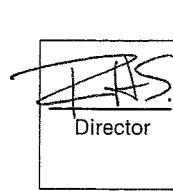
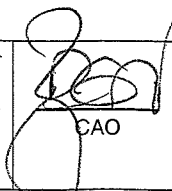


COUNCIL AGENDA/INFORMATION

Closed
 Reg. Council
 Supplemental

Date: July 8, 2013 Item # 9.3
Date: _____ Item # _____
Date: _____ Item # _____


Director

CAO

9.3

DISTRICT OF WEST VANCOUVER

750 – 17TH STREET, WEST VANCOUVER, BC V7V 3T3

COUNCIL REPORT

Attachments for item 9.3
provided under separate cover

Date: June 28, 2013 File: 1010-20-10-051
From: Geri Boyle, Manager, Community Planning
Subject: **Development Permit Application No. 10-051 for Rodgers Creek Area 4;
located in the 2900 and 3000 block of the north side of the south end of
Cypress Bowl Road and generally opposite Deer Ridge Estates**

RECOMMENDED THAT:

1. The Municipal Clerk give notice that Development Permit Application No. 10-051 for Rodgers Creek Area 4, which provides for site development and subdivision for 2 apartment sites, 14 semi-attached homes, 6 small single-family home lots and 15 regular sized single family lots, will be considered at the meeting of Council on Monday, July 29, 2013.

Purpose

To review and make recommendations on the Development Permit application by the owners (British Pacific Properties Limited and P. Rock Ltd.) for Area 4 of Rodgers Creek. The subject lands, totaling 9.41 ha (23.3 acres) in area, are shown on the map in Appendix 'A'.

1.0 Background and Policy

1.1 Prior Resolutions

June 3, 2013 – Council approved Development Permit No. 12-083 for Rodgers Creek Area 4 Phase 1 which provides for the construction of an entry road into Rodgers Creek Area 4, including a bridge over Pipe Creek, from Cypress Bowl Road

June 18, 2012 – Council approved Development Permit No. 09-049 for Rodgers Creek Area 3 West

September 19, 2011 – Council approved Development Permit No. 09-025 for Rodgers Creek Area 3 East

June 7, 2010 – Council approved Development Permit No. 09-008 for Rodgers Creek Area 2

November 17, 2008 – Council approved Development Permit No. 08-035 for Rodgers Creek Area 1

September 22, 2008 – Council adopted three bylaws to give effect to the Rodgers Creek Area Development Plan Overview Report dated March 7, 2008 (the ‘Rodgers Overview Report’):

1. *Official Community Plan (OCP) Amendment* Bylaw No. 4567, 2008 that succinctly describes the Rodgers Creek Area Development Plan (Option B), sets out development permit guidelines for the Rodgers Creek Area, and updates several maps in the OCP to show the new alignment of the Chippendale extension (1000’ connector) to Cypress Bowl Road.
2. *Zoning Amendment* Bylaw No. 4568, 2008 that rezoned the 215-acre Rodgers Creek Area to the Comprehensive Development Zone Three (CD3). This zone divides the land into 6 areas, corresponding to the 6 neighbourhoods identified in the Rodgers Overview Report. It allows the planning area to be developed as 736 housing units having 1.875 million square feet of floor area and provides land use, density and other regulations that are reflective of the plan presented in the Rodgers Overview Report.
3. *The Rodgers Phased Development Agreement (PDA) Bylaw*. This bylaw provides the Owner/Developer with certainty that the land use and density of the proposed CD3 zone would not change for 10 years from the date of adoption of the CD3 zone, except with the written agreement of the Owner or with regard to Accessory Housing. It provides the District with a wide range of amenities including:
 - \$7.94 million community amenity contribution in 5 instalments
 - a serviced site in Area 6 of approximately 0.8 acres
 - The mountain path, activity nodes, environmental enhancement, open space, trails and some mountain biking trails
 - Storm water management
 - Green buildings
 - Accessible apartment buildings
 - Best practices to protect new development from wildland fires

For the current status of the Phased Development Agreement refer to Appendix ‘B’ to this report.

2.0 Policy

2.1 Policy

The Official Community Plan designates the subject lands as Upper Lands Development Permit Area. The objective of this designation is to provide for the protection of the natural environment, its ecosystems and biological diversity, the protection of development from hazardous conditions, and the regulation of the form and character of development. Guidelines are provided to achieve the objective. In

addition to guidelines for all of the Upper Lands, specific guidelines are set out for the development of the Rodgers Creek Area.

