

**REGIONAL DISTRICT OF NANAIMO**

**ELECTORAL AREA PLANNING COMMITTEE**

**TUESDAY, APRIL 10, 2012**

**6:30 PM**

***(RDN Board Chambers)***

**A G E N D A**

**PAGES**

**CALL TO ORDER**

**DELEGATIONS**

**MINUTES**

- 3 - 6 Minutes of the regular Electoral Area Planning Committee meeting held Tuesday, March 13, 2012.

**BUSINESS ARISING FROM THE MINUTES**

**COMMUNICATIONS/CORRESPONDENCE**

**UNFINISHED BUSINESS**

**PLANNING**

***DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS***

- 7 - 33 Development Permit with Variance Application No. PL2011-163 – Gary Passey and Patricia Broster – Lot 11, District Lot 28, Newcastle District, Plan 22249 – Seaview Drive, Area ‘H’.

- 34 - 48 Development Permit with Variance Application No. PL2011-174 – C.A. Design – 2550 Pylades Drive, Area ‘A’.

***OTHER***

- 49 - 56 Building Strata Conversion Application No. PL2011-053 – Bennett – 70 & 76 Colwell Road Area ‘C’.

- 57 - 67 Subdivision Application No. 3320 30 27850 – Request to Accept Park Land Dedication – Fern Road Consulting Ltd. – 711 Mariner Way, Area ‘G’.

- 68 - 79 Amendment Bylaw No. 500.375, 2012 – Zoning Amendment Application No. PL2011-089 – Kitching – 3519 Hallberg Road, Area ‘A’.

**ADDENDUM**

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**NEW BUSINESS**

**ADJOURNMENT**

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE  
MEETING HELD ON TUESDAY, MARCH 13, 2012 AT 6:30 PM  
IN THE RDN BOARD CHAMBERS**

**Present:**

Director G. Holme	Chairperson
Director A. McPherson	Electoral Area A
Director M. Young	Electoral Area C
Director J. Fell	Electoral Area F
Director J. Stanhope	Electoral Area G
Director W. Veenhof	Electoral Area H

**Also in Attendance:**

M. Pearse	Sr. Mgr., Corporate Administration
P. Thorkelsson	Gen. Mgr., Development Services
J. Holm	Mgr., Current Planning
N. Hewitt	Recording Secretary

**LATE DELEGATION**

MOVED Director Fell, SECONDED Director Veenhof, that the late delegation be permitted to address the Committee.

CARRIED

**R.K. Brown, re Zoning Amendment Application No. PL2009-040.**

Mr. Brown provided a brief summary on the zoning amendment application.

**MINUTES**

MOVED Director Fell, SECONDED Director McPherson, that the minutes of the regular Electoral Area Planning Committee meeting held Tuesday, February 14, 2012 be adopted.

CARRIED

**PLANNING**

***DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS***

**Development Permit with Variance Application No. PL2011-163 – Gary Passey and Patricia Broster – Lot 11, District Lot 28, Newcastle District, Plan 22249 – Seaview Drive, Area ‘H’.**

MOVED Director Veenhof, SECONDED Director Stanhope, that the application be sent back to staff for a 3<sup>rd</sup> party review of the geotechnical report.

CARRIED

**Development Permit with Variance Application No. PL2011-174 – C.A. Design – Lot 9, Section 7, Range 6, Cedar District, Plan 9877 – 2550 Pylades Drive, Area ‘A’.**

MOVED Director McPherson, SECONDED Director Stanhope, that staff be directed to complete the required notification.

CARRIED

MOVED Director McPherson, SECONDED Director Stanhope, that Development Permit with Variance Application No. PL2011-174 to permit the construction of a dwelling unit be approved subject to the conditions outlined in Schedules 1 to 3.

CARRIED

**Development Permit with Variance Application No. PL2011-189 – Smitty Construction Ltd. – Lot C, District Lot 28, Nanoose District, Plan VIP88844 – 781 Miller Road, Area ‘G’.**

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

CARRIED

MOVED Director Stanhope, SECONDED Director Young, that Development Permit with Variance Application No. PL2011-189 to permit the construction of an accessory building by varying the maximum accessory building height be approved subject to the conditions outlined in Schedules 1 to 4.

CARRIED

**Development Permit with Variance Application No. PL2012-011 – Kruger – Lot 12, District Lot 181, Nanoose District, Plan 15551 – 836 Mariner Way, Area ‘G’.**

MOVED Director Stanhope, SECONDED Director McPherson, that staff be directed to complete the required notification.

CARRIED

MOVED Director Stanhope, SECONDED Director McPherson, that Development Permit with Variance Application No. PL2012-011 to permit the construction of a dwelling unit be approved, subject to the conditions outlined in Schedules 1 to 3.

CARRIED

***DEVELOPMENT VARIANCE PERMIT APPLICATIONS***

**Development Variance Permit Application No. PL2012-001 – Fern Road Consulting – Strata Lot 8, District Lot 78, Nanoose District, Strata Plan VIS3393 – Together with an interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1 – 3526 Shetland Place, Area ‘E’.**

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

CARRIED

MOVED Director Stanhope, SECONDED Director Young, that Development Variance Permit Application No. PL2012-001 to reduce the minimum required setbacks from the front, interior side and rear lot lines be approved subject to the conditions outlined in Schedule 1.

CARRIED

**OTHER**

**Zoning Amendment Application No. PL2009-040 – Bylaw No. 1285.17 Keith Brown Associates Ltd. – Oceanside Storage Inc. – Lot 28, District Lot 156, Nanoose District, Plan 1964, Except Part in Plan 733 RW – 1270 & 1274 Alberni Highway, Area ‘F’.**

MOVED Director Fell, SECONDED Director McPherson, that Zoning Amendment Application No PL2009-040 to rezone the subject properties from Commercial 3 (C-3) and Village Residential (R-3) to CD-18 Alberni Highway Mini Storage be approved subject to the conditions outlined in Schedule 1.

CARRIED

MOVED Director Fell, SECONDED Director McPherson, that "Regional District of Nanaimo Zoning and Subdivision Amendment Bylaw No. 1285.17, 2012" be introduced and read two times.

CARRIED

MOVED Director Fell, SECONDED Director McPherson, that the public hearing on "Regional District of Nanaimo Zoning and Subdivision Amendment Bylaw No. 1285.17, 2012" be delegated to Director Fell or another Area Director.

CARRIED

**Zoning Amendment Application No. PL2011-178, Bylaw No. 500.377, 2012 – Deas – Lot A, District Lot 19, Newcastle District, Plan 8196, Except Parts in Plans VIP65473 and VIP74554 – 2900 Leon Road, Area ‘H’.**

MOVED Director Veenhof, SECONDED Director Young, that the Summary of the Public Information Meeting held on February 16, 2012, be received.

CARRIED

MOVED Director Veenhof, SECONDED Director Young, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.377, 2012", be introduced and read two times.

CARRIED

MOVED Director Veenhof, SECONDED Director Young, that the conditions set out in Schedule 1 of the staff report be completed prior to "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.377, 2012", being considered for adoption.

CARRIED

MOVED Director Veenhof, SECONDED Director Young, that the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.377, 2012", be delegated to Director Veenhof or another Area Director.

CARRIED

**Secondary Suites Study and Consultation Process.**

MOVED Director Stanhope, SECONDED Director Young, that staff be directed to schedule a seminar for Electoral Area Directors prior to the public consultation period.

CARRIED

**ADJOURNMENT**

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

CARRIED

TIME: 6:51 PM

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CHAIRPERSON



NON REFUND	
CAO APPROVAL <i>(Signature)</i>	
EAP	✓ <i>Apr. 10/12</i>
COW	
MAR 30 2012	
RHD	
BOARD	

**MEMORANDUM**

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

**DATE:** March 30, 2012

**FROM:** Kim Farris  
 Planner

**FILE:** PL2011-163

**SUBJECT:** Development Permit with Variance Application No. PL2011-163  
 Gary Passey and Patricia Broster  
 Lot 11, District Lot 28, Newcastle District, Plan 22249 – Seaview Drive  
 Electoral Area ‘H’

**PURPOSE**

To consider an application for a Development Permit with Variance to allow for the construction of a dwelling unit on the subject property.

**BACKGROUND**

The Regional District of Nanaimo has received an application from Gary Passey and Patricia Broster in order to permit the construction of a dwelling unit. The subject property is approximately 929 m<sup>2</sup> in area and is zoned Residential 2 (RS2), pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (see *Attachment 1* for subject property map).

The vacant and previously cleared subject property is bordered by residential parcels to the south, an undeveloped pathway to the north, Seaview Drive to the west, and a ravine to the east. The property contains a level building area adjacent to Seaview Drive and descends easterly towards a ravine.

The proposed development is subject to the Hazard Lands Development Permit Area as per “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003”.

This application was considered by the Electoral Area Planning Committee (EAPC) at its regular meeting on March 13, 2012, at which time the Committee recommended that the Board refer the application back to staff for a third party review of the geotechnical report. The Board of the Regional District of Nanaimo at its regular meeting held on March 27, 2012, approved the following resolution:

*MOVED Director Veenhof, SECONDED Director McPherson, that the application be sent back to staff for a 3<sup>rd</sup> party review of the geotechnical report.* CARRIED

Following Board direction, the services of EBA Engineering Consultants Ltd. were retained to conduct the third party geotechnical review of the Geotechnical Slope Assessment prepared by Ground Control Geotechnical Engineering and dated January 6, 2012.

### ***Proposed Development and Variances***

The property owners are proposing to construct a one-storey dwelling unit on the vacant subject property. The proposed dwelling unit is approximately 4.5 metres in height and is 104.1 m<sup>2</sup> in floor area. A detached deck is also proposed and will be under 0.6 metres in height (see *Schedule 2*). Physical site constraints restrict the building envelope for the proposed new dwelling unit. A large portion of the property slopes steeply in the eastern portion of the property from the top of an embankment towards an unnamed watercourse (not subject to the Riparian Area Regulations). In addition, the location of the septic field in the front yard limits the building envelope further.

To achieve a practical building envelope, the applicants are requesting the following variances (which are measured to the dwelling unit overhang): to reduce the minimum setback from other lot line (adjacent to the undeveloped road/pathway) from 5.0 metres to 1.6 metres, to reduce the minimum setback from the front lot line from 8.0 metres to 7.6 metres, and to reduce the minimum watercourse setback from the top of slope from 9.0 metres to 5.7 metres (see *Schedule 2*).

The Ministry of Transportation and Infrastructure (MOTI) has confirmed it supports the proposed variance to reduce the minimum setback from the adjacent undeveloped road from 4.5 metres to 1.6 metres.

### **ALTERNATIVES**

1. To approve the Development Permit with Variance Application No. PL2011-163 subject to the conditions outlined in *Schedules 1 to 4*.
2. To deny the Development Permit with Variance Application No. PL2011-163.

### **LAND USE IMPLICATIONS**

#### ***Development Implications***

The Hazard Lands Development Permit Area requires the applicant to provide a report by a professional engineer to confirm that the proposed development is considered safe for its intended use, adjacent property and the natural environment. Following the March 27, 2012 Board, the applicant resubmitted a revised Geotechnical Slope Assessment prepared by Ground Control Geotechnical Engineering and dated March 28, 2012, to satisfy the Development Permit Area Guidelines (*Schedule 4*). The report has been revised to reflect the recommendations of the third party review. The report discusses in detail the definition of 'safe use' and that a 'safe' setback distance is designed to protect people from death or serious injury due to building collapse. The report also states that the intent of current regulations is not to protect the building itself from damage, but from structural collapse. Further it states that if the property owners wish to reside on the land above a steep slope they must fully understand and accept the implied risks.

Based on the slope modeling and engineering assessment completed by the engineer, a minimum safe setback distance of 6.5 metres from the crest of the slope is recommended to be applied for all occupied or high-value buildings. The 6.5 metre setback from the top of slope to the foundation of the proposed dwelling unit is shown on *Schedule 2*. The engineered setback is to the foundation of the building (6.5 metres) whereas the setback as stated in Bylaw 500 is to the outermost edge of the building (5.7 metres).



It is recommended that uncontrolled discharges of surface water and storm water onto the steep slope be avoided. The applicants advised that they plan to dispose of excess water into the MOTI ditch located in the front of the property pending MOTI approval. The engineer also recommends taking measures to protect the slope from erosion and to maintain stability of the slope face. Dumping of debris over the slope is highly discouraged and the applicant is advised to contact an arborist and appropriate regulatory agencies prior to making any significant alterations to mature trees on the slope.

The report concludes that the site is safe and suitable for the proposed residential use if the recommendations of the report are followed. The third party geotechnical consultant has reviewed the updated Geotechnical Slope Assessment and has advised that it reflects the recommendations of the third party review. Staff recommends that the applicants be required to register a Section 219 covenant against the property title that contains the Geotechnical Slope Assessment report prepared by Ground Control Geotechnical Engineering Ltd. dated March 28, 2012, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages to life and property as a result of potential geotechnical and flood hazards.

**Public Consultation Process**

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

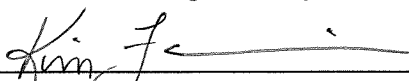
**SUMMARY/CONCLUSIONS**

The application is for a Development Permit with Variance to allow the construction of dwelling unit within the Hazard Lands Development Permit Area. Following Board resolution March 27, 2012, the applicants have resubmitted a Geotechnical Slope Assessment which satisfies the guidelines of the Hazard Lands DPA and includes recommendations by a third party consultant. In addition, the applicants are requesting variances to reduce the minimum setback from the front lot line from 8.0 metres to 7.6 metres; to reduce the minimum setback from the other lot line (adjacent to the undeveloped road/pathway) from 5.0 metres to 1.6 metres; and to reduce the minimum watercourse setback from the top of slope from 9.0 metres to 5.7 metres.


As the application is consistent with the Development Permit Area guidelines, staff recommend that the Board approve the Development Permit with Variance pending the outcome of the public consultation.

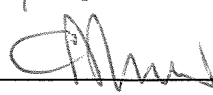
**RECOMMENDATIONS**

1. That staff be directed to complete the required notification, and
2. That the Development Permit with Variance Application No. PL2011-163 to permit the construction of a dwelling unit subject to the conditions outlined in *Schedules 1 to 4*, be approved.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
General Manager Concurrence

  
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
CAO Concurrence

**Schedule 1**  
**Conditions of Development Permit with Variance**

The following sets out the terms and conditions of Development Permit with Variance No. PL2011-163:

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

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

1. **Section 3.3.8 b) i) – Setbacks – Watercourses, excluding the Sea** to reduce the horizontal distance from the top of the slope from 9.0 metres to 5.7 metres.
2. **Section 3.4.62 – Minimum Setback Requirements** to reduce the front lot line from 8.0 metres to 7.6 metres, as shown on *Schedule 2*.
3. **Section 3.4.62 – Minimum Setback Requirements** to reduce the other lot Line from 5.0 metres to 1.6 metres, as shown on *Schedule 2*.

**Conditions of Approval**

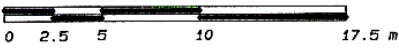
1. The dwelling unit shall be sited in general accordance with the site plan (1 of 2) prepared by Peter Mason and dated January 16, 2012, and the site plan (2 of 2) prepared by Jenesys and dated January 15, 2012, attached as *Schedule 2*.
2. The dwelling shall be constructed in general accordance with the elevation drawings prepared by Jenesys and dated October 6, 2011, attached as *Schedule 3*.
3. The lands shall be developed in accordance with the Geotechnical Slope Assessments prepared by Ground Control Geotechnical Engineering Ltd. dated January 6, 2012, and March 28, 2012.
4. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 covenant against the property title that contains the Geotechnical Slope Assessment prepared by Ground Control Geotechnical Engineering Ltd. dated March 28, 2012, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard, as attached in *Schedule 4*.

Schedule 2  
Site Plan (1 of 2)

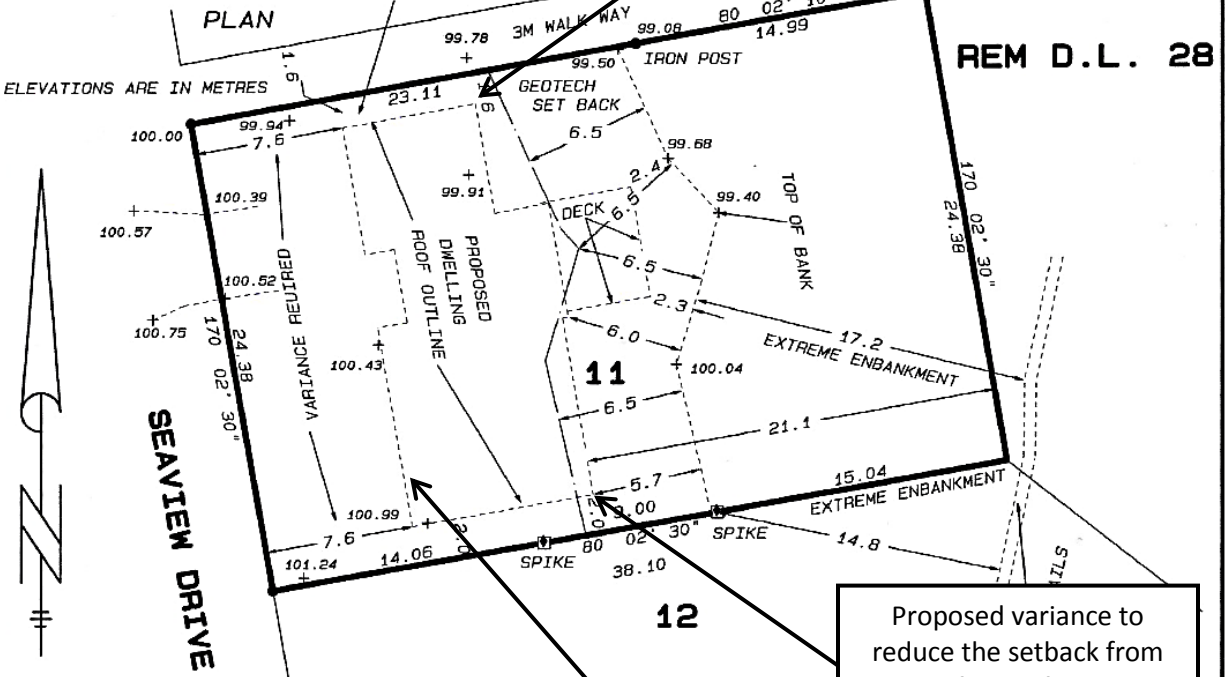
PLAN OF SURVEY TO ACCOMPANY DEVELOPEMENT VARAINCE  
PERMIT FOR DWELLING TO BE CONSTRUCTED ON LOT 11,  
DISTRICT LOT 28, NEWCASTLE DISTRICT, PLAN 22249

SCALE OF: 1: 250

ALL DISTANCES ARE IN METRES.



NOTE: DECK NOT STRUCTUALLY ATTACHED  
TO HOUSE  
HEIGHT LESS THAN 0.6M



Proposed variance to  
reduce the setback from  
the Other Lot Line from  
5.0 metres to 1.6 metres.

Proposed variance to  
reduce the setback from  
the Front Lot Line from  
8.0 metres to 7.6 metres.

