

Have Your Say. Notice of Waiving Public Hearing

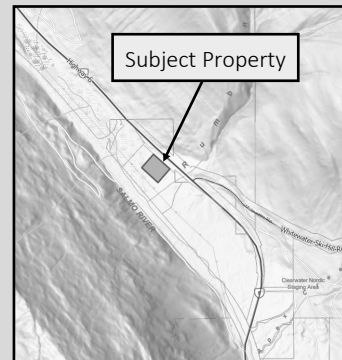
Bylaw 2943: Being a bylaw to amend Electoral Area 'G' Land Use Bylaw No. 2452, 2018. The purpose of the proposed amendment is to rezone the subject property from Tourist Commercial (C2) to Rumbling Creek Tourist Commercial (C3) in order to facilitate the development of tourist accommodations and associated buildings on a 1 hectare property with on-site servicing.

Location and Legal Description:

4626 Highway 6, Electoral Area 'G'

LOT 1 DISTRICT LOT 1241 KOOTENAY DISTRICT PLAN EPP121813

(PID: 031-873-529)



Learn more.

Review the proposed amendments from March 18, 2024 - April 18, 2024

Online: www.rdck.ca/landuseapplications

In Person: RDCK, 202 Lakeside Drive, Nelson BC Mon - Fri: 8:30 am - 4:30 pm

Tell us what you think.

Written submissions can be made directly to the Regional District by mail, email or dropped off in person prior to 4:00 pm on April 18, 2024 *



**All written submissions are public information pursuant to the Freedom of Information and Protection of Privacy Act.*

rdck.ca

Please direct enquiries to Zachari Giacomazzo | 250.352.8190 | zgiacomazzo@rdck.bc.ca

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2943, 2024

A Bylaw to amend Electoral Area 'G' Land Use Bylaw No. 2452, 2018

WHEREAS it is deemed expedient to amend the Electoral Area 'G' Land Use Bylaw No. 2452, 2018, and amendments thereto.

NOW THEREFORE the Board of the Regional District of Central Kootenay, in open meeting assembled, HEREBY ENACTS as follows:

APPLICATION

1 That Schedule 'B.1' of Electoral Area 'G' Land Use Bylaw No. 2452, 2018 be amended by changing the Zoning from Tourist Commercial (C2) to Rumbling Creek Tourist Commercial (C3) for LOT 1 DISTRICT LOT 1241 KOOTENAY DISTRICT PLAN EPP121813 (PID: 031-873-529), as shown on Schedule 'A' which is attached hereto and forms part of this bylaw:

a. ADDING the following:

25.B.0 RUMBLING CREEK TOURIST COMMERCIAL (C3)

PERMITTED USES TABLE FOR C3 ZONE	
1	Principal Uses Artisan Craft Production and Sales Breweries and Distilleries Dwellings, Multi-Family Tourist Accommodation Interpretive Facilities Mixed Use Development Museum Outdoor Recreational Activities Resort Vacation Rental Accessory Uses to 'Tourist Accommodation' and 'Campgrounds' Laundromat Liquor Store Personal Service Establishment Retail Store Accessory Uses Accessory Building or Structures Accessory Dwelling

	Campground Eating and Drinking Establishment
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DEVELOPMENT REGULATIONS TABLE FOR C3 ZONE		
	Minimum lot area for each Principal Use: Community Water System and Community Wastewater System Tourist Accommodation, Resort First sleeping room Each additional sleeping room Other permitted uses Community Water System and On-site Wastewater Disposal or Individual Water Source and Community Wastewater System Tourist Accommodation, Resort First sleeping room Each additional sleeping room Other permitted uses On-site Water Source and On-site Wastewater Disposal Tourist Accommodation, Resort First sleeping room Each additional sleeping room Other permitted uses	 0.2 hectares 200 square metres 0.2 hectares 0.4 hectares 400 square metres 0.4 hectares 0.5 hectare 450 square metres 1.0 hectares
2	Maximum number of Cabins	8
3	Minimum front setback	4.5 metres
4	Minimum exterior side setback	4.5 metres
5	Minimum interior side setback	2.5 metres
6	Minimum rear setback	2.5 metres
7	Maximum Lot Coverage	50 percent
8	Maximum building height: Main Hall Building Cabins Accessory buildings and structures	10.0 metres 7.0 metres 6.0 metres
9	Maximum building footprint for a 1 bedroom Cabin Maximum building footprint for a 2 Bedroom Cabin	87 square metres 112 square metres
10	Minimum lot area for subdivision: Community Water System and Community Wastewater System Community Water System and On-site Wastewater Disposal	0.1 hectares 0.2 hectares 0.2 hectares

	Individual Water Source and Community Wastewater System Individual Water Source and On-site Wastewater Disposal	1.0 hectares
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2 This Bylaw shall come into force and effect upon its adoption.

CITATION

3 This Bylaw may be cited as **“Electoral Area ‘G’ Land Use Amendment Bylaw No. 2943, 2024”**

READ A FIRST TIME this 15th day of February, 2024.

READ A SECOND TIME this 15th day of February, 2024.

WHEREAS A PUBLIC HEARING was held this [Date] day of [Month], 2024.

READ A THIRD TIME this [Date] day of [Month], 2024.

APPROVED under **Section 52 (3)(a) of the Transportation Act** this [Date] day of [Month], 20XX.

 Approval Authority,
 Ministry of Transportation and Infrastructure

ADOPTED this XX day of XX, 202X.

 Aimee Watson, Board Chair

 Mike Morrison, Corporate Officer



Committee Report

Date of Report: January 30, 2024
Date & Type of Meeting: February 14, 2024 – Rural Affairs Committee
Author: Zachari Giacomazzo, Planner
Subject: BYLAW AMENDMENT
File: Z2304G – Rumbling Creek Resort
Electoral Area/Municipality: G

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Regional Board to consider an application for a zoning bylaw amendment in Electoral Area ‘G’ to facilitate the development of tourist accommodations and associated buildings on a property with on-site servicing. The Zoning Bylaw currently prohibits the proposed density of the use due to size limitations of the lot.

In order to authorize the proposed tourist accommodation use with a total of 12 sleeping rooms and a multi-purpose building with an event space and an Eating and Drinking Establishment on the subject property, this application seeks to amend the zoning of the subject property from Tourist Commercial (C2) to Rumbling Creek Tourist Commercial (C3) which would be a new zone created specifically for this property.

Staff recommend that Amending Bylaw No. 2943, 2024 being a bylaw to amend Electoral Area ‘G’ Land Use Bylaw No. 2452, 2018 be given FIRST and SECOND reading by content and that Staff be directed to provide notice that the public hearing is being waived in accordance with Sections 466 and 467 of the Local Government Act.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION
Property Owner: Rumbling Creek Resort Ltd.
Property Location: 4626 Highway 6, Hall Siding Electoral Area ‘G’
Legal Description: LOT 1 DISTRICT LOT 1241 KOOTENAY DISTRICT PLAN EPP121813 (PID: 031-873-529)
Property Size: 1.0 hectare
Current Zoning: Tourist Commercial (C2) - Salmo River Valley Electoral Area G Land Use Bylaw No. 2452, 2018
Current Official Community Plan Designation: Tourist Commercial (TC) - Salmo River Valley Electoral Area G Land Use Bylaw No. 2452, 2018
SURROUNDING LAND USES
North: Tourist Commercial (C2)
East: Public Utility (U) and Forest Reserve (FR)
South: Tourist Commercial (C2)
West: Tourist Commercial (C2)

Background and Site Context

The subject property is located in Electoral Area 'G' on Highway 6, approximately 10 km south of the City of Nelson just north of the turnoff for Whitewater Ski Hill Road. The property is presently vacant and has been improved with a new road access/driveway that is shared with the adjacent property.

This property is designated Tourist Commercial (TC) and is zoned Tourist Commercial (C2) under the Electoral Area 'G' Land Use Bylaw No. 2452, 2018. There are three other properties zoned Tourist Commercial near the subject property. Other surrounding uses in the area include Parks and Recreation (PR), Forest Reserve (FR) and Resource Area (RA) and Public Utility (U). See "Figure 2" for zoning designations of the surrounding properties. The property is located in close proximity to the Nelson Nordic Ski Club Area.

Land Use Bylaw Amendments Proposed

The purpose of this application is to rezone the subject property from Tourist Commercial (C2) to Rumbling Creek Tourist Commercial (C3). This is being sought to facilitate the development of tourist accommodations and associated buildings on the subject property with on-site servicing (septic system and drilled well). The proposed development includes eight cabins with a total of twelve sleeping rooms as well as one communal building. The Site Plan is included as Attachment 'B' and includes details on the proposed layout of the buildings and parking areas. The communal building is proposed to contain a commercial kitchen, laundry facilities and storage space as well as a coffee shop that will be open to the public. The communal building is also intended to be used as an event space (e.g. wedding venue) which is considered incidental and related to the Tourist Accommodation Use. The draft amending bylaw is included as Attachment 'A' to this report.



Figure 1: Overview Map

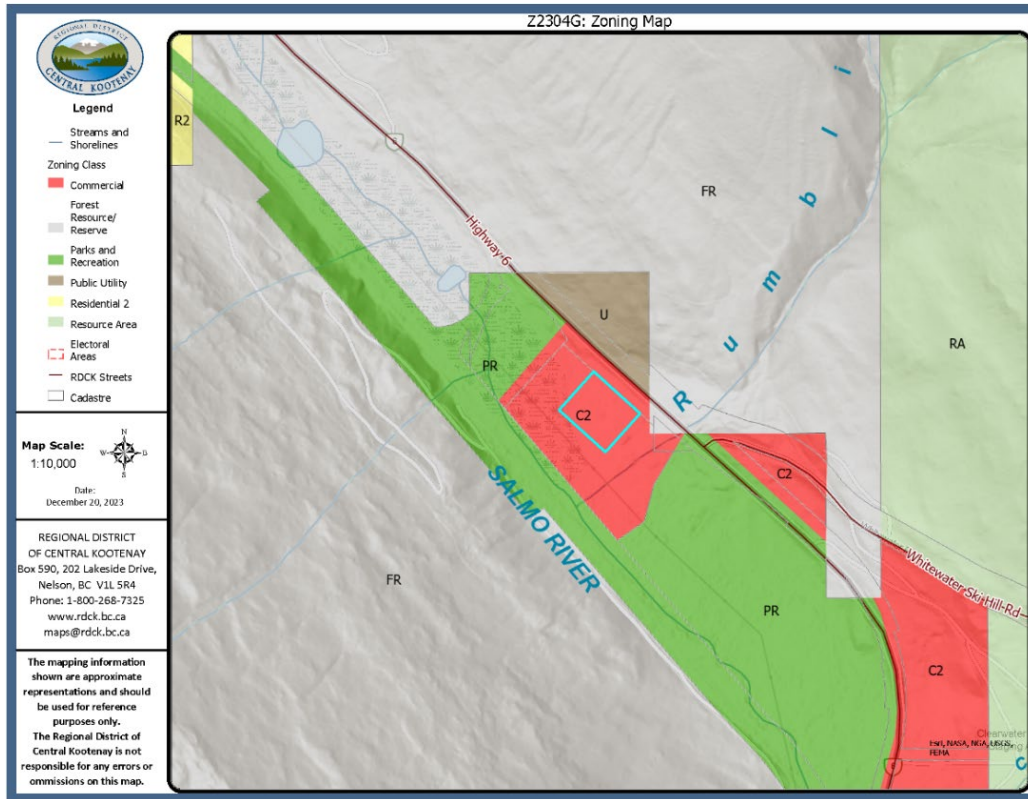


Figure 2: Zoning Map



Figure 3: Subject property facing southwest from Highway 6



Figure 4: Subject Property facing Northwest

Planning Policy

Electoral Area 'G' Land Use Bylaw No. 2452, 2018

4.0 COMMERCIAL AND INDUSTRIAL

Commercial Objectives

1. Enhance the long term vitality and economic sustainability of the Plan area by supporting new and existing businesses and the creation of employment.
2. Provide for commercial activities servicing the needs of local residents and visitors
3. Recognize the commercial and service center role of the City of Nelson and Village of Salmo and direct that commercial development in the rural communities will primarily be oriented toward serving local community needs and visitor needs.

Tourist Commercial Policies

The regional Board:

8. Anticipates that tourist commercial needs will be accommodated throughout the Plan area on lands designated as such on Schedule A.1 mapping

9. Encourages the development of a range of tourist accommodation types including campgrounds, lodges, resorts, and bed and breakfast establishments to diversify tourism opportunities in the community.
10. Enable commercial outdoor recreation, resort commercial, agri-tourism and ecotourism opportunities such as trail rides, campgrounds and wilderness tours provided they do not have demonstrated detrimental impact on important habitat, riparian areas, or adjacent land uses.

Public Hearing Not Required

The proposed Rumbling Creek Tourist Commercial (C3) zone is consistent with the Commercial Objectives and Tourist Commercial Policies in the Electoral Area ‘G’ Official Community Plan and the subject property will retain the existing Tourist Commercial (TC) Land Use designation. Because the proposed zoning change is consistent with the OCP, a public hearing is not required, pursuant to S. 464 (2) of the Local Government Act, which is copied in Section 3.2 below for convenience. Given that consistency with the OCP, and that there has not been any concerns raised by neighbouring residents during the referral period, Staff recommend that a public hearing not be required. However, there is no prohibition on holding a public hearing, and this could be done, should the Board prefer that one be held prior to further consideration of the amending bylaw.

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Financial Plan Amendment:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Debt Bylaw Required:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Public/Gov’t Approvals Required:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Pursuant to Planning Fees and Procedures Bylaw No. 2457, 2015 the applicant has paid the Land Use Bylaw amendment fee of \$1600 in full.

3.2 Legislative Considerations (Applicable Policies and/or Bylaws):

The application was processed in accordance with Planning Fees and Procedures Bylaw No. 2457, 2015.

Local Government Act Section 464 (2):

A local government is not required to hold a Public Hearing on a proposed Zoning Bylaw if

- a) an official community plan is in effect for the area that is the subject of the zoning bylaw, and
- b) the bylaw is consistent with the official community plan.

3.3 Environmental Considerations

Interior health had no objections subject to a covenant being registered on title for the subject property to protect the backup area for the private wastewater disposal system.

A Watercourse Development Permit (WDP) application is required due to the proximity of the proposed development to a wetland feature associated with the Salmo River. The applicant has submitted a Riparian Assessment prepared by Masse Environmental in order to confirm that the proposed buildings are outside of the Development Permit Area (DPA). However, a WDP application will need to be considered and approved prior to any building permits being issued or further site alteration. Attachment ‘B’: Site Plan shows the extent of the property that is within the Development Permit Area. The Riparian Assessment prepared by Masse Environmental is also included as Attachment ‘C’.

3.4 Social Considerations:

A written notice of the proposed bylaw amendment was mailed to five (5) neighbouring property owners. As of the writing of this report, no responses have been received from neighbouring property owners.

3.5 Economic Considerations:

None anticipated.

3.6 Communication Considerations:

The application was sent to five neighbouring property owners, relevant government agencies and First Nations.

The following responses were received from government agencies and First Nations:

RDCK Building Department

My initial review of the site plan shows a number of cabins and a Main Hall. The Main Hall is considered an A-2 Assembly Occupancy which falls into Part 3 of the Current BC Building code. An Architectural will be required for this structure. The Plans submitted are lacking a number of details to ensure certain life safety and spatial separation requirements. The following items are what I see as missing information that we would require to confirm compliance with the Current BC Building code.

- 1) Spatial Separation, Note limiting distance to be halved as per 9.10.14.3 below.
- 2) Fire Department Access
- 3) Water Supply for the Part 3 Building as well as for fire suppression.

The Fire department response time will affect this property as well.

As per:

9.10.14.3. Limiting Distance and Fire Department Response

- 1) Except for the purpose of applying Sentences 9.10.14.4.(2), (3), (8) and (9), and Sentences 9.10.14.5.(3), (8) and (13), a *limiting distance* equal to half the actual *limiting distance* shall be used as input to the requirements of this Subsection, where
 - a) the time from receipt of notification of a fire by the fire department until the first fire department vehicle arrives at the *building* exceeds 10 min in 10% or more of all calls to the *building*, and
 - b) any *storey* in the *building* is not *sprinklered*.

Electoral Area 'G' Advisory Planning and Heritage Commission (APHC) Response

From the approved minutes of the meeting held on July 11, 2023:

That the Area G Advisory Planning Commission SUPPORT the Zoning Amendment Application Z2304G to Rumbling Creek Resort for the property located at 4626 Highway 6, Hall Siding, and legally described as LOT 1 DISTRICT LOT 1241 KOOTENAY DISTRICT PLAN EPP121813.

Interior Health Authority

From a planning perspective I recognize that the proposed new site specific tourist commercial zone has similar intentions as the existing tourist commercial zone. Ideally density (amount of sewage produced) in rural areas should be less; hence the minimum parcel size in the existing zone. Minimum parcel sizes are useful when onsite servicing has not been assessed in detail. At the very minimum each parcel should have a back-up area identified

to use as a future onsite sewerage dispersal area, and ideally this area should be protected with covenant to protect it from being used for any purpose that could impede its use as a dispersal field in the future.

The proposed layout provided by the sewerage engineer includes a back-up area. Consideration for cumulative impact from multiple onsite sewerage systems in a neighbourhood does not appear to apply in this scenario because there appears to be little development on neighbouring parcels. As such, I cannot put forth any objections to rezoning the parcel from Tourist Commercial to Tourist Commercial Site Specific. However, I recommend the back-up dispersal area be protected by a covenant.

