



## REGIONAL DISTRICT OF CENTRAL KOOTENAY

# DEVELOPMENT PERMIT

DP2211E (Queens Bay Resort c/o Herman Van Reekum)

Date: August 11, 2023

Issued pursuant to Section 490 and 491 of the *Local Government Act*

1. This Development Permit is issued to Herman Van Reekum of Queens Bay Resort, Balfour as the registered owner (hereinafter called the “Permittee”) and shall only apply to those lands within the Regional District of Central Kootenay, in the Province of British Columbia legally described as Lot A, District Lot 4961, Kootenay District Plan EPP68103 Except Plan EPP117542 (PID: 030-057-710) as shown on the attached Schedules 1 and 2, forming part of this Permit, referred to hereafter as the “said lands”.
2. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District of Central Kootenay applicable thereto, except as specifically varied or supplemented by this Permit.
3. This Development Permit shall not have the effect of varying the use or density of land as specified in the applicable Zoning Bylaw of the Regional District of Central Kootenay, nor a Floodplain Specification under Section 524 of the Local Government Act.
4. The said lands have been designated ‘Tourist Commercial (TC)’ and are located within a Development Permit Area pursuant to the *Electoral Area ‘E’ Rural Official Community Plan Bylaw No. 2260, 2013* as amended.
5. The Permittee has applied to the Regional District of Central Kootenay to develop Phase 3 of a shared interest resort development for recreational vehicles and dwellings and to use land and buildings situated on the said lands for this purpose. Pursuant to this Development Permit and subject to the terms and conditions herein contained, as well as all other applicable Regional District Bylaws, the Regional District of Central Kootenay hereby authorizes the use of the said lands for purpose.
6. The Permittee is required to obtain approval in writing from the Regional District of Central Kootenay prior to the construction any new buildings, external additions to existing buildings or for any deviation from the development authorized under Section 5 of this Development Permit. Furthermore, the Permittee is hereby advised of the following requirements:
  - 6.1 The Regional District of Central Kootenay Building Department requires that the Permittee obtain a demolition permit and/or building permit prior to the removal of any existing buildings and structures, the renovation, expansion or alteration of any existing building and the construction of any new building.
  - 6.2 So as to form a continuous landscape buffer, the Permittee shall be required to install new landscape planting consisting of trees and fencing to supplement the existing landscaping that was required as part of Phase Two of Queens Bay Resort as shown in Schedule 2. Trees and shrubs associated with the supplemental landscape planting shall be a minimum of 1.5m (5 ft) at the time of planting. All supplemental landscape planting shall be installed and inspected by Regional District of Central Kootenay staff prior to August 11, 2025. Furthermore, subject to Section 7, the Permittee shall be required to

provide a Letter of Credit in the amount of **\$28,530.38** to allow the Regional District to complete the required landscape buffer if necessary.

- 6.3 The design, installation and maintenance of any landscaping area or screen should be in conformity with the current specifications of the “British Columbia Landscape Standard” prepared by the B.C. Society of Landscape Architects and the B.C. Nursery Trades Association. These standards do not apply where endemic, native plantings are used for landscaping.
  - 6.4 A building permit shall be required prior to any construction involving land in this location at which time the Permittee shall be required to address sewage disposal issues to the satisfaction of the Interior Health Authority and Regional District of Central Kootenay Senior Building Official.
  - 6.5 In accordance with Schedule 2 (Landscape Plan, redlined by staff on August 11, 2023) the proposed off-street parking area shall be screened with a fence not less than 1.5 metre in height or by a hedge not less than 1.5 metre in height at the time of planting
  - 6.6 The proposed development must be completed in accordance with the recommendations in “Technical Memorandum 2023001-OTE-TM-CI-001” prepared by Kelly Peter, P. Eng. and dated July 14, 2023 attached to this permit as Schedule 4.
    - 6.6.1 All of the works on and adjacent to undisturbed or existing forest/shrub cover of the property must be completed outside of the sensitive breeding and migratory bird window (April 1 – Aug 15).
7. As a condition of the issuance of this Permit, the Regional District shall hold an irrevocable Letter of Credit submitted by the Permittee in the amount of **\$28,530.38** to ensure the landscaping requirements as set forth in Section 6 are completed and in accordance with the following provisions:
- 7.1 A condition of the posting of the Letter of Credit is that should the Permittee fail to carry out the works and services as herein above stated, according to terms and conditions of this permit within the time provided, the Regional District may use the Letter of Credit to complete these works or services by servants, agents or contractors, and any surplus shall be paid over to the Permittee. If the amount of funds is insufficient to cover the actual cost of completing the works, then the Permittee shall pay such deficiency to the Regional District immediately upon receipt of the Regional District’s bill for same.
  - 7.2 The Permittee shall complete the landscaping works required by this Permit prior to August 11, 2025. Within this time period the required landscaping must be inspected and approved by the Regional District.
  - 7.3 If the landscaping is not approved within this time period, the Regional District has the option of continuing to renew the Letter of Credit until the required landscaping is completed or has the option of drawing from the Letter of Credit to complete the required landscaping. In this event, the Regional District or its agents have the irrevocable right to enter into the property to undertake the required landscaping for which the Letter of Credit was submitted.
  - 7.4 If the landscaping is approved within this time period without the Regional District having to draw the on the Letter of Credit, 90% of the original amount of the Letter of Credit shall be returned to the Permittee.
  - 7.5 A hold back of 10% of the original amount of the Letter of Credit shall be retained until a final inspection is undertaken within 12 months of the date of the original inspection and approval was given to the landscaping. If the landscaping receives approval at final

