

DATE OF MEETING | December 16, 2019 |

AUTHORED BY | LAINY NOWAK, PLANNING ASSISTANT, CURRENT PLANNING |

**SUBJECT | DEVELOPMENT PERMIT APPLICATION NO. DP1152 –  
2462 ROSSTOWN ROAD |**

## **OVERVIEW**

### **Purpose of Report**

To present for Council’s consideration, a development permit application to permit the construction of a shared access driveway, engineered ponds, and riparian plantings within the watercourse leave strip in conjunction with a subdivision. The application includes a request for a variance to allow a driveway to cross a creek. |

### **Recommendation**

That Council issue Development Permit No. DP1152 at 2462 Rosstown Road with the following variance:

- reduce the minimum watercourse setback from 7.5m to 0m in order to permit the construction of a shared access driveway within the watercourse leave strip area. |

## **BACKGROUND**

A development permit application, DP1152, was received from Tyler Hansen of Williamson & Associates Professional Surveyors on behalf of Angela and Douglas Pearson to permit the construction of a shared access driveway, engineered ponds, and riparian plantings within the watercourse leave strip, at 2462 Rosstown Road.

### **Subject Property and Site Context**

<i>Zoning</i>	R1 – Single Dwelling Residential
<i>Location</i>	The subject property is located on the north side of Rosstown Road, between Briarwood Place and Mountain Vista Drive.
<i>Total Area</i>	7,718m <sup>2</sup>
<i>Official Community Plan (OCP)</i>	Map 1 – Future Land Use Plans – Neighbourhood; Map 3 – Development Permit Area No. 1 – Watercourses
<i>Relevant Design Guidelines</i>	General Development Permit Area Design Guidelines

The subject property is a large lot that slopes upwards from Rosstown Road to York Crescent. There is currently one single family dwelling located on the property. There are single family dwellings on the properties immediately surrounding the subject property.

## **DISCUSSION**

There is a small watercourse that crosses the southwest corner of the subject property. The Official Community Plan (OCP) Map 3 designates this watercourse as a “Creek/Stream”, which requires a 7.5m setback from the top of bank. The driveway for the existing single family dwelling crosses the watercourse along the eastern property line, parallel to an existing public walkway.

A report provided by a Qualified Environmental Professional (QEP) determined the stream is non-fish bearing. The QEP report states that the watercourse originates from storm drains and ditches on Quill Drive and continues to flow within a ditched channel into a storm drain on Rosstown Road. The existing watercourse leave strip area within the subject property is a ditched section of the watercourse that is filled with grass and lined with tree stumps.

There is an active subdivision file at this property, with a proposal to create nine new lots (SUB01319) with frontage on Rosstown Road, York Crescent, and Mandalik Place. Two of the proposed lots (Lot 8 and 9) will front onto Rosstown Road, where the existing watercourse runs. A Development Permit application is required to permit the construction of a shared access driveway, engineered ponds, and riparian plantings within the watercourse leave strip. |

### **Proposed Development**

In order to access the proposed Lot 8 and 9, the applicant proposes to relocate the existing driveway in favour of a new, shared driveway (6m wide), within proposed Lot 8. The new driveway will be further west from the existing public walkway.

The proposed improvements within the watercourse leave strip area include the following:

- removal and upgrades to the existing culvert;
- creation of two new engineered ponds;
- replacement of existing sidewalk along Rosstown Road;
- revegetation and planting; and
- installation of a split-rail fence around the watercourse leave strip.

The intent of the Development Permit Area guidelines is to restore and enhance watercourses and riparian areas so they can provide biologically diverse corridors for wildlife movement and for the protection of natural features. A QEP assessed the subject property and the proposed development and recommended re-vegetation of the watercourse leave strip and the installation of an environmental protection fence.

The proposed re-vegetation plan includes two engineered drainage ponds on either side of the shared access driveway, connected with a culvert. These ponds will provide storm water retention during storm events, and help to ensure post-development run-off rates do not exceed the existing conditions. Vegetation, including native riparian shrubs, will be placed along the edges of the ponds and within the watercourse leave strip. Deciduous and coniferous trees will be planted within the watercourse leave strip as well.