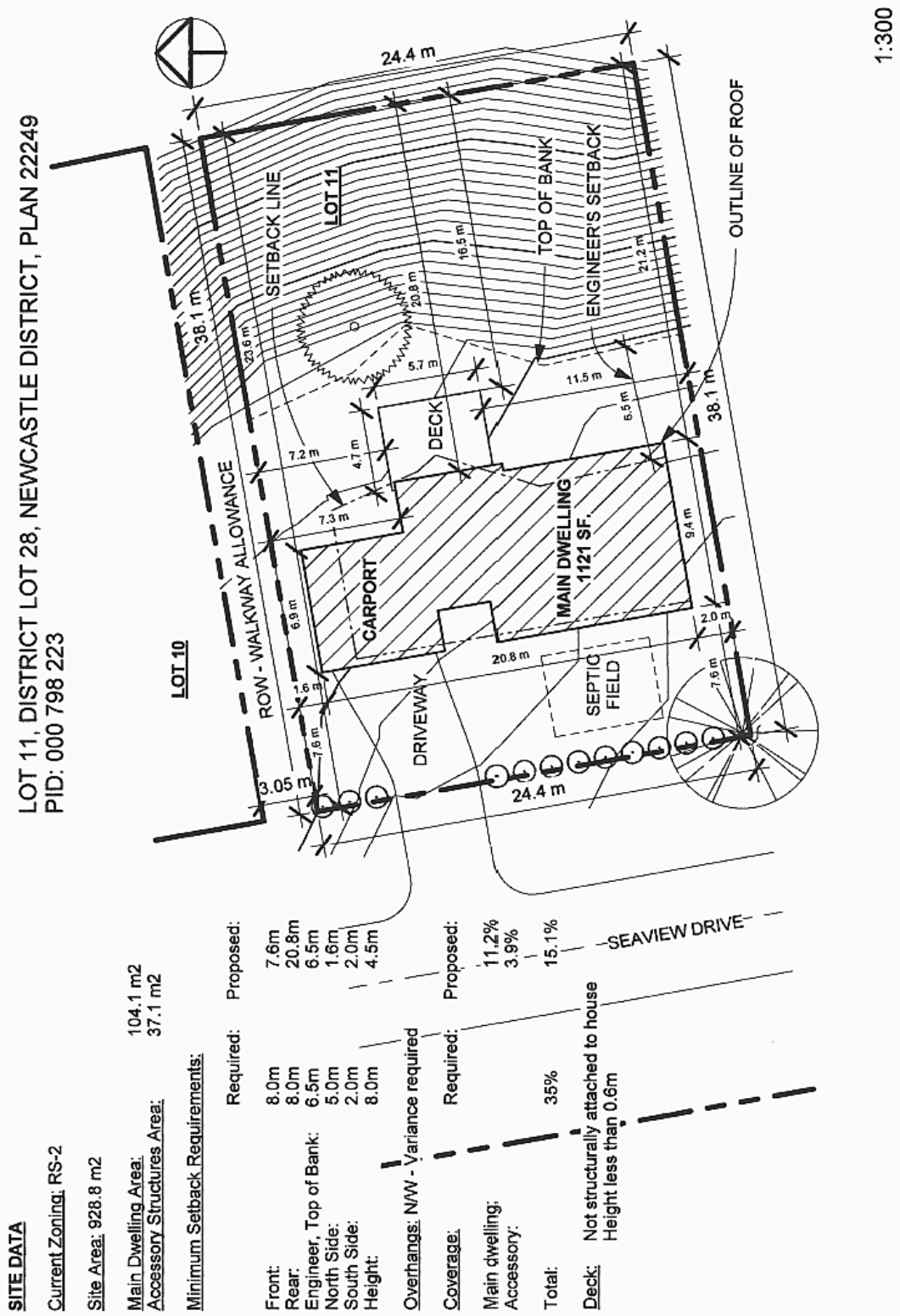
Proposed variance to  
reduce the setback from  
top of slope from 9.0  
metres to 5.7 metres.

PETER T. MASON  
CANADA LAND SURVEYOR  
BRITISH COLUMBIA LAND SURVEYOR  
P.O. BOX 185  
BOWSER, B.C.  
V0R 1G0  
TEL: (250) 757-8788  
FILE: 11-3707 DRWG: \drawgs\3707.SIT

PREPARED BY PETER T. MASON, B.C.L.S.  
PLAN PREPARED JANUARY 16, 2012  
*Peter T. Mason*  
PETER T. MASON, B.C.L.S.

\*All variances include building overhang

Schedule 2  
Site Plan (2 of 2)



**SITE DATA**

Current Zoning: RS-2

Site Area: 928.8 m<sup>2</sup>

Main Dwelling Area: 104.1 m<sup>2</sup>

Accessory Structures Area: 37.1 m<sup>2</sup>

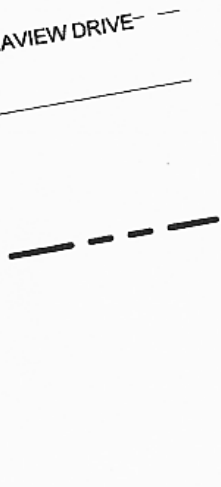
**Minimum Setback Requirements:**

	Required:	Proposed:
Front:	8.0m	7.6m
Rear:	8.0m	20.8m
Engineer, Top of Bank:	6.5m	6.5m
North Side:	5.0m	1.6m
South Side:	2.0m	2.0m
Height:	8.0m	4.5m

**Overhangs: NW - Variance required**

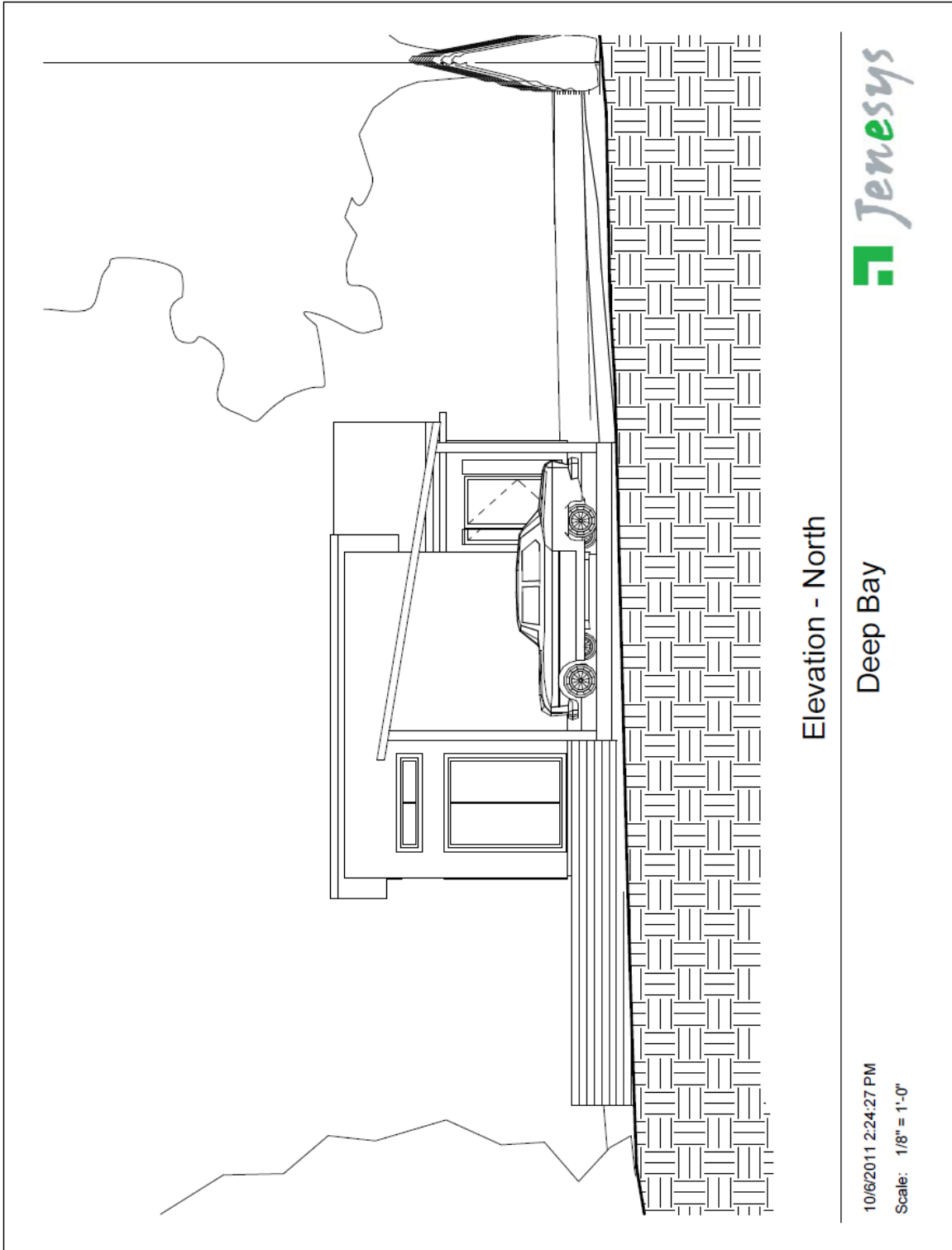
	Required:	Proposed:
Coverage:		11.2%
Main dwelling:		3.9%
Accessory:		15.1%
Total:	35%	

Deck: Not structurally attached to house  
Height less than 0.6m

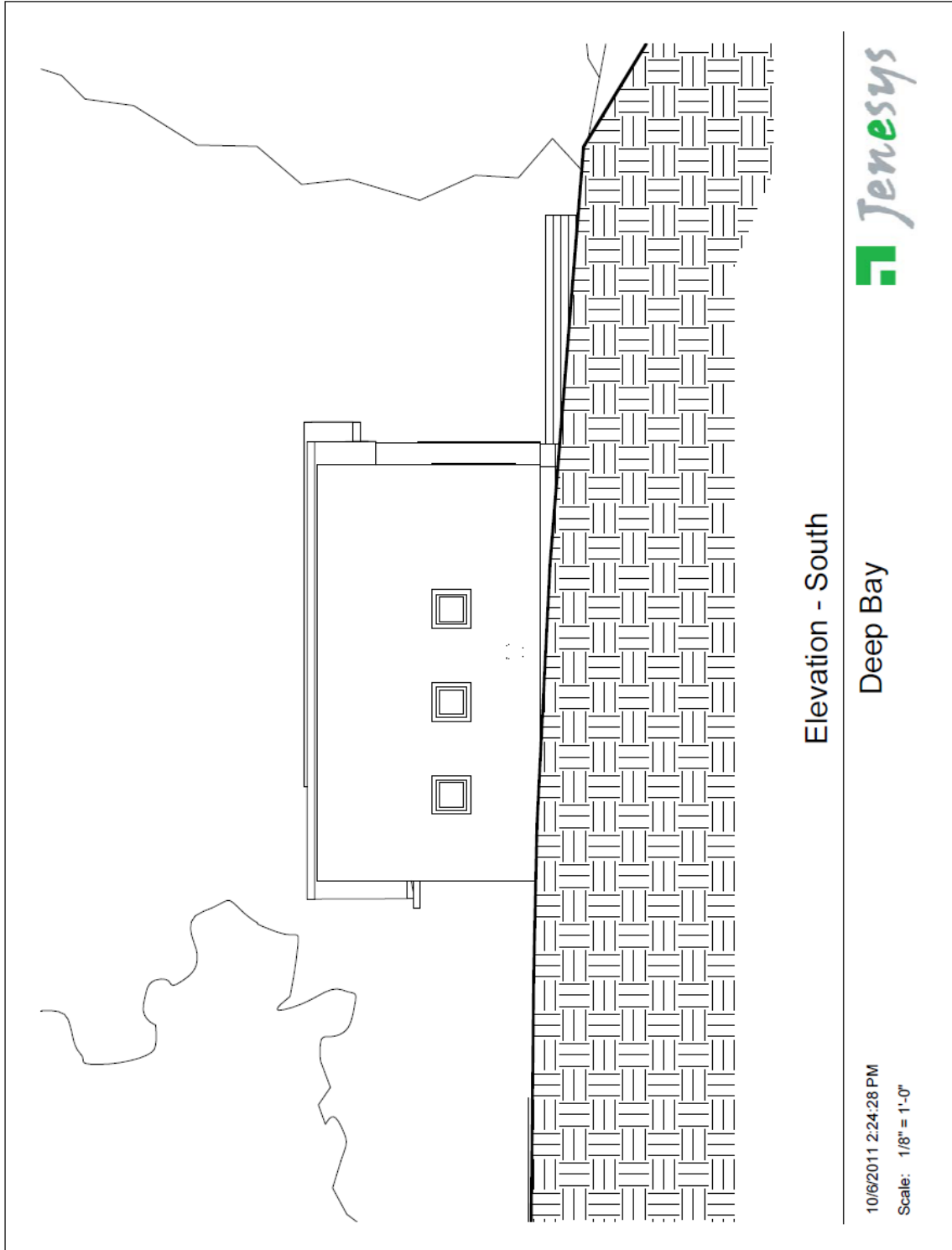


1:300

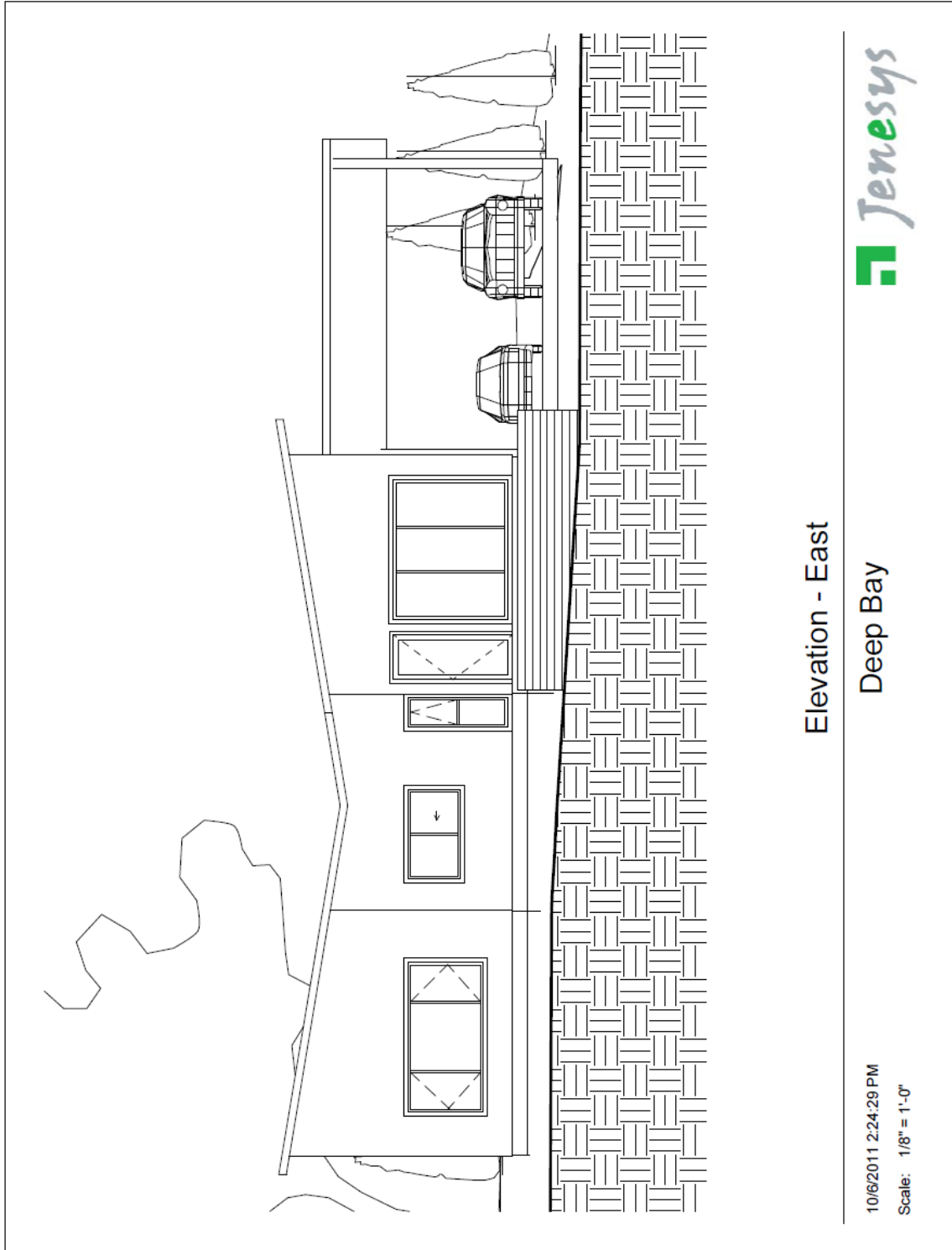
**Schedule 3  
Elevations Drawings  
(Page 1 of 4)**



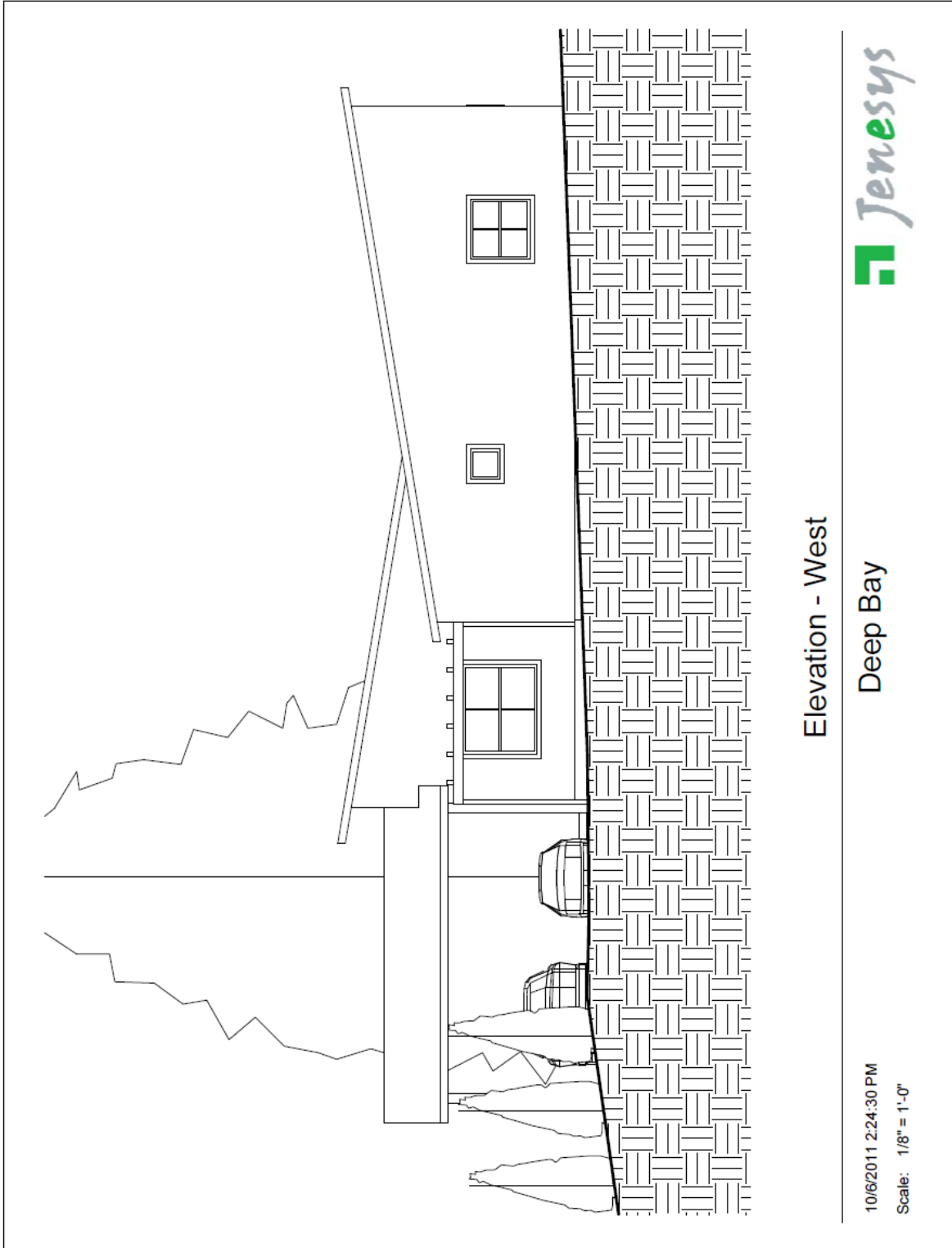
**Schedule 3  
Elevations Drawings  
(Page 2 of 4)**



**Schedule 3  
Elevations Drawings  
(Page 3 of 4)**



**Schedule 3  
Elevations Drawings  
(Page 4 of 4)**





**Schedule 4  
Geotechnical Slope Assessment**



File: GP-001  
March 28, 2012

Mr. Gary Passey  
5049 Seaview Drive  
Bowser, BC  
V0R 1G0

**SUBJECT: GEOTECHNICAL SLOPE ASSESSMENT**  
**PROJECT: PROPOSED NEW HOUSE**  
**LOCATION: 5059 SEAVIEW DRIVE, BOWSER, BC**

Dear Mr. Passey:

**1. Introduction**

- a. As requested, Ground Control Geotechnical Engineering Ltd. (Ground Control) has carried out a geotechnical assessment of the slope within the east portion of this site in relation to establishing a suitable setback for the construction of a new house. This report provides a summary of our findings and recommendations.

