

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, MAY 13, 2008

6:00 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 3-5 Minutes from the regular meeting of the Electoral Area Planning Committee held April 8, 2008.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

- 6-37 Development Permit Application No. 60710 – Williamson – 5169 Gainsberg Road – Area ‘H’.
- 38-44 Development Permit Application No. 60813 – Graham – 1566 River Crescent – Area ‘G’.
- 45-52 Development Permit Application No. 60818 – Fern Road Consulting Ltd., on behalf of Forevergreen Properties Ltd. – Inland Island Highway & off Coldwater Road – Area ‘G’.
- 53-77 Development Permit Application No. 60821 – Fern Road Consulting Ltd., on behalf of Sturlis – 1253 Prestwick Place – Area ‘G’.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 78-84 Development Variance Permit Application No. 90807 – Francis – 2293 East Island Highway – Area ‘E’.

OTHER

85-90 Request to Discharge a Section 219 Covenant – Grimes – 2405 & 2393 Morland Road – Area 'A'.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, APRIL 8, 2008, AT 6:00 PM
IN THE RDN BOARD CHAMBERS**

Present:

Director G. Holme	Chairperson
Director J. Burnett	Electoral Area A
Director M. Young	Electoral Area C
Director L. Biggemann	Electoral Area F
Director J. Stanhope	Electoral Area G
Alternate	
Director D. Heenan	Electoral Area H

Also in Attendance:

M. Pearce	Senior Manager, Corporate Administration
P. Thorkelsson	General Manager, Development Services
T. Osborne	General Manager, Recreation & Parks
P. Thompson	Manager, Long Range Planning
G. Garbutt	Manager, Current Planning
N. Tonn	Recording Secretary

CALL TO ORDER

The Chairperson welcomed Alternate Director Heenan to the meeting.

MINUTES

MOVED Director Stanhope, SECONDED Director Biggemann, that the minutes of the Electoral Area Planning Committee meeting held March 11, 2008 be adopted.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60730 and Request for Acceptance of a Combination of Park Land and Cash in-lieu-of Park Land – Fern Road Consulting Ltd., on behalf of Pardiac – Adjacent to Gainsberg and Pearl Roads - Area ‘H’.

The Manager of Current Planning noted that Condition No. 5 within Schedule No. 1 is amended to read as follows:

- “5. Through the subdivision process, the legal status of the existing accessory building labeled “shop” on Schedule No. 2, will be established to ensure compliance with the requirements of RS2 zone in “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987.”

MOVED Director Heenan, SECONDED Director Burnett, that Development Permit Application No. 60730 submitted by Fern Road Consulting Ltd., on behalf of P. Pardiac, in conjunction with the subdivision of the parcel legally described as Lot 17, District Lot 27, Newcastle District, Plan 38181 and designated within the Environmentally Sensitive Features, Development Permit Area, be approved subject to the conditions outlined in Schedules No. 1 and 2, as amended, of the corresponding staff report.

CARRIED

MOVED Director Heenan, SECONDED Director Burnett, that the combination of park land and cash in-lieu-of park land proposal, in the amount and location as shown on Schedule No. 2 of the staff report, be accepted subject to the conditions set out in Schedule No. 3 of the staff report.

CARRIED

Development Permit Application No. 60812 and Request for Relaxation – M. Wilson on behalf of Gilchrist – 1458 Raines Road – Area ‘A’.

MOVED Director Burnett, SECONDED Director Young, that Development Permit Application No. 60812, submitted by M. Wilson, on behalf of T. & M. Gilchrist, in conjunction with the subdivision of the parcel legally described as Lot 1, Section 18, Range 7, Cranberry District, Plan 20029, Except Parts in Plans 28748, 28749 and VIP82999 and designated within the Streams, Nest Trees and Nanaimo River Floodplain and Fish Habitat Development Permit Areas, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that the request for relaxation of the minimum 10% frontage requirement for the Proposed Remainder of Lot 1, as shown on the plan of subdivision of Lot 1, Section 18, Range 7, Cranberry District, Plan 20029, Except Parts in Plans 28748, 28749 and VIP82999, be approved.

CARRIED

Development Permit Application No. 60815 – Henn – 4307 Eva Road – Area ‘H’.

The Manager of Current Planning noted that Condition No. 6 of Schedule No. 1 is amended to add the words “and relocation of storage shed” after the word “construction”.

MOVED Director Heenan, SECONDED Director Biggemann, that Development Permit Application No. 60815, to construct a dwelling unit and recognize the siting of an existing garage within the Natural Hazards Development Permit Area pursuant to “Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003” for the property legally described as Lot 1, District Lot 36, Newcastle District, Plan 27764 be approved subject to the conditions outlined in Schedules No. 1 to 3 as amended.

CARRIED

OTHER

Electoral Area ‘G’ Official Community Plan – Bylaw No. 1540, 2008.

MOVED Director Stanhope, SECONDED Director Burnett, that the Report of the Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held Tuesday, March 18, 2008, together with all written submissions to the Public Hearing on “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008” be received.

CARRIED

MOVED Director Stanhope, SECONDED Director Burnett, that “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008” be granted 3rd reading with amendments as recommended in Schedule No. 1 of the staff report.

CARRIED

MOVED Director Stanhope, SECONDED Director Burnett, that "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008" be forwarded to the Ministry of Community Services for consideration of approval.

CARRIED

Electoral Area 'A' Official Community Plan Land Inventory Results.

MOVED Director Burnett, SECONDED Director Young, that the Board receive the Electoral Area 'A' Cedar Village Centre and Suburban Residential land use designations land inventory attached as Schedule No. 1.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 6:13 PM

CHAIRPERSON



CAO APPROVAL	
EAP	✓ May 13th
COW	
MAY 02 2008	
RHD	
BOARD	

MEMORANDUM

TO: Geoff Garbutt
Manager of Current Planning

DATE: April 24, 2008

FROM: Elaine Leung
Planner

FILE: 3060 30 60710

SUBJECT: Development Permit Application No. 60710 -- Williamson
Lot C, District Lot 27, Newcastle District, Plan 21952
Electoral Area 'H' -- 5169 Gainsberg Road

PURPOSE

To consider an application for a Development Permit to construct a residential dwelling on a property located at 5169 Gainsberg Road.

BACKGROUND

The subject property currently contains a single residential dwelling located at the southern (road side) portion of the property. This is an application to permit construction of a second residential dwelling on the subject property legally described as Lot C, District Lot 27, Newcastle District, Plan 21952 in Electoral Area 'H' (*see subject property map - Attachment 1*). The parcel is approximately 4990.7 m² in size. This waterfront lot is bounded by residential lots to the east, west and bounded by Gainsberg Road to the south.

The subject property is zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". There are no variances required pursuant to Bylaw No. 500, 1987.

Pursuant to "Regional District of Nanaimo Electoral 'H' Official Community Plan Bylaw No. 1335, 2003" the subject property is within the Environmentally Sensitive Features Development Permit Area for Aquifer and Watercourse Protection and Fish Habitat Protection Areas (DPA). This application is exempt from the provisions of the Aquifer Development Permit Areas as this is an application to construct a single residential dwelling.

The applicant has completed the "Sustainable Community Builder Checklist", as per Board policy.

ALTERNATIVES

1. To approve the Development Permit as requested subject to the conditions outlined in Schedules No. 1-6.
2. To deny the Development Permit as requested.

LAND USE AND DEVELOPMENT IMPLICATIONS

Land Use Implications

The location of the proposed dwelling within the lot is outlined on *Schedule No. 2*. Building elevations for the proposed dwelling are shown on *Schedule No. 3*.

A geotechnical hazards assessment has been submitted by Ground Control Geotechnical Engineering Ltd. dated August 2, 2007, in support of the application (*Schedule No. 5*). They confirm that the subject property can be safely developed and is considered suitable for residential structures, as well as suitable for conventional drainage requirements at this location.

A geotechnical assessment and design report regarding the seawall has also been submitted by Ground Control Geotechnical Engineering Ltd. dated August 2, 2007 (*Schedule No. 6*). Recognizing the necessity of the proposed project with respect to erosion concerns, they recommend that the installation of the proposed seawall is warranted, and is not expected to have significant negative impacts to the natural environment.

As the subject property does not lie within a Building Inspection area, as a condition of approval, staff recommend that a save harmless covenant be registered on title. The applicant has received written confirmation from Deep Bay Waterworks District that the subject property will receive water services, as well as emergency fire services.

Environmental Implications

In keeping with the Fish Habitat Protection Development Permit guidelines, the applicant has submitted an environmental assessment prepared by Toth and Associates Environmental Services dated March 11, 2008 (*Schedule No. 4*). They have identified an 8 metre setback from the present natural boundary from the Straight of Georgia. Additionally, the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" requires an 8 metre setback from the sea. The proposed new dwelling would be located 9.7 metres from the natural boundary.

Furthermore, they indicate that the Riparian Area Regulation does not apply to the subject property "as the short section of watercourse adjacent to the property is within tidal influence and therefore under Federal jurisdiction."

VOTING

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

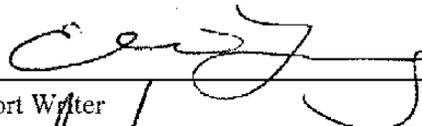
SUMMARY/CONCLUSIONS

This is an application for a Development Permit to permit the construction of a residential dwelling on a property located at 5169 Gainsberg Road.

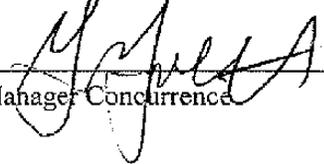
In staff's assessment, this proposal is consistent with the "Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" guidelines of the Fish Habitat Protection and Environmentally Sensitive Features Development Permit Areas. Given the recommendations of the Riparian Areas Assessment and Geotechnical Site Report, staff recommends approval of this application subject to the conditions outlined in *Schedules No. 1-6*.

RECOMMENDATION

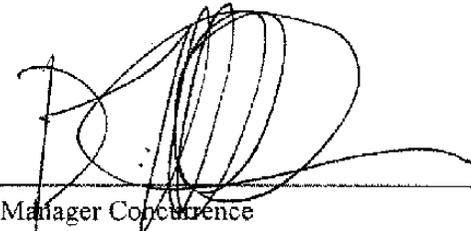
That Development Permit Application with Variance No. 60710, to permit the construction of a residential dwelling on the property legally described as Lot C, District Lot 27, Newcastle District, Plan 21952, and designated within the Environmentally Sensitive Features for Watercourse Protection and Fish Habitat Protection Development Permit Areas pursuant to "Regional District of Nanaimo Electoral 'H' Official Community Plan Bylaw No. 1335, 2003", be approved subject to the conditions outlined in *Schedules No. 1-6*.



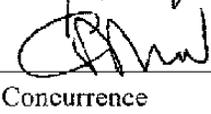
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

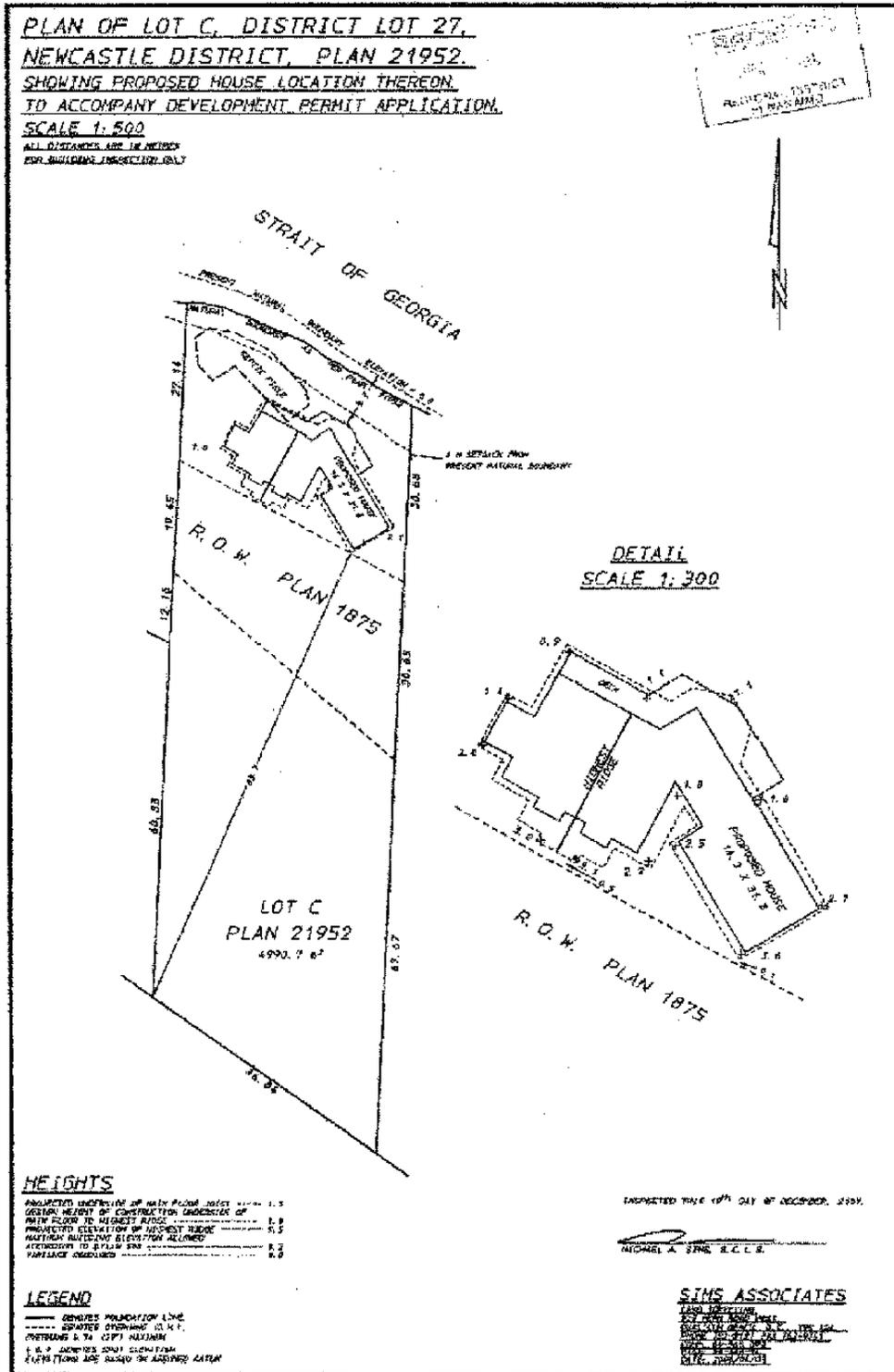
Schedule No. 1
Terms of Development Permit No. 60710

The following sets out the terms of Development Permit No. 60710.

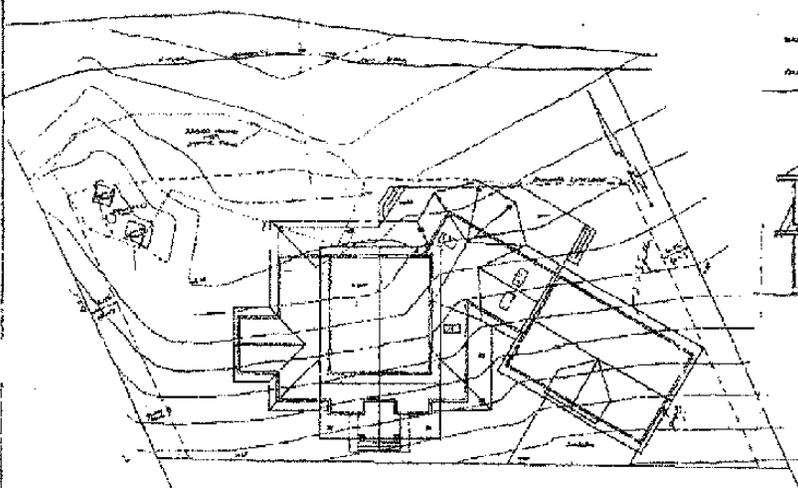
Conditions of Approval:

1. The dwelling unit shall be sited in accordance with the site plan prepared by Sims & Associates attached as *Schedule No. 2*.
2. The dwelling unit elevations shall be developed in accordance with the Building Elevations prepared by Rina Knoesen dated January 2007 attached as *Schedule No. 3*.
3. The applicant shall develop the subject property in accordance with the recommendations established in the geotechnical engineer's report dated August 2, 2007 prepared by Ground Control Geotechnical Engineering Ltd. attached as *Schedule No. 5*.
4. 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 Ground Control Geotechnical Engineering Ltd. dated August 2, 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.
5. The applicant shall develop the subject property in accordance with the Environmental Assessment Report prepared by Toth and Associates Environmental Services dated March 11, 2008.

Schedule No. 2
 Location of Dwelling



Schedule No. 3
 Building Elevations (1 of 4)

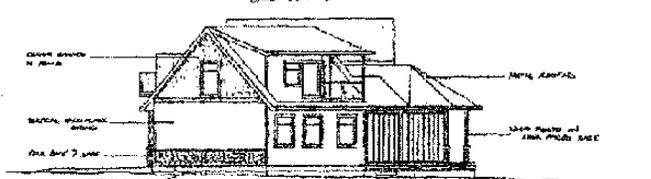


site plan
Scale: 1/8" = 1'-0"

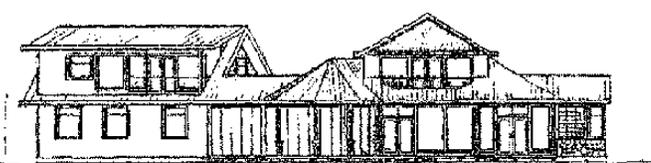
Notes:

- 1. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES.
- 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- 4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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- 9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- 10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

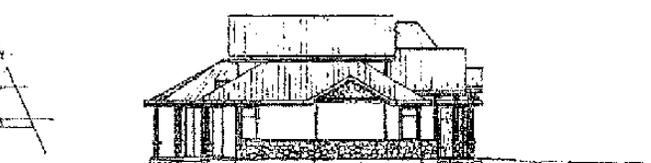
elevations
Scale: 1/8" = 1'-0"



