



# Memo to General Manager of Development and Community Sustainability Services

**Date of Memo:** July 31, 2024  
**Author:** Zachari Giacomazzo, Planner  
**Subject:** WATERCOURSE DEVELOPMENT PERMIT (Don Liszt and Laura Mackay, 243 Island View Road)  
**File:** DP2404H

<b>Owner</b>	Laura Janet Mackay
<b>Civic Address</b>	243 Island View Road, Electoral Area 'H'
<b>Legal Description</b>	PARCEL A (BEING A CONSOLIDATION OF LOTS 1 AND 2, SEE CA6009524) DISTRICT LOT 10589 KOOTENAY DISTRICT PLAN NEP86587
<b>PID</b>	030-141-150
<b>Lot Size</b>	0.4 hectares (1 acre)

## PROPOSAL:

This Watercourse Development Permit (WDP) has been submitted to permit the construction of a one-family dwelling (cabin) within the 30 metre Development Permit Area (DPA) of a watercourse (swamp, connected by surface flow to a creek and to Summit Lake).

During the review of the application it was determined that there was previous development activity within the DPA that was not authorized by the RDCK. Staff requested that the applicant revise the riparian assessment in order to acknowledge the previous alteration and construction that occurred within the DPA and to provide a stronger rationale for the proposed development within the SPEA. This was completed and Table 3 in Section 2.2 of the riparian assessment now provides a timeline for when specific alterations and development activity occurred. One of these structures (the outdoor kitchen) that was constructed within the DPA in 2016, was authorized by a Building Permit Application (BP023100). Staff overlooked the WDP Area requirements when issuing this Building Permit.

Pursuant to *Slocan Lake North Portion of Electoral AREA 'H' Official Community plan Bylaw No. 1967, 2009*, the primary objective of the WDP Area designation is to regulate development activities in watercourses and their riparian areas so as to protect aquatic habitat; and to conserve, enhance and, where necessary, restore watercourses and their riparian areas.

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

Guidelines	Meets?	Comments
All development proposals subject to this permit will be assessed by a Qualified Environmental Practitioner	Yes	A comprehensive Riparian Assessment report, titled "243 Island View Road, Nakusp, BC"

<p>(QEP) in accordance with the Riparian Areas Regulation established by the Provincial and/or Federal governments as used elsewhere in the Province.</p>		<p>Riparian Assessment V2.0” and dated July 30, 2024 (hereafter referred to as “The Report”) has been received from Masse Environmental Ltd.</p> <p>In Section 3 of The Report the QEP notes that a detailed assessment of the subject property was conducted to calculate the SPEA for the adjacent swamp pursuant to the Riparian Area Protection Regulation (RAPR) criteria.</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>The Disclosure Statement on page i of The Report notes the following:</p> <p>This report has been prepared by Claire Peyton P.Ag., B.Sc., and reviewed by Fiona Lau, B.Tech, ASCT.</p> <p>The following statement is provided:  I, Fiona Lau, hereby certify that:  a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act;  b) I am qualified to carry out this part of the assessment of the development proposal made by the developer;  c) I have carried out my assessment of the development proposal, and my assessment is set out in this Assessment Report; and  d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.</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</p>	<p>Yes</p>	<p>The land is not subject to any other development permit areas. A building permit is required for the construction of the single detached dwelling. The dwelling must</p>

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.		comply with the requirements of the Floodplain Management Bylaw including NSFEA requirements for 1 metre minimum floor elevation above natural ground elevation and 1 metre minimum foundation depth below natural ground elevation. Detailed construction plans have not yet been provided however the property owners are aware of these requirements.
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<b>Zoning</b>	n/a
<b>OCP</b>	Country Residential (R2) in Official Community Plan Bylaw No. 1967, 2009
<b>ALR</b>	n/a
<b>Floodplain</b>	15m setback from Summit Lake. 1.5m FCL above natural boundary.
<b>NSFEA</b>	Hazard rating '2' related to Summit Creek
<b>Geohazard</b>	n/a
<b>Archaeology Sites</b>	n/a
<b>Within RDCK Water System</b>	n/a
<b>Relevant Covenants and Reports</b>	LB198248 – Septic disposal area covenant LB198250 – Floodplain covenant (Summit Creek) LB198252 – Potable water covenant
<b>Review Title for Miscellaneous Charges</b>	Completed
<b>Security</b>	\$7,723.75