Apart from commenting about the proposed re-zoning, I noted the development proposes a well water source, kitchen, coffee shop, wedding venue and a sauna with cold plunge pool. Please inform the applicant/property owner (and building inspector, if it applies) that construction and operating permits are required prior to constructing and operating any:

- Drinking water system
- Food service establishment (coffee shop & wedding venue)
- Pool (cold plunge pool)

Construction permits, particularly water system and pool permits, can take considerable time to process. I suggest they contact the local Environmental Public Health program as soon as possible, if they haven't already at Nelson Environmental Health Office at 250-505-7200 option 3 (main). More information can be found on the following webpages:

- Drinking Water Providers & Operators
- Food Premises
- Rec. Water Permits/Resources.

Also note, an Authorized Person with Professional designation is required to submit the Record of Sewerage System because of the food establishment use.

Front Counter BC

No apparent concerns from a Crown Land authorizations perspective on this application.

Fortis BC

Land Rights Comments

Based on the plans submitted, it is unclear whether adequate space has been provided to accommodate the transformation required to service the proposed development.

Operational & Design Comments

- There are FortisBC Electric ("FBC(E)") primary distribution and transmission facilities along Highway 6.
- To date, arrangements have not been made to initiate the design process and complete the servicing requirements.
- All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant.
- The applicant and/or property owner are responsible for maintaining safe limits of approach around all existing electrical facilities within and outside the property boundaries.
- To proceed, the applicant should contact an FBC(E) designer as noted below for more details regarding design, servicing solutions, and land right requirements.

In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). Please have the following information available in order for FBC(E) to set up the file when you call.

- Electrician's Name and Phone number
- FortisBC Total Connected Load Form
- Other technical information relative to electrical servicing

For more information, please refer to FBC(E)'s overhead and underground design requirements:

FortisBC Overhead Design Requirements
<http://fortisbc.com/ServiceMeterGuide>

FortisBC Underground Design Specification
<http://www.fortisbc.com/InstallGuide>

BC Hydro

BC Hydro has no objection in principle to the rezoning application as BC Hydro's work do not physically cross the property nor is there a Right of Way Agreement registered on Title.

1. For new construction, BC Hydro wishes to ensure that building permits do not get issued that allow for encroachment of buildings into the safety clearance zones required around existing bare utility conductors, including those utility works installed within road allowance adjacent to the property
2. It is the responsibility of the Architect and Electrical Engineer of Record (EEOR) to ensure compliance with the Canadian Electrical Code (CEC), Canadian Safety Association (CSA) and WorkSafe BC (WSBC). The CEC, CSA and WSBC stipulate minimum clearances of powerlines and equipment from buildings for safety and safe working clearances (Limits of Approach).
3. If the Developer or Property Owner requires any additional electrical connections, or wishes to relocate any existing powerlines or equipment, please call BC Hydro's Electric Service Coordination Centre at 1-877-520-1355 and ask to speak to a Distribution Designer.

Ministry of Forests

The Kootenay-Boundary Ecosystems Section of the Ministry of Water, Land and Resource Stewardship has received your referral request. We are currently unable to provide a detailed review of the referral but provide the following standard requirements, recommendations and/or comments:

- | |
|--|
| 1. All activities are to follow and comply with all higher-level plans, planning initiatives, agreements, Memorandums of Understanding, etc. that local governments are parties to. |
| 2. Changes in and about a "stream" [as defined in the Water Sustainability Act (WSA)] must only be done under a license, use approval or change approval; or be in compliance with an order, or in accordance with Part 3 of the Water Sustainability Regulation. Authorized changes must also be compliant with the Kootenay-Boundary Terms and Conditions and Timing Windows documents. Applications to conduct works in and about streams can be submitted through FrontCounter BC. |

<p>3. No “development” should occur within 15 m of the “stream boundary” of any “stream” [all as defined in the Riparian Areas Protection Regulation (RAPR)] in the absence of an acceptable assessment, completed by a Qualified Professional (QP), to determine if a reduced riparian setback would adversely affect the natural features, functions and conditions of the stream. Submit the QP assessment to the appropriate Ministry of Water, Land and Resource Stewardship office for potential review. Local governments listed in Section 2(1) of RAPR are required to ensure that all development is compliant with RAPR.</p>
<p>4. The federal Species at Risk Act (SARA) protects Endangered, Extirpated or Threatened species listed under Schedule 1 of SARA. Developers are responsible to ensure that no species or ecosystems at risk (SEAR), or Critical Habitat for Federally listed species, are adversely affected by the proposed activities. The BC Species and Ecosystem Explorer website provides information on known SEAR occurrences within BC, although the absence of an observation record does not confirm that a species is not present. Detailed site-specific assessments and field surveys should be conducted by a QP according to Resource Inventory Standard Committee (RISC) standards to ensure all SEAR have been identified and that developments are consistent with any species or ecosystem specific Recovery Strategy or Management Plan documents, and to ensure proposed activities will not adversely affect SEAR or their Critical Habitat for Federally-listed Species at Risk (Posted).</p>
<p>5. Development specific Best Management Practices (BMPs) should be applied to help meet necessary legislation, regulations, and policies. Current BC BMPs can be found at: Natural Resource Best Management Practices - Province of British Columbia (gov.bc.ca) and Develop with Care 2014 - Province of British Columbia.</p>
<p>6. Vegetation clearing, if required, should adhere to the least risk timing windows for nesting birds (i.e., development activities should only occur during the least risk timing window). Nesting birds and some nests are protected by Section 34 of the provincial Wildlife Act and the federal Migratory Birds Convention Act. Guidelines to avoid harm to migratory birds can be found at: Guidelines to avoid harm to migratory birds - Canada.ca. If vegetation clearing is required during the bird nesting period (i.e., outside of the least risk timing window) a pre-clearing bird nest survey should be completed by a QP. The following least risk windows for birds are designed to avoid the bird nesting period:</p> <p>Bird Species Least Risk Timing Windows Raptors (eagles, hawks, falcons, & owls) Aug 15 – Jan 30 Herons Aug 15 – Jan 30 Other Birds Aug 1 – March 31</p>

<p>7. The introduction and spread of invasive species is a concern with all developments. The provincial Weed Control Act requires that an occupier must control noxious weeds growing or located on land and premises, and on any other property located on land and premises, occupied by that person. Information on invasive species can be found at: Invasive species - Province of British Columbia. The Invasive Species Council of BC provides BMPs that should be followed, along with factsheets, reports, field guides, and other useful references. For example, all equipment, including personal equipment such as footwear, should be inspected prior to arrival at the site and prior to each daily use and any vegetative materials removed and disposed of accordingly. If noxious weeds are established as a result of this project or approval, it is the tenure holder's responsibility to manage the site to the extent that the invasive, or noxious plants are contained or removed.</p>
<p>8. Section 33.1 of the provincial Wildlife Act prohibits feeding or attracting dangerous wildlife. Measures should be employed to reduce dangerous human-wildlife conflicts. Any food, garbage or organic waste that could attract bears or other dangerous wildlife should be removed from the work area. If this is not feasible and waste is not removed, it should be stored in a bear-proof container to avoid drawing wildlife into the area and increasing the threat of human/wildlife conflict.</p> <p>9. If this referral is in relation to a potential environmental violation it should be reported online at Report All Poachers & Polluters (RAPP) or by phone at 1-877-952-RAPP (7277).</p>
<p>10. Developments must be compliant with all other applicable statutes, bylaws, and regulations.</p>

If the references above do not address your concerns, please do not hesitate to reach out to me for further investigation into your concerns.

Ministry of Transportation and Infrastructure

Thank you for the opportunity to provide comments for the proposed bylaw amendment. The ministry will require an access permit to Highway 6 for a multi-residential access. Site lines from the south may make the access difficult for travelling north or entering the site in the northbound lane. Restrictions may be imposed on the access if a design is not able to show adequate, safe site lines entering and exiting the site.

Ktunaxa Nation Council

This project footprint is entirely within a known high potential archaeological overview assessment (AOA) polygon. This project will require an arch assessment before any ground altering activity. Please contact a local archaeological consultant for more information on how to proceed with the project construction.

Staff Note: *The comments from Ktunaxa Nation Council (KNC) were forwarded to the applicant who subsequently hired a professional Archaeologist to complete an Archaeological Overview Assessment/Preliminary Field Reconnaissance Survey. KNC has confirmed that the assessment completed by the Archaeologist addresses their original concerns.*

3.7 Staffing/Departmental Workplace Considerations:

Should the Board choose to give the amending bylaw First and Second reading staff and resolve to waive a Public Hearing, staff will provide notice that the Public Hearing is being waived in accordance with Section 467 of the Local Government Act.

3.8 Board Strategic Plan/Priorities Considerations:

Not applicable

SECTION 4: OPTIONS

Planning Discussion

This section focuses on the suitability of this development on this site, with particular attention to the relevant policies in the OCP portion of Electoral Area 'G' Land Use Bylaw No. 2452, which are listed below:

OCP Section	OCP Policy	Staff Comment
4.8	Anticipates that tourist commercial needs will be accommodated throughout the Plan area on lands designated as such on Schedule A.1 mapping.	With the subject property being designated Tourist Commercial (TC) the OCP anticipates that the future use of this land would be a use consistent with the Tourist Commercial section of the OCP and associated C2 zone.
4.9	Encourages the development of a range of tourist accommodation types including campgrounds, lodges, resorts, and bed and breakfast establishments to diversify tourism opportunities in the community.	By designating the subject property TC, the policy direction is to encourage the types of uses that are being proposed through this proposed Bylaw Amendment Application in order to diversify tourism opportunities in the community.
4.10	Enable commercial outdoor recreation, resort commercial, agri-tourism and ecotourism opportunities such as trail rides, campgrounds and wilderness tours provided they do not have demonstrated detrimental impact on important habitat, riparian areas, or adjacent land uses.	This policy supports "resort commercial" among other uses provided they do not have a negative impact on important habitat, riparian areas, or adjacent land uses. A Watercourse Development Permit Application is required in order to facilitate the proposed development being considered by this proposed zoning bylaw amendment and will be accompanied by Riparian Assessment Report that will assess the impact to any adjacent natural features and ecosystem functions.

The ability to service this development that contemplates a density of units far greater than the existing Tourist Commercial zone is a key consideration. In evaluating that suitability, the applicant has provided an "Initial Septic Investigation" prepared by Highland Consulting Ltd. that confirms a suitable location for the initial septic field and a reserve field. The new zone was drafted so that the uses that were considered in the Initial Septic Investigation would be permitted.. In addition to the septic investigation a well has also been drilled on the subject property. Further assurance that the development can be adequately serviced may be added as conditions of adoption of the zoning, with, for example, the applicant providing construction and operating permits for the proposed drinking water and wastewater systems.

As noted previously in this report, a public hearing for a proposed zoning bylaw amendment may be waived by the Board of Directors when the proposed zoning bylaw amendment is consistent with the applicable Official Community Plan. Staff recommend that a public hearing for this application be waived for the following reasons:

- The proposal is consistent with the applicable policies in the Official Community Plan;
- There have been no responses or opposition from neighbouring property owners;
- At the meeting held on July 11, 2023, the Area 'G' APHC indicated that they support the proposed zoning bylaw amendment application; and
- The application is not introducing a new use, but rather only an increase in density for a use that already exists in the Tourist Commercial zone.

Next Steps

Should the Board support the Option 1 recommendation to give 1st and 2nd reading to the amending bylaw and waive the public hearing, Staff would provide notice of the public hearing being waived in accordance with the requirements of the Local Government Act. The bylaw would then be brought back to the Board of Directors for further consideration.

Option 1

That Electoral Area 'G' Land Use Amendment Bylaw No. 2935, 2024 being a bylaw to amend Electoral Area 'G' Land Use Bylaw No. 2452, 2018 is hereby given FIRST and SECOND reading by content.

And Further

That Staff be directed to provide notice that the public hearing is being waived in accordance with Sections 466 and 467 of the Local Government Act.

Option 2

That Electoral Area 'G' Land Use Amendment Bylaw No. 2935, 2024 being a bylaw to amend Electoral Area 'G' Land Use Bylaw No. 2452, 2018 is hereby given FIRST and SECOND reading by content.

And Further

That in accordance with Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015, Electoral Area 'G' Director Hans Cunningham is hereby delegated the authority to chair the Public Hearing on behalf of the Regional District Board.

Option 3

That no further action be taken with respect to Electoral Area 'G' Land Use Amendment Bylaw No. 2935, 2024 being a bylaw to amend Electoral Area 'G' Land Use Bylaw No. 2452, 2018

SECTION 5: RECOMMENDATIONS

That Electoral Area 'G' Land Use Amendment Bylaw No. 2935, 2024 being a bylaw to amend Electoral Area 'G' Land Use Bylaw No. 2452, 2018 is hereby given FIRST and SECOND reading by content.

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Respectfully submitted,

Zachari Giacomazzo, Planner

CONCURRENCE

Planning Manager – Nelson Wight **Digitally approved**

Manager of Development and Community Sustainability – Sangita Sudan **Digitally approved**

Chief Administrative Officer – Stuart Horn **Digitally approved**

ATTACHMENTS:

Attachment 'A' – Draft Amending Bylaw No. 2943, 2024

Attachment 'B' – Site Plan prepared by BLA Design Group, dated December 7, 2023

Attachment 'C' – Riparian Assessment prepared by Masse Environmental, dated August 10, 2023

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2943, 2024

A Bylaw to amend Electoral Area 'G' Land Use Bylaw No. 2452, 2018

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a. ADDING the following:

25.B.0 RUMBLING CREEK TOURIST COMMERCIAL (C3)

PERMITTED USES TABLE FOR C3 ZONE	
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DEVELOPMENT REGULATIONS TABLE FOR C3 ZONE		
	<p>Minimum lot area for each Principal Use:</p> <p>Community Water System and Community Wastewater System</p> <p style="padding-left: 40px;">Tourist Accommodation, Resort</p> <p style="padding-left: 80px;">First sleeping room</p> <p style="padding-left: 80px;">Each additional sleeping room</p> <p style="padding-left: 40px;">Other permitted uses</p> <p>Community Water System and On-site Wastewater Disposal or Individual Water Source and Community Wastewater System</p> <p style="padding-left: 40px;">Tourist Accommodation, Resort</p> <p style="padding-left: 80px;">First sleeping room</p> <p style="padding-left: 80px;">Each additional sleeping room</p> <p style="padding-left: 40px;">Other permitted uses</p> <p>On-site Water Source and On-site Wastewater Disposal</p> <p style="padding-left: 40px;">Tourist Accommodation, Resort</p> <p style="padding-left: 80px;">First sleeping room</p> <p style="padding-left: 80px;">Each additional sleeping room</p> <p style="padding-left: 40px;">Other permitted uses</p>	<p>0.2 hectares</p> <p>200 square metres</p> <p>0.2 hectares</p> <p>0.4 hectares</p> <p>400 square metres</p> <p>0.4 hectares</p> <p>0.5 hectare</p> <p>450 square metres</p> <p>1.0 hectares</p>
2	Maximum number of Cabins	8
3	Minimum front setback	4.5 metres
4	Minimum exterior side setback	4.5 metres
5	Minimum interior side setback	2.5 metres
6	Minimum rear setback	2.5 metres
7	Maximum Lot Coverage	50 percent
8	<p>Maximum building height:</p> <p style="padding-left: 40px;">Main Hall Building</p> <p style="padding-left: 40px;">Cabins</p> <p style="padding-left: 40px;">Accessory buildings and structures</p>	<p>10.0 metres</p> <p>7.0 metres</p> <p>6.0 metres</p>
9	<p>Maximum building footprint for a 1 bedroom Cabin</p> <p>Maximum building footprint for a 2 Bedroom Cabin</p>	<p>87 square metres</p> <p>112 square metres</p>
10	<p>Minimum lot area for subdivision:</p> <p>Community Water System and Community Wastewater System</p> <p>Community Water System and On-site Wastewater Disposal</p>	<p>0.1 hectares</p> <p>0.2 hectares</p> <p>0.2 hectares</p>

	Individual Water Source and Community Wastewater System Individual Water Source and On-site Wastewater Disposal	1.0 hectares
--	--	--------------

2 This Bylaw shall come into force and effect upon its adoption.

CITATION

3 This Bylaw may be cited as “**Electoral Area ‘G’ Land Use Amendment Bylaw No. 2943, 2024**”

READ A FIRST TIME this 15th day of February, 2024.

READ A SECOND TIME this 15th day of February, 2024.

WHEREAS A PUBLIC HEARING was held this [Date] day of [Month], 2024.

READ A THIRD TIME this [Date] day of [Month], 2024.

APPROVED under **Section 52 (3)(a) of the Transportation Act** this [Date] day of [Month], 20XX.

