

REGIONAL DISTRICT OF NANAIMO
ELECTORAL AREA PLANNING COMMITTEE
TUESDAY, JUNE 9, 2009
6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 3-5 Minutes of the regular Electoral Area Planning Committee meeting held May 12, 2009.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

UNFINISHED BUSINESS

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

- 6-27 Development Permit Application No. 60920 – Sandra James/C.A. Design – 803 Flamingo Drive – Area ‘G’.
- 28-37 Development Permit Application No. 60922 – Pt. Ellice Properties Ltd./Steel Pacific Recycling – 2079 Main Road – Area ‘A’.

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

- 38-48 Development Permit Application with Variances No. 60827 – Fern Road Consulting Ltd. on behalf of Parfitt – 6195, 6199 & 6200 Island Highway West – Area ‘H’.
- 49-68 Development Permit Application with Variances No. 60914 – Veenhof – 4737 Maple Guard Drive – Area ‘H’.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

69-75

Development Variance Permit Application No. 90903 - RDN Recreation & Parks
Department – Extension Road – Area ‘C’.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

ADJOURNMENT

IN CAMERA

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, MAY 12, 2009, AT 6:30 PM
IN THE RDN BOARD CHAMBERS

Present:

| | |
|-----------------------|------------------|
| Director D. Bartram | Chairperson |
| Director J. Burnett | Electoral Area A |
| Alternate | |
| Director C. Pinker | Electoral Area C |
| Director G. Holme | Electoral Area E |
| Director L. Biggemann | Electoral Area F |
| Director J. Stanhope | Electoral Area G |

Also in Attendance:

| | |
|------------|--|
| M. Pearse | Senior Manager, Corporate Administration |
| T. Armet | A/General Manager, Development Services |
| G. Garbutt | Manager of Current Planning |
| N. Tonn | Recording Secretary |

CALL TO ORDER

The Chairperson welcomed Alternate Director Pinker to the meeting.

DELEGATIONS

MOVED Director Stanhope, SECONDED Director Holme, that late delegations be permitted to address the Committee.

CARRIED

Grant Natland, re Development Variance Permit Application No. 90818.

Mr. Natland provided a written and verbal response to the staff report on Development Variance Permit Application No. 90818 and requested that the Committee approve the application.

Lynda Robinson, re Zoning Amendment Application No. 0521.

Ms. Robinson summarized the process they have followed in Zoning Amendment Application No. 0521 noting the annual testing of their well and their application for a sewer system for the property. The applicant is requesting that the Committee approve the application without the proposed conditions.

MINUTES

MOVED Director Burnett, SECONDED Director Biggemann, that the minutes of the Electoral Area Planning Committee meeting held April 14, 2009 be adopted.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. 0521 – Linda Robinson for P. & E. Robinson – 3027/3029 Landmark Crescent – Area ‘C’.

MOVED Director Pinker, SECONDED Director Stanhope, that Zoning Amendment Application No. ZA0521 as submitted by Linda Robinson, on behalf of P. & E. Robinson to rezone Lot 3, Section 20, Range 3, Mountain District, Plan 31215 from Subdivision District ‘D’ to Subdivision District ‘F’ be approved to proceed to public hearing subject to the conditions included in Schedule No. 1.

CARRIED

MOVED Director Pinker, SECONDED Director Stanhope, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.350, 2009” be given 1st and 2nd reading.

CARRIED

MOVED Director Pinker, SECONDED Director Stanhope, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.350, 2009” proceed to public hearing.

CARRIED

MOVED Director Pinker, SECONDED Director Stanhope, that the public hearing on “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.350, 2009” be delegated to Director Young or her alternate.

CARRIED

Zoning Amendment Application No. 0809 – Focus Corporation for Island Timberlands and Nanaimo Fish & Game Club – Nanaimo Lakes Road – Area ‘C’.

MOVED Director Pinker, SECONDED Director Holme, that the minutes of the Public Information Meeting held on March 25, 2009 be received.

CARRIED

MOVED Director Pinker, SECONDED Director Holme, that Zoning Amendment Application No. ZA0809, as submitted by Focus Corporation on behalf of Island Timberlands and Nanaimo & District Fish and Game Protective Association, to rezone the portions of the properties legally described as Section 19, Range 8, Douglas District, Except That Part Shown Coloured Red on Plan 309RW and Lot 1, Section 20, Range 8, Douglas District, Plan 3368, Except Parcel A (DD992451) of Said Lot, as shown on Schedule No. 2, from Resource Management 4 (RM4) and Resource Management 5 to Recreation 4 be approved to proceed to public hearing subject to the conditions included in Schedule No. 1.

CARRIED

MOVED Director Pinker, SECONDED Director Holme, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.349, 2009” be given 1st and 2nd reading.

CARRIED

MOVED Director Pinker, SECONDED Director Holme, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.349, 2009” proceed to public hearing.

CARRIED

MOVED Director Pinker, SECONDED Director Holme, that the public hearing on “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.349, 2009” be delegated to Director Young or her alternate.

CARRIED

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

Development Permit with Variance Application No. 60907 – Allen & Heppell – 3404 Carmichael Road – Area ‘E’.

MOVED Director Holme, SECONDED Director Burnett, that Development Permit with Variances Application No. 60907 submitted by Walter Allen, on behalf of Robert and Wendy Heppell, to facilitate the construction of a dwelling unit within Sensitive Ecosystem Development Permit Area pursuant to “Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005”, on a lot legally described as Lot 6, District Lot 78, Nanoose District, Plan VIP78139, be approved subject to the conditions outlined in Schedules No. 1 to 5 of the staff report and the notification requirements pursuant to the *Local Government Act*.

CARRIED

Development Permit with Variance Application No. 60913 – Delesalle – 121 Kinkade Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Holme, that Development Permit with Variance Application No. 60913, to permit the construction of a dwelling unit and attached garage with a maximum height of 8.81 metres on the property legally described as Lot 1, District Lot 10, Newcastle District, Plan 22939, be approved subject to the conditions outlined in Schedules No. 1 to 4 and the notification requirements of the *Local Government Act*.

CARRIED

Development Permit with Variance Application No. 60915 – Knappett – 5485 Deep Bay Drive – Area ‘H’.

MOVED Director Stanhope, SECONDED Director Biggemann, that Development Permit with Variance Application No. 60915, to construct a dwelling unit and detached garage within the Hazard Lands and Environmentally Sensitive Features Development Permit Area pursuant to “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003”, for the property legally described as Lot 38, District Lot 1, Newcastle District, Plan 20442 be approved subject to the conditions outlined in Schedules No. 1 to 4 and the notification requirements of the *Local Government Act*.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90818 – 127.0.0.1 Holdings Ltd. – 2933 Dolphin Drive – Area ‘E’.

MOVED Director Holme, SECONDED Director Stanhope, that Development Variance Permit Application No. 90818 to vary the requirements of the WA1 Zone and the General Regulations 3.3.9(b) to legalize a reconstructed set of beach access stairs and attached deck, as submitted by 127.0.0.1 Holdings Ltd., for the property legally described as Lot A, District Lot 78, Nanoose District, Plan VIP85344 be approved subject to the conditions outlined in Schedules No. 1 and 2.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 6:50 PM

CHAIRPERSON



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|-------------|---|------------|
| EAP | ✓ | June 9 '09 |
| COW | | |
| MAY 27 2009 | | |
| RHD | | |
| BOARD | | |

MEMORANDUM

TO: Geoff Garbutt
Manager, Current Planning

DATE: May 26, 2009

FROM: Lainya Rowett
Planner

FILE: PL20090000393 /
3060 30 60920

SUBJECT: Development Permit Application No. 60920 – Sandra James / C.A. Design
Lot 5, District Lot 10, Newcastle District, Plan 10115
Electoral Area ‘G’ – 803 Flamingo Drive

PURPOSE

To consider a request for the issuance of a Development Permit to permit the construction of an addition to an existing single dwelling unit on a coastal property within the Hazard Lands Development Permit Area in Electoral Area ‘G.’

BACKGROUND

The applicant proposes to construct an addition to the existing dwelling on the subject property (Lot 5, District Lot 10, Newcastle District, Plan 10115) located at 803 Flamingo Drive (see Attachment No. 1). The property (0.16 ha) is zoned Residential 2 (RS2) and is located within the Environmentally Sensitive Features (Aquifer Protection and Coastal Protection), Farmland Protection, Fish Habitat Protection, and Hazard Lands Development Permit Areas, pursuant to the “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008.” The proposed development is exempt from all Development Permit Area (DPA) requirements, except for the Hazard Lands DPA, because the proposed addition pertains to a single dwelling unit; it does not abut the Agricultural Land Reserve; the applicant has declared the absence of any water features on or adjacent to the property; and the proposed addition is located beyond 15 metres of the present natural boundary. A Development Permit is required, however, because the proposed development is located within the Hazard Lands Development Permit Area and there are no exemption provisions.

ALTERNATIVES

1. To approve the request for Development Permit No. 60920 subject to the conditions outlined in Schedules No. 1 to 4.
2. To deny the request for a Development Permit.

LAND USE & DEVELOPMENT IMPLICATIONS

The applicant proposes to construct an addition of 90.5 m² to the front side of the existing dwelling facing Flamingo Drive (Schedule No. 3). The addition will match the existing main floor elevation, and consist of a single-level addition over a crawl space. The design of the addition is well integrated with the existing dwelling, and the proposed elevation is above the ocean flood construction level (3.8 m) which is required by the Regional District of Nanaimo Floodplain Bylaw No. 1469.

The northwest portion of the existing dwelling does not meet the setback requirements of the RS1 Zone (see Schedule No. 2); however, the dwelling was constructed before these zoning regulations applied, so these existing setbacks are considered non-conforming pursuant to Section 911 of the Local Government Act. No changes are proposed to this portion of the dwelling, and the proposed addition would meet all requirements of the RS1 Zone, as well as the minimum highways setback required by the Ministry of Transportation and Infrastructure, for the abutting, unconstructed Surf Road.

To address the requirements of the Hazard Lands Development Permit Area a geotechnical hazards assessment of the property (dated May 14, 2009) was conducted by Lewkowich Engineering Associates Ltd. (LEA). This assessment concluded that the subject property is geotechnically safe for the intended use, including the proposed residential addition (Schedule No. 4). As a condition of this Development Permit the applicant would be required to register a Section 219 restrictive covenant against the subject property title, which includes the geotechnical assessment prepared by LEA and a "save harmless" clause releasing the Regional District of Nanaimo from all losses and damages as a result of slope disturbances, failures, or erosion.

SUSTAINABILITY IMPLICATIONS

The proposed addition would be located within an existing building envelope, and utilize existing roads and services. All habitable space within the dwelling will be located above the flood construction level. No alterations are proposed to the existing concrete lock-block seawall which provides foreshore protection, and has been deemed to be in very good condition and structurally adequate by Ludek Sotola of Sotola Engineering Inc. The subject property has also been assessed by Lewkowich Engineering Associates Ltd. (LEA) and deemed to be geotechnically safe for the intended use. The applicant would be required to ensure that any construction within the property meets the recommendations of this assessment, which would be registered on the title of each lot.

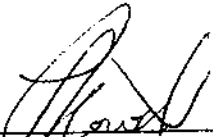
The proposed dwelling also incorporates a high quality of design, including green building elements such as energy efficient windows and heating system, low flush toilets, rainwater collection, on-site recycling of construction materials, energy efficient construction materials and practices, and the use of local materials and labour.

SUMMARY/CONCLUSIONS

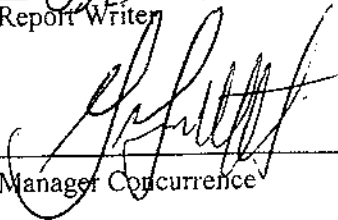
This is an application for a Development Permit to allow the construction of an addition to an existing single dwelling unit on a property within a Hazard Lands Development Permit Area. Given that the geotechnical recommendations are a condition of this permit and the absence of negative impacts of the proposed development on the subject or neighboring properties, the requirements of the Hazard Lands DPA have been addressed. Staff recommends approval of the Development Permit as submitted.

RECOMMENDATION

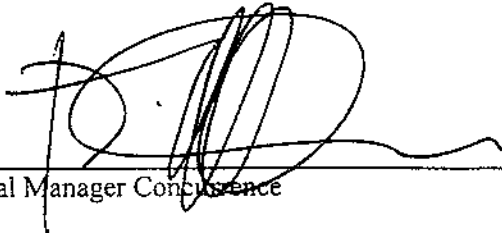
That Development Permit No. 60920 submitted by John Larson of C.A. Design for the proposed construction of an addition to an existing single dwelling unit within the Hazard Lands Development Permit Area for the parcel legally described as Lot 5, District Lot 10, Newcastle District, Plan 10115 be approved, subject to the conditions outlined in Schedule No. 1.




Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

**Schedule No. 1
Development Permit No. 60920
Conditions of Approval**

The following conditions are to be completed as part of Development Permit No. 60920:

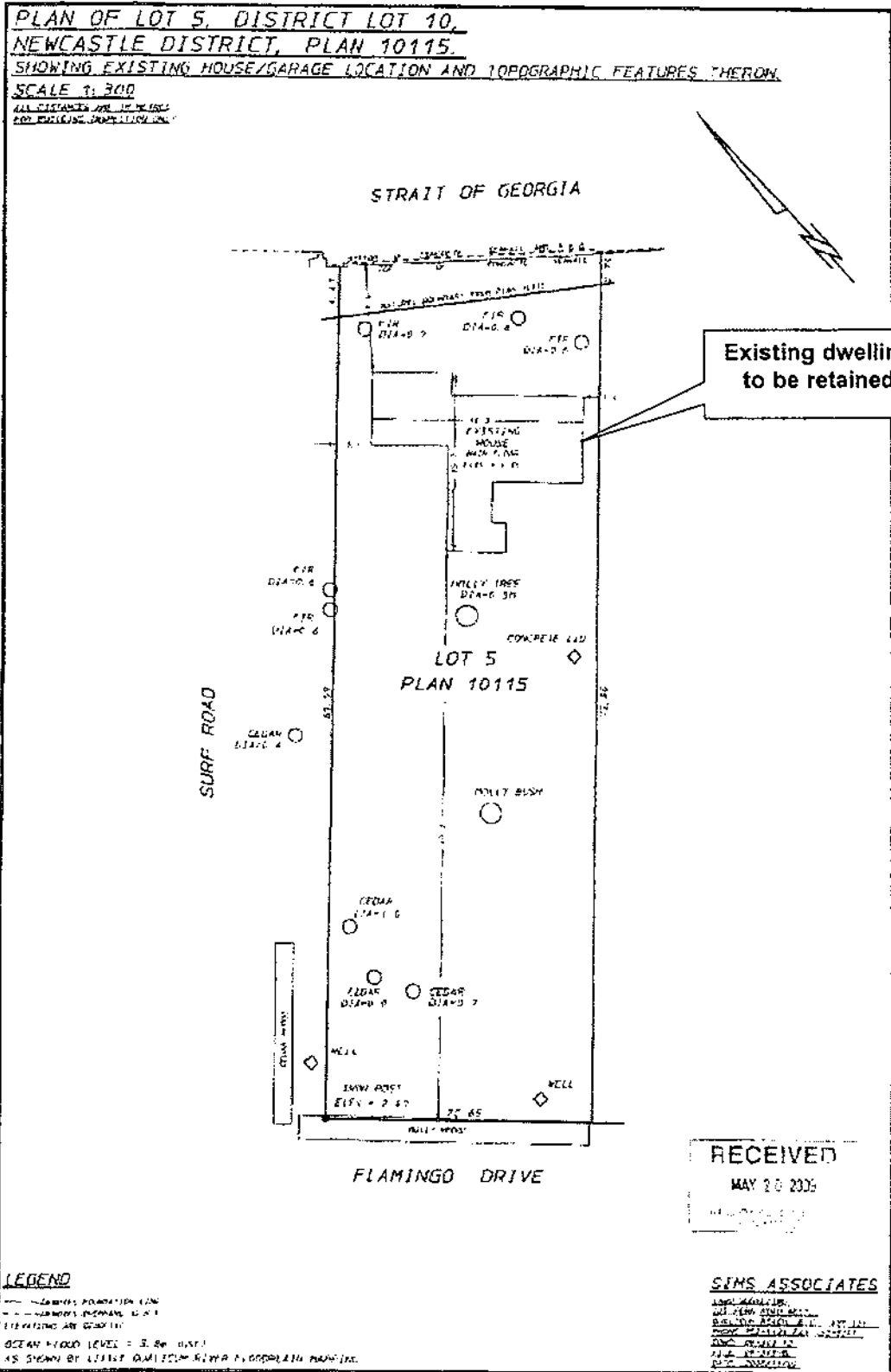
1. Geotechnical

The proposed lots must be developed in accordance with the recommendations of the Geotechnical Report prepared by Lewkowich Engineering Associates Ltd. dated May 14, 2009 (attached herein as Schedule No. 4).