<b>REFERRAL COMMENTS:</b>	
RDCK Planning Services	<p>Staff are satisfied with the revised report dated July 30, 2024 which acknowledges previous unauthorized disturbance within the 30 m WDPA and recommends a revegetation area of 330 m<sup>2</sup>.</p> <p>Although considered to be minor, the disturbance on adjacent crown land (placement of split cedar plank walkway) has been flagged to the Ministry (WLRS). Given that this disturbance is on crown land and not on the applicant's fee simple lot, the QEP has not prescribed any restoration of these lands as part of this permit.</p>
RDCK Building Services	<p>Below are the General comments when applying for this permit.</p> <ol style="list-style-type: none"> <li>1.) The SFD and permit application documents will be required to meet the new 2024 BC Building Code. Including the requirements of a minimum of Step 3 of the BC Energy Step Code, and depending on the time of permit application requirements may be adopted by the Province regarding targets for the Zero Carbon Step Code. An Energy Advisor will</li> </ol>

	<p>be required to be engaged during the design phase, as well as permitting phase of the project.</p> <p>2.) Other items that will be required prior to occupancy will be IHA approvals for sewerage and water.</p> <p>3.) This Property has a NSFEA rating of 2 which entails a foundation excavation depth of minimum 1.0 meters below the Natural Ground Elevation. The top of foundation height of 1.0 meters above the Natural ground Elevation and .6 meters above any obstruction that could cause ponding along with a Flood Construction Level of 1.5 meters above the Natural High Water Level of Summit lake and the un named creek that passes through or near the property. To place a home in the area indicated in the application, it is likely an Excavator will track around the site and have to clear a working area so that it will be able to maneuver around and excavate a 1.0 Meter whole for the foundation to be built in.</p>
Fortis BC	There are no FortisBC Inc (Electric) ("FBC(E)") facilities affected by this application. As such FBC(E) has no concerns with this circulation.
BC Hydro	<p>Thank you for sending this Development Permit Application to BC Hydro for review.</p> <p>Please note that we have no concerns with this application</p>
Ministry of Water, Land and Resource Stewardship – Crown Land Authorizations	<p><i>April 3, 2024:</i></p> <p>Please be advised that the province has not authorized the noted "elevated boardwalk". The property owner may wish to legalize the boardwalk by application to FrontCounter BC. The boardwalk is an unauthorized structure in trespass and the upland owner may be subject to trespass action.</p> <p><i>After the applicant providing additional information regarding the cedar plank walkway the following supplemental response was provided by Crown Land Authorizations on June 19, 2024:</i></p> <p>Thank you for the information. The boardwalk is considered a structure on crown land. If you would like to explore options for authorization, please contact FrontCounter BC and ask to speak to a Natural Resource Specialist. Improvements on Crown Land require authorization, and structures without authorization are in trespass. I cannot speak directly to compliance; however, it is likely low risk and low priority for compliance action.</p>
Interior Health Authority	No comments received.
Ministry of Transportation and Infrastructure	<p>Thank you for the opportunity to review the above noted file.</p> <p>The Ministry has no concerns regarding this Development Permit provided the proponent ensures that their access meets the Ministry</p>

	guidelines for accesses off a side road. Please provide the proponent with the following link to the Ministry access guidelines: <a href="https://www2.gov.bc.ca/gov/content/transportation/transportation-infrastructure/engineering-standards-guidelines/highway-design-survey/driveways">https://www2.gov.bc.ca/gov/content/transportation/transportation-infrastructure/engineering-standards-guidelines/highway-design-survey/driveways</a>
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**RECOMMENDATION:**  
This Watercourse Development Permit (WDP) has been submitted to authorize the construction of a single-detached dwelling within the 30 metre WDP Area.  
Staff recommend that this Watercourse Development Permit be issued, subject to the terms and conditions included therein.

Respectfully submitted,

Zachari Giacomazzo, Planner

**CONCURRENCE** **Initials:**

Planning Manager

For: General Manager of Development and  
Community Sustainability Services



**ATTACHMENTS:**  
Attachment A – Development Permit (see schedules below)