



REGIONAL DISTRICT OF CENTRAL KOOTENAY

DEVELOPMENT PERMIT

4260-20-2016-DP1604E-08267.030-DP000065-Coleman (DP1604E)

Date: September 13th, 2016

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

1. This Development Permit is issued to Gregory Richard Coleman of Nelson, British Columbia and Coleman Properties Ltd., BC0521770 as the registered owners (hereinafter called the "Permittees") and shall only apply to those lands within the Regional District of Central Kootenay, in the Province of British Columbia legally described as Lot B District Lot 6498 Kootenay District Plan NEP22827 (PID:023-331-704) and Lot C District Lot 6498 Kootenay District Plan NEP22827 Except Plan NEP82752 (PID: 023-331-712) 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 'Multi-Unit Residential (RH)' and are located within a Watercourse Development Permit (WDP) 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 undertake cut and fill works on the said lands in order to facilitate the construction of two (2) single family dwellings and five (5) recreational vehicle sites, 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 cut and fill works proposed on the said lands and the use of the said lands for two (2) single family dwellings and five (5) recreational vehicle sites, and in particular includes authorisation for those items attached to this development permit as "Schedule 2 – Cut and Fill Plans" and "Schedule 3 – Development Plans".
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.

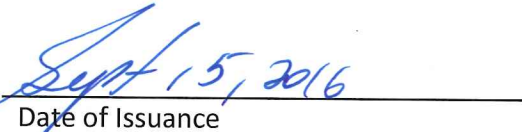
- 6.2 The monitoring of development on the subject property shall be conducted in accordance with the Environmental Assessment prepared by Ryan Durand of Durand Ecological Ltd., dated May 31, 2016 and attached to this report as "Schedule 4 – Environmental Assessment Report".
- 6.3 The Permittee will keep the clearing of vegetation within the riparian area to the minimum possible required for access, staging, construction works and safety considerations, and provide silt fencing in an appropriate location between the development authorised in Section 5 of this Development Permit and the riparian area to minimize the risk of sediment entering the foreshore area of Kootenay Lake.
- 6.4 The Permittee will follow best management practices for concrete management and management of machinery, equipment, fuels, oils, lubricants and hydraulic fluids. Equipment will not be stored below the natural boundary of Kootenay Lake, will be regularly inspected and a designated staging area will be located greater than 15.0 metres from the natural boundary of Kootenay Lake for machinery and equipment storage, fueling and maintenance.
- 6.5 In accordance with Section 8.0 of the Environmental Assessment Report prepared by Durand Ecological Ltd. and attached to this report as "Schedule 4 – Environmental Assessment Report", the Permittee shall undertake the following works within 15m of the natural boundary of Kootenay Lake (the riparian area):
 - 6.5.1 The Permittee shall retain about 5% of the riparian area where native vegetation currently exists.
 - 6.5.2 The Permittee shall cover about 20% of the riparian area with non-contiguous clumps of large rock.
 - 6.5.3 The Permittee shall plant about 20% of the riparian area with native vegetation, including the placement of suitable topsoil to mix with fill.
 - 6.5.4 The Permittee will hydro-seed the remaining 55% of the riparian area with native grass seed. Additional mulching with straw may be required (especially immediately upslope of the lake) depending on the hydro-seeding used.
- 6.6 Further removal, alteration, disruption or destruction of soils and vegetation; installation of buildings or structures; installation of impervious or semi impervious pathways; development of flood protection works; or the construction of wharves or docks within the 15 metre Watercourse Development Permit Area is strictly prohibited unless otherwise approved.
- 6.7 The Permittee is responsible for clearly communicating the terms of this permit to all agents, contractors, sub-agents and employees involved in all development authorized under Section 5 of this Development Permit.

- 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 **\$5,900.00** to ensure the landscaping requirements as set forth in Section 6.5 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 September 13, 2018. Within this time period the required landscaping must be inspected and approved by the Regional District.
 - 7.3 If the landscaping is not completed 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.



