

Temporary Use Permit

Property Description:

There is a Statutory Right of Way (SRW) agreement over the subject property which is with Fortis BC Inc. for the purpose of constructing, operating and maintaining an electrical distribution system. Fortis will be upgrading the existing transformer. See attached SRW agreement.

See attached Title Search for restrictive covenants.

Covenant – X110727

This covenant was registered June 16, 1986 and is summarized below:

- Requires a 7.5m set back of all buildings and mobile homes from the natural boundaries of Marron lake and the Marron River;
- Establishes a flood plain elevation at 1.5m above the natural boundary of Marron Lake for the underside of floors in structures. Compacted fill may be used to achieve the required elevation;
- Indemnifies the Province of British Columbia for any flood damage or losses that may occur following their stipulated flood requirements.

Covenant – KV5904

This covenant was registered January 17, 2003 and is summarized below:

- Is an environmental and flood plain restriction document similar to X110727. It reiterates the 7.5m set back from Marron lake, but increases the set back from Marron River to 15m and adds 15m set back to Marma Creek;
- Reiterates the flood plain elevation at 1.5m above the natural boundary of Marron lake for the underside of floors in structures. Compacted fill may be used to achieve the required elevation;
- Re-indemnifies the Province of British Columbia for any flood damage or losses that may occur following their stipulated flood requirements;
- Requires the Grantor at their cost to ensure priority of this agreement over all other liens, charges and encumbrances.

- Requires that a copy of this covenant, KV5904, be provided to any purchaser of the property.

The subject property does possess a private residential driveway that provides direct access from Hwy 3A to the subject property.

Covenant – LB184377

This covenant was registered April 7, 2008 and is summarized below:

The closed road Plan KAP86328, DL 2531 and Plan KAP71273, DL 2531 will not be sold or otherwise transferred separately and will retain common ownership and common rights to ownership.

Sewage disposal: See attached permit from Interior Health regarding the sewerage system for the two cabins.

Current Use:

The land size of the subject property is 320 acres and has a principal residence which also operates as Mountain Springs Nature Retreat and Bed & Breakfast. There are several accessory structures for storage and a gazebo. There is also a 1-acre Certified organic garden.

Proposed Temporary Use:

The proposed current development is for the construction of two new cabins to expand the wilderness/nature retreat. The size of each cabin is 600 sq.ft. As indicated in the attached letter dated February 3rd, 1998 from the RDOS, approval was provided by the ALC for 8 cabins, a lodge facility and a meeting building by resolution #566/95.

The AG designation specifically permits “j) other uses as permitted by the Agricultural land Commission for lands within the ALR”.

In lieu of rezoning, it is the owner’s intention to submit this temporary use permit application.

The time period required for the temporary use is 3 years.

This TUP is for short-term vacation rental uses. The two cabins will be used as commercial accommodations for paying guests for a period of less than one month.

This property has been in the family for 35 years and has been maintained in a sustainable and environmentally responsible manner. The goal has been to maintain, restore and enhance the diversity of native plants and wildlife and to promote citizen science and community involvement.

The owner is a member of the Okanagan Similkameen Stewardship Society (OSS) and is a participant of the BC Environmental Farm Plan. The following events take place on this property:

- Private birding tours are hosted on this property.
- Public birding tours are hosted as part of the Meadow Lark Festival.
- Hummingbird banding.
- Owlings in pursuit of screech owls.
- Nature trust of B.C. hire environmental biologists to conduct avian point counts.
- Historical walking tours with representatives from the Penticton Museum.
- Home schooling groups and junior highschool groups from Oliver and Osoyoos participate in hiking and wildlife tours.
- Students of UBC venture out to study the geological formations that exist on the property.

This development will provide an opportunity for visitors to the South Okanagan and Similkameen Valley to experience first hand a nature and wildlife retreat that will enable our guests to regenerate and reconnect with nature to promote mental health and emotional well-being.