

REGIONAL DISTRICT OF NANAIMO

**BOARD MEETING
TUESDAY, JUNE 27, 2006**

A D D E N D U M

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DELEGATION

2 **Hermine Hicks**, re Transit Issues.

COMMUNICATIONS/CORRESPONDENCE

3 **Bob & Beryl Cassidy**, re Development Variance Permit Application No. 90613 – Barber – 1794 Oak Leaf Drive – Area E.

4 **Mr. & Mrs. Vojtech**, re Development Variance Permit Application No. 90613 – Barber – 1794 Oak Leaf Drive – Area E.

BYLAWS

For Adoption

Bylaw No. 791.13. (All Directors – One Vote)

Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.13 (four properties on Balsam Road – Area A).

That “Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.13, 2006” be adopted.

This is a bylaw to include 4 properties on Balsam Road (Area A) in the Rural Streetlighting Local Service Area.

ADMINISTRATOR’S REPORTS

5-13 Development Permit Application No. 60619 – Dave Scott for 3536696 Canada Inc. – Fairwinds Development – Area E.

Re: June 27th BOARD MEETING

I WOULD LIKE TO MAKE A PRESENTATION TO THE
BOARD REGARDING TRANSIT.

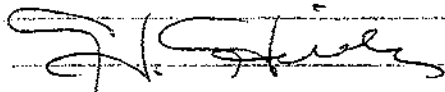
MY NAME IS: HERMINE HICKS

216 VIEW ST.

NANAIMO V9R 4N7

753-2548

I WILL BE REPRESENTING THE NEWLY FORMED
BUS RIDERS ASSOCIATION.



JUNE 21/06

Keller, Greg

From: Laustsen, Denise
Sent: June 26, 2006 8:35 AM
To: Keller, Greg
Subject: FW: Development variance permit application No.90613 - Barber

-----Original Message-----

From: Robert Cassidy [mailto:rtcassidy@telus.net]
Sent: June 25, 2006 1:55 PM
To: Laustsen, Denise
Subject: RE:Development variance permit application No.90613 - Barber

We are neighbors at 1795 Oak Leaf Dr. and are strongly in favor of the development variance to the above property allowing them beach access.

Bob and Beryl Cassidy,
1165 - 7th Avenue,
Kamloops, B.C.
V2C 3V6
250 - 314-6184

Laustsen, Denise

From: Georgina Vojtech [milan.georgina@shaw.ca]
Sent: June 26, 2006 1:34 PM
To: Laustsen, Denise
Subject: Lot 3, DL 78. Nanoose District, Plan 28203

Regional District of Nanaimo Development Service
Development Variance Permit No 90613

Dear Sir,

I am the owner of the neighbouring property of the subjected property (we own Lot No 3). My husband and I have no objections to the construction of the platforms and stairs to the water edge. We feel once the construction is completed and natural vegetation is re-established the subjected stairway will be a good addition to the waterfront and neighbourhood.

Sincerely,
Mr and Mrs Vojtech

2929 Dolphin Drive Nanoose Bay BC V9P 9J4
Email: milan.georgina@shaw.ca

26/06/2006



R D N	
CAO <i>(Signature)</i>	GMES
GMCS	GMR&P
GMDS	GMRT&P
JUN 23 2006	
CHAIR	BOARD
<i>(Signature)</i>	

MEMORANDUM

TO: Jason Llewellyn
 Manager, Community Planning

DATE: June 21, 2006

FROM: Greg Keller
 Planner

FILE: 3060 30 60619

SUBJECT: Development Permit Application No. 60619 – Dave Scott for 3536696 Canada Inc.
 Electoral Area 'E' – Parcel PID 006-598-439

PURPOSE

To consider an application for a development permit for the construction of single-dwelling units and accessory buildings within Phase 9B in Fairwinds.

BACKGROUND

This is an application to allow development of buildings on the proposed lots to be created on the parent parcel legally described as: District Lot 78, Nanoose District, Except that part shown outlined in red on Plan deposited under DD 19579I; Except Parcels A and B (DD 7528N); and Except those Parts in Plans 813R, 1567 OS, 14212, 14250, 14275, 15075, 15193, 22836, 24012, 25366, 26219, 21729, 27206, 29869, 34675, 47638, 48548,48585, 49669, 50872, 51142, VIP51603, VIP51706, VIP51707, VIP53134,VIP57407, VIP59180, VIP59494, VIP60049, VIP60602, VIP71781, VIP73214, AND VIP78139.