A 1.2m-high split-rail-design riparian fence will be built around the perimeter of the two re-vegetation areas to minimize future disturbance of the watercourse leave strip area. The

fencing will be a requirement of subdivision. The proposed re-vegetation plan will enhance the existing creek/stream and storm water management.

### **Proposed Variances**

#### *Minimum Watercourse Setback*

The required watercourse setback is 7.5m from the top of bank of the watercourse. The proposed setback is 0m for the proposed shared access driveway; a proposed variance of 7.5m.

Staff support the proposed variance as it will allow two new drainage ponds to be created on either side of the proposed shared access driveway and the watercourse leave strip will be enhanced with natural vegetation.

### **SUMMARY POINTS**

- Development Permit No. DP1152 proposes to permit the construction of a shared access driveway with a 0m setback within the watercourse leave strip at 2462 Rosstown Road.
- Two new engineered ponds will be created on either side of the proposed shared access driveway and the watercourse leave strip will be enhanced with natural vegetation.
- Staff support the proposed variance.

### **ATTACHMENTS**

ATTACHMENT A: Permit Terms and Conditions  
ATTACHMENT B: Location Plan  
ATTACHMENT C: Proposed Subdivision Plan  
ATTACHMENT D: Proposed Site Plan  
ATTACHMENT E: Re-vegetation Plan  
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**

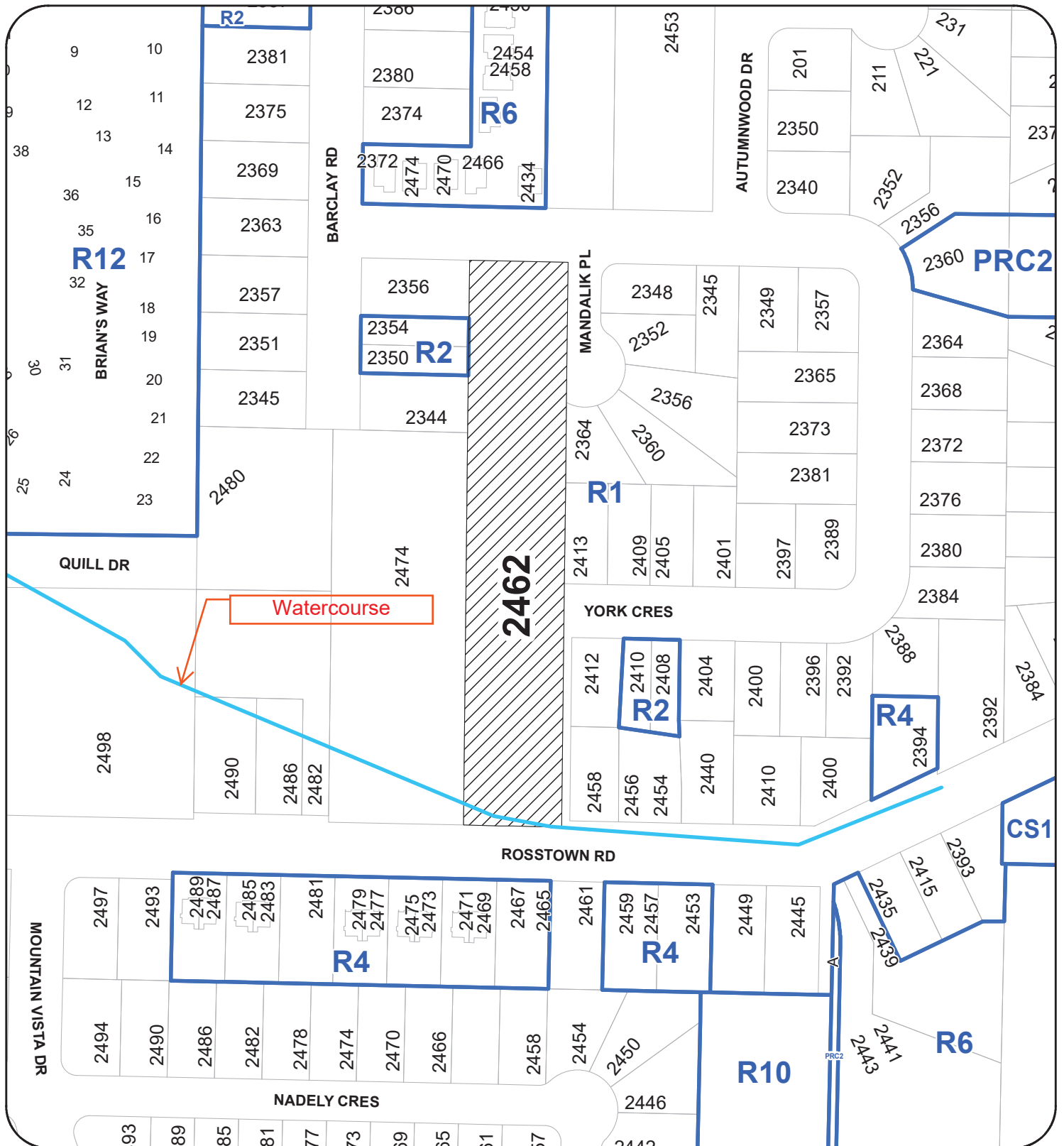
“City of Nanaimo Zoning Bylaw 2011 No. 4500” is varied as follows:

1. *Section 6.3.2 Location and Siting of Buildings and Structures to Watercourses* – to reduce the minimum watercourse setback from 7.5m to 0m in order to permit construction of a shared access driveway within the watercourse leave strip, as shown on the proposed Re-vegetation Plan.

### **CONDITIONS OF PERMIT**

1. The subject property is developed in accordance with the Site Plan prepared by Williamson & Associates Professional Surveyors, dated 2019-JUL-05, as shown on Attachment D.
2. The subject property is developed in substantial compliance with the Re-vegetation Plan prepared by JPH Consultants Inc., received 2019-NOV-15, as shown on Attachment E.
3. A Vegetation Restoration Plan with a three-year maintenance period and bonding for the riparian area is submitted prior to Design Stage Approval for the final subdivision plan.

# ATTACHMENT B LOCATION PLAN



**DEVELOPMENT PERMIT NO. DP001152**

## LOCATION PLAN

Civic: 2462 ROSSTOWN ROAD

Legal: LOT 3, SECTION 19, RANGE 6, MOUNTAIN DISTRICT  
PLAN 10788, EXCEPT PART IN PLAN EPP52903

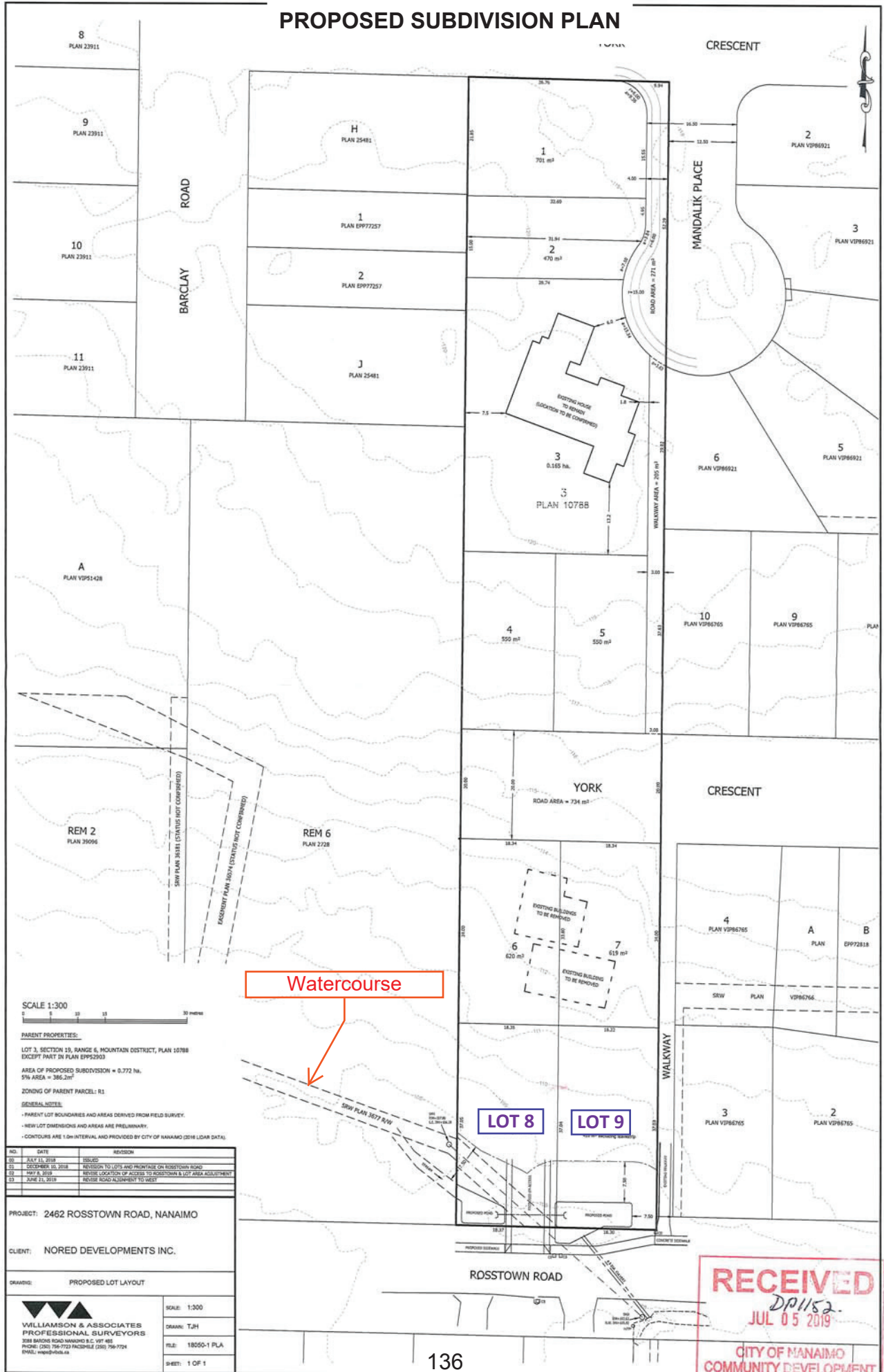


Subject Property



Schedule C Watercourse

# ATTACHMENT C PROPOSED SUBDIVISION PLAN



**PARENT PROPERTIES:**  
 LOT 3, SECTION 15, RANGE 6, MOUNTAIN DISTRICT, PLAN 10788 EXCEPT PART IN PLAN EPP9293  
 AREA OF PROPOSED SUBDIVISION = 0.372 ha.  
 5% AREA = 386.2m<sup>2</sup>  
 ZONING OF PARENT PARCEL: R1  
**GENERAL NOTES:**  
 - PARENT LOT BOUNDARIES AND AREAS DERIVED FROM FIELD SURVEY.  
 - NEW LOT DIMENSIONS AND AREAS ARE PRELIMINARY.  
 - CONTOURS ARE 1.0m INTERVAL AND PROVIDED BY CITY OF NANAIMO (2018 LIDAR DATA).

NO.	DATE	REVISION
01	JULY 11, 2018	ISSUED
02	DECEMBER 15, 2018	REVISION TO LOTS AND FRONTAGE ON ROSSTOWN ROAD
03	MAY 8, 2019	REVISE LOCATION OF ACCESS TO ROSSTOWN & LOT AREA ADJUSTMENT
04	JUNE 21, 2019	REVISE ROAD ALIGNMENT TO MEET

PROJECT: 2462 ROSSTOWN ROAD, NANAIMO

CLIENT: NORED DEVELOPMENTS INC.

