


**Attachment 2  
Draft Development Permit with Variance**

 <p><b>REGIONAL DISTRICT OF NANAIMO</b></p>	<p><b>STRATEGIC &amp; COMMUNITY DEVELOPMENT</b></p> <p><b>6300 Hammond Bay Road, Nanaimo, BC V9T 6N2</b> <b>250-390-6510 or 1-877-607-4111</b> <a href="http://www.rdn.bc.ca"><b>www.rdn.bc.ca</b></a></p> <p><b>DEVELOPMENT VARIANCE PERMIT NO. PL2021-002</b></p>
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**To:** ("Permittee") Ballard Fine Homes Ltd., Inc. No. BC0970249

**Mailing Address:** PO Box 75  
Bowser, BC  
V0R 1G0

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 B, District Lot 29, Nanoose District, Plan 20738 ("Lands")

Civic Address: 881 Cavin Road P.I.D.: 003-575-004

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 is attached to and forms 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 and 3, which are attached to and form part of this permit.
6. With respect to the Lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" 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 RDN 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 XX<sup>th</sup> day of Month, 20XX.

## **Schedule 1 Terms and Conditions of Permit**

The following sets out the terms and conditions of Development Permit with Variance No. PL2021-002:

### Bylaw No. 500, 1987 Variances

With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

**Section 4.5.1 – Parcel Shape and Dimensions** to increase the permitted parcel depth for Lot 1 from 40% to 41.1% of the length of the perimeter of the parcel and Lot 2 from 40% to 40.9% of the length of the perimeter of the parcel

### Conditions of Approval

1. The Lands are developed:
  - a. in substantial compliance with the Plan of Subdivision prepared by JE Anderson & Associates dated January 7, 2021 and attached as Schedule 2
  - b. In accordance with the recommendations contained in the Geotechnical Hazards Assessment prepared by Lewkowich Engineering Associated Ltd. dated November 13, 2020.
  - c. in accordance with the recommendations contained in the Environmental Assessment prepared by Toth & Associates dated January 7, 2021 in accordance with the recommendations contained in the Environmental Assessment prepared by Toth and Associates Environmental Services dated May 20, 2020.
2. The Permittee, at the Permittee's expense, is to register a Section 219 Covenant on the property title concurrently with the plan of subdivision containing the Geotechnical Assessment prepared by Lewkowich Engineering Associates Ltd., dated November 13, 2020, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as result of the potential hazard.
3. The Permittee, at the Permittee's expense, is to register a Section 219 Covenant on the property title concurrently with the plan of subdivision to restrict further subdivision of the lots and vegetation removal within 5.0 metres of the top of slope. Exceptions within the covenant may provide for hazard tree or invasive species removal, erosion protection or foreshore access where approval has been given by the RDN.

## Schedule 2 Subdivision Plan

