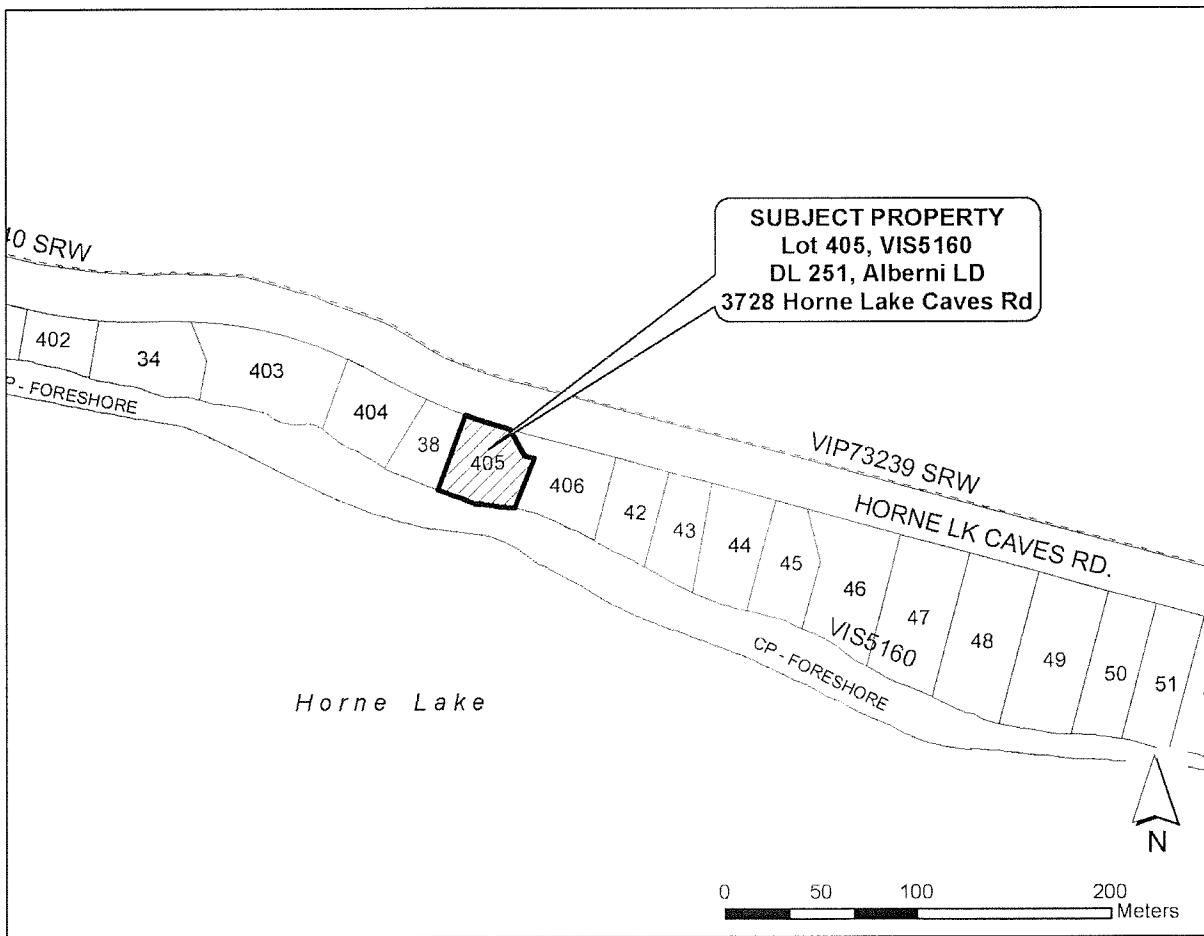
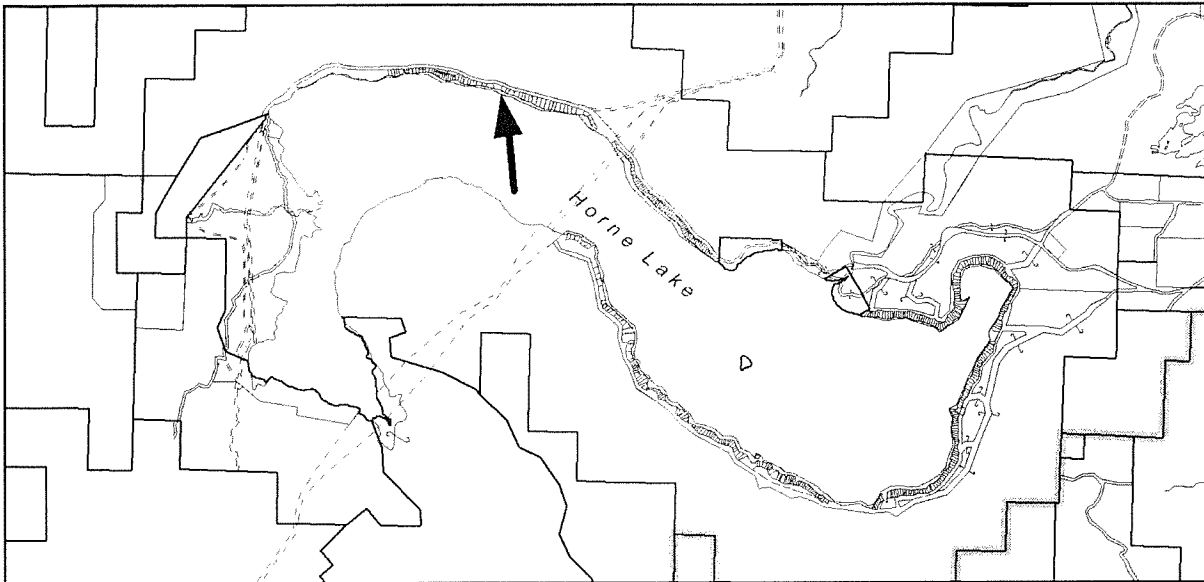
CP - FORESHORE

HORNE LAKE

Schedule No. 2
Site Plan - Detail
(Page 2 of 2)