Sangita Sudan, General Manager of Development Services



Date of Issuance

Schedule 1 - Location Map

Schedule 2 – Cut and Fill Plans

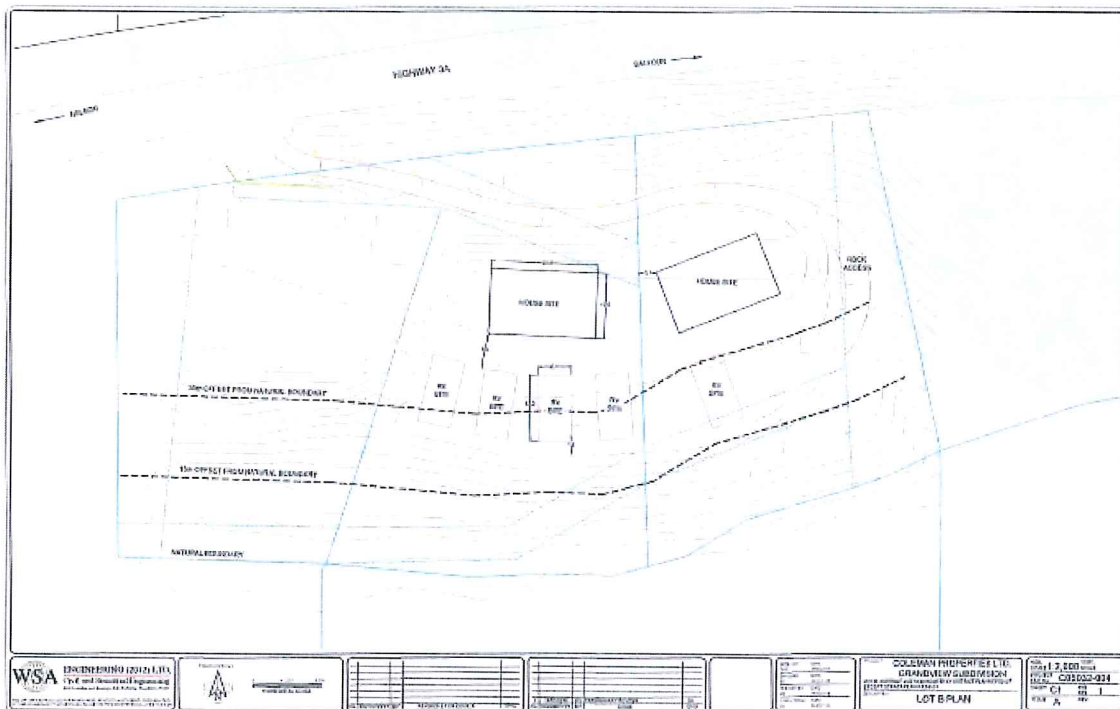
Schedule 3 – Development Plans

Schedule 4 – Environmental Assessment Report

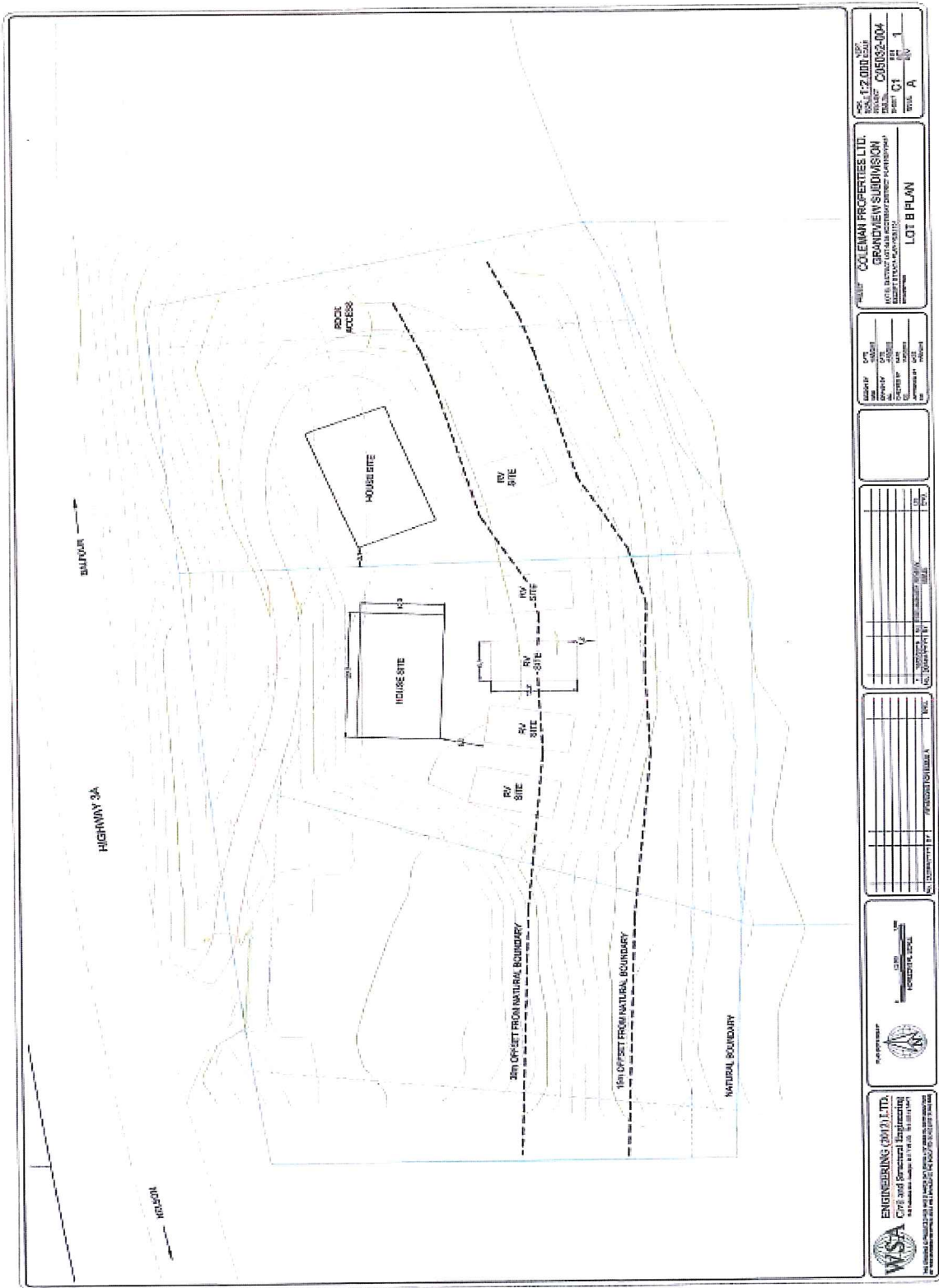
Schedule 1 – Location Map



Schedule 2 – Cut and Fill Plans



Schedule 3 – Development Plans



Schedule 4 – Environmental Assessment Report

Please See Attached Report in Full

Riparian Assessment of 6740 and 6744 Highway 3A, Balfour, BC

Prepared for:

Greg Coleman
Coleman Properties Ltd.
Nelson, BC

Prepared by:

Ryan Durand, RPBio.
Durand Ecological Ltd.
Crescent Valley, BC

May 31, 2016

DURAND
Ecological Ltd.

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1.0 Introduction

Durand Ecological Ltd. was retained by Coleman Properties Ltd. to complete a riparian assessment of two lots located at 6740 Highway 3A in Balfour, BC. This report was produced for the Regional District of Central Kootenay as per the May 2013 Terms of Reference for Riparian Assessment Reports. It was completed by Ryan Durand, an independent Registered Professional Biologist. A field inspection of the property was carried out on April 26, 2016.

2.0 Property Description

