



REGIONAL DISTRICT OF CENTRAL KOOTENAY
DEVELOPMENT PERMIT
D2003E (RAMOS & CASH)

Date: August 24 2020

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

1. This Development Permit is issued to Melissa Ramos and Arik Case of 68 Hillside Drive, Apt. 402, Toronto, Ontario, 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 32, PLAN NES3286, DISTRICT LOT 873, KOOTENAY LAND DISTRICT, TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V (PID 027-785-122) 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 Floodplain Specifications for the subject property have been varied under an approved Floodplain Exemption under RDCK Board Resolution No. 657/10 on September 9 2010 to reduce the required setback from Kootenay Lake from 15.0 metres to 7.5 metres from the natural boundary.
5. The said lands have been designated 'Suburban Residential' and are located within a Development Permit Area pursuant to the Electoral Area E Rural Official Community Plan Bylaw No. 2260, 2013 as amended.
6. The Permittee has applied to the Regional District of Central Kootenay to construct a Single Family Dwelling and Garage 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 the development of a Single Family Dwelling and Garage.
7. 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 Schedule 2 and 3 of this Development Permit. Furthermore, the Permittee is hereby advised of the following requirements:
8. 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.
9. The Permittee has submitted a Riparian Assessment prepared by Masse Environmental Consultants Ltd dated April 9, 2020 as part of the application for a Development Permit. The following mitigation measures are to be followed:

- 9.1. The Permittee, and any contractors employed by the Permittee, will be required to follow the best practice measures as outlined within Section 6 of the Kootenay Lake Village Strata Lot 32 Riparian Assessment by Masse Environmental Consultants Ltd.
- 9.2. The Permittee shall be required to restore native riparian vegetation to the 60m² pathway located to the south-east of the building site, and labelled as "Revegetation Offset Area" on the Site Plan. These works shall include:
 - 9.2.1. The removal of the plastic pipe and gravel fill and de-compacting of the area.
 - 9.2.2. Replace gravel fill with a growing medium suitable for plant growth.
 - 9.2.3. Plant 40 native shrubs and 5 native trees (to a minimum of 4" potted stock) in this area, comprising species listed in Table 5 of the Riparian Assessment Report attached at Schedule 3.
 - 9.2.4. Planting should not occur during periods of hot dry weather unless they are irrigated daily.
 - 9.2.5. Regular irrigation of new plantings during the plant establishment period, being a minimum of three (3) years.
- 9.3. The Permittee shall be required to plant the area marked as "Restoration Area" on the accompanying Landscape Plan with five (5) native trees and 40 native shrubs as indicated on the Landscape Plan and Planting Schedule attached at Schedule 4 and 5 respectively, and as listed in Table 5 of the Riparian Assessment Report attached at Schedule 3.
10. The Permittee shall be required to re-plant any disturbed areas around the buildings and any landscape features entirely with native plant species as listed in Table 5 of the Riparian Assessment Report at Schedule 3.
11. The Permittee shall be required to adhere to the principles of rural residential fire protection, in accordance with the FireSmart Homeowner's Manual (MFLNRO N.D).
12. The Permittee shall keep the clearing of vegetation to the minimum possible required for access and staging.
13. The Permittee shall schedule any clearing of vegetation and construction to the least risk period for nesting birds between August 15th and March 31st inclusive.
14. The Permittee shall install sediment fencing where necessary to prevent migration of soils from the building site. Any soil shall be safely stockpiled and located at least 30 metres from Kootenay Lake and covered with tarps.
15. The Permittee shall follow best management practices for concrete management and management of machinery, equipment, fuels, oils, lubricants and hydraulic fluids. Equipment shall not be stored below the natural boundary of Kootenay Lake, shall be regularly inspected, and a designated staging area shall be located greater than 15 metres from the natural boundary of Kootenay Lake for machinery and equipment storage, fueling, and maintenance.
16. A building permit shall be required prior to any construction involving land in this location at which time the Permittee shall be required to address sewage disposal issues to the satisfaction of the Interior Health Authority and Regional District of Central Kootenay Senior Building Official.
17. 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 \$12,500 to ensure the landscaping requirements as set forth in Section 9 are completed and in accordance with the following provisions:

18. 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.
19. The Permittee shall complete the landscaping works required by this Permit prior to August 24 2022. Within this time period the required landscaping must be inspected and approved by the Regional District.
20. 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.
21. 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.
22. 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.
23. The Permittee is advised that archaeological remains in BC are protected from disturbance, intentional or inadvertent, by the Heritage Conservation Act. In the event that archaeological remains are encountered during implementation of the works hereby approved, all ground disturbance in the immediate vicinity must be suspended at once and the Provincial Archaeology Branch and appropriate First Nations notified about the location of the archaeological remains and the nature of the disturbance. Works shall not continue until such time as confirmation has been given by the Provincial Archaeology Branch and the appropriate First Nations, and the relevant Permits obtained where applicable.
24. 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.
25. 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.
26. 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.
27. 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.

28. 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.
29. This Development Permit does not constitute a building permit.
30. 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

August 24, 2020

Date of Approval (date of review and approval)

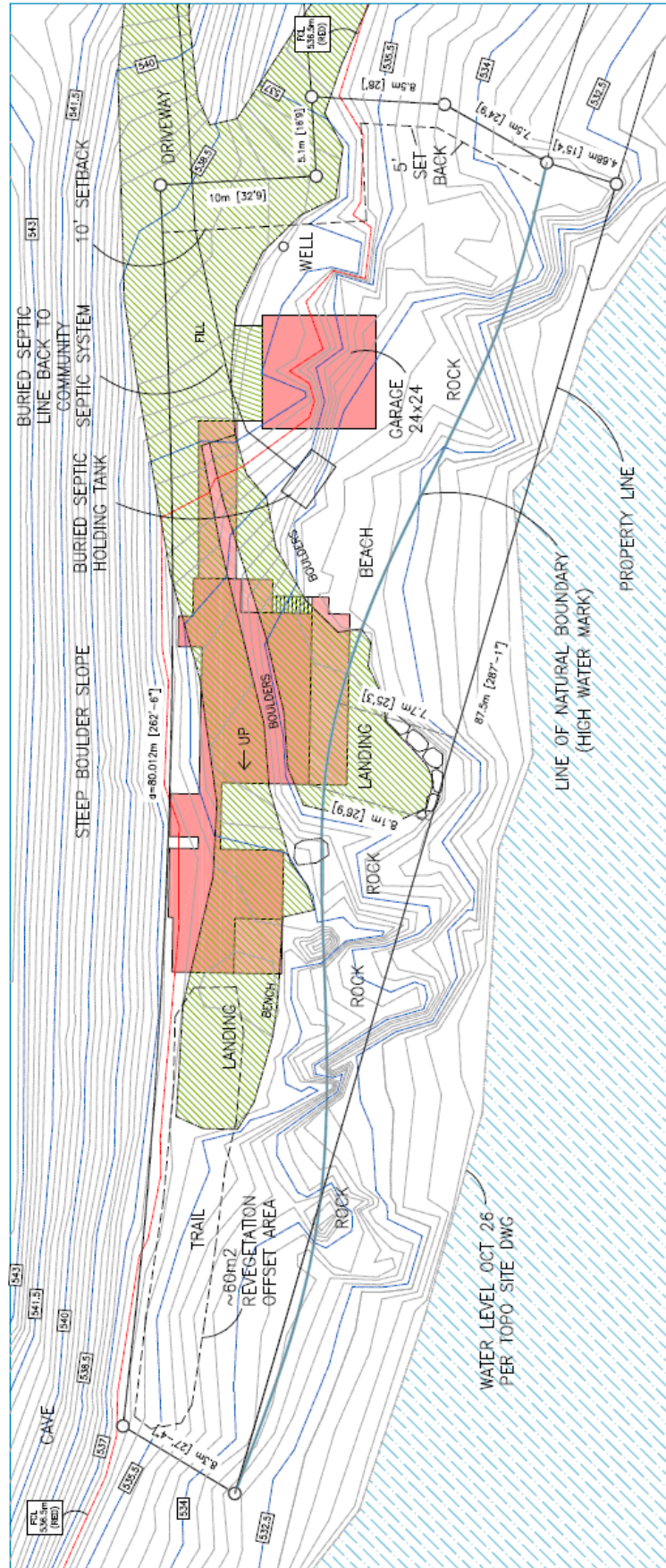
April 15, 2021

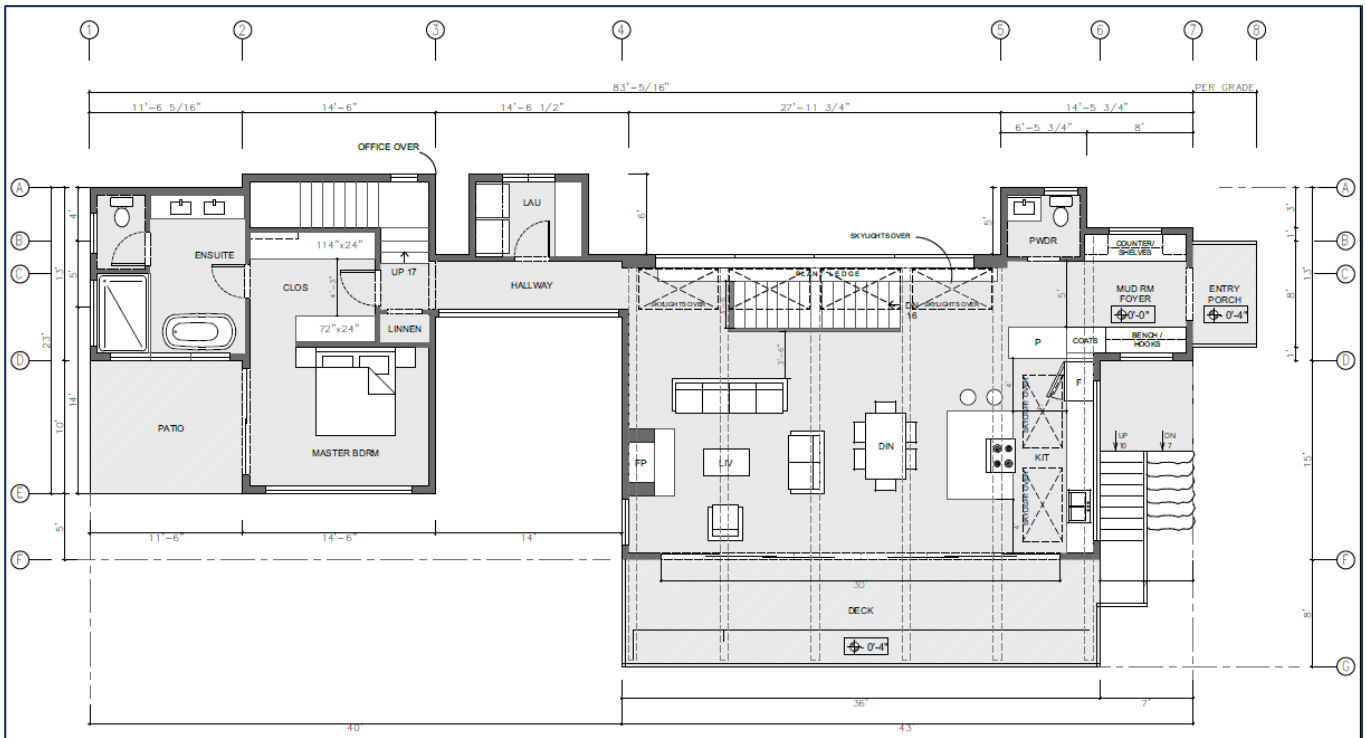
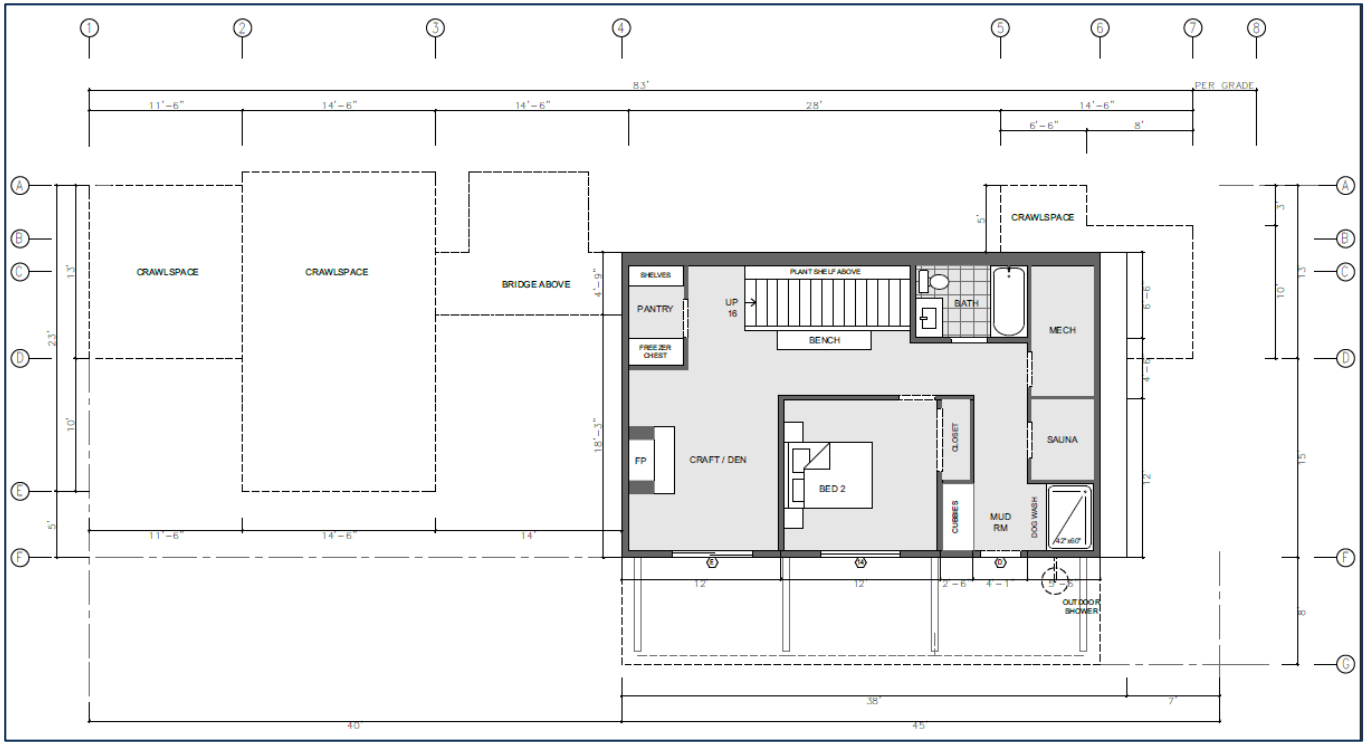
Date of Issuance (pending receipt of securities)

