



REGIONAL DISTRICT OF CENTRAL KOOTENAY

DEVELOPMENT PERMIT REPORT

DATE OF REPORT: August 19, 2016
DATE & TYPE OF MEETING: 19/08/2016 Choose Meeting Type Here
AUTHOR: Meeri Durand, Planning Manager
SUBJECT: DEVELOPMENT PERMIT (1055 RIONDEL ROAD - BOORMAN)
FILE: 4260-20-DP1605A-04709.000

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to recommend the issuance of an Environmentally Sensitive Development Permit as required under the *Electoral Area A Comprehensive Land Use Bylaw No. 2315* for a property located at 1055 Riondel Road and legally described as Sublot 65 District Lot 4595 Kootenay District Plan X31 Except Plans 5789 and EPP46855 (PID 007-920-610) south of Riondel.

SECTION 2: BACKGROUND / ANALYSIS

Owner: Peter and Rhonda Boorman

Applicant: Peter and Rhonda Boorman

Location: 1055 Riondel Road, South of Riondel

Electoral Area: A

Legal Description: Sublot 65 District Lot 4595 Kootenay District Plan X31 Except Plans 5789 and EPP46855, PID 007-920-610

Property Size: 70.92 acres

Floodplain: Kootenay Lake, Setback 15 m, Flood Construction Level 536.5 meters GSC

Zoning: Not Applicable

OCP Designation: Country Residential (CR) under *Electoral Area A Comprehensive Land Use Bylaw No. 2315, 2013*

Development Permit: Environmentally Sensitive Development Permit (ESDP) under *Electoral Area A Comprehensive Land Use Bylaw No. 2315, 2013*

Site Summary/Background:

The proposed use of the property is the approval of a proposed three lot phase one subdivision and subsequent phase two subdivision of an additional three lots within the 15.0 meter Environmentally Sensitive Development Permit (ESDP) Area of *Electoral Area A Comprehensive Land Use Bylaw No. 2315, 2013*. The proposal involves the creation of six (6) residential lots (all greater than 3 hectares in size).

A report has been prepared by Masse Environmental Consultants Ltd. dated July 2016 in support of the application.

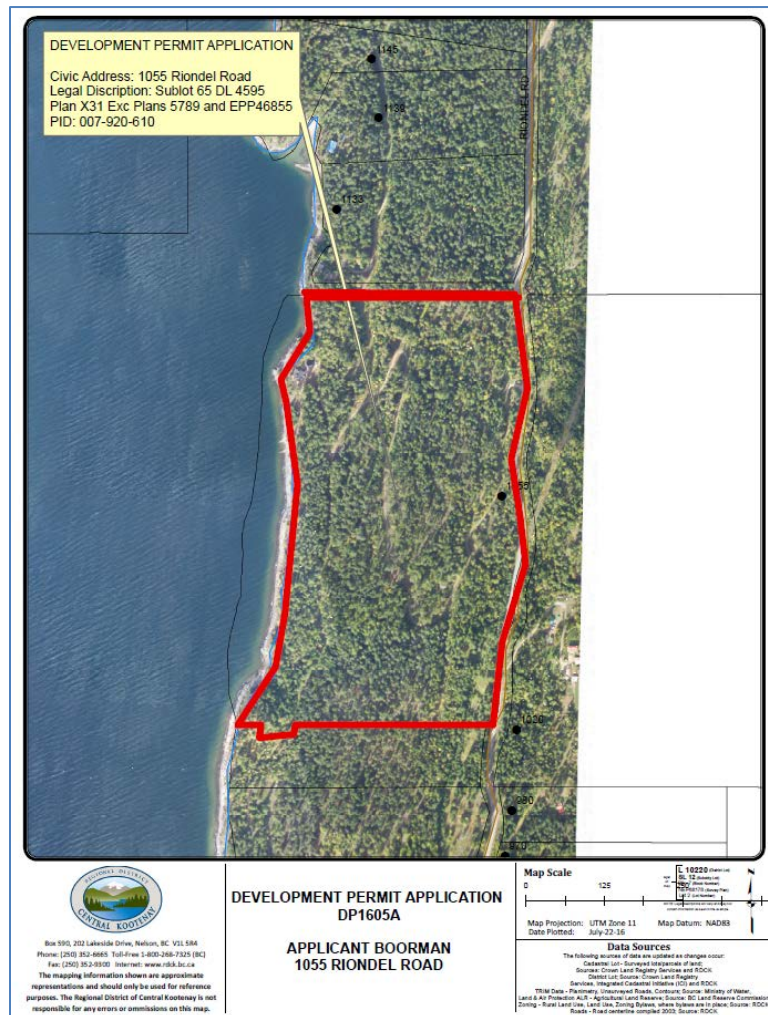
The subject property is located on Riondel Road on the east shore of Kootenay Lake, just south of Riondel in Electoral Area A. The application of the Environmentally Sensitive Development Permit Area was triggered by a subdivision application made to the Ministry of Transportation and Infrastructure and received on referral on January 4th, 2016.

