

# City of Nanaimo

## REPORT TO COUNCIL

DATE OF MEETING: 2014-SEP-08

AUTHORED BY: BRIAN ZUREK, SUBDIVISION PLANNER

RE: DEVELOPMENT PERMIT NO. DP899 – 1350 FIELDING ROAD

### STAFF RECOMMENDATION:

That Council issue Development Permit No. DP899 at 1350 FIELDING ROAD to reduce the watercourse setback to 0m.

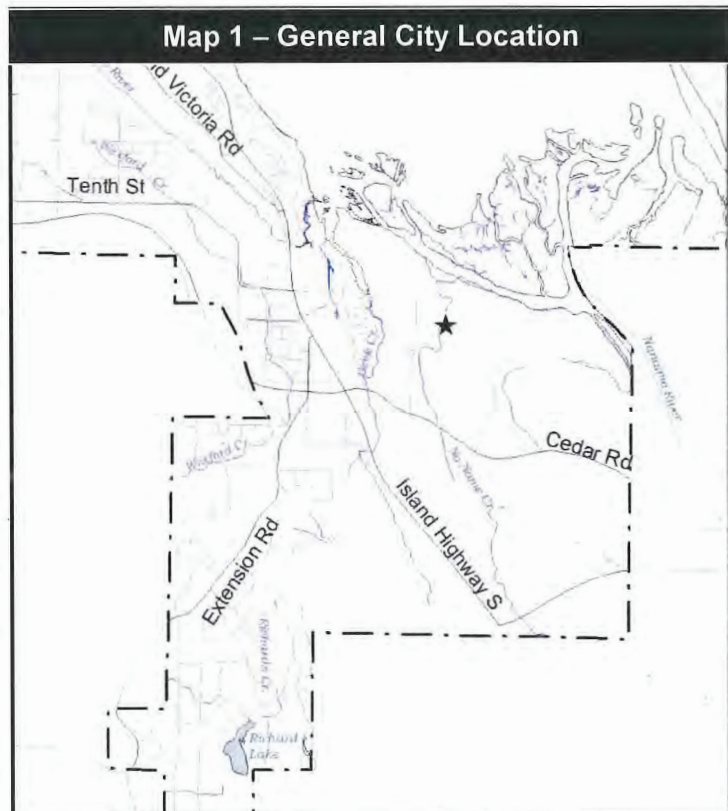
### PURPOSE:

The purpose of this report is to seek Council authorization to issue a Development Permit in order to permit the construction of a property access through riparian habitat.

### BACKGROUND:

A development permit application was received from MR. JEFF TOMLINSON on behalf of Cedar Village Developments Inc. The owner is in the process of subdividing the existing parcel into 17 lots: 16 single dwelling residential (R1) parcels and one large remainder zoned AR1 – Resource Protection (Schedule A). The remainder (Lot 17) is located within the Agricultural Land Reserve (ALR).

A watercourse (No Name Creek) that runs from south to north bisects the parcel by splitting the R1 portion (to the west) from the AR1 portion (to the east) of the property. To access the eastern portion of the property, the owner is required to cross the existing creek, and to enter habitat within the aquatic setback area.



☒ Council  
☐ Committee.....  
☒ Open Meeting  
☐ In-Camera Meeting  
Meeting Date: 2014-SEP-08



Staff support the application and the proposed variance.

### *Subject Property*

Zoning	R1 – Single Dwelling Residential / AR1 – Rural Resource
Location	The subject property is located in a rural area near the mouth of the Nanaimo River Estuary.
Total Area	15.4ha
Official Community Plan (OCP)	Map 1 – Future Land Use Plan – Neighbourhood / Resource Protection Map 3 – Development Permit Area DPA No. 1 – Watercourses

