

**REGIONAL DISTRICT OF NANAIMO**

**ELECTORAL AREA PLANNING COMMITTEE  
TUESDAY, SEPTEMBER 11, 2007**

**A D D E N D U M**

**PAGES**

**DEVELOPMENT PERMIT APPLICATIONS**

2-18

Development Permit Application No. 60729 – Fern Road Consulting Ltd., on behalf of Todsén Design & Construction Ltd. and McTay Holdings Ltd. – Stead Road & Island Highway No. 19A – Area H.



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CHAIR	BOARD
Addendum Sept EAP	

MEMORANDUM

**TO:** Geoff Garbutt  
Manager, Current Planning

**DATE:** September 7, 2007

**FROM:** Susan Cormie  
Senior Planner

**FILE:** 3060 30 60729  
c/r 3320 20 26610

**SUBJECT:** Development Permit Application No. 60729  
Fern Road Consulting Ltd., on behalf of Todsens Design & Construction Ltd. & McTay Holdings Ltd.  
Electoral Area 'H' – off Stead Road and the Island Highway No. 19A

PURPOSE

To consider an application for a development permit in conjunction with the creation of a 32-bare land strata lot subdivision within the Environmentally Sensitive Features Development Permit Area and to consider a request for acceptance of park land dedication on property in Electoral Area 'H'.

BACKGROUND

The parent parcels, legally described as Lot 1, Plan 17597 and Lot 6, Plan 12132, Both of District Lot 32, Newcastle District, are located in the Bowser area adjacent to Stead Road and the Island Highway No. 19A in Electoral Area 'H' (See Attachment No. 1 for location).

The properties, which total 15.6 ha in size, are currently zoned Residential 2 (RS2) and are within Subdivision District 'M' pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". One of the parent parcels (Lot 1) currently supports a dwelling unit and an accessory building. A portion of Nile Creek runs along the south boundary of the parent parcels and includes a steep bank in areas next to the creek. There is also a BC Hydro right-of-way crossing the north portion of the parcels.

The parent parcels are designated within the following development permits areas pursuant to the Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003:

- The Environmentally Sensitive Features Development Permit Area in this case for the protection of Nile Creek and its riparian area and for the protection of the aquifer; and
- The Highway Corridors Development Permit Area for the form and character of commercial, industrial or multi-family residential development. In this case, this application will meet the exemption provisions of the development permit area.

In addition, the subject parcels are also designated within the Fish Habitat Protection Development Permit Area for the purposes of protecting riparian areas for the protection of fish habitat which was adopted on January 23, 2007. However, under section 943 of the Local Government Act, the application has in-stream status until January 23, 2008. At that time, if the subdivision is not finalized, the provisions of this development permit area will come into effect for this application.

Therefore, as the applicants are proposing to develop the site, a development permit concerning the Environmentally Sensitive Features Development Permit Area is required.

### ***Proposed Development***

The applicants are proposing to construct 32 bare land strata lots varying in size from 2000 m<sup>2</sup> to 3257 m<sup>2</sup> with community water service connections from Bowser Waterworks District and a common septic disposal system to be owned and operated by the future strata corporation (*see Schedule No. 2 for proposed layout*).

### ***Park Land Requirements***

Where an official community plan contains policies and designations respecting the location and type of future parks, the local government may determine whether the owner must provide land or cash or a combination of both. In this case, the OCP specifies that park land dedication may be considered at the time of subdivision subject to meeting the preferred park land criteria set out in the Plan. Pursuant to the *Local Government Act*, the maximum amount of park land that the Regional District may request for this property is 5% of the total site area, in this case approximately 0.78 ha.

### ***Park Land Proposal***

The applicants are proposing to dedicate 2.87 ha or approximately 18.4% of the total land area, which consists of a portion of the riparian area next to Nile Creek and a walkway to provide a connection to the RDN park land to the north of the parent parcels. The applicants have also indicated that they would provide a fire hydrant near the park land entrance; a small parking area for the public to use the park land; and will construct the walkway adjacent to the Island Highway to connect the proposed park land with existing park land.

The park land proposal was referred to the Electoral Area 'H' Parks and Open Space Advisory Committee on June 26, 2007 and presented at a Public Information Meeting held on July 24, 2007.