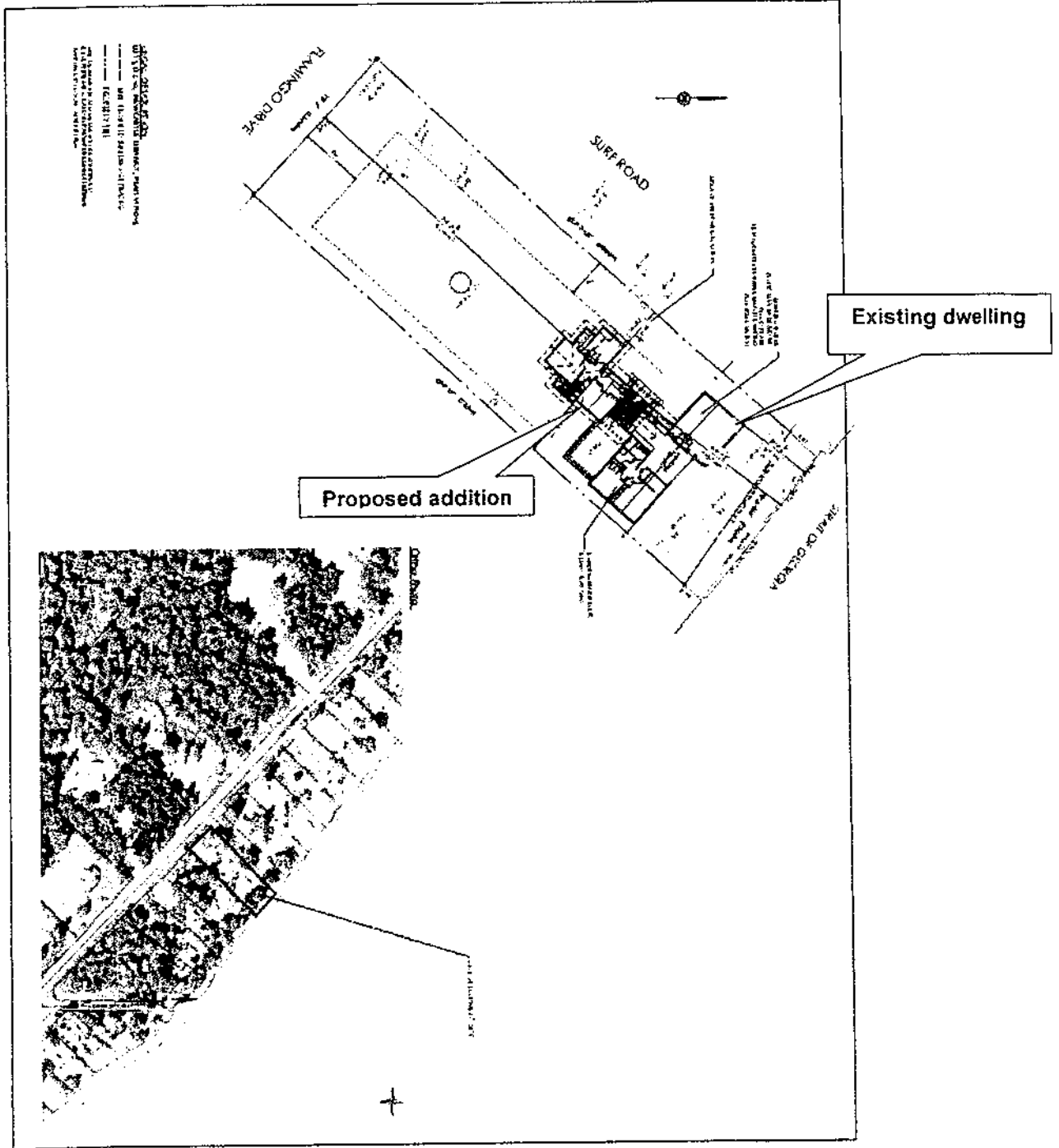
2. Restrictive Covenant

Staff shall withhold the issuance of this permit until the applicant, at the applicant's expense, registers a Section 219 restrictive covenant, with priority over all charges, containing the Geotechnical Evaluation prepared by Lewkowich Engineering Associates Ltd. dated May 14, 2009, and includes a "save harmless" clause that releases the Regional District of Nanaimo from all losses and damages as result of slope disturbances, failures, or erosion.

Schedule No. 2
Development Permit No. 60920
Survey of Existing Dwelling at 803 Flamingo Drive



Schedule No. 3
 Development Permit No. 60920
 Site Plan & Building Elevations for Proposed Addition at 803 Flamingo Drive



C.A. DESIGN

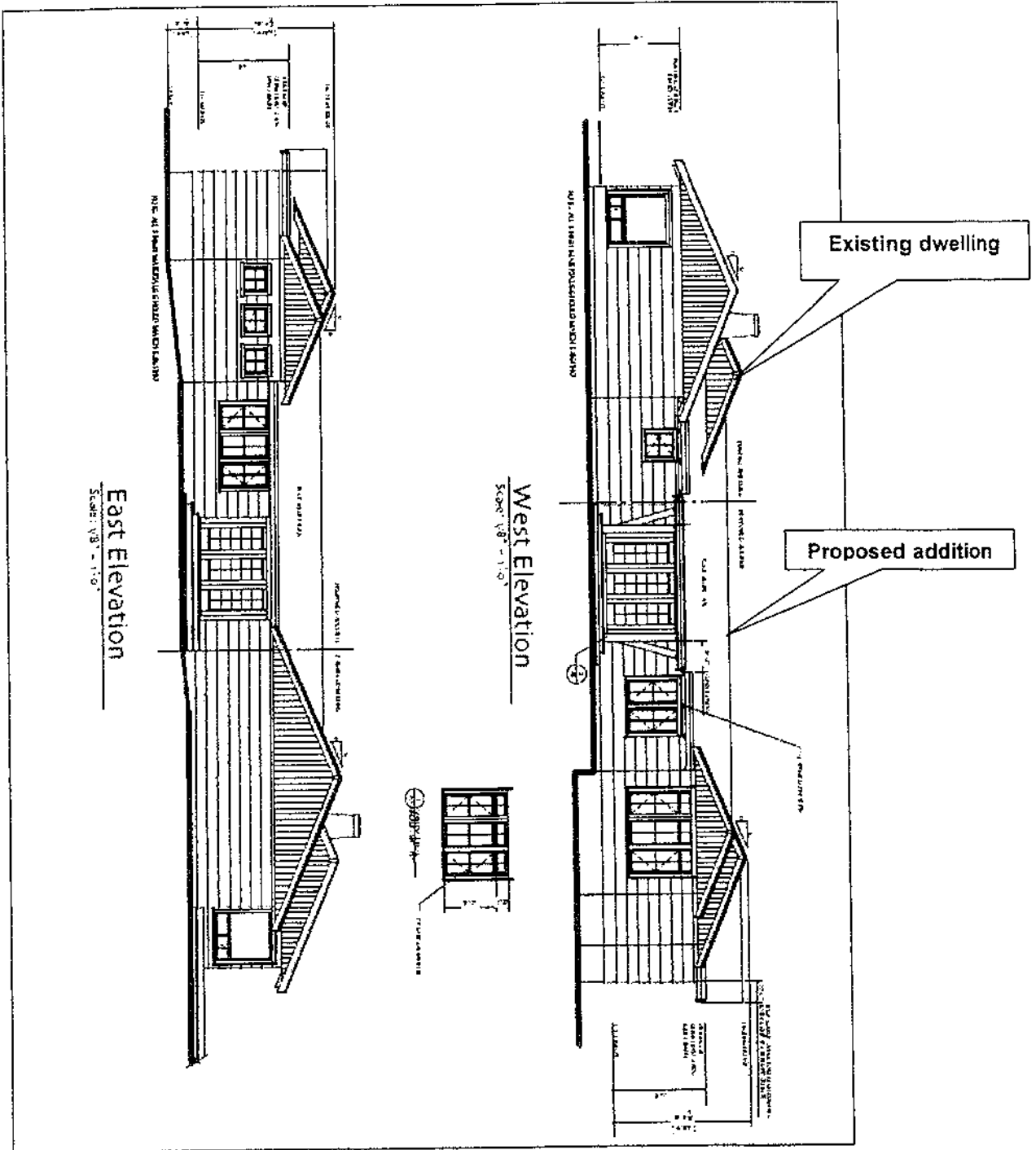
DATE: 11/11/11
 DRAWN BY: JAMES RIES
 CHECKED BY: SANDY JONES
 PROJECT NO: 60920

JAMES RIES
 CIVIL ENGINEER
 1000 10th Street, Suite 100
 San Diego, CA 92161
 (619) 594-1111
 www.jamesries.com

Sandy Jones
 ARCHITECT
 1000 10th Street, Suite 100
 San Diego, CA 92161
 (619) 594-1111
 www.sandyjones.com

SITE PLAN

| | |
|------------|-------------|
| DATE | 11/11/11 |
| SCALE | AS SHOWN |
| DRAWN BY | JAMES RIES |
| CHECKED BY | SANDY JONES |
| PROJECT NO | 60920 |



CAD DESIGN

ARCHITECTURAL ELEVATIONS
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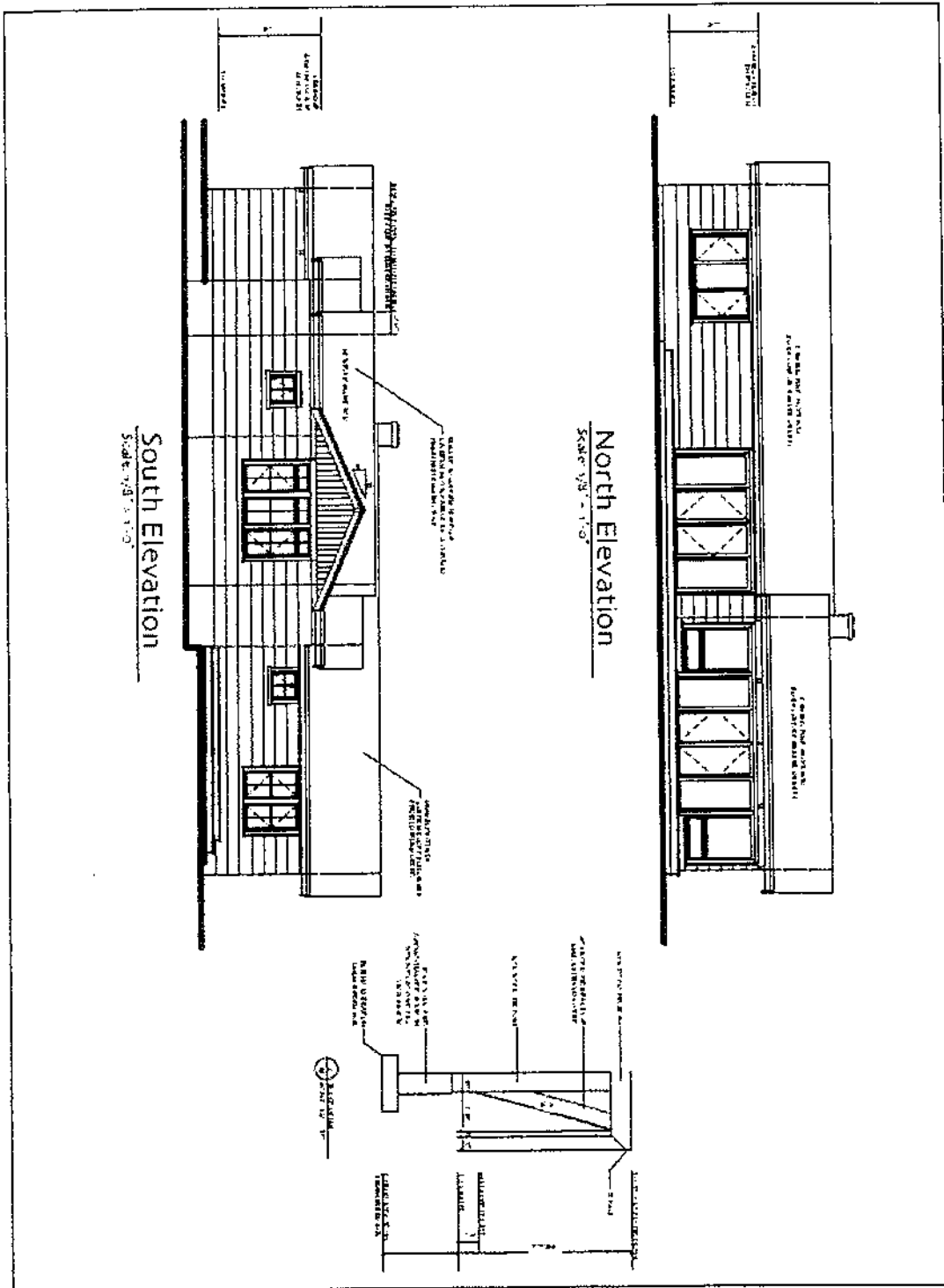
JAMES NES
 ARCHITECT
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SANDY JONES
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PROJECT INFORMATION
 PROJECT NO. 60920
 PROJECT NAME: [REDACTED]
 PROJECT ADDRESS: [REDACTED]
 PROJECT CITY: [REDACTED]
 PROJECT STATE: [REDACTED]

DESIGNER INFORMATION
 FIRM NAME: C.A. DESIGN
 FIRM ADDRESS: [REDACTED]
 FIRM CITY: [REDACTED]
 FIRM STATE: [REDACTED]

PROJECT TO:
JAMES BEES
 1234567890
 1234567890
 1234567890

DATE:
 01/01/2020

DESIGNED BY:
 SADEY JAMES

ELEVATIONS

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Schedule No. 4
Development Permit No. 60920
Geotechnical Assessment for 803 Flamingo Drive

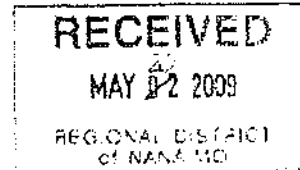


Lewkowich Engineering Associates Ltd.

geotechnical • health, safety & environmental • materials testing

File Number: G5626.02
Date: May 14, 2009

Ms. Sandra James
r/o C.A. Design
184 - C Second Avenue West
Qualicum Beach, B.C.
V9K 2T5



Attention: Mr. John Larson

PROJECT: PROPOSED RESIDENTIAL ADDITION
803 FLAMINGO DRIVE, QUALICUM BEACH B.C.
LOT 5, DL 10, NEWCASTLE DISTRICT, PLAN VIP10115

SUBJECT: GEOTECHNICAL ASSESSMENT

Dear Mr. Larson:

1. INTRODUCTION

As requested, Lewkowich Engineering Associates Ltd. (LEA) has carried out a geotechnical assessment of the above site. This report provides a summary of our findings and recommendations.

2. BACKGROUND

- a. LEA understands the proposed development will consist of a roughly 900 square foot residential addition to an existing waterfront residence. It is understood that the structure will be of conventional construction consisting of a wood framed superstructure supported on a concrete foundation with conventional spread or strip footings and a structural slab or crawlspace flooring system. LEA also understands that additional works, such as drainage upgrades, may be performed on the existing residence during construction.

3. ASSESSMENT OBJECTIVES

- a. Our assessment, as summarized within this report, is intended to meet the following objectives:
 1. Determine whether the land is considered safe for the use intended (defined for the purposes of this report as construction of a 900 square foot residential addition of

Client: Ms. Sandra James c/o C.A. Design
Project: 803 Flamingo Drive, Qualicum Beach, B.C.
File Number: G5626.02
May 14, 2009
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conventional construction methods, with the probability of a geotechnical failure resulting in property damage of less than 10 percent (10%) in 50 years, with the exception of geohazard assessments due to a seismic event which are to be based on a 2 percent (2%) probability of exceedance in 50 years, provided the recommendations in this report are followed.

- 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
- iii. Acknowledge that approving officers may rely on this report when making a decision on applications for the development of the land.

4. ASSESSMENT METHODOLOGY

A geotechnical investigation was carried out on May 8, 2009. A total of two (2) test pits (TP 09-01 to TP 09-02) were excavated at selected locations within the proposed development area using a rubber-tracked mini-excavator provided by Parksville Heavy Equipment Ltd. All test pits were backfill upon completion. A site plan showing the location of the test pits (FIGURE 1) is attached, following the text of this report.

5. SITE CONDITIONS

5.1 General

- a. The proposed development property is located in the northwest region of the Town of Qualicum Beach, B.C. on the north side of Flamingo Drive between Kinkade Road to the west, and Seacroft Road to the east. The subject lot is bound to the east and west by similarly developed residential properties, to the south by Flamingo Drive and additional residential properties, as well as some larger, undeveloped treed properties. The property is bound to the north by ocean frontage that spans the entire length of the property.

Lewkowich Engineering Associates Ltd.

Client: Ms. Sandra James c/o C.A. Design
Project: 803 Flamingo Drive, Qualicum Beach, B.C.
File Number: G5626.02
May 14, 2009
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- b. The terrain of the subject property is relatively flat with roughly 2.5m of total relief sloping downhill from north to south away from the ocean frontage. The property is landscaped with lawn and garden areas, as well as some mature cedar trees to a maximum diameter of approximately 900mm in the southwest portion of the property, and mature fir trees to a maximum diameter of approximately 600mm in the northwest portion of the property. There is a detached garage/shop roughly 25m south of the primary residence. LEA understands this building outside of the proposed development area. Currently the lot can be accessed via the Flamingo Drive frontage via a gravel driveway.

5.2 Soil Conditions

- a. Two main soil strata were typically encountered with increasing depth within the test pits. These consisted of loose or soft black sandy silt with some organic matter (topsoil), underlain by a compact to dense grey sand and with a trace of gravel. The soils encountered were generally moist.
- b. The main strata are discussed in general below. Detailed descriptions of the subsurface conditions are provided on the attached test pit logs (TP09-01 to TP09-02).
- c. Loose or soft black sandy silt with some organic matter (topsoil) was encountered in each of the excavated test pits, at depths between 0.0m to 0.6m. This material will not provide suitable bearing, but will be suitable for re-use in landscaped areas.
- d. Compact to dense grey sand with a trace of gravel was encountered in each of the excavated test pits, at depths between 0.5m to 1.1m. This material should provide suitable bearing to support the proposed construction. This material may be suitable for re-use as a structural fill material; additional on site assessment, soil classification, or laboratory testing may be necessary to determine the overall suitability of the material prior to placement.
- e. Depths are referenced to the existing ground surface at the time of our field investigation. Soil classification terminology is based on the Modified Unified classification system. The relative proportions of the major and minor soil constituents are indicated by the use of appropriate Group Names as provided in ASTM D2487 Figures 1a, 1b, and 2. Other

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descriptive terms generally follow conventions of the Canadian Foundation Engineering Manual

5.3 Groundwater

- a. There was no observed groundwater seepage or infiltration during the test pitting investigation.
- b. Groundwater levels can be expected to fluctuate seasonally with cycles of precipitation. Groundwater conditions at other times and locations can differ from those observed within the test pits at the time of our assessment.

6. CONCLUSIONS AND RECOMMENDATIONS

6.1 General

From a geotechnical point of view, the land is considered safe for the use intended (defined for the purposes of this report as construction of a 900 square foot residential building of conventional construction), with the probability of a geotechnical failure resulting in property damage of less than 10 percent (10%) in 50 years, with the exception of geohazards due to a seismic event which are to be based on a 2 percent (2%) probability of exceedance in 50 years, provided the recommendations in this report are followed.

6.2 Removal of Unsuitable Materials and General Excavation Recommendations

- a. Prior to construction, all unsuitable materials should be removed to provide a suitable base of support. Unsuitable materials include any non-mineral material such as vegetation, topsoil, peat, fill or other materials containing organic matter, as well as any soft, loose, or disturbed soils. Unsuitable material was encountered in all test pits to maximum depth of approximately 0.6m.
- c. Ground water ingressing into the footing excavations should be controlled with a perimeter ditch located just outside of the building areas, connected to positive drainage.
- d. It is recommended that the Geotechnical Engineer confirm the removal of unsuitable materials and approve the exposed competent inorganic subgrade.

