



REGIONAL DISTRICT OF CENTRAL KOOTENAY

DEVELOPMENT PERMIT

4260-20-2016-DP1602K-02522.100-DP000063-Rupp (DP1602K)

Date: July 18, 2016

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

1. This Development Permit is issued to Kurt Richard Rupp and Sigrid Anne Marie Rupp of Burton, B.C. 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 LOTS 1784 AND 7700 KOOTENAY DISTRICT PLAN NEP81441 (PID: 026-773-104) as shown on the attached "Schedule 1 – Location Map", 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 'Suburban Residential K (R1K)' and are located within an Environmentally Sensitive Residential Cluster Development Permit Area pursuant to the *Electoral Area 'K' – The Arrow Lakes Official Community Plan Bylaw No. 2022, 2009* as amended.
5. The Permittee has applied to the Ministry of Transportation and Infrastructure for the purposes of subdivision approval 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 the purposes of subdivision approval.
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 Unless otherwise stated all buildings and structures shall comply with the site coverage, height of building and building setback requirements of the

Suburban Residential K (R1K) zone of *Regional District of Central Kootenay Zoning Bylaw 1675, 2004* as amended.

- 6.3 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 Building Official.
- 6.4 The development of the subject property shall be conducted in accordance with the recommendations contained within Section 4 of the Environmental Assessment prepared by Galena Environmental Consultants Ltd., dated December 3, 2014 and attached to this report as "Schedule 2 – Environmental Assessment Report".
- 6.5 Should bird nests be observed on or adjacent to areas of development on the said lands the Permittee is advised that vegetation removal should occur during the least risk windows for nesting birds, which is August 15 – January 30 for raptors and herons and August 1 – March 31 for other birds.
- 6.6 The terms of this permit must be clearly communicated to all agents, contractors, sub-agents and employees involved in the development authorized under Section 5 of this Development Permit.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. This Development Permit does not constitute a building permit.
13. 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.

