

**Attachment 2
Draft Development Permit with Variance**

 <p>REGIONAL DISTRICT OF NANAIMO</p>	<p style="text-align: right;">PLANNING AND DEVELOPMENT</p> <p style="text-align: right;">6300 Hammond Bay Road, Nanaimo, BC V9T 6N2 250-390-6510 or 1-877-607-4111 www.rdn.bc.ca</p> <p style="text-align: right;">DEVELOPMENT PERMIT WITH VARIANCE NO. PL2022-058</p>
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To: ("Permittee") Burbank Developments Ltd.

Mailing Address: c/o Teaco Properties, 7025 Aulds Road, Lantzville, BC, V0R 2H0

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 Description: Lot 1, District Lot 15, Bright District, Plan 35579 ("Lands")

Civic Address: 1752 Timberlands Road **P.I.D.:** 000-350-532

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, 3, 4, and 5, 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. Provisions of Section 502 of the *Local Government Act*, to provide security for landscaping in the amount of sixty seven thousand (\$67,000) ("Deposit"), applies to this development.
9. This permit prevails over the provisions of the bylaw in the event of conflict.
10. 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.
11. 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

The following sets out the terms and conditions of Development Permit with Variance No. PL2022-058:

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 3.4.31** – Maximum Number and Size of Buildings and Structures to increase the height from 8.0 metres to 8.9 metres for Building 2 of the proposed light industrial buildings.

Conditions of Approval

1. The Lands are developed:
 - a. in accordance with the Survey Plan prepared by JE Anderson & Associates, dated May 20, 2022, and attached as Schedule 2.
 - b. in accordance with the Site Plan prepared by Herold Engineering Limited, dated April 20, 2022, and attached as Schedule 3.
 - c. in general compliance with the plans and elevations prepared by Herold Engineering Limited, dated March 18, 2022, and attached as Schedule 4.
 - d. in accordance with the Landscaping Plan prepared by Insignia Landscapes, dated May 5, 2022, and attached as Attachment 5.
 - e. in accordance with the recommendations contained in the Hydrogeological Assessment prepared by Waterline Resources Inc., dated March 17, 2022.
 - f. In accordance with the recommendations contained in the Servicing Report prepared by Aplin Martin, dated March 22, 2022.
2. The issuance of this permit shall be withheld until the Permittee, at the Permittee's expense, registers a Section 219 Covenant on the property title containing the Stormwater Management Facilities Operations and Maintenance Procedures prepared by Aplin Martin for the maintenance of stormwater facilities identified in the Servicing Report prepared by Aplin Martin, dated March 22, 2022.
3. Exterior lighting of roads, parking areas or buildings for the proposed development will use full cut-off lens lighting fixtures.
4. The applicant shall provide a landscaping security deposit in the amount of \$67,000.
5. Prior to the issuance of the first building permit, the applicant shall confirm that an agreement has been executed to allow the fire department access to the water source and firefighting apparatus.

6. The RDN shall return the Deposit to the Permittee on the following terms:

a. If:

- i. the Permittee provides to the General Manager of Planning and Development written confirmation, to the General Manager's satisfaction, that the plantings have been installed in accordance with the recommendations of the Revegetation Plan; and
- ii. following a site visit conducted by RDN staff, the General Manager is satisfied that the plantings have been installed in accordance with the recommendations of the Revegetation Plan;

then the RDN shall return 20% of the Deposit to the Permittee; and

b. If:

- i. the Permittee provides to the General Manager written confirmation, to the General Manager's satisfaction, that the plantings have been maintained in accordance with the recommendations of the Revegetation Plan; and
- ii. following a site visit conducted by RDN staff, the General Manager is satisfied that the plantings have been maintained for two years in accordance with the recommendations of the Revegetation Plan;

then the RDN shall return 80% of the Deposit to the Permittee.

Schedule 2
Survey Plan with Variance (Page 2 of 2 - Englarged)

HEIGHT CALCULATIONS

Building 1

Natural grade under highest roof = 36.30
 Maximum roof elevation = 44.30
 Proposed top of main floor = 36.50
 Proposed top of roof elevation = 43.273
 Proposed building height = 6.973

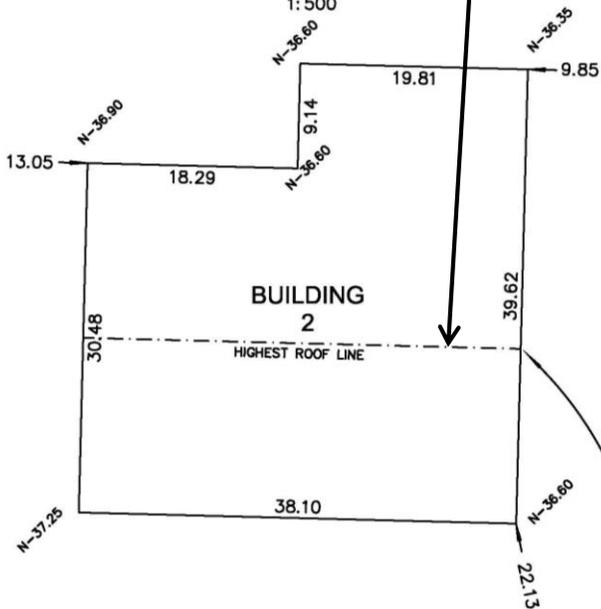
Building 2

Natural grade under highest roof = 36.50
 Maximum roof elevation = 44.50
 Proposed top of main floor = 37.00
 Proposed top of roof elevation = 45.242
 Proposed building height = 8.742