SE



NE



NW

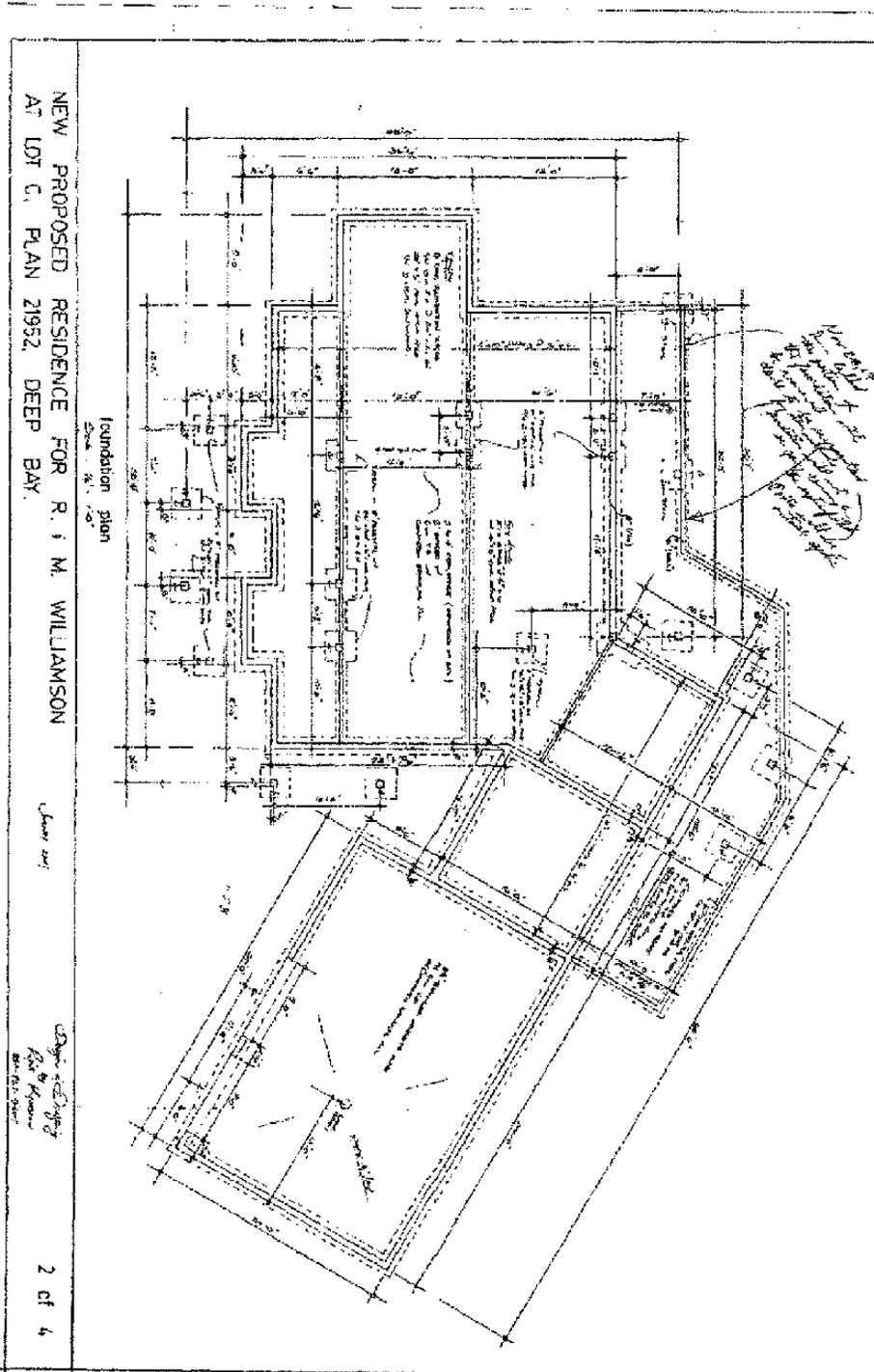


SW

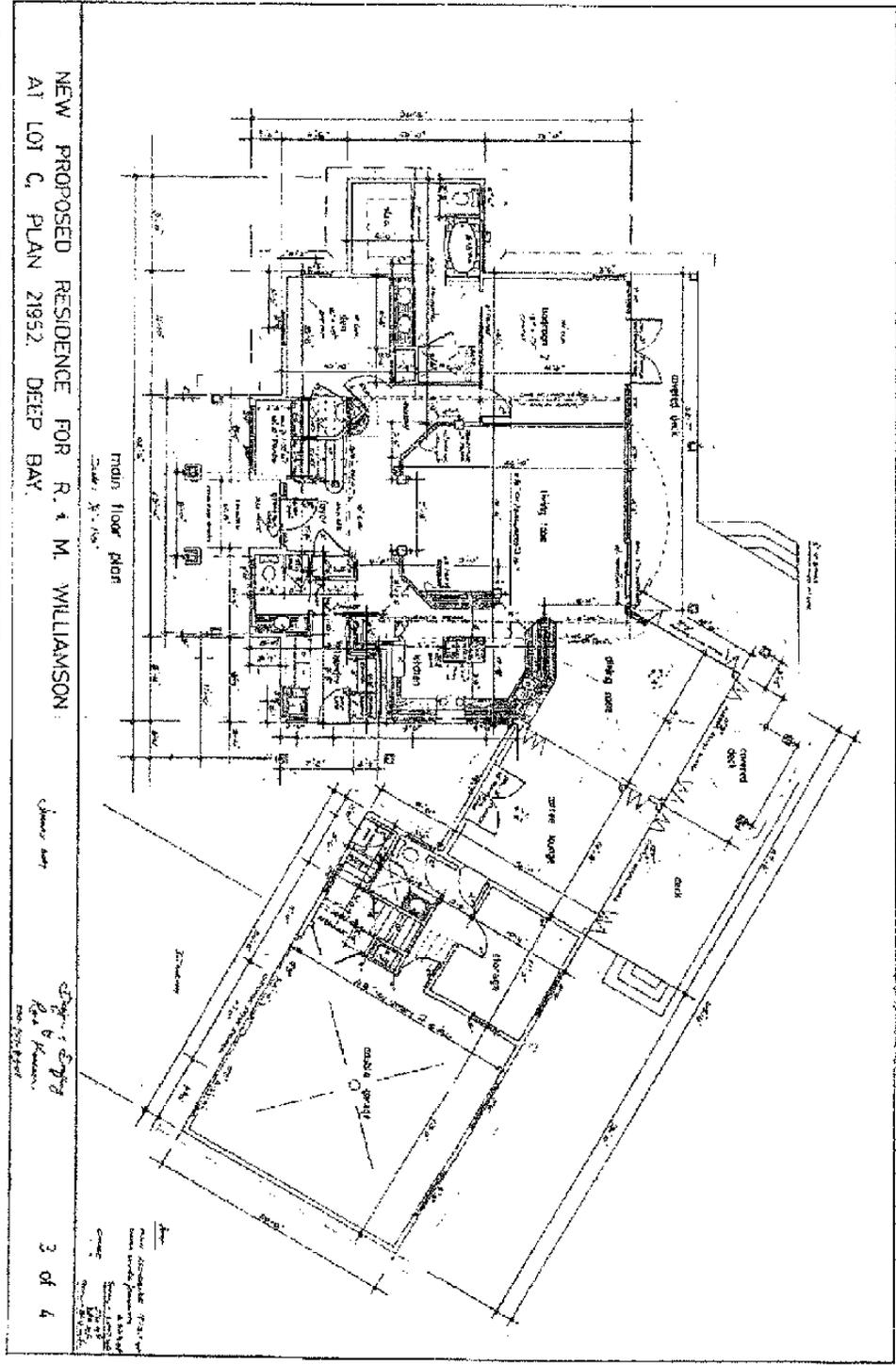
NEW PROPOSED RESIDENCE FOR R. & M. WILLIAMSON
 AT LOT C. PLAN 21952. DEEP BAY.

1 of 4

Schedule No. 3
Building Elevations Continued (2 of 4)



Schedule No. 3
Building Elevations Continued (3 of 4)



Schedule No. 4
Environmental Assessment



Toth and Associates Environmental Services

6821 Harwood Drive, Lantzville, B.C. V0R 2H0

Tel: (250) 390-7602 Fax: (250) 390-7603

E-mail: stoth@shaw.ca

RECEIVED

March 11, 2008

Randy and Margaret Williamson
11386 - 162nd Street.
Surrey, British Columbia
V4N 4P5

Re: Environmental Assessment of Lot C, 5169 Gainsberg Road.

Toth and Associates Environmental Services conducted an Environmental Assessment of Lot C, DL 27, Newcastle District Plan 21952 located at 5169 Gainsberg Road on February 27, 2008. The survey was conducted to evaluate whether an assessable watercourse under the provincial Riparian Area Regulation (RAR) was present on the property (Figure 1). An assessable watercourse as defined within the RAR was not observed on the subject property. The Riparian Areas Regulation does not apply to marine or estuarine shorelines. The boundary between freshwater habitats and estuarine habitats is considered the upstream extent of tidal influence.

The RDN Area H Official Community Plan (OCP) Map No. 2 - Environmentally Sensitive Features did not identify a watercourse on, or adjacent to the property. The Area H OCP Map No. 7 - Environmentally Sensitive Development Permit Areas (DPA) indicated that the subject property is within the Coastal Areas DPA. The Area H OCP Map No. 8 indicated that the property is within the Fish Habitat Protection DPA. Evidence of a watercourse entering the marine environment was not evident on recent air photos of the property.

A watercourse was documented slightly west of 5169 Gainsberg Road, on the south side of Gainsberg Road (photograph 1) and was observed to enter a concrete pipe under the road. A well defined ravine was observed on the north side of Gainsberg Road, but only a very small amount of intermittent surface water could be seen within the ravine bottom. This water was observed to go sub-surface at the upslope side of the Plan 1875 right-of-way and there was no defined channel within the ravine. A defined channel was not found downslope of the right-of-way on the subject property (photograph 2). Small amounts of toe-of-slope seepage and run-off from road surfaces were observed on the subject property. The watercourse documented on the south side of Gainsberg Road was observed to daylight from a pipe at the toe of slope on the adjacent property to the west at 5185 Gainsberg Road. The watercourse emerges from under a mobile home / gazebo on the property and flows for approximately 15 m to the marine foreshore (photographs 3 and 4).

Toth and Associates

1

5169 Gainsberg Road

We considered this day-lighted portion of the watercourse to be under tidal influence based on the surrounding indicators of the high tide level.

Our assessment indicates that the Riparian Area Regulation does not apply to the proposed development of the subject property as the short section of watercourse adjacent to the property is within tidal influence and therefore under Federal jurisdiction.

The RDN zoning bylaw (No. 500, 1987) indicated that setback from the natural boundary of the sea is 8.0 m (horizontal distance) from a structure, as indicated below:

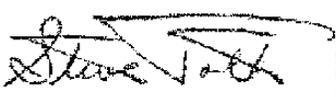
Setbacks - Sea

- a) For all Electoral Areas, except Electoral Area 'E', on parcels adjacent to or containing a coastal watercourse, no building or structure shall be constructed, moved, extended
 - i.) within 8.0 metres horizontal distance inland from the top of a slope of 30% or greater; or
 - ii.) within 8.0 metres horizontal distance from the natural boundary, whichever is greater.

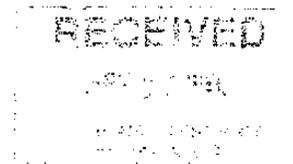
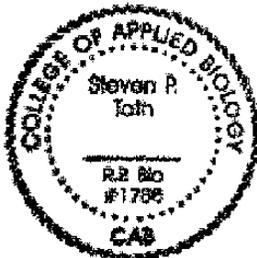
The RDN zoning bylaw does not appear to provide a definition for "Coastal Watercourse", however, it is clear that the sea is included within the definition provided for a "Watercourse". Our interpretation of the zoning bylaw would indicate that the watercourse located on the adjacent property to the west would require an 8.0 m setback, along with the 8.0 m setback from the natural boundary of the sea on the subject property.

Please contact us if you require more information.

Sincerely,
Steve Toth, AScT, R.P.Bio

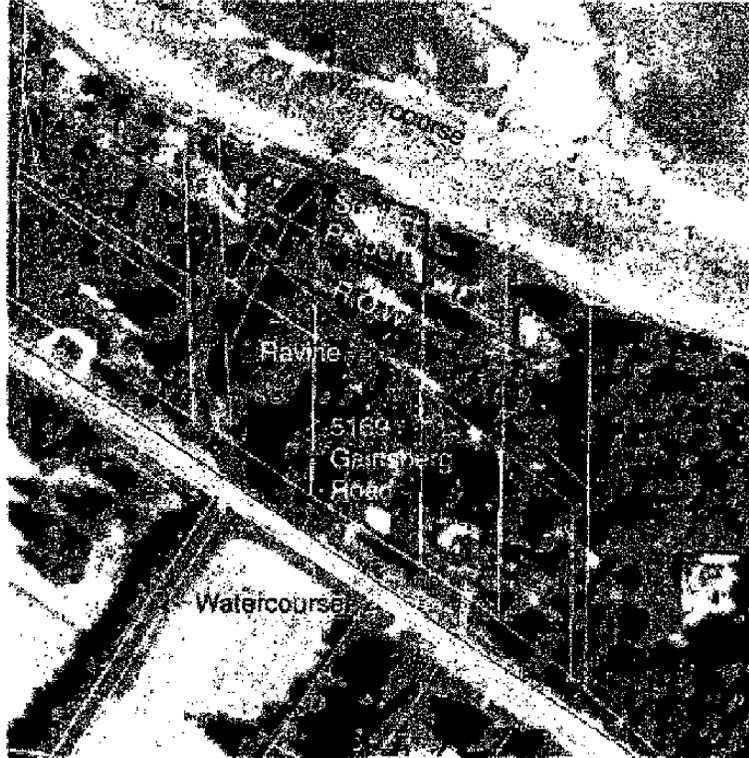


Toth and Associates Environmental Services



5169 Gainsberg Road

Figure 1. 1:2,000 scale, 2005 colour orthophoto of subject property



2005
AERIAL
PHOTOGRAPHY

Toth and Associates

3

5169 Gainsberg Road



Photograph 1. View upstream (south) from Gainsberg Road



Photograph 2. View of subject property from ROW.



Photograph 3. View from high tide mark to daylighted watercourse.



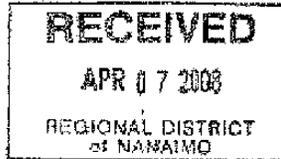
Photograph 4. View of where watercourse daylight's under gazebo.

RECEIVED
MAY 14 2008

Toth and Associates

4

**Schedule No. 5
Geotechnical Hazards Report**



GROUND CONTROL 
GEOTECHNICAL ENGINEERING LTD.
 2781 Lane Road, Nanoose Bay, BC
 Phone/Fac (250) 468-1759

File: RW-001
August 2, 2007

Mr. Randy Williamson
11386 - 162nd Street
Surrey, B.C.
V4N 4P5

SUBJECT: GEOTECHNICAL HAZARDS ASSESSMENT
PROJECT: PROPOSED SINGLE-FAMILY RESIDENCE
LOCATION: 5168 GAINSBURG ROAD, DEEP BAY, BC
LEGAL DESCRIPTION: LOT C, PLAN 22952, DL 27, NEWCASTLE DISTRICT

Dear Mr. Williamson:
August 2, 2007

1. Introduction

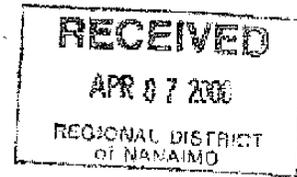
As requested, Ground Control Geotechnical Engineering Ltd. (Ground Control) has carried out a geotechnical hazards assessment of the above site. This report provides a summary of our findings and recommendations.

2. Background of Proposed Development

a. LEGAL TITLE
 The subject lot is currently occupied by an existing small house located at the south end of the property, adjacent to Gainsburg Road. Based on discussions with the client, we understand that an additional low-rise single-family residence is now proposed to be constructed at the north end of the subject lot, adjacent to the foreshore of the Strait of Georgia.

b. We understand that the new residence will be of standard construction, with a wood-frame superstructure supported on a concrete foundation and footings. The client has indicated that the proposed floor elevation of the house is about two metres above the ocean's natural boundary, and that the building will be no closer than eight metres to the natural boundary. As the proposed floor elevation is well above the existing ground elevation, the client plans to import fill to raise the level of the land around the building. A small rubble-rock retaining wall will be constructed to support the northern end of the fill, and will also act as a seawall to provide erosion protection during extreme storm events.

Geotechnical Hazards Assessment
File: RW-001
Date: August 2, 2007
Page 2 of 10



3. Assessment Objectives

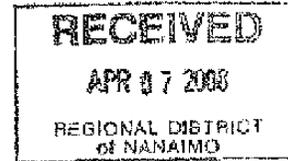
a. Our assessment, as summarized within this report, is intended to meet the following objectives:

- 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;
- 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 July 19, 2007, during which we walked the northern portion of the site accompanied by the client, and observed site conditions and noted any apparent geotechnical hazards in relation to the proposed new residences.

Geotechnical Hazards Assessment
File: RVV-001
Date: August 2, 2007
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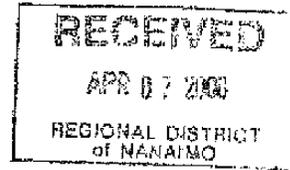
5. **Site Conditions**

- a. The subject lot is located between Gainsberg Road to the south and the foreshore of the Strait of Georgia to the north. Adjacent properties have already been developed as residential properties with houses.
- b. The north and south portions of the lot are separated by a large bluff running east-west through the property. The south portion of the lot is elevated land adjacent to Gainsberg Road and contains an older log-style home. Although not the focus of this assessment, the existing house appears to be safely situated well back from the crest of the bluff slope. An access road running across the face of the bluff provides vehicle access down to the lower northern end of the property. The access road is wide and essentially divides the bluff into an upper and a lower slope.
- c. The north portion of the lot is the area slated for construction of the new residence, and is the focus of our assessment. This area is gently sloping land, extending from the toe of the bluff northward to the foreshore of the Strait of Georgia (photograph below looking east, beach to the left, bluff slope to the right).



- d. The site is generally vegetated with low grass. The client indicates that he mows the area routinely so it does not become overgrown. Other vegetation consists of five mature trees, and a few blackberry bushes.

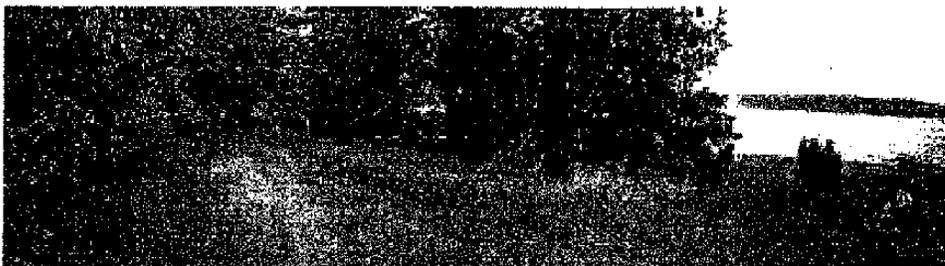
Geotechnical Hazards Assessment
File: RW-001
Date: August 2, 2007
Page 4 of 10



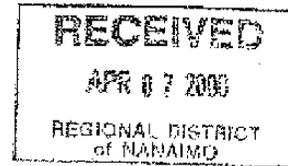
- e. The site is separated from the foreshore by a small bank that is typically less than one metre high. The bank is well vegetated with coarse, wild shore grasses. The foreshore itself is gravelly and cobbly, broad, and gently sloping (photograph below looking south, adjacent properties on either side indicated by house and trailer).



- f. The client indicated that during storm events, waves have been observed to slightly overtop the bank.
- g. The development area is separated from the bluff slope to the south by a gravel laneway (photograph below looking west). We understand that the proposed building will be on the north side of the lane, approximately seven metres away from the toe of the slope.



Geotechnical Hazards Assessment
File: RW-001
Date: August 2, 2007
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- h. The slope varies in vertical height from about four to seven metres, rising up to the wide bench formed by the access road (not shown), at approximately 1H:1V (i.e. about 45 degrees). No indications of slope instability, such as leaning trees or soil slippages or slumps were observed. The slope is well vegetated with trees and dense undergrowth.
- i. Ground conditions observed within shallow test holes dug within the developable portions of the site consisted of dense, damp, dark brown sand with gravel, or in some areas silty sand with gravel. Soil conditions observed on the slope face consisted of very dense, light gray, dry, fine sand.
- j. The site slopes are not designated as a 'Natural Hazardous Area' by the RDN, as mapped on the RDN Map website.

6. Conclusions & Recommendations

6.1. General

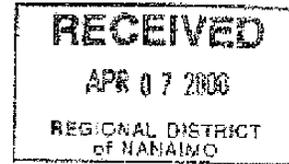
- a. From a geotechnical perspective and under the conditions outlined within this report the proposed development is considered safe and suitable for the intended use. Detailed recommendations are provided below.
- b. Geotechnical hazards appear to be limited to
 - i. Slope hazards associated with the nearby bluff slope ; and
 - ii. Flooding and erosion hazards associated with the adjacent ocean.
- c. In general, the site can be safely developed by maintaining a suitable separation of the proposed developments from slope and flooding hazards, and the provision of some erosion protection measures, as discussed below.

Geotechnical Hazards Assessment

File: RW-001

Date: August 2, 2007

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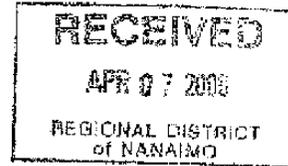
**6.2. Slopes**

- a. The bluff slope adjacent to the site is comprised of very dense sand, which is not expected to be susceptible to large-scale instability. Any future instability is expected to be limited to shallow surface slippages.
- b. It is our opinion that in the event of a one in 500-year magnitude seismic slope failure, soil debris is unlikely to travel a sufficient distance to impact buildings on the site. This is based on the expected shallow mode of failure, the indicated seven metre minimum separation of the building from the slope, and the relatively low height of the lower slope in relation to this horizontal separation. Consequently the developable portions of the subject property are expected to be safe from adjacent slope hazards provided the proposed seven-metre setback from the toe of slope is adhered to.

6.3. Flooding

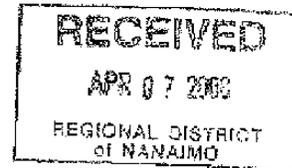
- a. To ensure that developments are 'safe' from flooding hazards we recommend that a suitable design flood elevation be established below which no development will take place. Minimum building floor elevations should be based on this design flood elevation, to keep living areas, mechanical areas, etc above the flood elevation.
- b. The site is reasonably well protected from ocean surges and wave action by the previously mentioned vegetated bank along the natural boundary. Ocean flooding and waves would have to overtop this bank and travel 8m inland (the setback distance) to reach the proposed buildings. This is unlikely to occur under most storm conditions, nevertheless, a design flood level should be applied to provide for protection during the extreme one-in-500-year design storm event.
- c. We recommend that the design flood level be determined based on the Natural Boundary elevation plus 1.5 metres. Based on our observations, the Natural Boundary elevation varies somewhat across the site, so the following clarifications are provided. We recommend that the Natural Boundary elevation should be taken as the top of the small bank running along the foreshore. In addition, the highest top of bank along the foreshore should be selected. Our observations indicate that this location will likely be at the east end of the bank, where it rises up to meet the neighbour's lawn.

Geotechnical Hazards Assessment
File: RW-001
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- d. Due to the limitations imposed by minimum floor elevation, 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.
- 7. Erosion Hazards**
- a. This site appears to have a relatively low risk for erosion. The existing low bank is well vegetated with no indications of significant ongoing erosion. The client has no significant loss of land during typical past storm events, but has indicated that waves have been observed to just overtop the natural bank without damage.
- b. Nevertheless, in an extreme storm event (i.e. a one-in-500-year marine storm event), it appears likely that waves could consistently overtop the natural bank cause erosion and loss of land. Construction of a small seawall is recommended to limit the extent of erosion damage during such extreme storm events. A companion report has been prepared by Ground Control titled *Geotechnical Assessment and Design, Erosion Protection, 5169 Gainsberg Road, Deep Bay, BC*, which provides a detailed discussion regarding a seawall, as well as providing design drawings.
- 7.1. 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 dense sand and silty sand observed on site 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.
- 7.2. 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

Geotechnical Hazards Assessment
File: RYW-001
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point down-slope and away from the building.

- b. Where there will be 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. In this case, requirements for a perimeter drainage system can be waived for building areas where the minimum floor slab elevation will be above the surrounding ground surface by 0.15m or more.
- c. Lot surfaces should be graded to direct surface water away from buildings.

7.3. Seismic Issues

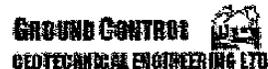
- a. No compressible or liquefiable soils have been identified at this site, nor are any expected within development areas, therefore no unusual seismic design requirements have been identified for this site.

8. Acknowledgements

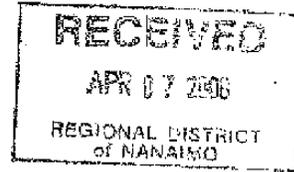
- a. This report has been prepared solely for and at the expense of our client (the addressee as shown on Page 1). Ground Control Geotechnical Engineering Ltd. acknowledges that this report may be requested by Approving Officers and Building Inspectors as a precondition to the issuance of a development 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.

9. 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.



Geotechnical Hazards Assessment
File: RW-001
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- 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.

**Schedule No. 6
Geotechnical Assessment and Design**



File: RW-001
August 2, 2007

Mr. Randy Williamson
11386 - 162nd Street
Surrey, B.C.
V4N 4P5

SUBJECT: GEOTECHNICAL ASSESSMENT AND DESIGN
PROJECT: EROSION PROTECTION
LOCATION: 5169 GAINSBURG ROAD, DEEP BAY, BC

Dear Mr. Williamson:

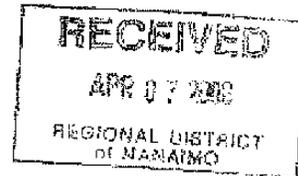
1. Introduction

- a. This report and attached drawings provide discussion and recommendations regarding erosion protection for this site.

