



REGIONAL DISTRICT OF CENTRAL KOOTENAY

DEVELOPMENT PERMIT REPORT

DATE OF REPORT: October 3, 2016
AUTHOR: Mitchell King, Planner
SUBJECT: Hidden Valley Wood Fibre – Industrial Development Permit
FILE: 4260-20-2016-DP1607C-06119.000-HVWF-DP000068

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to consider the issuance of an Industrial Development Permit as designated under the *Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013* for property located at 436 Davis Road, Creston and legally described as Lot B, Plan NEP1501, District Lot 9555, Kootenay Land District (PID: 015-752-771).

SECTION 2: BACKGROUND / ANALYSIS

GENERAL INFORMATION

Property Owner(s)	Hidden Valley Wood Fibre Ltd. (Darcy Elliott, Director)	Agent	Mary Angus
Property Address	436 Davis Road, Creston	Property Size	~3.65 hectares (~9.03 acres)
Legal Description	Lot B, Plan NEP1501, District Lot 9555, Kootenay Land District (PID: 015-752-771)		
OCP Designation	Industrial (M)	Zoning Designation	Medium Industrial (M2)

BACKGROUND/PROJECT DESCRIPTION

The subject property is located at 436 Davis Road (PID: 015-752-771) within the community of Creston in Electoral Area 'C' of the Regional District of Central Kootenay. The property is approximately 3.65 hectares (9.03 acres) in site area and is bounded by Hurry Road to the east, Davis Road to the north and the Town of Creston (refer to Figure 1 and Figure 2 below).

At present the property contains a single family dwelling and an accessory building that is utilised for storage purposes, which are identified on the applicant's site plan (see "Schedule 2" of "Attachment C"). The property is serviced by on-site sewage disposal and on-site water. The remainder of the land under application is largely undeveloped and presently unutilised.

Land uses on adjoining properties are as follows:

Orientation	Zoning	Land Use	ALR Status
North	Agriculture 2 (AG2)	Scrap Yard	In ALR
East	Agriculture 2 (AG2)	Residential Properties, Commercial Restaurant (Renee's Roadhouse Diner)	In ALR
South	Agriculture 2 (AG2)	Hay Processing Facility & Commercial Truck Scale	In ALR
West	Heavy Industrial (M-2) Community Use (P-1)	Crematorium, Town of Creston Sewage Facility and Municipal Works Facility (Within Town of Creston)	Not in ALR