## **ALTERNATIVES**

1. To approve Development Permit Application No. 60729, as submitted, subject to the conditions outlined in Schedules No. 1, 2, and 3 and to accept the offer of park land in the amount and location as set out in Schedule No. 4.
2. To deny the development permit as submitted and provide staff with further direction and to not accept the offer of park land in the amount and location as proposed and instead require the applicants to dedicate park land in a different location and amount.
3. To approve the development permit as submitted, subject to the conditions outlined in Schedules No. 1, 2, and 3 and to not accept the park land proposal as submitted and require the applicants to provide 5% cash-in-lieu of park land.

## **DEVELOPMENT IMPLICATIONS**

### ***Development Permit / Environmental Implications***

With respect to the development permit guidelines for protection of the aquifer for the parent parcels, the applicants' agent has submitted a Preliminary Hydrogeological Assessment, a Follow-up Hydrogeological Assessment, correspondence concerning confirmation of winter water levels, and a proposed Storm Water Management Plan, all of which were prepared by Professional Engineers. The submitted documents conclude that a community septic disposal fields may be sited; however appropriate professionals should be engaged to design the works and that the works should be designed at as high an elevation as possible

to ensure maximum separation between the field and the high groundwater table during winter months. The applicants' professional engineer has indicated that the septic disposal works has been retained to design the system and that the Environmental Health Inspector has approved the disposal areas. The engineer's correspondence has indicated that based upon this information, there are no concerns. Therefore, to ensure protection of the aquifer, it is recommended that the development permit conditions of approval include that the applicants follow the recommendations set out in the submitted reports and correspondence. Conditions of Approval also include the submitted storm water management proposal for the proposed subdivision (*see Schedule No. 4 for Storm Water Management Plan*).

With respect to the protection of Nile Creek, the applicants provided a riparian area assessment which determined a Streamside Protection and Enhancement Area (SPEA) of 30.0 metres. As a result of this determination, the applicants have offered to register a section 219 covenant restricting uses including the placement of buildings and the removal of vegetation for the SPEA area of the proposed parcels located adjacent to the proposed park land. The applicants are also in concurrence to provide fencing to delineate the covenant area for the purposes of ensuring future owners are aware of the restrictions concerning the protection of the Nile Creek riparian area. The registration of this covenant document will meet the applicable development permit area guidelines concerning the protection of Nile Creek and its riparian area. In addition, it is noted that this Permit will allow the future construction of residential buildings without a development permit provided the conditions of this Permit will be able to be met.

With respect to the known bank failure and the remediation works being proposed as part of the development of the site, as the parent parcels are not designated within a hazard lands development permit area, staff will recommend, through the subdivision review process, that the Regional Approving Authority consider the geotechnical implications of the site and the availability of site building site areas for all proposed parcels. It is noted that the applicants are including in their building scheme the building site areas for the proposed parcels and the maximum size of homes.

With respect to the proposed enhancement works in and about Nile Creek, these works are currently being undertaken in consultation with the Department of Federal Fisheries. It is noted that these enhancement works meet the exemption provisions as set out in the development permit guidelines.

#### ***Site Servicing Implications***

The applicants have applied for an application for septic disposal approval to the Central Vancouver Island Health Authority. The applicants' agent has indicated that the Health Authority has approved the application.

The Ministry of Transportation is responsible for the storm drainage. As part of the subdivision review process, the Regional Approving Officer will examine the storm water management of the parent parcel and impose conditions of development as required. It is noted that the applicants are proposing to construct a storm water retention area within the proposed future road right-of-way in the location of the existing house and accessory building which will be transferred to the Ministry (*see Schedule No. 3 for Proposed Storm Water Management Plan*). As part of these works, the applicants are proposing to remove the existing buildings.

The applicants' agent has indicated that community water service will be provided by Bowser Waterworks District.

#### ***Official Community Plan Implications***

The Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003 contains park land related policies which stipulate that park land is desirable for community recreation, nature preservation, linear connections, greenbelt, and access to the waterfront. In this case, the applicants are offering park land,

which includes providing opportunities for linear connections and nature preservation. Therefore, the proposed park land meets the preferred criteria set out in the OCP.

#### ***Electoral Area 'H' Parks and Open Space Advisory Committee***

The Electoral Area 'H' Parks and Open Space Advisory Committee supports the park land proposal as submitted (*see Attachment No. 2 for Advisory Committee comments*). These comments were included with the information circulated at the Public Information Meeting (PIM).

