
TO: Electoral Area Services Committee **DATE:** February 11, 2020
FROM: Stephen Boogaards
Planner **FILE:** PL2020-011
SUBJECT: Development Variance Permit Application No. PL2020-011
1505 Meadowood Way, Electoral Area F

RECOMMENDATIONS

1. That the Board approve Development Variance Permit No. PL2020-011 to reduce the setback from the Little Qualicum River subject to the terms and conditions outlined in Attachment 2.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2020-011.

SUMMARY

The application is for a bridge replacement across the Little Qualicum River, within the Little Qualicum River Regional Park. The proposed bridge is to span the river with its foundations above existing riprap and pilings. The proposal also includes an environmental management plan to reduce disturbance and manage any rainwater from the disturbed locations that may affect water quality. Given the bridge is a replacement and will provide access within the Regional Park, the proposed variance will comply with Board Policy.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Herold Engineering Ltd., on behalf of the RDN to permit the construction of a clear span pedestrian bridge across the Little Qualicum River, located within the Little Qualicum River Regional Park. The subject property and portion of the Regional Park where the bridge is located is legally described as Lot 1, Block 359, Newcastle District, Plan VIP69346; is approximately 43.9 hectares in area and is zoned Parks and Open Space 1 (P-1) pursuant to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002". The property and Regional Park is adjacent to rural residential properties on Meadowood Way on the west side, the Little Qualicum River Provincial Park to the south, and Crown or resource lands to the east (see Attachment 1 – Subject Property Map). The Regional Park is accessed from Meadowood Way.

A bridge had previously existed across the Little Qualicum River which was originally used by a gravel extraction operation. The RDN acquired the subject property through subdivision in 1999 as park land, which included the existing bridge. Due to safety concerns, the RDN Board issued a resolution in 2017 to remove the bridge and provided direction for a new crossing which would address recreational and emergency access. On February 26, 2019 the RDN Board approved that the bridge replacement proceed to tender for construction in 2020.

Proposed Development and Variance

A vehicle bridge was previously situated in the same location and was removed due to safety concerns in 2017. The proposed development includes the construction of a pedestrian bridge across the Little Qualicum River, within the Little Qualicum Regional Park. The proposed bridge has been designed to accommodate the passage of emergency vehicles. As well, all terrain vehicles will be able to use the bridge.

The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002”:

- **Section 2.10 – Setback Requirements from Watercourses** to reduce the minimum setback for construction of a bridge over the Little Qualicum River from 30.0 metres from the natural boundary or the top of bank to 0.0 metres.

Land Use and Environmental Implications

The applicant has provided plans and elevations for the Little Qualicum River Pedestrian Bridge by Herold Engineering Ltd., dated January 11, 2019. A clear span bridge is proposed across the river using the existing disturbed area from the previous bridge. Below the top of bank there will be additional riprap placement at the toe of the slope, structure supports situated mostly behind the existing riprap, and a poured in place deck above the river bed (see Schedule 3 of Attachment 2 – Bridge Elevations). The proposed bridge will comply with the 200 year flood interval. Given the necessity for a bridge to connect the Regional Park, the proposal complies with “Board Policy B1.5 Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation”.

As the bridge will be for park or ancillary park purposes, the Provincial Riparian Area Regulations and the Freshwater and Fish Habitat Development Permit guidelines do not apply to the proposed development. However, the applicant has provided an Environmental Mitigation Plan prepared by Herold Engineering, and a Biological Overview report and an Environmental Management Plan prepared by D.R. Clough Consulting in support of the application for bridge replacement (see Schedule 4 of Attachment 2). The reports identify that there is a low probability for environmental harm to protected species or fishery resources from the project. Environmental protections with the project include spill prevention, sediment and erosion control measures, a debris collection net across the river which allows fish to pass, a watertight enclosure around disturbed areas to protect water quality, and measures to prevent uncured concrete from contacting watercourses.