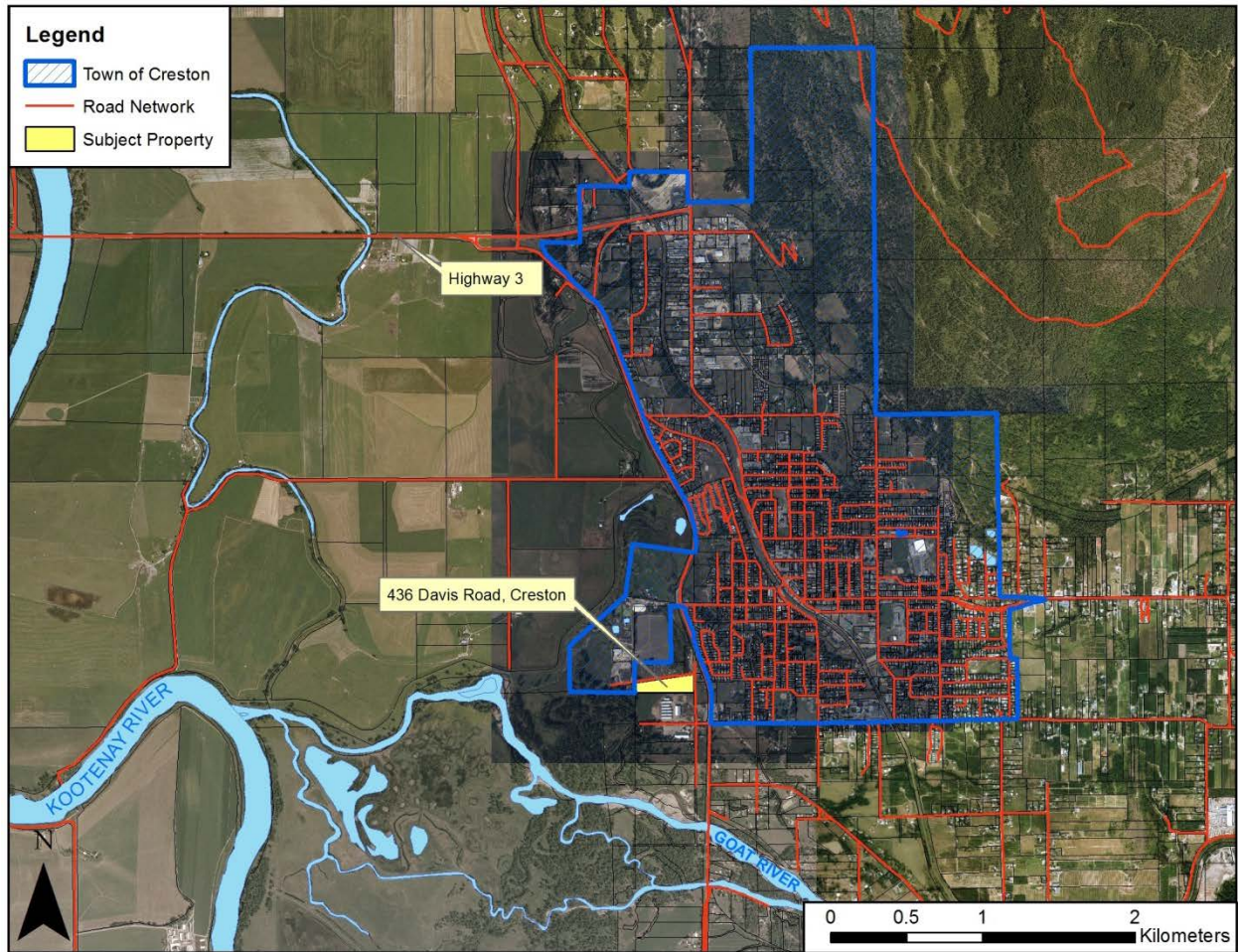


Figure 1: Location Map of Subject Property

PURPOSE

The applicant is seeking an Industrial Development Permit to be issued in accordance with Section 15.0 of the *Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013* (the CLUB). This Development Permit has been triggered due to the proposed development of a bulk firewood manufacturing and dry land log sort/storage use on the property, which has a land use designation of Industrial (M) under the CLUB.

This proposed use would involve the construction of a 1200 square foot (~112 square metres) workshop for firewood processing and manufacturing, development of a 'racetrack' driveway for ingress/egress of trucks and the storage of logs in accordance with the applicant's site plan (see "Schedule 2" of "Attachment C"). The proposed activity would be serviced by one or two trucks to move materials on and off the property, a wheel loader and log loader, and would operate from 7:30am to 5:00pm from Monday to Friday.

In order to meet the terms of the Industrial Development Permit and ensure adequate screening of the development is provided, the applicant has proposed the installation of 45 blue spruce trees on the north and east side of the property (see "Attachment A"). The applicant has also proposed dust control for off-street loading areas and areas for ingress and egress to meet the requirements of the zoning portion of the CLUB.



Figure 2: Context Map of Subject Property

SITE VISIT

A site visit was conducted by Planning Department staff on November 26, 2015, and a follow-up site inspection was conducted by Creston Office Staff on February 29, 2016. The following observations were made by staff while on site:

- There is currently one single family dwelling and one accessory building utilised for storage sited on the subject property in accordance with the applicant’s submitted site plan (refer to Figure 3 below).
- The land is largely undeveloped and is currently being utilised for residential purposes. No agricultural uses are currently occurring on the property.
- The majority of the property has been cleared of landscaping; limited landscaping remains around the property boundary (see Figure 4 and Figure 5).
- The property is surrounded by various industrial land uses to the north and south, including a scrap yard to the north and a hay processing facility and commercial truck scale to the south (see Figure 2 above).
- There are four residential properties located to the east and north east of the subject property fronting Hurry Road. There is one commercial property located to the south east of the subject property (see Figure 2 above).



Figure 3: View of Single Family Dwelling and Accessory Building from Davis Road



Figure 4: View of Hurry Road Street Frontage



Figure 5: View of Davis Road Street Frontage

PLANNING COMMENTS

The land under application is wholly located within the Agricultural Land Reserve (ALR). The property owner has received approval from the Agricultural Land Commission (ALC) for the non-farm use of the property pursuant to ALC Resolution #370/2015. This resolution was subsequently amended by the ALC by letter dated February 12, 2016 to permit the construction of a 1200 square foot workshop on the subject property, instead of the two smaller workshops identified in ALC Resolution 370/2015.

At its meeting of July 21, 2016, the Board of the Regional District of Central Kootenay adopted an amendment to the *Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013* to amend the OCP Designation of the property from Agriculture (AG) to Industrial (M) and the zoning designation of the property from Agriculture 2 (AG2) to Medium Industrial (M2). This rezoning is contingent on the registration of a covenant restricting the use of the land to 'wood product manufacturing', as defined by the bylaw.