**2. Background**

- a. We understand that you will be building a new house on this property. The new building will be of standard single-family residential construction meeting the requirements of the current BC Building Code. It will consist of a wood-frame superstructure supported on concrete foundation walls and footings.
- b. We understand that a geotechnical assessment of the on-site slope is required, primarily to determine a suitable setback for locating the new building a safe distance from the steep slopes. This report is intended to address this requirement.

Geotechnical Slope Assessment

File: GP-001

March 28, 2012

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**3. Assessment Objectives**

- a. Our assessment, as summarized within this report, is intended to meet following objectives:
  - i. Determine if the land is safe for the intended use (single-family residential building), where safe is defined as a less than 2% in 50 years probability of a life-threatening collapse of the subject building as a result of slope movements during a seismic event (see Section 4 for further discussion).
  - ii. Prescribe the geotechnical works and any requirements for the design and maintenance of the development that are required to achieve the defined safety level given above.
  - iii. Acknowledge that Approving Officers may rely on this Report when making a decision on applications for the development of the land.
- b. The focus of this report is slope hazards, which are the principal geotechnical hazards associate with the site. It is assumed that the potential for other significant geotechnical hazards (such as flooding) was assessed and found acceptable as part of the original subdivision development process. During our review of the site in connection with this report we did not observe any significant geotechnical hazards other than those related to the presence of steep slopes.

**4. Definition and Discussion of 'Safe'**

- a. It is considered very important that all stakeholders understand the definition of 'safe' used to assess the level of slope hazard risk associated with this project, particularly in light of some significant regulatory changes within recent years. These changes have altered the typical approach to landslide 'safety' towards the consideration of 'life safety', and away from the consideration of 'property protection' that was often the focus in the past.

Geotechnical Slope Assessment

File: GP-001

March 28, 2012

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- b. The only province-wide adopted level of landslide safety in British Columbia is the statement "that the land may be used safely for the use intended" associated with the Land Title Act (Section 86) for subdivision approvals and the Community Charter (Section 56) for building permits. Although the statement has been included in various pieces of provincial legislation for over 30 years, the word 'safely' has never been legally defined.
- c. The criteria for 'safe' we have adopted for this assessment derives from the 2005 National Building Code, the 2006 BC Building Code, Ministerial Order M297, and the APEGBC *Guidelines for Legislated Landslide Assessments for Proposed Residential Development in British Columbia*. These documents generally recommend performance criteria where the threat to 'life safety' from residential building collapse caused by slope movements during a seismic event is less than a 2% chance in 50 years. This performance criteria assumes that that once every 2475 years, on average, a seismic event will occur resulting in significant building damage. The intent is that a well-constructed and maintained building will not collapse while undergoing ground motions as prescribed in the BC Building Code for such an event.
- d. Ground slippage (i.e. the downslope movement of soil) during an earthquake will generally be at its maximum on the slope and lessened with distance from the slope. The principle method of making the development 'safe' is to keep buildings back a suitable distance from the crest of steep slopes (know as a setback distance), such that any downslope movements of soil during the specified earthquake will be reduced to the point where buildings, although damaged, should not collapse.
- e. Note that a 'safe' setback distance is designed to protect people from death or serious injury due to building collapse. The intent of current regulations is not to protect the building itself from damage, but merely from collapse. All stakeholders should be aware that it is possible for building damage to occur as a result of seismic events, including seismic events less severe than the 1-in-2475 year event. The extent of damage will vary depending on the earthquake magnitude, potentially ranging from minor damage such as cracking of drywall and the like during a 1-in- 475 year return-period event all the way up to significant structural damage occurring during the 1-in-2475 year event.

Geotechnical Slope Assessment

File: GP-001

March 28, 2012

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- f. Applying a sufficiently expansive setback to reduce the risk of building damage under earthquake conditions could be undertaken (i.e. the clients can opt to exceed regulatory standards for their own protection), but this approach would greatly increase setback distances and at this site would likely render the lot undevelopable (i.e. with insufficient space left for a house).
- g. Note also that the definition of 'safe' does not imply protection of the land itself from damage. Steep slopes are constantly undergoing retrogression due to natural forces. This is generally an inexorable slow process consisting of downhill soil creep and/or erosion on the slope face due to rain, wind, freeze/thaw etc, however, it can occasionally occur as a larger and more rapid downhill movement of soil due to rare and unpredictable events such as earthquakes. The value of the land, and even the lot's suitability as a building site, can be adversely affected by these processes, depending on their severity. It is never possible to fully stop slope retrogression or to make assurances that the land itself will never be changed or damaged. These risks can only be managed, never eliminated. This is accomplished by recommending restrictions on de-stabilising practices (such as clearing vegetation from the slope, uncontrolled discharges of water onto the slope, etc) as provided later in this report.
- h. If owners wish to reside on land above a steep slope, they must fully understand accept the implied risks, as discussed above. If owners or potential buyers of the property are not prepared to fully accept these slope-related risks (holding-harmless all others) then they should not purchase or develop the property.

**5. Assessment Methodology**

- a. Aerial images (2009 airphotos available on the Regional District of Nanaimo's online 'RDN Map' utility) were reviewed to assess land features in the local area.
- b. The author carried out a site reconnaissance on July 27, 2011 to view the land and observe general site conditions. Soil conditions within the subject slope were investigated by digging test holes with a shovel and long-handled clamshell at selected locations on the upper, middle, and lower portions of the slope as well as on the plateau above the slope.

Geotechnical Slope Assessment

File: GP-001

March 28, 2012

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- c. The geometry of the steepest portion of slope was determined using a basic distance and inclinometer survey, for input into our slope stability assessment.
- d. Using the information gathered, the stability of the slope was assessed using slope stability software and engineering analysis following methods prescribed in the APEGBC *Guidelines for Legislated Landslide Assessments for Proposed Residential Development in British Columbia*. Further details regarding our analysis are provided later in this report.

**6. Site Conditions**

- a. The subject is a rectangular shaped lot located on the east side of Seaview Drive. It is bounded on the north and south by similar residential lots that are occupied by single-family dwellings.
- b. The east end of the site contains the upper portion of the subject slope. The slope continues downward beyond the east property line, terminating at a small creek that runs within a valley incised into the local landscape.
- c. The slope height below the site varies, but the average height is about 17m high (measured vertically), with an overall slope angle of about 38 degrees from horizontal. The gradient of the slope face is relatively uniform.
- d. We observed no indications of deep-seated slope instability or soil movement (such as soil slumps or groups of severely tilted trees). We did observe that some trees are moderately tilted in the downslope direction, which we interpret as an indicator of soil creep or slippage in the thin veneer of topsoil on the face of the slope. The creek at the toe of the slope has short near-vertical banks at some locations, indicative of slow erosion of the soils at the slope's toe.
- e. An aerial photo of the subject site and adjacent slope (image from RDN MapViewer, 2009 photo) is provided on the next page. The extents of the lot are shown approximately in yellow.



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Aerial photo (2009, north is top of photo): The subject lot is outlined in yellow. The creek is shown approximately in dashed-blue. The subject slope is located on the east third of the lot and extends off-site down to the creek.

- f. The following photographs provide an overview of site conditions from ground level.



View of the lot as seen from Seaview Drive, looking east.

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*Southward-looking view with the slope at left, crest of slope at centre, and level plateau at right.*



*Side view of slope, showing typical west coast vegetation and some tilted alder trees in the foreground and non-tilted mature cedars in the background.*



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*Creek at base of slope (difficult to see creek in the photo due to vegetation and debris).*

- g. Within the test hole dug on the upper plateau we encountered compact, dry, brown, poorly graded sand (Unified Classification Group Symbol SP). These soils are expected to be present as a relatively thin horizontal veneer across the plateau above the slope, and have a thickness of about two metres. These soils are interpreted to be part of the Capilano Sediments soil unit, which are marine and fluvial deposits related to former (i.e. higher) sea and river levels that occurred after melting of the glaciers from the last ice age.
  
- h. Below the Capilano sediments we encountered dense to very dense, dry to damp, grey-brown silty sand with a trace of gravel. (Unified Classification Group Symbol SM). These soils are interpreted to be part of the Vashon Drift soil unit, which are glacial deposits constituting the uppermost drift sheet of the region. Locally, these soils are commonly known a 'hard pan'. These glacial soils would have been deposited during the most recent period of glaciation, which ended about 14,000 years ago. These soil deposits extend to beyond the base of the slope.



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*Vashon Silty Sand*

- i. Based on our knowledge of the local area, strong dense sands known as the Quadra Sediments soil unit underlie the Vashon deposits, but those soils were not encountered within the slope itself.
- j. The soils within the slope are covered by a surface veneer of topsoil and forest litter about 0.2 to 0.5m thick in most areas.
- k. No significant groundwater seeps or springs were observed emanating from the slope face. The soils encountered within the various test pits were dry to damp (not saturated) and so did not indicate the presence of a groundwater table or groundwater flows within the body of the slope.
- l. Based on our knowledge of local groundwater conditions, a relatively thin 'perched' groundwater table is expected to be present above the Capilano/Vashon interface, particularly during the wet winter months. This groundwater is typically a result of infiltrating rainwater within the surficial sandy Capilano becoming trapped upon the upper surface of the relatively impervious layer of Vashon soils below. This groundwater can be expected to emanate onto the slope face at locations just below the crest of the slope.

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- m. As such, the topsoil veneer on the face of the slope can be expected to be wet during the rainy winter season, both from direct rainfall and from this seepage near the crest.
- n. A second, more significant groundwater table is often present within the sandy Quadra deposits, however, at this site the Quadra sands are too deep to intercept the slope face and so this groundwater should not be a factor affecting stability of the subject slope.

## 7. Slope Modeling and Analysis

- a. The stability of the slope was assessed using slope stability software (employing Bishops Method) and pseudo-static engineering analysis following methods prescribed in the APEGBC *Guidelines for Legislated Landslide Assessments for Proposed Residential Development in British Columbia*.
- b. In evaluating the seismic case we considered a 1 in 2475 year event for assessment of life safety issues using applicable seismic data from the BC Building Code for the nearest geographic location for which data is available (Comox and Courtenay).
- c. Soil-strength parameters were selected based on back-calculation from the existing stable slope configuration, and on generally accepted values for the types of soils present. The Vashon deposits were modeled in an unsaturated state based on the lack of evidence of groundwater observed on site and our understanding of local groundwater conditions.

## 8. Conclusions & Recommendations

### 8.1. General

- a. Assuming the recommendations of this report are followed, the proposed development is considered 'safe' for the intended use. For the purposes of this report, 'safe' is as defined and discussed in Sections 3 and 4 and 'intended use' is defined as residential occupancy in a single family house.
- b. The following sections provide additional discussion and recommendations regarding various slope issues related to the project.

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**8.2. Setback of Structures from the Slope**

- a. Based on our slope modeling and engineering assessment, we recommend that a minimum safe setback distance of 6.5 metres from the crest of the slope be applied for all occupied or high-value buildings.
- a. At this site the slope crest is relatively well defined and should be easily identified, however, if in doubt the crest may be defined as the line of transition between the upper plateau and the slope face where the ground slopes at 3H:1V (3 horizontal to 1 vertical). Ground Control can assist the project surveyors with field location of the crest and setback if needed.
- b. Note that the crest of the slope meanders slightly across the site, therefore the setback limit will also be non-linear. The 6.5m separation of the setback limit from the slope should be applied at all points along the crest.
- c. The setback limit should apply to the foundations of all permanently occupied and/or high value structures. Occasional-use and lower-value structures such as sundecks are commonly allowed within setback areas, as these are typically lower-value unenclosed structures that are only seasonally and intermittently occupied. Ground-level decks have inherently reduced life-safety risks from earthquake-induced collapse, simply as a result of their pattern of usage and occupancy and the lack of walls or roof that might collapse onto persons.
- d. If ancillary structures such as decks are located within the setback area and are attached to the residence, considerations should be made so that these structures will not contribute destabilizing forces to the main building in the event of a significant ground movement within the setback zone. This can be accomplished by ensuring the main building has sufficient strength to resist these additional forces, or by the use of a break-away connection so decks can separate or move independently from the residence above an appropriate stress level.

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**8.3. Protection of Vegetation**

- a. Protecting the slope from erosion is recommended to maintain stability of the slope face and limit retrogression towards the house. The continued growth of strong-rooting native plants should be encouraged. Dumping of garden waste and other debris over the slope is discouraged, as this can kill the underlying vegetation.
- b. Topping and trimming of trees to enhance views is geotechnically acceptable provided the health of the root system is not jeopardized. In some cases, prudent pruning or topping of trees can have a beneficial effect by reducing the toppling forces imposed by wind. Nevertheless, other factors and regulations might over-ride these comments, and the client is advised to consult with appropriate regulatory agencies and an arborist before making any significant alterations to mature trees.

**8.4. Stormwater Management**

- a. It is recommended that uncontrolled discharges of surface water onto the slope should be avoided, and this should include collected storm water. For example, uncontrolled discharge of roof gutters onto the slope would likely cause erosion, and good practice will be to 'tight-line' storm-water collected on impervious surfaces to storm sewers or roadside ditches (if available) or to a suitable discharge point below the slope (such as the existing creek). Groundwater collected in footing drains should be similarly treated.

**8.5. Groundwater Management**

- a. We understand that a septic disposal field will have to be installed on the site, as there are no sanitary sewers. We understand that the septic field will be located at least 8m back from the crest of the slope. In our opinion, the amount of water infiltrated into the ground by water usage of a single-family dwelling will represent only a minor contribution to the naturally occurring perched groundwater at the site, and our setback distance recommendations are suitable to accommodate this installation.

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**8.6. Changed Conditions**

- a. Our recommendations are based on the proposed construction as described in this report, and the expectation that future development will not result in significant modification of the slope geometry, soil conditions, and/or groundwater conditions described in this report. Any significant changed conditions within the setback area or on the slope (for example, undercutting of the slope, placement of significant soils fills, placing heavy surcharge loads near the crest, or installing potential new sources of groundwater such as ponds or swimming pools, etc), have the potential to affect the stability of the slope, and should be undertaken only with the guidance of a qualified professional.

**9. Limitations**

- a. The level of field investigation for this project was selected to provide a good understanding of soil conditions within the slope. It is never possible to have complete information regarding underground conditions. A level of conservatism has been incorporated into the setback distance, as appropriate for the level of knowledge available regarding site conditions.
- b. The conclusions and recommendations submitted in this report are based upon the data obtained from surface observations and 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. Although not expected, should undiscovered conditions become apparent later our office should be contacted immediately to allow reassessment of the recommendations provided.
- c. Our recommendations apply to the specific proposed structure described within this report. Other structures or locations may have unique requirements and so our recommendations should not be considered applicable to other locations or other developments, even within the same property.

Geotechnical Slope Assessment  
File: GP-001  
March 28, 2012  
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**10. Closure**

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

Respectfully Submitted,  
Ground Control Geotechnical Engineering Ltd.



Richard McKinley, P. Eng., Geotechnical Engineer

Attachments: Schedule D (2 pages)



## APPENDIX D: LANDSLIDE ASSESSMENT ASSURANCE STATEMENT

Note: This Statement is to be read and completed in conjunction with the "APEGBC Guidelines for Legislated Landslide Assessments for Proposed Residential Development in British Columbia", March 2006/Revised September 2008 ("APEGBC Guidelines") and the "2006 BC Building Code (BCBC 2006)" and is to be provided for *landslide assessments* (not floods or flood controls) for the purposes of the Land Title Act, Community Charter or the Local Government Act. Italicized words are defined in the APEGBC Guidelines.

To: The Approving Authority

Date: AUGUST 18, 2011

REGIONAL DISTRICT OF  
NANAIMO

Jurisdiction and address

With reference to (check one):

- Land Title Act (Section 86) – Subdivision Approval
- Local Government Act (Sections 919.1 and 920) – Development Permit
- Community Charter (Section 56) – Building Permit
- Local Government Act (Section 910) – Flood Plain Bylaw Variance
- Local Government Act (Section 910) – Flood Plain Bylaw Exemption
- Local Government Act (Section 692 (D)) – Provincial Regulation M268, Geotechnical Slope Stability (Seismic) Regulation

For the Property:

5059 SEAVIEW DRIVE, BOWSER, BC

Legal description and civic address of the Property

The undersigned hereby gives assurance that he/she is a *Qualified Professional* and is a *Professional Engineer* or *Professional Geoscientist*.

I have signed, sealed and dated, and thereby certified, the attached *landslide assessment* report on the Property in accordance with the *APEGBC Guidelines*. That report must be read in conjunction with this Statement. In preparing that report I have:

Check to the left of applicable items

- 1. Collected and reviewed appropriate background information
- 2. Reviewed the proposed *residential development* on the Property
- 3. Conducted field work on and, if required, beyond the Property
- 4. Reported on the results of the field work on and, if required, beyond the Property
- 5. Considered any changed conditions on and, if required, beyond the Property
- 6. For a *landslide hazard analysis* or *landslide risk analysis* I have:
  - 6.1 reviewed and characterized, if appropriate, any *landslide* that may affect the Property
  - 6.2 estimated the *landslide hazard*
  - 6.3 identified existing and anticipated future *elements at risk* on and, if required, beyond the Property
  - 6.4 estimated the potential *consequences* to those *elements at risk*
- 7. Where the *Approving Authority* has adopted a *level of landslide safety* I have:
  - 7.1 compared the *level of landslide safety* adopted by the *Approving Authority* with the findings of my investigation
  - 7.2 made a finding on the *level of landslide safety* on the Property based on the comparison
  - 7.3 made recommendations to reduce *landslide hazards* and/or *landslide risks*
- 8. Where the *Approving Authority* has **not** adopted a *level of landslide safety* I have:
  - 8.1 described the method of *landslide hazard analysis* or *landslide risk analysis* used
  - 8.2 referred to an appropriate and identified provincial, national or international guideline for *level of landslide safety*
  - 8.3 compared this guideline with the findings of my investigation

- 8.4 made a finding on the level of landslide safety on the Property based on the comparison
- 8.5 made recommendations to reduce landslide hazards and/or landslide risks
- 9. Reported on the requirements for future inspections of the Property and recommended who should conduct those inspections.

