

Farm Help Development Permit

FH17-0001



This permit relates to land in the City of Kelowna municipally known as

4500 Stewart Road West

and legally known as

Lot 2 Section 32 Township 29 Osoyoos Division Yale District Plan 3093 Except Plan KAP58804

and permits the land to be used for the following development:

To House 22 Temporary Farm Workers in Two Temporary Structures on Non-Permanent Foundations (Trailers)

The development has been approved subject to any attached terms and conditions, and to full compliance with the approved plans bearing the stamp of approval and the above described development permit number.

The present owner and any subsequent owner of the above described land must comply with any attached terms and conditions.

Date of Decision: January 22, 2018

Decision By: City Council

Issued Date: January 22, 2018

Development Permit Area: Farm Help Development Permit

This permit will not be valid if development has not commenced by January 22, 2020.

Existing Zone: A1 – Agriculture 1 Future Land Use Designation: REP – Resource Protection

This is NOT a Building Permit.

In addition to your Development Permit, a Building Permit may be required prior to any work commencing. For further information, contact the City of Kelowna, Development Services Branch.

NOTICE

This permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

Owner: Stewart Brothers Winery Ltd., Inc. No. BC1040444

Applicant: Grant Maddock (Protech Consulting 2012)

Ryan Smith, Community Planning Department Manager
Community Planning & Strategic Investments

Date

1. SCOPE OF APPROVAL

This Development Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Development Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this permit, noted in the Terms and Conditions below.

The issuance of a permit limits the permit holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific variances have been authorized by the Development Permit. No implied variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

2. CONDITIONS OF APPROVAL

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
- b) Landscaping to be provided on the land be in accordance with Schedule "B";
- c) The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;
- d) Registration of a Section 219 Restrictive Covenant restricting the use of the Temporary Farm Worker Housing to a maximum of twenty-two (22) farm employees only, and to a maximum occupation of ten (10) months of the year;
- e) Registration of a Section 219 Restrictive Covenant restricting the use of the Temporary Farm Worker Housing to Temporary Farm Workers only; and
- f) Registration of a Section 219 Restrictive Covenant on all parcels within the farm unit in the City sector restricting the total number of temporary farm worker housing to sixty (60);

This Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

3. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property own of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:

- a) An Irrevocable Letter of Credit in the amount of \$16,500.00 (Landscaping Bond)

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

4. Indemnification

Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

- a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.

All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

The PERMIT HOLDER is the CURRENT LAND OWNER.
Security shall ONLY be returned to the signatory of the
Landscape Agreement or their designates.

DRAFT

CITY OF KELOWNA

MEMORANDUM

Date: November 20, 2017
File No.: FH17-0001
To: Urban Planning Management (KB)
From: Development Engineering Manager
Subject: 4500 Stewart Road W

Development Engineering Services have the following requirements associated with this rezoning application to allow a suite in the existing horse barn.

1. Domestic Water and Fire Protection

The subject property is within the service area of the South East Kelowna Irrigation District (SEKID). The developer is required to make satisfactory arrangements with the SEKID for these items. On-site servicing including the utilisation of existing or proposed services will be reviewed by Building & Permitting.

2. Sanitary Sewer

This property is currently not within the municipal service area. Sanitary sewage is to be handled by an on-site sewage disposal system.

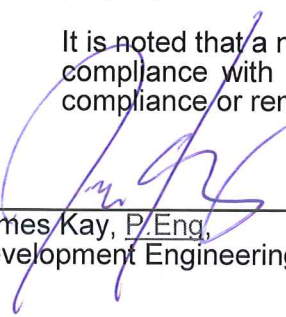
Servicing will be reviewed by Interior Health Authority as well as Building & Permitting.