DRAWING: PROPOSED LOT LAYOUT

**WILLIAMSON & ASSOCIATES**  
 PROFESSIONAL SURVEYORS  
 3888 BAYVIEW ROAD NANAIMO B.C. V9T 4R5  
 PHONE: (250) 754-7722 FACSIMILE: (250) 754-7724  
 EMAIL: wpa@wpa.ca

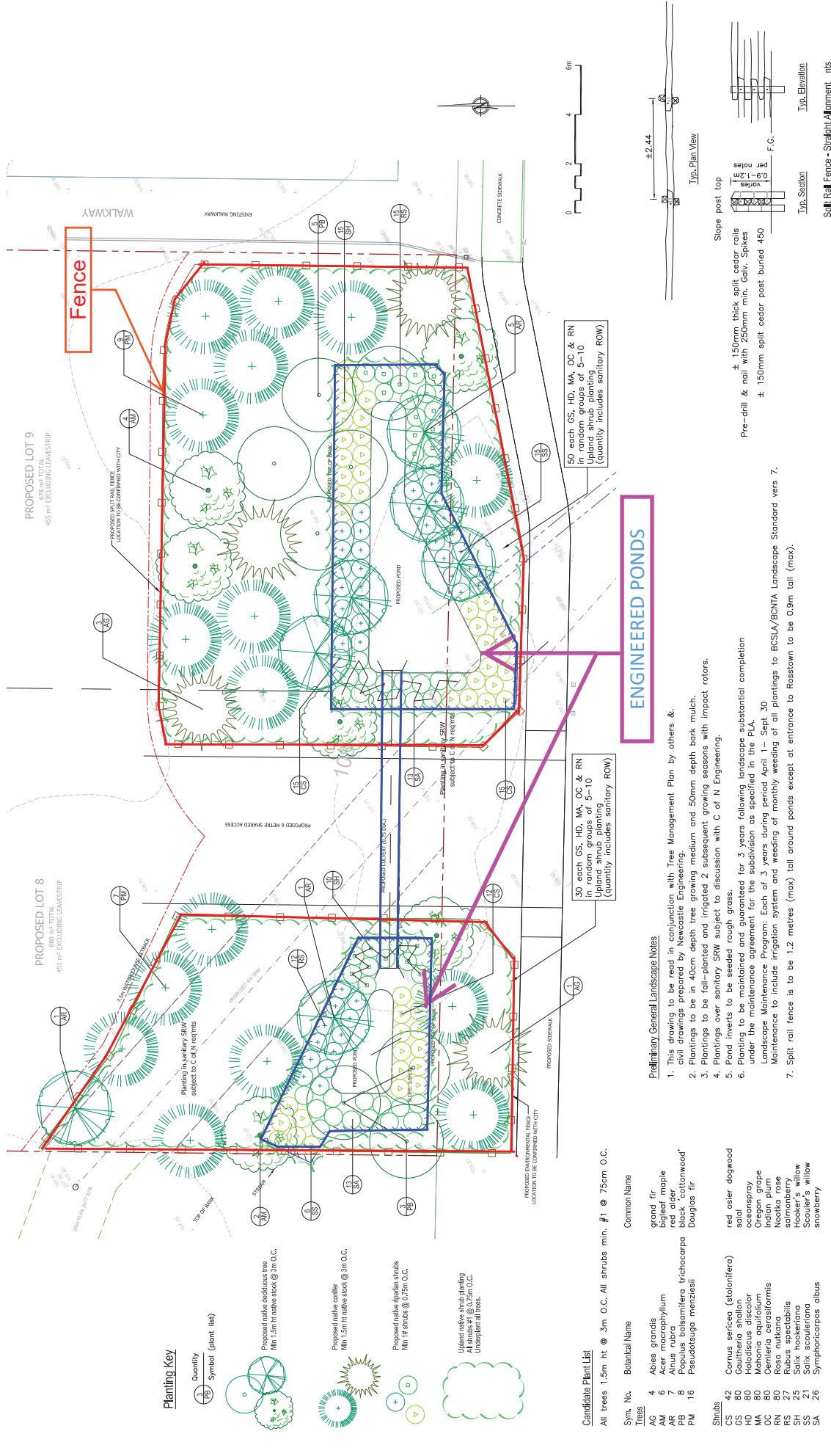
SCALE: 1:300  
 DRAWN: T.J.H.  
 FILE: 18050-1 PLA  
 SHEET: 1 OF 1