#### **PUBLIC CONSULTATION IMPLICATIONS**

A Public Information Meeting was held on July 24, 2007. Approximately 21 persons attended this meeting. (*see Attachment No. 3 for Minutes of Public Information Meeting*).

#### **PARK LAND IMPLICATIONS**

Park land related issues raised at the Public Information Meeting included concern for access to the park land on Islewood Drive in that there would be more people and cars using the street to access the park land on Islewood Drive, concern for the proposed walkway adjacent to the Island Highway No. 19A, and concern for dedication of park land for the entire riparian area adjacent to Nile Creek. Staff also received 2 telephone calls from neighbours raising the issue of safety along the Island Highway and specifically with pedestrians crossing the Highway. With respect to the proposed pedestrian access to link the proposed park land with the existing park land on Islewood Drive, the applicants have committed to work with Recreation and Parks Department staff to develop a linkage that provides access and retains as much as possible. With respect to concerns with pedestrian safety along the Island Highway, staff will forward this concern to the Regional Approving Authority as part of the subdivision review process. With respect to the park land dedication for the entire Nile Creek riparian area, pursuant to the *Local Government Act*, a local government cannot require more than 5% park land dedication. In this case, the applicants have offered an amount greater than 5%, but the proposed park land area does not include the entire riparian area of Nile Creek. However, the applicants have offered to protect the balance of this riparian area by way of covenant document.

#### **FININCIAL IMPLICATIONS**

The subject properties have combined assessed values of \$2,273,00.00 according to the 2007 assessment roll. The valuation of the property for 5% cash-in-lieu of park land charges would be based on a certified appraisal of the land at the time of preliminary subdivision approval (PLA). Therefore, if cash-in-lieu of park land were to be required, it is anticipated that the appraised market value would result in an approximately \$113,650.00 contribution (based on a full 5%) to Electoral Area 'H' community parks fund.

#### **VOTING**

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

#### **SUMMARY**

This is a subdivision application that involves a development permit, and a request to accept park land for the property located off Stead Road and the Island Highway in the Bowser area Electoral Area 'H'.

The subject properties are designated within the Environmentally Sensitive Features Development Permit Area pursuant to the Electoral Area 'H' OCP specifically for the purposes of ensuring protection of the aquifer and the Nile Creek riparian area. The development permit, which includes measures for

protection of the aquifer at the time of construction, is consistent with the applicable guidelines concerning protection of the aquifer outlined in the Environmentally Sensitive Features Development Permit Area. As part of the development proposal, the applicants has offered to covenant those proposed strata lots located adjacent to Nile Creek to restrict uses including the placement of buildings and structures, the removal of vegetation, and the alteration of land which is also consistent with the applicable development permit guidelines for protection of riparian areas.

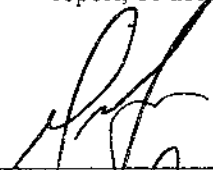
The park land proposal which exceeds the maximum 5% provision under the *Local Government Act*, as submitted by the applicants, was referred to the Electoral Area 'H' Parks and Open Space Advisory Committee, which supports the dedication of park land as proposed by the applicants subject to the satisfactory completion of the bank remediation by the DFO, Regional District of Nanaimo, and the Nile Creek Enhancement Society.

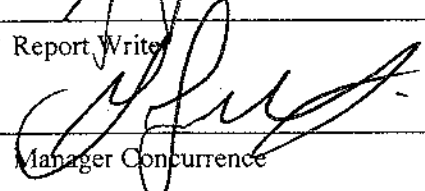
A Public Information Meeting was held on July 24, 2007 with respect to this park land proposal. Park land related comments including a concern for safety along the Island Highway corridor, additional traffic in the Islewood Drive neighbourhood, and expanding the park land to include the entire Nile Creek riparian area. The applicants will work with the RDN Recreation and Parks Department to develop a linkage that provides access and retains as much as possible, staff will forward safety concerns raised by the public to the Regional Approving Authority as part of the subdivision review process, and the balance of the riparian area outside the proposed park land area will be protected by way of covenant.

Therefore, given that the Electoral Area 'H' Parks and Open Space Advisory Committee supports the dedication of the land as proposed by the applicants and the applicable development permit guidelines will be able to be met, staff recommends Alternative No. 1 to approve the development permit and to accept the park land dedication as proposed as outlined in Schedules No. 1, 2, 3, and 4 of this staff report.

