



City of PARKSVILLE

PO Box 1390, 100 E. Jensen Avenue, Parksville, BC V9P 2H3
Telephone: (250) 248-6144 Fax: (250) 248-6650
www.parksville.ca

COMMITTEE OF THE WHOLE AGENDA

MONDAY, JANUARY 12, 2009 - 6:00 P.M.

1. ADOPTION OF MINUTES

- a) of the October 27, 2008 minutes of the Committee of the Whole meeting - Pages 1 to 3

2. PUBLIC PRESENTATIONS

- a) John Olsen - Oceanside Affordable Housing Society - Regarding 138 McVickers and the development of multi-dwelling family rental units for affordable housing under the rules and guidelines of Canada Mortgage & Housing and BC Housing - Pages 4 to 6
- b) Faye Smith - Mid Vancouver Island Habitat Enhancement Society (MVIHES) - Would like Council's permission to work with the Parksville Engineering and Operations office to investigate the possibility of constructing a rain garden near the Parksville Elementary School - Page 7

3. CORRESPONDENCE

4. DISCUSSION RELATED TO DELEGATIONS OR CORRESPONDENCE

5. STAFF PRESENTATIONS

- a) Director of Community Planning - Development Permit for Proposed Renovations for the Dairy Queen Restaurant [154 Island Highway East] - Pages 8 to 17
On November 5, 2008, the City received a Development Permit application from Timberlake-Jones Engineering on behalf of the property owner, Harbrenger Holdings Ltd. The applicant requests the issuance of a Development Permit to permit proposed renovations for the Dairy Queen restaurant at 154 Island Highway East. The subject property is within Development Permit Area No. 1 - DOWNTOWN CORE. The development permit designation is under the revitalization/form and character of

development categories. The site is situated at the northeast corner of Island Highway 19A and McCarter Street.

**Recommendation: THAT the report from the Planner dated December 19, 2008 for the issuance of a Development Permit at 154 Island Highway East be received for information;
AND THAT a Development Permit be issued to Harbrenger Holdings Ltd. (Inc. No. BC0251007) to permit proposed renovations for the Dairy Queen restaurant on Lot A, District Lot 13, Nanoose District, Plan VIP57504 [154 Island Highway East].**

b) Director of Community Planning - Development Permit to Provide a Tree Management Regime - Pages 18 to 36

The original Bridgewater development permit provided for retention of the natural trees as a buffer area along the east, south, and south-west boundaries of the strata lots in the first phases of the development. The development permit did not provide a process for tree removal and management over time. It is now necessary to address this topic as some of the residents believe some of these trees pose a hazard. This report addresses the specific situation which brought this topic forward, along with providing some historical context and a proposed method for future tree management of this area.

**Recommendation: THAT the report from the Director of Community Planning dated December 23, 2008 for the amendment to Bridgewater Development Permit to provide a tree management regime be received;
AND THAT an amendment to Development Permit No. 98-01 be issued to the Bridgewater Strata Plan VIS4529, Tree Committee to include a tree management section with a requirement for the Strata to base their decision to remove trees on an arborist's advice on the premise of attempting to maintain the concept of having a natural treed buffer area on Strata Lots 1 – 30, District Lots 13 and 97, Nanoose District, Strata Plan VIS4529 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1 (59, 61, 63, 65, 67, 69, 71, 73, 74, 75, 76, 77, 79, 80, 81, 82, 83, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97 Bridgewater Lane).**

6. **NEW BUSINESS**

- a) Strategic Plan
- b) Parksville & District Chamber of Commerce - Community Awards "The Glassies"
- c) FCM Convention

7. **ADJOURNMENT**

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TO BE ADOPTED



CITY OF PARKSVILLE

October 27, 2008

Minutes of the Committee of the Whole meeting held in the Civic and Technology Centre, 100 E. Jensen Avenue, Parksville, BC, on Monday, October 27, 2008 at 6:00 p.m.

PRESENT: Her Worship Mayor S. R. Herle

Councillors: C. R. Burger
M. Lefebvre
T. Patterson
S. Powell
C. Robinson

Staff: F. Manson, Chief Administrative Officer
L. Taylor, Director of Administrative Services
L. Butterworth, Director of Finance
G. Jackson, Director of Community Planning
G. O'Rourke, Director of Engineering & Operations
D. Banks, Fire Chief
A. Metcalf, Manager of Operations
M. Squire, Manager of Engineering

1. **MINUTES**

Lefebvre - Burger

THAT the minutes of the Committee of the Whole meeting held October 15, 2008 be adopted.

CARRIED.

2. **PUBLIC PRESENTATIONS**

Joe Friede and Jeremy Buerge from Vancouver Island German JuJutsu Systems gave a presentation sharing the programs they are offering to the community.

3. **CORRESPONDENCE** - Nil

4. **DISCUSSION RELATED TO DELEGATIONS OR CORRESPONDENCE** - Nil

5. **STAFF PRESENTATIONS**

Mayor Herle noted that all recommendations adopted by the Committee at this meeting will be forwarded to Council for consideration at their November 3, 2008 meeting.

RECOMMENDATIONS:

a) **Director of Engineering and Operations - Quarterly Report**

The Director of Engineering and Operations gave the Quarterly Report for the months of October, November and December 2008.

b) **Director of Finance - Quarterly Report**

The Director of Finance gave the Quarterly Report for the months of October, November and December 2008.

c) **Director of Finance - Budget Quarterly Report**

The Director of Finance gave the Budget Quarterly Report for the 9 months ending September 31, 2008.

d) **Fire Chief - JEPP Grant Applications for 2009**

Lefebvre - Patterson

THAT the report from the Fire Chief dated October 21, 2008 regarding the Joint Emergency Preparedness Program (JEPP) Grant for 2009 be received;

AND THAT Council direct staff to make 2 separate applications to the JEPP program for amateur radio equipment to be used to enhance the emergency preparedness of the City. One application for Emergency Coordination Centre radio equipment and one application for alternate Emergency Coordination Centre radio equipment, each to not exceed \$4500.00;

AND FURTHER THAT a budget be developed and brought forward for the 2009 budget deliberations to cover City of Parksville in-kind contributions that may be incurred.

CARRIED.

e) **Fire Chief - Automatic Response Agreement**

Burger - Powell

THAT the report from the Fire Chief dated October 9, 2008 regarding the adoption of an Automatic Response Agreement be received;

AND THAT the Mayor and CAO be authorized to sign an Automatic Response Agreement with the Town of Qualicum Beach and the Regional District of Nanaimo, for provision of emergency resources, on behalf of the City of Parksville.

CARRIED.

f) **Director of Community Planning - Consideration of Revision to the Exemption Clause in the City's Works and Services Bylaw**

Lefebvre - Burger

THAT the report from the Director of Community Planning dated October 23, 2008 for consideration of revisions to the exemption clause in the City's Works and Services Bylaw be received;

AND THAT the City's Works and Services Bylaw, 1995, No. 1235 be amended to change the threshold value that triggers works and services from \$50,000 to \$200,000; provide exemptions for subdivisions where only one additional single family lot is created; and to exempt sustainability retrofits as outlined Appendix A attached to the report from the Director of Community Planning dated October 23, 2008.

CARRIED.

6. NEW BUSINESS

Notice of Special In-Camera Council Meeting

Notice was given that a Special In-Camera Council meeting will be held Tuesday, October 28, 2008 at 7:00 p.m. in the Forum to discuss legal proceedings

7. ADJOURNMENT

Lefebvre - Powell

Rise and Report to Council at their November 3, 2008 meeting.

The meeting ended at 7:40 p.m.



Mayor



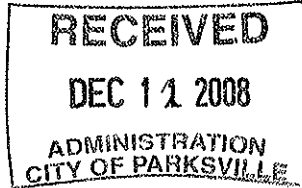
Oceanside Affordable Housing Society

110 – 198 Island Highway East
PO Box 503
Parksville, BC
V9P 2G6

Phone 250.248.3205, Ext. 101
Fax 250.248.4154
Email info@oceansidehousing.ca

11 December 2008

Mayor Mayne and Council,
City of Parksville,
100 East Jensen Avenue
Parksville, BC



Re: A delegation of Oceanside Affordable Housing Society

We request permission to present a delegation at your earliest convenience.


Our purpose is to ask the City of Parksville to give us a letter of intent to lease lands, subject to whatever conditions you may wish to impose, to the Oceanside Affordable Housing Society for development of multi-dwelling family rental units for affordable housing under the rules and guidelines of Canada Mortgage and Housing and BC Housing.

The subject property is located at ¹⁸³138 McVicker Street, indexed as parcel 96000 on a map provided by your Director of Planning. Because she advises us that the property would require subdivision before a lease can be signed, we are therefore requesting a letter of intent now so that we can proceed as soon as possible.

Our intention, should you grant this request, is to use the document to help secure seed capital funding from CMHC that will allow us to formulate detailed development and business plans for use in negotiating required funding. While CMHC does not require us to have title to land, their past grant record indicates there must be a clear and unequivocal commitment of the land resource before seed capital funding may be approved.

The attached appendix details our wishes in respect of this proposal and may be subject to negotiations.

Respectfully submitted,


John Olsen, President.

