

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, NOVEMBER 13, 2007

6:00 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 3-4 Minutes from the meeting of the Electoral Area Planning Committee held October 9, 2007.

BUSINESS ARISING FROM THE MINUTES

UNFINISHED BUSINESS

PLANNING

AMENDMENT APPLICATIONS

- Zoning Amendment Application No. ZA0504 – Canuck Properties Ltd. – Northwest Bay Road & Powder Point Road – Area ‘E’. (to be circulated)
- 5-11 Zoning Amendment Application No. ZA0710 – Williamson & Associates on behalf of R. & L. Bevis – Kilpatrick Road – Area ‘C’.
- 12-20 Zoning Amendment Application No. ZA0711 – Timberlake-Jones Engineering Ltd., on behalf of 609188 BC Ltd. – 820 Horne Lake Road – Area ‘H’.

DEVELOPMENT PERMIT APPLICATIONS

- 21-26 Development Permit Application No. 60662 – L. Ogloff & J. Thevarge – Jamieson & Palm Pacific Roads – Area ‘H’.
- 27-47 Development Permit Application No. 60736 – R. & J. Vanderwel – 5091 Shoreline Drive – Area ‘H’.
- 48-53 Development Permit Application No. 60738 – J. Wilson – 673 Imperial Drive – Area ‘G’.

54-60 Development Permit Application No. 60739 – Hans Stussi on behalf of Novation Enterprises Ltd. & S. Grand – Island Highway No. 19A & Welch Road – Area ‘H’.

Development Permit Application No. 60741 – Fern Road Consulting Ltd. on behalf of G. Redman – Clarke, Acton & Burbank Roads – Area ‘F’. (to be circulated)

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

61-68 Development Variance Permit Application No. 90714 – Fern Road Consulting Ltd. on behalf of Mayne – Lot 33, Amelia Crescent – Area ‘E’.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

IN CAMERA

ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, OCTOBER 9, 2007, AT 6:00 PM
IN THE RDN BOARD CHAMBERS

Present:

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

Also in Attendance:

M. Pearse	Senior Manager, Corporate Administration
P. Thorkelsson	General Manager, Development Services
P. Thompson	Manager, Long Range Planning
G. Garbutt	Manager, Current Planning
N. Tonn	Recording Secretary

DELEGATIONS

Chuck and Linda Addison, re Rezoning/OCP Amendment Application No. A00604 – 2610 Myles Lake Road – Area ‘C’.

Mr. and Mrs. Addison provided information with respect to their application which has been held in abeyance since November 2006. The property is zoned Resource presently, and the property owners asked the Board to reconsider their application which would include changing the property zoning to Rural Residential.

MINUTES

MOVED Director Stanhope, SECONDED Director Van Eynde, that the minutes of the Electoral Area Planning Committee meeting held September 11, 2007 be adopted.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60734 – Fern Road Consulting Ltd. on behalf of C. Redman and J. Prescott – Redman & Malcolm Roads – Area F.

MOVED Director Biggemann, SECONDED Director Young, that Development Permit Application No. 60734 submitted by Fern Road Consulting Ltd., on behalf of C Redman and J Prescott, in conjunction with the subdivision on the parcel legally described as the Northwest ¼ of Parcel A (DD4504-N) of Lot 9, Cameron District, Except Part in Plans 16020 and VIP55971 and designated within the Watercourse Protection Development Permit Area pursuant to OCP Bylaw No. 1152, 1999, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report and to the notification requirements pursuant to the *Local Government Act* with respect to the proposed variance.

CARRIED

OTHER

Terms of Reference – Electoral Area ‘A’ Official Community Plan Land Inventory.

MOVED Director Burnett, SECONDED Director Stanhope, that the proposed Terms of Reference attached as Schedule No. 1 be received and that staff be directed to proceed with the land inventory as proposed.

CARRIED

Proposed Board Policy – Expression of Parcel Area in Land Use Bylaws.

MOVED Director Stanhope, SECONDED Director Biggemann, that the Board of the Regional District of Nanaimo adopt the Board Policy attached to the corresponding staff report, to establish the General Survey Instruction Rules for Plan Deposits as the method to determine the expression of parcel areas in relevant Regional District of Nanaimo bylaws.

CARRIED

MOVED Director Stanhope, SECONDED Director Biggemann, that the Board of the Regional District of Nanaimo direct staff to proceed to include Interpretation Sections to adopt the General Survey Instruction Rules for Plan Deposits as the method to determine the expression of parcel areas in “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” and “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002”.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Rezoning/OCP Amendment Application No. AA00604 – 2610 Myles Lake Road – Area C.

MOVED Director Young, SECONDED Director Burnett, that the Electoral Area Planning Committee reconsider Application No. AA00604 and the motion stated in the Electoral Area Planning Committee’s minutes dated November 14, 2006 regarding the application.

MOVED Director Stanhope, SECONDED Director Biggemann, that the application be referred back to staff for a full report.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 6:37 PM

CHAIRPERSON



RDN REPORT	
CAO APPROVAL	
EAP	✓ NW.13th
COW	
NOV 06 2007	
RHD	
BOARD	

MEMORANDUM

TO: Geoff Garbutt
Manager, Current Planning

DATE: November 6, 2007

FROM: Susan Cormie
Senior Planner

FILE: 3360 30 0710

SUBJECT: ZA0710 – Williamson & Associates, on behalf of R & L Bevis
Electoral Area 'C' - Kilpatrick Road

PURPOSE

To consider an application to rezone property in the Jingle Pot area of Electoral Area 'C' in order to facilitate a 2-lot subdivision.

BACKGROUND

The Regional District has received an application to rezone a parcel in the Jingle Pot area of Electoral Area 'C' for the purposes of facilitating a 2-lot subdivision of the parent parcel with proposed parcels a minimum of 1.0 ha in size.

The subject property, which is 2.0 ha in size and legally described as Lot 1, Section 12, Range 4, Mountain District, Plan VIP63679, is currently zoned Rural 1 and is designated within Subdivision District 'D' (RU1D) (2.0 ha minimum parcel size with or without community services) 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 parent parcel currently supports 1 dwelling unit. The property borders Kilpatrick Road and a small portion of McGarrigle Creek crosses the north boundary. In addition, there is a small tributary watercourse crossing the eastern portion of the property which flows into McGarrigle Creek north of the property. The eastern portion of the property slopes down from Kilpatrick Road towards this tributary, but includes a flat area.

All the surrounding properties are rurally zoned parcels with the parcel to the north being designated within the provincial Agricultural Land Reserve.

The subject property is designated within the Fish Habitat Protection Development Permit Area for the purposes of protecting riparian areas within and adjacent to streams pursuant to the East Wellington-Pleasant Valley Official Community Plan Bylaw No. 1055, 1997 (OCP). As a result, this amendment application may be subject to a development permit, which may be considered concurrently with the amendment application.

The following charges are registered on title of the subject property:

- section 219 covenant restricting the removal of vegetation or placement of buildings within 22 metres of the natural boundary of McGarrigle Creek without prior permission of the Ministry of Environment;
- section 219 covenant for protection of development from flooding of McGarrigle Creek and other watercourses;
- section 219 covenant for restricting subdivision under section 996 of the *Municipal Act* (now the *Local Government Act*); and
- a statutory right-of-way for Terasen Gas.

Submitted Proposal

The applicant is proposing to create 2 minimum sized 1.0 ha parcels (*See Schedule No. 2 for proposed plan of subdivision*). In support of this amendment application the applicants' agent has supplied the following documentation in addition to the application form and standard information:

- Proposed plan of subdivision prepared by Williamson & Associates, BCLS;
- Site Quality Survey and Riparian Assessment prepared by Steve Toth & Associates Environmental Services, dated July 12, 2006;
- Septic Disposal Report prepared by Lewkowich Geotechnical Engineering Ltd. and dated March 15, 2007
- Well log for existing well;
- Completed Site Profile; and
- Completed Sustainable Community Builder Checklist.

The parcels are proposed to be serviced by individual on-site septic disposal systems and water wells.

The proposed parcels will be able to meet the minimum 10% perimeter frontage requirement pursuant to Section 944 of the *Local Government Act*; therefore there is no request for relaxation this requirement as part of this application.

ALTERNATIVES

1. To approve the application to rezone the subject property from Subdivision District 'D' to Subdivision District 'F' subject to the conditions outlined in Schedule No. 1 for 1st and 2nd reading and proceed to Public Hearing.
2. To deny the amendment application.

OFFICIAL COMMUNITY PLAN / DEVELOPMENT & ENVIRONMENTAL IMPLICATIONS

Official Community Plan Criteria Implications

The East Wellington – Pleasant Valley Official Community Plan, Bylaw No. 1055 (OCP) designates the parent parcel within the Rural Residential Land Use designation. The OCP has provisions for considering parcels for a minimum 1.0 ha parcel size provided a number of conditions can be met. In this case, the OCP Criteria No. a), b), c), and d) concerning appropriate zoning, minimum parcel size, and density will be able to be met if the amendment application proceeds.

Neighbourhood Character Criterion

With respect to Criterion No. e) concerning the character of surrounding lands, under the current Rural 1 zone, the parent parcel is permitted a maximum of 2 single dwelling units. Therefore, as the proposed zoning amendment would not increase the number of achievable dwelling units, this application is not expected to have a negative impact on the surrounding neighbourhood.

Environmental Criterion

With respect to Criterion No. e) concerning the environmental considerations, the applicant has provided a Riparian Assessment of the parent parcel which concludes a 17.5 metre Streamside Protection and Enhancement Area (SPEA) and a 10 metre SPEA for the ephemeral tributary. The section 219 covenant currently registered on title provides a 22 metre no build and no removal of vegetation for McGarrigle Creek which exceeds the SPEA. The Riparian Assessment states that there is an opportunity to improve the current fish and wildlife habitat conditions of the section of the ephemeral tributary crossing the parent parcel through channel restoration and creation of increased pool habitats which would improve

potential fish access, rearing habitat, and migration window and prevent the stream from flooding a section of the lower portion of the property during high flows. The applicants' agent has indicated that the applicant will carry out these stream works as part of the zoning amendment application. In order to ensure that these proposed works are completed, staff recommends that these works be included as a condition of approval constructed to the satisfaction of a Qualified Environmental Professional (QEP). The works will be required to be completed prior to consideration of adoption if the application proceeds. It is noted that if the applicant receives the required Provincial and Federal approvals concerning the stream enhancement works, these works will meet the exemption provisions of the development permit area and a development permit will not be required.

On-Site Servicing Criterion

With respect to Criterion No. f) concerning the on-site servicing, the applicant has provided a professional engineer's report stating that the property will be able to meet current septic disposal standards provided the specified stream enhancement works are completed to ensure minimum setbacks for septic disposal fields will be able to be met. With respect to provision of potable water, the applicants' agent has provided well log information concerning the existing drilled well. If the application proceeds, it is recommended that updated technical information concerning the quantity and quality of the existing well be submitted and the applicant drill a new well for the Proposed Lot B which will also be required to meet the current standard in terms of quantity and quality (*see Schedule No. 1 for Conditions of Approval*).

PUBLIC CONSULTATION IMPLICATIONS

In consultation with the Electoral Area Director a Public Information Meeting was not held for this application as the proposal is consistent with the direction and policies of the OCP.

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

INTERGOVERNMENTAL IMPLICATIONS

Initial referrals were forwarded to the Ministry of Transportation, the Vancouver Island Health Authority, and the Local Fire Chief. Comments received are as follows:

Ministry of Transportation – Ministry staff has indicated that they are satisfied that access and building site areas are achievable; but these comments are not to be construed as approval for subdivision.

Vancouver Island Health Authority (VIHA) – The health inspector has indicated he has no concerns with the proposal.

Local Fire Chief – The Planning Department, in consideration of fire safety issues, has been referring applications for rezoning or OCP amendments to local fire departments. As part of the formal referral process, the local fire official will be informed of proposed change in his area.

VOTING

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

SUMMARY

This is an amendment application to permit the creation of two minimum 1.0 ha sized parcels on property located in the Jingle Pot area of Electoral Area 'C'.

Pursuant to the development activated policies set out in the East Wellington Pleasant Valley OCP, the applicant will be able to meet these criteria subject to completion of the stream enhancement works as set out in the corresponding Riparian Assessment Report.

The subject property is designated within the Fish Habitat Protection Development Permit Area specifically for protection of McGarrigle Creek and an ephemeral tributary. The applicants' agent has submitted a riparian assessment which recommends stream enhancement works for the ephemeral tributary. These works are recommended to be included in the Conditions of Approval. It is noted that if the applicant receives the required Provincial and Federal approvals concerning the stream enhancement works, these works will meet the exemption provisions of the development permit area and a development permit will not be required.


With respect to provision of on-site services, the applicants' agent has provided a report prepared by a professional engineer that addresses the suitability of septic disposal and a water log report for the existing well. As part of the conditions of approval and to meet the OCP criteria, it is recommended that the applicants be required to provide proof of potable water for both proposed parcels. With respect to septic disposal, conditions include proof of acceptance from the Vancouver Island Health Authority and confirmation that the proposed stream enhance enhancement works will provide sufficient areas for establishing septic disposal fields on each proposed parcel.

Initial referrals were sent to the Ministry of Transportation which indicated they have no issues with the proposed application and the Vancouver Island Health Authority which indicated that it will support the proposed application.

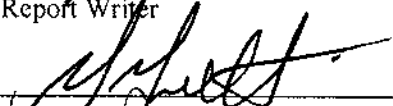
Given that the proposal fits the rural character of the neighbourhood, that the applicants are in concurrence to provide the stream enhancement works, confirmation of on-site services in order to meet the criteria as set out in the applicable OCP policy, staff supports Alternative No. 1, to approve the amendment application subject to the conditions set out in Schedule No. 1, for 1st and 2nd reading and to proceed to public hearing.

RECOMMENDATIONS

1. That Zoning Amendment Application No. ZA0710 as submitted by Williamson & Associates Professional Surveyors, on behalf of R & L Bevis to rezone Lot 1, Section 12, Range 4, Mountain District, Plan VIP63679, Subdivision District 'D' to Subdivision District 'F' be approved to proceed to public hearing subject to the conditions included in Schedule No. 1.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.344, 2007" be given 1st and 2nd reading.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.344, 2007" proceed to public hearing.
4. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.344, 2007" be delegated to Director Young or her alternate.



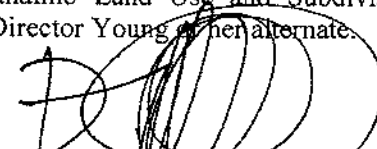
Report Writer




Manager Concurrence

COMMENTS:

devsvs/reports/2007/nol/za 3360 30 0710 Williamson Bevis 1st and 2nd PH



General Manager Concurrence



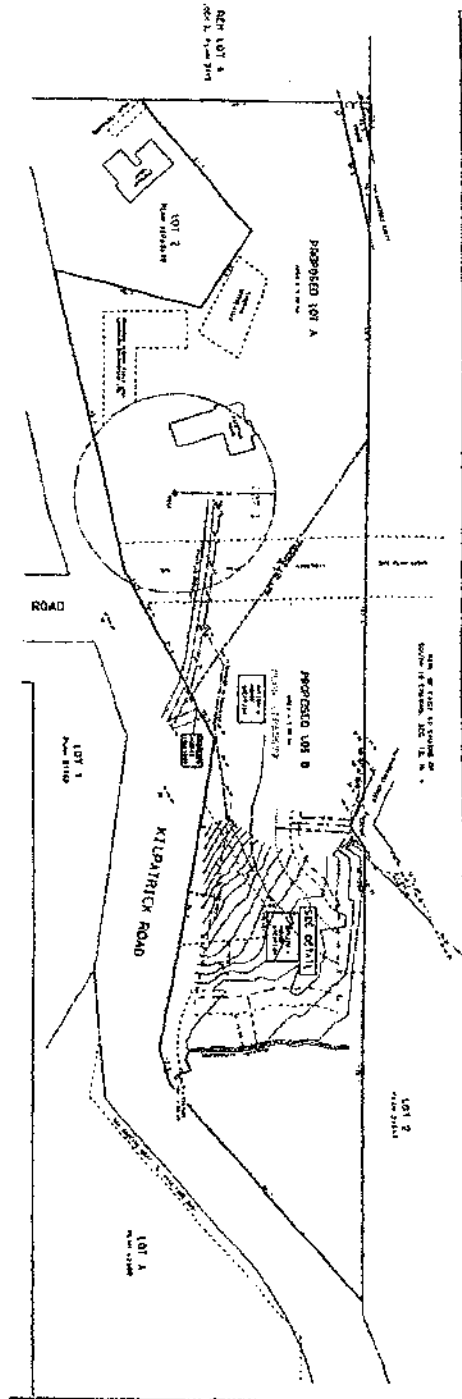
CAO Concurrence

Schedule No. 1
Zoning Amendment Application No. ZA0710
Conditions of Approval

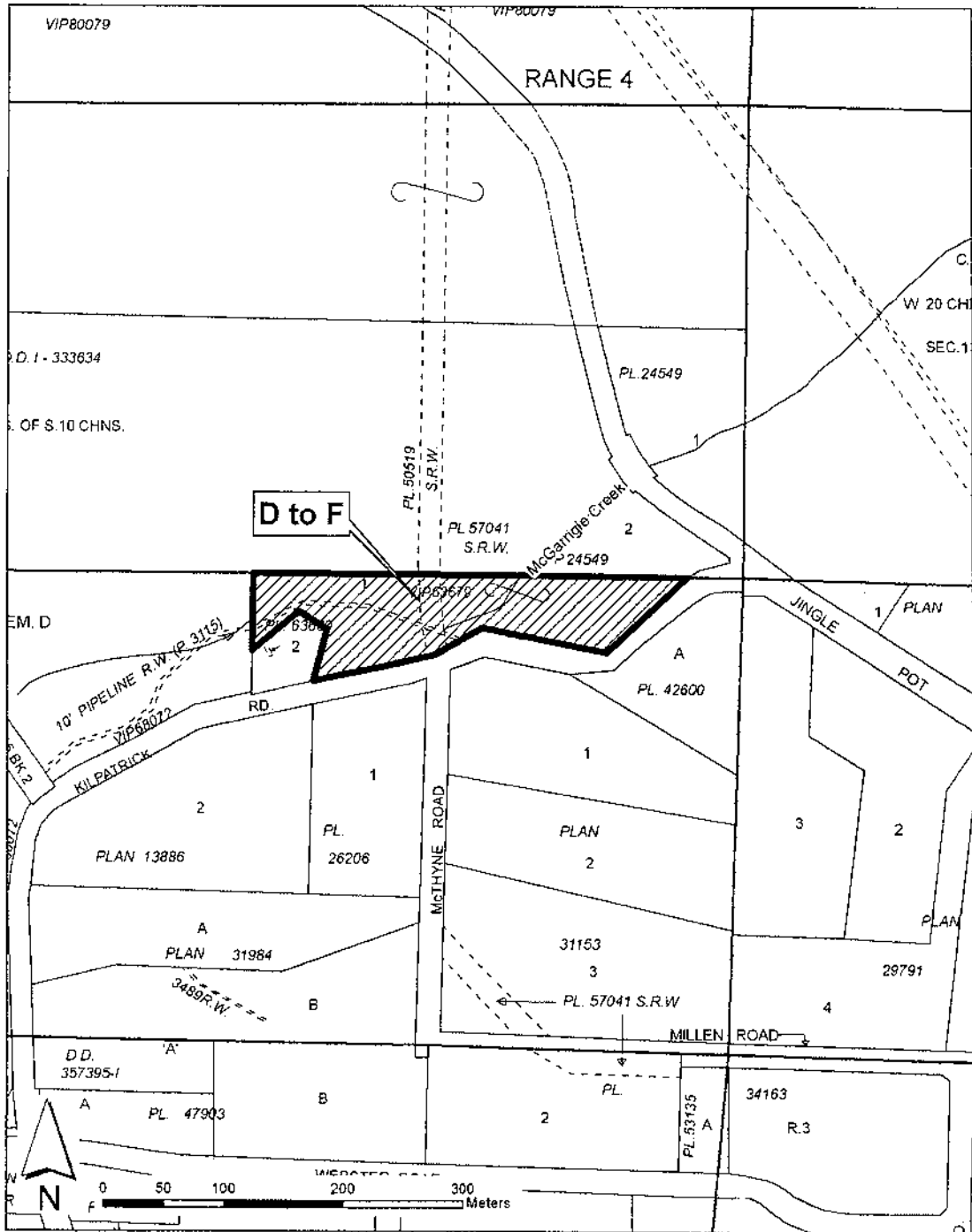
The following sets out the conditions of approval in conjunction with ZA0710:

1. Professional engineer's report certifying that for proposed Lot B, as shown on Schedule No. 2 (Proposed Plan of Subdivision prepared by Williamson & Associates, BCLS and dated Sept 12, 07), a drilled water well is constructed which, at a minimum, has a year round potable water supply in the amount of 3.5 m³ per day and that the water supply meets the minimum Canadian Drinking Water Standards in terms of quality. Proof shall include the drilled well be constructed as per the current well regulations and pump tested and certified, including wellhead protection. This report must be acceptable to the Regional District.
2. Professional engineer's report certifying that for proposed Lot A, as shown on Schedule No. 2 (Proposed Plan of Subdivision prepared by Williamson & Associates, BCLS and dated Sept 12, 07), the existing well has a year round potable water supply in the amount of 3.5 m³ per day and that the water supply meets the minimum Canadian Drinking Water Standards in terms of quality. Proof shall include the drilled well has been constructed as per the current well regulations and pump tested and certified, including wellhead protection. This report must be acceptable to the Regional District.
3. Applicant to provide confirmation that provision of septic disposal has been met to the satisfaction of the Vancouver Island Health Authority.
4. Applicant is complete the stream enhancement works as set out in the Riparian Assessment Report prepared by Toth and Associates Environmental Services and dated July 12, 2006 to the satisfaction of a Qualified Environmental Professional (QEP). Written completion of these works is to be submitted to the Regional District of Nanaimo by the QEP. Applicant to ensure that all required Provincial and Federal approvals concerning the stream enhancement works are in place prior to commencing works. If approvals are not in place, applicant is to obtain a development permit prior to proceeding.

Schedule No. 2
Zoning Amendment Application No. 0710
Proposed Plan of Subdivision
(as submitted by applicant / reduced for convenience)



Attachment No. 1
Zoning Amendment Application No. 0710
Location of Subject Property



BCGS MAPSHEET NO. 92F.020 4.2



RDN REPORT	
CAO APPROVAL	
EAP	✓ NOV. 13TH
COW	
NOV 06 2007	
RHD	
BOARD	

MEMORANDUM

TO: Geoff Garbutt
Manager, Current Planning

DATE: November 5, 2007

FROM: Susan Cormie
Senior Planner

FILE: 3360 30 0711

SUBJECT: Zoning Amendment Application No. ZA0711 – Timberlake-Jones Engineering Ltd., on behalf of 609188 BC Ltd.
Electoral Area 'H' – 820 Horne Lake Road, Spider Lake Area

PURPOSE

To consider an application to rezone property in the Spider Lake area of Electoral Area 'H' in order to facilitate a 7-lot subdivision.

BACKGROUND

The Regional District has received an application to rezone a parcel in the Spider Lake area of Electoral Area 'H' to allow the subdivision of the parent parcel to create 7 parcels a minimum of 2.0 ha in size.

The subject property, located at 820 Horne Lake Road is 14.77 ha in size and legally described as Lot 2, Block 347, Newcastle District, Plan 33670, is currently split zoned Industrial 5 and Rural 1 and is situated within Subdivision District 'B' (8.0 ha minimum parcel size) 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 subject property is relatively flat with a gentle to moderate topography that slopes towards the north and northwest. The parcel currently supports 1 dwelling unit. In addition, the property until recently supported an industrial auto wrecking yard approximately 2.0 ha in size. There is a dug pond located entirely within the parcel. The balance of the parent parcel is heavy forested.

Surrounding land uses include Rural zoned parcels to the north; Horne Lake Road and Rural zoned property to the east; an unnamed dedicated road and Rural zoned property to the south; and Resource Management zoned property to the west.

The subject property is designated within the following development permit areas pursuant to the Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003 (OCP):

- The Environmentally Sensitive Areas Development Permit Area specifically for the protection of the aquifer; and
- The Fish Habitat Protection Development Permit Area for the purposes of protecting riparian areas within and adjacent to streams.

Therefore, this amendment application is subject to a development permit, which may be considered concurrently with the amendment application.

Submitted Proposal

The applicant is proposing to create 7 minimum sized 2.0 ha parcels (*See Schedule No. 2 for proposed plan of subdivision*). In support of this amendment application the applicant's agent has supplied the following documentation:

- Proposed plan of subdivision;
- Hydrogeological Assessment prepared by EBA Engineering Ltd., dated July 7, 2006;
- Stage 1 preliminary Site Investigation prepared by EBA Engineering;
- Stage 2 Environmental Assessment prepared by Next Environmental Inc.;
- Sustainable Community Builder Checklist; and
- Letter concerning applicable criteria from OCP's Development Guideline Criteria.

The parcels are proposed to be serviced by individual on-site septic disposal systems and water wells.

The proposed parcels will be able to meet the minimum 10% perimeter frontage requirement pursuant to Section 944 of the *Local Government Act*, therefore there is no request for relaxation this requirement as part of this application.

Official Community Plan Policy No. 5.4.4

Pursuant to the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" (OCP), the subject property is designated within the Rural Lands Designation. Policy No. 5.3.4 allows for the consideration of applications to rezone to a minimum permitted parcel size of 2.0 ha where the proposal meets the following criteria:

- a) One dwelling unit per parcel;
- b) Bare Land Strata subdivision shall not be permitted;
- c) No frontage relaxation required;
- d) No further road dedication to accommodate parcel frontage or additional parcels (verified as of the date of adoption of this Plan); and,
- e) Provision of a comprehensive plan for subdivision of the area being rezoned with a report from a recognized professional with geotechnical and geohydraulic experience indicating an assessment of the environmental suitability of the subdivision that is accepted by the RDN, Water, Land and Air Protection, and the Environmental Health Officer.

The Electoral Area Planning Committee may recall that there have been several zoning amendment applications in the Spider Lake area considered by the Board which included conditions to register covenants on title in order to meet the criteria of the OCP.

ALTERNATIVES

1. To approve the application to rezone the subject property from Industrial 5 Subdivision District 'B' (IN5B) to Rural 1 Subdivision District 'D' (RUID) subject to the conditions outlined in Schedules No. 1 and 2.
2. To deny the amendment application.

OFFICIAL COMMUNITY PLAN / DEVELOPMENT IMPLICATIONS

On-Site Servicing

Approval of this zoning amendment application to reduce the minimum parcel size from 8.0 ha to a minimum of 2.0 ha which will result in a total of 7 parcels including the remainder parcel. The applicant has supplied a report considering the availability of potable water and septic disposal conditions. It is

noted that proof of potable water and septic disposal are requirements of subdivision and are subject to the approval of the Regional Approving Officer through the subdivision approval process.

Official Community Plan Criteria Implications

With respect to the OCP criteria No. 3a), b), and c) concerning a maximum of one dwelling unit per parcel; no Bare Land Strata subdivision permitted and no frontage relaxation permitted. The applicant's agent has indicated in writing that the applicant is in concurrence to register a Section 219 covenant on title of proposed parcels restricting these criteria concurrently with the plan of subdivision. The registration of this covenant will be required to be completed prior to consideration of adoption if the application proceeds.

With respect to OCP Criterion No. d) concerning additional dedication of road to serve the proposed subdivision, no additional road is proposed to be dedicated; therefore the criterion can be met.

With respect to OCP Criterion No. e) concerning the protection of the aquifer; in this case, the applicant is in concurrence to register the submitted hydrogeological report on title, which cites that there is a high potential to supply adequate water for residential purposes to the proposed parcels. The report also recommends that a professional hydrologist be retained during the development of the lots to make recommendations pertaining to the appropriate well head and aquifer protection, and to collect and compile information pertaining to the new wells to improve the understanding of the resource and to allow for future responsible management of these valuable aquifers.

With respect to the proposal to rezone the Industrial portion of the parent parcel, while the OCP recognizes this use, it does not support expansion of industrial areas and in fact indicates a Rural Land Use designation. Therefore, the OCP supports the elimination of this industrial use.

Development Guidelines Criteria / Community Values Statement

With respect to the Development Guidelines Criteria as set out in the OCP, the applicants have provided that the applicable criteria outlined in the Community Values Statement will be able to be met.

BUILDING SERVICES IMPLICATIONS

With the recent request for inclusion into a Building Services Area concerning properties in the Nile Creek neighbourhood of Electoral Area 'H', staff confirmed with the applicants' agent, that the applicants are in concurrence to include the parent parcel within a Building Services Area.

ENVIRONMENTALLY SENSITIVE AREAS IMPLICATIONS

With respect to watercourses located within and adjacent to the parent parcel, the applicant's professional engineer has provided that no streams pass through the parent parcel and are adjacent to the parcel. With respect to the pond located within the parent parcel, the applicant's professional engineer has provided that no streams lead to or from the pond; therefore the pond does not contribute to fish bearing waters. This is confirmed by the Environmentally Sensitive Areas Atlas, which indicates there are no environmentally sensitive features within the parent parcel. Therefore, this application will meet the exemption provisions as set out in the Fish Habitat Development Permit Area.

With respect to the Environmentally Sensitive Areas Development Permit Area for the protection of the aquifer, the applicant is in concurrence to register the submitted EBA hydrogeological report on title. This report provides recommendations concerning well development and the protection of the aquifer. In addition, the applicant is in concurrence with the condition to enter into a development permit as outlined

in Schedule No. 1 and will submit an application for a development permit if the zoning amendment proceeds. The development permit would run concurrently with the amendment application.

With respect to the Stage 1 Preliminary Site Investigation and Stage 2 Environmental Assessment Reports which concern the previous industrial use of the parent parcel, the reports conclude that no identified contaminants of concern were found and that no further investigation is necessary.

PUBLIC CONSULTATION IMPLICATIONS

A Public Information Meeting concerning this application was held on November 1, 2007, the minutes of which are attached to this report (*see Attachment No. 2*). There were no comments or questions received that were applicable to this amendment application.

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

INTERGOVERNMENTAL IMPLICATIONS

Ministry of Transportation – Ministry staff has indicated that the Ministry has no objection to this application, but this is not to be construed as approval of subdivision.

Vancouver Island Health Authority (VIHA) – The health inspector has yet to provide written response to the initial referral, but it is noted that with other amendment applications in the Spider Lake area, the health inspector has indicated that the soils in the Spider Lake area provide good percolation and filtration.

Local Fire Chief – The Planning Department, in consideration of fire safety issues, has been referring applications for rezoning or OCP amendments to local fire departments. As part of the formal referral process, the local fire official will be informed of proposed change in his area.

VOTING

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

SUMMARY

This report concerns an application to amend Bylaw No. 500, 1987 to allow rural residential uses and permit the subdivision of property located in the Spider Lake area of Electoral Area 'H'.

In keeping with the direction of the OCP, staff recommends a section 219 covenant be registered on the title of the property to restrict any further subdivision, including subdivision pursuant to the *Strata Property Act*, restrict the number of dwelling units per parcel to 1; and restrict any road dedication or minimum 10% frontage relaxations to accommodate the future subdivision in order to address the OCP criteria. The applicants' agent has indicated the applicants are in concurrence with this condition. These recommended Conditions of Approval are outlined in *Schedule No. 1* of the staff report.

The subject property, pursuant to the Electoral Area 'H' OCP, is designated within the Environmentally Sensitive Features Development Permit Area specifically for protection of the aquifer. With respect to the aquifer, the applicant has provided a report prepared by a professional engineer that addresses the availability of potable water for the proposed lots and assurances that the new wells are not expected to adversely impact existing surrounding wells. Proof of potable water is reviewed by the Approving Officer through the subdivision process. Septic disposal is also noted in this assessment that the septic systems are to be built to current standard. Staff recommends that the applicant provide confirmation from the

Vancouver Island Health Authority (VIHA) that the septic disposal areas have been approved by VIHA prior to consideration of fourth reading if this application proceeds.

With respect to the former industrial use of the property, the related findings are that no identified contaminants of concern were found and that no further investigation is necessary.


Ministry of Transportation staff has indicated they have no issues with the proposed application. Although the Vancouver Island Health Authority has yet to respond to the initial referral, it is noted that with other amendment applications in the Spider Lake area, the health inspector has indicated that the soils in the Spider Lake area provide good percolation and filtration.

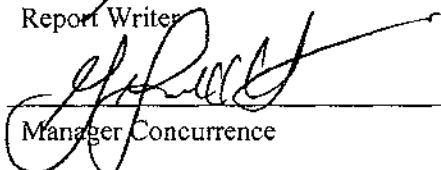
The applicants' agent has indicated that the applicants are in concurrence to include the parent parcel as a Building Services Area.

Given that the application is consistent with the OCP policies concerning the industrial zoned portion of the property; that the applicants are in concurrence to provide covenants as set out in the OCP criteria, enter into a development permit as part of the amendment process, and have the parent parcel included in a Building Services Area; and as the proposal is in keeping with the rural character of the Spider Lake neighbourhood, staff supports Alternative No. 1, to approve the amendment application subject to the conditions set out in Schedule No. 1, for 1st and 2nd reading and to proceed to public hearing.


RECOMMENDATIONS

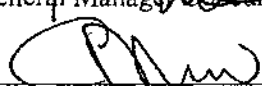
1. That Zoning Amendment Application No. ZA0711 as submitted by Timberlake-Jones Engineering, on behalf of 609188 BC Ltd. to rezone Lot 2, Block 347, Newcastle District, Plan 33670 from Industrial 5 Subdivision District 'B' (IN5B) to Rural 1 Subdivision District D (RUID) be approved to proceed to public hearing subject to the conditions included in Schedule No. 1.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.345, 2007" be given 1st and 2nd reading.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.345, 2007" proceed to public hearing.
4. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.345, 2007" be delegated to Director Bartram or his alternate.
5. That staff be directed to prepare required amendments to "Regional District of Nanaimo Building Inspection Extended Service Establishment Bylaw No. 787, 1989" to include the parent parcel within a Building Inspection Service area.