Development Permit Area Guidelines (Environmentally Sensitive)

Development shall be in accordance with the following guidelines:

1. All development proposals subject to this permit will be assessed by a Qualified Environmental Practitioner (QEP) or Registered Professional Biologist (RP Bio) in accordance with the Riparian Areas Regulation established by the Provincial and/or Federal governments as used elsewhere in the Province;
2. An ESDP shall not be issued prior to the RDCK ensuring that a QEP or RP Bio has submitted a report certifying that they are qualified to carry out the assessment, that the assessment methods have been followed, and provides in their professional opinion that a lesser setback will not negatively affect the functioning of a watercourse or riparian area and that the criteria listed in the Riparian Areas Regulation has been fulfilled, and;
3. The Riparian Areas Regulation implemented through the ESDP does not supersede other Federal, Provincial and or local government requirements, including that of other development permit areas, building permits, flood covenants, Federal or Provincial authorization. Land subject to more than one development permit area designation must ensure consistency with the guidelines of each development permit area, to provide comprehensive stewardship of both fish and wildlife habitat.

Proposed Mitigation



The applicant has submitted an Environmental Assessment in alignment with ESDP Guidelines and as prepared by Masse Environmental Consultants Ltd., dated July 2016. The report was prepared using the assessment methods as set out by the *Riparian Areas Regulation* used elsewhere in the Province. Zones of Sensitivity (ZOS) were established as 10.0 meters for proposed lots 3 and 4 (adjacent to an unnamed stream) and between 15.0 meters to 22.0 meters for proposed lots 2 to 6 and the remainder lots adjacent to Kootenay Lake.

The foreshore area along Kootenay Lake has been maintained in its natural state. The only development on the property is a single access road that transects the entire property and provides shared access by easement to an adjacent property and a single family dwelling with a detached garage on the proposed remainder lot. The single family dwelling has been constructed outside of the 15.0 meter DPA area. A small access road to a boat launch has caused some

disturbance of the foreshore in this location. Construction and foreshore modifications predate the 2013 requirements of the Environmentally Sensitive Development Permit (ESDP).

Due to the nature of foreshore modifications being minimal on the property, the mitigation requirements are restricted to the replanting of 10 trees to mitigate for historic disturbance of the foreshore, revegetation of any areas disturbed during development, and the on-going maintenance of the relatively intact SPEA. Recommendations for invasive weed removal were also included as part of the Environmental Assessment. Security of \$1000.00 is being recommended as an estimated cost of proposed works.

Site Visit

A site visit was conducted by Meeri Durand, Planning Manager on August 12th, 2016. It was observed that the information provided at the time of application was accurate and correct.



