



DEVELOPMENT PERMIT NO. DP000883

COTTLE CREEK VENTURES
Name of Owner(s) of Land (Permittee)

476 NOTTINGHAM DRIVE
Civic Address

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.
2. This development permit applies to and only to those lands within the municipality described below, and any and all building structures and other developments thereon:

Legal Description:

**LOT C, SECTION 15A, WELLINGTON DISTRICT, PLAN VIP85943,
EXCEPT PART IN PLAN EPP37626**

PID No. 027-722-139

3. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this permit and any plans and specifications hereto which shall form a part thereof.

Schedule A Location Plan
Schedule B Site Plan with Site Context
Schedule C Top of Bank and 30m from Top of Bank
Schedule D Environmental Review
Schedule E OHRO Areas Deleted and Areas Retained+

- a) If the applicant does not substantially commence the development permitted by this permit within two years of the date of this permit, the permit shall lapse.
- 4. This permit is not a building permit nor does it constitute approval of any signage. Separate applications must be made for a building permit and sign permit.
- 5. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is varied as follows:

Watercourse Setback – Section 6.3.1.

The required watercourse setback is 30.0m from top of bank of Cottle Creek. The proposed watercourse setback is 3.6m from the GSCA, a variance of 26.4m.

**AUTHORIZING RESOLUTION PASSED BY COUNCIL THE
2ND DAY OF MARCH, 2015.**



Corporate Officer



Date

GN/lb

Prospero attachment: DP000883

SCHEDULE A

This is Schedule A referred to in the Development Permit.

Corporate Officer

March 4/15

Date

| | | | | | | | | | | | |
|------|------|------|------|------|------|------|------|------|------|------|------|
| 3548 | 3544 | 3540 | 3536 | 3532 | 3528 | 3524 | 3520 | 3516 | 3512 | 3508 | 3504 |
|------|------|------|------|------|------|------|------|------|------|------|------|

Wiltshire Dr

R10

R6

Linley Rd

R10

Sunny Dr

Manhas Pl

Nottingham Dr

PRC2

PRC2

Five Rivers Pl

Cottle Pl

R1

DEVELOPMENT PERMIT NO. DP000883

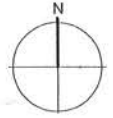
LOCATION PLAN

 Subject Property



Civic: 476 Nottingham Drive
Lot C, Section 15A, Wellington District,
Plan VIP85943