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6.3 Structural Fill

- a. Where fill is required to raise areas that will support buildings, slabs, or pavements, structural fill should be used. We recommend that the Geotechnical Engineer should first approve the exposed subgrade in fill areas, to confirm the removal of all unsuitable materials.
- b. Structural fill should be inorganic sand and gravel. If structural fill placement is to be carried out in the wet season, material with a fines content limited to 5% passing the 75µm sieve should be used, as such a material will not be overly sensitive to moisture, allowing compaction during rainy periods of weather.
- c. Structural fill should be compacted to a minimum of 95% of Modified Proctor maximum dry density (ASTM D1557) in foundation and floor slab areas, a minimum of 95% in paved roadway and parking areas, and a minimum of 85% in landscaped areas.
- d. Structural fills under foundations should include the zone defined by a plane extending down and outward from the outer edge of the foundation at an angle of 45 degrees from horizontal to ensure adequate subjacent support.
- e. Compaction of fill should include moisture conditioning as needed to bring the soils to approximately the optimum moisture content and compacted using vibratory compaction equipment in lift thickness appropriate for the size and type of compaction equipment used.
- f. A general guideline for maximum lift thickness is no more than 100mm for light hand equipment such as a 'jumping-jack', 150mm for a small roller and 300mm for a large roller or heavy (> 500 kg) vibratory plate compactor or a backhoe mounted hoe-pac or a large excavator mounted hoe-pac, as measured loose.
- g. It should be emphasized that the long-term performance of buildings, slabs, and pavements is highly dependant on the correct placement and compaction of underlying structural fills. Consequently, we recommend that structural fills be observed and approved by the Geotechnical Engineer. This would include approval of the proposed fill materials and performing a suitable program of compaction testing during construction.

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6.4 Foundation Design & Construction

- a. Prior to construction, the building area should be stripped to remove all unsuitable materials to provide an undisturbed natural soil subgrade for the footing support.
- b. Foundation loads should be supported on natural undisturbed soil or structural fill and may be designed based on an allowable bearing capacity of 100 kPa. This value assumes a minimum 0.6m depth of confinement or cover. The allowable bearing value may be increased by 1/3 in the case of short duration loads, such as those induced by seismic forces or wind.
- c. Exterior footings should be provided with a minimum 0.6m depth of ground cover for frost protection purposes. The recommended minimum footing plan dimension is 450mm.
- d. Provided foundations are designed and constructed as recommended here, we expect that settlements should be less than 25mm total, and 15mm differential between normal column/wall spacing.
- e. Prior to placement of concrete footings, any bearing soils that have been softened, loosened, or otherwise disturbed during the course of construction should be removed, or else compacted following our recommendations for structural fill. Compaction will only be feasible if the soil has suitable moisture content and if there is access to heavy compaction equipment.
- f. The Geotechnical Engineer should evaluate the bearing soils at the time of construction to confirm that footings are based on appropriate and properly prepared founding material.

6.5 Seismic Issues

- a. No compressible or liquefiable soils were encountered during the test pitting investigation.
- b. Based on the 2006 British Columbia Building Code, Division B Part 4 Table 4.1.8.4.A 'Site Classification for Seismic Response,' the soils encountered during the test pitting investigation would be 'Site Class D' (Stiff Soil).

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6.7 Permanent Dewatering

- a. Conventional requirements of the 2006 British Columbia Building Code pertaining to building drainage are considered suitable at this site. Once final plans and tentative elevations are determined, the Geotechnical Engineer should be consulted to provide further dewatering data.
- b. As there is no available storm sewer service to support the proposed development, on site infiltration will be employed to contain and dispose of storm water. Using typical soil permeability values and conventional drainage measures such as a 'rock pit' or 'infiltration trench' a total volume of 5 cubic meters (m³) will be required.
- c. During the excavation process LEA will observe and document the soil conditions encountered and determine the locations for the proposed drainage mediums as to prevent any negative impact on the proposed development or any adjacent properties.
- d. Ground surfaces should be graded to direct surface water away from buildings and structures. Any settlement of backfill around foundations will create undesirable low areas for collection of surface water next to the building, and should be immediately corrected by placement of additional backfill to restore proper surface drainage away from buildings. Settlement of backfill should not be a problem if backfill is placed and compacted following our recommendations regarding structural fill.

6.8 Sewage Disposal

- a. Based on information provided by Mr. John Larson of C.A. Design, LEA understands the current on site sewage disposal, or septic system, will be upgraded as required during construction.
- b. LEA has not been contacted to provide specifications for the design, upgrade, or installation of any on site waste water management systems or aspects thereof. LEA is able to provide the necessary information and services associated with the design and installation of such a system at your request.

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7. **GEOTECHNICAL ASSURANCE AND QUALITY ASSURANCE**

The 2006 British Columbia Building Code requires that a geotechnical engineer be retained to provide Geotechnical Assurance services for the construction of buildings. Geotechnical Assurance services include review of the geotechnical components of the plans and supporting documents, and responsibility for field reviews of these components during construction.

8. **ACKNOWLEDGEMENTS**

Lewkowich Engineering Associates Ltd. acknowledges that this report may be requested by the building inspector (or equivalent) of the Town of Qualicum Beach as a precondition to the issuance of a building permit. It is acknowledged that the approving officers and building officials may rely on this report when making a decision on application for development of the land. We acknowledge that this report has been prepared solely for, and at the expense of Ms. Sandra James c/o C.A. Design. We have not acted for or as an agent of the Town of Qualicum Beach in the preparation of this report.

9. **LIMITATIONS**

The conclusions and recommendations submitted in this report are based upon the data obtained from a limited number of widely spaced subsurface explorations. The nature and extent of variations between these explorations may not become evident until construction or further investigation. The recommendations given are based on the subsurface soil conditions encountered during test pitting, current construction techniques, and generally accepted engineering practices. No other warranty, expressed or implied, is made. Due to the geological randomness of many soil formations, no interpolation of soil conditions between or away from the test pits has been made or implied. Soil conditions are known only at the test pitting locations. If other soils are encountered, unanticipated conditions become known during construction or other information pertinent to the structures become available, the recommendations may be altered or modified in writing by the undersigned.

Lewkowich Engineering Associates Ltd.

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10. CLOSURE

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

Respectfully Submitted,
Lewkowich Engineering Associates Ltd.

A handwritten signature in black ink, appearing to read 'S. Stacey', written over a horizontal line.

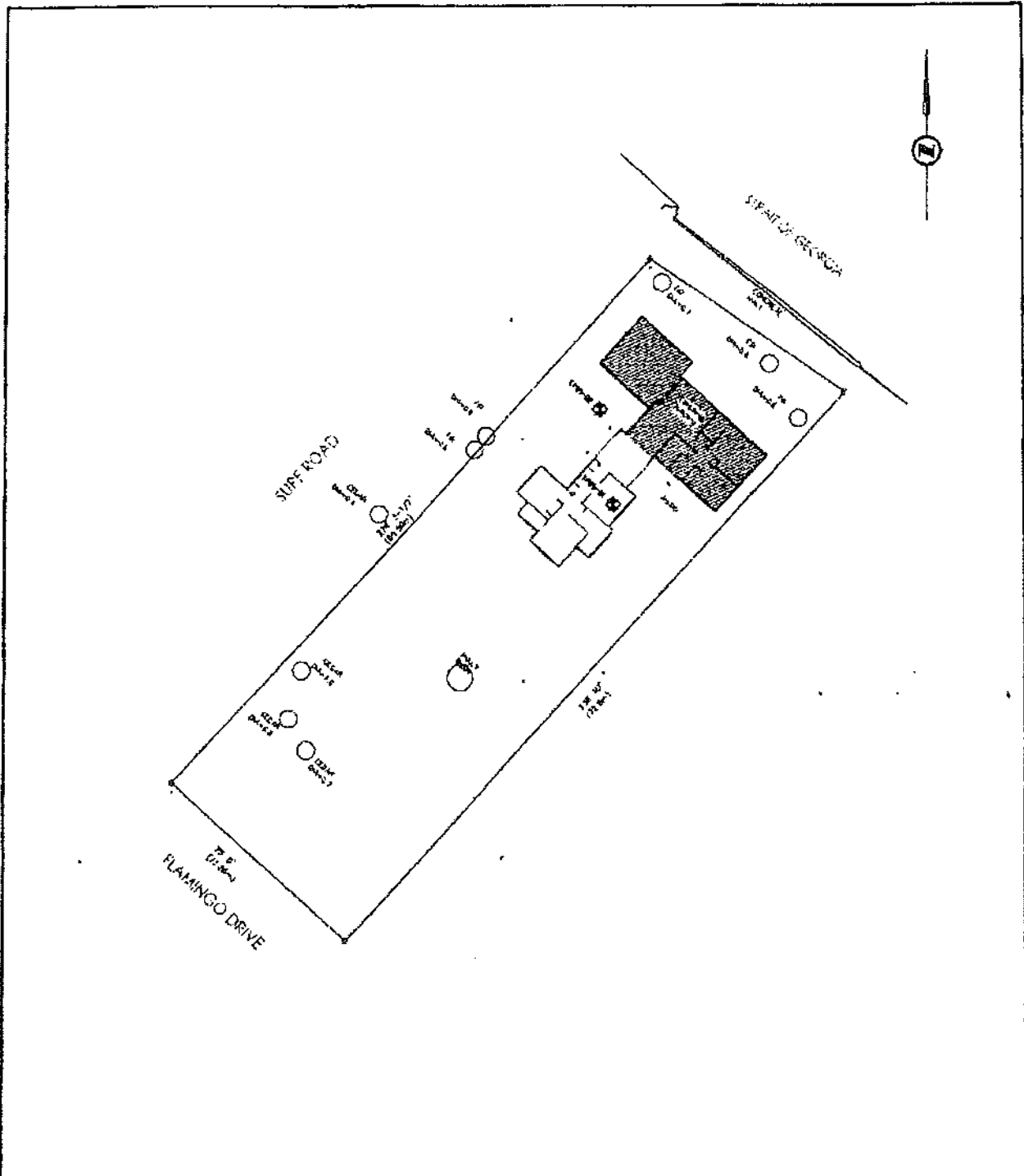
Steven Stacey
Technician




Daron G. Clark, P. Eng.
Geotechnical Engineer

Attachments: Site Plan (FIGURE 1), Test Pit Logs (TP09-01 to TP09-02)

Lewkowich Engineering Associates Ltd.



| | | | | |
|---|--|--|--------------------------|-----------------------------|
|  | Lewkowich Engineering Associates Ltd. | | Date: 21 MAY 2009 | Drawn By: DF |
| | TEST PIT SITE PLAN 803 FLAMINGO DRIVE QUALICUM BEACH, B.C. | | Project Number: G5626 | Reviewed By: DGC |
| | | | Drawing Scale: 1:500 | Drawing Number: FIGURE 1 |
| | | | | |



Lewkowich
 Engineering
 Associates Ltd.

TEST PIT LOG

File Number: G5626 TP09-01
 Project: 803 Flamingo Drive
 Location: Qualicum Beach, B.C.

| Depth (m) | Soil Symbol | Description |
|-------------|-------------|---|
| 0.0 | | Ground Surface |
| 0.0 - 0.6m | | Black sandy silt, small roots, rootlets, organics, loose, black, moist (topsoil/fill) |
| 0.6m - 1.1m | | Sand, trace gravel, compact to dense, grey, moist |
| 1.1m - 3.5m | | No seepage Roots until 0.7m in depth End test pit at 1.1m (effective refusal) |

Logged By: SS Date: 8 May 2009
 Reviewed By: DGC Sheet: 1 of 1
 Digging Method: Komatsu Rubber-tracked Mini-excavator

Suite A - 2569 Kenworth Road
 Nanaimo, British Columbia, V9T 3M4
 Phone: (250) 756-0355
 Fax: (250) 756-3831
 Email: geotech@lewkowich.com



Lewkovich
Engineering
Associates Ltd.

TEST PIT LOG

File Number: G5626
Project: 803 Flamingo Drive
Location: Qualicum Beach, B.C.

TP09-02

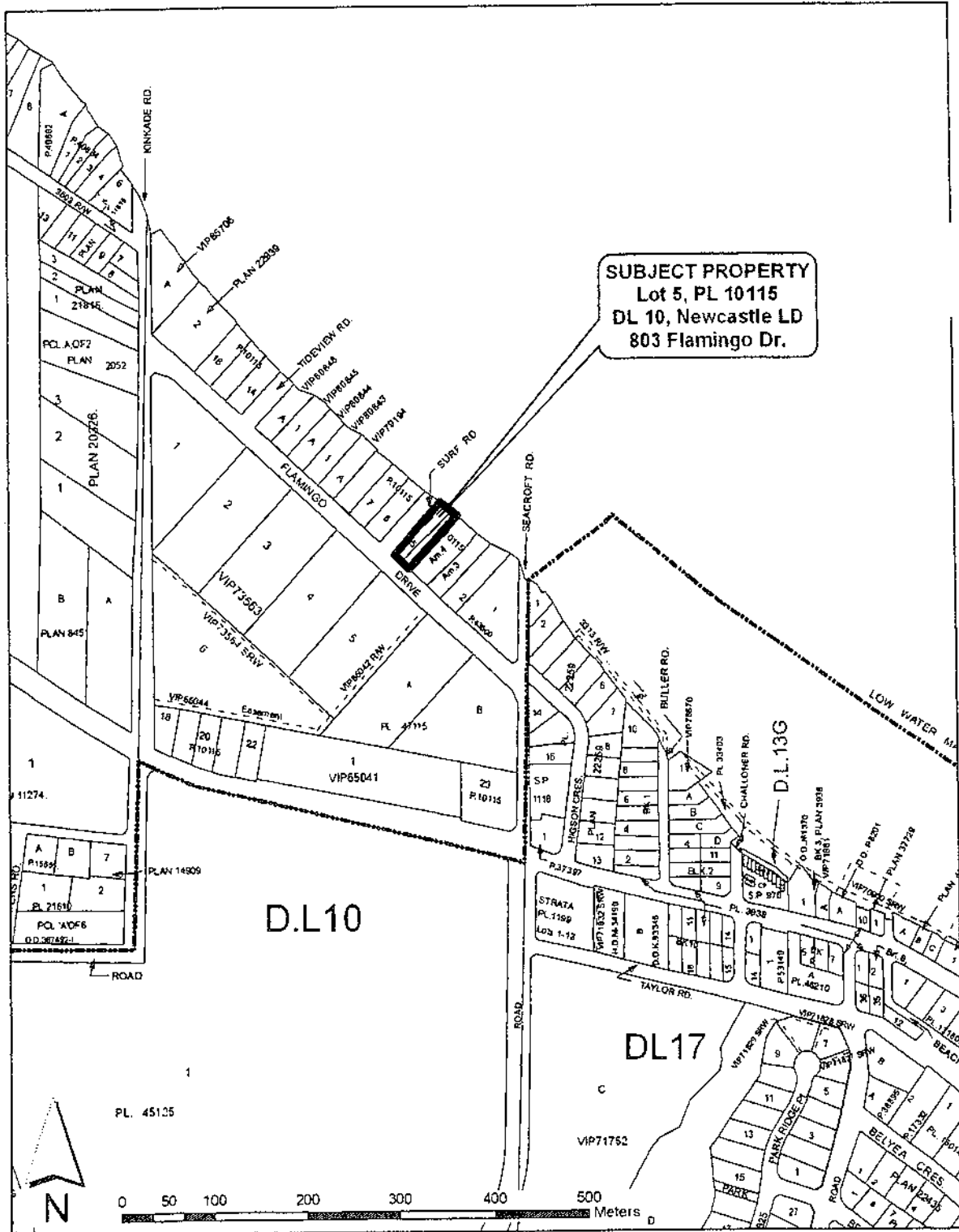
| Depth (m) | Soil Symbol | Description |
|----------------|-------------|--|
| Ground Surface | | |
| 0.0 | | 0.0m - 0.6m Black sandy silt. small roots, rootlets, organics, loose, black, moist (topsoil/fill) |
| 0.5 | | 0.6m - 1.1m Sand, trace gravel. compact to dense, grey, moist |
| 1.0 | | No seepage End test pit at 1.1m (effective refusal) |
| 1.5 | | |
| 2.0 | | |
| 2.5 | | |
| 3.0 | | |
| 3.5 | | |

Logged By: SS
Reviewed By: DGC
Digging Method: Komatsu Rubber-tracked Mini-excavator

Date: 9 May 2009
Sheet: 1 of 1

Suite A - 2569 Kenworth Road
Nanaimo, British Columbia, V9T 3M4
Phone: (250) 756-0955
Fax: (250) 756-3831
Email: geotech@lewkovich.com

Attachment No. 1
Development Permit No. 60920
Location of Subject Property





| | |
|---------------------------------|------------------|
| RDN REPORT | |
| CAO APPROVAL <i>(Signature)</i> | |
| EAP | <i>June 9 09</i> |
| COW | |
| MAY 27 2009 | |
| RHD | |
| BOARD | |

MEMORANDUM

TO: Geoff Garbutt
Manager of Current Planning

DATE: May 27, 2009

FROM: Kristy Marks
Planner

FILE: 3060 30 60922

SUBJECT: Development Permit Application No. 60922
Pt. Ellice Properties Ltd. / Steel Pacific Recycling
Electoral Area 'A' – 2079 Main Road

PURPOSE

To consider an application for a Development Permit to recognize an existing metal recycling transfer station and associated improvements on the properties legally described as Lot 5, Block 7, Section 12, Range 7, Cranberry District, Plan 1643 and Lot 6 and 7, Block 7, Sections 12 and 13, Range 7, Cranberry District, Plan 1643 located at 2079 Main Road.

BACKGROUND

The subject properties are located on Main Road in Electoral Area 'A' and are currently zoned Main Road Light Industrial Comprehensive Development Zone (CD37) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". Steel Pacific Recycling (formerly Budget Steel) is currently operating a metal collection, salvage, and recycling depot on the subject properties. Adjacent land uses include Residential 2 zoned properties on the east side of Main Road and Industrial 1 zoned properties to the north, west, and south. Please refer to Attachment No. 1 for the location of the subject properties.

The subject properties are designated Industrial pursuant to the "Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" (OCP) and are located within the South Wellington Development Permit Area (DPA). The purpose of this DPA is to ensure that development is visually sensitive and compatible with surrounding land uses and that industrial development does not have a negative impact on the Cassidy Aquifer or area watercourses.

Development Permit No. 9815 was issued in 1998 to allow the development of a waste transfer facility for the collection, crushing, and hauling away of scrap metals for recycling at 2079 Main Road (Lot 5, Plan 1643). The operation has expanded from the original property and now currently occupies three lots on Main Road which has triggered the requirement for a new Development Permit. In addition, Development Permit No. 60638 was approved by the Board on March 27, 2007 and subsequently Development Permit No. 60892 was issued in August 2008; however these permits expired before the conditions of the permits were completed.

