



DEVELOPMENT PERMIT NO. DP000988

GEORGE KRESS

Name of Owner(s) of Land (Permittee)

5800 CARLTON ROAD and 6004 NELSON ROAD

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:

THAT PART OF LOT 1, DISTRICT LOT 32, WELLINGTON DISTRICT, PLAN 11906 LYING TO THE WEST OF A BOUNDARY PARALLEL TO THE WESTERLY BOUNDARY OF SAID LOT ONE AND EXTENDING FROM A POINT ON THE NORTHERLY BOUNDARY OF NELSON ROAD AS DEDICATED BY SAID PLAN DISTANT 137.56 FEET EASTERLY FROM THE MOST WESTERLY BOUNDARY OF SAID LOT 1 TO WHICH THE REGISTRAR ASSIGNS THE DISTINGUISHING LETTER A.

PID No. 004-906-446

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 Overall Site Plan (Proposed Lots 1 and 2)

Schedule C Watercourse Setback (Lot 1)

Schedule D Qualified Environmental Professional Report

- 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:

Section 7.5.2 – Siting of Buildings:

The required watercourse leave strip setback is 15m from top of bank for McGregor Creek. The watercourse leave strip setback is varied to 5.6m, a variance of 9.4m.

AUTHORIZING RESOLUTION PASSED
BY COUNCIL THE 11TH DAY OF JULY, 2016.