Attachment No. 1
Location of Subject Property





CAO APPROVAL		CLN
EAP	✓	Mar 8 11
COW		
FEB 25 2011		
RHD		
BOARD		

MEMORANDUM

TO: Dale Lindsay
Manager, Current Planning

DATE: March 7, 2011

FROM: Lainya Rowett
Planner

FILES: PL2010-223

SUBJECT: Development Permit Application No. PL2010-223 – Jason & Sheryl Low
Lot 4, District Lot 42, Nanoose District, Plan 26202 - 492 Martindale Road
Electoral Area ‘G’

PURPOSE

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

BACKGROUND

The subject property, located at 492 Martindale Road, is 0.4 ha in area and is zoned Rural 1 within Subdivision District ‘F’ (RU1F) pursuant to the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (see *Attachment No. 1* for location of subject property). The property contains an existing dwelling (mobile home), which is to be removed, a garage to be relocated and expanded, and other smaller accessory structures. The property is bound by rural residential parcels to the north and east, within the Regional District of Nanaimo, and other rural uses within the Agricultural Land Reserve (golf course) and residential parcels to the south within the City of Parksville.

The proposed development is located within the Englishman River floodplain and is subject to the Hazard Lands Development Permit Area as per the “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008”. The applicant proposes to construct a new dwelling unit and to relocate and expand an existing accessory building to the rear of the proposed dwelling unit.

Proposed Development

The proposed construction includes a new two-storey dwelling unit (307 square metres in floor area) and a single-storey workshop (158 square metres) (see *Schedules No. 2 and 3 for the proposed Site Plan and Building Elevations*). The buildings will consist of standard low-rise residential wood frame construction with concrete foundations; the dwelling unit will include a below-grade crawl space (1.2 metres in height).

The applicant’s surveyor has also confirmed that no setback or height variances are required to accommodate the proposed development.

ALTERNATIVES

1. To approve the Development Permit No. PL2010-223 subject to the conditions outlined in *Schedules No. 1 to 3*.
2. To deny the Development Permit No. PL2010-223.

LAND USE IMPLICATIONS

Development Permit Implications

The subject property is located within the designated Fish Habitat Protection, Farmland Protection and Hazard Lands Development Permit Areas, which regulate the protection of the natural environment and human and property safety. No streams are located on or adjacent to the property, and the property does not directly abut the Agricultural Land Reserve, so a Development Permit is not required to address the Fish Habitat Protection and Farmland Protection Development Permit Areas.

The subject property is located entirely within the Englishman River floodplain. To the Hazard Lands Development Permit Area (DPA) guidelines the applicant has submitted a Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd. dated March 26, 2010, in accordance with the requirements of the Floodplain Management Bylaw and DPA guidelines. This report concludes that the proposed development is considered safe for the intended use, provided the recommendations in the report are followed. In order to protect habitable areas and water susceptible building components from damage during flooding the Engineer recommends that the underside of these areas be designed and built with a minimum flood construction elevation of 10.7 GSC.

Staff recommends that the applicant be required to register a Section 219 restrictive covenant that registers the Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd., and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of potential hazards. Development of the property in accordance with the recommendations contained in this report is included in the Conditions of Approval set out in *Schedule No. 1*.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist". No sustainability implications were identified.

SUMMARY

This is an application for a Development Permit to allow the construction of a dwelling unit and an accessory building on the subject property.

The applicant has submitted a site plan, building elevations and a Geotechnical Hazards Assessment prepared by a Geotechnical Engineer in support of the application. In staff's assessment, this proposal is consistent with the guidelines of the "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008" Hazard Lands Development Permit Area.

RECOMMENDATION

That Development Permit Application No. PL2010-223 to permit the construction of a dwelling unit and an accessory building be approved subject to the conditions outlined in *Schedules No. 1 to 3*.

Report Writer

Manager Concurrence

General Manager Concurrence

CAO Concurrence

**Schedule No. 1
Conditions of Approval
Development Permit Application No. PL2010-223**

The following conditions are to be completed as part of Development Permit No. PL2010-223:

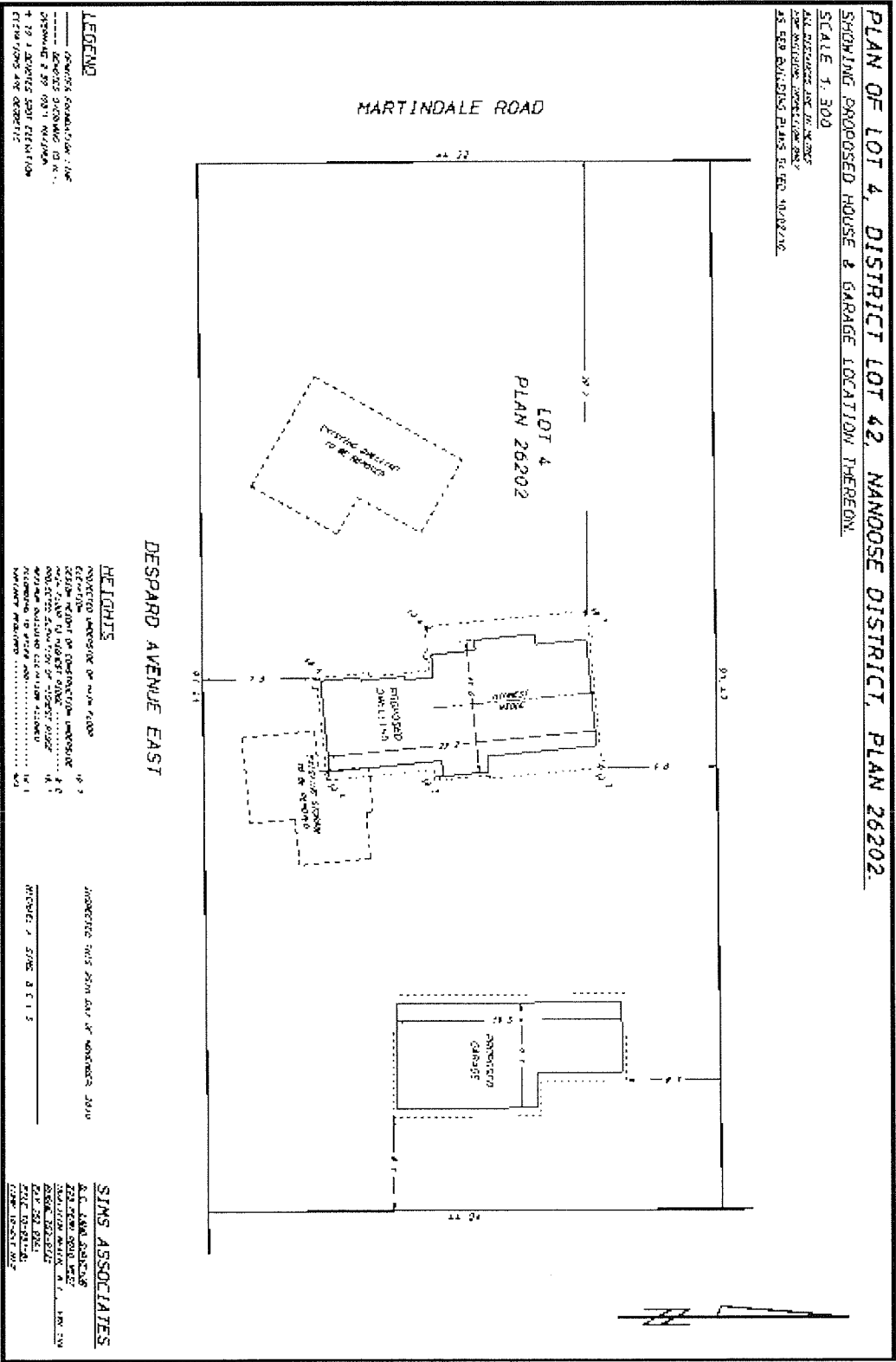
Proposed Construction/Development

1. The proposed buildings shall be sited in accordance with the Site Plan prepared by Sims Associates and dated November 25, 2010, attached as *Schedule No.2*.
2. The proposed buildings shall be constructed in general accordance with the elevation drawings prepared by Peter LaPorte, Alberni Design, Drafting and Construction and dated February, 2010 and attached as *Schedule No. 3*.

Geotechnical

1. The proposed buildings shall be constructed in accordance with the Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd. and dated March 26, 2010.
2. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 restrictive covenant containing the Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd. and dated March 26, 2010, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard.

Schedule 2
Site Plan



Part Schedule 3
 Proposed Building Elevations (1 of 3)

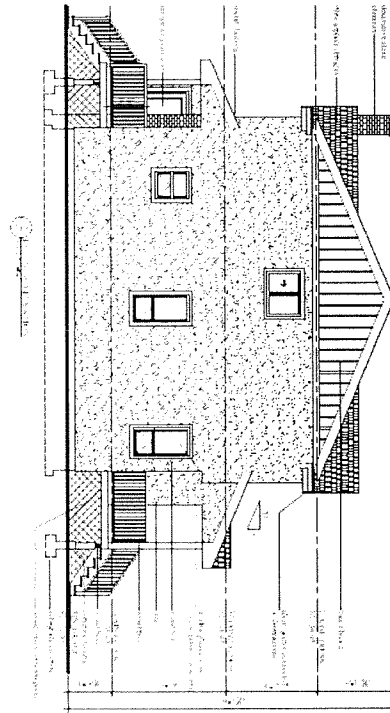
13 of 13
ELEVATIONS

PROPOSED SINGLE FAMILY RESIDENCE for
MR. JASON LOW & MRS. SHERYL LOW

4855 W. 10TH AVENUE, S.W. ALBUQUERQUE, NM 87105

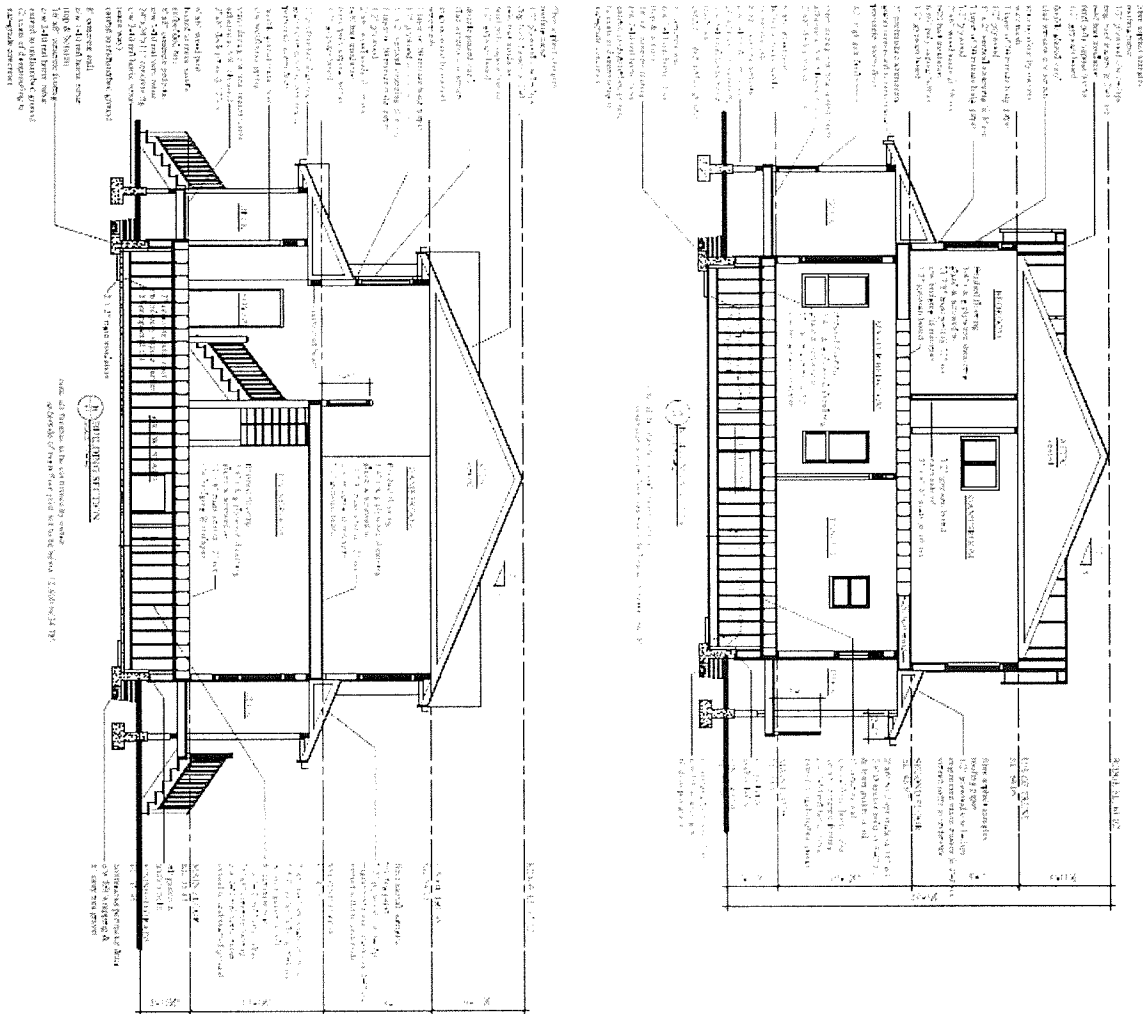
PARKVIEW LLC, INC.

