

REGIONAL DISTRICT OF NANAIMO
ELECTORAL AREA PLANNING COMMITTEE
TUESDAY, NOVEMBER 10, 2009
6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 3-4 Minutes of the regular Electoral Area Planning Committee meeting held October 13, 2009.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

UNFINISHED BUSINESS

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

- 5-10 Development Permit & Subdivision Application No. PL2009-818 & PL2009-757 – JE Anderson– 230 & 238 Kenmuir Road – Area ‘H’.

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

- 11-24 Development Permit with Variance Application No. PL2009-783 - Springford - 587 Alberni Highway - Electoral Area ‘G’.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 25-32 Development Variance Permit Application No. PL2009-806 – C.A. Design - 2418 Andover Road - Electoral Area ‘E’.
- 33-39 Development Variance Permit Application No. PL2009-808 - Fern Road Consulting - Gainsberg Road - Electoral Area ‘H’.

OTHER

40-44 Subdivision Application No. PL2009-787 Request for Cash-in-Lieu of Sidewalks
 - Cedar Village Estates - Cedar & Hemer Roads - Electoral Area 'A'.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

ADJOURNMENT

IN CAMERA

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, OCTOBER 13, 2009, AT 6:30 PM
IN THE RDN BOARD CHAMBERS**

Present:

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

Also in Attendance:

M. Pearse	Senior Manager, Corporate Administration
P. Thorkelsson	General Manager, Development Services
D. Lindsay	Manager, Current Planning
N. Tonn	Recording Secretary

MINUTES

MOVED Director Holme, SECONDED Director Burnett, that the minutes of the Electoral Area Planning Committee meeting held September 8, 2009 be adopted.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. PL2009-781 – Christopher Turko on behalf of Cheung – 1895 Stewart Road – Electoral Area ‘E’.

MOVED Director Holme, SECONDED Director Stanhope, that Development Permit Application No. PL2009-781 in conjunction with a bare land strata subdivision, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

Development Permit Application No. PL2009-790 – King – 1975 Widgeon Road & 3005 Oakdowne Road – Electoral Area ‘H’.

MOVED Director Stanhope, SECONDED Director Biggemann, that Development Permit Application No. PL2009-790, in conjunction with a two lot subdivision, be approved subject to the conditions outlined in Schedules No. 1 and 2.

CARRIED

Development Permit Application No. PL2009-745 – O’Connor – 790 Parry’s Park Road – Electoral Area ‘G’.

MOVED Director Stanhope, SECONDED Director Young, that Development Permit Application No. PL2009-745, to permit the construction of an addition to a residential dwelling be approved subject to the conditions outlined in Schedules No. 1 to 3.

CARRIED

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

Development Permit with Variance Application No. PL2009-748 – Law & Parker – 3417 Carmichael Road – Electoral Area ‘E’.

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

CARRIED

MOVED Director Holme, SECONDED Director Stanhope, that Development Permit with Variance Application No. PL2009-748 to permit the construction of a single dwelling unit be approved subject to the conditions outlined in Schedules No. 1 to 4.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. PL2009-498 – Ewasiuk & Anderson – 3617 Dolphin Drive – Electoral Area ‘E’.

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

CARRIED

MOVED Director Holme, SECONDED Director Stanhope, that Development Variance Permit Application No. PL2009-498, to permit the repair and construction of retaining walls, and to legalize the height and location of an existing dwelling unit be approved subject to the conditions outlined in Schedules No. 1 to 5.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 6:39 PM

CHAIRPERSON



CAO APPROVAL	
EAP	✓ Nov 10 09
COW	
0017 1008	
RHD	
BOARD	

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: October 30, 2009

FROM: Susan Cormie
Senior Planner

FILES: PL2009-818/PL2009-757

SUBJECT: Development Permit & Subdivision Application No. PL2009-818 & PL2009-757
JE Anderson
Lot D, Plan 30767 & Lot 1, Plan 35343, Both of District Lot 19, Newcastle District
230 & 238 Kenmuir Road
Electoral Area 'H'

PURPOSE

To consider an application for a development permit and a request to relax the minimum 10% perimeter frontage requirement for the subject properties in conjunction with a four lot subdivision proposal.

BACKGROUND

The Regional District of Nanaimo has received a Development Permit application in conjunction with a four lot subdivision proposal from JE Anderson, BCLS, on behalf of D & L Simpson, D Sodergren and J Butler (see Attachment No. 1 for location of subject properties).

The parent parcels, which have a combined lot area of 8,130 m², are zoned Residential 2 (RS2) and are situated within Subdivision District 'M' (RUID) (2,000 m² minimum parcel size with community water service) as per the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

The parent parcels currently support two single dwelling units and several accessory buildings. Surrounding land uses include the residentially zoned properties and Kenmuir Road to the east.

The subject properties are designated within the Environmentally Sensitive Features Development Permit Area (DPA) for the protection of the aquifer as per the Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003:

Proposed Development

The applicant is proposing to create four new parcels. The parcels are proposed to range in size from 1,600 m² to 2490 m², which will be able to meet the parcel averaging provisions of Bylaw No. 500, 1987 (see Schedule No. 2 for Proposed Plan of Subdivision). The parcels are proposed to be serviced by community water service connections and individual private septic disposal systems. The parent parcels are not within a RDN Building Services area. This application is exempt from the park land provisions under section 941 of the *Local Government Act* as only two new parcels are proposed to be created.

Minimum 10% Perimeter Frontage Requirement

Proposed Lots A and B, as shown on the submitted plan of subdivision, do not meet the minimum 10% perimeter frontage requirement pursuant to section 944 of the *Local Government Act*. The requested frontage is as follows:

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% of Perimeter</i>
Lot A	28.2 m	20.05 m	7.1 %
Lot B	28.7 m	20.05 m	7.0 %

Therefore, as these proposed parcels do not meet the minimum 10% parcel frontage requirement pursuant to section 944 of the *Local Government Act*, approval of the Regional District Board of Directors is required.

ALTERNATIVES

1. To approve Development Permit No. PL2009-818, as submitted, subject to the conditions outlined in Schedules No. 1 and 2 and to approve the request for relaxation of the minimum 10% perimeter frontage requirement for proposed Lots A and B.
2. To deny the Development Permit No. PL2009-818 as submitted and the request for relaxation of the minimum 10% frontage requirement, and provide further direction to staff.

DEVELOPMENT IMPLICATIONS

Environmentally Sensitive Development Permit Area Implications

With respect to aquifer protection, the conclusions of the submitted hydrogeological assessment report considers that the proposed residential construction will be unlikely to significantly lower the rate of recharge to the aquifer or reduce its water quality. In addition, the report also concludes that the proposed subdivision will not significantly impact the drawdown of the aquifer via the Horne lake water system.

Minimum 10% Perimeter Frontage Implications

Despite the reduced frontages for Proposed Lots A and B, there are sufficient buildable site areas available for each parcel to support the intended residential uses on these proposed parcels.

With respect to access, Ministry of Transportation staff has indicated that they have no issues with the proposed minimum frontage relaxations and will support combined accesses to serve the proposed parcels.

Existing Building Implications

There are a number of accessory buildings which will be required to be moved or removed in order to meet the zoning bylaw provision, including those where a principal use has not been established on the proposed parcels. This will be secured through the subdivision review process.

SUSTAINABILITY IMPLICATIONS

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist". The proposed subdivision is situated within the Dunsmuir Village Centre where growth is encouraged to locate.

SUMMARY

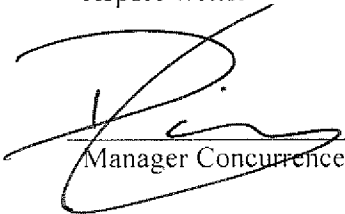
Prior to the development of these subject properties, a Development Permit and relaxation of the minimum 10% perimeter frontage requirement are required. The subject properties are within the Sensitive Environmentally Features for aquifer protection. With respect to aquifer protection, the applicant has provided a Hydrogeological Assessment Report which concludes that the subdivision will not negatively impact the aquifer. Proposed Lots A and B, despite the reduced frontages, will be capable of supporting the intended residential uses permitted in the zoning provisions. In addition, Ministry of Transportation and Infrastructure staff has verbally indicated that they have no objection to the request for relaxation of the frontages for these parcels.

As the application is consistent with the applicable development permit guidelines and as the reduced frontages will not negatively impact the residential uses of the proposed lots, staff recommends approval of the development permit.

RECOMMENDATIONS

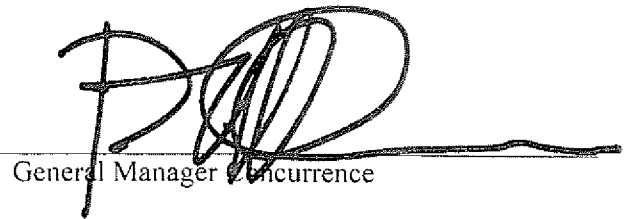
1. That Development Permit Application No. PL2009-818, in conjunction with a four lot subdivision, be approved subject to the conditions outlined in Schedules No. 1 and 2.
2. That the request to relax the minimum 10% perimeter frontage requirement for Proposed Lots A and B be approved.

Report Writer



Manager Concurrence

General Manager Concurrence



CAO Concurrence



Schedule No. 1
Development Permit Application No. PL 2009 - 818
Conditions of Approval

The following sets out the conditions of approval with respect to Development Permit No. PL2009-818:

1. Subdivision

The subdivision of the lands shall be in substantial compliance with Schedule No. 2 (to be attached to and forming part of Development Permit No. PL2009-818).

2. Aquifer Assessment

The Hydrogeological Assessment prepared by H₂O Environmental Ltd. And dated October 12, 2009 (to be attached to and forming part of this development permit as Schedule No. 3) will be followed.

Schedule No. 2
Development Permit No. PL2009-818
Proposed Plan of Subdivision

TENTATIVE SUBDIVISION PLAN OF LOT D, PLAN 30767,
AND LOT 1, PLAN 35343, ALL OF DISTRICT LOT 19,
NEWCASTLE DISTRICT.

This sketch does not constitute a redefinition of the legal boundaries hereon described and is not to be used in any manner which would assume same.
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Subject to charges, legal notations, and interests shown on: Title No. CA258176 (P.L.D. 001-228-030) and
Title No. ES32684 (P.L.D. 000-336-408)



⊙ denotes typical perc hole

notes

Total Area = 0.814 ha
Minimum parcel area = 0.200 ha
Maximum density 0.814/200 = 4.07

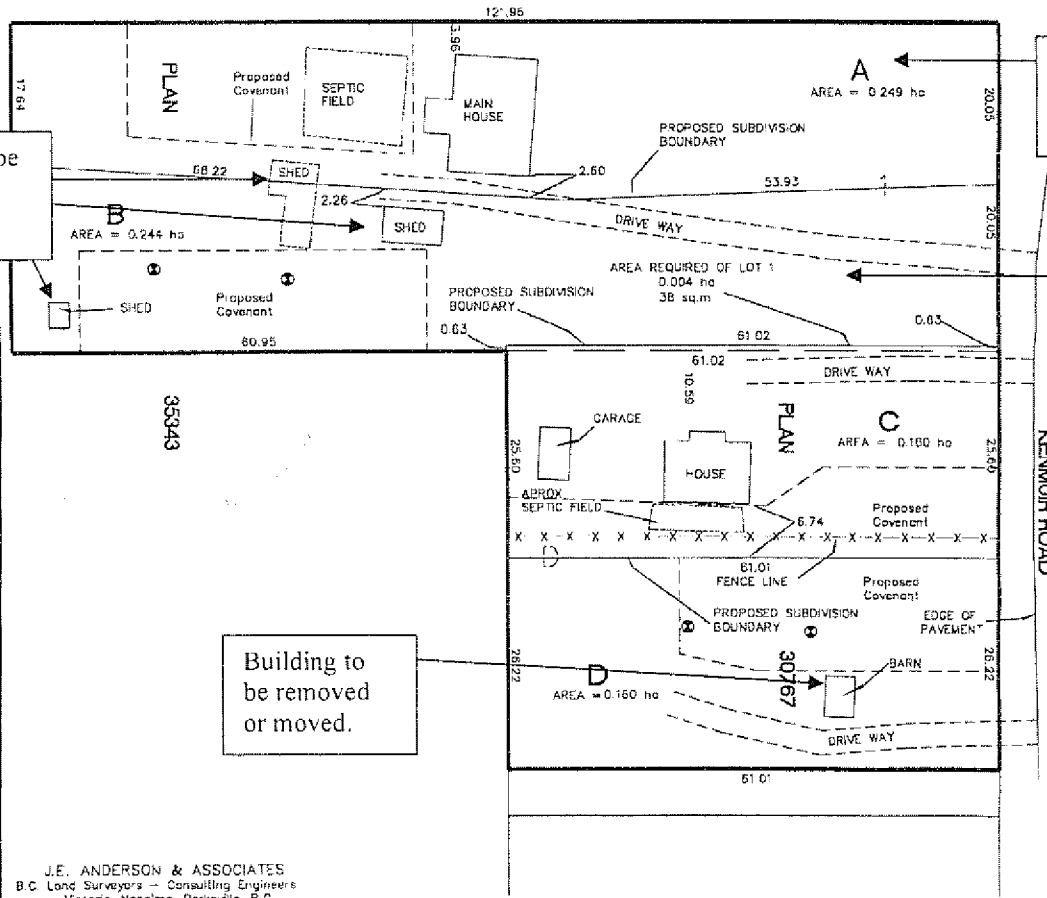
As per Local Government Act 944
Lots A and B require 10% perimeter frontage relax waiver
Lots C and D meet 10% perimeter frontage

All lots serviced with community water
All lots have in ground sewage disposal

Dimensions and areas are approximate and
are derived from land title office records



PLAN 8196



Buildings to be removed or moved.