2. Background

- a. It is understood that a new house is to be built on the north end of the subject property. The house will be adjacent to foreshore of the Strait of Georgia, but will be no closer than 3m to the natural boundary of the foreshore. The house's main floor will be elevated for flood protection, so the ground surface around the new building will be raised by the importation and placement of soil fill.
- b. Ground Control Geotechnical Engineering Ltd. (Ground Control) has carried out a Geotechnical Hazards Assessment for the proposed development, the results of which are summarized in our August 2, 2007 companion report titled *Geotechnical Hazards Assessment, Proposed Single Family Residence, 5169 Gainsburg Road, Deep Bay, BC*. In that report we recommend that erosion protection in the form of a low seawall be constructed at this site in conjunction, for the protection of the proposed development during extreme marine storm events.
- c. This report provides detailed recommendations and design drawings for the seawall.

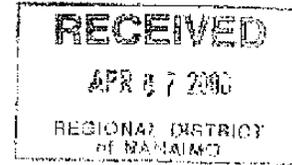
Erosion Protection, 5189 Gainsberg Road, Deep Bay
File: BDP-001
June 28, 2007
Page 2 of 8



3. Location of the Seawall in Relation to the 'Natural Boundary'

- a. The Regional District of Nanaimo (RDN) policy regarding Marine Retaining Walls requires that all seawalls be located behind the natural boundary. At this site, the natural boundary is a small soil bank along the edge of the foreshore that is currently well-vegetated.
- b. Maintaining a natural environment along the foreshore is often at odds with the desire to eliminate erosion risks. Eliminating erosion risks typically dictates 'hard' armoring of the shoreline with rip-rap, but this typically destroys the natural condition. At this site we recommend a balanced approach, leaving the shoreline bank in its natural condition, yet constructing a small seawall back from the natural boundary to provide protection of the house and surrounding land during extreme storm events, as discussed below.
- c. The existing bank does not appear to be undergoing erosion at this time. During routine storm events, the owner reports that waves have been observed to barely overtop this bank. As such, we recommend that the natural bank configuration and vegetation along the 'natural boundary' is sufficient to protect the site during routine storm events and the bank is expected to be stable against erosion during most conditions. As such, hard armoring of the bank is not recommended, in order to maintain the natural boundary's vegetation, environment, and natural appearance.
- d. The purpose of the proposed seawall is only to limit erosion of the land during extreme conditions when waves might significantly overtop the natural boundary and threaten large-scale erosion of the property. As such, the seawall can be constructed as a 'second line of defense' behind the natural bank. To provide this balance between retention of natural conditions and erosion protection of the house and surrounding land, we recommend that the seawall be located behind the natural boundary by a minimum distance of 1.5 metres.
- e. The proposed 1.5 metre setback between the front of the small seawall and the natural boundary will provide natural benefits along the foreshore, but obviously this area will be unprotected by the seawall. The client should understand and accept that the natural area left in front of the seawall might experience erosion during an extreme storm event.

Erosion Protection, 5169 Gainsberg Road, Deep Bay
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4. Type of Seawall

- a. The RDN seawall policy requires that seawalls be constructed using rip-rap (i.e. rubble rock boulders) unless otherwise required by a Professional Engineer. We concur with the use of a rip-rap wall at this site. A rip-rap wall will be suitable and has a more natural appearance compared to man-made materials.
- b. The RDN seawall policy requires that seawalls be less than one metre in height unless otherwise required by a Professional Engineer. In our opinion, an over-height wall should not be necessary. A one metre high wall will be suitable to retain the proposed fill placement and protect areas behind the wall from erosion by waves and/or wave splash.
- c. We recommend that the wall be supported on rubble rocks extending below ground to a depth of one metre. This rock 'foundation' will not be visible and will remain buried during normal conditions, but is necessary to protect the upper wall from undermining during an extreme storm event, should the natural bank give way.

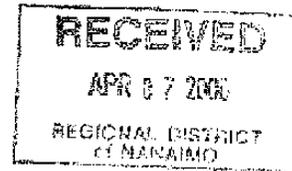
5. RDN Marine Seawall Policy

- a. For clarity, the following sections are arranged to follow the RDN policy regarding Marine Retaining Walls (Policy B1.9), Procedures 2a to 2i.

6. Necessity of the Proposed Project

- a. Based on our observations of the site, erosion of the land due to overtopping of the natural boundary by waves is probable during extreme storm events, likely resulting in erosion. In order to provide a suitable level of safety (where safe is defined as a probability of less than 10 percent in 50 years of a geotechnical failure or another substantial geotechnical hazard resulting in property damage), it is our opinion that the installation of the proposed seawall is warranted.

Erosion Protection, 5169 Gainsberg Road, Deep Bay
File: BDP-001
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7. Potential Impacts to Adjacent Properties With or Without the Seawall

- a. The wall will be set back from the natural boundary, and under normal conditions will not interact with the foreshore. Consequently there should be no changes to existing natural wave patterns or modes of sediment transport. As such, adjacent properties should not be impacted by the presence or absence of the seawall.

8. Environmental Impact Mitigation

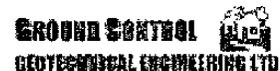
- a. The proposed location of the wall will set back from the natural boundary, maintaining natural vegetation and conditions along the foreshore. The area where the wall will be constructed does not appear to be a sensitive environment, consisting of mowed grass. As such, construction of the wall is expected to have a low environmental impact on the site.
- b. The presence of the proposed seawall is expected have no significant negative impacts to the natural environment and to adjacent sites.
- c. Provided appropriate environmental Best Management Practices (BMPs) are used during construction, no other mitigation methods are considered necessary.

9. Impacts to Public Access

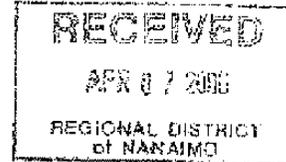
- a. The seawall will be located on private land. Public access along the foreshore beach should be unaffected.

10. Negative Impacts of Wall Construction

- a. No negative impacts associated with wall construction have been identified in relation to this project, provided appropriate environmental BMP's are employed to protect the environment during construction.



Erosion Protection, 5169 Gainsberg Road, Deep Bay
File: BDP-001
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Page 5 of 8



11. Construction Details

- a. Please find attached four design drawings (Drawings 1 to 4) that provide recommendations for the construction of a rubble-rock structure to provide erosion protection of the property. These drawings describe the construction details, materials, and methods to be used, and include cross-sectional drawings.

12. Supervision and Inspection Requirements

- a. It is recommended that Ground Control be contacted after excavation has been completed and before rock placement is about to commence, so we can make a site visit to confirm soil conditions.
- b. One or two additional site visits during construction are recommended to observe placement of boulders, to confirm conformance to the design.

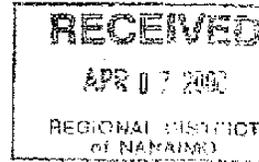
13. Certification of Safety

- a. If construction follows the requirements of the design drawings provided, the new seawall structure is considered to be safe and suitable for the intended use. In this context, 'safe' is defined as a probability of less than 10 percent in 50 years of a geotechnical failure or another substantial geotechnical hazard resulting in property damage, and 'intended use' is defined as protection of the property behind the wall from wave action.

14. Acknowledgements

- a. 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 50 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 these decisions.

Erosion Protection, 5169 Gainsberg Road, Deep Bay
File: BDP-001
June 29, 2007
Page 6 of 6



- b. We acknowledge that this report has been prepared solely for, and at the expense of, the owner of the subject land.

15. Maintenance

- a. Like any man-made structure exposed to a natural environment, some future maintenance may be required to ensure continued optimal performance of the seawall. Signs that maintenance might be required would include dislodgment of rock from the seawall, or scouring away of the beach soils supporting the front toe of the wall.

16. Closure

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

Respectfully Submitted,
Ground Control Geotechnical Engineering Ltd.



Richard McKinley, P. Eng.
Geotechnical Engineer



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REGIONAL DISTRICT
of MANAIMO

Approximate location of proposed rubble rock boulder erosion protection (seawall), positioned 1.5 metres behind the natural boundary. It is understood that the client will obtain necessary approvals if construction extends beyond the property line (not expected). The Contractor and client should coordinate with the project surveyor regarding proper and legal location of structure.



PROJECT OVERVIEW

- Place rubble-rock boulders as erosion protection (seawall). Seawall to be located at least 1.5m back from the natural boundary. See Drawings 2 to 4 for details of construction
- Do not disturb the foreshore, the natural boundary, or areas between the natural boundary and the proposed wall.
- Note: The seawall is not intended to protect the natural boundary or the soil bank along the foreshore. These areas are to remain in a natural condition for environmental reasons. The seawall is intended to function as a 'second line of defense' behind the natural boundary, during extreme wave events.

PROJECT OVERVIEW

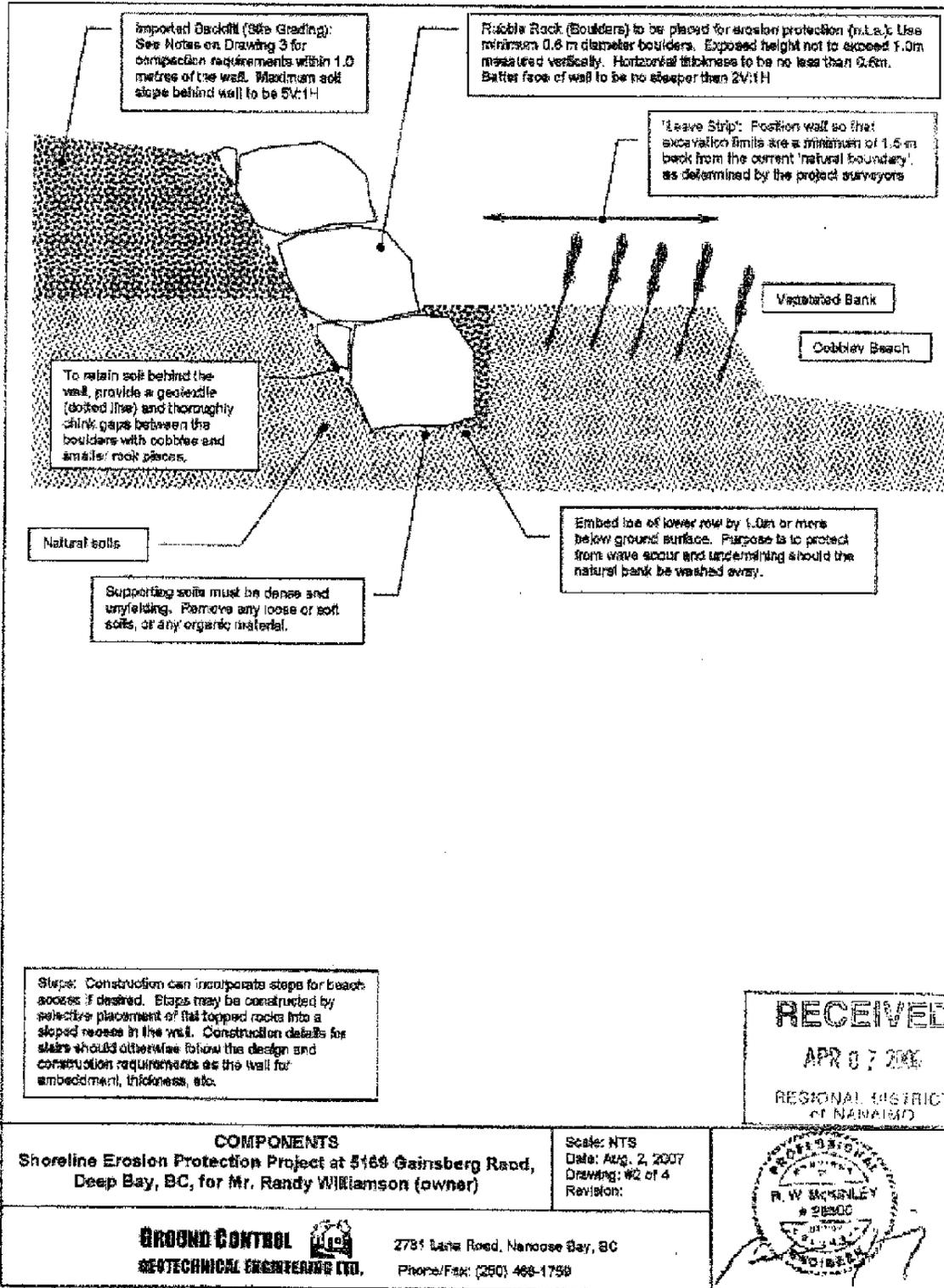
Shoreline Erosion Protection Project at 5189 Gainsberg Road, Deep Bay, BC, for Mr. Randy Williamson (owner)

Scale: NTS
Date: Aug. 2, 2007
Drawing: #1 of 4
Revision:



GROUND CONTROL
GEOTECHNICAL ENGINEERING LTD.

2781 Lana Road, Nanaimo Bay, BC
Phone/Fax: (250) 428-1759



ADDITIONAL DETAILED NOTES

Materials and Construction

1. Rocks to be sound, dense stone. Rocks to have angular surfaces and an approximately cubic or rectangular shape. Rounded shape rocks should not be used.
2. Rubble rock to consist of stone having dimensions of at least 0.6 metre (average of measurements in three directions). Larger rock should be used as much as practicable, particularly in the lower rows. Interstices or cracks between the rocks are to be filled using more finely graded boulders or cobbles.
3. Rock shall be placed individually (ie, not placed by end dumping) using an appropriately sized excavator. Rock having a platy or rod-like shape shall be placed such that the long side slopes down into the slope.
4. The surface that the rocks are set on should slope back towards the cut face and not towards the outer face of the wall (i.e. so rocks tend to slide into the slope, not out of the slope).

Backfill

1. Backfill within one metre of the wall shall consist of free draining granular material ("clean" gravel or sandy gravel).
2. Motorized compaction equipment should be used anywhere substantial backfill is to be placed. Placed backfill in horizontal layers or "lifts" no thicker than 450 mm as measured loose, and thoroughly compacted using suitably sized compaction equipment capable of adequately compacting this thickness of material, such as a large (>1000 lb.) diesel plate compactor. Smaller compaction equipment will require the use of thinner lifts.

Limitations

1. The design goals for this project were determined by the owner/client, and were limited to providing erosion protection for the proposed house and lands behind the seawall. Areas beyond the wall are being left in a natural condition for environmental purposes, and the client understands and accepts that these areas might be subject to erosion during extreme storm events.
2. Ground Control Geotechnical cannot be held responsible for any performance issues resulting from the failure of others to construct the works following the requirements we have provided herein.

Supervision and Inspection Requirements

1. It is recommended that Ground Control be contacted after excavation has been completed down to the base level for the boulders, so we can make a site visit to confirm soil conditions.
2. Additional site visits during construction are recommended to observe placement of boulders, in order to confirm conformance to the design.

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 REGIONAL DISTRICT
 of NANAIMO

<p style="text-align: center;">ADDITIONAL NOTES</p> <p>Shoreline Erosion Protection Project at 5169 Gainsberg Road, Deep Bay, BC, for Mr. Randy Williamson (owner)</p>	<p>Scale: NTS Date: Aug. 2, 2007 Drawing: #3 of 4 Revision:</p>	
<p>GROUND CONTROL  GEOTECHNICAL ENGINEERING LTD.</p>		<p>2781 Lena Road, Nanaimo Bay, BC Phone/Fax: (250) 488-1750</p>

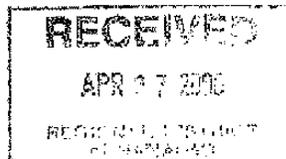
ADDITIONAL DETAILED NOTES (continued)

Safety

1. Fall protection (fence/railing) is not incorporated into the design provided. It is the landowner's responsibility to assess the need for these types of safety measures and install as necessary.
2. The contractor is responsible for all safety issues during construction, including keeping workers safe from potential collapse of unstable soil banks.

Environmental Protection

1. The contractor is responsible for carrying out the work in accordance with applicable federal, provincial, and local government regulations. These include, but may not be limited to, the *Fisheries Act*, the *Water Act*, and the *Riparian Areas Regulation*. Although compliance with environmental regulations is not part of Ground Control's scope of work for this project, and is the contractor's responsibility, common "Best Management Practices" (BMPs) used for working in a shore environment are listed below for the contractor's benefit.
2. Limit disturbed areas and stripping of vegetation and soils to preserve vegetation, particularly on steep slopes, and stabilize denuded soils as soon as possible. Clear areas only as they are needed. Re-vegetate promptly once work has been completed. Do not clear vegetation from sites when the weather is likely to be rainy, as this will leave bare soils vulnerable to erosion. The area of disturbance by construction activities shall be within the development permit area. Prior to any construction, temporary fencing (snow or "B-tie" fence) or a prominent visual barrier shall be installed to delineate where heavy machinery and land alteration is not permitted. The barrier should be removed once all development activity has been completed.
3. Any construction machinery shall be in good working order and no fuels, lubricants or construction wastes are permitted to enter any watercourse. Machine work shall be done from the upland where possible. Refueling of machinery should be conducted more than 25 m from the ocean, lake or any watercourse. When heavy machinery is being used a spill kit shall be on-site to prevent the introduction of any fuels in the event of a spill. If a spill occurs, the Provincial Emergency Program shall be contacted.
4. Any concrete poured on-site shall be fully contained in forms and is prohibited from entering the watercourse. Ensure proper containment and disposal of concrete wash water.
5. Manage surface flows to control sheet, rill, and gully erosion. Cover stockpiles, bare slopes and exposed surfaces with temporary coverings (plastic sheets) or mulch (including leaves or straw), to provide erosion control from raindrop erosion. Avoid the collection, conveyance, and concentration of surface water. Instead, encourage surface water to seep into the soil.
6. Maintain snags, logs, and large pieces of woody debris. Logs and other woody debris provide additional erosion protection, provide habitat for many species, and recycle nutrients back into the soil.
7. For additional information, a suggested reference document is *Best Management Practices for Lakeshore Stabilization*, available on line at: <http://www.gov.bc.ca/wild/documents/bmpfs/wst/bpsmarch2004.pdf>. Consult Section 7.3.4.2 for a discussion of operational best practices related to building shoreline stabilization works.

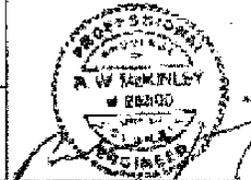


ADDITIONAL NOTES CONTINUED
 Shoreline Erosion Protection Project at 5168 Gainsberg Road,
 Deep Bay, BC, for Mr. Randy Williamson (owner)

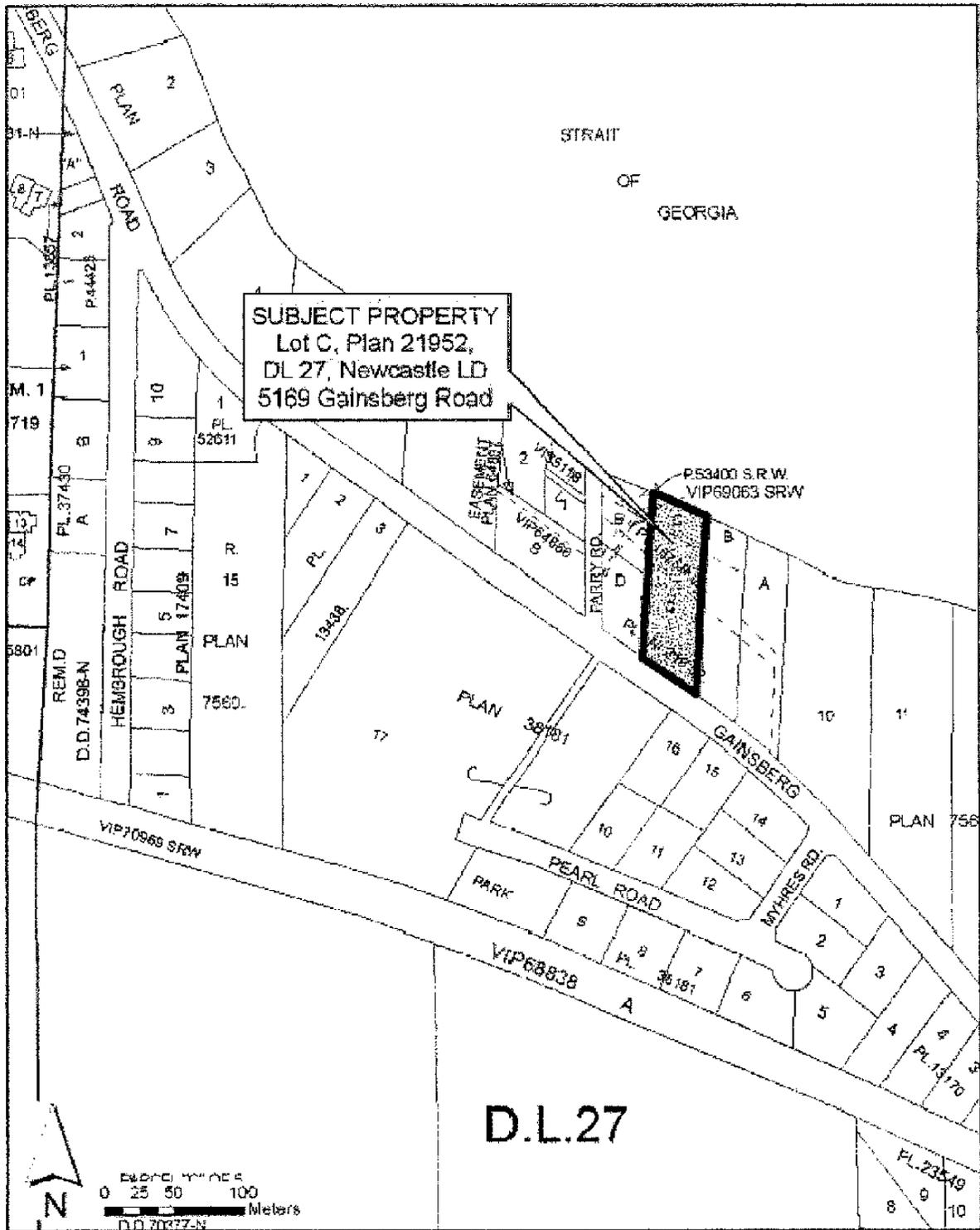
Scale: NTS
 Date: Aug. 2, 2007
 Drawing: #4 of 4
 Revision:

GROUND CONTROL 
 GEOTECHNICAL ENGINEERING LTD.