ADDENDUM TO THE SUBMISSION OF OAHS

It is a given that under the current statutory programs of the Federal and Provincial governments it is not possible to build affordable housing unless substantial supports are provided by charitable bodies or local governments. In light of that, the Oceanside Affordable Housing Society asks that consideration be given to the following matters.

We propose the following terms and conditions of an agreement with the City of Parksville to lease to the Society a parcel of land located at 183 McVicker Street, from the City of Parksville (or any other City-owned parcel that is mutually agreeable). We propose that these terms and conditions be the basis for a negotiated agreement that will be drawn up in a legal document once agreement is finalized.

1. Unless formally agreed to by the City of Parksville, the sole use of the proposed property will be as a not-for-profit affordable housing multi-dwelling rental facility.
2. The land will be leased to the Society for 40 years at one dollar (\$1) a year plus any supplemental amount agreed to in article 3.
3. Once the building is fully occupied, the annual lease rate above the base of \$1/year will be calculated on the percentage of units occupied that generate more than the affordable rate as published by CMHC for Parksville and will be in the amount of 5% of the net rental charged to those occupants who have paid any amount over the CMHC affordable rent table. (Under current CMHC rules, over 50% of the units must be occupied by families who pay no more than 30% of before-tax family income.)
4. The land and improvements will not be subject to municipal taxes for the life of the lease agreement.
5. The lease agreement will terminate if construction is not started within two years or longer if both parties agree.
6. Other mutually agreed terms and conditions as proposed by the City.

PROFILE OF THE OCEANSIDE AFFORDABLE HOUSING
SOCIETY DIRECTORS AS OF 2008

President: John Olsen has been involved for 40 years in the co-operative movement, credit unions, housing co-operatives and worker co-operatives. He worked for 25 years as a community economic development and appropriate technology consultant.

Vice President: Steen Laursen was a Burnaby fire captain for 10 years and an officer of Exit Holdings involving 35 firefighters in a property management enterprise. Currently, he operates a home-based Health and Wellness business in Parksville.

Secretary-Treasurer: Sher Morison has been a social worker for 15 years, working with people with developmental delays. She has started her own consulting business in the area of social development.

Director: Phil Carson is an award-winning builder of R2000 certified homes incorporating passive solar, super insulation and other innovations. He is an award-winning documentary film maker.

Director: Paul Colver operated his own contracting business for 20 years and was a management consultant for 5 years.

Director: Rose Marie Hague, PhD, was an educator and psychologist with 30 years experience working with youth and families.

Director: Gerald Herkel worked for 35 years in the health care field in policy, procedures, operations, human resources, financing/budgeting and government *liaison*. He was CEO of a 168-bed multi-level care facility in Burnaby before moving to Oceanside.

Director: Milt Pearson was CEO of a large Ontario Credit Union and an officer and executive Director of Home Ownership Alternative Non-Profit Housing Corporation in Ontario.

Director: Larrie Taylor has been an architect for 30 years and served as Team Leader for projects of Habitat for Humanity and is currently a designer for the Nanaimo branch. He is a member of the City of Parksville Advisory design Panel and Advisory Planning Commission.

Director: Rudi Widdershoven is a prominent Oceanside realtor and served in the City of Parksville administration. Prior to that he was a RCMP constable.

Ex Officio: - Kent Becker, Councilor, Town of Qualicum Beach.
 - Marc Lefebvre, Councilor, City of Parksville.

Monthly board meetings are open to the public and several other community people are attending who are not profiled in the above.



REQUEST TO APPEAR

TO BE HELD 22 nd _____ - December _____, 2008 AT 6:00 P.M.
Day Date

NAME OF PERSON MAKING PRESENTATION: Faye Smith
[Please print]

NAME OF APPLICANT IF OTHER THAN ABOVE: _____
[Please print]

NAME OF ORGANIZATION [if applicable]: Mid Vancouver Island Habitat Enhancement Society (MVIHES)

Mailing address: PO Box 935, Parksville, BC V9P 2G9

Phone: _____ - 250 752 9297 _____ Fax: 250 752 0531 _____
[Business] [Home]

DETAILS: [Please provide complete information on the nature of your presentation. If applicable, provide one set of submission documents in letter sized format for photocopying purposes. All requests and documentation must be received by the Administration Department by twelve noon on the Tuesday prior to the meeting date for consideration. Delegation requests that do not meet the criteria of *Delegations and/or Presentations to Council or Committee Policy 2.22* will not be processed.]

We would like to get Council's permission to work with the Parksville Engineering and Operations office to investigate the possibility of constructing a rain garden near the Parksville Elementary School.

NOTE: Any personal information on this form is collected for the purpose of administering the meetings of Council as noted in Section 26(c) of the *Freedom of Information and Protection of Privacy Act*.

COMMITTEE OF THE WHOLE REPORT

AGENDA
COMMITTEE
JAN 12 2009
DATE

December 19, 2008

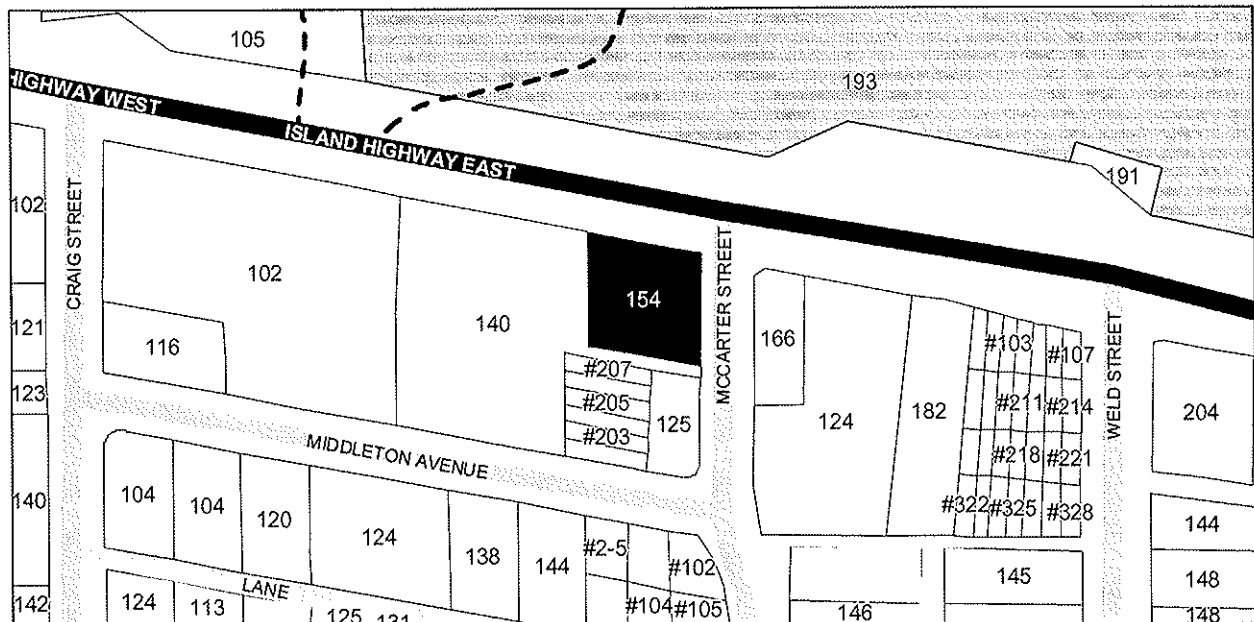
MEMO TO: F. C. MANSON, C.G.A., CHIEF ADMINISTRATIVE OFFICER

FROM: G. A. JACKSON, DIRECTOR OF COMMUNITY PLANNING

SUBJECT: APPLICATION FOR A DEVELOPMENT PERMIT TO PERMIT PROPOSED RENOVATIONS FOR THE DAIRY QUEEN RESTAURANT IN PARKSVILLE AT LOT A, DISTRICT LOT 13, NANOOSE DISTRICT, PLAN VIP57504 [154 ISLAND HIGHWAY EAST].
REGISTERED OWNER: HARBRENGER HOLDINGS LTD. (INC. NO. BC0251007)
APPLICANT: TIMBERLAKE-JONES ENGINEERING, M. T. JONES, P. ENG.
FILE NO: 3060-08-11

Issue:

Consideration of a Development Permit to permit proposed renovations to the Dairy Queen restaurant for Harbrenger Holdings Ltd.



SUBJECT: APPLICATION FOR A DEVELOPMENT PERMIT TO PERMIT PROPOSED RENOVATIONS FOR THE DAIRY QUEEN RESTAURANT

Executive Summary:

On November 5, 2008, the City received a Development Permit application from Timberlake-Jones Engineering on behalf of the property owner, Harbrenger Holdings Ltd. The applicant requests the issuance of a Development Permit to permit proposed renovations for the Dairy Queen restaurant at 154 Island Highway East.

The subject property is within Development Permit Area No. 1 - DOWNTOWN CORE. The development permit designation is under the revitalization/form and character of development categories. The site is situated at the northeast corner of Island Highway 19A and McCarter Street.

References:

Official Community Plan Bylaw 2002, No. 1370 excerpt – 5.2.1. Development Permit Area No. 1 - DOWNTOWN CORE;
Cover Sheet/Location Plan, dated December 17, 2008, as prepared by Timberlake-Jones Engineering;
Exterior Elevations, dated December 17, 2008, as prepared by Dairy Queen Canada Inc.;;
Lighting Plan, dated December 17, 2008, as prepared by Dairy Queen Canada Inc.;;
Site Plan, dated December 17, 2008, as prepared by Dairy Queen Canada Inc.;;
Site Details, dated December 17, 2008, as prepared by Dairy Queen Canada Inc.