inspection, the 10% hold back will be returned to the Permittee. If after the final inspection, approval of the landscaping is not given, the Regional District has the option of continuing to renew the Letter of Credit until the required landscaping is approved or has the option of drawing on the Letter of Credit the funds to complete the required landscaping. In this event, the Regional District or its agents have the irrevocable right to enter onto the property to undertake the required landscaping for which the Letter of Credit was submitted.

8. The said lands shall be developed strictly in accordance with the terms and conditions of this Development Permit and the requirements of all applicable Regional District Bylaws as well as any plans and specifications which may, from time to time, be attached to this Permit shall form a part thereof.
9. In accordance with the Local Government Act, if the development authorized by this Development Permit is not commenced within two years of the date of this Permit, this Permit shall lapse.
10. In accordance with the Local Government Act, 'Notice' shall be filed in the Land Title Office that the said lands are subject to this Development Permit.
11. The terms of this Development Permit including subsequent amendments, are binding on all persons who acquire an interest in the said lands associated with this Permit.
12. It is understood and agreed that the Regional District has made no representations, covenants, warranties, guarantees, promises, or agreement (verbal or otherwise) with the Permittee other than those in this Development Permit. It is solely the responsibility of the Permittee to ensure that the requirements of all other applicable government agencies are satisfied.
13. This Development Permit does not constitute a building permit.
14. This Development Permit shall come into force and effect 14 days after the date of issuance unless a Waiver of Appeal is received from the Permittee at which time the Development Permit shall be deemed to be issued upon receipt of the Waiver of Appeal. OR If a Notice of Appeal is received the Development Permit shall be suspended until such time as the Board of the Regional District of Central Kootenay has decided the Appeal.

*S Sudan*

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Sangita Sudan, General Manager of Development Services

August 29, 2023

Date of Approval (date of review and approval)