2781 Lana Road, Nanoose Bay, BC
 Phone/Fax: (250) 458-1759



Attachment No. 1
Location of Subject Property





CAO APPROVAL	
EAP	✓ May 13th
GQW	
MAY 02 2008	
RHD	
BOARD	

MEMORANDUM

TO: Geoff Garbutt
Manager of Current Planning

DATE: April 30, 2008

FROM: Elaine Leung
Planner

FILE: 3060 30 60813

SUBJECT: Development Permit Application No. 60813
Lot 13, District Lot 28, Nanoose District, Plan 22685 – Electoral Area 'G'

PURPOSE

To consider an application for a Development Permit for an addition to an existing accessory building located at 1566 River Crescent, French Creek.

BACKGROUND

The subject property is legally described as Lot 13, District Lot 28, Plan 22685, at 1566 River Crescent in Electoral Area 'G' (see Attachment No. 1 for location of the subject property). The subject property is approximately 1,683 m² and surrounded by residential lots to the north, south and west.

The subject property is zoned the Residential 1 Zone (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The parcel is subject to the Fish Habitat Protection Development Permit Area (DPA), the Farm Land Protection Development Permit Area (DPA) and the Sensitive Lands Development Permit Area (DPA) pursuant to "Regional District of Nanaimo French Creek Official Community Plan Bylaw No. 1115, 1998".

The subject land is not adjacent to farm lands, and is therefore exempt from the Farm Land Protection DPA. The subject land is also exempt from the Fish Habitat Protection DPA as there is no stream within 30.0 metres of the development.

ALTERNATIVES

- 1. To approve Development Permit No. 60813 subject to the conditions outlined in Schedules No. 1-4.
2. To deny the requested development permit as submitted.

LAND USE AND DEVELOPMENT IMPLICATIONS

The applicant proposes to construct a 40 m² addition to an existing residential accessory building. The location of the proposed accessory building is outlined on the survey prepared by Sims Associates Land Surveyors, attached as Schedule No. 2. Building elevations for the accessory building are outlined on Schedule No. 3.

With respect to the Sensitive Lands DPA, the applicant has submitted a report prepared by Lewkowich Geotechnical Engineering Ltd. in support of the application (*see attached Schedule No.4*). The report confirms that the subgrade is capable of supporting construction on the subject property.

The proposed accessory building addition meets the intent of the Sensitive Lands Protection Development Permit Area guidelines.

VOTING

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

SUMMARY/CONCLUSIONS

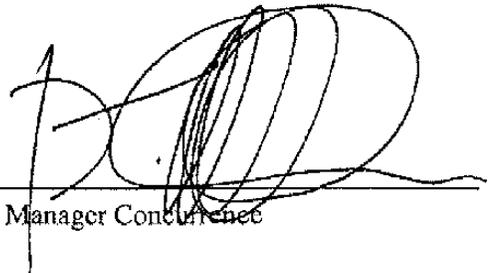
The proposed construction will generally be consistent with development permit area guidelines. As there does not appear to be any negative impacts on adjacent properties, staff recommends the application be approved.

RECOMMENDATION

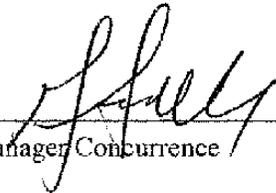
That Development Permit Application No. 60813, for an addition to a residential accessory building on the subject property legally described as Lot 13, District Lot 28, Nanoose District, Plan 22685, municipally known as 1566 River Crescent, be approved subject to the conditions outlined in Schedules 1-4.



Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

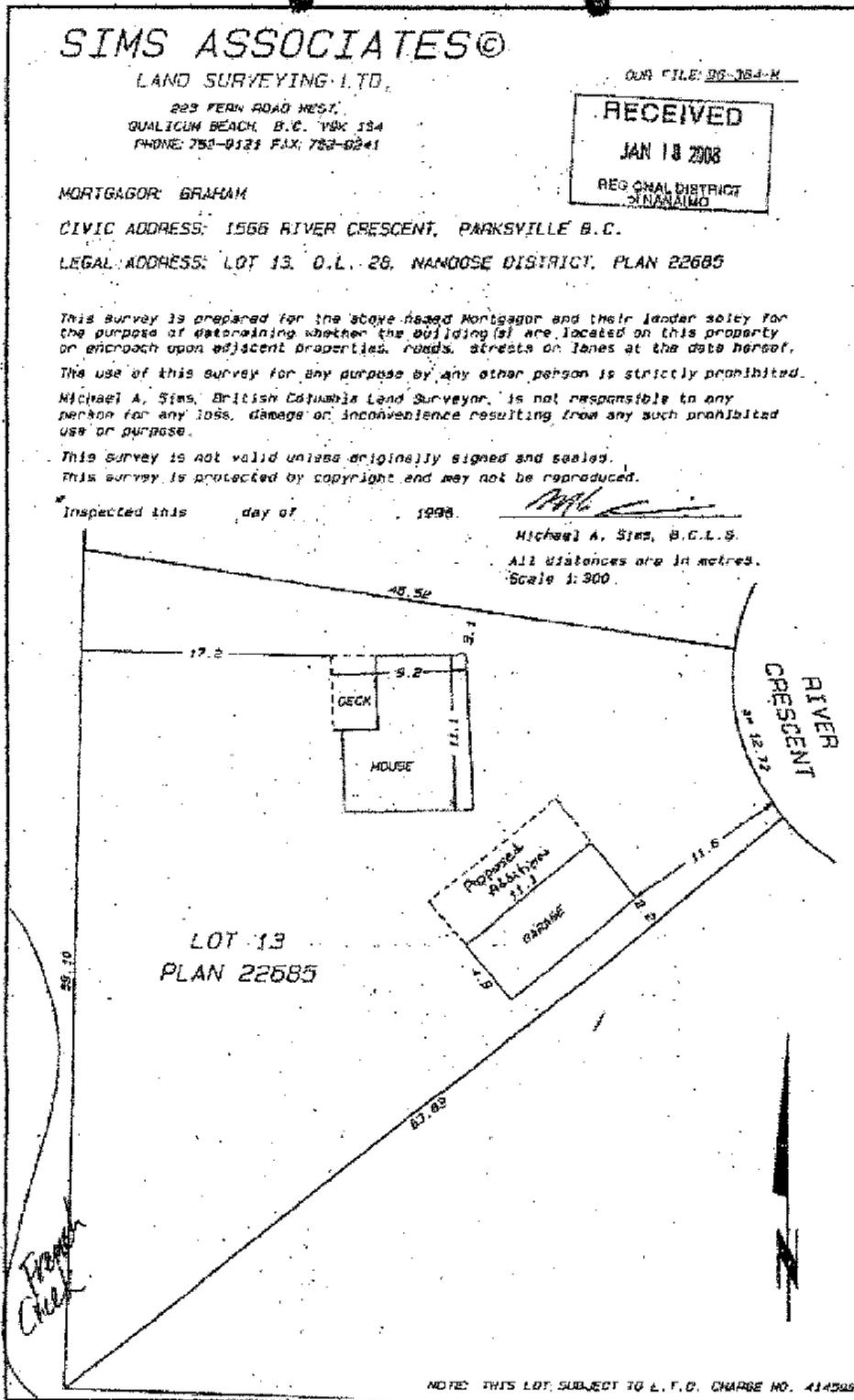
Schedule No. 1
Terms of Development Permit No. 60813

The following sets out the terms of Development Permit No. 60813.

Conditions of Approval

1. The accessory building addition shall be sited in accordance with survey prepared by Sims Associates Land Surveying Ltd. received January 18, 2008 attached as *Schedule No. 2*.
2. The accessory building elevations shall be developed in accordance with the Building Elevations submitted by the applicant attached as *Schedule No. 3*.
3. The accessory building shall be constructed as shown on Schedule No. 2. The applicant shall provide survey confirmation of the accessory building location and height at the framing stage of construction.

Schedule No. 2
Site Plan



Schedule No. 4
Geotechnical Report



Lewkovich Geotechnical Engineering Ltd.

Lewkovich Geotechnical Engineering Ltd.
TECHNICAL REPORT

TO: Glen Graham FILE: G6071.01
DATE: March 7, 2008

PROJECT: Addition to house, 1566 River Crescent,
French Creek, BC

SUBJECT: Subgrade Observation

1. As requested, Lewkovich Geotechnical Engineering Ltd. (LGE) observed the subgrade soil at the residence located at 1566 River Crescent, French Creek, BC, on March 5, 2008. The site backs onto French Creek. The visit, by Bradford Hill of LGE, revealed three hand dug test pits. All test pits revealed 0.15m of topsoil, underlain by 0.4m of weathered silt with some fine sand and trace gravel, underlain at 0.55m below ground surface by compact silt with some fine sand and trace gravel consistent with alluvial deposit. One of the test pits was located directly on the proposed footing excavation; the other two test pits were located in the yard area outside of the building envelope.
2. It is LGE's opinion that the subgrade is capable of supporting spread footings designed with a bearing capacity of 100 kPa.
3. Lewkovich Geotechnical Engineering Ltd. appreciates the opportunity to be of service on this project. If you have any comments, or if we can be of further assistance, please contact us at your convenience.

Respectfully Submitted,
Lewkovich Geotechnical Engineering Ltd.



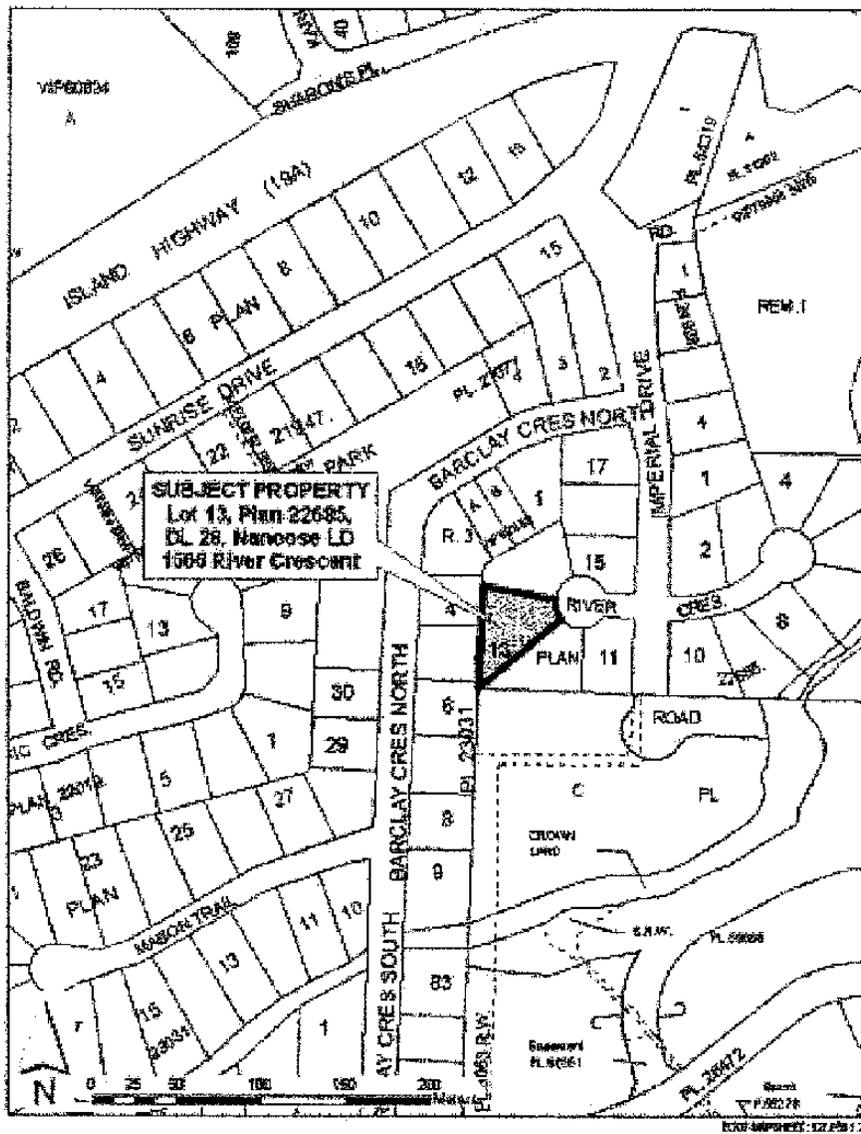
Chris Hunter, M.A.Sc., F. Eng.
Project Engineer

Reviewed by:

Bradford Hill,
Senior Technician

Suite A - 2569 Kenworth Road, Nanaimo, British Columbia, V9T 3M4
Telephone: (250) 756-0355 Facsimile: (250) 756-3631

Attachment No. 1
Location of Subject Property





CAO APPROVAL	
EAP	✓ May 13th
GOW	
MAY 02 2008	
RHD	
BOARD	

MEMORANDUM

TO: Geoff Garbutt
Manager, Current Planning

DATE: April 30, 2008

FROM: Susan Cormie
Senior Planner

FILE: 3060 30 60818
c/r 3320 30 27820

SUBJECT: Development Permit Application No. 60818
Applicant: Fern Road Consulting Ltd., on behalf of Forevergreen Properties Ltd.
Electoral Area 'G', Inland Island Highway & off Coldwater Road

PURPOSE

To consider a Development Permit application in conjunction with a 4-lot subdivision proposal on property designated within the Inland Island Highway Development Permit within Electoral Area 'G'.

BACKGROUND

This is an application for a Development Permit in conjunction with a 4-lot subdivision that is proposed for a property located adjacent to the Inland Island Highway and off Coldwater Road within the Electoral Area 'G' and legally described as Lot A, Block 1438, Nanoose District, Plan VIP64704, Except Plan VIP78701 (see Attachment No. 1 for location of parent parcel). The Board may recall that the applicant subdivided the north portion of the original parent parcel into 9 parcels in 2005 and the east portion into 11 parcels in 2006, both of which were also subject to the consideration of Development Permits.

Surrounding land uses include the E&N Railway and rural and industrial zoned parcels to the north; an industrial zoned parcel and the Alberni Highway to the east, and the Inland Island Highway and rurally zoned properties to the east and south.

The subject property is currently zoned Rural 1 (RU1) and is within Subdivision District 'D' pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987. The applicant is proposing to subdivide the parent parcel into 4 parcels. All parcels are proposed to be greater than the 2.0 ha minimum parcel size, therefore meeting the minimum parcel size requirement (see Schedule No. 2 for proposed subdivision). Each proposed parcel would be able to support 2 dwelling units.

Existing documents registered on title of the parent parcel include the following:

- a section 219 covenant concerning the protection of Romney Creek including 15.0 metres from the top of the bank - as Romney Creek is situated outside of the parent parcel, the covenant is not applicable;
- a section 219 covenant for reserved areas for septic disposal systems; and
- a statutory right-of-way for Terasen Gas

In addition to the zoning, a portion of the parent parcel is designated within the Inland Island Highway Development Permit Area pursuant to the French Creek Official Community Plan Bylaw No. 1115, 1998. As the proposed subdivision development does not meet the exemption provisions of this Development Permit Area, a Development Permit is required.

The parent parcel is situated within a RDN Building Services Area. The applicant has completed a Sustainable Community Builder Checklist.

Proposed Subdivision

The application involves the creation of 4 fee simple parcels which are proposed to be accessed via Coldwater Road and includes a crossing of the E&N Railway Corridor. The new parcels are proposed to be served by individual private septic disposal systems and private water wells.

As with the previous subdivision applications for the original parent parcel (Block 1438), the applicant is proposing to register section 219 covenants with respect to the following:

- providing a 30-metre wide covenant to provide a vegetative buffer next to the Inland Island Highway;
- restricting permitted uses including agriculture, aquaculture, and produce stand; animals to household pets only;
- restricting silviculture to a maximum 50% of each parcel only;
- restricting future owners to comply with recommendations as outlined in the Hydrogeologic Study prepared by EBA Engineering Consultants Ltd., March 2004 which was submitted with the original subdivision application;
- A septic maintenance covenant requiring inspection of the sewage disposal system every 3 years to ensure that the septic system is inspected and found to be functioning according to the septic systems design and that the effluent is being treated to the appropriate standard; and
- The requirement to install package treatment plants on all lots.

ALTERNATIVES

1. To approve the Development Permit application subject to Schedules No. 1 and 2.
2. To deny the Development Permit Application as submitted and provide staff with further direction.

DEVELOPMENT IMPLICATIONS

Official Community Plan Implications

This subdivision application has in-stream status for a period of 12 months from the date of adoption of any bylaw under Part 26 of the *Local Government Act*. It is noted that the Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008 is currently at third reading and includes this property within an Environmentally Sensitive Features Development Permit Area specifically for the protection of the aquifer.

Despite this, the applicant has offered to register a number of covenants for the protection of the aquifer and the nearby community wells. These include restricting some permitted uses including agriculture, aquaculture, and produce stand; animals to household pets only; restricting silviculture to a maximum 50% of each parcel only; and restricting septic disposal to package treatment plants only. In addition, the applicant has also offered to register the hydrogeological report which was undertaken as part of the first subdivision application of the parent parcel and included the entire parcel. Staff recommends that the offer to register these documents be accepted and included in the conditions of approval (*see Schedule No. 1 for Conditions of Approval*).

Ministry of Transportation Implications

With respect to the Inland Island Highway Development Permit Area, the applicant has offered to register a protective covenant for the purposes of retaining the existing vegetation and restricting buildings or structures within the buffer area. It is noted that there are existing gas statutory right-of-ways crossing the subject property adjacent to the Inland Island Highway, which cannot be vegetated. This covenant is in keeping in the Vancouver Island Inland Island Highway Implementation Agreement and will meet the guidelines of the Development Permit. The requirements for this covenant are set out in *Schedule No. 1 – Conditions of Approval*.

A portion of the parent parcel has been cleared recently. Staff, as part of the subdivision review process, will recommend that the Approving Officer require the applicant to re-vegetate the 30-metre wide strip that is in keeping with the Vancouver Island Inland Island Highway Implementation Agreement.

This subdivision includes a crossing of the E&N Railway corridor. It is staff's understanding that the crossing has been constructed to a private use standard and as part of the subdivision review; the Ministry of Transportation will ensure that the crossing will be constructed to public use standard. RDN Recreation and Parks indicated that there are no issues with this crossing from a Regional Rail Trail perspective.

Site Servicing Implications

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

The applicant is proposing an individual well for each proposed parcel. Proof of potable water is subject to the approval of the Approving Officer.

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 a request for a Development Permit to facilitate a 4-lot subdivision proposal within the Inland Island Highway Development Permit Area as designated by the French Creek Official Community Plan Bylaw No. 1115, 1999. It is noted that this subdivision application would have in-stream status for a period of 12 months from the date of adoption of any land use related bylaws.

As with the previous subdivision applications on the original parent parcel, the applicant has offered to restrict some of the land uses currently permitted under the Rural 1 zone such as the keeping of animals restricted to household pets, agriculture, aquaculture, and produce stand uses. Other covenants offered include restricting the type of septic disposal systems to engineered systems only and providing the maintenance of septic disposal systems, restricting the removal of vegetation to 50% of the total site area of each parcel, and registering the hydrogeological report (*see Schedule No. 1 for Conditions of Approval*).

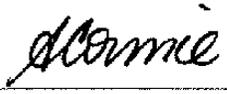
With respect to the Inland Island Highway Development Permit Area, the applicant has offered to provide a covenant restricting removal of vegetation and the placement of buildings or structures within the 30-

metre wide strip (see Schedule No. 1 for Conditions of Approval). The guidelines of this Development Permit area will be able to be met.

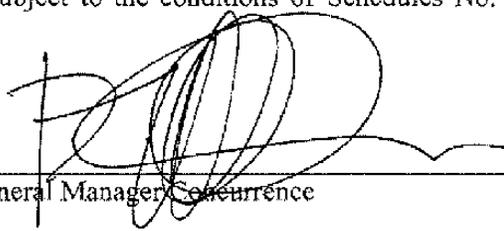
Therefore, in consideration of the applicant's concurrence to restrict land uses which is in keeping with the previous subdivisions on the original parent parcel to reduce the potential for a possible negative impact on the nearby community water source and to protect the removal of vegetation from the Inland Island Highway buffer area, staff recommends Alternative No. 1 to approve the Development Permit subject to conditions outlined in Schedules No. 1 and 2 of the staff report.

RECOMMENDATION

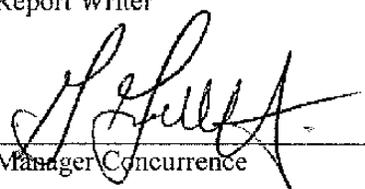
That Development Permit Application No. 60818, submitted by Fern Road Consulting Ltd., on behalf of Forevergreen Properties Ltd., in conjunction with the subdivision of the parcel legally described as Lot A, Block 1438, Nanoose District, Plan VIP64704, Except Plan VIP78701 and designated within the Inland Island Highway Development Permit Area, be approved subject to the conditions of Schedules No. 1 and 2 in the corresponding staff report.



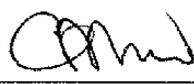
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

Schedule No. 1
Conditions of Approval (page 1 of 2)
Development Permit Application No. 60818

The following sets out the conditions of approval with respect to Development Permit Application No. 60818.

1. Subdivision

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

2. 30-metre buffer strip adjacent to the Inland Island Highway

The applicant shall prepare and register a section 219 covenant for the protection of the Inland Island Highway restricting the following:

- a) No buildings or structures, including signs, decks, patios, wells, septic disposal fields, outdoor storage, or other site improvements shall be located within 30.0 metres from the Inland Island Highway.
- b) No removal of the existing trees and other vegetation other than invasive plants such as Himalayan blackberries, Scotch broom, morning glory, and purple loosestrife provided they are replaced with native species to enhance the buffer area.

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

3. Land Use Covenant

The applicant shall prepare and register a section 219 covenant restricting the following permitted uses on each proposed parcel:

- a) agriculture, aquaculture, and produce stand; animals to household pets only; and
- b) restricting silviculture to a maximum 50% of each parcel only.

