



CITY OF WEST KELOWNA
DEVELOPMENT PERMIT WITH VARIANCES
DP 21-19

To: Ryser Developments Ltd.
c/o Damien Burggraeve
2688 Ridgemount Drive
West Kelowna, BC, V4T 3A6

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 A District Lot 3793 and 2600 ODYD, District Plan EPP 91342 except Plan EPP35995
(Tallus Ridge, Phase 10)

3. This Permit allows the construction of 26 townhomes within a **Multiple Family and Intensive Residential (DPA 3) and Hillside (DPA 4) Development Permit Areas**, subject to the following conditions and related Schedules:
 - The siting of buildings are to be in accordance the Site plan, prepared by IHS Designs, dated September 15, 2021, attached as Schedule "A";
 - The exterior design and finish of buildings to be in accordance with the **Architectural submission** (elevations, material and colour schedule, renderings) prepared by IHS Designs, Sheet No. A2 - A 23, dated May 5, 2021, May 6, 2021, July 5, 2021, September 15, 2021, attached as Schedule "B";
 - The grading and site design to be general in accordance with the **Civil Design Drawings** (site servicing, grading plans, site drainage, erosion and sediment control plan, lane plan/profile, rock wall plan/profile), prepared by Protech Consultants Inc., Drawing No. 19050-101, 103, 301, and 302, attached as Schedule "C";
 - The landscaping and restoration to be provided on the land be in accordance with **Landscape Drawings**, prepared by Outland Design and Architecture, Drawing No. L1/1, Rev. 4, dated September 14, 2021, attached as Schedule "D";
 - All grading and restoration to be conducted in general accordance with the **Geotechnical Report**, dated April 23, 2020, and Memo, Geotechnical Memos dated, prepared by Geopacific, dated September 1 and September 13, 2021, attached as Schedule "E", including:
 - i. Rock slopes to be finished no steeper than 0.25(H):1(V) and scaled to remove loose particle at the rock face.
 - ii. Use pre-split blasting technique followed by hydraulic hammering to create a smooth rock face;
 - iii. Establish an exclusion zone along the base of the rock face by installing a chain link fence at the recommended set-forward distance;

- iv. Install a fence at the crest of the rock cut to keep people, pets, and other animals from falling over the rock face.
 - v. Hydroseed slopes finished at 2H:1V or less with 5 m horizontal and full restoration over 5 m horizontal. Any slopes greater than 2H:1V must be fully restored;
 - vi. Final recommendations for slope remediation and maintenance responsibilities will be required following grading with registration of a covenant.
 - The following **variances to Zoning Bylaw No. 0154** are included as part of this Development Permit:
 - i. Reduction of number of loading spaces from 1 to 0, in accordance with Schedule "A" (S.4.10); and
 - ii. Increase to the maximum building height from 9.0 m to 9.75 m, in accordance with Schedule 'B' (S.10.9.5(f)).
4. As a condition of the issuance of this Permit, the property owner shall deposit 125% of the cost estimate for the **Landscaping (\$233,787.25)** as performance security to ensure installation of the required landscape plantings, in accordance with the City's Development Application Procedures Bylaw No. 0260 and Schedule "D".
- 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.
5. Prior to Building Permit, the existing non-disturbance covenant (Registration No. CA3977131) shall be recharged to recognize the modified boundary.
6. 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.
7. If this Development Permit has not been issued within one year from approval, Development Permit DP 21-19 shall be deemed to have been refused and the file will be closed.
8. **This Permit is not a Building Permit.**
9. 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 **NO. CXXX/XX** PASSED BY THE MUNICIPAL COUNCIL ON _____.

Signed on _____

City Clerk

I hereby confirm that I have read and agree with the conditions of Development Permit DP 21-19 with Variances and will ensure that copies of the Permit will be provided to onsite personnel at time of construction.

Signed on _____

Property Owner or Agent

ISSUED on _____

Schedules:

- A. Site plan, prepared by IHS Designs, dated September 15, 2021.
- B. Architectural submission, prepared by IHS Designs, sheet No. A2 - A 23, dated May 5, 2021, May 6, 2021, July 5, 2021, September 15, 2021.
- C. Civil drawings, prepared by Protech Consultants Inc., Drawing No. 19050-101, 103, 301, and 302.
- D. Landscape Plan prepared by Outland Design and Architecture, Drawing No. L1/1, Rev. 4, dated September 14, 2021.
- E. Geotechnical report, Prepared by Calibre Geotechnical, dated August 10, 2020, and Geotechnical Memos dated, prepared by Geopacific, dated September 1 and September 13, 2021.

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