



**REGIONAL DISTRICT OF CENTRAL OKANAGAN
DEVELOPMENT PERMIT
DP-18-14**

TO: Ken & Lynn Ganden
c/o Trina Koch
Western Water Associates Ltd.
106-5145 26 Street
Vernon, BC V1T 8E4

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:

Lot 1, Plan KAP22569, District Lot 2197, ODYD (PID: 006-804-357)

3. The conditions of the Development Permit are as follows:

'THAT Development Permit DP-18-14 be conditionally approved based on the November 2018 Environmental Report conducted by Western Water Associates 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 unconditional Irrevocable Letter of Credit, Bank Draft or Cash drawn on a chartered bank in Canada valid for a period of one year and automatically renews thereafter, in the amount of \$ 5,587.50**
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 DIRECTOR OF COMMUNITY SERVICES ON
THIS 23 DAY OF January 2019



DATED February 6, 2019

Director of Community Services

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Schedule "A"

The Regional Board Designee hereby approves Development Permit DP-18-14 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 is to occur within the Development Permit Area as outlined in the Rural Westside Official Community Plan Bylaw No. 1274 without prior notification and approval by RDCO; other than that recognized and approved in this Development Permit.
- No further buildings, structures or improvements of any kind shall be constructed nor located within the 15m setback from the High Water Mark of Okanagan Lake. And further, there shall be no removal or disturbance of any soil, vegetation, or trees (with the exception of weeds) from within the 30 m setback area without first obtaining the written consent of the RDCO.

Environmental Assessments:

- All construction, land clearing, mitigation and restoration activities must be completed as per the recommendations contained in the November 2018 Environmental Report conducted by Western Water Associates Ltd.

Monitoring:

- The land owner 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:
 - Pre-construction meeting with the contractor
 - Submit monitoring reports to RDCO as indicated by the Environmental Monitor
 - **Prepare a substantial completion report and submit to RDCO upon completion of 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.

Security:

- The applicant shall post a letter of credit or bank draft in the amount of \$5,587.50 in order to ensure completion of works and associated remediation landscaping within 1 year of the issuance of the Development Permit. 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 Community Services 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:

- Prior to land disturbance, the High Water Mark (HWM) of Okanagan Lake shall be clearly marked by a legal surveyor to prevent Crown land encroachment and to ensure the proper placement of the retaining; at least 1 metre upland from WHM.
- There shall not be any further construction or land disturbance beyond that which is outlined in DP-18-14 without additional environmental assessment work undertaken by a Qualified Environmental Professional and without first obtaining the written consent of the RDCO.

- In accordance with the RDCO Noxious Weed Control Bylaw No. 179, the owner or occupier of the land shall prevent the infestation of noxious weeds and cut down or otherwise destroy and mulch or remove all noxious weeds and plant with native grasses or other native vegetation.
- Construction Best Management Practices are to be used as a means to protect the riparian area.
- The landowner/applicant to apply for and receive a building permit for the proposed works to the satisfaction of the RDCO Building Inspection Services.
- Foreshore modifications including construction/alteration of retaining walls, groynes, and substrate modification must not occur at any time without further environmental assessment being conducted and appropriate approvals received from the Province in accordance with the *BC Water Sustainability Act*.
- Responsibility of the landowner/agent to obtain appropriate approvals from the Province in accordance with the *BC Water Sustainability Act* prior to the commencement of any works.