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

4. Hydrogeological Covenant

The applicant shall prepare and register a section 219 covenant with respect to the hydrogeological report on each proposed parcel:

- a) Hydrogeologic Study prepared by EBA Engineering Consultants Ltd., March 2004 restricting future owners to comply with recommendations as outlined in the Hydrogeological Report.

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

Schedule No. 1
Conditions of Approval (page 2 of 2)
Development Permit Application No. 60818

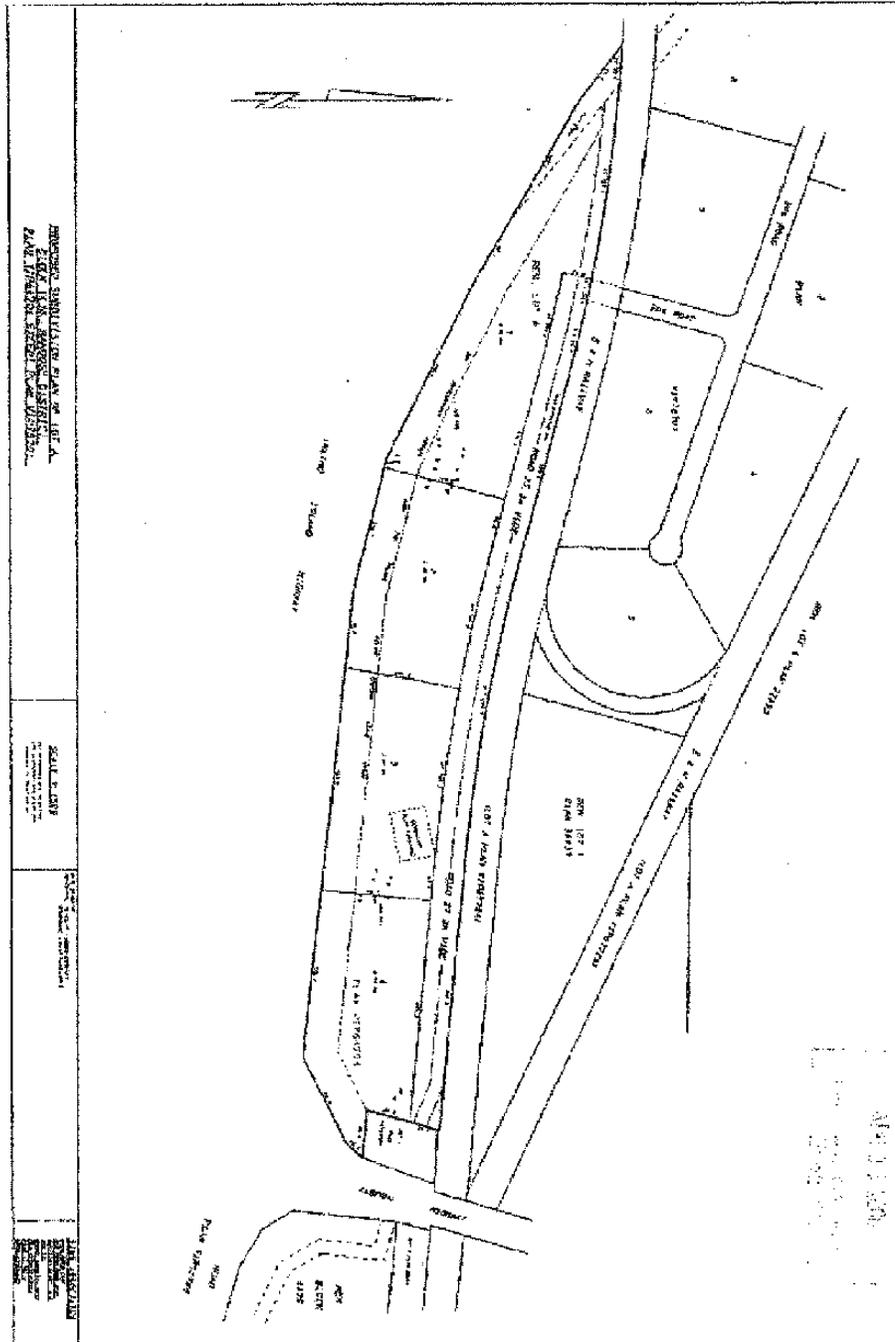
5. Septic Disposal Covenant

The applicant shall prepare and register a section 219 covenant with respect to construction and care of septic disposal fields on each proposed parcel as follows:

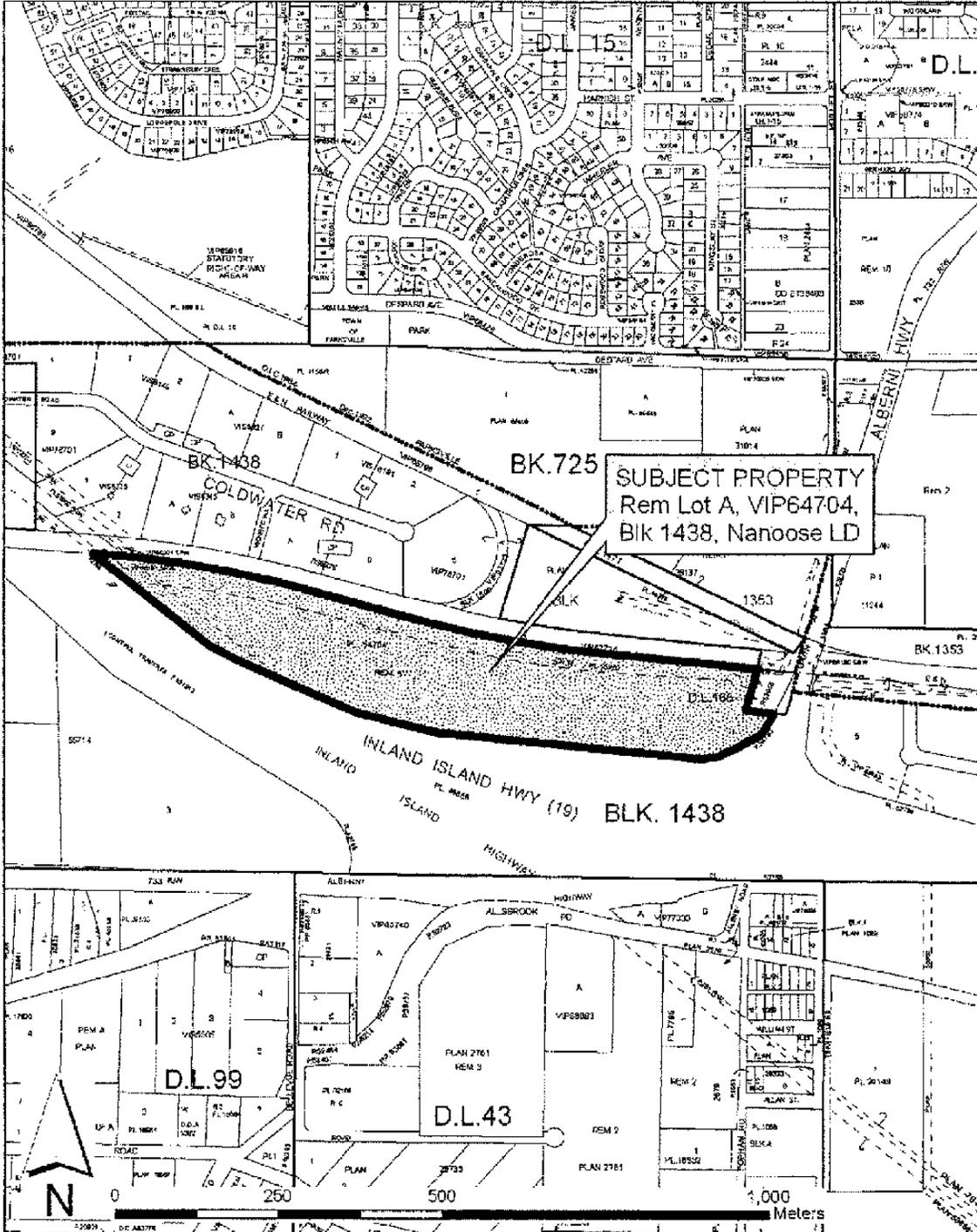
- a) Any septic disposal system must be constructed, installed or placed on the Lands shall be, at a minimum, a Type 3 treatment method in accordance with the current Provincial Sewerage System regulations or any subsequent regulations.
- b) Any sewage disposal system constructed, installed or placed on the Lands must, not less than every three years, have its sewage disposal system inspected by a professional engineer, an accredited inspector or other qualified professional pursuant to current Provincial Sewerage System Regulations, with a certified true copy of any such inspection report to be delivered to the Regional District of Nanaimo certifying that the sewage disposal system has been inspected and bound to be functioning according to the standards and specifications of the subject septic system in accordance with the current Provincial standards for approving sewage disposal systems, all at the expense of the Owner and, in the event that the Owner fails to provide certification or otherwise fails to upgrade the septic disposal system, such Owner shall cause any domestic sewage effluent produced on the Lands to be pumped and hauled to a sewage disposal facility approved by the Regional District of Nanaimo.

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

Schedule No. 2
Development Permit No, 60818
Proposed Plan of Subdivision
(as submitted by applicant)



Attachment No. 1
Location of Subject Property





CAO APPROVAL	
EAP	✓ May 15th
GOW	
MAY 02 2008	
RHD	
BOARD	

MEMORANDUM

TO: Geoff Garbutt
Manager of Current Planning

DATE: April 30, 2008

FROM: Elaine Leung
Planner

FILE: 3060 30 60821

SUBJECT: Development Permit Application No. 60821 – Sturlis / Fern Rd. Consulting
Lot 26, District Lot 126, Nanoose District, Plan VIP69272 – Electoral Area 'G'

PURPOSE

To consider an application for a Development Permit to permit the construction of a single dwelling unit on lands legally described as Lot 26, District Lot 126, Nanoose District, Plan VIP69272.

BACKGROUND

The subject property is approximately 924 m² and surrounded by residential lots to the north and south. Eagle Golf Course Inc. is located adjacent to the rear of the subject property (see Attachment No. 1 for location of the subject property). This property is the final vacant lot to be developed within Prestwick Place, as all other dwellings were constructed prior to the introduction of the Fish Habitat Protection Development Permit Area in 2007.

The subject property is zoned the Residential 1 Zone (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The parcel is subject to the Fish Habitat Protection Development Permit Area (DPA) and the Farm Land Protection Development Permit Area (DPA) pursuant to "Regional District of Nanaimo French Creek Official Community Plan Bylaw No. 1115, 1998".

The subject land is not adjacent to farm lands, and is therefore exempt from the Farm Land Protection DPA.

The applicant has completed the "Sustainable Community Builder Checklist", as per Board policy.

ALTERNATIVES

1. To approve Development Permit No. 60821 subject to the conditions outlined in Schedules No. 1-4.
2. To deny the requested Development Permit as submitted.

LAND USE AND DEVELOPMENT IMPLICATIONS

The applicant proposes to construct a single dwelling approximately 316.7 m² in area. The location of the proposed building is outlined on the survey prepared by Sims Associates Land Surveyors, attached as Schedule No. 2. Building elevations for the single dwelling unit are outlined on Schedule No 3.

With respect to the Fish Habitat DPA, the applicant has submitted a Riparian Areas Regulation Assessment Report prepared by a Qualified Environmental Professional, pursuant to section 4(2) of the Riparian Areas Regulations (RAR) (*see Schedule No. 4*). The report identified a 10.5 m setback from the natural boundary of Morningstar Creek and 5 m for the ditch. The proposed dwelling will be approximately 15.2 m from the natural boundary, and therefore exceeds the Streamside Protection and Enhancement Areas (SPEA). However, the report recommends that the portion of the 10.5 m SPEA for Morningstar Creek occurring on and adjacent to the subject property be revegetated. These details regarding the restoration and measures including protection of trees, are outlined in Section 4. Furthermore, a follow-up survey upon the completion of construction and landscaping/revegetation should be submitted to the RDN outlining the results.

VOTING

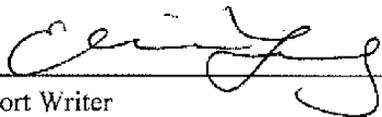
Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

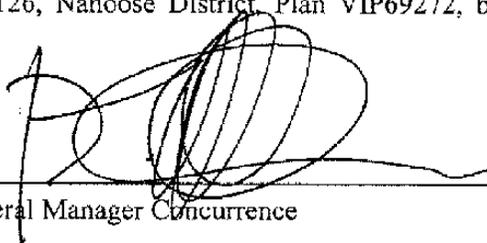
The proposed construction will be consistent with the Fish Habitat Protection Development Permit Area Guidelines. As there does not appear to be any negative impacts on adjacent properties, staff recommends the application be approved.

RECOMMENDATION

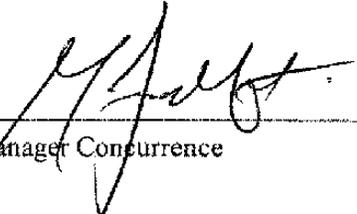
That Development Permit Application No. 60821, for the construction of a single dwelling unit on the subject property legally described as Lot 26, District Lot 126, Nanoose District, Plan VIP69272, be approved.



Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

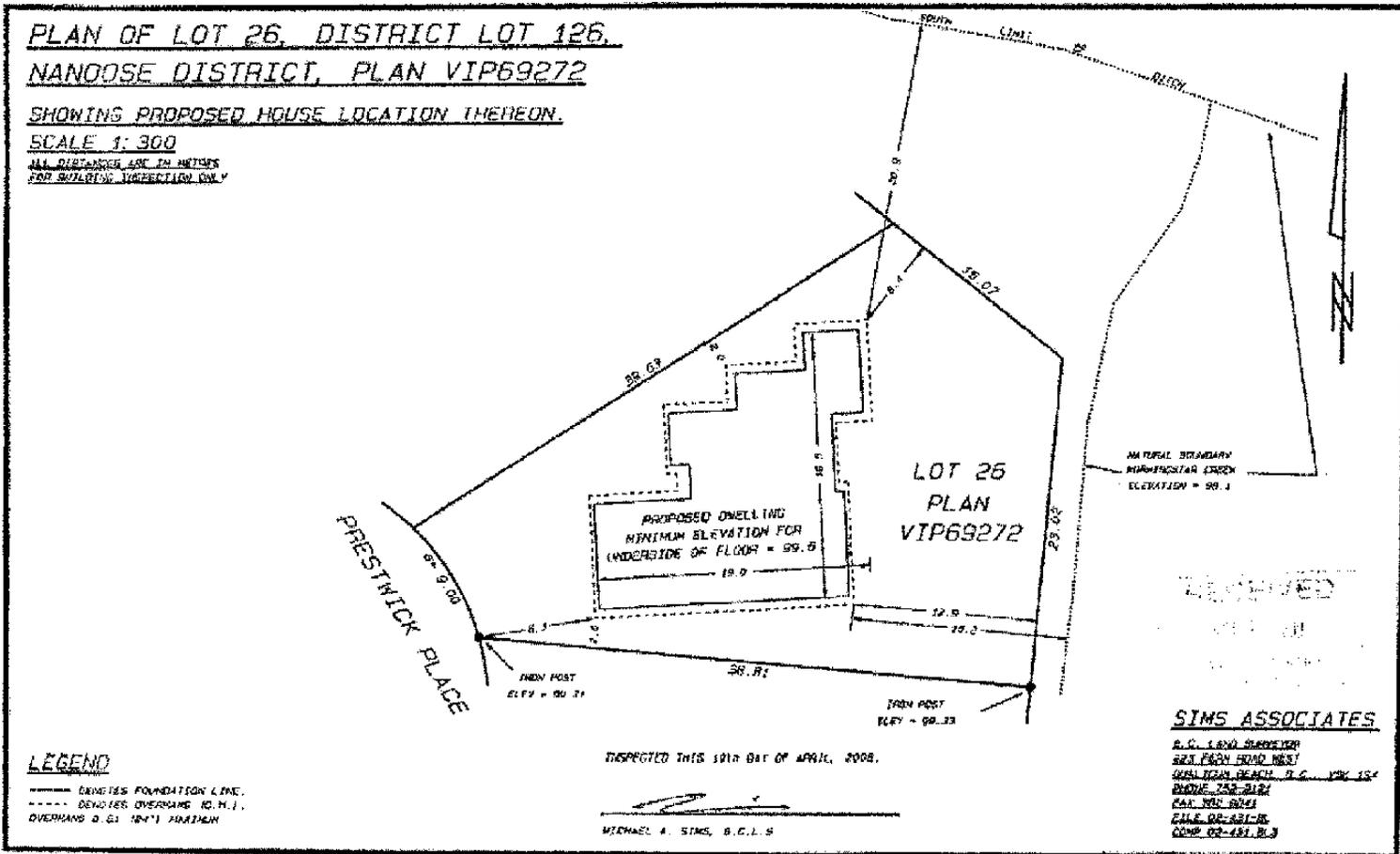
Schedule No. 1
Terms of Development Permit No. 60821

The following sets out the terms of Development Permit No. 60821.

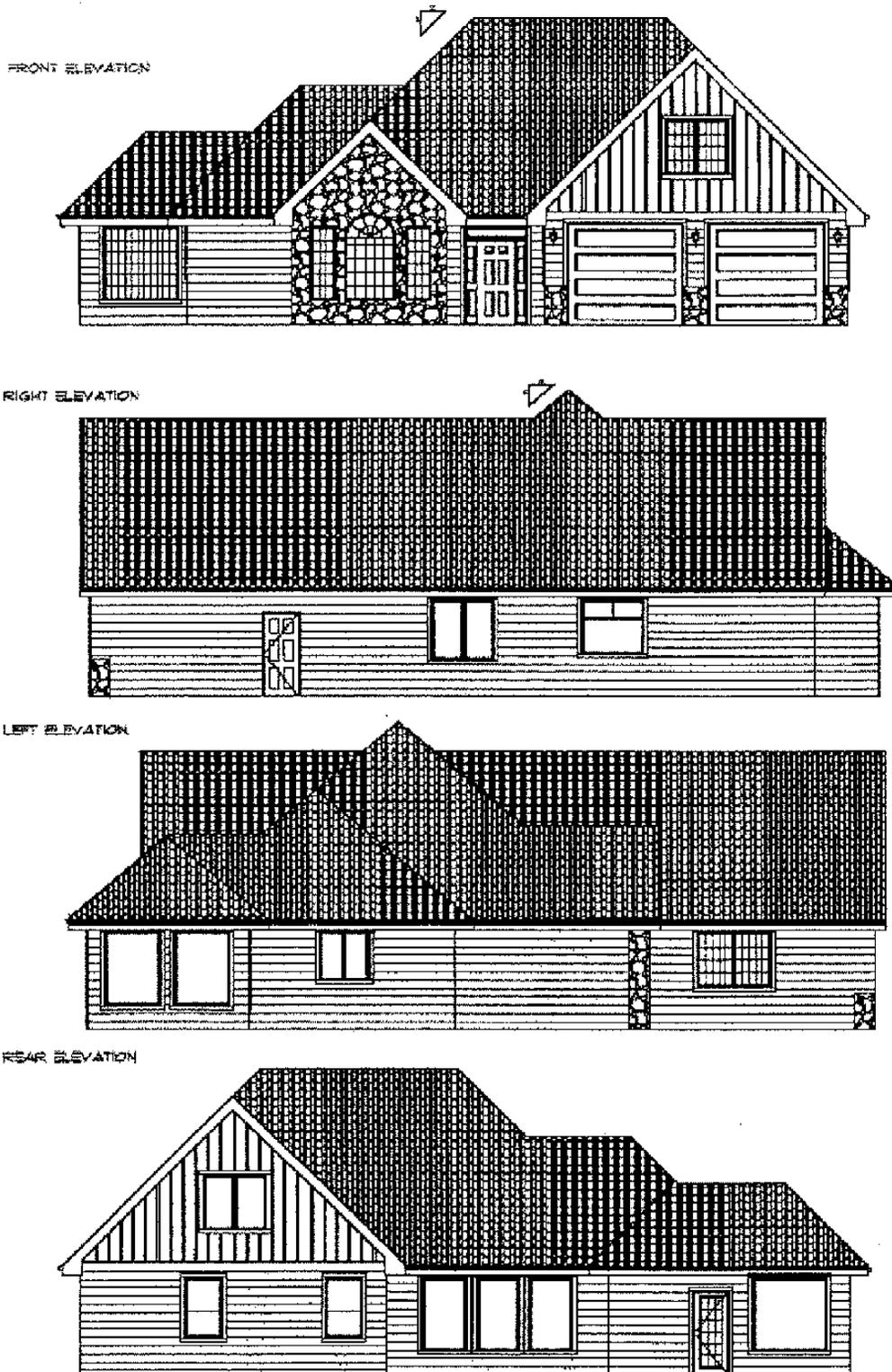
Conditions of Approval

1. The proposed dwelling shall be sited in accordance with survey prepared by Sims Associates Land Surveying Ltd. received April 11, 2008 attached as *Schedule No. 2*.
2. The dwelling shall be developed in accordance with the Building Elevations submitted by the applicant attached as *Schedule No. 3*.
3. The dwelling shall be constructed as shown on Schedule No. 2. The applicant shall provide survey confirmation of the building location and height at the framing stage of construction.
4. The property shall be revegetated in accordance with the Riparian Areas Regulation: Assessment Report dated March 12, 2008 attached as Schedule No. 4.

