



**DEVELOPMENT PERMIT NO. DP000892**

**MOUNT BENSON ENTERPRISES LTD.**

**Name of Owner(s) of Land (Permittee)**

**5107 BROADMOOR PLACE and**

**5109 BROADMOOR PLACE**

**Civic Address**

1. This development permit is issued subject to compliance with all of the bylaws of the municipality applicable thereto, except as specifically varied or supplemented by this permit.
2. This development permit applies to and only to those lands within the municipality described below, and any and all building structures and other developments thereon:

Legal Description:

**LOT 4, DISTRICT LOT 19, WELLINGTON DISTRICT, PLAN VIP71914  
PID No. 024-941-387**

**LOT 5, DISTRICT LOT 19, WELLINGTON DISTRICT, PLAN VIP71914  
PID No. 024-941-395**

3. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this permit and any plans and specifications hereto which shall form a part thereof.

**Schedule A Location Plan**

**Schedule B Site Plan**

**Schedule C Environmental Summary**

- a) If the applicant does not substantially commence the development permitted by this permit within two years of the date of this permit, the permit shall lapse.
4. This permit is not a building permit nor does it constitute approval of any signage. Separate applications must be made for a building permit and sign permit.
5. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is varied as follows:
  - *Watercourse Setback*  
The required watercourse setback is 15.0m. The requested watercourse setback is 0m, a variance of 15.0m.