## RECOMMENDATIONS

1. That Development Permit Application No. 60729 submitted by Fern Road Consulting Ltd., on behalf of Todsens Design & Construction Ltd. & McTay Holdings Ltd., in conjunction with the subdivision on the parcels legally described as Lot 1, Plan 17597 and Lot 6, Plan 12132, Both of District Lot 32, Newcastle District and designated within the Environmentally Sensitive Features Development Permit Area, be approved subject to the conditions outlined in Schedules No. 1, 2, and 3 of the corresponding staff report.
2. That the park land proposal, in the amount and location as shown on Schedule No. 2 of the staff report, be accepted subject to the conditions set out in Schedule No. 4 of the staff report.

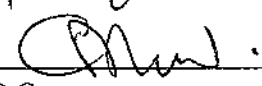
  
Report Writer

  
Manager Concurrence

### COMMENTS:

devsvs/reports/2007/dp se 3060 30 60729 park land se todsen mclay

  
General Manager Concurrence

  
CAO Concurrence

**Schedule No. 1  
Conditions of Approval  
Development Permit Application No. 60729**

The following sets out the conditions of approval in conjunction with Development Permit No. 60729:

**1. Subdivision**

The subdivision of the lands shall be in substantial compliance with Schedule No. '2' (to be attached to and forming part of this Permit).

**2. Hydrological Reports / Correspondence**

The recommendations as set out in the Preliminary Hydrogeological Assessment dated September, 2005, the Follow-up Hydrogeological Assessment dated February 2006, and the 2-page correspondence dated September 7, 2007 all prepared by EBA Engineering Consultants Ltd. shall be followed. Applicants' professional engineer to provide written certification that the recommendations as set out in these reports have been completed.

**4. Protection of Aquifer / Sediment and Erosion Control**

During construction, the following applies:

- a. All machines on site must be in good working order and no fuels, lubricants or construction wastes are permitted to enter the environment.
- b. A spill kit shall be on-site to prevent the introduction of any fuels in the event of a spill. If a spill occurs, the Provincial Emergency Program must be contacted.
- c. As required, sediment and erosion control measures, must be utilized to control sediment during construction and to stabilize the site after construction is complete. These measures must include:
  - i. Tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be onsite during works.
  - ii. Cover temporary fills or soil stock piles with polyethylene or tarps.
  - iii. Exposed soils must be seeded immediately after disturbance. Soil surfaces to be treated should be roughened in advance of seeding.
  - iv. Temporary fences (snow fences) delineating the property boundary adjacent to the RDN park land shall be installed.

**5. Storm Water Drainage**

All storm drainage works shall be developed in accordance with the storm water management plan set out in Schedule No. 3 (to be attached to and forming part of the Permit) to the satisfaction of the Ministry of Transportation.

**6. Section 219 Covenant – Protection of Nile Creek Riparian Area and Bank**

Applicants to prepare and register, at their expense, a section 219 covenant for the protection of the Nile Creek riparian area as established by the SPEA set out in the Riparian Area Assessment prepared by Toth and Associates and dated 2007-04-24 restricting at a minimum no buildings or structures, no removal of vegetation, no trails, no collected drainage systems, no alteration of land, or no outdoor storage. Applicants' solicitor to provide a draft copy of the covenant document to the Regional District for review prior to registration of the document. Document to be registered concurrently with the plan of subdivision. Applicants' solicitor to provide a legal letter undertaking to register this document.