The subject property is largely undeveloped and is zoned Residential 1 (RS1) with a small portion in the northwest corner zoned Residential R (RS5) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The subject property is bordered by residential neighbourhoods to the north and east, Department of National Defence property to the south, and a large tract of undeveloped Residential 1 property to the west. Enos Lake is located in the southwest corner of the property. (see Attachment No. 1)

The Board previously approved Development Permit No. 60604 to permit the construction of a dwelling unit on proposed Lot 1 on Bonnington Drive on February 28, 2006. At the request of the applicant, the previous Development Permit only covered the building site, not the entire parent parcel or the proposed subdivision. In addition, the previous Development Permit did not authorize development on any other proposed lot. Therefore, this Development Permit approves the building on each parcel proposed to be created.

The proposed development is within the Sensitive Ecosystem Protection Development Permit Area, pursuant to "Regional District of Nanaimo Nanoose Official Community Plan Bylaw No. 1400, 2005." This Development Permit Area was established to protect the natural environment, its ecosystems, and biological diversity. Board approval is required to permit the proposed development.

The applicants previously submitted an environmental assessment of the property subject to proposed Phase 9B. In addition, as part of this application, the applicants have submitted an addendum focusing on proposed lots 27-33.

It is important to note that because the subdivision for Fairwinds Phase 9B has not received final approval, the boundaries of the proposed parcels may be subject to change; and if this occurs, however unlikely, a new development permit may be required to identify the sensitive features on the amended lots.

ALTERNATIVES

1. To approve Development Permit No. 60619 subject to the conditions outlined in Schedule No. 1.
2. To deny the requested permit.

LAND USE AND DEVELOPMENT IMPLICATIONS

The report submitted by the applicant focuses on proposed lots 27-33. The report indicates that a large portion of proposed lots 27-33 is located in a transition zone between forested Douglas Fir – Arbutus and Douglas Fir – Oregon Grape ecosystems located in the south and southwest of proposed lots 27-33. The report indicates that transition zones are typically characterized by a higher diversity of plants and substrates, giving rise to a wider range of potential wildlife habitat and associated species. This higher biological diversity represents the sensitive feature on proposed lots 27-33.

The report indicates that there are Garry Oak trees, rocky outcroppings, and other sensitive features dispersed randomly throughout proposed lots 27-33. Some impact to these features is anticipated/ and unavoidable through construction. However, the proposed building envelopes are not located in a sensitive ecosystem. The remainder of the land subject to Phase 9B was found to consist predominantly of Douglas Fir-Grand Fir-Arbutus and other ecosystems, which are a relatively abundant ecosystem type in the area. Therefore, this Development Permit application will only impose building envelope restrictions on proposed lots 27-33, while the remainder of the proposed parcels do not require additional protection.

The report makes a number of recommendations regarding the development and preservation of proposed lots 27-33 including the following:

- Development of brief construction / heavy machinery crew orientation (for use at tailgate meetings) to educate crews on the importance of avoiding and respecting sensitive areas;
- During construction, place temporary barriers (i.e. flagging tape, silt fencing) around identified sensitive areas on each property to minimize construction impacts;
- In areas that are unavoidably disturbed during construction, re-plant with native vegetation following construction;
- Minimize permanent barriers, such as perimeter fences, in development areas to maximize habitat connectivity and usage following construction;
- Adjustment of building envelope placement to maximize property-specific natural features (rocky outcrops, herbaceous meadows, under storey shrubs & herbs, Garry oak, Douglas-fir and arbutus trees, and woody debris / snags). Specifically, residences within lots 27-33 should be

constructed on the northeast portions of the lots to maximize the retention of Garry oaks and associated ecosystem;

- Restrictive covenants against Garry oak and vegetation removal at the rear (southern portion) of lots 27-33; and,
- Development and implementation of resident education program to convey importance of minimizing traffic (i.e. trampling) through sensitive areas of their property / park areas and to recognize and avoid non-native plant species.

The above recommendations coupled with the proposed 8.0 metre no vegetation removal covenant will minimize the impact on the environmentally sensitive features located on the proposed parcels. Therefore, staff recommends that the above-noted recommendations be included as terms of this development permit. In addition, in accordance with the applicant's biologist's recommendation, staff recommends that as a condition of approval, the applicant be required to register a Section 219 covenant to the satisfaction of the Regional District of Nanaimo (RDN) prohibiting disturbance within 8.0 metres of the rear lot lines on proposed lots 27-33. Staff also recommends that the covenant be required to be registered prior to the issuance of a building permit and include a map showing the proposed building envelopes and the environmentally sensitive features on lots 27-33.