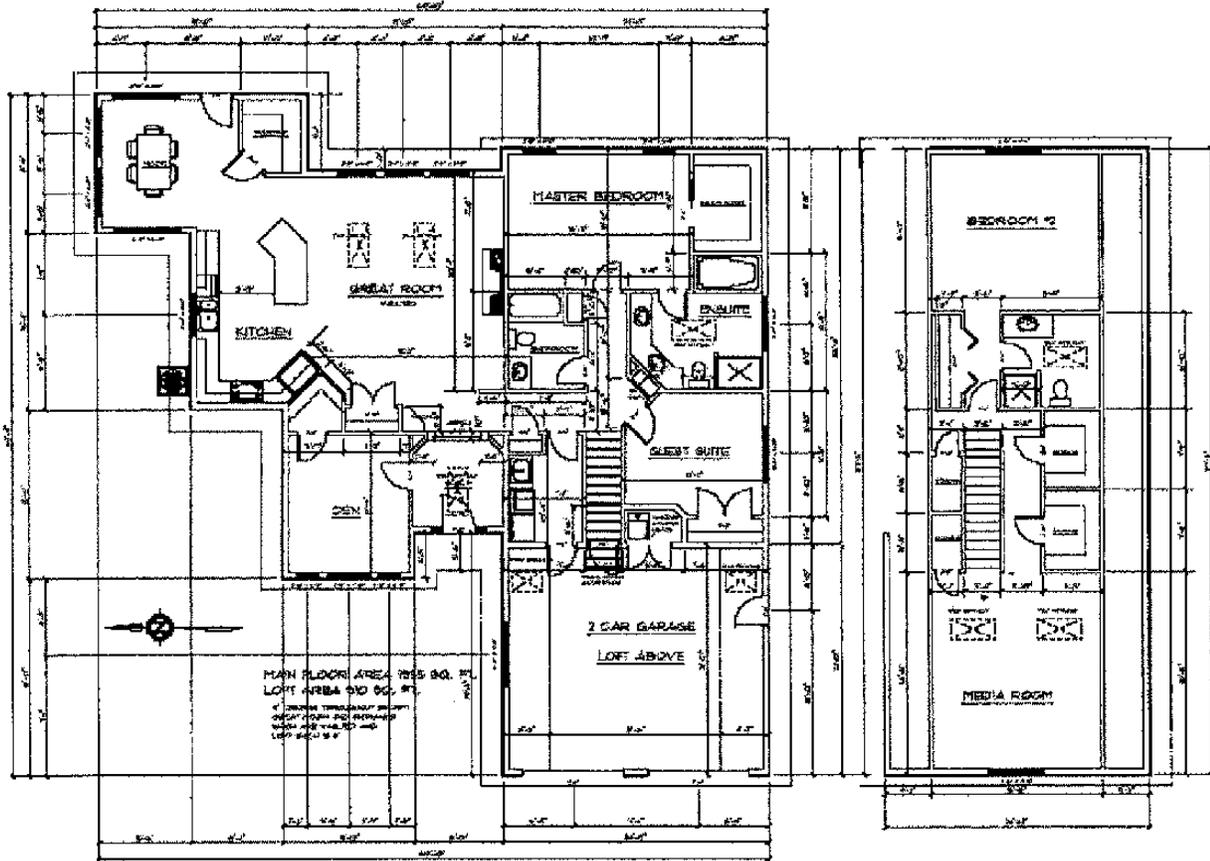
Schedule No. 2
 Site Plan



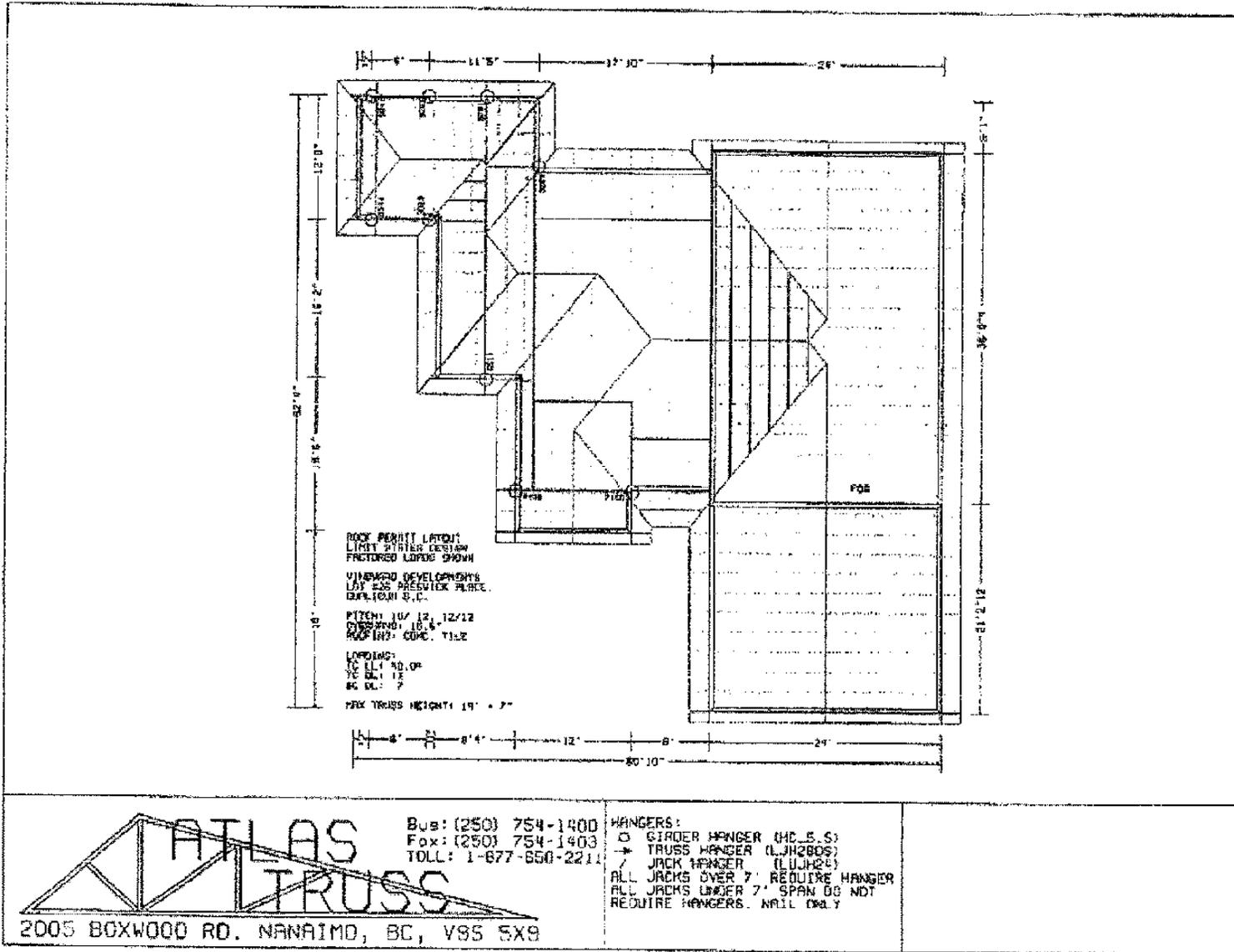
Schedule No. 3
Building Elevations



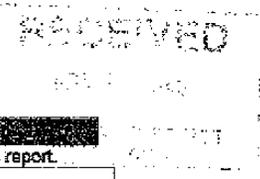
Schedule No. 3
Building Elevations



Schedule No. 3
 Building Elevations



**Schedule No. 4
 Riparian Areas Regulation Report**



FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Riparian Areas Regulation Assessment Report

Please refer to submission instructions and assessment report guidelines when completing this report.

Date: **2008-03-12**

I. Primary QEP Information

First Name	Steve	Middle Name	
Last Name	Toth		
Designation	R.P.Bio	Company	Toth and Associates
Registration #	1788	Email	stoth@shaw.ca
Address	5821 Hanwood Drive		
City	Lantzville	Postal/Zip	V9R 2H0
Prov/state	BC	Country	Canada
		Phone #	250-390-7602

II. Developer Information

First Name	Adam	Middle Name	
Last Name	Sturlis		
Company	Windward Developments 2002 Ltd.		
Phone #	250-752-3001	Email	ASturlis@gmail.com
Address	965 Caynyn Crescent		
City	Qualicum Beach	Postal/Zip	Vk9 1K9
Prov/state	BC	Country	Canada

IV. Development Information

Development Type	Construction: Single Family Residential		
Area of Development (ha)	0.0925	Riparian Length (m)	0
Lot Area (ha)	0.0925	Nature of Development	New
Proposed Start Date	2008-03-22	Proposed End Date	2009-03-21

V. Location of Proposed Development

Street Address (or nearest town)	Lot 25, Prostrwick Place, VIP 89272						
Local Government	Regional District of Nanaimo			City Qualicum Beach			
Stream Name	Morningside Creek						
Legal Description (PID)	024571351			Region Vancouver Island			
Stream/River Type	Stream			DFO Area South Coast			
Watershed Code	920-470400						
Latitude	49	20	13	Longitude	124	22	12

**Schedule No. 4
 Riparian Areas Regulation Report
 2 of 17**

**FORM 1
 Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report**

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***Section 1. Description of Fisheries Resources Values and a Description of the
 Development proposal***

A riparian area assessment of Lot 26, VIP 69272, DL 26, Nanoose District located on the east side of Prestwick Place in Qualicum Beach was conducted on March 11, 2008 according to the detailed assessment methodologies. Lot 26 is the last property to be developed in a large residential housing development that was initiated approximately 7 years ago. The adjacent previously developed properties were developed prior to watercourse protection development permit areas and as such have minimal intact natural riparian areas.

The section of Morningstar Creek through the development was channelized approximately 8-9 years ago. The Fisheries Information Summary System (FISS) indicated that the stream supports populations of coho salmon, cutthroat trout and sculpin. Morningstar Creek flows adjacent to the east side of Lot 26, while a ditch discharging to Morningstar Creek flows adjacent to the north side of the lot. For the purposes of this assessment we have assumed that both Morningstar Creek and the ditch have fish-bearing status.

The Regional District of Nanaimo (RDN) Area G (French Creek) Official Community Plan (OCP) Map 14 indicated that the property is within a Fish Habitat Protection Development Permit Area (DPA). The alignment shown on the map for Morningstar Creek is incorrect and represents the historic alignment prior to channelization. Map No. 11 of the Area G OCP

Schedule No. 4
Riparian Areas Regulation Report
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FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

indicated that Morningstar Creek is a Watercourse Protection DPA, with "known fish habitat". The DPA applies to lands within 30 m of the natural boundary or 15 m from top of bank.

The Area G Watercourse Protection DPA Guidelines indicate that: "A leave strip is a setback of 15 metres from the natural boundary". However, the wording of the RDN Land Use and Subdivision bylaw (No. 500, 1987) differs slightly and requires the following setbacks from watercourses:

Setbacks - Watercourses, excluding the Sea

- a) On parcels with an average slope of 5% or less adjacent to or containing a watercourse, no building or structure shall be constructed, altered, moved or extended within the following setbacks:
- i.) within 15.0 m horizontal distance from the natural boundary or within 18.0 m horizontal distance from a stream centerline, whichever is greater as illustrated in Table 1 and Table 2 of Schedule '3E';

The RDN's Area G Watercourse Protection Guidelines are provided below:

Guidelines:

Determining Whether a Development is Inside or Outside the Watercourse Protection Development Permit Area

To determine whether a proposed development close to a watercourse is inside the Watercourse Protection Development Permit Area, the following is required:

- locating the watercourse relative to the property lines; and
- locating the top of bank (for creeks, streams and rivers) or natural boundary (for wetlands, ponds and lakes); and
- measuring the applicable leave strip or distance from the top of the bank or natural boundary.

Unless all development activities will be clearly outside the Watercourse Protection Development Permit Area, the proposed location of development relative to DPA boundaries is required to be determined by a BC Land Surveyor (BCLS) and incorporated into the BCLS certified site plan.

Development within a Watercourse Protection Development Permit Area

Development within a Watercourse Protection Development Permit Area will generally only be considered where historical subdivision or construction of structures has occurred prior to the designation of the Watercourse Protection Development Permit Area and:

- the Watercourse Protection Development Permit Area takes up so much of a pre-existing lot that it makes the lot undevelopable for the use permitted under its existing zoning; or

Schedule No. 4
Riparian Areas Regulation Report
4 of 17

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

- due to topographic, natural hazard, or other environmental constraints on the lot, there is no acceptable building site outside the Watercourse Development Permit Area; or
- all opportunities to relax other development requirements (such as the
- minimum setback requirements (from lot lines) have been exhausted.

The onus lies with the applicant to demonstrate that encroaching into a Watercourse Protection Development Permit Area is necessary due to the above circumstances, in order to allow the use of the site as otherwise permitted under the existing zoning.

A leave strip is a setback of 15 metres from the natural boundary of all watercourses, except for French Creek which will have a leave strip setback of 30 metres from the natural boundary.

An applicant shall provide written rationale and assessment of the potential impacts on aquatic habitat and/or neighbouring land uses.

An assessment of fish and wildlife habitat by a registered professional biologist or a person with similar qualifications is required. The requirement for an environmental assessment may be waived where the applicant and staff agree on the acceptable level of encroachment.

An applicant shall provide measures to minimize or mitigate disturbance of the leave strip through an erosion control plan, revegetation in leave strip, habitat restoration and other mitigative measures.

The applicant and the RDN will seek to vary other land use requirements under the Land Use and Subdivision Bylaw before or, where necessary, along with encroaching into the leave strip in order to minimize the encroachment.

Where development in the Watercourse Development Permit Area is deemed necessary, the development will:

- take a form that minimizes the area of encroachment into and impact on the Watercourse Development Permit Area; and
- be located so as to cause the least impact on the environmental values of the Watercourse Development Permit Area; and
- be conducted at a time of year and use construction methods that minimize the impact on the Watercourse Development Permit Area.

Owners of land adjacent to watercourses will be encouraged to dedicate the leave strip to the Regional District, the Crown or a non-government conservation organization; or to enter into a Conservation Covenant with the Regional District, the Province and/or a non-government organization registered to hold such Covenants, for the conservation of the leave strip.

In considering how much encroachment into a Watercourse Protection Development Permit Area should be allowed, the Regional District will weigh the applicant's need to encroach

**Schedule No. 4
 Riparian Areas Regulation Report
 5 of 17**

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

upon the leave strip against the potential impacts of the encroachment on the watercourse and aquatic habitat.

Where, after the adoption of the Official Community Plan, damage to environmentally sensitive watercourse or sensitive areas is caused by alteration or clearing of land, a report from an independent professional biologist experienced in these matters will be required to determine the extent of damage to habitat relative to riparian areas or natural features within the permit area, and such report shall include recommendations for works required to restore the habitat, watercourse, riparian areas or other specified features of the environment.

All development proposals are subject to the requirements and procedures of the Fish Protection Act and the Riparian Areas Regulation.

The applicant shall be requested to provide an explanatory plan of the SPEA including the registration of a covenant prohibiting development and use in the SPEA.

The proposed lot layout plan indicates that the proposed residence on Lot 26 will be approximately 15.2 m from the natural boundary of Morningstar Creek at it's closest point to the watercourse.

The RDN watercourse setbacks of approximately 15 m exceed the Streamside Protection and Enhancement Areas (SPEA) of 10.5 m for Morningstar Creek and 5 m for the ditch determined by this assessment. As the 5 m SPEA and 15 m watercourse setback for the ditch are located outside the property boundary we are not including a requirement for revegetation of these areas.

Section 2. Results of Detailed Riparian Assessment

Refer to Chapter 3 of Assessment Methodology

Date: 2008-03-12

Description of Water bodies involved (number, type)

1 - Morningstar Creek

Stream	X
Wetland	
Lake	
Ditch	

Number of reaches

1

Reach #

1

Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)

Channel Width(m)	
starting point	3.2
upstream	3.1
	4.0
	3.3

Gradient (%)	
1.0	1. Steve Tjoh, (name of qualified environmental professional), hereby certify that:
	a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act;
	b) I am qualified to carry out this part of the assessment of the

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FORM 1

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downstream	3.8		development proposal made by the developer <u>Adam Sturlis (name of developer)</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report, and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
	3.0		
	4.1		
	4.0		
	3.2	1.0	
	3.5		
	3.5		
	31.6		
Total: minus high flow mean	3.5		
Channel Type	R/P	C/P	S/P
	X		

Site Potential Vegetation Type (SPVT)

	Yes	No	
SPVT Polygons		X	Tick yes only if multiple polygons. If No then fill in one set of SPVT data boxes
Polygon No:	1		
SPVT Type	LC	SH	TR
			X
			Method employed if other than TR

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons			
LWD, Bank and Channel Stability ZOS (m)	10.5				
Litter fall and insect drop ZOS (m)	10.5				
Shade ZOS (m) max	10.5	South bank	Yes	No	X
SPEA maximum	10.5	(For ditch use table 3-7)			

I, Steve Toth (name of qualified environmental professional), hereby certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act;

b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Adam Sturlis (name of developer) ;

c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report, and

d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Description of Water bodies involved (number, type)	1 – Ditched tributary to Moreangatar Creek
Stream	
Wetland	
Lake	
Ditch	X
Number of reaches	1
Reach #	1

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Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)

Channel Width(m)		Gradient (%)		
starting point	2.0	1.0	I, <u>Steve Toth</u> , (name of qualified environmental professional), hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Adam Skula</u> (name of developer); c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.	
upstream	1.8			
	1.6			
	1.8			
downstream	1.8			
	1.6			
	1.5			
	1.5			
	1.4	1.0		
	1.5			
	1.6			
Total minus high flow mean	14.6			
	1.6			
Channel Type	<input checked="" type="checkbox"/> R/P	<input type="checkbox"/> C/P		<input type="checkbox"/> S/P

Site Potential Vegetation Type (SPVT)

SPVT Polygons	Yes	No	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Tick yes only if multiple polygons. If No then fill in one set of SPVT data boxes I, <u>Steve Toth</u> (name of qualified environmental professional), hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Adam Skula</u> (name of developer); c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
Polygon No:	<input type="text" value="1"/>		Method employed if other than TR
SPVT Type	<input type="checkbox"/> LC	<input type="checkbox"/> SH	<input checked="" type="checkbox"/> TR

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	<input type="text" value="1"/>	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons			
LWD, Bank and Channel Stability ZOS (m)	<input type="text" value="5"/>				
Litter fall and insect drop ZOS (m)	<input type="text" value="5"/>				
Shade ZOS (m) max	<input type="text" value="5"/>	South bank	Yes	No	<input checked="" type="checkbox"/>
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)		Straight, man-made, seasonal flows		
Ditch Fish Bearing	Yes	<input checked="" type="checkbox"/>	No	If non-fish bearing insert no fish bearing status report	
SPEA maximum	<input type="text" value="5"/>	(For ditch use table 7)			
I, <u>Steve Toth</u> (name of qualified environmental professional), hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act.					

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- | | |
|----|---|
| a) | I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Adrian Sussan</u> , former of <u>Adrian Sussan</u> . |
| b) | I have carried out an assessment of the development proposal and my assessment is set out in this assessment Report; and |
| c) | In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation. |

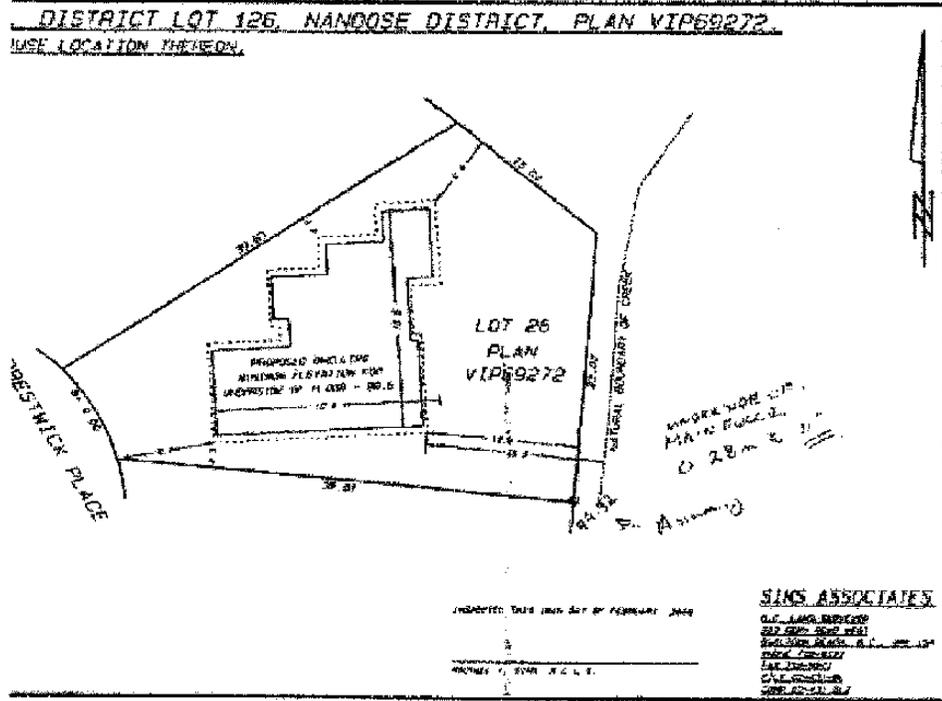
Comments

We recommend that the portion of the 10.5 m SPEA for Morningstar Creek occurring on, and immediately adjacent to Lot 26 be protected from development and restored according to the measures outlined in Section 4 of this report.