Background:

The Planning Department's technical review of the proposal is complete. The current proposal meets the requirements and guidelines of both the Zoning and Development Bylaw, 1994, No. 2000 and the Official Community Plan, 2002, No. 1370.

The proposal was first reviewed by the Advisory Design Panel on November 13, 2008. No recommendation to Council resulted from the initial Panel review. The applicant was asked to return to the panel with further consideration given to the following points:

1. Consider making the extent of the red metal paneling system and 'eyebrow' canopy consistent in extent and treatment;
2. Consider maintaining or adding soft landscaping;
3. Consider fencing design and materials to match building façade treatment and materials;
4. Provide lighting plan and specification to include only 'Dark Sky', or full cut-off, shielded down lighting to reduce skyward glare;
5. Reconsider the colour selections to coordinate for aesthetics. Red and orange are clashing colours;
6. Consider making the stucco treatment under windows consistent;
7. Consider a review of the location and extent of the outdoor patio and relaxation to parking numbers.

SUBJECT: APPLICATION FOR A DEVELOPMENT PERMIT TO PERMIT PROPOSED RENOVATIONS FOR THE DAIRY QUEEN RESTAURANT

The revised proposal was reviewed for a second time by the Advisory Design Panel on December 11, 2008. The Advisory Design Panel's recommendation to Council is as follows:

"That Council should accept the design proposal based on drawings and presentations provided to the Advisory Design Panel for Lot A, District Lot 13, Nanoose District, Plan VIP57504, subject to revised drawings indicating a single upper wall wash light aligned to each lower window bay and the addition of a red metallic panel return at the rear of the building to be referred back to Staff.
CARRIED"

The applicant has since made the revisions that are, in Staff's opinion, consistent with the subjects of the Advisory Design Panel's recommendation and the development permit guidelines. Please refer to the attached plans.

Options:

Council may:

1. Authorize Staff to issue a Development Permit for the proposed development.
2. Deny the Development Permit application.

Analysis:

The existing building façade has become dated and is in need of an updated architectural form. Proposed development works are limited to façade improvements and patio seating modification. Works and services have not been required as improvements are limited to the building itself.

1. Form and character of the Development Permit is consistent with Development Permit Area Guidelines. The Development Permit application meets the technical requirements of the zoning. The proposed building and patio improvements would result in a more modern architectural appearance when viewed from the Highway 19A corridor.
2. Should a Development Permit be denied by Council, the decision must be based on the application not meeting the Development Permit Area Guidelines or that insufficient information has been provided for Council to make an informed decision. Application deficiencies in meeting the guidelines would have to be clearly communicated to the applicant so that they may be addressed and made satisfactory. The **Local Government Act** does not provide Council with the discretionary ability to deny permit issuance. Denial would in this case result in the retention of the dated architectural form of the building.

Sustainability/Environmental Analysis:

Sustainable features include the use of 'night friendly lighting' fixtures, including shielded down lighting to avoid light trespass and light pollution.

SUBJECT: APPLICATION FOR A DEVELOPMENT PERMIT TO PERMIT PROPOSED RENOVATIONS FOR THE DAIRY QUEEN RESTAURANT

Financial Implications:

There are no financial implications other than the cost of processing this permit.

Recommendation:

THAT the report from the Planner dated December 19, 2008 for the issuance of a Development Permit at 154 Island Highway East be received for information;

AND THAT a Development Permit be issued to Harbrenger Holdings Ltd. (Inc. No. BC0251007) to permit proposed renovations for the Dairy Queen restaurant on Lot A, District Lot 13, Nanoose District, Plan VIP57504 [154 Island Highway East].




G. A. JACKSON

NG/dd
Attachments

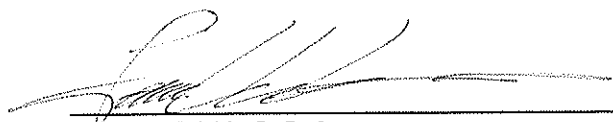
I:\Users\Planning\Dpermit\2008\08-11\Agenda\Report-1.

DIRECTOR OF ADMINISTRATIVE SERVICES' COMMENTS:



L. TAYLOR

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:



F. MANSON, C.G.A.

5.2.1. Development Permit Area No. 1 - DOWNTOWN CORE

a) Category: Revitalization/Form and Character

b) Justification:

This area is the commercial centre of Parksville which offers a wide variety of amenities for both residents and tourists. Uses include a mixture of commercial, business and personal services, and residential accommodation. With the shopping centres in Nanaimo only 20 minutes away and the smaller commercial centres located on the outskirts of the City, the need to present a viable, healthy commercial core is critical. Revitalization is the key to encouraging businesses to locate within the core and to creating a healthy core area.

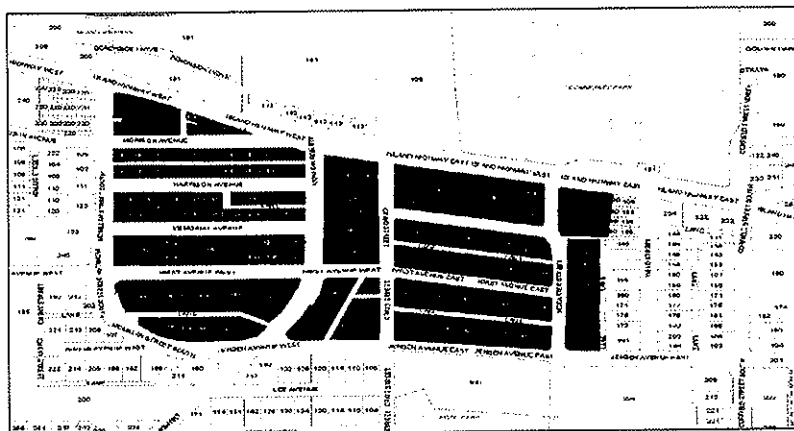
The **Minister of Municipal Affairs** has approved designation of this area as a "revitalization" area under **Section 945(4)(d) of the *Municipal Act***. The objective of this development permit area designation is to revitalize the core area by enhancing the form and character of the area through the promotion of architectural particulars and landscaping.

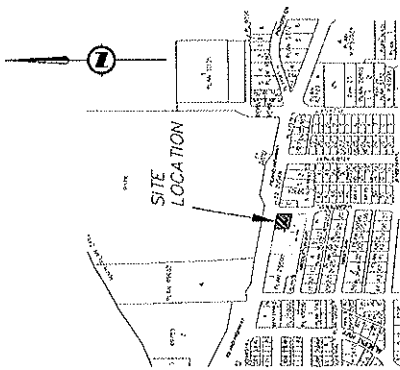
c) Guidelines:

Development of the Downtown Core area shall proceed in accordance with the *Downtown Master Plan and Development Guidelines* attached to and forming part of this bylaw as Appendix I.

d) Parking Variances: (AMENDMENT BYLAW NO. 1370.5)

Parking variances may be granted (up to 100%), for commercial uses on sites within the area shown on the map below, in cases where the character of the development, site utilization, and the streetscape are improved by having a site layout and streetscape uninterrupted by parking areas.

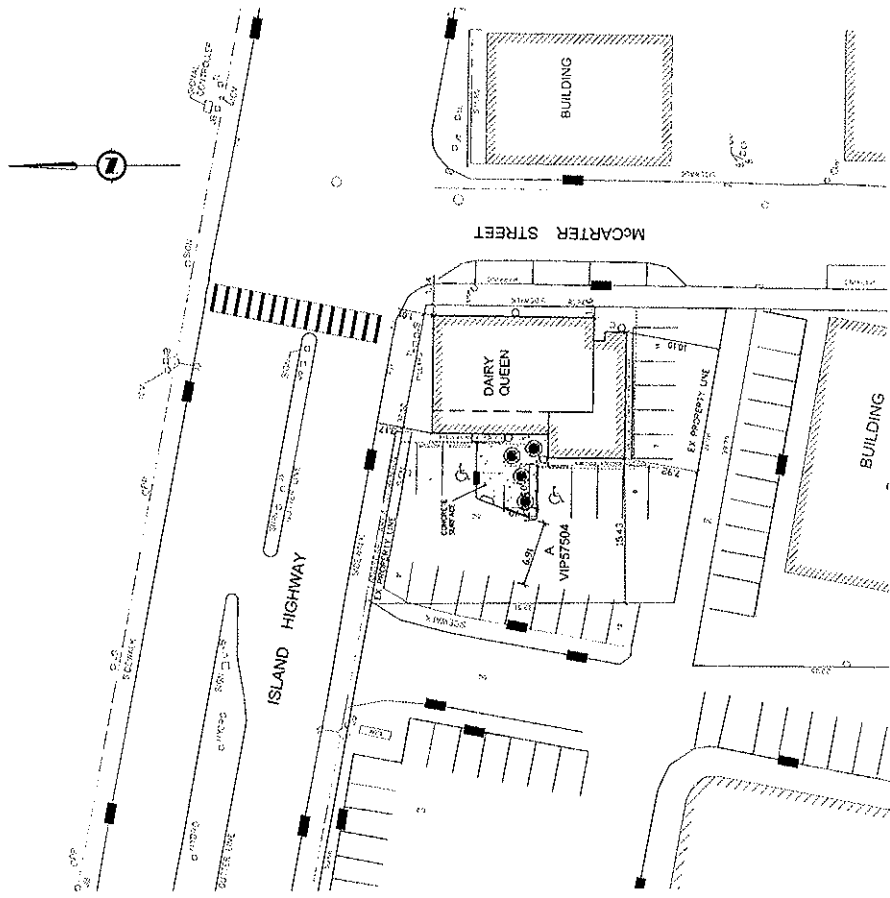




LOCATION PLAN
SCALE 1"=5000'

