



City of PARKSVILLE

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Telephone: (250) 248-6144 Fax: (250) 248-6650
www.parksville.ca

March 11, 2008

Ardent Properties Inc.
371 Franklyn Street
Nanaimo, BC V9R 2X5

COPY

ATTENTION: R. KELLY

Dear Sirs:

**SUBJECT: APPLICATION FOR A DEVELOPMENT PERMIT FOR REMOVAL OF 28
TREES AND PRUNING WORKS OVER COMMON PROPERTIES AT CRAIG
BAY ESTATES PROPERTIES
OUR FILE NO: 3060-30-07-08**

Further to our letter to you dated March 6, 2008, please find attached the Development Permit regarding the above noted application. Please have your clients execute the Development Permit where noted and return to our office at your earliest convenience.

If I may provide further clarification or be of additional assistance please do not hesitate to contact me. My direct line number is (250) 954-3066 and my email address is NGray@parksville.ca.

Yours truly,

NIGEL GRAY, MBCSLA
Planner

NG/dd

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cc R. Reynolds, Concise Strata Management



CITY OF PARKSVILLE

DEVELOPMENT PERMIT AMENDMENT

No. _____

File Number: 3060-30-07-08

Expiry Date: March 3, 2010

This Permit is issued to:

Name: The Strata Council of Strata Plan VIS4116,
The Strata Council of Strata Plan VIS4796,
The Strata Council of Strata Plan VIS5081 and
The Strata Council of Strata Plan VIS6296

Address: Common Property of Strata Plans VIS4116, VIS4796, VIS5081 and
VIS6296

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. The provisions of the Development Permit shall prevail over any other provisions of the bylaws in the event of conflict.
2. This Development Permit applies only to those lands within the City described below and any buildings or structures and other development thereon:

Civic Address: Common Property of Strata Plans VIS4116, VIS4796, VIS5081
and VIS6296

Legal Description: Common Property of:
Lots 1 – 87, District Lot 40, Nanoose District, Plan VIS4116,
Lots 1 – 60, District Lot 40, Nanoose District, Plan VIS4796,
Lots 1 – 229, District Lot 40, Nanoose District, Plan VIS5081,
Lots 1 – 30, District Lot 40, Nanoose District, Plan VIS6296.

(the "Lands")

3. Authorization is hereby given for the above described properties to be developed as follows:

To permit the removal of hazard and dead trees including associated pruning works, and the establishment of guidelines and procedures for tree

management, for Strata Plans VIS4116, VIS4796, VIS5081 and VIS6296 located at Craig Bay Estates.

4. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit, which shall form a part thereof.

(a) Terms and conditions of Permit:

GENERAL ADMINISTRATIVE

- (1) In general terms, matters of routine tree and vegetation maintenance not affecting the integrity of the original landscape plan will come under the administration of Craig Bay's Community Lands Committee or relevant strata corporation. The term 'not affecting the integrity of the original landscape plan' shall be read to mean the retention of natural and under story vegetation to the extent described on the original Development Permit landscape drawings.
- a) Despite the above, noxious and invasive weed species may be managed as described in the *Provincial Weed Control Act*.
- (2) Tree removal or landscape plan alteration for areas indicated as 'buffer' Area #1 or 'natural area' and Areas 2 or 4 on the original landscape plan will require City approval in the form of a Development Permit as follows:
- a) Removal of 'hazard trees' and 'dead trees' which meet the following definition in the written opinion of a Certified Arborist and/or Qualified Environmental Professional (QEP) will be authorized for removal, without the requirement for a permit or fee, upon the filing, in the City's required format, of the written arborist's or QEP report with the Director of Community Planning:
- b) "Dead Tree" means a tree which is declared as such by a Certified Arborist.
- c) "Hazardous tree" means a tree which is considered, by a Certified Arborist, to pose an imminent danger to persons or property.
- (3) Removal of live non-hazard trees within Areas 1, 2 and 4 require a Development Permit issued by Council.
- (4) Applicable Area Specific Guidelines
- a) Area 1 – Northwest Bay Road Buffer. The buffer area can be generally described as extending from the edge of the Northwest Bay Road right-of-way to within 6 metres of a rear building face of any single family dwelling or to the edge of paving for adjacent internal roadways, or as delineated by 'the limits of cultivated landscape' indicated on the original Development Permit drawings.

