



REGIONAL DISTRICT OF CENTRAL OKANAGAN
DEVELOPMENT PERMIT
DP-13-10

TO: Reimund Schoenherr
c/o Rolf Von Andrian
4675 June Springs Road
Kelowna, BC V1W 4C8

1. This permit is issued subject to compliance with all of the Bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Permit applies to and only to those lands within the Regional District described below, and any and all buildings, structures and other developments thereon:
The South ½ of Section 36, Township 29, ODYD (PID: 013-539-442)
3. The conditions of the Development Permit are as follows:

THAT Development Permit DP-13-10 be conditionally approved based on the October, 2013 Environmental Assessment Report conducted by Ecora Resource Group Ltd.; October 31 2013 Geotechnical Hazard Assessment conducted by Beacon Geotechnical Ltd; and September 2013 Wildfire Hazard Assessment conducted by Ecora Resource Group Ltd.

AND FURTHER THAT the approval is subject to the conditions specified in Schedule "A", which is attached to and forms part of the Development Permit.

4. As a condition of the issuance of this permit, the Board is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of the Permit within the time provided, the Regional District may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development permitted by this permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:
 - a) **An Irrevocable Letter of Credit or Bank Draft in the amount of \$ 8,510.63**
5. The land described herein shall be developed strictly in accordance with the terms and conditions of this Permit and any plans and specifications attached to this Permit, which shall form a part hereof.
6. This Permit is not a Building Permit.

7. Subject to the terms of the permit, where the holder of a permit issued under the Local Government Act does not substantially commence any construction with respect to which the permit was issued within one year after the date it is issued, the permit lapses.

AUTHORIZING RESOLUTION PASSED BY THE MANAGER OF PLANNING ON THIS
17th DAY OF February 2014

DATED March 21, 2014



Director of Corporate Services

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Schedule "A"

The Regional Board hereby approves Development Permit DP-13-10 subject to the following conditions:

Adherence to Development Plans:

- No further or variance in construction of, addition to or alteration of a building or structure; or alteration or clearing of land (including but not limited to grading, blasting, preparation for the construction of services or roads) is to occur within the Development Permit Areas as outlined in the South Slopes Official Community Plan Bylaw No. 1304 without prior notification and approval by RDCO; other than Phase 1 activities recognized and approved in this Development Permit.
- Other than the placement of 2 m² wooden platforms in a tree, the existing trail system adjacent to KLO Creek, and any required restoration works, no buildings, structures or improvements of any kind shall be constructed nor located within the identified Streamside Protection and Enhancement Area (SPEA) as shown on Figure 2 of the October, 2013 Environmental Assessment Report conducted by Ecora Resource Group Ltd. And further, other than restoration works there shall not be any removal or disturbance of any soil, vegetation, or trees (with the exception of weeds) from within the SPEA without first obtaining the written consent of the RDCO.

Assessment Reports:

- All construction, land clearing, mitigation, restoration and compensation activities must be completed as per the recommendations contained in the October 2013 Environmental Assessment Report conducted by Ecora Resource Group Ltd.; October 31 2013 Geotechnical Hazard Assessment conducted by Beacon Geotechnical Ltd; and September 2013 Wildfire Hazard Assessment conducted by Ecora Resource Group Ltd.

Monitoring:

- The applicant shall obtain the services of an Environmental Monitor to ensure the recommendations of the Development Permit are implemented and in accordance with the following schedule and conditions:
 - Submit monthly monitoring reports to RDCO or as indicated by the Environmental Monitor.
 - Prepare a substantial completion report and submit to RDCO upon completion of the construction and restoration works indicating substantial completion of the conditions and requirements of the Development Permit have been carried out.
 - In the event that greater disturbance occurs due to unforeseen circumstances, the Environmental Monitor will recommend further measures to protect/restore the natural integrity of the site and report on these measures to the RDCO.
 - Trees within the course must be monitored for tree health and for safety purposes by a qualified arborist.

Security:

- The applicant shall post a letter of credit or bank draft in the amount of \$8,510.63 in order to ensure completion of works and associated remediation landscaping within 1 year of the issuance of the Development Permit or as indicated in the compensation plan. Ninety per cent (90%) of this amount is refundable upon completion of said works and receipt of a substantial completion report signed by a registered professional, and to the satisfaction of Regional District Environmental Planning staff. The remainder of the bond shall be held for a minimum of two (2) years (growing seasons) to ensure that the required mitigation has been fully implemented and demonstrated to function (ecologically or as designed). The maintenance bond may be held for longer periods if, throughout the initial 2-year period the persistent failure of the works is documented.

Further Conditions or Restrictions:

- Draining and infill of the dugout must not occur without appropriate approvals received from the Province in accordance with the BC *Water Act*. Copies of correspondence from the Province indicating that the proposed works does not trigger the *Water Act* or copies of any required notification or approvals are to be provided to RDCO prior to commencement of any draining or infill activities.
- Ensure the submitted Environmental Assessment Report is entered into the on-line Riparian Areas Regulation Notification System (RARNS).
- Phase 2 activities will require additional environmental assessment work and a new or amended Development Permit prior to commencement.
- A detailed compensation and restoration plan is to be submitted to and approved by the RDCO which demonstrates a net gain of environmental values associated with the proposed project prior to commencement of any compensation works.
- Submit data gathered through the Environmental Assessment and ongoing monitoring on local species at risk to the B.C. Conservation Data Centre.
- Registration of a geotechnical covenant under section 219 of the *Land Title Act* to address the recommendations identified in the October 31 2013 Geotechnical Hazard Assessment conducted by Beacon Geotechnical Ltd. The applicant will be responsible for completing requirements contained in the report to the satisfaction of the Registered Professional Engineer.
- The applicant will be responsible for completing requirements contained in the September 2013 Wildfire Hazard Assessment conducted by Ecora Resource Group Ltd. to the satisfaction of a Registered Professional Forester. Future buildings on the site may require the registration of a wildfire covenant under section 219 of the *Land Title Act*.