Report Writer


Manager Concurrence



General Manager Concurrence


CAO Concurrence

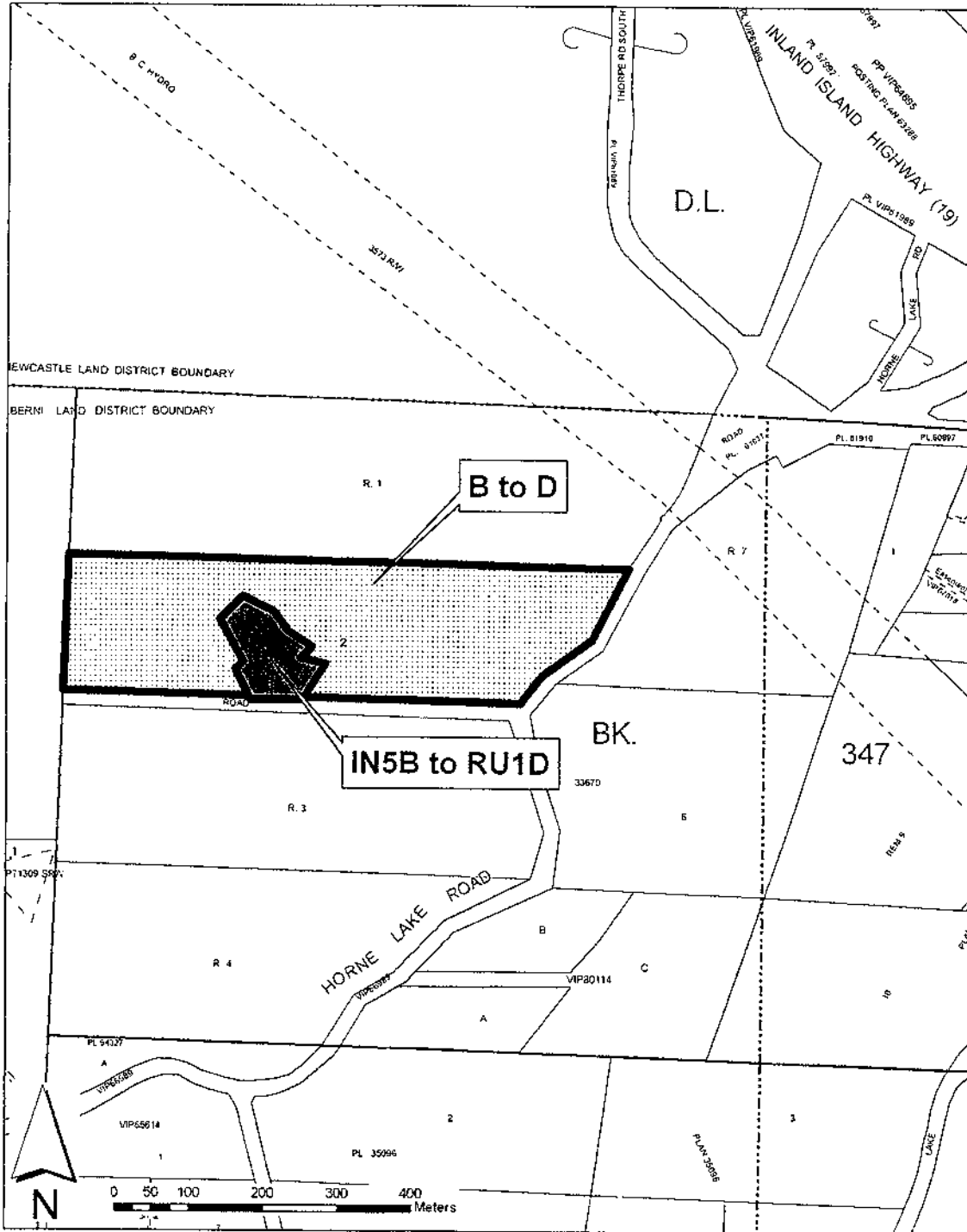
COMMENTS:
devsvs/reports/2007/no/za 3360 30 0711 Timberlake Jones 1st and 2nd PH

**Schedule No. 1
Zoning Amendment Application No. ZA0711
Conditions of Approval**

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

1. All covenants are to be prepared and registered by the applicant to the satisfaction of the Regional District prior to consideration of 4th reading. Draft covenant documents are to be forwarded to the RDN for review prior to registration at Land Title Office, Victoria, BC. For all proposed parcels, the following section 219 covenants shall be registered on title:
 - a) A section 219 covenant restricting:
 - i) A maximum of one dwelling unit per parcel;
 - ii) No further subdivision of the land, including a Bare Land Strata Subdivision;
 - iii) No frontage relaxation; and,
 - iv) No further road dedication to accommodate parcel frontage or additional parcels.
 - b) A section 219 covenant registering the Hydrogeological Assessment Report prepared by EBA Engineering and dated July 2006.
 - c) A section 219 covenant restricting the subdivision of the parent parcel as set out in the proposed plan of subdivision attached as Schedule No. 2 to this staff report.
2. Applicant to submit to the RDN written confirmation from the Vancouver Island Health Authority that septic disposal areas are available for all proposed parcels to the satisfaction of the Health Authority.
3. Applicant to apply for a development permit.
4. Parent parcel be included into the Building Services Area.

Attachment No. 1
Zoning Amendment Application 0711
Location of Parent Parcel



**Attachment No. 2
Zoning Amendment Application 0711
Summary of the Minutes of the Public Information Meeting**

**Report of the Public Information Meeting
Held at Lighthouse Community Centre
240 Lions Way, Qualicum Bay, BC
November 1, 2007 at 7:00 pm**

**Summary of the Minutes on Proposed Zoning Amendment Application
No. ZA0711**

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

There were 5 persons in attendance.

Present for the Regional District:

Director Dave Bartram, Electoral Area 'H' Director
Susan Cormie, Senior Planner

Present for the Applicant:

Ms. Michelle Jones, agent for applicant

Chairperson Bartram opened the meeting at 7:00 pm and outlined the agenda for the evening's meeting and introduced the head table and Ms. Michelle Jones, agent on behalf of the applicant. The Chair then stated the purpose of the Public Information Meeting and requested the Senior Planner to provide background information concerning the official community plan and zoning amendment process.

The Senior Planner gave a brief outline of the application process.

The Chairperson then invited Ms. Jones, agent on behalf of the applicant, to give a presentation of the proposed zoning amendment. Ms. Jones presented the proposed amendment application including the proposed subdivision layout.

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

Roy Clements, 510 Home Lake Road, asked if this property is where the gate is located and there is logging taking place.

The applicants' agent explained that the logging is happening elsewhere and this is not the property.

Mr. Clements commented that there are a lot of car accidents at the corner by Thorpe Road, but this is a different corner than the property being considered for rezoning tonight.

The Chair then invited further comments and questions from the audience.

The Chair then asked if there were any further submissions or comments a second time.

The Chair asked if there were any further submission or comments a third time. There being none, the Chair thanked those in attendance and closed the public information meeting.

The meeting concluded at 7:10 pm.

Susan Cormie
Recording Secretary



RDN REPORT	
CAO APPROVAL (100)	
EAP	✓ NOV. 13th
COW	
NOV 05 2007	
RHD	
BOARD	

MEMORANDUM

TO: Geoff Garbutt
 Manager, Current Planning

DATE: November 1, 2007

FROM: Susan Cormie
 Senior Planner

FILE: 3060 30 60662
 c/r 3320 20 26990

SUBJECT: Development Permit Application No. 60662
 L Ogloff & J Thevarge
 Electoral Area 'H' – Jamieson & Palm Pacific Roads

PURPOSE

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

BACKGROUND

The parent parcel, legally described as Lot 2, District Lot 40, Newcastle District, Plan 43604, is located adjacent to Jamieson and Palm Pacific Roads in Electoral Area 'H' (See Attachment No. 1 for location of parent parcel).

The parent parcel, which totals approximately 1.0 ha in size, is currently zoned Residential 2 (RS2) and is within Subdivision District 'M' pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The parent parcel currently supports two dwelling units, one of which is a suite, and is surrounded by a residentially zoned parcel and the E & N Railway to the north; RDN Community park land to the east; Palm Pacific Road to the south; and Jamieson Road to the west.

The parent parcel is designated within the Environmentally Sensitive Features Development Permit Area pursuant to the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003". The development permit area, in this case, was established for the protection of the aquifer. Therefore, as the applicants are proposing to develop the site, a development permit is required. The parent parcel is not located within an RDN Building Services Area. The applicant has completed the "Sustainable Community Builder Checklist", as per Board policy and there are no implications related to this application.

Proposed Development

The applicant is proposing to construct 3 fee simple parcels all greater than the minimum 2000 m² parcel size with community water service connections from Deep Bay Water Works District and private individual septic disposal systems (see Schedule No. 2 for proposed subdivision layout).

As part of the application, the applicant has submitted a Study of the Local Aquifer prepared by ThorConsult Ltd Municipal & Land Development Engineering Consultants, dated November 18, 2006 and an addendum to the report dated October 3, 2007.

ALTERNATIVES

1. To approve the Development Permit Application No. 60662, as submitted, subject to the conditions outlined in Schedules No. 1 and 2.
2. To deny the development permit as submitted and provide staff with further direction.

DEVELOPMENT IMPLICATIONS

Development Permit Guidelines Implications

With respect to the development permit guidelines for protection of the aquifer, the applicant has submitted a report which concludes that the proposed residential development will not affect the Deep Bay Aquifer in any detrimental way provided the septic disposal fields are approved by VIHA and installed by a qualified professional. Staff recommends that in order to ensure the septic disposal fields are installed correctly, the applicants' professional engineer be required to oversee this portion of the subdivision development (*see Schedule No. 1 for Conditions of Approval*). The engineer's report also notes that the septic disposal systems will require to be maintained on a regular basis by a qualified professional. Staff also recommends that reference to this be included as part of the development permit.

Site Servicing Implications

The applicant has applied for septic disposal approval to the Central Vancouver Island Health Authority.

Community water service connections are subject to the approval of the Deep Bay Water Works District.

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

Environmentally Sensitive Areas Atlas

The Environmentally Sensitive Areas Atlas indicates there are no environmentally sensitive features on the parent parcel.

VOTING

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

SUMMARY

This is an application for a development permit in conjunction with a 3-lot subdivision development on a parcel located adjacent to Jamieson and Palm Pacific Roads in Electoral Area 'H'. The parent parcel is designated within the Environmentally Sensitive Features Development Permit Area pursuant to the Electoral Area 'H' OCP specifically for the purpose of ensuring protection of the aquifer. The submitted engineer's report concludes that the proposed residential development represents no detrimental impact to the underlying groundwater aquifer and recommends that septic disposal fields be constructed to meet all current industry requirements and that these systems be maintained on a regular basis. Therefore, staff recommends that the development permit include these conditions of approval.

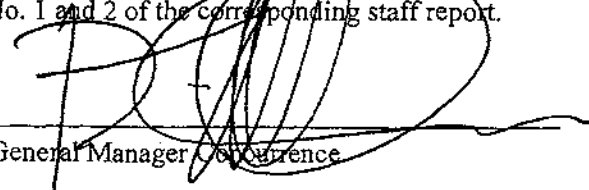
As the proposed subdivision is consistent with the applicable guidelines concerning protection of the aquifer outlined in the Environmentally Sensitive Features Development Permit Area, staff recommends Alternative No. 1, to approve the development permit subject to conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

RECOMMENDATION

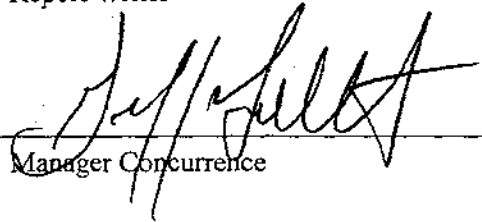
That Development Permit Application No. 60662 submitted by L Ogloff & J Thevarge, in conjunction with the subdivision on the parcel legally described as Lot 2, District Lot 40, Newcastle District, Plan 43604 and designated within the Environmentally Sensitive Features Development Permit Area, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.



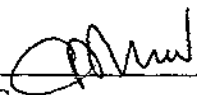
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

**Schedule No. 1
Conditions of Approval
Development Permit Application No. 60662**

The following sets out the conditions of approval:

1. Hydrological Report

The construction of the subdivision and subsequent development of the proposed parcels shall be in accordance with the 5-page report entitled Study of the Local Aquifer and the Effects of Your Subdivision on it; prepared by ThorConsult Ltd. and dated November 18, 2006 and the 1-page addendum report dated October 3, 2007 (to be attached to and forming part of the Development Permit).

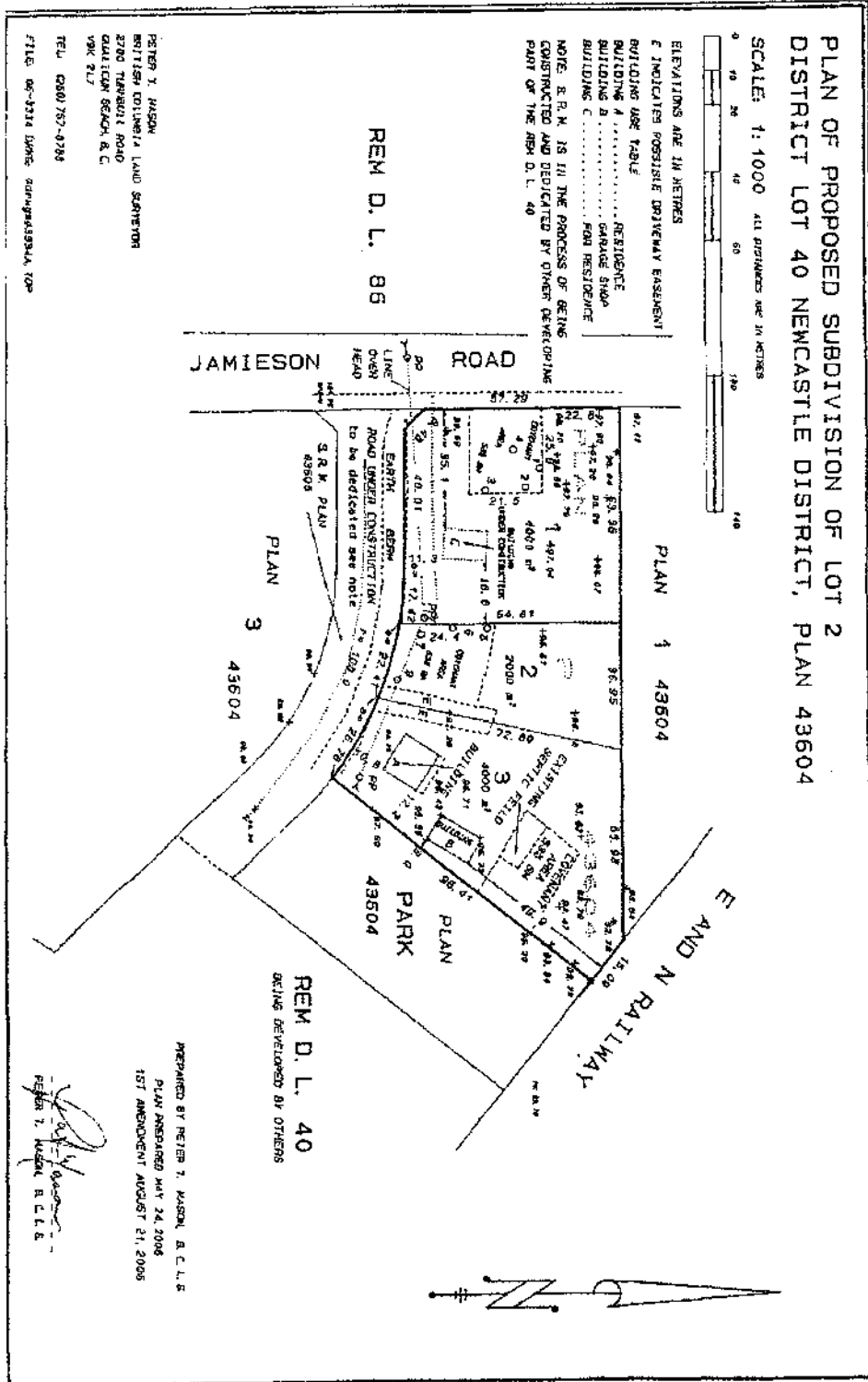
2. Subdivision

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

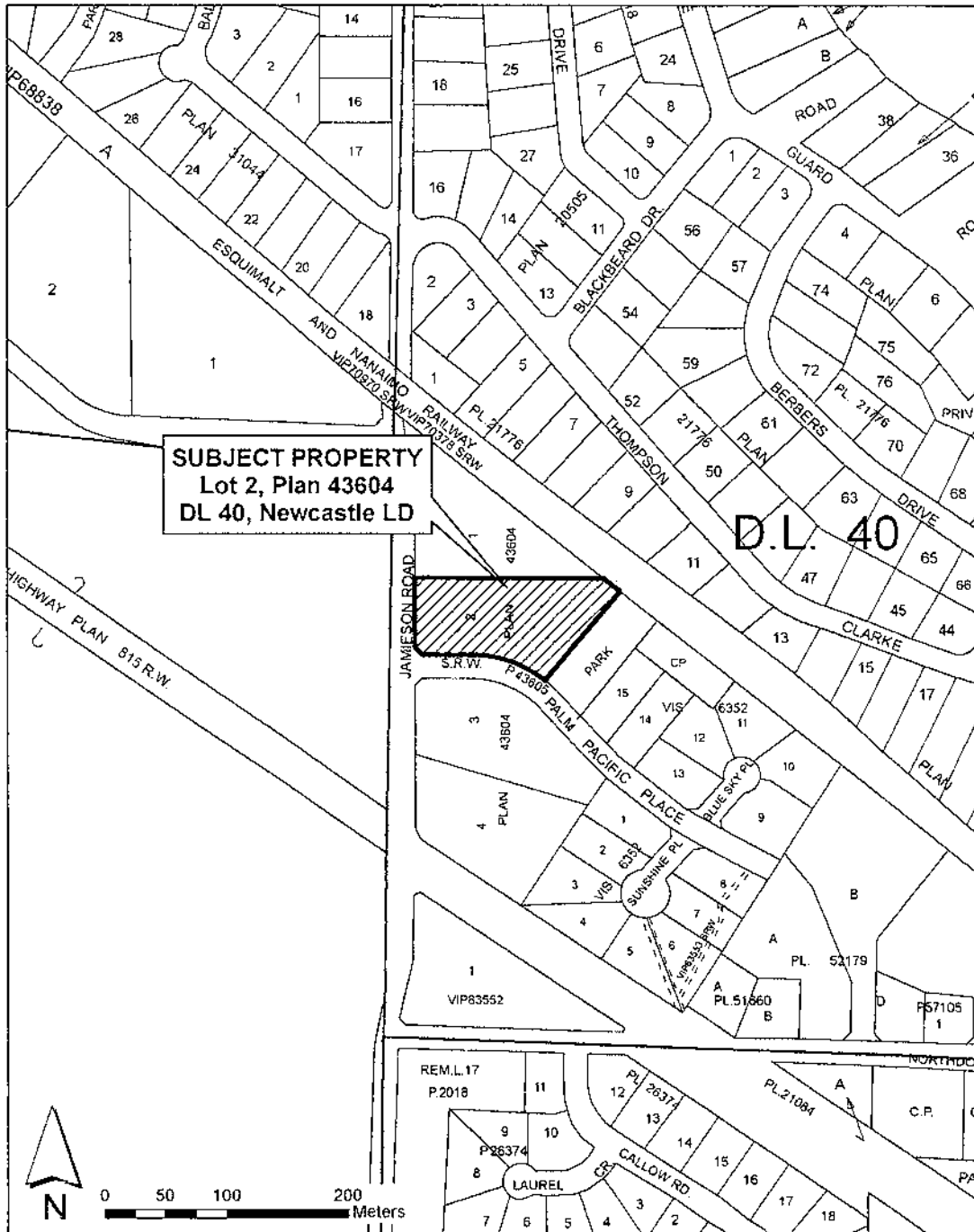
3. Protection of Aquifer

- a. The construction of the septic disposal systems shall be certified by the applicants' professional engineer to ensure compliance with current regulations and protection of the aquifer.
- b. Land owners and occupants are encouraged provide maintenance to existing sewage disposal systems which are constructed, installed or placed on the Lands at a minimum every three by a professional engineer, an accredited inspector or other qualified professional pursuant to current *Provincial Sewerage System Regulations*.