i) Requests for tree removal or other alteration within buffer areas as indicated on the map below shall be evaluated based on the following criteria:

- (A) Tree removal will only be considered where, in the opinion of Council, the subject tree or trees are believed to pose a hazard or are dead.
- (B) Alteration of trees shall be limited to the removal of dead wood, crown thinning and selective pruning in order to remove a potential hazard.

b) Area 2 – Riparian Areas. Riparian Areas, for the terms of this document, means a Streamside Protection and Enhancement Area (SPEA) as determined by a Qualified Environmental Professional (QEP) through a report prepared pursuant to the Provincial *Riparian Areas Regulation Act* (BC Reg. 376/2004) and the report has been submitted to and the findings are accepted by the Province.

i) Where no SPEA has been determined the riparian areas shall be deemed as follows:

- (A) A stream includes a 30 metre strip on both sides of the stream measured horizontally from the high water mark;
- (B) A ravine less than 60 metres wide that includes a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank;
- (C) A ravine 60 metres wide or greater that includes a strip on both sides of the stream measured horizontally from the high water mark to a point that is 10 metres beyond the top of the ravine bank;

ii) Requests for tree removal or other alteration within riparian areas as generally indicated on the map below shall be evaluated based on the following criteria:

- (A) Tree removal will only be considered where, in the opinion of Council, the subject tree or trees are believed to pose a hazard.
- (B) A tree has been assessed by a Qualified Environmental Professional (QEP) in accordance with current Provincial Riparian Area Regulations or permission has been given in writing by the Ministry of the Environment and Department of Fisheries and Oceans.
- (C) Alteration of trees shall be limited to the removal of dead wood, crown thinning and selective pruning in order to remove a potential hazard.

- (D) Trees felled within riparian areas are to be left as coarse woody debris unless removal has been authorized through a QEP report that has been submitted to and the findings accepted by the Province. Felled trees should be replaced according to provincial criteria.

- c) Area 3 – Common Landscape Improvements. Common landscape improvements means those landscape improvements identified on the original development permit drawings with the exception of areas described in Areas 1, 2 and 4. This includes, but is not limited to, street tree(s) planted between as a part of the original Development Permit requirements.
 - i) Tree removal or other alteration within common landscape improvement areas as generally indicated on the map below shall be administered by the relevant strata owners group (i.e. Craig Bay lands Committee, Shorehaven Strata).

- d) Area 4 – Natural Areas. Natural Areas means 'existing vegetation to be retained' as a part of the original Development Permit requirements. Refer to Schedule 'B' of Development Permit No. 96-04 issued on April 26, 1996 (Drawing L1 – Landscape Concept Plan, dated September 28, 1995, as prepared by Guzzi Perry and Associates Inc.).
 - i) Requests for tree removal or other alteration within buffer areas as indicated on the map below shall be evaluated based on the following criteria:
 - (A) Tree removal will only be considered where, in the opinion of Council, the subject tree or trees are believed to pose a hazard or are dead.
 - (B) Alteration of trees shall be limited to the removal of dead wood, crown thinning and selective pruning in order to remove a potential hazard.

The following plans and specifications are attached to and forming part of this Development Permit:

- (b) Plans and specifications of Permit:

- Schedule "A" – Craig Bay Common Properties – Tree Management Areas, prepared by City of Parksville Staff.

- 8. This Permit does not constitute a building permit, a development variance permit, a sign or awning permit, a subdivision approval permit nor an access permit. While development on the lands described in paragraph 2 of this Permit (the "Lands") is subject to the conditions and requirements set out in this Permit, this Permit does not authorize development or any construction. Council reserves the right at any time prior to issuance of a building permit to alter the permitted use, density, or conditions of use that affect the Lands.

AUTHORIZING RESOLUTION NO. 08-058 (2) passed by Council this 3rd day of March, 2008.

ISSUED this day of

Director of Administrative Services

STATEMENT OF INTENT


The Strata Councils of the common properties of Strata Plans VIS4116, VIS4796, VIS5081 and VIS6296 of Parksville, B.C. having read and understood the terms and conditions of this Development Permit hereby agree to abide by such terms and conditions and to complete all of the works and services and all other requirements under this Development Permit and in accordance with the City Bylaws.