Two lots are included in this assessment (Fig. 1):

- Lot B Plan NEP22827 District Lot 6498 Kootenay Land District for Foreshore Lease LBF 4403732 See Folio 08267.031.
- Lot C Plan NEP22827 District Lot 6498 Kootenay Land District except Plan NEP82752, For Foreshore Lease LBF 4403732 See 08267.031.

Lot B is owned by Gregory Richard Coleman and Lot C is owned by Coleman Properties Ltd., both of 115 Lakeview Drive, Nelson BC, V1L 6W6.

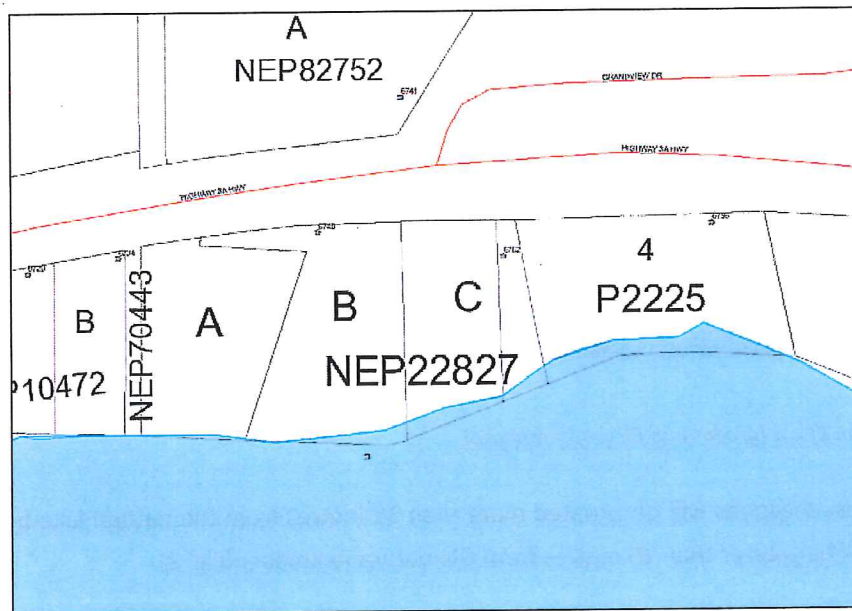


Figure 1. Property Location (Adapted from RDCK online mapping).

3.0 Proposed Development

The owners propose to modify the properties using existing fill and parent material. As per the plan provided by WSA Engineering, 4,000m³ will be moved from the upper elevations of the property and used to fill the existing road and parking area in Lot C (Fig. 2). The cut and fill will result in a terrace on the upper slopes that is suitable for the future construction of two houses, as well as the temporary placement of five RV sites (Fig. 3). The area from the building terrace to the high water mark of Kootenay Lake on Lot B and the top of the existing rip-rap wall in Lot C will be graded to slightly steeper slope than currently exists, with small terraces and a more gradual slope in the riparian area.

