

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Permit No.: FH16-0002

EXISTING ZONING DESIGNATION: A1 - Agriculture 1
WITHIN DEVELOPMENT PERMIT AREA: Farm Protection Development Permit

ISSUED TO: Manjinder and Hardeep Khela
LOCATION OF SUBJECT SITE: 1380 Latta Road

	LOT	BLOCK	SECTION	TOWNSHIP	PLAN	DISTRICT
LEGAL DESCRIPTION:	1		31	27	KAP91485 Except Plan KAP92999	ODYD

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.
- ☐ Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

- The dimensions and siting of the buildings and structures to be constructed on the land be in general accordance with Schedule "A";
- A landscape buffer in accordance with Schedule 'A', and to be watered with a temporary irrigation system such that the landscape bond is held for a minimum of 3 years to ensure survival of the landscape buffer;
- The Seasonal Farm Worker Housing be constructed in accordance with Seasonal Agricultural Worker Program (SAWP)/ BC Agriculture Council Housing Standards, and the maximum number of workers housed is in accordance with provincial and federal housing requirements for agricultural workers, as they may be amended from time to time;
- The improvements are in accordance with the BC Building Code, and that all conditions of the City of Kelowna Building and Permitting Services be met;
- Registration of a Section 219 Restrictive Covenant restricting the use of the Temporary Farm Worker Housing to use by a maximum of 40 farm employees only, and of which is restricted to a maximum occupation of 8 months of the year, in accordance with Schedule 'B'; and

f) The issuance of a Delayed Demolition Permit for the removal of the TFWH trailers, together with a \$20,000 bond for their removal if they have not been used for Temporary Farm Workers for more than 2 growing seasons, by December 31st of the second growing season.

2. The development shall commence by and in accordance with an approved Building Permit within TWO YEARS of the date of the issuance by the Manager, Suburban and Rural Planning, Community Planning Department.

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 Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee 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 the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ N/A.
- (b) A Certified Cheque in the amount of \$ \$23,210 (Landscape Bond) plus 20,000 (Decommissioning Bond).
- (c) An Irrevocable Letter of Credit in the amount of \$ N/A.

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. 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 which shall form a part hereof.

If the Permittee does not commence the development permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferable unless specifically permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

THIS Permit IS NOT A BUILDING Permit.

5. APPLICANT'S AGREEMENT:

I hereby declare that all 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 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 the Manager, Suburban and Rural Planning, Community Planning Department.

Should there be any change in ownership or legal description of the property, I undertake to notify the Manager, Suburban and Rural Planning, 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.

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

6. APPROVALS:

ISSUED BY THE MANAGER, SUBURBAN AND RURAL PLANNING, COMMUNITY PLANNING
DEPARTMENT, CITY OF KELOWNA, THE ____th DAY OF _____, 2016.

COMMUNITY PLANNING DEPARTMENT
PER:

TODD CASHIN
Manager, Suburban and Rural Planning