2.2 Bylaw

The subject lands are zoned CD3 and, within the zone, are part of Area 4. In terms of density, the CD3 zone provides for Area 4 to have a maximum total floor area of 22,724 square metres and a maximum 88 dwelling units, of which apartment units must account for a minimum 50% and a maximum 65% of all units in Area 4. Single family dwellings are restricted to a maximum 25% of units.

3.0 **Balanced Scorecard**

STRATEGIC INITIATIVES	MILESTONE
1.4.5 Advance major development applications, consistent with the District Vision	Continue to process applications as appropriate

4.0 **Analysis**

4.1 Discussion

Context

Rodgers Creek Area 4 is situated in the 2900 and 3000 block of the north side of the south end of Cypress Bowl Road and generally opposite Deer Ridge Estates. It is bounded by District-owned land to the west, Area 3 West to the north, Tributary N/Cypress Lane to the east and Cypress Bowl Road/Cypress Lane to the south (see Appendix 'A').

Area 4 is approximately 9.41 ha (23.3 acres) in size and has two landowners: British Pacific Properties Ltd. and P. Rock Ltd. (Kyra Diawa Roeck, Executrix of the will of Peter Wolfgang Roeck)

Rodgers Creek Area Development Plan Overview Report (the 'Overview Report')

The Overview Report places Area 4 in the Mulgrave Neighbourhood, a neighbourhood consisting of two apartment sites, townhouses/cluster housing, duplexes and single family housing. The road accessing the area is to have a clear span single lane bridge crossing Pipe Creek in order to minimize the environmental impact on the creek corridor, as well as provide traffic calming. The Mountain Path is to be located immediately north of the east section of Area 4 and traverses the north side of the west section of the development area. Secondary trails are to link Area 4 to the Mountain Path and other neighbourhoods.

The Overview Report calls for protection of the five watercourses in the development area, and notes that a number of environmental restoration and enhancement opportunities are available including the restoration of Tributary PP and the creation of a small wetland adjacent to Tributary PP:

WATERCOURSE	OVERVIEW REPORT – ENVIRONMENTAL VALUE
Tributary R of Pipe Creek	Medium
Pipe Creek	High
Tributary P of Pipe Creek	Medium
Tributary PP of Pipe Creek	Low
Tributary N of Pipe Creek	High

Also, the Overview Report identifies one large feature tree in the riparian area of Tributary P.

Within Area 4 large buildings are to have a contemporary alpine character, with timber, glass, stone, and metal roofs forming the basic material palette. Detached homes, semi-attached homes and townhomes are to have one of four stylistic influences – arts and crafts style, European hillside style, prairie/craftsman style and coastal mountain style. Each home is to be derived from one of these styles and not try to be a hybrid of several. Natural stone and timber are to be key materials for these homes.

The Proposal

Area 4 is to be developed into 37 lots as follows (see Appendix 'C' Proposed Development Permit No. 10-051):

- 2 apartment sites, 14 semi-attached homes lots, 6 small single-family lots and 15 regular sized single family lots; subsequent development permits will be required to authorize the semi-attached homes, the single-family homes on the six small lots and each apartment site.
- 3.95 ha, representing 42% of the 9.41 ha Area 4 development lands, are to be established as publicly owned green space.
- With the exception of road crossings, each of the five watercourses in Area 4 are to remain open and be protected in perpetuity – in most cases by being part of dedicated Park areas, but in a few instances by remaining as part of a lot and being protected by a Section 219 covenant. Temporary protective fencing is to be in place along riparian areas during the site development and permanent chain link fencing is to be installed to the satisfaction of the District.
- A comprehensive environmental protection plan to prevent and/or mitigate environmental impacts resulting from site development activities is included as part of the proposed development permit.
- A permanent constructed wetland is proposed at the south end of the site, north of Cypress Lane, west of Tributary PP and east of Pipe Creek.