Schedule No. 2
 Development Permit No. 60662
 Proposed Plan of Subdivision
 (as submitted by applicant / reduced for convenience)



Attachment No. 1
Location of Subject Property
Development Permit No. 60662





RDN REPORT	
CAO APPROVAL <i>AM</i>	
EAP	<input checked="" type="checkbox"/> NW. 13th
COW	
NOV 02 2007	
RHD	
BOARD	

MEMORANDUM

TO: Geoff Garbutt
 Manager of Current Planning

DATE: October 31, 2007

FROM: Kristy Marks
 Planner

FILE: 3060 30 60736

SUBJECT: Development Permit with Variances Application No. 60736 – Vanderwel
 Lot 10, District Lot 28, Newcastle District, Plan 24584
 Electoral Area 'H' – 5091 Shoreline Drive

PURPOSE

To consider an application for a Development Permit with variances to permit the construction of a residential dwelling on a property located at 5091 Shoreline Drive.

BACKGROUND

This is an application to permit the construction of a residential dwelling on a property located in Electoral Area 'H' (see subject property map - Attachment 1). The subject property is a relatively flat, vacant lot, approximately 0.07 hectares in size, bounded by the Strait of Georgia to the Northeast, Shoreline Drive to the South and developed residential lots to the Northwest.

The subject property is zoned Residential 2 (RS2), pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." Pursuant to "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335", the subject property is within the Natural Hazards, Environmentally Sensitive Features, for Coastal and Aquifer Protection, and Fish Habitat Protection Development Permit Areas (DPA). This application is exempt from the Aquifer Protection DPA as the proposal is for a single dwelling unit and is also exempt from the Fish Habitat Protection DPA as there is no stream within 30.0 metres of the development. The applicant has completed the Sustainable Community Builder checklist as per Board policy.

Variances Required

The applicants are proposing to vary Section 3.4.62 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," as follows:

1. The front lot line setback is requested to be relaxed from 8.0 metres to 5.3 metres for the proposed dwelling unit as shown on the survey submitted by the applicant (Schedule No. 2).
2. The maximum height is requested to be increased from 8.0 metres to 8.8 metres for the proposed dwelling unit.

ALTERNATIVES

1. To approve the Development Permit with variances as No. 60736 subject to the conditions outlined on Schedules No. 1-5 and the notification requirements of the *Local Government Act*.
2. To deny Development Permit with variances No. 60736 as submitted.

BOARD POLICY B1.5

RDN Policy B1.5 provides staff with guidelines for reviewing and evaluating development variance permit applications. The applicants have provided justification for the variance, as the building envelope is restricted by the lot size and setbacks. The policy requires that the potential impacts of the variance are warranted by the need for the variance.

The applicants have submitted a letter citing the following justifications for the proposed variances:

- Relaxation of height is required in order to meet the minimum floodplain elevations;
- Relaxation of the front lot line setback is requested in order to maintain maximum distance from the natural boundary of the sea.

LAND USE AND DEVELOPMENT IMPLICATIONS

As outlined above, the applicants are requesting approval for a setback and height variance to permit the construction of a residential dwelling unit on Shoreline Drive. The location of the proposed dwelling unit is outlined on Schedule No. 2. The site plan shows that the building envelope would be significantly constrained if all building setbacks were applied. Building elevations for the proposed dwelling are outlined on Schedule No. 3. The building design incorporates elements of west coast design and Green Building details. The applicants have made efforts to design the home to meet the required setbacks and in a manner that minimizes the height of the proposed residence including: no crawl space and low roof pitch.

The applicants have submitted a geotechnical report prepared by Ground Control Geotechnical Engineering Ltd., dated February 5th, 2007, which states that the proposed development is considered safe and suitable for the use intended (*Schedule No. 4*). The engineer recommends a design flood level of 1.5 metres above the Higher High Tide Level or 1.5 metres above the Natural Boundary. As per board policy, staff recommends that the applicant be required to register a section 219 covenant that registers the Geotechnical Report 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 erosion and/or landslide.

The applicants have submitted a landscape plan, prepared by Forma Design Inc. (FDI), received October 12th, 2007, which outlines a native re-vegetation plan for the site (*Schedule No. 5*). This plan includes a variety of native, drought tolerant beach grasses, groundcovers, shrubs and ornamental trees.

In staff's assessment of this application, the applicants have provided justification for the requested variances and have made efforts to minimize these variances. Given the proposed location of the dwelling in relation to adjacent properties, staff does not expect that the structure will impede views of adjacent property owners.

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.

VOTING

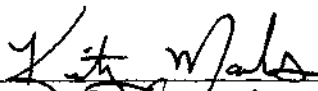
Electoral Area Directors – on vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

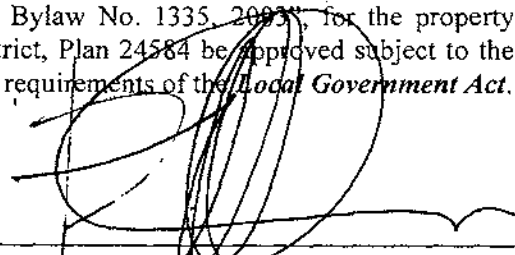
This is an application for a Development Permit with variances to permit the construction of a residential dwelling unit on a property located at Lot 10, Shoreline Drive in Electoral Area 'H'. In staff's assessment, this application is consistent with the "Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" guidelines of the Natural Hazards and Coastal Development Permit Areas. Given the restrictive building envelope, lack of impacts related to the requested height variance, recommendations of the geotechnical report, and native landscape plan, staff recommends approval of this application subject to the conditions outlined in Schedules No.1-5 and the notification requirements of the *Local Government Act*.

RECOMMENDATION

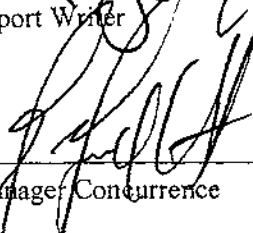
That Development Permit with Variances Application No. 60736, to construct a dwelling unit within the Natural Hazards, Environmentally Sensitive Features, Fish Habitat Protection Development Permit Area pursuant to "Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003", for the property legally described as Lot 10, District Lot 28, Newcastle District, Plan 24584 be approved subject to the conditions outlined in Schedules No. 1-5 and the notification requirements of the *Local Government Act*.



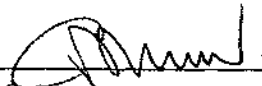
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule No. 1
Terms of Development Permit with variance No. 60736

Bylaw No. 500, 1987 – Requested Variance

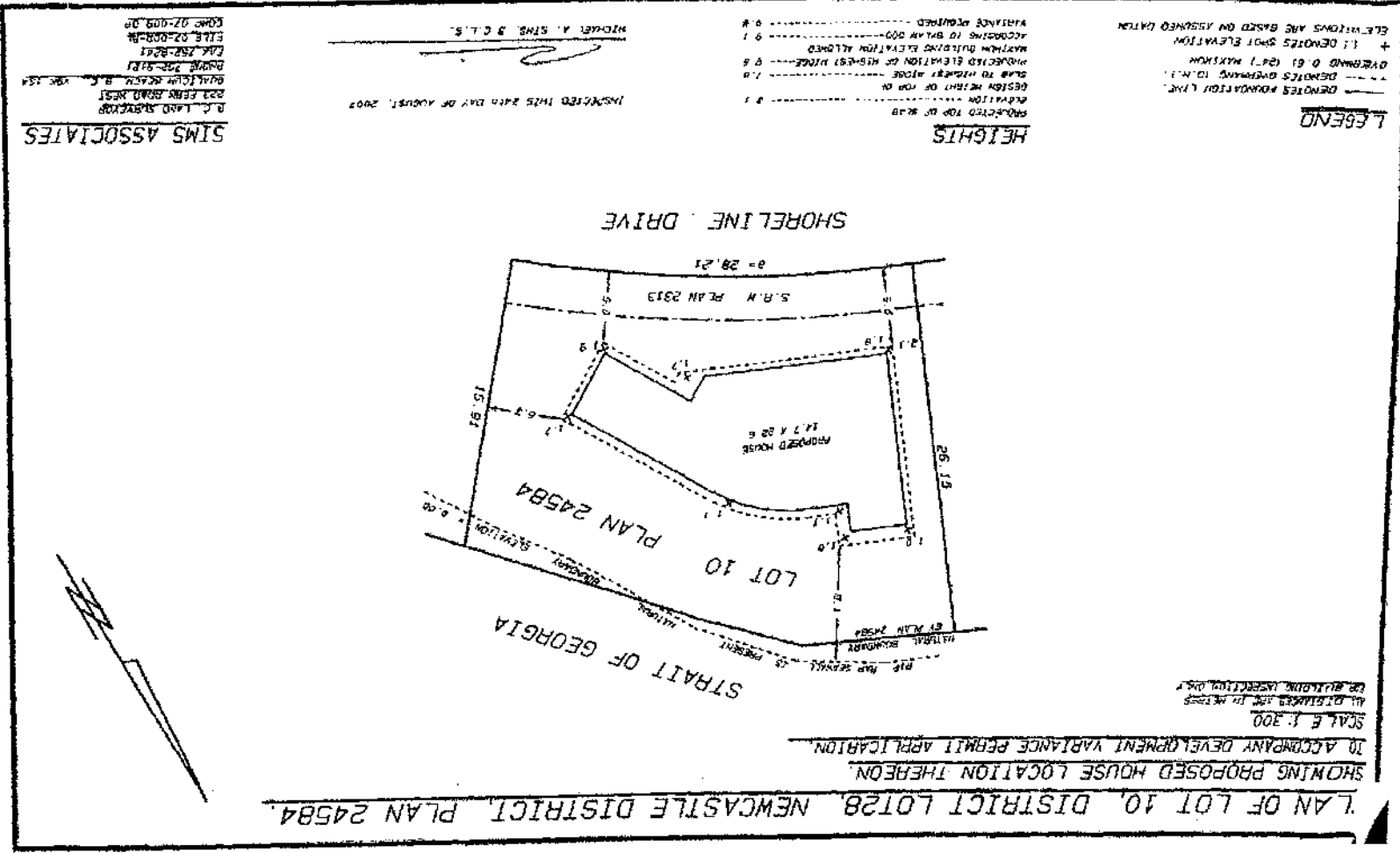
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” the following variance is proposed:

1. **Section 3.4.62 - Setbacks** is hereby varied by relaxing the setback from the front lot line for the dwelling from 8.0 metres to 5.3 metres as shown on Schedule No. 2.
2. **Section 3.4.62 - Height** is hereby varied by increasing the maximum dwelling unit height for the dwelling from 8.0 metres to 8.8 metres.

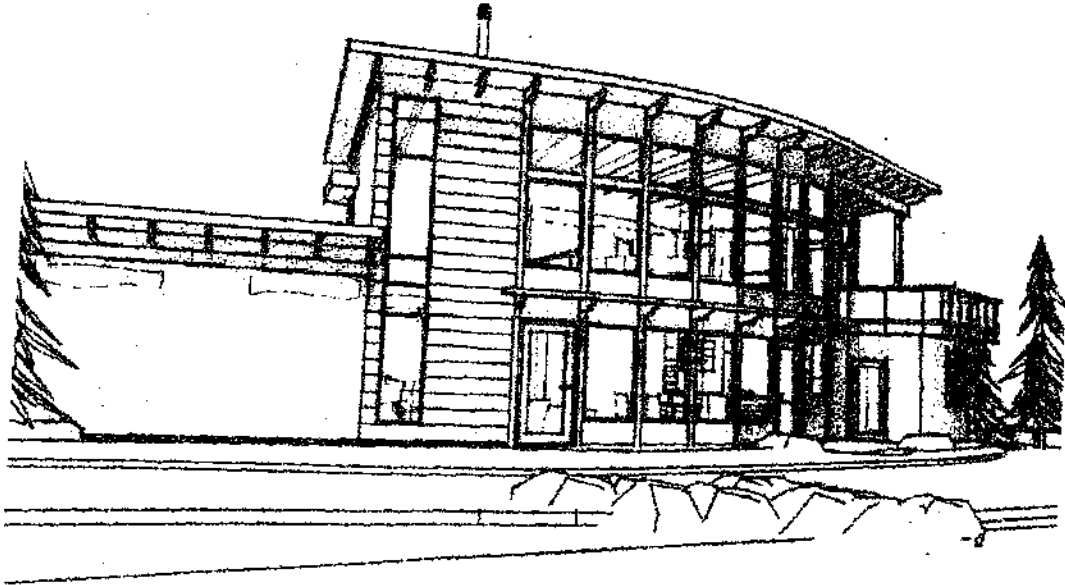
Conditions of Approval

3. The dwelling unit shall be sited in accordance with site survey prepared by Sims Associates dated August 24th, 2007 attached as *Schedule No. 2*.
4. The dwelling unit elevations shall be developed in accordance with the building elevations prepared by the applicant attached as *Schedule No. 3*.
5. The dwelling unit shall be constructed in accordance with the Ground Control Geotechnical Engineering prepared by Lewkowich Geotechnical Engineering Ltd. dated February 5th, 2007 attached as *Schedule No. 4*.
6. The property shall be landscaped and re-vegetated in accordance with the landscape plan prepared by FDI, submitted October 12th, 2007 attached as *Schedule No. 5*.
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 Report prepared by Lewkowich Geotechnical Engineering Ltd., dated February 5th, 2007 and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of erosion and/or landslide.
8. The applicant shall provide confirmation of building height and setbacks by a British Columbia Land Surveyor at the framing stage of the dwelling.

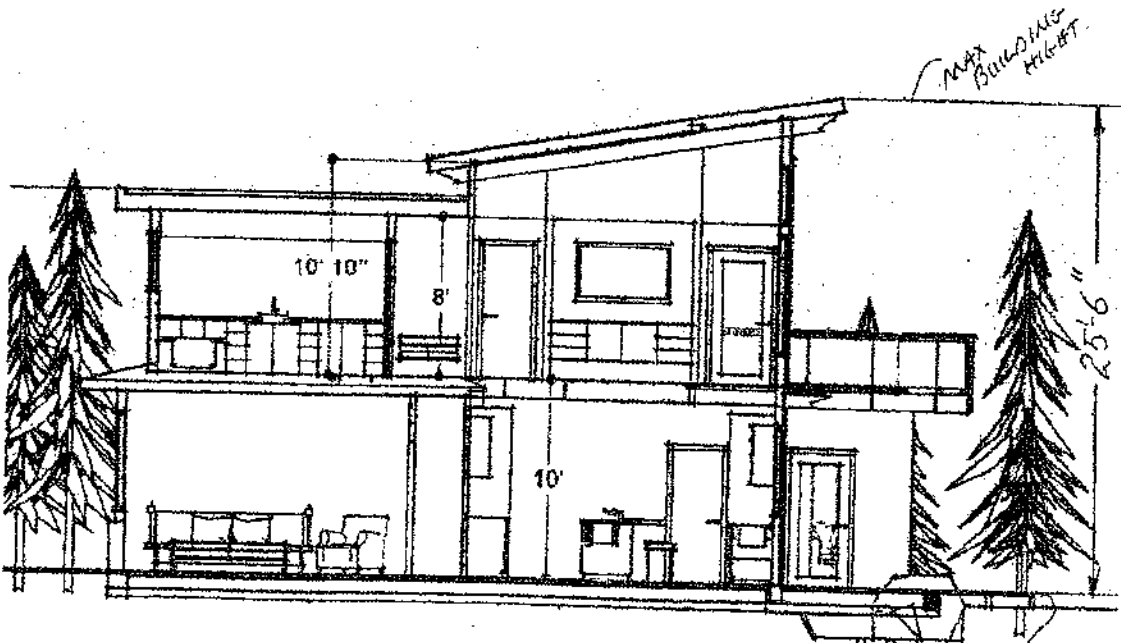
Schedule No. 2
 Site Plan



Schedule No. 3
Building Elevations



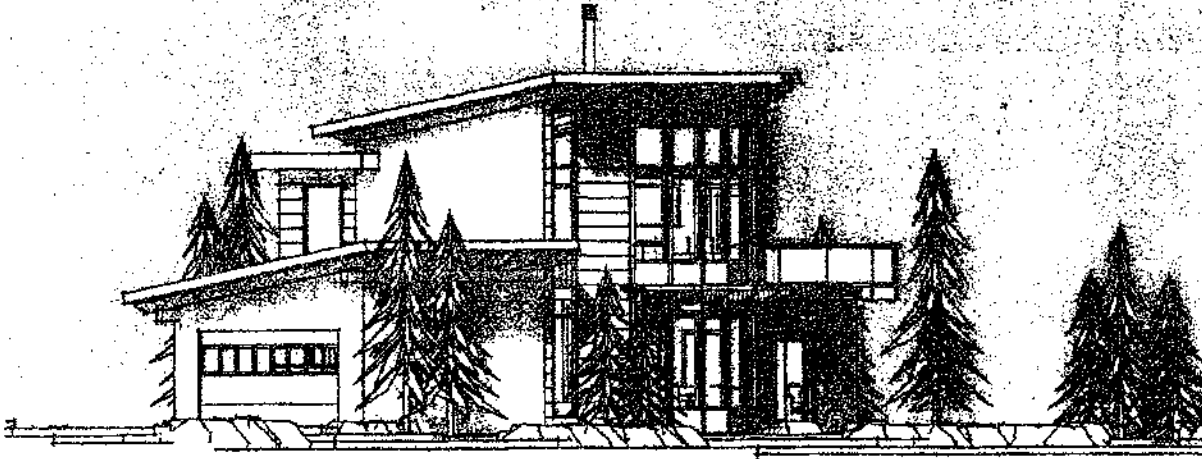
Rick and Jean Vanderwel Residence
5015 Shoreline Drive



Slab 1'-0"

Rick and Jean Vanderwel Residence
5015 Shoreline Drive

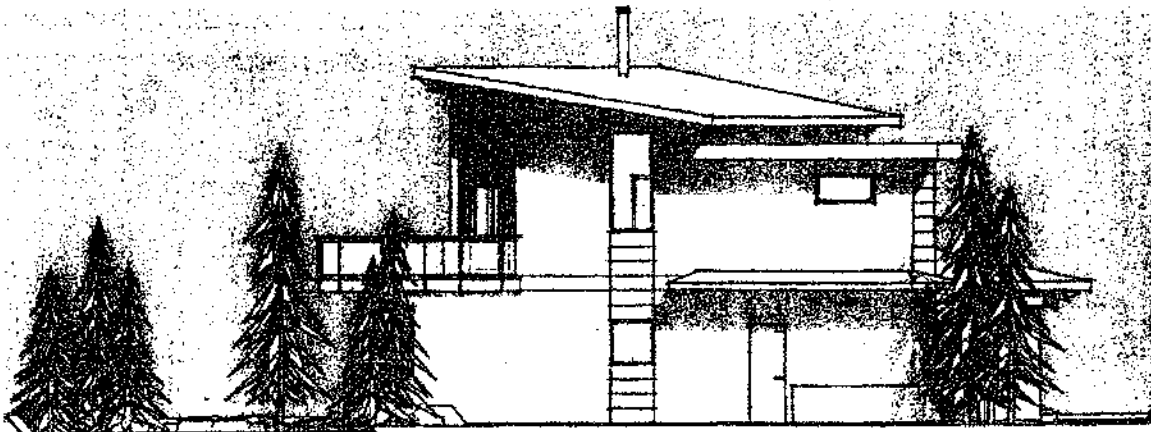
TOP
OF SLAB



East Elevation

1/8" = 1'-0"