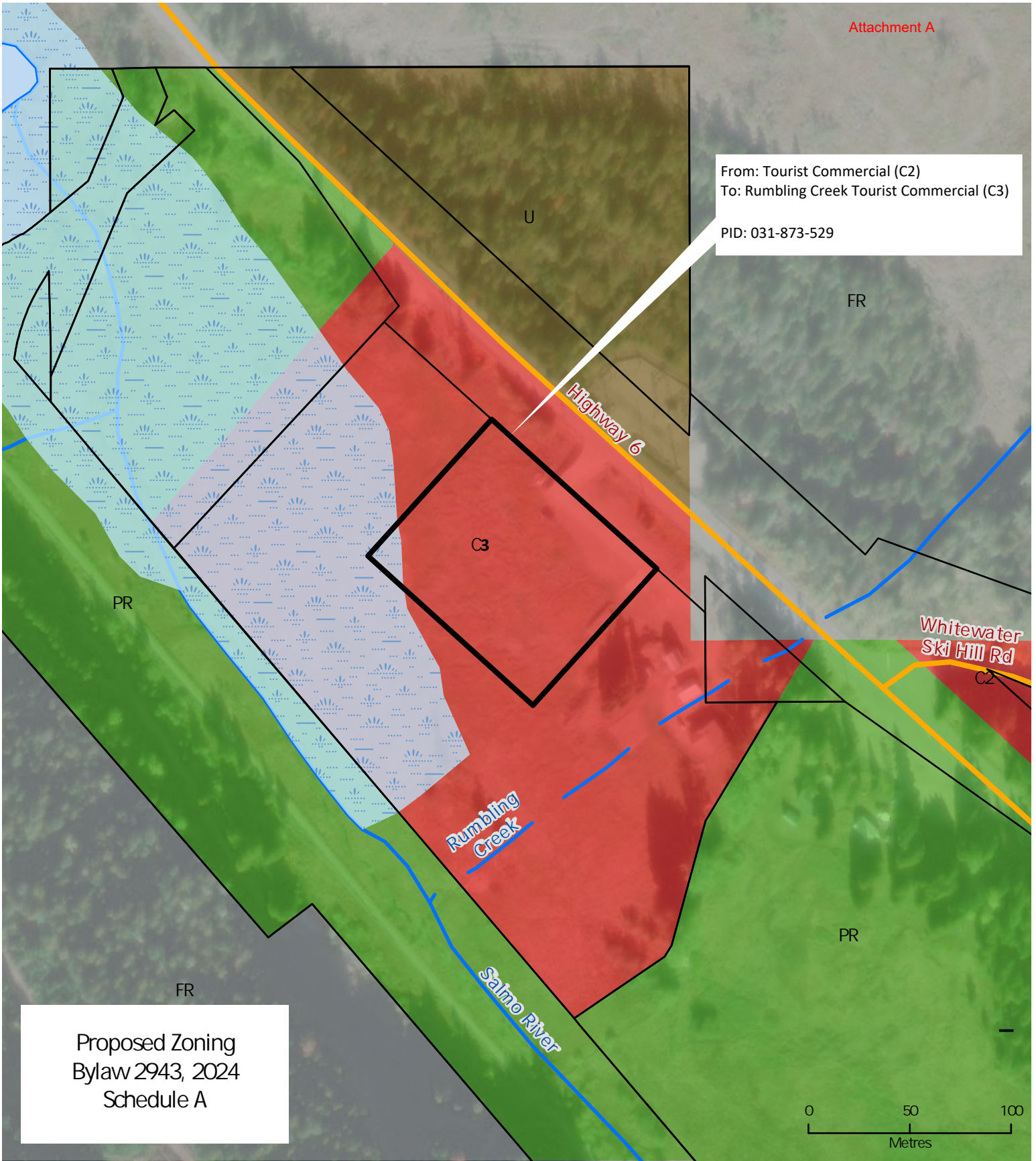
Approval Authority,
Ministry of Transportation and Infrastructure

ADOPTED this XX day of XX, 202X.

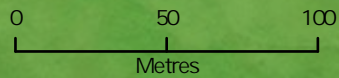
Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

From: Tourist Commercial (C2)
To: Rumbling Creek Tourist Commercial (C3)
PID: 031-873-529



Proposed Zoning
Bylaw 2943, 2024
Schedule A



- Subject Property
- Lot Lines
- Road
- Stream or Shoreline
- Wetland
- Lake

- Zoning Class
- C2 - Tourist Commercial
 - FR - Forest Reserve
 - PR - Park and Recreat on
 - U - Public Utility

50

Scale: 1:2,500
 Plot ed: Monday, December 18, 2023
 Datum/Project on: NAD83/UTM Zone11N

The map data shown are approximate representations for reference purposes only. The Regional District of Central Kootenay is not liable for any errors or omissions on this map nor any loss or damage resulting from the use of this map.



BLA Design Group
101-8889 Laurel Street
Vancouver, BC, V6P3V9
t: 778-318-9958

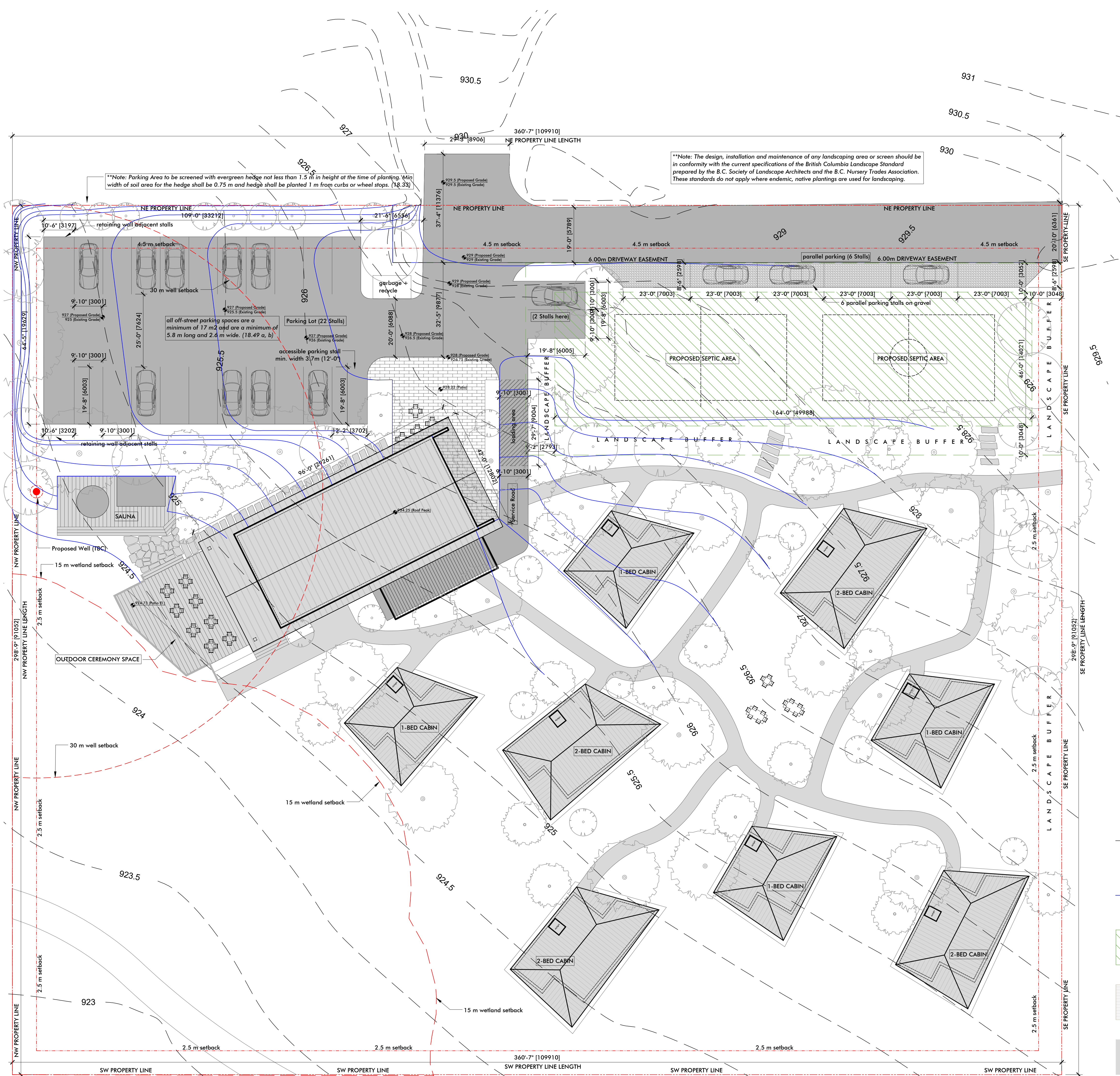
Copyright Reserved: This plan and design are and at all times remain the exclusive property of BLA Design Group and may not be used or reproduced without their written consent.

Notes: Drawings are to be read in conjunction with each other. Any discrepancies on the drawings are to be reported to the designer before initiating work, purchase of products and/or manufacturing for construction or installation.

This is a conceptual design package, and it is subject to change during the building permit and construction stages of this project.

Issues
230424 Issued for RZ/DP

Revisions
230724 Revision to Include Wetland Setback
230831 Revision for Increased Setback
231207 Revision for RZ/DP comments

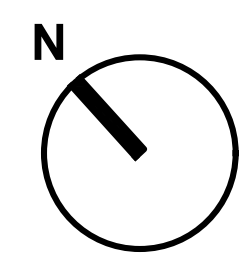


**Note: The design, installation and maintenance of any landscaping area or screen should be in conformity with the current specifications of the British Columbia Landscape Standard prepared by the B.C. Society of Landscape Architects and the B.C. Nursery Trades Association. These standards do not apply where endemic, native plantings are used for landscaping.

**Note: Parking Area to be screened with evergreen hedge not less than 1.5 m in height at the time of planting. Min width of soil area for the hedge shall be 0.75 m and hedge shall be planted 1 m from curbs or wheel stops. (18.23)

all off-street parking spaces are a minimum of 17 m² and are a minimum of 5.8 m long and 2.6 m wide. (18.49 a, b)

- Existing Grade Contours
- Proposed Grade Contours
- Septic Area
- Elevated Deck
- Gravel or Paved Surfaces



Rumbling Creek Cabins

Project Address
Nelson, BC

Drawing Scale
1/16" = 1'-0"

Drawing Title
Site Plan

A102



4626 Highway 6 Riparian Assessment



Prepared for:

Regional District of Central Kootenay

202 Lakeside Drive

Nelson, BC, V1L 5R4

August 10, 2023

Prepared by:
Masse Environmental Consultants
812 Vernon Street
Nelson, BC, V1L 4G4

Project Number 2023-1031

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1 INTRODUCTION

Masse Environmental Consultants Ltd. was retained by Jason Newton and Joel Bot, Rumbling Creek Resort Development, to conduct a riparian assessment to accompany an application for a Watercourse Development Permit (WDP) at 4626 Highway 6 (PID 031-873-529, LOT 1 PLAN EPP121813 DISTRICT LOT 1241 KOOTENAY LAND DISTRICT). The Owner proposes to develop the property. The proposed development is located within the wetland riparian area, triggering a Watercourse Development Permit (WDP).

An initial site visit was completed on May 10, 2023, by Sylvie Masse R.P.Bio., and Chanel Gagnon, B.Sc., B.I.T, and a follow up site visit was completed on June 8, 2023, by Chanel Gagnon, B.Sc., B.I.T, and Lisa Pavelich P.Ag. The riparian assessment evaluates the existing conditions of the riparian area of the wetland, identifies habitat values, assesses potential environmental impacts, and recommends measures to mitigate or compensate for the alteration of the riparian area to maintain environmental values. It is based on the following regulatory framework and best management practices documents:

- RDCK Electoral Area 'G' Rural Official Community Plan Bylaw No. 2452, 2018
- British Columbia *Riparian Areas Regulation*
- British Columbia *Water Sustainability Act*
- British Columbia *Wildlife Act*
- Federal *Fisheries Act*
- Federal *Migratory Birds Convention Act*
- Requirements and Best Management Practices for Making Changes In and About A Stream in British Columbia
- Develop with Care. Environmental Guidelines for Urban and Rural Land Development in British Columbia
- General BMPs and Standard Project Considerations (Ministry of Environment)
- On the Living Edge: Your Handbook for Waterfront Living
- British Columbia Firesmart Homeowners Manual
- Riparian Factsheet No. 6 – Riparian Plant Acquisition and Planting
- A Homeowner's Guide to Stormwater Management

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This report has been prepared by Chanel Gagnon, B.Sc., B.I.T., and reviewed by Sylvie Masse R.P.Bio.

I, Sylvie Masse, hereby certify that:

- a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act;
- b) I am qualified to carry out this part of the assessment of the development proposal made by the developer;
- c) I have carried out my assessment of the development proposal, and my assessment is set out in this Assessment Report; and
- d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

2 PROJECT OVERVIEW

2.1 Site Location

The subject property is located ~12 km southeast of Nelson, BC, just north of Whitewater Ski Hill Road and next to the Apex cross country skiing area (see Appendix 1 for Location Map). The property is ~2.47 acres (~1 ha) in size and is bordered by private properties on all sides, except for the northeast side that is bordered by Highway 6.

The project area is within the Interior Cedar-Hemlock dry warm variant 1 (ICHdw1) biogeoclimatic subzone, which occurs at valley bottom elevations around most of Kootenay Lake (MacKillop and Ehman 2016). The ICHdw1 subzone is characterized by moist, warm springs, hot and dry summers and mild, dry winters with moderately shallow snowpack. Winter rain-on-snow events are frequent and snow-free areas are common, particularly on warm-aspect sites. The ICHdw1 is a highly productive biogeoclimatic unit. Common species include interior Douglas fir (*Pseudotsuga menziesii*), western redcedar (*Thuja plicata*), western larch (*Larix occidentalis*), lodgepole pine (*Pinus contorta*), paper birch (*Betula papyrifera*), ponderosa pine (*Pinus ponderosa*), black huckleberry (*Gaylussacia baccata*), falsebox (*Paxistima myrsinites*), prince's pine (*Chimaphila umbellate*), queen's cup (*Clintonia uniflora*), twinflower (*Linnaea borealis*), and pipecleaner moss (*Robust rhytidiopsis*) (MacKillop and Ehman 2016).

2.2 Existing Site Conditions

The property is generally flat and gently sloping towards the Salmo River (southwest aspect), with an elevation ranging between 930 m – 935 m. The property is situated in the valley bottom between the Bonnington and Nelson Mountain Ranges, next to an extensive wetland complex to the west. Nearby watercourses include the Salmo River to the west of the wetland and Rumbling Creek to the southeast of the neighbouring property. The property has been disturbed by historical land clearing activities for

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agricultural and human use, as evidenced by the presence of various exotic plants, mainly reed canary grass (*Phalaris arundinacea*), and the absence of tree and shrub cover (Photo 1). The property has been influenced by Rumbling Creek which has created an alluvial fan where material from the stream has deposited over time and has created an elevated bench next to the wetland. This bench was likely used for agricultural purposes and constitutes the disturbed area (~1.9 acres or 77% of the total property). Native vegetation is present on the boundary of the wetland and the toe of the disturbed bench.

2.2.1 Watercourses

Three watercourses are within or near the property, including a wetland complex, the Salmo River and Rumbling Creek. In addition to the defined watercourses, there is extensive seepage throughout the northwest portion of the property. This was evident during the May 10th site visit. The water is conveyed through a highway culvert northeast of the property. The water originates from Rumbling Creek and the east highway ditch. The surface runoff is not a defined stream channel since it does not have a well-defined bank and stream bed and flows less than six months of the year. Therefore, it does not meet the definition of a watercourse under the watercourse development permit (RDCK 2013). However, it meets the definition of a stream under the *Water Sustainability Act* (WSA). Refer to Section 4.1.2. for more detail.

“Watercourse” means any natural or man-made depression with well-defined banks and a bed 0.6 metres (2.0 feet) or more below the surrounding land serving to give direction to a current of water at least six months of the year and/or having a drainage area of two square kilometers (0.8 square miles) or more upstream of the point of consideration (RDCK 2013).”

"stream" under WSA means

- (a) a natural watercourse, including a natural glacier course, or a natural body of water, whether or not the stream channel of the stream has been modified, or
- (b) a natural source of water supply,

including, without limitation, a lake, pond, river, creek, spring, ravine, gulch, wetland or glacier, whether or not usually containing water, including ice, but does not include an aquifer.

2.2.1.1 Wetland Complex

The property is at the headwaters of the Salmo River watershed, which originates from the wetland complex present to the northwest (Photo 2). The wetland is the only defined watercourse that transects the subject property. The wetland complex is broadly classified as swamp (Ws) at the northwestern extent, shallow open water (Ww) and marsh (Wm).

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During the site visit, the visible high-water mark (HWM) of the wetland was determined based on the changes in vegetation structure, loss of obligate hydrophytes and absence of wetland soil characteristics and the definition of natural boundary. The natural boundary was flagged in the field and is shown on the SPEA map (Appendix 3). This natural boundary will be used as the HWM from which the streamside protection area setbacks will be determined as per the Riparian Area Protection Regulation (RAPR).

“**Natural Boundary**” means the visible high water mark of any lake, river, stream or other body of water is where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself (MOE 2016).”



Photo 1. Aerial view of the property, looking northeast (May 10, 2023).



Photo 2. Aerial view of the property and Salmo River headwaters (May 10, 2023).

2.2.1.2 Salmo River

The Salmo River is a tributary of the Pend d’Oreille River and flows in a north to south direction from its headwaters within the wetland complex, north of the property. The Salmo River is a 6th order stream with a mainstem length of ~61 km. The Salmo River supports several fish species including species of regional significance such as Bull Trout (*Salvelinus confluentus*; BC Blue-listed, SARA Special Concern), Kokanee (*Oncorhynchus nerka*), Rainbow Trout (*Oncorhynchus mykiss*) and Westslope Cutthroat Trout (*Oncorhynchus clarkii lewisi*; BC Blue-listed, SARA Special Concern).

2.2.1.3 Rumbling Creek

Rumbling Creek is a 1st order stream that flows from the western margin of the Nelson Range and drains into the Salmo River, ~50 m south of the property boundary, and has a mainstem length of ~3 km. Rumbling Creek has a cascade pool morphology with substrate consisting predominantly of boulder and

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cobble with pockets of fines. The bankfull channel width at the highway crossing is ~3 m, with a gradient of ~7 %. No fisheries information was available for this stream and fish presence, or absence has not been confirmed (FISS 2023).