Intergovernmental Implications

As the work will occur within the Little Qualicum River, the work will require a notification under the Water Sustainability Act for changes in and about a stream. The applicant has submitted the notification to the Ministry of Forests, Lands, Resource Operations and Rural Development.

Public Consultation Implications

Pending the Electoral Area Services Committee’s recommendation and pursuant to the *Local Government Act* and the “Regional District of Nanaimo Development Application and Notification Procedures Bylaw No. 1776, 2018”, property owners and tenants of parcels located within a 50.0 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board’s consideration of the application.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2020-011 subject to the conditions outlined in Schedules 1 to 4 of Attachment 2.
2. To deny Development Variance Permit No. PL2020-011

FINANCIAL IMPLICATIONS

The proposed development is included in the Board 2020 – 2024 Financial Plan.

In 2017, the bridge over the Little Qualicum River in the park was removed due to extensive damage. As directed by the Regional Board, a new bridge for pedestrians and emergency vehicle access was designed. The Board committed funding for the project per Resolution #19-089 and directed the project to go to tender in February 2020 per Resolution #19-088. The bridge will link the two sides of the park and provide access to Crown land beyond the park. The design and costing was approved by the Board. Grant programs are being explored to help fund the bridge construction in 2020.

STRATEGIC PLAN IMPLICATIONS

The proposed development has been reviewed and the proposal develops an ancillary park use while protecting the Little Qualicum River, which is in keeping with the 2019 – 2022 Board Strategic Plan goals to protect lands for environmental preservation and parkland.



Stephen Boogaards
sboogaards@rdn.bc.ca
January 27, 2020

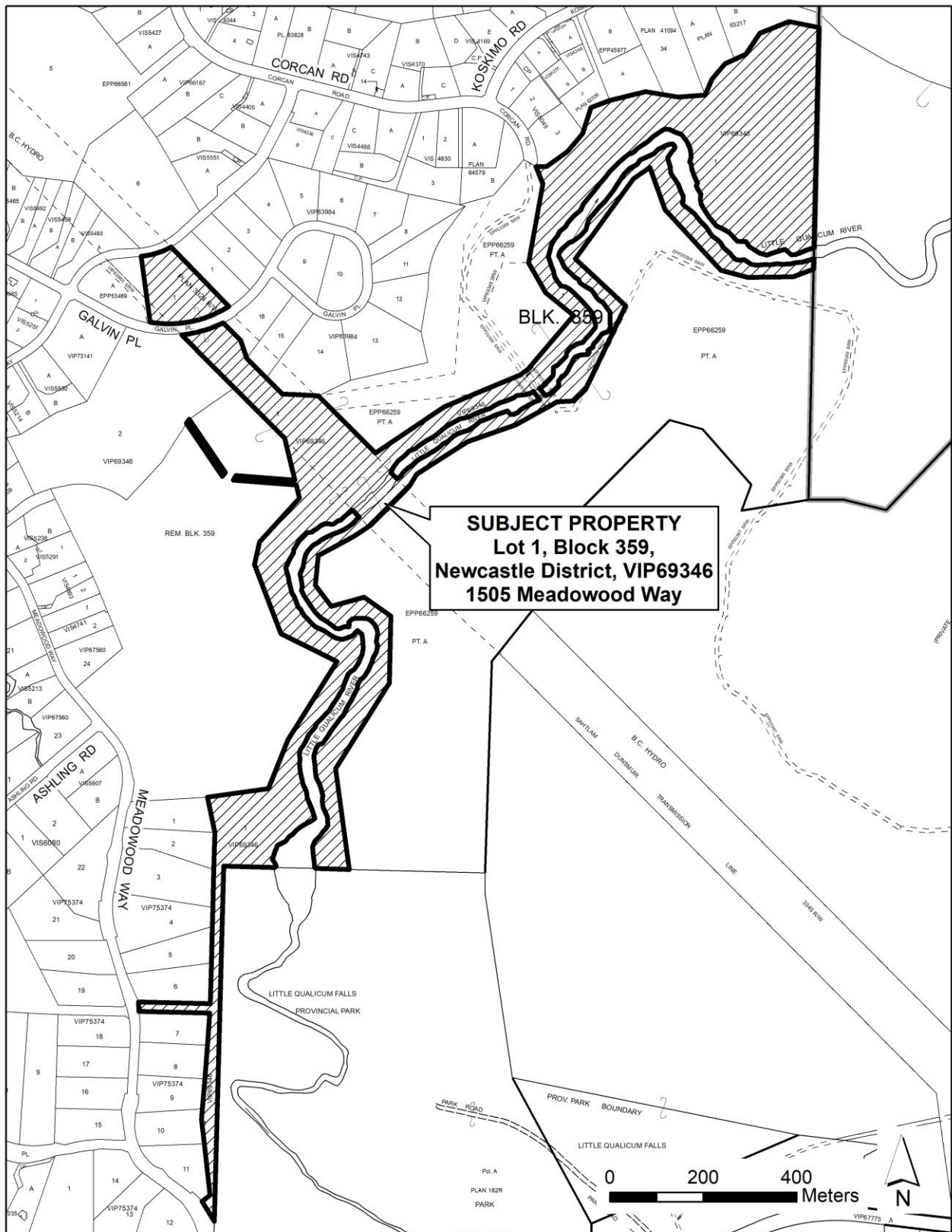
Reviewed by:

- P. Thompson, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

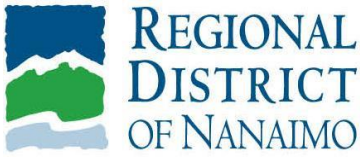
Attachments:

1. Subject Property Map
2. Draft Development Variance Permit No. PL2020-011

Attachment 1
Subject Property Map



Attachment 2
Draft Development Variance Permit

	<p>STRATEGIC & COMMUNITY DEVELOPMENT</p> <p>6300 Hammond Bay Road, Nanaimo, BC V9T 6N2 250-390-6510 or 1-877-607-4111 www.rdn.bc.ca</p> <p>DEVELOPMENT VARIANCE PERMIT NO. PL2020-011</p>
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To: ("Permittee") Regional District of Nanaimo

Mailing Address: c/o Herold Engineering Ltd.
3701 Shenton Road,
Nanaimo, BC V9T 2H1

1. Except as varied or supplemented by this permit, the development variance permit is issued subject to compliance with all applicable bylaws and provincial and federal statutes and regulations.
2. This development variance permit applies only to those lands within the Regional District of Nanaimo described below, and all buildings, structures and other development thereon:

Legal Description: Lot 1, Block 359, Newcastle District, Plan VIP69346 ("Lands")

Civic Address: 1505 Meadowood Way **P.I.D.:** 024-585-912

3. The Lands shall be developed strictly in accordance with the terms and conditions of this permit.
4. The Permittee, as a condition of issuance of this permit, agrees to comply with the conditions of Schedule 1, which are attached to and form part of this permit.
5. The Permittee, as a condition of issuance of this permit, agrees to develop the Lands in substantial compliance with the plans and specifications included in Schedules 2, 3, and 4, which are attached to and form part of this permit.
6. With respect to the Lands, "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" is varied as outlined in Schedules 1 and 2, which are attached to and form part of this permit.
7. Subject to the terms of the permit, if the Permittee does not substantially start construction with respect to which the permit was issued within two years after the date it is issued, the permit shall lapse in accordance with Section 504 of the *Local Government Act*.
8. This permit prevails over the provisions of the bylaw in the event of conflict.
9. The Regional District of Nanaimo shall file the notice in the Land Title Office at Victoria under Section 503 of the *Local Government Act*, and upon such filing the terms of this permit or any amendment hereto shall be binding upon all persons who acquire an interest in the Lands affected by this permit.
10. This permit is not a building permit.