Shana Gracie
Corporate Officer

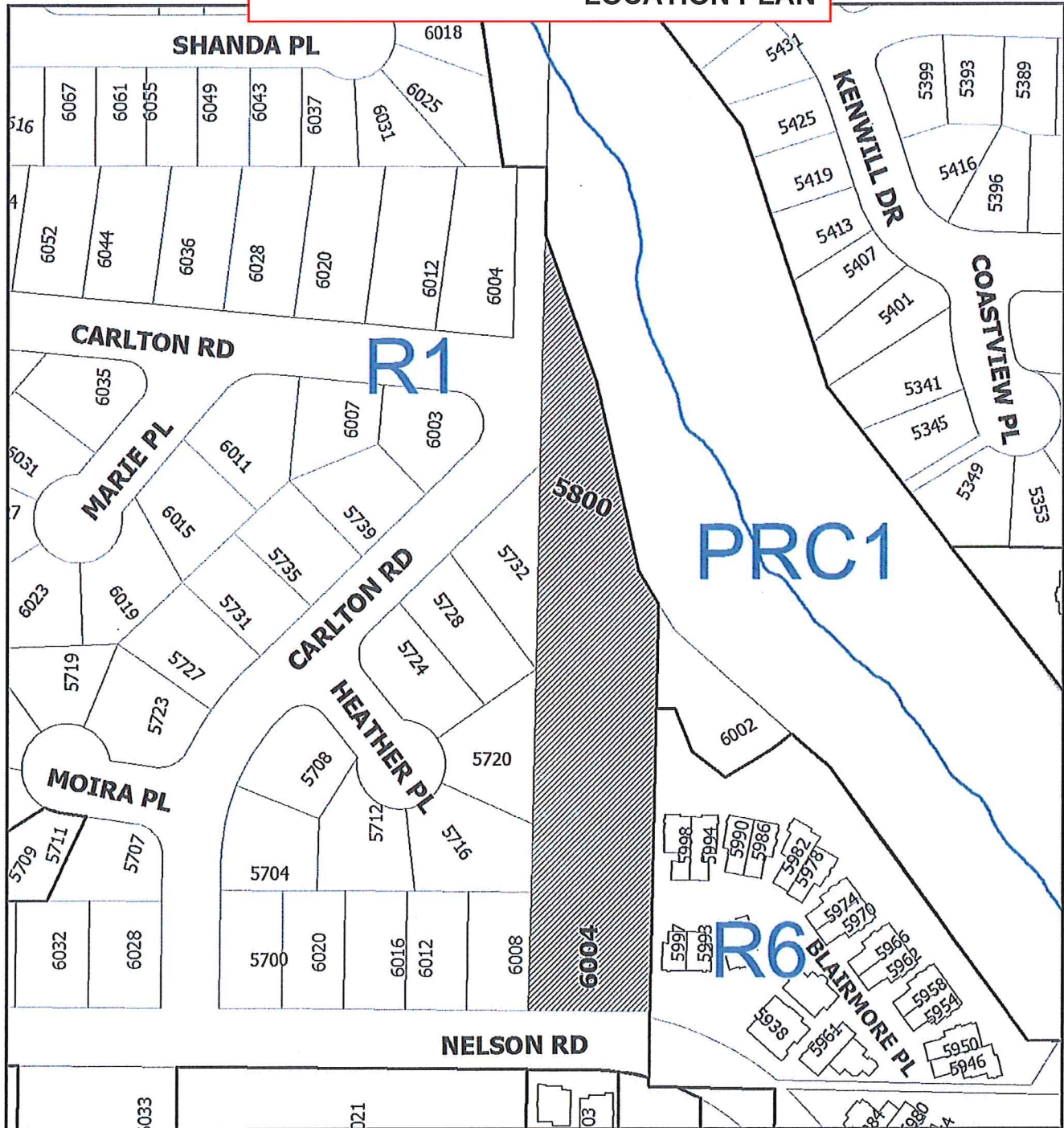
2016-JUL-14
Date

GN/In
Prospero attachment: DP000988

Development Permit DP000988
5800 Carlton Road / 6004 Nelson Road

Schedule A

LOCATION PLAN



DEVELOPMENT PERMIT NO. DP000988

LOCATION PLAN



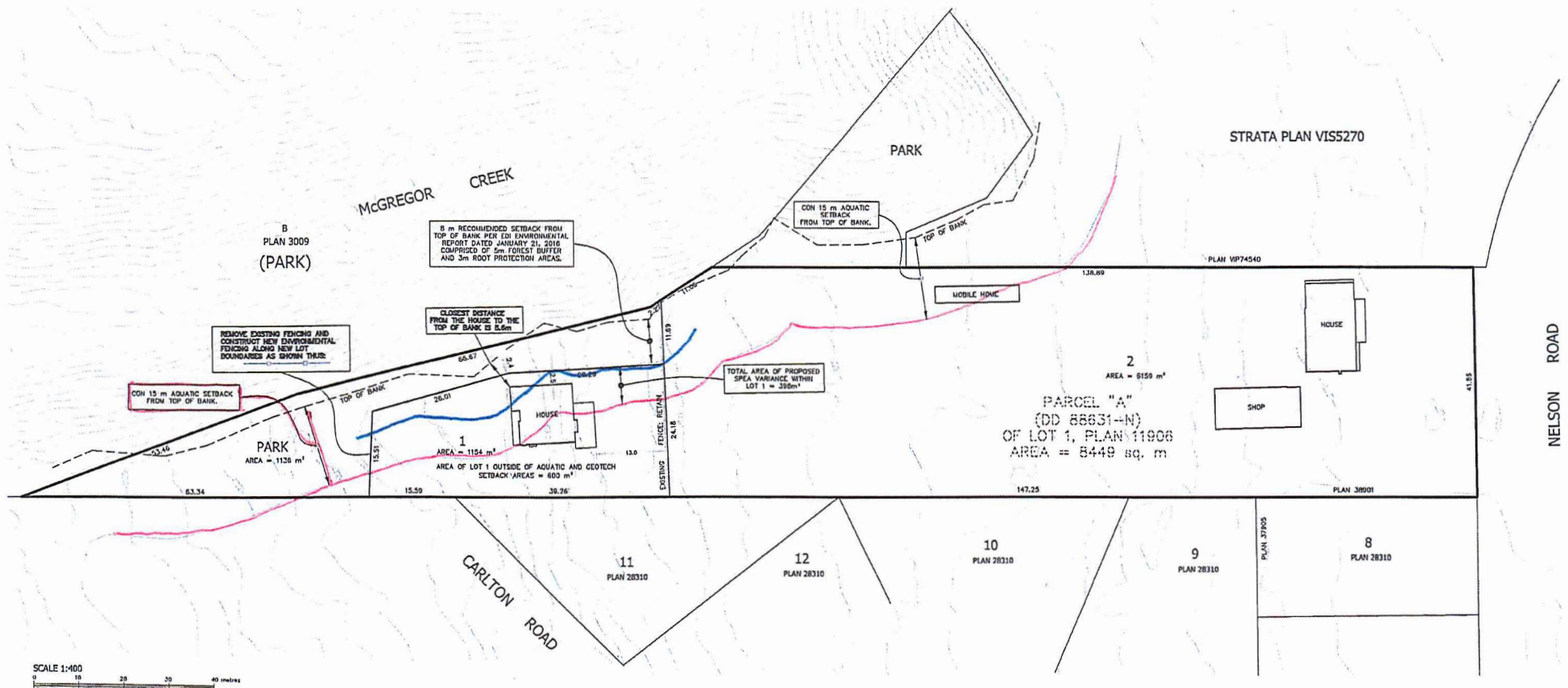
Subject
Property

Civic: 5800 Carlton Road and 6004 Nelson Road
That Part of Lot 1, District Lot 32, Wellington District, Plan 11906 Lying to the West of a boundary parallel to the Westerly boundary of said Lot One and extending from a point on the Northerly boundary of Nelson Road as dedicated by said Plan distant 137.56 feet Easterly from the most Western boundary of said Lot 1 to which the Registrar assigns the distinguishing Letter A

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5800 Carlton Road / 6004 Nelson Road