Site Plan with Site Context

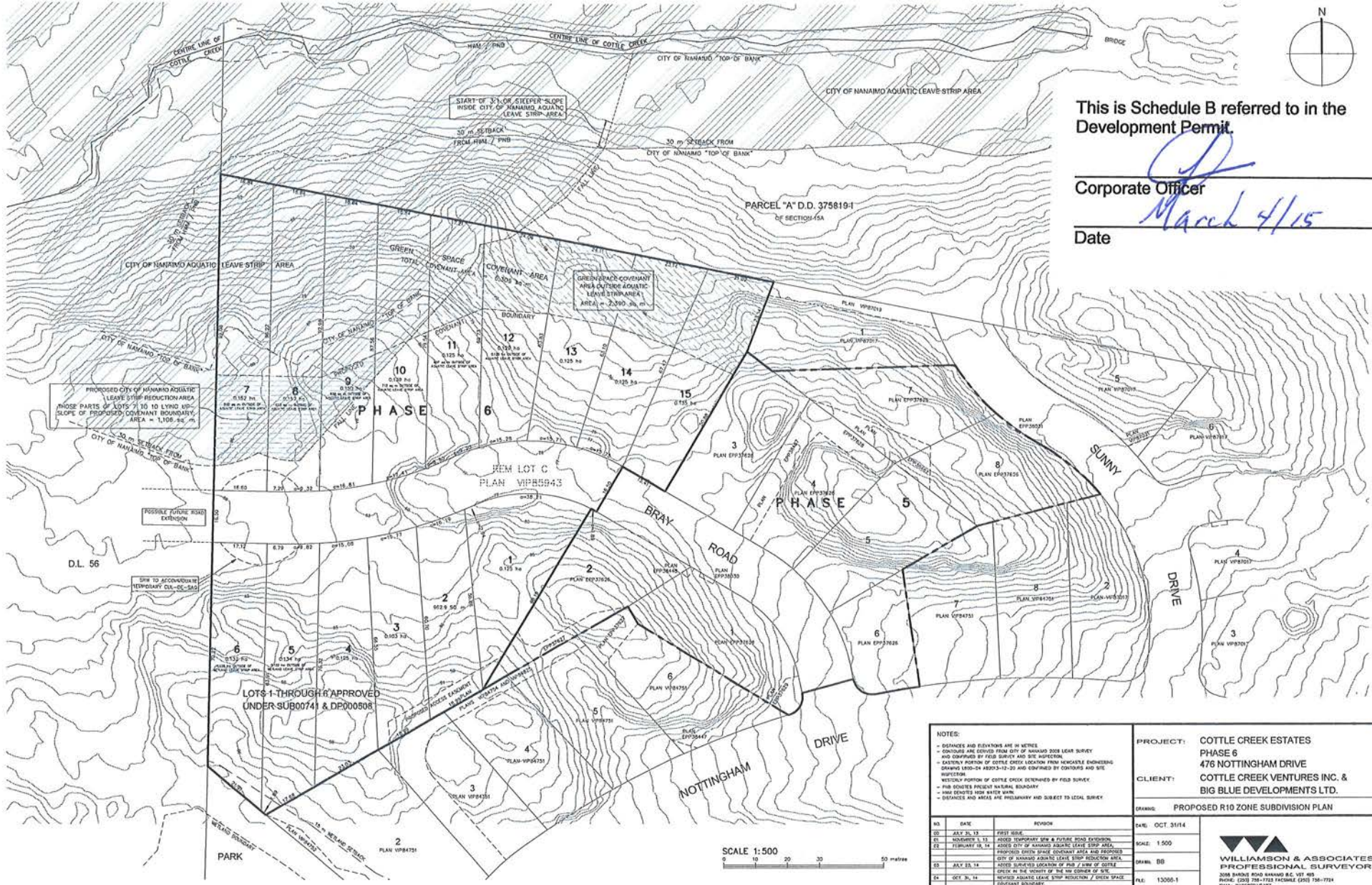


This is Schedule B referred to in the
Development Permit.

Corporate Officer

Date

[Signature]
March 4/15



NOTES:
- DIMENSIONS AND ELEVATIONS ARE IN METRES
- CONTOURS ARE DERIVED FROM CITY OF NANAIMO 2008 LEAS SURVEY AND COMPARED BY FIELD SURVEY AND SITE INSPECTION.
- EASTERN PORTION OF COTTLE CREEK LOCATION FROM NEGOTIABLE ENGINEERING DRAWING 1800-24 WE003-12-20 AND CONFIRMED BY CONTOURS AND SITE INSPECTION.
- WESTERN PORTION OF COTTLE CREEK DETERMINED BY FIELD SURVEY.
- PUB DENOTES PRESENT MAINING BOUNDARY.
- PUB DENOTES HIGH WATER MARK.
- DIMENSIONS AND AREA ARE PRELIMINARY AND SUBJECT TO LEGAL SURVEY.

PROJECT: COTTLE CREEK ESTATES
PHASE 6
476 NOTTINGHAM DRIVE
COTTLE CREEK VENTURES INC. &
BIG BLUE DEVELOPMENTS LTD.
CLIENT:
DRAWING: PROPOSED R10 ZONE SUBDIVISION PLAN