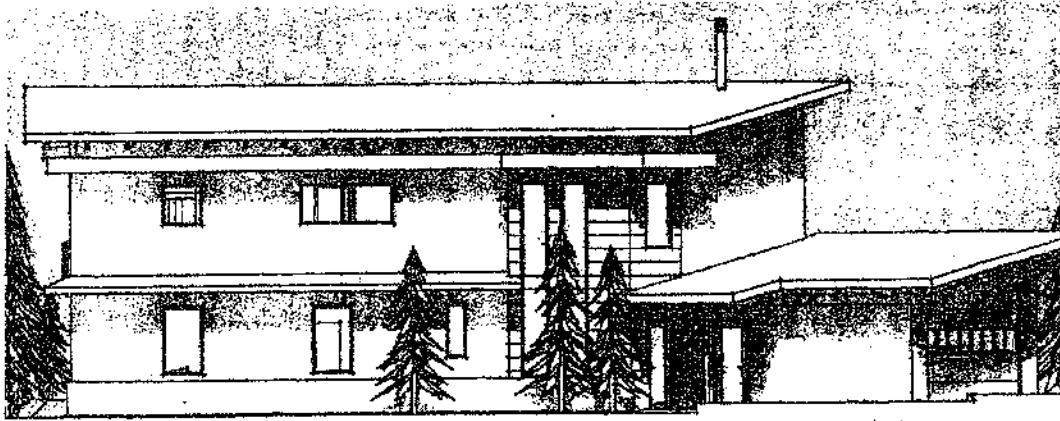
*Rick and Jean Vanderweil Residence
5015 Shoreline Drive*



West Elevation

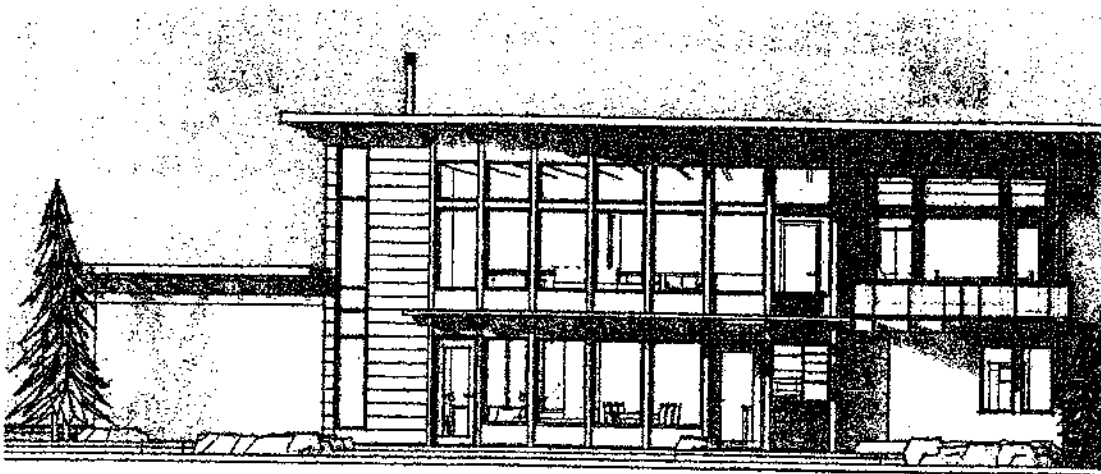
1/8" = 1'-0"

*Rick and Jean Vanderweil Residence
5015 Shoreline Drive*



South Elevation
Rick and Jean Vanderwal Residence
5015 Shoreline Drive

$\frac{1}{8}'' = 1'-0''$



North Elevation
Rick and Jean Vanderwal Residence
5015 Shoreline Drive

$\frac{1}{8}'' = 1'-0''$

GROUND CONTROL
GEOTECHNICAL ENGINEERING LTD.
2781 Lana Road, NanOOSE Bay, BC
Phone/Fax: (250) 468-1759

File: RV-001
February 5, 2007

Mr. Rick Vanderwel
12081 Osprey Drive
Richmond, B.C.
V7E 3B1

SUBJECT: GEOTECHNICAL HAZARDS ASSESSMENT
PROJECT: PROPOSED DEVELOPMENT OF EXISTING LOT
LOCATION: LOT 10 SHORELINE DRIVE, DEEP BAY, BC
LEGAL DESCRIPTION: LOT 10, PLAN VIP24584, DL 28, NEWCASTLE DISTRICT

Dear Mr. Vanderwel:

1. Introduction

- a. As requested, Ground Control Geotechnical Engineering Ltd. (Ground Control) has carried out a geotechnical hazards assessment of the above site. This report provides a summary of our findings and recommendations.

2. Background of Proposed Development

- a. Based on discussions with the client, development of the existing lot will consist primarily of the construction of a standard low-rise single-family house.
- b. Development will be restricted to the central portion of the property, due to setback limits of 5m from Shoreline Drive, 8m from the oceans natural boundary, 5m from the SE property line and 2m from the NW property line.

3. Assessment Objectives

- a. Our assessment, as summarized within this report, is intended to meet the following objectives:
 - i. Determine whether the land is geotechnically safe and suitable for the intended purpose (residential house), where 'safe' is defined as a probability of a geotechnical failure or another substantial geotechnical hazard resulting in property damage of less than 10 percent in 50 years;

Geotechnical Hazards Assessment

File: RV-001

Date: February 5, 2007

Page 2 of 10

- ii. Identify any geotechnical deficiency that might impact the design and construction of the development, and prescribe the geotechnical works and any changes in the standards of the design and construction of the development that are required to ensure the land, buildings, and Works and Services are developed and maintained safely for the use intended; and
- iii. Acknowledge that Approving Officers may rely on this Report when making a decision on applications for the subdivision or development of the land.

4. Assessment Methodology

- a. Our assessment was carried out as follows.
- b. Aerial photographs for the site were reviewed to assess visible land features.
- c. A site reconnaissance was carried out on January 23, 2007. We walked the site and adjacent areas accompanied by the client, and observed site conditions and noted any apparent geotechnical hazards.
- d. Slope areas on adjacent property to the southwest were assessed regarding potential impacts to the site by modeling the slope using slope stability software. Soil parameters for unit weight and strength were selected based on published typical values for the types of soil present, on our past experience and testing with local soils, and by back-calculation from the existing slope configuration. The slope model was then used to predict slope behavior during a 1 in 475 year event (i.e. seismic coefficient of 0.23g as cited by the current National Building Code for Quailicum Beach, but with a 50 percent reduction applied per currently accepted practice based on information published by Marcuson et al (1992)).

5. Site Conditions

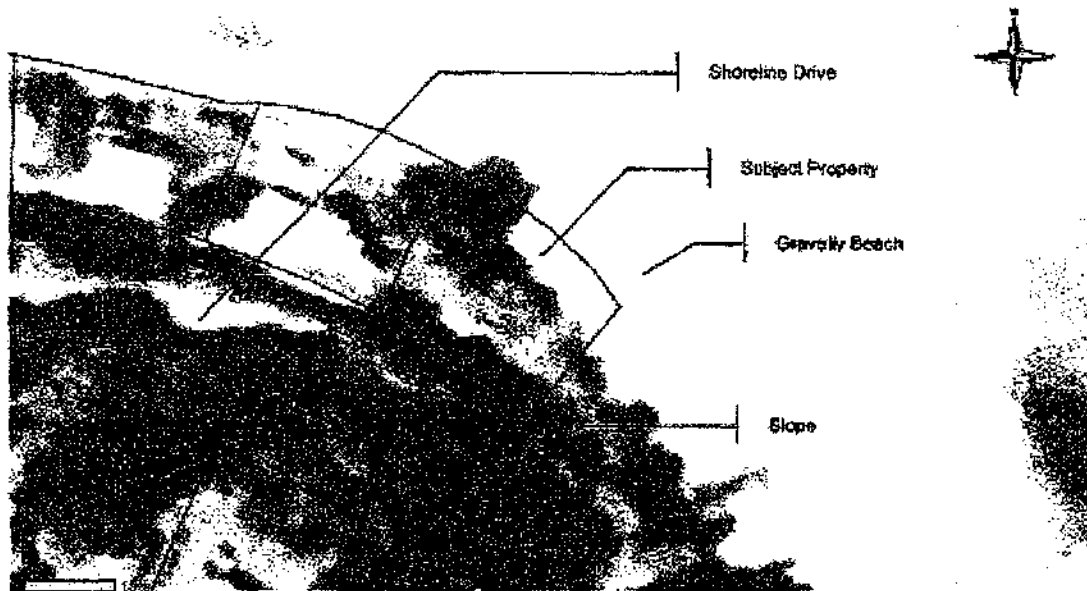
- a. For the reader's reference in the reading of this report, an air-photo of the current property is included below. This image was obtained courtesy of the Regional District of Nanaimo's on-line RDN Map service and is for use in the reader's general orientation only. Site photos are provided on Page 10.

Geotechnical Hazards Assessment

File: RV-001

Date: February 5, 2007

Page 3 of 10



- b. The subject lot is located between Shoreline Drive to the southwest and the foreshore of the Strait of Georgia to the east. Adjacent properties to the northwest have already been developed as residential properties with houses.
- c. The site is generally vegetated with low grasses. There are a few trees and bushes along the edge of the foreshore. The foreshore area consists of a gravelly beach with no significant vegetation.
- d. Shallow ground conditions observed within shallow test holes dug within the developable portions of the site consist of a thin layer of brown silty sand overlying black poorly-graded sand containing shells. At a depth of about 0.5m deposits of compact grey poorly-graded coarse gravel with sand were encountered.
- e. The site is relatively flat, with a gradual slope (about 5 degrees) downwards from Shoreline Drive to the natural boundary of the foreshore. There is a drop of about 1.6m down to the beach along the natural boundary, and this soil bank is protected by a stacked-boulder seawall. Total relief across the entire site is estimated to be about 3m, from the highest point (adjacent to Shoreline Drive) to the lowest point (the beach area).

Geotechnical Hazards Assessment

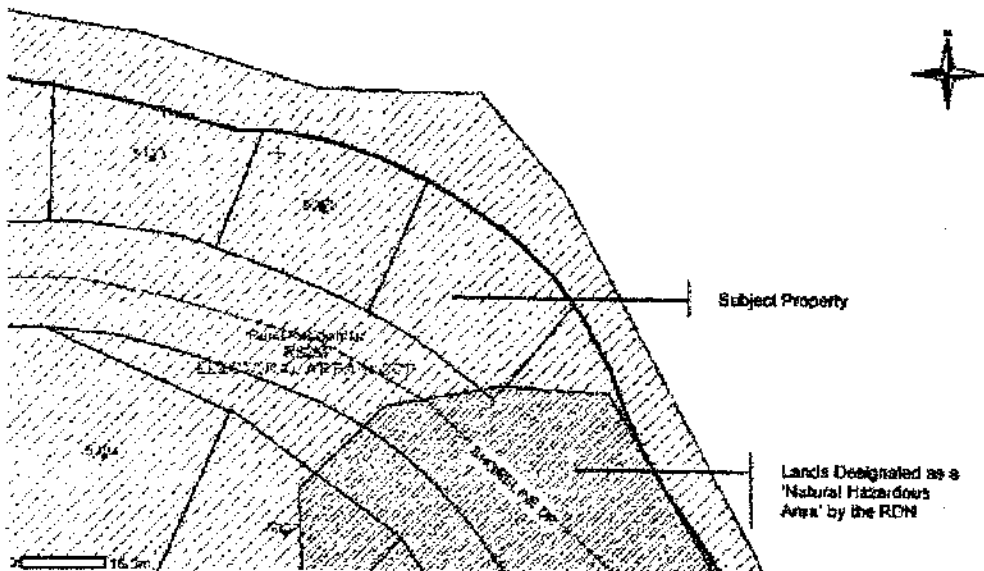
File: RV-001

Date: February 5, 2007

Page 4 of 10

- f. There is a slope area located to the southwest of the site, on the opposite side of Shoreline Drive. The slope is estimated to be about 16m in height with a gradient of about 40 degrees from horizontal. The slope is well vegetated with trees (primarily cedars, maples, and alders ranging from small to mature), as well as typical undergrowth (ferns, blackberry bushes, etc.). Shallow excavations were made at various heights on the face of the slope and the soils beneath the topsoil veneer were found to range from silty sand to sandy silt. These soils are compact near the surface but become increasingly dense with depth. The soils are interpreted to be glacial deposits. There were no significant signs of instability or groundwater seepage noted on the slope adjacent to the site.

- g. Slope areas further to the southeast along Shoreline Drive were noted to have an absence of mature trees, which is a likely indication of shallow surface slips occurring in those areas in the past. This is consistent with these slopes being designated as a 'Natural Hazardous Area' by the RDN, as mapped on the RDN Map website.



GROUND CONTROL
 GEOTECHNICAL ENGINEERS LTD.

Geotechnical Hazards Assessment

File: RV-001

Date: February 5, 2007

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6. Conclusions & Recommendations

6.1. General

- a. From a geotechnical perspective and under the conditions outlined within this report the proposed development is considered safe and suitable for the intended use. Detailed recommendations are provided below.
- b. Geotechnical hazards appear to be limited to
 - i. Slope hazards associated with the slope located across Shoreline Drive; and
 - ii. Flooding hazards associated with the adjacent ocean.
- c. Safe development of the site will require maintaining a suitable separation of the proposed developments from these hazards. As discussed in Section 2, the developable area will be limited to the central portion of the site by applicable setback limits, so horizontal separation from the geotechnical hazards associated with the adjacent slope and ocean are expected to be already largely accommodated. Vertical separation from ocean flooding hazards can be achieved by the establishment of design flood elevations and minimum floor elevations.

6.2. Slopes

- a. There are no significant slopes present on the site. The bank along the foreshore's natural boundary is not considered a significant slope hazard based on the 8m setback requirement from the natural boundary imposed on site development.
- b. The extreme south corner of the site extends slightly into the RDN designated 'Natural Hazardous Area' discussed above, however the developable portions of the site lie outside the designated area and it does not appear that any potential building sites on the property will fall under the 'Natural Hazardous Area' designation.

Geotechnical Hazards Assessment
File: RV-001
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- c. Nevertheless, we have assessed the adjacent slope using slope stability analysis and software (as discussed in Section 4 above) to confirm the above conclusion. Our analysis indicates that in the event of a one in 475 year magnitude seismic slope failure, soil debris is unlikely to travel a sufficient distance to impact buildings on the site (Note: building setbacks requirements will result in structures being about 12m or more away from the toe of the 16m high slope). Consequently, the developable portions of the subject property are expected to be safe from adjacent slope hazards.

6.3. Flooding

- a. To ensure that developments are 'safe' from flooding hazards we recommend that a suitable design flood elevation be established below which no development will take place. Minimum building floor elevations should be based on this design flood elevation, to keep living areas, mechanical areas, etc above the flood elevation.
- b. The site is protected from ocean surges and wave action by the previously mentioned seawall. Ocean flooding and waves would have to overtop this barrier and travel about 8m inland (the setback distance) to reach the developable portions of the site. Nevertheless, a design flood level with regard to the ocean should be applied. We recommend this be determined as the Higher High Tide Level elevation plus an additional 1.5 metres, or the Natural Boundary elevation plus an additional 1.5 metres.
- c. The overall design flood elevation used to determine minimum floor elevations should be taken as the higher of the two design flood elevations determined above.
- d. Since the design flood level will impose limitations on the minimum floor elevation of buildings, it is expected that the preferred design for new buildings will employ main floor slab-on-grade construction, with no crawl spaces or basements below.

Geotechnical Hazards Assessment
File: RV-001
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6.4. Building Support

- a. The site is considered suitable for the support of residential structures on standard spread/strip footings meeting the requirements of the BC Building Code. The 'poorly-graded coarse gravel with sand' observed on site at a depth of about 0.5m will have a relatively high bearing capacity, in excess of that normally required for support of residential foundation loads. No indications of unsuitable soils were observed within expected development areas.

6.5. Building Drainage

- a. Conventional requirements of the B.C. Building Code pertaining to building drainage are considered suitable at this site. Building drainage requirements as outlined by the B.C. Building Code typically include damp-proofing of foundation walls, installation of a standard footing-level perimeter drainage pipe system, drain rock burial of the perforated piping, roof drainage connected to a separate drainage system constructed from solid piping, and a provision for gravity drainage of all collected waters to a suitable discharge point down-slope and away from the building.
- b. Where there will be are no below-grade building areas (e.g. main floor slab-on-grade construction, as recommended in 6.3d above), flooding risks due to groundwater will be essentially eliminated. Consequently, requirements for a perimeter drainage system can usually be waived for building areas where the minimum floor slab elevation will be above the surrounding ground surface by 0.15m or more. Lot surfaces should be graded to direct surface water away from buildings.

6.6. Seismic Issues

- a. No compressible or liquefiable soils have been identified at this site, nor are any expected within development areas, therefore no unusual seismic design requirements have been identified for this site.

Geotechnical Hazards Assessment

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7. Acknowledgements

- a. This report has been prepared solely for and at the expense of Rick Wanderweil. Ground Control Geotechnical Engineering Ltd. acknowledges that this report may be requested by Approving Officers and Building Inspectors as a precondition to the issuance of a development or building permit, and that the report or any conditions contained within the report may be included in a restrictive covenant under Section 56 of the Community Charter and filed against the title to the subject property. It is acknowledged that the Approving Officers and Building Officials may rely on this report when making decisions on application for the subdivision or development of the land.

8. Limitations

- a. The conclusions and recommendations submitted in this report are based upon the data obtained from surface observations of the site and shallow excavations. Undiscovered conditions might exist that may not become apparent until later (e.g. during excavation for construction). If unanticipated conditions are discovered during construction, our office should be contacted immediately to allow reassessment of the recommendations provided.
- b. The current scope of investigation was selected to provide an assessment of obvious geotechnical hazards. If a greater degree of certainty is desired by stakeholders in these matters, additional investigations can be carried out.

