



REGIONAL DISTRICT OF CENTRAL KOOTENAY

# Memo to General Manger of Development Services

**Date of Memo:** September 20, 2021  
**Author:** Stephanie Johnson, Planner  
**Subject:** DEVELOPMENT PERMIT (DP2112D)  
**File:** 09/4260/20/2019/DP2112D-05746.100-52785308  
 AMUNDSEN\_ENTERPRISES\_INC -DP000117

<b>Owner</b>	52785308 AMUNDSEN ENTERPRISES INC., INC.NO. BC1090113 c/o Richard Kay
<b>Civic Address</b>	5278 Amundsen Road, Electoral Area 'D'
<b>Legal Description</b>	LOT 1 PLAN NEP22516 DISTRICT LOT 7386 KOOTENAY LAND DISTRICT
<b>PID</b>	023-195-738
<b>Lot Size</b>	1.2 hectares (ha)

**PROPOSAL:**

This development proposal would be part of The Sentinel Retreat and Wellness Center, which operates on both 5308 and 5278 Amundsen Road. In 2017, a Development Permit ((DP) - RDCK File#D1703D), including a Riparian Areas Assessment to allow the construction of two amenity buildings, pathways and utility lines was issued for the subject property. In July 2021, a DP (RDCK File#D2112D) was issued for 5208 Amundsen Road, which allowed for the construction of five two-storey pre-fabricated duplexes, a new septic field, landscaping, fire pit zone, driveway access and parking area. A demand letter was circulated to The Sentinel (May, 2021) regarding the below unauthorized construction in the riparian area on the subject property requiring submission of this DP application.

This current proposal includes a new access path to the beach and dock, and a new foreshore trail and seating area within the Watercourse Development Permit Area (WDPA) area of Kootenay Lake, and relocation of the existing unauthorized guesthouse to outside of the WDPA. Under the *Electoral Area 'D' Comprehensive Land Use Bylaw No. 2435, 2016*, the WDPA extends 30 metres upland from the high water mark of watercourse. The purpose of the WDPA is to regulate development activities in watercourses and their riparian areas to protect aquatic habitat; and to conserve, enhance and, where necessary, restore watercourses and their riparian areas.

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

Guidelines	Meets?	Comments
All development proposals subject to this permit will be assessed by a Qualified Environmental Practitioner (QEP) in accordance with the Riparian Areas Regulation established by the Provincial and/or Federal governments as used elsewhere in the Province	Yes	A comprehensive Riparian Assessment report has been received from Masse Environmental, dated August 3, 2021.
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 QEP has identified a SPEA of 15 m for Kootenay Lake and recommends remediation throughout the 30 metre WDPA.  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	The floodplain setback and construction level regulations under <i>Floodplain Management Bylaw No. 2080, 2009</i> for D2021D are met as the unauthorized guesthouse building will be moved outside of the riparian area and floodplain setback.

<b>Zoning</b>	N/A
<b>OCP</b>	Country Residential (RC)
<b>ALR</b>	N/A
<b>Floodplain</b>	Kootenay Lake setback 15 m and FCL 536.5 m
<b>NSFEA</b>	N/A
<b>Geohazard</b>	N/A
<b>Archeology Sites</b>	None identified in RAAD database
<b>Within RDCK Water System</b>	No
<b>Relevant Covenants and Reports</b>	N/A

<b>Review Title for Miscellaneous Charges</b>	Easements and Right of Ways registered on Title, however, no impact on proposed development.
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<b>KOOTENAY LAKE SHORELINE INVENTORY:</b>	
<b>Aquatic Habitat Index Rating</b>	Moderate
<b>Erosion</b>	Moderate
<b>Vegetation</b>	Emergent Vegetation (EV)
<b>Site Sensitivity</b>	Aquatic (A)
<b>Enhanced Engagement</b>	No
<b>Critical White Sturgeon Habitat</b>	No
<b>Archeological Values</b>	Yellow Zone (Y)

<b>REFERRAL COMMENTS:</b>	
<b>Ministry of Forests, Lands &amp; Natural Resources (FLNRORD)</b>	<p><i>"The FLNRORD – Terrestrial Resource Division -reviewed this Watercourse Development Permit request on August 16, 2021. FLNRORD provides the following comments/recommendations.</i></p> <p><i>Environmental damage should be minimized as long as mitigation and restoration techniques and applications outlined in Masse Environmental Consultant Ltd.'s report 5278 AMUNDSEN RD MIRROR LAKE, BC Riparian Assessment- REVISED are followed. However, as the proponents have received permits in the past and have completed unauthorized works under said permits: it is recommended that further works are completed by a qualified professional or under the supervision of a qualified professional and paid by the proponent."</i></p>
<b>Ministry of Transportation and Infrastructure (MOTI)</b>	<i>"The MOTI's does not have any concerns with the proposed development subject to the [Watercourse] DP".</i>
<b>Interior Health Authority</b>	<i>"The IH Healthy Community Development Team has received the above captioned referral from your agency. Typically we provide comments regarding potential health impacts of a proposal. An initial review has been completed and no health impacts associated with this proposal have been identified. As such, <u>our interests are unaffected by this proposal.</u>"</i>
<b>Building Services</b>	No comments received.
<b>BC Hydro</b>	<i>"Please note that we have no concerns with this proposal."</i>
<b>Fortis BC</b>	<i>"There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Amundsen Road. All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant.</i>

	<p><i>For any changes to the existing service, the applicant must contact an FBC(E) designer as noted below for more details regarding design, servicing solutions, and land right requirements.</i></p> <p><i>Otherwise, FBC(E) has no concerns with this circulation.</i></p> <p><i>It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.”</i></p>
<p><b>Electoral Area ‘D’ APC</b></p>	<p>No comments received.</p>
<p><b>Neighbourhood Concerns</b></p>	<p>No community feedback was received stemming from this DP application, however, three letters of concern were been received from community members outlining issues related to DP1703D. The concerns included: outstanding revegetation and unauthorized construction of the guesthouse building; unauthorized tree removal; overall protection of the riparian area; and generally ongoing development activity without the appropriate local government approvals.</p>

**Summary:** The applicant is also requesting that the General Manager of Development Services consider whether receipt of the \$4,245.25 landscape security in cash would be satisfactory.

Respectfully submitted,

*“Submitted electronically”*  
 Stephanie Johnson,  
 Planner

<b>CONCURRENCE</b>	<b>Initials:</b>
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Planning Manager  
 General Manager of Development Services

**ATTACHMENT:**  
 Attachment A – Development Permit