Proposed Lot A
Proposed Frontage 7.1%

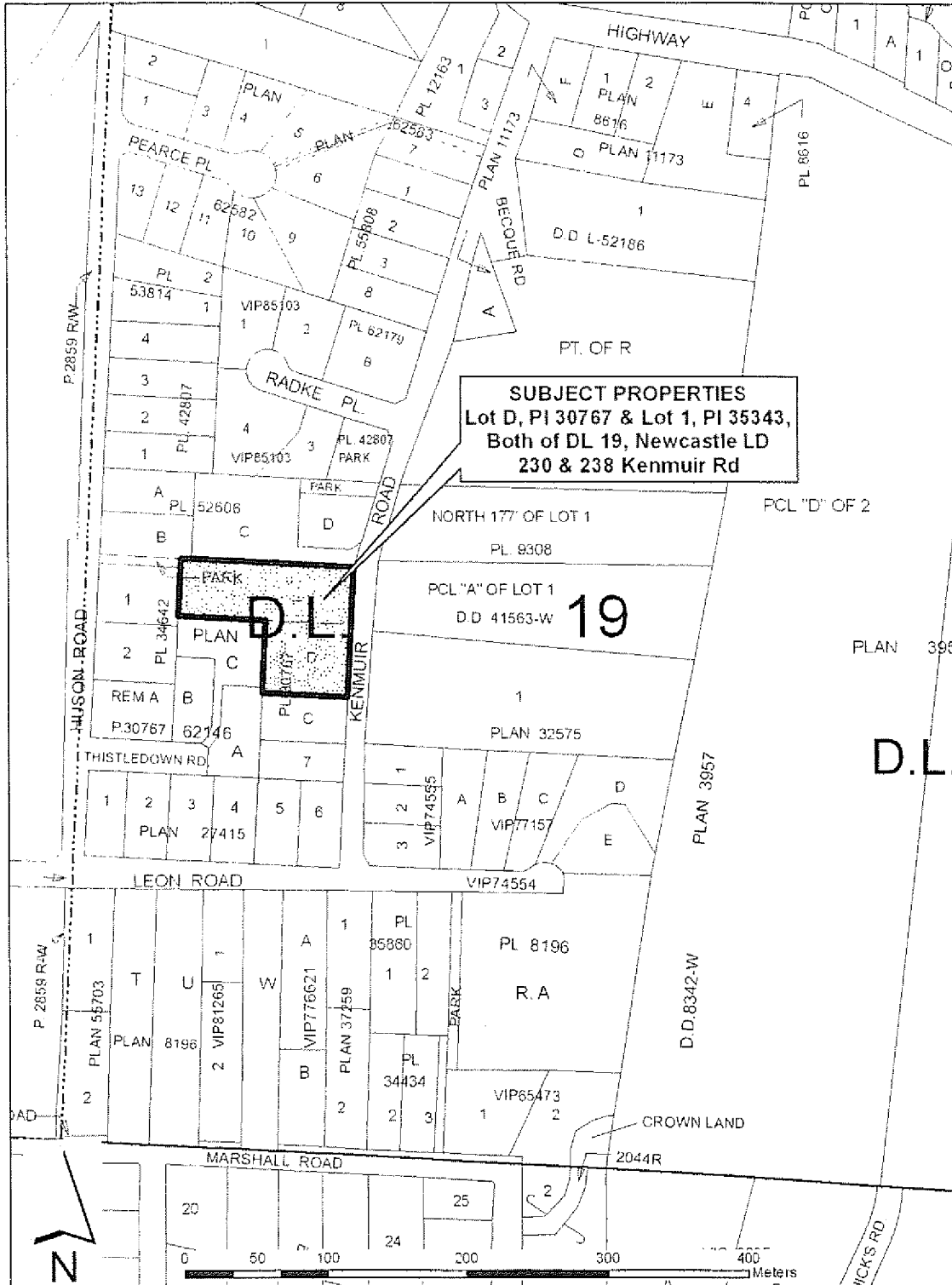
Proposed Lot B
Proposed Frontage 7.0%

Building to be removed or moved.

J.E. ANDERSON & ASSOCIATES
B.C. Land Surveyors - Consulting Engineers
Victoria-Nanaimo-Parksville, B.C.
Ph: 755-4831 Fax: 755-4860
October 30, 2009
File: B6640

THIS PLAN LIES WITHIN THE NANAIMO REGIONAL DISTRICT

Attachment No. 1 Location of Subject Property



BCGS MAPSHEET: 92F 037.4.4



	CAD/PL	PROV/PL	DATE
EAP	✓	7 Nov 10	09
COW			
OUTSTANDING			
RHD			
BOARD			

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: October 28, 2009

FROM: Kristy Marks
Planner

FILE: PL2009-783

SUBJECT: Development Permit with Variance Application No. PL2009-783 - Springford Lot 1, Block 1353, Nanoose District, Plan 39137 except that Part in Plan VIP52164 587 Alberni Highway Electoral Area 'G'

PURPOSE

To consider an application for a Development Permit with Variance to allow the construction of an addition to the existing Buckerfield's Country Store and a retaining wall on the subject property.

BACKGROUND

The Regional District of Nanaimo has received an application from Colin Springford on behalf of Di'n'Col Holdings Inc. to permit the construction of an addition to an existing building and a retaining wall. The subject property is 7.311 ha in area and is zone Industrial 1 (IN1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is bound by the Alberni Highway to the east, the City of Parksville to the north, the E&N Railway to the south, and rural zoned parcels to the west. The southern portion of the property is currently occupied by the Parksville Qualicum Bottle Depot and Four Star Waterworks Ltd. is to the north.

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

- Environmentally Sensitive Features for Aquifer Protection
- Inland Island Highway Corridor – Form & Character

The applicant is requesting approval to construct an addition with an approximate floor area of 392 m² including commercial retail space, an office, and covered outdoor storage. The applicant is also requesting a setback variance from 5.0 metres to 0.9 metres in order to construct a retaining wall along the northern property line.

ALTERNATIVES

1. To approve the Development Permit with Variance No PL2009-783 subject to the conditions outlined in *Schedules No. 1-5*.
2. To deny the Development Permit with Variance PL2009-783 and provide further direction to staff.

LAND USE AND DEVELOPMENT IMPLICATIONS

The applicant is proposing to construct an addition to the existing Buckerfield's Country Store. The location of the proposed addition and retaining wall are shown outlined on *Schedule No. 2*. Building elevations for the existing building and proposed addition are shown on *Schedule No. 3* and details of the proposed retaining wall are shown on *Schedule No. 4*.

The subject property is currently landscaped in front of the existing Buckerfield's adjacent to the Alberni Highway with a combination of trees and shrubs, as well as a decorative picket fence and pond. As the proposed addition is at the rear of the building no additional landscaping is required. The applicant is proposing to provide a total of 41 parking spaces including one loading space and one disability space in accordance with the requirements of Bylaw No. 500. No additional signage is proposed as part of this application.

The applicant has provided an Aquifer Impact Assessment, attached as *Schedule No. 5*, consistent with the requirements in the Environmentally Sensitive Features for Aquifer Protection DPA. This assessment, prepared by Lewkowich Engineering Associates Ltd. dated October 20, 2009 states that there is no anticipated increase in demand for groundwater from the current well and "due to the sub-surface impermeable stratum found in the immediate area, the risk of this development negatively affecting the groundwater aquifer would be considered 'very low'". The applicant has indicated that the new asphalt parking area will be graded so that runoff is directed toward existing catch basins (away from the existing well) which drain to a ditch adjacent to the Alberni Highway.

The applicants have provided the following justification for the requested setback variance for the proposed retaining wall:

- The recent installation of a waterline and pathway connecting the Alberni Highway to Springwood Park playing fields has resulted in an increase in pedestrian traffic along the northern property boundary. The property owner is experiencing significant vandalism and trespassing, including the starting of fires, and would like to construct the retaining wall in order to prevent trespassing and to curtail vandalism;
- The proposed retaining wall will not exceed the height of the existing slope and should provide a clean interface for the neighbouring property and have a positive aesthetic impact;
- There are no anticipated functional or environmental impacts or view implications related to the requested variance.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist". This proposal represents an addition to an existing building. The applicant has submitted an Aquifer Impact Assessment which states that there should be no increase in demand for groundwater and that there is a very low risk that the proposed development would negatively impact the aquifer.

Public Consultation Process

As part of the required public notification process, pursuant to the Local Government Act, property owners and tenants located within a 50 metre radius, will receive a direct notice of the proposal, and will have an opportunity to comment on the proposed variance, prior to the Board's consideration of the application.

SUMMARY/CONCLUSIONS

This is an application for a Development Permit with Variance to permit the construction of an addition to the existing Buckerfield's Country Store and a retaining wall the subject property.

The applicant has submitted a site plan, building elevations, and Aquifer Impact Assessment in support of the application. In staff's assessment, this proposal is consistent with the guidelines of the "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008" Inland Island Highway and Environmentally Sensitive Features Development Permit Areas.

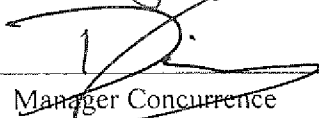
RECOMMENDATION

That

1. Staff be directed to complete the required notification, and
2. The Development Permit with Variance application No. PL2009-783 to permit the construction of an addition and retaining wall be approved subject to the conditions outlined in *Schedules No. 1-5*.



