

DATE OF MEETING May 30, 2022

AUTHORED BY SADIE ROBINSON, PLANNER, CURRENT PLANNING

SUBJECT **DEVELOPMENT PERMIT APPLICATION NO. DP1219
– 2498 ROSSTOWN ROAD**

OVERVIEW

Purpose of Report

To present for Council’s consideration, a development permit application to permit the proposed site works, servicing, and restoration within the watercourse leave strip in conjunction with a subdivision.

Recommendation

That Council issue Development Permit No. DP1219 at 2498 Rosstown Road to reduce the minimum required watercourse leave strip from 7.5m to 0m in order to allow the proposed site works, servicing, and restoration within the watercourse leave strip area.

BACKGROUND

A development permit application, DP1219, was received from Williamson & Associates Professional Surveyors on behalf of the property owner to vary the watercourse leave strip to permit site works, servicing and restoration within the watercourse leave strip in order to facilitate a subdivision (SUB01416) at 2498 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, east of the intersection of Rosstown Road and Sparrow Lane.
<i>Total Area</i>	7,692m ²
<i>Official Community Plan (OCP)</i>	Map 1 – Future Land Use Plans – Neighbourhood; Map 3 – Development Permit Area No. 1 – Watercourses

The subject property is a large lot with one single residential dwelling, one mobile home, and an outbuilding located on the property. The mobile home and outbuilding will be removed and the existing dwelling will be retained on proposed Lot 3. There are single residential dwellings on the properties immediately surrounding the subject property, with a number of Duplex Residential (R4) zoned lots on the south side of Rosstown Road.

The property has a deep valley (approximately 4m) with an unnamed stream that crosses the northeast corner of the subject property, from Quill Drive to the neighbouring properties to the east, and eventually to Rosstown Road. The stream runs relatively parallel to an existing sanitary sewer utility corridor.

The Qualified Environmental Professional (QEP) determined the stream is non-fish bearing and is functionally a drainage course as it is not considered to be a stream under the Riparian Areas Protection Regulation or the Water Sustainability Act; as such, no provincial or federal approval is required for the proposed works. The drainage course is a result of stormwater flowing over the property from the road and properties along Quill Drive, Porcupine Hill Trail, and Brian's Way. Downstream of the property, the drainage course continues to flow southeast until it is conveyed in a pipe for approximately 200m between Rosstown Road and a stream feeding a large wetland within Northfield Nature Park, south of Mountain Vista Drive. The drainage course currently provides limited functional habitat value.

DISCUSSION

Proposed Development

The applicant is proposing a 13 lot subdivision (SUB01416) with site works and servicing required within the watercourse leave strip to create the new lots, as well as habitat enhancement measures to address the guidelines of the City's Watercourses Development Permit Area (DPA1).

The applicant proposes to pipe the drainage course for approximately 60m and daylight into a pond at the downstream end for stormwater detention and wildlife habitat. Enhanced habitat and greenspace will be provided around the wetland area, which is within a proposed park to be connected to Sparrow Lane and Quill Drive by public trails.

In the area of the existing drainage course, within the 7.5m leave strip, the following works are proposed: tree removal; site grading and lot servicing; the creation of new lots, development of trail and park areas including a stormwater pond, fencing and signage; and, implementation of the QEP recommended Enhancement Plan to create beneficial wildlife habitat. Overall, the goal of the proposal is to achieve stormwater objectives in support of the proposed subdivision, while enhancing habitat for aquatic and terrestrial wildlife within the areas proposed to be designated as greenspace.

The existing site conditions (Attachment D) shows the existing DPA1 area includes a drainage course with 433m² of aquatic habitat. The drainage course leave strip includes approximately 35 individual trees and many young red alder trees.

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. The QEP proposes an enhancement plan which includes:

- removal of invasive plants from existing vegetated areas that will remain intact;
- incorporating functional aquatic and wildlife habitat features into a wetland area;
- restoration, including planting native trees and plant species, and riparian planting, within parkland greenspace and Lots 8 and 9;
- 1.2m high protection fencing will be built as a condition of subdivision approval around the perimeter of the proposed park and trail areas to minimize future disturbance of the proposed wetland area; and,
- a public trail through the subdivision and along the west edge of the park.