| NO. | DATE | REVISION |
|-----|-----------------|--|
| 01 | | |
| 02 | JULY 26, 13 | FIRST ISSUE |
| 03 | NOVEMBER 1, 13 | ADDED TEMPORARY SIGN & FUTURE ROAD EXTENSION |
| 04 | FEBRUARY 19, 14 | ADDED CITY OF NANAIMO AQUATIC LEAVE STRIP AREA, PROPOSED GREEN SPACE COVENANT AREA AND REDUCED CITY OF NANAIMO AQUATIC LEAVE STRIP REDUCTION AREA |
| 05 | JULY 25, 14 | ADDED SURVEYED LOCATION OF PUB / HIGH WATER MARK IN THE VICINITY OF THE HIGH CENTER OF COTTLE CREEK IN THE VICINITY OF THE HIGH CENTER OF COTTLE CREEK IN THE VICINITY OF THE HIGH CENTER OF COTTLE CREEK IN THE VICINITY OF THE HIGH CENTER OF COTTLE CREEK |
| 06 | OCT. 30, 14 | REVISED AQUATIC LEAVE STRIP REDUCTION / GREEN SPACE COVENANT BOUNDARY. |

DATE: OCT. 31/14
SCALE: 1:500
DRAWN BY: BB
FILE: 13006-1
SHEET: 1 OF 1

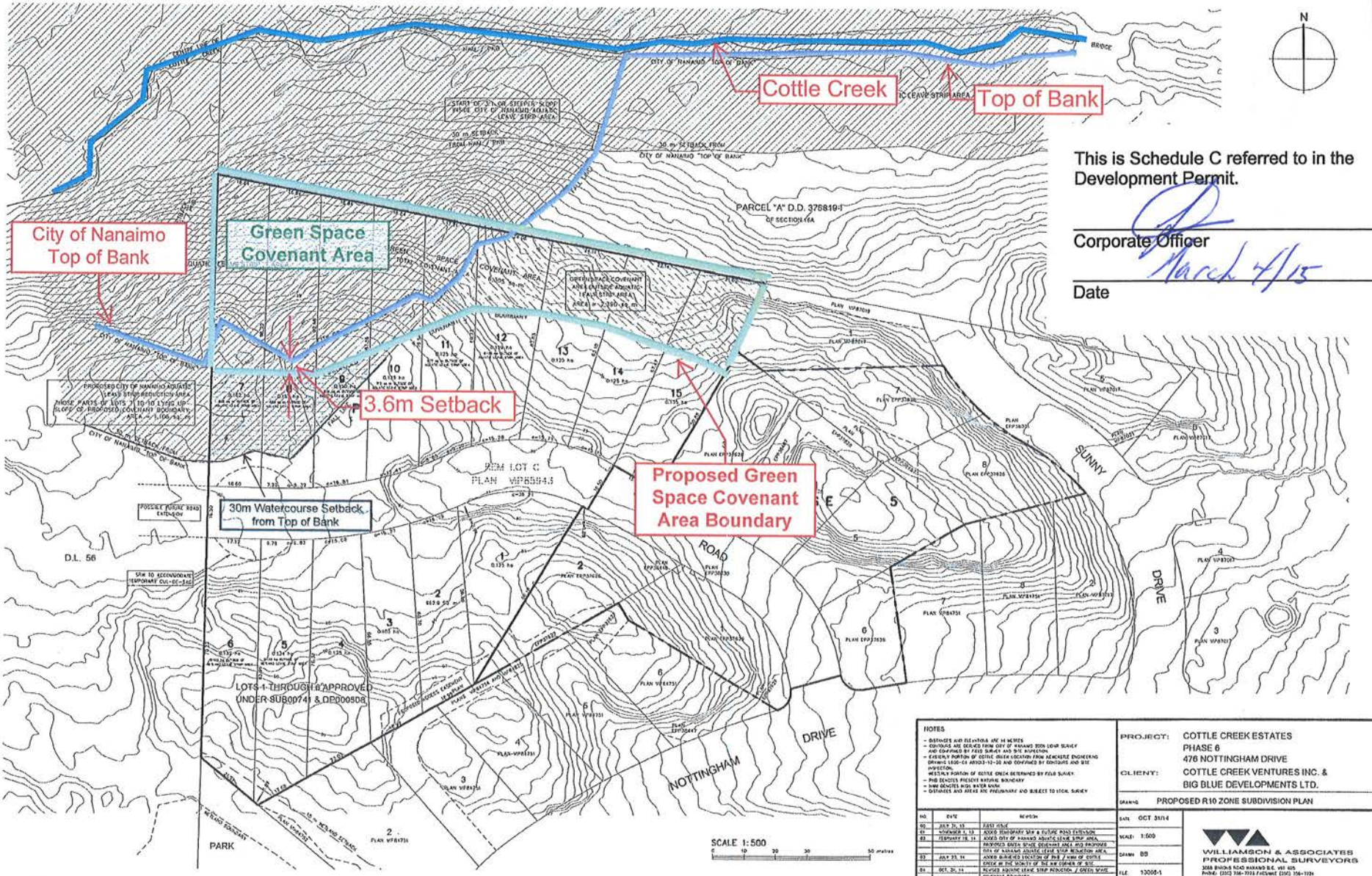


Development Permit DP000883

Schedule C

476 Nottingham Drive

Top of Bank and 30m from Top of Bank



This is Schedule C referred to in the Development Permit.

Corporate Officer

Date

[Signature]
 March 7/15

Proposed Green Space Covenant Area Boundary

3.6m Setback

30m Watercourse Setback from Top of Bank

City of Nanaimo Top of Bank

Green Space Covenant Area

Cottle Creek

Top of Bank

- NOTES
- DISTANCES AND ELEVATIONS ARE IN METRES
 - COORDINATES ARE OBTAINED FROM CITY OF NANAIMO 2008 LOCAL BLOCK AND CORRECTED BY FIELD SURVEY AND THIS SURVEY
 - EXISTING PORTION OF COTTLE CREEK OCCURS FROM ANCHORAGE ENGINEERING DRAWING L100-CE-0003-10-00 AND CORRECTED BY SURVEYING AND GIS