- The local road servicing Area 4 crosses Pipe Creek and Tributaries R and P. Development Permit No. 12-083 approved by Council on June 3, 2013 provides for a bridge crossing of Pipe Creek and a culvert crossing of Tributary R. Under the proposed development permit attached as Appendix 'C' to this report, two additional road crossings of Tributary P are to occur and these crossings are to be constructed with baffled culverts.
- The local road serving the neighbourhood is to have a narrow road cross-section, similar to the cross-section in Rodgers Areas 1, 2 and 3 East.
- A pedestrian/utility/emergency vehicle connection is to connect Area 4 with Cypress Lane/Mulgrave School. This connection will require crossing Tributary N with a short section of baffled culvert.
- The Mountain Path is to continue its westerly extension consistent with the Rodgers Overview Report. The path is located in a relatively narrow park strip between Lot 7 in Area 3 West and proposed Lots 32 and 33 in Area 4. The width of this park strip has been fine-tuned to include natural features such as a large boulder and to avoid being a long-straight path. Further, to maintain the forested character of this section of the Mountain Path, retaining walls are prohibited in the rear of proposed Lots 32 and 33 and the landscaping of the rear 7.5m of these lots is subject to District approval (see Clause 2.08 of Appendix C, proposed Development Permit No. 101-051). A similar approach was taken with Lot 7 in Area 3 West.
- Three new secondary trails are to be built to 'connect' the neighbourhood: one trail connects the Mountain Path with the end of the local road; a second trail extends from the Mountain Path on the northwest edge of the development area to Road E on the west side of Pipe Creek; and a third trail extends from Cypress Lane to Road E splitting to meet Road E at two locations, one on the east side of Pipe Creek and the other on the west side of Tributary P.
- The feature tree in the riparian area of Tributary P (identified in the Overview Report) is to be protected during site servicing and rough grading, and post-servicing an arborist assessment conducted to determine the long term viability of the tree.

Proposed Zoning Bylaw Variances

Retaining Walls – In order to construct proposed Road E, a retaining wall system is necessary on the north side of Road E immediately east of the Pipe Creek bridge crossing. These retaining walls are necessary to deal with the cut slope and an approximately 10 m grade change and would be sited within lands that would be dedicated as Park. Two options have been proposed for the retaining walls:

- One option is a series of three rock stack walls each 2.44m in height, with a 2m planting strip at the base and a 3m wide 2.5H:1V planting strip between the walls.
- The second option is a sculpted shotcrete wall up to 6m high sited a minimum 3m back of the road and a 2.44m rock stack wall above; a 4m wide 4H:1V planting strip that varies from 3m to 4.5m wide as the lower wall becomes

higher would be provided at the base and a 2.5m wide 2.5H:1V planting strip between the two walls.

Subject to a favourable geotechnical assessment of the soil conditions in this area, the second option is preferred as it provides a relatively wide flat area at the base of the retaining wall system to create a forested landscape and thus mitigate the visual impact of the retaining walls. This approach to retaining walls has been used at the entrances to Areas 1 and 2 and has proven far more successful than other retaining wall options at establishing landscaping that mitigates high retaining walls. The proposed development permit provides for both options, with the second option to be constructed if geotechnical considerations support a shotcrete wall.

Grade Calculations – Building height calculations are typically based on natural and finished grade. With the cut and fill necessary to construct Road E, natural grade is inappropriate for calculating building height on these lots. For this reason and as the subdivision is in a new neighbourhood rather than existing neighbourhood, the proposed Development Permit provides that average natural grade be determined as a ground plane from the finished grade on the lot line adjacent to Road E to the existing grade at the opposite lot line.

4.2 Sustainability

The Rodgers PDA secures the green building aspects of development within the Rodgers Creek Area. To ensure these features are incorporated into single family homes and semi-attached homes, appropriate covenants are to be placed on each lot as part of the subdivision approval.

4.3 Consultation

Public notification of Council's intention to consider the proposed Development Permit on July 29, 2013 will take place in accordance with District bylaws. The District will notify all owners/occupiers of property within 100 metres of the subject site.

Under District procedures, the proponent is to post a sign on the property and hold a public information meeting in advance of Council consideration of the proposed Development Permit. Also, the proposal and supporting background information will be posted on the District website and notice of the applicant's public information meeting will be posted on the community calendar.

4.5 Conclusion

The proposed development for Area 4 of Rodgers Creek is the outcome of a planning process that has taken place over many years. The plan developed from that process, the Rodgers Overview Report, was built on the four community building principles for the Upper Lands set out in the OCP:

- Create a strong community
- Encourage a diverse community

- Establish a sensitivity and connection to the natural environment and mountain qualities
- Focus on environmental and economic sustainability

The Rodgers Creek Area 4 subdivision layout is consistent with these principles and the Rodgers Overview Report, and is informed by challenging topography and extensive environmentally sensitive lands. As with each Rodgers Creek subdivision, lot lines and consequently the environmental protection areas, have been fine-tuned from those described in the Rodgers Overview Report. The objective of this fine-tuning has been to optimize various interests including riparian features, trail grades, trail aesthetics, natural features and lot privacy.

Subject to additional comments or concerns being raised on the project at the Public meeting, staff recommends approval of Development Permit No. 10-051 for Rodgers Creek Area 4.