**7. Fencing**

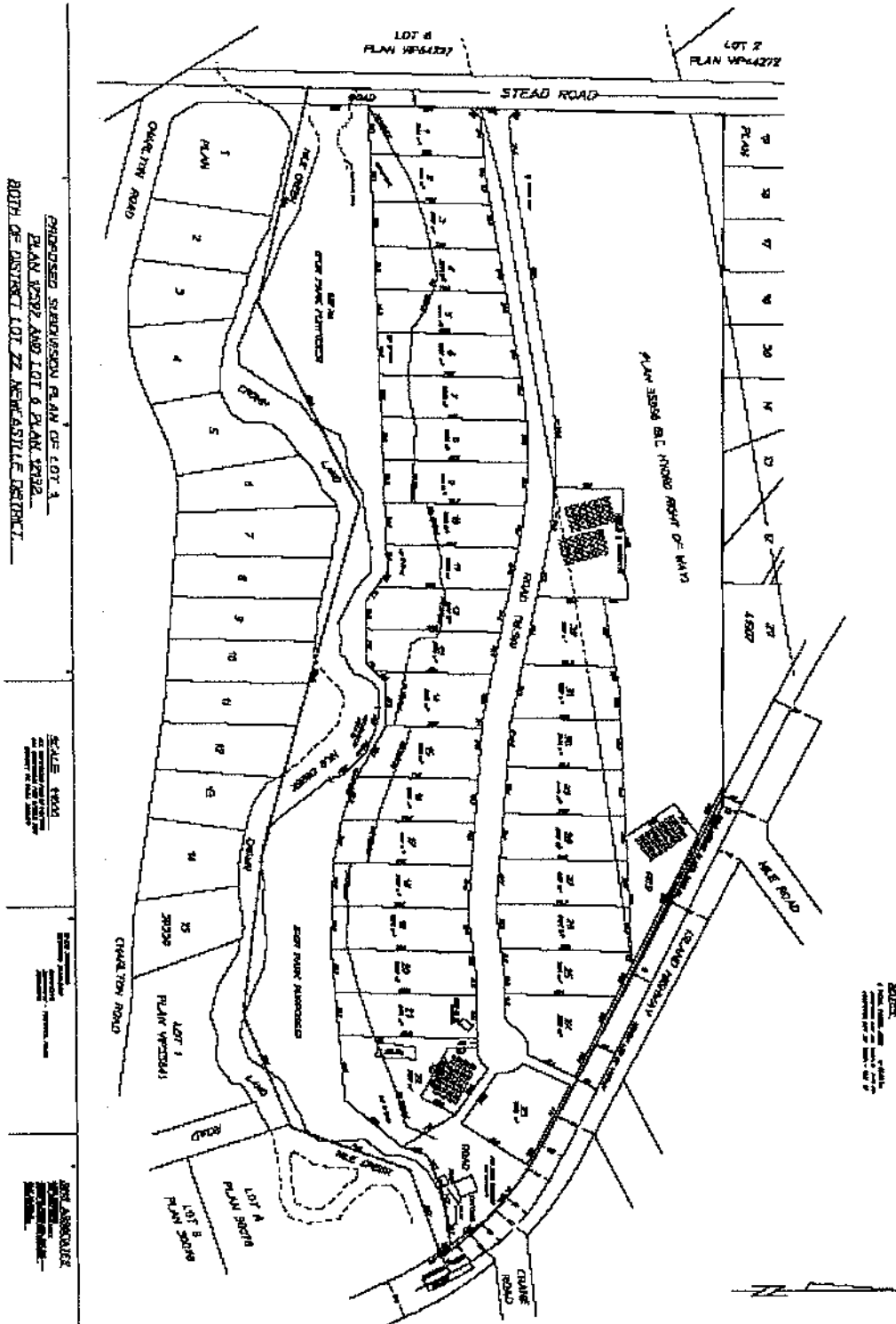
The applicants shall construct fencing to the established geotechnical setback adjacent to Nile Creek to the satisfaction of the Regional District of Nanaimo.

**8. Future Building Sites**

This development permit permits the construction of residential buildings and structures provided all conditions of this Permit will be able to be met.



Schedule No. 2  
 Development Permit No. 60729  
 Proposed Plan of Subdivision Including Location and Amount of Park Land





**Schedule No. 4  
Development Permit No. 60729  
Park Land Dedication and Conditions**

**In conjunction with the subdivision application for the parcels legally described Lot 1, Plan 17597 and Lot 6, Plan 12132, Both of District Lot 32, Newcastle District**

**1. Area and Location of Park Land**

An area, not less than 2.87 ha and shown on the location labeled For Park Purposes on Schedule No. 2, shall be dedicated as park land.

An area of trail a minimum of 2.0 metres to 4.0 metres in width to be located adjacent to the Island Highway No. 19A.