Collectively, approximately 63 trees and 1,903 shrubs/plants will be planted (864m²) within the proposed Treatment Areas as referenced within the Detailed Planting Plan (Attachment G). The

treatment areas can be seen on the proposed Subdivision Plan (Attachment E). Maintenance and monitoring are proposed to ensure the long term success of the restoration planting and invasive plant control. The QEP recommendations and bonding for three years will be secured as a condition of Development Permit to ensure the QEP's recommendations are followed and the planting is completed and maintained.

PROPOSED VARIANCES

Minimum Watercourse Leave Strip

The minimum required watercourse leave strip is 7.5m from the top of bank of the watercourse. The applicant proposes to reduce the minimum required watercourse leave strip from 7.5m to 0m in order to allow the necessary works to facilitate the proposed subdivision and proposes enhancement measures to fulfill the DPA guidelines.

Given the proposed lot layout for subdivision and wetland configuration, all principal dwellings will meet or exceed a minimum of 7.5m from the proposed wetland. Varying the watercourse setback will allow storm water objectives to be achieved for the development, while enhancing habitat for aquatic and terrestrial wildlife within the areas proposed to be designated as greenspace.

The QEP determined the drainage course is non-fish bearing, is not considered to be a stream under the Riparian Areas Protection Regulation or the Water Sustainability Act, and the proposed development results in no ecological loss.

A drainage course with limited habitat value is proposed to be replaced with a wetland area and wildlife corridor providing enhanced functional habitat value for aquatic and terrestrial wildlife over time. Staff support the variance and proposed restoration and enhancement.

SUMMARY POINTS

- The applicant proposes to reduce the minimum required watercourse leave strip from 7.5m to 0m in order to allow the necessary works to facilitate the proposed subdivision and proposes enhancement measures to fulfill the DPA guidelines.
- The QEP determined the drainage course is non-fish bearing, and is not considered to be a stream under the Riparian Areas Protection Regulation or the Water Sustainability Act.
- A drainage course with limited habitat value is proposed to be replaced with a wetland area and wildlife corridor providing enhanced functional habitat value for aquatic and terrestrial wildlife over time.
- Staff support the variance and proposed restoration and enhancement.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Context Map
ATTACHMENT C: Location Plan
ATTACHMENT D: Existing Site Conditions
ATTACHMENT E: Proposed Subdivision Plan
ATTACHMENT F: Executive Summary
ATTACHMENT G: Detailed Planting Plan
ATTACHMENT H: Aerial Photo