The subject property is located within the Goat River floodplain, with a Flood Construction Level of 537.4 G.S.C for the property. In addition, the property is wholly located within the Goat River Non-Standard Flooding and Erosion Area (NSFEA) and has a designated hazard rating of 'E'. Accordingly, any development of the subject property must meet the requirements of the Floodplain Bylaw, and may require additional reporting should any development occur on the land. It is anticipated that any requirement of the Floodplain Bylaw will be resolved through any subsequent Building Permit application.

Staff received a number of comments from adjoining property owners in relation to the development proposal (see Section 3, Part (f) below). The key issues raised included concerns with dust, noise, the visual impact of the development, and impacts to property value. Staff notes that the scope of matters considered within the Industrial Development Permit Guidelines (see "Attachment B") is limited to ensuring that landscaping around areas of industrial development to offer screening of the use from

adjoining residential land uses. These other matters are otherwise addressed through the zoning bylaw or other agencies such as the Ministry of Transportation or the Ministry of Environment, and were considered by the Regional Board prior to making a decision on the applicant's bylaw amendment application.

Section 502 of the *Local Government Act* enables local government to request security from an applicant to ensure compliance with the terms of a Development Permit. Staff recommends that a \$4500 security is required as a condition of issuance of the Development Permit to ensure the completion of the proposed landscaping works. These provisions have been incorporated into the terms of the draft Development Permit, which is attached to this report as "Attachment C".

Planning staff is satisfied that the applicant has adequately addressed the Industrial Development Permit guidelines identified in Section 15.0 of the *Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013*.

SECTION 3: DETAILED ANALYSIS

a. Financial Considerations – Cost and Resource Allocations:

The \$500 fee for the Development Permit application has been received.

b. Legislative Considerations (Applicable Policies and/or Bylaws):

This Development Permit application has been reviewed and processed in accordance with the Development Permit Procedure identified in 'Schedule E' of the *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*. The General Manager of Development Services has delegated authority for the consideration of Development Permits.

c. Environmental Considerations:

The applicant has indicated that no activities specified in Schedule 2 of the *Contaminated Sites Regulation* have occurred on the subject property and has elected to not complete and submit a site profile in accordance with Section 40 (1) of the *Environmental Management Act*.

d. Social Considerations:

Should the facility be constructed and operated as proposed, staff anticipates impacts on adjoining property owners to be minimal.

e. Economic Considerations:

The applicant has indicated that the proposed development would employ 6-8 people on a full-time basis within the local area.

f. Communication Considerations:

In accordance with the process identified in 'Schedule E' of the *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*, the application was referred to the Director and APC for Electoral Area 'C', various internal and Provincial referral agencies, and 32 adjoining property owners within 150 metres of the subject property. To date, the following comments have been received:

REFERRAL AGENCY COMMENTS

Habitat Biologist, Ministry of Forests, Lands and Natural Resource Operations, received August 9, 2016

The Ministry of Forests, Lands & Natural Resource Operations – Habitat Division – has reviewed this Development Permit request and has determined that this project should not create significant environmental impacts.

Executive Assistant, Town of Creston, received August 12, 2016

The Town of Creston has no comment with respect to the Agency Referral for the Development Permit application for Hidden Valley Wood Fibre (File #DP1607C), as the concerns previously addressed by the Town have been addressed through your rezoning and ALR processes (i.e. dust, noise concerns, etc.)

District Development Technician, Ministry of Transportation & Infrastructure, received August 15, 2016

Parking of any vehicles, trailers, etc. associated with this commercial operation on the rights-of-way of Hurry Road or Davis Road will not be permitted.

Storage of materials associated with this commercial operation on the rights-of-way of Hurry Road or Davis Road will not be permitted.

There will be one access point for the property. It is noted that this access point is proposed to be off Hurry Road.

The proponents are required to apply for the Ministry of Transportation and Infrastructure for a Commercial/Industrial Access Permit. Application forms may be found at <http://www.th.gov.bc.ca/permits/Apply.asp>

Environmental Health Officer, Interior Health Authority, received August 29, 2016

Thank you for the opportunity to provide comment on the subject Development Permit Application to establish a bulk firewood manufacturing and dry land log sort/storage use on the subject property.

This office has no concern or objection to the granting of the DP provided that Best Management Practices are followed while the facility is in operation to control dust, noise and traffic to minimize any disturbance to neighboring properties

Area C Advisory Planning Commission, received August 30, 2016

The Area C APC expresses no objection to this development permit with the concern that, as expressed in our Response Summary to the rezoning application, the residents of the Town of Creston above Highway 21 also be made aware of the proposal and be given the opportunity to review and comment.

COMMENTS FROM ADJOINING PROPERTY OWNERS**Adjoining Property Owner, received October 5, 2015**

I am very concerned about an application by Hidden Valley Wood Products to have a log sorting yard at 436 Davis Rd. Creston, B.C. Folio #786.06119.000. My property is overlooking a beautiful farmer's field which will be ravaged & laid for waste.

