

# TEMPORARY USE PERMIT



## APPROVED ISSUANCE OF TEMPORARY USE PERMIT NO. TUP16-0001

**Issued To:** Western Global Enterprises Inc  
**Site Address:** 1629 - 1649 KLO Road & 3350 Benvoulin Road  
**Legal Description:** Parcel A (Plan B1813) Of Lot 68, ODYD Plan 186 and Parcel A (DD146178F & PL B6796) of Block 58 District Lot 131 ODYD Plan 186  
**Zoning Classification:** REP - Resource Protection Area  
**Development Permit Area:** A1 - Agriculture 1 (ALR)

### SCOPE OF APPROVAL

This 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 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 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.

### 1. TERMS AND CONDITIONS

THAT Development Permit No. TUP16-0001 for Parcel A (Plan B1813) Of Lot 68, ODYD Plan 186, located at 1629 - 1649 KLO Road, Kelowna, BC, and Parcel A (DD146178F & PL B6796) of Block 58 District Lot 131 ODYD Plan 186, located at 3350 Benvoulin Road, Kelowna BC to allow a Non-Farm Use on the subject property for a three (3) year period ending on October 1, 2019, subject to the following:

- a) The use on the land be in accordance with Schedule "A" (Better Earth Garden Site Plan)
- b) The use on the land be in accordance with Schedule "B" (ALC File 54508, Resolution #67/2015)

AND FURTHER THAT any application to extend the permit must be approved by the Agricultural Land Commission and by Council prior to this permit expiring.

### 2. PERFORMANCE SECURITY

None required.

### 3. DEVELOPMENT

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit that shall form a part hereof.

If the Permit Holder does not commence the development permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

**This Permit IS NOT a Building Permit.**

### 4. APPLICANT'S AGREEMENT

I hereby declare that all of the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree 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 granting to me the said Permit.
- b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of 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.

I further covenant and agree that should I be granted a Development Permit and/or Development Variance Permit, the Municipality may withhold the granting of any Occupancy Permit for the occupancy and / or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Divisional Director of Community Planning & Real Estate.

Should there be any change in ownership or legal description of the property, I undertake to notify the Community Planning Department immediately to avoid any unnecessary delay in processing the application.

**I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.**

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Signature of Owner / Authorized Agent

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Date

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Print Name in Bold Letters

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Telephone No.

### 5. APPROVALS

Issued and approved by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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Ryan Smith, Community Planning Department Manager  
Community Planning & Real Estate

Date

**The PERMIT HOLDER is the CURRENT LAND OWNER.  
Security shall be returned to the PERMIT HOLDER.**