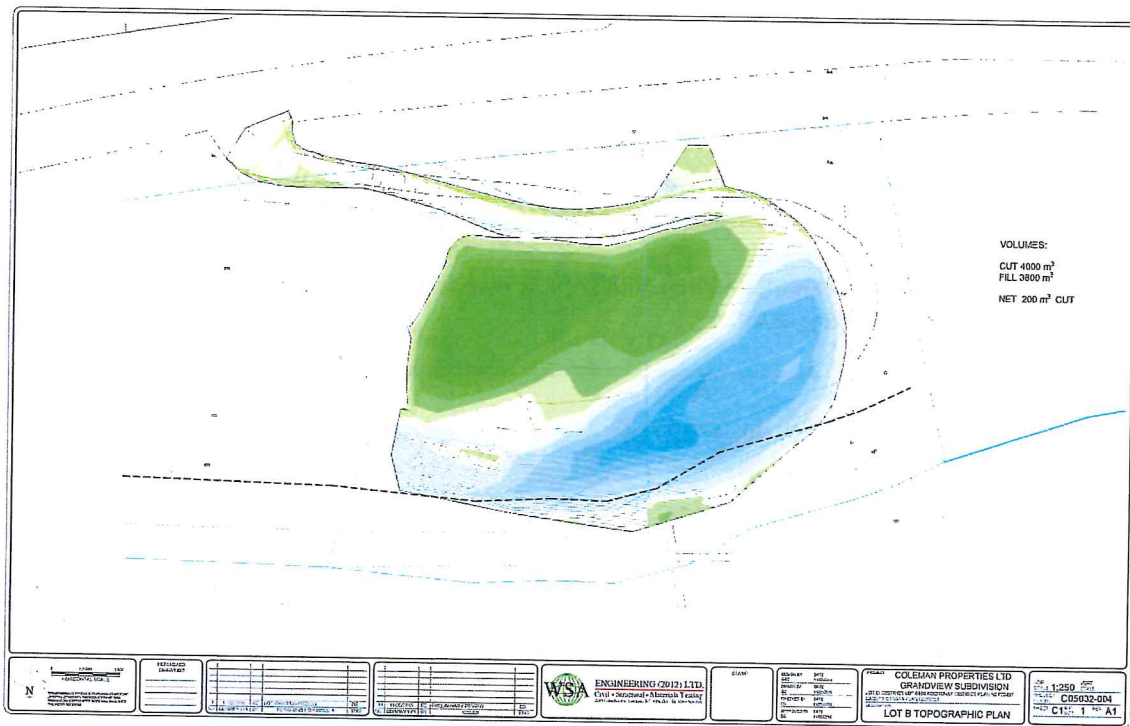


Figure 2. Location of cut (green) and fill (blue) material.

The future house locations will be situated more than 30 metres from the natural lake boundary, while the RV sites will be greater than 15 metres from the natural boundary (Fig. 3).

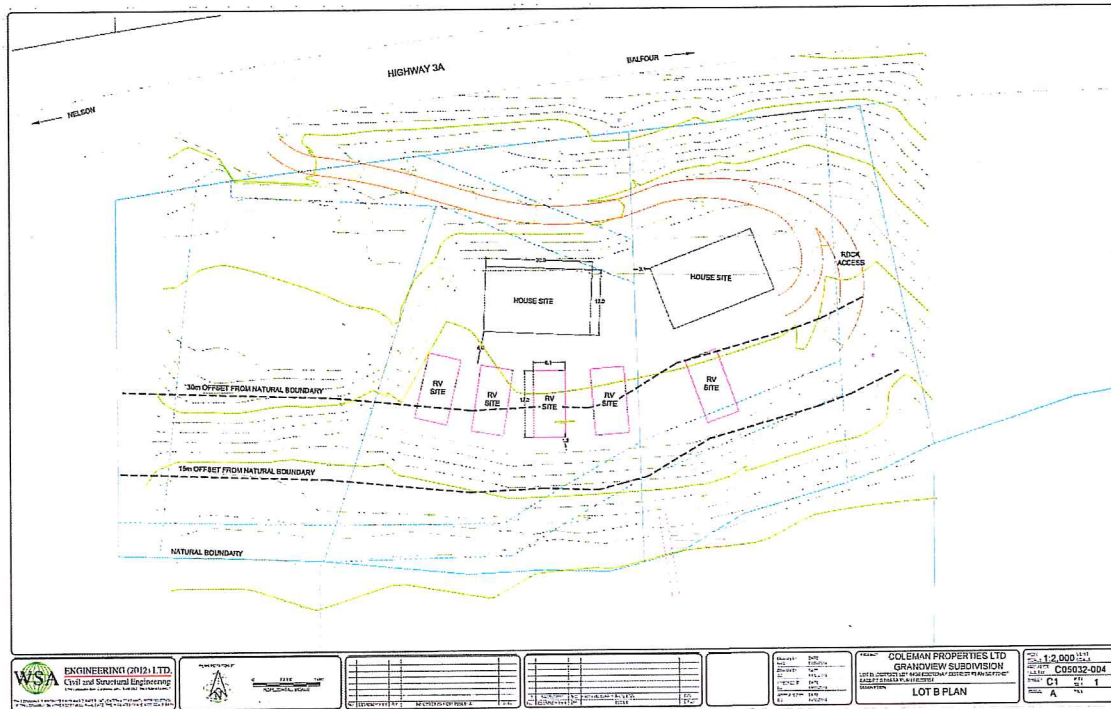


Figure 3. Proposed location of house and RV lots.