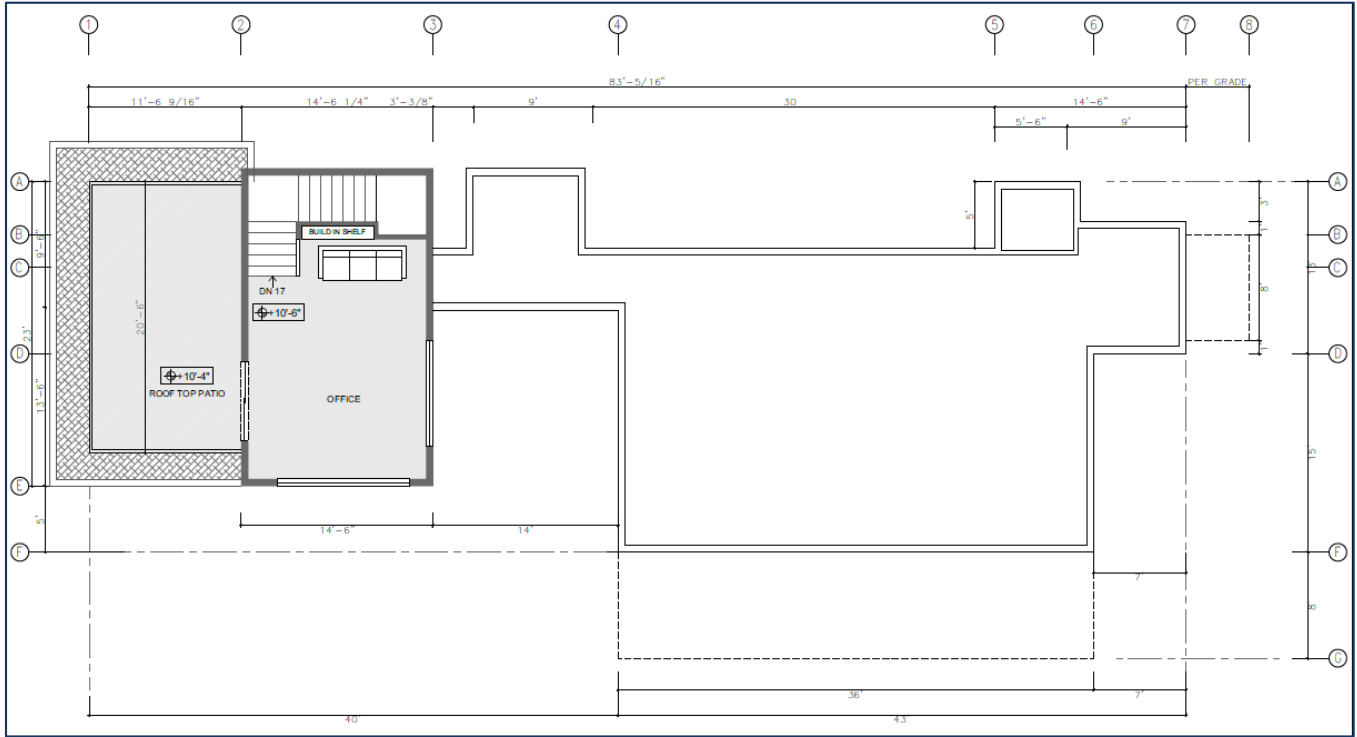
Schedule 1: Subject Property



Schedule 2: Site Plan











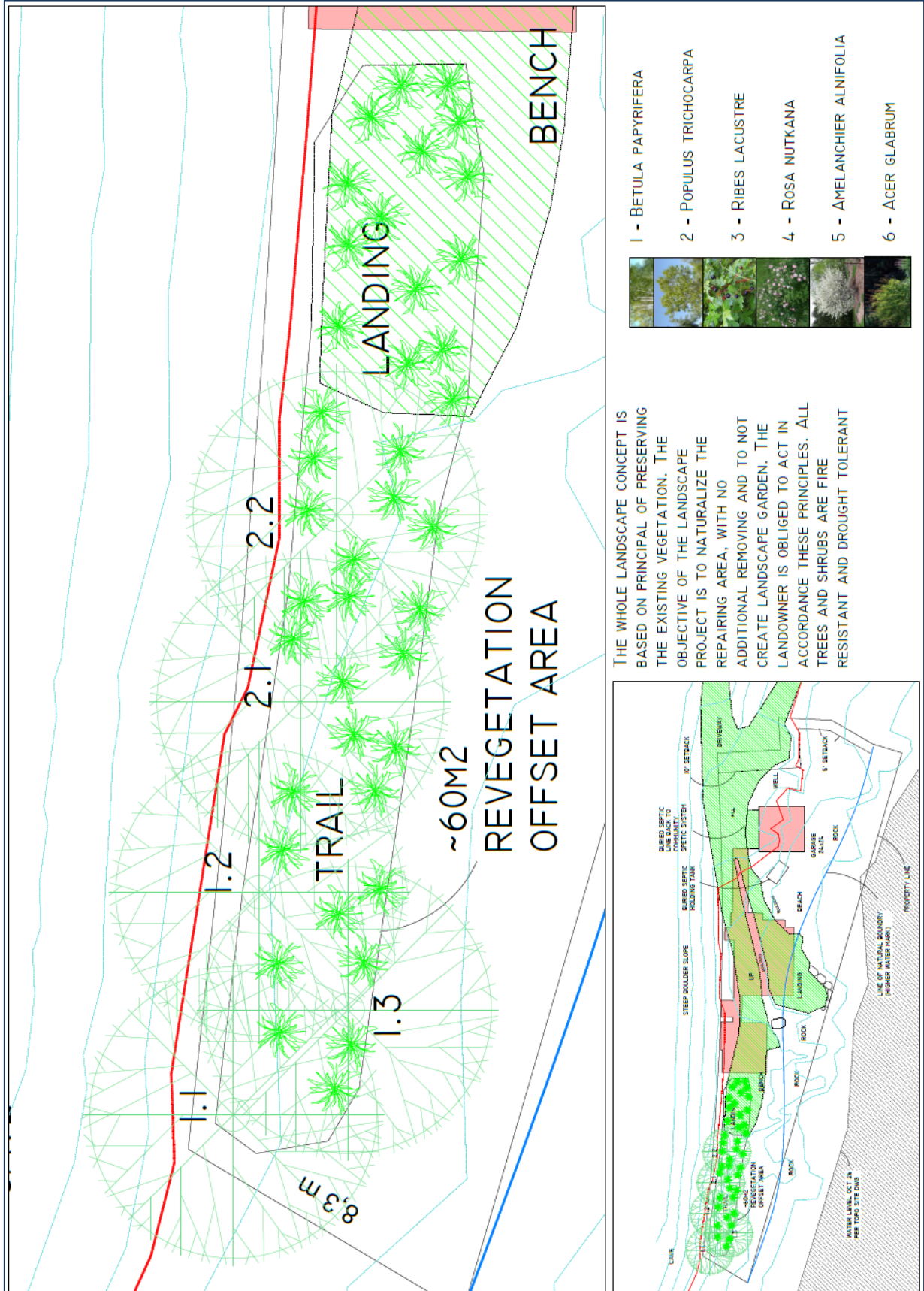


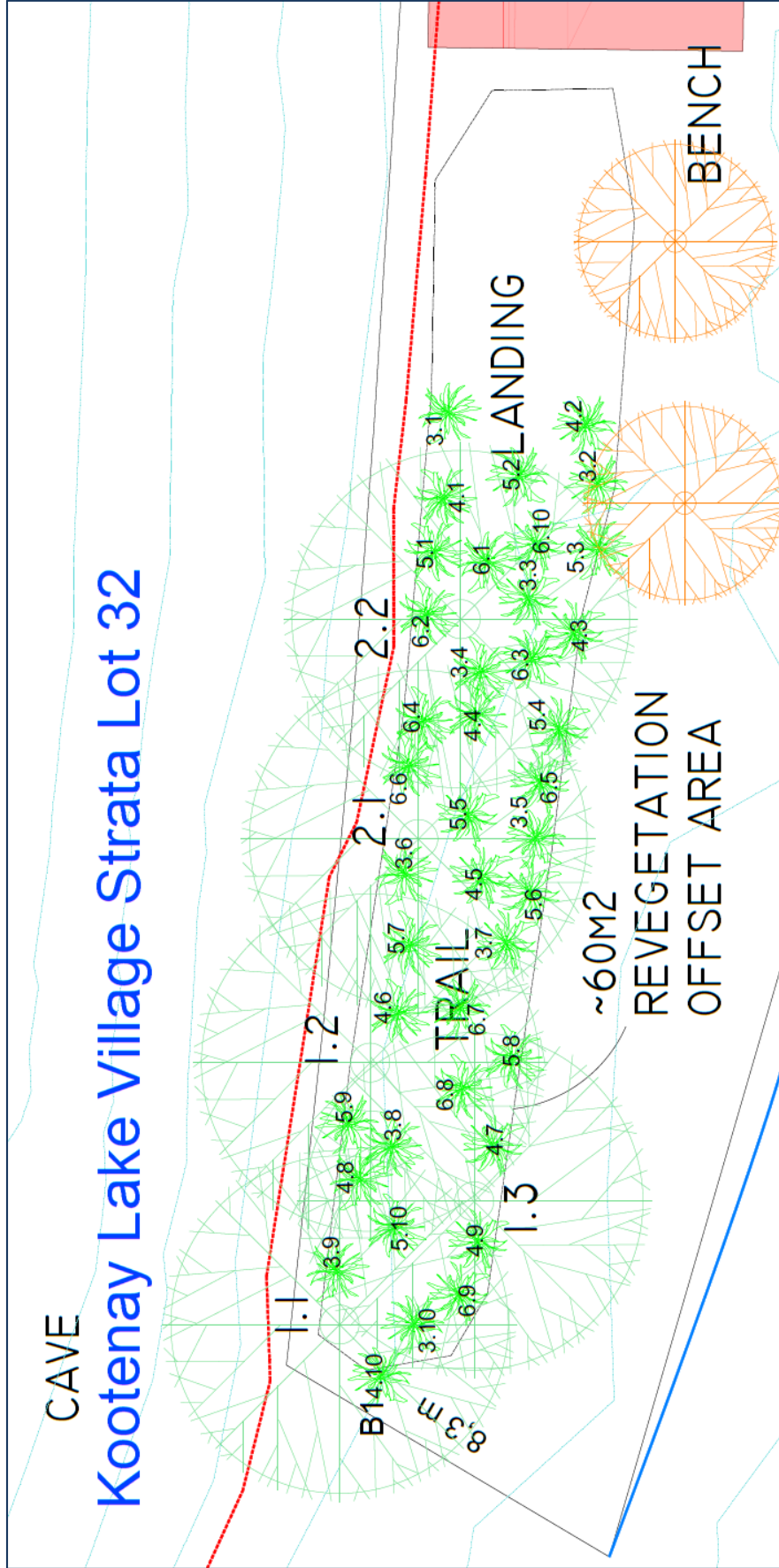




Schedule 3: Kootenay Lake Village Strata Lot 32 Riparian Assessment

Schedule 4: Landscape Plan





Schedule 5: Planting Schedule

Trees

1- Betula Papyrifera (1.1, 1.2, 1.3) - three trees of Betula -Birch

2- Populus Trichocarpa (2.1, 2.2) -two trees of Populus- Cottonwood

Five trees in total.

Shrubs

3- Ribes Lacustre (3.1, 3.2,... 3.10) - ten shrubs of Ribes

4- Rosa Nutkana (4.1, 4.2,...4.10) - ten shrubs of Rosa

5- Amelanchier Alnifolia (5.1, 5.2,...5.10) - ten shrubs of Amelanchier

6- Acer Glabrum (6.1, 6.2,... 6.10) - ten shrubs of Acer

Forty shrubs in total.

Landing Area adjacent to the dwelling to be landscaped with pebbles and rock and some grass (low impact and maintenance)