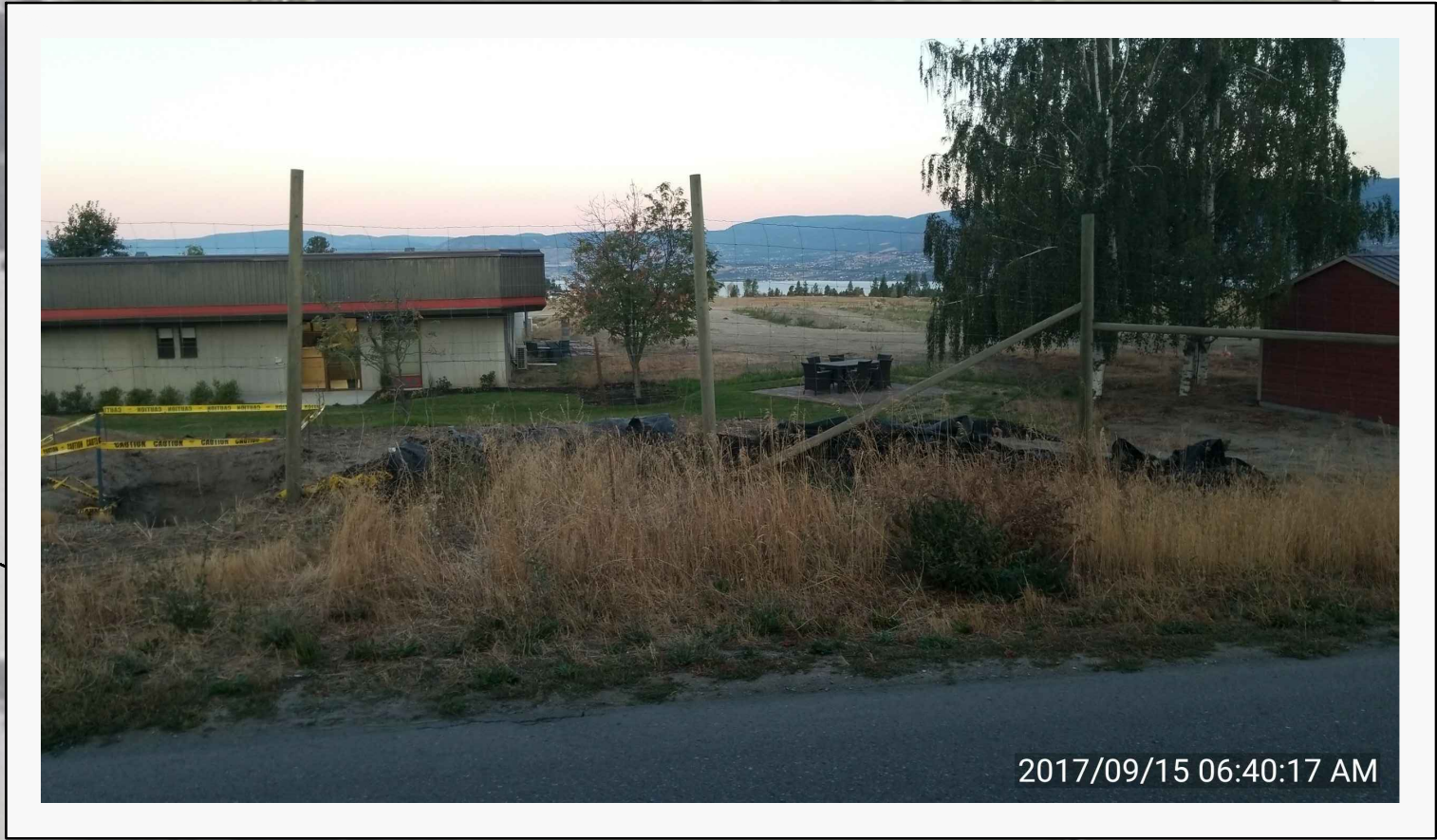
3. Electric Power and Telecommunication Services

Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.

4. The existing gravel driveway requires pavement from the road pavement edge to the property line. This is to prevent gravel from tracking onto the fronting road.

5. It is noted that a new culvert and driveway were installed without permissions, permits, or compliance with City Bylaws to Crawford Road. It will either need to be brought to compliance or removed.


James Kay, P.Eng.
Development Engineering Manager
JF



SCHEDULE A
This forms part of application
FH17-0001

Planner Initials

KB

City of Kelowna
COMMUNITY PLANNING

LEGEND	
WATER	
SAN. SEWER	
STORM SEWER	
GAS	
U/G UTILITY (ALIGNMENT)	
EX. MANHOLE	
PROP. MANHOLE	
POWER POLE	
LAMP STANDARD	
CATCH BASIN	
HYDRANT	
SURVEY MONUMENT	
WATER CURB STOP	
SANITARY INSPECTION CHAMBER	