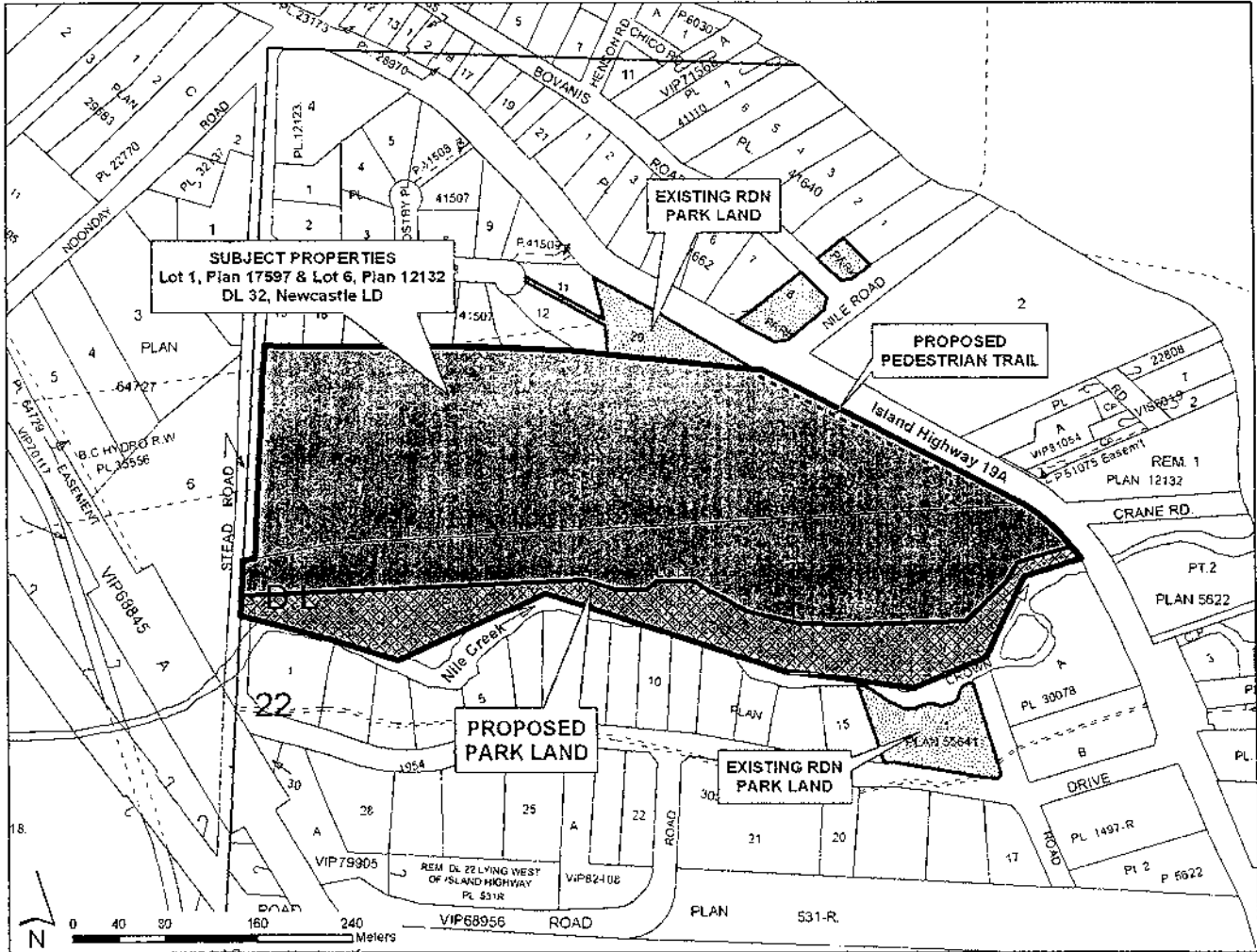
**2. Works and Services**

The applicants are in concurrence to complete the following works in conjunction with park land as set out below. The applicants are to contact the Recreation and Parks Department for coordinating the parks works prior to commencing.

- a) Construction of the trail corridor adjacent to the Island Highway No. 19A;
- b) Provision of a fire hydrant in a location to serve the park land area; and
- c) Provide a parking area for park land users.

These works are to be to the satisfaction of the RDN Recreation and Parks Department.

Attachment No. 1  
Location of Subject Property



**Attachment No. 2**

**Excerpt from minutes of the Electoral Area 'H' Parks & Open Space Advisory  
Committee Meeting**

MOVED P. Biro, SECONDED B. Wilson, that the Regional Board accept the Parkland Dedication proposal for Lot 1, Plan 17597 and Lot 6, Plan 12132, Both of District Lot 32, Newcastle District subject to the satisfactory completion of the bank remediation in accordance with prescribed engineering requirements and future trail connection to be reviewed by the Department of Fisheries and Oceans with input from the Nile Creek Enhancement Society and subdivision conditions set by Regional District Development Services Department.