Please take the time to view the current log sorting yard and see what will happen in a very short time. People have many valid concerns regarding this non-farming application:

Long Hours of heavy traffic***Noise******Dust******Devalued properties******Unsightly***

We are against this proposed application, and the secret manner our land use has adapted.

Note: The above referral was received as part of the earlier application for 'non-farm use' in the Agricultural Land Reserve and was attached upon request from the property owner.

Adjoining Property Owner, received June 29, 2016

Who will monitor the dust, heavy traffic, noise pollution, hours of operation and the visual impact? These residential concerns did not influence your decision to leave the land agricultural.

I strongly suggested months ago that a visit be made to the present location of Hidden Valley Wood Fibre Ltd. The flood plains have been compromised by mountains of bark and wood fibre leeching into the soil. Please investigate the outcome, the environmental impact, and the erosion of fertile land. Your hydrogeologist can see at a glance, how close the water at 436 Davis Rd. is to the surface! (picture taken June 28, 2016 after many hot days) Our #1 concern is the effect this soggy (not dry) mess will have on our property resale value.



Hole dug Easter Weekend
2016

Picture taken June 28,
2016

We had no say on the switch from Agricultural to Industrial Hay Plant. It just happened. They sell the fertile soil and river rock and never repair the landscape! We know each driver by their JAKE BRAKE SKILLS. This very fertile farmers field yields several crops per season. Once it is zoned Industrial, it will never come back.

Hopefully this short notice of a public meeting is not just a formality.

Note: The above referral was received as part of the earlier bylaw amendment application and was attached following a request from the property owner.

Adjoining Property Owner, received August 15 , 2016

I am against this company locating to the aforementioned site. At the previous meeting at the Creston Rec Centre, almost all the residents were there and they were all against having anymore industry move here. Several reasons were given and mostly it was the noise pollution from trucks using their 'Jake-Brakes' and the dust pollution. We moved here in the spring of 2005 and never have we had so much dust. The Province and the District don't seem to care about noise pollution and will not enforce or put in fines so the trucks will not use their Jake Brakes.

I am not against having a community grow, but guidelines for all users should be in place and enforced.

Adjoining Property Owner, received August 20, 2016

Mr Elliott has decided to put his own spin on property in this valley.

There is:

No scrap yard here

No commercial business

No sawmill

Hidden Valley Wood Products will destroy land and roads should they locate here. Neither can stand heavy continuous use. They have offered nothing (tree??) which will mitigate against dust, diesel fumes, noise and degraded rocks. We the residents will suffer pollution and depreciated Real Estate values. My wife and I are adamantly opposed to this development.

Adjoining Property Owner, received August 21, 2016

My property is 480 Hurry Rd. Creston. The property being re-zoned is directly across the road to the west. My concerns are: #1- We had a 30 to 40 km wind last week that blew dirt everywhere, especially from this close hay operation. The existing logging operation to the south of us was unbelievable. The dirt was so thick you couldn't drive on highway 21. I don't want that across the road from me. #2 When they drop a load of logs the ground shakes and the noise is very loud. It can be heard a long ways away. #3 Hurry Rd. is already heavily used creating more dust and noise because of Pine Profiles, the Town of Creston dump trucks and backhoes, sewage plant truck traffic, fire dept. and lets not forget the crematorium. #4 My property taxes are going up but my property value is going down. My land will be worth nothing if this application is approved. Please ask yourself, would you like to live like that !!! Contrary to this response summary this is good farm land yielding 3 crops a season and capable of growing 9 ft. corn. The property north on Davis Rd. is not an auto wreckers and is not zoned accordingly. I have ground water concerns to as we are all on wells and septic fields.

I would also like to say that I have nothing against anyone making a living and owning a business but I can't understand why there is not designated areas for commercial and industrial operations. We have more land and resources than anybody and yet we have applications like this trying to locate themselves right next to residential and populated areas. I have spoken to my neighbors and we feel the same way. I hope they respond accordingly.

g. Staffing/Departmental Work plan Considerations:

Upon receipt of an application accompanied by the required fees and attachments, Planning Department staff follows the procedures set out in 'Schedule E' of the *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015.*

SECTION 4: OPTIONS

The General Manager of Development Services can consider the following options for the requested Development Permit:

Option 1: To approve the proposed Development Permit.

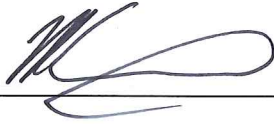
Option2: To deny the proposed Development Permit.

SECTION 5: RECOMMENDATION(S)

That the General Manager of Development Services APPROVE the issuance of Development Permit 4260-20-2016-DP1607C-06119.000-HVWF-DP000068 subject to the conditions as outlined in the attached permit.