THE STRATA COUNCIL OF STRATA
PLAN VIS4116



Authorized Signatory

THE STRATA COUNCIL OF STRATA
PLAN VIS4796



Authorized Signatory

THE STRATA COUNCIL OF STRATA
PLAN VIS5081

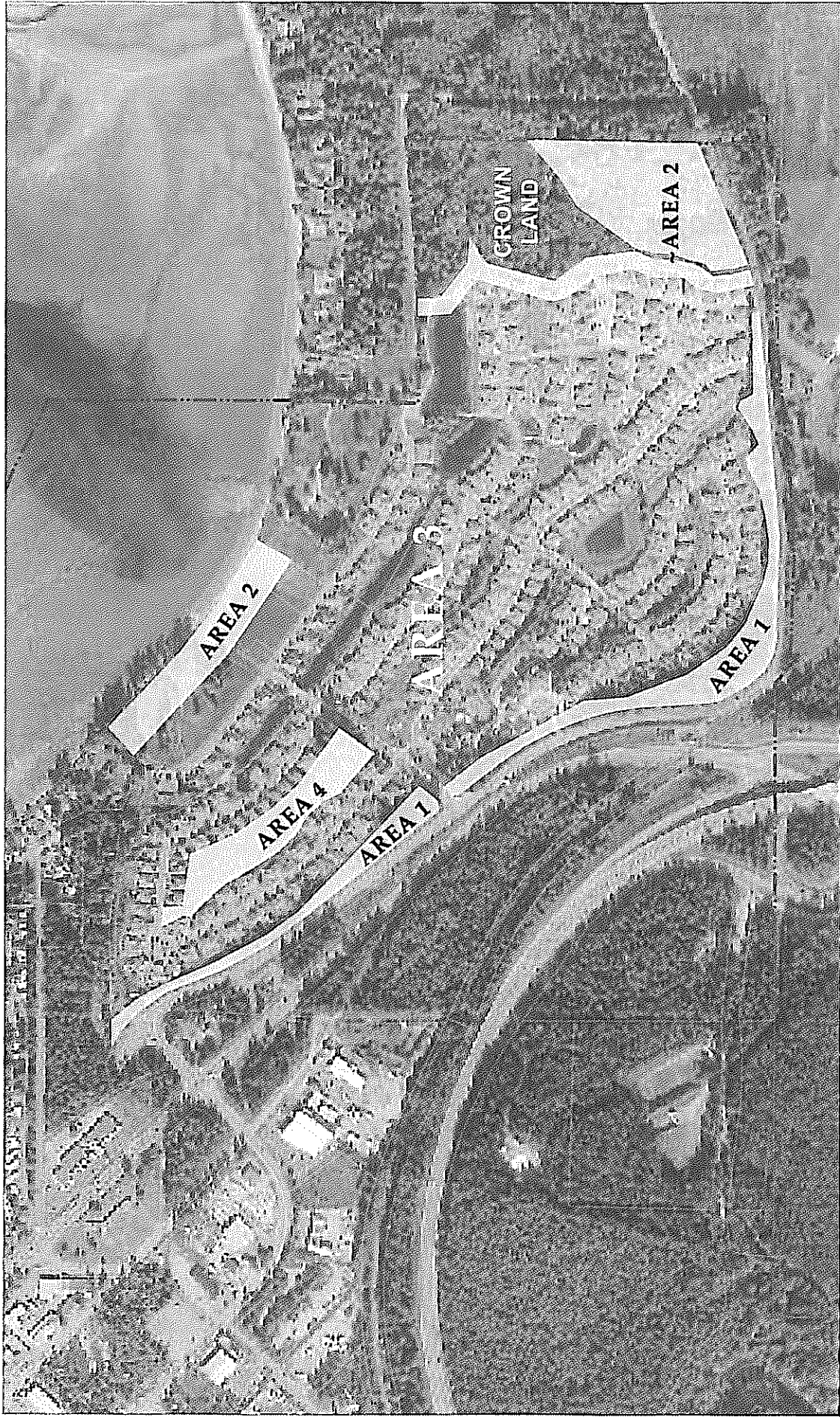


Authorized Signatory

THE STRATA COUNCIL OF STRATA
PLAN VIS6296



Authorized Signatory



CRAIG BAY COMMON PROPERTIES - TREE MANAGEMENT AREAS