**Attachment No. 3  
Minutes of a Public Information Meeting**

**Held at the Lighthouse Community Centre  
240 Lion's Way, Qualicum Bay on July 24, 2007 at 4:00 pm  
Subdivision Application No. 26610  
For the property legally described as  
Lot 1, Plan 17597 and Lot 6, Plan 12132, Both of District Lot 32, Newcastle District**

*Note: these minutes are not a verbatim recording of the proceedings, but are intended to summarize the comments of those in attendance at the Public Information Meeting.*

**Present:**

Public in attendance: approximately 23 persons

**For the Applicants:**

Helen Sims, agent  
Rick Todsén, owner  
Bob McLay, owner

**For the RDN:**

Chair: Director David Bartram  
Susan Cormie, Senior Planner

The Chair opened the meeting at 4:00 pm and followed with greetings to the public and an introduction of the staff, the applicants, and their agent.

The Chair stated the purpose of the Public Information Meeting (PIM) and asked the Senior Planner to provide an overview of the statutory provisions as it relates to park land provision.

The Senior Planner provided the statutory provisions and gave an overview of the proposal.

The Chair then asked the applicants' agent to give a summary of the park land proposal.

Helen Sims, the applicants' agent, provided a description of the park land proposal highlighting that the proposal includes an 18.4% dedication. Ms. Sims stated that the owners will conduct remedial works to stabilize the bank; install a fire hydrant for the park land; construct a parking lot for visitors to the park land; and provide a pedestrian walkway between this park land and the existing park land to the north of the parent parcels to provide a connection. Ms. Sims also explained that the existing trails in the creek area will remain the same.

The Chair then invited comments and questions from the audience with respect to the park land proposal.

Colin Dye, 70 Islewood Drive asked if there was an existing path going to the park land now

The Chair explained that there was a path through the area.

Klaus Alain, 65 Islewood Drive commented that no body goes through the park land located off Isle wood Drive now and if this path were opened up, we would have traffic coming down our street, Mr. Alain also commented that the park is a nice place for the animals and we want to keep Bowser the way it is now with tall trees.

The Chair responded to Mr. Alain's comments and explained that the park land has been in that location for a long time and would have been there when Mr. Alain bought his property.

Mr. Alain stated that he never was told that it was park land and commented that there will need to be a fence to separate the park from the properties.

Diane Hansen, 4225 Gainsburg Road asked why we need the trail connection along the park land.

The Chair explained that the trails are already in place.

Diane Hansen asked if parking is necessary for people to visit the park land.

The Chair explained that it provides an area for people to park in order to visit the park land.

Greta Taylor, Hemsborough Road, asked if it is possible for the park land to encompass all of Nile Creek as she does not want to see houses along the creek bank.

The applicants' agent explained that the balance of the area is Crown Land and this cannot be built on.

The Chair further explained the map for the members of the public.

Brian Dane, Bovanis Road commented that the topographical bank is not clearly shown and noted that the Nile Creek floodplain is an active floodplain. Mr. Dane asked about the properties shown below the bank and if the creek shifts, what will this do to the creek. Mr. Dane asked if this armouring is required and what documents have been provided to analysis the creek. Mr. Dane also commented that one way to protect the creek is by covenants, but they need to be enforced and we need to take all this into consideration. .

The applicants' agent explained the location of the top of the bank, the proposed covenants, and the documents that have been prepared.

Diane Sampson, 5224 Gainsberg Road, asked what is the minimum buffer zone for Nile Creek.

The Senior Planner explained the development permit areas and required setbacks and the minimum zoning setbacks. .

Ed Armstrong stated that he was representing his daughter who lives on Stead Road and asked why a bridge was being built.

The applicants' agent explained that there are no plans to build a bridge.

Vi, Deep Bay area asked why put another access into the park land off Islewood Drive when there already is one.

The Chair explained that people could then walk a circular route in their neighbourhood.

Klaus Alain, 65 Islewood Drive asked why have access to Nile Creek. Mr. Alain further commented that this is a residential area and opening up the park land area will result in people driving down the street to use the park land.

The Chair noted that the access to the park land is pedestrian only.

Ed Armstrong asked about the top of the bank and where people would be able to build homes.

The applicants' agent explained the covenants for those parcels next to Nile Creek and the building site areas for each proposed lot.