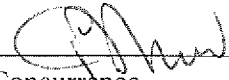
Report Writer



Manager Concurrence



For General Manager Concurrence



CAO Concurrence

Schedule No. 1
Terms of Development Permit with Variance No. PL2009-783

Bylaw No. 500, 1987 – Variance

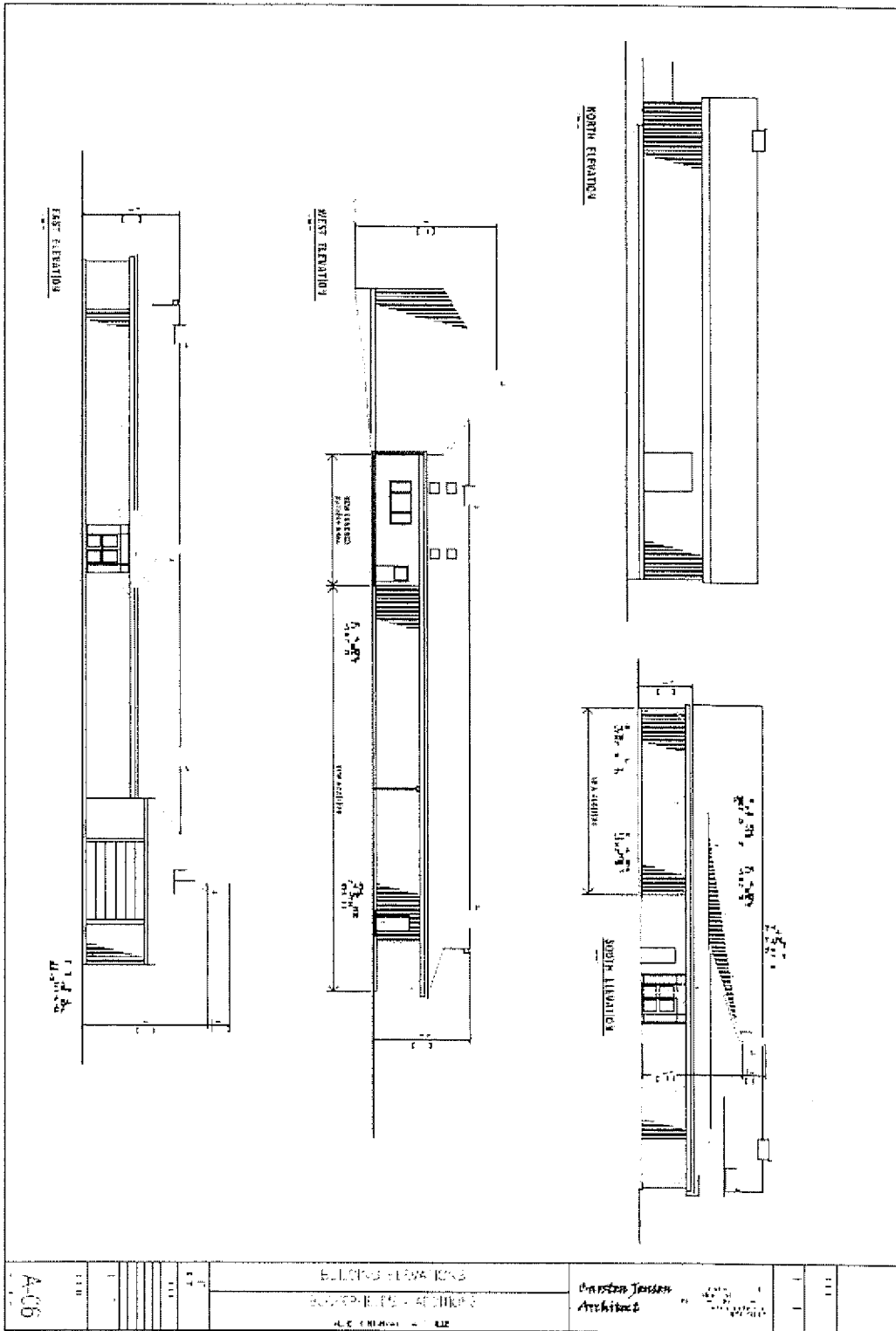
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” is varied as follows:

1. **Section 3.4.31 Minimum Setback Requirements** is hereby varied by decreasing the minimum setback from the other (interior side) lot line for a retaining wall from 5.0 metres to 0.9 metres located on Lot 1, Block 1353, Nanoose District, Plan 39137 except that Part in Plan VIP52164 as shown on *Schedule No. 2*.

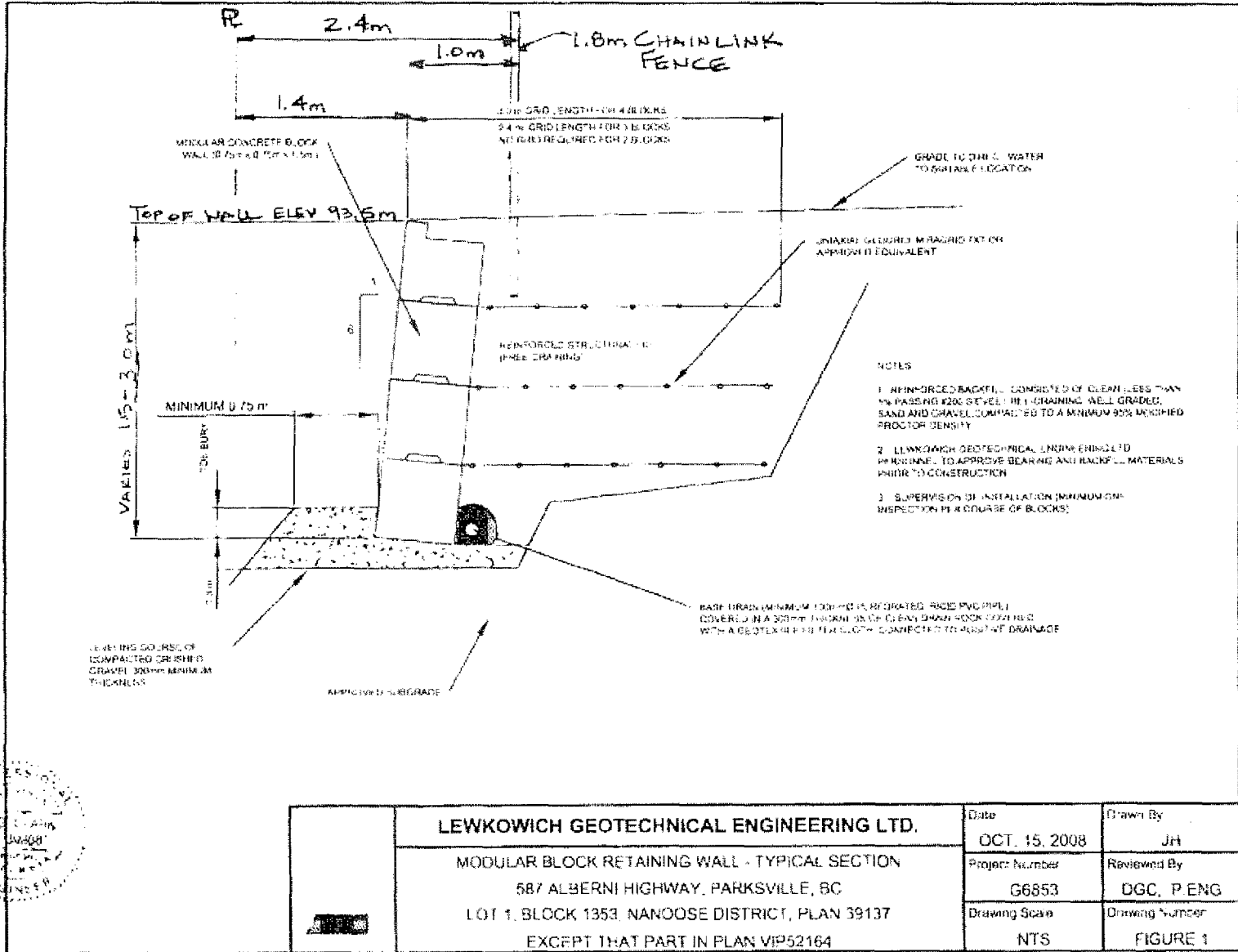
Conditions of Approval:

1. The addition and retaining wall shall be sited in accordance with the site plan prepared by Carsten Jensen Architect dated September 29, 2009 attached as *Schedule No. 2*.
2. The addition shall be constructed in accordance with the elevation drawings prepared by Carsten Jensen Architect dated September 29, 2009, attached as *Schedule No. 3*.
3. The retaining wall shall be constructed in accordance with the elevations prepared by Lewkowich Geotechnical Engineering Ltd. dated October 15, 2008 attached as *Schedule No. 4*.
4. The site shall be developed in accordance with the Aquifer Impact Assessment prepared by Lewkowich Engineering Associates Ltd. dated October 20, 2009 attached as *Schedule No. 5*.
5. A minimum of 41 off street parking spaces, including one handicap parking space and one loading space, shall be provided in accordance with *Schedule No. 2*. All parking areas shall be constructed with a dust free surface and delineated with painted lines or curb stops.
6. The new asphalt parking area shall be graded such that all runoff from the parking area is directed away from the existing well.
7. The applicant shall provide confirmation of retaining wall setbacks by a British Columbia Land Surveyor upon completion of construction.

Schedule No. 3 Building Elevations



Schedule No. 4
 Retaining Wall Details



**Schedule No. 5
Aquifer Impact Assessment
(Page 1 of 5)**



Lewkowich Engineering Associates Ltd.

geotechnical * health, safety & environmental * materials testing

Mr. Colin Springford
1950 Northwest Bay Road
Nanoose Bay, B.C.
V9P 9C5

Ek Number: G7541.03

Date: October 23, 2009

Attention: Mr. Colin Springford

PROJECT: BUCKERFIELD'S COUNTRY STORE - ADDITION
587 ALBERNI HIGHWAY, PARKSVILLE, B.C.
LOT 1, BLOCK B53, NANOOSE DISTRICT, PLAN 39137, EXCEPT
THAT PART IN PLAN VIP52164

SUBJECT: AQUIFER IMPACT ASSESSMENT

Dear Mr. Springford:

1. INTRODUCTION

As requested, Lewkowich Engineering Associates Ltd. (LEA) has carried out an aquifer impact assessment of the above referenced property. This report provides a summary of our findings and recommendations.

2. BACKGROUND

LEA understands the proposed development will consist of a 296m² commercial retail addition to the existing Buckerfield's Country Store building and 1000m² parking lot addition. It is understood the building addition represents an increase in floor area greater than 25% therefore the requirements of the aquifer protection DPA will apply. This report reflects the district guidelines specific to aquifer protection for the area.

3. ASSESSMENT OBJECTIVES

- a. Our assessment, as summarized within this report, is intended to meet the following objectives:
 - i. Determine whether the development will impact the existing aquifer due to increased and/or anticipated increase in groundwater demand.
 - ii. Identify any negative impacts the development may have on the aquifer and make recommendations (if any) to protect the aquifer.

**Schedule No. 5
Aquifer Impact Assessment
(Page 2 of 5)**

Client: Mr. Colin Springford
 Project: Buckenfield's Country Store – Addition
 File #: G7541.03
 Date: October 20, 2009
 Page: 2 of 5



- iii. Acknowledge that approving and/or building inspection officer may rely on this report when making a decision on applications for the development of the land.

4. ASSESSMENT METHODOLOGY

A visual site assessment was conducted as well as a desktop study of relevant well log information (from the Water Resources Atlas of BC and local well logs) in the immediate area and details of the aquifer characteristics. Included in the study was a review of the geotechnical report prepared by our office (File G7541.03 Dated October 14, 2009).

5. SITE CONDITIONS

5.1 General

- a. The proposed development property is located just south of the City of Parksville on the west side of Highway 4A (Alberni Highway) in area "G" of the Regional District of Nanaimo. The proposed development area is located to the south of the Highway 4A and Despard Avenue intersection, and to the north of Highway 19 (Inland Island Highway).
- b. The proposed development area is bounded to the immediate north and south by additional commercial retail properties, and in all other directions by a mixture of treed agricultural and agricultural residential properties.
- c. The terrain of the subject portion of the property is level with slight relief over the proposed development area to the northwest. The proposed development area currently serves as a gravel storage area for the existing building and business.
- d. Currently the proposed development area can be accessed via a gravel laneway located at the northwest corner of the existing building.

5.2 Soil Conditions

- a. A review of the geotechnical surface test pit logs and on-site and surrounding well logs indicate a near surface layer 1.0m to 1.5m thick of a very dense glacial till material consisting of a silty, sand and gravel. This layer is underlain by clayey, silty sand lenses at vary depths to

**Schedule No. 5
Aquifer Impact Assessment
(Page 3 of 5)**

Client: Mr. Colin Springford
Project: Beckerfield's Country Store - Addition
File #: G-784103
Date: October 20, 2009
Page: 3 of 5



approximately 12-13m. The clayey, silty sand was typically underlain by a sand based material where a significant volume of groundwater was realized. Well depths in the area vary in depths from 12.5m to 30m.

- b. Depths are referenced to the existing ground surface at the time of our field investigation. Soil classification terminology is based on the Modified Unified classification system. The relative proportions of the major and minor soil constituents are indicated by the use of appropriate Group Names as provided in ASTM D2487 Figures 1a, 1b, and 2. Other descriptive terms generally follow conventions of the Canadian Foundation Engineering Manual.

5.3 Groundwater

- a. The groundwater source levels varied at each well site as follows

City of Parkville Well - 500m eastward	Water Level	21.3m Deep
Beckerfields Well - Subject site	Water Level	17.4m Deep
Bottle Depot Well - 150m south	Water Level	27.4m Deep

- b. Groundwater levels can be expected to fluctuate seasonally with cycles of precipitation. Groundwater conditions at other times and locations can differ from those observed in the well logs.

6. CONCLUSIONS AND RECOMMENDATIONS

6.1 General

The aquifer in this region encompasses most of the lower lying geography from just above the inland island highway to the foreshore along the Strait of Georgia. The aquifer used for a groundwater supply near or at the subject area lies within a sand stratum at a depth that varies from 12m to 30m.