### DISCUSSION:

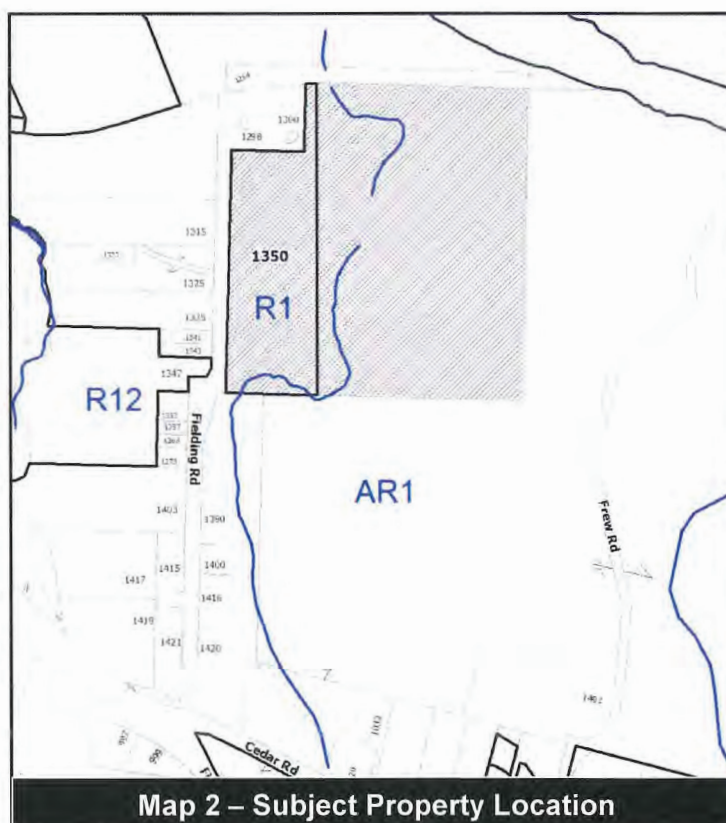
#### *Proposed Development*

The applicant is proposing to provide an access across No Name Creek to the developable portion of the proposed remainder (Lot 17) on the eastern upland portion of the property. Lot 17 is located within the ALR. The owner is not required to receive approval from the Agricultural Land Commission to construct a driveway to access land within the ALR.

The proposed design includes an arched culvert to span the creek (Schedule E). Access to the crossing requires the construction of a driveway through the riparian setback. The existing watercourse setback to No Name Creek is 15.0m. To construct the proposed driveway, the owner requires that the setback be reduced to 0m.

Work within No Name Creek is regulated by both the *Water Act* (Ministry of Forests, Lands, and Natural Resource Operations), and the *Fisheries Act* (Department of Fisheries and Oceans). Each agency has reviewed and approved the crossing, as proposed (Schedules C and D).

According to the Qualified Environmental Professional (QEP), hired by the owner to assess this proposal, the footprint of the crossing would disturb 400.0m<sup>2</sup> of in-stream habitat and 300.0m<sup>2</sup> of (upland) riparian habitat. To compensate for habitat loss, the QEP recommends 700.0m<sup>2</sup> of riparian plantings within the aquatic setback area (Schedule B). Additionally, the riparian planting area will be re-vegetated with trees, as required by the Approving Officer, as a condition of Final Approval of the proposed subdivision. The combination of riparian plantings (understory) and native tree species would enhance the local habitat of No Name Creek to a greater extent than either replanting program alone. Therefore, Staff considers the proposed re-



vegetation of the riparian habitat to be an appropriate compensation for the loss of habitat associated with the creek crossing.

*Required Variance*

- *Watercourse Setback*

The required watercourse setback is 15.0m. The proposed watercourse setback is 0m, a proposed variance of 15.0m.

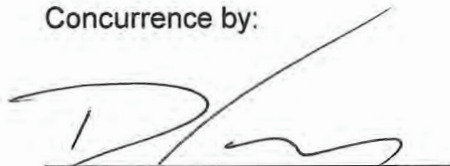

Staff support the application, including the proposed variance, and recommend Council approve the development permit.

Respectfully submitted,



\_\_\_\_\_  
B. Anderson  
MANAGER  
PLANNING & DESIGN SECTION

Concurrence by:

  
\_\_\_\_\_  
D. Lindsay  
DIRECTOR  
COMMUNITY DEVELOPMENT  
\_\_\_\_\_  
T. Seward  
ACTING GENERAL MANAGER  
COMMUNITY DEVELOPMENT &  
PROTECTIVE SERVICES

CITY MANAGER COMMENT:

I concur with the Staff recommendation.

BZ/lb

\\Tempestdocs\PROSPERO\PLANNING\DEVPERMIT\DP000892\COUNCILREPORT SEPT.08.DOCX





J.E. ANDERSON  
& ASSOCIATES

SURVEYORS - ENGINEERS  
16 - 3411 SHENTON ROAD, NANAIMO B.C. V9T 2H1  
TEL: 250 - 758 - 4631 FAX: 250 - 758 - 4650  
E MAIL: nanaimojeananderson.com

DRAWN: SS

SCALE: NTS

DATE: SEPT 2, 2014

SHEET 1 OF 1

## CEDAR VILLAGE DEVELOPMENTS

CITY OF NANAIMO

1350 FIELDING ROAD

SITE PLAN FOR DPA1 APPLICATION

86943 - 01 - DPA1-1

SUB: 00868

FILE: 86493





# AQUAPARIAN

Environmental Consulting Ltd.