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Figure 1. Lot 26 Site Plan



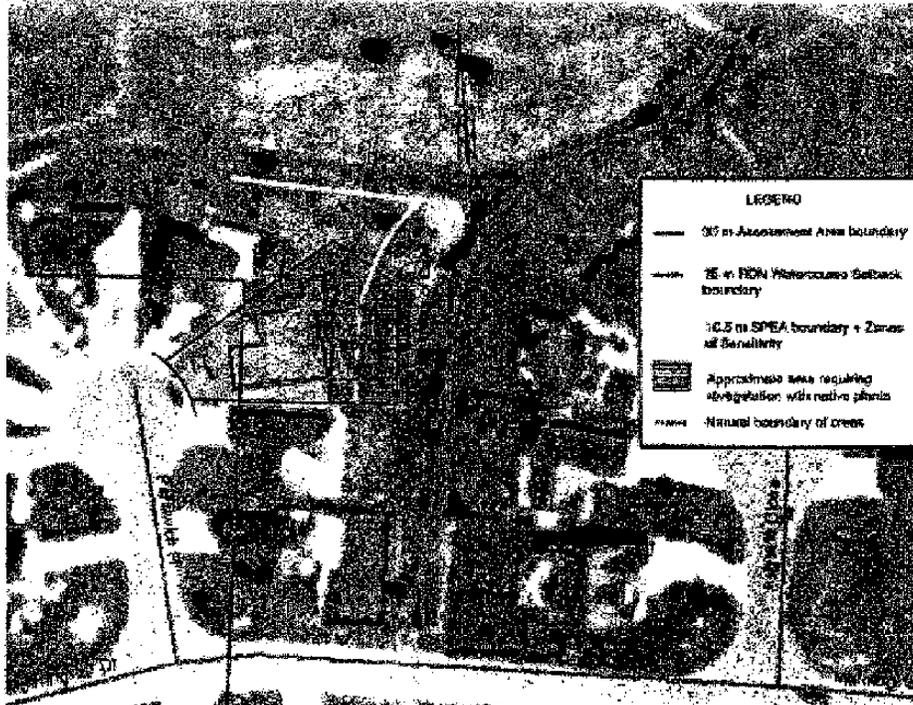
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Figure 2. Lot 26 Watercourse Setbacks, NPFA and Revegetation Area



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Section 4. Measures to Protect and Maintain the SPEA

1. Danger Trees	There are no mature trees within the SPEA. The riparian area currently consists primarily of pole-sapling stage red alder and willow.
<p>1. Steve Toth (<i>name of qualified environmental professional</i>), hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act.</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Adam Sturlis (<i>name of developer</i>):</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report, and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.</p>	
2. Windthrow	Due to the overall young successional stage of the riparian area there is currently no potential for windthrow.
<p>1. Steve Toth (<i>name of qualified environmental professional</i>), hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act.</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Adam Sturlis (<i>name of developer</i>):</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report, and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.</p>	
d. Slope Stability	There are no steep slopes on or adjacent to the subject property.
<p>1. Steve Toth (<i>name of qualified environmental professional</i>), hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act.</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Adam Sturlis (<i>name of developer</i>):</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report, and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.</p>	
e. Protection of Trees	Protection of trees within the 10.5 m SPEA for Morningstar Creek on, and immediately adjacent to Lot 26 should include revegetation of the non-vegetated / disturbed areas of the SPEA as outlined below.

Table 1. Planting Criteria and recommended native tree and shrub species for restoration of fish and wildlife habitat

Species	Scientific Name	Height	DBH
Bleed-buff	<i>Acer macrocarpum</i>	to 35	d-m
Red alder	<i>Alnus rubra</i>	to 25	m
Black hawthorn	<i>Crataegus douglasii</i>	to 10	m
Pacific crabapple *	<i>Malus fusca</i>	2-12	m-w
Black cottonwood	<i>Populus trichocarpa</i>	to 50	m-w
Bitter cherry *	<i>Prunus emarginata</i>	2-15	m
Cascara *	<i>Rhamnus purshiana</i>	to 10	d-w
Pacific willow	<i>Salix lasiolepis</i> ssp. <i>lasiocarpa</i>	to 12	w
European mountain ash *	<i>Sorbus aucuparia</i>	To 18	m-d
Sitka spruce	<i>Picea sitchensis</i>	to 70	m
Western white pine	<i>Pinus monticola</i>	to 40	m-d
Douglas-fir	<i>Pseudotsuga menziesii</i>	to 70	d
Western red cedar	<i>Thuja pluvialis</i>	to 60	m-w
Western hemlock	<i>Tsuga heterophylla</i>	To 60	d-w
Sauvignon *	<i>Amelanchier alnifolia</i>	1-5	d-m
Red-osier dogwood *	<i>Cornus stolonifera</i>	1-6	m
Beaked hazelnut *	<i>Corylus cornuta</i> var. <i>californica</i>	1-4	m
Oceanspray	<i>Holodiscus discolor</i>	to 4	d-m
Pacific rhododendron	<i>Physocarpus opulifolius</i>	to 4	w

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Norfolk rose *	<i>Rosa multiflora</i>	to 3	d-u
Thimbleberry *	<i>Rubus parviflorus</i>	0.5-3	m
Salmonberry *	<i>Rubus spectabilis</i>	to 4	m-w
Hoopier's willow	<i>Salix hookeriana</i>	to 6	m
Scooker's willow	<i>Salix scouleriana</i>	2-12	m
Sitka willow	<i>Salix sitchensis</i>	1-8	m-w
Red elderberry *	<i>Sambucus racemosa</i>	to 6	m
Snowberry *	<i>Symphoricarpos albus</i>	0.5-2	d-m
Red huckleberry *	<i>Vaccinium parviflorum</i>	to 4	m

d = dry, m = moist, w = wet, * = fruit-bearing species

Planting Criteria

- All riparian plantings should be based on 1 tree or shrub per 1 square metre density.
- Coniferous trees should comprise not less than 10% nor more than 25% of the tree stock planted.
- All tree/shrub species should be of guaranteed nursery stock.
- The botanical name should be used when ordering stock to ensure that the desired native species is being purchased. Each specimen should be tagged with the botanical name and the tag should be left attached after planting.
- Tree stock should be a minimum of 1.2 metres (4 feet) in height when purchased and planted 1.5 to 2 metres apart.
- Stock planted during the fall (Sept - Oct) and spring (Mar - Apr) has the greatest likelihood of surviving. Regular watering may be required until the plants are established. Additional advice on proper planting procedures should be obtained from the nursery supplying the stock.
- Planting on a given area being enhanced must be successful to an 80% take. If more than 20% die over one year, replanting is required.
- A minimum of 50% of trees and shrubs planted should be fruit-bearing species.

1. Site/Topic: *(Name of qualified environmental professional), hereby certify that:*
 a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act;
 b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Adam Sturlis *(Name of developer)*;
 c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report, and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation

d. Encroachment Only fish and wildlife habitat restoration, introduced invasive / noxious plant species / hazard tree removal and emergency works should occur within the SPEA setback area. The RAR does not allow trail building within the SPEA. As the SPEA will be contained within a single lot, we do not feel that fencing or signage of the SPEA boundary is necessary. However, the boundary of the SPEA should be indicated by some form of landscaping change such as landscape ties.

2. Site/Topic: *(Name of qualified environmental professional), hereby certify that:*
 a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act;
 b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Adam Sturlis *(Name of developer)*;
 c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report, and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation

e. Sediment and Erosion Control The SPEA should be protected during construction with soaked in place silt fencing. The fencing should remain in place until landscaping of the lot and green-up has been accomplished.

3. Site/Topic: *(Name of qualified environmental professional), hereby certify that:*
 a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act;
 b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Adam Sturlis *(Name of developer)*;
 c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report, and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation

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d. Stormwater Management	Run-off from impervious surfaces (driveway, rooftop) should be directed to the storm drain system on Prestwick Place, or to an appropriately sized infiltration pit on lot 26.
I, Steve Tish, (name of qualified environmental professional), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act. b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Adam Sturlis (name of developer). c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report, and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.	
e. Floodplain Concerns (highly mobile channel)	No floodplain concerns have been identified for Morningstar Creek. The watercourse was observed to be contained within well defined, armoured banks.
I, Steve Tish, (name of qualified environmental professional), hereby certify that: c. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act. d. I am qualified to carry out this part of the assessment of the development proposal made by the developer Adam Sturlis (name of developer). h. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report, and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.	

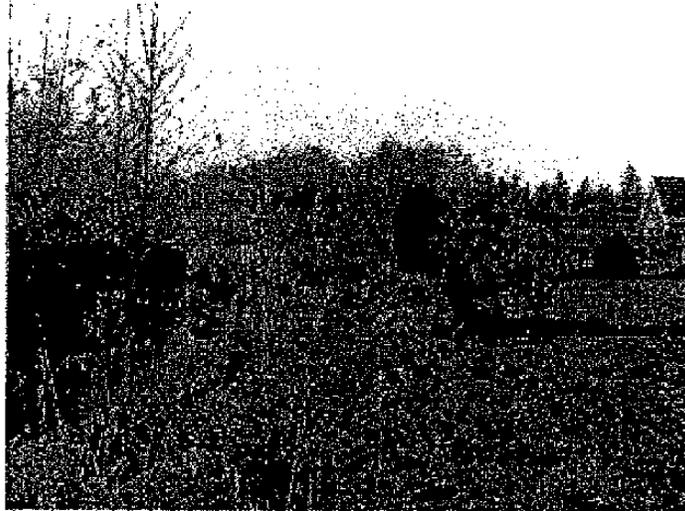
Section 5. Environmental Monitoring

A follow-up survey is a requirement of the RAR and the site should be assessed following completion of construction and landscaping / revegetation of the SPEA. A post development report should be submitted to the RDN outlining the results of the follow-up survey and any outstanding issues via the electronic notification system.

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Section 6. Photos



Photograph 1. View upstream (south) from Lot 26 along Morningstar Creek.



Photograph 2. View downstream (north) along Lot 26.

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Photograph 3. View west through Lot 26 to Frestwick Place.



Photograph 4. View upstream (northwest) on ditch from confluence with Morningstar Creek.

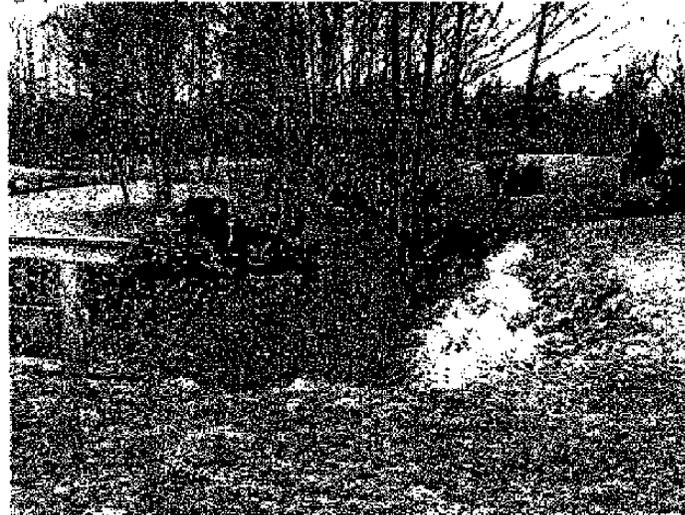
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Photograph 5. View upstream on Morningstar Creek from confluence with ditch.



Photograph 6. View upstream from Prestwick Place on Morningstar Creek.

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FORM 1

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Section 7. Professional Opinion

Assessment Report Professional Opinion on the Development Proposal's riparian area.

Date: 2008-03-12

1. I/We Steve Toth

Please list names of qualified environmental professional(s) and their professional designation that are involved in assessment.

hereby certify that:

- a) I am/We are qualified environmental professional(s), as defined in the Riparian Areas Regulation made under the Fish Protection Act;
- b) I am/We are qualified to carry out the assessment of the proposal made by the developer Adam Sturlis (*name of developer*) which proposal is described in section 3 of this Assessment Report (the "development proposal");
- c) I have/We have carried out an assessment of the development proposal and my/our assessment is set out in this Assessment Report; and
- d) In carrying out my/our assessment of the development proposal, I have/We have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation; AND

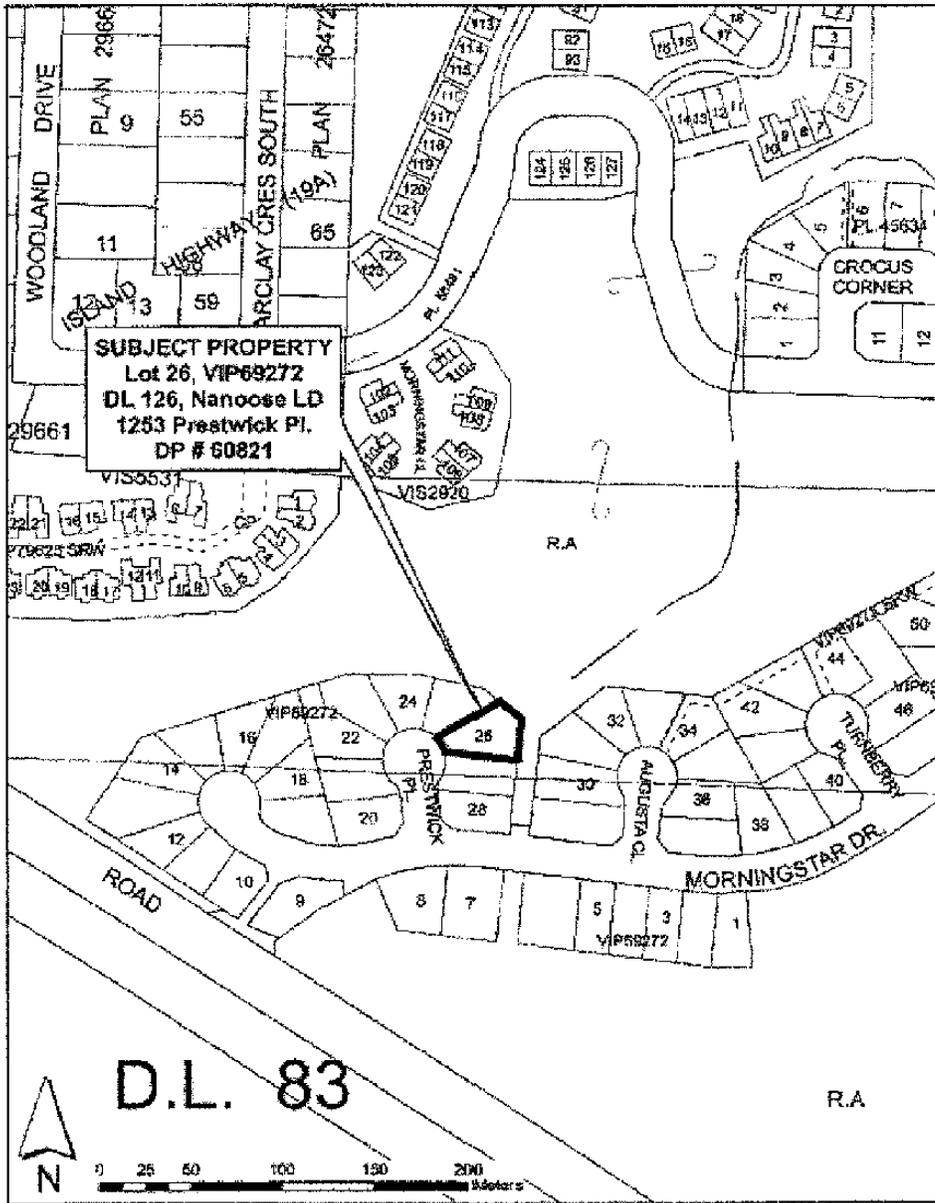
2. As qualified environmental professional(s), I/we hereby provide my/our professional opinion that:

- a) if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed. OR

(Note: include local government flex letter, DFO Letter of Advice, or description of how DFO local variance protocol is being addressed)

- b) if the streamside protection and enhancement areas identified in this Assessment Report are protected from the development proposed by the development proposal and the measures identified in this Assessment Report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed.

Attachment No. 1
Location of Subject Property



60821 W/2008/04/30/01



RDH REPORT	
CAO APPROVAL <input checked="" type="checkbox"/>	
EAP	✓ May 13th
CCW	
MAY 02 2008	
RHD	
BOARD	

MEMORANDUM

TO: Geoff Garbutt
Manager, Current Planning

DATE: May 1, 2008

FROM: Angela Mays
Planning Technician

FILE: 3090 30 90807

SUBJECT: Development Variance Permit Application No. 90807
Angela Francis, on behalf of Robert Francis
Electoral Area 'E' - 2293 East Island Highway

PURPOSE

To consider an application for a Development Variance Permit to permit the construction of a single dwelling unit on a parcel in Electoral Area 'E'.

BACKGROUND

The subject property, legally described as Lot 1, District Lot 30-A, Nanoose District, Plan 5019, is located at 2293 East Island Highway in Electoral Area 'E' (*see Attachment No. 1 for location of the subject property*).

The property, which is 3.67 hectares in size, is zoned Rural 5 (RU5) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property currently only supports a number of accessory buildings as the previous dwelling unit was recently destroyed by fire. The property slopes up to level ground from the Island Highway and Nanoose Creek crosses through the center of the parcel.

The subject property is situated within the Provincial Agricultural Land Reserve (ALR).

Surrounding land uses include a residentially zoned parcel to the north; the E&N Railway Corridor and rurally zoned parcel situated in the ALR to the east; residentially zoned parcels and the Island Highway to the south; and an un-built road right-of-way and rurally zoned parcels situated in the ALR to the west.

Pursuant to "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005", the subject property is designated within the following development permit areas:

- the Highway Corridor Protection Development Permit Area for the form and character of commercial, industrial or multi-family residential development. In this case, as the property is zoned rural, it is exempt from requiring a Development Permit; and
- the Watercourse Protection Development Permit Area for the purposes of protecting riparian areas for the protection of fish habitat, in this case, for Nanoose Creek which crosses a portion of the property. As Nanoose Creek is greater than 30 metres from the proposed development, the applicant will meet the exemption provisions of this Development Permit Area.

Therefore, a Development Permit is not required as part of this application.

The property is situated within a 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 site a new single dwelling unit in the same location as the previous dwelling unit. The original single dwelling unit, which predated Regional District bylaws, did not meet the minimum setback requirements under Bylaw No. 500, 1987. This building was considered to be non-conforming in terms of siting; however, under the provisions of the *Local Government Act*, the dwelling unit could continue to be used and maintained. As this previous dwelling unit was completely destroyed by fire, non-conforming status for siting has been lost. In order to site the new dwelling unit in the same location as the previous dwelling unit, variances to the minimum setback provisions as set out in Bylaw No. 500, 1987, are required. The requested variances are as follows:

- From 8.0 metres to 7.4 metres from the east lot line; and
- From 8.0 metres to 5.0 metres from the west lot line (adjacent to the un-built road right-of-way) (*see Schedule No. 2 for site plan showing proposed variances*).

ALTERNATIVES

1. To approve Development Variance Permit No. 90807 subject to the conditions outlined in Schedules No. 1, 2, and 3 and the notification requirements of the *Local Government Act*.
2. To not approve Development Variance Permit Application No. 90807.

DEVELOPMENT IMPLICATIONS

The applicant is proposing to site the new dwelling unit, as shown on *Schedule No. 3*, in the same location as the previous building (*see Schedule No. 2 for proposed building location*) in order to utilize the existing on-site septic disposal system, potable water well, and driveway access. The re-location of these on-site works would be an increased development cost to the applicant.

Due to the narrow configuration of this portion of the subject property (20.54 metres) combined with the minimum setback requirements (8.0 metres from all lot lines) it is difficult to site a building in this area of the parcel without a variance. The proposed location of the new dwelling unit will meet the Ministry of Transportation's minimum setback requirements from dedicated road rights-of-way, in this case, the un-built road adjacent to the west property line and still provide a setback of 7.4 metres from the adjacent residentially zoned parcel to the east. As there is a well vegetated buffer along the east lot line, the siting of the new dwelling unit will not negatively impact the adjacent residential parcel.

With respect to the Board Policy concerning the evaluation of Development Variance Permit applications, due to the narrow configuration of the parcel combined with the historical siting of the on-siting services; this application will meet the applicable land use justifications set out in the policy guidelines.

PUBLIC IMPLICATIONS

As part of the required public notification process pursuant to the *Local Government Act*, adjacent and nearby property owners 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 permit.

VOTING

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

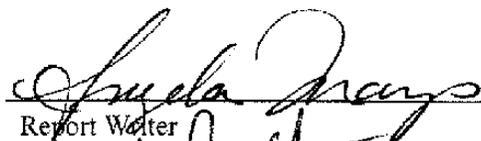
SUMMARY

This is an application for Development Variance Permit to place a single dwelling unit in the same location as a previously sited dwelling unit that was recently destroyed by fire on a property located adjacent to the Island Highway in Electoral Area 'E'. Due to the historic development of the property, the on-site services are located in the portion of the parcel adjacent to the Island Highway where it is very narrow and therefore difficult to place a building under the current setback provisions. It is anticipated the proposed setbacks will not have a negative impact on the neighbouring residential properties to the east.

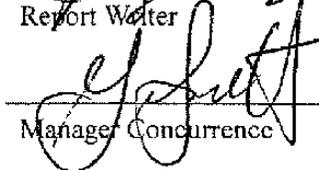
Given the historical development of the parcel in terms of on-site services, the parcel configuration, and that the proposal is in keeping with the current Board Policy for variance applications, staff recommends approval of the requested variances to accommodate the construction of a new dwelling unit, be approved subject to the conditions outlined in Schedules No. 1, 2, and 3 of the staff report and the notification procedures pursuant to the *Local Government Act*.

RECOMMENDATION

That Development Variance Permit Application No. 90807, submitted by Angela Francis, on behalf of Robert Francis, in conjunction with the construction of a single dwelling unit on the parcel legally described as Lot 1, District Lot 30-A, Nanoose District, Plan 5019, be approved subject to Schedules No. 1, 2, and 3 as outlined in the corresponding staff report and to the notification procedure pursuant to the *Local Government Act*.



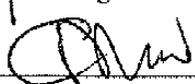
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

**Schedule No. 1
Development Permit No. 90807
Conditions of Approval / Requested Variances**

Conditions of Approval

The single dwelling unit, as shown on Schedule No. 3 (to be attached and forming part of DVP No. 90807), shall be sited in accordance with the house location plan prepared by Sims Associates BCLS and dated April 22, 2008 as shown on Schedule No. 2 (to be attached and forming part of DVP No. 90807).

Proposed Variances

With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," the following variances are proposed:

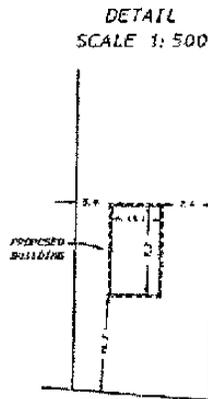
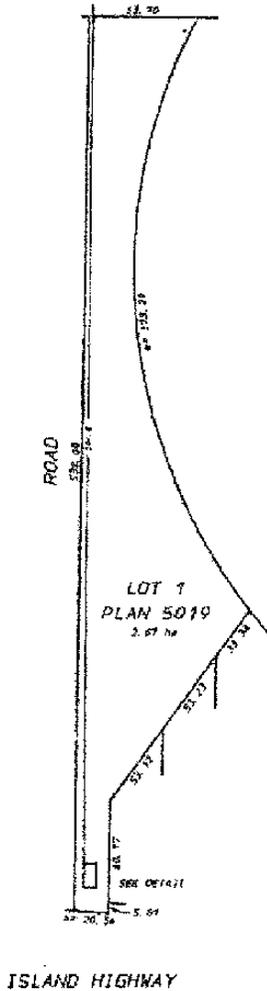
Section 3.4.85 - Minimum Setback Requirements is proposed to be varied by relaxing the minimum setback requirement from:

- 8.0 meters to 7.4 metres from the east lot line and
- 8.0 metres to 5.0 metres from the west lot line

in order to accommodate the siting of a single dwelling unit.