Geotechnical Hazards Assessment

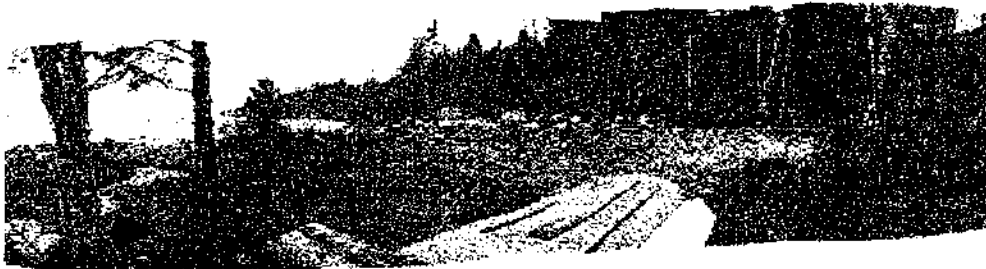
File: RV-001

Date: February 5, 2007

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Panorama of the site and adjacent lands, looking NW. Adjacent slope and Shoreline Drive to the left, beach and seawall to the right, neighbouring house in background



Panorama of the site looking SE.



Panorama looking inland across the beach.

Geotechnical Hazards Assessment

File: RV-001

Date: February 5, 2007

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9. Closure

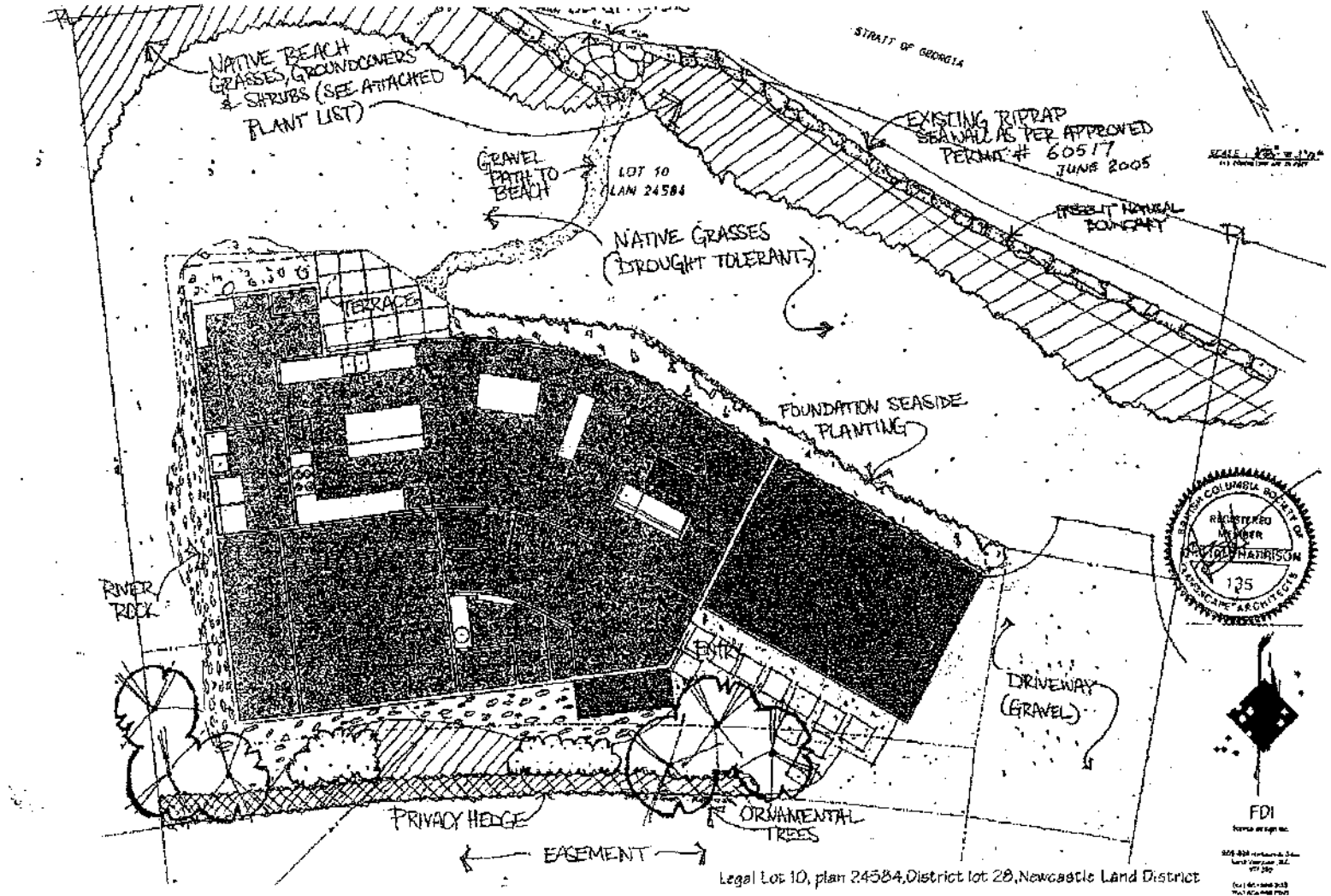
- a. Ground Control Geotechnical Engineering Ltd. appreciates the opportunity to be of service on this project. If you have any comments, or additional requirements at any time, please contact us at your convenience.

Respectfully Submitted,
Ground Control Geotechnical Engineering Ltd.



Richard McKinley, P. Eng.
Geotechnical Engineer

Schedule No. 5
Landscape Plan



Legal Lot 10, plan 24584, District lot 28, Newcastle Land District

Legal Lot 10, plan 24584, District lot 28, Newcastle Land District
PID 003-037-975

SUGGESTED PLANT LIST:

	Botanical Name	Project Plant Name	Container
TREES			
	<i>Acer circinatum</i>	Vine Maple	B&B
	<i>Amelanchier X grandiflora</i>	Saskatoon Berry	B & B
SHRUBS			
	<i>Arbutus unedo 'Compacta'</i>	Strawberry Shrub	#3 Pot
	<i>Holodiscus discolor</i>	Ocean Spray	#2 Pot
	<i>Mahonia aquifolia</i>	Oregon Grape	#2 Pot
	<i>Mahonia nervosa</i>	Long leaf Mahonia	#2 Pot
	<i>Physocarpus opulifolius</i>	Pacific Ninebark	#3 Pot
	<i>Ribes sanguinum</i>	Red Flowering Currant	#2 Pot
	<i>Rosa gymnocarpa</i>	Baldhip rose	#2 Pot
	<i>Sambucus racemosa callicarpa</i>	Red Elderberry	#3 Pot
	<i>Symphoricarpos alba</i>	Snowberry	#2 Pot
	<i>Vaccinium parvifolium</i>	Huckleberry	#2 Pot
	<i>Vaccinium ovatum</i>	Evergreen Huckleberry	#2 Pot
GROUNDCOVERS			
	<i>Gaultheria shallon</i>	Sisal	#1 Pot
	<i>Gaultheria procumbens</i>	Winterberry	#1 Pot
	<i>Arctostaphylos</i> s.u. "Vancouver Jade"	Vancouver Jade Kinnickinick	#1 Pot
	<i>Fragaria chiloensis</i>	Native Fragaria	4" pot
FERNS			
	<i>Dryopteris expansa</i>	Spiny Wood Fern	#1 Pot
	<i>Polystichum maritimum</i>	Western Sword Fern	#1 Pot
	<i>Blechnum spicant</i>	Deer Fern	#1 Pot
GRASSES			
	<i>Elymus mollis</i>	Dunegrass	#1 Pot

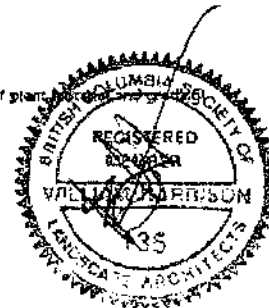
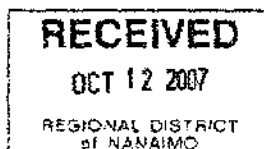
GENERAL NOTES:

1. All existing invasive plant material to be removed from the site by hand without any chemical pesticides
2. All materials and executions of landscape works shall conform to the B.C.S.L.A./B.C.N.T.A. Landscape standard. Refer to written specifications for complete landscape documentation.
3. The landscape contractor shall ensure that the on-site planting medium/soil meets the specification & recommendation of the soil analysis taken at the time of Substantial Completion. All recommendations of the soil analysis shall be executed prior to Final Acceptance of the landscape works by the Consultant and the municipal authorities.

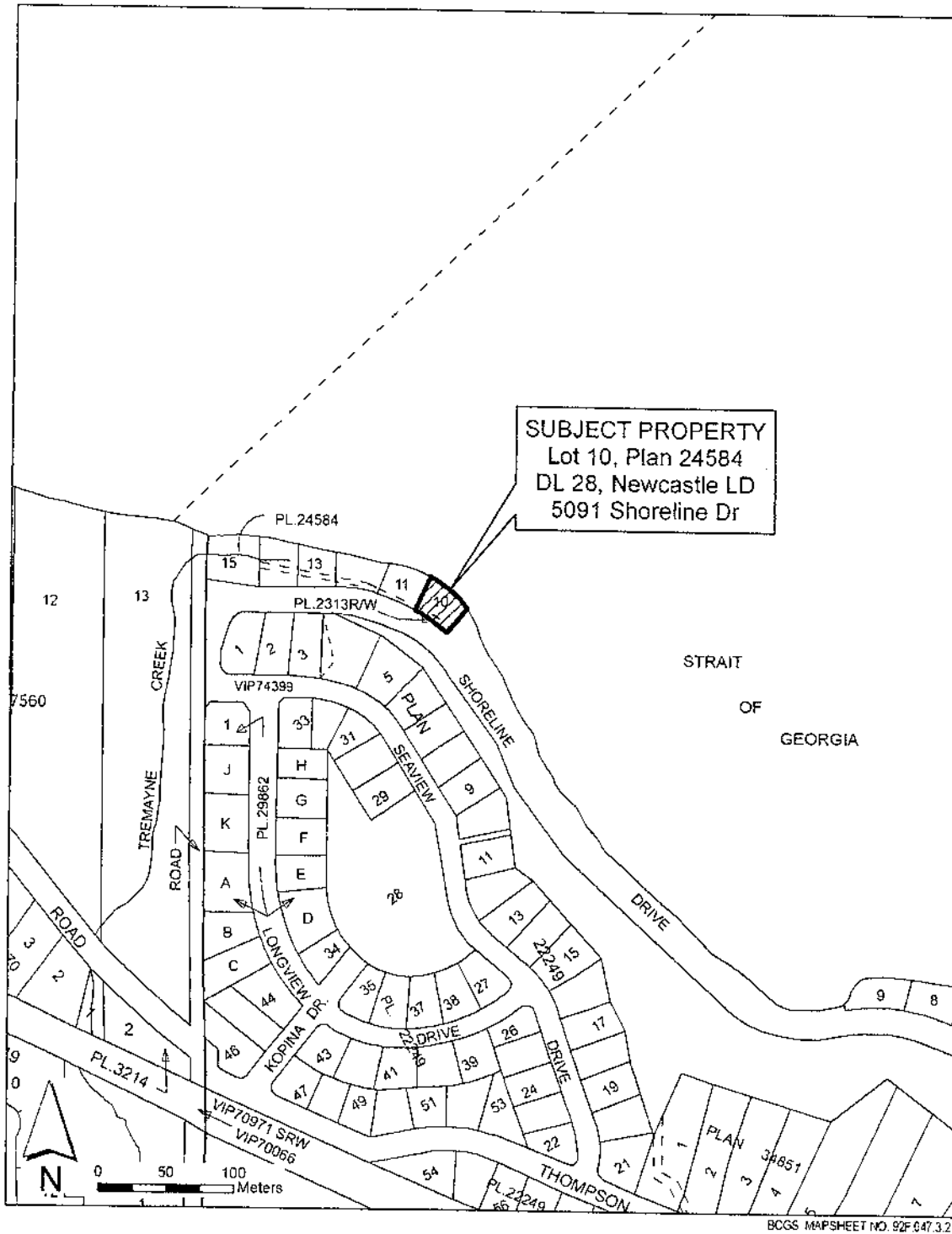
4. Minimum Planting Depths:

Lawn: 6"/150mm
Groundcovers: 12"/300mm
Shrubs: 18"/450mm
Trees: 12"/300mm

5. All plant material shall meet minimum size requirements as indicated in plant list. Quality of plant material of size to conform to the B.C.N.T.A. standard for container grown stock.



Attachment No. 1
Subject Property



TO: Geoff Garbutt
Manager, Current Planning

DATE: November 5, 2007

FROM: Susan Cormie
Senior Planner

FILE: 3060 30 60738
c/r 3320 27266

SUBJECT: Development Permit Application No. 60738
Applicant: J Wilson
Electoral Area 'G' – 673 Imperial Drive, French Creek

PURPOSE

To consider an application for a development permit in conjunction with a subdivision application within a Sensitive Lands Development Permit Area in the French Creek area of Electoral Area 'G'.

BACKGROUND

This is a development permit application in conjunction with a proposed subdivision involving the parcel, legally described as Lot 2, District Lot 28, Nanoose District, Plan 22685, and located at 673 Imperial Drive in the French Creek area of Electoral Area 'G' (*see Attachment No. 1 for location of parent parcel*).

The property, which is 1581 m² in size, is currently zoned Residential 1 (RS1) and is within Subdivision District 'Q' (*700 m² with community water and community sewer services*) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The parent parcel currently supports a mobile home and accessory buildings. There is also a log house situated on the parent parcel which is not on a foundation and is currently unoccupied. The owner has current development and building permits in place for the purposes of moving the log home on the parcel and removing the mobile home. The parent parcel is surrounded by residentially zoned parcels and fronts Imperial Drive and River Crescent on the south and west respectively.

The parent parcel is located within the Sensitive Lands Development Permit Area pursuant to the French Creek Official Community Plan Bylaw No. 1115, 1998 (OCP). This designation is for the protection of development from hazardous conditions, in this case, to protect development from the risk of flooding from French Creek. Given the subdivision proposal, a development permit is required.

Proposed Development

The applicant is proposing to create 2 new parcels. Both proposed parcels will be meet the minimum parcel size of 700 m² with community water and community sewer service connections being provided to each parcel (*see Schedule No. 2 for proposed subdivision layout*). As part of the application, the applicant submitted a Geotechnical Assessment prepared by Lewkowich Geotechnical Engineering Ltd.

ALTERNATIVES

1. To approve the Development Permit Application No. 60738 as submitted, subject to the conditions outlined in Schedules No. 1 and 2.
2. To deny the development permit as submitted and provide staff with further direction.

DEVELOPMENT IMPLICATIONS

Development Permit Guidelines

Under the guidelines of the Development Permit area, an assessment of the potential natural hazard prepared by a professional engineer with experience in geotechnical engineering is required to be submitted as part of a development permit application. The applicant has submitted such a report, which concludes that the proposed subdivision would be safe from a geotechnical perspective for single family residential uses in relation to the 200-year flood hazard from French Creek.

Site Servicing Implications

The applicant has applied for community water service connections to EPCOR Water Services (formerly Breakwater Enterprises Ltd.), which is the local water authority.

The subject property is located within the Barclay Crescent Sewer Local Service Area. Community sewer service connections will be available from the Regional District. In order to serve an adjacent parcel located on River Crescent, a statutory right-of-way for sanitary sewer is necessary to cross the parent parcel. Registration of this proposed statutory right-of-way has been reviewed by the applicant who has verbally indicated she is in concurrence to provide this documentation.

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

Existing Buildings Implications

The applicant's BCLS has indicated that the existing accessory buildings on the parent parcel will be removed as the buildings will not meet the minimum setback requirement from the proposed new lot line. Removal of this building will also be included in the Conditions of Approval outlined in *Schedule No. 1* of the staff report and will also be addressed as part of the subdivision review process.

VOTING

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

SUMMARY

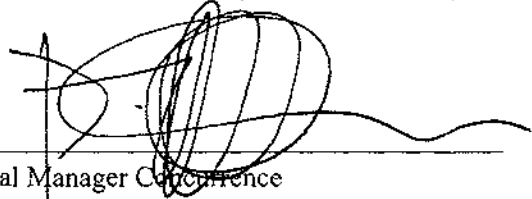
This is an application for a development permit for the property located adjacent to Imperial Drive and River Crescent in the French Creek area of Electoral Area 'G'. The parent parcel is designated within the Sensitive Lands Development Permit Area pursuant to the French Creek OCP Bylaw No. 1115, 1998 specifically to protect development from the risk of flooding from French Creek. The applicant is proposing to develop the parent parcel in 2 parcels. The submitted geotechnical report cites that the proposed subdivision would be safe from a geotechnical perspective for the use intended in relation to the 200-year flood hazard from French Creek. Conditions of development, which are outlined in *Schedule No. 1*, will include the removal of accessory buildings in order to ensure bylaw compliance. Given the conformity with the Development Permit guidelines staff recommends Alternative No. 1, to approve the development permit subject to conditions outlined in Schedules No. 1 and 2.

RECOMMENDATION

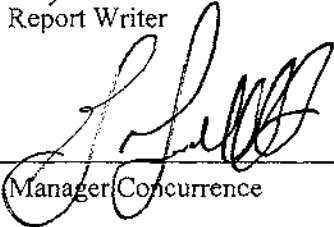
That Development Permit Application No. 60738 submitted by J Wilson in conjunction with the subdivision on the parcel legally described as Lot 2, District Lot 28, Nanoose District, Plan 22685 and designated within the Sensitive Lands Development Permit Area pursuant to the "French Creek Official Community Plan Bylaw No. 1115, 1998", be approved, subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.



Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devsvs/reports/2007/no 3060 30 60738 (c/r 27269) dp no wilson.doc

**Schedule No. 1
Conditions of Approval
Development Permit Application No. 60738**

The following sets out the conditions of approval:

1. Geotechnical Report

The development of the subdivision of the proposed parcels shall be in accordance with the 4 page Geotechnical Assessment Report; prepared by Lewkowich Geotechnical Engineering Ltd., File No. G5627.01 and dated September 5, 2007 (to be attached to and forming part of the Development Permit).