**Schedule No. 5
Aquifer Impact Assessment
(Page 4 of 5)**

Client: Mr. Colin Springford
 Project: Backerfield's Country Store Addition
 File #: C-254103
 Date: October 20, 2009
 Page: 4 of 5



6.2 Ground Water Assessment

- a. The proposed development consists of a 296m² warehouse addition, no additional washroom facilities or potable water infrastructure is anticipated as part of the development. Therefore there should be no increase in the demand for groundwater from the current well location (see site plan A-01 attached). The paved parking addition should not impact to the post development flows as the current drainage elements (i.e. ditches etc.) can accommodate the additional flow volume.
- b. The well logs and test pit logs show that the groundwater source (12.5-30m depth) is below significant thicknesses of glacial till, clayey and/or silty sand material that are relatively impermeable. It is our opinion that due to the sub-surface impermeable stratum found in the immediate area, the risk of this development negatively affecting the groundwater aquifer would be considered "very low".

7. ACKNOWLEDGEMENTS

Lewkowich Engineering Associates Ltd. acknowledges that this report may be requested by the building inspector (or equivalent) of the Regional District of Nanaimo as a precondition to the issuance of a development permit. It is acknowledged that the approving officers and building officials may rely on this report when making a decision on application for development of the land. We acknowledge that this report has been prepared solely for, and at the expense of Mr. Colin Springford. We have not acted for or as an agent of the Regional District of Nanaimo in the preparation of this report.

8. LIMITATIONS

The conclusions and recommendations submitted in this report are based upon the data obtained from a limited number of widely spaced subsurface explorations. No other warranty, expressed or implied, is made. Due to the geological randomness of many soil formations, no interpolation of soil conditions between or away from the test pits and wells has been made or implied. Soil conditions are known only at the test pit and well locations. If other soils are encountered, unanticipated conditions become known during construction.

Lewkowich Engineering Associates Ltd.

**Schedule No. 5
Aquifer Impact Assessment
(Page 5 of 5)**

Client: Mr. Colm Springford
Project: Buckenfield's Country Store - Addition
File #: C-754103
Date: October 20, 2009
Page: 5 of 5



or other information pertinent to the structures become available, the recommendations may be altered or modified in writing by the undersigned.

9. CLOSURE

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

Respectfully Submitted,
Lewkowich Engineering Associates Ltd.

A handwritten signature in black ink, appearing to read 'John Hesses', is written over a faint grid background.

John Hesses, ASCE,
Senior Technologist

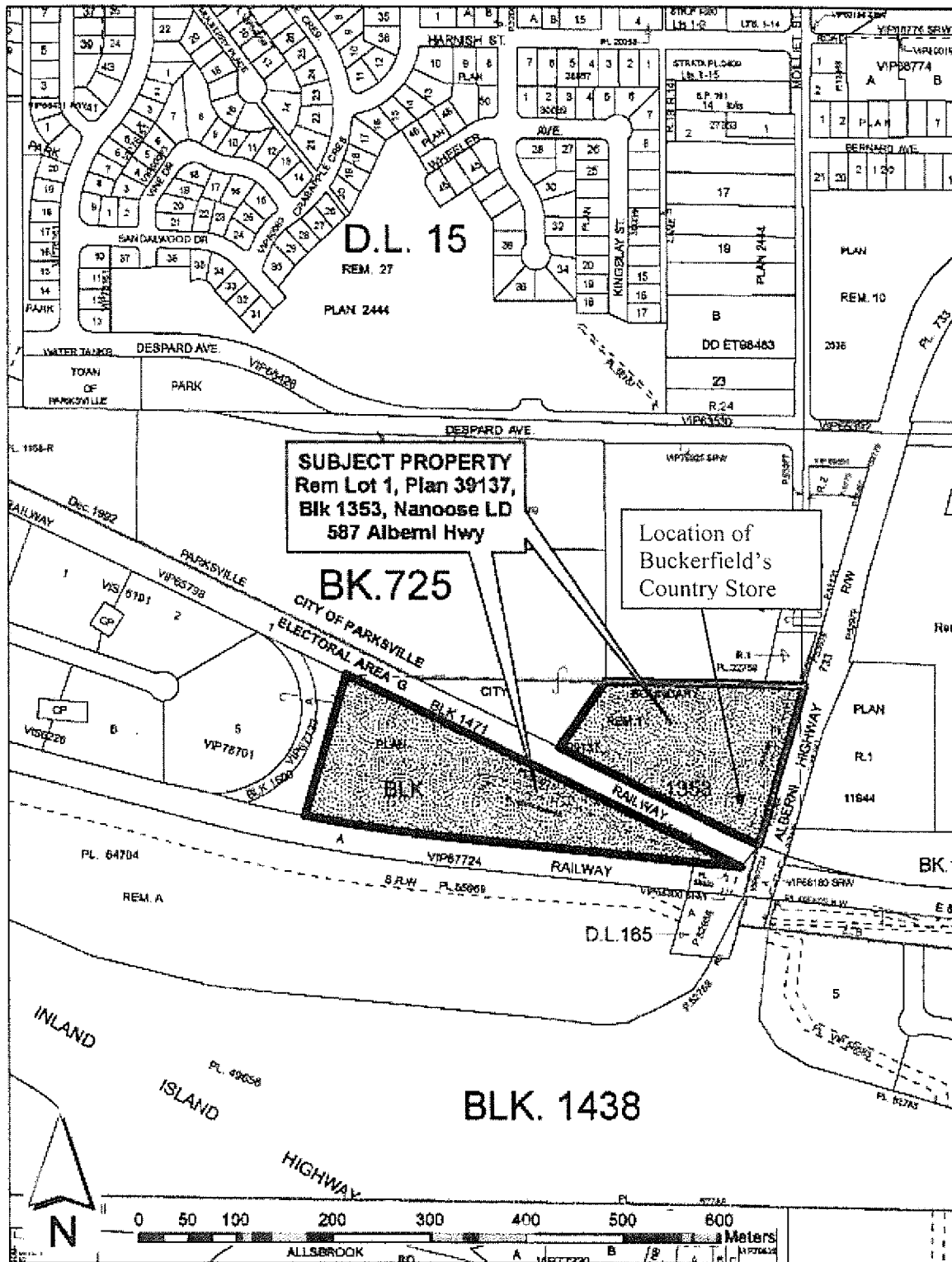
Reviewed by,



Chris Hudec, M.A.Sc., P.Eng.
Project Engineer

Lewkowich Engineering Associates Ltd.

Attachment No. 1
Location of Subject Property





C/O APPROVAL		CIN
EAP	✓	Nov 10 09
CCW		
DATE		
BOARD		

MEMORANDUM

TO: Dale Lindsay
Manager of Community Planning

DATE: October 30, 2009

FROM: Angela Buick
Planning Technician

FILE: PL2009-806

SUBJECT: Development Variance Permit Application No. PL2009-806 – Carrigy
Lot 3, District Lot 78, Nanoose District, Plan 47638 - 2418 Andover Road
Electoral Area 'E'

PURPOSE

To consider an application for a Development Variance Permit to vary the setback from the sea in order to construct two retaining walls associated with the construction of a dwelling unit on the subject property.

BACKGROUND

The Regional District of Nanaimo has received a Development Variance Permit application from C.A. Design on behalf of the Brendan & Megan Carrigy in order to permit the construction of two retaining walls. The subject property (see *Subject Property Map - Attachment No. 1*) is approximately 1800 m² and is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."

In August of 2009, the RDN Building Department issued a building permit for a single family dwelling located on the subject property. The house was designed with the intent of removing a large rock outcrop at the rear of the lot, adjacent to the coastal boundary. Due to lot configuration and the type machinery necessary to remove the rock outcrop it was deemed undesirable to remove the rock outcrop. As a result, the rear portion of the dwelling facing the coastal lot line was re-designed to incorporate natural feature. The redesign includes two retaining walls projecting out from the dwelling unit toward the coastline and into the rock outcrop where a concrete slab will be placed between the retaining walls to be used as a patio. This structure was specifically designed in order to divert potential flood waters from being trapped behind the rock outcrop by a storm surge or wave action.

Proposed Variance

The applicant is requesting to reduce the setback to the sea pursuant to "The Regional District of Nanaimo Zoning Bylaw No. 500, 1987" from 15.0 metres to 10.9 metres.

ALTERNATIVES

1. To approve Development Variance Permit No PL2009-806, subject to the conditions outlined in *Schedules No. 1 - 4*.
2. To deny Development Variance Permit No. PL2009-806.

DEVELOPMENT IMPLICATIONS

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

- A rock outcrop located at the rear of the property, adjacent to the coast line, was originally planned to be removed for the construction of the dwelling unit. It was determined that the rock could not be removed due to machinery and site constraints. As a result the dwelling unit design had to be altered in order to incorporate a large irregularly shaped rock outcrop into the rear of the dwelling unit. The re-design included two retaining walls projecting out of the foundation of the dwelling unit toward the sea which will be enclosed with a concrete slab. The re-design was developed in order to offer safe and suitable exit from the dwelling unit.

The applicant provided the following impact evaluations:

- Aesthetic impact: There are no foreseen negative view implications for adjacent property owners with respect to ocean. The retaining walls were extended into the setback to meet up with the top of the rock outcrop in order to accommodate a design that harmonized with the topography of the lot.
- Functional impact: The retaining walls will support a concrete slab in order to create a functional and usable space for the rear portion of the lot. Without this structure extending out to meet the crest of the rock outcrop, the rear portion to the lot would not be as functional for residential use.

Sustainability Implications

The applicant has completed the “Sustainable Community Builder Checklist”, as per Board policy. Staff notes that the proposed application is infill development in a pre-existing residential neighbourhood. The applicant are proposing to use many low environmental impact features such as: heat pump, low E argon windows, on site waste recycling, low flush toilets, permeable surfaces for driveways and patios as well as using local material and labour.

Public Consultation Process

As part of the required public notification process, pursuant to the *Local Government Act*, property owners and tenants located within a 50 metre radius, will receive a direct notice of the proposal, and will have an opportunity to comment on the proposed variance, prior to the Board’s consideration of the application.

SUMMARY/CONCLUSIONS

The applicant is proposing to vary the setback requirements of “The Regional District of Nanaimo Zoning Bylaw No. 500, 1987”, Setback from the Sea, to allow two retaining walls to support a concrete slab associated with the safe and suitable construction of a dwelling unit on the subject property.

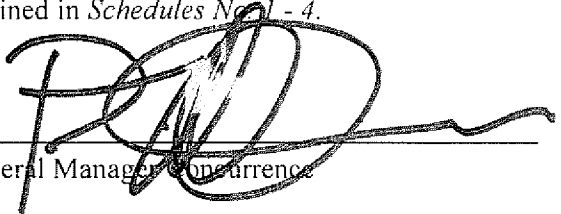
In staff’s assessment, there does not appear to be any negative impacts to adjacent properties owners or environmentally sensitive features, this application represents positive use of a physically constrained site. Staff recommends approval of this application subject to the conditions outlined in *Schedules No. 1 - 4*.

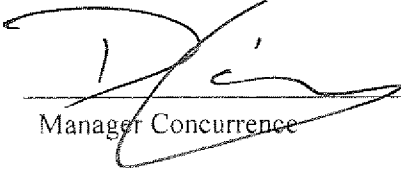
RECOMMENDATION


That:

1. Staff be directed to complete the required notification; and
2. The Development Variance Permit Application No. PL2009-806, to vary the setback requirements from the sea, be approved subject to the conditions outlined in *Schedules No. 1 - 4*.


Report Writer


General Manager Concurrence


Manager Concurrence


CAO Concurrence

Schedule No. 1
Conditions of Development Variance Permit No. PL2009-806
2418 Andover Road

The following sets out the terms of Development Variance Permit No. PL2009-806:

Bylaw No. 500, 1987 – Variance

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

1. **Section 3.3.9) b) ii) Setbacks – Sea** is hereby varied by reducing the minimum setback to the sea 15.0 metres to 10.9 metres horizontal distance from the natural boundary as noted on *Schedule No. 2*.

Conditions of Permit

1. The retaining walls to be maintained and sited in accordance with the survey prepared by Sims Associates Land Surveying and dated October 7, 2009 attached as *Schedule No. 2*.
2. The retaining walls to be maintained and sited in accordance with the Elevation plan prepared by C.A. Design and dated October 2, 2009 attached as *Schedule No. 3*.
3. The retaining walls to be designed and installed in accordance with the schedule prepared by Sotola Engineering and dated September 14, 2009 attached as *Schedule No. 4*.