August 29, 2014

City of Nanaimo  
238 Franklyn St,  
Nanaimo BC, V9R 5J6

**Via Email:** greg.clark@nanaimo.ca

**RE: 1350 FIELDING ROAD WETLAND CROSSING  
VEGETATION COMPENSATION PLAN**

## **1.0 INTRODUCTION**

Aquaparian Environmental Consulting Ltd. (Aquaparian) was retained by Cedar Village Developments Inc. to provide environmental services in association with a wetland crossing at 1350 Fielding Road in Nanaimo BC. The marsh is a wetland reach section of a watercourse locally identified as No Name Creek (920-384400-60803).

Aquaparian completed an Aquatic Effects Assessment for agency approval submissions. As required by the City of Nanaimo watercourse setback variance procedure, riparian restoration is needed to meet the "no net loss" of riparian habitat in the DPA. Aquaparian determined the proposed crossing will impact 300m<sup>2</sup> of riparian habitat and 400m<sup>2</sup> of aquatic habitat. The planting plan has been designed to meet the proposed 700m<sup>2</sup> riparian restoration requirement.

Aquaparian recommends the planting area to be within the 15m riparian setback area south of the wetland crossing that is currently grass. Aquaparian understands trees have been recommended for this area as compensation for removal of Significant Trees in association with a separate subdivision application. Therefore, Aquaparian recommends native shrub species to provide an appropriate riparian understory to out-compete the existing grass and Himalayan blackberry and provide spring flowers and fruit production for insects as well as leaf litter and insects for fish. A planting plan has been included as Figure 1.

Aquaparian understands the City of Nanaimo typically requires a Bond for the value of the planting plan including materials and labour. Table 1 includes a cost estimate to calculate the Bond requirement.

## 2.0 PLANTING PLAN

**Table 1. Plant species list and cost estimate of plant materials.**

Common Name	Botanical Name	Number	Size	Cost	Total
Salmonberry	<i>Rubus specabilis</i>	150	1 Gal	\$4.75	\$712.50
Pacific ninebark	<i>Physocarpus capitatus</i>	10	1 Gal	\$4.75	\$47.50
Hardhack	<i>Spirea douglasii</i>	90	1 Gal	\$4.75	\$427.50
Snowberry	<i>Symphoricarpos albus</i>	100	1 Gal	\$4.75	\$475.00
Indian plum	<i>Oemlaria cerasiformis</i>	100	1 Gal	\$4.75	\$475.00
Saskatoon berry	<i>Amelanchier alnifolia</i>	100	1 Gal	\$4.75	\$475.00
Nootka rose	<i>Rosa nutkana</i>	150	1 Gal	\$4.75	\$712.50
<b>Total</b>		<b>700</b>			<b>\$3325.00</b>

\*Estimated wholesale cost from Streamside Native Plants on-line price list. Price does not include delivery, tax or installation.

- Shrub density should be 1/m<sup>2</sup> and plant placement should mimic a natural growth pattern i.e. clusters of same species.
- Starting at the wetland edge, hardhack and Pacific ninebark should be planted near the high water mark followed by salmonberry in behind. The remainder of the species should be planted upland of the salmonberry;
- Remove the grass sod from an area twice as large as the 1 gal plant pot before planting;
- Install the plants in the early fall or spring with a handful of bone meal in each hole. Organic mulch should be spread over the bare soil to retain water and keep weeds / grass down.
- Plants are to be maintained for two years with replanting as necessary with the end goal of allowing the plants to grow and in-fill the riparian area.
- Removal of invasive species (Himalayan blackberry) is likely to require annual maintenance as new shoots grow every spring from the existing seed bank or remaining roots.



503 COMOX ROAD, NANAIMO, BC V9R 3J2  
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864



### 3.0 BOND CALCULATION

Aquaparian assumes the actual planting and invasive removal will be completed by the landowners; however, the City requires a Bond estimate. The Bond is intended as assurance that the restoration will be carried out and would be used by the City to install the plantings if it is not. Upon successful completion the bond will be released.