4.0 Existing Fish Habitat

The project will not include any area below the natural boundary of Kootenay Lake. No watercourses occur on the properties. The full length of Lot C contains a rip-rap wall along the natural lake boundary of the lake (Fig. 4), while Lot B contains a small sand and cobble foreshore with sparse vegetation (Fig. 5). No fish habitat or alterations below the natural boundary of Kootenay Lake will occur with this project.



Figures 4 and 5. Existing rip-rap on Lot C (left) and the foreshore of Lot B with water levels close to the natural boundary (right).

5.0 Existing Riparian Area

The existing riparian area with the 15 metre zone from the natural lake boundary is heavily modified. All of the riparian area within Lot C consists of a rip-rap wall and a gravel parking lot and road. In Lot B the riparian area consists mainly of exposed soil and introduced species, including noxious weeds (Fig. 6 and 7). Two small pockets of largely native vegetation occur, encompassing about 50m² in total. Native vegetation includes two young western redcedar trees and a young lodgepole pine. Shrubs include black cottonwood, lodgepole pine, thimbleberry, willow, roses, Saskatoon, mock orange, pink spirea, and Oregon grape. Herbaceous cover includes several sedge and grass species, common horsetail, yarrow, and bracken fern.

The majority of the Lot B riparian area contains exotic species, including Japanese knotweed, scotch broom, spotted knapweed, yellow tansy, quackgrass, burdock, hawkweed, hairy alyssum, great mullein, chickory, and several other grasses and one mustard species that were not mature enough to identify. Both Japanese knotweed and Scotch broom are highly invasive species.



Figures 6 and 7. Riparian vegetation in Lot B showing large areas of Japanese knotweed and small pockets of native vegetation (left) and young western redcedar trees with exposed soil on the existing slopes (right).

6.0 Streamside Protection and Enhancement Area

The Simple Assessment method was used to determine the width of the Streamside Protection and Enhancement Area (SPEA). As the property is located on a permanent, fish bearing waterbody and no permanent structures are located within the assessment area, a default SPEA width of 30m was determined (Fig. 3).

As described in the previous sections, the property owner is not proposing to put any permanent structures within the 30m SPEA zone. Temporary RV lots are planned which will partially or fully be located within the SPEA. No temporary or permanent structures will be built within the 15m Watercourse Development Permit (WDP) area (Fig. 3).

7.0 Monitoring Plan

Due to the proximity to the lake and the nature of the project, we recommend that the owners retain an environmental monitor. The monitor would be responsible for ensuring that at a minimum:

- no disturbance will occur below the natural boundary of Kootenay Lake and no materials will be placed below the boundary;
- areas of native vegetation (including all trees) should be marked off for retention with hand removal of invasive species;
- proper siltation controls are in place and effective;

- all machinery is in good working order (especially no fuel, oil or hydraulic fluid leaks);
- refueling is done (and extra fuel is stored) outside of the 15m buffer from the natural boundary of Kootenay Lake;
- spill pads are available, of sufficient size for the machinery in use, and machinery operators are trained in proper use; and
- all invasive species (particularly Japanese knotweed and Scotch broom) are completely removed, stored in an appropriate location (on tarps or directly into a dump truck), and properly disposed of in an RDCK landfill (notification of the landfill is required).

8.0 Revegetation Plan

This revegetation plan consists of two areas; the riparian area (15m setback from the natural boundary of Kootenay Lake) and upslope area (15 to 30m setback from the natural boundary). The owners propose to use a combination of fill (from the upper slopes of the property) and random placement of clumps of large rock (from the Grandview Properties) to re-grade the slope. The rocks will serve as large masses to help anchor the slope, as well as providing stable pockets around which native vegetation will be planted. Placement of sporadic large woody debris would also be beneficial for slope stability, soil development, and habitat complexity.

Riparian Area

We propose to do the following within the riparian area:

- disturb as little of the vegetated area immediately upslope of Kootenay Lake as possible;
- retain about 5% of the area where native vegetation currently exists;
- cover about 20% of the area with non-contiguous clumps of large rock;
- plant about 20% of the area with native vegetation (will include the placement of suitable topsoil to mix with fill); and
- hydroseed the remaining 55% of the area with native grass seed. Additional mulching with straw may be required (especially immediately upslope of the lake) depending on the hydroseeding used.

Native vegetation will consist of typical riparian species along the lake foreshore (willow, red-osier dogwood, rose, thimbleberry and alder). Drier areas will include species such as rose, thimbleberry, Oregon grape, snowberry and mock orange. If possible, native species will be sourced from local stock.

Irrigation and/or hand watering will likely be required though the first growing season (2016) to ensure the vegetation becomes established. If irrigation is not available, then the planting sites should be

heavily mulched with straw or covered with landscape fabric and planted in the fall. Re-planting may be required in 2017 depending on the success of the original planting.

Upslope Area

The upslope area is smaller than the riparian area and will include areas of road, RV pads and ornamental landscaping or lawn. Revegetation of this area will consist of hydroseeding with native grass seed on all exposed soils. Irrigation may be required depending on the time of year in which it is seeded.

