

DATE OF MEETING | February 1, 2021 |

AUTHORED BY | SADIE ROBINSON, PLANNING ASSISTANT, CURRENT PLANNING |

SUBJECT | **DEVELOPMENT PERMIT APPLICATION NO. DP001195 – 3500 DEPARTURE BAY ROAD** |

OVERVIEW

Purpose of Report

To present for Council’s consideration, a development permit application to allow the redevelopment of a single residential dwelling and site improvements partially within the watercourse setback at 3500 Departure Bay Road.

Recommendation

That Council issue Development Permit No. DP1195 at 3500 Departure Bay Road with the following variance:

- reduce the watercourse setback measured from the top of bank of Joseph Creek from 15m to 5.99m for the proposed dwelling.

BACKGROUND

A development permit application, DP1195, was received from Pheasant Hill Homes, to reduce the watercourse setback from the top of bank of Joseph Creek to allow redevelopment of a single residential dwelling, detached garage, and site improvements on the subject property, partially within the watercourse setback.

Subject Property and Site Context

<i>Zoning</i>	R1- Single Residential Dwelling
<i>Location</i>	The subject property is located on the north side of Departure Bay Road, opposite Keighley Road.
<i>Total Area</i>	3,850m ²
<i>Official Community Plan (OCP)</i>	Map 1 – Future Land Use – Neighbourhood Map 3 – Development Permit Area No. 1– Watercourses

The subject property has a panhandle frontage on Departure Bay Road with a long driveway access to an existing house and detached garage, which the property owners are proposing to remove. The site is a large property with mature trees, and Joseph Creek, a tributary to Departure Creek, flows in a southeasterly direction across the property. The Watercourses Development Permit Area (DPA) encompasses over half of the property. The subject property is surrounded by single residential properties.

DISCUSSION

Proposed Development

The proposed development includes the removal of the existing dwelling, which currently encroaches into the Streamside Protection and Enhancement Area (SPEA), and the redevelopment of a single residential dwelling, garage, and site improvements outside of the SPEA, but partially within the watercourse development permit area and required 15m watercourse setback. The existing dwelling is approximately 1.2m from the top of bank of Joseph Creek, and the proposed dwelling will be 5.99m from top of bank. The existing driveway crosses over Joseph Creek and will be maintained, but a portion of the driveway will be removed and replaced with predominantly pervious materials.

A Qualified Environmental Professional (QEP) completed a detailed assessment and determined the SPEA necessary to protect fish and wildlife habitat and riparian function is 10m as measured from high-water mark (5.99m as measured from the top of bank) of Joseph Creek. The Province has reviewed and accepted the QEP's detailed assessment and the defined SPEA.

The residence could be sited further north within the property, however, there is no way to fully avoid development in the DPA as the driveway needs to cross the creek regardless of the placement of the house. The proposed building site was carefully selected based on what is essential to achieve a net-zero ready home and a suitable area for a food garden. The specific location beneath the significant evergreen canopy for the dwelling is essential in order to block the unwanted summer solar heat gains, while allowing the lower-angle solar exposure in the winter and shoulder seasons, and also avoiding the removal of existing trees. Further, the northern portion of the property, has the greatest potential for vegetable production due to increased summer sun exposure and the open level ground.

To compensate for the intrusion to the watercourse setback, the proposed development includes restoration of 1,446m² of riparian area to natural vegetation, expanding beyond the SPEA boundaries to increase the wildlife corridor value. The proposed development will result in a significant net gain in the quantity and quality of habitat within Joseph Creek. A three-year maintenance period and bonding will be required, per the submitted Riparian Restoration Plan prepared by EDI Environmental Dynamics Inc. As a condition of the development permit, the property owner will also be required to install permanent post and rail fencing and habitat protection signage.

The proposal complies with the DPA guidelines, as existing encroachments within the SPEA will be removed, the proposed redevelopment will be located outside of the SPEA, and the form and function of the riparian area and wildlife habitat will be restored with replanting.

Proposed Variances

Minimum Watercourse Setback

Section 6.3.1.5 of "City of Nanaimo Zoning Bylaw 2011 No. 4500" requires a minimum watercourse setback from Joseph Creek of 15m, as measured from top of bank. The proposed setback is 5.99m at the closest point to the dwelling from top of bank; a proposed variance of 9.01m.