Aquaparian estimates the labour effort to install the plants will take approximately 50 person hours. For the purposes of a Bond calculation, a rough labour estimate to complete the above planting based on \$20/hr is \$1000.00.

Therefore, the cost of plants, delivery, mulch, bone meal, labour is estimated to be:

<b>Plants</b>	<b>\$3325</b>
<b>Mulch/bone meal</b>	<b>\$200</b>
<b>Labour</b>	<b><u>\$1000</u></b>
	<b>\$4525 plus applicable taxes</b>

\*\*actual cost will vary based on plant source, delivery fee, labour cost etc.

### 4.0 PLANT SOURCES

#### **Streamside Native Plants**

Division of Viking Marine/Outdoors Ltd

7455 Island Highway West

Bowser, British Columbia V0R 1G0

Phone/Fax: 250-757-9999

Toll Free: 877-570-3138

[http://members.shaw.ca/nativeplants/streamside\\_home.html](http://members.shaw.ca/nativeplants/streamside_home.html)

E-mail: [Richard@streamsidenativeplants.com](mailto:Richard@streamsidenativeplants.com)

The nursery is located at 7455 Island Highway West (Highway 19A) Bowser B.C.

#### **Nanaimo & Area Land Trust**

3145 Frost Road, Cassidy BC

*The Natural Abundance*

Native Plant Nursery's

Open 10 am - 4 pm Wednesdays & 11 am - 3 pm Saturdays

For more information please call:

250-714-1990 or 250-668-7670.



503 COMOX ROAD, NANAIMO, BC V9R 3J2

**SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864**

## 5.0 CLOSURE

Aquaparian trusts this meets your requirements to meet the City of Nanaimo's "no net loss" policy for Development Permits with a watercourse setback variance. If you require further information please contact the undersigned.

Sincerely,

**AQUAPARIAN ENVIRONMENTAL CONSULTING LTD.**

ORIGINAL SIGNED

---

Sarah Bonar, B.Sc., R.P.Bio.  
Principal



503 COMOX ROAD, NANAIMO, BC V9R 3J2  
**SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864**



**Approval: Ministry of Forests Lands &  
Natural Resource Operations**



Date: JUL 10 2014

File: A1-1565

Cedar Village Holdings Inc  
c/o Bill Beadle  
737 Goldstream Avenue  
Victoria BC V9B 2X4

Dear Mr. Bill Beadle:

Re: Approval Under Section 9, *Water Act*, for Work In and About Unnamed  
Creek/Wetland

---

Approval under Section 9 of the *Water Act* for changes in and about Unnamed Creek/Wetland for the works authorized within Nanaimo River Estuary, Lot 53, Plan 1386, Nanaimo District, also described as geo-reference location: Latitude: 49 07' 42.8" N Longitude: 123 54' 27.7" W is hereby granted. The Approval document is enclosed. Please make careful note of all its conditions.

Please note that this Approval, under Section 9 of the *Water Act*, does not include fish habitat concerns and issues under the *Federal Fisheries Act*. A separate authorization process may be required under the *Federal Fisheries Act*.

As outlined in the Water Regulation, Part 7, Section 43(2), you must give three days notice to those persons who are lawfully diverting and using water under the *Water Act*, prior to commencing to make a change in and about a stream and you must provide an adequate supply of water to those persons, if required by those persons.

An appeal to this order may be taken only as directed within Section 92 of the *Water Act*. Notice of any appeal must: (1) be in writing; (2) be delivered within 30 days of the date of this letter; (3) include grounds for the appeal; (4) be accompanied by a fee of \$25.00 (cheque or money order payable to Minister of Finance); and (5) be sent by registered mail to the Chair, Environmental Appeal Board, PO Box 9425, Stn Prov Govt, Victoria BC V8W 9V1; or personally delivered to the office of the Board on the 4<sup>th</sup> Floor, 747 Fort Street, Victoria BC V8W 3E9.

.../2

Cedar Village Holdings Inc  
Mr. Bill Beadle

- 2 -

JUL 10 2014

If you have any questions or concerns regarding the document issued, please do not hesitate to contact Habitat Officer, Jeff Shatford, at 250 731-3041.