PLAN OF LOT 3, DISTRICT LOT 78, NANOOSE DISTRICT, PLAN 47638.

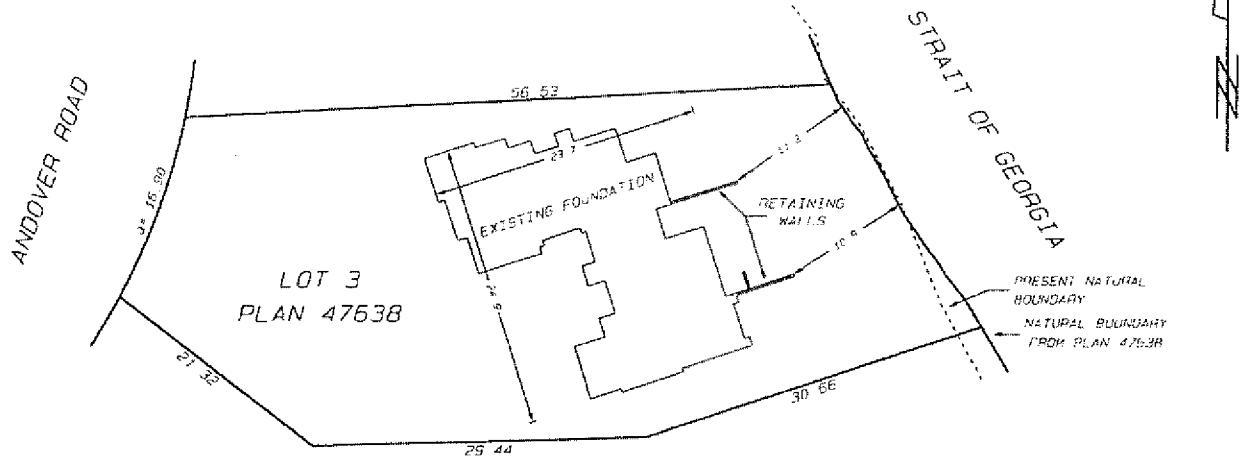
SHOWING EXISTING HOUSE & PROPOSED RETAINING WALLS THEREON.

SCALE 1:400

ALL DIMENSIONS ARE IN METRES

WITH UNLESS OTHERWISE INDICATED

AS PER BUILDING PLANS DATED 08/10/02.



LOT 3
PLAN 47638

29.44

56.53

30.66

ANDOVER ROAD

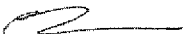
STRAIT OF GEORGIA

EXISTING FOUNDATION

RETAINING WALLS

PRESENT NATURAL BOUNDARY
NATURAL BOUNDARY FROM PLAN 47638

INSPECTED THIS 31ST DAY OF OCTOBER, 2009

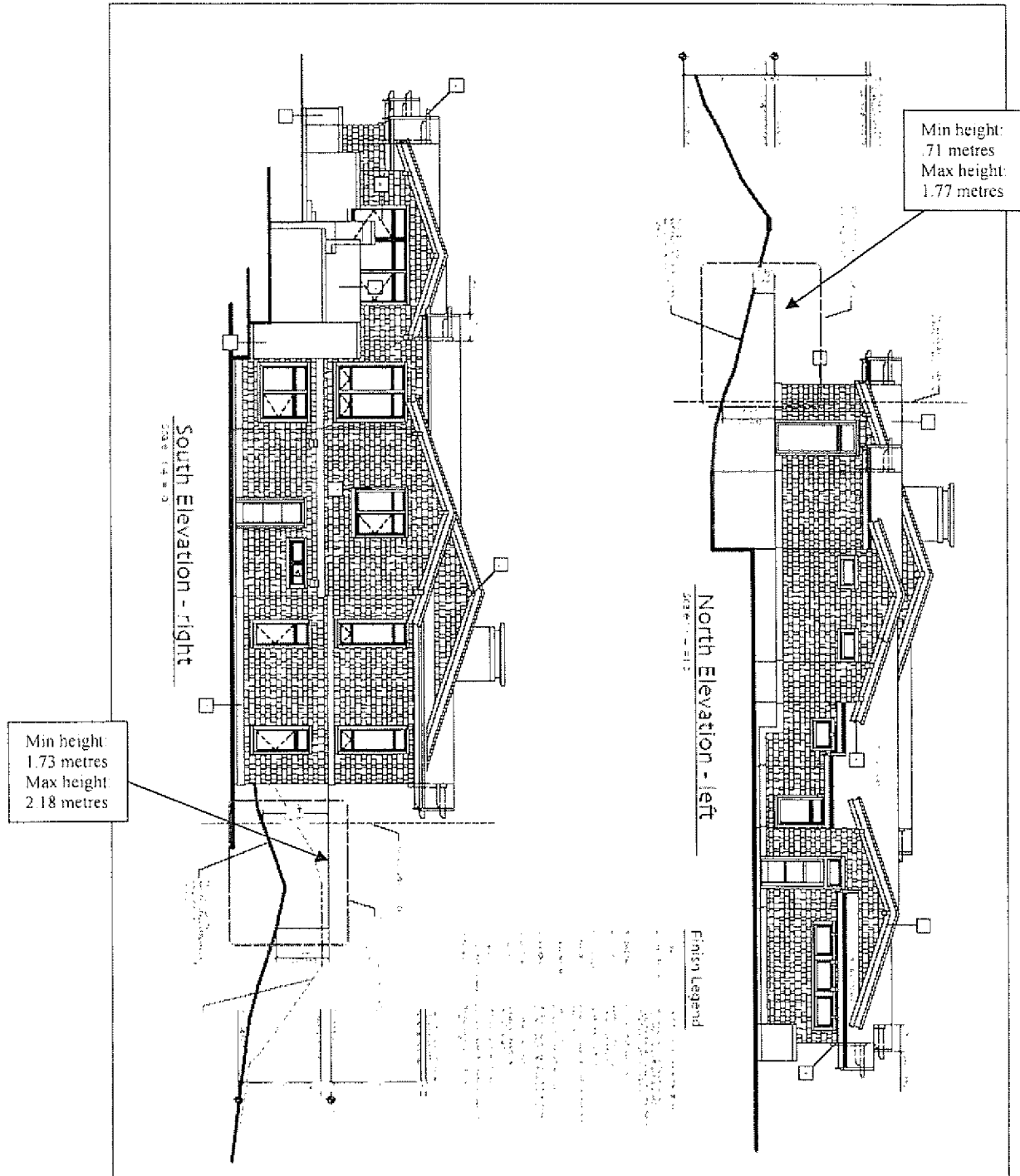

MICHAEL A. SIMS, B.C.L.S.

SIMS ASSOCIATES

B.C. LAND SURVEYOR
223 FERN ROAD WEST
SULLY, B.C. V3H 4P7
PHONE: 782-8122
FAX: 782-8221
E-MAIL: DS@SAS.BC
WWW.SAS-BC.COM

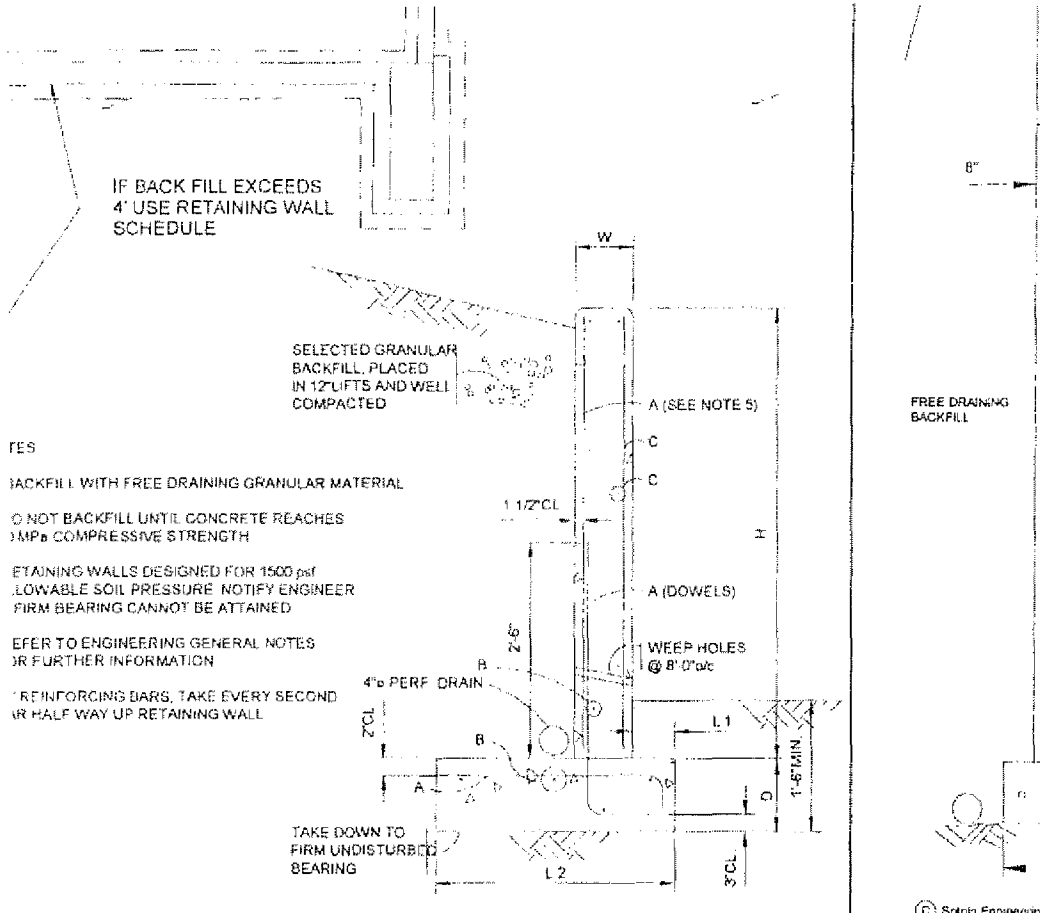
Schedule No. 2
Site Survey Plan

Schedule No. 3
 North and South Retaining Wall Elevations



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Schedule No. 4 Retaining wall Schedule