RECEIVED
DEC 17 2008
PLANNING
CITY OF PARKSVILLE

Site Information:
 Registered Owner: Harbinger Holdings Ltd
 Mailing Address: 4 - 1180 Bloor Highway North
 Scarboro, ON M1S 1W2
 CANADA
 Civic Address: 154 E Island Highway
 Legal Description: Lot A, D, E, S, W, W/2 of District
 No. 100-57504
Development Description:
 Development Permit Area No. 1 - Downtown Core
Zoning: C3 Downtown Core
Proposed:
 Site Coverage: 20.7% 275m²
 Floor Area Ratio: 0.87 275m²
 Building Height: 11.0 m maximum 5.75m
 Setbacks: Front 0.0m 7.61m
 Side 0.0m 7.25m
 Rear 0.0m 11.14m
Existing Buildings:
 Restaurant: 1 1st Floor 275 m²
 1 1st Floor 275 m²
 2 1st Floor 275 m²
 200-154 E Island Highway 10052 5050 S 1025



PROJECT: DEVELOPMENT PERMIT APPLICATION / 154 E ISLAND HIGHWAY

CLIENT: HARBINGER HOLDINGS LTD

Drawn by: DG Date: DEC 2008 Drawing No.: 0185-S1 Rev.No.: B

Scale 3/8" = 100' E. Island Highway
 Site Office
 70 Box 69
 Parkville, BC V9R 2G3
 Phone: 250-248-0201
 Fax: 250-248-2553
 Email: info@jones.com
 DC: www.jones.com

Timberlake-Jones

December 23, 2008

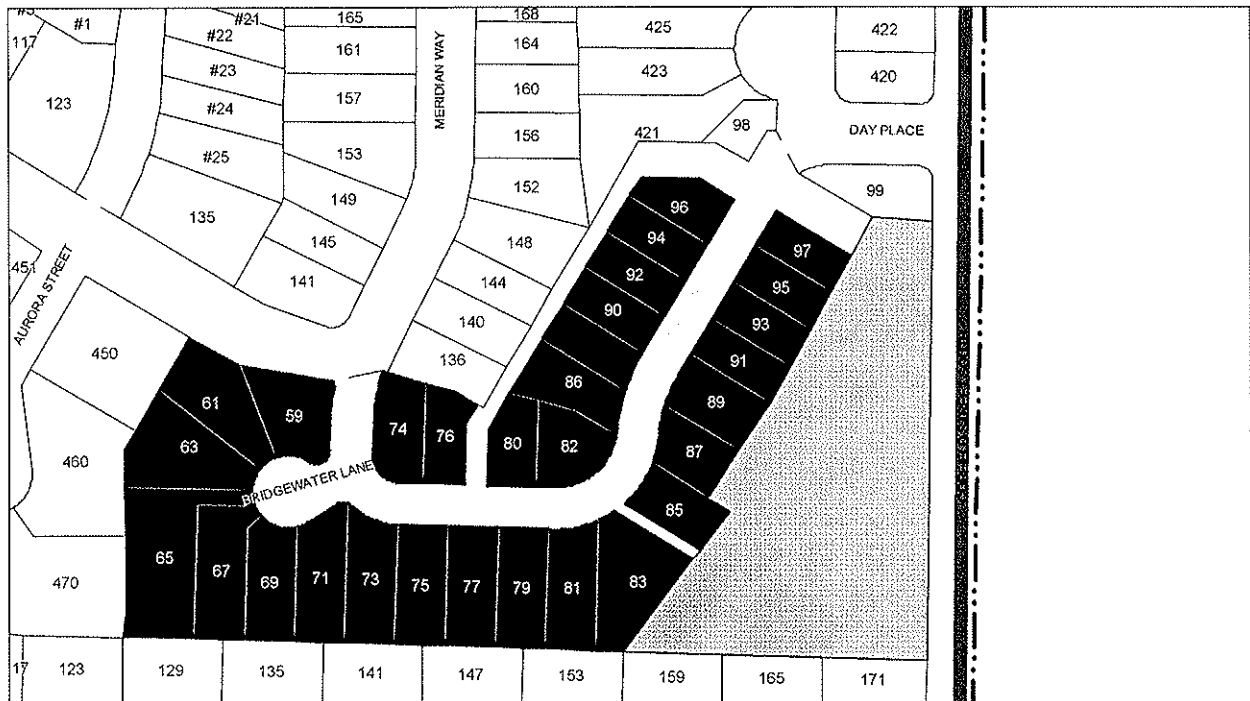
REPORT TO: F. C. MANSON, C.G.A., CHIEF ADMINISTRATIVE OFFICER

FROM: G. A. JACKSON, DIRECTOR OF COMMUNITY PLANNING

SUBJECT: AMENDMENT TO BRIDGEWATER DEVELOPMENT PERMIT TO PROVIDE A TREE MANAGEMENT REGIME

LEGAL: STRATA LOTS 1 – 30, DISTRICT LOTS 13 AND 97, NANOOSE DISTRICT, STRATA PLAN VIS4529 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PRPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1 (59, 61, 63, 65, 67, 69, 71, 73, 74, 75, 76, 77, 79, 80, 81, 83, 83, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97 BRIDGEWATER LANE)

APPLICANT: BRIDGEWATER STRATA PLAN VIS4529, TREE COMMITTEE



Issue:

Amendment to Bridgewater Development Permit to provide a tree management regime

... /2

**SUBJECT: AMENDMENT TO BRIDGEWATER DP
TO PROVIDE A TREE MANAGEMENT REGIME**

Executive Summary:

The original Bridgewater development permit provided for retention of the natural trees as a buffer area along the east, south, and south-west boundaries of the strata lots in the first phases of the development. The development permit did not provide a process for tree removal and management over time. It is now necessary to address this topic as some of the residents believe some of these trees pose a hazard. This report addresses the specific situation which brought this topic forward, along with providing some historical context and a proposed method for future tree management of this area.

References:

DP #98-01
Building Scheme with reference plan [showing covenant area].

Background:

The development permit which originally established the Bridgewater Lane development contained strict rules regarding tree retention particularly in the defined buffer area. These rules permeated not only the development permit, but also, a restrictive covenant and building scheme. A regime for management of the trees over time was not included. This has resulted in a lack of information or clear process to deal with requests for tree removal in cases where the situation does not meet the standard definition for 'hazard'. This topic was raised with Council in March 2007. Since that time Staff has worked with representatives from the Bridgewater strata to determine the best way to address this situation. This report is intended to set out a suggested solution to the situation which involves amending the original development permit by adding a tree management section which outlines a variety of circumstances and the procedure for dealing with them. The focus of this report and the amendment is with respect to the buffer area. The verbiage with respect to the "non-buffer" trees [which is in the building schedule and referenced back to the development permit] permits more flexibility.

Options:

Council may:

1. Maintain the status quo.
2. Amend the development permit to include a tree management section based on the submission of the Bridgewater strata.
3. Amend the development permit to include a tree management section based closely on the submission of the Bridgewater strata but adding a requirement for the strata to base their decision on an arborist's advice.
4. Commence a public process to seek comments about the removal of buffer tree retention requirements within the Bridgewater strata.

**SUBJECT: AMENDMENT TO BRIDGEWATER DP
TO PROVIDE A TREE MANAGEMENT REGIME**

Analysis:

General Comments:

The options to addressing this situation are not as simple as it may first appear. When the development originally obtained zoning this involved the promise [to neighbours] of a treed buffer area. It is on this basis that the neighbours would have determined whether to react to the zoning or not. It is considered appropriate practice, when reversing requirements established through a development process, to use equivalent process to make a change. It is for this reason, that an amendment to the development permit may be the best approach, rather than simply making the development subject to the City's Tree Management Bylaw, which would permit tree removal at the discretion of the lot owners. The amendment to the development permit would keep the original premise of a tree buffer in tact, while permitting some latitude to remove trees.

The Bridgewater strata representatives have provided information pertaining to the trees that they wish to remove now along with information about how they would manage future tree alteration, removal, and replanting. This information is attached. For ease of evaluation a Schedule is attached which indicates the current approval scenario along with the one that would exist with an amended development permit, and, with removal of all buffer tree retention requirements.

Option 1 - Maintain the status quo

The status quo does not acknowledge that there is a real and on-going need and desire by the residents to remove buffer trees which appear 'threatening' but which do not meet the definition of imminent hazard. It is a time-consuming and burdensome situation to address each tree request using the development permit process.

Choice of this option will mean that these one-off requests will keep coming in future. It is not an efficient way of dealing with the situation either for the applicant or the City.

Option 2 - Amend the development permit to include a tree management section based on the submission of the Bridgewater strata.