VOTING

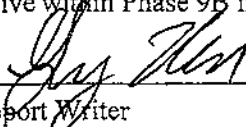
Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

This is an application for a Development Permit to establish building envelopes to allow the future construction of single-dwelling units and accessory buildings on each proposed parcel within Phase 9B in Fairwinds. The applicant has submitted a biologist's report, which provides recommendations to minimize the impact on environmentally sensitive features. The applicant has agreed to register a covenant prohibiting tree and vegetation removal within 8.0 metres of the property line. In staff's opinion, the applicant has adequately met the Sensitive Ecosystem Protection Development Permit Area Guidelines. Therefore, staff recommend that the requested development permit be approved subject to the terms outlined in Schedule No. 1 of this report.

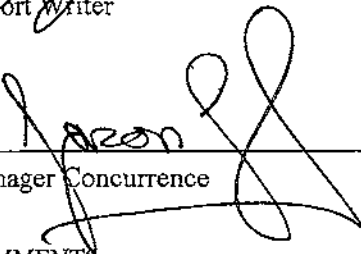
RECOMMENDATION

That Development Permit Application No. 60619, to establish building envelopes to allow the future construction of single-dwelling units and accessory buildings on each proposed parcel on Bonnington Drive within Phase 9B in Fairwinds be approved according to the terms outlined in Schedule No. 1.

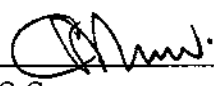


 Report Writer

 General Manager Concurrence



 Manager Concurrence



 CAO Concurrence

COMMENTS:

devsvs/reports/2006/dp jn 3060 30 60619 Fairwinds – Scott Report

Schedule No. 1
Terms of Development Permit No. 60619
PID 006-598-439

Development of Site

- a) This Development Permit establishes building envelopes to allow the future construction of single-dwelling units and accessory buildings on proposed parcels 27-33 within Phase 9B in Fairwinds and in substantial compliance with Schedule No. 2. This development permit is to be registered on title of lots 27-33 once created.
- b) This Development Permit also authorizes the future construction of single-dwelling units and accessory buildings on all other proposed parcels within Phase 9B on the subject property subject to compliance with “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987.”
- c) Building permits shall be required prior to commencing construction.

Survey

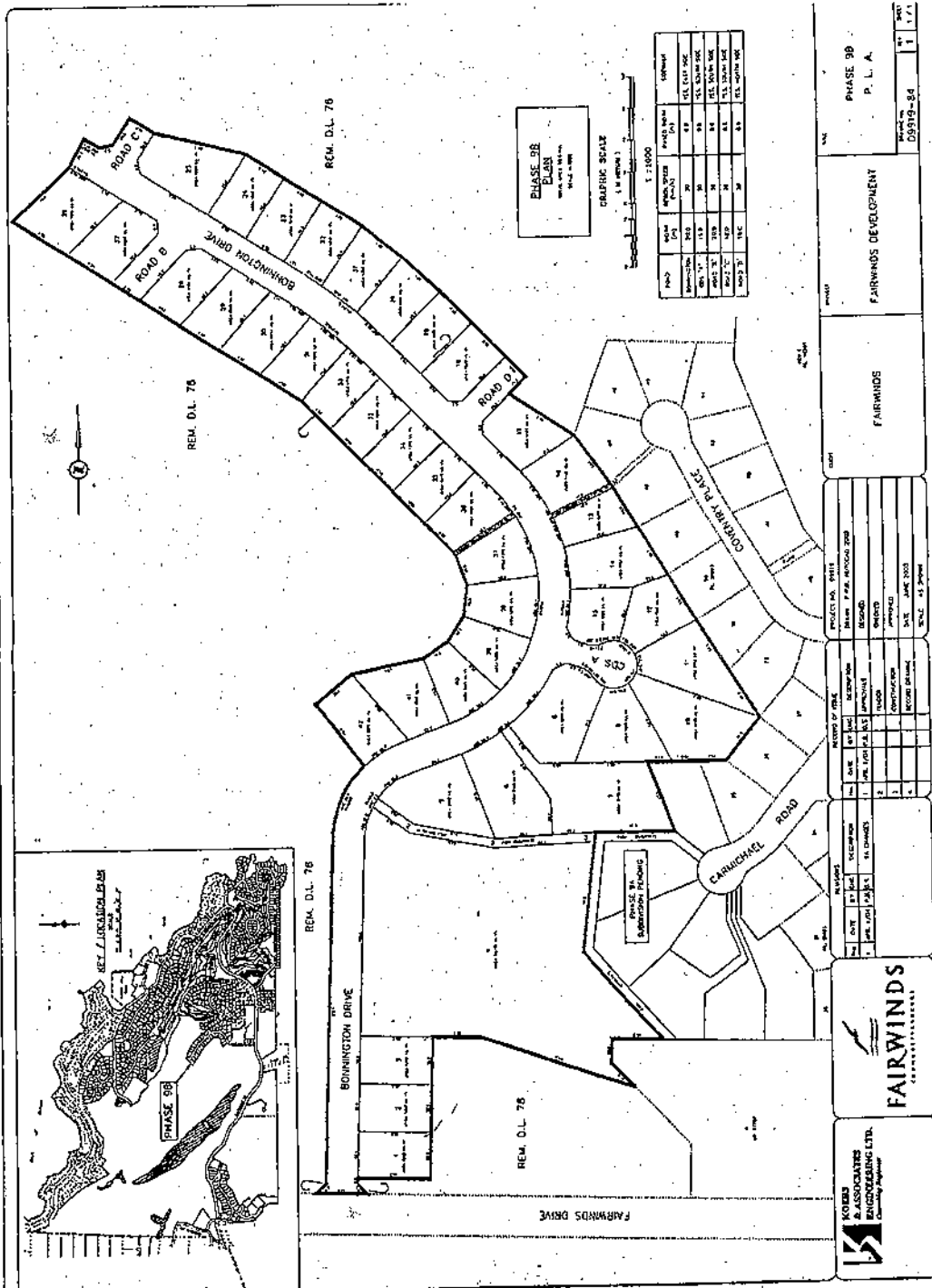
- d) A survey prepared by a British Columbia Land Surveyor (BCLS) shall be required upon completion of each building permit to confirm its siting and height as deemed necessary by the Chief Building Inspector. This survey must include an indication of the building envelope in relation to the building, the extent of land clearing in relation to the building envelope, the outermost part of the building such as the overhang, gutters, etc., and shall be prepared to the satisfaction of the Regional District of Nanaimo.

