


**Attachment 3
Draft Development Permit with Variance**

 <p>REGIONAL DISTRICT OF NANAIMO</p>	<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 PERMIT WITH VARIANCE NO. PL2020-035</p>
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To: (“Permittee”) Emil Anderson Construction Co. Ltd. and
The Nature Trust of British Columbia, Inc. No. XS0009934

Mailing Address: c/o JE Anderson & Associates
1A-3411 Shenton Road
Nanaimo BC V9T 2H1

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

Legal Descriptions: District Lot 57, Nanoose District AND Block 564, Nanoose District, Except That Part Shown Outlined in red on Plan 613-R and Except Parts in Plans 360RW, 3132RW, 31833, 39893, 42873, VIP66068, VIP67422, VIP69511, VIP71158, VIP75276, VIP75277 and VIP75278 (“Lands”)

Civic Addresses: Kaye Road P.I.D.: 009-360-832 and 001-981-706

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 to 3, 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 XXth day of Month, 20XX.

Schedule 1
Terms & Conditions of Permit
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The following sets out the terms and conditions of Development Permit with Variance No. PL2020-035:

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 A from 40% to 43.8% of the length of the perimeter of the parcel and Lot B from 40% to 40.9% of the length of the perimeter of the parcel only as shown on Schedule 2.

Section 4.3.4 – Parcel Size to increase the 50% provision of lots permitted to be reduced more than 80% of the size permitted in the subdivision district and reduce the permitted 80% reduction in parcel size as follows:

- a) a maximum of 75% of the proposed parcels within the land to be subdivided may be reduced in size as follows and only as shown on Schedule 2:

<i>Proposed Lot #</i>	<i>80% of 8.0 Hectares</i>	<i>Proposed Parcel Size</i>	<i>Requested Variance</i>
Lot A	6.4 ha	1.04 ha	From 80% to 13.0%
Lot B	6.4 ha	1.00 ha	From 80% to 12.5%
Lot C	6.4 ha	1.08 ha	From 80% to 13.5%

Conditions of Approval

1. The Lands are developed:
 - a. in accordance with the Plan of Subdivision prepared by J.E. Anderson & Associates Ltd., dated January 7, 2021, and attached as Schedule 2.
 - b. in accordance with the recommendations contained in the Biophysical Assessment prepared by Aquaparian Environmental Consulting Ltd., dated June 2020:
 - any development clearing must be completed outside of the songbird nesting window (March 1 – August 1) or else a detailed bird nesting survey must be completed no more than three days prior to clearing.