**Part Schedule 3
 Proposed Building Elevations (2 of 3)**



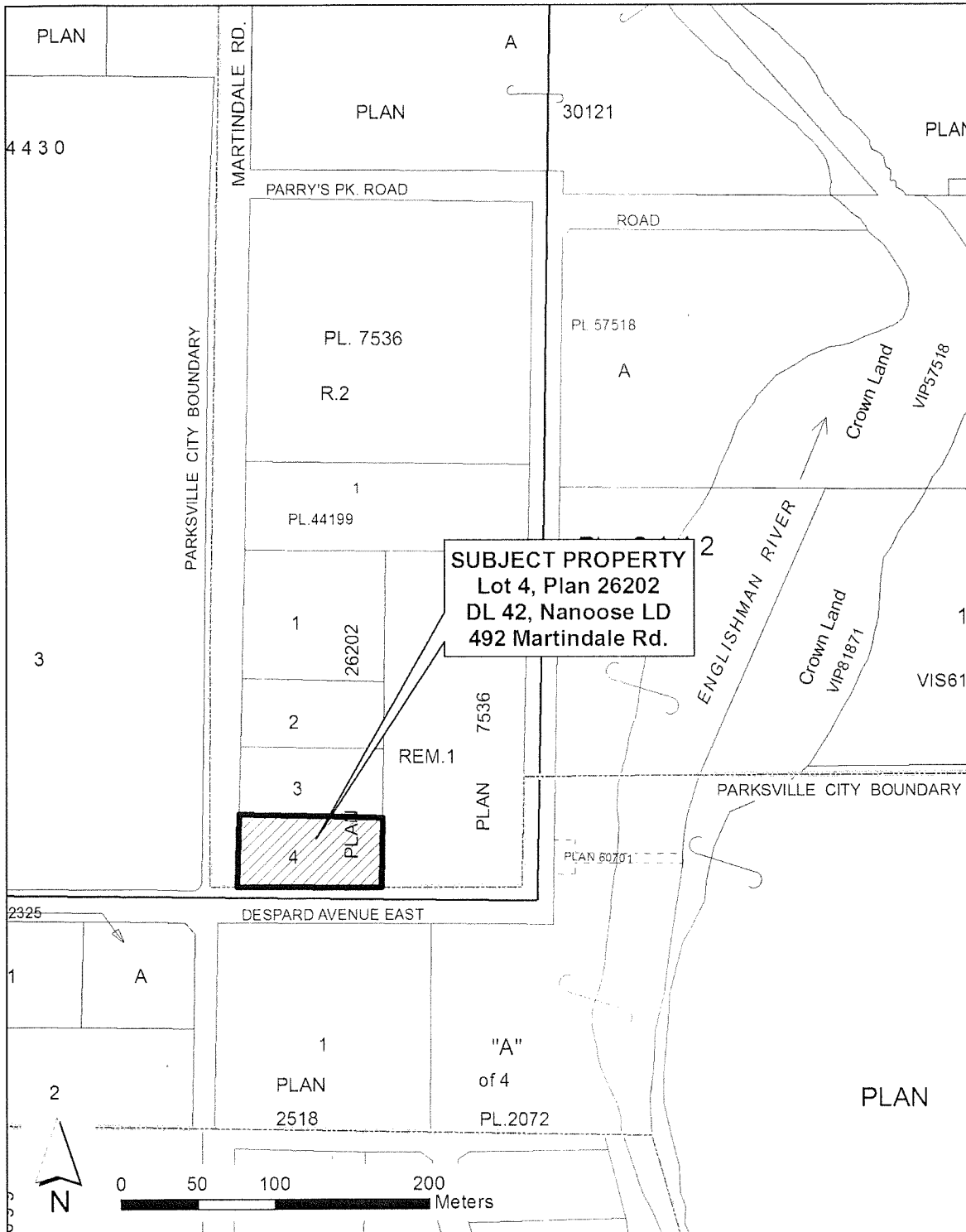
17 of 17 SHEET NO. DATE H.S.H. A.S. PROJECT	ELEVATIONS	PROPOSED SINGLE FAMILY RESIDENCE for MR. JASON LOW & MRS. SHERYL LOW 425 W. 10TH ST. - 1ST FL. EXHIBIT 11.01

Part Schedule 3
 Proposed Building Elevations (3 of 3)



<p>DATE: 03/07/11</p> <p>PROJECT: 113518</p> <p>PROJECT NO. 113518</p> <p>AS8 of 13</p>	<p>SECTION</p>	<p>PROPOSED SINGLE FAMILY RESIDENCE for MR. JASON LOW & MRS. SHERYL LOW</p> <p>400 W. BRUNNEN RD. S.W.</p> <p>PARKS-VILLAGE</p>
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Attachment No. 1 Location of Subject Property



BCGS MAPSHEET: 92F.039.2.1



EAP		
COW		
FEB 25 2011		
RHD		
BOARD		

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: February 18, 2011

FROM: Elaine Leung
Planner

FILE: PL2011-014

SUBJECT: **Development Permit with Variance Application No. PL2011-014**
Fern Road Consulting
Lot C, District Lot 22, Newcastle District, Plan VIP88349
Electoral Area 'H'

PURPOSE

To consider an application for a Development Permit with Variance, in conjunction with an eight lot subdivision.