Ecosystem Protection

- e) The applicant is strongly encouraged to develop a brief construction / heavy machinery crew orientation (for use at tailgate meetings) to educate crews on the importance of avoiding and respecting sensitive areas.
- f) Temporary barriers (i.e. flagging tape, silt fencing) shall be erected around rocky outcrops, herbaceous meadows, under storey shrubs and herbs, Garry Oak Trees, Douglas Fir and Arbutus Trees, and woody debris/snags on proposed lots 27-33 to minimize the impacts of construction.
- g) Disturbance of identified sensitive features and areas shall be minimized to that which is absolutely necessary to allow the construction of a dwelling unit and accessory building(s).
- h) No vegetation shall be removed outside of the building envelope without approval from the Regional District of Nanaimo.
- i) All areas outside of the proposed building envelopes on proposed lots 27-33 that are unavoidably disturbed during construction must be re-planted with native vegetation under the supervision of a qualified environmental professional following construction.
- j) Permanent barriers, such as perimeter fences, shall be minimized in development areas to maximize habitat connectivity and usage following construction.

- k) Adjustment of building envelope placement may be permitted, under the supervision of a qualified environmental professional and to the satisfaction of the Manager of Community Planning, to maximize the retention of property-specific natural features (rocky outcrops, herbaceous meadows, under storey shrubs & herbs, Garry oak, Douglas-fir and Arbutus trees, and woody debris / snags). Specifically, buildings and structures within proposed lots 27-33 should be constructed on the northeast portions of the lots to maximize the retention of Garry oaks and associated ecosystem.
- l) Prior to the issuance of a building permit for any construction on proposed lots 27-33, the applicants shall, at the applicant's expense and to the satisfaction of the Regional District of Nanaimo, register a Section 219 restrictive covenant prohibiting the removal of Garry oak and other vegetation at the rear (southern portion) of lots 27-33 as shown on Schedule No. 2 and to be attached to the requested covenant.
- m) The applicant is strongly encouraged to develop and implement a resident education program to convey the importance of minimizing traffic (i.e. trampling) through sensitive areas of their property / park areas and to recognize and avoid non-native plant species.