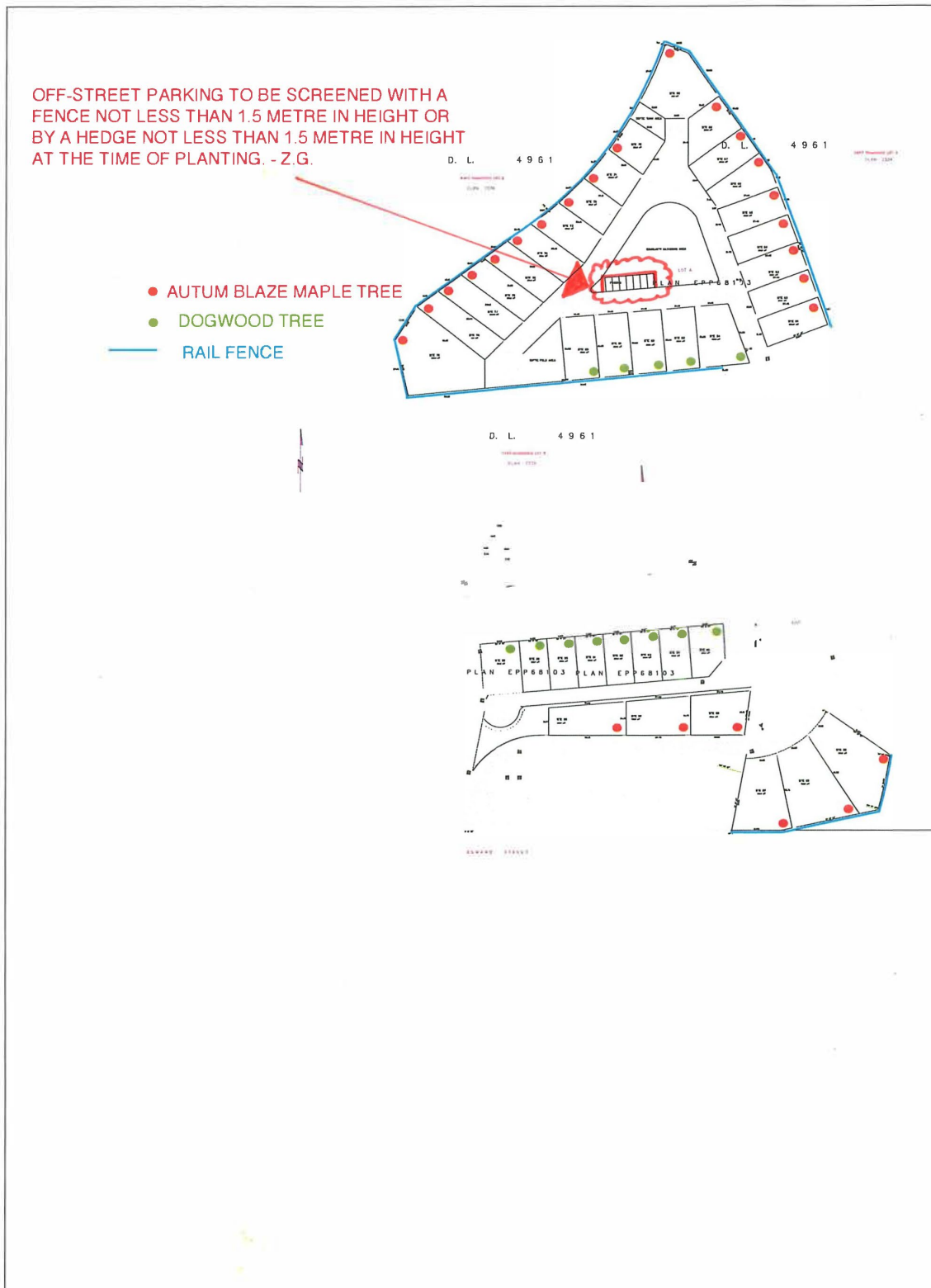
September 1, 2023

Date of Issuance (pending receipt of securities)

Schedule 1: Subject Property



Schedule 2: Landscape Plan (redlined by staff August 11, 2023) and Details





## Queens Bay Resort – Phase Three

### Details to Accompany Landscape Plan

Trees:

1. 25 - Autumn Blaze Maple (*Acer X Freemanii*)  
50 mm caliper, ~ 1.8 meters tall  
Cost - \$175.00 per tree = \$4375



Acer x Freemanii	25
Autumn Blaze Maple	
50mm caliper	
~ 1.8 meters tall	

2. 13 – Mountain Dogwood – (*Cornus Nuttallii*)  
50 ml caliper, ~ 1.8 meters tall  
Cost \$175 per tree = \$2275



3. Rail Fence



Rail Fencing around entire perimeter of development

Cedar material for fence boards 2"x6"

fence boards, 6"x 6" posts Treated

posts cemented into ground 100 cm in

Posts at 2 metre spacing

1. Total fence build is 500 metres.
2. Estimated cost: \$12, 275.00





**Schedule 4: Environmental Assessment for Queens Bay Resort Phase 3**

# Technical Memorandum

## 2023001-OTE-TM-CI-001

July 14, 2023

<b>To</b>	Mauricio Borda; Herman Van Reekum	<b>Contact No.</b>	(250) 505-6593
<b>Copy to</b>	Zachari Giacomazzo (RDCK)	<b>Email</b>	kelly.peter@ottoted.com
<b>From</b>	Kelly Peter, P.Eng.	<b>OTE Project #</b>	2023-001
<b>Project Name</b>	Queens Bay Resort Phase III		
<b>Subject</b>	Environmental Assessment for Queens Bay Resort Phase III		

## 1. Purpose of this Memorandum

Ottoted Engineering Corp. (OTE) was retained by Kanata International Ltd. (the Owner) to complete an environmental assessment (the assessment) for the Queens Bay Resort (QBR) Phase III project. The assessment is intended to support the Owner's application for a development permit.