5.0 Options

At the time of consideration of this report, Council may:

- A. set the date for consideration of this application (recommended); or
- B. set the date for consideration of this application and request that additional information (to be specified) be provided and available to assist in consideration of the application; or
- C. defer further consideration pending receipt of additional information.

When the application is considered by Council, Council may:

- A. approve issuance of the Proposed Development Permit No. 10-051; or
- B. approve the Proposed Development Permit No. 10-051, with specified changes; or
- C. request further information; or
- D. reject, with specified reasons, the Proposed Development Permit.

Author: _____

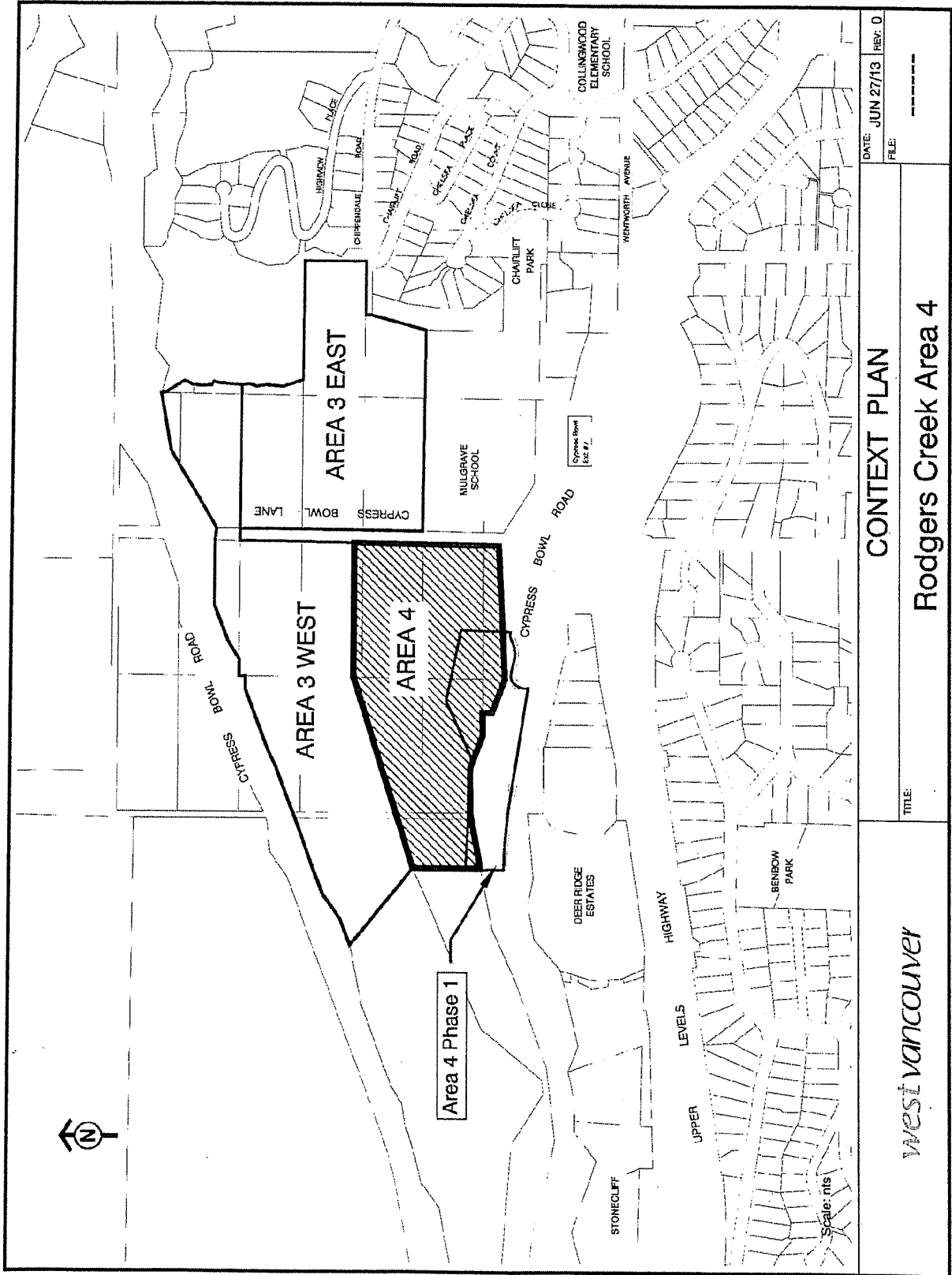

Geri Boyle

Appendices:

- A – Area 4 Location Map
- B – Status of Phased Development Agreement
- C – Proposed Development Permit No. 10-051

APPENDIX 'A'