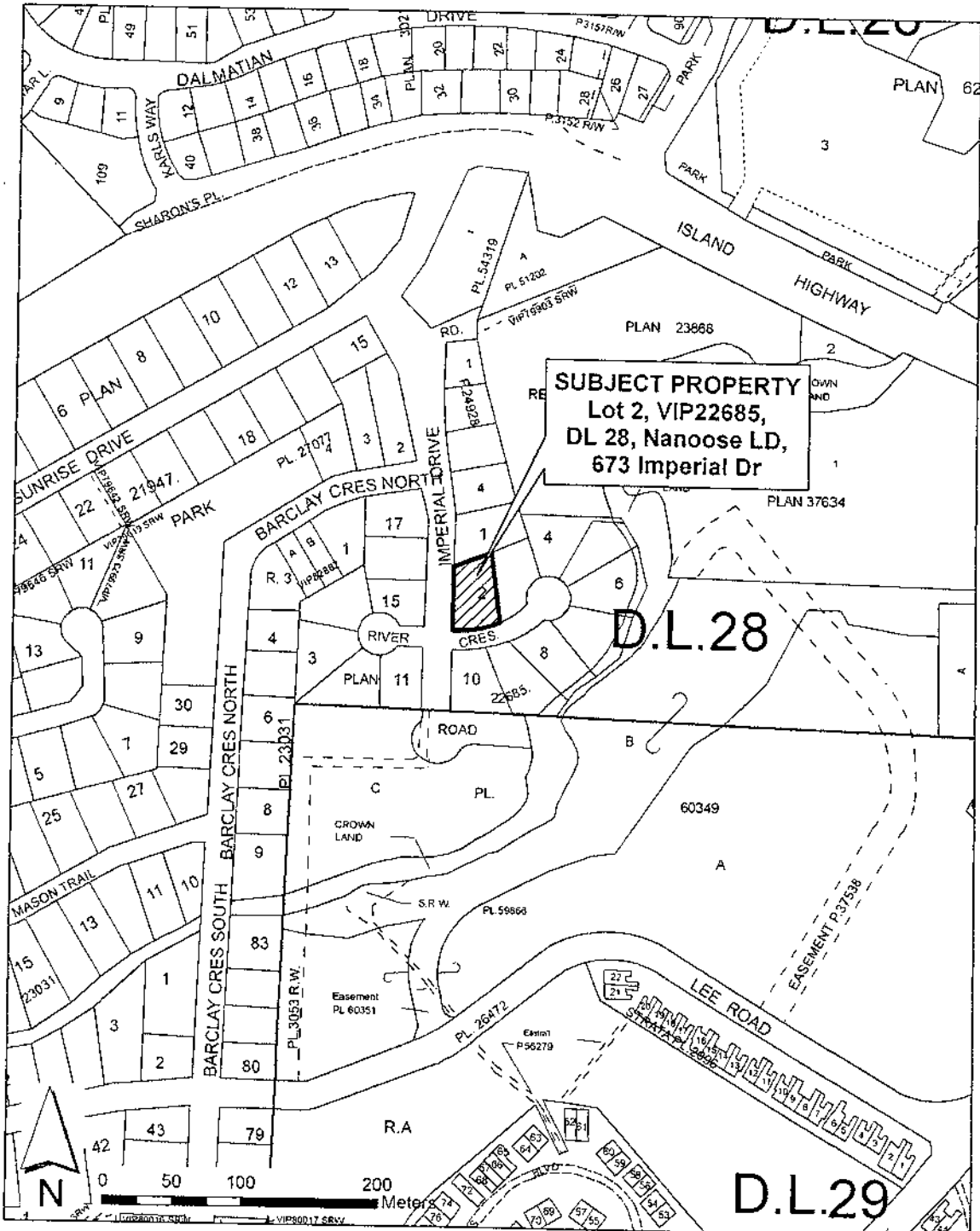
2. Subdivision

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

3. Existing Buildings

- a. The accessory buildings shown as "to be removed" as shown on Schedule No. 2 (to be attached to and forming part of the Development Permit), are to be removed. Applicant to apply for a demolition permit at the RDN Building Inspections Department.

Attachment No. 1
Location of Subject Property
Development Permit No. 60738



BCGS MAPSHEET NO. 92F 036 1.3



RDN REPORT	
CAO APPROVAL	
EAP	✓ NOV. 13th
COW	
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RHD	
BOARD	

MEMORANDUM

TO: Geoff Garbutt
Manager, Current Planning

DATE: November 6, 2007

FROM: Susan Cormie
Senior Planner

FILE: 3060 30 60739
c/r 3320 20 27181

SUBJECT: Development Permit Application No. 60739
Hans Stussi, on behalf of Novation Enterprises Ltd. & S. Grand
Electoral Area 'H' – Island Highway No. 19A & Welch Road

PURPOSE

To consider an application for a development permit in conjunction with a lot line lot adjustment subdivision within Environmentally Sensitive Features and Hazard Lands Development Permit Areas on parcels located in Electoral Area 'H'.

BACKGROUND

The parent parcels, legally described as Parcel D (DD 13419N) of District Lot 20, Except Part in Plan 10191, and Plan VIP54439 and Lot A, District Lot 20, Plan 25174, Both of Newcastle District, are located adjacent to the West Island Highway No. 19A and Welch Road in the Qualicum Bay area of Electoral Area 'H' (See Attachment No. 1 for location of parent parcels).

Parcel D (DD 13419N) of District Lot 20, Newcastle District Except Part in Plan 10191, and Plan VIP54439 – Adjacent to Island Highway No. 19A

Parcel D, which is approximately 9.6 ha in size, is currently split zoned pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" as follows:

- Commercial 5 Subdivision District 'M' (CM5M) (2000 m2 with community water service);
- Recreation 1 Subdivision District 'Z' (RC1Z) (no further subdivision); and
- Rural 1 Subdivision District 'D' (RUID) (2.0 ha minimum parcel size with or without community services).

This parcel currently supports a campground resort, a restaurant, an ice cream parlour, motel suites and cabins, and a single dwelling unit.

Surrounding uses include the Island Highway No. 19A and the Strait of Georgia to the north; residential and rural zoned parcels to the east (including Lot A); a resource management zoned parcel to the south; and rural and commercial zoned parcels to the west. The parcel is split by the E&N Railway with the rural zone on both sides of the railway. Access to the property is via the Island Highway No. 19A and a private railway crossing. Community water service is provided by Qualicum Bay – Horne Lake Water Works District.

Parcel D is designated within the following development permit areas pursuant to the Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003:

- a. The Environmentally Sensitive Features Development Permit Area, in this case for the protection of streams and their riparian areas – this parcel will meet the exemption provisions of the development permit area.

- b. The Environmentally Sensitive Features Development Permit Area, in this case for the protection of the aquifer - as this parcel will not meet the exemption provisions for protection of the aquifer, a development permit is required.
- c. The Village Centres Development Permit Area for the form and character of commercial, industrial or multi-family residential development – this parcel will meet the exemption provisions of the development permit area.
- d. The Hazard Lands Development Permit Area for the protection of development from hazardous conditions – this parcel will meet the exemption provisions of the development permit area.

Lot A, Newcastle District, District Lot 20, Plan 25174 – Welch Road

Lot A, which is approximately 2.0 ha in size, is currently split zoned pursuant to the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” as follows:

- Residential 2 Subdivision District ‘M’. (RS2M) (2000 m² with community water service) and
- Rural 1 Subdivision District ‘D’ (RU1D) – (2.0 ha minimum parcel size with or without community services).

This parcel supports a dwelling unit and accessory buildings. There is an abandoned gravel pit located within the Rural 1 portion of this parcel. Access is via a panhandle from Welch Road. Community water service is provided by Qualicum Bay – Horne Lake Water Works District.

Surrounding uses include Welch Road and residential zoned parcels to the north; residential and rural zoned parcels to the east; a resource management zoned parcel to the south; and the rural zoned portion of Parcel D to the west. The parcel is also split by the E&N Railway with the residential zoned portion located to the north of the railway and the rural zoned portion to the south of the railway.

Lot A is designated within the following development permit areas pursuant to the Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003:

- a. The Hazard Lands Development Permit Area for the protection of development from hazardous conditions – this application will not meet the exemption requirements as there is an abandoned gravel pit located within the rural zoned portion of the parcel; therefore, a development permit is required.
- b. The Environmentally Sensitive Features Development Permit Area, in this case for the protection of streams and their riparian areas – this parcel will meet the exemption provisions of the development permit area.
- c. The Environmentally Sensitive Features Development Permit Area, in this case for the protection of the aquifer - as this parcel will not meet the exemption provisions for protection of the aquifer, a development permit is required.

As a development permit is required for protection of the aquifer and protection of development from hazardous conditions, a development permit is required.

The parent parcels are not located within an RDN Building Services Area.

Proposed Development

The applicant is proposing a lot line adjustment subdivision by including the Rural 1 portion of *Lot A* as part of Parcel D (see *Schedule No. 2 for proposed subdivision layout*). The remainder of *Lot A* will be able to meet the minimum 2000 m² parcel size with an existing community water service connection from Qualicum Bay – Horne Lake Water Works District and private individual septic disposal system.

As part of the development permit application process, the applicant has submitted an Aquifer Report and a Geotechnical Hazard Assessment prepared by professional engineers.

ALTERNATIVES

1. To approve the Development Permit Application No. 60739, as submitted, subject to the conditions outlined in Schedules No. 1 and 2.
2. To deny the development permit as submitted and provide staff with further direction.

DEVELOPMENT IMPLICATIONS

Development Permit Guidelines Implications

With respect to the development permit guidelines for protection of the aquifer, the applicant has submitted an Aquifer Report which concludes that the proposed subdivision will not impact the aquifer negatively by septic waste disposal and recommends any new waste disposal systems be designed in accordance with the current regulations and a bacteriological monitoring program be performed to assure the aquifer is not being negatively impacted. Staff recommends that the recommended monitoring and possible mitigation measures be included as a condition of development (*see Schedule No. 1 for Conditions of Approval*).

With respect to the development permit guidelines for protection of development from hazard conditions, the applicant has submitted a Geotechnical Hazard Assessment concerning the abandoned gravel pit. The report concludes that the area of the gravel pit and 7.0 metres from the top edge of the pit is not presently suitable for building development and that the pit need to be re-contoured to ensure the surrounding area for safe development. Staff recommends that these works be completed by the applicant to the satisfaction of the Regional District of Nanaimo and the Ministry of Transportation (*see Schedule No. 1*).

It is noted that if the applicant wishes to pursue additional development of the parcels, another development permit would be required.

Site Servicing Implications

The applicant has applied for septic disposal approval to the Central Vancouver Island Health Authority.

Community water service connections are subject to the approval of the Qualicum Bay – Horne Lake Water Works District.

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

VOTING

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

SUMMARY

This is an application for a development permit in conjunction with a lot line adjustment subdivision on parcels located adjacent to the Island Highway No. 19A and Welch Road in Electoral Area ‘H’. The subdivision application is subject to a development permit specifically for the purpose of ensuring protection of the aquifer and for protection of development from hazardous conditions. The submitted engineers’ reports conclude that the proposed development will not impact the aquifer negatively by

septic waste disposal and land is geotechnically safe and suitable for the intended purpose of siting residences subject to works being completed. Therefore, staff recommends that the development permit include the engineers' reports and the recommendations for a bacteriological monitoring program to assure that the aquifer is not being impacted negatively by septic effluent disposal and the remediation works for the old gravel pit site.

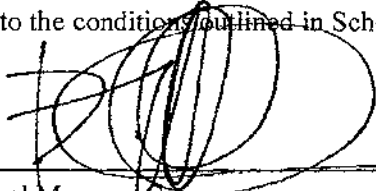
As the proposed subdivision is consistent with the applicable guidelines concerning protection of the aquifer and protection of development from a hazardous perspective as outlined in the applicable Development Permit Areas, staff recommends Alternative No. 1, to approve the development permit subject to conditions outlined in Schedules No. 1 and 2.

RECOMMENDATION

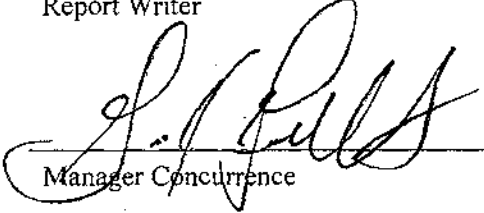
That Development Permit Application No. 60739 submitted by Hans Stussi, on behalf of Novation Enterprises Ltd. & S Grand, in conjunction with the subdivision on the parcels legally described as Parcel D (DD 13419N) of District Lot 20, Except Part in Plan 10191, and Plan VIP54439 and Lot A, District Lot 20, Plan 25174, Both of Newcastle District, and designated within the Environmentally Sensitive Features and the Hazard Lands Development Permit Areas pursuant to the Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.



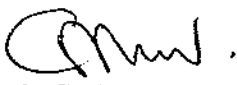
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devsvs/reports/2007/no/dp 3060 30 60739/ subd 27181 stussi grand

**Schedule No. 1
Conditions of Approval
Development Permit Application No. 60739**

The following sets out the conditions of approval:

1. Aquifer Report

The construction of the subdivision and subsequent development of the proposed parcels shall be in accordance with the 7-page Aquifer Report; prepared by Qualicum Engineering Service and dated October 10, 2007EBA Engineering Consulting Ltd., File #1652 (to be attached to and forming part of the Development Permit) to the satisfaction of the Regional District of Nanaimo.

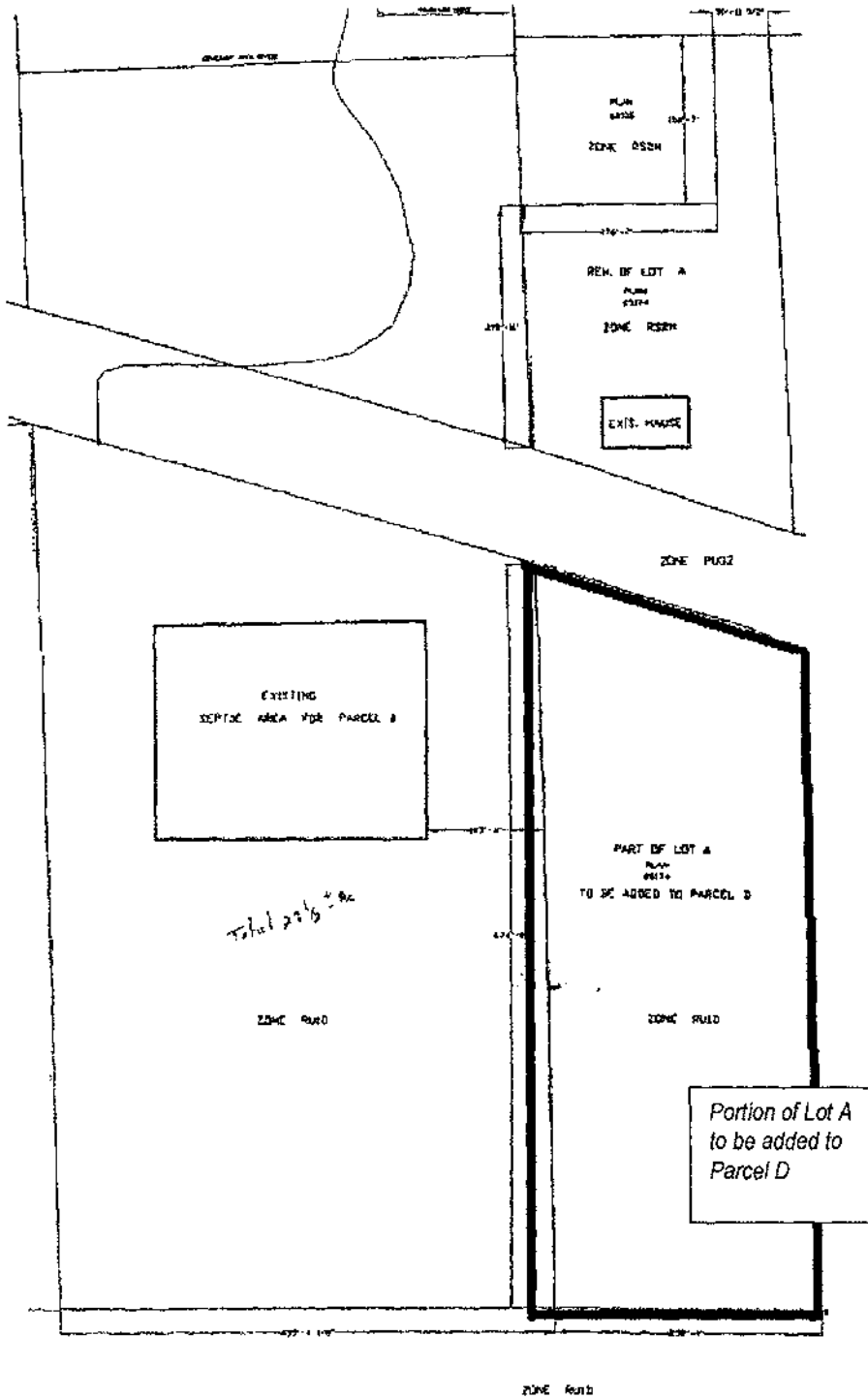
2. Geotechnical Hazard Assessment

The applicant shall complete the works as set out in the recommendations in accordance with the recommendations of the 5-page Geotechnical Hazard Assessment Report prepared by Lewkowich Geotechnical Engineering Ltd. and dated July 16, 2007 (to be attached to and forming part of the Development Permit) to the satisfaction of the Regional District of Nanaimo and the Ministry of Transportation.