Yours truly,



Digitally signed by Rhonda Morris  
DN: cn=Rhonda Morris, o=Ministry of  
Forests, Lands, and Natural Resource  
Operations, ou=South Island Natural  
Resource District,  
email=rhonda.morris@gov.bc.ca, c=CA  
Date: 2014.07.10 15:32:30 -07'00'

Rhonda Morris  
Assistant Regional Water Manager

Enclosure





Fisheries and Oceans  
Canada

Pêches e  
Canada

Development Permit DP000899  
1350 Fielding Road

Schedule D

**Approval: Department of Fisheries & Oceans**

417 2<sup>nd</sup> Ave. West  
Prince Rupert, BC  
V8J 1G8

*Your file*      *Votre référence*

January 20, 2014

*Our file*      *Notre référence*  
13-HPAC-PA3-00533

Cedar Village Developments Inc.  
Bill Beadle  
737 Goldstream Avenue  
Victoria, BC  
V9B 2X4

Dear Mr. Beadle:

**Subject: Implementation of mitigation measures to avoid and mitigate serious harm to fish.**

The Fisheries Protection Program (the Program) of Fisheries and Oceans Canada received your proposal on September 4, 2013.

Your proposal has been reviewed to determine whether it is likely to result in serious harm to fish which is prohibited under subsection 35(1) of the *Fisheries Act*.

Our review consisted of:

- Project Notification and Review Application Form (PRAF) prepared by Bill Beadle of Cedar Village Developments Inc., dated August 30, 2013.
- Document '1350 Fielding Road Wetland Crossing' containing photo sheets 1, 2, 3 & 4.
- Site location maps 'Figure 1' & 'Figure 2.'
- Ministry of Environment 'Habitat Wizard Streams Report', dated August 27, 2013.
- Street Map of project area.
- Drawings '86493 01 SK 1' & '86493 01 D1' prepared by J.E. Anderson & Associates, dated August 28, 2013.
- Document '1350 Fielding Road Creek Crossing Aquatic Effects Assessment' prepared by Sarah Bonar of Aquaparian Environmental Consulting Ltd., dated November 20, 2013.

\*

Canada

.../2

- Project e-mails and telephone conversations between DFO (Ian Bergsma & Michelle Bigg), Sarah Bonar, Jim Buchanan (J.E. Anderson & Associates) and Kevin Telfer (BC Ministry of Forests, Lands & Natural Resource Operations), various dates.

We understand that you propose to:

- Install an open bottom culvert across a defined stream channel to cross a seasonally wetted cattail marsh, at a constriction point, to facilitate access to a property for the purpose of construction of a residential development. The works are anticipated to result in an impact of approximately 400m<sup>2</sup> marsh habitat (including 300m<sup>2</sup> from infilling and 100m<sup>2</sup> from channel alteration) and 300m<sup>2</sup> of riparian clearing.

To avoid the potential of serious harm to fish we are recommending that the following mitigation measures be included into your plans.

- The Project works be conducted following the mitigation measures outlined in the above referenced documents reviewed by the Program;
- A Qualified Environmental Professional (QEP) monitor and direct your works, as necessary, to help ensure compliance with the fisheries protection provisions of the *Fisheries Act*;
- Implementation of effective sediment and erosion control measures, as necessary, to prevent the release of deleterious substances into fish frequented waters (*e.g.*, sediment and sediment-laden waters can be deleterious substances); and
- Implementation of measures to avoid the death of fish (refer to Section 2 of the *Fisheries Act* for the full definition of “fish”).


Provided that these mitigation measures are incorporated into your plans, the Program is of the view that your proposal will not result in serious harm to fish. No formal approval is required from the Program under the *Fisheries Act* in order to proceed with your proposal.

If your plans have changed or if the description of your proposal is incomplete, or changes in the future, you should consult our website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) or consult with a qualified environmental consultant to determine if further review is required by the Program.



If you have any questions please contact Ian Bergsma at our Prince Rupert office at 250-627-3080, by fax at 250-627-3480, or by email at [Ian.Bergsma@dfo-mpo.gc.ca](mailto:Ian.Bergsma@dfo-mpo.gc.ca). Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'I.B.'.

