

TEMPORARY USE PERMIT



APPROVED ISSUANCE OF TEMPORARY USE PERMIT NO. TUP22-002

Issued To: City of Kelowna

Site Address: 500 Willits Rd and 3330 Springfield Rd

Legal Descriptions:

- 1) Lot A, Section 23, Township 26, Osoyoos Division, Yale District, Plan 17856, located at 500 Willits Rd, Kelowna, BC
- 2) Lot B, Section 23, Township 26, Osoyoos Division, Yale District, Plan EPP23792, located at 3330 Springfield Rd, Kelowna, BC

Zoning Classification: S-RES – Suburban Residential
R-RES – Rural Residential

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 Temporary Use Permit No. TUP22-0002 for:

- 1) Lot A, Section 23, Township 26, Osoyoos Division, Yale District, Plan 17856, located at 500 Willits Rd, Kelowna, BC, and,
- 2) Lot B, Section 23, Township 26, Osoyoos Division, Yale District, Plan EPP23792, located at 3330 Springfield Rd, Kelowna, BC, be approved for a three (3) year period subject to the following:
 - a) Allow the two properties to be utilized for temporary staging, storage, and off-site operations for the Central Rutland Sanitary Sewer Connection Area Project, consisting of the following:
 - i. Site office trailer and parking for the contractor and engineer.
 - ii. 1.8m high screened fencing around both properties including lockable access gates.
 - iii. Area for storing construction materials and equipment.
 - iv. Area for gravel stockpiles.
 - v. Water service from BMID for dust suppression.
 - b) The dimensions and siting of the temporary use on the land be in general accordance with Schedule "A";
 - c) Mitigation measures be carried out, including:

- i. Dust mitigation
- ii. Noise impacts
- iii. Visual impacts
- iv. Site remediation

AND THAT any application to extend the Permit must be approved 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.

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 Temporary Use 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.

5. APPROVALS

Approved by Council on the _____ day of _____, 2023.

Terry Barton
Development Planning Department Manager
Planning & Development Services

Date of Issuance

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