



REGIONAL DISTRICT OF CENTRAL KOOTENAY

Memo to General Manger of Development Services

Date of Memo: August 11, 2020
Author: Tamara Dale, Planner
Subject: DEVELOPMENT PERMIT – RAMOS AND CASH
File: DP2003E-02256.132-Ramos_&_Cash-DP000100

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| Owner | MELISSA S RAMOS & ARIK J CASH |
| Civic Address | 397 PARK AVE, PROCTER, BC |
| Legal Description | STRATA LOT 32, PLAN NES3286, DISTRICT LOT 873, KOOTENAY LAND DISTRICT, TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V |
| PID | 027-785-122 |
| Lot Size | 0.08 hectares (0.22 acres) |

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| PROPOSAL: |
| To construct a Single Family Dwelling and Garage, and complete landscaping |

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| Electoral Area | E |
| Development Permit Area | Watercourse Development Permit (WDP) Area |

| Guidelines | Meets? | Comments |
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| All development proposals subject to this permit will be assessed by a Qualified Environmental Practitioner (QEP) or Registered Professional Biologist (RP Bio) in accordance with the Riparian Areas Regulation established by the Provincial and/or Federal governments as used elsewhere in the Province | Yes | A Riparian Assessment titled “Kootenay Lake Village Strata Lot 32 Riparian Assessment” has been submitted by Masse Environmental Consultants Ltd. The Report has been prepared by Iraleigh Anderson A.Ag, and reviewed by Sylvie Masse, MSc, RPBio, who is a qualified Environmental Professional, as defined in the Riparian Areas Regulations made under the Fish Protection Act. |
| A WDP shall not be issued prior to the RDCK ensuring that a QEP or RP Bio has submitted a report certifying that they are qualified to carry out the assessment, that the assessment methods have been | Yes | <u>Kootenay Lake Village Strata Lot 32 Riparian Assessment</u> The property was created as part of the 182 hectare Kootenay Lake Village (KLV) subdivision. The lot was modified and prepared for |

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| <p>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><i>development into a series of small terraces and pathways protected by rock walls. The lot contains a north-east facing building site, which has been leveled between a steep talus slope below the CCPR Right of Way and the rugged shoreline of Kootenay Lake. A terrace has been hardscaped along a rock outcrop at the upper margin of the High Water Mark in the northwestern corner of the property, below the building site. This terrace is retained by a stacked rock wall and has been planted with non-native grasses. A second stacked rock wall protects a path heading southeast from the building site, which covers an area of 60sqm and includes two small terraces.</i></p> <p><i>The riparian area within the property is disturbed and colonized throughout by non-native plant species. Scattered Douglas Fir and a few Western Larch trees populate the site. However, herbaceous cover has mostly been removed and replaced with non-native grasses and weeds. The predominance of rock outcrops throughout the parcel indicate that tree cover has likely always been sparse; however, it is also likely that riparian vegetation was removed when the building lot was cleared.</i></p> <p><u><i>Impact Assessment</i></u></p> <p><i>The house and associated structures will be constructed on previously created terraces. The riparian habitat has previously been disturbed from the clearing of vegetation and infilling of rock and gravel to create the building sites, terraces and pathways. These works have likely contributed to cumulative local losses of wildlife habitat and decreased riparian vegetation functions.</i></p> <p><i>Impacts from the proposal will permanently remove 198sqm of potential riparian vegetation with the SPEA, and it is likely that the additional 4 trees retained around the building site may be removed.</i></p> <p><i>Protection of trees and vegetation in the SPEA could be achieved by: locating the built form on the previously created terraces and rock outcrops, which would minimize additional</i></p> |
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| | <p><i>disturbance to riparian vegetation; preserving all vegetation outside of the construction footprint; retaining the existing 4 trees or replacing these trees with the ratio outlined in the BC Tree Replacement Criteria; limit landscaping to the minimum footprint necessary to allow foot traffic; and having a Qualified Environmental Professional visit the site. Mitigation measures to reduce the risk of sediment input into Kootenay Lake includes controlling and directing surface runoff; installing sediment fencing; and safely stockpiling soil. The proposed development will result in a marginal increase in the total impervious area of the property from surfaces, and these should be minimized, with greenspace and swales maintained. In addition, environmentally sensitive activities should be scheduled appropriately, and fish habitat should be protected by adhering to best practices and avoiding foreshore modifications. Concrete should also be appropriately managed during construction, with equipment used during concrete work cleaned at least 30m away from any waterbody.</i></p> <p><u><i>Mitigation Plan</i></u></p> <p><i>The avoidance of environmental impacts is not possible during development of Lot 32 as the entire footprint is within the SPEA. Offsetting the residual impacts through a similar ecosystem is also not possible. Therefore, a combination of minimizing further impacts to the SPEA and implementing on-site restoration are the only options. However, due to the small size and location of the lot within the Riparian Area, “No Net Loss” cannot be achieved.</i></p> <p><i>However, the pathway extending south-east of the building site could be restored to native riparian vegetation. This would involve the planting of at least 40 native shrubs and 5 native trees within the 60sqm restoration area.</i></p> <p><u><i>Conclusion</i></u></p> <p><i>Recommended mitigation measures include minimizing losses of potential riparian vegetation, restoring disturbed areas with native plant species, and re-vegetating a 60sqm area</i></p> |
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| | | <p><i>with native trees and shrubs to partially offset the permanent loss of potential riparian vegetation to the extent possible on the lot. Subject to implementing these measures, 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.</i></p> <p>The Riparian Assessment provides suggested mitigation to overcome some of the losses experienced through the clearance of the site following subdivision. While acknowledged that the subdivision has resulted in the loss of natural vegetation, as well as the planting of non-native species, it is recognized that the proposed mitigation seeks to limit the footprint and build areas of the proposed buildings while also re-naturalizing the site through planting. Furthermore, the Report concludes that these measures would ensure that there is no harmful alteration, disruption, or destruction of natural; features, functions, and conditions that support fish life processes in the Riparian Assessment Area.</p> <p>To supplement this, a Landscape Plan has been provided which indicates the number of plants and trees to be planted within the Restoration Area, along with a Planting Schedule which outlines the species to be planted. It has also been confirmed that the Landing Area directly adjacent to the dwelling would be landscaped using pebbles, rocks, and some low impact and low maintenance grass. These details are considered acceptable to address some of the losses experienced on the site. Security will be required to ensure that this landscaping is completed.</p> <p>On the basis of the conclusions and proposed mitigation measures within the Report, it is considered that aquatic habitat would be protected and the watercourse and its associated riparian area would be conserved and restored.</p> |
| <p>The Riparian Areas Regulation implemented through the WDP does not</p> | <p>Yes</p> | <p>The Report suggests that the proposed construction may involve work below the High</p> |

