



## REGIONAL DISTRICT OF CENTRAL KOOTENAY

# Memo to General Manger of Development Services

**Date of Memo:** February 10, 2021  
**Author:** Eileen Senyk, Planner  
**Subject:** DEVELOPMENT PERMIT DP2005E  
**File:** DP2005E-00780.020-Reid-DP000102

<b>Owner</b>	Trevor Reid and Alix Ius
<b>Civic Address</b>	1409 Ash Street, Nelson
<b>Legal Description</b>	Lot 2 Block 38 District Lot 182 Kootenay Land District Plan 486
<b>PID</b>	016-324-391
<b>Lot Size</b>	0.18 hectares (0.43 acres)

### PROPOSAL:

The subject property is currently vacant. It is part of Survey Plan 486 which dates back to the year 1892. The property is located in RDCK Electoral Area 'E' and is located just south of the City of Nelson's municipal boundary in an area locally known as Mountain Station.

The owners are proposing to construct a single family dwelling. The property is small by rural standards (0.18 hectares) and is bisected by a small creek. The owners are therefore applying for a Site Specific Exemption to RDCK's Floodplain Management Bylaw No. 2080, 2009 and for a Watercourse Development Permit pursuant to Electoral Area 'E' Official Community Plan No. 2260. If successful, the Site Specific Exemption to the Floodplain Management Bylaw would decrease the setback distance from the watercourse from 15 metres to 10 metres. The Watercourse Development Permit will set out conditions for ecological mitigation and restoration of the riparian area around the creek. These two applications are being made congruently to enable construction of the single family dwelling.

<b>Electoral Area</b>	E
<b>Development Permit Area</b>	Watercourse Development Permit Area

<b>Guidelines</b>	<b>Meets?</b>	<b>Comments</b>
All development proposals subject to this permit will be assessed by a Qualified Environmental	Yes	A comprehensive Environmental Assessment report has been received from Masse Environmental.

Practitioner (QEP) in accordance with the Riparian Areas Regulation established by the Provincial and/or Federal governments as used elsewhere in the Province		
A WDP shall not be issued prior to the RDCK ensuring that a QEP 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.	Yes	The Environmental Assessment provided by Masse Environmental meets all of the requirements of this guideline.
The Riparian Areas Regulation implemented through the WDP 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.	Yes	Application for Site Specific Exemption to the Floodplain Management Bylaw has been made congruently with the Development Permit. The Site Specific Exemption was approved on December 10 <sup>th</sup> , 2020.

<b>Zoning</b>	N/A
<b>OCP</b>	Electoral Area 'E' Rural Official Community Plan No. 2260, 2013
<b>ALR</b>	N/A
<b>Floodplain</b>	A Site Specific Exemption to RDCK Floodplain Management Bylaw was approved on December 10, 2020 to relax the setback from 15m to 10m from an un-named watercourse.
<b>NSFEA</b>	N/A
<b>Geohazard</b>	N/A
<b>Archeology Sites</b>	N/A

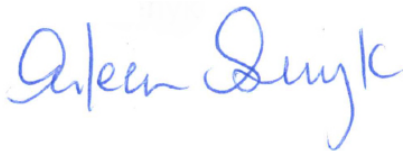
<b>Within RDCK Water System</b>	N/A
<b>Relevant Covenants and Reports</b>	Flood Hazard Assessment by Grey Owl Engineering dated August 6, 2020 and Environmental Assessment by Masse Environmental dated July 29, 2020 both received.
<b>Review Title for Miscellaneous Charges</b>	No miscellaneous charges on title.

<b>REFERRAL COMMENTS:</b>	
Ministry of Forests, Lands, Natural Resources and Rural Development  October 1 <sup>st</sup> , 2020  Habitat Biologist	A Wildlife/Danger Tree Assessment should be completed and important wildlife trees and snags should be retained where ever possible. Vegetation clearing should adhere to the least risk timing windows for nesting birds (i.e. construction activities should occur only during least risk period). Nesting birds and some nests are protected by the Provincial <i>Wildlife Act</i> Sec.34 and Federal Migratory Bird Act. Nesting periods can be identified by a qualified professional. General least risk windows for bird species are designed to avoid the nesting period. If nests are present at this site or adjacent to it and will be impacted by the works, the following work windows apply: <b>Species Least Risk Window</b> Raptors (eagles, hawks, falcons, & owls) <b>Aug 15 – Jan 30</b> <b>Herons Aug 15 – Jan 30</b> <b>Other Birds Aug 1 – March 31</b> The Ministry of Forests, Lands, Natural Resource Operations & Rural Development –Resource Management Division - has reviewed this Floodplain Exemption request on September 30, 2020. FLNRORD has determined that this project should not impact the Resource Management Division’s legislated responsibilities as long as the mitigation points outlined in Masse Environmental Consultants Ltd’s Lot 2 Ash Street Nelson Riparian Assessment, dated July 29, 2020, Section 7 Mitigation Plan are implemented.
Interior Health Authority  November 2, 2020  Specialist, Environmental Health Officer	Thank you for the opportunity to provide comments on the above referenced Watercourse Development Permit Application from the viewpoint of our policies and regulations governing onsite sewerage dispersal systems and water supply. It is my understanding that the applicant is proposing to construct a single family home on a 0.18 hectare property that is bisected by a small creek and would like to decrease the watercourse setback from 15m to 10m for

	<p>development. This property would be serviced by an onsite sewerage system and a private drinking water well. Our internal records indicate that the applicant has engaged an Authorized Person (AP) regarding the onsite sewerage dispersal system as per the <i>BC Sewerage System Regulation</i> (pursuant to the <i>BC Public Health Act</i>). A Record of Sewerage System has been filed by the AP; however we have not yet received the Letter of Certification which is due to be submitted once the sewerage system has been constructed.</p> <p>A review of the submitted information has been completed and no concerns were identified. As such, our office has no objection to the Watercourse Development Permit Application.</p> <p>If you have any questions regarding the above, please feel free to contact me for clarification.</p>
Electoral Area 'E' Advisory Planning Commission  October 15 <sup>th</sup> , 2020	<b>Recommendation (1): RDCK Files F2002E &amp; DP2005E:</b> Recommended: The APC appreciated the thoroughness of the application and mitigation proposed.

Respectfully submitted,

Signature



Name Eileen Senyk

**CONCURRENCE**

**Initials:**

Planning Manager  
General Manager of Development Services

**ATTACHMENTS:**

Attachment A – Development Permit