AREA 4 LOCATION MAP



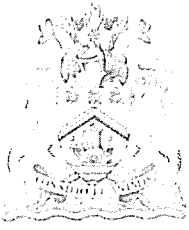
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FILE: _____	
CONTEXT PLAN	
Rodgers Creek Area 4	
TITLE: _____	
<i>westvancouver</i>	

APPENDIX 'B'

RODGERS CREEK AREA: STATUS OF THE PHASED DEVELOPMENT AGREEMENT

Under the *Rodgers Phased Development Agreement (PDA) Bylaw* the owners must provide certain amenities:

1. The first \$3 million of the \$7.94 million cash contribution has been received. The next instalment is \$2.5 million prior to the issuance of a building permit for the 245th dwelling unit; this is expected to occur during the initial construction in Area 5;
2. Roads, the mountain path, secondary trails and public amenity areas are being constructed with each neighbourhood as per the intent of the Rodgers Overview Report;
3. The Chippendale Road extension to Cypress Bowl Road is in place and operating as a construction access route for Area 3 development;
4. Wildland fire management plans are prepared and implemented prior to building construction in a neighbourhood;
5. Restoration and enhancement of environmentally sensitive areas up to \$500,000 is to occur. Preliminary work has begun (for example, enhancement of Tributary L). Further work will be informed by a Proper Functioning Condition (PFC) Assessment that is being finalized by outside consultants for review by the District. The first draft of this assessment has been reviewed by staff.
6. An integrated storm water management plan (ISMP) for Pipe, Westmount and Cave Creek watersheds. This plan is being finalized and will inform discussions between the District and British Pacific Properties regarding improvements to the stormwater management system.



APPENDIX 'C'

District of West Vancouver
PROPOSED
Development Permit No. 10-051

Registered Owners: British Pacific Properties Limited, Inc. 438330
Suite 1001 – 100 Park Royal South
West Vancouver, B.C.; and

Kyra Diawa Roeck, Executrix of the will of Peter Wolfgang Roeck
3893 Lewister Road
North Vancouver, B.C.

This Development Permit applies to: 2900 and 3000 block Cypress Bowl Road, as shown on Schedule 'A'

Legal Description: PID 005-179-815
That part of District Lot 888 Group 1 Lying to the East of Blocks B and C Plan 2056, Except Plans 21009, 21528 & BCP386 and EPP25625;
PID 014-535-157
The east ½ of the East ½ of Block 8 Except, Part on Highway Plan 169 District Lot 817 Plan 1598
PID 014-535-165
Block 9, Except: Part on Highway Plan 169 District Lot 817 Plan 1598
PID: 014-535-173
Block 10 District Lot 817 Plan 1598 Except Plan EPP25625
PID: 014-535-181
Block 11 District Lot 817 Plan 1598 Except Plan EPP25625
PID: 014-535-360
Block 18 District Lot 817 Plan 1598 Except Plan EPP25625
PID: 014-535-386
Block 19 District Lot 817 Plan 1598
PID 014-535-726
Block 20 District Lot 817 Plan 1598
PID 014-535-416
Block 21, Except: Part on Highway Plan 169 District Lot 817 Plan 1598
(the 'Lands')

-
1. This Development Permit:
 - (a) imposes requirements and conditions for the development of the Lands: which are designated by the Official Community Plan as Rodgers Creek Area of the Upper Lands Development Permit Area to provide for the protection of the natural environment, its ecosystems and biological diversity, to provide for the protection of development from hazardous conditions and to regulate the

form and character of intensive residential, multifamily and commercial development; and subject to Guidelines UL8 And UL8.1 specified in the Official Community Plan; and

- (b) is issued subject to the Registered Owner's compliance with all of the Bylaws of the District applicable to the Lands, except as varied or supplemented by this Permit.