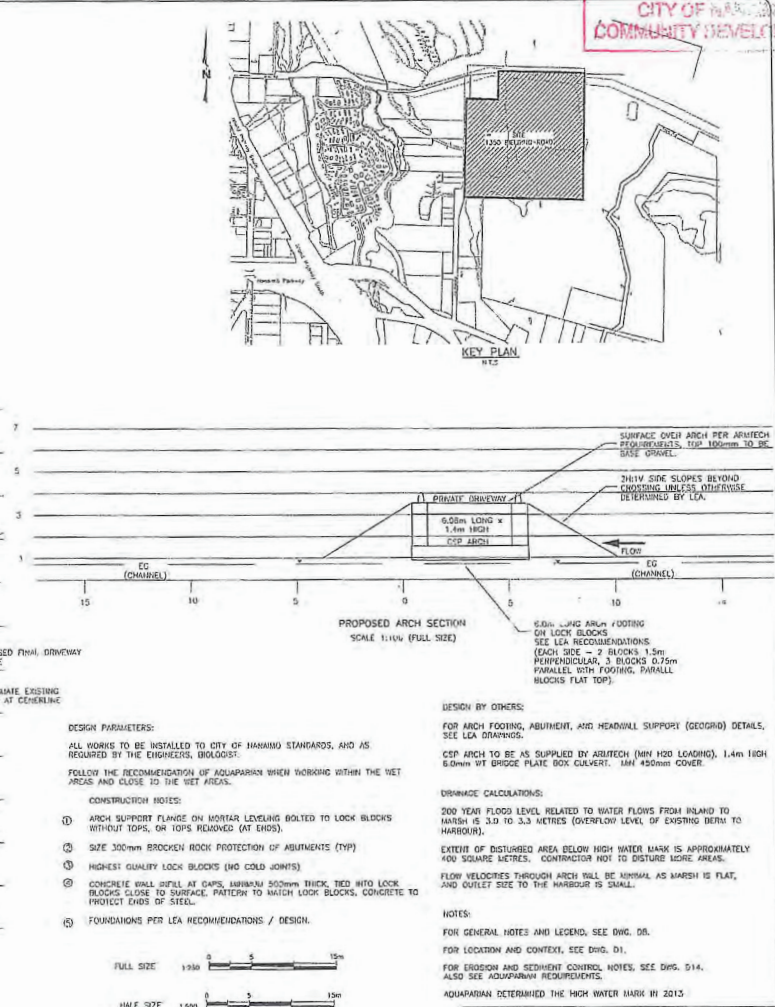
Ian Bergsma  
Fisheries Protection Biologist

cc: Sarah Bonar, Aquaparian Aquaparian Environmental Consulting Ltd.  
Kevin Telfer, Ecosystem Biologist/Habitat Officer, BC MFLNRO

**Schedule E**

**Proposed Driveway Design**

RECEIVED  
DP899.  
SEP 02 2014  
CITY OF HAWAII  
COMMUNITY DEVELOPMENT



		LEGEND									
EXCISE BYTES ON LSA FOUNDATION ORDER	AUG 2/11	LANE STANDARD	+15	+45	CLEANING	+	+	DRYER	+	+	+
EXCISE TGA CITY FOR LACER	AUG 26/14	POLYMER, TA	+20	+20	CATAMORPH	+	+	HEATER	+	+	+
EXCISE FOR APPROVAL	NOV 20/12	1/2 INCH	1/2	1/2	VARIABLE	+	+	CLASH	+	+	+
EXCISE FOR LACER REVIEW	OCT 23/12	1/2	1/2	1/2	GEORGE BOLD	+	+	WAVE	+	+	+
EXCISE FOR LACER REVIEW, PENDING FOR ADD	OCT 16/13	WATER	+	+	UNUSABLE CURD	+	+	DETRACER	+	+	+
EXCISE FOR LACER REVIEW, PENDING FOR ADD	MAY 28/13	SEWER	+	+	UNUSABLE CURD	+	+	HYPHOSIS	+	+	+
EXCISE FOR LACER REVIEW, PENDING FOR ADD	AUG 2/11	CHECK	+	+	EXC. ADJUST	+	+	ST. WAVE	+	+	+

**JEA** J.E. ANDERSON  
& ASSOCIATES  
SURVEYORS - ENGINEERS  
1A - 3411 SHENTON ROAD, NANAIMO, B.C. V9T 2H7  
TEL: 230-758-4631 FAX: 250-758-4660  
EMAIL: [nanaimoj@jeanderson.com](mailto:nanaimoj@jeanderson.com)

JURISDICTION CITY OF KANSAS	COLORADO	CEDAR VILLAGE DEVELOPMENTS LTD.
SCALE: 1"=250' HORIZ. 1"=200' VERT.	PROJECT 1350 FIELDING ROAD SUBDIVISION PRIVATE DRIVEWAY AT MARSH CROSSING	
DESIGNER JCS		
DRAWN BY SSC	86493 01 SK1	
	MAPS, P.L.C. SUBD00086	CADD, 60928
		SHEET 1 OF 1