BACKGROUND

The Regional District of Nanaimo has received a Development Permit with Variance application from Fern Road Consulting on behalf of Mahoe Properties (2002) Ltd. The subject property is surrounded by the Island Highway, Linx Road and an unconstructed road right-of-way (*see Attachment No. 1 for location of subject property*). The site is zoned Residential 6 (RS6) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."

In conjunction with a subdivision application to subdivide eight lots (PL2010-235), the applicant is requesting a variance in order to vary the minimum setbacks from a watercourse. The applicants have submitted a report prepared by a Qualified Environmental Professional (QEP) which has identified a small watercourse between proposed Lots 3 and 4, and has recommended a 10.0 metre Streamside Protection Enhancement Area (SPEA). The applicants wish to vary the watercourse setbacks in order to coincide with the submitted Riparian Areas Assessment Report.

The applicant has also provided further information from the QEP noting that any road upgrades within the watercourse on proposed Lot 4, including the replacement of the existing culvert, will require submission of a Notification under Section 9 of the *Water Act*.

Staff note that as part of a subdivision application for the parent parcel in 2009, as phase one of the subdivision application, the matter of park land dedication has been satisfied.

The subject property (*see Attachment No. 1*) is subject to the Fish Habitat Protection Development Permit Area (DPA) pursuant to "Regional District of Nanaimo Area 'H' Official Community Plan Bylaw No. 1335, 2005:"

Proposed Variance

The applicant proposes to vary minimum setbacks from a watercourse by varying Section 3.3.8 from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," as follows:

- *General Regulations – Setbacks – Water:* By varying the minimum setback from 15.0 metres to 10.0 metres horizontal distance from the natural boundary.

ALTERNATIVES

1. To approve the Development Permit with Variance No. PL2011-014 as requested.
2. To deny the Development Permit with Variance No. PL2011-014.

LAND USE AND DEVELOPMENT IMPLICATIONS

The applicant is requesting a variance in order to reduce the watercourse setback to comply with the recommended SPEA. The Fish Habitat Protection DPA is defined as 30.0 metres as measured from the top of the bank. However, the applicant has submitted an assessment report prepared by a QEP in accordance with the requirements of the Riparian Areas Regulations (RAR), which has identified the SPEA for this watercourse to be 10.0 metres.

Sustainability Implications

The applicant has completed the “Sustainable Community Builder Checklist” as per Board policy. In Staff’s opinion there are no sustainability implications resulting from this proposal.

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 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/CONCLUSIONS

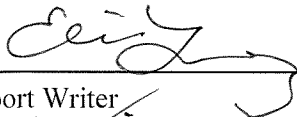
This is an application for a Development Permit with Variance to vary the minimum setback from a watercourse from 15.0 metres from the natural boundary to 10.0 metres.

Given that the application is consistent with the applicable Development Permit Guidelines and that the Qualified Environmental Professional has identified 10.0 metres as an appropriate setbacks, Staff recommend approval of the Development Permit with Variance.

RECOMMENDATION

That;


1. Staff be directed to complete the required notification and;
2. The Development Permit with Variance No. PL2011-014 to be approved subject to the conditions outlined in Schedules No. 1-2.




Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

Schedule No. 1
Terms of Development Permit with Variance No. PL2011-014

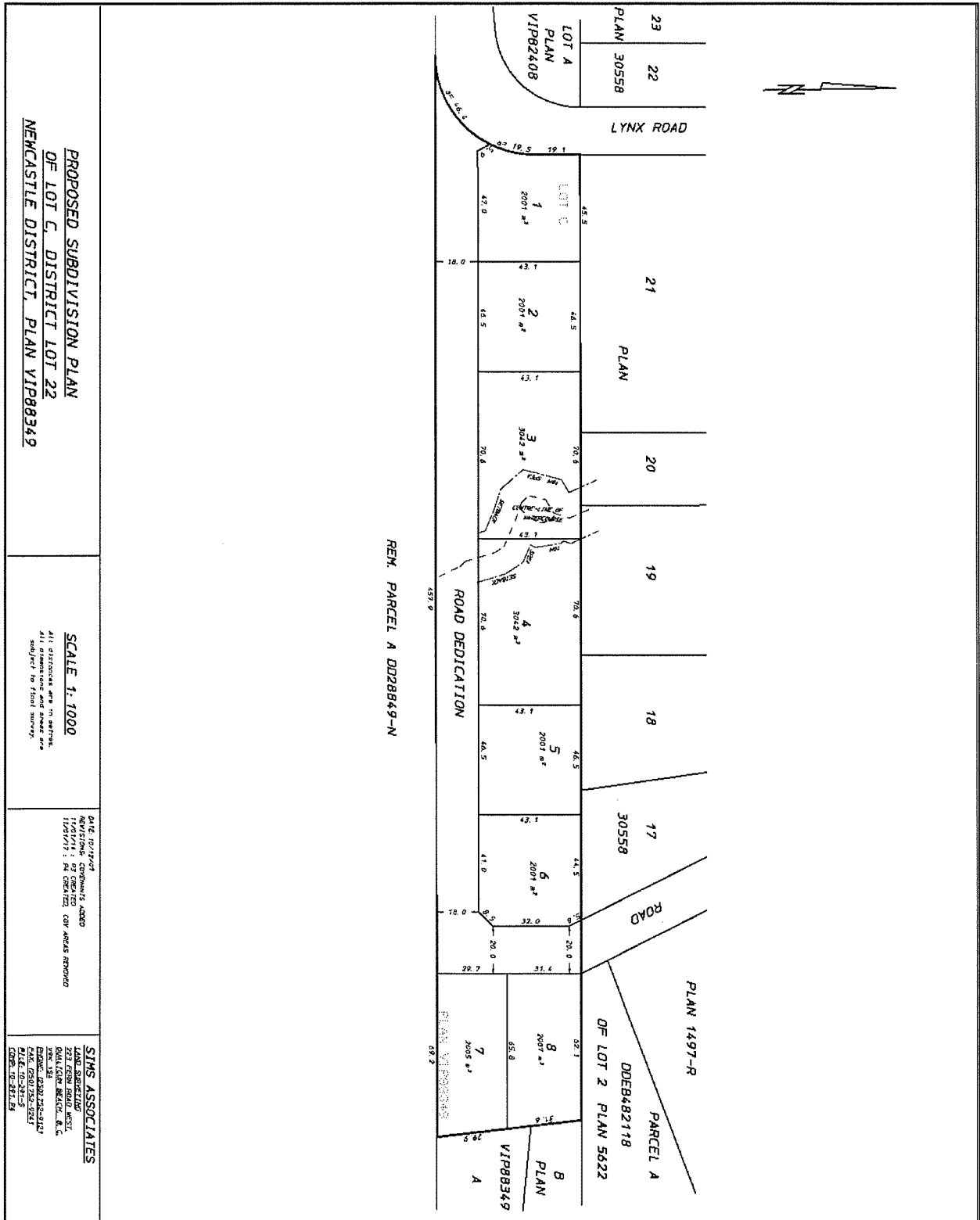
The following sets out the terms of Development Permit with Variance No. PL2011-014:

Bylaw No. 500, 1987 – Requested Variance

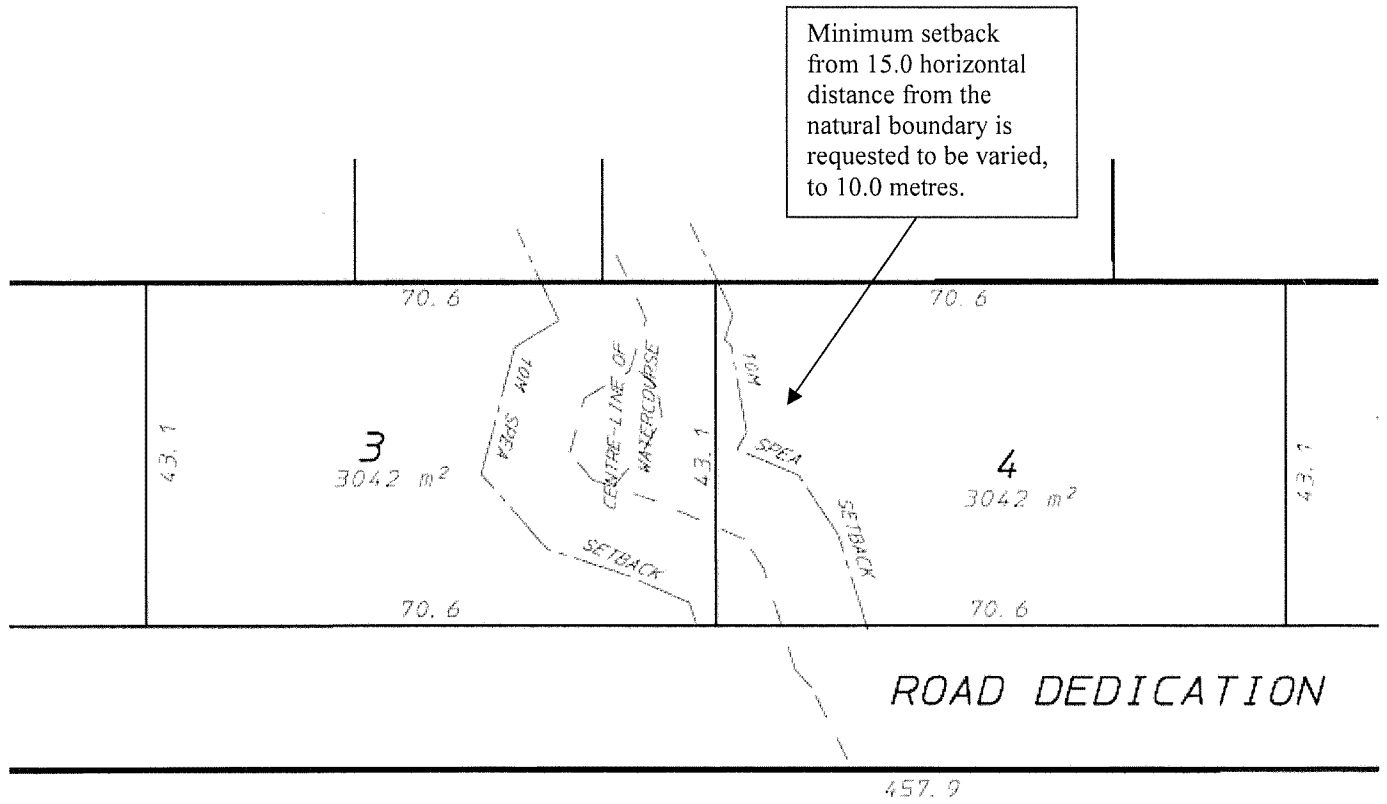
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” is varied as follows:

1. **Section 3.3.8 General Regulations; Setbacks – Water** is hereby varied by reducing the minimum setback from 15.0 metres horizontal distance from the natural boundary, to 10.0 metres, as shown on *Schedule No. 2*.