AUTHORIZING RESOLUTION PASSED BY COUNCIL  
THE 8TH DAY OF **SEPTEMBER, 2014.**



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Corporate Officer

2014-SEP-11

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Date

GN/b

Prospero attachment: DP000892

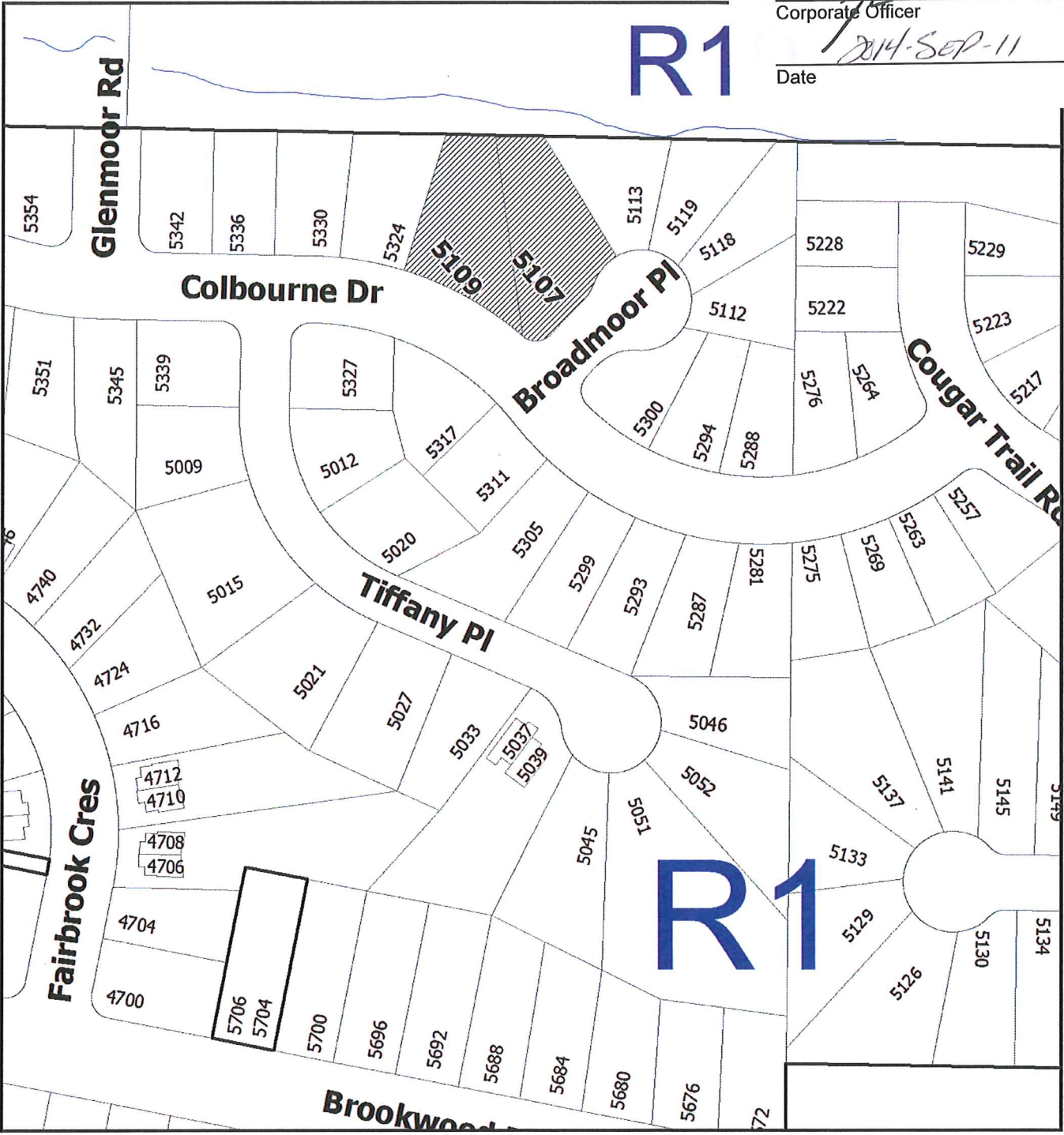
SCHEDULE A

Corporate Officer

*[Signature]*  
2014-SEP-11

Date

R1



DEVELOPMENT PERMIT NO. DP000892

**LOCATION PLAN**



**Subject Property**



Civic: 5107 and 5109 Broadmoor Place  
Lot 4 and 5, District Lot 19, Wellington District,  
Plan VIP71914

SITE PLAN ON LOTS 4 & 5, DISTRICT LOT 19,  
WELLINGTON DISTRICT, PLAN VIP71914

NATURAL GRADE HAS BEEN DETERMINED  
ACCORDING TO CITY ZONING BYLAWS

SCALE 1:400  
ALL MEASUREMENTS ARE IN METRES  
ELEVATIONS ARE GEODETIC

This is Schedule B referred to in the  
Development Permit.