 - WESTERN PORTION OF COTTLE CREEK DETERMINED BY FIELD SURVEY
 - THIS SURVEY FIELD SURVEY BOUNDARY
 - BOUNDARY WITH ADJACENT
 - DISTANCES AND AREAS ARE PRELIMINARY AND SUBJECT TO FIELD SURVEY

PROJECT: COTTLE CREEK ESTATES
 PHASE 6
 476 NOTTINGHAM DRIVE

CLIENT: COTTLE CREEK VENTURES INC. &
 BIG BLUE DEVELOPMENTS LTD.

DRAWN: PROPOSED R10 ZONE SUBDIVISION PLAN

| NO. | DATE | REVISION |
|-----|------------------|---|
| 01 | JULY 26, 14 | ISSUE PERMITS |
| 02 | SEPTEMBER 11, 14 | ADDED STIPULATED SIGN & SURVEY PLAN EXHIBITION |
| 03 | SEPTEMBER 18, 14 | ADDED CITY OF NANAIMO SURVEYING PLAN AREA |
| 04 | SEPTEMBER 23, 14 | PROPOSED GREEN SPACE COVENANT AREA PROPOSED |
| 05 | JULY 23, 15 | CITY OF NANAIMO SURVEYING PLAN AREA |
| 06 | SEP 30, 15 | ADDED BOUNDARY OF THE TOWN OF COTTLE CREEK AT THE SOUTH OF THE AREA OF THE SURVEY |

DATE: OCT 31/14
 SCALE: 1:500
 DRAWN: DS
 FILE: 13006-1
 SHEET: 1 OF 1

WILLIAMSON & ASSOCIATES
 PROFESSIONAL SURVEYORS
 3268 BUCKINGHAM ROAD NANAIMO B.C. V8T 6T5
 PHONE: (250) 758-7722 FACSIMILE: (250) 758-7725
 EMAIL: INFO@WILLIAMSON.SURVEYORS



Toth and Associates Environmental Services

6821 Harwood Drive, Lantzville, B.C. V0R 2H0

Tel: (250) 390-7602 Fax: (250) 390-7603

E-mail: stoth@shaw.ca

Executive Summary of the RAR Assessment & Steep Slope Development Permit Guidelines for Phase 6, Cottle Creek Estates, 476 Nottingham Drive, Nanaimo