Based on my comparison between

Check one

- the findings from the investigation and the adopted level of landslide safety (item 7.2 above)
- the appropriate and identified provincial, national or international guideline for level of landslide safety (item 8.4 above)

I hereby give my assurance based on the conditions<sup>16</sup> contained in the attached landslide assessment report

Check one or more where appropriate

- for subdivision approval, as required by the Land Title Act (Section 86), "that the land may be used safely for the use intended"

Check one

- with one or more recommended registered covenants.
- without any registered covenant.
- for a development permit, as required by the Local Government Act (Sections 919.1 and 920), my report will "assist the local government in determining what conditions or requirements under [Section 920] subsection (7.1) it will impose in the permit"
- for a building permit, as required by the Community Charter (Section 56), "the land may be used safely for the use intended"

Check one

- with one or more recommended registered covenants.
- without any registered covenant.
- for flood plain bylaw variance (for debris flows only), as required by the "Flood Hazard Area Land Use Management Guidelines" associated with the Local Government Act (Section 910), "the development may occur safely."
- for flood plain bylaw exemption (for debris flows only), as required by the Local Government Act (Section 910), "the land may be used safely for the use intended."

RICHARD MCKINLEY, P.ENG.  
Name (print)

AUGUST 18, 2011  
Date

[Signature]  
Signature

2781 LANA ROAD  
Address

NANOWE BAY, BC

(250) 468-1759  
Telephone



(Affix Professional seal here)

If the Qualified Professional is a member of a firm, complete the following.

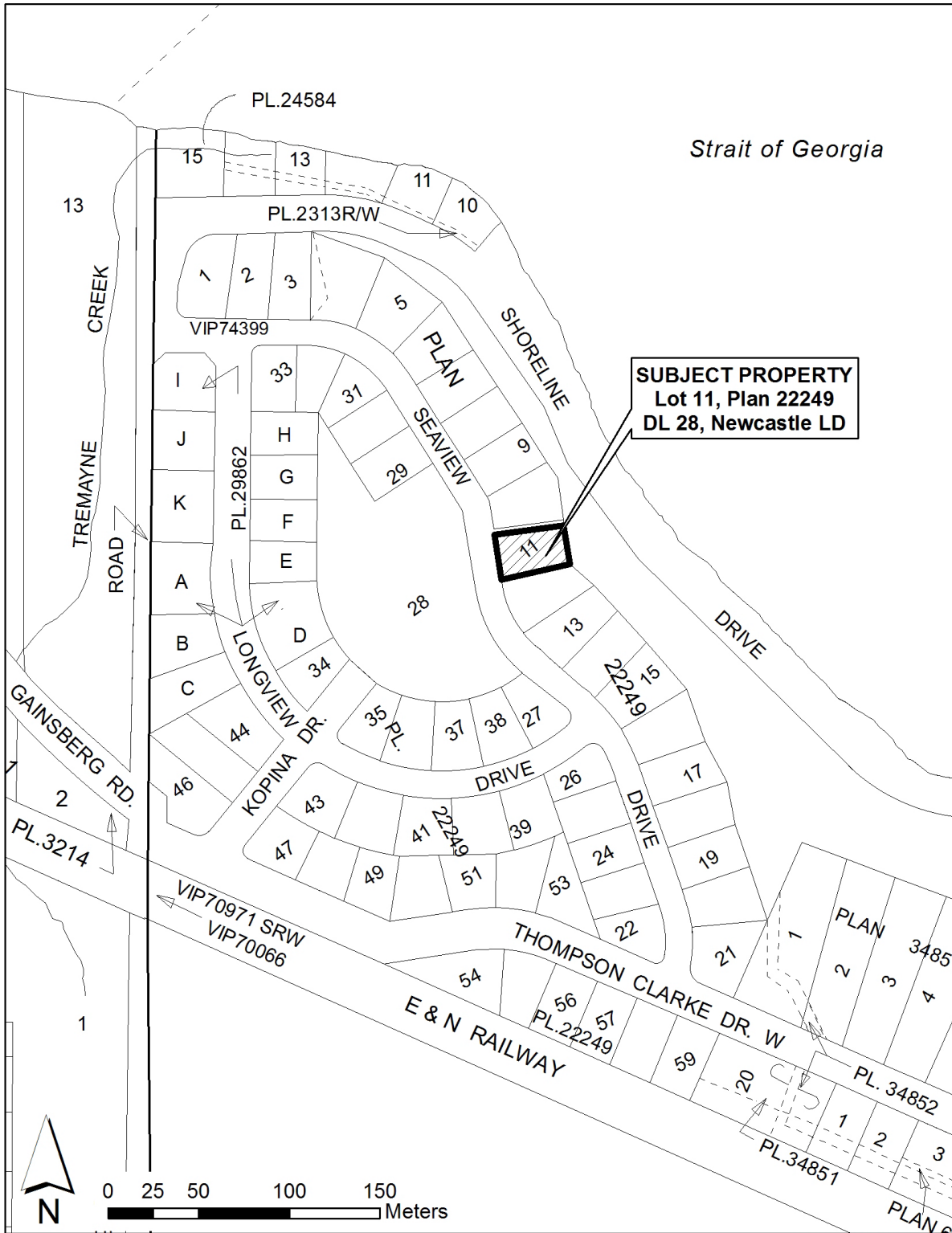
I am a member of the firm GROUND CONTROL GEOTECHNICAL ENGINEERING LTD.  
and I sign this letter on behalf of the firm. (Print name of firm)

<sup>16</sup> When seismic slope stability assessments are involved, level of landslide safety is considered to be a "life safety" criteria as described in the National Building Code of Canada (NBCC 2005). Commentary on Design for Seismic Effects in the User's Guide, Structural Commentaries, Part 4 of Division B. This states:

"The primary objective of seismic design is to provide an acceptable level of safety for building occupants and the general public as the building responds to strong ground motion; in other words, to minimize loss of life. This implies that, although there will likely be extensive structural and non-structural damage, during the DGM (design ground motion), there is a reasonable degree of confidence that the building will not collapse nor will its attachments break off and fall on people near the building. This performance level is termed 'extensive damage' because, although the structure may be heavily damaged and may have lost a substantial amount of its initial strength and stiffness, it retains some margin of resistance against collapse."



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



BCGS MAPSHEET: 92F.047.3.2



CAO APPROVAL	
EAP	✓ App. 10/12
COW	
MAR 30 2012	
RHD	
BOARD	

MEMORANDUM

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

**DATE:** March 30, 2012

**FROM:** Kim Farris  
Planner

**FILE:** PL2011-174

**SUBJECT:** Development Permit with Variance Application No. PL2011-174 - C.A. Design  
Lot 9, Section 7, Range 6, Cedar District, Plan 9877 – 2550 Pylades Drive  
Electoral Area 'A'

PURPOSE

To consider an application for a Development Permit with Variance to permit construction of a dwelling unit on the subject property.

BACKGROUND

The Regional District of Nanaimo has received an application from John Larson, C.A. Design on behalf of Lawrence and Doreen Doerr in order to permit the construction of a dwelling unit. The subject property is approximately 1,373 m<sup>2</sup> in area and is zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment 1 for subject property map).

The subject property currently contains two existing detached garages and a dwelling unit that has been destroyed by fire. The property is bordered by residential parcels to the north, an undeveloped highway right-of-way to the south, Pylades Drive to the west, and Stuart Channel to the east.

The proposed development is subject to Environmentally Sensitive Feature/Coastal Areas Development Permit Area as per "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011".

This application was considered by the Electoral Area Planning Committee (EAPC) at its regular meeting on February 14, 2012, however the Committee recommended that the Board refer the application back to staff for further review. The Board of the Regional District of Nanaimo at its regular meeting held on February 28, 2012, approved the resolution to refer the application back to staff for further discussion with the applicant.

Following Board direction, staff worked with the applicant to address concerns related to potential impact on views from surrounding properties and impacts on the foreshore due to the requested variance. In addition concerns were identified regarding structures located within the Ministry of Transportation and Infrastructure (MOTI) undeveloped highway right-of-way, which are related to the use of the subject property.

The applicant revised the proposed development and requested variances in order to address the concerns identified above. The applicant advised that the uneven and rocky foreshore precludes an at

grade patio and that a deck is necessary to provide a safe exit from the rear of the home and a reasonable outdoor living area for the property owners. The applicant proposed to reduce the footprint of the deck therefore decreasing the requested setback from the sea from 0.0 metres as originally requested to 2.0 metres. The applicant also agreed to not erect solid screening around the deck in order to reduce any potential view impact from surrounding properties. The required guard around the deck is proposed to consist of railings, their supports and clear view panels to a maximum height of 1.1 metres as necessary to meet the requirements of the British Columbia Building Code. The applicant also agreed to remove structures located within the MOTI undeveloped highway right-of-way, that were related to the use of the subject property.

The applicant was then considered by the EAPC at its regular meeting on March 13, 2012, at which time the Committee recommended approval of the application. The Board of the Regional District of Nanaimo at its regular meeting held on March 27, 2012, referred the application back staff with approval of the following resolution:

*MOVED Director McPherson, SECONDED Director Young, that Development Permit with Variance Application No. PL2011-174, 2550 Pylades Drive be referred back to staff for discussion with the applicant with the specific purpose of having a detailed assessment of the condition of the existing foundation including its suitability for use to support the new structure and including the potential for mould to form and create a problem in the future. CARRIED*

### **Proposed Development and Variances**

The property owners are proposing to reconstruct a dwelling unit on the original foundation within the existing building footprint which is non-conforming in regard to siting, as the dwelling was constructed prior to the adoption of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". Physical site constraints restrict the building envelope for the proposed new dwelling unit. A steep slope in the western portion of the property reduces the amount of buildable area. The property owners also intend to rebuild one of the existing garages to reflect the new design of the proposed dwelling unit which limits the buildable area further.

The dwelling unit was damaged more than 75% of its value above its foundation therefore the dwelling unit is no longer protected by the non-conforming provisions of Section 911(8) of the *Local Government Act*. As such, reconstruction of the dwelling unit must comply with the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The applicant is requesting a variance to reduce the minimum setback from Other Lot Line (adjacent to undeveloped road) from 5.0 metres to 2.0 metres, and to reduce the minimum setback from the sea from 8.0 metres to 2.0 metres to permit the siting of a new deck (see site plan in *Schedule 2*). The closest portion of the proposed deck will be 2.0 metres from the top of slope from the sea and the closest portion foundation of the proposed dwelling unit will be 4.1 metres.

The MOTI has confirmed it supports the proposed variance to reduce the minimum setback from the adjacent undeveloped road from 5.0 metres (for Other Lot Line) to 2.0 metres.

### **ALTERNATIVES**

1. To approve the Development Permit with Variance Application No. PL2011-174 subject to the conditions outlined in *Schedules 1 to 3*.
2. To deny the Development Permit with Variance Application No. PL2011-174.

## LAND USE IMPLICATIONS

### ***Development Implications***

The applicant has submitted an Environmental Assessment Report prepared by Toth and Associates Environmental Services and dated December 8, 2011. The report states that, given the shoreline is exposed rock, there is little opportunity to improve upon conditions or increase the amount of naturally vegetated area within the development permit area on the property. The report concludes that the reconstruction of the existing home on the existing foundation will not result in any additional impacts or further intrusion into the Coastal Area Development Permit Area.

The applicant also provided a Geotechnical Hazards Assessment Report prepared by Ground Control Geotechnical Engineering Ltd. dated September 30, 2011. The report notes that the foreshore of the ocean consists of bedrock bluffs that are highly resistant to erosion and form a natural seawall. The Engineer states the completed project will have no significant detrimental impact on adjoining properties, public infrastructure, or the environment from a geotechnical point-of-view as the house will be reconstructed on the existing foundations.

To address the Regional Board's resolution of March 27, 2012, the applicant supplied a foundation report dated April 15, 2011, prepared by Paul Mullen, Professional Engineer, to satisfy insurance requirements (see Attachment 2). The stated objective of this report is to determine what part or parts of the residence are structurally satisfactory for reconstruction. The engineer states the foundation is satisfactory for reuse based on the observation that it is believed the foundation was not exposed to extreme temperatures for any length of time. While the report's findings support re-use of the existing foundation, based on the concerns expressed by the Board, in staff's opinion it would be reasonable to require a Structural Engineer's sign off on the foundation be required at building permit stage as a condition of development permit approval (see Conditions of Approval – Schedule 1).

At this time the applicant is preparing suitable information to address the Board's concern with the potential for future mould contamination. At the date of preparing this report for the EAPC, the complete information was not available. With a view to moving this application forward, and in light of delays experienced to this point, the applicant has requested the opportunity to address the concern regarding potential mould contamination directly at the April 10, 2012 EAPC meeting.

### ***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.

### ***Sustainability Implications***

In keeping with Regional District of Nanaimo Board policy, staff have reviewed the proposed development with respect to the "Regional District of Nanaimo Sustainable Development Checklist". Sustainable aspects of the development include the use of an engineered rainwater collection system to supply all potable water for the dwelling unit. The rainwater collection system is a water conservation measure which will reduce water use, protect drinking water supplies, and minimize impacts to the Yellow Point Aquifer. In addition, the applicant is proposing to reuse the existing dwelling foundation which will minimize land disturbance.

**Inter-governmental Implications**

The applicant obtained a permit from the MOTI to reduce the setback from the highway right-of-way from 4.5 metres to 2.0 metres. The property owners' driveway extends over a portion of the adjacent undeveloped highway right-of-way to the south. The applicant has received approval from MOTI for use of the driveway over the adjacent unconstructed road.

**SUMMARY/CONCLUSIONS**

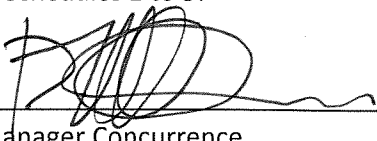
This is an application for a Development Permit with Variance to permit the reconstruction of a dwelling unit on an existing foundation within the Environmentally Sensitive Features/Coastal Areas Development Permit Area. In addition, the applicant is requesting a variance to reduce the minimum setback from the Other Lot Line from 5.0 metres to 2.0 metres, and to reduce the minimum setback from the sea from 8.0 metres to 2.0 metres in order to accommodate the construction of a new dwelling unit on an existing foundation. The applicant has provided an Environmental Assessment Report and Geotechnical Hazards Assessment Report in support of the application in addition to an Engineering Report confirming the foundation is satisfactory for reuse based on the observation that it is believed the foundation was not exposed to extreme temperatures for any length of time. Staff recommend requiring a Structural Engineer to sign off on the foundation as a requirement of the building permit application. The applicant intends to provide comments and information regarding potential for mould contamination of the foundation at the April 10, 2012 EAPC meeting.

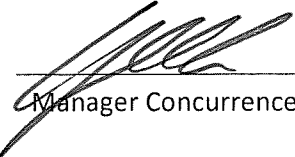
As the application is consistent with the Development Permit Area guidelines and measures have been taken by the applicant to mitigate potential negative impacts on views for the adjacent properties and address potential foundation concerns, staff recommend that the Board approve the Development Permit with Variance pending the outcome of the public consultation.


**RECOMMENDATIONS**

1. That staff be directed to complete the required notification; and
2. That Development Permit with Variance Application No. PL2011-174 to permit the construction of a dwelling unit be approved subject to the conditions outlined in *Schedules 1 to 3*.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
General Manager Concurrence

  
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
CAO Concurrence

**Schedule 1**  
**Conditions of Development Permit**

The following sets out the terms and conditions of Development Permit with Variance No. PL2011-174:

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

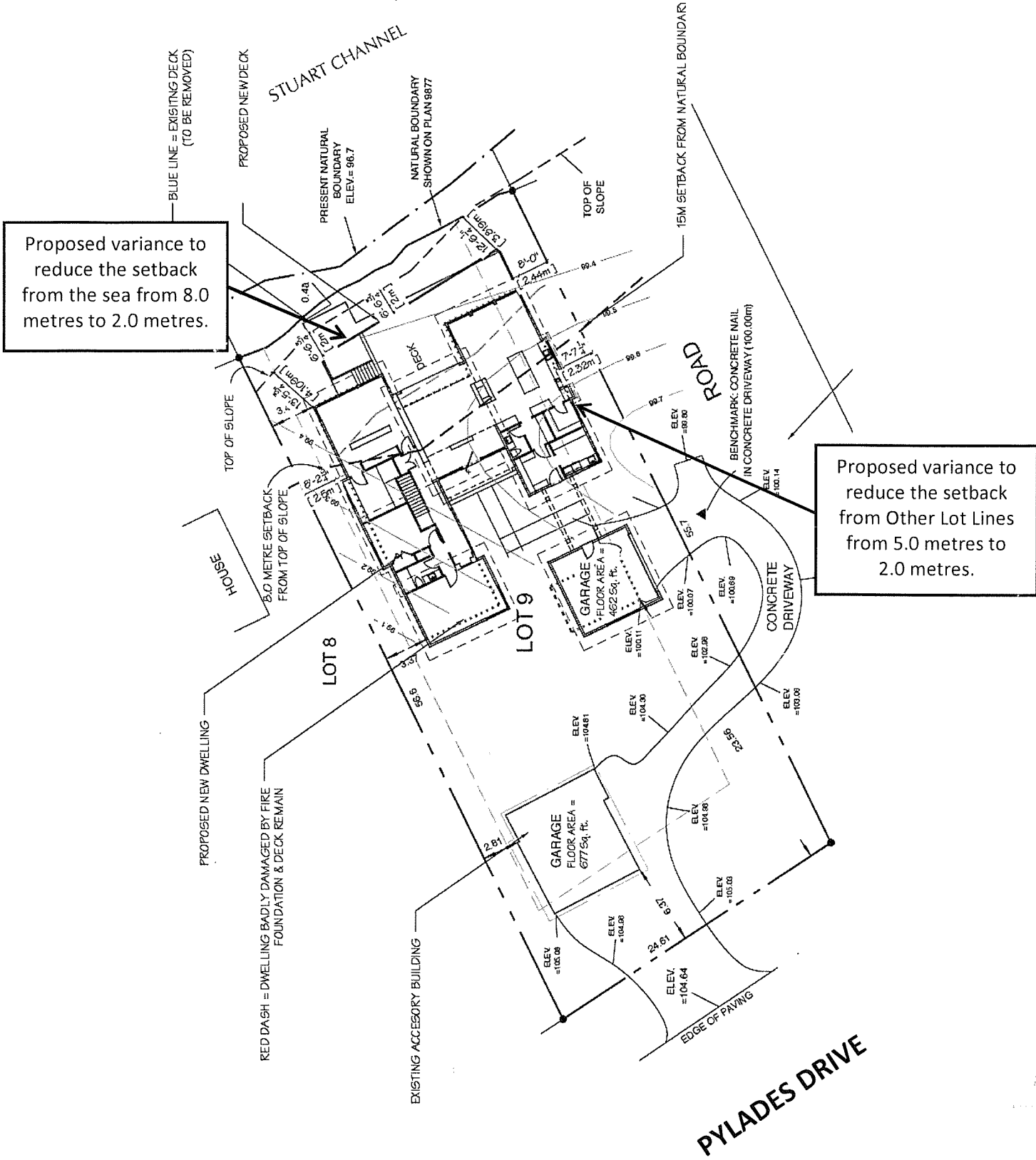
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

1. **Section 3.3.9 a) i) – Setbacks – Sea** to reduce the horizontal distance inland from the top of a slope of 30% or greater from 8.0 metres to 2.0 metres.
2. **Section 3.4.62 – Minimum Setback Requirements** to reduce the Other Lot Lines from 5.0 metres to 2.0 metres.

**Conditions of Approval**

1. The dwelling unit shall be sited in accordance with the site plan attached as *Schedule 2*.
2. The dwelling unit shall be constructed generally in compliance with the elevation drawings attached as *Schedule 3*.
3. A Structural Engineer shall sign-off on the foundation as a requirement of the building permit application.
4. No solid screening shall be erected around the deck between the rear building face of the dwelling unit and the rear lot line except as permitted in Conditions of Approval No. 4.
5. A clear view guard rail not more than 1.1 metres in height may be constructed around the deck as required by the British Columbia Building Code as shown on *Schedule 2*.
6. The subject property shall be developed in accordance with the Environmental Assessment Report prepared by Toth and Associates Environmental Services and dated December 8, 2011.
7. The subject property shall be developed in accordance with the Geotechnical Hazards Assessment Report prepared by Ground Control Geotechnical Engineering Ltd and dated September 30, 2011.