Sustainability Implications

The applicant has completed the "Sustainable Community Builder Checklist", as per Board Policy. Improvements to the subject properties proposed by the applicant are designed to address environmental protection issues and these works will reduce the environmental footprint of this industrial business. From a sustainability perspective, the use of the subject properties is directly related to and supports the Regional District of Nanaimo (RDN) Zero Waste Strategy.

ALTERNATIVES

1. To approve Development Permit Application No. 60922 according to the terms outlined in Schedules No. 1-3.
2. To deny the Development Permit as submitted and provide staff with further direction.

LAND USE IMPLICATIONS

The subject properties total approximately 1.3 hectares in area and access to the property comes from two driveways on Main Road and a secondary access off Tees Avenue via Harold Road. Currently there are four buildings on the subject properties including two trailers (office and weigh scale), a Quonset style storage building and a separate shop/storage building (see Schedule No. 2 for building locations). The applicant is requesting approvals to recognize the expanded outdoor storage and material handling aspects of the existing metal recycling use.

In order to accommodate the expansion of the use permitted under DP 9815, the applicant is proposing to construct a paved area at the front of Lot 5 for the drop off of vehicles and metals as well as a network of internal asphalt roads. Drainage from these areas is directed through an engineered stormwater collection system. Second, the applicant is proposing an asphalt steel sorting and scrap vehicle storage area on the rear portion of Lots 5 and 6. This area has been designed with impervious surface to direct any vehicle fluids and water to an engineered oil water separator which is discharged to the road side ditch.

Third, on the portion of the property used for automobile crushing, the applicant has constructed a concrete slab area to accommodate a vehicle depolluting system. In order to meet the requirements of the Vehicle Dismantling Regulations, this system may be required to be housed within a building. The location of the depolluting system and impervious surfaces is outlined on Schedule No. 2. The vehicle depolluting system is equipped with a collection system to extract and contain any fluids prior to the vehicle being compacted for transportation off-site. The storage and crushing area has also been designed with an impervious surface to collect fluids that may discharge from scrap vehicles. Water from this storage pad is directed through an engineered oil water separator system designed to remove potential contaminants prior to off site discharge.

Although the visual appearance of the property will not change with the proposed works, these improvements have been designed to prevent the leakage of automotive fluids into soils on the subject properties. The storage, handling and disposal of hazardous fluids as well as the maintenance of the stormwater management system has been addressed through the RDN Waste Stream Management License discussed below.

DEVELOPMENT PERMIT GUIDELINES

Recognizing the intent of the South Wellington Development Permit Area Guidelines, the applicant has proposed the installation of a comprehensive landscape plan for the Main Road frontage and aquifer protection measures which include the construction of impervious storage surfaces and an engineered stormwater collection system. The works proposed by the applicant focuses on groundwater protection and screening of industrial uses from adjacent residential properties.

Environmental Protection Implications

In keeping with the Development Permit Guidelines for the protection of the Cassidy Aquifer, the applicant is proposing to construct three impervious areas designed by a professional engineer to prevent the leakage of automotive fluids and hazardous materials into soils on the subject properties. This system outlined on Schedule No. 2, includes paved and concrete areas, stormwater collection system, catch basins, two oil interceptors and a combination oil/grit separator. This system, designed by Herold Engineering Ltd, will ensure that potential contaminants are removed prior to off site discharge.

As outlined in the South Wellington Development Permit Area Guidelines, Herold Engineering has certified that "...the proposed stormwater collection system will not negatively impact the Cassidy aquifer and that these measures will prevent seepage of contaminants into the Cassidy aquifer." (see Schedule No. 2)

In addition, the applicant has installed a vehicle depolluting system on the concrete portion of the subject property. This vehicle depolluting system is designed to extract and contain fluid prior to the vehicle being flattened. As outlined above, water from the concrete surface is directed through an engineered oil water separator prior to discharge off site.

Riparian Area Regulations

The subject properties contain an unnamed tributary of Thatcher Creek that flows above ground in an open ditch for approximately 20 metres before going underground through a culvert. This watercourse is not identified by Regional District of Nanaimo mapping. However, as part of Development Permit Application No. 60638, an assessment prepared by a Qualified Environmental Professional was conducted to satisfy the requirements of the *Riparian Areas Regulations*.

The report found there to be no fisheries values on site. However, the watercourse is a stream as defined in the *Riparian Areas Regulations* because it eventually flows into Thatcher Creek which contains important fish habitat and is known to support populations of coho, chum, steelhead, and both anadromous and resident cutthroat trout. The report recommends that the watercourse be contained in a culvert to reduce the potential for contamination.

Landscaping and Screening

In order to buffer the industrial use from adjacent residential properties, the comprehensive landscape plan includes a combination of street trees, shrub plantings, ground cover, and fencing on the Main Road frontage. In addition the applicant is proposing to install cypress hedging along the northern boundary of Lot 7. The southern boundary of Lot 5 is currently screened by an existing fence. In keeping with sustainable trends in landscape architecture, the landscape plan focuses on the installation of native and lower water use plantings including Pacific Dogwood, Douglas Fir, Red Twig Dogwood and Winter Creeper (see Schedule No. 3 for planting plan).

In addition to soft landscape plantings, the applicant has proposed wood fencing along the Main Road frontage and chain link fencing along the northern boundary of Lot 7. The landscaping has been secured through a deposit in the amount of \$32,249. The deposit will be held until the landscaping requirements have been met to the satisfaction of the RDN.

Waste Stream Management Licensing Bylaw Implications

The applicant has submitted a Site Operating Plan (SOP) and a licence has been issued to Steel Pacific under the Waste Stream Management Licensing Bylaw (WSML). A WSML license compels a business receiving solid waste to submit, and operate in accordance with an RDN approved operating plan. The SOP contains plans for building, operating, maintaining, testing and regular reporting on all works required for environmental protection including maintenance schedules and testing of oil/water separators. The WSML license does not allow discharges of any type of material, including solid, liquid or gaseous wastes to the environment and gives the RDN the authority to order regular monitoring and reporting of surface and ground water of the land the facility is located on as well as adjacent lands.

In addition to operating plans and environmental monitoring the RDN has obtained a cash deposit security in the amount of \$12,000.00 as a guarantee that should the business cease to operate and materials are abandoned on site, they can be removed.

VOTING

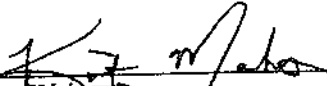
Electoral Area Directors - one vote, except Electoral Area 'B'.

SUMMARY AND CONCLUSION

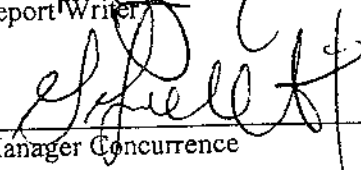
Given the proposed improvements to the subject properties which include development of containment pads for recycled materials, a stormwater collection system, vehicle depolluting system, installation of fencing and landscape buffers, the requirements of the South Wellington Development Permit Area Guidelines have been addressed. Staff recommends that the Board approve the requested Development Permit subject to the terms outlined in Schedules No. 1-3.

RECOMMENDATIONS

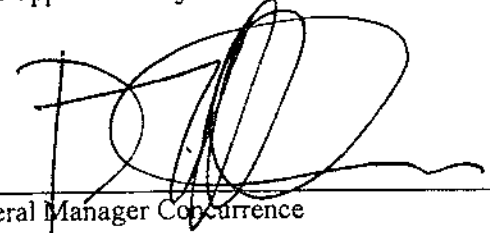
That Development Permit Application No. 60922, to recognize an existing metal recycling transfer station and allow associated improvements on the properties legally described as Lot 5, Block 7, Section 12, Range 7, Cranberry District, Plan 1643 and Lots 6 and 7, Block 7, Sections 12 and 13, Range 7, Cranberry District, Plan 1643 located at 2079 Main Road, be approved subject to the terms outlined in Schedules No. 1-3.




Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

Schedule No. 1
Terms of Development Permit Application No. 60922

The following sets out the terms and conditions of Development Permit No 60922.

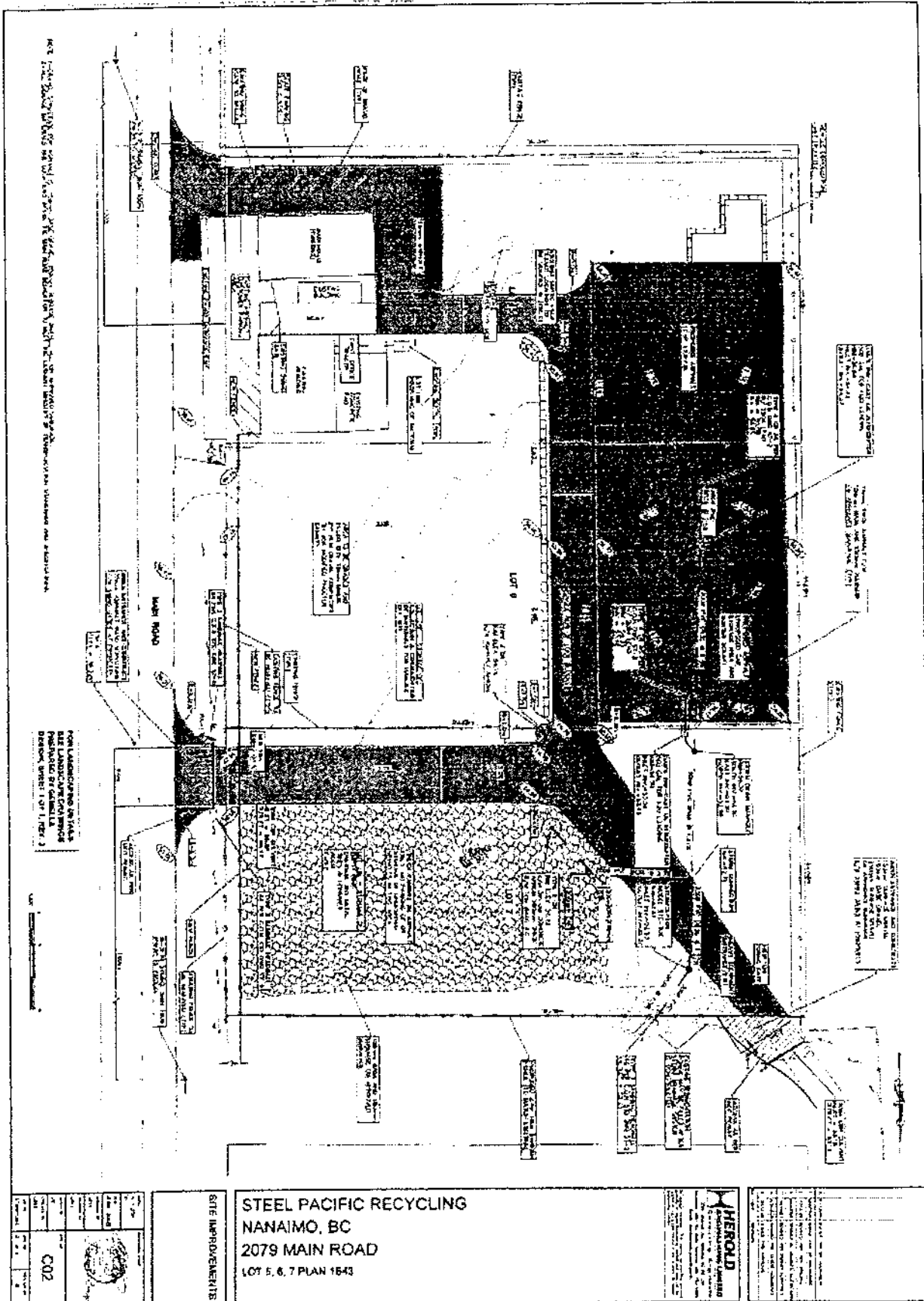
Site Development

1. All development on the subject properties must be in substantial compliance with Schedules No. 1-3.
2. Stormwater management facilities shall be developed as outlined in Drawing C02 dated June 2009 prepared by Herold Engineering and the Letter Report dated June 2, 2009 prepared by Herold Engineering attached as Schedule No. 2.
3. The installation of all Stormwater works shall be supervised and certified by a professional engineer and the "as built" drawings shall be submitted to the Regional District of Nanaimo.
4. Asphalt paved areas, concrete paved areas, stormwater management improvements, and vehicle depolluting system outlined on Schedule No. 2 shall be installed within 30 days of the issuance of this permit.
5. The placement of buildings and structures to be undertaken must be consistent with "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".
6. The placement of signage on the property must be consistent with "Regional District of Nanaimo Sign Bylaw No. 993, 1995".
7. The applicant shall develop the site in accordance with *Provincial* and *Federal* regulations. It is the responsibility of the landowner to ensure that all works on the lands are in compliance with the applicable *Provincial* and *Federal* regulations.

Site Landscaping

8. Site landscaping shall be developed in accordance with the drawing prepared by Green Innovations dated May 4, 2009 attached as Schedule No. 3.
9. The landscape security deposit in the amount of \$32,249.00 to be held by the RDN pending the completion of the required landscaping to the satisfaction of the Regional District of Nanaimo.
10. All landscaping shall be installed to the satisfaction of the Regional District of Nanaimo within 30 days of the issuance of this permit.

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



| | | |
|-----|---------|-------------------|
| NO. | DATE | DESCRIPTION |
| 1 | 5/27/09 | ISSUED FOR PERMIT |
| 2 | 5/27/09 | ISSUED FOR PERMIT |
| 3 | 5/27/09 | ISSUED FOR PERMIT |
| 4 | 5/27/09 | ISSUED FOR PERMIT |
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SITE IMPROVEMENTS

STEEL PACIFIC RECYCLING
 NANAIMO, BC
 2079 MAIN ROAD
 LOT 5, 6, 7 PLAN 1543

HEROLD
 ENGINEERING
 1000 WEST 10TH STREET
 NANAIMO, BC V9R 4S1
 TEL: 250-754-1111
 FAX: 250-754-1112
 WWW.HEROLD-ENGINEERING.COM

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Schedule No. 2 (Page 2 of 2)
Certification of Works



June 2, 2009

1168-005/2

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

Attn: Mr. Geoff Garbutt, MCIP, Manager of Current Planning

Re: Development Permit Application No. 60638
Steel Pacific Recycling, 2079 Main Road

Dear Mr. Garbutt:

This letter is an update of a letter originally dated March 1 2007. This update is intended to reflect the current application and Herold Engineering's drawing Revision G dated June 2, 2009.

We have been asked by Steel Pacific Recycling to respond to your inquiry regarding the stormwater treatment proposed at the Steel Pacific Recycling site at 2079 Main Road.

The proposed storm sewer collection/treatment system consists of:

- paved areas where drips or spills may occur
- catch basins collecting all runoff from the paved areas
- two oil interceptors (precast concrete, triple baffle type)
- a StormCeptor Model 300 oil/grit separator (designed to remove more contaminants from stormwater than standard oil interceptors can)

The oil interceptors are located to capture contaminants coming off of the car preparation, depolluting, and storage areas. Additionally, the vehicle depollution unit is contained to prevent spills and roofed to prevent conveyance of fluids via rainwater runoff. The StormCeptor is located downstream of the oil interceptors to provide an additional level of protection. It is our understanding that all potentially 'dirty' operations will take place on the paved areas and runoff will therefore be routed through the storm sewer system.

The combination of oil interceptors and StormCeptor exceeds normal practice for stormwater treatment for an industrial site. It is our opinion that the proposed stormwater collection system will not negatively impact the Cassidy aquifer and that these measures will prevent seepage of contaminants into the Cassidy aquifer.

Yours truly,

HEROLD ENGINEERING LIMITED

A handwritten signature in black ink, appearing to read 'Allan Herle', is written over the typed name.

Allan Herle, P.Eng.
Senior Civil Engineer



AH/emb
cc: Mr. Clint Gron, Steel Pacific Recycling.

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3701 Shenton Road, Nanaimo, BC V9T 2H1 Telephone: 250-751-8558 Facsimile: 250-751-8559
e-mail: mail@heroldengineering.com



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MEMORANDUM

TO: Geoff Garbutt
Manager, Current Planning

DATE: May 25, 2009

FROM: Susan Cormie
Senior Planner

FILE: 3060 30 60827

SUBJECT: Development Permit with Variances Application No. 60827/Folio No. 769.14264.000
Fern Road Consulting Ltd., on behalf of R Parfitt
Electoral Area 'H' – 6195, 6199, & 6200 Island Highway West

PURPOSE

To consider an application for a Development Permit with Variances on property adjacent to Island Highway West in Electoral Area 'H' in conjunction with the creation of a two lot subdivision and the construction of a new dwelling unit.

BACKGROUND

The parent parcel, legally described as Lot 1, District Lot 33, Newcastle District, and Part of the Bed of the Strait of Georgia, Plan 41309, is located at 6195, 6199, & 6200 Island Highway West in Electoral Area 'H' (see Attachment No. 1 for location of subject property and Schedule No. 2 for proposed plan of subdivision).

The subject property, which is 4655 m² in size, is split zoned along the Island Highway Residential 2 Subdivision District 'M' (RS2M) (2000 m² minimum parcel size with community water service connections) and Rural 1 Subdivision District 'D' (RU1D) (2.0 ha minimum parcel size with or without community services) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

Under the provisions of Bylaw No. 500, 1987, where a parcel is split by a highway which was dedicated prior to the adoption of the Bylaw, the parcel may be divided along the highway notwithstanding the minimum parcel size requirements, provided the requirements of the authorities having jurisdiction are met with respect to provision of water, sewerage, and access. The subdivision of proposed Lots A and B conforms to this aspect of the zoning bylaw. Proposed Lot A is also situated within the Provincial Agricultural Land Reserve.

The parent parcel currently supports a number of buildings and structures as follows:

Proposed Lot A (western side of the Island Highway West)

- One dwelling unit and deck; two sheds; and a bridge structure across the creek.

Proposed Lot B (eastern side of the Island Highway West adjacent to the Strait coastal side)

- One dwelling unit; six accessory shed buildings; an accessory garage building; and a gazebo.
(see Schedule No. 2 for the location of existing buildings and structures)

The parent parcel is designated within the following applicable Development Permit areas pursuant to Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003:

- The Fish Habitat Protection Development Permit Area for the purposes of protecting riparian areas for the protection of fish habitat and the Environmentally Sensitive Features Development Permit Area for the protection of Nash Creek.
- The Environmentally Sensitive Features Development Permit Area for the coastal area as measured 30 metres upland of the natural boundary.

Proposed Development

The applicant is proposing to split the parent parcel along the Island Highway; decommission the existing dwelling unit (labeled cabin), remove a number of accessory buildings as they do not meet minimum setback provisions and will be located within a future road covenant area; and construct a new dwelling unit on Proposed Lot B (coastal side) (*The Site Plan and location of proposed dwelling unit is outlined on Schedule No. 2 and Elevations of the proposed dwelling unit are outlined on Schedule No. 3*). As part of this development proposal, the applicant is also requesting a number of variances to recognize the siting of some of the existing buildings and structures. These proposed variances are set out in *Schedule No. 1* of this report.