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services
/ Deputy CAO

ATTACHMENT A

PERMIT TERMS AND CONDITIONS

TERMS OF PERMIT

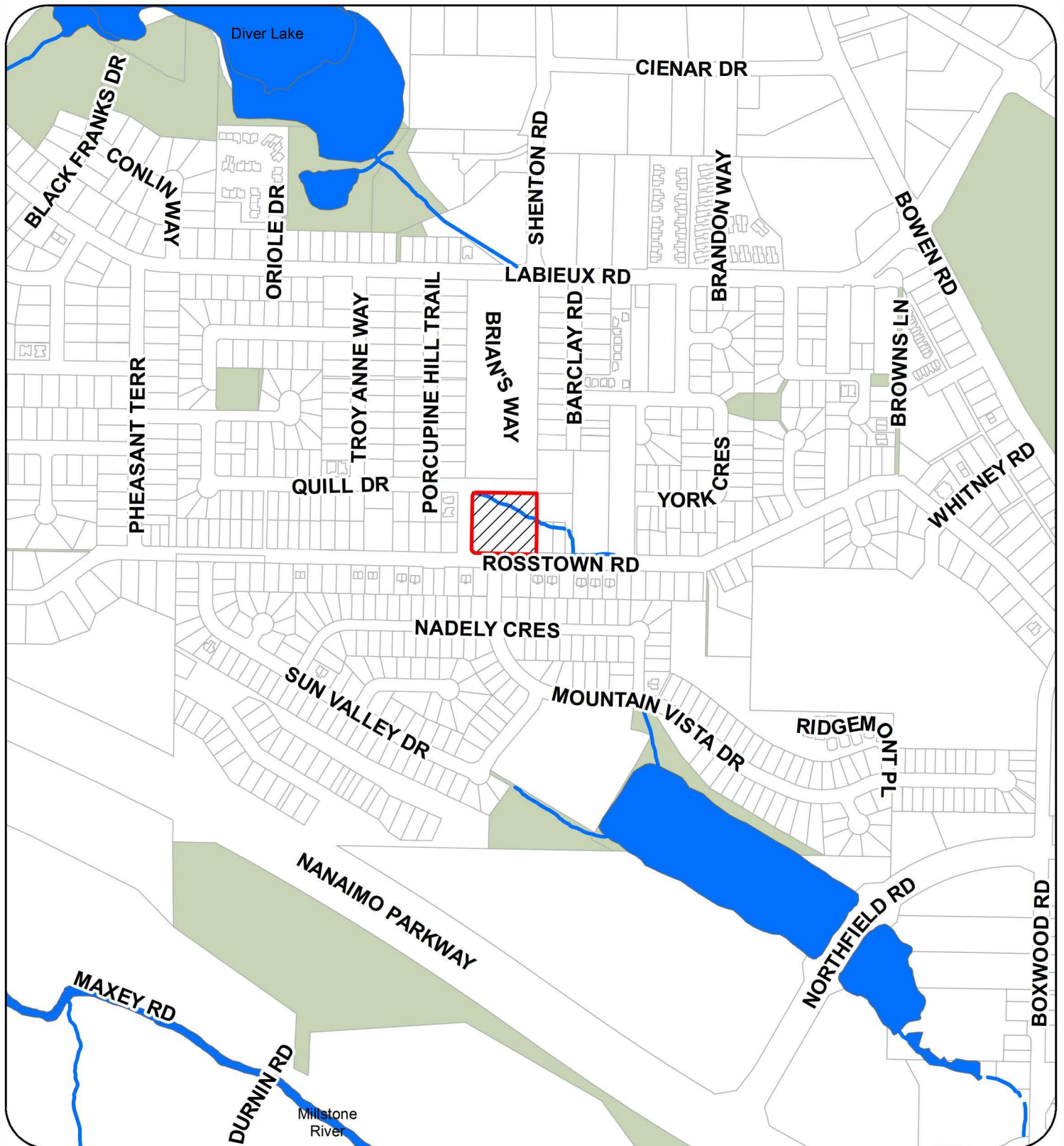
The “City of Nanaimo Zoning Bylaw 2011 No. 4500” is varied as follows:

1. *Section 6.3.2 - Location and Siting of Buildings and Structures to Watercourses* - to reduce the minimum required watercourse leave strip from 7.5m to 0m in order to allow the proposed site works, servicing and restoration within the watercourse leave strip area.

CONDITIONS OF PERMIT

1. The subject property is developed in accordance with the Proposed Subdivision Plan prepared by Williamson & Associates Professional Surveyors, dated 2021-OCT-29, as shown on Attachment E.
2. The subject property is developed and maintained in accordance with the Watercourse Leave Strip Variance Plan (received 2022-APR-14), and the Detailed Planting Plan, dated 2022-MAY-03, prepared by EDI Environmental Dynamics Inc. Environmental monitoring is required to ensure that environmental protection measures are being followed during site disturbance and construction.
3. Security is to be submitted prior to Design Stage Approval for the final subdivision plan and held for three years from the date of installation to ensure the property is developed and maintained in accordance with the Watercourse Leave Strip Variance Plan and Detailed Planting Plan. A certified Letter of Completion is required from a qualified professional at the end of the three-year maintenance period.

ATTACHMENT B CONTEXT MAP



 2498 ROSSTOWN ROAD

**ATTACHMENT C
LOCATION PLAN**



Development Permit Application No. DP001219

CIVIC: 2498 Rosstown Road
 LEGAL: Lot 1, Section 19, range 6, Mountain District, Plan 41045

 **Subject Property**



Photo 3. Southeast (downstream) view of the leave strip area along the south side of the drainage course, from the northwest property corner.



Photo 4. Southeast (downstream) view of the storm sewer outlet headwall at the northwest property corner.



Photo 5. Downstream view typical of the northwest third of the drainage course.



Photo 6. Downstream view of the wider section dominated by slough sedge, just upstream of the stormwater outfall from Brian's Way.



Photo 7. Upstream view of the narrow section downstream of the storm outfall from Brian's Way.



Photo 8. North view of the wide section at the east edge of the property.



