



## REGIONAL DISTRICT OF CENTRAL KOOTENAY

# DEVELOPMENT PERMIT

**DP2104E-02256.123-Kay\_&\_Mutavdzic-DP000109  
(DP2104E)**

Date: July 6, 2021

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

1. This Development Permit is issued to Sabina Kay & Goran Mutavdzic of 325 Park Avenue, Procter (Electoral Area 'E') 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 STRATA LOT 23 DISTRICT LOT 873 KOOTENAY DISTRICT STRATA PLAN NES3286 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V (PID 027-785-033) as shown on the attached Schedules 1 and 2, 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 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 'Suburban Residential' and are located within a Watercourse Development Permit Area pursuant to the Electoral Area 'E' Official Community Plan Bylaw No. 2260, 2013 as amended.
5. The Permittee has applied to the Regional District of Central Kootenay to re-construct a retaining wall adjacent to the existing dwelling in the Watercourse Development Permit Area and to use land and buildings situated on the said lands for this purpose. 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 this purpose.
6. The Permittee is required to obtain approval in writing from the Regional District of Central Kootenay prior to the construction any new buildings, external additions to existing buildings or for any deviation from the development authorized under Section 5 of this Development Permit. Furthermore, the Permittee is hereby advised of the following requirements:
  - 6.1 Development is authorized within the terms described in the report titled '325 Park Avenue BC, Riparian Assessment' prepared by Masse Environmental Consultants Ltd dated January 28, 2021 and attached to this permit as Schedule 2. Compliance with all recommendations is required. Recommendations can be categorized as follows:
    - 6.1.1 Measures to protect the integrity of the Streamside Protection and Enhancement Area (SPEA). This includes This includes the protection of vegetation and trees with the SPEA, sediment and erosion control, storm water management, protection of fish habitat, scheduling of environmentally sensitive activities, management of equipment and fuel/lubricant materials and

invasive plant management. All work shall be done in accordance with Sections 6 of the attached report.

6.1.2 In order to restore habitat functions within the disturbed area of the SPEA, the Mitigation Plan outlined in Section 7 of the report attached as Schedule 2 shall be implemented.

6.1.3 To ensure that implementation of the Mitigation Plan identified in Section 7 of the report is successful, the recommendation outlined in Section 8; Environmental Monitoring, shall be implemented.

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 **\$4587.50** to ensure the landscaping requirements as set forth in Section 6 and a post construction inspection and report prepared by a Qualified Professional 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 November 1, 2022. Within this time period the required landscaping must be inspected and approved by the Regional District.

7.3 If the landscaping is not approved 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.

*S Sudan*

---

Sangita Sudan, General Manager of Development Services

July 7, 2021

---

Date of Approval (date of review and approval)

April 14, 2022

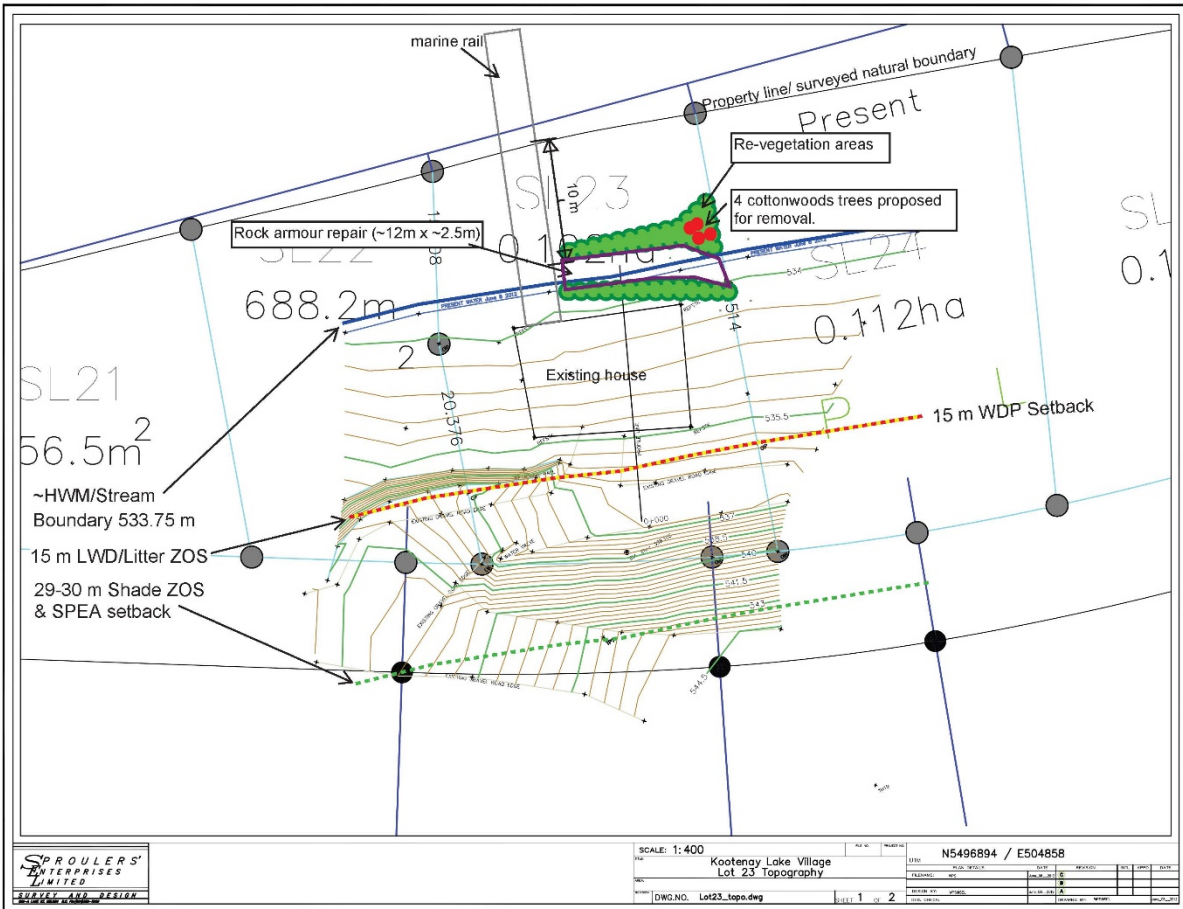
---

Date of Issuance (pending receipt of securities)

Schedule 1: Subject Property



Schedule 2: Site Plan



Schedule 3: Riparian Assessment