PROTECH CONSULTING 2012

200 - 1461 St. Paul Street Kelowna B.C. Phone 860-1771 FAX 860-1994

NO.	DATE	BY	REVISION	CH'KD

DRAWN	TWJM
DESIGN	TWJM
APPROVED	GM
DATE	06/27/17
SCALE	
HORIZ.	1:250

THE CITY OF KELOWNA
ENGINEERING DEPARTMENT

QUAILS GATE WINERY FARM DP
APPLICATION LOT 2 PLAN 3093
4450 STEWART ROAD WEST

CITY FILE

DRAWING NO. 15040-DP

REV. NO. 0



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COMMUNITY PLANNING

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THE CITY OF KELOWNA

ENGINEERING DEPARTMENT

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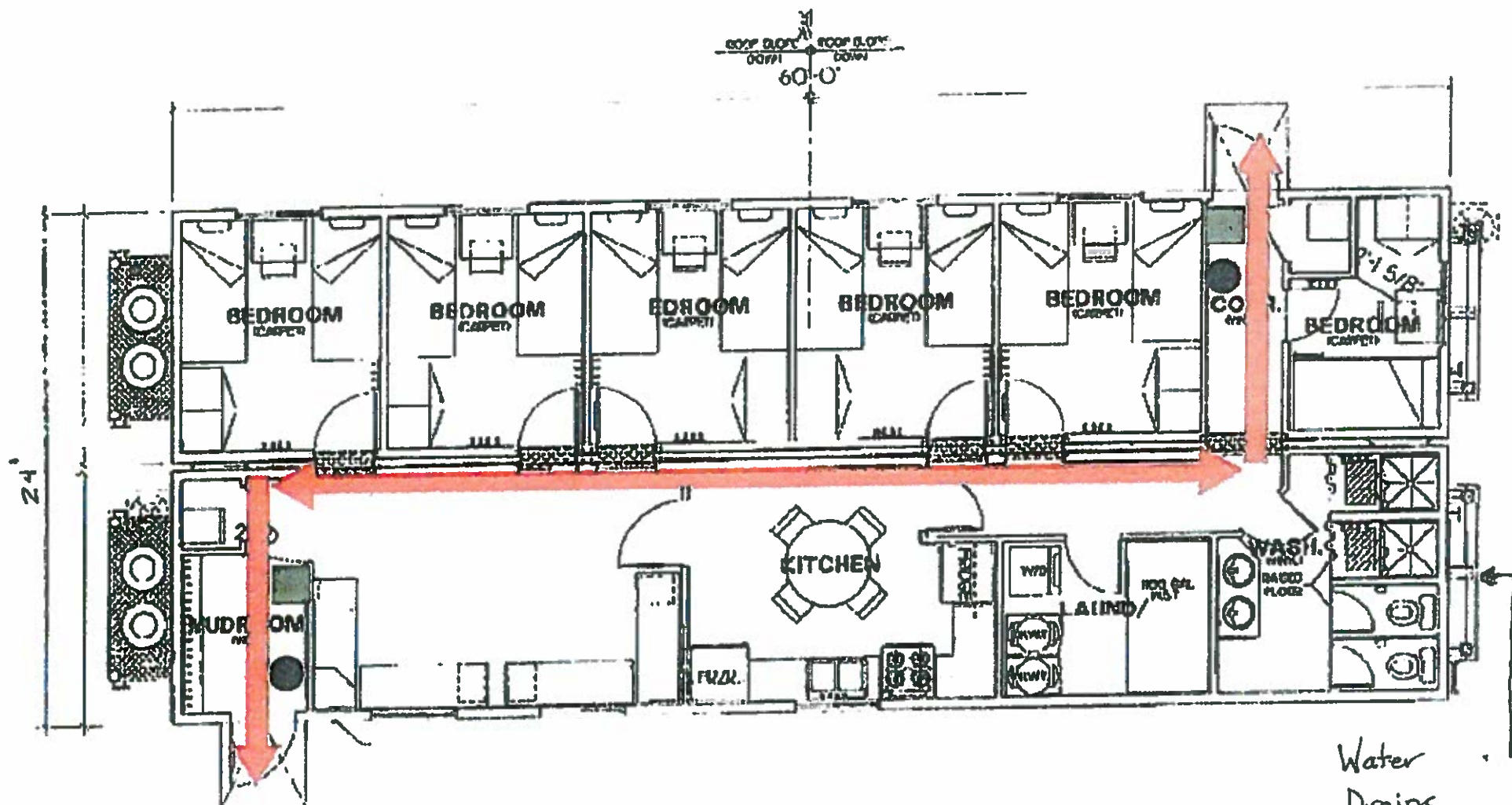
SITE SERVICING PLAN

CITY FILE

DRAWING NO.
15040-SRV

REV. NO.
0

FILE LOCATION: P:\Projects\2017\15040 - Quails Gate Winery\Drawings\15040 - 00.dwg PRINTED ON: 10/2/2017 3:00 PM