9.0 Impact Assessment

This project is not expected to have any negative impact to fish or fish habitat within Kootenay Lake. The proposed revegetation plan will result in a more functional riparian habitat as gravel roads, exposed soil and exotic species will be removed and native vegetation planted.

As per the provincial Riparian Areas Regulation (RAR) Assessment Methods, I am a Qualified Environmental Professional (QEP) whom is qualified to carry out a RAR assessment. The RAR assessments methods were followed and my professional opinion is that if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.

10.0 Closure

This report has been prepared for the exclusive use of Coleman Properties Ltd. If you have any questions pertaining to this report, you may contact the undersigned at your convenience.

Prepared by:



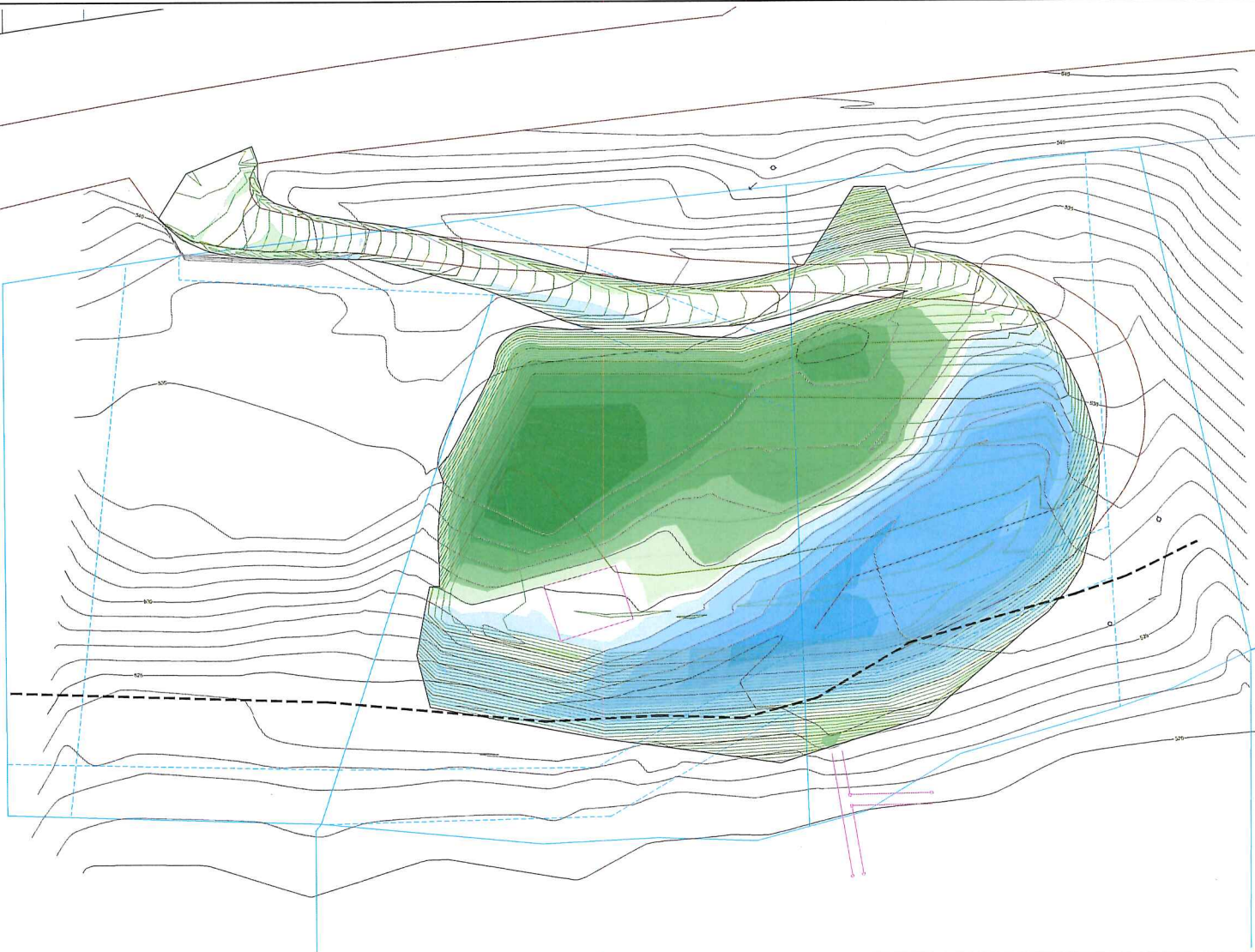
Ryan Durand, RPBio.
Senior Ecologist
Durand Ecological Ltd.
250-359-742

Enclosures:

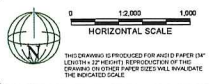
RDCK Property Reports

WSA Engineering Site Plan

WSA Engineering Cut and Fill Plan



VOLUMES:
 CUT 4000 m³
 FILL 3800 m³
 NET 200 m³ CUT



REFERENCE DRAWINGS

No.	DATE	BY	DESCRIPTION	ENG.
1	11/05/2018	SC	LOT GRADING DESIGN	DS
No. DDDMMYYYY BY REVISIONS FOR ISSUE A ENG.				