Respectfully submitted,

Signature:



Name:

Mitchell King, Planner

CONCURRENCE

Initials:

Planning Manager
General Manager of Development Services



ATTACHMENT:

Attachment A – Proposal Summary

Attachment B – Industrial Development Permit Guidelines

Attachment C – Draft Development Permit 4260-20-2016-DP1607C-06119.000-HVWF-DP000068

Attachment A – Proposal Summary

Hidden Valley Wood Fibre Ltd.

Box 2049

Creston, B.C. V0B 1G0

PROPOSAL SUMMARY

This Development Application is in order for us to relocate an existing bulk firewood manufacturing and dry land log sort/storage business. Note that we are considerably downsizing the existing business and not moving the entire business which is now operating further to the south on Highway 21.

The condition of this non-farm land has a severely limited capability for agriculture as noted by the Agricultural Land Commission Decision, ALC File 54365. Also noted in this Decision is that the surrounding uses on properties either adjacent or in close proximity to the Property are classified as light-industrial or commercial businesses.

The A.L.C. has conditionally approved the proposal as presented on the drawing including a new structure 30' x 40' and a "race-track" type driveway. R.D.C.K. has approved the Zoning Amendment to Medium Industrial with the understanding that a covenant must be registered against the land limiting the use as proposed.

The property is largely undeveloped with one single family dwelling on the property. It is surrounded by various operating industrial land uses including a scrap yard, hay processing plant, truss plant, Pine Profiles, Fire Practice area and Crematorium. The road is already a well-used industrial road with chip trucks, lumber trucks, sewer and fire trucks. Consideration was given to residential properties in the area when designing the access. It is positioned to the south east side of the property to minimize further traffic effect on residential properties.

Dust control will be mitigated by placing gravel on driveway and treating with dust control material when needed. A water truck will be on standby is required

Hours of operation are 7:30 a.m. to 5 p.m. Monday to Friday and we anticipate we will be employing 6 to 8 full time employees.

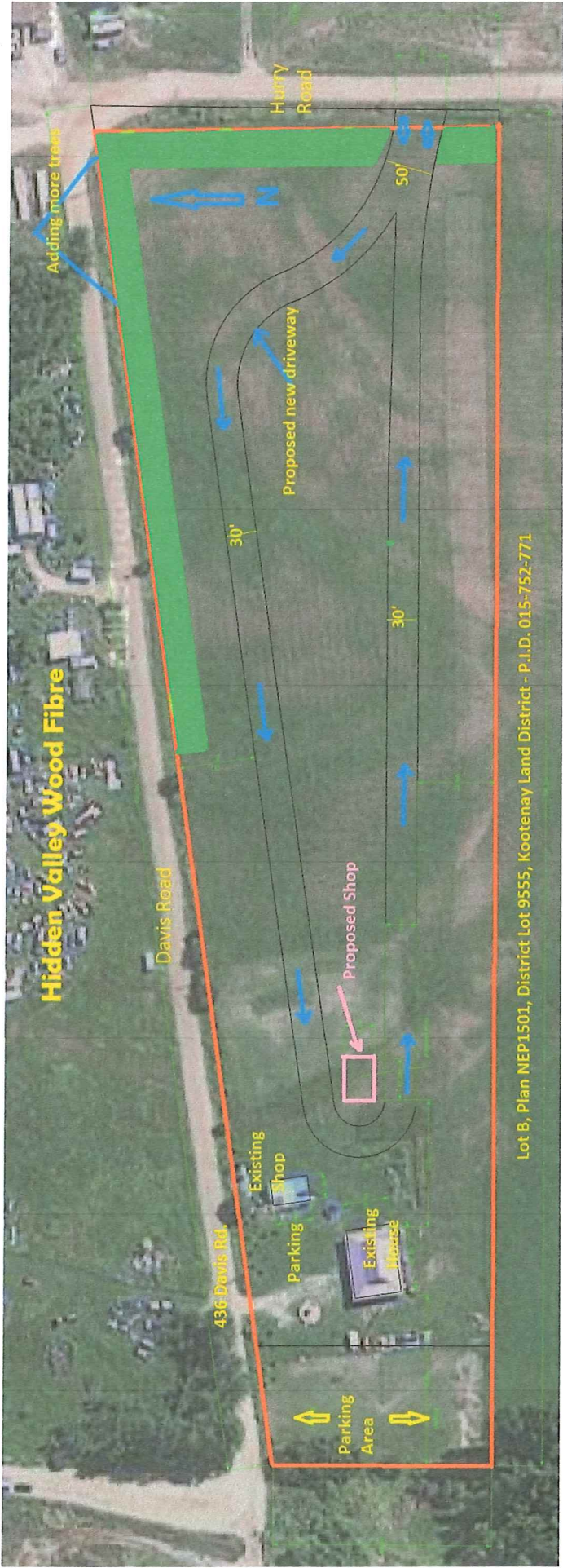
All firewood processing will be in a covered building and would eventually run off electric motors. Outdoor activities restricted to log sorting and loading/unloading trucks. The goal is to sell any wood waste to local citizens.

