



**CITY OF WEST KELOWNA
DEVELOPMENT PERMIT WITH VARIANCE
AND FLOODPLAIN EXEMPTION
DP 20-35 / FEX 21-01**

TO: Todd Simpson
631 Westside Road
West Kelowna, BC, V1Y 3S2

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 12, DL 2924, ODYD, Plan 23790
(631 Westside Road)

3. This Permit allows for the demolition and subsequent construction of a single detached dwelling with a variance to S.10.4.5(g).3 of Zoning Bylaw No. 0154 to reduce the interior parcel setback from 1.5 m to 0.1 m, and a Floodplain Exemption to S.3.24.3(c) of Zoning Bylaw No. 0154 to locate a building foundation 3.5 m from the natural boundary of a stream (Luluwap Creek), subject to the following conditions and related schedules:
 - a) Siting of the dwelling shall be general accordance with the Site Plan, prepared by Baxter Designs Inc., Drawing 1/1, dated January 21, 2021, attached as 'Schedule A'
 - b) Construction, remediation and mitigation measures to be in accordance with the Environmental Assessment, prepared by Stantec Consulting Ltd., prepared December 12, 2019, attached as 'Schedule B', and the Riparian Areas Protection Regulations Assessment Report, prepared by Stantec Consulting Ltd., dated June 26, 2020, attached as 'Schedule C', including but not limited to:
 - i. **Snow fencing** to be installed at the SPEA boundary, where possible, or installed at the limits of disturbance of the site, as recommended by the QEP, to prevent construction and earth material contamination within sensitive aquatic areas;
 - ii. **Environmental Monitoring** to be in place during construction with a periodic inspection reports submitted to the city, as well as a final report following project completion;
 - iii. To include appropriate **spill containment kits** on site at all times during construction;
 - iv. **No refuelling within 30 m** of the of any watercourse; and
 - v. **Construction debris/waste** is to be transported and disposed of off-site and in accordance with applicable legislation, guidelines and best management practices.

- c) All **restoration plantings** in general conformance with the Riparian and Restoration Plan, prepared by Xeriscape Endemic Nursery and Ecological Solutions, attached as 'Schedule D'.

Requirements in Relation to Floodplain

- a) All site preparation and construction activities shall be consistent with the Floodplain Hazard Assessment Report, prepared by Dobson Engineering Ltd., dated September 16, 2019, attached as Schedule 'E', including but not limited to:
- i. Foundation to be located no less than 1.4 m from the natural boundary of Luluwap Creek and 1.5 m above the natural boundary of the creek.
 - ii. Foundation to be located no less than 15 m from the natural boundary of Okanagan Lake; and
 - iii. Any the underside of any floor system used for dwelling purposes to be located at a minimum Geodetic Survey of Canada datum of 343.66 m.
- b) **As a condition of the Floodplain Exemption, the applicant will enter into an indemnity covenant.**

General Terms

4. 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 change be required to this permit, please ensure that you obtain written approval from the City of West Kelowna prior to making any changes.
5. If this Development Permit has not been issued within two years from approval, Development Permit DP 20-35 / FEX 21-01 shall be deemed to have been refused and the file will be closed.
- 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 two years after the date it is issued, the permit lapses.

AUTHORIZING RESOLUTION NO. CXXX/XX PASSED BY COUNCIL ON _____, 2021

Signed on _____, 2021

City Clerk

INDEMNITY COVENANT REGISTERED ON _____, 2021

I hereby confirm that I have read and concur with the conditions of DP 20-35 / FEX 21-01 and will ensure that copies of the Permit will be provided to on-site personnel at time of construction.

Signed on _____

Property Owner or Agent

ISSUED on _____, 2021

Schedules:

- Schedule 'A': Site Plan, prepared by Baxter Designs Inc., Drawing 1/1, dated January 21, 2021
- Schedule 'B': Environmental Assessment, prepared by Stantec Consulting Ltd., prepared December 12, 2019;
- Schedule 'C': Riparian Areas Protection Regulations Assessment Report, prepared by Stantec Consulting Ltd., dated June 26, 2020
- Schedule 'D': Riparian and Restoration Plan, prepared by Xeriscape Endemic Nursery and Ecological Solutions; and
- Schedule 'E': Floodplain Hazard Assessment Report, prepared by Dobson Engineering Ltd., dated September 16, 2019