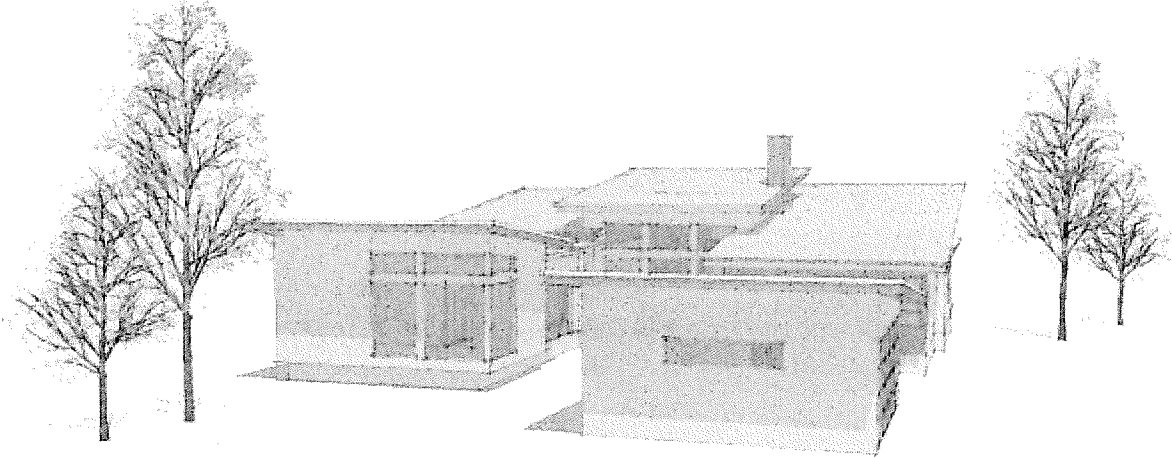
Schedule 2  
 Proposed Site Plan and Variance



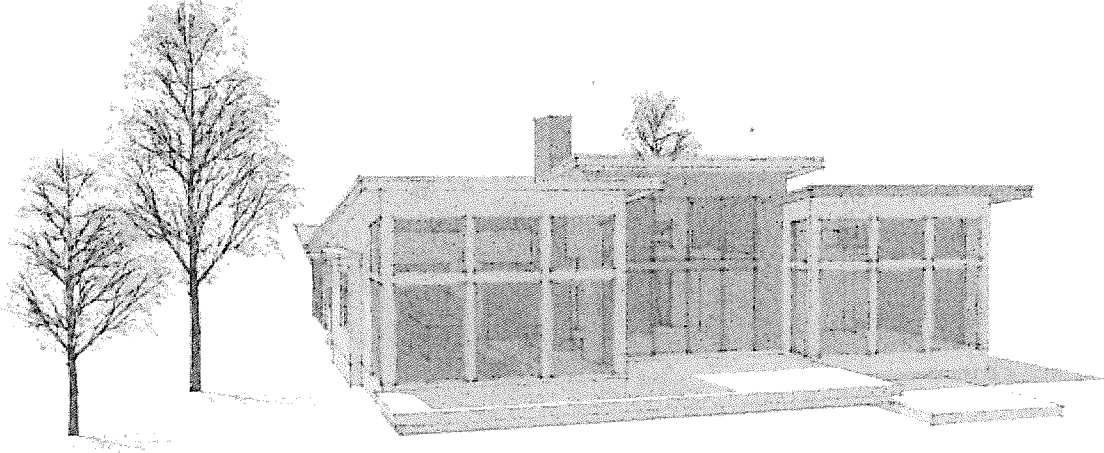
Proposed variance to reduce the setback from the sea from 8.0 metres to 2.0 metres.

Proposed variance to reduce the setback from Other Lot Lines from 5.0 metres to 2.0 metres.

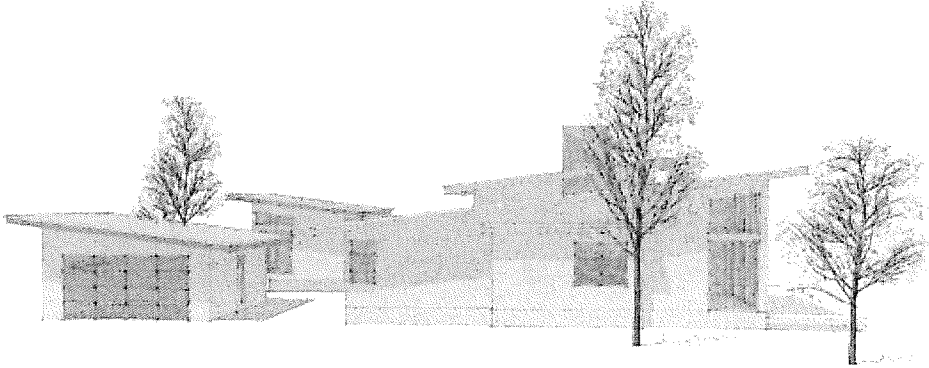
**Schedule 3  
Building Elevations**



West Elevation - 2  
Street Front



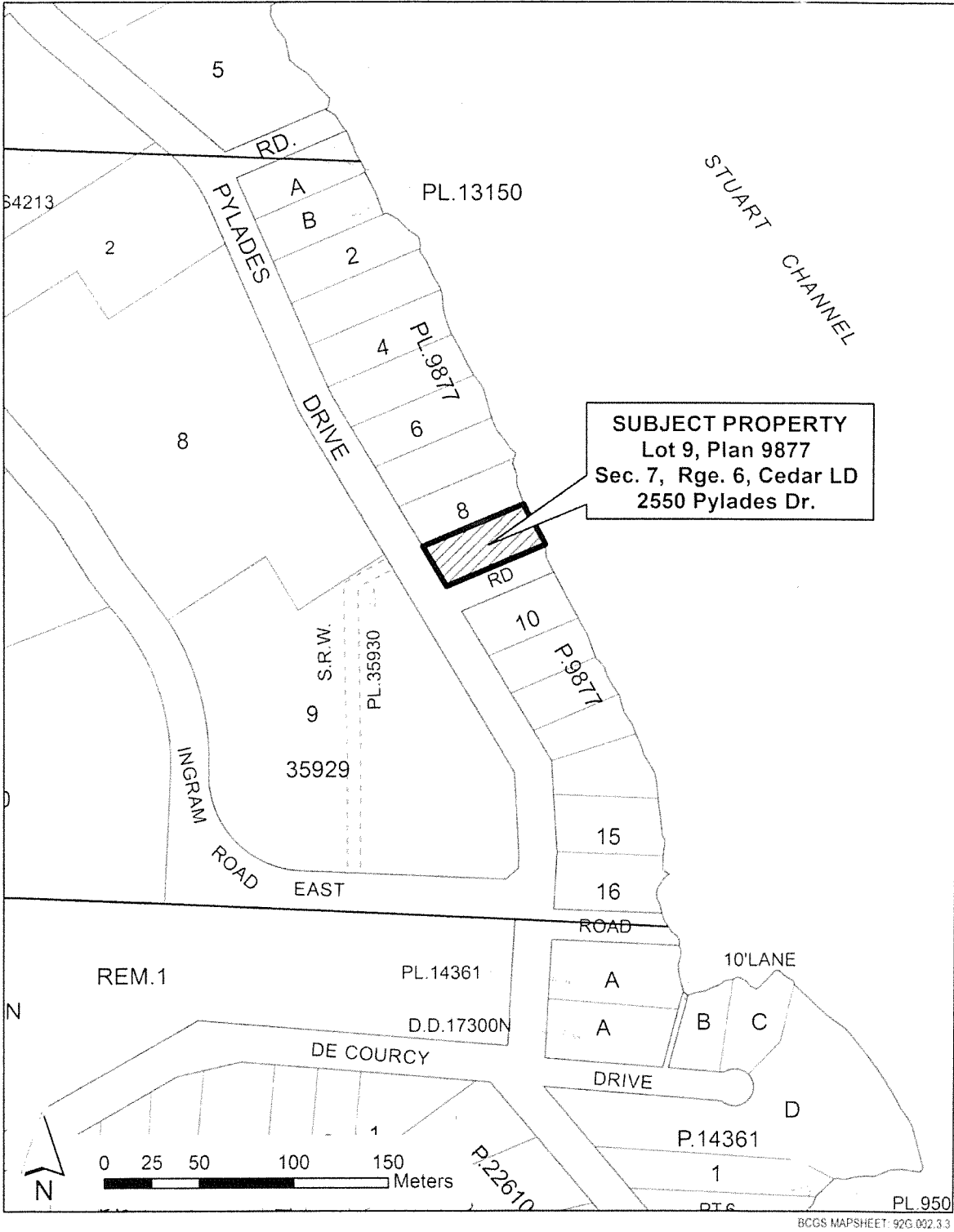
East Elevation - 3  
Crown Front



South Elevation - 1  
Ridge Side



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



ENGINEERING REPORT

for

THE WHOLE SHOW  
RESTORATIONS

2550 PALADES DRIVE  
YELLOW POINT, B.C.

SUBJECT:  
Inspection of fire damaged structure

Dated 05 Apr. 2011

PREPARED BY:

PAUL MULLEN, PEng.  
1318 Price Rd.  
Parksville, B.C.  
V9P 2C7  
(250) 951 0605

*Page 1 of 4*

## REPORT FOR 2550 PYLADES DRIVE

### BACKGROUND

The residence at 2550 Pylades Drive suffered extensive damage due to a structure fire. The report is an assessment of the structure remaining after the fire as viewed before cleanup. The objective being to ascertain what part or parts of the residence are structurally satisfactory for reconstruction.

### HOUSE LAYOUT

The residence is a two story structure built on a full basement with a complete perimeter concrete foundation. The main floor consists of a U shaped layout with the main part of the house facing the water with two separate extensions extending towards the road. On the left (as facing the water) there is a bedroom wing consisting of a series of bedrooms and bathrooms, on the right side there was a family room /music room. There is a large masonry multiple fireplace structure dividing the family room from the main part of the house. The second story consists of a single room over the central core of the house accessible via a spiral staircase.

### CONSTRUCTION

The house was wood frame construction, 2"x10" floor joists, 3/4" hardwood flooring in the main part of the house including the family room, 2"x6" ceiling joists overlaid with 1"x4" strapping and cedar shakes. The walls were sheathed in plywood and cedar siding on the outside and a mix of drywall and wood panelling on the inside.

### DAMAGE-FRAMING

The wood structure on the right side of the building was completely destroyed. The fire penetrated the floor and the roof of the family room resulting in total collapse into the basement. This was the area suffering the heaviest damage with the fire extension progressing into the kitchen area and up the spiral stair case into the second story. It appears the source of the fire was most likely in the basement under the family room with the chimney base offering considerable protection to the remainder of the basement prior to the fire breaking through the floor. The under floor thermal layer radiating out to the rest of the house was probable in the order of 500 deg. C. This resulted in the melting of most of the plastic materials underfloor including the piping, wiring and the styrofoam insulation covering the foundation wall. This burning plastic material covers everything in a heavy acrid smoke that is so difficult to clean away. Most of the left side of the house only suffered smoke damage and is therefore structurally intact but the cost of remediation probably exceeds the cost of rebuilding. That is beyond the scope of this report. One thing to note if the house is rebuilt the existing vaulted roof structure does not meet code for either insulation or ventilation requirements. This will affect the configuration of the chimney.

*Page 2 of 4*

#### DAMAGE-CONCRETE & MASONRY

The structural integrity of the chimney and the concrete foundation is more difficult to access. I'll deal with each of these separately. In the discussion I'll refer to the two papers attached to the report that detail the transformations in fire damaged concrete and masonry.

#### References

1. Forensic engineering of fire damaged concrete structures - Jeremy P Ingram
2. Assessment of fire-damaged concrete and masonry structures - The application of Petrography - Jeremy P. Ingram

#### Foundation-

The only part of the exterior foundation that was exposed to an significant heat would have been directly under or in close proximity to the family room. The fire in this room appears to have been concentrated close to the chimney as evident by the heavy charring of the floor members next to the fireplace(photo #7) when compared to the box joists in the perimeter walls.(photos #10,12) The walls appear to have been framed and insulated offering some protection from the heat of the fire. The foundation walls are also covered in soot which would have burnt away if they had been subjected to the intense heat the fireplace was.

#### Masonry Chimney -

The masonry appears to have been subjected to more intense heat than the foundation based on several indicators. The brick was burned clean of all smoke deposits and paint residue.(The brick was painted as evident by the outline of items hung on the masonry-photo #4) The masonry colouration changes as you look across the face towards the centre of the chimney.(photos #6 &8) The surface goes from painted to a pinkish hew to a dull white/grey colour. This is consistent the indications of Table 1 of ref 1, or Table 2 of ref 2. The pinkish tinge marks the beginning of the loss of strength to masonry at a temperature of approximately 300 deg. C to a point where the concrete turns grey/white and is considered structurally compromised. This occurs where the temp exceeds 600 deg. C. I believe it would be safe to say the centre of the fire exceeded 600 deg. C for a sustained period of time. I base this observation on the heavy charring of the mantles,(photo #11), the complete deterioration of the grout bonding the tile and the marble to the hearths, and the extent of the damage to the roof. It was noted that the marble on the kitchen hearth crumbled easily. On page 10, Table 3 of ref 2 ,under marble, there is a note that marble disintegrates above 600 deg C. In a complex structure such as this the thinner sections such as the lintels over the alcove and wood boxes will be more susceptible to damage than the more massive sections

## CONCLUSIONS

Framing- the framing can be repaired or replaced in the most cost effective manner. This is a straight forward exercise.

Foundation- The foundation I would say is satisfactory for reuse based on the observation that I don't believe it was exposed to extreme temperature for any length of time. It is a 8" solid wall only supporting a single story.

Chimney- I am not capable of carrying out the specialized tests alluded to in the referenced papers so I have to make a recommendation based on a visual observation. The surface indications are that the chimney has some areas that have been heat damaged but without coring the masonry the extent (depth) of the damage is unknown.

Based on the visual indications and the size and complexity of the structure I would take the conservative approach and recommend the chimney be replaced. Core samples could be taken to justify retaining the chimney but if localized repairs are required it will probably never look quite right.

Paul Mullen,PEng







2550 PLYADES DR







2550 PYLADES DR

5



6



7



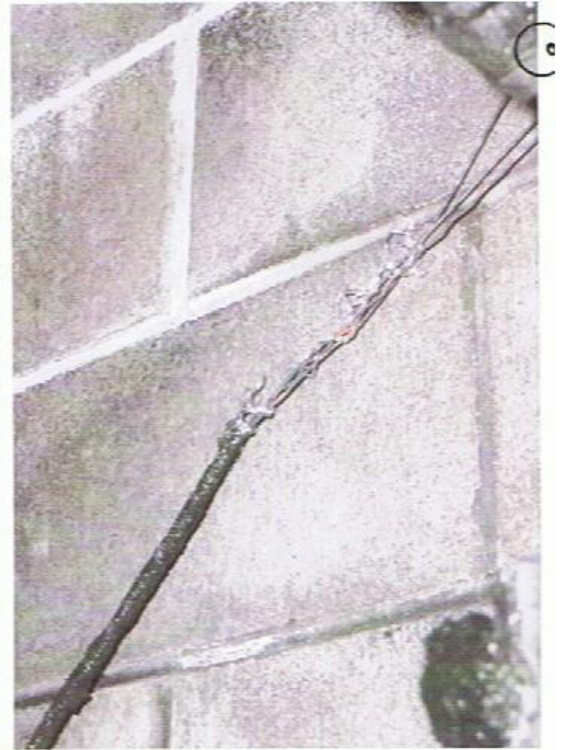
8

05 APR 2011





2650 PYLADIES DR.







CAO APPROVAL (21)		
EAP	✓	Apr. 10/12
COW		
MAR 30 2012		
RHD		
BOARD		

## MEMORANDUM

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

**DATE:** March 30, 2012

**FROM:** Kim Farris  
Planner

**FILE:** PL2011-053

**SUBJECT:** Building Strata Conversion Application No. PL2011-053 - Bennett  
Lot 3, Section 7, Range 4, Cranberry District, Plan VIP67928 – 70 & 76 Colwell Road  
Electoral Area 'C'

### PURPOSE

To consider a request to approve a building strata conversion of a residential development pursuant to Section 242 of the *Strata Property Act* in order to permit the creation of two residential building strata lots.

### BACKGROUND

The Regional District of Nanaimo (RDN) has received a building strata conversion application from Gary Bennett and Pamela Bennett, owners of the subject property, for the parcel legally described as Lot 3, Section 7, Range 4, Cranberry District, Plan VIP67928 and located at 70 & 76 Colwell Road within Electoral Area 'C' (see *Attachment 1* for location of subject property). The property is zoned Rural 1 and is situated within Subdivision District 'D' (RU1D) (2.0 ha minimum parcel size with or without community services) as per the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". Under the Rural 1 zone, two dwelling units are permitted if the parcel is greater than 2.0 ha in area. In this case, the parent parcel is 2.01 ha in area, and is therefore permitted two dwelling units.

There are two existing dwelling units on the subject property which were completed in 2006 and 2010, respectively. Surrounding land uses include rural residential to the east, west, and south across Colwell Road, and rural to the north.

#### ***Proposed Development***

The applicants propose to create two building strata lots, including the existing one-storey single dwelling unit and detached accessory structure within proposed Strata Lot A; and an existing two-storey single dwelling unit within proposed Strata Lot B (see *Schedule 2 for proposed building strata subdivision plan*). The proposed building strata units are serviced with individual wells and a common private septic disposal system, and have vehicular access from Colwell Road.

### ALTERNATIVES

1. To approve the request for a building strata conversion (Application No. PL2011-053) as submitted, subject to the conditions outlined in *Schedules 1 and 2*.
2. To deny the request for a building strata conversion (Application No. PL2011-053)

## LAND USE IMPLICATIONS

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

The subject property is located within the Rural Residential land use designation pursuant to the "Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw No. 1148, 1999". The objectives of this designation are to preserve rural character, protect the supply of groundwater for domestic use, and to recognize the importance of home based business. The Rural Residential Policy No. 2)d) supports:

- a maximum of two dwelling units on parcels greater than 2.0 ha;
- creation of strata title properties through subdivision under the *Strata Property Act* where feasible.

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

- Farm Land Protection DPA for the purposes of protecting adjacent lands in the Agricultural Land Resource (ALR);
- Fish Habitat Protection DPA for the purpose of protecting the natural environment, its ecosystems, and biological diversity.

As the property is not located adjacent to ALR land and the property owners have signed a Riparian Area Regulation Declaration Form, a Development Permit is not required.

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

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

- the priority of rental accommodation over privately owned housing in the area;
- any proposals for the relocation of persons occupying a residential building;
- the life expectancy of the building;
- projected major increases in maintenance costs due to the conditions of the building; and
- substantial compliance of the buildings with applicable bylaws and the building code.

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

### ***Development Implications***

The proposed building strata conversion appears to address most of the criteria that the Board must consider in accordance with Section 242 of the *Strata Property Act*, with some exceptions.

With respect to the priority of rental accommodation over privately owned housing in the area, the neighborhood where the subject property is located is characterized by owner-occupied single dwellings situated on rural and rural residential parcels. As a result, the priority of rental accommodation is not considered to be significant. Furthermore, the owner and owner's immediate family members currently occupy the buildings to be stratified so there is no relocation of persons involved.

With respect to the life expectancy of the building, the applicant submitted a structural review report prepared by Opus Engineering Ltd. and dated January 25, 2012 certifying that the existing dwelling units were completed in 2006 and 2010. The report states the one-storey dwelling unit, located at 76 Colwell Road, is in very good structural condition and the two-storey dwelling unit, located at 70 Colwell Road, is in good structural condition. The report concludes that the one-storey dwelling unit substantially complies with the 2006 BC Building Code and the two-storey dwelling unit was built under the 1998 BC Building Code which they believe also substantially complies with the 2006 BC Building Code. Further, assuming normal maintenance is being performed, a life expectancy of 50 years minimum could be expected for both houses.