- The project will have no negative impact on the watercourse or riparian area as the site lies wholly outside of the 30m riparian assessment area;
- The project requires no additional agency review because it lies wholly outside the 30 m riparian assessment area;
- The destruction of 580 sq. m of OHRO ESA representing 29 % of that area in Lot 7 - 10 is compensated for by the granting of a 6,305 sq. m Green Space Covenant Area over all of Lots 7 -15 which contains the remaining 72% of the OHRO area in Lots 7-10. The covenant boundary will be demarked to alert future lot owners of the sensitive nature of the covenant area;
- The requirement for "No net loss of habitat" has been satisfied; statutorily the project protects 2.2 times more area than it is requesting a variance for under zoning setback requirements, practically it is providing 6,305 sq. m of protected green space covenant area in exchange for destroying 580 sq. m of OHRO area;
- The QEP will monitor the site during the construction and post construction phases of the project to insure compliance with erosion and sediment control measures and to insure the covenant area is not encroached into or compromised during the construction phase of the project.

This is Schedule D referred to in the
Development Permit.



Corporate Officer



Date

Development Permit DP000883
476 Nottingham Drive

Schedule D

Environmental Review



Toth and Associates Environmental Services

6821 Harwood Drive, Lantzville, B.C. V0R 2H0

Tel: (250) 390-7602 Fax: (250) 390-7603

E-mail: stoth@shaw.ca

November 3, 2014

Cottle Creek Ventures Inc. & Big Blue Developments Ltd.

Att: Mr. Luckveer Dley

C/o Williamson & Associates Professional Surveyors

3088 Barons Road

Nanaimo B.C. V9T 4B5

Re: Summary of the RAR Assessment & Steep Slope Development Permit Guidelines for Phase 6, Cottle Creek Estates, 476 Nottingham Drive, Nanaimo.

I, Steve Toth, ASCT, R.P.Bio. (Toth and Associates Environmental Services) conducted a Detailed *Riparian Areas Regulation* (RAR) assessment of Cottle Creek in the Linley Valley area of Nanaimo on January 29, 2014. The requirement for the RAR assessment was triggered by the perceived intrusion into the 30 m riparian assessment area by the proposed 15 lot development of Phase 6 of the Cottle Creek Estates Development located at 476 Nottingham Drive on the south side of the Linley Valley.

The RAR Detailed Assessment resulted in the minimum Streamside Protection and Enhancement Area (SPEA) setbacks permissible under the RAR of 10.0 m from the high water mark of Cottle Creek. The boundaries of the developable portions (i.e. those areas upslope (south) of the proposed Green Space Covenant Area) of Lots 7-15 would be a minimum of 60 m from the high water mark of Cottle Creek and therefore the proposed development will not have a negative impact on the SPEA setback of Cottle Creek.

A survey conducted by Williamson and Associates as shown on their attached plan (drawing 13066-1 Rev 04), determined that the proposed development boundaries are located outside the 30m riparian assessment area, therefore there is no additional agency review required as the subject site will not intrude within the 30 m RAR assessment area. As the subject site is not within the 30 m RAR assessment area, there is no net loss of habitat and therefore there are no habitat compensation or restoration works required.

There is very low probability of silt discharge into the 10 m SPEA given its distance from the site, and there will be erosion and sediment control measures put in place during the construction phase of the project. The QEP will monitor the site during the construction and post construction phase of the project to ensure the erosion and sediment control structures are adequate.

An additional survey was conducted on October 28, 2014 to assess the proposed Green Space Covenant Boundary on Lots 7-15 as shown on the attached plan with respect to Section 3.2 of the City's Steep Slope Development Permit Area Guidelines. The survey assessed environmental attributes and plant communities within the developable portions and beyond the covenant boundary on each of the lots. The results are provided in the table below.