2.2.2 Existing Development

The property has historically experienced site disturbances from past settlements and land clearing/agriculture activities (Photo 3). There is currently no building infrastructure on the property. The vegetation appears to be largely recovering from past disturbances through a legacy of a mix of agronomic grasses, including reed canary grass, and exotic species remain on the disturbed bench, with some scattered native sedges and shrubs (Photo 4). Areas of native vegetation exist within the wetland on the northwest corner of the property. Access to the property is from Highway 6 (Photo 5). There are steep embankments (>60% slope) leading up to the property driveway that was constructed on imported fill to the height of the highway (Photo 6).



Photo 3. Photo taken from east corner, looking west (June 8, 2023).



Photo 4. Photo taken from southeast property boundary, looking northwest (June 8, 2023).



Photo 5. Access road to property, looking northwest (May 10, 2023).



Photo 6. Access road embankment, looking west (May 10, 2023).

2.3 Services

There are currently no services on the property. A septic field is proposed at the southeast corner of the property. A well is proposed along the northwest property line ~37 m west from the north corner property boundary pin (refer to Appendix 2).

2.4 Proposed Development

The proposed development is for a commercial tourism development, called Rumbling Creek Cabins, which is in the conceptual planning and design stage (Appendix 2).

- Gravel parking lot (~800 m²);
- Main hall building with raised social deck (~360 m²);
- Four 1-bedroom (~70 m²) and four 2-bedroom (~100 m²) cabins;
- Crushed gravel pathways (area unknown);
- Septic field (~1000 m²);
- Sauna and cold plunge with deck (~65 m²);
- Landscaping (area unknown; refer to Appendix 2 for planting plan).

3 REGULATORY OVERVIEW

To determine whether the 15 m WDP setback from the HWM of the wetland aligns with the Riparian Area Protection Regulation (RAPR) criteria, a detailed assessment of the subject property was conducted to calculate the Streamside Protection and Enhancement Area (SPEA) setbacks. Results for the Zones of Sensitivity (ZOS) and SPEA are presented in Table 1 and Appendix 3.

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As per the RAPR, the large woody debris (LWD) and litter ZOS were plotted 15 m inland from the HWM of the wetland with the shade ZOS plotted 0 - 11 m from the HWM. The SPEA setback is determined based on the ZOS with the greatest width. Therefore, within the subject property the SPEA from the HWM of the wetland is 15 m.

The BC Riparian Areas Protection Regulation (BC 2015) defines “High Water Mark” and “Stream” as follows:

“**High Water Mark**” means the visible high water mark of a stream where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the stream a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself, and includes the active floodplain.”

Table 1. Results of detailed RAPR assessment for the wetland.

Feature Type	SPVT ¹	Zones of Sensitivity			SPEA ³
		LWD ²	Litter fall	Shade	
Wetland	TR	15 m	15 m	0 - 11 m	15 m

¹ SPVT: site potential vegetation type (TR-tree)

² LWD- large woody debris

³ SPEA- streamside protection and enhancement area

4 ENVIRONMENTAL RESOURCES

4.1 Aquatic Resources

4.1.1 Wetland

The headwaters of the Salmo River originate from an important wetland complex totaling ~9.3 ha (Photo 7), which is a sensitive ecosystem with regional significance as an important wildlife corridor. The Salmo River becomes a defined channel ~600 m north of the property. Wetlands are water-saturated for much of the year, with vegetation adapted to live in resultant water-logged and low oxygen soils (Mackenzie and Moran 2004). The vegetation community and site conditions on the property are in transition due to hydrologic changes caused by historical land clearing and water diversion of the melt water from Highway 6 into a ditch at the northwest and southwest property boundary (Photo 8, Photo 9).

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Photo 7. Aerial view of the property and wetland complex, looking south (Photo credit Jason Newton, fall 2021).



Photo 8. View of the disturbed area transitioning into the wetland, looking northwest (June 8, 2023).



Photo 9. View of the natural boundary between the disturbed bench and the wetland, looking southwest (June 8, 2023).

4.1.2 Surface Water

Water is conveyed onto the property from a 600 mm culvert under Highway 6 (Photo 10, Photo 11) and originates from the highway ditch and a diversion ditch that appeared to have been constructed to divert water from Rumbling Creek to the property, possibly for historic irrigation purposes (Photo 12). The water source on the property is likely a combination of rainwater, snow melt and water from Rumbling Creek, which flows from the south end of the FortisBC substation and likely goes subsurface (Photo 13). The water from the culvert flows along the northwestern property boundary and eventually runs into the wetland and connects to a channelized ditch (Photo 12, Photo 13). The channelized ditch begins at the northwest corner of the property and flows south through the wetlands towards Nelson Nordic Ski Club (Photo 16). Seepage areas were also noted throughout the northwestern half of the property (Photo 17; Appendix 3), where saturated soils were present due to the high water table at ~15 - 20 cm depth (Photo 18).



Photo 10. Location of highway culvert and north corner of the property (May 10, 2023).



Photo 11. Water flow from culvert underneath highway 6 (May 10, 2023).



Photo 12. Ditch on the north side of Highway 6, supplying water to the property (May 10, 2023).



Photo 13. Start of side channel from Rumbling Creek (June 8, 2023).



Photo 14. Surface water flow on northwest property boundary, from highway culvert (May 10, 2023).

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Photo 15. Surface water flowing west towards the wetland, along the northwest property boundary (May 10, 2023).



Photo 16. Channelized ditch west of property (May 10, 2023).



Photo 17. Surface water on the northwest half of the property (May 10, 2023).



Photo 18. Water table located in the 15 m setback (June 8, 2023).

4.2 Vegetation

The property has very little tree and shrub cover and is almost primarily low cover grasses, sedges, and herbaceous plants (Photo 21 – 24). The plant community on the disturbed bench is dominated by primarily non-native species, including canary reed grass, starry broomsedge (*Carex pachystachya*; native), Canada thistle (*Cirsium arvense*), stinging needle (*Urtica dioica ssp. dioica*), vetch (*Vicia sp.*), timothy grass (*Phleum pratense*), common tansy (*Tanacetum vulgare*), common burdock (*Arctium minus*), mullein (*Verbascum thapsus*), yarrow (*Achillea millefolium*; native), scouring rush (*Equisetum hyemale*; native), with a few black hawthorn (*Crataegus douglasii*; native) and thimbleberry (*Rubus parviflorus*; native) shrubs. The toe of the disturbed bench transitions to the wetland margins, which contains a variety of native species including arrowleaf senecio (*Senecio triangularis*), white bog orchid (*Platanthera dilatate*), Canada goldenrod (*Solidago canadensis*), large-leaved avens (*Geum macrophyllum*), swamp horsetail (*Equisetum fluviatile*), kentucky bluegrass (*Poa pratensis*), Columbian monkshood (*Aconitum columbianum*), false lily

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of the valley (*Maianthemum stellatum*) before transitioning into a water sedge (*Carex aquatilis*) dominated wetland plant community. Table 2 provides a list of riparian vegetation species encountered on the property.



Photo 19. View of low cover vegetation and tree cover along the margins of the highway, looking northeast (June 8, 2023).



Photo 20. View of elevated bench transitioning to wetland, looking northwest (June 8, 2023).



Photo 21. View of upper property, looking northwest (June 8, 2023).



Photo 22. View of broomsedge (*Carex pachystachya*), which is one of the dominate species in the disturbed area (June 8, 2023).

Table 2. Plant species encountered on the property.

Common Name	Scientific Name	Common Name	Scientific Name
Trees		white Bog orchid	<i>Platanthera dilatata</i>
black hawthorn	<i>Crataegus douglasii</i>	wild strawberry	<i>Fragaria virginiana</i>
Shrubs		yarrow	<i>Achillea millefolium</i>
common snowberry	<i>Symphoricarpos albus</i>	Non-native and Invasives	
thimbleberry	<i>Rubus parviflorus</i>	burdock	<i>Arctium lappa</i>
Herbaceous		Canada thistle	<i>Cirsium arvense</i>

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Common Name	Scientific Name	Common Name	Scientific Name
arrowleaf senecio	<i>Senecio triangularis</i>	canary reed grass	<i>Phalaris arundinacea</i>
Canada goldenrod	<i>Solidago canadensis</i>	common dandelion	<i>Taraxacum officinale</i>
Columbian Monkshood	<i>Aconitum columbianum</i>	common tansy	<i>Tanacetum vulgare</i>
false lily of the valley	<i>Maianthemum stellatum</i>	hawkweed spp.	<i>Hieracium spp.</i>
large-leaved avens	<i>Geum macrophyllum</i>	knawweed	<i>Centaurea spp.</i>
kentucky bluegrass	<i>Poa pratensis</i>	meadow buttercup	<i>Ranunculus acris</i>
Oregon grape	<i>Mahonia aquilifolium</i>	mullein	<i>Verbascum thapsus</i>
scouring rush	<i>Equisetum hyemale</i>	stinging nettle	<i>Urtica dioica ssp. Dioica</i>
small-flowered bulrush	<i>Scirpus microcarpus</i>	smooth brome	<i>Bromus inermis</i>
starry broomsedge	<i>Carex pachystachya</i>	timothy grass	<i>Phleum pratense</i>
swamp horsetail	<i>Equisetum fluviatile</i>	vetch	<i>Vicia sp.</i>
water sedge	<i>Carex aquatilis</i>		

4.3 Wildlife

4.3.1 Mammals

The unique wetland ecosystem complex provides a valuable wildlife corridor where good forage opportunities exist for many species. Large mammals that are known to use the area include grizzly bear (*Ursus arctos*), American black bear (*Ursus americanus*), deer (*Odocoileus spp.*), bobcat (*Lynx rufus*), cougar (*Puma concolor*), coyote (*Canis latrans*), elk (*Cervus elaphus*), moose (*Alces alces*), as well as a variety of small mammals including, snowshoe hare (*Lepus americanus*), Columbian ground squirrels (*Urociellus columbianus*), mice, voles and bats. Columbian ground squirrels were observed on the property during both site visits, with several burrows throughout the elevated disturbed bench.

Grizzly bear (*Urus arctos*, BC Blue-listed, SARA Schedule 1-Special Concern) is a wide-ranging species that frequent the area, mainly in the spring. The wetland complex serves as a natural-movement corridor that enables grizzly bears to access other, more remote areas and low elevation forests and wetlands provide important spring forage. The area is within the South Selkirk Grizzly Bear Population Unit (ID:445), which is currently assessed as 'high' conservation concern with a 2018 population density of 14.3 bears/1000 km² (Mowat et al. 2019).

4.3.2 Reptiles and Amphibians

Reptiles and amphibians found nearby include western skink (*Plestiodon skiltonianus*; BC Blue-listed; SARA Special Concern), western toad (*Anaxyrus boreas*; SARA Special Concern), northern rubber boa (*Charina bottae*; SARA Special Concern), pacific treefrog (*Pseudacris regilla*), garter snakes (*Thamnophis sp.*), Columbia spotted frog (*Rana luteiventris*, iMapBC 2023). Garter snakes are often found in wetlands and

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riparian areas and have a high potential to occur. The wetland provides suitable habitat for several amphibians, including Columbia spotted frog, pacific treefrog and western toad.

4.3.3 Birds

Several bird species were observed during the site visit including American Pipits (*Anthus rubescens*), Bald Eagle (*Haliaeetus leucocephalus*), Cedar Waxwing (*Bombycilla cedrorum*), Lincoln Sparrow (*Melospiza lincolnii*), Pine Siskins (*Spinus pinus*), Red-winged Blackbird (*Agelaius phoeniceus*), Savannah Sparrow (*Passerculus sandwichensis*), Song Sparrow (*Melospiza melodia*), Violet-Green Swallows (*Tachycineta thalassina*), Warbling Vireo (*Vireo gilvus*), Wilson's snipe (*Gallinago delicata*) and Yellow Warbler (*Setophaga petechia*).

4.4 Species at Risk

The BC Conservation Data Center (CDC) occurrence data and critical habitat for Federally listed species at risk were queried within iMap BC (BC 2023), using a 10 km buffer around the center point of the subject property. The query results are presented in Table 3. Four species at risk were identified within this buffer. In addition to these four species, grizzly bear, western skink and northern rubber boa have been confirmed in the area. Potential occurrence on the property was assessed as likely, possible, unlikely, or unknown, according to known species habitat affinities and the habitat profile of the property and in proximity to mapped occurrences.

Table 3. Species at risk with potential occurrence based on iMap BC 10 km radius query.

Common Name (Scientific Name)	Likelihood of Occurrence on Subject Property	Comment	BC Conservation Status ¹	COSEWIC ² / SARA ²
Banded Tigersnail (<i>Anguispira kochi</i>)	Possible	CDC occurrence mapped ~ 3.5 km northwest of the subject property, at the north end of Cottonwood Lake. Occurs in moist deciduous/coniferous forests, near shores of lakes and streams (Shape ID: 121786, Occurrence ID: 15126).	Blue	NAR
Caribou (Southern Mountain Population) (<i>Rangifer tarandus pop.1</i>)	Unlikely	Critical habitat is mapped within the subject property (Critical Habitat ID: 21281, COSEWIC species ID: 638). Caribou are highly unlikely to be present given the small population and extensive habitat fragmentation.	Red	E
Grizzly Bear (<i>Urus arctos</i>)	Confirmed	Frequently observed roaming this area.	Blue	SC
Western Toad (<i>Anaxyrus boreas</i>)	Possible	Incidental observation by Fiona Lau ~850 m NE of the site within riparian area of Harrop Creek.	Yellow	SC
Whitebark pine (<i>Pinus albicaulis</i>)	Unlikely	CDC occurrence is mapped within ~5.5 km west of the subject property	Blue	E

4626 Highway 6 – Riparian Assessment

Common Name (Scientific Name)	Likelihood of Occurrence on Subject Property	Comment	BC Conservation Status ¹	COSEWIC ² / SARA ²
		(Critical habitat ID: 140404, COSEWIC species ID: 1086). Habitat is subalpine and timberline zones, so it is not expected at the subject site.		

¹Red = Species that is at risk of being lost (extirpated, endangered, or threatened) within British Columbia. Blue = Species considered to be of special concern within British Columbia. ²(E)Endangered = Facing imminent extirpation or extinction. (T)Threatened = Likely to become endangered if nothing is done to reverse the factors leading to its extirpation or extinction. (SC)Special concern = May become a threatened or an endangered species because of a combination of biological characteristics and identified threats. Information sources: British Columbia Conservation Data Centre, and personal sightings.

5 ARCHAEOLOGICAL RESOURCES

The subject property is part of the traditional territory of the Sinixt, Okanagan and Ktunaxa First Nations and archaeological evidence is documented at multiple sites around this area. A review of archaeological resources on this property is outside the scope of this report. However, Archaeological Chance Find Procedures are provided in Appendix 4 for guidance on which protocols to follow in the event of a chance archaeological find, to ensure that archaeological sites are documented and protected as required for compliance with the BC Heritage Conservation Act.

6 IMPACT ASSESSMENT

The proposed cabin development will increase human presence in the area. The intensity of use (i.e., activity within the wetland) and the risk of human-wildlife conflicts has potential to increase. In order to mitigate these potential impacts, no development within the SPEA is recommended.

7 MEASURES TO PROTECT THE INTEGRITY OF THE SPEA

This section provides measures to protect the integrity of the SPEA as described in RAPR, as well as recommended best management practices.

7.1 Danger Trees

There are no trees within the property.

7.2 Windthrow

There are no trees within the property.

7.3 Slope Stability

No slope stability hazard indicators were observed during the site visit. Further assessment of geotechnical hazard is beyond the scope of this report, and any such assessment should be led by a P.Geo, or P.Eng.

7.4 Protection of Trees and Vegetation in the SPEA

There are no trees within the SPEA. Native vegetation within the SPEA should be maintained to preserve the natural functioning of the wetland.

- No landscaping within the SPEA.

7.5 Encroachment

Further encroachment within the SPEA of the wetland must be avoided to maintain the natural environment, its ecosystems (aquatic and riparian), and biological diversity. Any future development (i.e., recreation trails, landscaping, manicured lawn, amenities, and/or construction of any additional structures) proposed within the SPEA will require a RAPR assessment conducted by a QEP and an RDCK Watercourse Development Permit.

7.6 Sediment and Erosion Control

Erosion and sediment control measures shall be implemented during the construction site preparation and building development phases to reduce the risk of sediment input into the wetland.

At a minimum, these measures should include:

- Limit the disturbance of native vegetation to the extent possible and ensure disturbed/exposed soils are revegetated with vegetation as soon as possible.
- Control storm water surface runoff and direct it away from disturbed/exposed soils.
- Safely stockpile any erodible materials in a manner that eliminates the possibility of erosion and sediment transport. This may require covering the stockpiles with tarps or with a vegetative cover.
- The toe of the slope for the parking lot should be armoured to reduce erosion.

During construction, install mitigation measures such as ditching, sediment fences, detention/settling ponds, check dams, etc. as necessary to manage turbid wastewater generated by heavy rain events. Turbid wastewater will not be permitted to leave the construction site.

7.7 Stormwater Management

The proposed development will result in an increase in the total impervious area of the property. Storm water runoff from the property cannot increase peak flow of the wetland. The following mitigation measures will help decrease stormwater impacts:

- Promote the installation of permeable surfaces that permit rainwater infiltration into the ground to moderate the flow of overland storm water.
- Design roof rainwater collection systems that direct rainwater into suitable landscape features which can absorb and utilize runoff.
- Integrate groundwater recharge by using vegetated swales, infiltration basins and absorbent vegetation.
- Stormwater discharges must adhere to the *Water Sustainability Act* or any other application legislation.
- An application under the *Water sustainability Act* will need to be retained to divert the stream that flows through the property at the northwest corner.

