



**REGIONAL DISTRICT OF CENTRAL KOOTENAY**  
**DEVELOPMENT PERMIT**  
**DP2005E -00780.020-Reid-DP000102 (DP2005E)**

Date: February 16, 2021

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

1. This Development Permit is issued to Trevor Reid & Alix Ius of 1409 Ash Street, Nelson 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 2 Block 38 District Lot 182 Kootenay Land District Plan 486 (PID 016-324-391) 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 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 build a dwelling and a carport 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 in accordance with the terms described in the report titled “Lot 2 Ash Street Riparian Assessment” prepared by Masse Environmental Consultants Ltd., dated July 29, 2020 and attached to this permit as Schedule 2. Conditions of the report can be categorized as follows:
    - 6.1.1 Measures to Protect the integrity of the Streamside Protection and Enhancement Area (SPEA). 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, construction waste management, management of equipment and fuel/lubricant materials and management of invasive plants. All work shall be

done in accordance with Sections 6 of the attached report. Notably, the following conditions shall be adhered to;

6.1.1.1 A SPEA of 10 metres shall be retained, and no vegetation removal or construction is permitted in this area with the exception of works described in Section 6.5 of the attached Environmental Assessment;

6.1.1.2 The SPEA boundary shall be flagged prior to work commencing;

6.1.1.3 A QEP shall visit the site with the construction contractor prior to development to identify areas of vegetation to be retained and snow fencing to be installed along north side of watercourse to protect riparian area;

6.1.1.4 No pollutants shall be allowed to contaminate the soil around trees in the SPEA;

6.1.1.5 A sediment fence shall be installed along the existing riparian vegetation retention area on both sides of the watercourse. Alignment shall be marked out by Qualified Environmental Professional;

6.1.1.6 Straw bales and dewatering bags will be used to prevent sedimentation of the creek;

6.1.1.7 If instream works are required, including any work below the HWM, it must be approved under Section 11 of the Water Sustainability Act and a QEP shall be present to ensure proper isolation of construction work from aquatic habitat;

6.1.1.8 Concrete waste shall be collected and disposed of at an approved disposal site.

6.1.1.9 Washing of equipment used during concrete work shall occur at a designated location at least 30 m away from the watercourse and wash water will not drain directly into the water. If this is not possible then lined trays should be used to collect all concrete waste and wash water to ensure it does not enter the watercourse;

6.1.1.10 Each piece of heavy equipment shall be equipped with its own spill response kit;

6.1.1.11 Equipment will be stored at least 15 m away from the watercourse and secondary containment will be utilized to capture any potential spills or leaks;

6.1.1.12 All exposed soils shall be re-vegetated immediately following construction;

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.

7. 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.
8. As a condition of the issuance of this Permit, the Regional District shall hold an irrevocable Letter of Credit or certified cheque submitted by the Permittee in the amount of \$4875.23 to ensure

the landscaping requirements as set forth in Section 6 are completed and in accordance with the following provisions:

- 8.1 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.
- 8.2 The Permittee shall complete the landscaping works required by this Permit prior to June 1, 2022. Within this time period the required landscaping must be inspected by the Qualified Environmental Professional who will then send confirmation to the Regional District of Central Kootenay that the work has been done in accordance to their specifications.
- 8.3 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.
- 8.4 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.
- 8.5 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.
9. 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.
10. 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.
11. 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.
12. 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.

13. 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.
14. This Development Permit does not constitute a building permit.
15. 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.

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Sangita Sudan, General Manager of Development Services