Table 1. Inventory of plant communities on Lots 7-15

| Lot No. | Plant community within developable area | Plant community within covenant area |
|---------|---|--|
| 7 | Douglas-fir / salal | 460 m ² Open Herbaceous Rock outcrop / step moss with remainder Douglas-fir / salal |
| 8 | 40 m ² of Douglas-fir / Arbutus / Open Herbaceous Rock outcrop with remainder Douglas-fir / step moss / salal | 325 m ² Open Herbaceous Rock outcrop / grass / step moss with remainder Douglas-fir / arbutus / salal |
| 9 | 300 m ² of Douglas-fir / Arbutus / Open Herbaceous Rock outcrop with remainder Douglas-fir / step moss / salal | 375 m ² Open Herbaceous Rock outcrop / grass / step moss with arbutus and Garry oak |
| 10 | 240 m ² of Douglas-fir / Arbutus / Open Herbaceous Rock outcrop with remainder Douglas-fir / step moss. One small Garry oak near covenant boundary | 280 m ² Open Herbaceous Rock outcrop / grass / step moss with arbutus and Garry oak |
| 11 | Rock outcrop / Douglas-fir / salal / step moss | Rock outcrop / Douglas-fir / salal / step moss |
| 12 | Douglas-fir / salal | Douglas-fir / western redcedar / salal |
| 13 | Douglas-fir / salal. One large Douglas-fir snag. | Douglas-fir / western redcedar / salal / sword fern |
| 14 | Douglas-fir / grand-fir / salal. Previously cleared old road grade through lot. | Douglas-fir / grand-fir / salal |
| 15 | Douglas-fir / grand-fir / salal. | Douglas-fir / grand-fir / salal. Previously cleared old road grade through lot. |

The Open Herbaceous Rock Outcrop (OHRO) is listed as an Environmentally Sensitive Area (ESA) by the City of Nanaimo and comprises approximately 2,020 sq. m of Lots 7 -10, with 580 sq. m lying inside the developable area of those lots and 1,440 sq. m lying outside the developable area of those lots. Based on the field survey, development of Lots 7-10 would result in loss of approximately 29% of the OHRO present on Lots 7-15, with 71% of the OHRO-ESA protected within covenant boundaries.

The primary measure taken by the Developer to avoid impacts on the environmental attributes on Lots 7 – 15 is the granting to the City of the Green Space Covenant Area. The proposed covenant area will protect the vast majority of environmentally significant attributes and features on these properties.

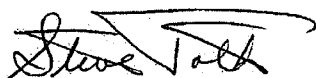
We note that though the attached plan is illustrating a reduction of the “aquatic” leave strip area of 1,106 sq. m, this is only because of how the top of bank (which determines the extent of the aquatic leave strip area) is defined in the Zoning Bylaw. No portion of this site is aquatic or riparian in nature under the RAR, as it is far enough removed from Cottle Creek as stated earlier. Despite the fact the reduction area is technically not aquatic, there is actually a net gain of protected area over what is prescribed by the aquatic setback in the Zoning Bylaw. As shown on the attached plan, the Developer is proposing 2,390 sq. m of protected Green Space Covenant area versus requesting a reduction of “aquatic” setback area of 1,106 sq. m; 2.2 times the area lost will be gained. We also note that

because the full extent of the covenant area captures all of the "aquatic" area up slope from the creek, it more than offsets the 29% loss of the OHRO area in the developable area of the lots.

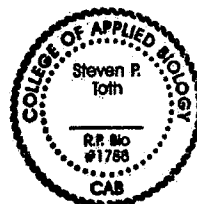
We recommend that the covenant boundary be marked with either low fencing or signage to alert future lot owners of the sensitive nature of the covenant area.

Please contact us if you require any additional information.

Sincerely,
Steve Toth, AScT, R.P.Bio.