Greta Taylor asked about how a person could access the park land along the Island Highway.

Holly, 3889 Charleston Road asked if there has been an environmental study and what is the zoning.

The Senior Planner explained the zoning and noted that the applicants have supplied an environmental assessment report.

Maggie Little, 209 Huson Road, asked about the bridge over Nile Creek and expressed a concern about foot traffic along the Highway and further noted that the curve in the Highway is dangerous.

The Chair asked if there were any further submissions with respect to the park land proposal. There being none, the Chair thanked those in attendance and closed the Public Information Meeting. The meeting concluded at 4:34 pm.

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Susan Cormie  
Recording Secretary

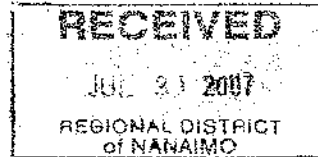


**Correspondence received in conjunction with the Public Information Meeting**

**Regional District of Nanaimo**  
6300 Hammond Bay Road  
Nanaimo, BC  
V9T 6N2

Attention: Dave Bartram, Director Area H

July 25, 2007



Dear Dave:

Re: Proposed Subdivision - Lot 1, Plan 17597 and Lot 6, Plan 12132, Both of District Lot 32, Newcastle District

Further to the meeting on Tuesday, July 24<sup>th</sup> regarding the proposed park dedication along Nile Creek, I wish to reiterate my concern regarding the possible conflict between future property owners and the Nile Creek floodplain.

As I mentioned at the meeting, Nile Creek has a very active and dynamic floodplain that extends laterally from Charlton Road to the steep embankment on the north side of the waterway. The private properties on the north side of Charlton Road have been threatened in the past and will continue to be under attack in the future by the ever-changing lateral mobility of the creek. Similarly, the floodplain on the north side of the creek next to the proposed subdivision is constantly under attack by the natural migration of the stream and will always be vulnerable to erosion.

The current plan for the subdivision shows that individual lots will extend well beyond the embankment and encroach into the active floodplain of Nile Creek; particularly in the western portion near Stead Road. This is a source of potential conflict in the future if the stream decides to move into this portion of the floodplain and threaten private property. It is natural for property owners to be protective even when the property is not fully functional and may result in a need for future armouring of the banks to prevent property loss. Inevitably, erosion protection becomes widespread and the creek loses its natural ability to move within its own lateral space. In this way, the stream becomes little more than an armoured flume with no natural ability to maintain suitable substrate for fish spawning and rearing.

There are some existing regulations and guidelines normally used to protect watercourses such as those administered by DFO and MOE as well as the use of restrictive covenants that attach to the property title. These vehicles are, however, limited by enforcement ability and cooperation of property owners. For instance, DFO is moving away from enforcement and relying instead upon transferring some responsibilities to municipal and regional authorities. Also, the terms and conditions of covenants are difficult to enforce, tend to become "lost" in the transfer of property and the "fog of time". Another layer of authority is needed to provide a specific designation to the area that can be easily identified, fair to everyone and obvious to the average person.

To this end, the entire floodplain of Nile Creek should be protected by a "park" designation to provide an added layer of authority over activities that may have a negative impact upon the stream environment. In this particular situation, the park boundary on the north side of Nile Creek should be established at the top of the natural embankment to ensure protection of the hillside and the creek floodplain. Restrictive covenants should also be attached to the deed of each lot to prevent vegetation removal from the top of the embankment for an appropriate distance determined by geotechnical evaluation.

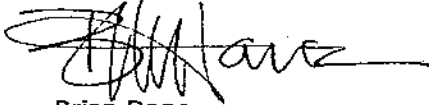
The importance of Nile Creek as a salmon producing and educational icon is unparalleled in BC and should be provided the very best protection possible. I am

sure that the development company would be better served by preserving the values associated with the stream rather than being blamed for its decline.

In conclusion, I would like to recommend that the park designation for Nile Creek include the entire width of the floodplain as well as the embankment slope to ensure that protection of the stream is maximized and preserved for future generations.

I would appreciate receiving any updates on the progress of the subdivision as it relates to final park designation and other design features such as stormwater management for information and comment.

Thank you for your attention in the matter.



Brian Dane  
RR1, Site 115, C.24  
Bowser, B.C.  
VOR 1G0

CC: RDN Community Planning  
Ken Kirkby