The parcels are proposed to be served with community water service connections and individual private septic disposal systems. The subject property is situated outside a RDN Building Services area.

ALTERNATIVES

1. To approve Development Permit Application No. 60827 with Variances, as submitted, subject to the conditions outlined in Schedules No. 1, 2, and 3.
2. To deny the Development Permit as submitted and provide staff with further direction.

DEVELOPMENT IMPLICATIONS

Environmentally Sensitive Features / Fish Habitat Protection Development Permit Areas Implications

With respect to the protection of Nash Creek, the applicant has provided a Riparian Area Assessment prepared by a Qualified Environmental Professional which has been accepted by the Ministry of Environment for the portion of Nash Creek which crosses the parent parcel. This report establishes a default Stream Protection and Enhancement Area (SPEA) of 30.0 metres for the riparian area as measured from the high water mark/natural boundary. The report states that as there is no construction within the riparian area proposed as part of the subdivision at this time, there are no recommendations for protection and enhancement of the SPEA. In addition, the Ministry of Environment requires that all ***Riparian Areas Regulation*** (RAR) reports include a schedule for environmental monitoring. In this case, there is no monitoring required as there is no construction proposed in the SPEA as part of the subdivision.

With respect to the protection of the coastal area, the applicant has provided two Foreshore Assessment Reports prepared by Streamline Environmental Consulting Ltd. dated June 13, 2007 and a second updated report dated May 6, 2009. The first report examines the placement of the proposed dwelling unit and notes that the dwelling unit will not negatively impact existing native vegetation. The report provides a number of recommendations concerning protecting the existing native vegetation and ensuring that construction practices do not introduce sediment or other deleterious substances onto the beach or into the marine environment. These recommendations are included in the Conditions of Approval set out in *Schedule No. 1*.

The second report examines the existing gazebo, which was unlawfully placed, and the small patio area. The environmental report notes that the gazebo and patio do not appear to be causing any adverse environmental impacts and that the removal of this structure is not necessary from an environmental perspective. This report also provides a number of recommendations concerning the retention of native vegetation; allowing a portion of the existing lawn to become natural vegetation, and avoiding chemical herbicides to remove invasive species. These recommendations have been included in the Conditions of Approval as set out in *Schedule No. 1*.

Existing Building Implications

As part of this Development Permit application, the applicant is requesting a number of variances for both non-conforming buildings and unlawfully sited structures. With respect to the building labeled 'cabin to be decommissioned', the applicant has provided a notarized letter from a neighbour confirming that the cabin was constructed in the late 1950's to early 1960's, which was previous to zoning-related bylaws in the area. Therefore, the cabin is considered to have non-conforming status. As a result, the applicant is proposing to remove part of the cabin to meet fire code requirements and decommission the building to an accessory building. The building will still require a variance from the interior side lot line to recognize its siting. In order to ensure that the building is decommissioned as a dwelling unit, confirmation of these works be included as a condition of approval (*see Schedule No. 1 for Conditions of Approval / Proposed Variances*).

With respect to the gazebo, this structure was unlawfully sited in that it does not meet the minimum setback requirements from the natural boundary of the sea and from the interior side lot line. The applicant wishes to retain the gazebo in the same location and therefore variances are required to recognize the placement of this structure. Property owners located within a 50 metre radius will have an opportunity to comment on the proposed variance, prior to the Board's consideration of the permit through the public consultation process (*see Schedule No. 1 for Conditions of Approval / Proposed Variances*).

With respect to the existing dwelling unit located on Proposed Lot A, this dwelling unit was constructed in 1982 and met the minimum setbacks from the lot lines at that time. It is noted that if the parent parcel is subdivided, the dwelling unit will meet the minimum setback provisions for smaller parcels in the Rural 1 zone (*see Schedule No. 1 for Conditions of Approval / Proposed Variances*).

With respect to the existing bridge structure; as the bridge is providing access to the existing dwelling unit, staff supports the proposed variance to recognize the siting of this structure.

With respect to the existing building labeled 'garage' located on Proposed Lot B next to the Island Highway West, the applicant wishes to retain this building and has provided proof that the garage is non-conforming in siting only. As the Approving Authority is requiring a 'no build' covenant for future road expansion and this building is located within the covenant area, the building cannot be considered for a variance to recognize its siting. Therefore, staff recommends that this building remain as a legal non-forming structure which will be removed if the adjacent highway is widened.

Overall, this request for a series of variances to recognize structures will meet the applicable criteria set out in Part A of the Variance Evaluation Policy No. B.1.5 in that the existing dwelling unit on Proposed Lot A and the cabin are longstanding buildings and the gazebo, while not a longstanding structure, removal of this structure may have more of a negative impact on the environmental aspects of the site than removing or relocating it.

Provincial Agricultural Land Reserve Implications

The Agricultural Land Commission has indicated that it has no objection to the proposed subdivision.

Site Servicing Implications

The availability of adequate septic disposal for each proposed parcel will be reviewed by the Approving Authority as part of the subdivision review process.

The Ministry of Transportation and Infrastructure 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.

Community water service will be provided by the Qualicum Bay – Horne Lake Waterworks District.

PUBLIC CONSULTATION IMPLICATIONS

As outlined above, as part of the required public notification process, pursuant to the *Local Government Act*, property owners located within a 50 metre radius will be forwarded notice of the proposal and will have an opportunity to comment on the proposed variances, prior to the Board's consideration of the permit.

SUSTAINABILITY IMPLICATIONS

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the “Sustainable Community Builder Checklist”. As part of the Development Permit application process, the applicant has provided two Environmental Assessments for the protection of the coastal area which include recommendations on the enhancing this area, thus promoting a healthy and productive ecosystem.

VOTING

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

SUMMARY

This is a Development Permit application that involves a subdivision proposal and the placement of a new dwelling unit for the property located at 6195, 6199, and 6200 Island Highway West in Electoral Area ‘H’. The Development Permit also includes a request for variances to recognize the siting of a number of existing buildings and structures.

The subject property is within the Sensitive Ecosystems Protection and Watercourse Protection Development Permit Areas pursuant to the Electoral Area ‘H’ Bay OCP specifically for the purposes of protecting the portion of Nash Creek which crosses the parent parcel and the coastal area. The accepted Riparian Area Assessment established a default 30 m SPEA and as there are no works associated with the subdivision, the assessment has no measures or monitoring requirements.

As part of the development, the applicant will remove a number of the accessory buildings and structures, but wishes to retain the original cabin as an accessory building as well as the gazebo structure. Both these structures, along with the dwelling unit on Proposed Lot A require variances to recognize their siting. The applicant’s environmental consultant has indicated that the gazebo, which was placed unlawfully,


does not negatively impact the environmental aspects of the property. Through the public consultation process, neighbours will have an opportunity to comment on the proposed variances.

The Development Permit will also permit the siting of a new dwelling unit within the 30 m coastal protection area. The Conditions of Approval include that the applicant is to follow the recommendations set out in the foreshore assessment reports.

Given that the applicant has provided a report in compliance with the *Riparian Areas Regulation*, has provided coastal assessment reports for the subdivision and siting of the new dwelling unit, and as the applicant has addressed the requirements of the applicable development permit guidelines; staff recommends approval of the Development Permit with Variances as outlined in Schedules No. 1, 2, and 3 of this staff report and to the notification process.

RECOMMENDATION

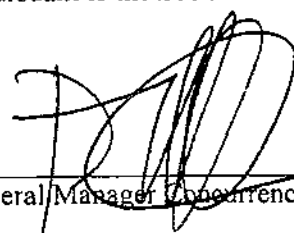
That Development Permit Application with Variances No. 60827 submitted by Fern Road Consulting Ltd., on behalf of R Parfitt in conjunction with the subdivision on the parcel legally described as Lot 1, District Lot 33, Newcastle District, and Part of the Bed of the Strait of Georgia, Plan 41309 and designated within the Fish Habitat Protection and the Environmentally Sensitive Features Development Permit Areas be approved subject to the conditions outlined in Schedules No. 1, 2, and 3 of the corresponding staff report and to the notification procedure pursuant to the *Local Government Act*.



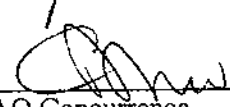
Report Writer

FOR


Manager Concurrence



General Manager Concurrence



CAO Concurrence

Schedule No. 1
Development Permit Application No. 60827
Conditions of Approval / Proposed Variances

The following sets out the conditions of approval:

1. Subdivision

The subdivision of the lands shall be in substantial compliance with Schedule No. 2.

2. Proposed Dwelling Unit

- a) The proposed dwelling unit shall be situated in accordance with the location as shown on the Proposed Plan of Subdivision prepared by Sims Associates, BCLS and dated 09/03/06.
- b) The proposed dwelling unit shall be constructed in accordance with the elevation drawings as shown on Schedule No. 3.
- c) Applicant's BCLS to provide written certification that the single dwelling unit is sited in accordance with Development Permit No. 60827 and the maximum height of the dwelling unit does not exceed 8.0 metres from the natural grade as calculated using with RDN standard for height calculation prior to occupancy of the dwelling unit.

3. Buildings to be Removed/Demolished

- a) The applicant is to remove/demolish the following buildings and structures as shown on Proposed Plan of Subdivision prepared by Sims Associates, BCLS and dated 09/03/06 to the satisfaction of the Regional District:

For Proposed Lot A:

- building labeled 'Shed' located adjacent to the west lot line; and
- building labeled 'Wood Shed to be Removed' located adjacent to the Island Highway West.

For Proposed Lot B:

- building labeled 'Shed No. 1 to be Removed' located adjacent to the Island Highway;
- building labeled 'Shed No. 2 to be Removed' located adjacent to the Island Highway;
- building labeled 'Shed No. 3 to be Removed' located adjacent to the Island Highway; and
- portion of building labeled 'Cabin to be Decommissioned – Wood Shed Portion to be Removed' located adjacent to the north lot line.

- b) The applicant is to provide written proof that all buildings and structures required to be removed/demolished have been removed/demolished prior to occupancy of new dwelling unit.

4. Cabin to be Decommissioned to an Accessory Building

- a) The applicant is to decommission the building labeled "Cabin to be Decommissioned" as shown on Proposed Plan of Subdivision prepared by Sims Associates, BCLS and dated 09/03/06 as an accessory building to the satisfaction of the Regional District prior to occupancy of the proposed new dwelling unit.

- b) Applicant's BCLS to provide written confirmation that the decommissioned building will meet the applicable provisions of the Residential 2 zone of Bylaw No. 500, 1987 including that the maximum accessory building height and the combined maximum floor area for all the accessory buildings including the gazebo.

5. Riparian Assessment

The Riparian Area Assessment No. 1022 prepared by Adam Compton (Streamside Environmental Consulting Ltd.) and dated 2008-02-29 (to be attached to and forming part of the development permit as Schedule No. 4 applies only the 2-lot subdivision of the parent parcel requiring no associated subdivision related works within the SPEA. If any subdivision related works, including drainage works, are to occur in the SPEA or if there is any future development proposed to occur within the SPEA, a further riparian area assessment prepared by a Qualified Environmental Professional and registered with the Ministry of Environment will be required.

6. Coastal Assessments

All recommendations as set out in the reports entitled Foreshore Assessment – 6195 West Island Highway, Qualicum Bay prepared by Streamline Environmental Consulting Ltd and dated June 13, 2007 and Foreshore Assessment – 6195 West Island Highway, Qualicum Bay prepared by Streamline Environmental Consulting Ltd and dated May 6, 2009 (to be attached as Schedule No. 5 to the Development Permit) shall be followed.

7. Proposed Variances

For **Proposed Lot A** (as shown on Proposed Plan of Subdivision prepared by Sims Associates, BCLS and dated 09/03/06):

Existing Dwelling Unit and Deck Structure

- Section 3.4.81 **Minimum Setback Requirements** is varied by relaxing the minimum setback for the south lot line from 8.0 metres to 3.1 metres and the west lot line from 8.0 to 6.6 metres; and
- Section 3.3.8 a) i) – **Setbacks – Watercourses, excluding the Sea** is varied by relaxing the minimum 15.0 metre horizontal distance setback from the natural boundary to 7.6 metres horizontal distance from Nash Creek

in order to recognize the siting of the existing dwelling unit and attached deck structure.

Existing Bridge Structure

- Section 3.3.8 a) i) – **Setbacks – Watercourses, excluding the Sea** is varied by relaxing the minimum 15.0 metre horizontal distance setback from the natural boundary or within 18.0 m horizontal distance from a stream centerline, whichever is greater to 0 metres horizontal distance from Nash Creek in order to recognize the siting of the existing access bridge structure.

For **Proposed Lot B** (as shown on Proposed Plan of Subdivision prepared by Sims Associates, BCLS and dated 09/03/06)

'Cabin to be Decommissioned' Building

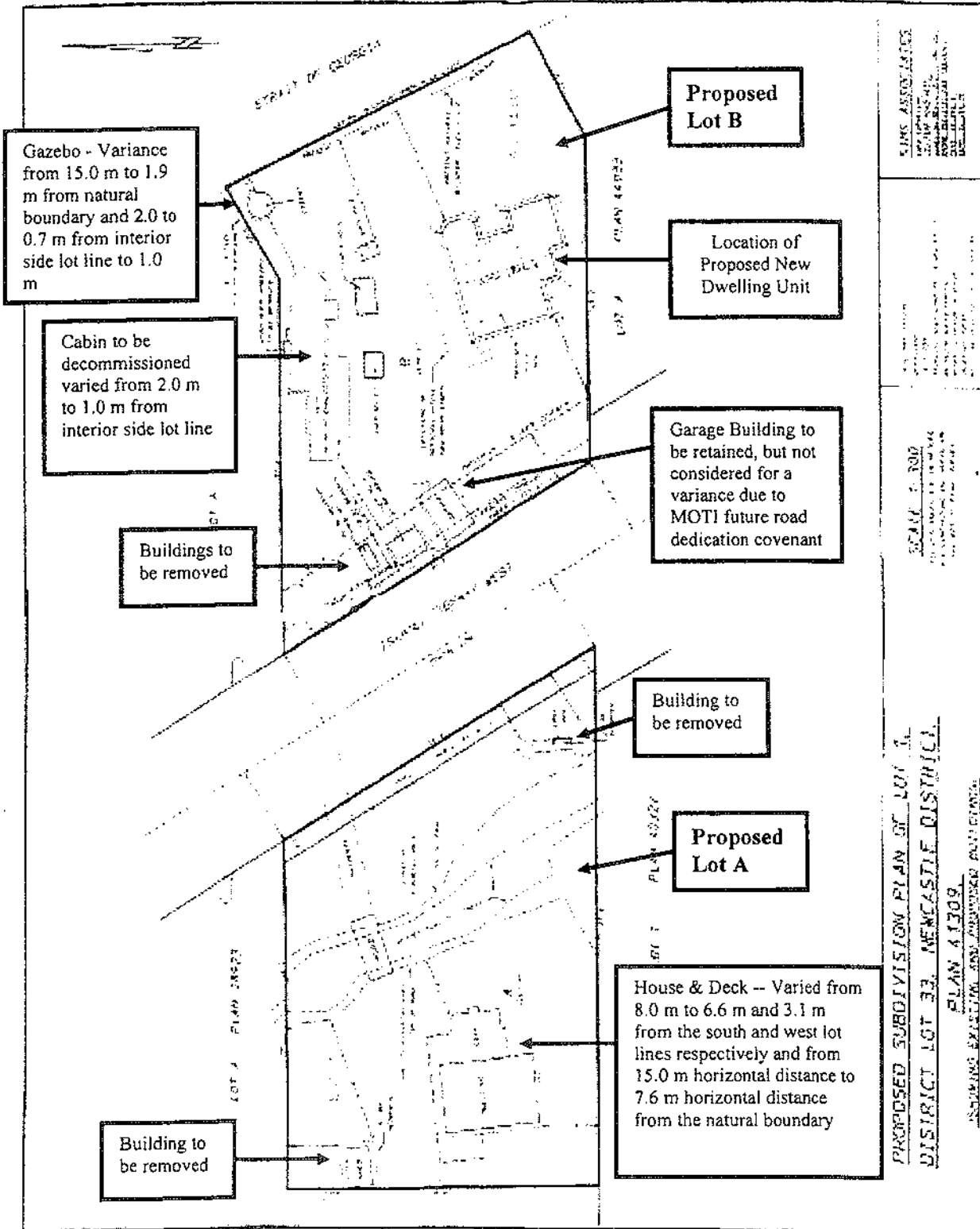
- **Section 3.4.62 Minimum Setback Requirements** is varied by relaxing the minimum interior side lot line setback from 2.0 metres to 1.0 metre to accommodate the continued siting of the building labeled 'Cabin to be Decommissioned' as an accessory building.