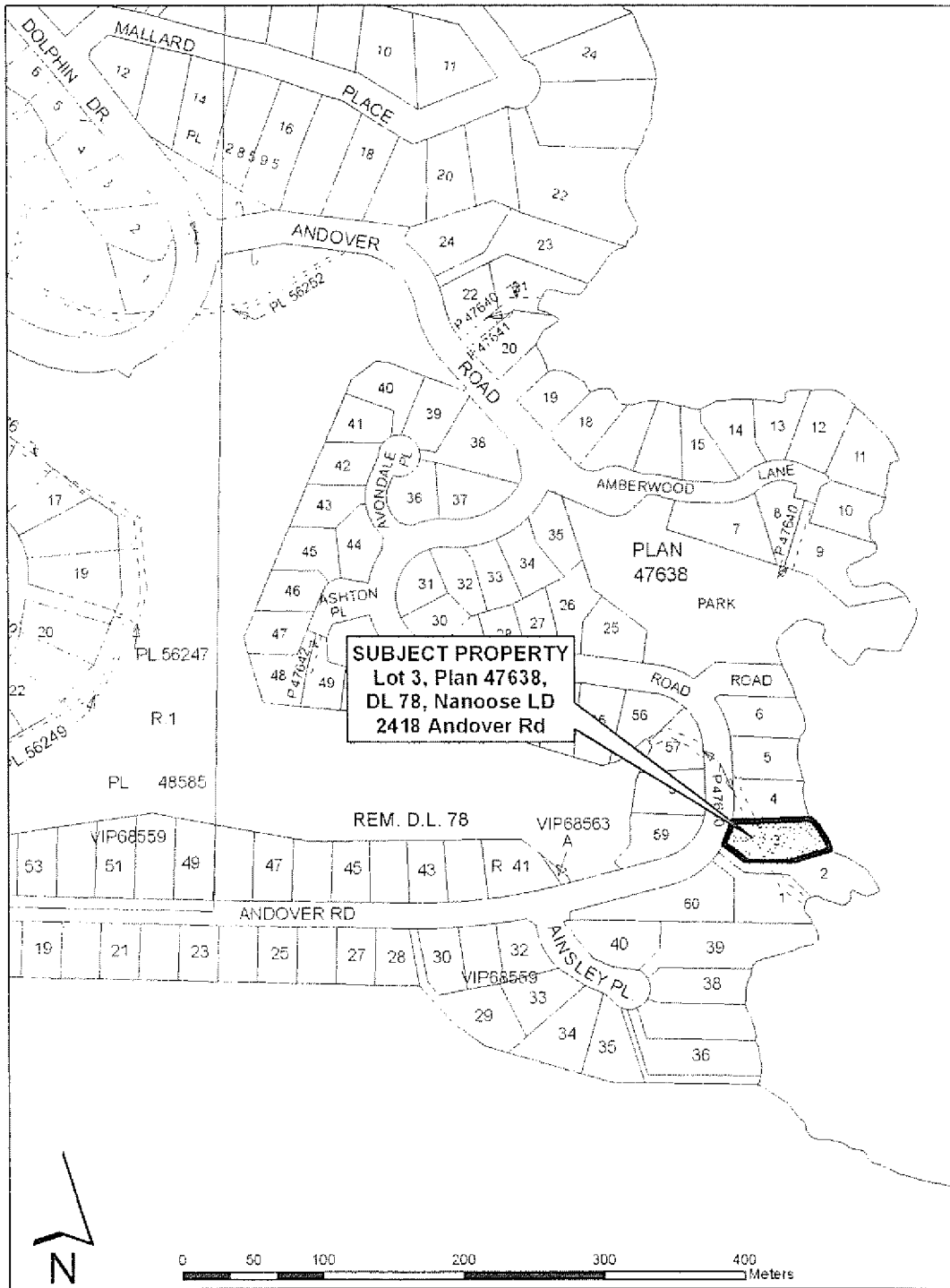


STEEL REINFORCING SCHEDULE								
DIMENSIONS					REINFORCING			
H	W	D	L 1	L 2	A (SEE NOTE 5)	B	C	
5'-0" MAX	8"	10"	6"	2'-9"	10M @ 18" o/c	10M @ 18" o/c	-	
7'-0" MAX	8"	10"	1'-0"	4'-0"	15M @ 18" o/c	10M @ 18" o/c	-	
8'-0" MAX	8"	10"	1'-0"	4'-4"	15M @ 10" o/c	10M @ 18" o/c	-	
9'-0" MAX	8"	10"	1'-0"	4'-9"	15M @ 8" o/c	10M @ 18" o/c	-	
10'-0" MAX	8"	10"	1'-0"	5'-9"	15M @ 6" o/c	10M @ 18" o/c	-	
11'-0" MAX	10"	1'-0"	1'-0"	6'-9"	15M @ 4" o/c	10M @ 18" o/c	10M @ 24" o/c	
12'-0" MAX	10"	1'-0"	1'-0"	7'-6"	20M @ 5" o/c	10M @ 18" o/c	10M @ 24" o/c	

© Solcia Engineering



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



BCGS MAPSHEET 92F.030.3.2



CAO APPROVAL		CAO
EAP	✓	Nov 10 09
COW		
DEC 1 2009		
RHD		
BOARD		

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: October 23, 2009

FROM: Elaine Leung
Planner

FILE: PL2009-808

SUBJECT: Development Variance Permit Application No. PL2009-808 – Fern Road Consulting Lot 17, District Lot 27, Newcastle District, Plan 38181 – Gainsberg Road Electoral Area 'H'

PURPOSE

To consider an application for a Development Variance Permit to permit the conversion of an existing accessory building to a single detached dwelling unit, by varying the maximum height restriction.

BACKGROUND

The Regional District of Nanaimo has received a Development Variance Permit application from Fern Road Consulting on behalf of Patricia, Richard and Clifford Pardiac, and Debra Lynn MacLean. The subject property is approximately 1.58 hectares in size with residential lots to the east and west, and Gainsberg Road to the north. (see Attachment No. 1 for location of the subject property). The site is zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

As part of the conditions of the concurrent subdivision application, the applicant is required to remove an existing accessory building, or convert it to a dwelling unit. As a result, the applicant is now applying to vary the height of the existing building in order to convert it and utilize it as a dwelling.

Proposed Variance

The applicants are proposing to convert an existing accessory building to a single detached dwelling unit, by relaxing the maximum height restriction from 8.0 metres to 8.9 metres. The Building Department has confirmed that the height calculations are correct.

ALTERNATIVES

1. To approve the Development Variance Permit No. PL2009-808 as requested.
2. To deny the Development Variance Permit No. PL2009-808.

LAND USE AND DEVELOPMENT IMPLICATIONS

The location of the proposed dwelling unit is outlined on Schedule No. 2. There are no implications for adjacent property owners with respect to the requested variance as the existing building has been in this location for a number of years.

Sustainability

The applicant has completed the "Sustainable Community Builder Checklist" as per Board policy. There are no substantive sustainability implications resulting from this application, however the proposal will permit the adaptive reuse of an existing structure.

Public Consultation Process

As part of the required public notification process, pursuant to the Local Government Act, property owners and tenants located within a 50 metre radius, will receive a direct notice of the proposal, and will have an opportunity to comment on the proposed variance, prior to the Board's consideration of the application.

SUMMARY/CONCLUSIONS

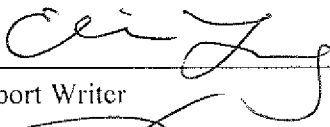
This is an application for a Development Variance Permit to permit the conversion of an existing accessory building into a single dwelling unit, by relaxing the maximum height restriction from 8.0 metres to 8.9 metres.

There are no negative impacts on adjacent properties, and this application represents positive use of an existing building. Staff recommends approval of this proposed variance.

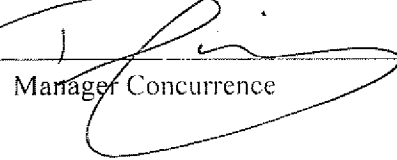
RECOMMENDATION

That;

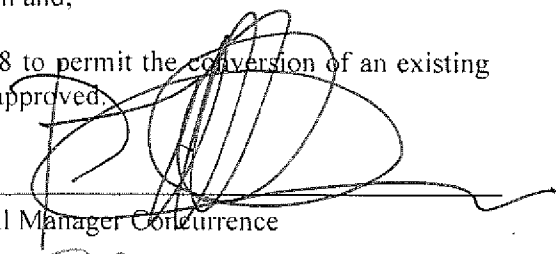
1. Staff be directed to complete the required notification and;
2. The Development Variance Permit No. PL2009-808 to permit the conversion of an existing accessory building to a residential dwelling unit be approved.



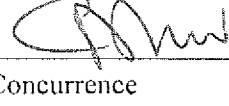
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

Schedule No. 1
Terms of Development Permit No. PL2009-808

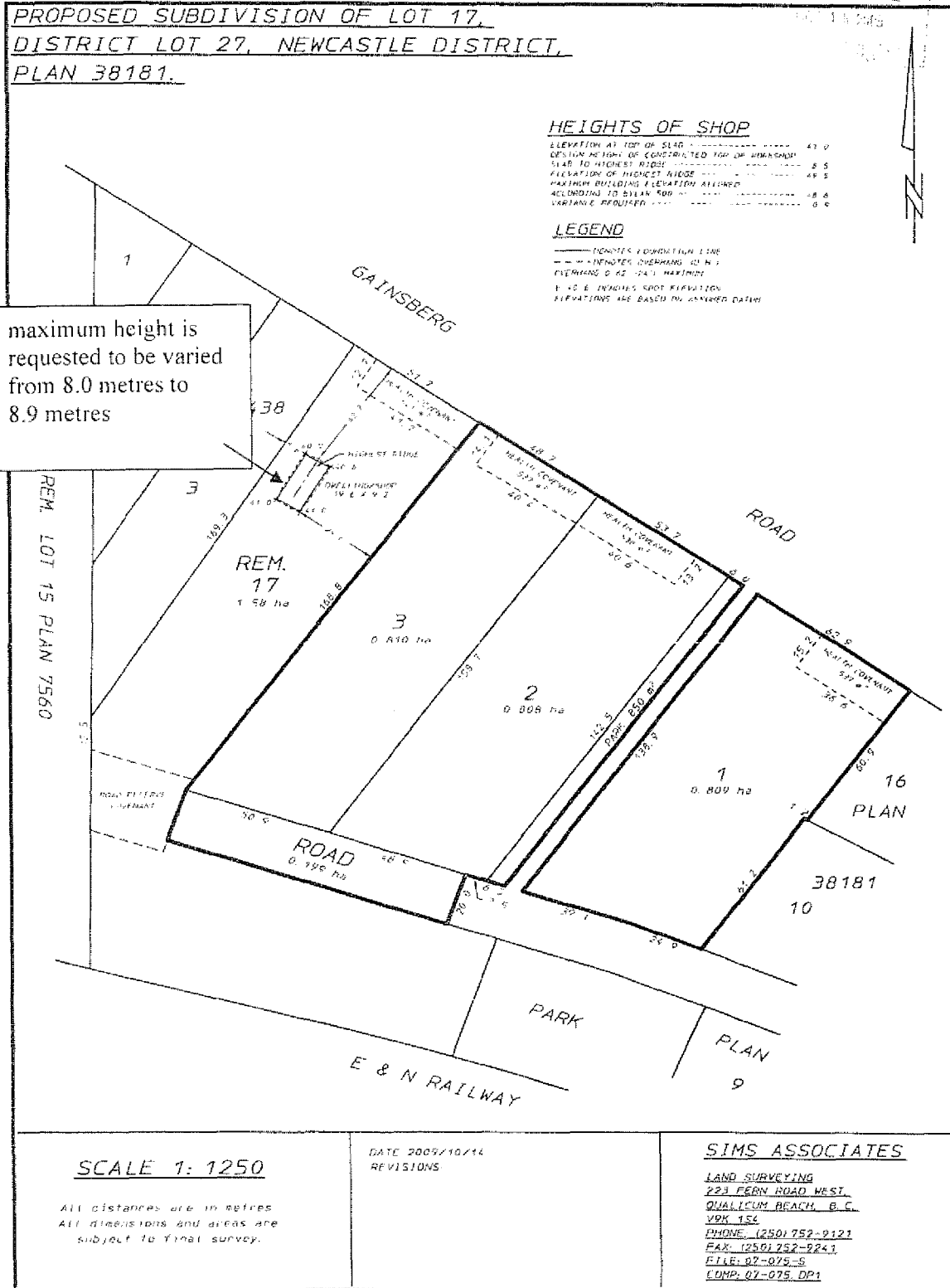
The following sets out the terms of Development Permit No. PL2009-808:

Bylaw No. 500, 1987 – Requested Variance

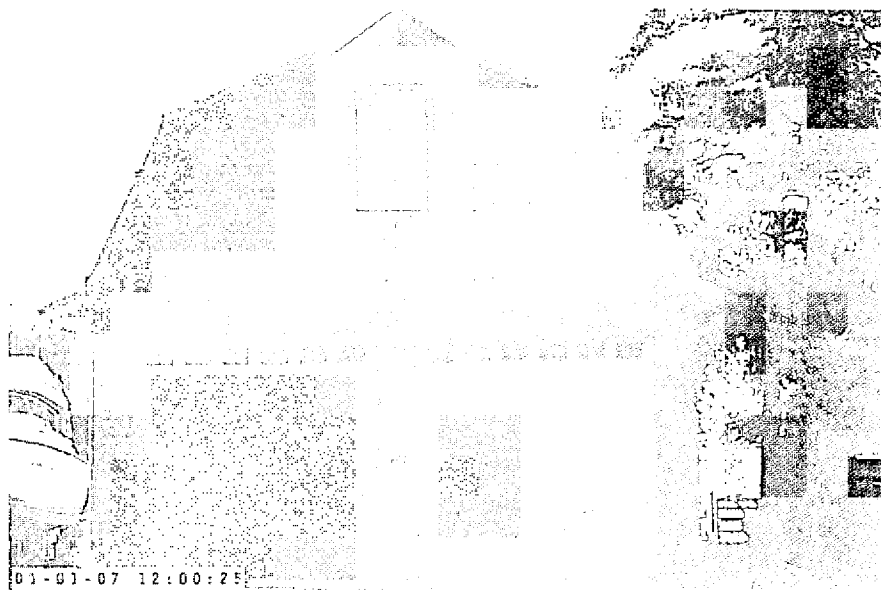
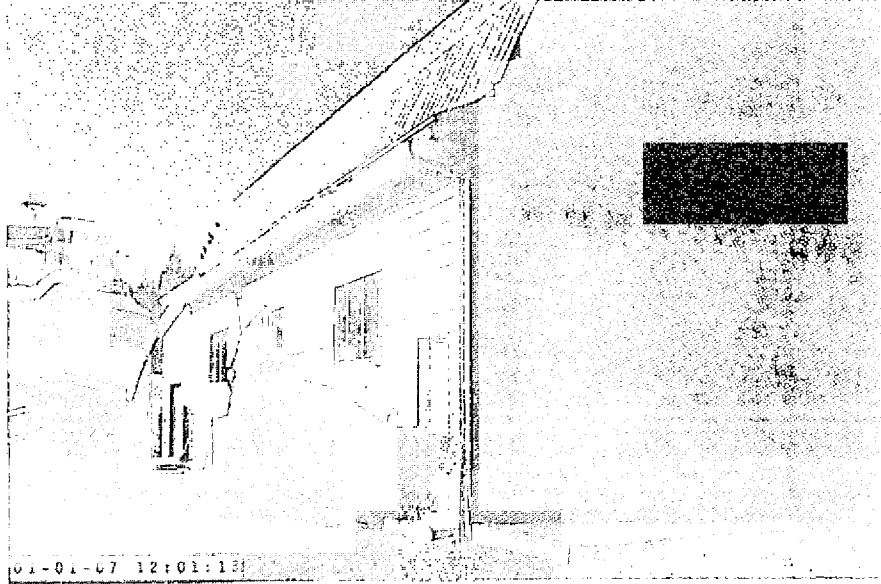
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” is varied as follows:

1. **Section 3.4.62 Maximum Dwelling Unit Height** is hereby varied by varying the maximum dwelling unit height from 8.0 metres to 8.9 metres to permit the conversion of an existing accessory building to a residential dwelling unit, as shown on Schedule No. 2.