### 1.1 Scope and limitations

This memo was prepared by Ottoted Engineering Corp. for Kanata International Ltd. and their agents to support application for a development permit in the Regional District of Central Kootenay, British Columbia, Canada. The information presented in this memo reflects OTE's best judgement given the information available at the time of preparation. Any use a third party makes of this memo, or any reliance on or decisions made based on it, are the responsibility of such third parties. OTE accepts no responsibility for damages suffered by any third party as a result of decisions made or actions based on this memo. The memo has been prepared using generally accepted engineering practices common to the local area. No other warranty, expressed or implied, is made.

This memo was certified and issued in archivable portable document format (PDF/A). OTE can provide alternative document formats (including hard copy) upon request.

## 2. Project Background

The QBR Phase III project is a single-family residential land development project located in Balfour, BC. A site plan showing the limits of the project site (the Site) can be found attached (see Drawing SKT-100). The legal description of the property is Lot A and proposed Lot 1, District Lot 4961, Kootenay District, EPP68103 (PID: 030-057-710). This is the final phase of the overall QBR project and includes development of a partially forested mound feature that is elevated between three (3) and six (6) metres above the surrounding golf course.

The project will be executed in three (3) construction phases:

- **Phase I: Early Works:** This phase will commence immediately following approval of the development permit and includes site clean-up and rough grading of previously disturbed areas of the Site.
- **Phase II: Rough Grading:** This phase will be completed in the fall of 2023 (commencing on or after 16 August) and includes clearing, stripping, and rough grading of the remainder of the Site within the clearing and grading limits as delineated on Drawing SKT-100 (see attached).
- **Phase III: Balance of Construction:** This phase will be completed following the pre-sale period and includes deep utilities (i.e., water, sanitary), private utilities (i.e., power, telecommunications),

roads and stormwater infrastructure (i.e., culverts, ditches), common septic field, and common building.

The assessment is primarily concerned with Phases I and II, as these phases include construction operations (i.e., clearing, stripping, grading) that impact potential nesting and denning habitat.

## 2.1 Previous Reports

Prior to completing the assessment, OTE reviewed the report titled “Queens Bay Resort – Rhymeley Creek Location,” prepared by True Consulting and dated 03 January 2023 (see attached). This report concluded that Rhymeley Creek is located at least 65 metres north of the Site.

## 2.2 Regulatory Framework

Prior to completing the assessment, OTE completed a review of the regulatory framework governing the three (3) construction phases of the QBR Phase III project. The results of this regulatory review are summarized in Table 1.

Table 1 Regulatory Requirement Summary

Governing legislation	Regulatory Body	Permitting Requirements
<i>Fisheries Act</i>	Fisheries and Oceans Canada	Not required as the project does not include any instream work.
<i>Riparian Areas Protection Regulation</i>	BC Ministry of Environment & Climate Change Strategy	Not required as there is no riparian habitat on or near the Site.
<i>Wildlife Act, Section 29</i>	BC Ministry of Environment & Climate Change Strategy	Clearing, stripping, and grading operations in the undisturbed area to be completed outside of the restricted period (01 April through 15 August).
<i>Wildlife Act, Section 34</i>	BC Ministry of Environment & Climate Change Strategy	Tree clearing and grading operations in the undisturbed area to be completed outside of the restricted period (01 April through 15 August). Prior to the commencement of tree clearing and grading operations, complete a wildlife sweep and obtain a salvage permit prior to relocating wildlife.

## 2.3 Site Investigation

OTE completed an investigation of the Site on 05 July 2023.