7.8 Floodplain Concerns

There were no floodplain concerns observed on the subject property.

7.9 Protection of Wildlife Habitat

Wetland complexes allow wildlife to travel between habitat “islands” by providing migration corridors between upland areas and water, as well as along riparian corridors. They also help circulate nutrients between terrestrial and aquatic ecosystems. Wildlife concerns on the property include the population of Columbian ground squirrels and bears. The proposed development will result in an increase in human pressure in the area. Ongoing visitors have the potential to increase the intensity of use which can result in disturbance through creation of new trails, soil erosion and compaction, introduction and spread of invasive plants and disturbance and displacement of wildlife. The following mitigation measures are recommended:

- Implement Columbian ground squirrels’ best management practices.
- Apply for wildlife permit and secure licensed trapper for removal of Columbian ground squirrels (Schedule B Species).
- Avoid development within the SPEA or sensitive ecosystems identified in this assessment.
- Install signage at the northwest and southwest property lines to restrict access into the wetland complex.

4626 Highway 6 – Riparian Assessment

- Collared bear data has shown the area from Cottonwood Lake to Hall Siding, particularly the areas of Apex and Camp Busk, are heavily used by grizzly bears in the spring (RDCK 2022). This is a sensitive time where bears use this area because of its high valued forage habitat. In most cases the bears move on to higher elevations by the middle of June. Restricting access to the wetland will help decrease the risk of human wildlife conflicts and ensure public safety and benefit the local bear population from over exposure.

7.10 Invasive Plant Management

Construction activities can potentially increase prevalence of invasive plant species which can out-compete native riparian vegetation, causing damage to habitat and ecosystem function. The following mitigation measures are recommended to reduce the establishment and proliferation of invasive plant species on site:

- All equipment should be thoroughly washed and inspected before entering the project site to prevent the import of new invasive plant seeds and root fragments.
- The amount of soil disturbance should be minimized.
- Invasive plants shall be removed and disposed of at a licensed landfill facility.

8 CONCLUSION

Overall, the proposed development is outside the SPEA. Impacts to the SPEA will be minimal as long as there is no proposed development within the SPEA and best management practices recommended herein are adhered to.

9 CLOSURE

This report has been prepared by a Qualified Environmental Professional (QEP) who has not acted for, or as an agent(s) of the RDCK and was at the expense of the property owner.

I, Sylvie Masse, certify that I am qualified to carry out this assessment; and that the assessment methods under the Regulation have been followed; and that, in my professional opinion:

4626 Highway 6 – Riparian Assessment

- (i) if the development is implemented as proposed, or
- (ii) if the streamside protection and enhancement areas identified in the report are protected from the development, and
- (iii) if the developer implements the measures identified in the report to protect the integrity of those areas from the effects of the development,

then there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.

If you have any comments or questions, please do not hesitate to contact the undersigned.

Sincerely,



Chanel Gagnon, B.Sc., B.I.T.

chanel@masseenvironmental.com



Sylve Masse, MSc, RPBio

Masse Environmental Consultants

10 REFERENCES

- [BC]. 2019. *Riparian Areas Protection Regulation*. B.C. Reg. 178/2019, Last amended February 5, 2021 by B.C. Reg. 11/2021. Victoria, British Columbia, Canada.
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- [MoE] BC Ministry of Environment. 2013. *Guidelines for Raptor Conservation during Urban and Rural Land Development in British Columbia (2013)*. Province of British Columbia. Victoria, British Columbia, Canada.
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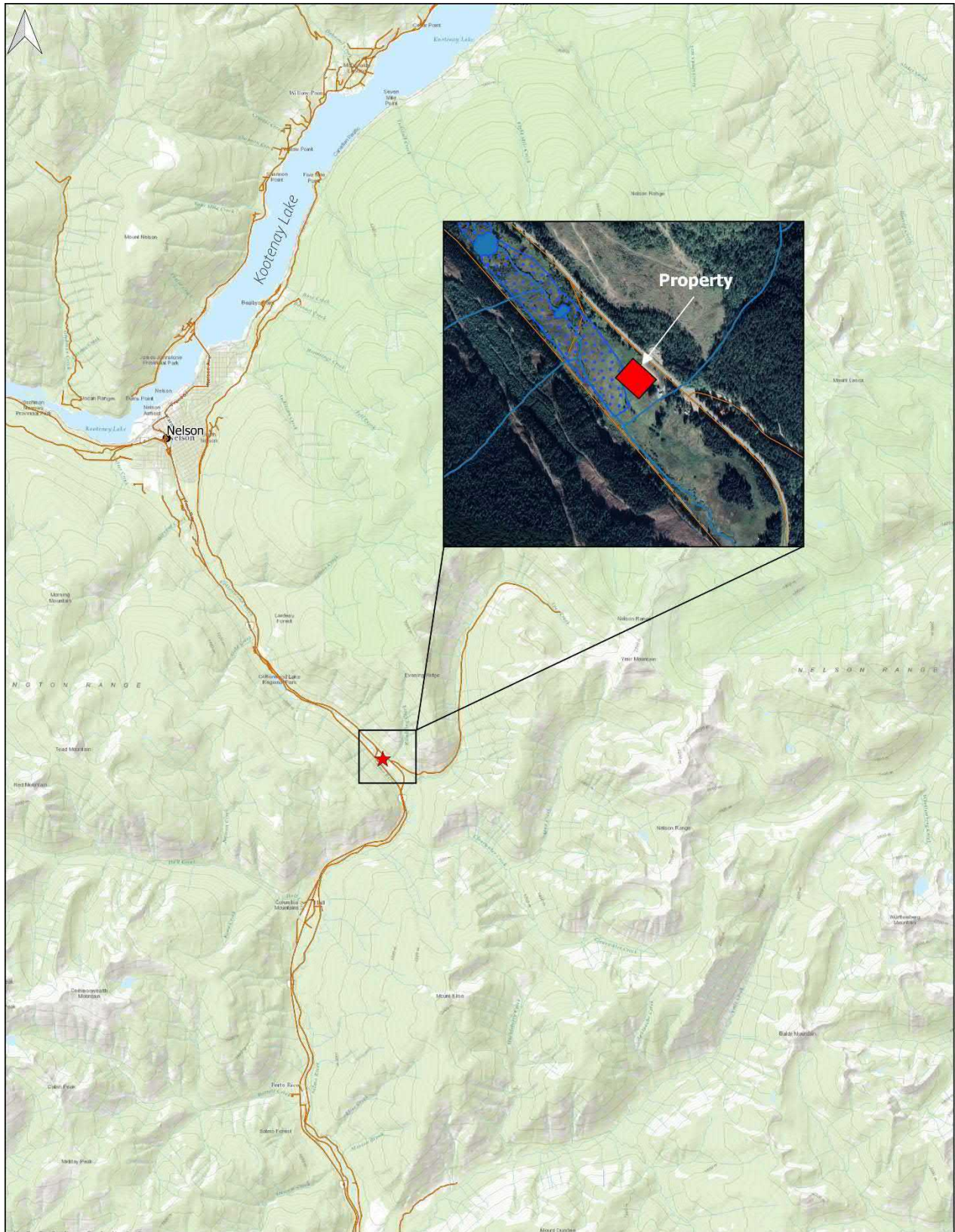
4626 Highway 6 – Riparian Assessment

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[MWLAP] BC Ministry of Water, Land and Air Protection. 2004. Standards and Best Practices for Instream Works. Province of British Columbia. Victoria, British Columbia, Canada.

[RDCK]. 2018. Electoral Area 'G' Rural Official Community Plan Bylaw No. 2452, 2018.

APPENDIX 1. SITE LOCATION MAP



APPENDIX 2. CONCEPTUAL DESIGN PLANS AND SPEA SETBACK

LANDSCAPE DESIGN RATIONALE

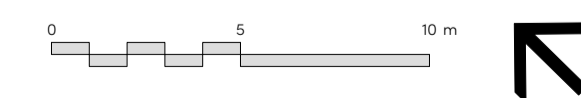
THE LANDSCAPE DESIGN FOR RUMBLING CREEK TAKES INTO ACCOUNT THE NUMEROUS FEATURES OF THIS SLOPED SITE, MAXIMIZING VIEWS TO THE WEST WHILE BALANCING A PLEASANT EXPERIENCE NAVIGATING THE SITE AND VARIOUS AMENITIES. NATURALIZED PLANTING SCREENS THE BUILDINGS FROM THE SURROUNDING CONTEXT AND PROVIDES PRIVACY TO THE CABINS AND EVENT SPACES. DECK AREAS FOR SOCIALIZING AND GATHERING ARE COMPLEMENTED BY FLEXIBLE MOWED LAWNS THAT CAN BE USED FOR GAMES AND RECREATION. CLUSTERS OF TREES AND SHRUBS PUNCTUATE THE MEADOW AND WILDFLOWER LANDSCAPE THROUGHOUT THE SITE. THE SECONDARY LAWN SPACE AMONGST THE CABINS PROVIDES A FAMILY RELAXATION AREA WITH PICNIC TABLES FOR GATHERING.

KEY LEGEND

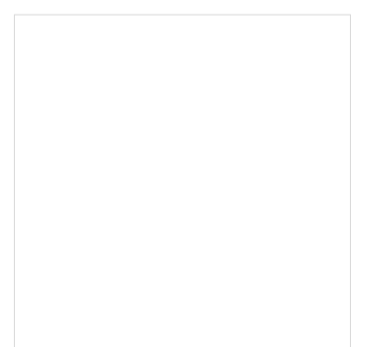
- A** ARRIVAL COURT + PARKING
- 1** RETAIL PARKING
- 2** FRONT ENTRY FEATURE PAVERS + BENCH SEATING + CAFE TABLES
- 3** GRAVEL PARKING LOT
- 4** GARBAGE ENCLOSURE
- B** SOCIAL DECK (RAISED)
- 5** RAISED DECK WITH MOVEABLE FURNITURE
- 6** SEAT STEPS/INFORMAL SEATING
- 7** ACCESS DRIVE WITH CONCRETE RETAINING WALL
- C** OVERLOOK LAWN + SAUNA / COLD PLUNGE
- 8** MOWED LAWN WITH EXPANSIVE VIEWS
- 9** FLAGSTONE LANDING
- 10** NATURALIZED BUFFER PLANTING SCREENING PARKING LOT + GRADE TRANSITION
- 11** SAUNA + COLD PLUNGE WITH DECK BUILT INTO SLOPE
- D** MULTIT-USE LAWN / SEPTIC FIELD
- 12** MOWED LAWN / FOR GAMES / RECREATION
- 13** PATH TO ROAD
- 14** BUFFER PLANTING TO SCREEN ROAD
- E** CENTRAL COMMON AREA
- 15** GRAVEL PATH 5' WIDE
- 16** PICNIC TABLES + SEATING BOULDERS
- 17** MEADOW GRASSES + WILD FLOWERS + NATURALIZED PLANTING
- F** NNSC SEASONAL CROSS COUNTRY SKI TRAIL



1 LANDSCAPE ILLUSTRATIVE PLAN
 Scale: 1:200



Project Stamp



Issue

No.	Description	Date
A	Issued for Preliminary Landscape Concepts	23-03-16
B	Issued for Concept Update	23-03-28
C	Issued for RZ/DP	23-07-24

Project Info

23055
Rumbling Creek Cabins
 Nelson, BC

Project Team

Client
 Rumbling Creek Resort Ltd.
Architect
 BLA Design Group
Landscape Architect
 LOCI Landscape Architecture + Urban Design

Drawn By DS **Checked By** ME

LANDSCAPE ILLUSTRATIVE PLAN

L1.0

Rev. A revision

GENERAL LAYOUT + MATERIALS NOTES:

1. ALL DIMENSIONS ARE METRIC UNLESS OTHERWISE NOTED. VERIFY ALL DIMENSIONS WITH FIELD CONDITIONS. REPORT ANY DISCREPANCIES TO LANDSCAPE ARCHITECT FOR REVIEW AND RESPONSE.
2. ALL UTILITIES TO BE STAKED OUT BY CONTRACTOR AND PROTECTED FOR DURATION OF CONSTRUCTION PERIOD.
3. UNLESS OTHERWISE NOTED, PROVIDE A MINIMUM 2% SLOPE ON ALL HARD AND SOFT LANDSCAPE AREAS TO ENSURE POSITIVE DRAINAGE AWAY FROM BUILDINGS OR TO DRAINAGE STRUCTURES. MAXIMUM 3:1 SLOPE IN SOFT LANDSCAPE AREAS.
4. THE LAYOUT OF ALL HARDSCAPE ITEMS, SITE FURNISHINGS, BOULDERS, LANDSCAPE LIGHTING, PLANTING BEDS AND OTHER MATERIALS IS TO BE STAKED OUT BY THE CONTRACTOR AND APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
5. ALL SUBSTITUTIONS OF SPECIFIED MATERIALS TO BE APPROVED BY LANDSCAPE ARCHITECT.

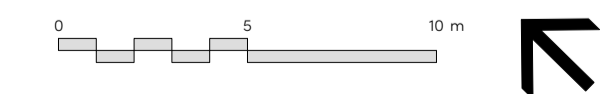
MATERIALS LEGEND

SYMBOL	KEY	DESCRIPTION
	P1	PAVING TYPE 1: GRAVEL PARKING LOT Compacted 3/4" Minus Road Mulch
	P2	PAVING TYPE 2: MAIN HALL ENTRY PAVING Precast Concrete Unit Pavers By Barkman Size: 900 X 450 X 100 mm - Colour: Ash
	P3	PAVING TYPE 3: GRAVEL PATHWAYS 3/8" Minus Limestone Rock Dust
	P4	PAVING TYPE 4: STONE SLAB PAVING Basalt Stone Slabs - Size Varies
	P5	PAVING TYPE 5: FIREPIT PAVING Storm Mountain Select Flagstone 1"-2" By Northwest Landscape Supply
	P6	PAVING TYPE 6: ACCESS ROAD PAVING By Others
	P7	PAVING TYPE 7: RAIN SPLASH STRIP Locally Sourced 3" Rock Mulch
	D1	WOOD DECKING Thermally Modified Ash By Scotty Wood
	S1	MOVEABLE BANQUET TABLES + BENCH Product TBD, by Owner
	S2	MOVEABLE CAFE TABLES + CHAIRS Product TBD, by Owner
	S3	ENTRY PLAZA BENCH Heavy Timber Bench, 4.7m Length
	B1	GARBAGE ENCLOSURE By Others
	B2	NORDIC SAUNA By Others
	B3	COLD PLUNGE TUB by Others
	W1	BOULDER / BOULDER WALLS Locally Sourced Granite Size: 300 - 400 mm
	W2	CONCRETE RETAINING WALL CIP Concrete Wall with Guardrail (1070mm Ht.) To be Coordinated with Structural and Geotechnical Engineer
	W3	GUARDRAIL Guardrail Material TBD 42" Height
	L1	NATURALIZED PLANTING Assorted Deciduous and Coniferous Trees, Shrubs, Grasses, Perennials, and Boulder Clusters
	L2	LAWN HYDROSEED MIX - REGULARLY MOWED Native Grass Species
	L3	PERENNIAL HYDROSEED MIX- MOWED ONCE PER YEAR Colourful Native Perennials + Grass Species



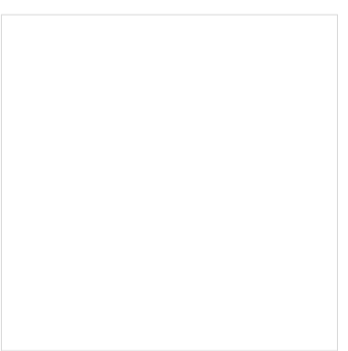
1 MATERIALS PLAN
Scale: 1:200

EXISTING RECREATION TRAIL TO BE MAINTAINED AND PROTECTED



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Nelson, BC

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Architect
BLA Design Group
Landscape Architect
LOCI Landscape Architecture + Urban Design

