



REGIONAL DISTRICT OF CENTRAL KOOTENAY

Memo to General Manger of Development Services

Date of Memo: November 25, 2021
Author: Corey Scott, Planner
Subject: DEVELOPMENT PERMIT (DP2008Hn – Dascher)
File: 09\4260\20\2020\DP2008Hn-02401.000-Dascher-DP000105

Owner	Mark Dascher; Diana Wolf
Civic Address	600 Slocan Lake Boat Access
Legal Description	LOT 6 DISTRICT LOT 7686 KOOTENAY DISTRICT PLAN 6736
PID	014-040-859
Lot Size	0.3ha (0.81acr)

PROPOSAL:	
<p>The applicant is requesting a Development Permit to remediate the un-authorized works on the property as well as establish a small access trail to the upland cabin. The proposed works will result in the remediation of 675m² of the Streamside Protection and Enhancement Area (SPEA). Staff are satisfied with the Recommendations of the Environmental Report, which will result in the removal of a deck structure and restoration of 98% of the SPEA. The remaining 2% of the SPEA consists of settling ponds and the access trail. The settling ponds are not contemplated, nor authorized, by this Permit because they are works that require Provincial (and potentially Federal) authorization. Additionally, the works associated with site grade alterations and rip rap removal require Provincial authorization, and the conditions of the Permit reflect that.</p>	
Electoral Area	'H'
Development Permit Area	Watercourse (WDP)

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	The proposal appears to be consistent with environmental best practices.
A WDP shall not be issued prior to the RDCK ensuring that a QEP has submitted a report	Yes	The RDCK has received a report from a QEP qualified to carry out the assessment and certifying the

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.		assessment methods have been followed.
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 Permit addresses Works that require other authorizations and the applicant has been made aware of these requirements on several separate occasions previously.

Zoning	N/A
OCP	Rural Residential
ALR	N/A
Floodplain	Slocan Lake
NSFEA	N/A
Geohazard	N/A
Archeology Sites	N/A
Within RDCK Water System	N/A
Relevant Covenants and Reports	N/A
Review Title for Miscellaneous Charges	N/A

REFERRAL COMMENTS:	
BC Crown Authorizations	Our interested are unaffected by this application. Thank you for the opportunity to comment.
Ministry of Forests, Lands, Natural Resource Operations and Rural Development	The Ministry of Forests, Lands & Natural Resource Operations reviewed this Development Permit application on January 21, 2021 and provides the following comments:

<p>Kootenay-Boundary</p>	<ul style="list-style-type: none"> • Any works within or adjacent to a stream are subject to the Provincial Water Sustainability Act. Please review the Kootenay Region’s Terms and Conditions for Instream works and timing windows available through the Kootenay Boundary Region drop down menu at: https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights/working-around-water/regional-terms-conditions-timing-windows to ensure that you can abide by these guidelines. • A Water Sustainability Act Section 11 application must be received and approved prior to any foreshore installation/construction activities associated with this project. As an unauthorized pond has been created, the applicant may also require a water licence. • This project is subject to the Federal Fisheries Act. • Any stored material, soil or overburden must be kept a minimum of 15m from all streams, ponds, lakes, wetlands and/or watercourses. • 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 Wildlife Act 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: <table border="1" data-bbox="667 1394 1369 1596"> <thead> <tr> <th>Species</th> <th>Least Risk Window</th> </tr> </thead> <tbody> <tr> <td>Raptors (eagles, hawks, falcons, & owls)</td> <td>Aug 15 – Jan 30</td> </tr> <tr> <td>Hérons</td> <td>Aug 15 – Jan 30</td> </tr> <tr> <td>Other Birds</td> <td>Aug 1 – March 31</td> </tr> </tbody> </table>	Species	Least Risk Window	Raptors (eagles, hawks, falcons, & owls)	Aug 15 – Jan 30	Hérons	Aug 15 – Jan 30	Other Birds	Aug 1 – March 31
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<p>Interior Health Authority</p>	<p>Re: File # DP2008Hn; LOT 6 DISTRICT LOT 7686 KOOTENAY DISTRICT PLAN 6736 (PID: 014-040-859) West side of Slocan Lake, across from the Village of Silverton. The parcel is a boat access recreational property. Existing uses/structures include two deck structures, a greenhouse and a vegetable garden. The applicant plans to construct a cabin in the future.</p>								

	<p>Healthy Communities is reviewing this proposal with the knowledge that there is an existing cabin with no water or sewerage system connected to the building.</p> <p>Interior Health – Healthy Communities thanks you for requesting our comments so we are able to bring a health perspective to the proposal.</p> <p>In order to minimize biological hazard with this particular lot to service a cabin, it would need to comply with the Sewerage System Regulation and should provide a safe, potable drinking water source and supply to the residents.</p> <p>The capability of this parcel to accommodate a sustainable sewerage disposal system and drinking water supply needs review prior to development thus ensuring adequate area to meet the needs of this proposal.</p> <p>Please contact our office if you have any questions.</p>
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Respectfully submitted,



Corey Scott, Planner

CONCURRENCE

Initials:

Planning Manager
General Manager of Development Services

ATTACHMENTS:

Attachment A – Development Permit