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

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

- proposed strata site plan;
- professional engineer's report of existing dwelling units conformity to building codes;
- letter of compliance for the existing septic system;
- snapshot well assessments;
- water well record (for well located on proposed Strata Lot B);
- picture of well identification tag (for well located on proposed Strata Lot A);
- well water quality report;
- RDN sustainability checklist.

With respect to waste water disposal, the applicants have provided a Sewerage System Letter of Certification and a Sewerage System Operation and Maintenance Plan from a Qualified Professional dated November 22, 2011 certifying that the existing septic disposal system substantially complies with the applicable regulations in place at the time the system was built, and if the system is operated and maintained as set out in the maintenance plan, the sewerage system will not cause or contribute to a health hazard. As the septic field (covenant VIP67929) services both dwelling units, the proposed plan of strata conversion shows the septic field as common property.

### ***Water Quality and Well Standards***

With respect to potable water, the applicant submitted a water analysis for the existing wells prepared by MB Laboratories Ltd. and dated February 2, 2012. The report concludes that the chemistry analysis for one well shows high levels of non-coliform and total plate count (TPC) and for both wells the iron content is greater than the recommended maximum concentration. Through the proposed strata

conversion approval under the *Strata Property Act*, the Approving Authority (the Regional Board) must among other things consider any matters that in its opinion are relevant. Ensuring the strata's drinking water supply meets current standard in relation to quality, quantity and protection is a matter that in staff's opinion is highly relevant to the Board's consideration of approval. Staff recommend that as a condition of approval, the applicant confirm proper water treatment for both wells and confirm potable water will meet or exceed the Canadian Drinking Water Standard.

The applicant provided a water well record for the well located on proposed Strata Lot B and snapshot well assessments for both wells. In order to prove the wells can provide a constant and continual flow rate to meet the RDN bylaw requirements in terms of quantity (3.5 m<sup>3</sup> per day year round), a pump test is required. To yield the most accurate results, the pump test should be conducted during months with the lowest water table (July through November). The staff recommend that the applicant be required to complete a pump test for wells servicing the existing dwelling units on the subject property as a condition of approval.

The well reports must include confirmation that the well meets the minimum well standards as outlined in the BC Ground Water Protection Regulations as enacted on November 1, 2005, and as amended from time to time which includes the following:

- i. is at minimum 30 metres from potential sources of contamination, including but not limited to agricultural buildings, septic fields, animal pens/runs, refuse and compost piles, areas of fertilizer/herbicide use or storage, above or below ground storage tanks, and parking areas;
- ii. is outside of a floodplain, or if within a floodplain measures taken/required to protect the well;
- iii. is accessible for maintenance;
- iv. has a secure and watertight cap;
- v. the well head is at minimum 300mm above the adjacent finished grade, and the ground around the well head is sloped away from the well casing.

Preferably the above noted information pertaining to water quality and well standards would have been provided prior to Board consideration. This information has been requested of the applicant and the applicant is working in good faith to provide the information. Staff are of the opinion that in the interest of moving the application forward it is acceptable that this information is made a condition of approval and received prior to registration of the strata subdivision plan.

### ***Sustainability Implications***

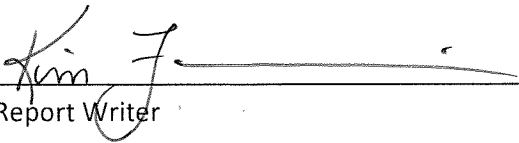
In keeping with RDN Board policy, the applicant has completed the "Sustainable Community Builder Checklist". No sustainability implications were identified through the review of this application.

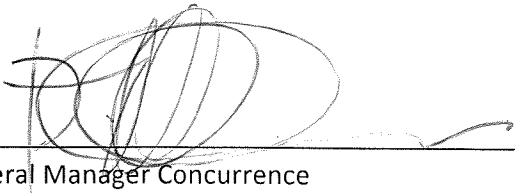
### **SUMMARY/CONCLUSIONS**


The applicant is requesting a building strata conversion of the existing dwelling units on the subject property. Provided the recommended conditions of approval are met, staff is of the opinion that the application appears it will meet the minimum requirements for the approval of a building strata conversion as set out in the *Strata Property Act*. As the building strata conversion is in compliance with the Official Community Plan policies and zoning regulations, staff recommends that the Board support the building strata conversion subject to the conditions as set out in *Schedules 1 and 2* being met prior to registration of the subdivision plan.

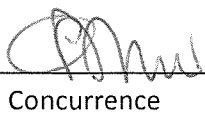
**RECOMMENDATION**

That the request from Gary Bennett and Pamela Bennett for the building strata conversion (Application No. PL2011-053) as shown on the proposed strata plan of Lot 3, Section 7, Range 4, Cranberry District, Plan VIP67928, be approved subject to the conditions being met as set out in *Schedules 1 and 2*.

  
Report Writer

  
General Manager Concurrence

  
Manager Concurrence

  
CAO Concurrence

**Schedule 1**  
**Conditions of Proposed Building Strata Conversion**

The following conditions are to be completed by the applicants to the satisfaction of the Regional District of Nanaimo:

**Conditions of Approval**

**1. Subdivision**

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

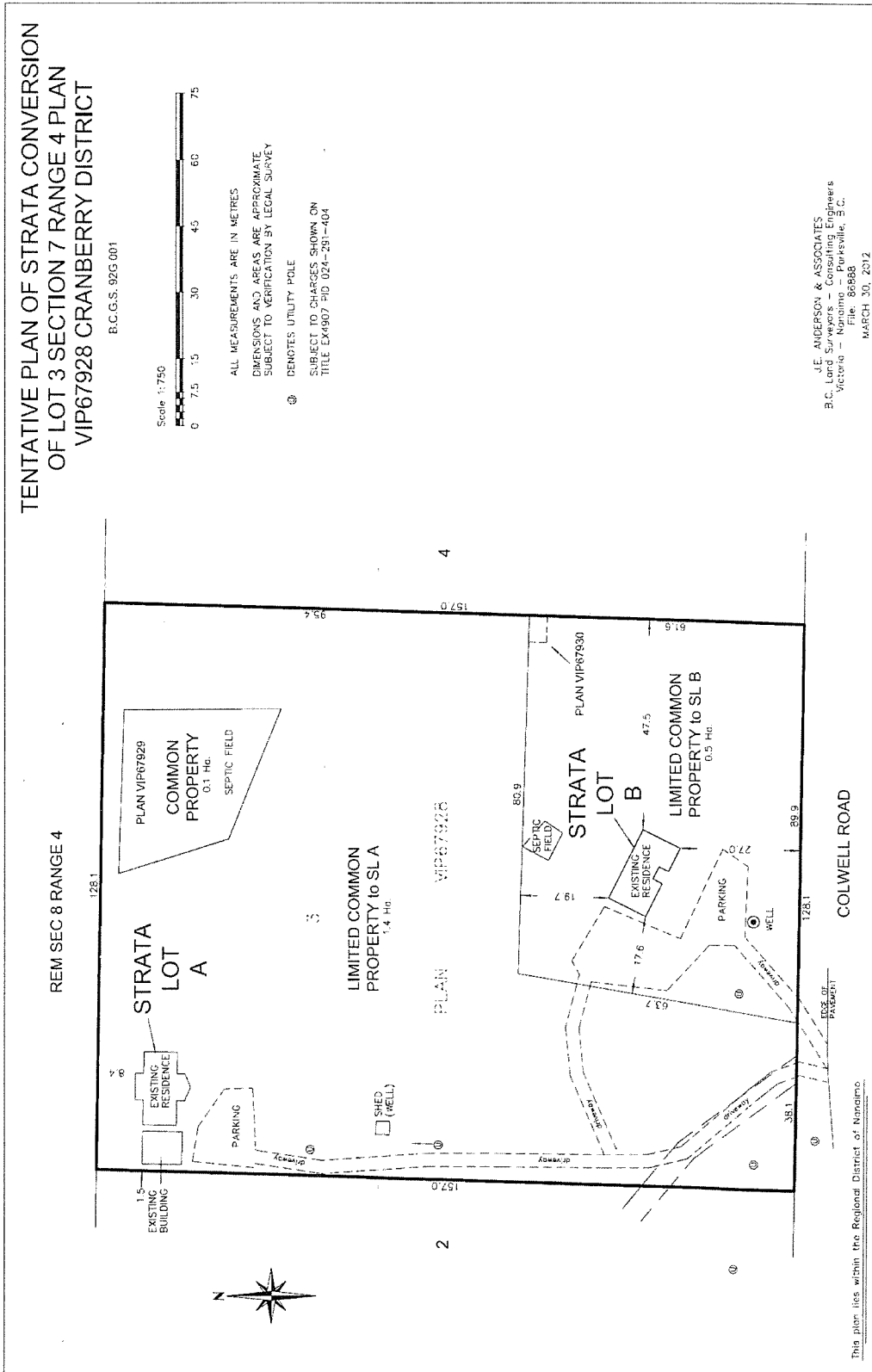
**2. Water Quality**

The applicant shall confirm potable water is properly treated to ensure it meets or exceeds the Canadian Drinking Water Standard.

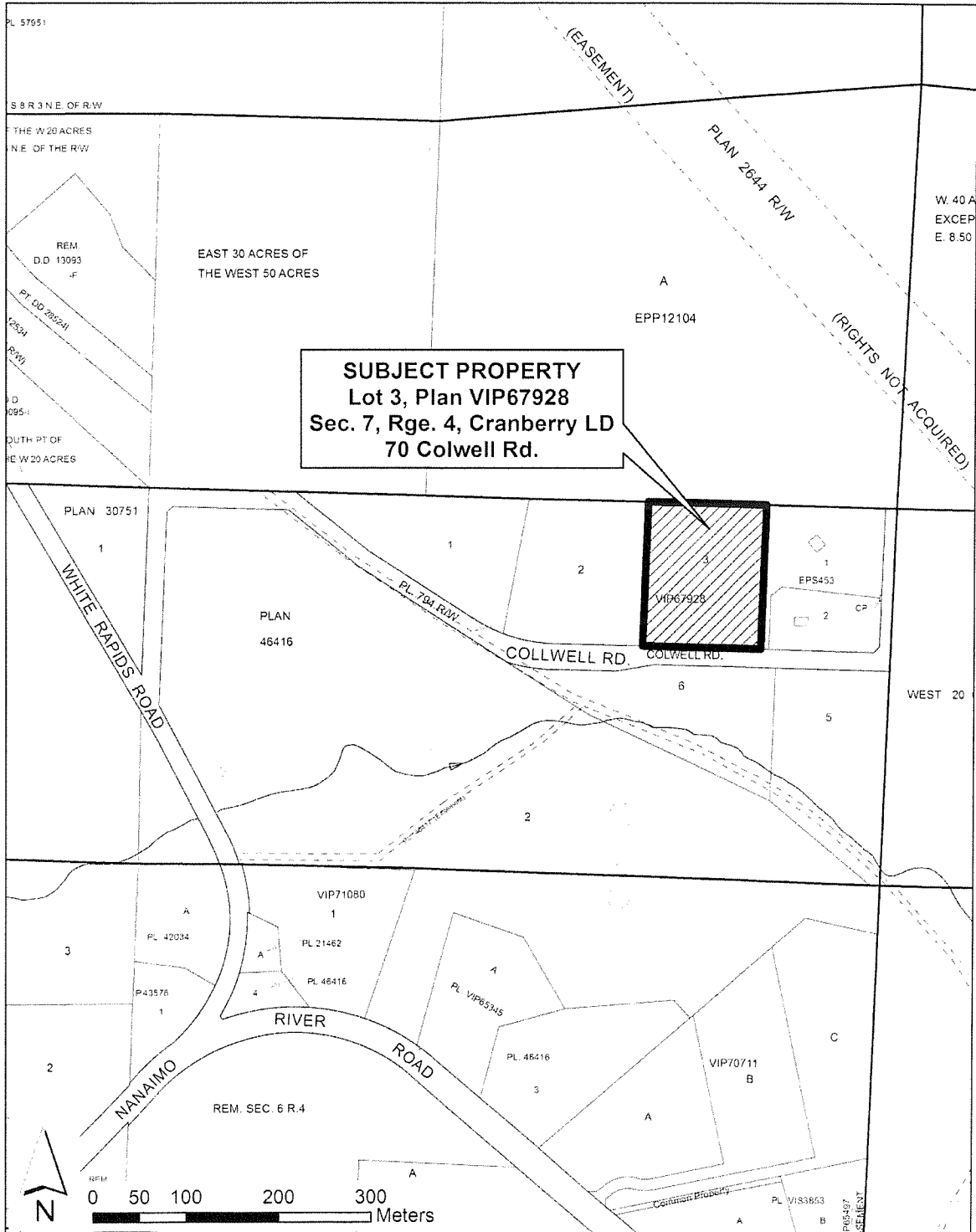
**3. Well Standards**

- a) The applicant shall provide a pump test completed and witnessed by a Qualified Professional for wells servicing the existing dwelling units on the subject property. The pump test is required to run for the greater of 12 hours or until the water level stabilizes at the pumping rate of at least 2.5 litres/minute with a well recovery period monitored for the greater of 6 hours or until the water level recovers to a minimum of 90% of its pre-pumping water level. This pump test should be conducted only during the months of July through November (lowest water table).
- b) The well reports must include confirmation that the well meets the minimum well standards as outlined in the BC Ground Water Protection Regulations as enacted on November 1, 2005, and as amended from time to time which includes the following:
  - i. is at minimum 30 metres from potential sources of contamination, including but not limited to: agricultural buildings, septic fields, animal pens/runs, refuse and compost piles, areas of fertilizer/herbicide use or storage, above or below ground storage tanks, and parking areas;
  - ii. is outside of a floodplain, or if within a floodplain measures taken/required to protect the well;
  - iii. is accessible for maintenance;
  - iv. has a secure and watertight cap;
  - v. the well head is at minimum 300mm above the adjacent finished grade, and the ground around the well head is sloped away from the well casing.

### Schedule 2 Proposed Building Strata Subdivision Plan



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



BCGS MAPSHEET: 92G.001.3.4





CAO APPROVAL <i>(initials)</i>		
EAP	✓	<i>Apr. 10/12</i>
COW		
MAR 30 2012		
RHD		
BOARD		

**MEMORANDUM**

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

**DATE:** March 27, 2012

**FROM:** Lainya Rowett  
Senior Planner

**FILE:** 3320 30 27850

**SUBJECT:** Subdivision Application No. 3320 30 27850 - Request to Accept Park Land Dedication  
Fern Road Consulting Ltd.  
Lot A, District Lot 181, Nanoose District, Plan EPP10954 - 711 Mariner Way  
Electoral Area 'G'

**PURPOSE**

To consider a request to dedicate park land in conjunction with a proposed seven lot subdivision.

**BACKGROUND**

The Regional District of Nanaimo has received a development application from Helen Sims of Fern Road Consulting Ltd., on behalf of Don Cameron, to subdivide the subject property into seven residential lots with park land dedication.

The subject property is 2.8 ha in site area and is zoned Residential 1 (RS1) Subdivision District 'N' (*minimum 1,600 m<sup>2</sup> with community water, or 1.0 ha without community water*) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

The subject property contains an existing dwelling and accessory structures within the western portion of the lot. The applicant proposes to retain the dwelling with structural modifications to ensure the dwelling meets the zoning requirements. The Englishman River Estuary and land owned by The Nature's Trust (Lot A, Plan 17062) follow the southern boundary of the property while the Strait of Georgia borders the property on the north side (*see Attachment 1 for location of subject properties*).

In April 2008, the owner submitted an application for a six-lot subdivision with park dedication (3,550 m<sup>2</sup>) proposed, at the end of Mariner Way. The property was subsequently re-surveyed to reflect a significant portion of the foreshore returned to Crown. In July 2011, the applicant revised his proposal to reflect the new natural boundary (Plan EPP10954). The amended plan, as currently shown, includes seven lots, and a new location for the proposed park along the waterfront, as well as the inclusion of a public access to the water adjacent to the proposed park (*see Schedule 2 for proposed plan of subdivision*).

The subject property is designated within the following applicable Development Permit Areas pursuant to the "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008":

- Hazard Lands;
- Environmentally Sensitive Features for Coastal Protection;

- Environmentally Sensitive Features for Aquifer Protection;
- Fish Habitat Protection.

As part of the subdivision review process, the applicant will be required to address the guidelines of these Development Permit Areas to the satisfaction of the Regional Board. The applicant proposes to submit a separate DP application with supporting documents for consideration of approval. The purpose of this staff report is only to consider acceptance of the proposed park land dedication.

The proposed subdivision is also designated within the Englishman River floodplain and is subject to the "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006". Floodplain considerations will be addressed through the DP application and prior to construction of any new dwelling units.

In addition, a request to relax the minimum 10% frontage requirement, for proposed Lot 5, may be presented to the Board in the future. This request is not being considered at this time as the subdivision configuration may change given the complexity of application reviews required for this development and the Approving Officer's consideration of the proposed subdivision. The location of the proposed park, however, is not likely to change.

### ***Proposed Development***

The applicant proposes to subdivide the subject property under the existing Residential 1 (RS1) zoning to create seven single dwelling residential lots, varying in size from 1,871 m<sup>2</sup> to 6,355 m<sup>2</sup>. The lots are proposed to be serviced by the community water (Regional District of Nanaimo San Pareil Water service area) and individual private septic systems. With community water provided, the proposed lots would exceed the minimum required lot size (1,600 m<sup>2</sup>).

The applicant proposes to dedicate 5% of the property as park land, approximately 1,396 m<sup>2</sup>, in the northwest corner of the property (see *Schedule 2 for proposed plan of subdivision*) to satisfy the requirements of Section 941 of the *Local Government Act*. The applicant also proposes to dedicate an adjacent 20.0-metre strip of land as additional park land (1,069 m<sup>2</sup>) in lieu of the provision of water access requirements of Section 75 of the *Land Title Act*. The combined areas (0.25 ha) will function as one park providing public open space and access to the water.

### **ALTERNATIVES**

1. To accept the offer for park land dedication in the amount and location as set in *Schedule 1*.
2. To deny the offer for dedication of park land.

### **DEVELOPMENT IMPLICATIONS**

#### ***Park Land Implications***

Where an Official Community Plan (OCP) contains policies and designations respecting the location and type of future parks, the local government may determine whether the owner must provide land or cash or a combination of both. Pursuant to the *Local Government Act*, the maximum amount of park land that the Regional District may request for this property is 5% of the total site area, which amounts to

1,395 m<sup>2</sup> in this case. The applicant proposes to dedicate 1,396 m<sup>2</sup> of park land, in the northeast corner of the property, to meet the 5% requirement (see *Schedule 2*). The applicant also proposes to dedicate a 20.0-metre strip of land as additional park land (1,069 m<sup>2</sup>) or approximately 3.8% of the subject property to satisfy the requirements of Section 75 of the *Land Title Act* for public access to the water (Strait of Georgia). This area is shown on the west side of the 5% park dedication (see *Schedule 2*). Together the two park areas would provide 0.25 ha of open space with public access to the waterfront.

The Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008 contains park land related policies, which stipulate that park land is desirable where it provides connections to other parks or natural areas; and offers opportunities for nature appreciation. In this case, the proposed park is located adjacent to existing residential properties and the Strait of Georgia. The park area is open to the waterfront and intended to remain as natural as possible to provide open space and waterfront access. Recreation and Parks staff have reviewed the proposed park dedications and support the inclusion of this area.