Drawn By: DS | Checked By: ME

MATERIALS PLAN

L2.0

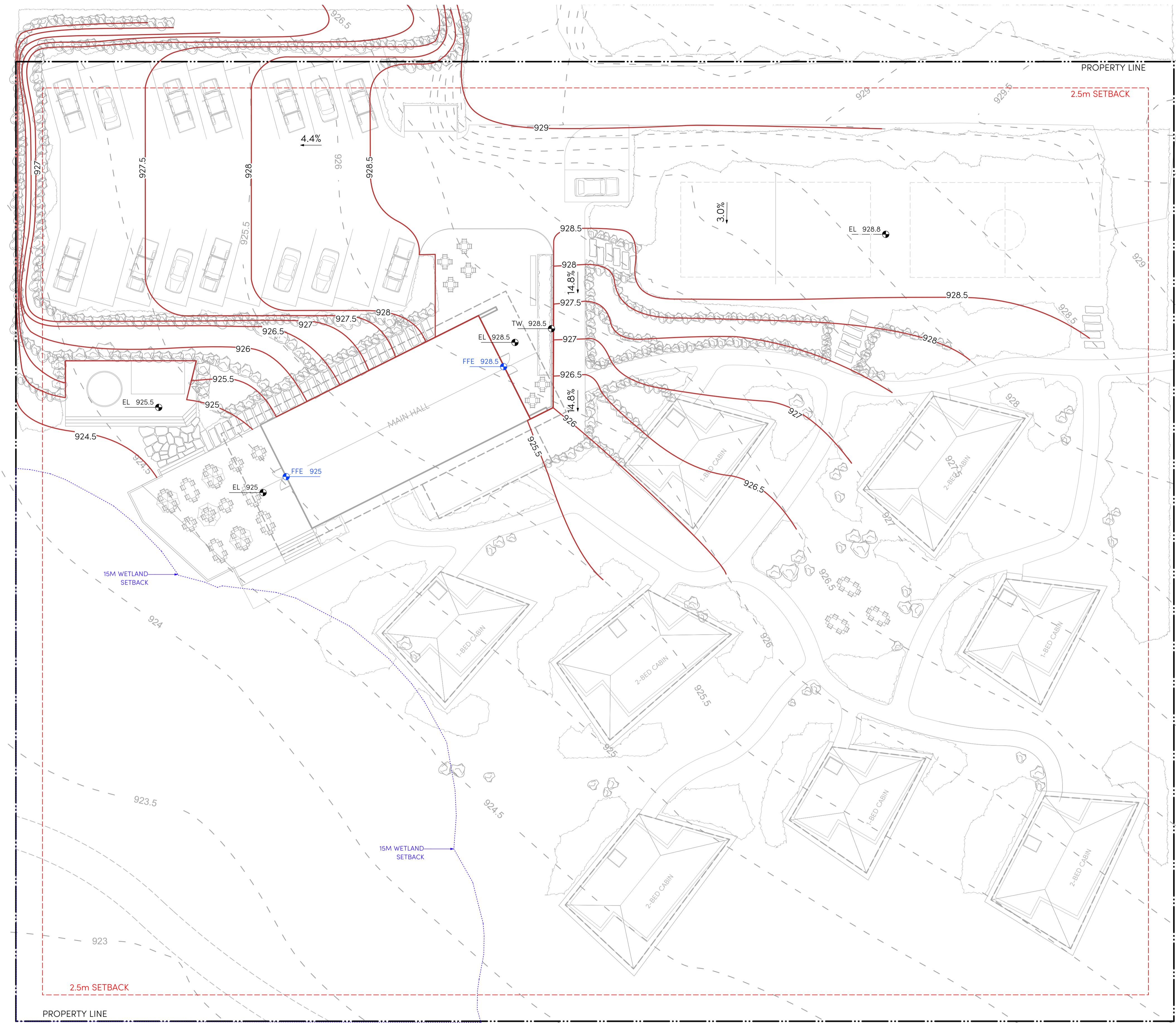
Rev. A revision

GENERAL GRADING NOTES:

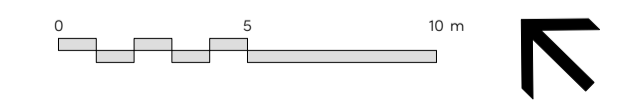
1. ALL UTILITIES TO BE STAKED OUT BY CONTRACTOR AND PROTECTED FOR DURATION OF CONSTRUCTION PERIOD.
2. UNLESS OTHERWISE NOTED, PROVIDE A MINIMUM 2% SLOPE ON ALL HARD AND SOFT LANDSCAPE AREAS TO ENSURE POSITIVE DRAINAGE AWAY FROM BUILDINGS OR TO DRAINAGE STRUCTURES. MAXIMUM 3:1 SLOPE IN SOFT LANDSCAPE AREAS.
3. THE LAYOUT OF ALL PROPOSED HARDSCAPE ITEMS, SITE FURNITURE, LIGHTING, PLANTING BEDS AND OTHER MATERIALS IS TO BE STAKED OUT BY THE CONTRACTOR AND APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
4. ALL SUBSTITUTIONS OF SPECIFIED MATERIALS TO BE APPROVED BY LANDSCAPE ARCHITECT.
5. REFER TO CIVIL FOR EXCAVATION DEPTHS, BACKFILL, AND BASE MATERIAL FOR ALL LANDSCAPE ITEMS SHOWN ON PLAN.
6. SLOPE SHALL MATCH EXISTING GRADE ALONG ALL PROPERTY LINES.
7. REFER TO CIVIL ENGINEER'S PRECISE GRADING PLANS FOR SITE GRADING PLANS FOR SITE GRADING, DRAINAGE, AND UTILITY LOCATIONS. IF ACTUAL SITE CONDITIONS VARY FROM WHAT IS SHOWN ON THE LANDSCAPE ARCHITECT'S PLANS, THE CONTRACTOR SHALL CONTACT THE OWNER'S REPRESENTATIVE AND LANDSCAPE ARCHITECT FOR DIRECTION AS TO HOW TO PROCEED.
8. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE ACTUAL LOCATION AND ELEVATION IN THE FIELD PRIOR TO BEGINNING CONSTRUCTION. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING UTILITIES ENCOUNTERED DURING CONSTRUCTION.
9. ALL PROPOSED GRADES ARE TO MEET AND BLEND IN WITH EXISTING GRADING AT PROJECT LIMITS, GRADING LIMITS, AND EXISTING SIDEWALK. PRECISE ELEVATIONS INDICATED ON PLANS TO BE VERIFIED IN FIELD TO AS-BUILT CONDITION.
10. THE DEBRIS CREATED BY LANDSCAPE GRADING OPERATIONS SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE DISPOSED OF LEGALLY OFF SITE.
11. FINAL GRADING SHALL BE REVIEWED BY THE LANDSCAPE ARCHITECT IN THE FIELD PRIOR TO INSTALLATION OF PLANTING.

GRADING LEGEND

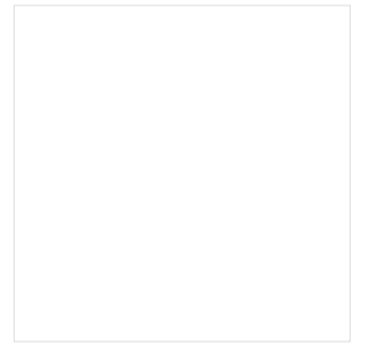
SYMBOL	DESCRIPTION
FFE 0.00	PROPOSED BUILDING FINISHED FLOOR ELEVATION
EL 0.00	PROPOSED ELEVATION
TW 0.00	TOP OF WALL ELEVATION
2%	SLOPE AND DIRECTION
928.5	PROPOSED CONTOUR
---	EXISTING CONTOUR



1 PRELIMINARY GRADING PLAN
 Scale: 1:200



Project Stamp



Issue

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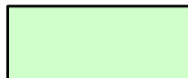


Project Team

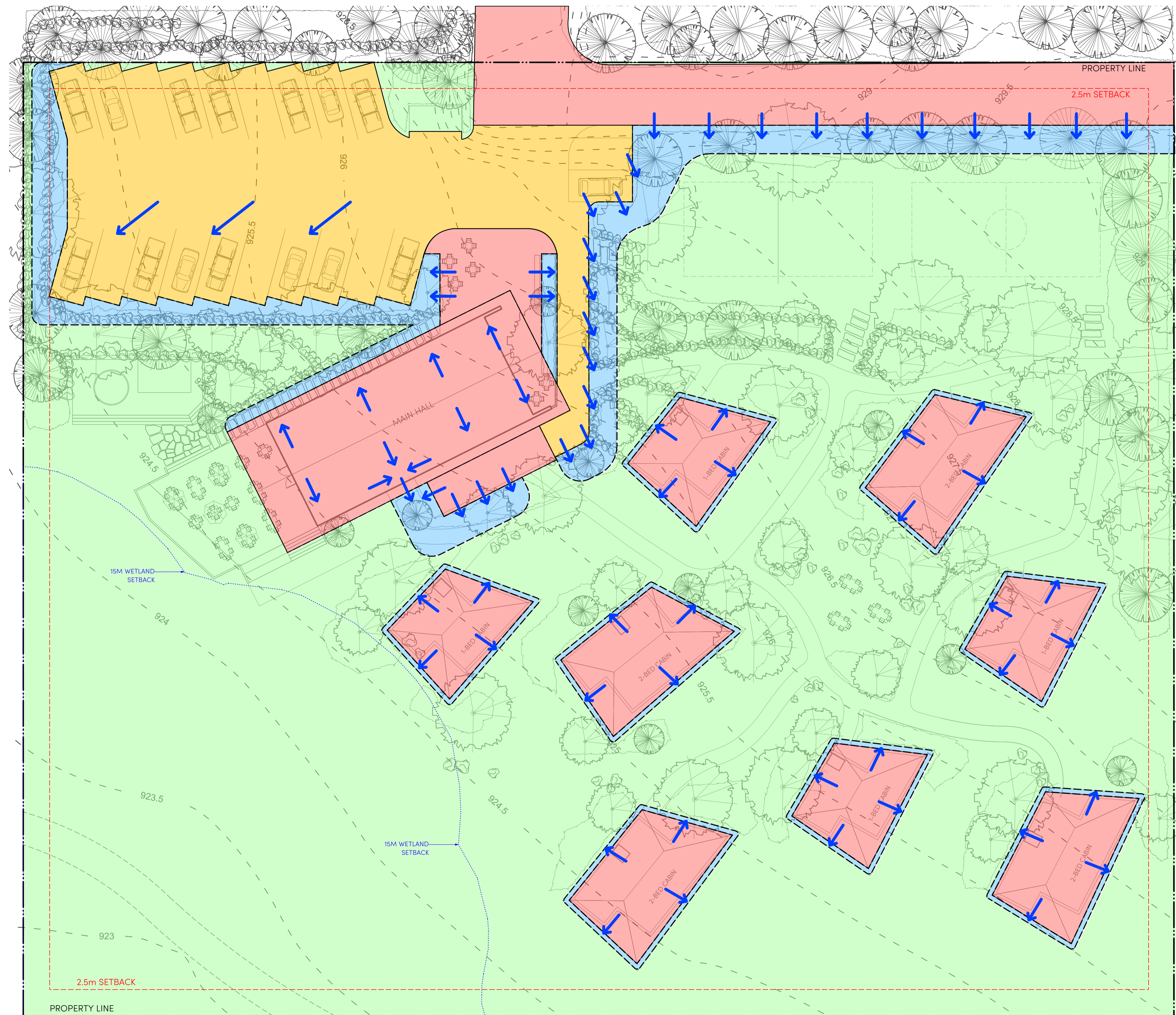
Client
 Rumbling Creek Resort Ltd.
Architect
 BLA Design Group
Landscape Architect
 LOCI Landscape Architecture + Urban Design

Drawn By	Checked By
DS	ME

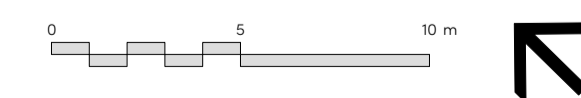
PRELIMINARY GRADING PLAN
L3.0
 Rev. A revision

STORMWATER STRATEGY LEGEND

SYMBOL	DESCRIPTION
	IMPERMEABLE SURFACE (ROOF, PAVING)
	SEMI-PERMEABLE SURFACE (PARKING LOT)
	PERMEABLE SURFACE (PLANTED AREAS, DECKING, PATHWAYS)
	SURFACE RUN-OFF COLLECTION + ABSORPTION AREA
	SURFACE FLOW DIRECTION

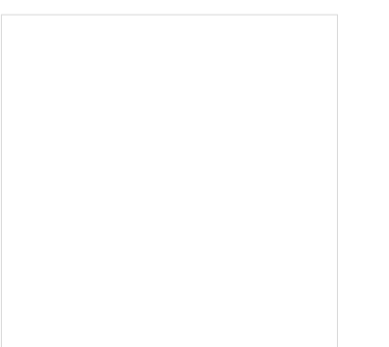


1 STORMWATER MANAGEMENT STRATEGY
Scale: 1:200



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Drawn By	Checked By
DS	ME

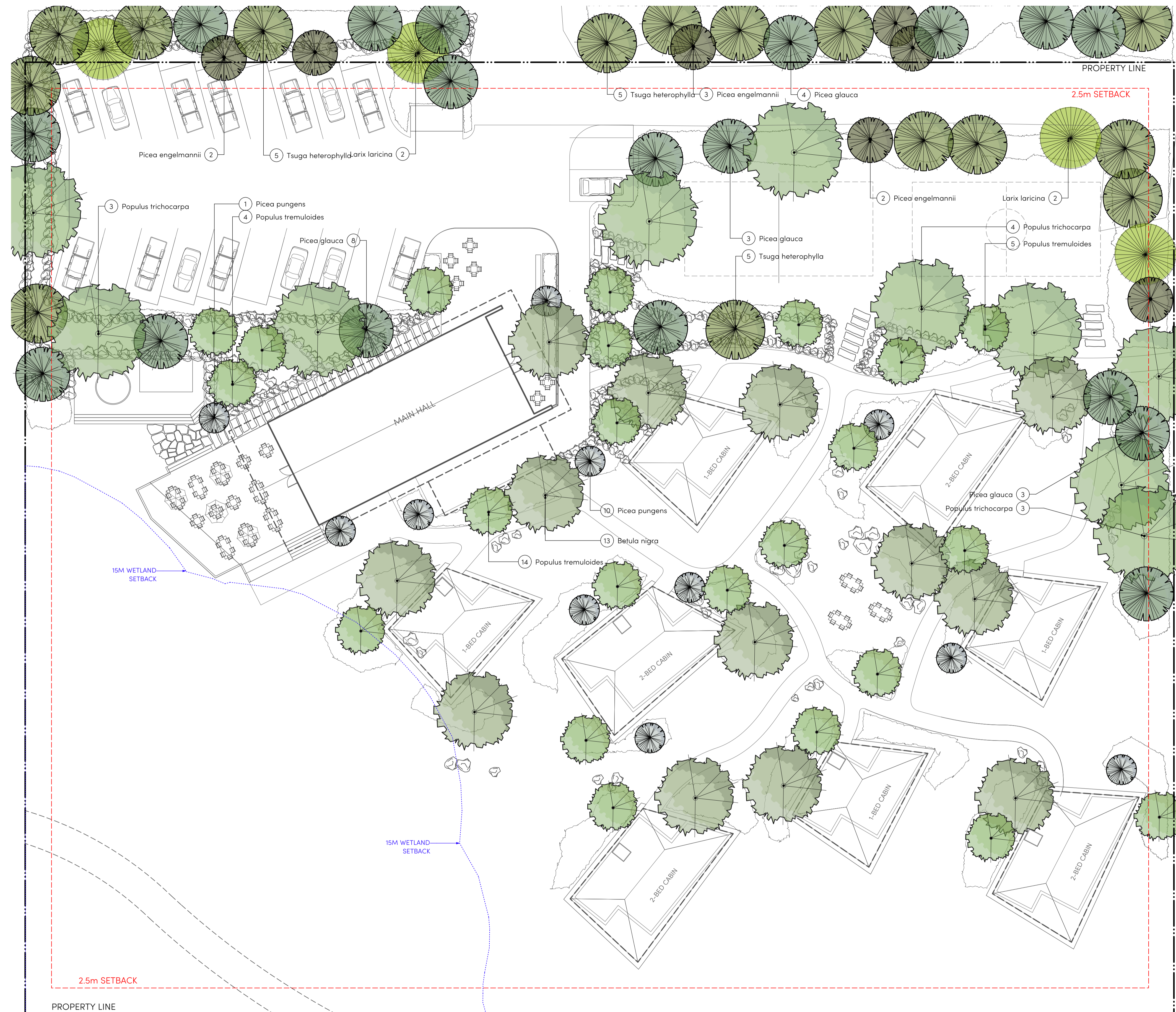
STORMWATER MANAGEMENT STRATEGY

L3.1

Rev. A revision

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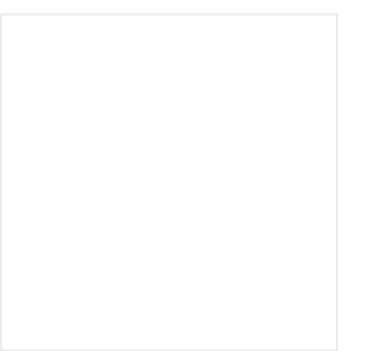
1. ALL PLANTING SHALL BE IN ACCORDANCE WITH BC LANDSCAPE STANDARD, LATEST EDITION
2. ALL TREE AND SHRUB AREAS TO BE MULCHED WITH 50MM (2") OF MEDIUM FINE MULCH, LESS THAN 50MM (2") DIAMETER.
3. ROOTZONE TO REST ON TAMPED PLANTING SOIL
4. SHRUBS: PREPARE PLANTING HOLES AS SPECIFIED. PLANT AT THE SAME GRADE AS NURSERY. WATER AND FERTILIZE AS SPECIFIED. ENSURE POSITIVE DRAINAGE THROUGHOUT PLANTING BED
5. TREE: PREPARE PLANTING HOLES AS SPECIFIED INSTALL TOP OF ROOTZONE 6" ABOVE FINISHED GRADE OF GROWING MEDIUM. WATER AND FERTILIZE AS SPECIFIED BY NURSERY.
6. FINAL SOFTSCAPE AND GRADING LAYOUTS AS WELL AS LOCATION SPACING TO BE APPROVED BY LANDSCAPE ARCHITECTS IN THE FIELD PRIOR TO INSTALLATION
7. IN CASE OF A DISCREPANCY BETWEEN PLANT INFORMATION ON THE LIST AND ON THE PLAN, THE LATTER SHALL PREVAIL
8. ALL PLANT MATERIAL TO BE MANUALLY WATERED FROM START OF INSTALLATION THROUGH THE END OF THE WARRANTY PERIOD
9. FINAL PLANT SPACING, QUANTITY AND TREE PLACEMENT TO BE REVIEWED TO THE SATISFACTION OF GENERAL MANAGER OF ENGINEERING SERVICES
10. ALL PLANTING BEDS TO RECEIVE AUTOMATIC DRIP IRRIGATION AND/OR WATERED DURING THE ESTABLISHMENT PERIOD