2. The following terms and conditions shall apply to the Lands:

- 2.01 The Lands may only be subdivided in accordance with the plans attached as Schedule 'B' and any change from the attached plans shall require Council consideration of an amendment to the Development Permit. Notwithstanding, the Approving Officer may determine that the subdivision plan conforms to the Development Permit plan if there is a minor difference between the Development Permit plan and Subdivision Plan that does not materially affect the intent of the plans attached to this Development Permit or is a technical requirement of the subdivision.
- 2.02 No building shall be constructed on a lot where the driveway grade exceeds 20% at any point on its centerline.
- 2.03 No wood burning fireplaces shall be installed, constructed or otherwise permitted on the Lands or in any building on the Lands.
- 2.04 No building or structure shall be constructed on proposed Lot 16 until a report from a professional geotechnical engineer confirms the suitability of the lot for construction and a lot grading plan prepared by the Registered Owner is accepted by the Approving Officer.
- 2.05 The Zoning Bylaw No. 4662, 2010, as amended; is varied to allow:
 - (a) average natural grade for proposed downhill Lots 1 to 8, 16 to 22 and 27 to 30 to be determined by a series of lines drawn in section from the existing grade at the south property line to the finished grade on the north lot line post-construction of road 'E'; and
 - (b) average natural grade for proposed uphill Lots 9 to 14, 23 to 26, and 32 and 35 to be determined by a series of lines drawn in section from the existing grade at the north property line to the finished grade on the south lot line post-construction of road 'E'.
- 2.06 The Zoning Bylaw No. 4662, 2010, as amended, Section 120.22 shall be varied to allow the retaining walls in the proposed Park area on the north side of Road E east of Pipe Creek as shown on Schedule 'C'. If geotechnical considerations support a shotcrete wall, the stacked blast rock and sculpted shotcrete wall option must be constructed and retaining walls must:
 - (a) be in substantial conformance with the proposed grades and retaining wall detail shown on Schedule 'C'; and

- (b) be constructed under building permit and in accordance with the recommendations of a professional geotechnical engineer and/or structural engineer; and
 - (c) following completion of construction, be the subject of a final report from a professional geotechnical engineer that notes any measures, if any, to be employed during building, road and service construction, and that confirms and certifies that:
 - (i) construction practices, methods, procedures, etc. were followed; and
 - (ii) any fills or cuts within proposed building envelope areas are suitable and stable for building construction; and
 - (iii) all retaining walls have been constructed in accordance with the approved design.
- 2.07 The area in front of the retaining walls referred to in Clause 2.06 of this Development Permit must be landscaped as a forest landscape based on final landscape plans developed from the concept shown on Schedule 'C' and submitted to the Manager of Parks for acceptance prior to installation.
- 2.08 On proposed Lots 32 and 33, the rear 3m must not contain retaining walls and the rear 7.5m must be landscaped in accordance with plans prepared by the Registered Owner, accepted by the Director, Planning, Land Development and Permits and installed by the Registered Owner prior to issuance of a certificate of building occupancy. The purpose of this landscape strip is to: ensure appropriate separation between a public trail and the rear yard of the adjacent proposed lot; maintain privacy of each lot; and maintain the forest character of the adjacent public trail.
- 2.09 Landscaping of proposed Lots 1 to 35 must take place and include the following, all to the satisfaction of the Director, Planning, Land Development and Permits, prior to issuance of a certificate of building occupancy:
- (a) informal in character and with the limited use of retaining walls:
 - (b) primarily native plant materials, and specifically excluding invasive plants identified in an Invasive Plant Strategy approved by the Council of the District of West Vancouver; and
 - (c) a minimum of one tree per 100 m² of lot area; and
 - (d) a minimum of 4 coniferous trees for lots over 930 m² in size and a minimum 2 coniferous trees for all other lots; and
 - (e) all trees having a minimum height of 3 m at time of planting.
- 2.10 Low water consumption landscapes and the use of permeable paving products are encouraged.
- 2.11 The proposed 'Park' areas shown on Schedule 'A' must not be disturbed, except:
- (a) prior to transfer of the proposed 'Park' areas to the District, hazard trees must be removed by the Registered Owner as approved by the Manager of Parks; or

- (b) secondary trails and the mountain path may be constructed; or
- (c) municipal infrastructure may be installed; or
- (d) the retaining walls referred to in Clause 2.06; or
- (d) the wetland shown in the proposed 'Park' area south of proposed Lots 1 to 4 may be constructed.

2.12 Where a proposed lot and a proposed 'Park' share a lot line or where a riparian area is protected by a Section 219 covenant, the Registered Owner must:

- (a) install temporary protective fencing, as described in Schedule 'C' and Schedule 'D' Section 2.21, to the satisfaction of the District's Environmental Protection Officer, and thereafter the temporary protective fencing must remain clearly identifiable at all times during development of the immediately adjacent Lands; and
- (b) install minimum 1.2m high black chain link fencing, on the lot area adjacent to the shared lot line, as permanent fencing with signage to identify that the lands beyond are owned by the District and are a creek protection zone, all to the satisfaction of the Manager of Parks, and the Manager of Park may determine that specific minor variations in this requirement may occur as the variation would not materially affect the intent of this provision; and
- (c) install minimum 1.2m high black chain link fencing, on the covenant boundary, as permanent fencing with signage to identify that the lands beyond are a creek protection zone, all to the satisfaction of the Environmental Protection Officer.