SCHEDULE A

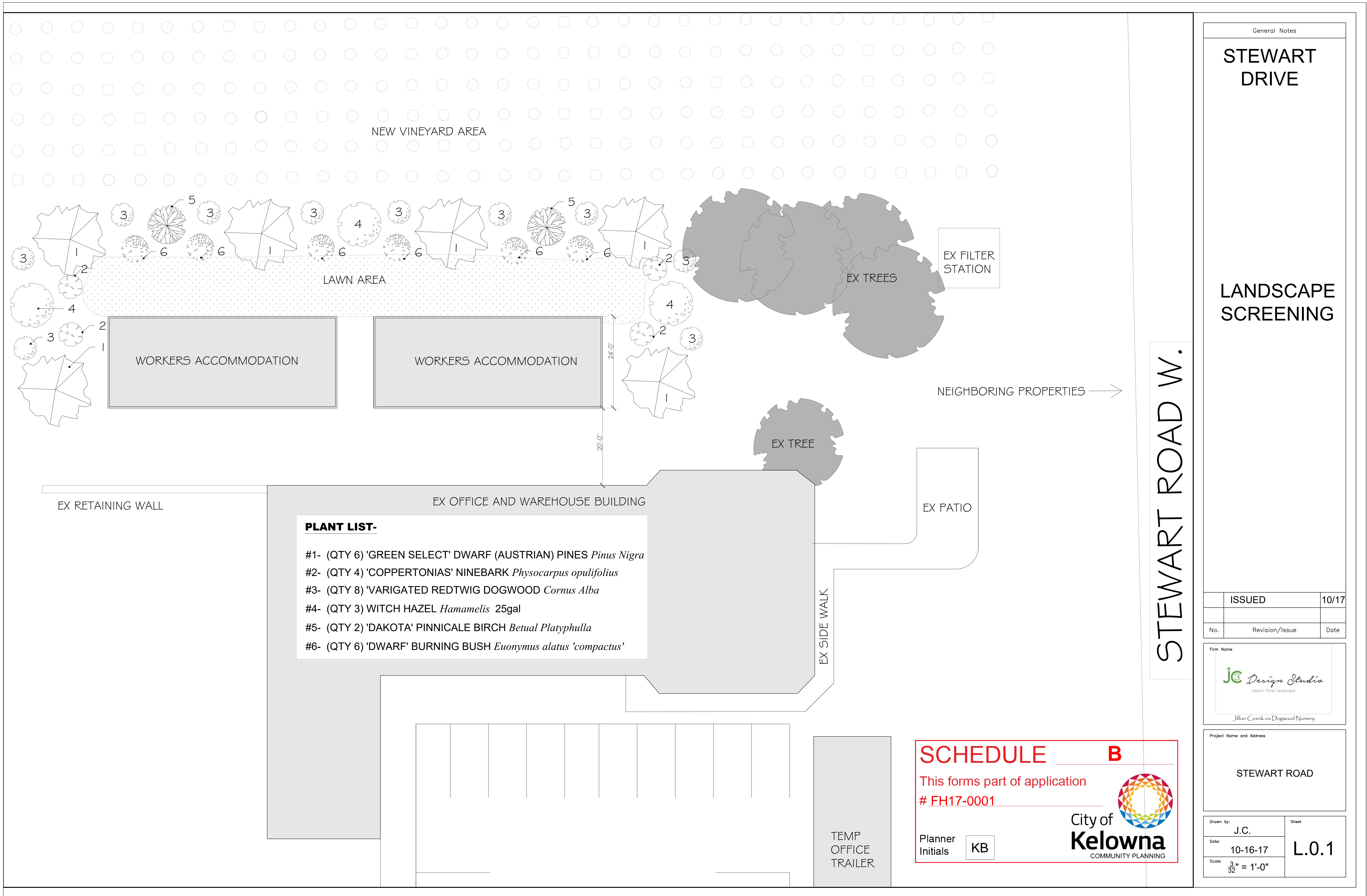
This forms part of application

FH17-0001

Planner
Initials

KB





General Notes		
STEWART DRIVE		
LANDSCAPE SCREENING		
STEWART ROAD W.		
ISSUED 10/17		
No.	Revision/Issue	Date
Firm Name		
jc Design Studio interior • floral • landscape Jillian Cesnik via Dogwood Nursery		
Project Name and Address		
STEWART ROAD		
Drawn by:	J.C.	Sheet
Date:	10-16-17	L.0.1
Scale:	3/32" = 1'-0"	



SCHEDULE		C
This forms part of application # FH17-0001		
Planner Initials	KB	 City of Kelowna <small>COMMUNITY PLANNING</small>