Authorizing Resolution to issue passed by the Board this XXth day of Month, 20XX.

Schedule 1

Terms and Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2020-011:

Bylaw No. 1285, 2002 Variance

With respect to the Lands, “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” is varied as follows:

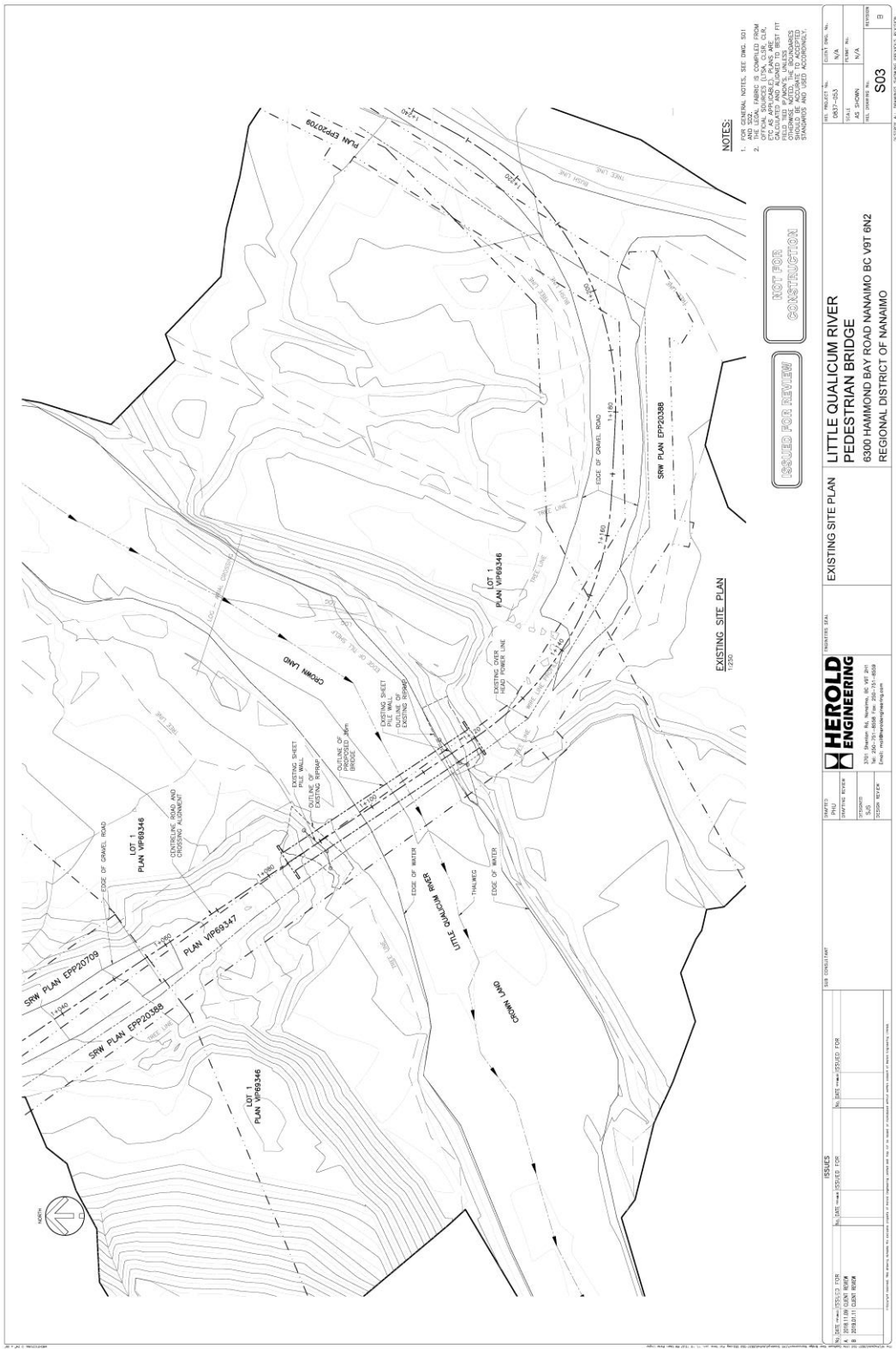
Section 2.10 – Setback Requirements from Watercourses to reduce the minimum setback for construction of a bridge over the Little Qualicum River from 30.0 metres from the natural boundary or the top of bank to 0.0 metres.