#### ***Area 'G' Parks and Open Space Advisory Committee***

The proposal for park land dedication was referred to the Electoral Area 'G' Parks and Open Space Advisory Committee at its meeting of September 7, 2011 (see *Attachment 2 for excerpt of meeting minutes*). To address concerns raised by an adjacent neighbor about the proposed park location, the Committee passed a resolution to approve the 5% dedication in principle with the condition that the applicant work with staff to review alternate park land locations. Subsequently, the applicant provided alternate plans with the park dedication and the 20.0-metre wide public access located further west away from existing lots. Upon review, it was determined that these options were not preferred because they would result in a narrow park lot with reduced accessibility in terms of grade along the beach. As a result, the Committee supports the proposed park land dedication as shown in *Schedule 2* in conjunction with the proposed subdivision.

#### ***Ministry of Transportation and Infrastructure Implications***

The Ministry of Transportation & Infrastructure has reviewed the proposal and advised that it supports the proposal to dedicate the 20.0-metre wide public access to the water as additional park land in excess of the required 5% park land dedication.

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

The following sustainability implications were identified concerning the proposed park dedication:

- The park will provide a public open space and a natural area for respite;
- The proposed park location will ensure accessible beach access;
- The location of the proposed park will not encourage public access to sensitive lands within the Englishman River estuary.

### **PUBLIC CONSULTATION**

#### ***Public Information Meeting***

A Public Information Meeting (PIM) was held on December 14, 2011 and twenty-three people attended the meeting (see *Attachment 3 for summary of the PIM*). Generally, the comments from this meeting supported either cash in lieu or dedication of the proposed park.


**SUMMARY/CONCLUSIONS**

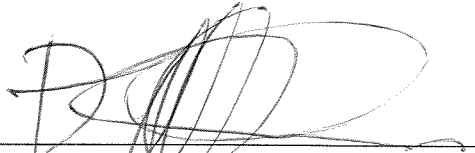
The applicant proposes to subdivide the subject property under the existing zoning (RS1) into seven residential lots. The applicant proposes to dedicate 5% of the property (1,396 m<sup>2</sup>) as park land pursuant to Section 941 of the **Local Government Act**, and to dedicate a 20.0-metre wide strip of land (1,069 m<sup>2</sup> in area) as additional park in excess of the 5% requirement to provide public access to the water pursuant to Section 75 of the *Land Title Act*. This proposal was referred to the Electoral Area 'G' Parks and Open Space Advisory Committee, which commented that the park land is acceptable. The park dedication proposal was also presented at a Public Information Meeting held on December 14, 2011.


As the offer to dedicate park land is consistent with the OCP policies and will enhance opportunities for open space in this neighborhood, staff recommends acceptance of the proposed park land dedication subject to the conditions set out in *Schedule 1*.

**RECOMMENDATIONS**

1. That the request to accept the dedication of park land, as outlined in *Schedule 1*, be accepted.
2. That the Summary of the Public Information Meeting held on December 14, 2011, be received.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
General Manager Concurrence

  
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
CAO Concurrence

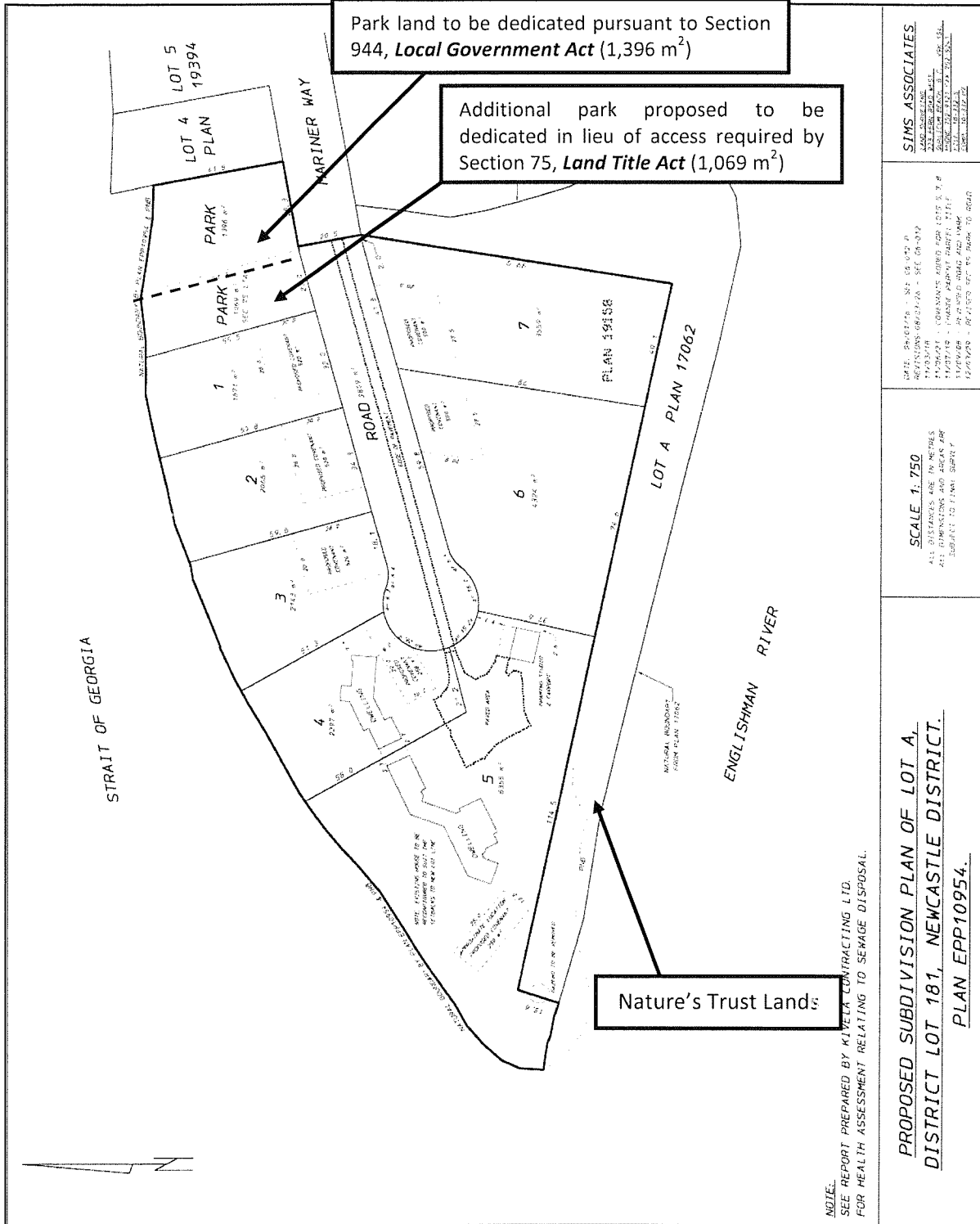
**Schedule 1  
Conditions of Approval**

The following sets out the conditions of approval for park land dedication in conjunction with Subdivision Application No. 3320 30 27850:

**Conditions of Approval:**

1. Park land shall be dedicated in the amount and location as shown on *Schedule 2*, to be dedicated concurrently with the Plan of Subdivision.

**Schedule 2  
Proposed Plan of Subdivision**



**NOTE:**  
SEE REPORT PREPARED BY KIVELA CONTRACTING LTD.  
FOR HEALTH ASSESSMENT RELATING TO SEWAGE DISPOSAL.

**PROPOSED SUBDIVISION PLAN OF LOT A,  
DISTRICT LOT 181, NEWCASTLE DISTRICT.  
PLAN EPP10954.**

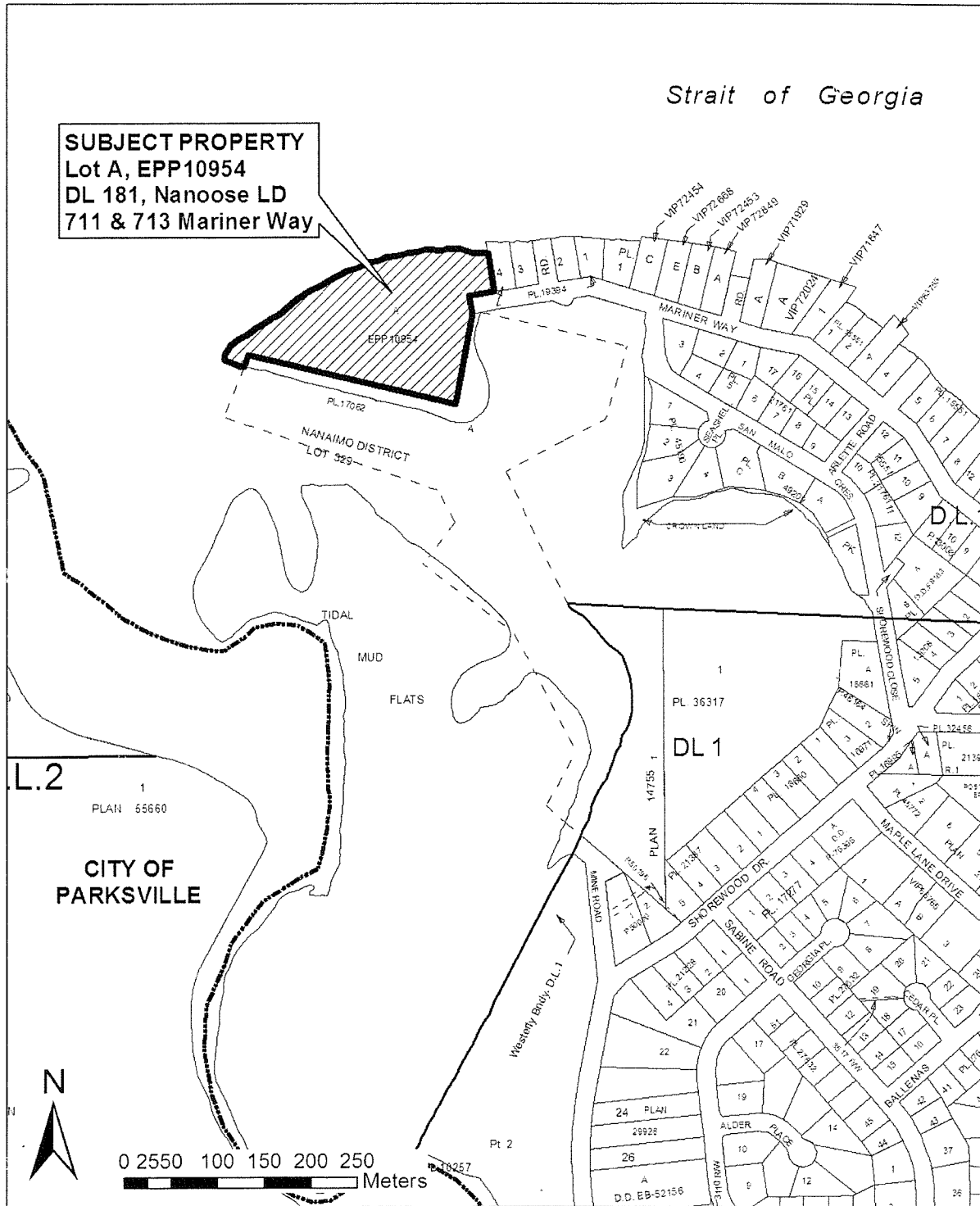
**SCALE 1:750**

ALL DIMENSIONS ARE IN METERS  
AND DECIMALS THEREOF  
SUBJECT TO FINAL SURVEY

DATE: 28/07/10 - SET 05/07/11  
DRAWN: 08/01/10 - SET 08/01/11  
11/03/10  
11/07/10 - TOWN'S ADVICE FOR LOT 5 & 6  
11/07/10 - TOWN'S ADVICE FOR LOT 1, 2, 3, 4  
11/07/10 - TOWN'S ADVICE FOR LOT 7  
11/07/10 - TOWN'S ADVICE FOR LOT 1, 2, 3, 4, 5, 6, 7  
11/07/10 - TOWN'S ADVICE FOR LOT 1, 2, 3, 4, 5, 6, 7

**SIMS ASSOCIATES**  
LAND SURVEYORS  
REGISTERED PROFESSIONAL ENGINEERS  
REGISTERED PROFESSIONAL GEODETISTS  
REGISTERED PROFESSIONAL PLANNERS  
REGISTERED PROFESSIONAL ARCHITECTS  
REGISTERED PROFESSIONAL DESIGNERS  
REGISTERED PROFESSIONAL INTERIORS DESIGNERS  
REGISTERED PROFESSIONAL LANDSCAPE ARCHITECTS  
REGISTERED PROFESSIONAL PAINTERS  
REGISTERED PROFESSIONAL PHOTOGRAPHERS  
REGISTERED PROFESSIONAL SCULPTORS  
REGISTERED PROFESSIONAL THEATRICAL DESIGNERS  
REGISTERED PROFESSIONAL VISUAL EFFECTS DESIGNERS

Attachment 1  
Location of Subject Property



BCGS MAPSHEET 92F 039 2 3



**Attachment 2**  
**Correspondence from the Electoral Area 'G' Parks & Open Space Advisory Committee**

Excerpt from the September 7, 2011, minutes of the Electoral Area 'G' Parks & Open Space Advisory Committee:

A site meeting was held September 7, 2011, at Mariner Way with the applicant to view the potential application and waterfront parkland proposal. Concerns about the proposal, received by email from an adjacent neighbour, were read aloud by Ms. McCulloch. In an effort to address these concerns, the committee requested the applicant submit two alternate park locations for park and planning staff to review.

MOVED M. Corbett, SECONDED B. Coath, that the proposed 5% parkland dedication in conjunction with proposed subdivision of 711 and 713 Mariner Way be accepted in principle with the condition that staff review the alternate park land locations to be submitted by the applicant and make a final recommendation to Planning.

CARRIED

**Attachment 3**  
**Minutes of a Public Information Meeting**  
**Held at Beach Acres Resort, 1015 East Island Highway, Parksville**  
**Wednesday, December 14, 2011 at 7:00 pm**

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

There were 23 people in attendance.

*Present for the Regional District:*

Joe Stanhope, Electoral Area 'G' Director and Chairperson  
Lainya Rowett, Senior Planner, Regional District of Nanaimo

*Present for the Applicant:*

Helen Sims and Linda Rann of Fern Road Consulting, Agents

The meeting was brought to order at 7:10 pm and the Chairperson stated the purpose of the Public Information Meeting, introduced staff and the project consultant, and explained the course of events for the meeting.

Staff provided a summary of the proposed park land dedication.

The Chairperson invited the Agent for the Owner to give a presentation of the proposed park land dedication.

Helen Sims, Agent, gave a brief presentation. She explained that the park would be located adjacent to a proposed beach access road and together these areas would function as park area to provide public access to the waterfront. The RDN (Parks) would maintain the road (unpaved).

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

Brian Erwin, 771 Mariner Way - asked if there would be another opportunity for the public to comment on the proposed subdivision and provide input on the subdivision review. He expressed several concerns about the proposed subdivision and park, including increased traffic as a result of the subdivision and park which would make it even more difficult for local residents to access the highway; question of whether or not there is sufficient water supply for the proposed lots; the potential for erosion impacts to the new homes and lots; environmental sensitivity of the estuary – not in support of additional density in this area.

Helen Sims responded to confirm that the existing art gallery on the subject property would be closed prior to subdivision to minimize traffic to and from the site. She also explained that a hydrogeological assessment report was recently prepared to address concerns of development in the floodplain.

Lainya Rowett further explained that the applicant would be required to address all applicable development permit guidelines, including the provision of engineering reports, and obtain development permit approvals from the RDN Board prior to subdivision approval.

Bruce Caledon, 801 Mariner Way – indicated he does not support the proposed park dedication because of the potential increase in traffic that may result.

Rosanne McQueen, 808 Mariner Way – expressed concerns about the property owner's encroachment into the adjacent Nature's Trust lands (e.g. placement of a gazebo) and the construction of a rip rap wall which has impacted public access to these lands.

Helen Sims responded to confirm that the owner will work with the Ministry of Environment to address its concerns.

Tim Clermont, Nature's Trust (TNT), 1520 Carrion Road, Nanoose Bay – asked about the date and source of the subject property survey. He said Nature's Trust asked the owner to restore the estuary, which is part of the Parksville-Qualicum Wildlife Management Area, and he indicated Nature's Trust would like to see this issue addressed prior to subdivision approval. He explained that a lien has been placed on the property concerning the owner's trespass into TNT lands, and that TNT will forward their comments to the Approving Officer (Ministry of Transportation).

Nigel Gray, 814 Shorewood Drive – explained there are many parks as well as beach access roads that function as parks in the San Pareil area, and he asked whether the RDN preferred park land dedication or cash-in-lieu.

Lainya Rowett responded to confirm that the Electoral Area 'G' Parks and Open Spaces Advisory Commission (POSAC) reviewed the proposal and conducted a site visit, and advised staff that it recommended accepting park land dedication instead of cash-in-lieu.

Helen Sims added the point that the property owner offered to pay cash-in-lieu of park dedication, but the POSAC preferred land dedication.

Nigel Gray indicated that he preferred the RDN receive cash-in-lieu to do improvements within existing parks elsewhere.

Bob Price, Shorewood Drive – asked what kind of design is envisioned for the proposed park.

Lainya Rowett explained that the Parks Department indicated the park would remain in a natural state and function primarily as open space, perhaps with limited provisions for people to sit (e.g. benches or picnic tables).

Rob Hill, 828 San Malo Crescent – said that he supports cash-in-lieu of park because there are already beach access roads to provide public access to the waterfront.

The Chairperson explained that funds received by the RDN as cash-in-lieu of park can only be used for park land acquisition and cannot be used to complete park improvements.

Ron Harvey explained how development on the subject property will impact the view corridor from his property, and that the proposed park location would favor his view if relocated to the other (west) side of the proposed subdivision. He also said the traffic impact of the proposed development would be minimal because there is already congestion from local traffic in this area. He supports cash-in-lieu because there are many beach accesses and park in the area. He said the focus should be on developing the existing beach access roads, as some are undeveloped, before creating new park area. He said he supports access and he also supports the subdivision.

Jack, Mariner Way – expressed concern about the timing of the subdivision, and the RDN's water improvements petition being fast-tracked.

Lainya Rowett responded to confirm the timing of the RDN's water improvements to occur in 2012.

Bruce Caledon, 801 Mariner Way – said he supports cash-in-lieu of park dedication.

Nigel Gray, 814 Shorewood Drive – asked for clarification of the RDN's process of reviewing park land dedication proposals as part of a subdivision application.

Lainya Rowett explained the review process, including the approval of park land dedication by the RDN Board and the approval of subdivision by the Approving Officer (Ministry of Transportation).

Doug Hemker asked if the Approving Officer has to notify the public when park land is proposed in a subdivision.

Lainya Rowett confirmed that the AO does not have to notify the public of proposed park.

The Chairperson asked the audience, informally, to indicate whether they supported park land dedication or cash-in-lieu of park land.

Michael Jessen, 1266 Dukes Place, French Creek – explained he is not a resident of this area but described a park in Columbia Beach that consists of road right-of-ways and is highly used by the public. He said he was initially supportive of park dedication but after hearing the comments raised he supports cash-in-lieu because road access is also shown to be provided in the proposed subdivision and this area could function as park.

Maggie Little said she is not supportive of cash-in-lieu but in favor of park land dedication. She would like to see this area preserved for people to come and view wildlife during the birding season.

The meeting was concluded at 7:50 pm.

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Lainya Rowett  
Recording Secretary



RDN REPORT		
CAO APPROVAL <i>(Signature)</i>		
EAP	✓	Apr 16/12
COW		
APR 2 2012		
RHD		
BOARD		

**MEMORANDUM**

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

**DATE:** March 28, 2012

**FROM:** Lainya Rowett  
Senior Planner

**FILES:** PL2011-089

**SUBJECT:** Amendment Bylaw No. 500.375, 2012  
Zoning Amendment Application No. PL2011-089 - Kitching  
Lot A, District Lot 7, Bright District, Plan 30903  
3519 Hallberg Road  
Electoral Area 'A'

**PURPOSE**

To consider an application to amend the existing zoning for the subject property located at 3519 Hallberg Road in the Cassidy Rural Village area, in Electoral Area 'A,' to allow an additional, accessory use for temporary student and staff accommodation within an existing private school (Western Maritime Institute).