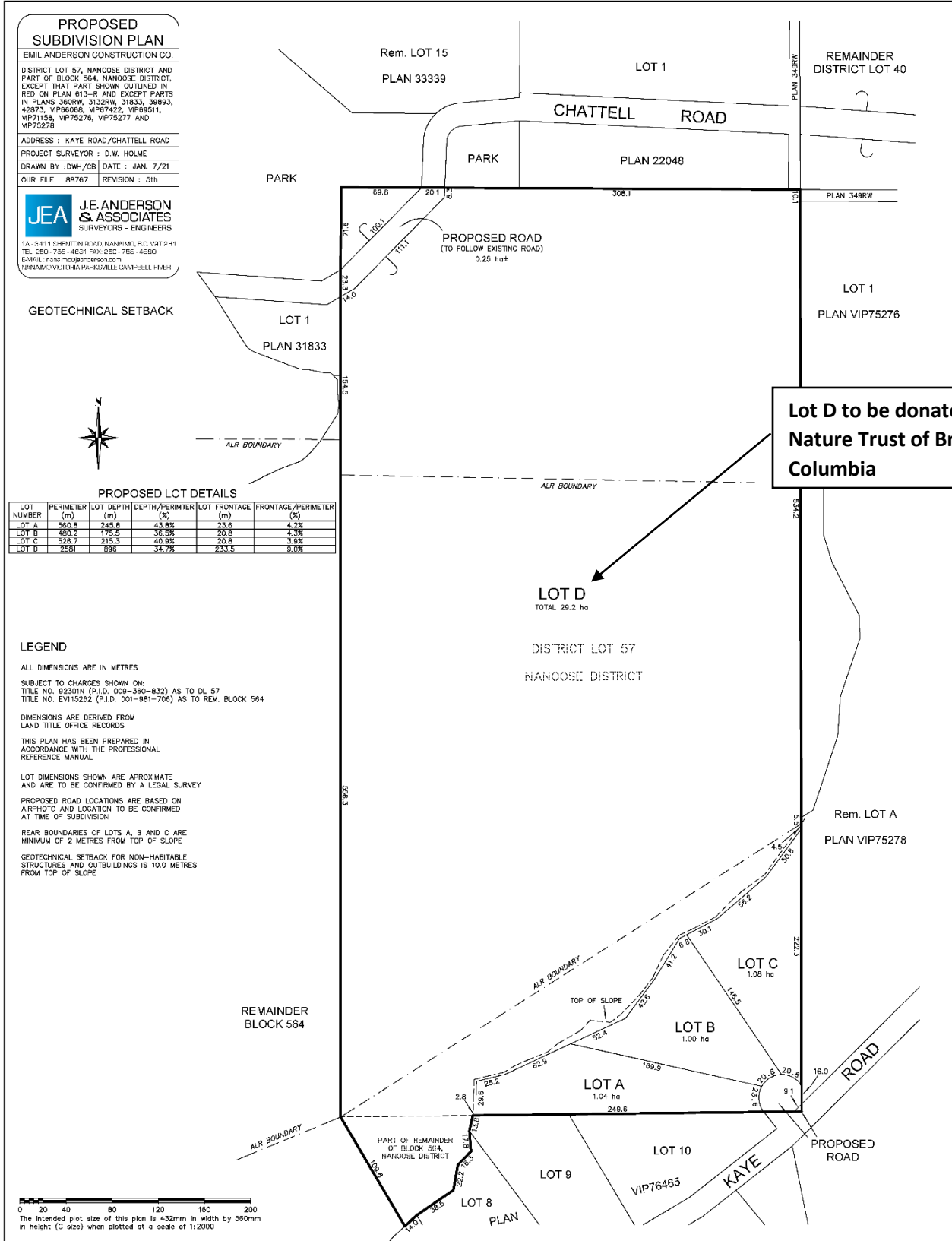
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- a detailed Environmental Protection Plan (EPP) will be required before any development is to occur following the subdivision approval and must be submitted as part of a building permit application.
 - c. in accordance with the recommendations contained in the Riparian Areas Assessment prepared by Aquaparian Environmental Consulting Ltd., dated January 14, 2021.
 - d. in accordance with the recommendations contained in the Geotechnical Assessment prepared by Lewkowich Engineering Associates, dated January 14, 2021.
 - e. in accordance with the recommendations in the Desktop Hydrogeological Assessment by Chinook Arch Geoscience Inc., dated May 7, 2020.
2. The issuance of this permit shall be withheld until the Permittee, at the Permittee's expense, registers a Section 219 Covenant concurrently with the final plan of subdivision, including the following:
- a. that future development follows the recommendations as set out by Regional & Community Utilities & Solid Waste Department to:
 - Limit irrigated turf/lawn area to less than 30% of landscape
 - Limit irrigation to drip irrigation only
 - Require rainwater harvesting for outdoor water use in general compliance with the relevant sections of the Regional District of Nanaimo Rainwater Harvesting Guidebook.
 - b. restrict the permitted uses to residential use only, no detached suites permitted, and livestock be restricted to household livestock and household poultry only.
 - c. register the Geotechnical Assessment prepared by Lewkowich Engineering Associates, dated January 14, 2021, and include a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard. The covenant is to restrict any vegetation removal, land alteration or structures within the 10.0 metre geotechnical setback, except for maintenance of existing conditions and unless otherwise approved by the RDN.
 - d. future development of Lots A, B and C occur in a manner consistent with the Desktop Hydrogeological Assessment by Chinook Arch Geoscience Inc., dated May 7, 2020.
 - e. that Lot D shall not be used for any use nor construct any dwelling unit or structure that is not incidental to the purpose of a land conservancy.
 - f. in the event that The Nature Trust of British Columbia (NTBC) dissolves the organization and another land trust with a substantially similar mission as theirs is not available to assume the Lands, the NTBC shall transfer the lands by conveyance to the RDN.

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- g. no future subdivision of Lots A, B, C and D.
- 3. The Permittee, at the Permittee's expense, shall register a Statutory Right of Way (SRW) on Lot D, to permit public use and maintenance of existing trails. To be registered concurrently with the plan of subdivision.
- 4. The Permittee shall install a fence on the rear parcel lines of proposed Lots A, B and C to demarcate the Riparian Assessment Area and steep slope hazard geotechnical setback. The fence shall include the signage standards for the RDN and Province of BC. The fence and signage shall be installed to the satisfaction of the General Manager of Strategic and Community Development prior to the issuance of RDN subdivision compliance letter.
- 5. The property owner shall obtain any permissions or approvals and meet Policies and Regulations of the Agricultural Land Commission.

Schedule 2 Plan of Subdivision



Schedule 3 Survey Plan with Variances