1 TREE PLANTING PLAN
Scale: 1:200

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Project Stamp



Issue

No.	Description	Date
A	Issued for Preliminary Landscape Concepts	23-03-16
B	Issued for Concept Update	23-03-28
C	Issued for RZ/DP	23-07-24

Project Info

23055
Rumbling Creek Cabins
Nelson, BC

Project Team

Client
Rumbling Creek Resort Ltd.
Architect
BLA Design Group
Landscape Architect
LOCI Landscape Architecture + Urban Design

Drawn By DS | **Checked By** ME

TREE PLANTING PLAN

L4.0

Rev. A revision

GENERAL PLANTING NOTES:

1. ALL PLANTING SHALL BE IN ACCORDANCE WITH BC LANDSCAPE STANDARD, LATEST EDITION
2. ALL TREE AND SHRUB AREAS TO BE MULCHED WITH 50MM (2") OF MEDIUM FINE MULCH, LESS THAN 50MM (2") DIAMETER.
3. ROOTZONE TO REST ON TAMPED PLANTING SOIL
4. SHRUBS: PREPARE PLANTING HOLES AS SPECIFIED. PLANT AT THE SAME GRADE AS NURSERY. WATER AND FERTILIZE AS SPECIFIED. ENSURE POSITIVE DRAINAGE THROUGHOUT PLANTING BED
5. TREE: PREPARE PLANTING HOLES AS SPECIFIED INSTALL TOP OF ROOTZONE 6" ABOVE FINISHED GRADE OF GROWING MEDIUM. WATER AND FERTILIZE AS SPECIFIED BY NURSERY.
6. FINAL SOFTSCAPE AND GRADING LAYOUTS AS WELL AS LOCATION SPACING TO BE APPROVED BY LANDSCAPE ARCHITECTS IN THE FIELD PRIOR TO INSTALLATION
7. IN CASE OF A DISCREPANCY BETWEEN PLANT INFORMATION ON THE LIST AND ON THE PLAN, THE LATTER SHALL PREVAIL
8. ALL PLANT MATERIAL TO BE MANUALLY WATERED FROM START OF INSTALLATION THROUGH THE END OF THE WARRANTY PERIOD
9. FINAL PLANT SPACING, QUANTITY AND TREE PLACEMENT TO BE REVIEWED TO THE SATISFACTION OF GENERAL MANAGER OF ENGINEERING SERVICES
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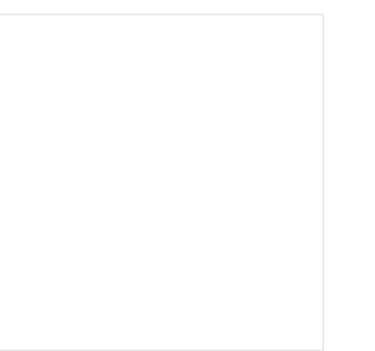


1 SHRUB PLANTING PLAN
Scale: 1:200



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Drawn By	Checked By
DS	ME

SHRUB PLANTING PLAN

L4.1

Rev. A revision

PLANT LIST

Symbol	Quantity	Botanical Name	Common Name	Scheduled Size	Spacing	Notes
DECIDUOUS TREES:						
		<i>Betula nigra</i>	River Birch	7cm cal.	As Shown	B&B
		<i>Populus tremuloides</i>	Trembling Aspen	7cm cal.	As Shown	B&B
		<i>Populus trichocarpa</i>	Black Cottonwood	7cm cal.	As Shown	B&B
CONIFERS:						
		<i>Larix laricina</i>	American Larch	3.5m ht.	As Shown	B&B
		<i>Picea engelmannii</i>	Engelman's Spruce	3.5m ht.	As Shown	B&B
		<i>Picea glauca</i>	White Spruce	3.5m ht.	As Shown	B&B
		<i>Picea pungens</i>	Colorado Blue Spruce	3.5m ht.	As Shown	B&B
		<i>Tsuga heterophylla</i>	Western Hemlock	4m ht.	As Shown	B&B
SHRUBS:						
		<i>Amelanchier alnifolia</i>	Saskatoon Berry	#3 Pot	0.8 m o.c.	
		<i>Holodiscus discolor</i>	Ocean Spray	#3 Pot	0.9 m o.c.	
		<i>Rosa gymnocarpa</i>	Baldhip Rose	#3 Pot	0.6 m o.c.	
		<i>Rubus parviflorus</i>	Thimbleberry	#2 Pot	0.6 m o.c.	
		<i>Spiraea betulifolia</i>	Birch Leaf Spirea	#2 Pot	0.6 m o.c.	
		<i>Viburnum edule</i>	Highbush Cranberry	#3 Pot	0.6 m o.c.	
PERENNIALS, GRASSES, GROUND COVER:						
		<i>Achillea millefolium</i>	Yarrow	#1 Pot	0.3 o.c.	
		<i>Calamagrostis canadensis</i>	Bluejoint	#2 pot	0.5 o.c.	
		<i>Calamagrostis rubescens</i>	Pine grass	#2 pot	0.6 o.c.	
		<i>Epilobium angustifolium</i>	Fireweed	#1 Pot	0.6 o.c.	
		<i>Lupinus polyphyllus</i>	Big Leaf Lupine	#1 Pot	0.6 o.c.	

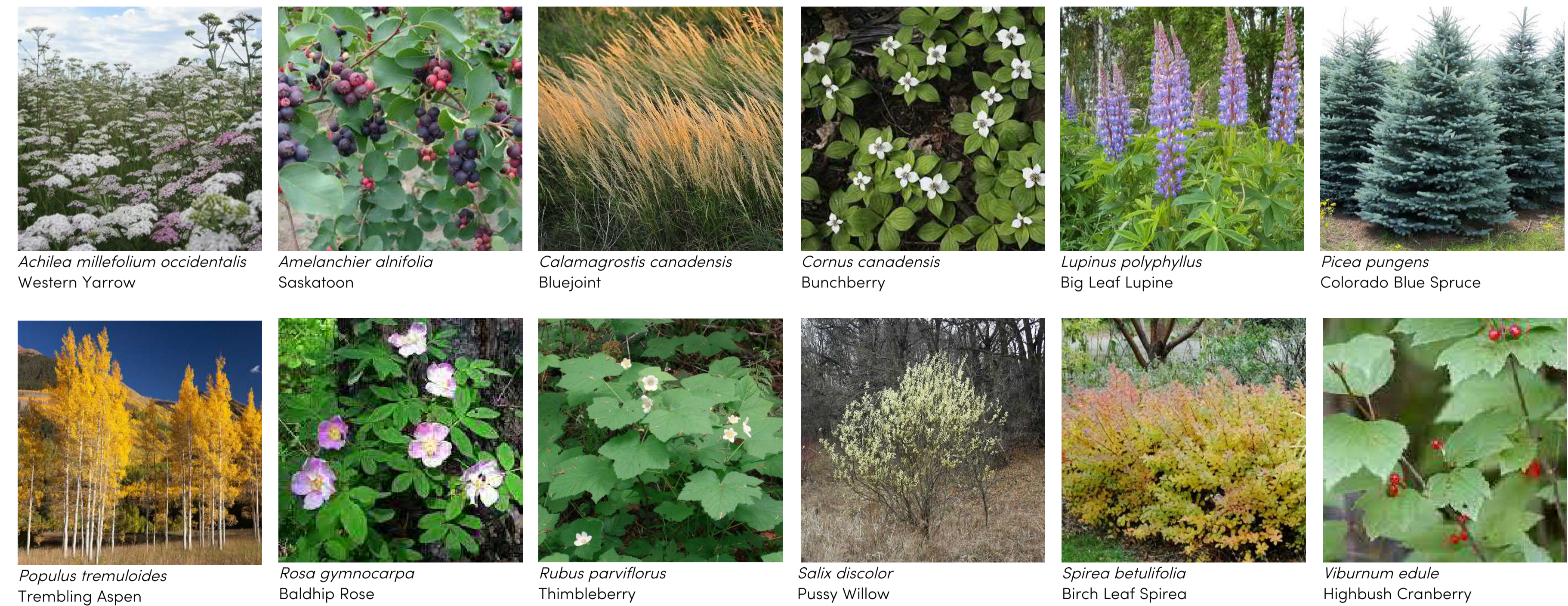
Native Species listed can be found at Nupqu Native Plant Nursery

PLANT IMAGES

SCREENING TREES AND SHRUBS



NATURALIZED TREE AND SHRUB CLUSTERS



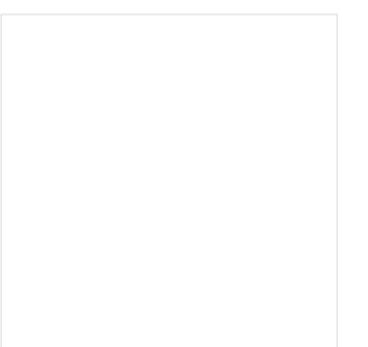
HYDROSEED MEADOW MIX



1738 KINGSWAY, VANCOUVER, BC V5N 2S3
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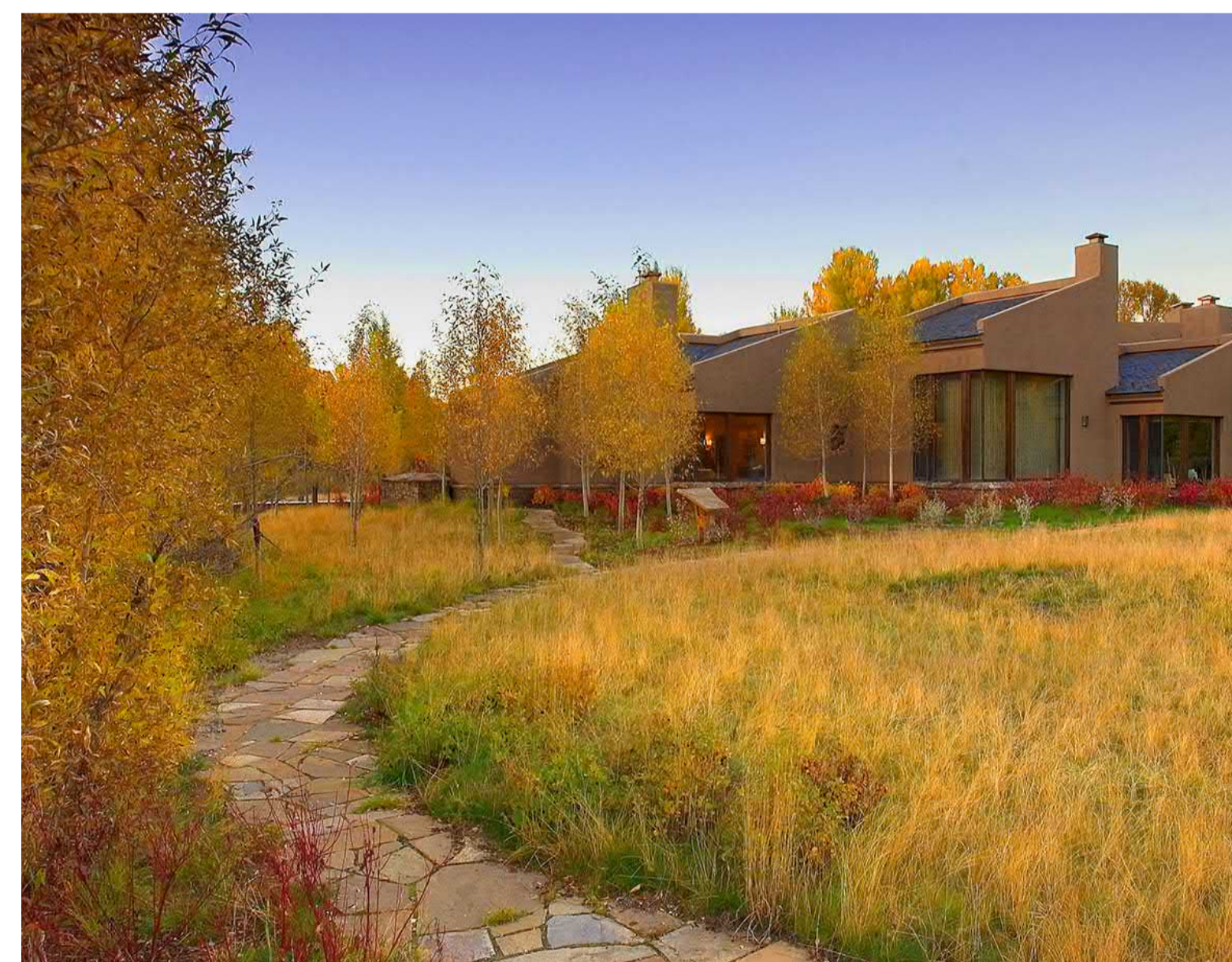
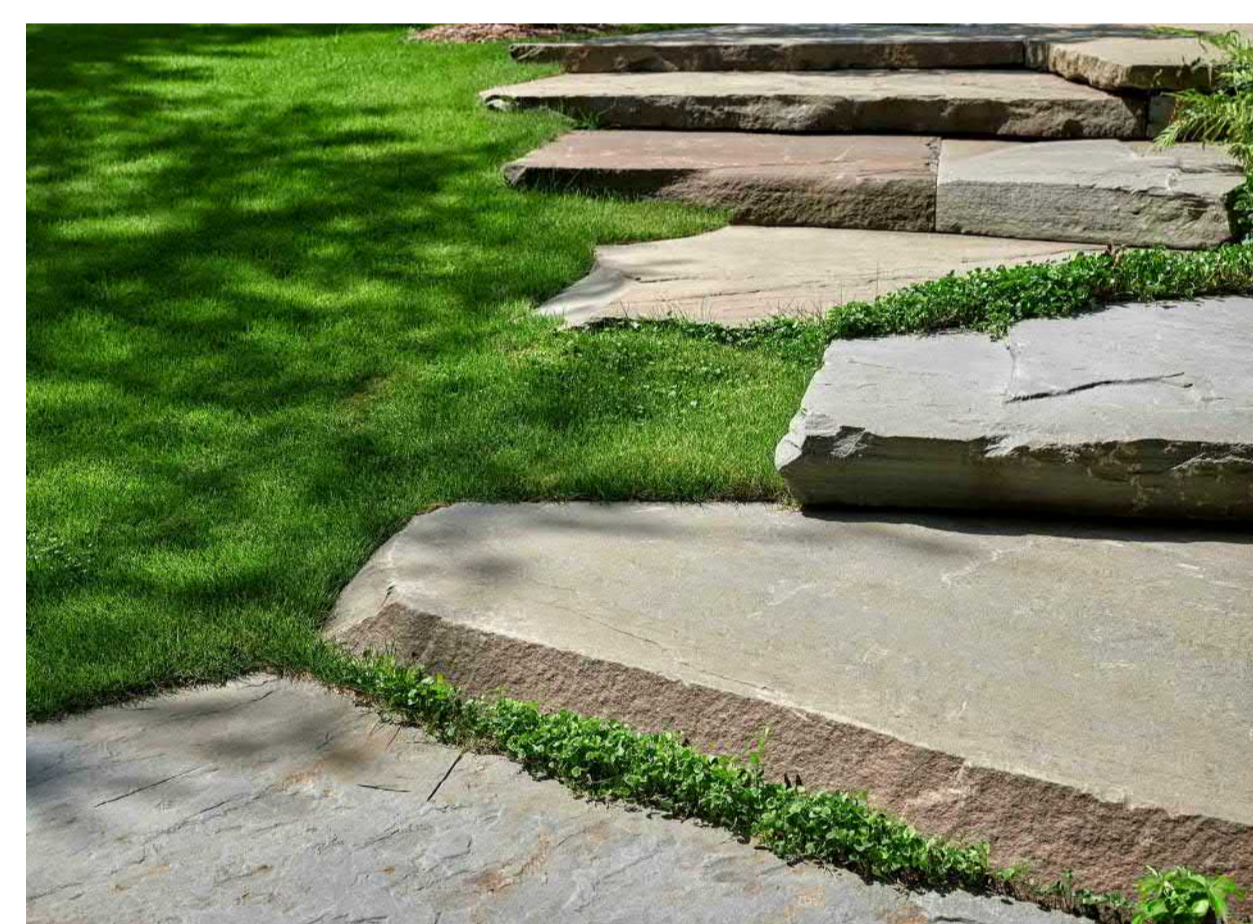
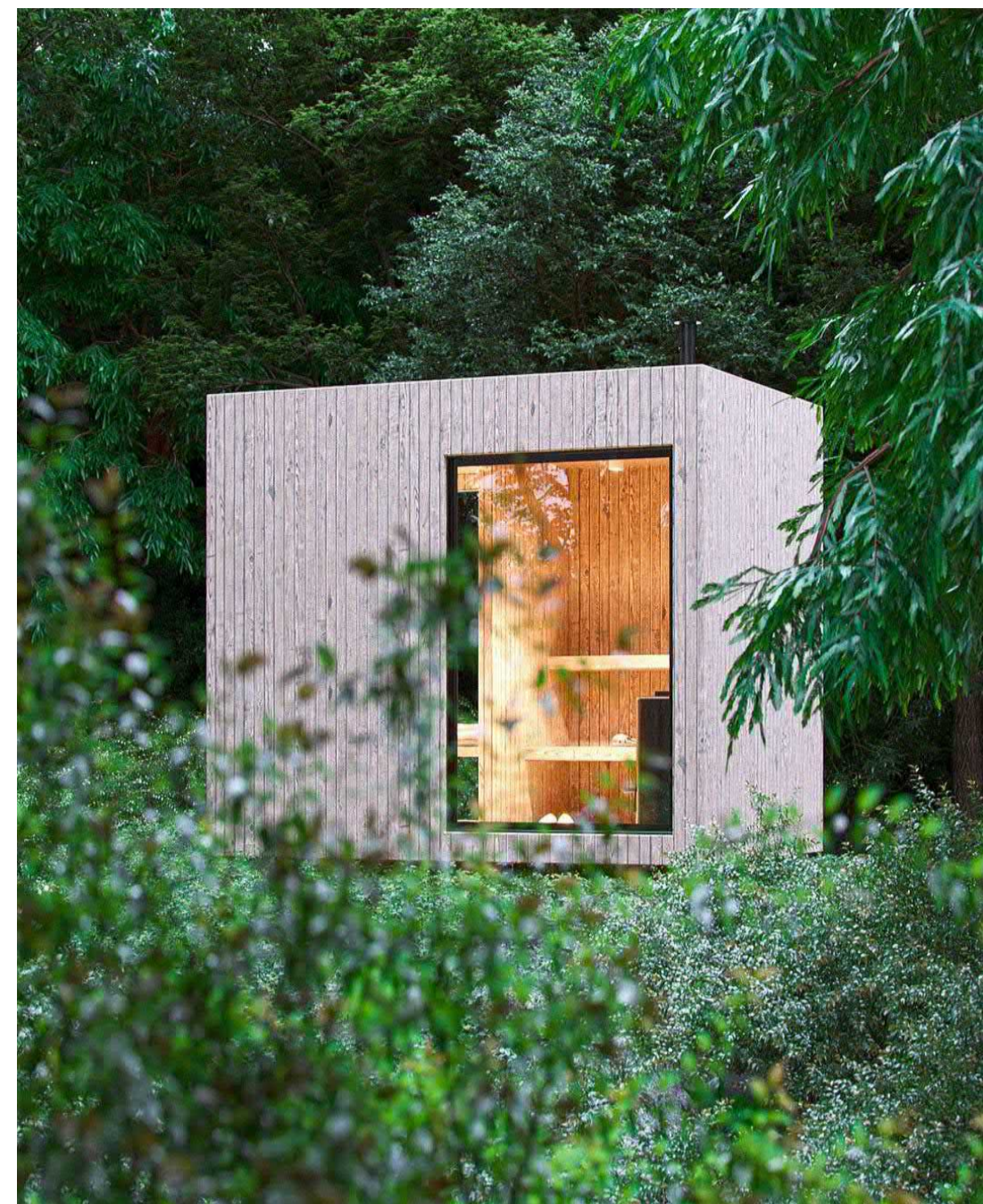
Drawn By	Checked By
DS	ME