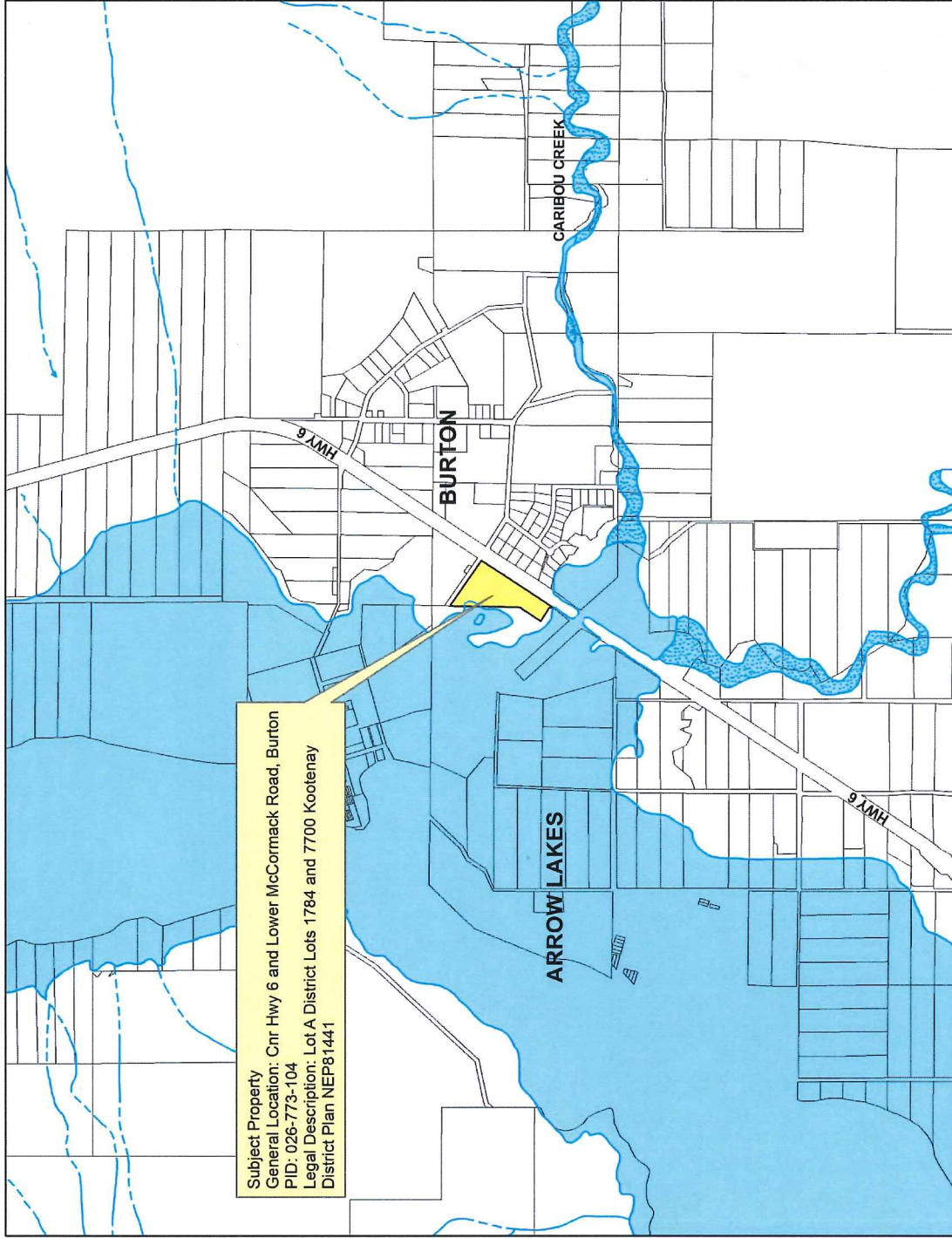


Sangita Sudan, General Manager of Development Services



Date of Issuance

Schedule 1: Location Map





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**SITE ASSESSMENT FOR AN ENVIRONMENTAL SENSITIVE RESIDENTIAL CLUSTER
DEVELOPMENT PERMIT IN BURTON AREA**



PREPARED FOR:	KURT & SIGI RUPP, 5352 HWY 6 BURTON, BC V0G1E0
PREPARED BY:	LUCE PAQUIN, GALENA ENVIRONMENTAL LTD
DATE :	December 3rd, 2014
LEGAL DESCRIPTION :	District Lots 1784 & 7700, Plan NEP81441, Lot 1, 2, & 3

1 BACKGROUND

In 1996, Kurt and Sigi Rupp undertook to subdivide their property in Burton, British Columbia into a number of residential lots. These lots border on Arrow Lake and are thus classified as environmentally sensitive areas. The Regional District of Central Kootenay (RDCK) bylaws require that applications for a Development Permit (more specifically, an Environmental Sensitive Residential Cluster Development Permit as per Section 19 of Electoral Area K – *The Arrow Lakes Official Community Plan Bylaw 2022, 2009*) on land adjacent to the high-water-mark (HWM) of a water-body include a site assessment report drafted by a Qualified Environmental Professional (QEP).

The present assessment report is based on a field visit conducted by Luce Paquin of Galena Environmental Ltd on November 21st, 2014. This report presents a description of the current state of the property where the proposed subdivision is to take place and formulates recommendations to protect fish, wildlife and their habitat as part of the proposed development activities.

PROJECT LOCATION & ACCESS

The proposed subdivision is located approximately 1km south of the community of Burton (Map 1). The land is bordered by the Arrow Lake to the west, residential lots to the north, Highway 6 to the east and Caribou Creek and Burton to the south. The proposed subdivision is accessible by Highway 6 and McCormack Road, north of Burton.



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Map 1: Overview map of proposed project 1km north of Burton (not to scale)

PROPOSED SUBDIVISION

The subdivision proposes to create 13 residential lots on District Lot 1784. The present Development Permit application applies solely to Phase 1 of this project, the subdivision of the first 3 northern lots; Lot 1 (0.63ha), Lot 2 (0.5ha) and Lot 3 (0.50ha). The Rupp's are hoping to complete Phase I in 2015.