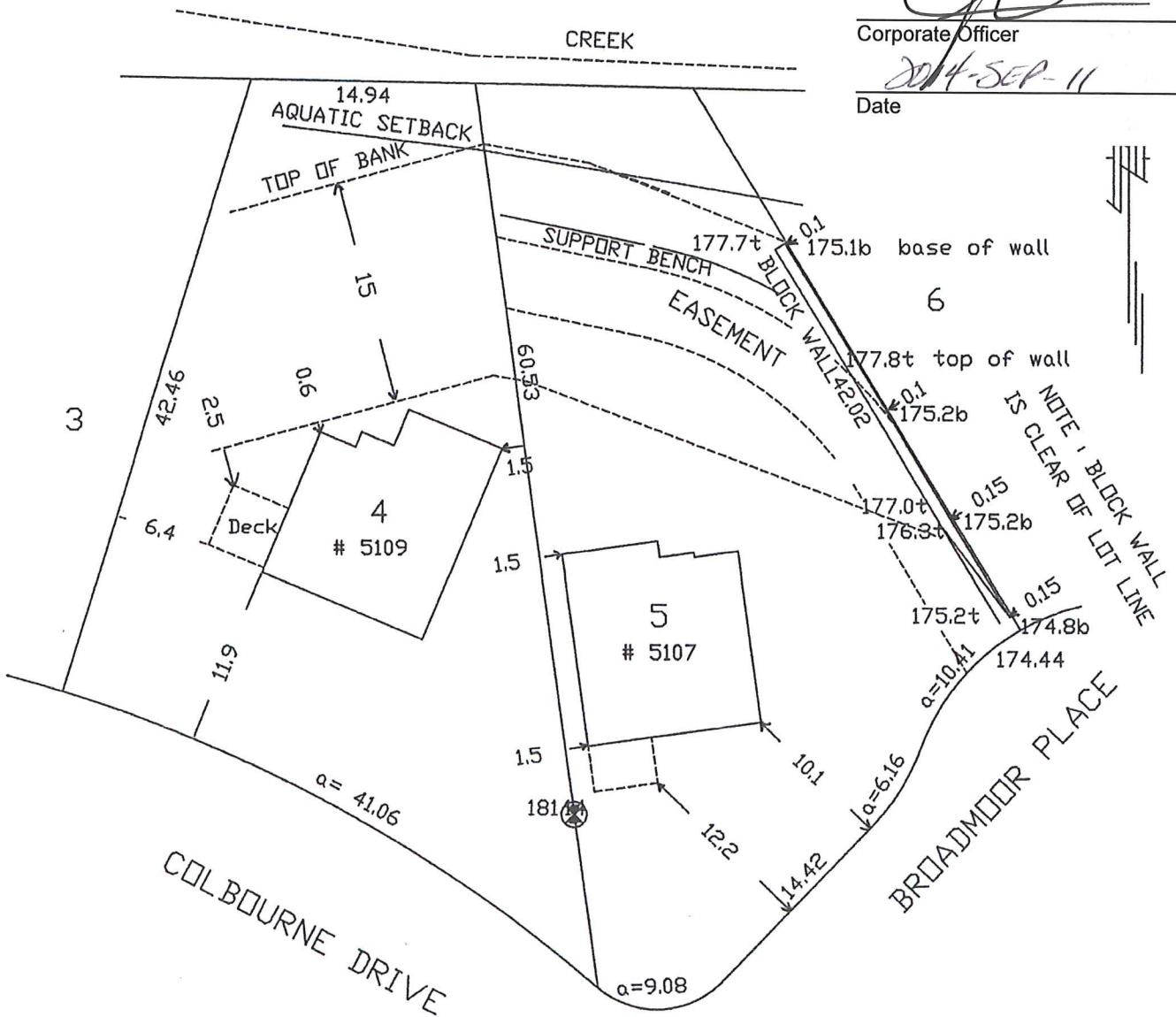
Corporate Officer

Date

*[Signature]*  
2014-SEP-11

DISTRICT LOT 50

CREEK



T.G. Hoyt  
B.C. Land Surveyor  
2275 Godfrey Road  
Nanaimo, B.C.  
V9X 1E7  
250-753-2921

HOUSE LOCATION TO BE PINNED  
PRIOR TO FOUNDATION FORMING

FB 363/42

Certified Correct

This 19th day of August, 2014.

*[Signature]*  
B. C. L. S.



## Toth and Associates Environmental Services

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

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

E-mail: stoth@shaw.ca

Development Permit DP000892

5107 / 5109 Broadmoor Place

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Schedule C

### Environmental Summary

August 5, 2014

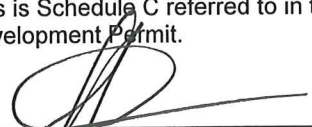
**Norman Blattgerste**

Mount Benson Developments Inc.

6936 Dickinson Road

Nanaimo, B.C., V0R-2H0

This is Schedule C referred to in the  
Development Permit.

  
Corporate Officer

2014-SEP-11  
Date

**Re: Summary of the Environmental Review of development occurring on 5109 and 5107  
Broadmoor Place, Nanaimo.**

#### Introduction

Toth and Associates Environmental Services conducted a site visit of the properties located at 5109 and 5107 Broadmoor Place on July 17, 2014. The two subject Lots are located on a rocky knoll south of a watercourse which forms part of the headwaters of McGregor Creek as identified on Map No. 3 of the City of Nanaimo's Official Community Plan. The two properties represent "infill" lots, with all the surrounding properties already previously developed.

#### Riparian Areas Regulation Applicability

The McGregor Creek watershed does not sustain fish as defined under the provincial *Riparian Areas Regulation* (RAR), or flow to downstream freshwater fish habitat. As McGregor Creek neither provides, nor flows to fish habitat, the RAR does not apply to it.

#### Watercourse Description

The site survey revealed that the watercourse consists of a dry, discontinuous small channel < 0.5m wide on average with only small pockets of alluvial material apparent on the stream bed and short sections of defined stream banks. At its closest point the watercourse is located approximately 9.8m north of the property lines (Figure 1).

#### City of Nanaimo Bylaws

A watercourse is defined in the City of Nanaimo's Zoning Bylaw (No. 4500, 2011) as "any drainage course or source of water in a channel with defined continuous banks, whether usually containing water or not, and includes any lake, river, creek, spring, wetland, the sea, or source of ground water and includes portions that may be within a conduit or culvert." As the watercourse does not have defined continuous banks it does not meet the requirements of a "watercourse" under the City's zoning bylaw. However, the drainage is identified as a watercourse on Map No. 3 of the OCP. The Watercourse DPA applies to the stream "bed and all area within 15m from top of bank on both sides".

**Recommendations**

Based on the results of the site survey and low habitat values associated with the watercourse I recommend that the developer seek a reduction in the watercourse setback from the City of Nanaimo to match the existing limit of development on previously developed adjacent properties, or as supported by a geotechnical assessment.

Please contact us if you require any additional information.