EXECUTIVE SUMMARY

This watercourse leave strip variance plan was prepared by EDI Environmental Dynamics Inc. (EDI) as part of the development permitting requirements for the proposed subdivision at 2498 Rosstown Road in the City of Nanaimo. The request is part of an application for subdivision of the 7,697 m² property into 13 residential lots. In association with varying the DPA 1 leave strip, the proposal involves: piping the drainage course for approximately 60 m from the northwest property corner and creating a pond at the downstream end for stormwater detention and wildlife habitat (Appendix A). A greenspace corridor will be retained along and north of a portion of the existing sanitary sewer main and proposed storm sewer main (north end of Lots 9 and 10). Greenspace will also be provided around the stormwater pond, which is within a proposed Park. Overall, the goal of the proposal is to achieve stormwater objectives and accommodate the subdivision layout, while enhancing habitat for aquatic and terrestrial wildlife within the areas proposed to be designated as greenspace.

As the watercourse within the subject property is not considered to be a stream under various regulatory definitions, it is referred to herein as a drainage course. This report and related plans provide conceptual designs for the planned subdivision. These conceptual plans shall be updated to provide substantially more detail during the detailed design phase of the project.

The enhancement plan has largely been developed as a result of previous discussions and reviews by City of Nanaimo staff, who have indicated to the developer and their consultants what the expectations/requirements of the project are, and what specific environmental objectives should be met. The total terrestrial and aquatic enhancement areas presented herein are not the result of any qualitative or quantitative ecological loss/gain measurements or calculations.

The existing DPA 1 area (shown in Appendix B) is approximately 2,260 m² and includes:

- Drainage course: 433 m² of aquatic habitat
- Drainage course banks and 7.5 m Leave Strip: 1,827 m²
- Approximately 35 individual trees and an approximately 300 m² area with many young red alder trees.

The proposed habitat enhancements include:

- Incorporating aquatic and wildlife habitat features into an approximately 137 m² stormwater pond.
- Planting native plant species throughout the Park in which the pond and its riparian area will be located (total of approximately 480 m² riparian planting within Parkland greenspace).
- Planting native trees and shrubs within a fenced area at the north end of Lots 8 and 9 (a total of approximately 325 m² of greenspace). The northern part will include trees and shrubs and the southern part, which overlaps with proposed sanitary and storm sewer right of ways, will only include shrubs.
- Removal of invasive shrubs from existing vegetated areas that will remain intact.
- Fencing to limit encroachment into greenspaces.
- Multiuse trail through the subdivision and along the east edge of the Park.

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2022-APR-14
Current Planning

ATTACHMENT G

DETAILED PLANTING PLAN



208A – 2520 Bowen Road
Nanaimo, BC V9T 3L3
P: (250) 751-9070

May 03, 2022

EDI Project No: 20N0412

Dueck General Contracting
3- 4515 Uplands Drive
Nanaimo, BC V9T 6M8

Attention: Blair Dueck, Owner

RE: Detailed Planting Plan for 2498 Rosstown Road, City of Nanaimo

This detailed planting plan has been provided to supplement information provided in the watercourse leave strip variance plan prepared by FDI (November 2021). Since the watercourse leave strip variance plan was prepared, Newcastle Engineering Ltd. has progressed civil designs. These designs have been reviewed to verify anticipated site characteristics, areas and dimensions, and pond design. Table 1 from the watercourse leave strip variance plan remains largely unchanged and the revised version is provided below. The subsequent table (Table 2) provides a summary of plant species for each treatment area.

Table 1. Planting specifications by plant type.

Plant Type	Stock Size	Spacing Interval (m)	Species Examples Suitable for this Site	Approx. Number
Trees	2 to 5 gallon	3.0 throughout Park Wide, variable spacing elsewhere	Douglas fir, bigleaf maple, red alder, Pacific dogwood, Pacific Willow, Western Hemlock	63
Large Shrubs	1 to 2 gallon	0.75	Nootka rose, ocean spray, Pacific ninebark, red osier dogwood, salmonberry, red-flowering currant, red huckleberry	1,243
Small Shrubs	1 gallon	0.5	Oregon grape, snowberry, thimbleberry	220
Aquatic Plants (Pond)	4"	0.5	slough sedge, common rush, water shield, hardhack	240
Groundcover	4" to 1 gallon	0.5	Salal, kinnikinic, sword fern, bracken fern	200

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2022-MAY-04
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Table 2. Table 2. Summary of Plant Species in Each Treatment Area.