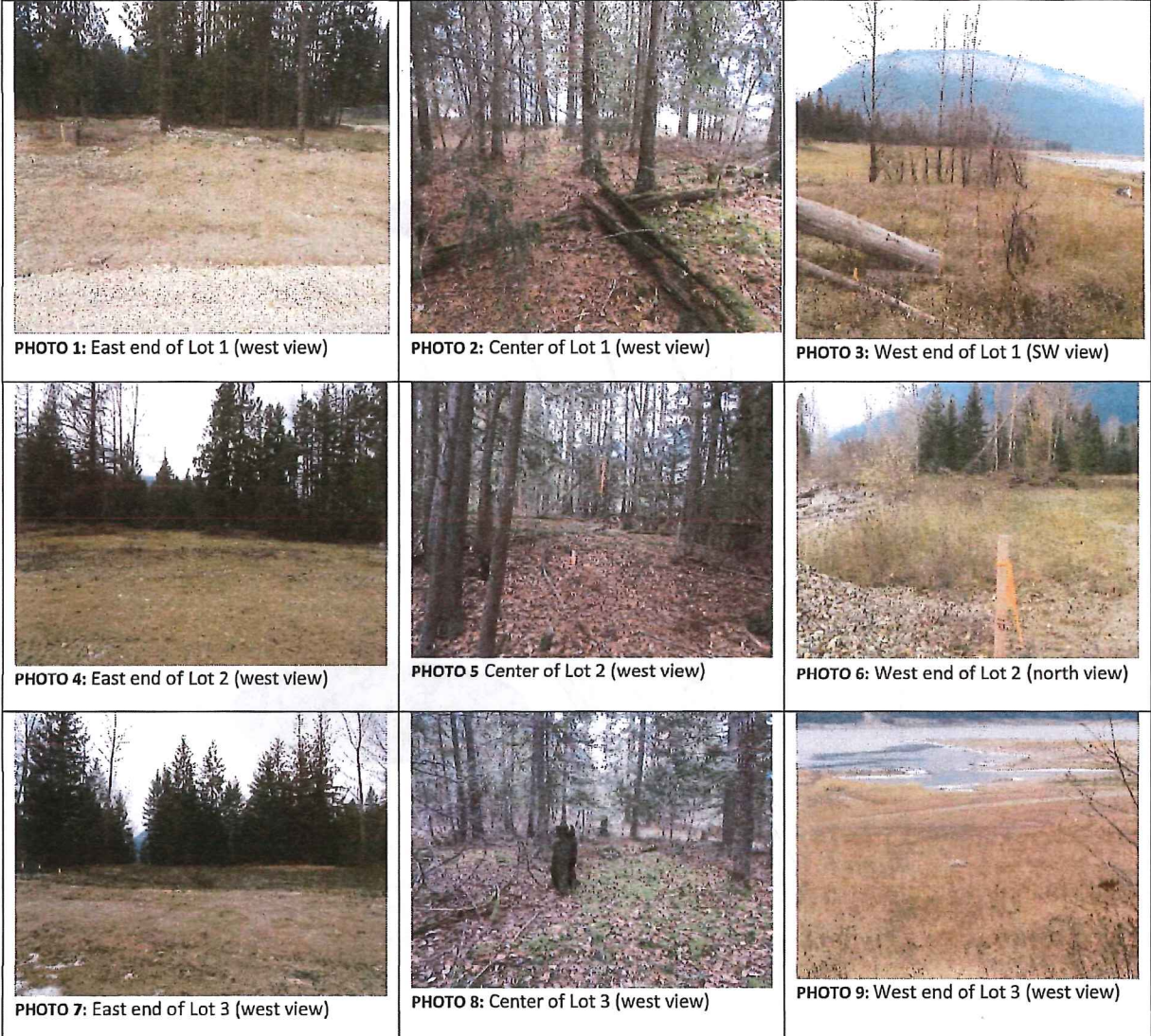
2 SITE ENVIRONMENTAL ASSESSMENT

EXISTING SITE CONDITIONS

Lots 1, 2, and 3 share very similar ecological features. They are mainly flat and slope gently to the foreshore of Arrow Lake, towards the HWM (Frame 1). The top eastern portions consist of an open sand and gravel bench with hydro, water and communication infrastructures located along a newly constructed road (Frame 1, photos 1, 4, & 7). The middle section of the lots is composed of a previously disturbed second growth forest (red cedar, cottonwood, hemlock, white fir, lodgepole pine) traversed by old vehicle trails (Frame 1, photos 2, 5 & 8). Vegetation is sparse and mainly composed of shrubs and large woody debris and windfall trees adjacent to the lake foreshore. The foreshore and the riparian area have also numerous vehicle trails running along and depressions resulting from previous quarrying activities (Frame 1, photos 3, 6 & 9). The lots also show numerous signs of previous firewood harvesting activities and camp fire pits.