PLANT LIST + IMAGES

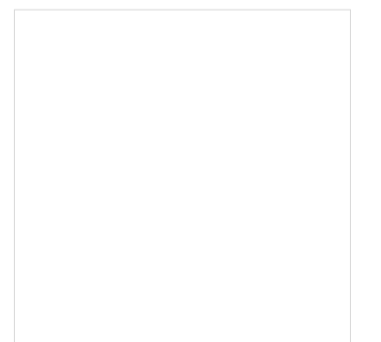
L5.0

Rev. A revision

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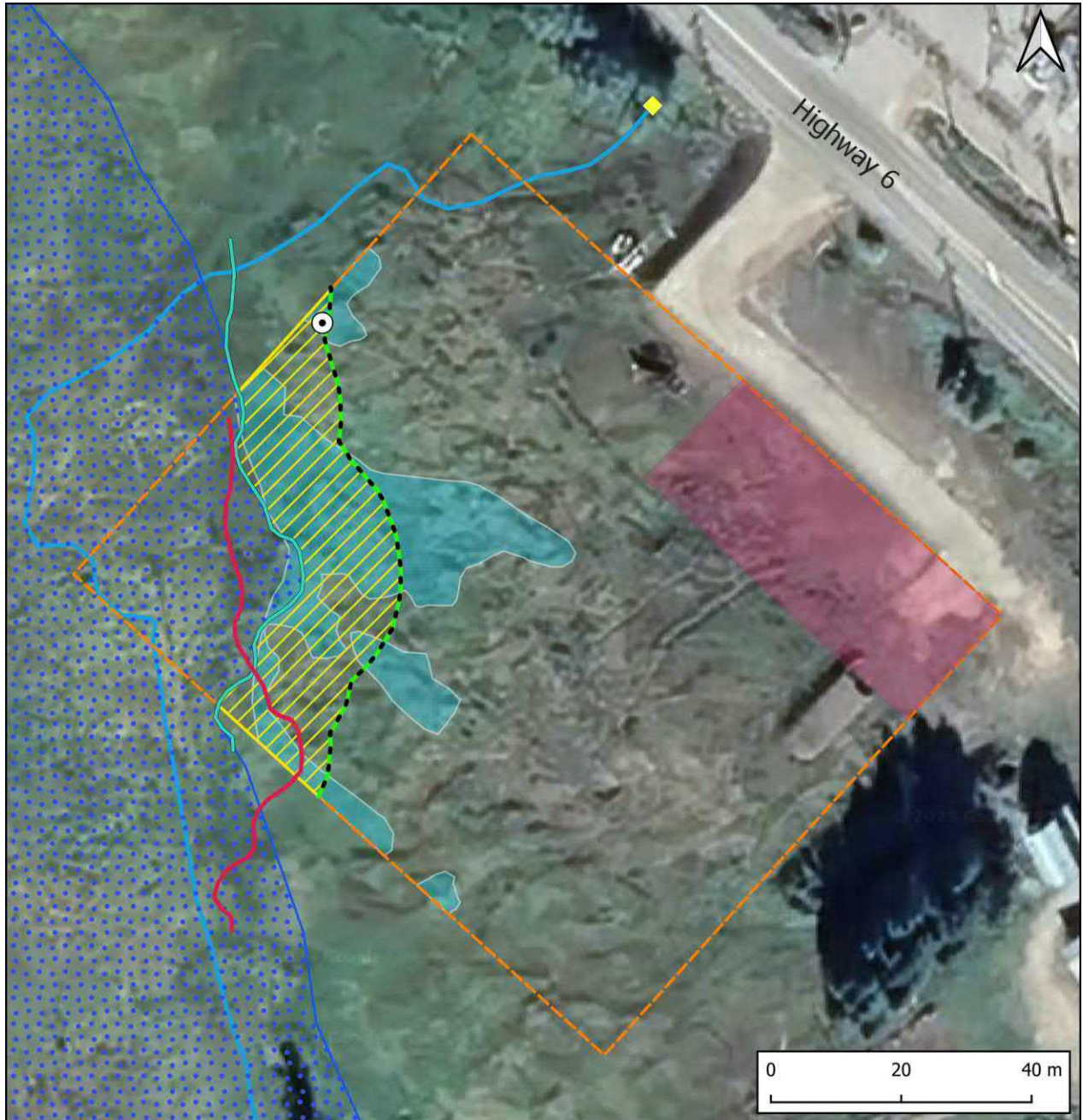
Drawn By	Checked By
DS	ME

PRECEDENT IMAGES

L6.0

Rev. A revision

APPENDIX 3. SPEA SETBACKS



Riparian Assessment | SPEA Setbacks

- | | |
|--|---|
|  Property Boundary
(PID 031-873-529) |  Wetland Boundary |
|  Channel | Wetland Setbacks |
|  Seepage Area/Surface Water |  Litterfall ZOS (15 m) |
|  Freshwater Atlas Wetland |  Large Woody Debris ZOS (15 m) |
|  Culvert |  Shade ZOS (0 - 11 m) |
|  Proposed Septic Field |  SPEA Area (15 m setback) |



Map Date: 2023-08-08
 Projection: NAD83 UTM Zone 11
 Map Scale: 1: 1000
 Orthoimage Date: May 10, 2023

APPENDIX 4. ARCHAEOLOGICAL CHANCE FIND PROCEDURE



Ktunaxa Nation Council
 7825 Mission Road
 Cranbrook, BC V1C 7E5
 tel: 250-489-2464
 fax: 250-489-2438

visit us at:
www.ktunaxa.org

Chance Find Procedures for Archaeological Material

This document provides information on how a developer and/or their contractor(s) can manage for potential archaeological material discoveries while undertaking construction and/or maintenance activities. This document can provide assistance to in-field contractors in the identification of archaeological remains and the procedures to follow if a discovery is made. The discovery of human remains initiates a different course of action and is outlined separately.

Under the provincial *Heritage Conservation Act (HCA)*, archaeological sites that pre-date 1846 are automatically protected whether on public or private land. Protected sites may not be damaged, altered or moved in any way without a Section 12 or 14 Permit as issued through the *HCA*. It is illegal to collect or remove any heritage object from an archaeological site unless authorized to do so under permit.

1. Activities occurring outside of known Archaeological Sites:

When archaeological material is encountered outside of known archaeological site areas work in the vicinity must stop immediately no matter what type of material or feature has been identified. Alteration to an archaeological site can only occur under a Section 12 (Site Alteration Permit) or Section 14 (Heritage Inspection Permit) *Heritage Conservation Act* permit. Such permit applications should be prepared by a professional archaeologist.

If archaeological material is discovered during the course of construction activities:

1.1 Stop Work: Halt all work in the area of the discovery and safely secure the area. Contact the project manager or site foreman.

1.2 Contact an Archaeologist: An archaeologist should be contacted as soon as possible. For a list of qualified archaeologists in the area, the proponent is directed to the BC Association of Professional Consulting Archaeologists website: www.bcapa.ca. The proponent may also wish to contact the Ktunaxa Nation Council's Archaeology Technician Nathalie Allard for direction (1-250-426-9549; nallard@ktunaxa.org).

1.3 Archaeologist provides guidance: The archaeologist will direct the proponent on the next courses of action, which will include notifying the Archaeology

Branch and First Nations with interest in the area.

2. Activities Occurring within Known Archaeological Site Boundaries:

Land altering activity within a previously recorded archaeological site must be conducted under a Section 12 HCA Site Alteration Permit (SAP), in some cases with an onsite archaeological monitor. It is common for additional archaeological material and features to be encountered during activities occurring within previously recorded archaeological sites. Minor finds (lithic flakes, diffuse charcoal or fire altered rock) may not require work to stop, however significant finds require a level of assessment by a professional archaeologist, and it is up to the onsite project manager to determine the level of significance based on criteria presented below.

2.1 Significant Cultural Finds that Require a Professional Archaeologist (described in detail in Section 4)

- Intact archaeological features, which can include but are not limited to hearths, cultural depressions (e.g. cache pits, house depressions) and rock alignments or forms (e.g. tipi rings, cairns, blinds)
- Significant archaeological materials, which include but are not limited to, the presence of formed lithic tools (e.g. projectile point, microblade core, scraper), a dense concentration of lithic waste flakes, or artistic items
- Human Remains (described in detail in Section 3)

2.2 Archaeological Site Management Options

- 2.2.1 **Site Avoidance:** If the boundaries of a site have been delineated, redesign the proposed development to avoid impacting the site. Avoidance is normally the fastest and most cost effective option for managing archaeological sites. Site avoidance could also be achieved through minimizing ground disturbance by looking for alternative constructive methods.
- 2.2.2 **Mitigation:** If it is not feasible to avoid the site through project redesign, it is necessary to conduct systematic data collection and analysis within the site prior to its loss. This could include surface collection and/or excavation. This work can be time-consuming and therefore expensive to conduct.
- 2.2.3 **Protection:** It may be possible to protect all or portions of the site which will be impacted through installation of barriers during the development period and possibly for a longer period of time. Methods for barrier construction could include fencing around site boundaries or applying

geotextile to the ground surface and capping it with fill. The exact method used would be site-specific.

3. Chance Find Procedures for Identified Human Remains

Procedures in the event of the discovery of human remains during construction are covered in depth by an Archaeology Branch Policy Statement, found on their website at www.for.gov.bc.ca/archaeology, and are summarized below.

- 3.1 Stop all construction activities immediately in the area of found or suspected human remains and contact the RCMP and/or Office of the Coroner.
- 3.2 The coroner must determine whether the remains are of contemporary forensic concern or archaeological/aboriginal.
- 3.3 If the remains are found to be of aboriginal ancestry then the next step involves the relevant First Nations collaboratively determining the appropriate treatment of those remains.

The key to respectfully dealing with ancient aboriginal remains is to involve the appropriate First Nations as early as possible in the process. However this must be done in a manner that does not interfere with the coroner's office ability to conduct their business in the manner that they see fit.

4. Site Identification Guide

The following are characteristics typical to site types found within the Ktunaxa Traditional Territory.

4.1 Artifact Scatters

Lithic (stone) scatters from the production and maintenance of stone tools are the most common type of archaeological site found in the region. Other materials that may be represented in artifact scatters are Fire Broken Rock (FBR), bone, antler and tooth.

Lithics: What to look for

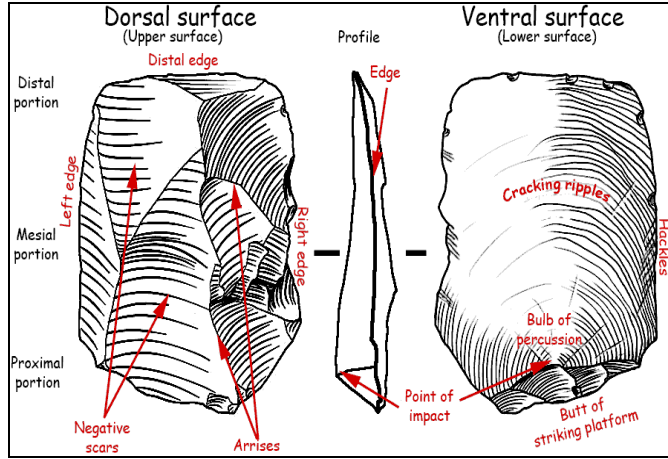


Image 1: Basic flake morphology



Image 2: Examples of lithic flakes

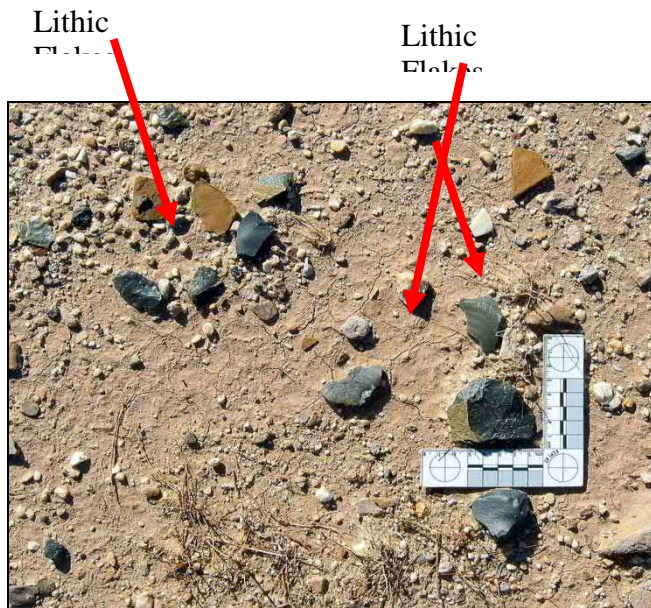


Image 3: Example of lithic scatter found on ground surface



Image 4: Example of formed lithic artifacts

Zakōqnuuk

Zaqam

Lower Kootenay

Tobacco Plains



Image 5: Ground stone artifacts

Bone, Tooth and Antler Artifacts: What to Look For

- Obvious shaping
- Incising
- Unnatural holes



Takisqnuuk

Taqam

Lower Kootenay

Tobacco Plains

Image 6: Bone and Antler artifacts

4.2 Fire Broken Rock and Hearths

Fire-broken rock (FBR) results from the use of fire during cooking, heating and processing activities. FBR is often associated with other features including hearths and cultural depressions, but can also be thinly scattered in concentrations away from the features with which they were first associated.

When looking for FBR, note concentrations of roughly fractured rock from rapid heating and cooling, rock showing signs of burning or oxidation and/or reddening or blackening of surrounding matrix.



Image 7: Example of FBR; note the zig/zag pattern of breakage common to FBR. A hearth feature is evidence of a fire pit or other fireplace feature of any period. Hearths were used for cooking, heating, and processing of some stone, wood, faunal, and floral resources and may be either lined with a wide range of materials like stone or left unlined. Occasionally site formation processes (e.g., farming or excavation) deform or disperse hearth features, making them difficult to identify without careful study.

Hearths: What to look for

- FBR
- reddening or blackening of the associated soil/sediment
- charcoal
- layering of FBR and charcoal, and
- depressions in the earth associated with FBR, reddened or blackened matrix and charcoal.



Image 8: Example of a hearth uncovered along the wall of an excavation unit

4.3 Cultural Depressions

Any depression seen on the ground surface that appears to have been excavated by man can be a cultural depression and have archaeological significance. These “pits” were dug for a variety of reasons such as for food storage, cooking or as a base for a dwelling.

They can range in size from 1m across to 7-10m across, and are usually found associated with other artifacts such as FBR and lithic scatters.

To identify a cultural depression, look for:

- Subtle to deep scours on the ground surface that are circular to rectilinear in shape
- A raised rim along the edge of a depression
- Depressions associated with artifacts and FBR
- Depressions associated with fire reddening and blackening of the matrix



Image 9: Example of a large cultural depression in a natural setting

4.6 Rock Alignments

There are several types of rock alignments that occur within the culture area, which include tipi rings, medicine wheels, cairns and blinds. When attempting to identify rock alignments, look for a group of rocks that look purposefully placed as in a circle, pile or line; isolated groups of rock that do not seem to belong to that landscape; and/or rocks which form a pattern.



Image 10: Example of a Cairn or piling of rocks



Image 11: Example of a tipi ring in a natural setting