The following observations were made during the investigation:

- The majority of the Site has been previously cleared of vegetation and stripped of topsoil. This previously disturbed portion of the Site (see Drawing SKT-100) is not considered potential nesting or denning habitat.
- The undisturbed area along the west side of the Site (see Drawing SKT-100) is potential nesting and denning habitat and contained a significant population of wildlife at the time of the inspection.
- No riparian areas were identified on-Site.

## 2.4 Recommendations

Section 34 of the Wildlife Act prohibits destruction or removal of an occupied nest without a permit. In order to comply with the Wildlife Act, tree clearing should be completed outside of the restricted nesting period which runs from 01 April through 15 August. Any tree clearing conducted within the restricted nesting period shall be preceded by a nest survey conducted by a qualified professional (QP).

Prior to the commencement of Phase I construction, the limits of the undisturbed area (as shown on Drawing SKT-100) shall be clearly marked in the field using wooden stakes and flagging tape. The Owner shall coordinate a pre-construction meeting with the prime contractor. The limits of construction for Phase I shall be clearly communicated to the prime contractor during the pre-construction meeting.

Section 29 of the Wildlife Act prohibits relocation of terrestrial wildlife without a permit. If relocation of wildlife is required prior to tree clearing, a wildlife salvage permit is required.

The Owner shall establish architectural controls that require solid waste, compost, and recyclable materials to be stored in a wildlife resistant container. Any solid waste, compost, and recyclable receptacles within the common areas shall be wildlife resistant.

Final landscaping of the common areas should include measures to limit the spread of invasive species. These measures may include installation of mulch underlain by geotextile.

Regards,

**Kelly Peter, P.Eng.**  
Principal Civil / Environmental Engineer  
Ottotod Engineering Corp.  
EGBC Permit to Practice No. 1003804

Attachments:

- Drawing SKT-100 (Environmental Assessment)
- Queens Bay Resort – Rhymeley Creek Location





**ENVIRONMENTAL ASSESSMENT - PLAN**

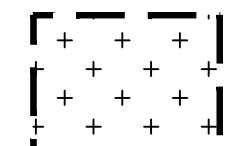
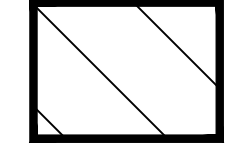


1:500

NOT FOR CONSTRUCTION

**NOTES:**

1. DIMENSIONS ARE IN METRES, AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.
2. THIS DRAWING SHALL BE USED IN COMBINATION WITH THE TECHNICAL MEMORANDUM 2023001-OTE-TM-CI-001 (DATED 14 JULY 2023).

**LEGEND:**

-  UNDISTURBED AREA (POTENTIAL NESTING & DENNING HABITAT)
-  PREVIOUSLY DISTURBED AREA
-  LIMITS OF SITE
-  LIMITS OF TREE CLEARING & GRADING (CONSTRUCTION PHASE II)

REV.	DESCRIPTION	DATE	BY	APP.
0	ISSUED FOR DP APPLICATION	07-14-2023	KP	KP

DESIGNED:	K.PETER	DATE:	07-14-2023
DRAWN:	K.PETER		07-14-2023
CHECKED:	K.PETER		07-14-2023

SCALE: AS SHOWN

PROJECT: **QUEENS BAY PHASE III**

DRAWING: **ENVIRONMENTAL ASSESSMENT**

SHEET NO.: **SKT-001**

0 25mm  
SHEET SIZE ANSI D





January 3, 2023

Our File: 1851-021

Kanata International  
27 Harley Road SW  
Calgary, AB T2V 3K4

Attention: Herman Van Reekum

Dear Sir:

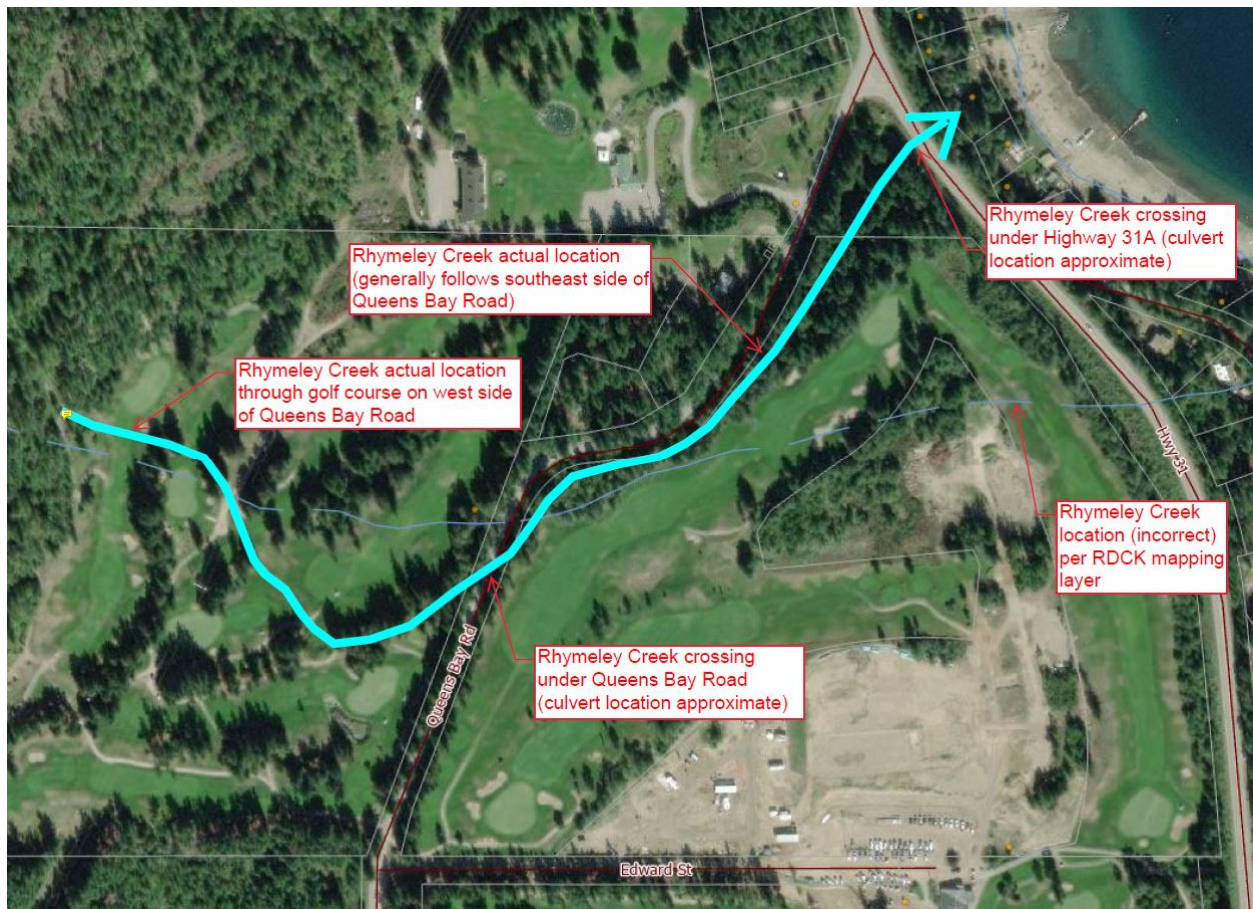
**RE: *Queens Bay Resort – Rhymeley Creek Location***

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We are aware that Kanata International is working through the planning process for a future third phase of development of the Queens Bay Resort, located in Balfour BC. We are also aware that the Regional District of Central Kootenay (RDCK) has identified a potential watercourse located within the proposed development area.

We can confirm that the location of the watercourse in question (Rhymeley Creek) is not shown correctly on the RDCK mapping for this area.

While preparing a drainage review for a previous development phase of the Queens Bay Resort, TRUE Consulting completed a site visit on August 22, 2020. As a part of that review, the Rhymeley Creek location was reviewed onsite and was noted to flow through the 'upper' golf course holes located on the west side of Queens Bay Road. However, once Rhymeley Creek crosses under Queens Bay Road, it then follows the road until it reaches a culvert crossing under Highway 31A (adjacent to the intersection of Queens Bay Road and Highway 31A). The actual location of Rhymeley Creek as described above is depicted on the image on the next page (base image and property lines clipped from the RDCK webmapping).



The actual location of Rhymeley Creek is separated from the proposed development area by 65m (or more). This information should be provided to the RDCK for their review and records.

If you have any questions, contact the undersigned.

Yours truly,

**TRUE Consulting**

Scott Wallace, P.Eng.

SW/slf