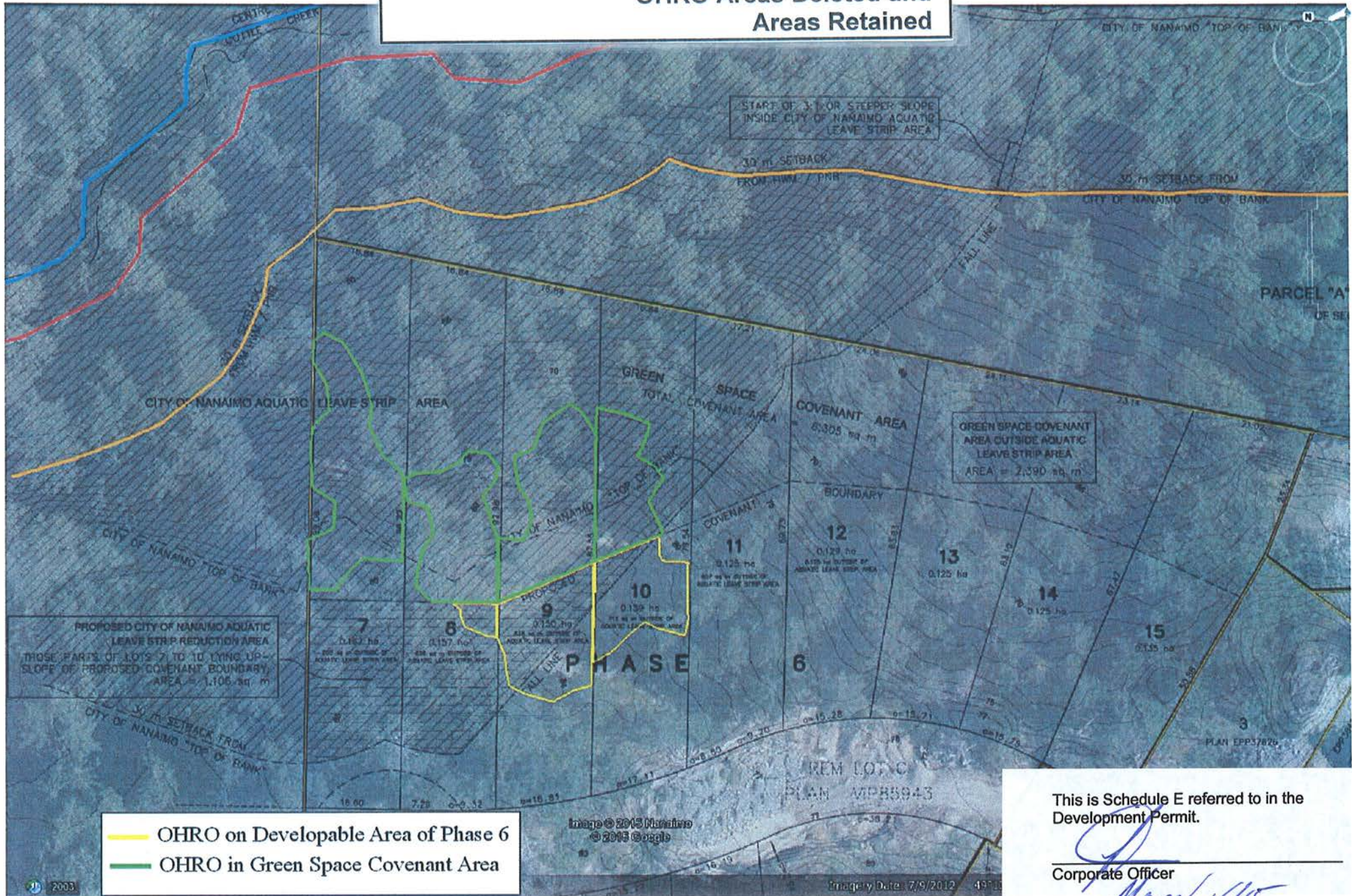
Toth and Associates Environmental Services



Development Permit DP000883
476 Nottingham Drive

Schedule E

OHRO Areas Deleted and Areas Retained



This is Schedule E referred to in the Development Permit.

Corporate Officer

Date

March 4/15