The proposed setback variance would allow for removal of existing encroachments within the SPEA, redevelopment to be located outside of the SPEA, and the riparian area to be restored. It will also allow for maximized energy efficiency of the house, as recommended by passive house consultants, as well as providing space for a food garden. The proposed restoration and enhancement of the riparian area is a significant net gain in riparian function for fish and wildlife.

The proposal meets the DPA guidelines. Given the development proposes to reduce impacts to the SPEA and there is a net improvement to the quality of the fish and wildlife habitat within the riparian leave-strip, Staff support the proposed variance.

SUMMARY POINTS

- Development Permit Application No. DP1195 proposes a variance to reduce the minimum required watercourse setback from 15m to 5.99m from the top of bank of Joseph Creek to allow a proposed single residential dwelling, detached garage, and site improvements.
- The proposed building location will be outside of the Provincially-required 10m Streamside Protection and Enhancement Area, and the Riparian Offsetting Plan will enhance the existing riparian form and function within the site.
- Staff support the proposed variance.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Context Map
ATTACHMENT C: Location Plan
ATTACHMENT D: Site Plan
ATTACHMENT E: Riparian Offsetting Treatment Areas
ATTACHMENT F: Aerial Photo

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services

ATTACHMENT A

PERMIT TERMS AND CONDITIONS

TERMS OF PERMIT

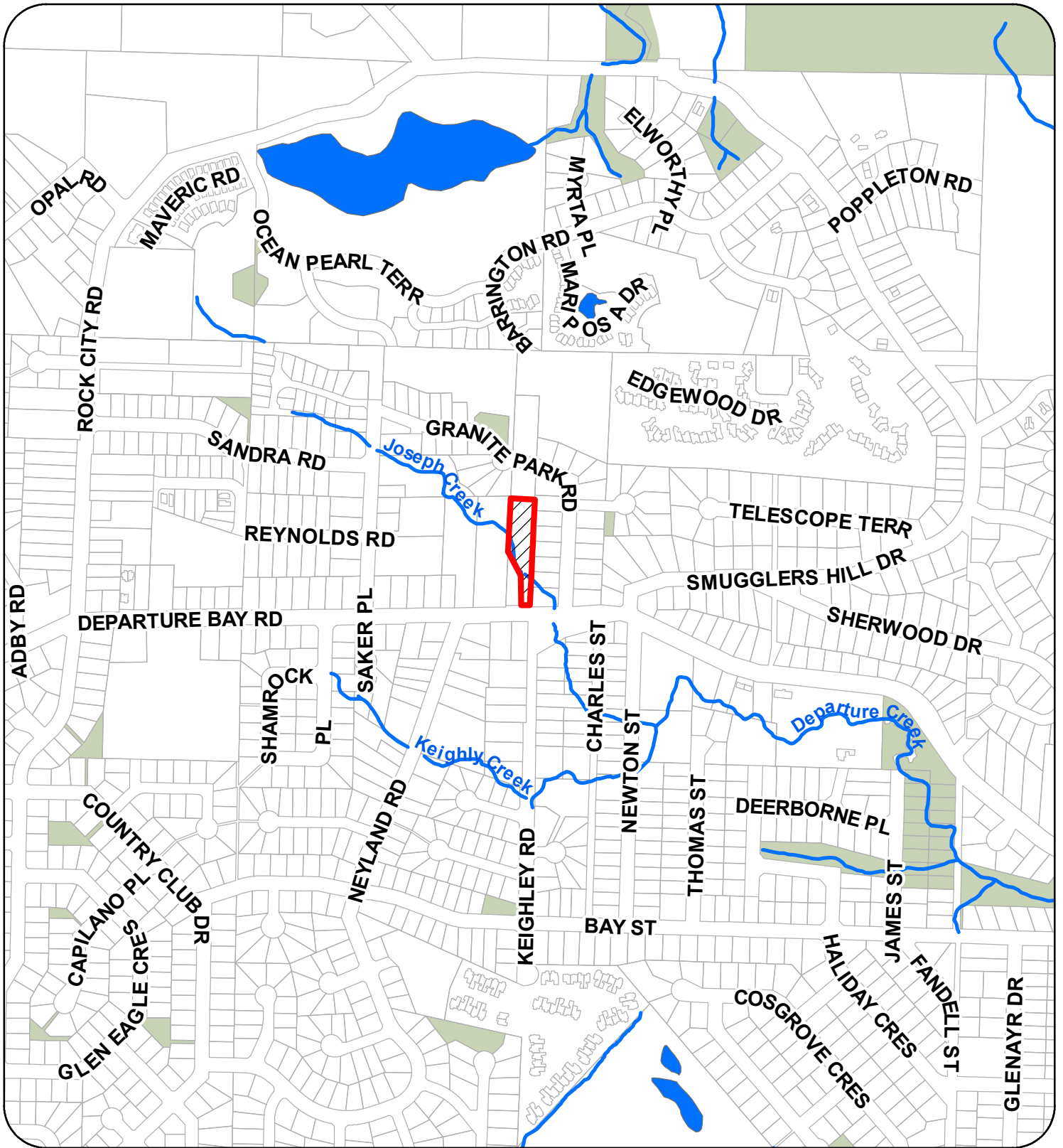
The “City of Nanaimo Zoning Bylaw 2011 No. 4500” is varied as follows:

1. Section 6.3.1.5. – *Location and Siting of Buildings and Structures to Watercourses* – reduce the minimum watercourse setback from 15m to 5.99m as measured from the top of bank of Joseph Creek for the proposed dwelling, and site improvements.

CONDITIONS OF PERMIT

1. The subject property is developed in accordance with the proposed Site Plan prepared by Saturna Studios, dated 2020-Nov-09, as shown on Attachment D.
2. The subject property must be developed, and the riparian leave strip restored, maintained, and monitored in accordance with the Riparian Offsetting Plan provided by EDI Environmental Dynamics Inc., dated April 2020.
3. Security is to be submitted prior to building permit issuance and held for three years, commencing after the final phase of planting, to ensure the lot is developed in accordance with the proposed Riparian Offsetting Plan including three-years of monitoring and maintenance. A certified Letter of Completion is required from a qualified professional at the end of the three-year maintenance period.
4. Permanent post and rail fencing at the 10m Streamside Protection Enhancement Area adjacent to Joseph Creek with signage identifying the environmentally-sensitive area will be required to be installed prior to Building Permit issuance.

ATTACHMENT B CONTEXT MAP

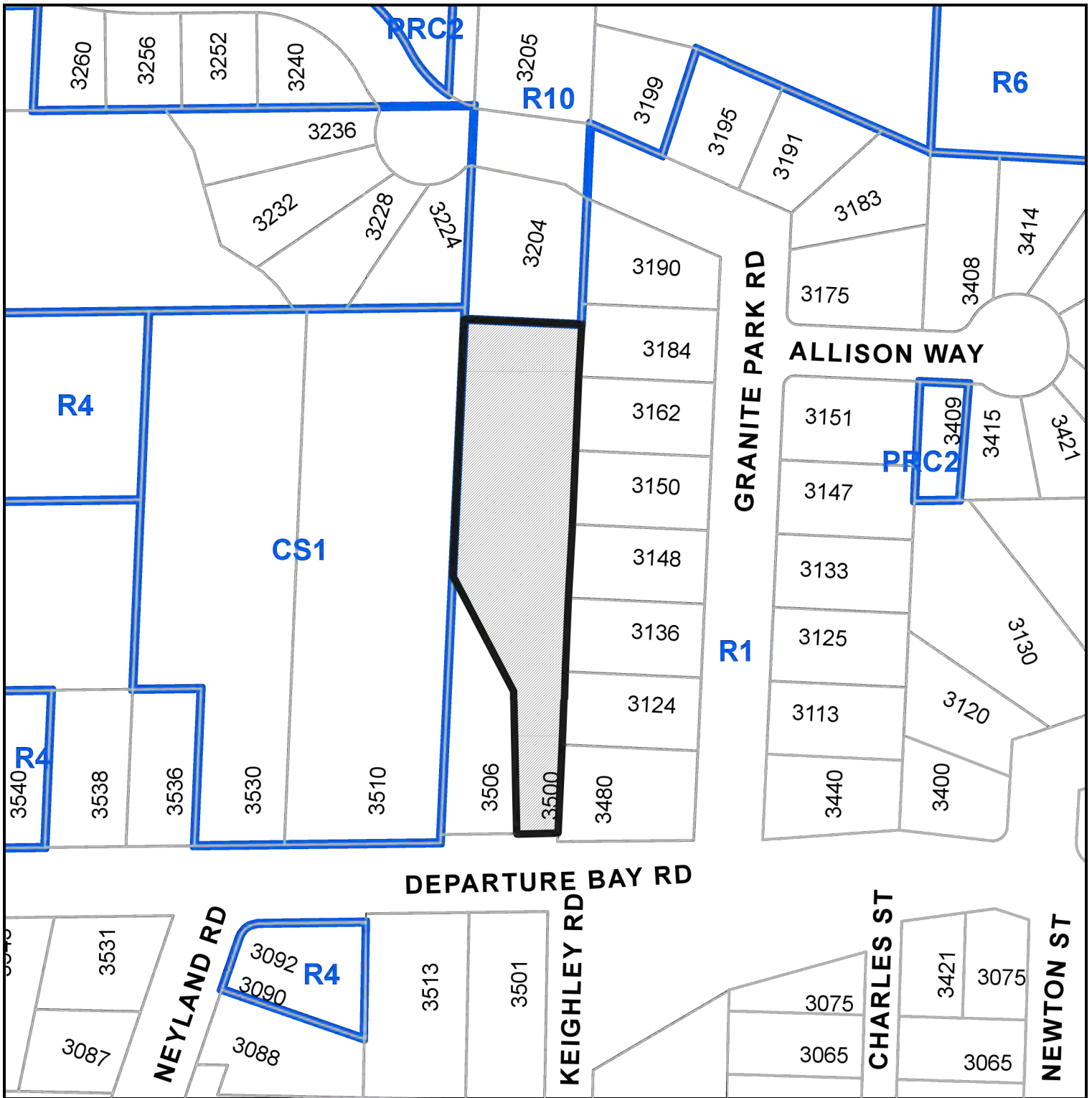


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3500 Departure Bay Road

ATTACHMENT C LOCATION PLAN



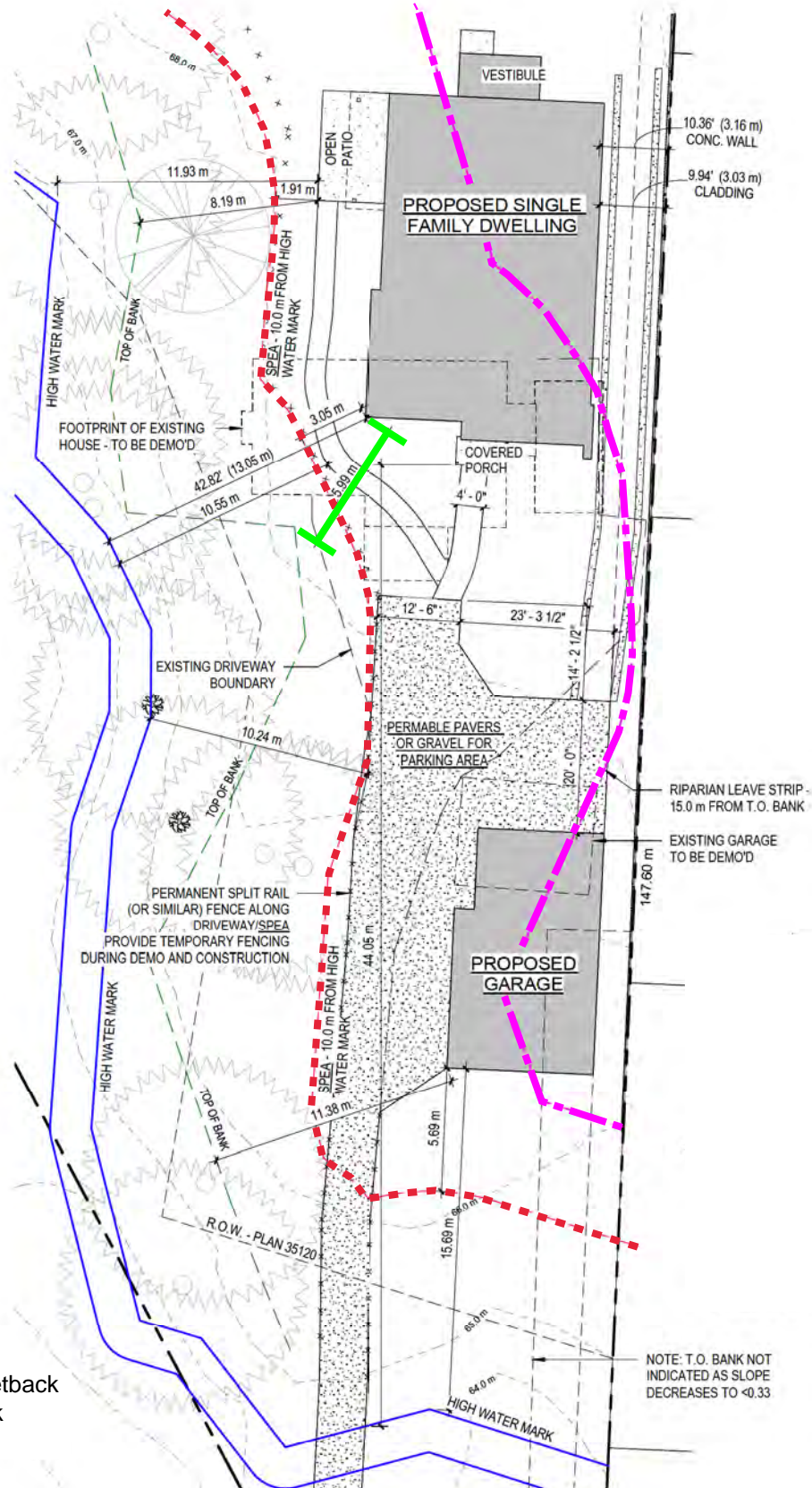