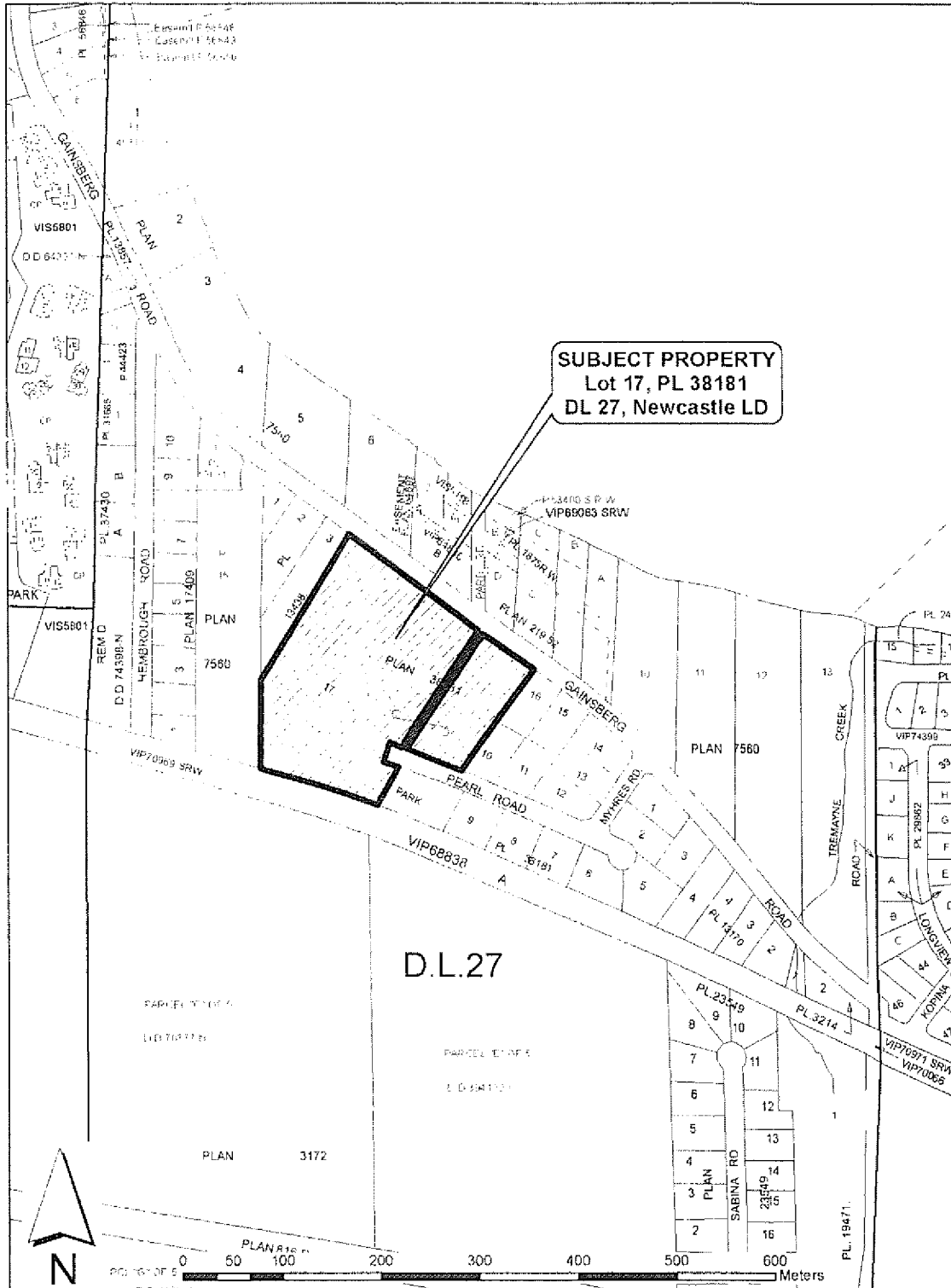
Schedule No. 2
Site Plan



Schedule No. 3
Photos



Attachment No. 1 Location of Subject Property



BCGS MAPSHEET: 92F 047.3 2



EAP	✓	Nov 10 09
COW		
RHD		
BOARD		

MEMORANDUM

TO: Paul Thorkeisson
General Manager of Development Services

DATE: October 27, 2009

FROM: Dale Lindsay
Manager of Current Planning

FILE: PL2009-787

SUBJECT: PL2009-787- Cedar Village Estates
Lot A, Section 14, Range 1, Cedar District, Plan VIP57874, except Parts in Plan VIP59634, VIP67432 & VIP76260; and Lot 6, Section 14, Range 1, Cedar District, Plan VIP59634
Electoral Area 'A'

PURPOSE

To consider a proposal from the developers of Cedar Village Estates to proceed with cash-in-lieu of internal sidewalk construction, with the contribution to be used toward further improvements of the adjacent Morden Colliery Trail

BACKGROUND

The subject property was previously rezoned to permit a 55 lot subdivision and a 75 person seniors care facility (see Attachment 2) in 2006. As a condition of approval, a number of amenities were secured including:

- a) upgrades to Morden Colliery Trail;
- b) improvements to Cedar and Hemer Roads;
- c) off site servicing, and;
- d) sidewalk construction through the proposed subdivision.

The applicants have been proceeding with the development of the property and are in the process of completing site works in order to finalize the subdivision and initiate construction.

The associated covenant, which secures the site improvements, requires that the sidewalks be constructed or that the developer provide a bond for 125% of the cost of construction.

Sidewalks

As noted at the time of the original rezoning, the RDN does not have a sidewalk function that would allow for RDN maintenance of the sidewalks once installed, and Ministry of Transportation and Infrastructure (MOTI) is not prepared to maintain sidewalks. The RDN has been working with MOTI to address issues of maintenance and liability, however at this point, no agreement has been established that would allow for the construction of these sidewalks.

The applicant could meet the conditions of the covenant by providing a bond for 125% of the value of construction. This would allow the developer to complete the subdivision and develop and sell the lots. However, in the absence of an agreement, the RDN would continue to hold the bond and be responsible for constructing the sidewalks at some point in the future.

As an alternative to the bonding scenario, the applicants are proposing the sidewalks not be constructed and that an amount equal to the estimated cost of the construction be redirected to Morden Colliery Trail

improvements. As the Board originally directed the sidewalk construction be secured as a condition of rezoning, Board direction is required with respect to this proposal.

The proposed concrete sidewalks were to be 1.2 m wide and constructed on one side of the street for those roads within the subdivision (see Attachment 2). The applicant's engineer has submitted a cost estimate for the construction of the sidewalks at \$48,500.

With the loss of the sidewalks, internal pedestrian movement will now be on street within the subdivision. The project will continue to have pedestrian connections to the Morden Colliery Trail to the north. In addition, the pavement widening in both Hemer and Cedar Roads will be completed in order to allow for pedestrian/cycle movements through the community.

Morden Colliery Trail

The existing Morden Colliery Trail runs along the north boundary of the subject site. As a condition of rezoning, improvements to the trail system were secured, including landscaping, structures and trail improvements (see Attachment 3). These improvements, which have not yet been completed, must be completed or bonded prior to any construction on the subject site.

The proposed monetary contribution in lieu of the sidewalks will be used to augment these works.

ALTERNATIVES

1. To accept cash-in-lieu of sidewalk construction and direct the monies to be used towards the enhancement of the Morden Colliery Trail; or
2. To not accept the proposal.


Option 2 would result in the applicant posting a bond for 125% of the value of the sidewalk construction. As the RDN does not currently have a sidewalk function, the bond would be held until some point in the future when/if a sidewalk function is established.

SUMMARY

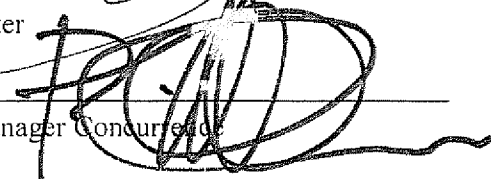
Through the original rezoning, sidewalk construction within the proposed subdivision was secured by covenant in anticipation of the RDN establishing a sidewalk function. As the developers are hoping to soon be moving forward with construction and as no sidewalk function has yet to be established the developers are proposing that in lieu of the sidewalks an equivalent cash contribution be made to allow for additional improvements to the Morden Colliery Trail.

RECOMMENDATION

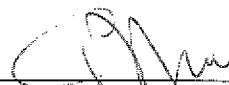
That the proposal for a contribution in lieu of sidewalks within the Cedar Village subdivision be approved and that the \$48,500 be directed toward further improvements to the Morden Colliery Trail system.