To meet the requirements of IDP area we will be providing screening in the form of blue spruce trees that are already 10' wide by 10' high. We will be planting approximately 24 of these trees on the north side of property and approximately

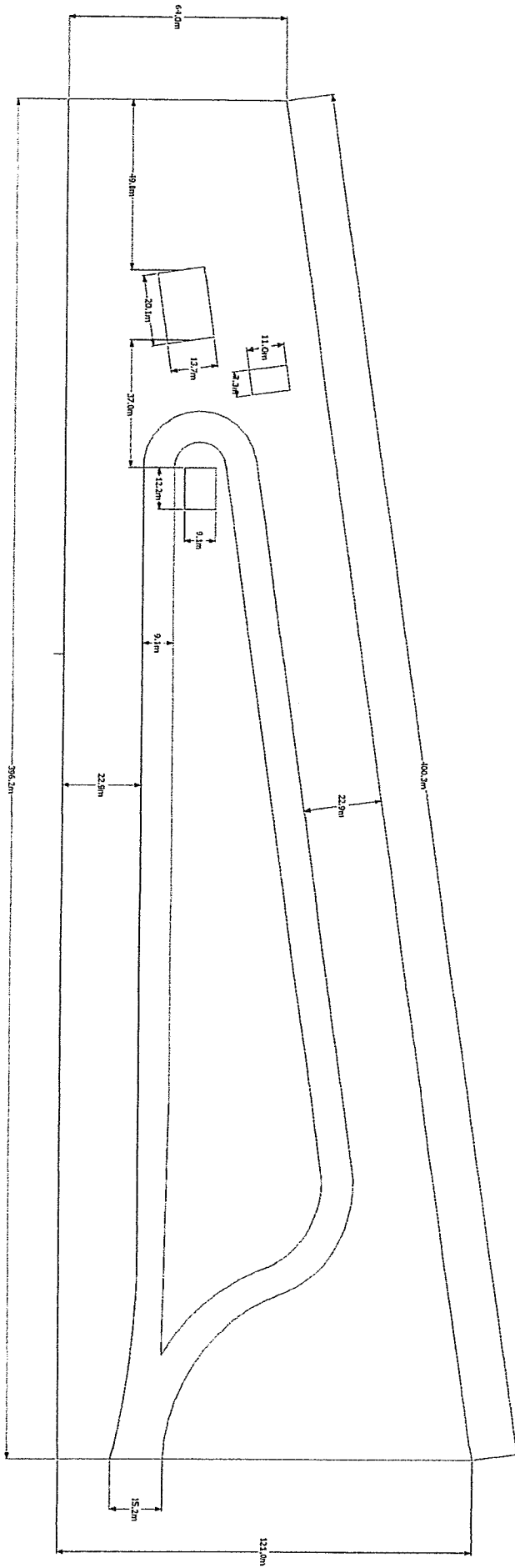
15 trees on the east side of property. There is already a treed area existing on the west side of property. Trees will be planted so that one will not be able to see through it and will conform with the current B.C. Landscape Standard specs. Trees are grown by a professional and will be planted by a landscape professional with the full understanding of their vital nature.

There is plenty of off-street parking located to the west of the residential house. Most of this already exists.

Hidden Valley Wood Fibre



Lot B, Plan NEP1501, District Lot 9555, Kootenay Land District - P.I.D. 015-752-771



Attachment B – Industrial Development Permit Guidelines

15.0 DEVELOPMENT PERMIT AREAS

Background

The OCP may designate Development Permit Areas under the authority of local government legislation. Unless otherwise specified, a development permit must be approved by the Regional Board, or delegate of the Board, prior to any development or subdivision of land within a designated Development Permit Area.

Development Permit Areas allow for implementation of special guidelines for the protection of the natural environment, protection from hazardous conditions, for revitalization of designated areas, or to guide the form and character of development within the Plan area. Development Permit Areas can also be used to meet targets for carbon emission reductions and energy and water conservation.

Where land is subject to more than one Development Permit Area designation, a single development permit is required. The application will be subject to the requirements of all applicable Development Permit Areas, and any development permit issued will be in accordance with the guidelines of all such Areas.