DEVELOPMENT PERMIT APPLICATION NO. DP001195 - 3500 DEPARTURE BAY ROAD

CIVIC: 3500 DEPARTURE BAY ROAD

 **Subject Property**

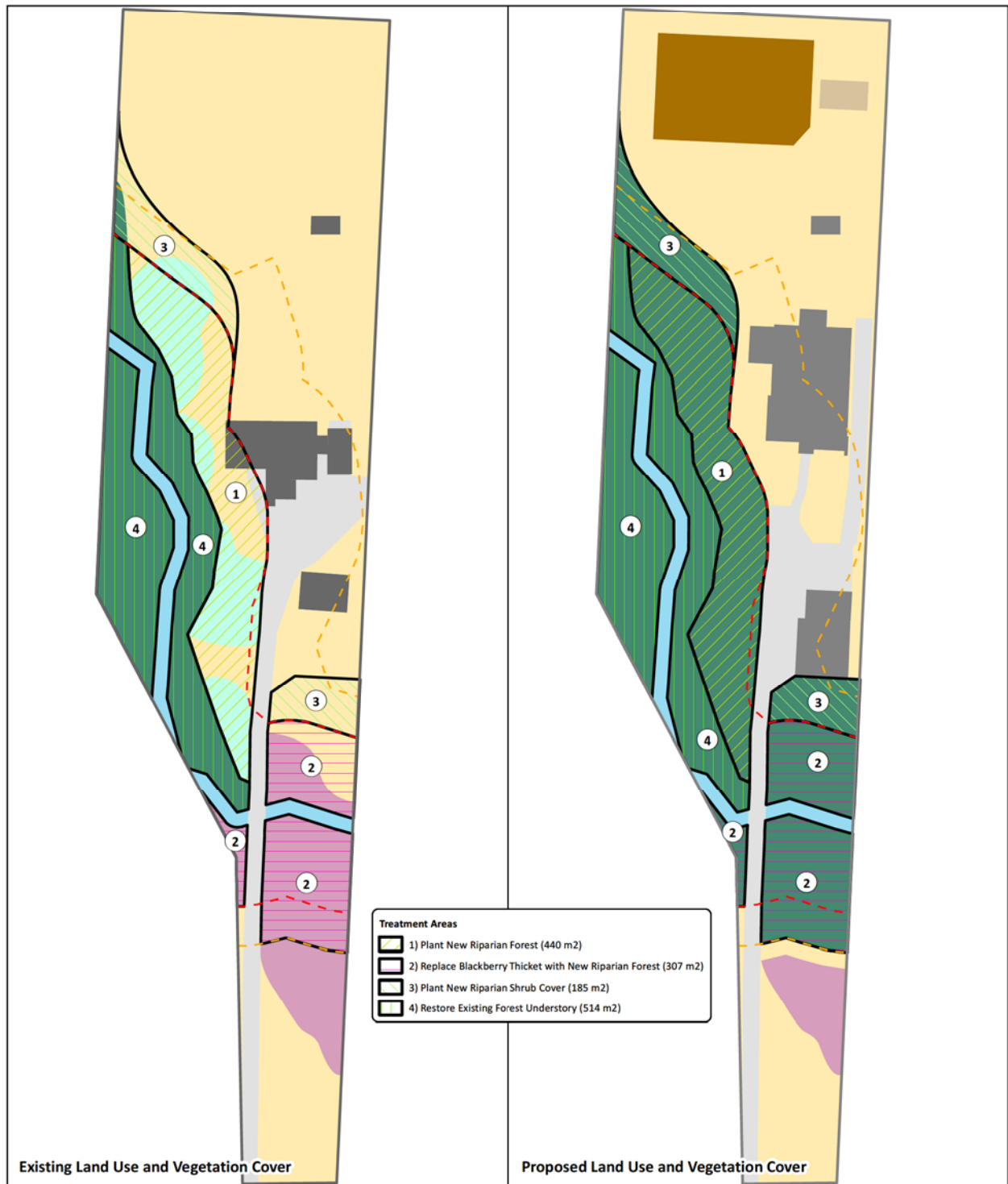
LEGAL: LOT B, SECTION 5, WELLINGTON DISTRICT, PLAN VIP66170

Focused Site Plan (Riparian Setback Detail)



- Proposed Watercourse Setback
- - - 15m Watercourse Setback
- - - 10m SPEA

ATTACHMENT E RIPARIAN OFFSETTING TREATMENT AREAS



Treatment Areas

- 1) Plant New Riparian Forest (440 m²)
- 2) Replace Blackberry Thicket with New Riparian Forest (307 m²)
- 3) Plant New Riparian Shrub Cover (185 m²)
- 4) Restore Existing Forest Understory (514 m²)

Existing Land Use and Vegetation Cover

Proposed Land Use and Vegetation Cover

- DPA (15 m from top of
- SPEA (10 m from high water
- Functional Riparian
- Native Plant
- Orchard or Berry Bushes
- Vegetable
- Blackberry Thicket
- Lawn, Unpaved Parking and
- Driveway and
- Greenhouse
- Buildings
- Tree Canopy Over Lawn, Unpaved Parking and Landscaped

**Riparian Offsetting Treatment Areas
3500 Departure Bay Road, Nanaimo**

Data Sources

High water mark flagged by EIR and surveyed by Harbour City Land Surveying (DWG NO. 190/1 S11; PLAN DWG). Only the north / east edge of the stream was flagged and surveyed, because the proposed development is on that side of the stream. The south / west edge shown is based on the average channel width.

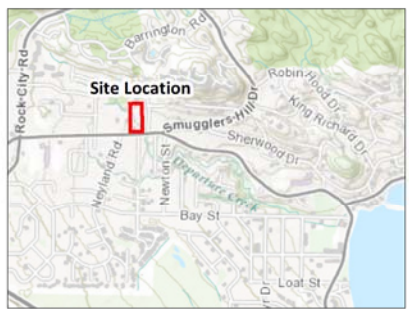
Land cover types delineated using a handheld GPS in the field (± 5 m) and based on 2018 aerial imagery from the City of Nanaimo webmap.