Gazebo Structure:

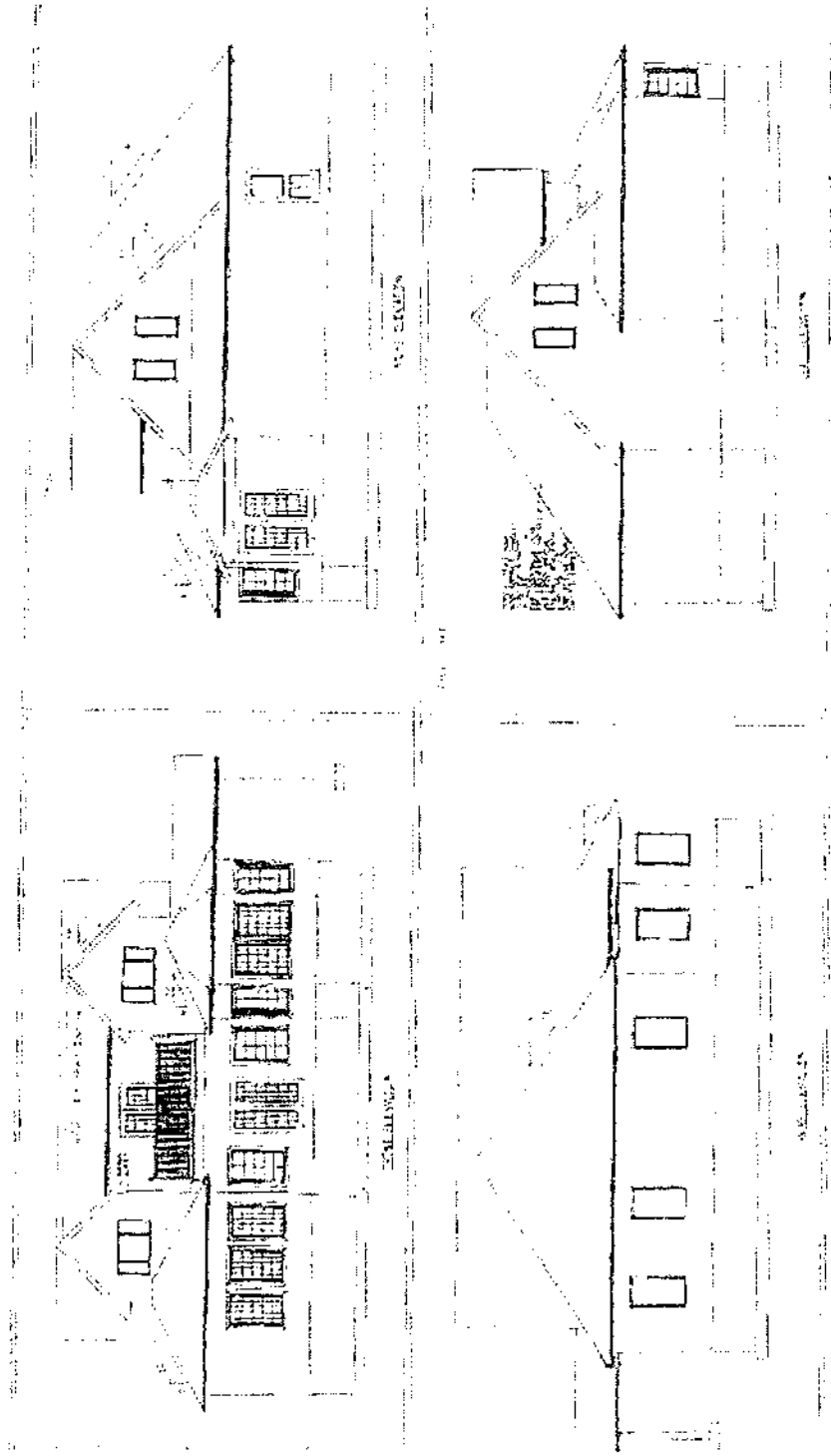
- **Section 3.3.9 a) i) – Setbacks –Sea** is varied by relaxing the minimum 8.0 metre horizontal distance setback from the natural boundary to 1.9 metres horizontal distance from the natural boundary of the sea, and
- **Section 3.4.62 Minimum Setback Requirements** is proposed to be varied by relaxing the minimum setback requirement from 2.0 metres to 0.7 metres from the interior side lot line

in order to recognize the siting of the existing gazebo structure.

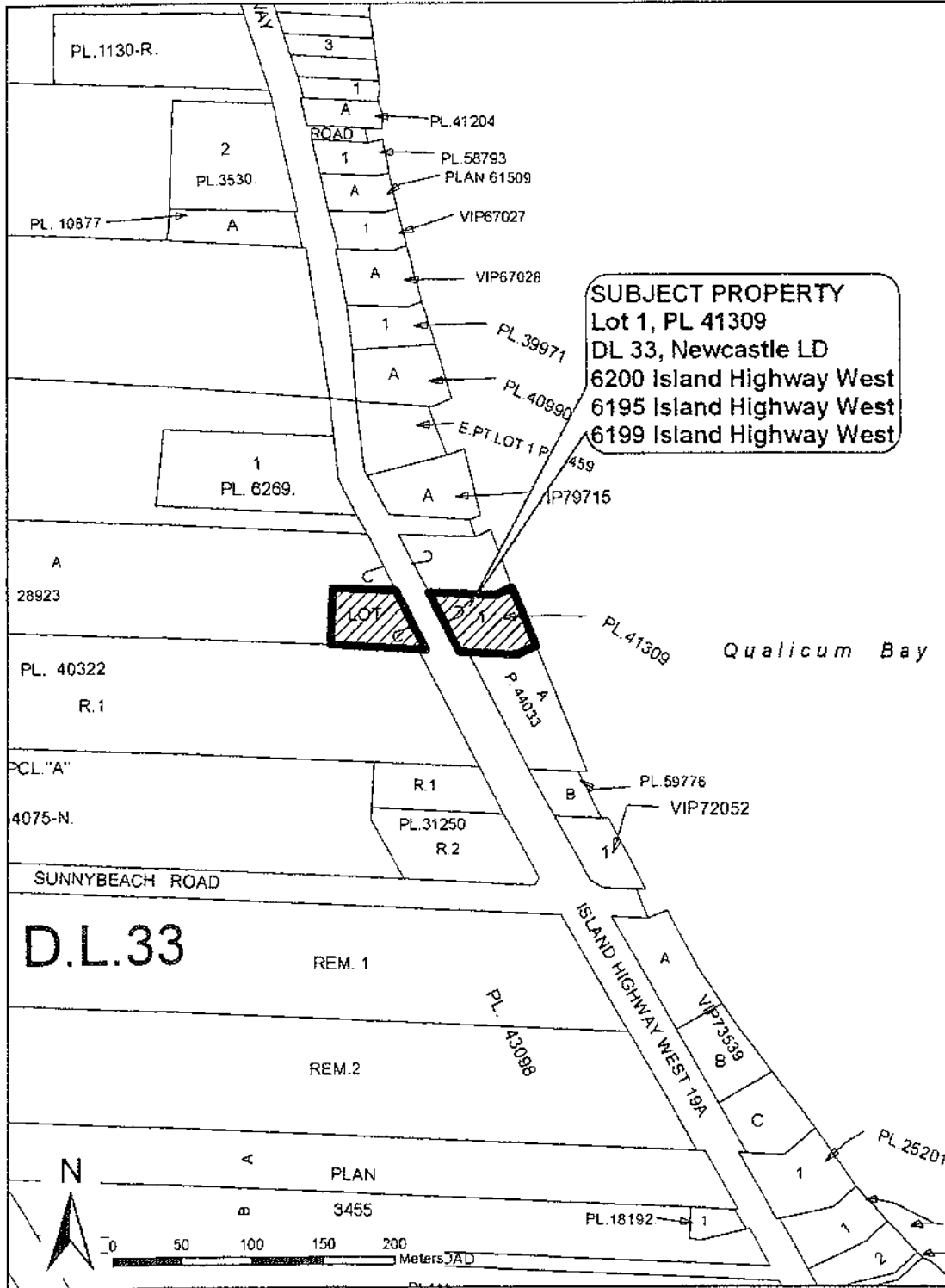
Schedule No. 2
 Development Permit Application No. 60827
 Proposed Plan of Subdivision



Schedule No. 3
Development Permit Application No. 60827
New Dwelling Unit Elevations



Attachment No. 1
Location of Subject Property



BCGS MAPSHEET: 02F.047.2.2

TO: Geoff Garbutt
Manager of Current Planning

DATE: May 28, 2009

FROM: Angela Buick
Planning Technician

FILE: 3060 30 60914

SUBJECT: Development Permit with Variances Application No. 60914 – Veenhof
Lot 4, District Lot 40, Newcastle District, Plan 15818
Electoral Area 'H' – 4737 Maple Guard Drive - Folio No. 769.14505.000

PURPOSE

To consider an application for a Development Permit with Variances to recognize the siting of an existing garage and to allow the construction of a single dwelling unit and attached garage on a property within the Hazard Lands Development Permit Area located at 4737 Maple Guard Drive.

BACKGROUND

The subject property, legally described as Lot 4, District Lot 40, Newcastle District, Plan 15818, is a coastal property located on Maple Guard Drive in Electoral Area 'H' (*See Attachment No. 1 for location of subject property*). The parcel currently contains a dwelling unit and a garage. The subject property is bordered by the sea to the east, developed residential parcels to the north and south and Maple Guard Drive to the west. The applicant is proposing to replace the existing dwelling unit with a new dwelling unit and attached garage to be positioned in the same location subject to the approval of this application.

The subject property is designated within the Hazard Lands, Environmentally Sensitive Features for Coastal Areas and Aquifer and Fish Habitat Protection Development Permit Areas (DPA) pursuant to "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335". This application is exempt from the Environmentally Sensitive Features for Coastal Areas and Aquifer and Fish Habitat Protection Development Permit Areas as they meet the exemption provision set out in the DPA Guidelines. The applicant has submitted a Geotechnical Evaluation prepared by Ground Control Geotechnical Engineering Ltd. dated January 27, 2008 addressing the Hazard Lands DPA Guidelines applicable to the proposed development.

The parcel is approximately 0.22 ha in size and is currently zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The lot is level with Maple Guard Drive and then slopes downward to the sea. The applicant is requesting approval to construct a dwelling unit and attached garage (208 m² in size) and recognize the siting of an exiting garage to be used as a workshop within the Hazard Lands DPA located on the upper portion of the lot on stable native soils.

Requested Variances

The applicants have applied to vary **Section 3.4.62 – Minimum Setback Requirements** of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," as follows:

1. The front lot line setback is requested to be relaxed from 8.0 metres to 1.3 metres for the existing accessory building labelled 'garage' on the survey submitted by the applicant.

ALTERNATIVES

1. To approve Development Permit No. 60914 subject to the conditions outlined in Schedules No. 1 - 4.
2. To deny the requested Development Permit.

BOARD POLICY B1.5

RDN Policy B1.5 (Regional District of Nanaimo Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation Policy) provides staff with guidelines for reviewing and evaluating Development Variance Permit applications. The policy requires that the potential impacts of the variance are warranted by the need for the variance.

The applicants have provided the following justifications for the requested setback variances:

- There are no view implications anticipated related to neighbouring properties;
- The garage was constructed prior to zoning bylaws and has never been an issue with neighbouring properties in the past;
- On a sustainability viewpoint, the removal of the garage would result in the demolition of a structurally sound building which would be sent to the landfill. If demolished and replaced in the future new materials would need to be purchased to replace and relocate the building.
- The applicant has submitted a Geotechnical Evaluation in order to ensure that the property is safe and suitable for the intended use.

LAND USE AND DEVELOPMENT IMPLICATIONS

As outlined above, the applicant is requesting approval to develop an existing residential property at 4737 Maple Guard Drive. The location of the proposed residential dwelling and attached garage are outlined on *Schedule No. 2*. Building elevations for the proposed development are outlined on *Schedule No. 3*.

In keeping with the Hazard Lands DPA, the applicant has submitted a Geotechnical Evaluation prepared by Ground Control Geotechnical Engineering Ltd. dated January 27, 2008 which addresses the proposed dwelling unit and attached garage (*Schedule No. 4*). This Report states that the subject property is safe and suitable for the intended use of a residential development as proposed and has provided recommendations to be followed. These recommendations include a minimum setback of 10 metres from the crest of the natural slope points for all foundations of permanently occupied and/or high value structures and including decks. To protect the land from erosion, the existing vegetation is to be retained and the growth of strong rooting plants encouraged. Topping of some trees may be acceptable and sometimes beneficial (by reducing topping forces imposed by wind) to some trees provided the health of the root system is not jeopardised. Drainage of storm water and roof water capture is to be piped down to slope with drainage to the beach.

As per board policy, staff recommends that the applicant be required to register a Section 219 covenant that registers the Geotechnical Evaluation prepared by Ground Control Geotechnical Engineering Ltd., and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of erosion and/or landslide.

Based on staff's site visit assessment and photographs given to the Building Inspection Department, the existing garage was noted to be structurally sound and meets the current building code requirements in relation to the setback variance to the front lot line adjacent to the road. As the subject property is not located within a building inspection area, the Regional District of Nanaimo requires the applicant to provide a building location certificate and confirmation of height prepared by a British Columbia Land Surveyor at framing stage of construction.

Given that the applicant has provided a Geotechnical Evaluation, in staff's assessment of this application, the proposed development meets the requirements of the Hazard Lands Development Permit Area. Staff do not anticipate that the requested variances will impede the views of or have privacy impacts on adjacent property owners.

Referrals

- The *Ministry of Transportation and Infrastructure* has indicated they have no concerns with the variance as requested, location shown on *Schedule No. 2*.
- The *Building and Bylaw Services Department* have indicated that the existing garage meets all heights requirements of the zoning and the existing garage meets the limiting distances required for fire as per the British Columbia Building Code, 2006.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist". This proposal represents infill development of an existing residential parcel. The applicant is proposing to construct a dwelling unit in the same location of an existing mobile home without land alteration to the hazard portion of the property. In addition, the applicant has provided a Geotechnical Evaluation of the slope conditions in order to ensure that the property is safe and suitable for current and future residential use. From a sustainability perspective the applicant is proposing to redevelop an existing property, use low flush toilets, local materials and labour, and protect the sensitive portion of the site in order to reduce potential impacts.

PUBLIC CONSULTATION PROCESS

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

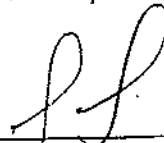
VOTING - Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

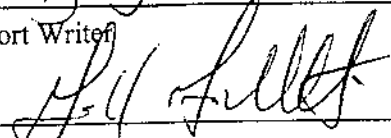
This is an application for a Development Permit with Variances to allow the construction of a residential dwelling and attached garage at 4737 Maple Guard Drive in Electoral Area 'H'. Given that the applicant has submitted a Geotechnical Evaluation of the slope conditions consistent with the guidelines of the Hazard Lands DPA, staff recommends that the requested Development Permit with Variance be approved subject to the terms outlined in Schedules No. 1 - 4 of this report.

RECOMMENDATION

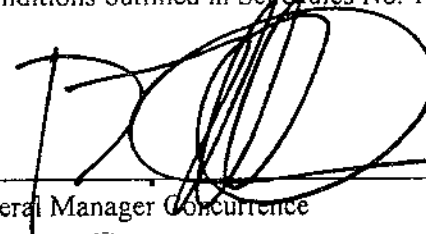
That Development Permit with Variances Application No. 60914, to permit the construction of a residential dwelling and attached garage on the property legally described as Lot 4, District Lot 40, Newcastle District, Plan 15818, be approved subject to the conditions outlined in Schedules No. 1 - 2 and notification requirements of the *Local Government Act*.




Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

Schedule No. 1
Terms of Development Permit with Variances No. 60914

The following sets out the terms and conditions of Development Permit with Variances No. 60914.

Requested Variances

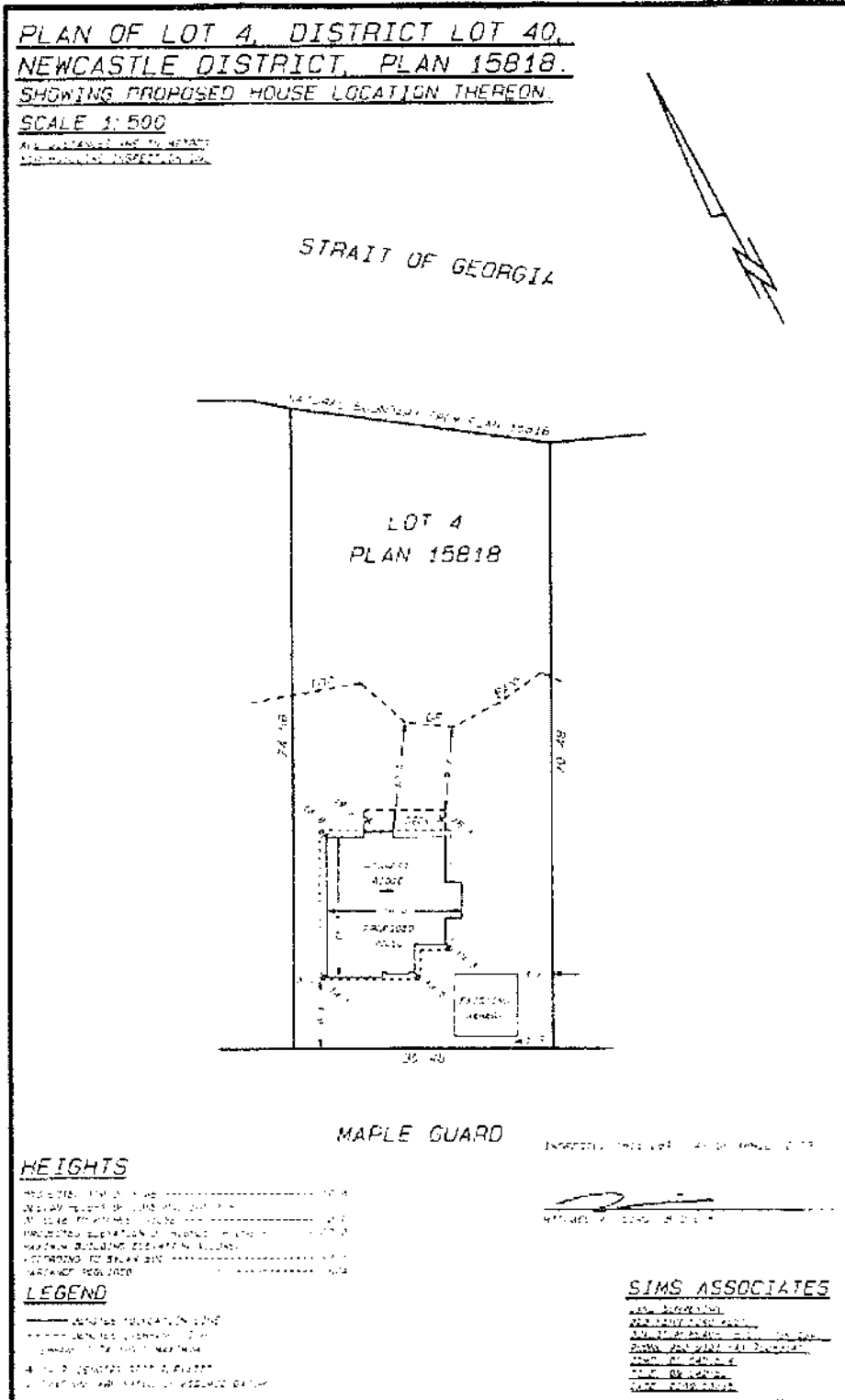
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," is varied as follows:

1. **Section 3.4.62 – Minimum Setback Requirements** is varied by reducing the minimum setback requirement from the front lot line from 8.0 metres to 1.3 metres to legalize the siting of a garage in the location shown on *Schedule No. 2*.