This option would satisfy the Strata and the current individual strata owners wanting buffer tree removal. However, it does not build in any guarantee for the neighbours that integrity or concept of the buffer will be maintained in accordance with the original development approval.

Option 3 - Amend the development permit to include a tree management section based closely on the submission of the Bridgewater strata but add a requirement for the Strata to base its decision on an arborist's advice. The advice would be on the premise of attempting to maintain the concept of having a natural treed buffer area.

This option improves on the status quo by making the process to remove trees much less cumbersome. It is a compromise between granting the Strata full discretion over tree removal and the current situation. It would provide neighbouring property owners with some assurance that the concept of a buffer has not been removed.

**SUBJECT: AMENDMENT TO BRIDGEWATER DP
TO PROVIDE A TREE MANAGEMENT REGIME**

Option 4 - Commence a public process to seek comments about the removal of buffer tree retention requirements within the Bridgewater strata.

The neighbouring property owners have not been consulted on this topic. It may be the case that they do not have any concerns about the removal of trees within the defined buffer area. It is believed that they would have concern. Taking this approach would add time and complexity in reaching an outcome suitable to all.

Financial Implications:

The financial implications are the costs of processing this application. No financial impacts are anticipated.

Sustainability Implications:

Provided that the philosophy of retaining as many healthy trees as possible is kept there are no implications.

Recommendation:

That the report from the Director of Community Planning dated December 23, 2008 for the amendment to Bridgewater Development Permit to provide a tree management regime be received;

And That an amendment to Development Permit No. 98-01 be issued to the Bridgewater Strata Plan VIS4529, Tree Committee to include a tree management section with a requirement for the Strata to base their decision to remove trees on an arborist's advice on the premise of attempting to maintain the concept of having a natural treed buffer area on Strata Lots 1 – 30, District Lots 13 and 97, Nanoose District, Strata Plan VIS4529 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1 (59, 61, 63, 65, 67, 69, 71, 73, 74, 75, 76, 77, 79, 80, 81, 82, 83, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97 Bridgewater Lane).




G. A. JACKSON

GAJ/sh
Attachments

I:\Users\Planning\Dpermit\2007\07-02\Agenda\Report-2.

CORPORATE ADMINISTRATOR'S COMMENTS:



L. TAYLOR

SUBJECT: AMENDMENT TO BRIDGEWATER DP
TO PROVIDE A TREE MANAGEMENT REGIME

CHIEF ADMINISTRATIVE OFFICER COMMENTS:

A handwritten signature in black ink, appearing to read 'F. Manson', is written over a horizontal line.

F. MANSON, C.G.A.

SCHEDULE

Scenario 1 – Existing Situation

Situation Type	Process required to grant permission	Outcome
Removal of 'dead' tree or tree that is an 'imminent' hazard	Provision of arborist's report to City validating that tree is dead	Removal permission will be granted; no fee or permit required
Removal of a tree in the buffer area that is not dead and does not meet the imminent hazard definition	Development permit amendment application (with fee)	Council determines whether to authorize removal

Scenario 2 – Proposed Situation (proposal by Bridgewater Strata) of amended development permit

Situation Type	Process required to grant permission	Outcome
Removal of 'dead' tree or tree that is an 'imminent' hazard	Strata Council determines acceptability of tree removal	City notified for information only
Removal of a tree in the buffer area that is not dead and does not meet the imminent hazard definition	Strata Council determines acceptability of tree removal	City notified for information only

Scenario 3 – As above except that the Strata's determination would be based on a certified arborist's conclusion that a tree is hazardous.

Scenario 4 – Alternative Situation of removing buffer requirement in the development permit and making the development subject to the City's Tree Management Bylaw

Situation Type	Process required to grant permission	Outcome
Any tree removal	At the sole discretion of the individual strata lot owner	No City involvement

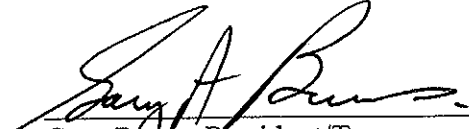
Strata Plan VIS 4529
Tree Committee
67 Bridgewater Lane
Parksville BC V9P 2V9

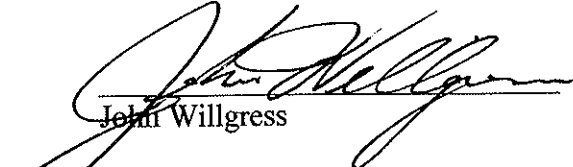
November 13, 2008

Gail Jackson
Director of Community Planning
City of Parksville

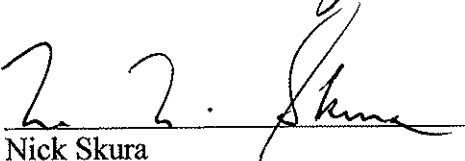
Enclosed is the report on the Removal of Trees at Bridgewater Lane as per our discussions and request of the City of Parksville.

We await your response and if there is any additional information you require please contact Gary Burns at (250) 248-2767.


Gary Burns, President/Treasurer


John Willgress


Peter Belanger


Nick Skura

REMOVAL OF TREES AT BRIDGEWATER LANE

Purpose of report:

To have trees in Bridgewater Lane removed in a manner to give safety and beautification for Bridgewater Lane and surrounding neighborhoods.

History:

City Council passed a resolution to have a Covenant Plan # VIP 66462 and #VIP 66463 Lot A be put on the properties between Butler and Bridgewater Lane to have a tree buffer between the properties. Unsafe conditions due of tree rot, leaning of trees, windstorms, lack of foliage, etc. residents of Bridgewater Lane are concerned for their property and their neighbor's property adjacent to Bridgewater Lane.

Discussion:

Over the past 2 years the residents of Bridgewater Lane have become concerned with the trees for the safety of their properties and surrounding neighbor's. Two reports have been submitted to the City regarding two Bridgewater Lane properties concerning the removal of trees for safety reasons. Since then two meetings between the City and Bridgewater Lane have taken place with the City requesting a report on all of the properties that have tree problems. This report spells out the properties concerned and approval from the City for removal of such trees.

Justification:

- Conditions have changed, in the past trees and dead limbs, crowns on live trees have grown potentially giving a bigger sail or exposure to the wind with broken branches damaging roofs.
- Trees close to houses have roots, which are damaging foundations, and drainage pipes.
- Structure defects clogging perimeter drains, scars, external indication of decay, such as fungal fruiting bodies, evidence of insect attack, discolored foliage, condition of root structures, degree of lean, surrounding site, proximity to dwellings and people.

REMOVAL OF TREES AT BRIDGEWATER LANE

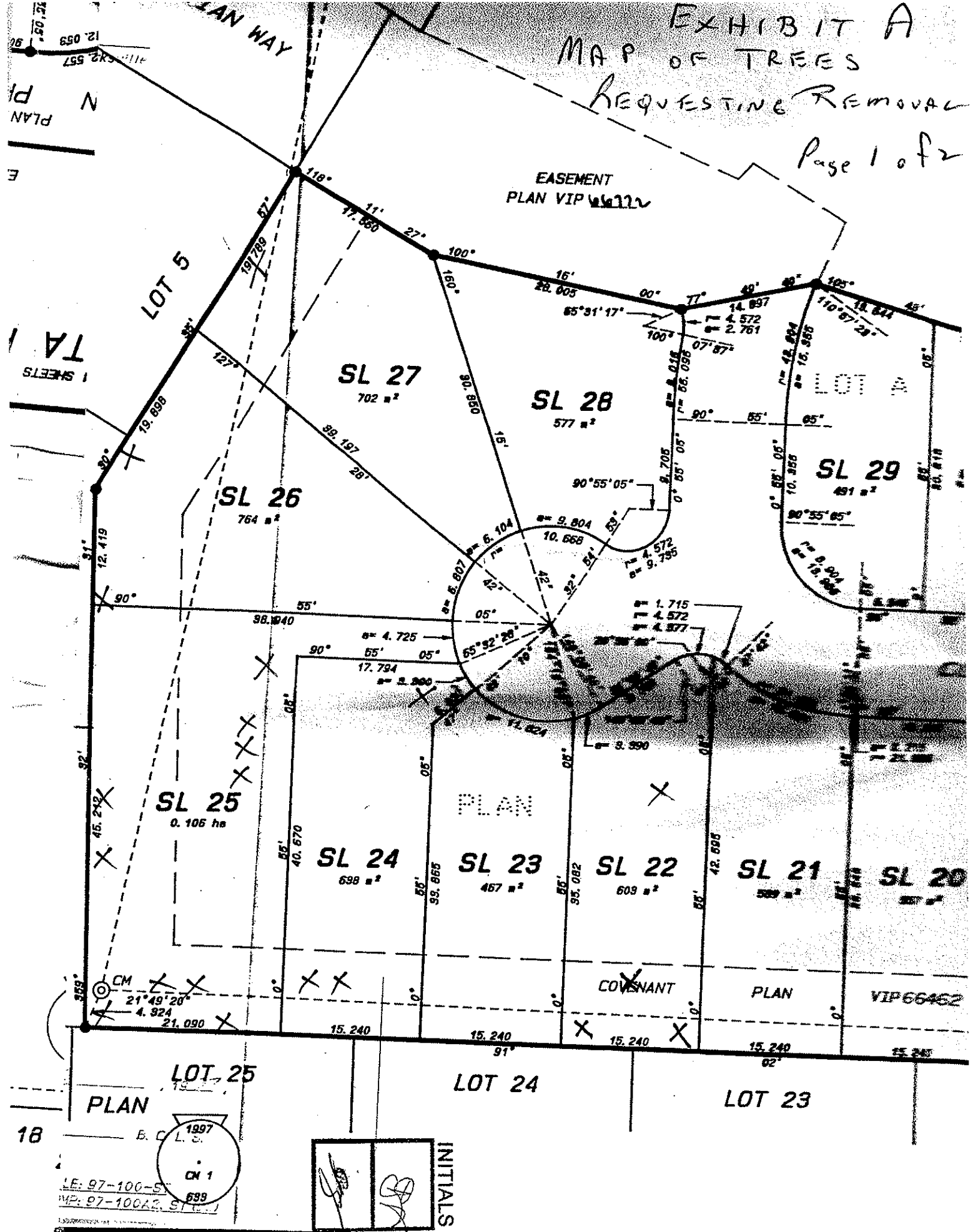
Recommendations:

- Enclosed is Strata Plan map (Exhibit A) of placement of trees on each property indicating in red trees that need to be removed.
- Tree removal will only be considered where, in the opinion of Strata Council, the subject tree or trees are believed to pose a hazard or are dead.
- Alteration of trees shall be limited to the removal of dead wood, crown thinning and selective pruning in order to remove a potential hazard.
- Strata Council will deem what tree replanting will be done with the criteria of existing trees left, property size, surrounding plants and scrubs.
- Consideration should be given to have future trees removed without going through another Development Permit process. Strata Council would need only to send a report to the City for approval to remove trees.

Properties Affected:

Lot Number	Address	Number of Trees Affected
27	61 Bridgewater Lane	1
26	63 Bridgewater Lane	2
25	65 Bridgewater Lane	10
24	67 Bridgewater Lane	3
22	71 Bridgewater Lane	4
20	75 Bridgewater Lane	3
19	77 Bridgewater Lane	3
16	83 Bridgewater Lane	2

EXHIBIT A
 MAP OF TREES
 REQUESTING REMOVAL
 Page 1 of 2

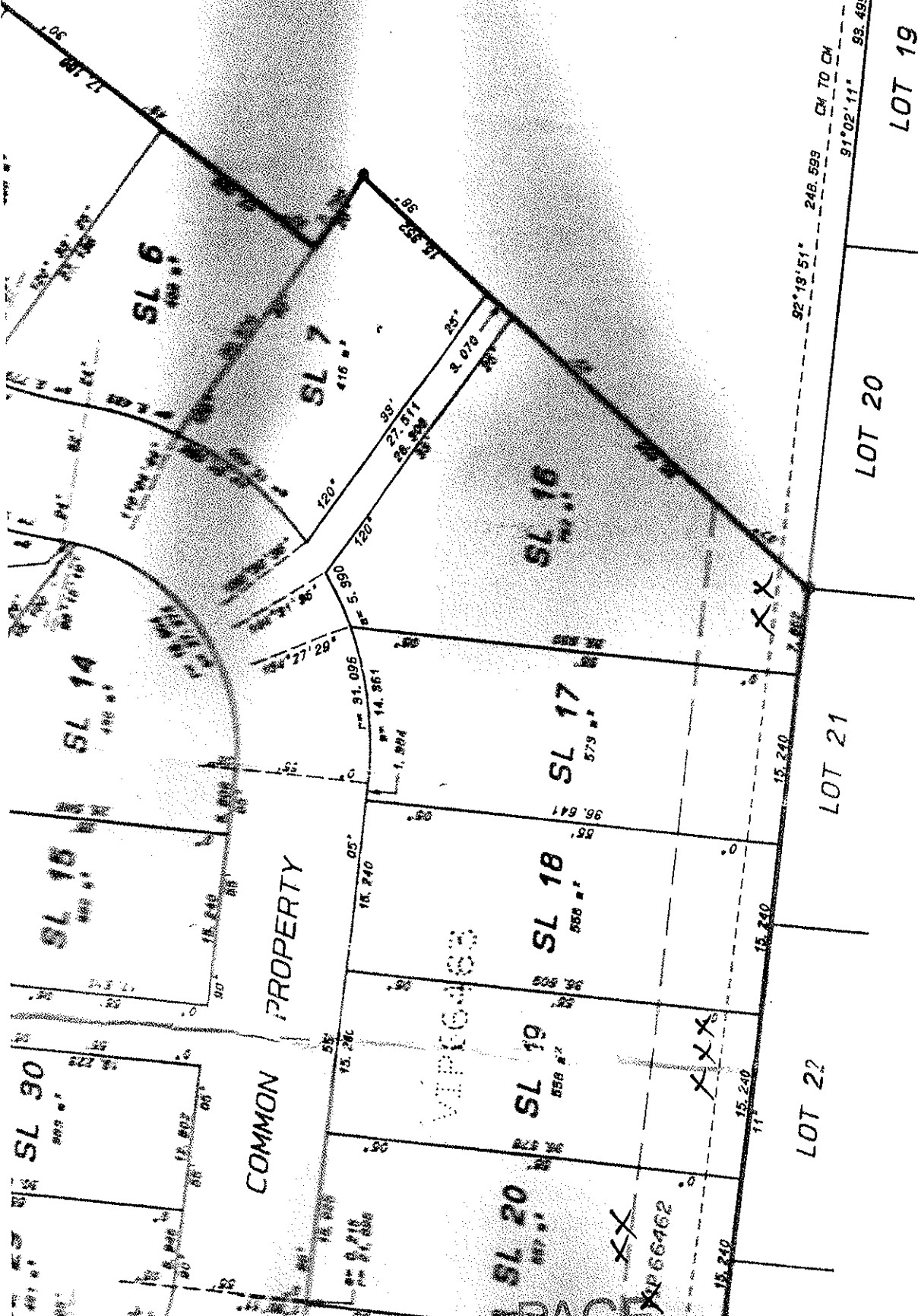


INITIALS

[Handwritten initials]

EXHIBIT A

PAGE 2 OF 2.



LOT 19

LOT 20

LOT 21

LOT 22

Dated this 5th day of Dec.

Michael A. Sims
 MICHAEL A. SIMS

CITY OF PARKSVILLE
DEVELOPMENT PERMIT

No. 98-01

TO: **LIFESTYLE 90'S CONSTRUCTION LTD.**
~~P.O. BOX 30, MALLARD DRIVE, R.R. #2~~ Box 1445 (2)
PARKSVILLE-NANOOSE BAY, B.C. V0R 2R0 V9P-2H4 (2)

1. This Development Permit is issued subject to compliance with all of the bylaws of the municipality applicable thereto, except as specifically varied or supplemented by this Permit. The provisions of the Development Permit shall prevail over any other provisions of the bylaws in the event of conflict.
2. This Development Permit applies to and only to those lands within the municipality described below and only to all existing buildings, structures and other development thereon:

LOTS A AND J
DISTRICT LOTS 13 AND 97
NANOOSE DISTRICT
PLAN VIP66463

3. (a) Pursuant to Part 26 of the Municipal Act, the bylaws varied or supplemented are as follows:

- Nil -
- (b) The development shall be carried out according to the following schedules:

Schedule "A" - 30-Lot Bare Land Strata Subdivision
Plan, prepared by Sims Associates
and dated December 2, 1997.
4. The Applicant shall complete the following described works and services and landscaping to the satisfaction of the municipality within Twelve (12) MONTHS from the date the Municipal Council passed the authorizing resolution. All the works and services are to be designed by a Professional Engineer, where requested by the municipality, and in accordance with the City of Parksville Engineering Standards and Specifications and Schedule(s):
 - (a) 2.0 metre high board fencing shall be installed along the rear property lines of Lots 16 through 27 in accordance with Development Permit Area No. 18 Guidelines.

.../2

- (b) On-site engineering works shall be provided in accordance with City of Parksville Engineering Standards and Specifications and the following approved drawings prepared by Newcastle Engineering Ltd.:

L1017-01-01	L1017-01-07
L1017-01-02	L1017-01-08
L1017-01-03	L1017-01-09
L1017-01-04	L1017-01-10
L1017-01-05	L1017-01-11
L1017-01-06	

5. Prior to issuance of the Permit the Applicant is to provide security in the form of cash or an Irrevocable Letter of Credit in the following amounts:

Fencing	-	\$ 8,500.00
Phase I On-Site Engineering	-	\$ 390,654.00


6. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part thereof. The following plans and specifications are attached:

Schedule "A"	-	30-Lot Bare Land Strata Subdivision Plan, prepared by Sims Associates and dated December 2, 1997.
--------------	---	---

7. If the Permittee does not commence the development permitted by the Permit within TWELVE (12) MONTHS from the date of the authorizing resolution this Permit shall lapse.
8. This Permit is not a building permit or a development variance permit. While development on the lands described in paragraph 2 of this Permit (the "Lands") is subject to the conditions and requirements set out in this Permit, this Permit does not authorize development or any construction. Council reserves the right at any time prior to issuance of a building permit to alter the permitted use, density, or conditions of use that affect the Lands.

AUTHORIZING RESOLUTION NO. 97-589 passed by Council this 15th day of December, 1997.