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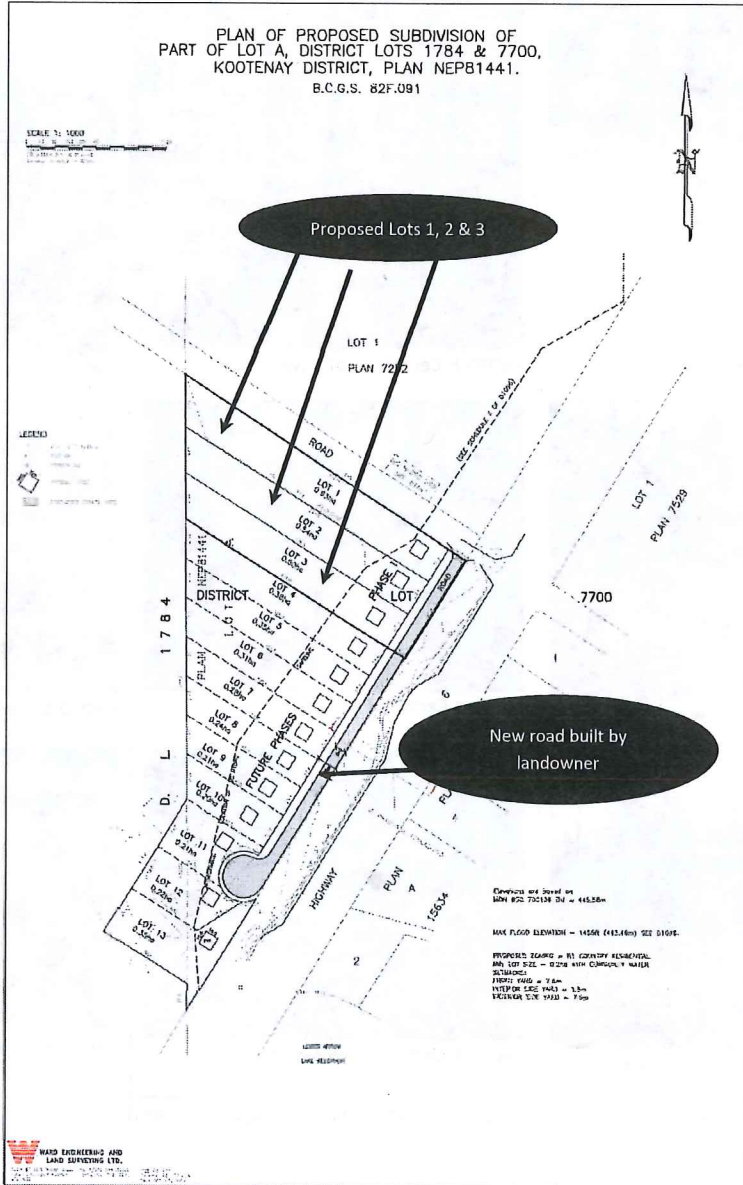
Frame 1: Photographs representing the proposed subdivision for lots 1, 2, and 3

PROPOSED ACTIVITIES

Since the western boundary of each lot is adjacent to the Arrow Lake foreshore, a Covenant will be drawn up for each lot stipulating that buildings may only be erected a minimum of 33.48m (100') from the HWM of the lake (Map 2: well within the BC Hydro Safeline). A new road was recently built, at the far east corner of the lots to provide independent access to each lot.



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Map 2: Plan of Proposed Subdivision (Ward 2014)



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3 ASSESSMENT RESULTS

WILDLIFE & WILDLIFE HABITAT

No mammals, birds, reptiles/amphibians were observed during the site visit. There are no traces of wildlife shelters/dens, raptor nests or any other natural features which may provide shelter. Because there is no productive habitat for small and large mammals, wildlife may frequent the site in a very temporary manner. Any potential bird habitat is restricted to the foreshore area where no development will take place.

FISH HABITAT & FORESHORE

There are no wetlands or watercourses on the 3 lots. And, there are no natural depressions leading to the lake as a result of run-off during freshets or high water level periods. During the site visit, the water level was low, uncovering an extensive dry foreshore at the base of an eroded riparian bench likely providing fish habitat at high water levels. Any potential fish habitat is restricted to the foreshore area where no development will take place.

SPECIES AT RISK

Based on the above observations, it is highly unlikely that any of the species at risk listed under the BC Conservation Data Center (CDC 2014) and the Federal Species At Risk Act (SARA 2014) frequent the areas where development is slated to occur.

4 CONCLUSION & RECOMMENDATIONS

The proposed subdivision and any associated future construction are unlikely to result in negative environmental impacts providing the following guidelines are respected:

- ☐ Impact on water quality will be prevented because any construction activities will be conducted on dry land at a minimum of 33m from the HWM;
- ☐ Precautions will be taken to ensure that work activities, during heavy rain periods, do not cause the transport of sediments into the lake through gullies and rills;
- ☐ If extensive rain events occur during construction activity, the landowners will prevent sediment-laden water from entering the lake by installing a sediment fence in front of the work area and digging ditches to channel water flow away from the lake;
- ☐ Construction and demolition debris should be stockpiled outside of the 33m setback and disposed of responsibly in a timely fashion;



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- ☐ Care will be taken to minimize disturbance to existing vegetation within 30m from the HWM; and
 - ☐ No wash water shall be disposed of near the lake.

The construction activities planned at this site will have negligible impact on the natural environment. Implementation of the recommended mitigation measures will ensure that construction of the proposed new dwelling will have no negative effects on fish habitat presently available at the western end of the project site.

These recommendations also ensure that the proposed subdivision and development of the lots in question will be undertaken and completed in full accordance with the applicable guidelines listed in Section 19 of the RDCK Area K *Arrow Lakes Official Community Plan Bylaw*.

Luce Paquin BSc, MSc, RP Bio #1074