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



**Toth and Associates Environmental Services**

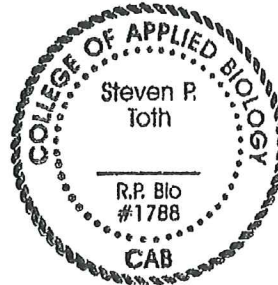
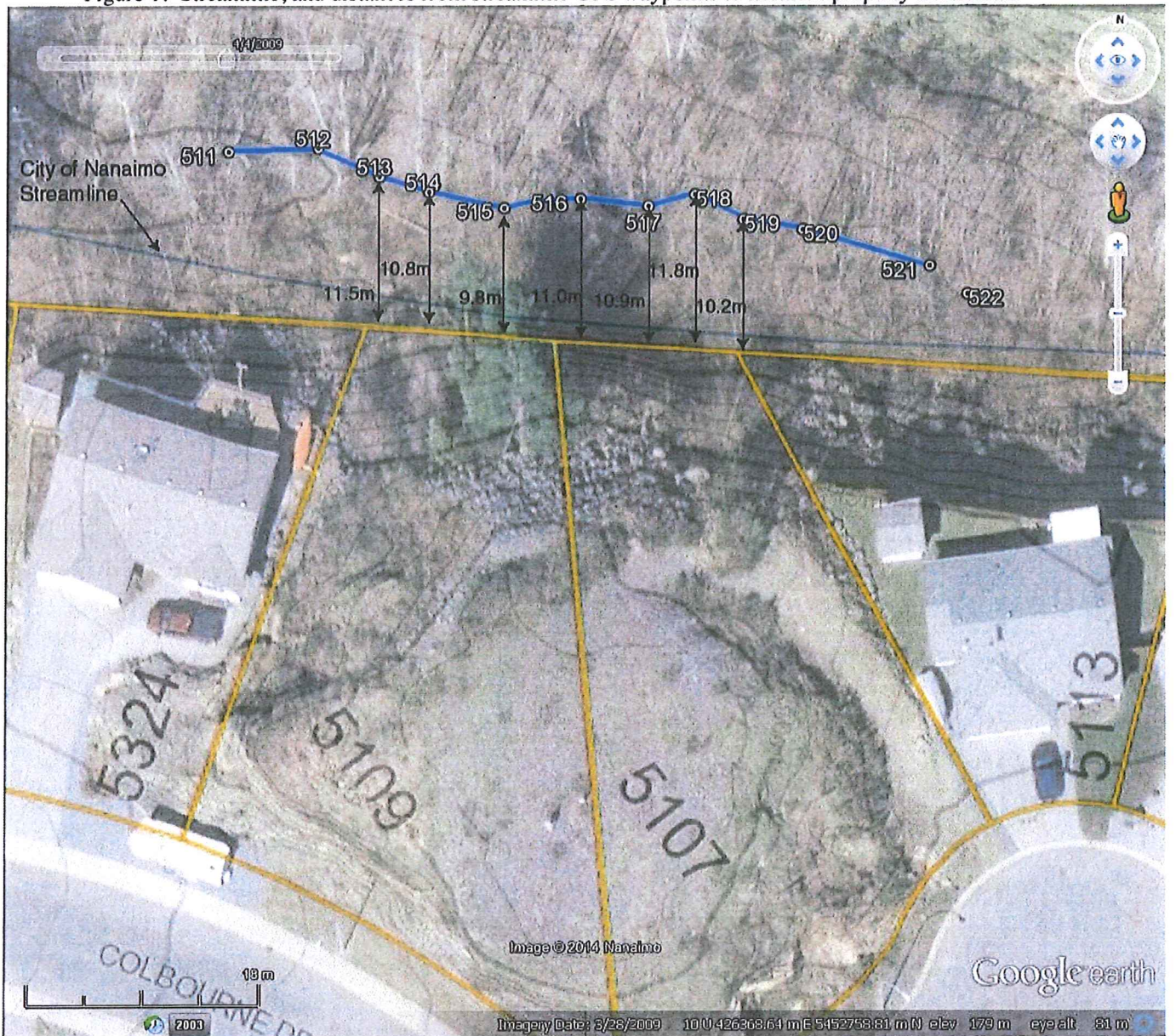


Figure 1. Streamline, and distances from streamline GPS waypoints to northern property boundaries



