



CITY OF WEST KELOWNA
DEVELOPMENT PERMIT WITH FLOODPLAIN EXEMPTION
DP 20-18 & FEX 20-01

TO: LapCorp Holdings Ltd.
Inc.No. BC0289606
3791 West 37th Avenue
Vancouver BC, V6N 2W1

c/o Barnett Construction Ltd.
2885 Arawana Road
Naramata BC, V0H 1N1

CITY OF WEST KELOWNA PLANNING DEPARTMENT	
ATTACHMENT: <u>1</u>	
FILE NO.: <u>DP 20-29 & FEX 20-01</u>	

1. This permit is issued subject to compliance with all of the Bylaws of the City of West Kelowna applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Permit applies to and only to those lands within the City of West Kelowna described below, and any and all buildings, structures and other developments thereon:

**Lot C District Lot 434 Osoyoos (formerly Kamloops) Division Yale District Plan
EPP5742 (1905 Jennens Road)**

3. **This permit allows for the demolition of existing structures and construction of a new single detached dwelling in an Aquatic Ecosystem and Terrestrial Development Permit Area subject to the following conditions and related schedules:**
 - a) The siting of the building to be constructed on the subject property be in accordance with the existing foundation siting shown on the Site Plan prepared by Mandeville Land Surveying Inc., dated September 2020, attached as Schedule 'A'.
 - b) The dimensions and siting of buildings to be constructed on the subject property be in accordance with the Development Permit Drawings, prepared by Helliwell + Smith Blue Sky Architecture Inc., dated October 16, 2020, attached as Schedule 'B'.
 - c) All construction, landscaping and restoration works and activities shall be in conformance with the recommendations of the Riparian Assessment and Impact Assessment, prepared by Karen Grainger RPBio and Estimate prepared by Sagebrush Nursery, dated December 1, 2020 attached as Schedule 'C'.
 - d) Siting of the single detached dwelling shall be in conformance with the Flood Hazard Assessment prepared by Dobson Engineering Ltd., dated October 19, 2020, attached as Schedule 'D'.
 - e) All site alteration works are shall be in conformance with the recommendations of the Desktop Review, prepared by Similkameen Consulting, dated January 25, 2021, attached as Schedule 'E'.
4. **This Permit includes a Floodplain Exemption. Specifically this permit exempts the following:**

- a) Floodplain Regulations contained in Section 3.24 of Zoning Bylaw No. 0154.

Requirements in Relation to Environmental Monitoring

5. An Environmental Monitor shall be retained to document compliance with the recommendations, mitigation measures, and operational best practices for the duration of the construction activities.
6. Regular monitoring reports must be completed by an Environmental Monitor and submitted to the City of West Kelowna and any other applicable regulatory agencies, consistent with the recommendations in Schedule 'C'. Upon substantial completion of the construction works, a final report must also be submitted to the City of West Kelowna.

Protection & Maintenance of the Riparian Area

7. Prior to commencing the works, a silt fence will be placed along the lakeside edge of the construction zone, between the construction and Okanagan Lake and McDougall Creek.
8. Once demolition works are completed, the Streamside Protection and Enhancement Area (SPEA) boundary, as identified in Schedule 'C', must be clearly marked (i.e. with silt fencing) on the subject property to accurately delineate setbacks.
9. Encroachment into the SPEA with construction and associated materials, machinery or soils during construction shall not occur.
10. Stockpiling of fill material shall not occur within the SPEA, unless it is considered advisable by the Environmental Monitor and is carried out under their direction.
11. Excess soil material must be removed from the property and disposed of appropriately.
12. All equipment must be in good operating condition, clean, and free of leaks. No equipment refuelling can take place within 30 metres of Okanagan Lake or McDougall Creek.
13. All materials and equipment associated with concrete works used during construction must be washed offsite away from any watercourse. Sediments, debris, concrete, concrete fines, and wash water must not come into contact with Okanagan Lake, McDougall Creek, or any other watercourse.

Restoration Works within the SPEA

14. All landscape works, including siting, plant quantities, sizes, and type, shall be in general accordance with Schedule 'C'. Changes to the plant list may be permitted under the approval of an Environmental Monitor, provided that the changes are consistent with the Aquatic Development Permit Area guidelines within the City's Official Community Plan Bylaw No. 0100.
15. Any future landscaping works in the SPEA beyond those specified in Schedule 'C' of this permit must not occur without authorization from the City of West Kelowna by approval of a Development Permit or Development Permit Amendment application.

Revegetation outside the SPEA

16. Vegetation removal (i.e. shrubs, trees) outside of the SPEA will be subject to timing restrictions to reduce risk of disturbing breeding/nesting migratory birds. The work window for shrub and tree removal is September 1 to March 31.
17. All vegetation added outside of the SPEA will be native species or considered non-invasive.

Requirements in Relation to Floodplain

18. The underside of any floor system shall meet or exceed a Flood Construction Level of 344.2 m;
19. The floodplain setback from the top of the bank of McDougall Creek can be relaxed to no less than 12.3 m; and
20. The applicant will enter into an indemnity covenant in order to permit construction of a single detached dwelling on the property.

Requirements in Relation to Archaeological Approvals and Monitoring

21. Prior to any land alteration works, a Site Inspection Permit and Site Alteration Permit, pursuant to Sections 12.2 and 12.4, respectively, of the *Heritage Conservation Act*, must be approved and issued.
22. A Visual Monitor shall be retained for the duration of all construction and restoration activities.
23. Regular monitoring reports must be completed by a Visual Monitor and submitted to applicable regulatory agencies, consistent with the recommendations in Schedule "E" and a final report must also be submitted to the City of West Kelowna.

Security

24. As a condition of the issuance of this permit, the City of West Kelowna 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 City of West Kelowna 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 below, 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 \$12,033.01**

General Terms

25. 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. Should any changes be required to this permit, please ensure that you obtain written approval from City of West Kelowna prior to making any changes.
26. If this Development Permit has not been issued within one year from approval, Development Permit DP 20-29 & FEX 20-01 shall be deemed to have been refused and the file will be closed.
27. **This Permit is not a Building Permit.**
28. 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 two years after the date it is issued, the permit lapses.

AUTHORIZING RESOLUTION NO. C _____ PASSED BY THE MUNICIPAL COUNCIL
ON _____, _____.

Signed on _____, _____

City Clerk

I hereby confirm that I have read and concur with the conditions of DP 20-29 & FEX 20-01 and will ensure that copies of DP 20-29 & FEX 20-01 will be provided to onsite personnel at time of construction.

Signed on _____, _____

Property Owner or Agent

ISSUED ON _____, _____

Attached Schedules:

- A: Site Plan prepared by Mandeville Land Surveying Inc., dated September 2020
- B: Development Permit Drawings, prepared by Helliwell + Smith Blue Sky Architecture Inc., dated October 16, 2020
- C: Riparian Assessment and Impact Assessment, prepared by Karen Grainger RPBio and Estimate prepared by Sagebrush Nursery, dated December 1, 2020
- D: Desktop Review, prepared by Similkameen Consulting, dated January 25, 2021

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