**BACKGROUND**

The Regional District of Nanaimo has received a Zoning Amendment Application from the subject property owner, Robert Kitching, to allow an additional, site specific accessory use of school accommodation for students, staff and/or faculty who use the school within the subject property located at 3519 Hallberg Road in Electoral Area 'A' (see *Attachment 1 for location of subject property*).

The subject property is approximately 2.5 ha in area and is zoned Public 1 (PU1), Subdivision District 'M', in accordance with the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The site was previously used by Waterloo Elementary School, but is now occupied by the Western Maritime Institute (WMI), a private training and educational facility for the maritime industry. The property is bound by rural residential lots to the north, east and west across Hallberg Road. The property to the south, located within Electoral Area 'C', is owned by Island Timberlands and zoned for resources use.

The subject property is designated within the Cassidy Development Permit Area pursuant to the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011". The applicant proposes to submit a separate Development Permit application for the future construction of the accommodation buildings if the Amendment Bylaw No. 500.375, 2012 is approved.

***Proposed Development***

The applicant proposes to amend the existing Public 1 Zone to allow an additional, accessory use for temporary student and staff accommodation for a maximum of thirty, single-bed study rooms, proposed as three future buildings, within an existing private school (Western Maritime Institute). The applicant anticipates these residences would be built in the northeast corner of the property in close proximity to the existing school building to allow students access to existing student amenities (communal lounge and kitchen). Additional sanitary provisions (showers and toilets) would be provided within the residences.

## ALTERNATIVES

1. To approve the proposed "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.375, 2012", for first and second reading and to proceed to Public Hearing subject to the conditions outlined in *Schedule 1*.
2. To deny the proposed Amendment Bylaw No. 500.375, 2012, as submitted.

## LAND USE IMPLICATIONS

### ***Official Community Plan (OCP)***

The subject property is designated "Institutional" and is located within the Cassidy Rural Village centre pursuant to the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan No. 1620, 2011." The OCP policies for this designation support the development of educational facilities and related uses within the (Cassidy) Growth Containment Boundary. The proposed amendment to allow accessory school accommodation in conjunction with the existing school use is consistent with these policies. An OCP amendment is therefore not required.

### ***Zoning Implications***

The current zoning, Public 1 (PU1), allows personal care use, public assembly, public utility use, school use, and one dwelling unit per lot. Temporary residential accommodation is not a permitted use; although students and staff attend the WMI from across Western Canada and the Arctic, and typically require accommodation for periods of one day up to several weeks. Opportunities for off-site accommodation are concentrated within communities further north and south such as Nanaimo, Cassidy, and Ladysmith. Public transit between these communities and the subject property is very limited. Students and staff typically commute to attend the school, or they are limited in mobility if they attend without a vehicle. Therefore, the proposal to allow accessory school accommodation would provide convenient and affordable lodging.

The proposed Amendment Bylaw would introduce minor changes to the Public 1 (PU1) Zone in the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", to allow additional site specific provisions for the subject property. These provisions include the addition of a permitted accessory use, "school accommodation", and a definition of this use being limited to not more than 30 people being accommodated in conjunction with the permitted school use (see *Attachment 2 for Proposed Amendment Bylaw No. 500.375, 2012*).

### ***Environmental Implications***

To address water supply considerations, the applicant submitted a Hydrogeological Assessment prepared by GW Solutions Inc., dated September 2011, which concluded that the existing well will provide adequate water supply to meet the demands of the existing and proposed uses, and it will not adversely impact surrounding wells, groundwater resources and receiving waters. The assessment also reviewed a large pool within the school site, which is filled once a year and used for maritime training. When the pool is emptied, the water is discharged to the ground on-site. The drawdown effect from the pool filling is minimal; however, to ensure interference on neighboring wells is minimized, the engineer recommended that the pool be filled during the months of November and June, to minimize groundwater extraction from the aquifer when the water table is the lowest. This recommendation is included as a condition of approval in *Schedule 1*.

To address septic capacity considerations, the applicant submitted a report on the Domestic Waste Water Disposal System prepared by Lewkowich Engineering Associates Ltd. and dated September 29, 2009. The report discussed the existing septic dispersal system and tanks and concluded that the capacity is sufficient for the existing and proposed uses. Any further development, beyond what is currently proposed, would need to be reviewed to ensure the system is adequately sized to support the expanded use based on the current design standards.

### ***Inter-Governmental Implications***

The Ministry of Transportation and Infrastructure (MoTI) has reviewed the proposed Zoning Amendment Application and confirmed that it does not have any concerns provided that the applicant obtain a valid access permit and ensure all parking is contained within the development; and no additional drainage flow is directed to the roadway ditch system. The requirement for an access permit is included as a condition of approval in *Schedule 1*.

The Vancouver Island Health Authority (VIHA) has also reviewed the proposed application and advised that it does not have any concerns. VIHA recommended that based on the age of the existing sewage system, re-evaluation of the system should be considered before the third school accommodation building is constructed, or before the year 2018. Re-evaluation of the septic system is noted as a condition of approval in *Schedule 1*.

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

A Public Information Meeting (PIM) was held on February 27, 2012, concerning this application. Twenty-two people attended the meeting in addition to the applicants and RDN staff and elected officials (see *Attachment 3 for Summary of PIM Minutes*). If the proposed Amendment Bylaw receives first and second reading, the application will proceed for Public Hearing.

### ***Sustainability Implications***

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "RDN Sustainable Development Checklist" and identified the following sustainability implications:

- The proposed future residences would provide affordable and convenient accommodation for students and staff;
- The accommodation buildings will be located to minimize tree removal;
- The existing buildings were improved with more efficient systems, appliances, fixtures, etc.;
- The WMI gymnasium provides an amenity space for the local community;
- The WMI provides more than 5,000 student days of training annually;
- The school use creates local employment in the trades and services sector;
- The WMI offers specialized training and educational opportunities for the maritime industry;
- The WMI also provides access to water for fire fighting purposes, to the Cedar Fire Department, and fire training facilities for local fire departments.



**SUMMARY/CONCLUSIONS**

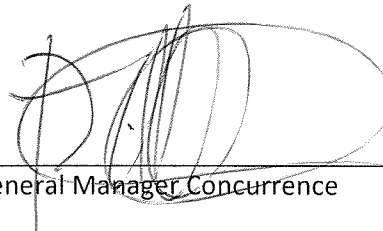
The applicant proposes to amend the Public 1 (PU1) Zone in Bylaw No. 500, 1987 in order to allow an additional, accessory use of school accommodation within the subject property located at 3519 Hallberg Road in Electoral Area 'A' (see *Attachment 2 for Proposed Zoning Amendment Bylaw No. 500.375, 2012*). The applicant has submitted a site plan, site profile, hydrogeological assessment of groundwater supply; and waste water disposal system assessment in support of this application. Given that the proposed amendment complies with the OCP policies and would complement the existing use of the property, staff recommends that the proposed Zoning Amendment Application Bylaw No. 500.375, 2012, receives first and second reading and proceed to Public Hearing.

**RECOMMENDATIONS**

1. That the Summary of the Public Information Meeting held on February 27, 2012, be received.
2. That the "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.375, 2012", be introduced and read two times.
3. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.375, 2012", be delegated to Director McPherson or another Area Director.
4. That the conditions set out in *Schedule 1* of the staff report be completed prior to Amendment Bylaw No. 500.375, 2012 being considered for adoption.



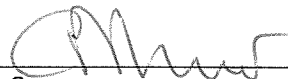
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

**Schedule 1**  
**Conditions of Zoning Amendment**

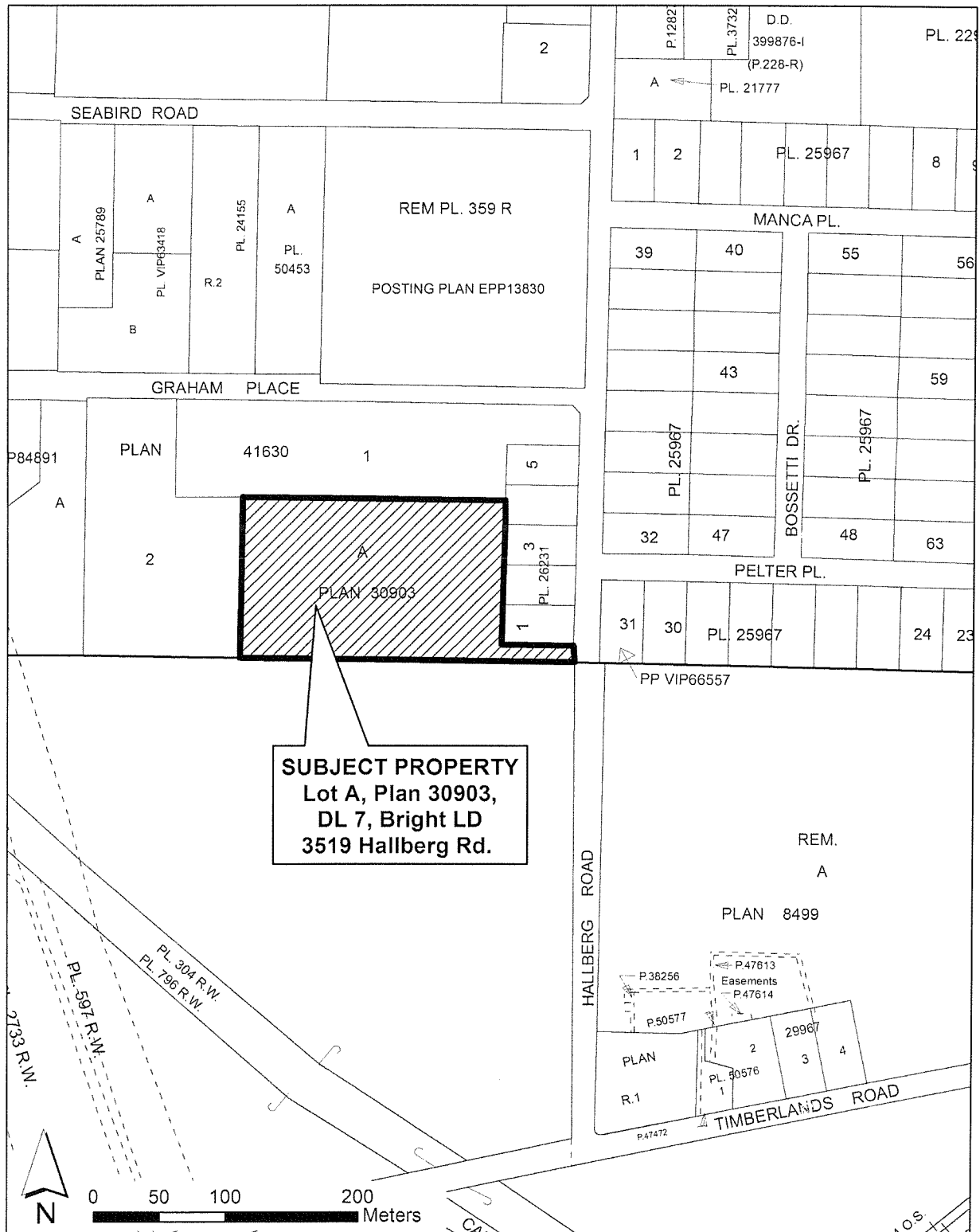
The following is required prior to the “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.375, 2012” being considered for adoption:

**Conditions of Approval**

1. The applicant is to register a Section 219 Restrictive Covenant to requiring re-evaluation of the existing sewage system by a Professional Engineer, at the time of submitting a building permit application, for any new development in excess of school accommodation for twenty people. The covenant must require the development to comply with the recommendations of this engineering evaluation to the satisfaction of the General Manager of Development Services of the Regional District.
2. The applicant is required to register a Section 219 Restrictive Covenant to ensure that the subject property is developed in accordance with recommendations contained in the Hydrogeological Assessment prepared by GW Solutions and dated September 2011, as amended.
3. The applicant to obtain a valid access permit from the Ministry of Transportation and Infrastructure.



### Attachment 1 Location of Subject Property



BCGS MAPSHEET: 92G.001.2.3

**Attachment 2  
Proposed Amendment Bylaw No. 500.375, 2012**

**REGIONAL DISTRICT OF NANAIMO  
BYLAW NO. 500.375**

**A Bylaw to Amend Regional District of Nanaimo  
Land Use and Subdivision Bylaw No. 500, 1987**

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

A. This Bylaw may be cited as "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.375, 2012".

B. "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 - **PART 3 LAND USE REGULATIONS, Section 3.4.41 Public 1 Zone**", is hereby amended as follows:

1. By adding the following after "Permitted Uses, f) School":

Notwithstanding the provisions outlined above, the following Accessory Use shall be permitted in conjunction with a school for the parcel legally described as Lot A, District Lot 7, Bright District, Plan 30903:

*School Accommodation*, as defined in this zone.

2. By adding an "Other Regulations" section after the "Minimum Setback Requirements" section:

**Other Regulations**

a) For the purposes of this zone, and for the parcel legally described as Lot A, District Lot 7, Bright District, Plan 30903, *School Accommodation* means a building or buildings used for temporary lodging or dormitory units for not more than 30 people who require accommodation in conjunction with a school use.

b) *School Accommodation* must be located within the same parcel as the school it serves, and shall not be used as a dwelling unit(s) or provide any other form of permanent or temporary accommodation, except as defined in this zone, and may not be subdivided pursuant to the **Strata Property Act**.

Introduced and read two times this \_\_\_\_ day of \_\_\_\_\_ 2012.

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

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

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

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

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Sr. Mgr., Corporate Administration

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

**Held at the Western Maritime Institute, 3519 Hallberg Road  
Monday, February 27, 2012 at 7:00 PM**

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

There were twenty-two people in attendance in addition to the applicant and RDN staff.

Present for the Regional District:

Alec McPherson, Chairperson and Director Electoral Area 'A'  
Maureen Young, Director Electoral Area 'C'  
Lainya Rowett, Senior Planner, Regional District of Nanaimo  
Kim Farris, Planner, Regional District of Nanaimo

Present for the Applicant:

Bob Kitching, Owner/Applicant

The meeting was brought to order at 7:05 pm and the Chairperson introduced staff and the project consultant, and explained the course of events for the meeting.

Staff provided a brief summary of the proposed zoning amendment and explained the application process.

The Chairperson then invited the applicant to give a presentation of his proposal.

The applicant described the existing use of the subject property and explained the need for accommodation due to a lack of local accommodation for students and staff attending from throughout the Province. He said attendees must commute to the school but many do not have vehicles, and there is a lack of transit service in the area. He said the proposed cabins would be developed incrementally as need demands, and they would provide affordable accommodation for students/staff. The first building would accommodate six people. The buildings would not contain cooking facilities, just sleeping units, bathrooms and in-suite laundry facilities. The proposed cabins would be developed on permanent foundations. He noted that the site is serviced by an existing septic field. An engineer assessed this system to confirm that it is capable of handling the capacity of the proposed use. He also said that a hydrogeological assessment was also completed verifying there is adequate water supply.

Following the presentation, the Chairperson invited questions and comments from the audience. Maria Graham, 1633 Graham Place, asked where the student laundry facilities would be located.

Bob Kitching explained that a washer and dryer would be provided in each of the proposed cabins.

Dave Harris, 1605 Seabird Road, asked how this development will affect the development potential of another property due to the lack of community servicing. He expressed a general concern about the restriction on development where no community water or sewer services are provided.

Lainya Rowett, Senior Planner explained that a similar process of rezoning would be required, and that development cannot occur without community water and/or community sewer provided in accordance with the Official Community Plan policies.

Gail Jewsbury, 1527 Vowels Road, expressed concern about the number of public meetings held recently in Electoral Area 'A' and the need for coordination of community planning (e.g. Island Timberlands future development of the property adjacent to the Institute site; Airport Lands development, etc.). She asked if the future development of the adjacent lands could provide accommodation for the school so the school.

Bob Kitching said Island Timberlands has no plans to include any temporary accommodation in their proposal, and the bigger issue is the cost of accommodation elsewhere.

Director McPherson explained that the Island Timberlands proposal is in the early stages and additional studies (e.g. water supply) are required. Their development will take several years to complete. He described the Official Community Plan objectives to achieve village nodes as places to live, work and play; the growth boundary is where growth will happen but sewer and adequate water supply are needed.

Pat Condon, 3499 Hallberg Road, expressed concern about his water being polluted by any sewage source near his well. He noted if a sewer line goes in they should connect it to individual homes.

Director McPherson said this would be discussed if the Island Timberlands proposal proceeded to a Public Hearing.

Bob Kitching explained that the school's septic system is sized for up to 150 people, but the school program is typically full with approximately 70 people.

Pat Condon, 3499 Hallberg Road, asked about the topography and location of the existing septic field.

Bob Kitching explained that the septic field is located on the farthest side of the proposed buildings, away from Mr. Condon's well.

Linda Ruston, 1575 Graham Place asked about the use of two existing RVs located at the back of the school, and if they are connected to the septic system and well.

Bob Kitching said these are being used to accommodate up to two students and the RVs are connected to septic and water.

Martin Leduc, 2208 Blue Jay Way asked what kind of students would be accommodated on site, and how long they would stay.

Bob Kitching said the attendees would be in entry level maritime training. He said catering facilities are not proposed; the school would continue to use local business and hire local staff.

Pat Condon, 3499 Hallberg Road, asked how many courses would be taught each year.

Bob Kitching said approximately 3,000 student days of training were provided last year, with students in the school approximately 100 days of the year.

Jennifer Toughnail explained that she works as a staff person at the school and that students often ask her about local amenities and accommodation.

A man named John asked if the applicant had considered bringing in water from the Nanaimo River.

Bob Kitching said the aquifer provides sufficient water supply, and they haven't explored the river as an alternate water supply source.

Martin Leduc, 2208 Blue Jay Way asked if there is any water recycling on the school premises.

Bob Kitching said there is water catchment in cisterns on site for re-use, except during fire training with protein foam which is then sprayed onto the school fields.

Pat Condon, 3499 Hallberg Road, asked if the school pool is chlorinated.

Bob Kitching said the pool is chlorinated.

Linda Ruston, 1575 Graham Place commented that Island Timberlands does not yet know how they are going to manage sewage treatment on their property nearby.

Director McPherson commented that there is interest in looking into shipping bio-solids to Vancouver Island University.

Joan Condon, 3499 Hallberg Road asked if the placement of the future accommodation buildings would be designed to minimize tree removal.

Bob Kitching said approximately three or four trees would need to be removed within the building footprint.

Joan Condon, 3499 Hallberg Road asked about the duration of proposed construction, 36 months?

Bob Kitching said construction will begin with one cabin and depending on demand, more will be added.

Joan Condon, 3499 Hallberg Road asked if the accommodations would be available for public use.

Bob Kitching advised the accommodation is intended only for student and staff use not the public.

Dave Harris said he is glad to see these meetings taking place and the attention given to the Cassidy Village Centre, and to see this school site being used.

Director McPherson said there is a desire to improve communications among these areas, and he encouraged the attendees to view public notices on the RDN web site.

Joan Condon, 3499 Hallberg Road asked if the Planning Board is the only approval needed.



Bob Kitching community support is needed.

Lainya Rowett, Senior Planner, explained that staff provide a report to the Planning Committee and Board outlining the proposal, applicant rationale, and a summary of public comments and questions.

The meeting concluded at 8:05pm.



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Lainya Rowett  
Recording Secretary