RECEIVED  
 DP1152  
 JUL 05 2019  
 CITY OF NANAIMO  
 COMMUNITY DEVELOPMENT





# ATTACHMENT E RE-VEGETATION PLAN



**RECEIVED**  
**DP 1152**  
2019-NOV-22  
CITY OF PERTH PLANNING

Project: 19-Rosstown Ponds  
Date: 28/06/19  
Drawn: JPH  
Checked: TH  
Scale: 1:75  
Sheet: L1 of 1

JPH Consultants Inc.  
1000/10000  
Phone: 255244557 Fax: 255244558

## ENGINEERED PONDS

### Preliminary General Landscape Notes

- This drawing to be read in conjunction with Tree Management Plan by others & civil drawings prepared by Newcastle Engineering.
- Plantings to be in 40cm depth tree growing medium and 50mm depth bark mulch.
- Plantings to be fall-planted and irrigated 2 subsequent growing seasons with impact rotors.
- Plantings over sanitary SRW subject to discussion with C of N Engineering.
- Pond inverts to be seeded rough grass.
- Planting to be maintained and guaranteed for 3 years following landscape substantial completion under the maintenance agreement for the subdivision as specified in the PLA.
- Landscape Maintenance Program: Each of 3 years during period April 1 - Sept 30. Maintenance to include irrigation system and weeding of monthly weeding of oil plantings to BCSL/BONTA Landscape Standard vers 7.
- Split rail fence is to be 1.2 metres (max) tall around ponds except at entrance to Rosstown to be 0.9m tall (max).

### Candidate Plant List

All trees 1.5m ht @ 3m O.C. All shrubs min. #1 @ 75cm O.C.

Sym. No.	Botanical Name	Common Name
AG 4	<i>Abies grandis</i>	grand fir
AM 6	<i>Acer macrophyllum</i>	bigleaf maple
AR 7	<i>Alnus rubra</i>	red alder
PB 8	<i>Populus balsamifera trichocarpa</i>	black 'cottonwood'
PM 10	<i>Pseudotsuga menziesii</i>	Douglas fir
SD 42	<i>Cornus sericea (stolonifera)</i>	red osier dogwood
CS 50	<i>Salix sp.</i>	salix
HQ 80	<i>Hesperis matronalis</i>	night-flowering cerise
MA 80	<i>Mahonia aquifolium</i>	Oregon grape
OC 80	<i>Clematis cerastiformis</i>	Indian plum
RN 80	<i>Rosa nutkana</i>	Nootka rose
RS 27	<i>Rubus spectabilis</i>	samberry
SS 21	<i>Salix scouleriana</i>	Scouler's willow
SA 26	<i>Symphoricarpos albus</i>	snowberry