2.13 Storm water management must meet the following requirements:

- (a) low impact development measures to retain, infiltrate and/or evapo-transpire, small frequent storms (2 years and less return period) up to the equivalent of 30% of the 24 hour mean annual rainfall; this may be achieved on a lot-by-lot basis or on the basis of the entire area covered by this development permit.
- (b) a conventional storm drainage system to convey the post-development flow of the 1:10-year return period storm events, provided the run-off co-efficient for the single-family residential/boulevard area is less than 0.65 and the run-off co-efficient for all other residential lots is less than 0.85; and
- (c) a major overland storm conveyance capacity up to 1:100 year return period storm to provide safe conveyance of flows.

2.14 Within the Lands, Pipe Creek and Tributaries N, P, PP and R must be restored to their proper functioning condition, based on plans prepared by the Registered Owners and approved by the Director, Planning, Land Development and Permits.

- 2.15 Prior to commencing site work, the Registered Owner shall:
- (a) submit and implement a plan for management of construction traffic, acceptable to the Manager of Development Engineering; and
 - (b) ensure effective construction traffic management throughout site development and building construction by revising the plan as necessary and submitting the revisions to the Manager of Development Engineering for acceptance.
- 2.16 All site preparation and site development operations must be carried out in accordance with Clause 2.12 and Schedule 'D'. For clarity,
- (a) operations must be suspended during periods of intensive rainfall, heavy run-off or soil saturation;
 - (b) an Environmental/Erosion Control Specialist must be retained by the Registered Owners and shall have written and designated responsibility to:
 - (i) order the suspension of construction involving soil disturbance on the Lands, based on pending or existing weather conditions;
 - (ii) order the suspension of construction involving soil disturbance on the Lands based on unusual, unacceptable or inappropriate construction practices resulting in the introduction of silt or sediment laden waters in a District storm sewer system, stream, watercourse or onto private lands; and
 - (iii) instruct the contractor engaged in the works to repair, add, delete or adjust existing or new erosion and sediment control measures as and when necessary; and
 - (c) all disturbed areas must be stabilized in a timely manner so as to avoid erosion.
- 2.17 The Registered Owner shall be responsible for maintaining, repairing, and supplementing sediment control measures, and any other works associated with this Permit, in order to ensure that the objectives of the Upper Lands Development Permit Area are satisfied.

CONDITIONS PRECEDENT TO SUBDIVISION

- 3.01 Prior to final approval of the subdivision, the Registered Owners shall, all at the cost of the Registered Owners:
- (a) design, construct and install to the satisfaction of the District (the Director, Transportation and Engineering for infrastructure and the Director, Planning, Land Development and Permits for boulevard landscaping), road rights-of-way including parking, boulevards, water, storm, sanitary and related infrastructure, that are consistent with Schedule 'C' and the concepts set out in the Rodgers Creek Area Development Plan, Overview report dated March 7, 2008;
 - (b) prepare a wildland fire management plan acceptable to the Approving Officer;

- (c) prepare a statutory building scheme acceptable to the Approving Officer and that reflects the Rodgers Creek Area Development Plan, Overview Report dated March 7, 2008;
 - (d) install the landscaping referred to in Clause 2.07 of this Development Permit; and
 - (e) design and construct to the satisfaction of the Manager of Parks: secondary trails as identified on Schedule 'C;' and the mountain path consistent with the Rodgers Creek Area Development Plan, Overview Report dated March 7, 2008.
- 3.02 Further, prior to final approval of the subdivision of the Lands, the Registered Owners shall register a Section 219 covenant against proposed Lots 1 to 35 to:
- (a) prohibit wood burning fireplaces on the Lands or in any building on the Lands; and
 - (b) require compliance with the accepted wildland fire management plan referred to in Clause 3.01(b) of this Development Permit; and
 - (c) require areas for the storage of garbage and recycling that prevent access by bears and that are integrated into the overall design of the building and its landscape; and
 - (d) provide for the statutory building scheme referred to in Clause 3.01(c); and
 - (e) require the landscaping referred to in Clause 2.09 of this Development Permit to be detailed on a landscape plan submitted and accepted prior to building permit issuance, and supported by a security for the due and proper installation of the accepted landscape plan prior to the issuance of a certificate of building occupancy; and
 - (f) require detailed design of the on-site stormwater management plan for the lot to the satisfaction of the Manager of Development Engineering prior to building permit issuance and installation of the accepted plan to the satisfaction of the Manager of Development Engineering prior to the issuance of a certificate of building occupancy.