No.	DATE	BY	DESCRIPTION	ENG.
1	11/05/2018	SC	PRELIMINARY REVIEW	DS
No. DDDMMYYYY BY ISSUES ENG.				

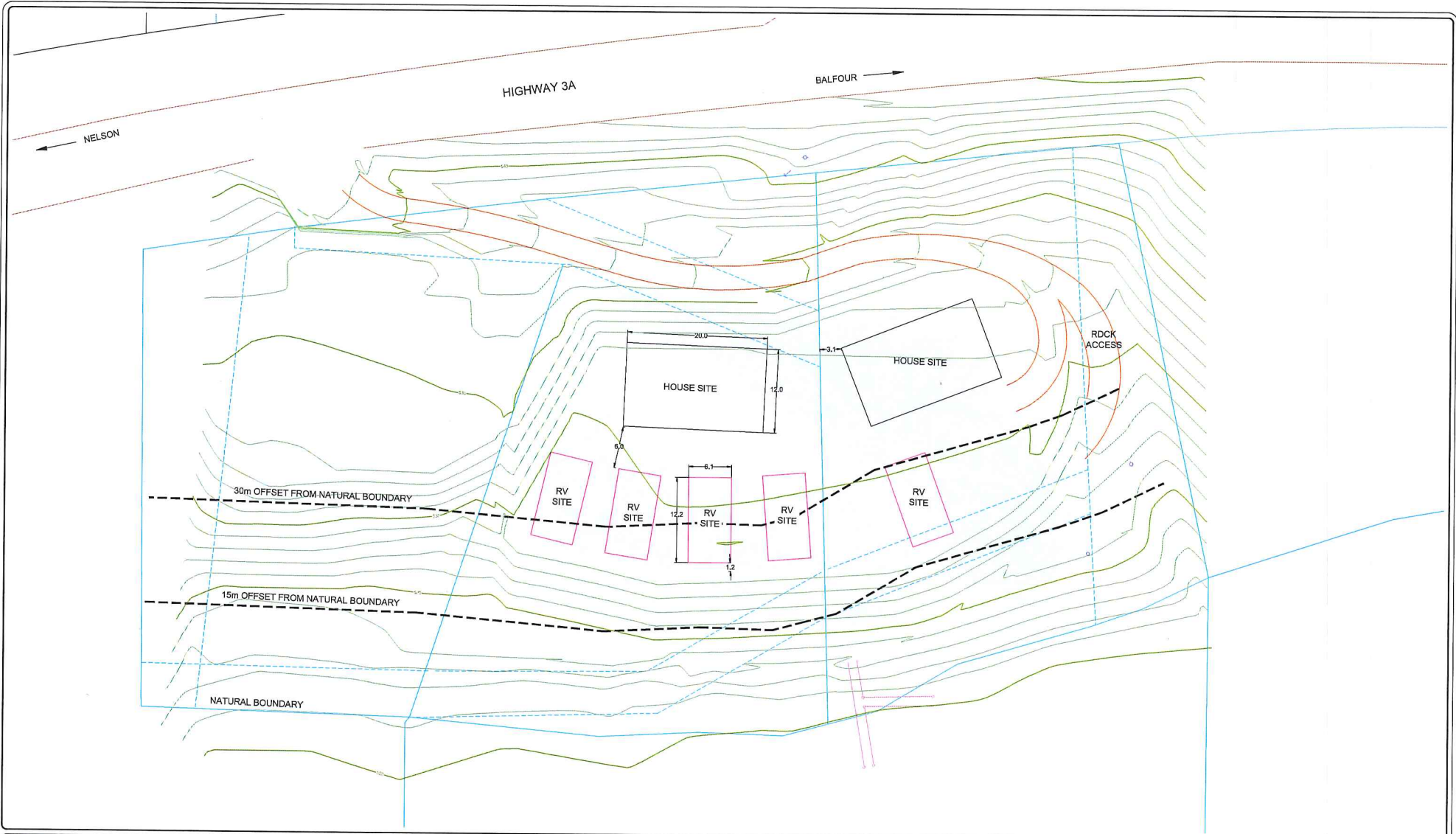
ENGINEERING (2012) LTD.
 Civil • Structural • Materials Testing
 2218 Columbia Ave. Campbell, B.C. V1N 2C1 Tel: (250) 365-1616

STAMP

DESIGN BY	DATE
GRC	11/05/2018
DRAWN BY	DATE
SC	11/05/2018
CHECKED BY	DATE
DS	11/05/2018
APPROVED BY	DATE
DS	11/05/2018

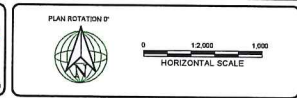
PROJECT **COLEMAN PROPERTIES LTD.**
GRANDVIEW SUBDIVISION
 LOT B, DISTRICT LOT 8408 KOOTENAY DISTRICT PLAN NEP70437
 EXCEPT STRATA PLAN NES3151
 DESCRIPTION
LOT B TOPOGRAPHIC PLAN

HOR. SCALE	1:250	VERT. SCALE	
PROJECT FILE No.	C05032-004		
SHEET	C1	REV.	A1



WISA ENGINEERING (2012) LTD.
 Civil and Structural Engineering
 2118 Columbia Ave. Calgary, B.C. T2M 2Z1 Tel: 403-241-7477

THIS DRAWING IS PRODUCED FOR A4 AND D PAPER. DO NOT SCALE. REPRODUCTION OF THIS DRAWING ON OTHER SIZES WILL INVALIDATE THE INDICATED SCALE. USE SCALE BAR.