N

0 10 20 30 40
Meters

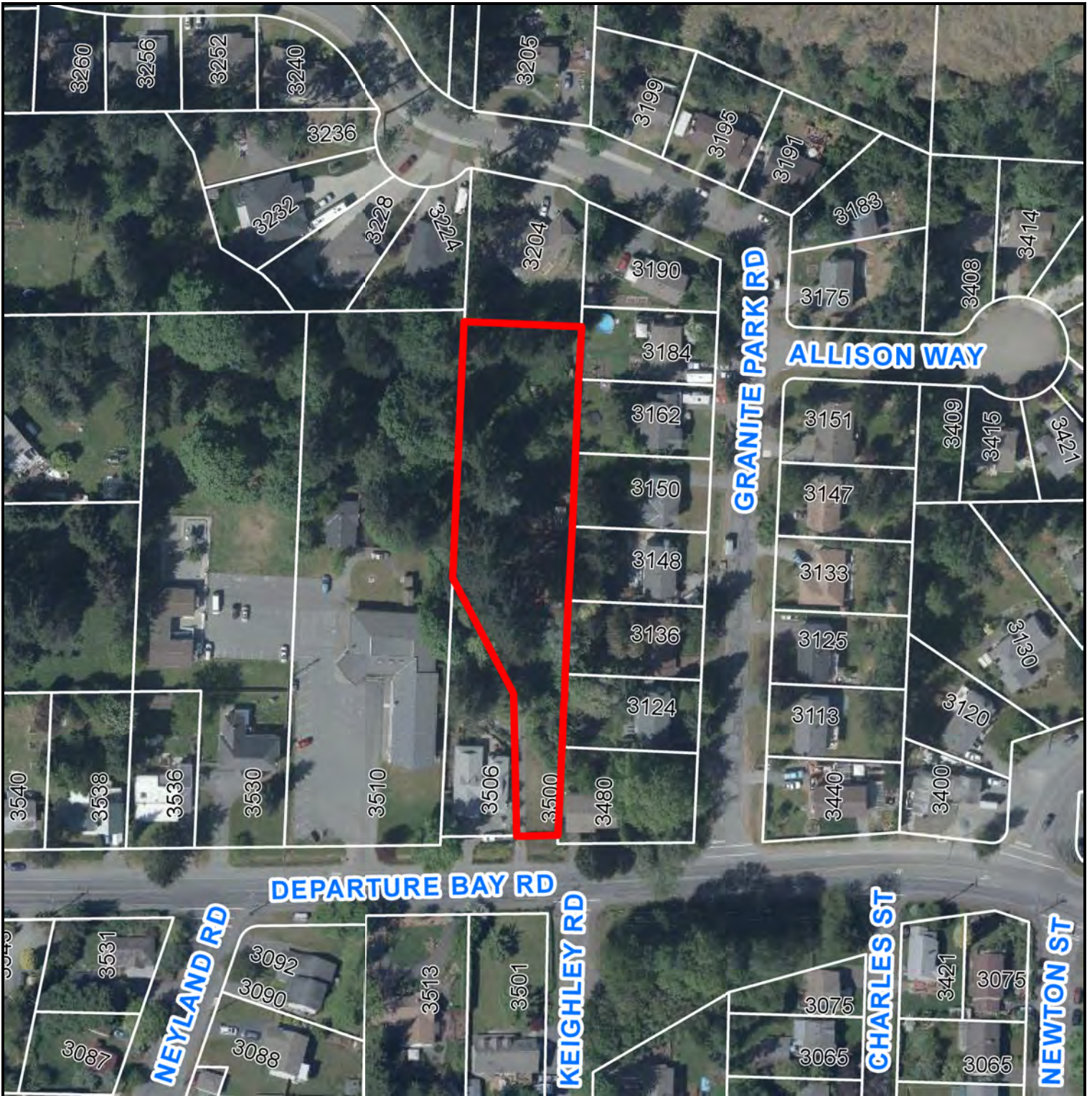
Map Scale 1:500 (printed on 11 x 17)
Map Projection: NAD 1983 UTM Zone 10N

Drawn: IW	Checked: AC	Drawing: 2 of 2	Date: 2020-04-14
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Path: C:\Users\jg\Documents\2020\Departure Bay Rd\BARRINGTON OFFSETTING\Drawings\Area 2020A 114.mxd

ATTACHMENT F
AERIAL PHOTO



DEVELOPMENT PERMIT APPLICATION NO. DP001195 - 3500 DEPARTURE BAY ROAD



3500 DEPARTURE BAY ROAD

Delegation Request

Delegation's Information:

Jamie Kuhn has requested an appearance before Council.

City: Nanaimo

Province: BC

Delegation Details:

The requested date is February 1, 2021.

The requested meeting is:
Council

Bringing a presentation: No

Details of the Presentation:

We will be representing our clients for development permit for 3500 Departure Bay Rd.

Delegation Request

Delegation's Information:

Peter Woytiuk, owner of 3500 Departure Bay Road, has requested an appearance before Council.

City: Nanaimo

Province: BC

Delegation Details:

The requested date is February 1, 2021.

The requested meeting is:
Council

Bringing a presentation: Yes

Details of the Presentation:

Explanation of planned garden location for our property and why we requested a variance for our permit in order to locate our house in order to not conflict with the garden.