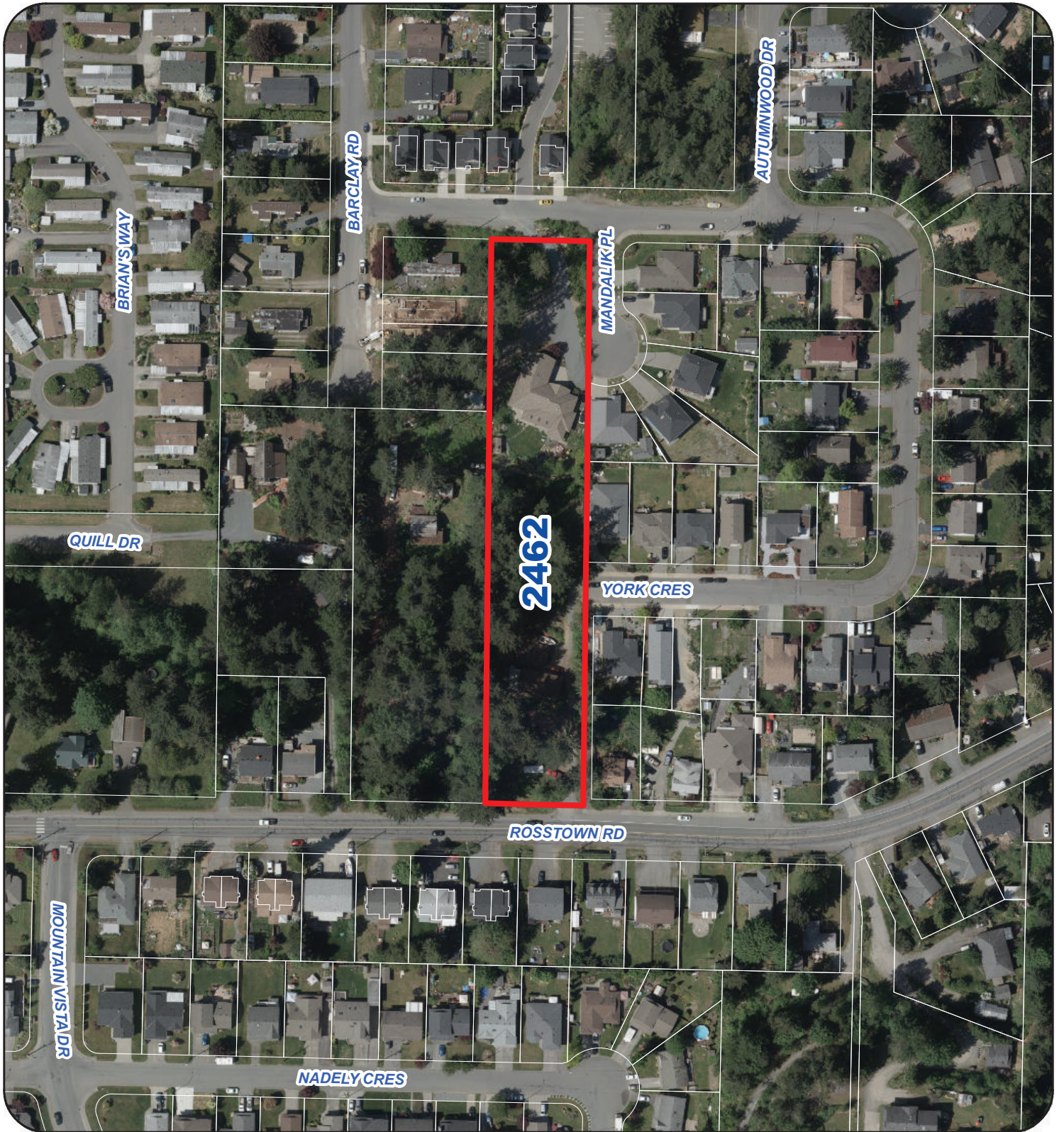
### Planting Key

Quantity  
Symbol (plant list)

- Proposed native deciduous tree  
Min. 1.5m ht native stock @ 3m O.C.
- Proposed native conifer  
Min. 1.5m ht native stock @ 3m O.C.
- Proposed native forster shrubs  
Min. 1.5m ht shrubs @ 0.75m O.C.
- Upland native shrub planting  
Min. 1.5m ht shrubs @ 0.75m O.C.
- Upland native tree  
Min. 1.5m ht tree @ 0.75m O.C.



ATTACHMENT F  
AERIAL PHOTO



DEVELOPMENT PERMIT NO. DP001152

Legend

 Subject Property