ISSUED this 30th day of January 1998.


Clerk

Schedules attached to and forming part of this Development Permit:

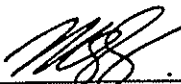
Schedule "A" - 30-Lot Bare Land Strata Subdivision Plan,
prepared by Sims Associates and dated
December 2, 1997.

STATEMENT OF INTENT

LIFESTYLE 90'S CONSTRUCTION LTD. of Nanoose Bay, B.C. having read and understood the terms and conditions of this Development Permit hereby agrees to abide by such terms and conditions and to complete all of the works and services and all other requirements under this Development Permit and in accordance with the City bylaws.

~~THE CORPORATE SEAL OF~~
LIFESTYLE 90'S CONSTRUCTION LTD.
was affixed in the presence of:

~~C/S~~

BY: 
Authorized Signatory N.A. VERBRUGGE.

gj/dpermit/97-07/dp1.

Schedule "A" of
Development Permit
No. 98-01

Attesty
Witness as to above Signatures *Attest*

Witness as to above Signatures *Attest*

Office Manager
Occupation of Witness

203 Fern Rd. W.

Barliam Beach, B.C.
Address of Witness

The Order of the Surveyor General dated
_____, 19____, has been filed in the
Land Title Office in Victoria, B.C., as
number _____.

Registrar

The civic address is:

Despard Street,
Parksville, B.C.

The address for service of documents for the
Owners Strata Plan VIS ____ is:

1600 - 1075 West Georgia Street,
Vancouver, B.C.
V6E 3C9

I, Michael A. Sims, a British Columbia
Land Surveyor, of the Town of Qualicum
Beach, in British Columbia, certify that
I was present at and personally superintended
the survey represented by this Plan and that
the survey and Plan are correct.

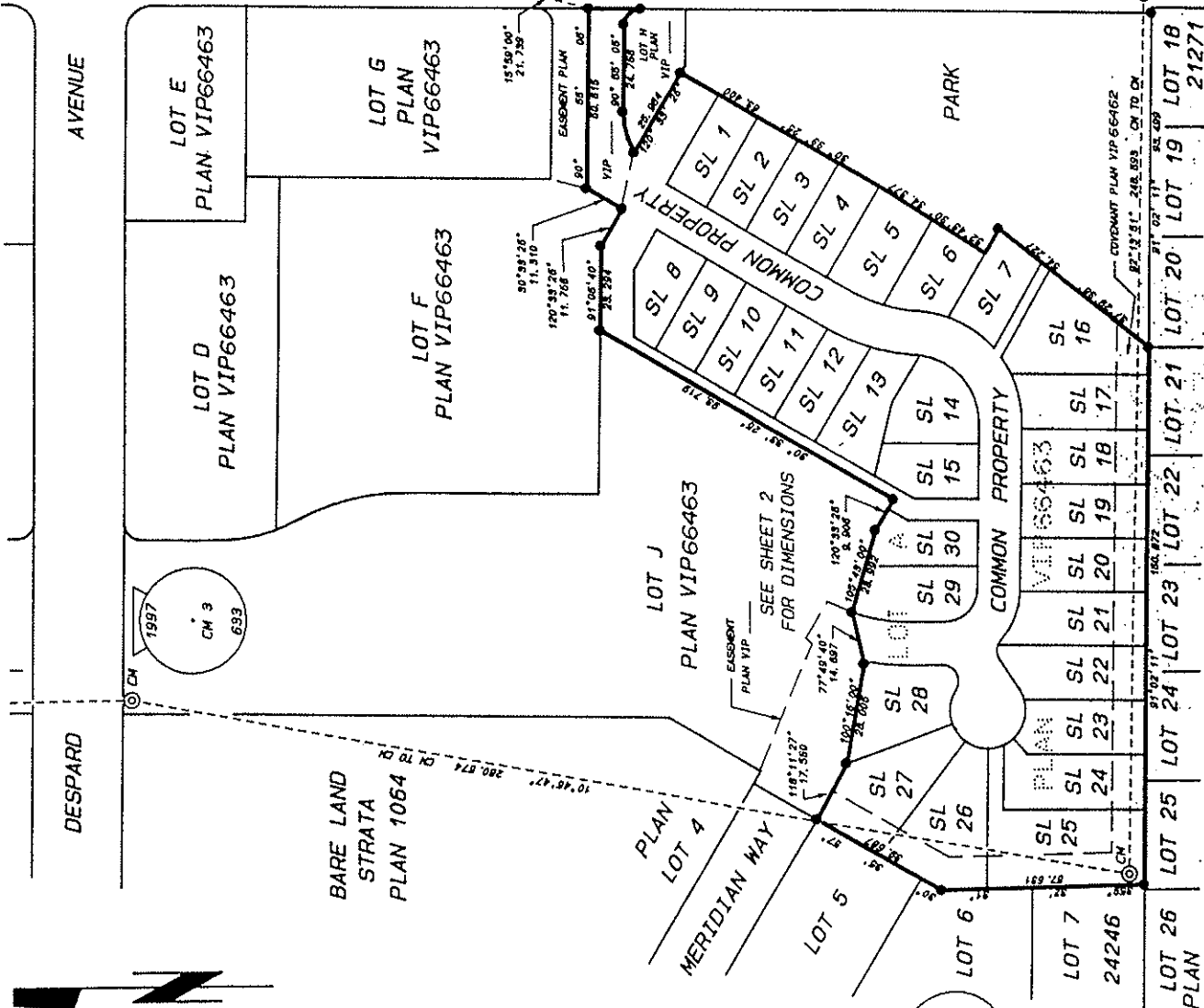
The said survey was completed on the

2nd day of APR, 1997.

M.A. Sims
B.C.L.S.

SIMS ASSOCIATES

LAND SURVEYING
223 FERN ROAD, WEST
QUALICUM BEACH, B.C.
V8K 1S4
PHONE: (250) 752-9121
FAX: (250) 752-9241
ELLG: 97-100-SI
COMP: 97-100ES-SI (98)



(P.C.)

97 DEC 18 10 07
LAND TITLE ACT EL144509

Form 11(a)
LAND TITLE CLERK
(Section 99(1)(e), (j) and (k))

VIP66462

APPLICATION FOR DEPOSIT OF
REFERENCE OR EXPLANATORY PLAN (CHARGE)

I, Graham A. Porteous, of 1600 - 1075 West Georgia Street, Vancouver, British Columbia,
V6E 3C9, agent of Cedarcrest Development Corporation (Inc. No. 490707) of 1600 - 1075 West
Georgia Street, Vancouver, British Columbia, V6E 3C9

apply to deposit a reference plan of:

City of Parksville
Parcel Identifier 003-460-185
Lot 1
District Lot 97
Nanoose District
Plan 20872 Except parts in Plans 21270, 21271, 23048, 24246 and 33818

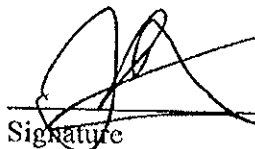
01 97/12/18 10:07:25 01 VI 038917
QT PLANS \$50.00

I enclose:

1. The explanatory plan.
2. The reproductions of the plan required by section 67(u).
3. Fees of \$_____.

VIP66462

DATED the 17th day of December, 1997.


Signature

c/o West Coast Title Search Ltd.
10104

NOTE:

- (a) The following reproductions of the plan must accompany this application:
 - (i) one blue linen original (alternatively, white linen or original transparencies).
 - (ii) one duplicate transparency.
 - (iii) one whiteprint is required as a worksheet for the land title office.
- (b) The following further requirements may be necessary:
 - (i) If the parent property is in an Agricultural Land Reserve, a release is required unless the parent property is less than 2 acres (app. 0.8094 hectares) or where, for permitted uses, an approving officer has signed the plan under section 1(1) (a) and (b) of the Subdivision and Land Use Regulations (B.C. Reg. 93/75) under the *Agricultural Land Commission Act*.
 - (ii) Where a notice respecting a grant under the *Home Purchase Assistance Act* is endorsed on title, an extra white print must accompany the application, unless the Ministry of Lands, Parks and Housing agrees otherwise in writing. This extra print must contain the following endorsement: "The eligible residence as defined by the *Home Purchase Assistance Act* is located on lot created by this plan.
 - (iii) Controlled access approval must be evident on the plan where parent property adjoins a highway that is designated as a controlled access highway.
 - (iv) Where the plan refers to a covenant to be made under section 215, the instrument containing the covenant must be tendered with the plan.