Development Permit Area #1: Industrial Development Area Permit (IDP) Area

Category

The IDP area is designated under Section 919.1(1) (a) and (f) of the *Local Government Act* for the establishment of objectives for the protection of the natural environment and form and character of industrial land uses within the Plan area.

Area

The IDP area is comprised of all privately owned or leased lands designated as Industrial (M) on Schedule 'B'.

Justification

The primary objective of this development permit area designation is to ensure that industrial developments within the Plan area are compatible and considerate of the natural environment and the surrounding residential and rural character of the Plan area.

Guidelines

1. Any off-street parking area, exterior display area or loading area on a lot used for Industrial purposes shall:
 - a be provided with screening in the form of a fence not less than 1.5 metre in height or by a hedge not less than 1.5 metre in height at the time of

planting where adjacent to a lot in any residential zone; such screening shall be planted or installed so that no person shall be able to see through it;

- b be separated from any directly abutting lot in any residential zone and from any adjoining highway other than a lane, by a fully and suitably landscaped and properly maintained strip not less than 1.5 metres in width.
2. Where any lot is used for industrial purposes, any part of such lot that is not used for buildings, exterior display areas, parking or loading facilities shall be maintained as a landscaped area, or as undisturbed forest.
3. Where any off-street parking area for four (4) or more vehicles is located within 4.5 metres of a front or exterior side lot line, it shall be screened by an evergreen hedge not less than 1.5 metre in height at the time of planting. The minimum width of soil area for the hedge shall be 0.75 metres. The hedge shall be planted one (1) metre from curbs or wheel stops.
4. The design, installation and maintenance of any landscaping area or screen should be in conformity with the current specifications of the "British Columbia Landscape Standard" prepared by the B.C. Society of Landscape Architects and the B.C. Nursery Trades Association. These standards do not apply where endemic, native plantings are used for landscaping.

Exemptions

The ICDP area does not apply to the following:

5. Development associated with agricultural, residential, commercial or institutional land uses and activities; and
6. Existing construction, alteration, repair, demolition and maintenance of industrial buildings.

Development Permit Area #2: Small Scale Food Processing (SSFP) Area

All small scale food processing facilities that process more than 50% of off farm product within Agricultural Designations as shown on Schedule 'B.1' of the require a Development Permit pursuant to Sections 919.1(1)(b), and 919.1(1)(c) of the *Local Government Act*, for the purpose of providing guidelines for the protection of development from hazardous conditions and protection of farming.

Justification

All small scale food processing facilities that process more than 50% of off farm product within Agricultural Designations as shown on Schedule 'B.1' require a Development Permit pursuant to Sections 919.1(1)(b), and 919.1(1)(c) of the *Local Government Act*, for the purpose of providing guidelines for the protection of development from hazardous conditions and protection of farming.



REGIONAL DISTRICT OF CENTRAL KOOTENAY
DEVELOPMENT PERMIT

4260-20-2016-DP1607C-06119.000-HVWF-DP000068 (D1607C)

Date: October 3, 2016

Issued pursuant to Section 490 and 491 of the *Local Government Act*

1. This Development Permit is issued to Hidden Valley Wood Fibre Ltd., Inc. No. BC0708276, of Creston, British Columbia as the registered owner (hereinafter called the "Permittee") and shall only apply to those lands within the Regional District of Central Kootenay, in the Province of British Columbia legally described as LOT B DISTRICT LOT 9555 KOOTENAY DISTRICT PLAN 1501 (PID 015-752-771) as shown on the attached "Schedule 1 – Subject Property", forming part of this Permit, referred to hereafter as the "said lands".
2. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District of Central Kootenay applicable thereto, except as specifically varied or supplemented by this Development Permit.
3. This Development Permit shall not have the effect of varying the use or density of land as specified in the applicable Zoning Bylaw of the Regional District of Central Kootenay, nor a Floodplain Specification under Section 524 of the Local Government Act.
4. The said lands have been designated 'Medium Industrial (M2)' and are located within an Industrial Development Permit Area pursuant to the *Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013*, as amended.
5. The Permittee has applied to the Regional District of Central Kootenay to develop the said lands for the purposes of conducting a bulk firewood manufacturing and dry land log sort and storage use, and to use land and buildings situated on the said lands for this purpose. The development proposal involves the construction of a 112 square metres (~1200 square foot) workshop for firewood processing and manufacturing, the development of a 'racetrack' driveway for ingress/egress of trucks, the storage of logs, and the installation of 45 blue spruce trees along the north and eastern property boundaries. Pursuant to this Development Permit and subject to the terms and conditions herein contained, as well as all other applicable Regional District Bylaws, the Regional District of Central Kootenay hereby authorizes the use of the said lands for a bulk firewood manufacturing and dry land log sort and storage use and in particular includes authorisation of those items attached to this Development Permit as "Schedule 2 – Development Plans".
6. The Permittee is required to obtain approval in writing from the Regional District of Central Kootenay prior to the construction any new buildings on the said lands, external additions to existing buildings on the said lands or for any deviation from the development of the said lands as authorized under Section 5 of this Development Permit. Furthermore, the Permittee is hereby advised of the following requirements:

- 6.1 The Regional District of Central Kootenay Building Department requires that the Permittee obtain a demolition permit and/or building permit prior to the removal of any existing buildings and structures, the renovation, expansion or alteration of any existing building and the construction of any new building.
 - 6.2 The Permittee shall be required to address sewage disposal issues to the satisfaction of the Interior Health Authority and Regional District of Central Kootenay Building Official.
 - 6.3 Unless otherwise stated all buildings and structures shall comply with the site coverage, height of building and building setback requirements of the *Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013*, as amended.
 - 6.4 Any change in use of the said lands from those uses specified in Section 5 of this Development Permit will require approval in writing from the Regional District of Central Kootenay and may be subject to further requirements in accordance with any applicable bylaw that regulates land use on the said lands.
 - 6.5 The Permittee is responsible for ensuring that the terms of this permit are clearly communicated to all agents, contractors, sub-agents and employees involved in the development authorized under Section 5 of this Development Permit.
7. As a condition of the issuance of this Permit, the Regional District shall hold an irrevocable **Letter of Credit** submitted by the Permittee in the amount of **\$4,500.00** to ensure the landscaping requirements as set forth in Section 5 are completed and in accordance with the following provisions:
- 7.1 A condition of the posting of the Letter of Credit is that should the Permittee fail to carry out the works and services as herein above stated, according to terms and conditions of this permit within the time provided, the Regional District may use the Letter of Credit to complete these works or services by servants, agents or contractors, and any surplus shall be paid over to the Permittee. If the amount of funds is insufficient to cover the actual cost of completing the works, then the Permittee shall pay such deficiency to the Regional District immediately upon receipt of the Regional District's bill for same.
 - 7.2 The Permittee shall complete the landscaping works required by this Permit prior to **October 3, 2018**. Within this time period the required landscaping must be inspected and approved by the Regional District.
 - 7.3 If the landscaping is not completed within this time period, the Regional District has the option of continuing to renew the Letter of Credit until the required landscaping is completed or has the option of drawing from the Letter of Credit to complete the required landscaping. In this event, the Regional District or its agents have the irrevocable right to enter into the property to undertake the required landscaping for which the Letter of Credit was submitted.
 - 7.4 If the landscaping is approved within this time period without the Regional District having to draw the on the Letter of Credit, 90% of the original amount of the Letter of Credit shall be returned to the Permittee.
 - 7.5 A hold back of 10% of the original amount of the Letter of Credit shall be retained until a final inspection is undertaken within 12 months of the date of the original

inspection and approval was given to the landscaping. If the landscaping receives approval at final inspection, the 10% hold back will be returned to the Permittee. If after the final inspection, approval of the landscaping is not given, the Regional District has the option of continuing to renew the Letter of Credit until the required landscaping is approved or has the option of drawing on the Letter of Credit the funds to complete the required landscaping. In this event, the Regional District or its agents have the irrevocable right to enter onto the property to undertake the required landscaping for which the Letter of Credit was submitted.

8. The said lands shall be developed strictly in accordance with the terms and conditions of this Development Permit and the requirements of all applicable Regional District Bylaws as well as any plans and specifications which may, from time to time, be attached to this Permit shall form a part thereof.
9. In accordance with the Local Government Act, if the development authorized by this Development Permit is not commenced within two years of the date of this Permit, this Permit shall lapse.
10. In accordance with the Local Government Act, 'Notice' shall be filed in the Land Title Office that the said lands are subject to this Development Permit.
11. The terms of this Development Permit including subsequent amendments, are binding on all persons who acquire an interest in the said lands associated with this Permit.
12. It is understood and agreed that the Regional District has made no representations, covenants, warranties, guarantees, promises, or agreement (verbal or otherwise) with the Permittee other than those in this Development Permit. It is solely the responsibility of the Permittee to ensure that the requirements of all other applicable government agencies are satisfied.
13. This Development Permit does not constitute a building permit.
14. This Development Permit shall come into force and effect 14 days after the date of issuance unless a Waiver of Appeal is received from the Permittee at which time the Development Permit shall be deemed to be issued upon receipt of the Waiver of Appeal. OR If a Notice of Appeal is received the Development Permit shall be suspended until such time as the Board of the Regional District of Central Kootenay has decided the Appeal.



Sangita Sudan, General Manager of Development Services

Oct 14, 2016

Date of Issuance

Schedule 1 – Subject Property