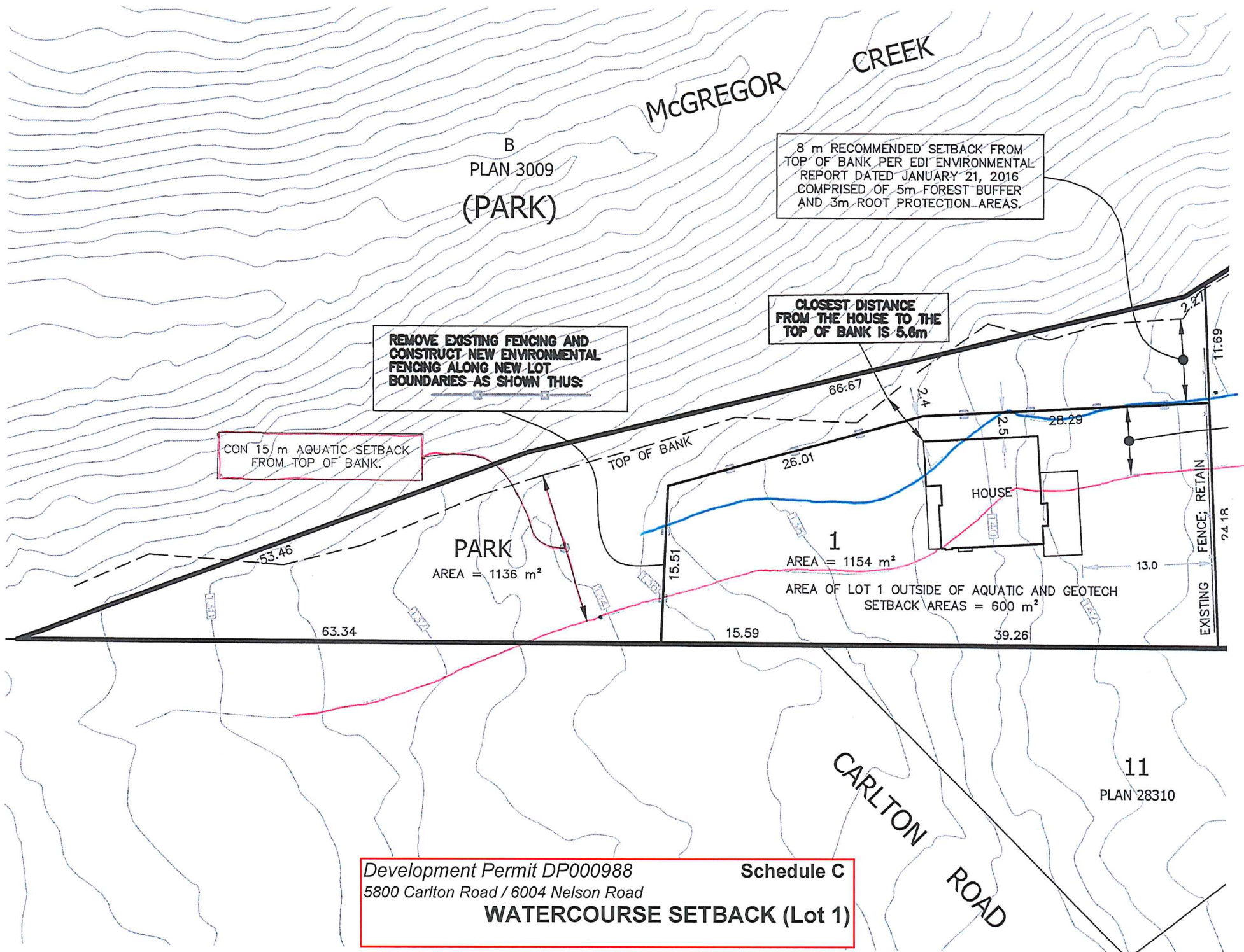
Schedule B

OVERALL SITE PLAN (Proposed Lots 1 and 2)



PROJECT:	PROPOSED SUBDIVISION OF 6004 NELSON ROAD AND 5800 CARLTON ROAD. (WATERCOURSE SETBACK)
CLIENT:	0846306 B.C. LTD.
DRAWING:	PROPOSED SUBDIVISION PLAN
DATE:	MAY 9 2016
SCALE:	1:400
DRAWN BY:	WILLIAMSON & ASSOCIATES PROFESSIONAL SURVEYORS
FILE:	13120-4 PIA PLAN SHEET 1
SHEET:	1 OF 2

SITE STATISTICS	
FREE SIMPLE SUBDIVISION TO CREATE ONE RESIDENTIAL LOT FOR THE EXISTING HOUSE AT 5800 CARLTON ROAD (LOT 1) AND ONE RESIDENTIAL LOT OF THE REMAINDER (LOT 2; 6004 NELSON ROAD).	
LEGAL DESCRIPTION:	PARCEL "A" (DD 88631-10) OF LOT 1, DISTRICT LOT 31, WELLINGTON
DATE ACQUIRED:	8-20-2016
PROPOSED DEVELOPMENT:	2 LOT FTE SIMPLE SUBDIVISION
LOT AREA:	0.40-1.00
PARK DESIGNATION REQUIRED:	NONE
PARK DESIGNATION PROPOSED:	0.174 ha



Development Permit DP000988 Schedule C
5800 Carlton Road / 6004 Nelson Road
WATERCOURSE SETBACK (Lot 1)

**QUALIFIED ENVIRONMENTAL
PROFESSIONAL REPORT**



208A - 2520 Bowen Road
Nanaimo, BC V9T 3L3
P: (250) 751-9070

June 27, 2016

EDI Project No: 15N0351

0846306 BC Ltd.
5716 Heather Place
Nanaimo, BC V9T 5N7

Attention: Michael Naprawa

RE: Watercourse Setback Variance for the Proposed Subdivision of Parcel "A" (88631N) of Lot 1, District Lot 32, Wellington District, Plan 11906.

EDI Environmental Dynamics Inc. (EDI) was retained by 0846306 BC Ltd. to review the subject property (Parcel "A" (88631N) of Lot 1, District Lot 32, Wellington District, Plan 11906) and provide an opinion on whether seeking a watercourse setback variance for subdivision was feasible. Through an assessment of the site, it was determined that a proposed setback variance is feasible and would be ecologically acceptable under specific conditions. The following is an executive summary as required by City of Nanaimo for any proposed watercourse setback variance requests.