Feb. 17, 2021

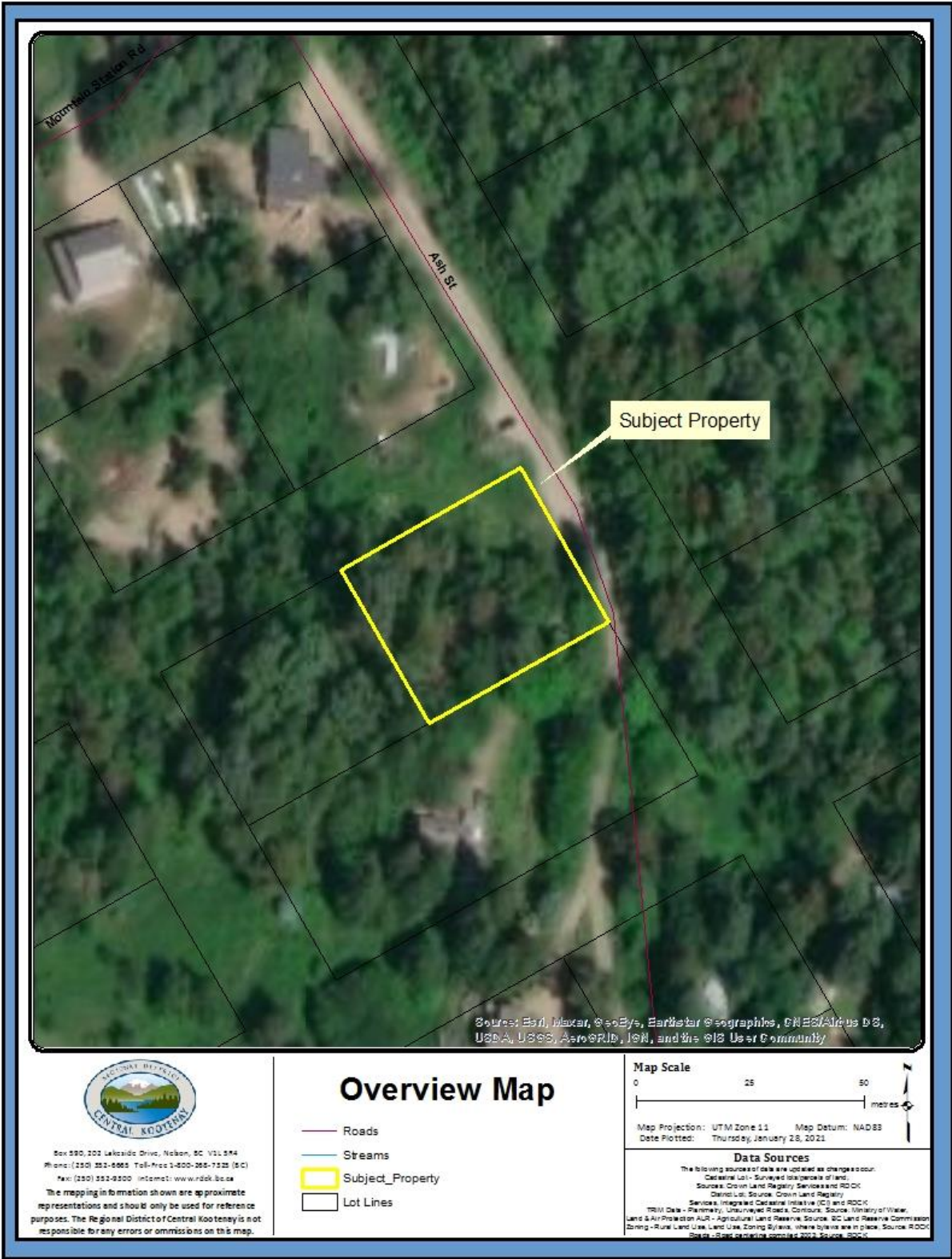
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Date of Approval (date of review and approval)

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Date of Issuance (pending receipt of securities)

Schedule 1: Subject Property



Box 590, 202 Lakeside Drive, Nelson, BC V1L 5K4  
 Phone: (250) 352-6666 Toll-Free 1-800-366-7525 (BC)  
 Fax: (250) 352-9300 Internet: www.rdk.bc.ca  
 The mapping information shown are approximate representations and should only be used for reference purposes. The Regional District of Central Kootenay is not responsible for any errors or omissions on this map.

### Overview Map

- Roads
- Streams
- Subject\_Property
- Lot Lines

**Map Scale**  
 0 25 50 metres

Map Projection: UTM Zone 11 Map Datum: NAD83  
 Date Plotted: Thursday, January 28, 2021

**Data Sources**  
 The following sources of data are updated as changes occur:  
 Cadastre Lot - Surveyed lots parcels of land.  
 Sources: Crown Land Registry, Services and SO DC  
 District Lot: Source: Crown Land Registry  
 Services, Integrated Cadastre Initiative (ICI) and ROC  
 TBM Data - Primary, Unimproved Roads, Contours, Source: University of Water,  
 Land & Air Protection AUR - Agricultural Land Reserve, Source: BC Land Reserve Commission  
 Zoning - Rural Land Use, Land Use, Zoning Systems, where systems are in place, Source: ROC  
 Data - Data, geospatial, compiled, 2008, Source: SBC

Schedule 2: Site Plan

