



**REGIONAL DISTRICT OF CENTRAL KOOTENAY**

# Memo to General Manger of Development Services

**Date of Memo:** January 8, 2021  
**Author:** Corey Scott, Planner  
**Subject:** DEVELOPMENT PERMIT (DP2006E – Queens Bay Resort)  
**File:** 09\4260\20\2020\DP2006E-07798.115-Queens\_Bay\_Resort-DP000103

<b>Owner</b>	Queens Bay Resort Owners Corp., Inc. No. BC1221883
<b>Civic Address</b>	205 Edward Street
<b>Legal Description</b>	LOT A, DL 4961, KD, PLAN EPP68103
<b>PID</b>	030-057-710
<b>Lot Size</b>	5.23ha (appx. 1.7ha of lot affected in Phase 2)

PROPOSAL:
<p>The application is for an Industrial and Commercial Development Permit to permit the second Phase of a four phase shared interest development at the Balfour Golf Course. Phase 2 proposes to add 32 sub-lots to the existing 26 sub-lot development, for a total of 58 sub-lots between the first two Phases. Development Permit conditions for Phase 1 (DP1906E) have been largely satisfied, with the remaining landscaping requirements anticipated for completion in Spring 2021.</p> <p>The ICDP Area guidelines are in place to ensure that industrial and commercial developments are compatible and considerate of the natural environment and the surrounding residential and rural character within the Plan area. The applicant is proposing to plant a total of 38 large trees, comprised of Quaking Aspen, Autumn Blaze Maple, and Weeping Birch, as well as install fencing, along the periphery of the Phase 2 area to provide a buffer between the development and adjacent Golf Course.</p>

<b>Electoral Area</b>	E
<b>Development Permit Area</b>	Industrial and Commercial Development Permit (ICDP)

Guidelines – Any off-street parking area, exterior display area or loading area on a lot used for Commercial or Industrial purposes shall:	Meets?	Comments
Be provided with screening in the form of a fence not less than 1.5 metre in	Yes	As parking is provided in a residential configuration, without

height or by a hedge not less than 1.5 metre in height at the time of planting where adjacent to a lot in any residential zone; such screening shall be planted or installed so that no person shall be able to see through it;		large continuous parking areas typical of a commercial/industrial development, this guideline is satisfied. The Landscape Plan provides one large tree per sub-lot to screen the sub-lots from adjacent areas.
Be separated from any directly abutting lot in any residential zone and from any adjoining highway other than a lane, by a fully and suitably landscaped and properly maintained strip not less than 1.5 metres in width.	Yes	Adjacent lands share the same "Tourist Commercial" land use designation. Buffering from adjacent, 'sensitive' uses is not a major concern, as the Development is complementary to the Golf Course.
Where any lot is used for commercial, industrial and institutional purposes, any part of such lot that is not used for buildings, exterior display areas, parking or loading facilities shall be maintained as a landscaped area, or as undisturbed forest.	Yes	The proposed use is considered to be "commercial", and the applicant has provided one large tree per sub-lot to provide a landscape buffer in recognition of this guideline.
Where any off-street parking area for four (4) or more vehicles is located within 4.5 metres of a front or exterior side lot line, it shall be screened by an evergreen hedge not less than 1.5 metre in height at the time of planting. The minimum width of soil area for the hedge shall be 0.75 metres. The hedge shall be planted one (1) metre from curbs or wheel stops.	Yes	N/A – off-street parking areas are not required or proposed.
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.	Yes	Yes – this guideline will be made a condition of the Development Permit's issuance.

<b>Zoning</b>	N/A
<b>OCP</b>	Tourist Commercial
<b>ALR</b>	N/A

<b>Floodplain</b>	Unnamed Creek (in Phase 3/4 lands, not relevant to Phase 2 proposal)
<b>NSFEA</b>	N/A
<b>Geohazard</b>	N/A
<b>Archeology Sites</b>	N/A
<b>Within RDCK Water System</b>	Yes – Balfour Water System. Developer pursuing water license to meet requirements. Discussions with Utilities about temporary connection to RDCK system ongoing.
<b>Relevant Covenants and Reports</b>	CA5760654 – No-build until proof of potable water. CA5760655 – No further subdivision until Edward Street improvements complete. CA5760660 – Floodplain covenant for an unnamed creek.
<b>Review Title for Miscellaneous Charges</b>	CA5760663/CA5760664 – Access easement