Proposed Lot 2 (clearing historic)



Proposed Lot 3 (access road)



Existing home on proposed remainder lot and small boat access area

Referral Comments

This application was sent on a 30 day referral period in accordance with the RDCK Planning Procedures and Fees Bylaw No. 2457, 2015. The following responses were received:

Agency	Referral Comments	Planning Staff Response
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<p>Interior Health Authority</p> <p>Anita Ely, Environmental Health Officer</p> <p>August 15, 2016</p>	<p>The IH Healthy Built Environment (HBE) Team has received the above captioned referral from your agency. Typically we provide comments regarding potential health impacts of a proposal. More information about our program can be found at Healthy Built Environment webpage.</p> <p>An initial review has been completed and no health impacts associated with this proposal have been identified. As such, our interests are unaffected by this development proposal.</p>	<p>No concerns have been expressed.</p>
<p>Ministry of Transportation and Infrastructure</p> <p>Heather Syfchuck, District Development Technician</p> <p>August 15th, 2016</p>	<p>MOT has no concerns as long as all conditions of the PLA for their 2 Lot subdivision are met. (Our file 2015-06282).</p>	<p>The applicants are still required to provide proof of water and surveyor confirmation for the purposes of subdivision approval.</p>

Staff Analysis

The applicant has retained a qualified professional (QP) to assess the impact to riparian values along the foreshore of Kootenay Lake. Recommendations made within the report provide guidance for mitigation of assessed impacts. The Environmental Assessment meets the required guidelines for the Environmentally Sensitive Development Permit Area.

Section 502 of the *Local Government Act* enables the RDCK to require an applicant to provide securities for the purpose of ensuring the terms of the Development Permit are met. The amount must be stated in the permit, and the applicant may choose either to provide an irrevocable letter of credit or a deposit of securities in a form satisfactory to the local government. A requirement for security of \$1000.00 is recommended for the purposes of fulfilling the obligations of the Environmental Assessment including the replanting of 10 trees and revegetation of areas disturbed by future construction.

SECTION 3: DETAILED ANALYSIS

a. Financial Considerations – Cost and Resource Allocations:

The \$500 fee for the Development Permit application has been received.

b. Legislative Considerations (Applicable Policies and/or Bylaws):

Local Government Act Section 490 and 491 provides that “An official community plan may designate development permit areas for...protection of the natural environment, its ecosystems and biological diversity and the form and character of high density residential development” prior to approval of a subdivision.

The DP application has been submitted in accordance with the requirements and guidelines found under the Environmentally Sensitive Development Permit Area under *Electoral Area A Comprehensive Land Use Bylaw No. 2315*.

This application was reviewed in accordance with the Planning Procedures and Fees Bylaw No. 2457, 2015. The bylaw delegates the authority for consideration of DPs to the General Manager of Development Services (GMDS).

c. Environmental Considerations:

The Development Permit provides detailed recommendations as to mitigation and compensation to address the potential impacts of the development proposal.

d. Social Considerations:

None anticipated.

e. Economic Considerations:

None anticipated.

f. Communication Considerations:

Should the GMDS approve the permit, staff would proceed with subsequent procedures under the bylaw, including informing the applicant of the 14-day 'Appeal Period' and option to waive the appeal.

g. Staffing/Departmental Work plan Considerations:

Should the GMDS approve the permit; staff would issue the permit and register notice on title. Planning staff would follow up on the terms of the development permit and finalize approximately two years after the subdivision approval phase is completed.

SECTION 4: OPTIONS & PROS / CONS

Option 1: Approve the Development Permit as proposed.

Option 2: Deny the Development Permit as proposed.

Staff has not identified any authority for the GMDS to deny the proposed permit.

SECTION 5: RECOMMENDATION(S) TO THE GENERAL MANAGER OF DEVELOPMENT SERVICES

That the General Manager of Development Services APPROVE the issuance of Development Permit 4360-20-DP1605A-04709.000 for the property located at 1055 Riondel Road and legally described as Sublot 65 District Lot 4595 Kootenay District Plan X31 Except Plans 5789 and EPP46855 (PID 007-920-610).

Respectfully submitted,

Signature:

Name:

Meeri Durand, Planning Manager

CONCURRENCE

Initials:

General Manager of Development Services

ATTACHMENTS:

Attachment A – DRAFT Development Permit (1055 Riondel Road, Boorman)