Proposed variance from 8.0 m to 8.9 m

DETAIL 'B'

1:500



Rem. A
 PLAN 8499

1
 PLAN 35579

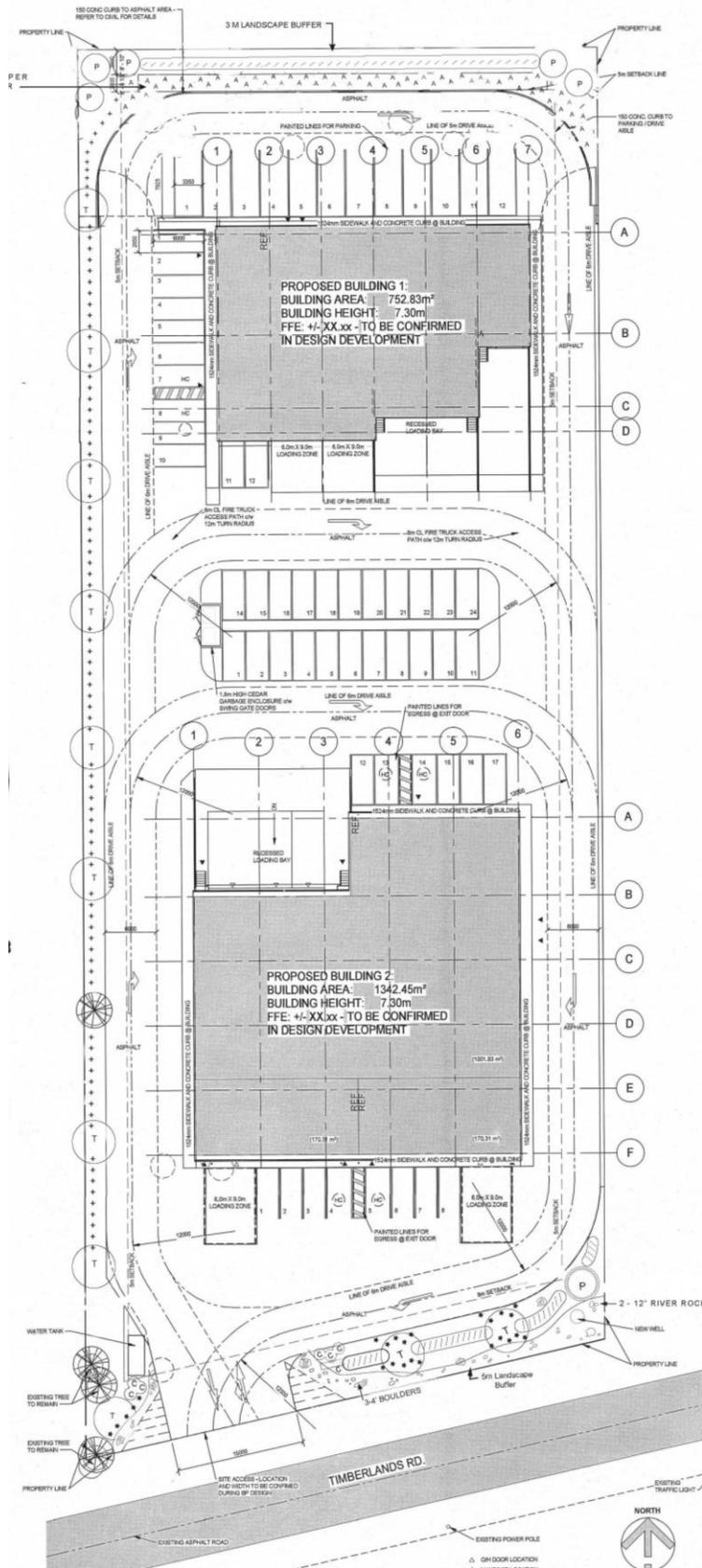
TIMBERLANDS ROAD

ESQUIMALT AND NANAIMO RAILWAY

LOTA PLAN VIP66618

Natural grade under highest roof line
 along height calculation section = 36.50

Schedule 5 Landscaping Plan (Page 2 of 2 – Enlarged)



KEY	QTY	BOTANICAL NAME	COMMON NAME	POT SIZE
P	6	<i>Picea omorika</i>	Serbian Spruce	#25
T	11	<i>Tilia cordata</i> 'Greenspire'	Greenspire Lindon	#25
/	70	<i>Mahonia aquifolium</i>	Oregon Grape	#5
+	130	<i>Cornus sericea</i>	Redosier Dogwood	#1
A	60	<i>Arctostaphylos Uva-Ursi</i>	Kinnickinnick	4"
C	6	<i>Calamagrostis acutifolia</i> 'Karl Foerster'	Feather Reed Grass	#1
*	25	<i>Pennisetum alopecuroides</i> 'Hameln'	Fountain Grass	#1

BC Landscape Standards Minimum Required Soil Depths

Trees: 30cm around all sides and below

Shrubs: 45 cm

Grass and Groundcover: 30 cm