Type	Common Name	Scientific Name	Treatment Area*				Stock Size	Totals	Notes
			1	2	3	4			
Tree	Red alder	<i>Alnus rubra</i>			12		5-gallon	12	Even distribution
Tree	Bigleaf maple	<i>Acer macrophyllum</i>	6		6		5-gallon	12	Even distribution
Tree	Pacific willow	<i>Salix lucida</i>			10		2-gallon	10	Pond edge
Tree	Pacific dogwood	<i>Cornus nuttallii</i>	6				5-gallon	6	South side of area
Tree	Douglas-fir	<i>Abies grandis</i>	9		14		5-gallon	23	Even distribution
Shrub	Salmonberry	<i>Rubus spectabilis</i>			50		2-gallon	50	Low lying, moist areas
Shrub	Nootka rose	<i>Rosa nutkana</i>	55	43	125		2-gallon	223	Even distribution
Shrub	Snowberry	<i>Symphoricarpos albus</i>	55	43	125		2-gallon	223	Even distribution
Shrub	Ocean spray	<i>Holodiscus discolor</i>	60	48	125		2-gallon	233	Even distribution
Shrub	Red Huckleberry	<i>Vaccinium parviflorum</i>	21	16	125		2-gallon	162	Even distribution
Shrub	Red Flowering Currant	<i>Ribes sanguineum</i>	47	35	125		2-gallon	207	Even distribution
Shrub	Red osier dogwood	<i>Cornus stolonifera</i>			52		2-gallon	52	Low lying, moist areas
Shrub	Saskatoon	<i>Amelanchier alnifolia</i>	45	28	20		2-gallon	93	South side of area
Groundcover	Salal	<i>Gaultheria shallon</i>	40	14	80		1-gallon	134	Even distribution
Groundcover	Swordfern	<i>Polystichum munitum</i>	30	13	80		1-gallon	123	Even distribution
Groundcover	Dull Oregon-grape	<i>Mahonia nervosa</i>	42	21	80		1-gallon	143	Even distribution
Groundcover	Kinnikinnick	<i>Arctostaphylos uva-ursi</i>		20			1-gallon	20	South half of area
Aquatic	Common Rush	<i>Juncus effusus</i>				80	1-gallon	80	Pond bench
Aquatic	Hardhack	<i>Spirea douglasii</i>				80	1-gallon	80	Lower pond bank
Aquatic	Slough Sedge	<i>Carex obnupta</i>				80	1-gallon	80	Pond bench
Total Area (m2)			187	137	480	60		864	
Total # of Plants			416	281	1029	240		1966	

*Treatment Areas:

1. Northern Greenspace within Lots 9 and 10 (suitable for trees, shrubs, and groundcover)
2. Southern Greenspace within Lots 9 and 10 (suitable for only shrubs and groundcover)
3. Parkland Pond Riparian Area (suitable for trees, shrubs, and groundcover)
4. Aquatic Area of Pond Perimeter (suitable for only aquatic plants)

Cost Estimate

Table 1. Approximate cost of plants (based on Streamside Native Plant wholesale pricing).

Item	Approximate Cost Estimate
Plants (1-gallon)	\$4,620
Plants (2-gallon)	\$15,036
Plants (5-gallon)	\$1,325
Total Cost	\$20,981



Table 2. Approximate total cost of planting plan (installation and irrigation estimates provided by owner through discussions with the City).

Item	Approximate Cost Estimate
Plants	\$20,981
Installation	\$20,981
Irrigation	\$5,000
Total Cost	\$46,962

Please let us know if you have any questions or comments about this planting plan.