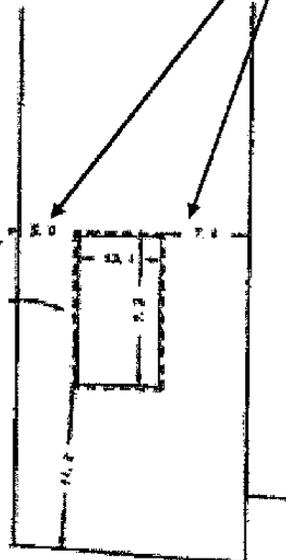
Schedule No. 2
Development Permit No. 90807
Proposed House Location Plan

PLAN OF LOT 1, DISTRICT LOT 30A
ANOOSE DISTRICT, PLAN 5019
SHOWING PROPOSED HOUSE LOCATION THEREON
 DATE: 1. 2008
 DISTRICT: AN-12 (RDP)
 LAND USE: RESIDENTIAL (R2)



See
Enlargement

DETAIL
SCALE 1: 500



Proposed Variances:

- 8.0 to 5.0 metres from the west lot line and
- 8.0 metres to 7.4 metres from the east lot line

DATE: 1. 2008

BY: [Signature]

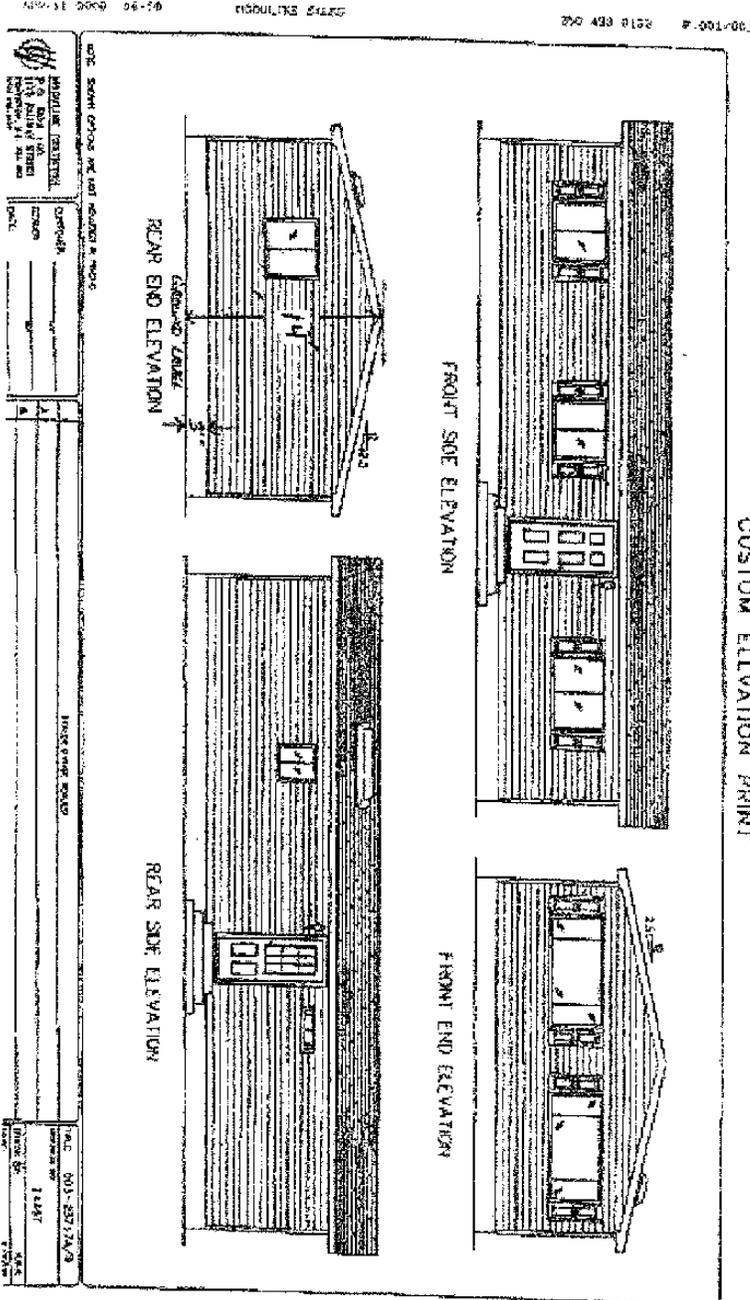
SIMS ASSOCIATES

1000 BROADWAY
 SUITE 1000
 VANCOUVER, BC V6Z 2E6
 TEL: 604-255-2222
 FAX: 604-255-2222
 WWW: SIMS.ASSOCIATES.COM

LEGEND
 — PROPERTY BOUNDARY LINE
 - - - PROPERTY OPENING (E.V.L.)
 MAKE # 30 (R2) (R2) (R2)

RECEIVED
 APR 11 2008
 DEPARTMENT OF PLANNING
 61 VANANCO

Schedule No. 3
Development Permit No. 90807
Proposed Elevations



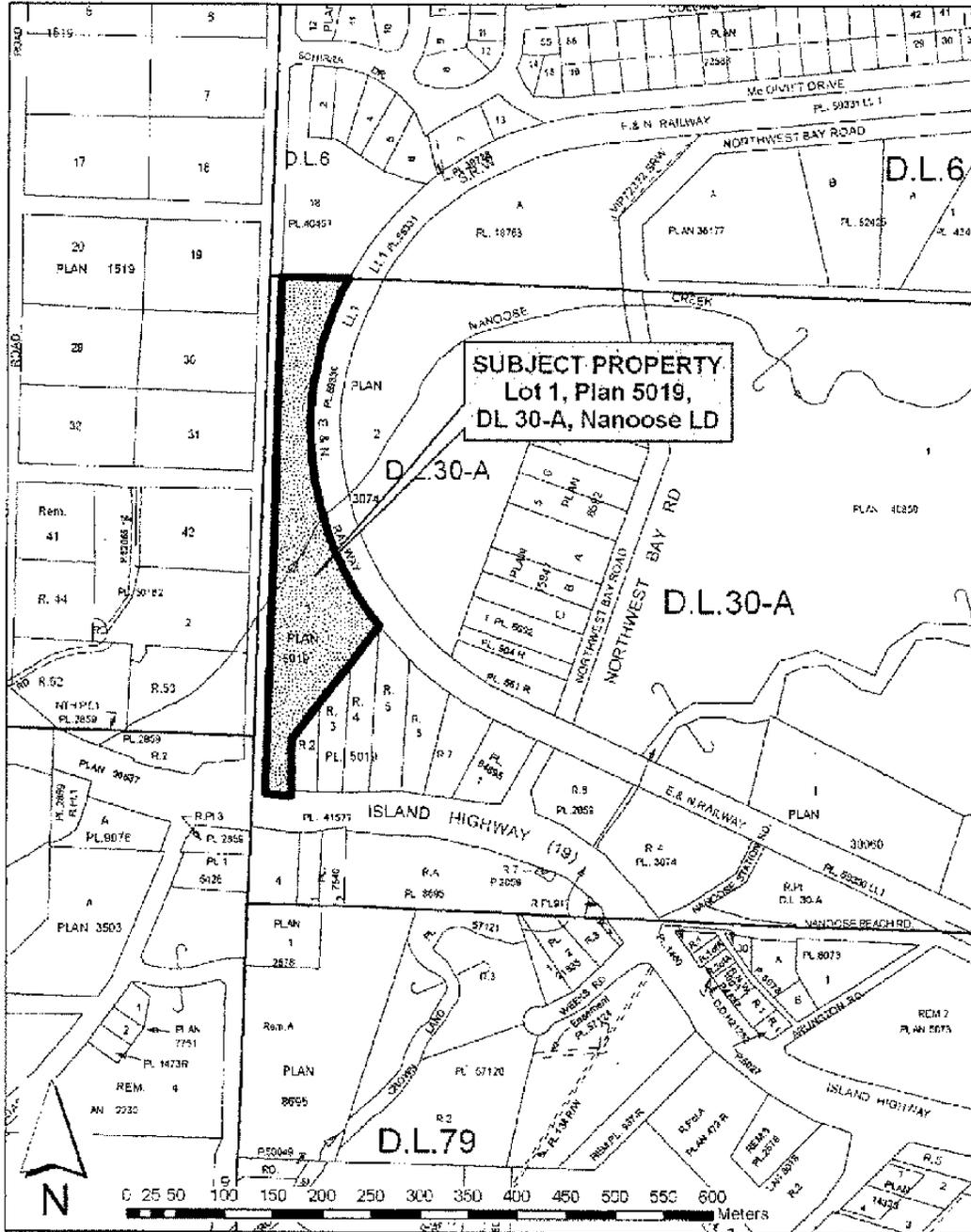
CUSTOM ELEVATION PRINT

RE: FRANCIS, R.
2208 MARSHMAN DRKT
SERIAL NO. 03-23717-018
M.N.R. NO. Q16699
CSA. 2010 - 30972

AMCO HOMES INC.
PO Box 190
Langville, BC V0R 2H0

TOTAL P. 001

Attachment No. 1
Location of Subject Property





CAO APPROVAL	
EAP	May 13th
COW	
MAY 02 2008	
RHD	
BOARD	

MEMORANDUM

TO: Geoff Garbutt
Manager, Current Planning

DATE: May 1, 2008

FROM: Susan Cornie
Senior Planner

FILE: 3320 20 27358

SUBJECT: Request to Discharge a Section 219 Covenant in Conjunction with a 3-Lot Bare Land Strata Subdivision Application
Applicant: Joseph Grimes
Electoral Area 'A' – Morland Road

PURPOSE

To consider a request to discharge a section 219 covenant from title as part of a 3-lot bare land strata subdivision proposal on properties in the Cedar area of Electoral Area 'A'.

BACKGROUND

This is a subdivision application involving a request to discharge a registered section 219 covenant in conjunction with a proposed subdivision involving the parcels legally described as Lots 4 and 5, Both of Section 12, Range 2, Cedar District Plan VIP75931 and located adjacent to Morland Road within Electoral Area 'A' (see Attachment No. 1 for location of subject properties).

The subject properties, which total 1.3 ha in size, are zoned Residential 2 (RS2) and are within Subdivision District 'M' (minimum 2000 m² with community water services) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The parent parcels currently each support a single dwelling unit and accessory buildings. Surrounding land uses include Morland Road and residentially zoned parcels to the north; a rurally zoned parcel located in the Agricultural Land Reserve to the east; and residentially zoned parcel to the south and west.

There are legal documents registered on title including a covenant restricting no further subdivision and a covenant restricting the maximum lot coverage for buildings and driveways.

The parent parcel is designated within the Fish Habitat Protection Development Permit Area pursuant to the Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001 (OCP). The applicant has provided a declaration that there are no watercourses within the parent parcels or within 30 metres of the parcels; therefore a development permit is not required.

The parent parcel is located within a RDN Building Services Area. The applicant has provided a completed Sustainable Community Builder Checklist as per Board policy.

Proposed Subdivision Development

The applicant is proposing to create 3 bare land strata lots, which will be able to meet the minimum parcel size requirement of 2000 m² with community water service connections and individual septic disposal systems being provided to each parcel (see Schedule No. 2 for proposed subdivision layout). As part of the subdivision application, the applicant has submitted a drainage report prepared by Lewkowich Geotechnical Engineering Ltd. and dated April 2, 2008.

The applicant is requesting that the section 219 covenant pertaining to no further subdivision be discharged in order that he may proceed with the subdivision development.

ALTERNATIVES

1. To approve the discharge of the section 219 covenant subject to the conditions set out in Schedules No. 1 and 2.
2. To deny the request to discharge of the covenant.

DEVELOPMENT IMPLICATIONS

The applicant is proposing a common property access, therefore eliminating the need for relaxation of the minimum perimeter frontage requirement. As the section 219 covenant was registered on title due to a concern of further panhandle lots being developed, one access to the three proposed bare land strata lots will eliminate the existing panhandles. This configuration is acceptable to the Ministry of Transportation's Approving Authority. It is noted that the proposed parcels are all larger than the minimum parcel size requirement and therefore buildable site areas are available to support the intended residential uses on the proposed lots.

Pursuant to the Residential 2 zoning, the applicant may construct 2 dwelling units on each of the parent parcels for a total of 4 dwelling units. The applicant is proposing to develop 3 bare land strata lots with a maximum of 1 dwelling unit per lot for a total of 3 dwelling units. This subdivision proposal will not increase the residential density potential and will in fact reduce it. This reduction of residential density is in keeping with the objectives of the Electoral Area 'A' Official Community Plan.

Site Servicing Implications

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

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. Specifically, with respect to the section 219 covenant restricting lot coverage for buildings and driveways, this covenant was a requirement of the Approving Authority at the time of the original subdivision due to concern with drainage. The Ministry, as part of this subdivision process, will examine the proposed drainage works and will ensure the covenant is still relevant.

The parent parcels are located within the North Cedar Improvement District water service area.

VOTING

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

SUMMARY

This is a subdivision application that involves a request to discharge a section 219 covenant document which restricts further subdivision of the properties. This document was registered on title to avoid further panhandle accessed parcels being developed. With the proposal to have a common property access, the existing panhandles will be eliminated and access to the 3 bare land strata lots will be via one access

point. It is noted that the 3 bare land strata lots are proposed to be larger than the minimum parcel size provisions and will be capable of supporting the residential uses permitted in the zoning provisions.

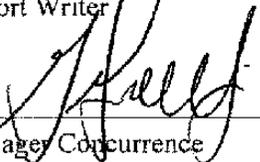
Given that the current number of accesses will be reduced to one common property access and the maximum residential density will not be increased which is in keeping with the OCP objectives, staff recommends approval of the request to discharge the section 219 covenant document restricting further subdivision subject to conditions set out in *Schedules No. 1 and 2* of the corresponding staff report.

RECOMMENDATION

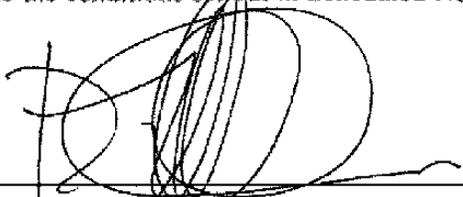
That the request from Joseph Grimes to discharge the section 219 covenant concerning no further subdivision in conjunction with the parcels, legally described as Lots 4 and 5, Both of Section 12, Range 2, Cedar District Plan VIP75931, be approved subject to the conditions set out in Scheduled No. 1 and 2 of the corresponding staff report.



Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

COMMENTS:

**Schedule No. 1
Subdivision Application No. 27358
Request to Discharge a Section 219 Covenant Document
Conditions of Approval**

The following sets out the conditions of approval:

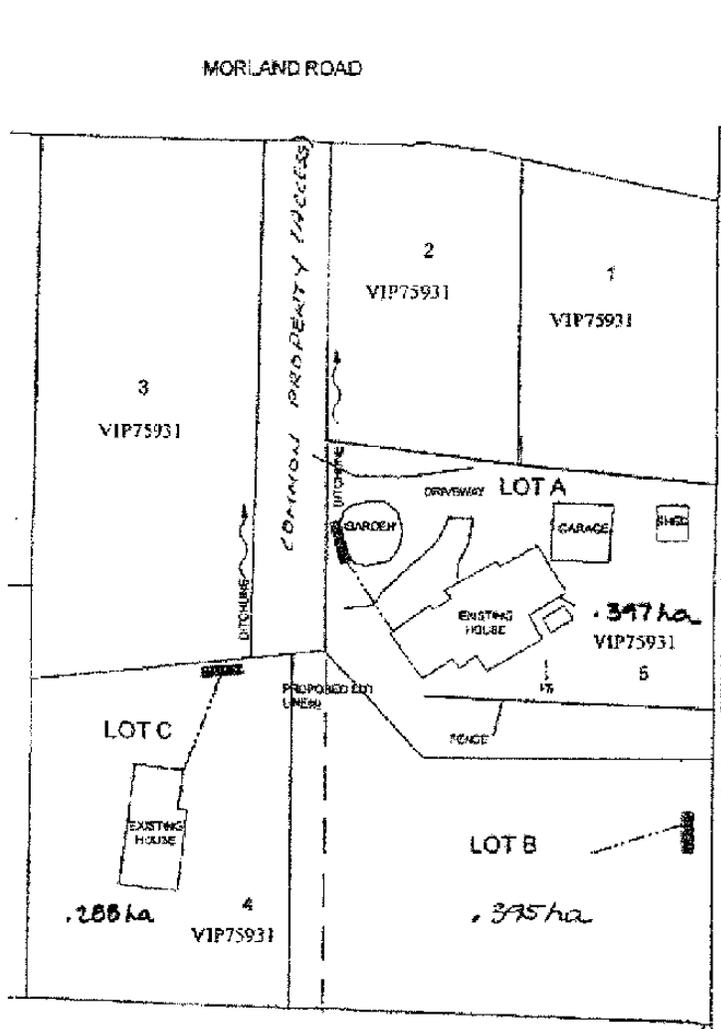
1. Subdivision

The bare land strata subdivision shall be in substantial compliance with Schedule No. 2.

2. Discharge of Covenant Document

Applicant to prepare and register a discharge document to discharge the section 219 covenant Document No. EV121322 at his expense and to the satisfaction of the Regional District of Nanaimo.

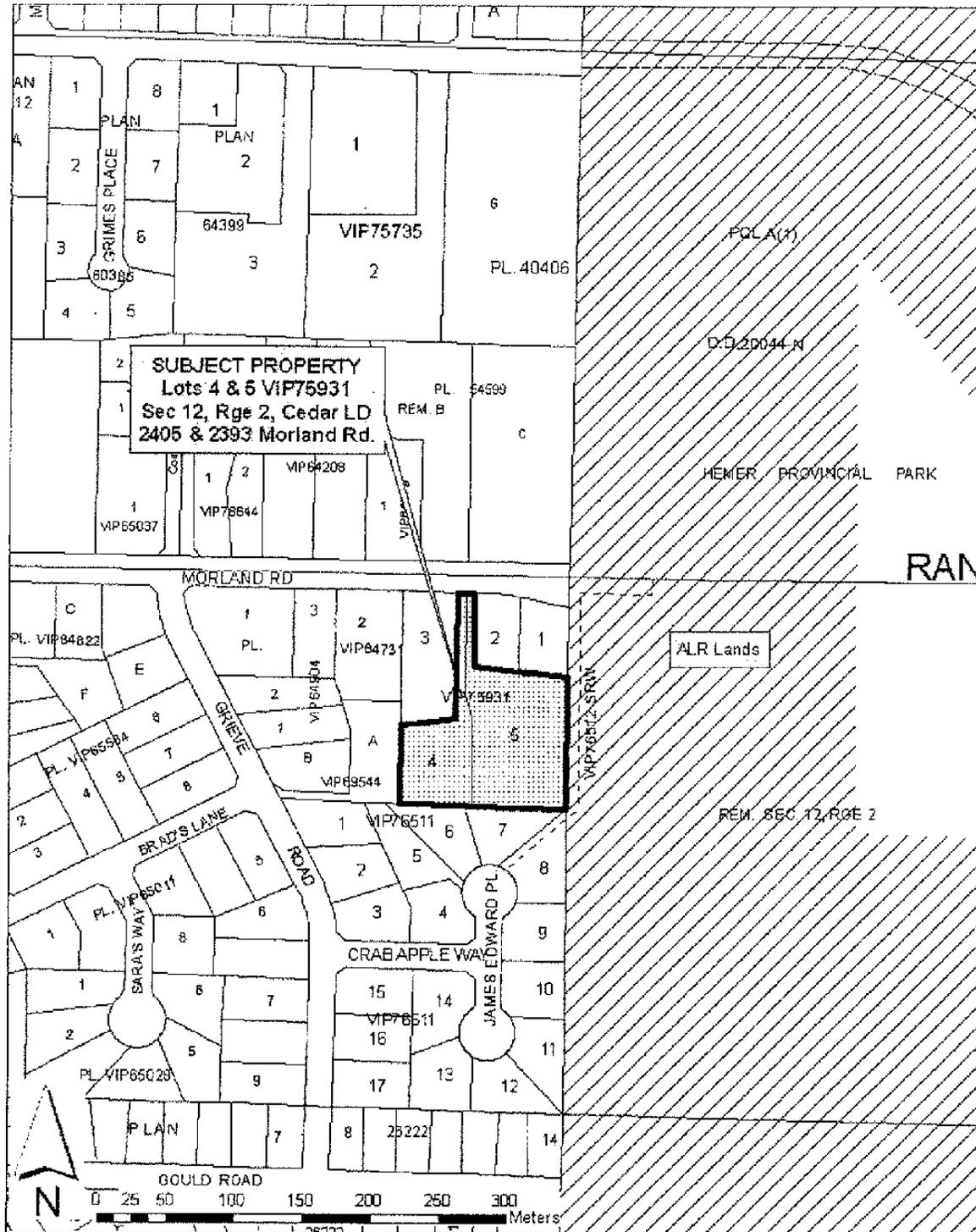
Schedule No. 2
 Subdivision Application No. 27358
 Proposed Plan of Subdivision
 (as submitted by applicant / reduced for convenience)



INFILTRATION PIT

	LEWKOWICH GEOTECHNICAL ENGINEERING LTD.	Date:	MAR 2007	Drawn By:	JH
	INFILTRATION PIT LOCATION PLAN	Project Number:	G44(T2)	Reviewed By:	CMH
	LOT 4 TO 5, VIP75931, SEC 12, RANGE 2, CEDAR DISTRICT	Drawing Scale:	SHOWN	Drawing Number:	FIGURE 1
	2405 MORLAND ROAD CEDAR, BC				

Attachment No. 1
Location of Subject Property



BC05 MAPSHEET: 926.001.44