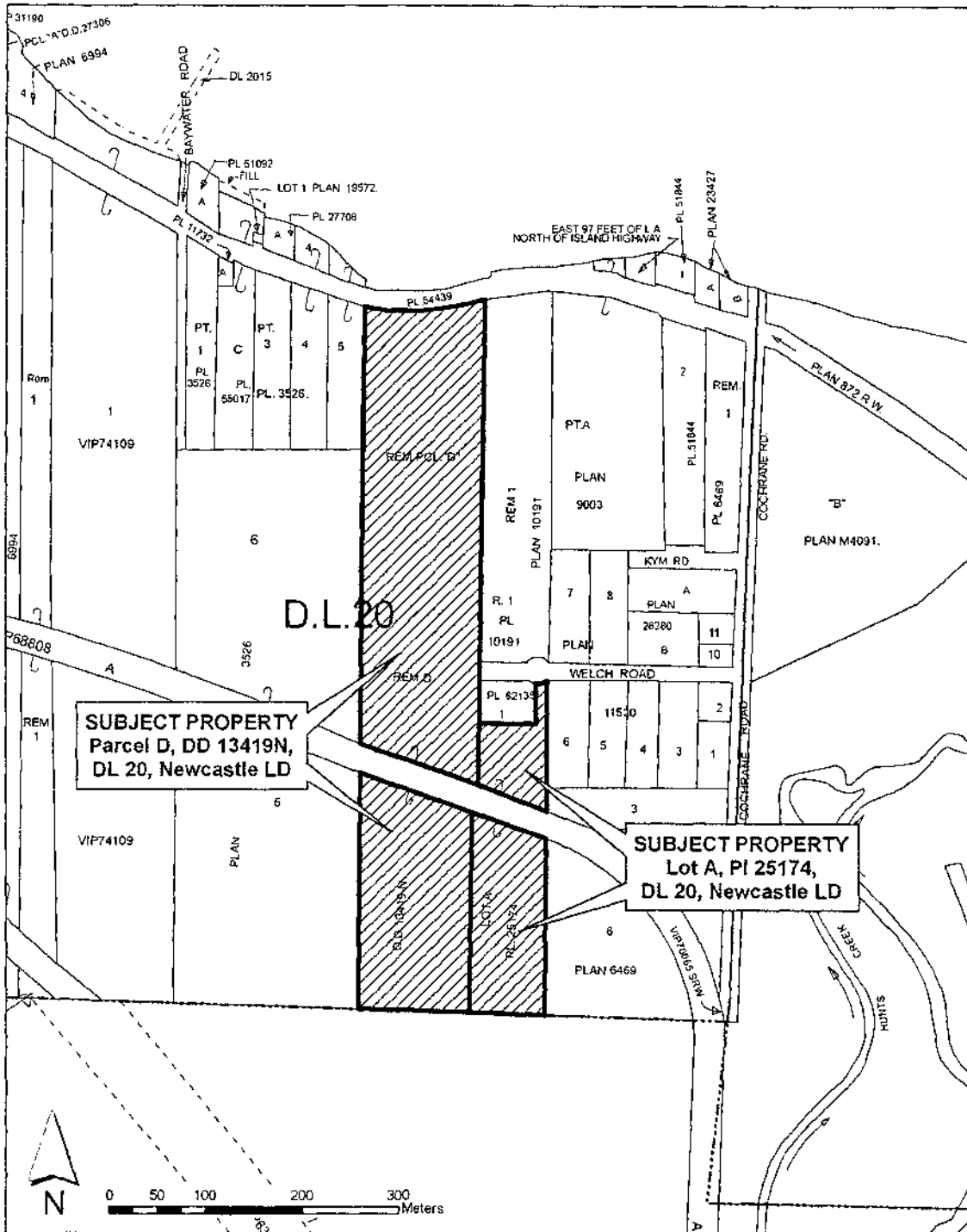
3. Subdivision

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

Schedule No. 2
Development Permit No. 60739
Portion of Proposed Plan of Subdivision Showing Lot Line Adjustment



Attachment No. 1
Location of Subject Property
Development Permit No. 60739





RDN REPORT	
CAC APPROVAL <i>[Signature]</i>	
EAP	✓ <i>11/13/07</i>
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BOARD	

MEMORANDUM

TO: Geoff Garbutt
Manager of Current Planning

DATE: November 2, 2007

FROM: Kristy Marks
Planner

FILE: 3090 30 90714

SUBJECT: Development Variance Permit Application No. 90714 – Mayne/Fern Road Consulting Ltd.
Lot 33 District Lot 68, Nanoose District, Plan VIP30341
Electoral Area 'E', RDN Map Ref. No. – 92F.039.2.2

PURPOSE

To consider an application for a Development Variance Permit to permit the construction of a residential dwelling on a property located at Lot 33, Amelia Crescent.

BACKGROUND

The subject property is located at Lot 33, Plan 30341 on Amelia Crescent in Electoral Area 'E' (see Attachment No. 1 for location of the subject property). The subject property is a relatively flat, vacant lot, with elevations approximately 1.0 to 1.5 metres below the existing road and surrounding properties. The property is approximately 0.07 hectares in size and is bordered by developed residential parcels to the north and southeast and by parkland to the southwest.

The subject property is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The parcel is located within the Farmland Protection and Watercourse Protection Development Permit Areas (DPA) pursuant to "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005". The property is not adjacent to ALR lands and is therefore exempt from the Farmland Protection DPA Guidelines. The applicants retained Chatwin Engineering to prepare an assessment of a potential watercourse on the subject property. The report prepared by Chatwin Engineering Ltd, dated June 4, 2007 concludes that the "drainage traversing the property is a storm drain ditch and the RAR does not apply". As the proposed development will be greater than 30 m from a watercourse, no Development Permit is required for the proposed residential dwelling. The applicant has completed the "Sustainable Community Builder Checklist", as per Board policy and there are no implications related to this application.

Requested Variance Summary

The applicants are requesting to vary Section 3.4.61, Minimum Setback Requirements of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," as follows:

Required Maximum Height	Constructed Height	Requested Variation
8.0 metres	9.0 metres	+1.0 metres

ALTERNATIVES

1. To approve Development Variance Permit No. 90714 subject to the conditions outlined in Schedules No. 1-3 and the notification requirements of the Local Government Act.
2. To deny the requested variation in height.

POLICY B1.5

As discussed above, the applicants are proposing to place approximately 1.0 metre of fill on the subject property in order to raise the elevation of their lot to meet that of the road and the surrounding properties. A preliminary review of elevations on the subject property indicates that the maximum building elevation allowed is 36.0 m and the projected elevation of the highest ridge is 37.0 m therefore requiring a 1.0 metre height variance (*See Schedule No. 2*). Regional District of Nanaimo Development Variance Permit Application Policy B1.5 Evaluation provides staff with guidelines for reviewing and evaluating development variance permit applications. The policy requires a land use justification for a variance request and that the potential impacts of the variance are warranted by the variance required.

The applicants have provided the following justifications for the proposed height variance:

- Adjacent developed parcels have been filled in order to be level with the road elevation.
- Raising the elevation of the lot would make it more uniform with adjacent lots and eliminate drainage problems that would occur if the dwelling was constructed lower than the rest of the lots.

LAND USE AND DEVELOPMENT IMPLICATIONS

As outlined above, the applicants are requesting approval for a height variance to permit the construction of a residential dwelling on Amelia Crescent. The location of the proposed dwelling unit and requested height variance are outlined on *Schedule No. 2*. Building elevations for the proposed dwelling are outlined on *Schedule No. 3*.

In staff's assessment of this application, the applicants have provided justification for the requested variance and have made efforts to minimize this variance. Given that the subject property is situated lower than the adjacent properties resulting in the potential for drainage issues and that the surrounding parcels have been filled and developed, staff does not expect that the structure will impede views of adjacent property owners.

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 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.

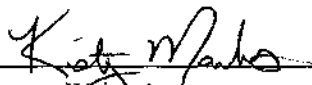
VOTING - Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

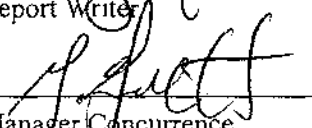
This application for a Development Variance Permit requests a 1.0 metre variation in the height to permit the construction of a residential dwelling on a property located at Lot 33, Amelia Crescent in Electoral Area 'E'. Given the existing elevation of the subject property in relation to adjacent properties, the potential for drainage issues, and that staff does not anticipate the increased height will have a negative impact on the neighbouring properties views, Staff recommends that the requested Development Variance Permit be approved subject to the terms outlined in Schedules No. 1-3 of this report, and subject to notification requirements pursuant to the *Local Government Act*.

RECOMMENDATION

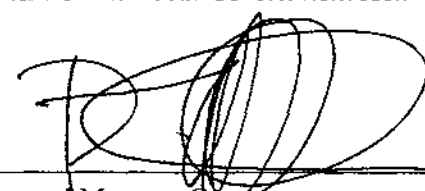
That Development Variance Permit Application No. 90714, to permit the construction of residential dwelling with a maximum height of 9.0 m on the subject property legally described as Lot 33, District Lot 68, Nanoose District, Plan VIP30341 on Amelia Crescent, be approved subject to the conditions outlined in Schedules No. 1-3 and the notification requirements of the *Local Government Act*.




Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

Schedule No. 1
Terms of Development Permit No. 90714

Bylaw No. 500, 1987 – Requested Variance

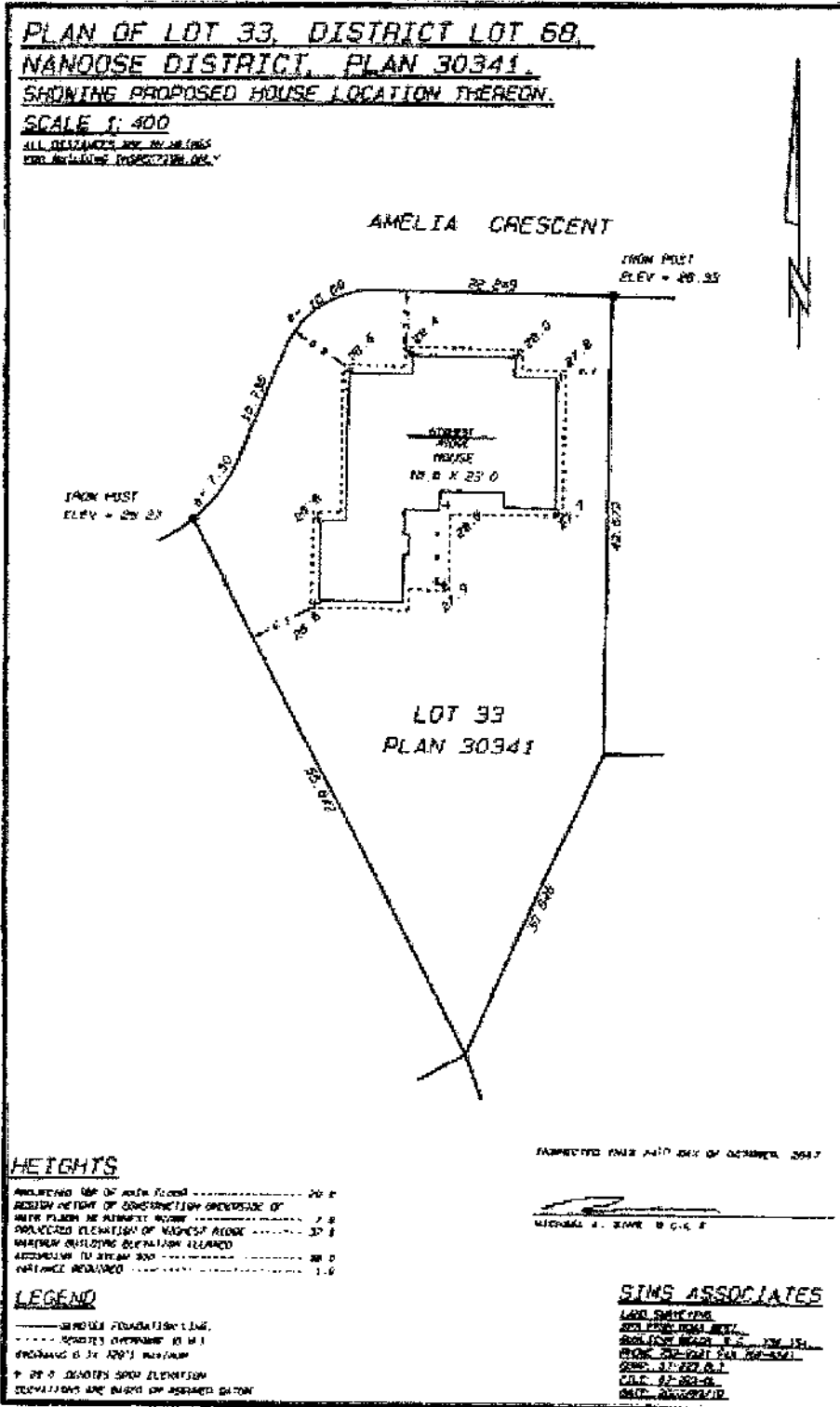
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” the following variance is proposed:

1. **Section 3.4.61, Height** of is hereby varied by increasing the maximum dwelling unit height from 8.0 metres to 9.0 metres as shown on *Schedule No. 2*.

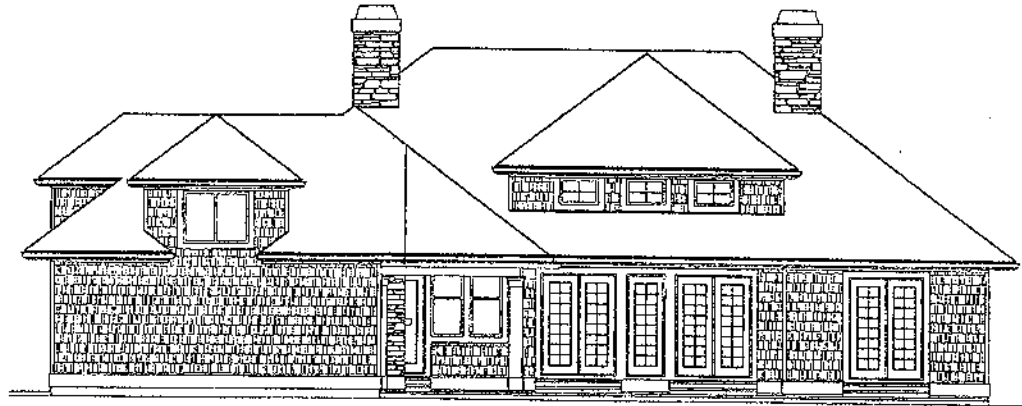
Conditions of Approval

2. The dwelling unit shall be sited in accordance with survey prepared by Sims Associates dated October 24, 2007 attached as *Schedule No. 2*.
3. The dwelling unit elevations shall be developed in accordance with the Building Elevations received October 19, 2007 attached as *Schedule No. 3*.
4. The applicant shall provide confirmation of building height and setbacks by a British Columbia Land Surveyor at the framing stage of the dwelling.

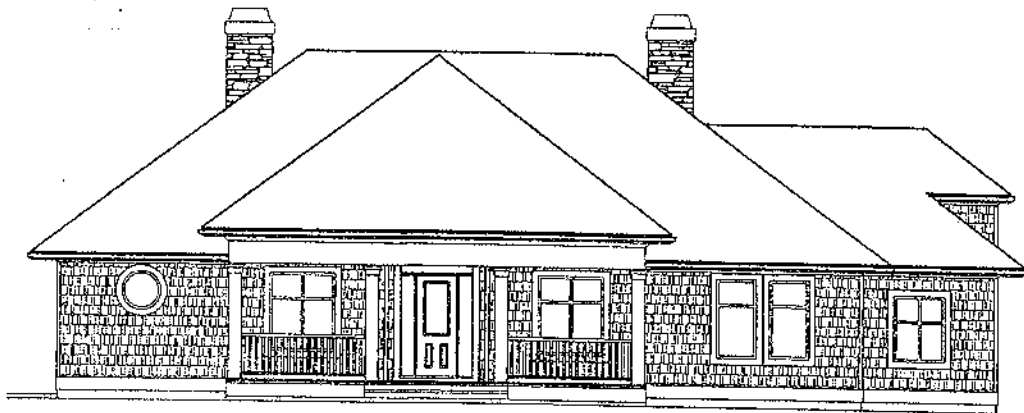
Schedule No. 2
 Site Plan and Proposed Elevations



Schedule No. 3
Building Elevations
(Page 1 of 2)

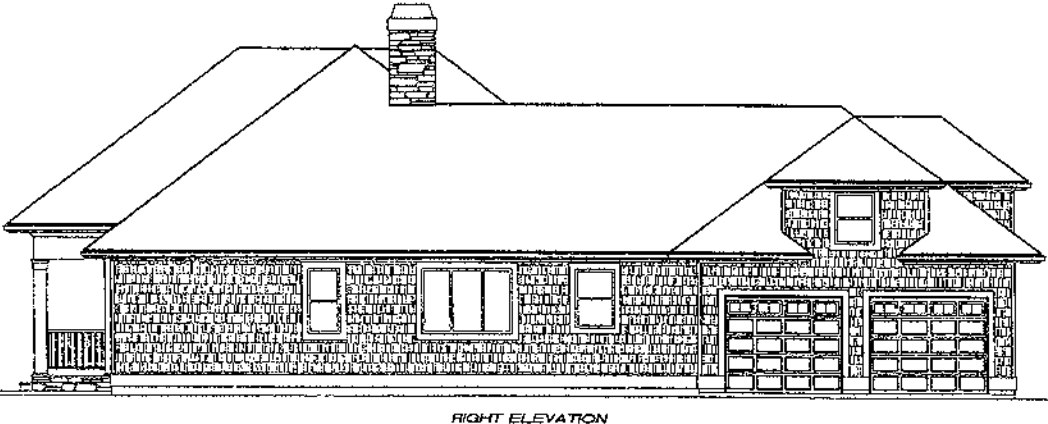
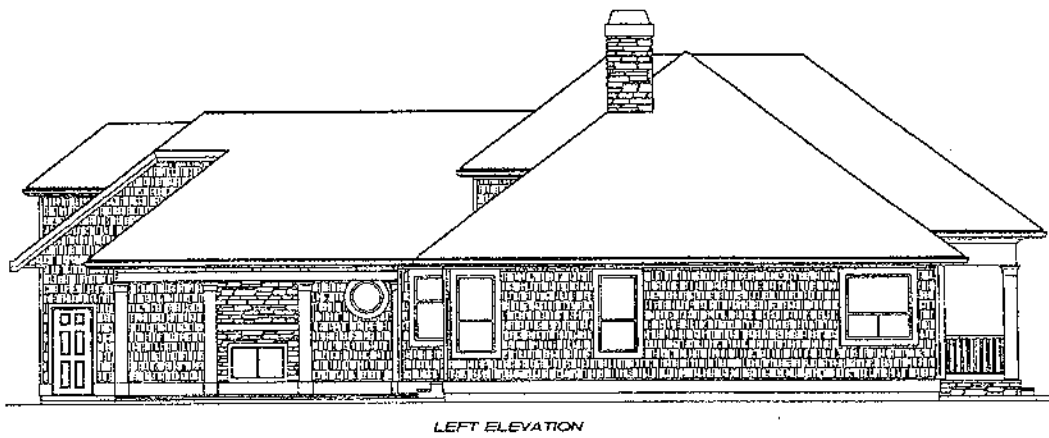


REAR ELEVATION



FRONT ELEVATION

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



Attachment No. 1
Location of Subject Property