Schedule No. 2 (Page 1 of 3)
Development Permit No. 60619
Proposed Site Plan (as submitted by applicant, reduced for convenience)
PID 006-598-439

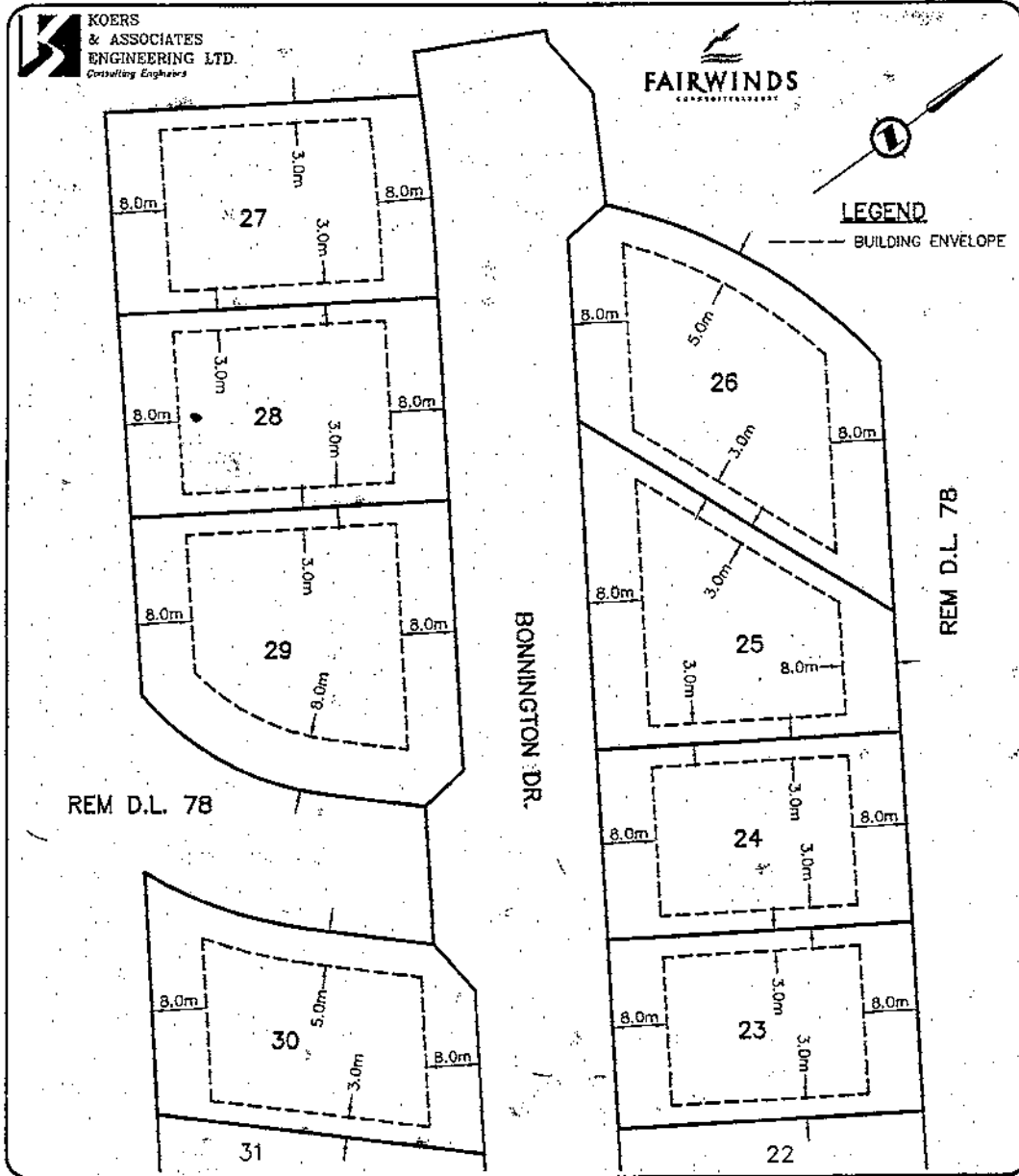


Schedule No. 2 (Page 2 of 3)

Development Permit No. 90619

Proposed Building Envelopes on Lots 27-30 (as submitted by applicant, reduced for convenience)