No.	DATE	BY	REVISIONS FOR ISSUE A	ENG.

1	18/05/2018	SC	PRELIMINARY REVIEW	DS

DESIGN BY	DATE
DRAWN BY	DATE
CHECKED BY	DATE
APPROVED BY	DATE

PROJECT: **COLEMAN PROPERTIES LTD.**
GRANDVIEW SUBDIVISION
 LOT B, DISTRICT LOT 6489 KOOTENAY DISTRICT PLAN NEP70437
 EXCEPT STRATA PLAN NES3151

DESCRIPTION: **LOT B PLAN**

HOR. SCALE	VERT. SCALE
1:2,000	SCALE
PROJECT FILE No.	C05032-004
SHEET	C1 # IN SET 1
ISSUE	A REV.



Building & Development Referral
Water System Requirements

Water System Referral #

Property Information:

Address. Street

Folio No. PID

Owner Information:

Owner

Phone. Email

Description of Building or Development:

Water System Requirements: (check if applicable)

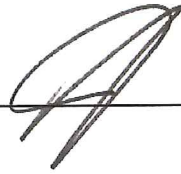
Requirement	Comment
<input checked="" type="checkbox"/> New Water Connection or Upgrade required	Developer had previously indicated that they were considering relocation of a water line running through these lots. If water line is relocated then new water servicing will be required. Developer to confirm with the Regional District.
<input checked="" type="checkbox"/> Water meter required	<p>In accordance with Utilities Rates, Fees, And Charges Bylaw No. 2471, if a Mobile Housing Unit (RV) is occupied for more than 30 days of the calendar year, it is considered a Single Family Dwelling. More than one Single Family Dwelling on a property is considered a Multiple Dwelling Property.</p> <p>For a Multiple Dwelling Property, a new water meter shall be installed for each lot in accordance with <i>Water Bylaw</i> Section 15, and attached <i>Water Metering and Cross Connection Control Requirements</i> guidelines. Confirmation is required from the Developer on the intended use of the RV sites. If only one Single</p>

	<p>Family Dwelling usage per lot, then the two lots would be required to be Meter Ready in accordance with <i>Water Bylaw Section 15</i>, and attached <i>Water Metering and Cross Connection Control Requirements</i> guidelines.</p>
<input checked="" type="checkbox"/> Cross connection control required	<p>A Multiple Dwelling Property is classified as Minor Risk in accordance with CSA B64.10-11 until determined otherwise by a Certified Cross Connection Control Inspector. A Dual Check Valve is required for each Multiple Dwelling Property in accordance with Water Bylaw Section 14, and attached <i>Water Metering and Cross Connection Control Requirements</i> guidelines.</p>
<input checked="" type="checkbox"/> PRV required (>80 psi)	<p>Pressure reducing valves may be required if pressures greater than 80 psi. To be field confirmed.</p>
<input checked="" type="checkbox"/> Capital Infrastructure Charge	<p>Capital Infrastructure Charge for creation of Serviced Dwellings Units in a Multiple Dwelling Parcel Development after the initial Dwelling Unit – currently \$1,000.00 per Additional Dwelling Unit, in accordance with current <i>Utilities Rates, Fees, And Charges Amendment Bylaw No. 2501, 2016</i>, and is subject to changes. Capital Infrastructure Charge shall be paid before issuance of Occupancy Permit.</p>
<input checked="" type="checkbox"/> Water Use Restrictions	<p>To be confirmed with Developer, depending on intended RV site usage. A <i>Water Change of Use Application</i> is required.</p>
<input type="checkbox"/> Easement / Statutory Right of Way	<p>Statutory right of way is existing.</p>
<input checked="" type="checkbox"/> Owner Water Connection	<p>Any water connection works on the owner's side of the property line are the sole responsibility of the owner. These works must comply with the bylaws of the Regional District of Central Kootenay and the <i>Drinking Water Protection Act and Regulation</i>, the <i>Health Act</i>, <i>Building Code</i> and any other relevant legislation, standards and specifications. Any works installed by the owner shall be inspected and approved by Regional District personnel prior to backfilling.</p>
<input type="checkbox"/> Owner deposit & Invoicing	<p>n/a at this time.</p>
<input type="checkbox"/> Owner signed work order	<p>n/a at this time.</p>
<input checked="" type="checkbox"/> Utility billing adjustment	<p>To be confirmed with Developer, depending on intended RV site</p>

usage. A *Water Change of Use Application* is required.

Name: Jason McDiarmid
(Manager or Supervisor)

Signature: _____



Date: 04 August 2016