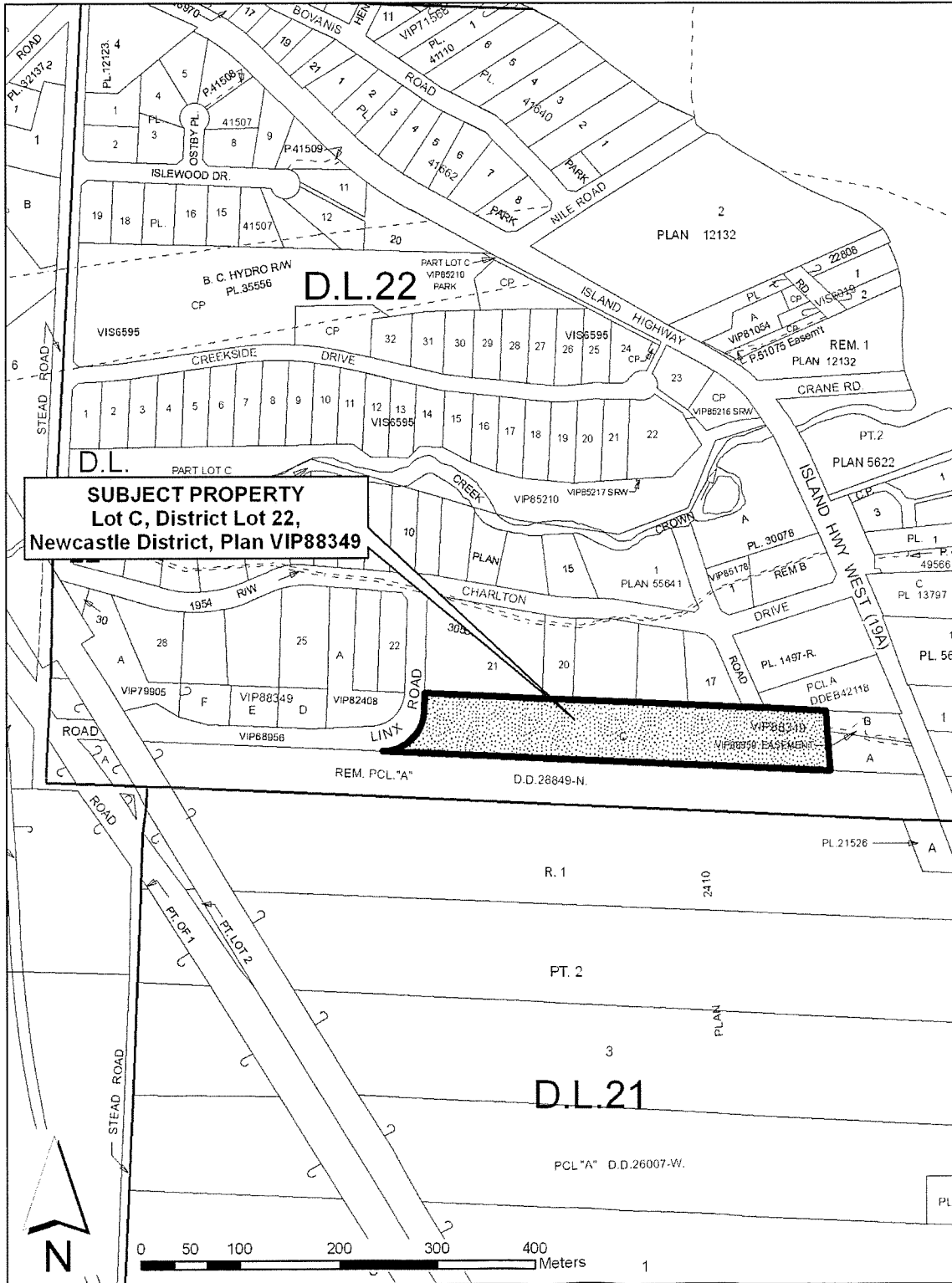
**Schedule No. 2
 Site Plan**



Detailed Site Plan



Attachment No. 1
Location of Subject Property





RDN REPORT		
CAO APPROVAL <i>[Signature]</i>		
EAP	✓	Feb 8 '11
COW		
FEB 28 2011		
RHD		
BOARD		

MEMORANDUM

TO: Dale Lindsay
Manager, Current Planning

DATE: February 25, 2011

FROM: Elaine Leung
Planner

FILE: PL2009-805

SUBJECT: Amendment to Development Variance Permit Application PL2009-805
Fern Road Consulting Ltd.
Lot D, District Lot 22, Newcastle District, Plan VIP88349
Electoral Area 'H'

PURPOSE

To consider an amendment to a Development Variance Permit application to reduce minimum setbacks to a watercourse.

BACKGROUND

The Regional District of Nanaimo has received an application to amend an existing Variance Permit from Fern Road Consulting. The Board may recall this application which was presented at a special scheduled meeting in October 2010. The applicants proposed to reduce the setback from a watercourse identified on proposed Lot D, from 9.0 metres to 5.0 metres, to coincide with a submitted Riparian Area Assessment Report. However, due to concerns from an adjacent neighbor concerning run-off as a result of works related to the subdivision, the Board referred the application back to Staff.

The applicant had previously submitted an assessment report prepared by a Qualified Environmental Professional (QEP) in accordance with the requirements of the *Riparian Area Regulation (RAR)*. The QEP identified the watercourse on Proposed Lot D as a 'ditch' and has recommended a 5.0 metre SPEA setback from the centerline of the watercourse.

The applicant subsequently submitted an additional report prepared by the QEP identifying mitigation measures to prevent run-off during development of the property from entering the watercourse.

Proposed Variance

The applicant proposes to vary minimum setbacks from a watercourse by varying Section 3.3.8 from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," as follows:

- *General Regulations – Setbacks – Water:* By varying the minimum setback from 9.0 metres horizontal distance from the top of the slope, to 5.0 metres from the centreline of the watercourse.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2009-805 amendment as requested.
2. To deny the Development Variance Permit No. PL2009-805 amendment.

LAND USE AND DEVELOPMENT IMPLICATIONS

The applicant is requesting a Development Permit with Variance Application in order to have the watercourse setbacks comply with the recommended SPEA. The Fish Habitat Protection DPA is defined as 30.0 meters as measured from the top of the bank. However, the applicant submitted an Assessment report prepared by a Qualified Environmental Professional (QEP) in accordance with the requirements of the *Riparian Area Regulation* (RAR). The QEP has identified the watercourse on Proposed Lot D as a 'ditch' and has recommended a 5.0 metre SPEA setback from the centerline of the watercourse.