Corporate Officer

Date



**Lewkovich Engineering Assoc**  
geotechnical • health, safety & environmental • materials testing

*2014-SEP-11*

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Schedule D

Geotechnical Report

**GEOTECHNICAL REPORT**

Mount Benson Enterprises Ltd.  
6840 Stone Road  
Lantzville, BC  
V0R 2H0

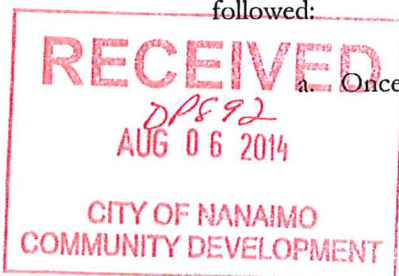
File: F1587.03  
August 5, 2014

ATTENTION: Mr. Rod Knox

PROJECT: NEW RESIDENCES, 5107, 5109 BROADMOOR PLACE, NANAIMO, BC  
SUBJECT: SUPPLEMENTAL GEOTECHNICAL REVIEW: NORTH FACING ROCK RUBBLE SLOPE

1. As requested, Lewkovich Engineering Associates Ltd. (LEA) has reviewed the original Geotechnical Assessment- "Building Lot Conditions" (LGE File G0140.54 October 25, 2000) and a Supplemental Geotechnical Review letter "Site Assessment to Current Code", F1598.02 dated June 26, and conducted a site reconnaissance to review current slope conditions. This information has been used to determine whether the land is still considered safe for the use intended.
2. The review indicates that a safe set back to buildings of 5m from the rock rubble slope has been establish as recommended in the previously submitted report. The site visit revealed some manipulation to the existing slope during the build out process for the access driveway. We have noticed the pile of yard debris that had been dumped over the rock rubble slope over the years has been cleaned up and the underlying rubble slope reestablished to the 35-38 degree inclination typical of this cul-de-sac. We also noted that several boulders had rolled down the slope and at one area this caused a small sloughing (1.2m wide) of surface rubble materials at this location.
3. Based on the observed conditions it is LEA's opinion that the north facing rock rubble slope at the subject property is considered safe and suitable for the use intended, with the probability of a geotechnical failure resulting in property damage of less than 10 percent (10%) in 50 years, with the exception of geohazards due to a seismic event which are to be based on a 2 percent (2%) probability of exceedance in 50 years as long as the following recommendations are followed:

a. Once rough grading is complete for the driveway, a 1.5m wide bench should be



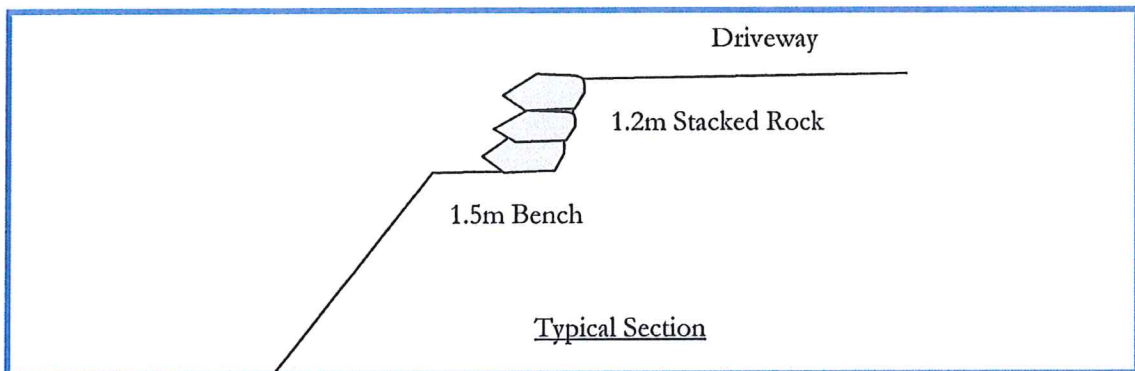


Client: Mount Benson Developments Inc.  
Project: 5107, 5109 Broadmoor Place, Nanaimo, B.C.  
File: F1587.03  
Date: August 5, 2014  
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established beginning at the top of the new retaining wall following the drive way extent to 5109 Broadmoor.

- b. Within this bench a 1.2m high stacked rock wall should be constructed to establish the fill limits for the driveway and reduce the overall slope length below.
- c. Once this program is completed (October) the slope be treated with a mulch hydroseed mixture to help vegetate the slope.



4. Lewkowich Engineering Associates Ltd. appreciates the opportunity to be of service on this project. If you have any comments, or if we can be of further assistance, please contact us at your convenience.

Respectfully Yours,  
Lewkowich Engineering Associates Ltd.

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

John Hessesels, ASCT  
Senior Technologist



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

Lewkowich Engineering Associates Ltd.