Conditions of Approval

1. The dwelling unit and attached garage shall be sited in accordance with the site plan prepared by Michael A. Sims, BCLS dated April 28, 2009 attached as *Schedule No. 2*.
2. The dwelling unit and attached garage shall be developed in accordance with the building elevations prepared by Colwood Design Line dated April 2009 attached as *Schedule No. 3*.
3. The dwelling unit and attached garage shall be constructed in accordance with the Geotechnical Evaluation prepared by Ground Control Geotechnical Engineering Ltd. dated January 27, 2008 attached as *Schedule No. 4*.
4. A minimum setback of 10 metres from the crest of the natural slope points shall be required for all foundations of permanently occupied and/or high value structures. Non-structural decks are permitted within the geotechnical setback area subject to Geotechnical Evaluation prepared by Ground Control Geotechnical Engineering Ltd. dated January 27, 2008 attached as *Schedule No. 4*.
5. Existing vegetation is to be retained and the growth of strong rooting plants encouraged. Topping of some trees may be acceptable and sometimes beneficial (by reducing topping forces imposed by wind) to some trees provided the health of that the root system is not jeopardised.
6. Drainage of storm water and roof water capture is to be piped down to slope with drainage to the beach.
7. Staff shall withhold the issuance of this permit until the applicant, at the applicant's expense, registers a Section 219 covenant that registers the Geotechnical Evaluation prepared by Ground Control Geotechnical Engineering Ltd. dated January 27, 2008 and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of erosion and/or landslide.
8. The applicant is required to provide a building location certificate and confirmation of height prepared by a British Columbia Land Surveyor at framing stage of construction.

Schedule No. 2
 Site Plan



Schedule No. 3
 Building Elevations
 Proposed Dwelling Unit and Attached Garage
 (Page 1 of 3)

Height of dwelling from grade to highest ridge: 7.95 metres

FRONT ELEVATION
 24' x 24' 0"

SIDE ELEVATION
 24' x 24' 0"

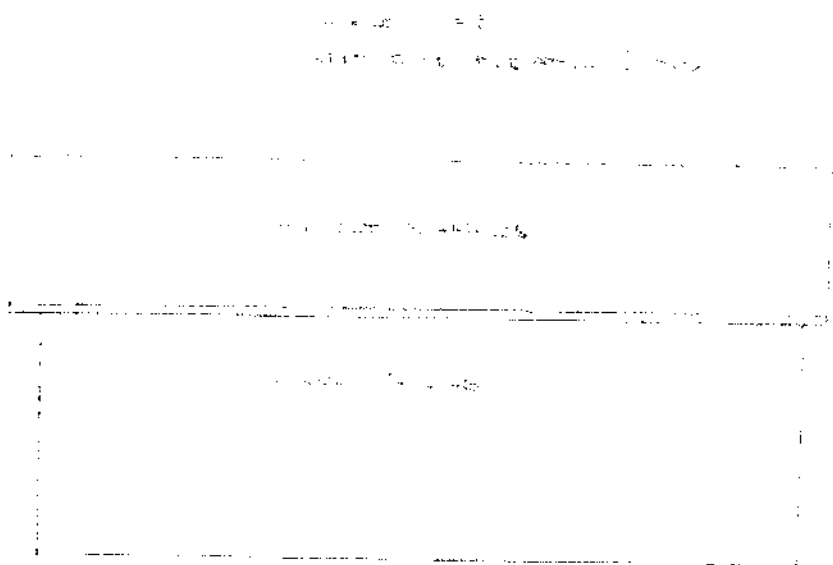
ARLENE AND BULL EINHOF
 Design Line
 1000 10th Street
 Vancouver, BC V6H 2G6
 TEL: 604-681-1111
 WWW.AEANDBE.COM

REAR ELEVATION
 24' x 24' 0"

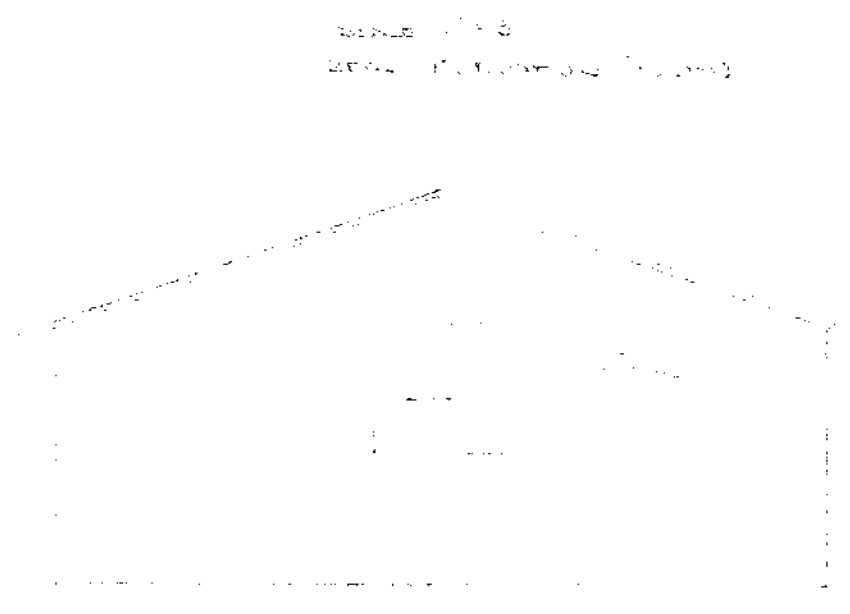
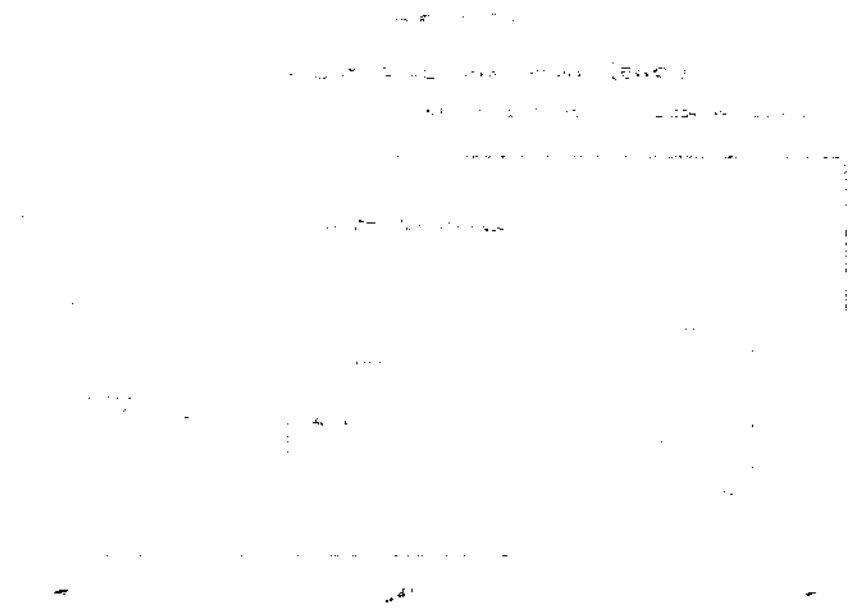
LEFT SIDE ELEVATION
 24' x 24' 0"

ARLENE AND BULL EINHOF
 Design Line
 1000 10th Street
 Vancouver, BC V6H 2G6
 TEL: 604-681-1111
 WWW.AEANDBE.COM

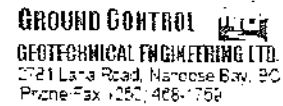
Schedule No. 3
Building Elevations - Existing Garage
(Page 2 of 3)



Schedule No. 3
Building Elevations - Existing Garage
(Page 3 of 3)



**Schedule No. 4
Geotechnical Evaluation
(Page 1 of 10)**



File: AM-001
January 27, 2009

Ariene and Bill Veenhof
194 Dockyard
Victoria, B.C.
V8A 7K2

SUBJECT: GEOTECHNICAL ASSESSMENT OF SLOPE
LOCATION: 4737 MAPLE GUARD DRIVE, BOWSER, B.C.

Dear Mr. and Ms. Veenhof:

1. Introduction

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

2. Background

- a. We understand that soil on the face of the subject slope has shown slow but on-going movement since repair work was carried out in 2003. Due to slope stability concerns, the client has requested that the slope be assessed to determine if the site is safe with regard to both existing conditions and possible future re-development of the site.

3. Assessment Objectives

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

Determine whether the slope is geotechnically safe and suitable for the existing development (house, cabin and garage) and for future developments (possible new single-family residential buildings) 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;

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Geotechnical Evaluation
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Geotechnical Slope Assessment
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- i. Identify any geotechnical deficiency that might impact the design and construction of future developments, 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
- ii. Acknowledge that Approving Officers may rely on this Report when making a decision on applications for the development of the land.

4. Site Information

4.1. History

- a. Information regarding the history of the site was provided by the clients and is summarized below.
- b. The clients purchased the property in about 2000. A previous shallow slope failure in about 1998 had created a shallow but wide 'valley' on the face of the slope due to slippage of surface soils. Over the intervening years, a vegetative cover of vines had become re-established on the slope surface within the 'valley'.
- c. In 2001 a geotechnical assessment of the slope was carried out by Davey Consulting and Engineering. A copy of their August 2001 report entitled *Geotechnical Report on Slope Stability and Building Safety for Lot 4 Plan 15818 District Lot 40 Land District 35 Metroche Land District Riv# 004-543-297 and Situated at Maple Guard Drive, Bowser B.C.* was provided to us as a source of background information. The reader is directed to this document for full details of conditions at that time. For brevity, only a brief summary of the report findings is included below.
- d. The 2001 Davey Consulting and Engineering report assessed the slope as stable. The Davey report recommended a 9m setback from the slope crest for all buildings (existing buildings meet this requirement) and also provided recommendations to control surface and groundwater influences on the slope. We understand from the client that the water control recommendations of the Davey report have been generally implemented.

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- e. In 2003, the valley on the slope face was filled in an effort to reclaim land and to provide an added measure of slope protection. This operation was undertaken by the clients on their own initiative. Filling consisted of casting a large number of large tree root-balls down the slope and allowed them to die up and fill the valley. Soil was then spread over the piled root balls. Since that time, the surface of the filled area has reportedly settled at an approximately continuous rate of about a foot per year. The clients have placed additional soil on the top of the fill area several times to restore the fill surface to the level of the slope plateau (i.e. leveled to the back yard of the property).

4.2. Current Site Conditions

- a. Mr. Richard McKinley, P.Eng. of Ground Control visited the site on July 20, 2007. The following is a brief summary of observations made during the site visit:
 - b. The property is located on the northeast side of Maple Guard Avenue, within an area of existing residential homes. The site contains a single-family house, a small cabin, and a garage. The house is the closest building to the slope and is setback from the crest about ten metres. The buildings appear to be in good condition with no indication of slope-related problems. The area around the buildings is relatively flat and level and is vegetated with lawn.
 - c. The slope occupies the northeast end of the property and extends down to the foreshore of the Strait of Georgia. The slope is estimated to be about 12m in total height with a slope gradient as steep as 1H:1V (45 degrees).

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c. The following pictures provide an overview of the slope conditions.



(Above): Panorama looking east to south, with slope at left and house at right.



(Above): Looking northwest, with neighbouring properties in the background.

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- e. As shown, the fill within the former 'valley' of the slope face is readily apparent, as settlement has caused the fill surface to drop, forming a crescent shaped fault or 'step' where the fill meets the natural slope.
- f. Vegetation on the filled area consists of grasses, blackberries, and a few ferns. The land on either side is treed. The slope is believed to have been logged in the past and the trees are assumed second growth. No significant areas of tilting trees, which might indicate past slope movement, were observed on the slope areas either side of the settling fill.
- g. Slope soils were readily observed in surface exposures along the escarpment, as well as on the neighbouring property to the southeast where soils are exposed at the surface due to apparent past removal of vegetation. The observed soils generally consisted of very dense silty sand with gravel that was brown in colour with a dry to damp moisture condition. These soils are interpreted to be part of the Mashon Drift unit, which consists of glacial deposits constituting the uppermost drift sheet of the region, deposited during the last period of glacial retreat that ended about 14,000 years ago.
- n. Minor water seepage was observed trickling very slowly on the face of the soils exposed at the top of the slope. No other indications of significant seepage or other indications of groundwater were observed from the within the remainder of the slope.

In order to limit groundwater discharges to the slope, we understand that from the clients that storm-water from roof downspouts, driveway drains, and the like are transported down the slope in solid-walled piping (visible on the slope) and discharged on the foreshore. In addition, the clients report buried interceptor drains (depth and details of construction unknown) exist along the front, left, and right property lines to capture shallow groundwater before it reaches the slope. Water from the septic disposal field, which is located in the back yard next to the slope, is not intercepted. The client's indicated that the house has been unused for several months, so seepage observed during our site visit was likely not from the septic system.

Surface and groundwater conditions can vary with cycles of precipitation, and conditions at other times might differ from those observed during our site visit.

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5. Slope Analysis

- a. The slope geometry was entered into slope stability software that utilizes Bishop's Method of Slices to calculate factors of safety against failure.
- b. Soil density was modeled at 21 kN/m³ based on our past experience with similar soils. The slope was modeled with no subsurface groundwater table, as groundwater at the site appears to be present only as shallow groundwater perched above the dense glacially deposited soil. Soil strength parameters were back-calculated assuming a factor-of-safety of 1.0 for the slope in its current state. A friction angle of 34 degrees and a cohesion value of 5 kPa were selected from the range of values back-calculated, as these values most closely match those expected for the type of soil present. These back-calculated values are expected to be conservative, as the actual factor-of-safety of the slope is likely greater than 1.0.
- c. Safe setback limits were then determined based on achieving factors-of-safety greater than 1.5 for static conditions and 1.2 for seismic conditions.
- d. In evaluating the seismic case we considered a 1 in 475 year event, which is cited by the current National Building Code as having a peak ground acceleration of 0.22 g. Currently accepted practice permits a 50 percent reduction based on information published by Marcuson et al. (1992), so a value of 0.12 g was used in the analysis. The permitted reduction in peak ground acceleration assumes that some deformation of the slope is acceptable. Given that the subject slope is an undeveloped, naturally vegetated area, this assumption is considered applicable.

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6. Recommendations

- a. From a geotechnical perspective, and under the conditions outlined within this report, the subject property is considered safe for the intended use (single family residence and out-buildings) where safe is as defined in Section 3 above.
- b. The past placement of root-balls and soil to infill the valley on the face of the slope is not expected to significantly alter the stability of the underlying natural slope, either positively or negatively. Settlement of this fill area should be expected to continue for the foreseeable future due to ongoing densification of the loosely placed fill under self-weight, washing of the soils into voids in the underlying root-balls, rotting and deterioration of the tree root-balls, and possibly creep and slippage of the fill over the native slope soils below. This settlement does not represent a safety concern to existing or future buildings provided such buildings are located a safe distance back from the slope as recommended below.
- c. Although not expected, there is a small risk that the fill area might slide some distance down the slope under unusual conditions, such as an extreme precipitation event that heavily saturates the slope, or a during seismic event (earthquake). Slippage of the fill would essentially be a re-occurrence of the natural slope failure that occurred in 1993, returning the slope to the natural conditions present at that time (i.e. a valley shaped slope face). Such a slippage would not significantly affect the safety of the buildings on the property. Should slippage ever occur, the mass of tree root-balls and soil would move towards uninhabited natural areas along the foreshore.
- d. Based on our analysis, we recommend a minimum safe setback limit for buildings of 10 metres from the crest of the natural slope at all points. Note that the area of setting fill soils is not part of the natural slope and should not be included in measurements of the setback limit. The setback should be measured from the natural slope crest only, which is currently readily discernible as the crescent shaped fault or 'step' between the back yard and the setting fills beyond.

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- e. This setback limit should apply to foundations of permanently occupied and/or high value structures. Occasional-use and lower-value structures such as sundecks or gazebos are commonly allowed within setback areas with the understanding by the owner that the degree of risk of damage from potential future slope retrogression increases with increasing proximity to the crest of the slope. If such structures attach to the residence (e.g. decks), the attachment should be designed so that in the event of a ground failure within the setback zone, these structures will separate from the residence without causing damage to the residence itself.
- f. The existing buildings meet the setback requirement above, and are considered safe.
- g. Protecting the slope from erosion is recommended. The existing vegetation on the slope should be maintained and the growth of strong rooting plants encouraged. Topping of trees is acceptable provided the health of the root system is not jeopardised. In some cases, topping of trees may even have a beneficial effect by reducing the toppling forces imposed by wind.
- h. Minimize concentrated discharges of water onto the slope wherever possible. Existing measures already in place (e.g. piping of storm water down to a drain) are considered suitable and should be maintained in the future. Potential groundwater sources such as ponds and irrigation systems should be avoided within the setback area.

We recommend that the past practice of placing soil to level the fill area with the back yard be discontinued, as placement of additional soil onto the fill area adds more weight to the fill and will increase chances of the fill slipping down the slope. The placement of small amounts of soil to taper the fault (i.e. the soil "step") between the settling fill and the back yard for safety will be acceptable.
- i. Stairs or pathways for beach access are not recommended to be constructed on the area of settling fill, as ongoing movement of this area would damage these items.
- j. No indications of other apparent geotechnical hazards (e.g. soft soils, flooding hazards, unusual groundwater conditions) were observed during our assessment.

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7. Acknowledgements

- a. Ground Control Geotechnical Engineering Ltd. acknowledges that this report may be requested by Building Officials and Officers of the Regional District of Nanaimo as a precondition to the issuance of a development and/or building permit and that this report, or any conditions contained in this report, may be included in a restrictive covenant under Section 58 of the Community Charter and filed against the title to the subject property.
- b. Ground Control Geotechnical Engineering Ltd. acknowledges that this report has been prepared for and at the expense of, the Owner of the subject land. Ground Control Geotechnical Engineering Ltd. has not acted for or as an agent of, the Regional District of Nanaimo in the preparation of this report.

8. Limitations

- a. The conclusions and recommendations submitted in this report are based upon the data obtained from shallow excavations and surface observations on the face of the subject slope. Although not anticipated, undiscovered conditions might exist that may not become apparent until later (e.g. during excavation for construction). If unanticipated conditions are discovered, our office should be contacted immediately to allow reassessment of the recommendations provided.