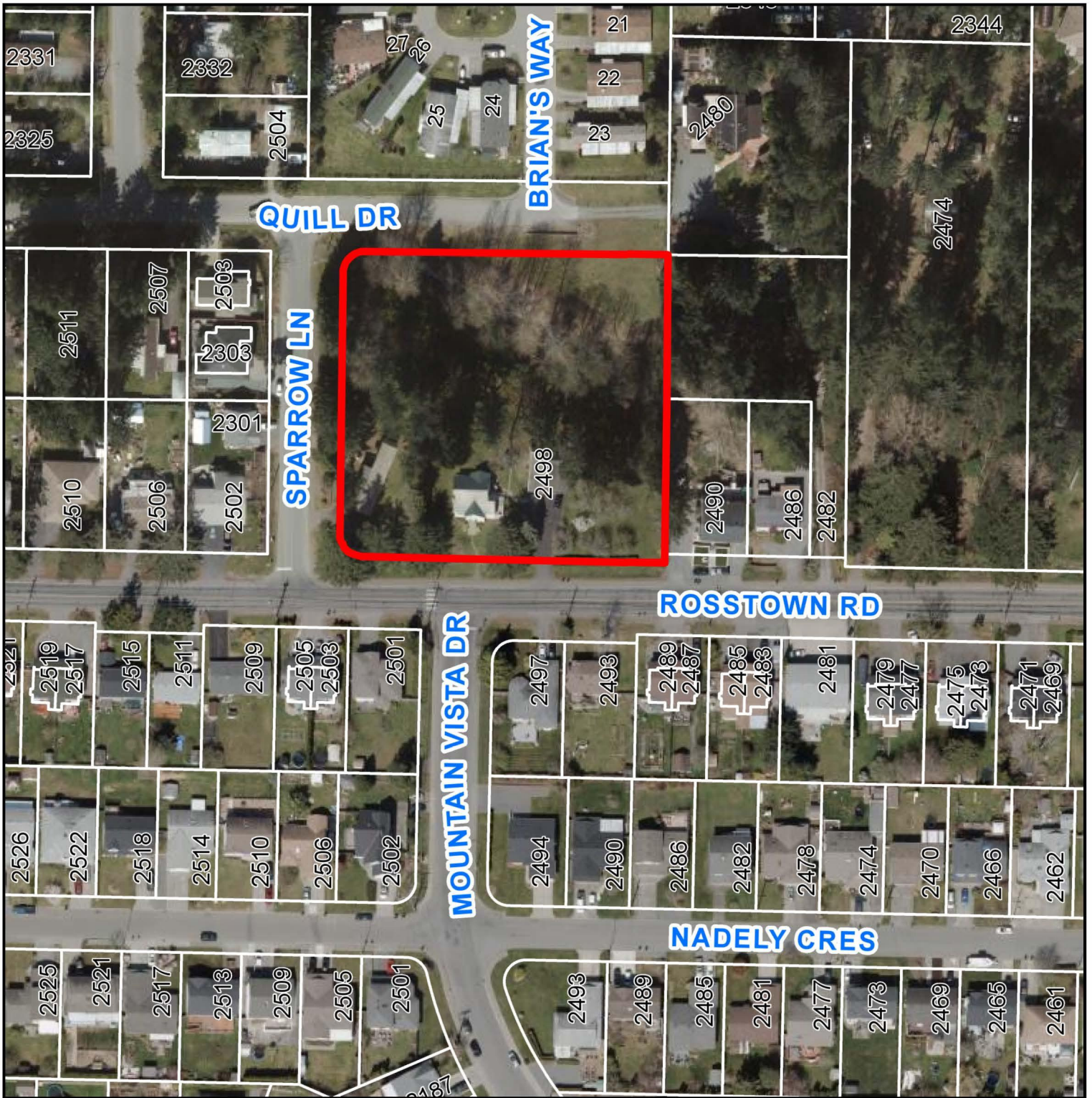
Yours truly,

EDI Environmental Dynamics Inc.

Signed and sealed original on file

Adam Compton, R.P.Bio.
Senior Biologist/Project Manager

ATTACHMENT H AERIAL PHOTO



Development Permit Application No. DP001219

CIVIC: 2498 Rosstown Road



Subject Property

Delegation Request

Delegation's Information:

Tyler Hansen has requested an appearance before Council.

City: Nanaimo

Province: BC

Delegation Details:

The requested date is 2022-MAY-30

The requested meeting is:
Council

Bringing a presentation: No

Details of the Presentation:.

Available to answer questions from council that are specific to the proposed development and the proposed variance.

Delegation Request

Delegation's Information:

Blair Dueck has requested an appearance before Council.

City: Nanaimo

Province: BC

Delegation Details:

The requested date is 2022-MAY-30

The requested meeting is:
Council

Bringing a presentation: No

Details of the Presentation:.

Will be in attendance for questions from Council.

Delegation Request

Delegation's Information:

Adam Compton has requested an appearance before Council.

City: Nanaimo
Province: BC

Delegation Details:

The requested date is 2022-MAY-30

The requested meeting is:
Council

Bringing a presentation: No

Details of the Presentation:.

Available to answer questions from Council.