SECURITY

4. As security for the due and proper completion of the measures to preserve, protect, restore or enhance the environment set forth in Section 2 of this Development Permit (the "Environmental Protection Measures"), the Registered Owner shall:
- (a) provide, prior to issuance of this Development Permit, security in the amount of \$280,000 to the District in the form of cash or an unconditional, irrevocable auto-renewing letter of credit issued by a Canadian chartered bank or credit union; and
 - (b) be entitled to a reduction in the security as follows:
 - (i) \$90,000 once a certificate of building occupancy is issued for proposed Lots 1 to 8 and 15;
 - (ii) \$20,000 once a certificate of building occupancy issued for proposed Lot 16;
 - (iii) \$30,000 once a certificate of building occupancy is issued for proposed Lots 21, 22 and 35;

- (iv) \$40,000 once a certificate of building occupancy is issued for proposed Lots 9, 23, 27 and 28;
 - (v) \$20,000 once a certificate of building occupancy is issued for proposed Lots 33 and 34;
 - (vi) \$20,000 once a certificate of building occupancy issued for proposed Lot 14;
 - (vii) \$20,000 once a certificate of building occupancy is issued for proposed Lots 31 and 32; and
 - (viii) \$20,000 once a certificate of building occupancy issued for proposed Lot 36; and
 - (ix) \$20,000 once a certificate of building occupancy is issued for proposed Lot 37.
- (c) maintain the security for a minimum of one year after completion of the Environmental Protection Measures, and not prior to the date on which the District Environmental Protection Officer authorizes in writing the release of the security; and
 - (d) in the event that the Environmental Protection Measures are not completed as provided for in this Development Permit and if the Environmental Protection Measures fail to satisfy the objectives of the Upper Lands Development Permit Area of the Official Community Plan, the District may, at its option, enter upon, carry out and complete the Environmental Protection Measures in such a manner as to satisfy the objectives and recover the costs of doing so from the security deposited, including the costs of administration and supervision.

REQUIREMENT FOR A FURTHER DEVELOPMENT PERMIT

- 5. For Lots 36 and 37 subdivision of either lot shall not be permitted and a Building Permit shall not be issued for a lot, until a development permit has been applied for and issued for the proposed building consistent with the Upper Lands Development Permit Area designation (and Rodgers Creek Area guidelines) of the Official Community Plan.
- 6. For lots 1 to 8, 9 to 14 and 16 to 21, a Building Permit shall not be issued for a proposed lot until a development permit has been applied for and issued for a building on the lot, for either a semi-attached unit or a small lot single family house, consistent with the Upper Lands Development Permit Area designation (and Rodgers Creek Area guidelines) of the Official Community Plan.

EXPIRY

- 7. This Development Permit lapses if the subdivision authorized herein, or any portion thereof, is not approved within 24 months of the date this permit is issued.

In the event the Registered Owners are delayed or interrupted or prevented from commencing or continuing the development by reason of any Act of God, labour unrest (including strike and lockouts), weather conditions or any similar cause reasonably beyond the control of the Registered Owners, the time for the completion

of the work shall be extended for a period equal to the duration of the contingency that occasioned the delay, interruption or prevention, provided that the commercial or financial circumstances of the Registered Owners shall not be viewed as a cause beyond the control of the Registered Owners.

THE COUNCIL OF WEST VANCOUVER APPROVED THIS PERMIT BY RESOLUTION PASSED ON _____.

MAYOR

MUNICIPAL CLERK

THE REQUIREMENTS AND CONDITIONS UPON WHICH THIS PERMIT IS ISSUED ARE ACKNOWLEDGED AND AGREED TO. IT IS UNDERSTOOD THAT OTHER PERMITS / APPROVALS MAY BE REQUIRED INCLUDING PERMITS / APPROVALS FOR BUILDING CONSTRUCTION, SOIL AND ROCK REMOVAL OR DEPOSIT, BOULEVARD WORKS, AND SUBDIVISION.

Owners: Signature

Owners: Print Name above

Date

Owners: Signature

Owners: Print Name above

Date

FOR THE PURPOSES OF SECTION 7, THIS PERMIT IS ISSUED ON _____

Schedules:

- A – Map showing Rodgers Creek Area 4 Development Lands
- B – Proposed Plan of Subdivision; date stamped July 2, 2013
- C – Rodgers Creek Area 4 Proposed 37 Lot Subdivision; plans prepared by Forma Design Inc. and Webster Engineering Ltd. and date stamped July 2, 2013
- D – Rodgers Creek Development – Area 4 Environmental Protection Plan; prepared by Sartori Environmental Services and date stamped July 2, 2013

SCHEDULE 'A' AREA 4 DEVELOPMENT LANDS

