Development Permit

Permit No: DP000075/16.07
Registered Owner: 1909988 Ontario Limited
1683808 Ontario Limited
Subject Property: 4055 Cowichan Valley Highway (Folio: 05003-300)
4063 Cowichan Valley Highway (Folio: 05005-100)
Description of Land:
Parcel Identifier: 014-104-067
Legal Description: Lot 3, Section 2, Range 1, Range 1, Somenos District, Plan 48623
Parcel Identifier: 029-201-675
Legal Description: Lot A, Section 3, Range 1, Somenos District, Plan EPP35449
Proposal: To Amend Permit No. CA4701240 by Relocating the Stormwater Management Facility and Revising the Building Materials

Conditions of Permit:

1. This permit applies to the lands described above, and any buildings, structures, and other development thereon (hereinafter called 'the Lands').

2. This permit is issued subject to compliance with all relevant Municipality of North Cowichan bylaws, except as specifically varied or supplemented by this Permit.

3. The Lands and building which are subject to this Permit shall be developed strictly in accordance with the terms and conditions of this Permit and in accordance with the following schedules:

4. The Lands shall be developed in accordance with Development Permit No. DP000054 issued on August 17, 2015 (CA4701240), except as amended by the following schedules and the conditions of this Development Permit:

   Schedule 1: Stormwater Management Plan
   Schedule 2: Landscape Plan

5. Pursuant to section 504 of the Local Government Act, this permit will lapse two years from the date of the Development Permit approval unless construction, in accordance with the terms and conditions of this permit, has substantially started.
6. Further to Condition 5, construction is considered to be substantially started when a valid building permit for the development has been issued and shall not have lapsed; and excavation or construction works associated with the development hereby approved must have commenced to the satisfaction of the Director of Development Services. Demolition does not constitute construction.

7. This Permit does not constitute a building, sign or awning permit or a subdivision approval. The applicant may contact the Development Services Department to determine whether further permits are required in association with the development hereby approved.

8. This Permit does not authorize altering an archaeological site. The owner/applicant is responsible for ensuring compliance with the Heritage Conservation Act, including steps to determine whether or not a site is an archaeological site. Under s.36 of the Heritage Conservation Act it is an offence to alter an archaeological site without first obtaining a permit to do so from the Province of British Columbia.

9. As a condition of issuance of this Permit, a security, as authorized by Section 502 of the Local Government Act, is required to ensure that any conditions with respect to landscaping are satisfied.

10. Security for landscaping in the amount of $116,781.00 is to be provided by the Permit holder. The security will be returned to the Permit holder in accordance with the Municipality of North Cowichan's Landscape Policy once all of the conditions of the Development Permit have been met.

11. Where the Municipality of North Cowichan considers that a condition in the Permit with respect to landscaping has not been satisfied, the Municipality of North Cowichan may undertake and complete the works required to satisfy the condition at the cost of the Permit holder, and may apply the security in payment of the cost of the works with any excess to be returned to the Permit holder.

Form and Character

12. The form and character of the site and landscaping must be consistent with the stormwater management plan and landscape plan attached as SCHEDULES 1 and 2, respectively, to this Development Permit.

13. The form and character of the buildings must be consistent with Development Permit No. DP000054 issued on August 17, 2015 (CA4701240), except that all wood detailing on the exterior of the buildings is replaced with aluminum panels.

Stormwater Management

14. Stormwater management facilities must be constructed in accordance with the stormwater management plan attached as SCHEDULE 1 to this Development Permit.
15. A ‘title-binding’ Section 219 Land Title Act covenant is required to be registered on the titles of both properties to ensure that the Lands operate as a single entity, with respect to site development and stormwater management facilities, and to ensure that the properties cannot be sold independently of one another.

16. A reciprocal easement is required to be registered on the titles of both properties to secure the use of that portion of Lot 3, Plan 48623 and Lot A, Plan EPP35449, as identified on SCHEDULES 1 and 2, for a stormwater management facility (detention pond) and to allow for shared and mutual access to and from each parcel in order to maintain the stormwater management facility.

Date of Development Permit Approval/Issue by Council or its Delegate:

This permit was approved and issued on September 2, 2016.

The permit expires on September 2, 2018.

The Corporation of the District of North Cowichan

[Signature]

Designated Municipal Officer
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