REFERRAL COMMENTS:									
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.”								
MoE – Habitat Branch	<p>“The Ministry of Forests, Lands, Natural Resource Operations &amp; Rural Development – Habitat Division - reviewed this Development Permit request on December 1, 2020. FLNRORD has determined that this project should not impact the Resource Management Division’s legislated responsibilities but recommends that the following comments are considered.</p> <p>If there are any streams that will be impacted by this development: any works within or adjacent to a stream are subject to the Provincial Water Sustainability Act. Please review the Kootenay Region’s Terms and Conditions for Instream works and timing windows available through the Kootenay Boundary Region drop down menu at: <a href="https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights/working-around-water/regional-terms-conditions-timing-windows">https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights/working-around-water/regional-terms-conditions-timing-windows</a> to ensure that you can abide by these guidelines.</p> <p>Vegetation clearing should adhere to the least risk timing windows for nesting birds (i.e. construction activities should occur only during least risk period). Nesting birds and some nests are protected by the Provincial <i>Wildlife Act</i> Sec.34 and Federal Migratory Bird Act. Nesting periods can be identified by a qualified professional. General least risk windows for bird species are designed to avoid the nesting period. If nests are present at this site or adjacent to it and will be impacted by the works, the following work windows apply:”</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #a6a6a6;">Species</th> <th style="background-color: #a6a6a6;">Least Risk Window</th> </tr> </thead> <tbody> <tr> <td>Raptors (eagles, hawks, falcons, &amp; owls)</td> <td>Aug 15 – Jan 30</td> </tr> <tr> <td>Herons</td> <td>Aug 15 – Jan 30</td> </tr> <tr> <td>Other Birds</td> <td>Aug 1 – March 31</td> </tr> </tbody> </table>	Species	Least Risk Window	Raptors (eagles, hawks, falcons, & owls)	Aug 15 – Jan 30	Herons	Aug 15 – Jan 30	Other Birds	Aug 1 – March 31
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Fire Services	<p>“The design of the lot layout puts the structures very close together. Each lot is approximately 25 Ft. wide and each tiny home or large RV will be up to 12 Ft. wide. This leaves around 13Ft. between each structure. If a fire were to start in one structure, the radiant heat will most certainly reach the structure next to it and has the possibility of lighting all structures in succession. If you park a vehicle in between these structure, you have almost no space between structures and have a continuous fuel load from one end of the development to the other.</p> <p>Water supply may be a concern as we do not currently know the source they plan to use. So far, all we can see is infrastructure for domestic water supply only. The Fire Dept. would have to use a fire hydrant located almost 1 km away which would necessitate a water shuttle set up.</p> <p>Access is a concern for the fire service as there is only one way in and out of the development and they share the access road with a very active golf course. If there is an incident that requires everyone to evacuate at the same time out the road and emergency services are trying to get in at the same time on the same road, we could run into some issues. We believe that some consideration should be given to creating a secondary access from the road or from the highway. This second access could be a restricted road for emergency access only.</p> <p>Turn around areas at the end of each road in the development should be large enough to accommodate larger fire apparatus turning around and parking in these areas must be prohibited and enforced to allow clear access for emergency vehicles.”</p>
Utility Services	<p>“Any RDCK Water System infrastructure shall be located in public road right-of-way or parcels Titled to the Regional District, as per Bylaw 2712 Section 13.2(4). Location of new Water System infrastructure in Easements or Statutory Right of Ways may only be permitted under special circumstance and requires approval of the Manager.”</p>
Building Services	<p>Meeting requested to discuss proposal. Meeting held on December 4, 2020 with John Southam &amp; Manda McIntyre (Building), Alexandra Divlakovski (Utilities), Gord Ihlen &amp; Kynan O’Rourke (Fire Services), and Corey Scott (Planning) to discuss concerns. Building concerns largely reflected in Emergency Services’ comments.</p> <p>All comments were forwarded to the Ministry of Transportation and Infrastructure (MOTI) and the applicant for consideration. These concerns cannot be managed through the Development Permit, as there are no guidelines present related to the aforementioned concerns; however, the applicant has been made aware of them and has been encouraged to co-ordinate with RDCK Fire and Utility Services.</p>
MOTI	No response.
Electoral Area E Director & APC	No Response.

Interior Health	No Response.
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Respectfully submitted,



Corey Scott  
Planner 2

**CONCURRENCE**

**Initials:**

Planning Manager  
General Manager of Development Services

**ATTACHMENTS:**

Attachment A – Development Permit