



REGIONAL DISTRICT OF CENTRAL KOOTENAY

Memo to General Manger of Development Services and Community Sustainability

Date of Memo: March 8, 2022
Author: Eileen Senyk, Planner
Subject: DEVELOPMENT PERMIT Pharness, 10025 Highway 3A
File: DP2105A -04340.240-Pharness-DP000110

Owner	Christian and Reina Pharness
Civic Address	10025 Highway 3A, Twin Bays, Electoral Area 'A'
Legal Description	LOT 1 DISTRICT LOT 2636B KOOTENAY DISTRICT PLAN EPP85287
PID	031-169-287
Lot Size	9.44 Hectares

PROPOSAL:

This application is for a minor amendment to Development Permit No. DP1904A. The original Development Permit was initially triggered by a subdivision application. The subdivision was a boundary adjustment between two existing lots and the addition of one new lot. The subject property was already developed and it increased in size slightly due to the boundary adjustment. DP1904A specified that any further works proposed in the Streamside Protection and Enhancement Area (SPEA) would require an amendment to the current Development Permit (No. DP1904A).

The proposed development includes infrastructure improvements to foreshore access (a staircase), replacement, and expansion of an existing deck and associated structures. The foreshore area on the subject property is steep and therefore presents challenges to water access.

Staff recommend holding a security deposit of \$984.00 pursuant to Schedule 'Q' of RDCK Procedures and Fees Bylaw No. 2457, 2015. The work is scheduled to be completed by late June 2023.

Electoral Area	A
Development Permit Area	Environmentally Sensitive Development Permit

Guidelines	Meets?	Comments
<p>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</p>	<p>Yes</p>	<p>The Environmental Assessment provided by Masse Environmental meets all of the requirements of this guideline.</p>
<p>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.</p>	<p>Yes</p>	<p>In the Environmental Assessment Report, the QP has identified that ecological impacts of the proposed works will result in a loss ~ 40m² rock outcrop habitat within proposed deck footprint and alteration of habitat in the areas immediately adjacent (~1 m) to the new structures.</p> <p>The addendum to the original Environmental Assessment proposes an ecosystem restoration plan to offset habitat loss from the proposed development by restoring 80m² of previously impacted rock outcrop habitat immediately north and south of the deck/staircase (See Schedule 2 of attached permit). This represents a 2:1 ratio of restored area which Masse Environmental has identified as a sufficient target area for restoration.</p>
<p>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</p>	<p>Yes</p>	<p>The proposed works are partially located within the 15 metre Floodplain Setback to Kootenay Lake. Section 10.2 of RDCK Floodplain Management Bylaw No. 2080 identifies self supporting decks as exempt from both the Flood Construction Level and the Floodplain Setback. Therefore, application for a site specific exemption is not required.</p>

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.		
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Zoning	Country Residential (R2) Electoral Area 'A' Comprehensive Land Use Bylaw
OCP	Country Residential (RC) Electoral Area 'A' Comprehensive Land Use Bylaw
ALR	Not applicable
Floodplain	Within 15 m of the natural boundary of Kootenay Lake
NSFEA	N/A
Geohazard	N/A
Archeology Sites	N/A
Within RDCK Water System	N/A
Relevant Covenants and Reports	Environmental Assessment and Addendum Received
Review Title for Miscellaneous Charges	Complete

KOOTENAY LAKE SHORELINE INVENTORY:	
Aquatic Habitat Index Rating	Low
Erosion	Moderate
Vegetation	N/A
Site Sensitivity	Environment (E)
Enhanced Engagement	Yes
Critical White Sturgeon Habitat	No
Archeological Values	Red Zone (R)

REFERRAL COMMENTS:	
Ministry of Forests Lands Natural Resource Operations and Rural Development	<p>The Ministry of Forests, Lands & Natural Resource Operations – Resource Management Division reviewed this Development. It is requested that all recommendations outlined in Masse Environmental Consultants Ltd's report - 10015 and 10025 Highway 3A Subdivision Twin Bays, Kootenay Lake – dated August 2017 and addendum are implemented.</p> <p>Additionally, the small wetland within proposed Lot A provides high value terrestrial and aquatic habitat. Wetlands are considered a limited ecosystem within the landscape. It has proven to be difficult to impossible to replicate the values associated with a natural wetland. As</p>

	<p>such, it is recommended that a 30m environmental buffer be placed around the wetland contained within Lot 1.</p> <p>If these recommendation and mitigation actions are implemented then this subdivision should not impact the Resource Management Division's legislated responsibilities.</p>
Interior Health Authority Healthy Built Communities	<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.</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 proposal.</p>

Respectfully submitted,

Signature



Name: Eileen Senyk

CONCURRENCE

Initials:

Planning Manager
General Manager of Development Services

ATTACHMENTS:

Attachment A – Development Permit

Attachment B- Itemized Quote