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9. Closure

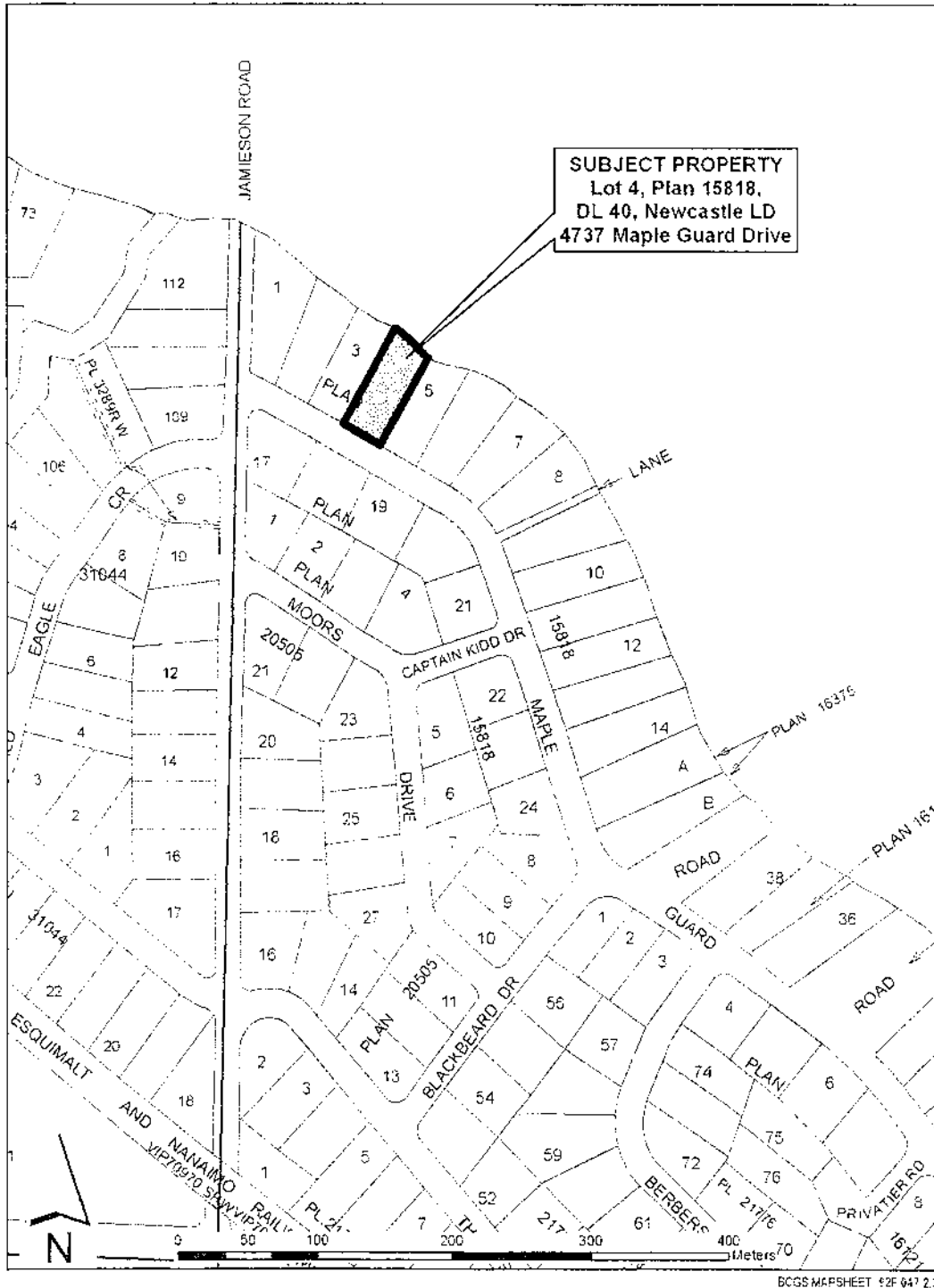
- a. We trust that the information presented above meets your current requirements. Ground Control Geotechnical Engineering Ltd. appreciates the opportunity to be of service on this project. If you have any comments, or additional requirements at this time, please contact us at your convenience.

Respectfully Submitted
Ground Control Geotechnical Engineering Ltd.



Richard McKinley, P. Eng.
Geotechnical Engineer

Attachment No. 1
Location of Subject Property





| | |
|------------------------|-------------------|
| CAO APPROVAL <i>CV</i> | |
| EAP | <i>June 9 '09</i> |
| COW | |
| JUN 01 2009 | |
| RHD | |
| BOARD | |

MEMORANDUM

TO: Geoff Garbutt
Manager, Current Planning

DATE: May 25, 2009

FROM: Susan Cormie
Senior Planner

FILE: DVP90903

SUBJECT: Development Variance Permit Application No. 90903
Applicant: RDN Recreation & Parks Department
Electoral Area 'C' - Extension Road

PURPOSE

To consider a Development Variance Permit for the placement of a kiosk on dedicated park land located in the Extension area of Electoral Area 'C'.

BACKGROUND

The park land, which is approximately 1.0 ha in size, is located adjacent to Extension Road in the Extension area of Electoral Area 'C' (*see Attachment No. 1 for location of park land*).

The park land, which was dedicated as part of the requirements of the zoning amendment / subdivision of the adjacent property, is zoned Midora Road Comprehensive Development Zone 19 (CD19) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". Under the general provisions of Bylaw No. 500, 1987, park land is a permitted use in any zone. While site area requirements do not apply to park land, other regulations such as minimum setback requirements do apply.

The applicant (RDN Recreation & Parks Department) is proposing to construct a kiosk sign providing historical mining information in the Extension area (*see Schedule No. 2 for proposed kiosk*). The kiosk is proposed to be 2.6 metres by 3.7 metres in size, 2.82 metres in height, and made of wood construction. The display boards are proposed to be plywood covered with clear Plexiglas. This proposed kiosk and associated works have been approved by the Recreation and Parks Department.

The parent parcel is designated within the Fish Habitat Protection Development Permit Area pursuant to the Arrowsmith Benson - Cranberry Bright Official Community Plan Bylaw No. 1148, 1999, in this case, for the protection of a small stream and its riparian area that leads to Scannell Creek. As part of the subdivision approval process, a riparian assessment was completed and accepted by the Ministry of Environment which established a riparian area of 10.2 metres. As the applicant is proposing to locate the kiosk outside of the accepted riparian area, a Development Permit is not required.

The park land is surrounded by residential parcels with Scannell Creek to the northeast, and Extension Road to the southwest.

The park land, which is situated within a RDN Building Services area, is accessed from Extension Road by an existing pedestrian trail, which includes a crossing of the small watercourse.

Requested Bylaw No. 500, 1987 Variance

The following variance to Bylaw No. 500, 1987 is proposed as part of this development variance permit application:

- Relaxation of the minimum setback requirement from the interior side lot line from 8.0 m to 2.0 m in order to accommodate the proposed kiosk (*see Schedule No. 2 for the proposed location of the kiosk and Schedule No. 3 for the kiosk structure profile*).

ALTERNATIVES

1. To approve Development Variance Permit Application No. 90903, as submitted, subject to the Schedules No. 1, 2, and 3 and the notification requirements pursuant to the ***Local Government Act***.
2. To deny the development variance permit as submitted.

DEVELOPMENT IMPLICATIONS

Building Site Implications

The siting of the proposed kiosk is limited by the extent of the established Streamside Protection Enhancement Area (SPEA) of 10.2 metres. Combined with the undulating topography of the park land, the existence of several mature Douglas fir trees, and the desire to provide visitor information at the entrance to the park land limits the available sites for situating the kiosk. Parks staff have determined that the best location for the kiosk is adjacent to the south lot line as it is a relatively flat area situated outside of the SPEA and does not require the removal of existing mature trees. It is noted that the proposed kiosk, which has been designed with the local Extension Heritage Commission, is unique in that it will mimic a traditional entrance to a coal mine.

This request for variance will meet the applicable criteria set out in Part A of the Development Variance Permit, Development Permit with Variance & Floodplain Exemption Application Evaluation Policy (Regional Board Policy No. B.1.5) in that the environmental and topographical constraints of the site limit the availability of suitable locations for a small building to be situated.

Ministry of Transportation and Infrastructure (MOTI) Implications

As part of the construction of the kiosk, Parks staff is in the process of applying for a MOTI permit for the construction of works within a highway right-of-way. This is to recognize that a portion of the existing trail leading into the park land is located within the Extension Road right-of-way and to provide 4-5 road side parking spaces for visitors to the park. Ministry staff has verbally approved the works and it is expected that the permit will be issued shortly.

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 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.

SUSTAINABILITY IMPLICATIONS

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist". This proposal will provide a public service informing visitors to the park of the local history concerning the development of mining in the Extension area.

VOTING

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

SUMMARY

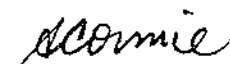
This is a Development Variance Permit for the relaxation of the minimum setback from an interior side lot line to permit the construction of a kiosk in the park land located adjacent to Extension Road in the Extension area of Electoral Area 'C'.

The park land is within the Fish Habitat Protection Development Permit Area (DPA), in this case, for the purposes of ensuring protection of the riparian area adjacent to a small watercourse located within the park land. A Streamside Protection Enhancement Area of 10.2 metres as measured from the high water mark was established at the time of the adjacent subdivision. In order to situate the kiosk outside the SPEA and due to the limited suitable building site area, Parks staff has determined the best location for the kiosk is in a relatively flat area next to the south lot line. The kiosk, which has been designed with the help of the local Extension Heritage Commission, will mimic the entrance of a traditional coal mine.

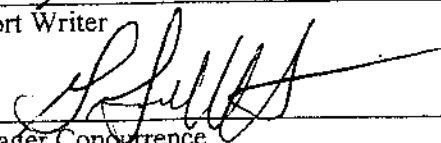
Given that the variance request is to establish a public use structure that will provide historical coal mining information of the Extension area and the available building site area is extremely limited due to environmental and physical site constraints, staff recommends to approve Development Variance Permit No. 90903 subject to the conditions set out in Schedules No. 1, 2, and 3 of the corresponding staff report and the notification requirements pursuant to the *Local Government Act*.

RECOMMENDATION

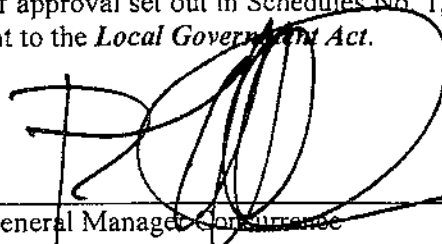
That Development Variance Permit Application No. 90903, submitted by the RDN Recreation and Parks Department, in conjunction with the placement of an information kiosk on the park land located adjacent to Extension Road be approved subject to the conditions of approval set out in Schedules No. 1, 2, and 3 of the staff report and the notification requirements pursuant to the *Local Government Act*.



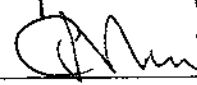
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

COMMENTS:

Schedule No. 1
Development Variance Permit No. 90903
Conditions of Development / Proposed Variance

Conditions of Development:

The following sets out the conditions of approval in conjunction with Development Variance Permit No. 90903:

Location and Design of Kiosk Building

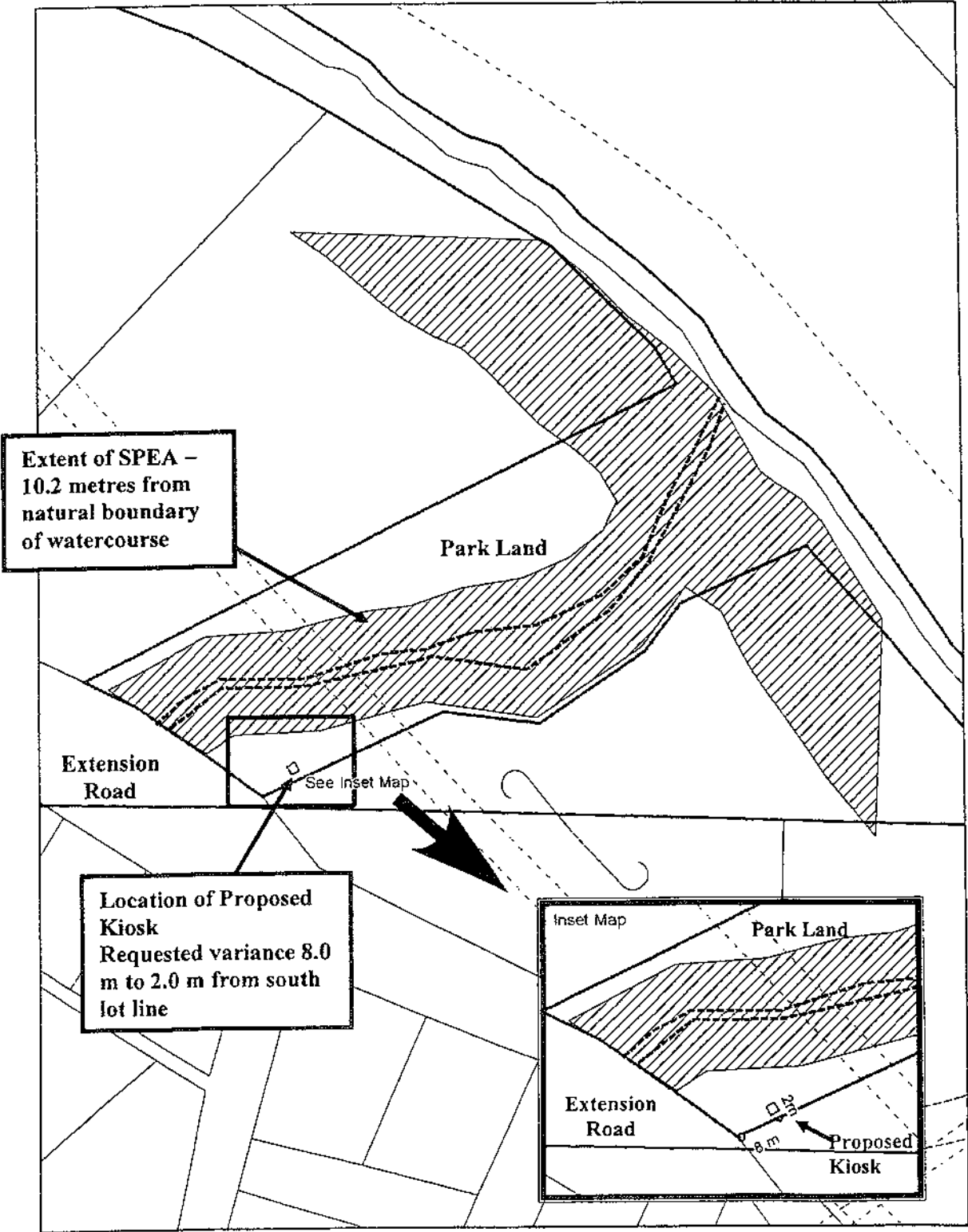
1. The location of the kiosk shall be in substantial compliance with Schedule No. 2 (to be attached and forming part of the Development Variance Permit No. 90903).
2. The kiosk shall be constructed in substantial compliance with Schedule No. 3 (to be attached to and forming part of Development Variance Permit No. 90903).

Requested Variance:

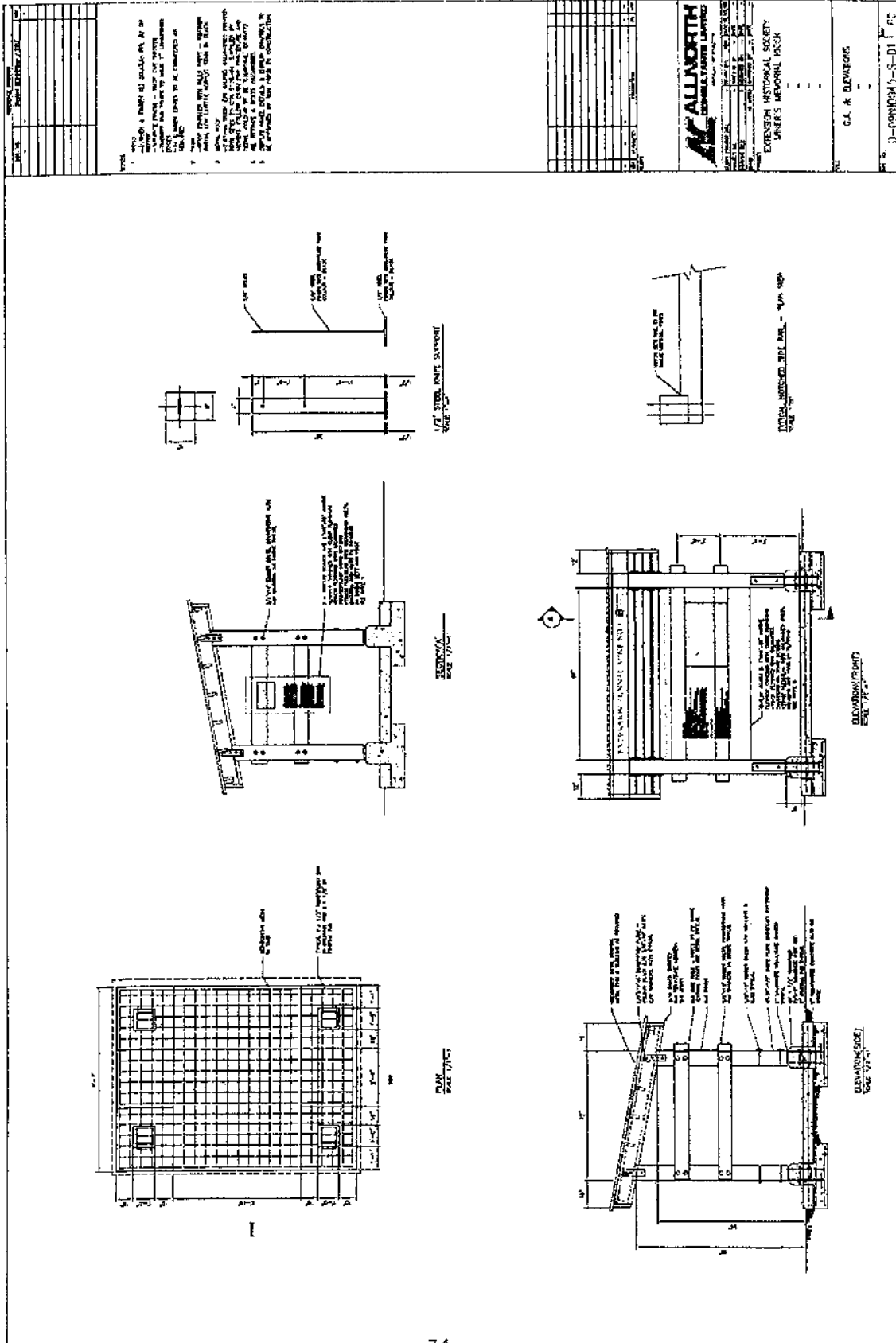
With respect to the lands, the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987, is varied as follows:

1. **Section 3.4.119.4 Minimum Setback Requirements** is varied by relaxing the minimum setback requirement for the lot line adjacent to Lot 1, Section 13, Range 1, Sections 12 & 13, Cranberry District, Plan VIP86100 (south lot line) from 8.0 metres to 2.0 metres in order to accommodate the placement of a kiosk building.

Schedule No. 2
Development Variance Permit No. 90903
Location of Kiosk Building / Requested Variance



Schedule No. 3
 Development Variance Permit No. 90903
 Building Profile of Proposed Kiosk Building



Attachment No. 1
Location of Subject Property