Due to concerns from an adjacent neighbour regarding run-off, an on site meeting was held with the neighbour, the agent for the applicant, and staff. The existing drainage ditch empties into a small pond on the neighbour's lands which in turn flows north through other properties. The owner of the pond has raised concerns with respect to siltation of the pond, and indicated that as a result of previous on site works, run-off had entered into the pond.

The owner of Lot D has indicated that he wishes to keep the ditch at its present location and vary the setback. As a result, the applicants submitted an additional report prepared by the QEP. The report has identified mitigation measures, such as silt fencing or installing straw bales, to prevent run-off during development of the property from entering the ditch and downstream properties.

SUSTAINABILITY IMPLICATIONS

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist". No sustainability implications were identified as a result of the proposed development.

PUBLIC CONSULTATION IMPLICATIONS

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 amended variance, prior to the Board's consideration of the application.

SUMMARY

This is an amendment application for a Development Variance Permit to vary the minimum setback from a watercourse from 9.0 metres horizontal from the top of the slope, to 5.0 metres from the centreline. Given the Qualified Environmental Professional has identified 5.0 metres as an appropriate setback, as well as outlined measures to prevent run-off during development of the property, staff recommends approval of the variance and the amended Development Variance Permit.

RECOMMENDATION

That:

1. Staff be directed to complete the required notification, and
2. The amendment to Development Variance Permit Application No. PL2009-805 be approved.

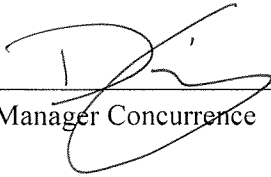
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence



Schedule No. 1
Amended Terms/Development Variance Permit No. PL2009-805

The following sets out the terms of Development Permit No. PL2009-805:

Bylaw No. 500, 1987 – Requested Variance

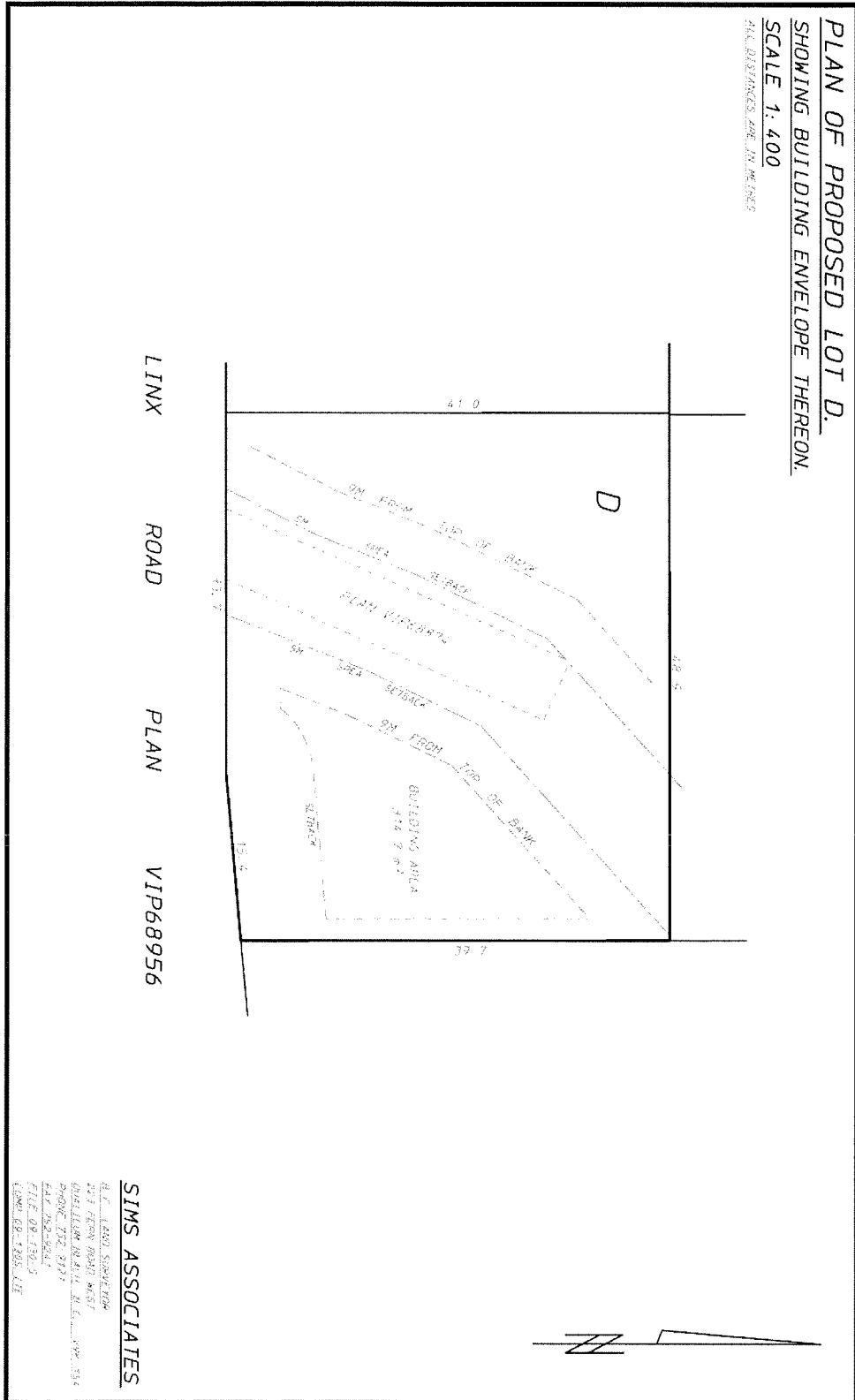
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

1. **Section 3.3.8 General Regulations; Setbacks – Water** is hereby varied by reducing the minimum setback from a 9.0 metres horizontal distance from the top of the slope, to 5.0 metres from the centreline of the watercourse.

Conditions of Approval:

1. Development on the subject property shall be in accordance with the Run-Off Mitigation Report, prepared by Toth and Associates Environmental Service, dated January 28, 2011.

**Attachment No. 1
 Site Plan**



Attachment No. 1
Location of Subject Property