Conditions of Approval

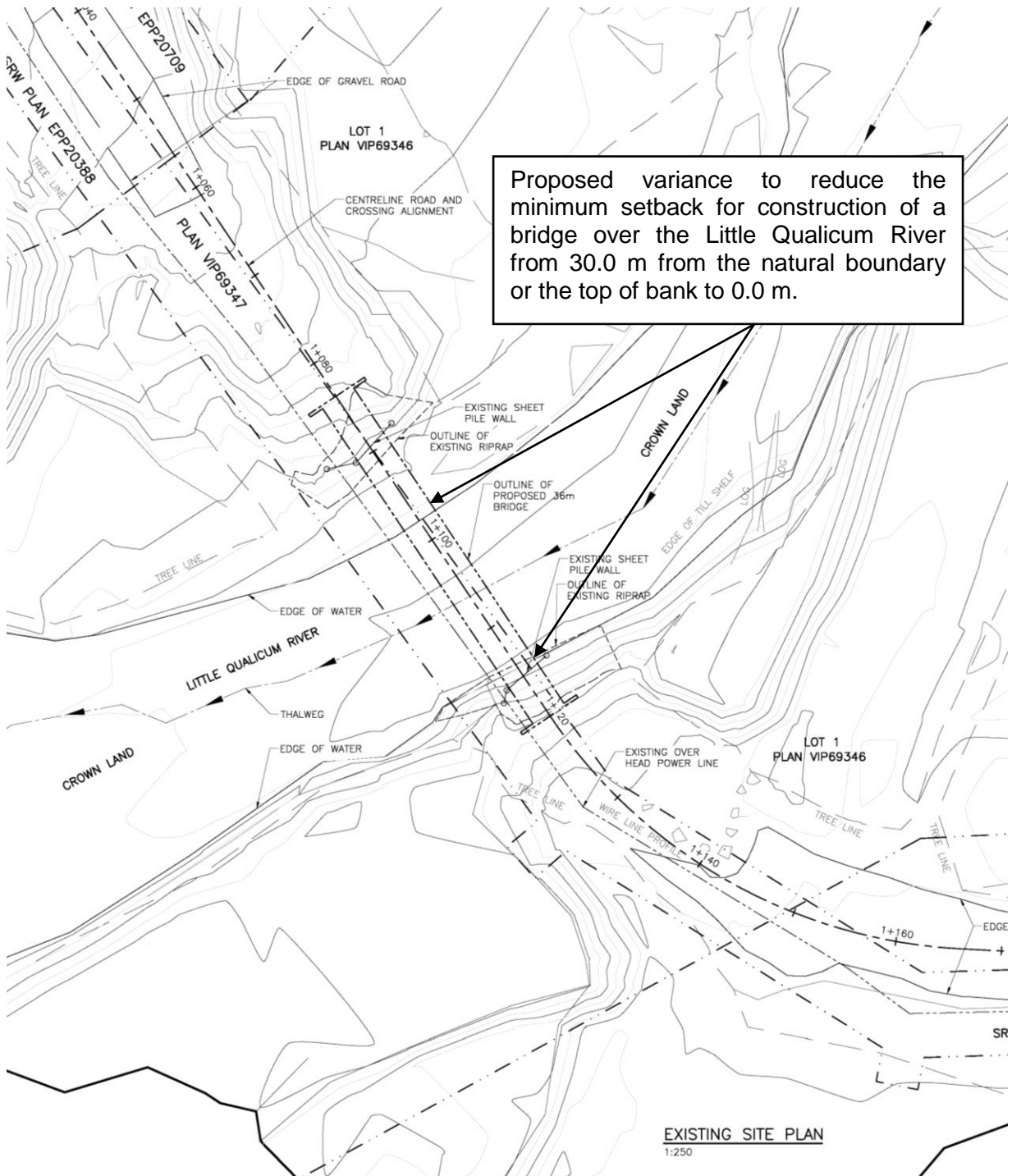
1. The Lands are developed:

- a. In accordance with the Site Plan prepared by Herold Engineering Ltd., dated January 11, 2019, and attached as Schedule 2.
- b. In general compliance with the plans and elevations prepared by Herold Engineering Ltd., dated January 11, 2019, and attached as Schedule 3.
- c. In accordance with the Environmental Mitigation Plan prepared by Herold Engineering Ltd., dated January 11, 2019, and attached as Schedule 4.
- d. In accordance with the Little Qualicum River Bridge Replacement Biological Overview prepared by D.R. Clough Consulting.
- e. In accordance with the Environmental Management Plan for the Little Qualicum River Pedestrian Bridge prepared by D.R. Clough Consulting.

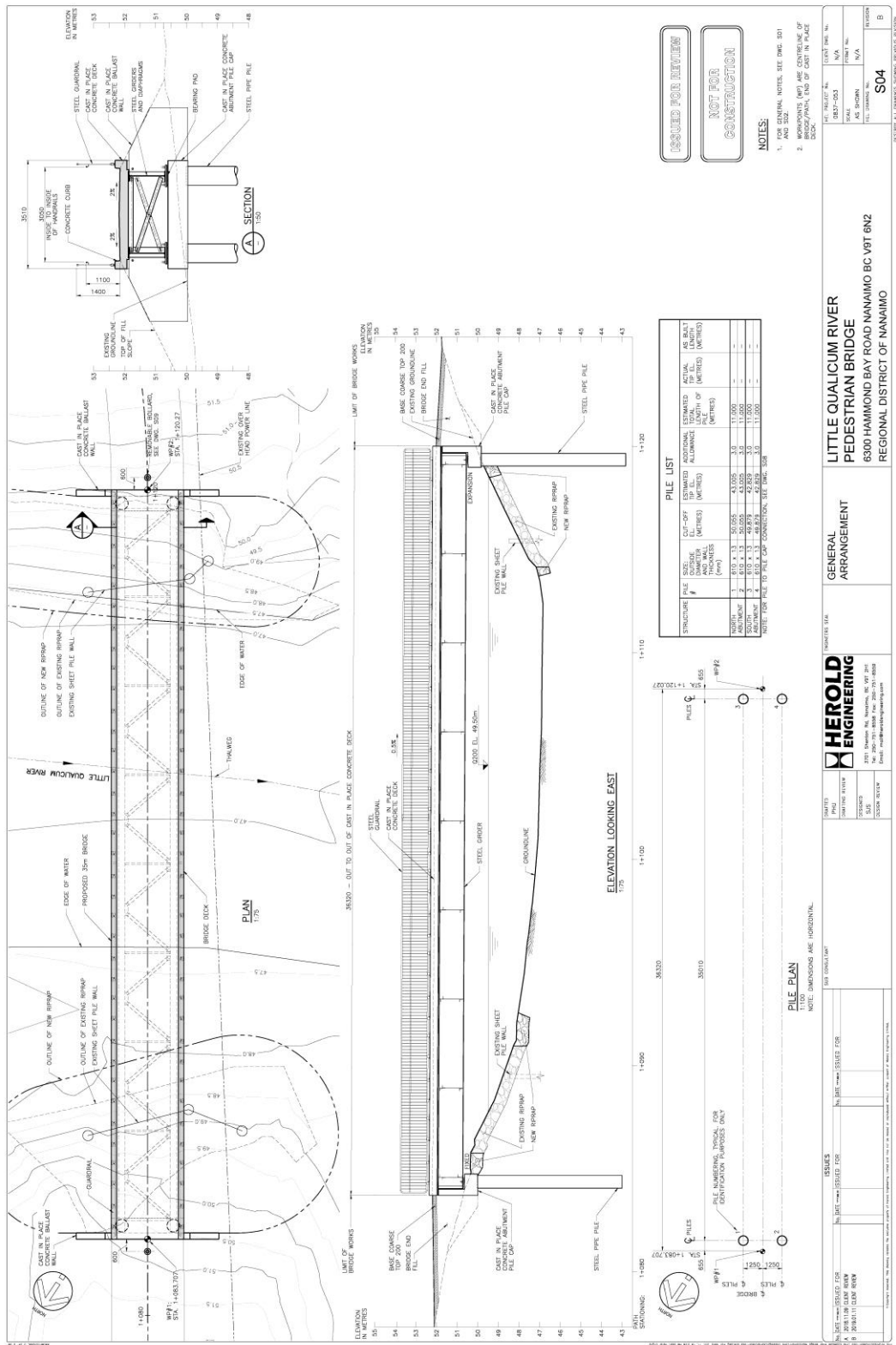
Schedule 2
Site Plan of Bridge Crossing (Page 1 of 2)