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| <p>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 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.</p> | | <p>Water Mark, and this would require an application for Notification and/or Approval under Section 11 of the BC Water Sustainability Act.</p> <p>The Kootenay Lake Shoreline Management Guidelines indicate that the Aquatic Habitat Index Rating is Moderate, with the Activity Risk Matrix outlining that works including the modification and/or removal of native and non-native vegetation is of High Risk. The Guidelines document advises that such proposed works may require authorization under Section 35(2) of the Fisheries Act, and may require review by the Department of Fisheries and Oceans (DFO). It is suggested that the Applicant may wish to submit a Project Review Application Form to the DFO to avoid potential harm to fish or their habitats.</p> |
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| Zoning | N/A |
| OCP | Suburban Residential (RS) |
| ALR | N/A |
| Floodplain | Yes – subject of a Site Specific Floodplain Exemption to reduce the Floodplain Setback to 7.5 metres (reference F1004E) |
| NSFEA | N/A |
| Geohazard | N/A |
| Archeology Sites | N/A |
| Within RDCK Water System | No |
| Relevant Covenants and Reports | <p>LB103260</p> <p>No building, mobile home or unit or structure shall be constructed, reconstructed, moved, extended or located within 7.5 metres of the natural boundary of Kootenay Lake</p> <p><i>Geotechnical Assessment by Perdue Geotechnical Services</i></p> <p>Concluded that provided the underside of the floor system of the proposed residential building meets the elevation requirements identified in the RDCK Floodplain Management Bylaw No. 2080, 2009, the land may be used safely for the intended purpose.</p> |
| Review Title for Miscellaneous Charges | None pertinent |

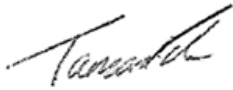
| KOOTENAY LAKE SHORELINE INVENTORY: | |
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| Aquatic Habitat Index Rating | Moderate |
| Erosion | Moderate |
| Vegetation | Riparian (R) |

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| Site Sensitivity | Environment (E) |
| Enhanced Engagement | Yes |
| Critical White Sturgeon Habitat | No |
| Archeological Values | <p>Red Zone (R)</p> <p><i>An Archaeological Overview Assessment and Preliminary Field Reconnaissance has been submitted by Ursus Heritage Consulting, dated June 25 2020.</i></p> <p><i>No archaeological remains were identified during the PFR of the subject lot, and the archaeological potential of the location is considered to be low. This potential rating is based on the natural terrain of the lot prior to lot preparation, which consisted of convoluted, rocky shoreline backed by talus slope. Additionally, there was an absence of archaeologically significant landforms such as level well-drained benches, terraces, and/or promontories within the lot.</i></p> <p><i>A talus cave was observed immediately south of the south-eastern corner of the lot. Although outside of the lot, it has been assessed with a high potential for the presence of an archaeological site. It has also been identified as having cultural significance to the Ktunaxa, and the Ktunaxa Archaeologist has requested it be left in a natural state.</i></p> <p><i>The subject lot is assessed with low potential for the presence of archaeological sites. Based on these results, no further archaeological work is warranted for the property. It is recommended that the lot owners be made aware of the high archaeological potential and cultural significance of the talus cave, and the importance of it being maintained in its natural condition.</i></p> <p>On the basis of the conclusions within the Report, it is considered that no further investigative works are required. However, should archaeological evidence be found during works on the site, it is advised that works would need to stop and the Provincial Archaeology Branch and First Nations be contacted. A condition outlining the steps required will be attached to the Permit.</p> |

| REFERRAL COMMENTS: | |
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| Area E APC | A narrow steep section of rocky terrain squeezed between the railway and Kootenay Lake. Environmental Values of this piece of land were lost decades ago with the construction of the railway. The site is presumably serviced by water and sewer systems available in Kootenay Lake Village. It is an |

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| | engineering challenge and it puts housing on marginalized land. No Objections. |
| Ktunaxa Nation | No comment on application |
| Ministry of Transportation and Infrastructure (MoTI) | No concerns |

Respectfully submitted,



Tamara Dale
Planner

CONCURRENCE

Initials:

Planning Manager
General Manager of Development Services

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ATTACHMENTS:

Attachment A – Development Permit