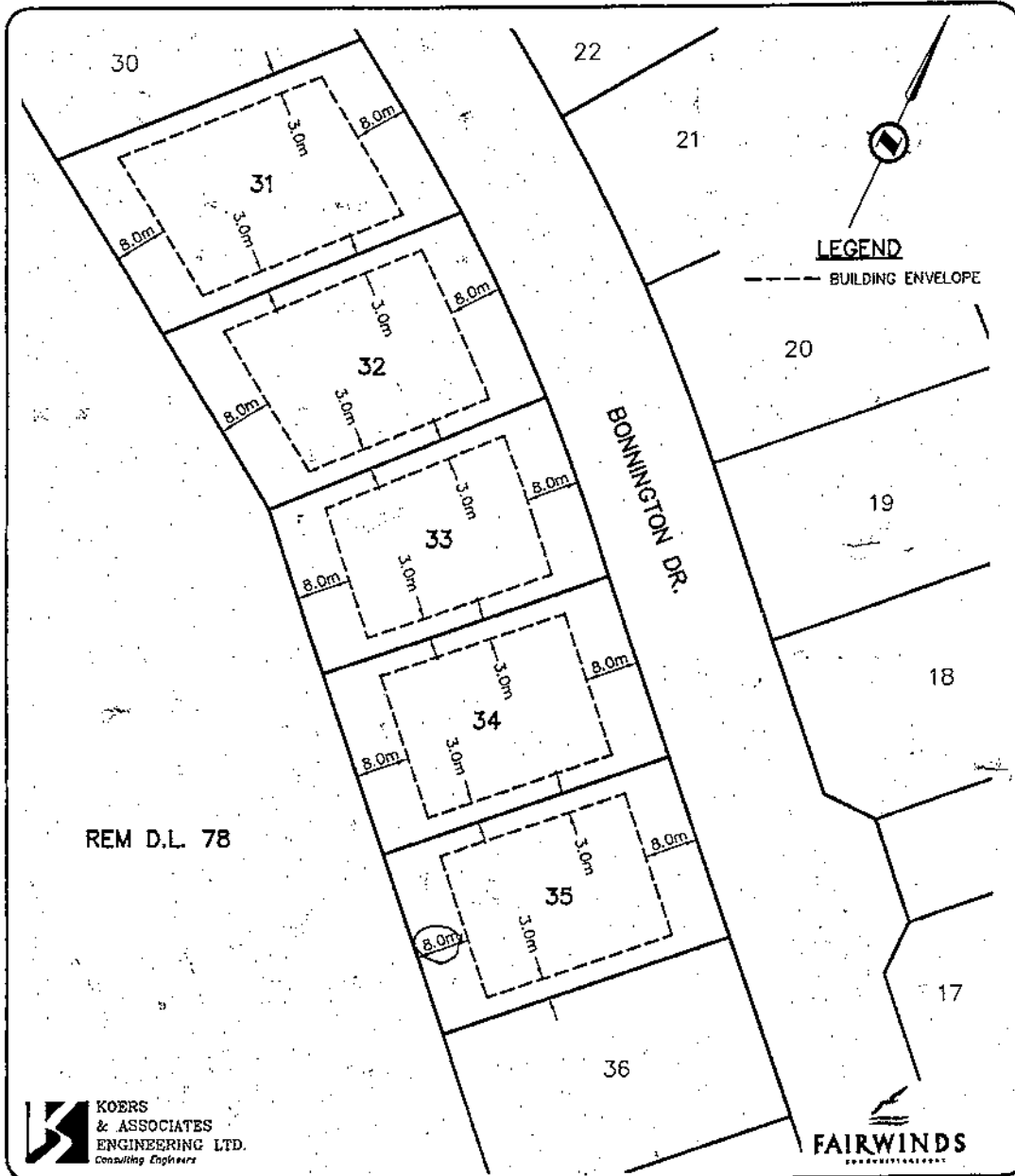
PID 006-598-439



CLIENT	FAIRWINDS
PROJECT	BONNINGTON HEIGHTS BUILDING ENVELOPES

LOT 23, LOT 24, LOT 25, LOT 26 LOT 27, LOT 28, LOT 29 & LOT 30	
APPROVED	SCALE 1:750
DATE OCT. 14, 2005	DWG No. 9919-092-26
JOB No. 9919-092	

Schedule No. 2 (Page 3 of 3)
Development Permit No. 90619
Proposed Building Envelopes on Lots 31-33 (as submitted by applicant, reduced for convenience)
PID 006-598-439



CLIENT	FAIRWINDS
PROJECT	BONNINGTON HEIGHTS BUILDING ENVELOPES

LOT 31, LOT 32, LOT 33, LOT 34 & LOT 35	
APPROVED	SCALE 1:750
DATE OCT. 14, 2005	DWG No. 9919-092-27
JOB No. 9919-092	

Attachment No. 1
Subject Property
Development Permit No. 60619
PID 006-598-439