Report Writer

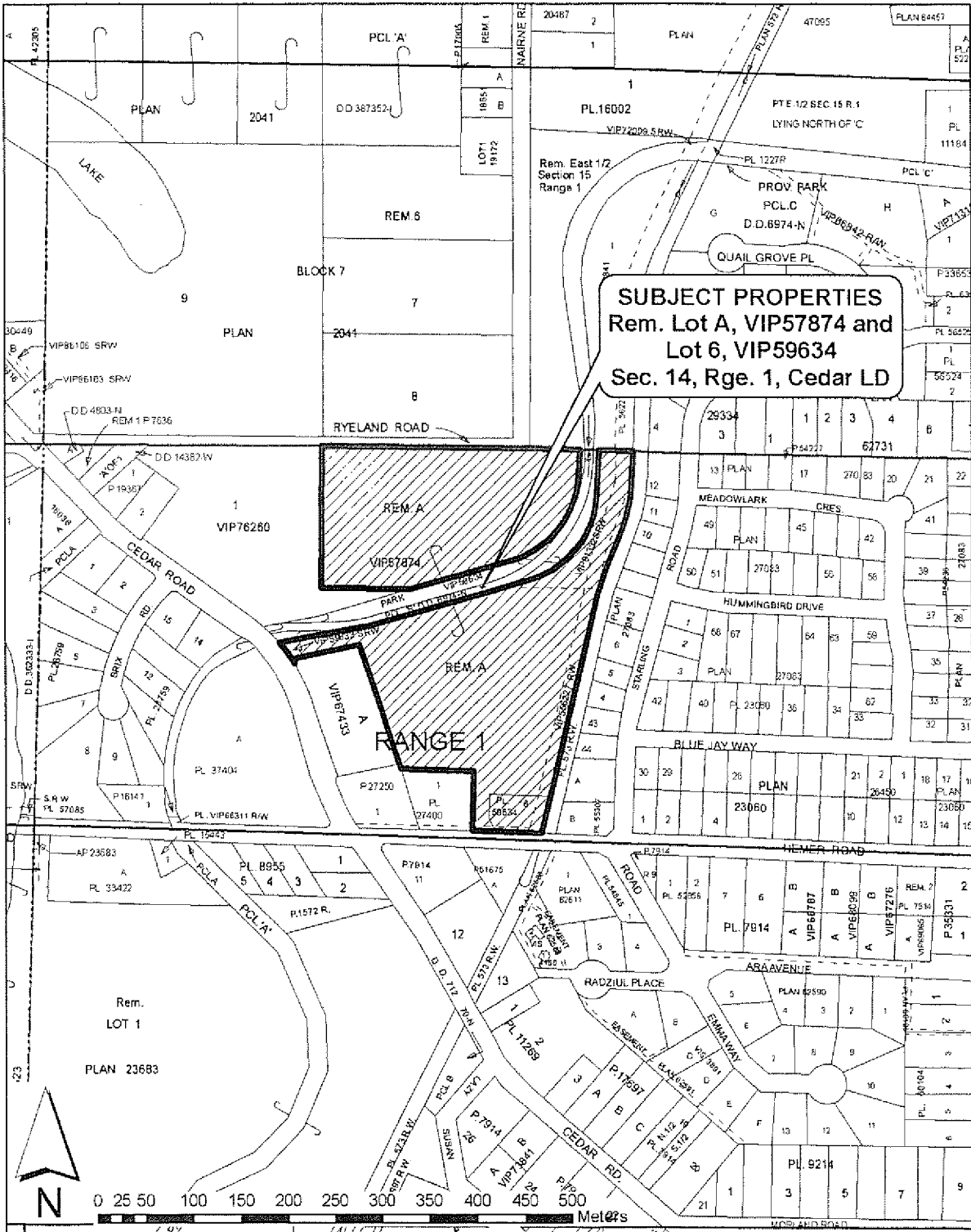


General Manager

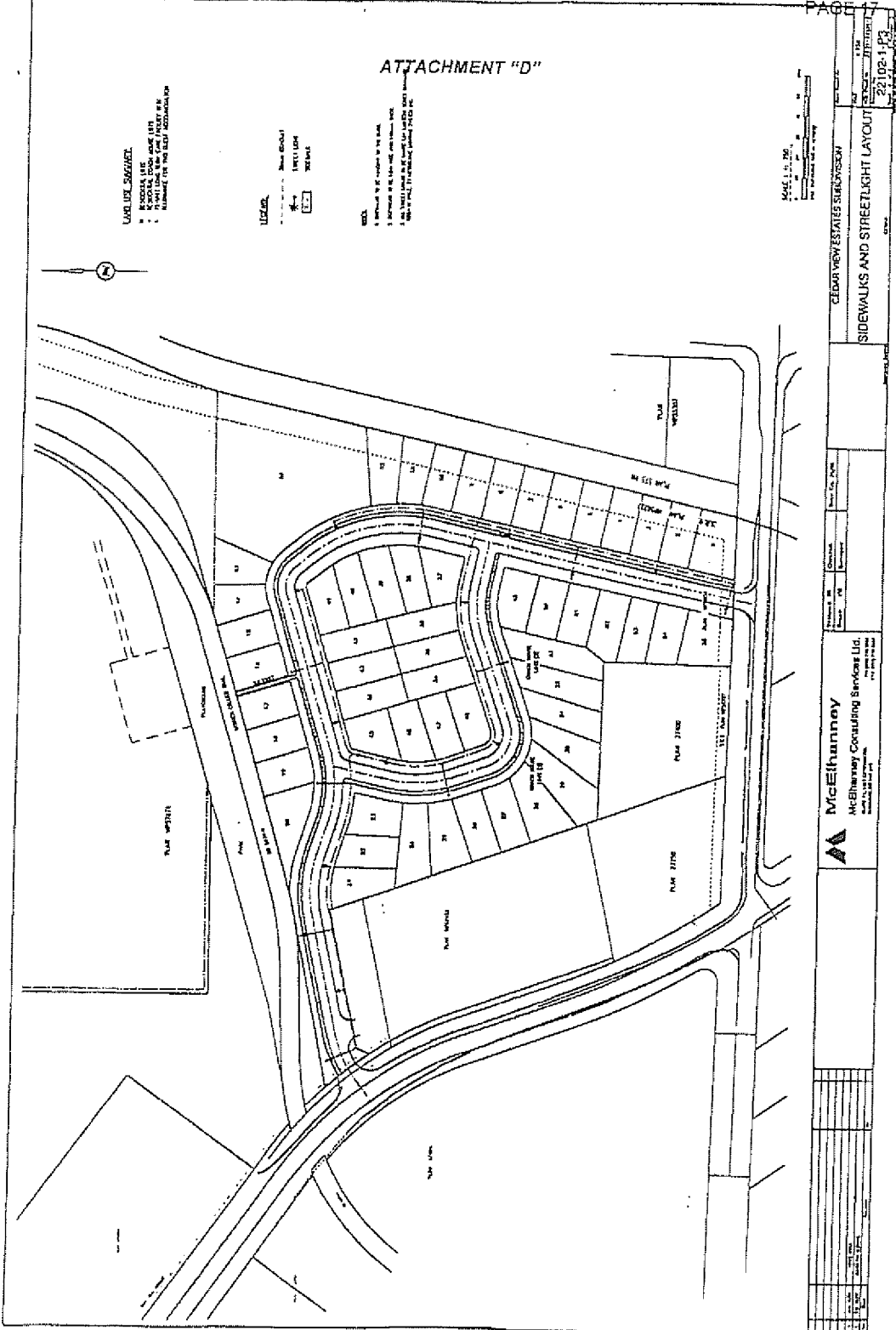


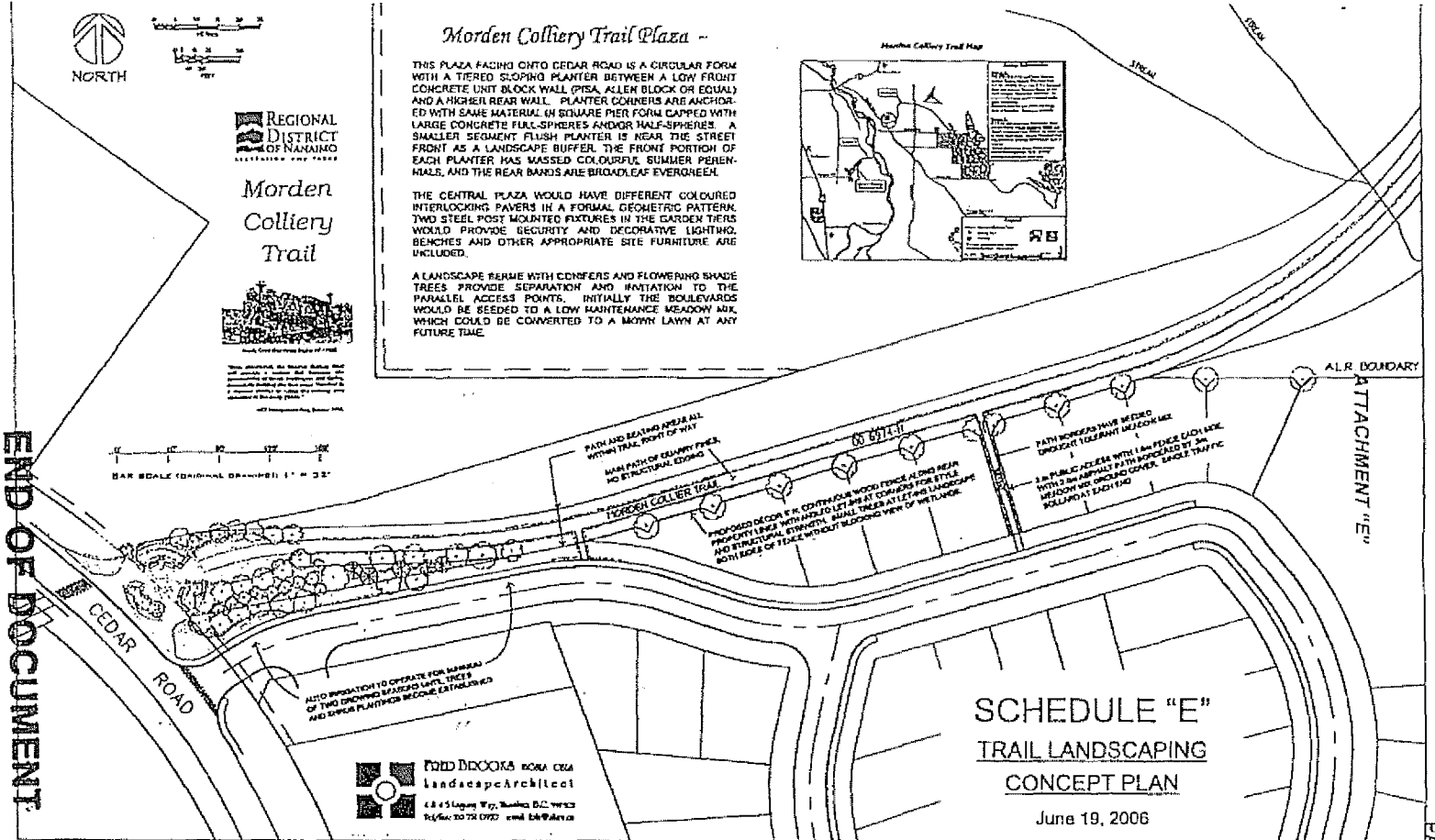
C.A.O. Concurrence

Attachment No. 1 Subject Properties



Attachment No. 2
 Sidewalks and Streetlighting Layout



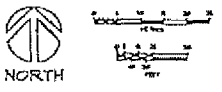
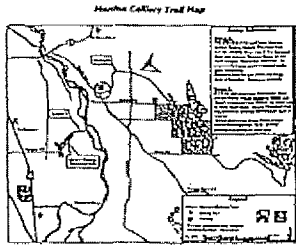


Morden Colliery Trail Plaza

THIS PLAZA FACING ONTO CEDAR ROAD IS A CIRCULAR FORM WITH A TIRED SLOPING PLANTER BETWEEN A LOW FRONT CONCRETE UNIT BLOCK WALL (PISA, AILEN BLOCK OR EQUAL) AND A HIGHER REAR WALL. PLANTER CORNERS ARE ANCHORED WITH SAME MATERIAL IN SQUARE PIER FORM CAPPED WITH LARGE CONCRETE FULL-SPHERES AND/OR HALF-SPHERES. A SMALLER SEGMENT FLUSH PLANTER IS NEAR THE STREET FRONT AS A LANDSCAPE BUFFER. THE FRONT PORTION OF EACH PLANTER HAS MASSED COLOURFUL SUMMER PERENNIALS, AND THE REAR BANDS ARE BROADLEAF EVERGREEN.

THE CENTRAL PLAZA WOULD HAVE DIFFERENT COLOURED INTERLOCKING PAVERS IN A FORMAL GEOMETRIC PATTERN. TWO STEEL POST MOUNTED FIXTURES IN THE GARDEN TERS WOULD PROVIDE SECURITY AND DECORATIVE LIGHTING. BENCHES AND OTHER APPROPRIATE SITE FURNITURE ARE INCLUDED.

A LANDSCAPE BERM WITH CONIFERS AND FLOWERING SHADE TREES PROVIDE SEPARATION AND INVITATION TO THE PARALLEL ACCESS POINTS. INITIALLY THE BOULEVARDS WOULD BE SEEDED TO A LEW MAINTENANCE MEADOW MIX WHICH COULD BE CONVERTED TO A MOWN LAWN AT ANY FUTURE TIME.



Morden Colliery Trail



END OF DOCUMENT

Attachment No. 3
Trail Landscaping Concept Plan

SCHEDULE "E"
TRAIL LANDSCAPING
CONCEPT PLAN
June 19, 2006

POD DOOKS ROW CEA
landscape architect
48 45 Leping Way, Nanaimo B.C. V9X 2K2
Tel: 250 751 0992 and 250 751 0993

ROBERT BOYLE ARCHITECTURE INC.



100 WATER STREET
NANAIMO, B.C.
V9X 2Y9
TEL: 250 751-3441
FAX: 250 751-1166



1/32" = 1'-0"
09 MAY 06

CEDAR ESTATES
RESIDENTIAL DEV.
CEDAR ROAD
CEDAR, BC

2414

LANDSCAPE PLAN
TRAIL ENTRANCE &
RETENTION POND AREAS

L-01

PAGE 18