



## Development Permit

District of Lake Country  
10150 Bottom Wood Lake Road  
Lake Country, BC V4V 2M1  
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lakecountry.bc.ca

**APPROVED ISSUANCE OF**  DEVELOPMENT PERMIT (pursuant to Sec. 488 of the Local Government Act)

PERMIT # DP2019-034-C  
 FOLIO # 2259162 and 2250163  
 ZONING DESIGNATION: RM2 - Low Density Row Housing & RM5 – Medium Density Multiple Housing  
 ISSUED TO: 1231157 BC Ltd. & 1231905 BC Ltd.  
 CIVIC ADDRESS: 9960 and 9970 Bottom Wood Lake Rd  
 LEGAL DESCRIPTION: Lots B and C District Lot 118 Osoyoos Division Yale District Plan EPP90725  
 PARCEL IDENTIFIER: 031-228-330 and 031-228-348

### 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 Permits should be aware that the issuance of a Permit limits the applicant to be in strict compliance with all District bylaws 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 have not been identified as required Variances by the applicant or Municipal staff.

If any term or condition of this permit is for any reason held to be invalid by a decision of a Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this permit.

### 1. TERMS AND CONDITIONS

Development Permit DP2019-034-C for 9960 and 9970 Bottom Wood Lake Rd, the lots legally described as Lots B and C District Lot 118 Osoyoos Division Yale District Plan EPP90725, Roll 2259162 and 2250163 for a 196-unit multiple family development subject to the following conditions:

- a) The development of the subject properties shall be conducted substantially in accordance with the following documents to the satisfaction of the Director of Planning & Development:
- (i) **Schedule A:** The Site Plan & Parkade Plan prepared by New Town Architecture, Urban Planning and Civil Engineering, dated received September 22 and September 21, 2021, respectively,;
  - (ii) **Schedule B:** The Development Data prepared by New Town Architecture, Urban Planning and Civil Engineering, dated received September 21, 2021;
  - (iii) **Schedule C:** The Building Elevations, Renderings and Sections prepared by New Town Architecture, Urban Planning and Civil Engineering, dated received September 21, 2021;
  - (iv) **Schedule D:** The Material Board prepared by New Town Architecture, Urban Planning and Civil Engineering, dated received September 21, 2021;
  - (v) **Schedule E:** The Landscape Plan and Cost Estimate prepared by Outland Design Landscape Architecture dated received September 22 and September 10, 2021, respectively; and

- (vi) **Schedule F:** The Grading Plan prepared by New Town Architecture, Urban Planning and Civil Engineering, dated received August 24, 2021;
  - (vii) **Schedule G:** The Environmental Assessment and Monitoring Plan prepared by Ecoscape Environmental Consultants Ltd., dated received September 20, 2021;
  - (viii) **Schedule H:** The Geotechnical Report prepared by Beacon Geotechnical Ltd., dated received August 24, 2021; and,
  - (ix) **Schedule I:** The Vernon Creek Flood Assessment prepared by RSB Engineering Ltd., dated received August 26, 2021
- b) Prior to applying for a Building Permit, the owner/applicant shall apply for a municipal Access Permit to confirm vehicular access to the site and internal circulation, all to the satisfaction of the Director of Engineering & Environmental Services. Modifications to the proposed vehicular access may be required as part of the Access Permit process. A Land Title Act [RSBC 1996] covenant and/or easement will be required to secure in perpetuity the proposed shared vehicular access between 9960 Bottom Wood Lake Road and 9970 Bottom Wood Lake Road to the satisfaction of the Director of Engineering & Environmental Services.
  - c) If any archaeologically significant item is found during construction activities must cease and the Province of British Columbia notified in conformity with the Heritage Conservation Act;
  - d) Development and use of the subject property be in compliance with the provisions of the Municipality's various bylaws, except as explicitly varied or supplemented by the terms of this permit, subsequent permits, amendment(s) and/or development variance permits;
  - e) The Development permit is only valid for the development that is described herein. If a change to development is considered, a new development permit or an amendment to this permit is required before starting any work.
  - f) All construction, land clearing, mitigation and restoration activities must be completed in accordance with Schedule G of this permit;
  - g) The land owner shall obtain the services of an Environmental Monitor to ensure the recommendations of the Development Permit are implemented in accordance with Schedule G and to provide guidance during construction works.
  - h) Density bonusing per Section 15.7.6(c) is required and must be paid in full prior to Building Permit issuance at 9970 Bottom Wood Lake Road at the rate of \$26/m<sup>2</sup> of floor space created above the 3rd floor.

## 2. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, a security deposit is required in the amount of \$432,241 (125% of the Performance Bond Estimate).

- a) Cash in the amount of \$
- b) A Certified Cheque in the amount of \$
- c) An irrevocable Letter of Credit in the amount of \$

Upon completion of the works, the Permit Holder must provide a statement certified by a qualified professional(s) indicating that the works were completed in compliance with the conditions specified in the Development Permit. Upon acceptance of the works by municipal staff, 85% of the security shall be returned. The Municipality shall retain the remaining 15% for a period of 24 months from the date of acceptance of the works, during which time the Municipality may use the remaining security to replace the required works, if necessary. Upon the expiration of the 24 months warranty period, the Permit Holder must provide a statement certified by a qualified professional(s) indicating that the works have met the requirements of the survival monitoring and reporting along with the conditions specified in the Development Permit. The remaining security funds shall be refunded at the expiration of the 24 months warranty period, subject to a final inspection by Municipal staff to confirm the survival of the required works.

**The PERMIT HOLDER is the current land owner.  
The Security shall be returned to the PERMIT  
HOLDER.**

### 3. DEVELOPMENT

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

The development shall commence within TWO YEARS of the date that this permit is issued.

If the Permit Holder does not substantially commence the development permitted by this Permit within TWO years of the date of issuance of this permit, this permit shall lapse.


The terms of the permit or any amendment to it are binding on all persons who acquire an interest in the land affected by the permit.

**THIS IS NOT A BUILDING PERMIT, SIGN  
PERMIT, OR A CERTIFICATE TO COMMENCE  
CONSTRUCTION**

### 4. APPROVALS

Authorization passed by Council on the 5 day of October 2021.

Issued by the Corporate Officer of the District of Lake Country this 4 day of NOV, 2021.

  
Corporate Officer, Reyna Seabrook