B.C.L.S. or solicitor for the owners"

Handwritten notes on the left side of the page:

- 2742
- 1985
- 11252
- 149
- 17210
- 19716
- 20872
- 21270 - 71
- 23048
- 24246
- 30913
- 36731
- 27817
- 28314
- 29136
- 50076
- 1152

TERMS OF INSTRUMENT - COVENANT - PART 2**WHEREAS:**

- A. The Transferor, Cedarcrest Development Corporation (hereinafter called the "Transferor"), is the registered owner in fee simple of the lands described in Item 2 of the General Instrument - Part 1 (the "Lands");
- B. The Transferor, Canadian Western Bank (hereinafter called the "First Mortgagee"), is the registered holder of a mortgage registered against the Lands under No. EL26363 as modified by EL81392 and EL117801 and has agreed to grant priority over its mortgage in favour of this Agreement;
- C. The Transferor, Theodore Mauriks, Betty Mauriks and Elmar Gebhard Klimmer (hereinafter together called the "Second Mortgagee"), are the registered holders of a mortgage registered against the Lands under No. EH48571 as assigned by EH152384, modified by EL28318 and extended by EL 144508 and have agreed to grant priority over their mortgage in favour of this Agreement;
- D. Section 219 of the *Land Title Act* of British Columbia provides *inter alia*, that there may be registered as a charge against the title to land a covenant, of either a negative or positive nature, concerning the use of land or the use of a building on or to be erected on land, in favour of the crown or a municipality.
- E. The Transferor has agreed to restrict the use of part of the Lands as hereinafter provided pursuant to Section 219 of the *Land Title Act*;

WITNESS that in consideration of the covenants and conditions hereinafter contained to be observed and performed by the Transferor and the Transferee and for other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged by the Transferor and for other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged by the Transferor and the Transferee), the Transferor and the Transferee hereby covenant and agree with each other as follows:

1. THE TRANSFEROR COVENANTS AND AGREES with the Transferee, that hereafter:
- (a) save and except for any trees as designated by a certified arborist and approved by the Transferee; or
- (b) unless approved by the Transferee in a tree preservation plan as contained in a Development Permit or Development Variance Permit pertaining to the Lands; the Transferor shall not cut down, trim, prune, defoliate, alter, remove or in any way tamper with or work on any trees within that portion of the Lands as shown in heavy outline on the Reference Plan No. VIP66462 (the "Covenant Area") so that the said trees remain in a natural state in perpetuity;
- (c) the Transferor shall, at the expense of the Transferor, do or cause to be done all acts reasonably necessary to grant priority to this Agreement over all charges and encumbrances which may have been registered against the title to the said Lands

in the Victoria Land Title Office, save and except for those charges or encumbrances specifically approved in writing by the Transferee or those charges or encumbrances registered in favour of the Transferee;

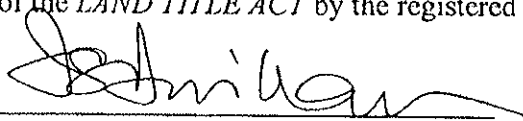
- (d) for the purposes of this agreement the word "tree" or "trees" shall mean: any woody plant that has the potential at maturity to grow to a height of 10 metres or greater.

2. IT IS MUTUALLY UNDERSTOOD AND AGREED by and between the Transferor and the Transferee that:

- (a) nothing contained or implied herein shall prejudice or affect the rights and powers of the Transferee in the exercise of their functions under any public and private statutes, by-laws, orders and regulations, all of which may be fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered by the Transferor;
- (b) the covenants set forth herein shall charge the Lands pursuant to Section 219 of the *Land Title Act* and shall be covenants the burden of which shall run with the Lands. It is further expressly agreed that the benefit of all covenants made by the Transferor herein shall accrue solely to the Transferee pursuant to the provisions of Section 219(5) of the *Land Title Act*;
- (c) notwithstanding anything contained herein, the Transferor shall not be liable under any of the covenants and agreements contained herein where such liability arises by reason of an act or omission occurring after the Transferor cease to have any further interest in the Lands;
- (d) wherever the singular or masculine is used herein, the same shall be construed as meaning the plural feminine or body corporate or politic where the context or the parties so require;
- (e) this Agreement shall enure to the benefit of and be binding upon the parties hereto, their respective successors and assigns; and
- (f) the parties hereto shall do and cause to be done all things and execute and cause to be executed all documents which may be necessary to give proper effect to the intention of this Agreement.

IN WITNESS WHEREOF the parties hereto hereby acknowledge that this Agreement has been duly executed and delivered by the parties executed forms C and D (pages 1 and 2 attached hereto).

THIS IS THE INSTRUMENT creating the condition or Covenant entered into under Section 219 of the *LAND TITLE ACT* by the registered owner(s) referred to herein.



Approving Officer, City of Parksville

PLAN NO. VIP **66462**

PAGE 6

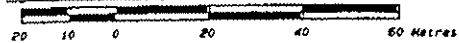
"SCHEDULE A"

REFERENCE PLAN OF COVENANT OVER PART OF LOT 1,
PLAN 20872, D.L. 97, NANOOSE DISTRICT, EXCEPT
PLANS 21270, 21271, 23048, 24246, AND 33818.

(PURSUANT TO SECTION 99(1) (e) OF THE LAND TITLE ACT.)

B.C.G.S. 92F.039

SCALE 1:1000



LEGEND

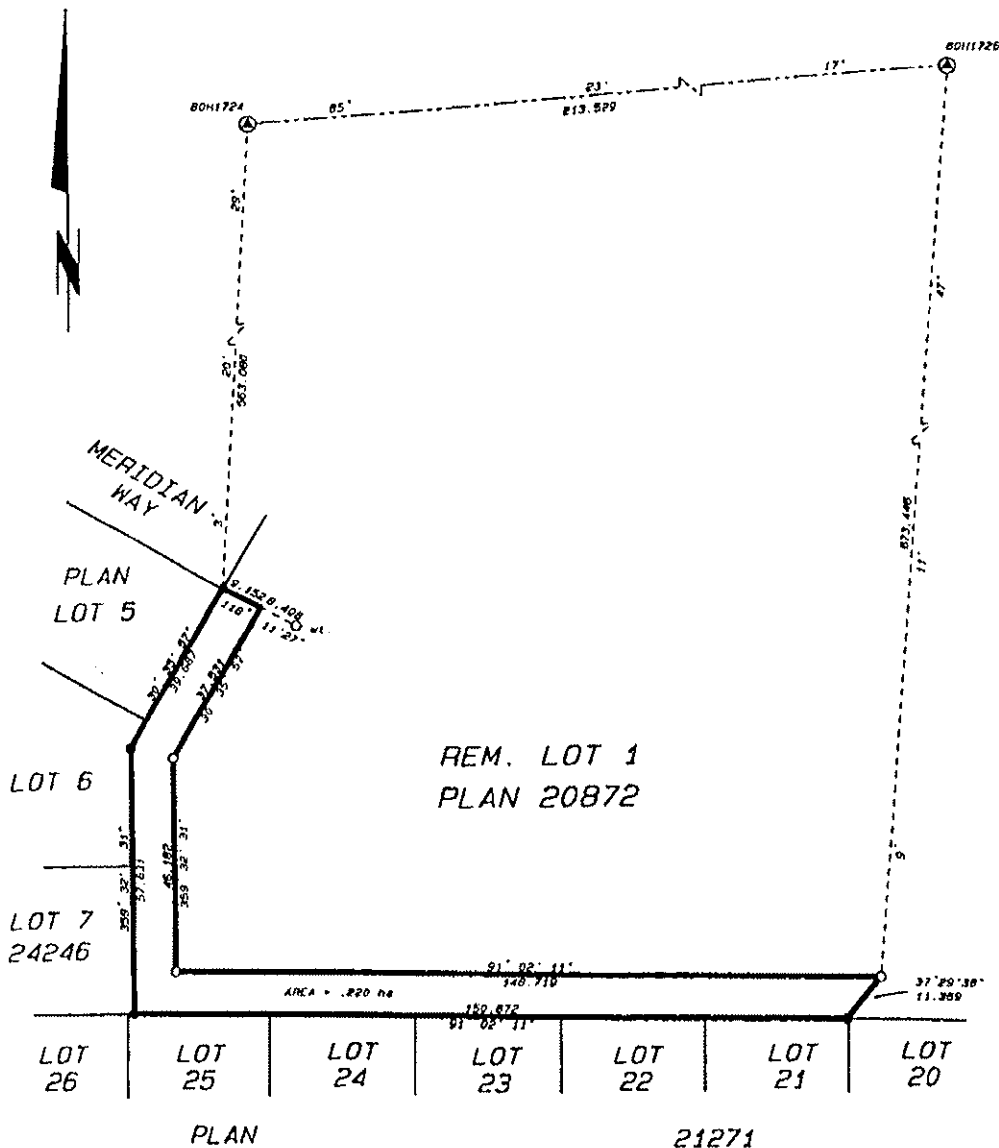
- All distances are in Metres.
- Grid Bearings are derived from observations between Control Monument Nos. 8041724 and 8041726. Integrated Survey Area No 32, Parkerville.
- ⊙ Denotes Control Monument found.
- Denotes Standard Iron Post Found.
- Denotes Standard Iron Post Set.

Deposited in the Land Title Office at Victoria, B.C. this ___ day of _____ 19__

Registrar

This Plan lies within the Regional District of Nanaimo

This Plan shows ground-level measured distances. Prior to computation of U.T.M. coordinates, multiply by combined factor 0.9997003.



SIMS ASSOCIATES
 LAND SURVEYING
 223 FEERY ROAD WEST
 QUALICUM BEACH, B.C.
 V2X 1S2
 PHONE: (250) 728-8121
 FAX: (250) 728-8243
 TOLL: 94-106-6
 COMP: 94-106-600/1211

I, Michael A. Sims, a British Columbia Land Surveyor, of the Town of Qualicum Beach, in British Columbia, certify that I was present at and personally supervised the survey represented by this plan and that the survey and plan are correct.

The said survey was completed on the _____ day of _____, 19__.

B.C.L.S.

PAGE 36