EXECUTIVE SUMMARY

The proposed watercourse setback variance request is needed to accommodate subdivision of the subject property into two residential lots, one fronting Carlton Road and the other fronting Nelson Road.

The property is adjacent to a forested ravine through which McGregor Creek flows. The creek has poor quality aquatic habitat and is considered to be non-fish bearing and not applicable under the Riparian Areas Regulation (RAR). Upstream of the subject property, McGregor Creek and some of its tributaries are known to contain stickleback but these are not defined as "fish" under the RAR and are unlikely to occur in the portion of the creek near the subject property.

The variance request includes a reduction of the 15 m setback specified by Zoning Bylaw No. 4000 to accommodate the existing residential development and proposed new lot at 5800 Carlton Road, which has an area of 1154 m². The proposed 15 m setback variance includes:

- Reduction to an 8 m riparian setback (comprised of 5 m forest buffer and 3 m root protection areas) within the existing developed area of the proposed lot.
- The 8 m riparian setback within the proposed lot will be protected by a restrictive covenant.
- The existing developments (house, yard, driveway etc.) will remain; however, a portion of the existing fenced yard will be reduced. Any new development proposed in the future would need to occur outside of the 8 m setback.



- The 8 m riparian setback extends beyond the 6 m geotechnical setback recommended by Lewkowich Engineering Associates Ltd. for any future construction.

The total area of the proposed riparian setback variance is ~395 m² and is entirely within a previously disturbed area associated with the existing residential development. To offset the proposed loss of this riparian setback area, the following is proposed:

- 1136 m² of park dedication adjacent to the existing park at 5317 Rutherford Road.
- Removal of the existing chain link fence, which is near the top of bank. This fence is to be replaced with an environmental protection fence along the new park boundary as per the site plan (north and east boundaries of the proposed lot).

The proposed subdivision and setback variance have minimal potential to negatively impact the primary ecological values associated with McGregor Creek and its riparian area given that offsetting with park dedication is proposed. No new development (including clearing) will occur within 5 m from the top of ravine bank, which has been recommended by EDI as the minimum setback needed to protect the primary ecological values of the riparian area within and along the ravine. To ensure the integrity of the 5 m buffer an additional 3 m buffer has been added to protect tree roots. Any future removal of hazardous trees within the protected areas shall be in accordance with the City of Nanaimo Management and Protection of Trees Bylaw and tree replacement shall occur in accordance with Schedule H of the bylaw.

In consideration of the ecological values of the site the proposed subdivision is not expected to result in adverse environmental impacts to the primary ecological values of the riparian area. The requirements for a variance request described in the OCP for DPA2 (Environmentally Sensitive Areas) have been reviewed and considered by EDI and it is our opinion that they have been appropriately addressed. Given the proposed offsetting and the fact that the ongoing use of the existing developed areas are grandfathered, the variance request is considered a net benefit in terms of securing long-term protection of the forested portion of the riparian area. In addition, the offsetting and mitigation measures are considered to be aligned with the Urban Forest Management Strategy – Parks and Natural Areas Management: "to maintain and expand the forested character of Nanaimo by preserving wildlife habitat, parks and greenway corridors with policies relating to tree retention, replanting and pre-planting in newly-developed areas."

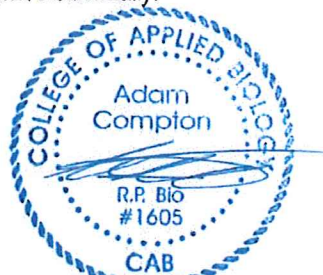
Please let me know if you have any questions regarding this executive summary.

Yours truly,

EDI Environmental Dynamics Inc.


Adam Compton, R.P. Bio.

Project Manager/Senior Biologist



*original signed +
sealed Jun 27/16*