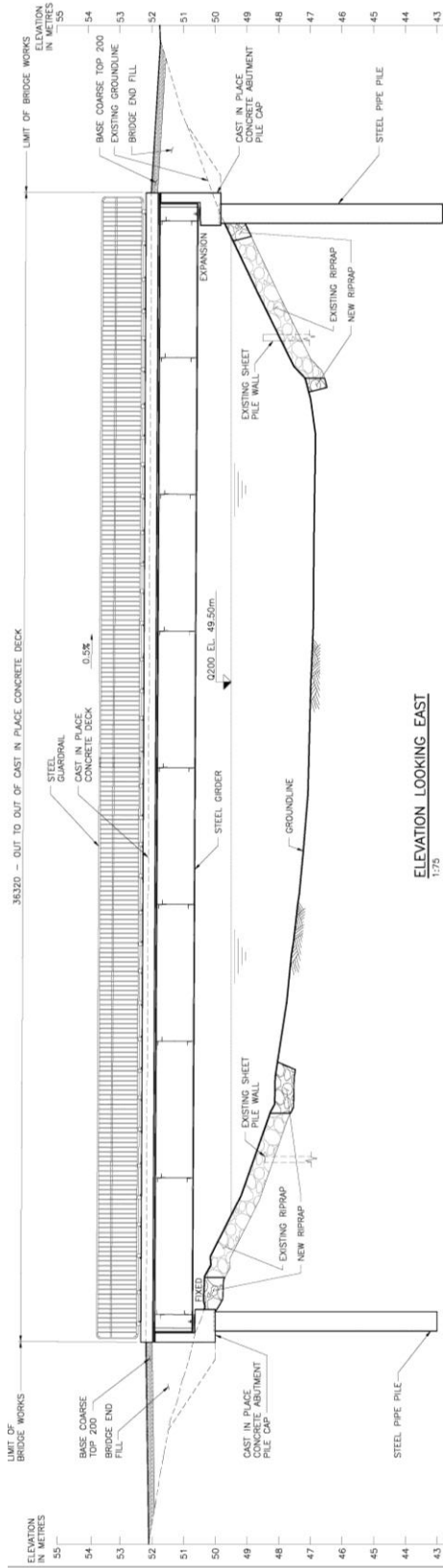
Schedule 2
Site Plan of Bridge Crossing (Page 2 of 2)



Schedule 3
Bridge Elevations (Page 1 of 2)



Schedule 3
Bridge Elevations (Page 2 of 2)



Schedule 4

Environmental Management Plan

