



REGIONAL DISTRICT OF CENTRAL KOOTENAY

Memo to General Manger of Development Services

Date of Memo: June 24, 2021
Author: Stephanie Johnson, Planner
Subject: DEVELOPMENT PERMIT (DP2101D – Built_Prefab_Corp)
File: 09/4260/20/2019/DP2101D-05743.100-Built_Prefab_Corp-DP000106

Owner	52785308 AMUNDSEN ENTERPRISES INC., INC.NO. BC1090113
Civic Address	5308 Amundsen Road, Electoral Area 'D'
Legal Description	LOT A PLAN NEP19585 DISTRICT LOT 7386 KOOTENAY LAND DISTRICT
PID	017-548-110
Lot Size	1.06 hectares

PROPOSAL:

This development proposal would be part of the Sentinel Retreat and Wellness Centre located at 5308 and 5278 Amundsen Road, which currently operates on the lands. In 2017 a Development Permit (RDCK File#DP1703D), including a Riparian Areas Assessment to allow the construction of two amenity buildings, pathways and utility lines was issued for 5278 Amundsen Road, and includes a “roundhouse” building that straddles both lots.

This current proposal includes site preparation (site clearing and leveling) for the construction of five two-storey pre-fabricated duplexes, a new septic field and parking lot area, and upgrading the existing driveway access (widening and re-graveling) within the Watercourse Development Permit Area (WDPA) area of Kootenay Lake and an unnamed watercourse (Ditch #1). Under the *Electoral Area 'D' Comprehensive Land Use Bylaw No. 2435, 2016*, the WDPA extends 30 metres upland from the high water mark of watercourse. The purpose of the WDPA is to regulate development activities in watercourses and their riparian areas to protect aquatic habitat; and to conserve, enhance and, where necessary, restore watercourses and their riparian areas.

Electoral Area	D
Development Permit Area	Watercourse

Guidelines	Meets?	Comments
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All development proposals subject to this permit will be assessed by a Qualified Environmental Practitioner (QEP) in accordance with the Riparian Areas Regulation established by the Provincial and/or Federal governments as used elsewhere in the Province	Yes	A comprehensive Riparian Assessment report has been received from Masse Environmental, dated June 22, 2021.
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.	Yes	The QEP has identified a SPEA of 15 m for Kootenay Lake and a SPEA of 2 m from the "Ditch 1" and recommends remediation throughout the 30 metre WDPA. The Environmental Assessment provided by Masse Environmental meets all of the requirements of this guideline.
The Riparian Areas Regulation implemented through the WDP does not 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.	Yes	The floodplain setback and construction level regulations under <i>Floodplain Management Bylaw No. 2080, 2009</i> for D2021D are met. <i>*The siting of the existing "roundhouse" building lies within the 15 metre floodplain setback of Kootenay Lake approved under D1703D.</i>

Zoning	N/A
OCP	Country Residential (RC)
ALR	N/A
Floodplain	Kootenay Lake setback 15 m and FCL 536.5 m; and, "Ditch 1" watercourse setback 15 m and FCL 1.5 m.
NSFEA	N/A
Geohazard	N/A
Archeology Sites	None identified in RAAD database
Within RDCK Water System	No
Relevant Covenants and Reports	N/A
Review Title for Miscellaneous Charges	Easements and Right of Ways registered on Title, however, no impact on proposed development.

KOOTENAY LAKE SHORELINE INVENTORY:	
Aquatic Habitat Index Rating	Moderate
Erosion	Moderate
Vegetation	Emergent Vegetation (EV)
Site Sensitivity	Aquatic (A)
Enhanced Engagement	No
Critical White Sturgeon Habitat	No
Archeological Values	Yellow Zone (Y)

REFERRAL COMMENTS:									
Ministry of Forests, Lands & Natural Resources	<p><i>“The Ministry of Forests, Lands, Natural Resource Operations & Rural Development – Habitat Division - reviewed this Watercourse Development Permit request on February 19, 2021. FLNRORD has determined that this project should not impact the Resource Management Division’s legislated responsibilities as long as the mitigation and recommendations outlined in Masse Environmental Consultants report are abided by.</i></p> <p><i>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 Wildlife Act 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:</i></p> <table border="1"> <thead> <tr> <th>Species</th> <th>Least Risk Window</th> </tr> </thead> <tbody> <tr> <td><i>Raptors (eagles, hawks, falcons, & owls)</i></td> <td><i>Aug 15 – Jan 30</i></td> </tr> <tr> <td><i>Herons</i></td> <td><i>Aug 15 – Jan 30</i></td> </tr> <tr> <td><i>Other Birds</i></td> <td><i>Aug 1 – March 31</i></td> </tr> </tbody> </table> <p><i>Any stored material, soil or overburden must be kept a minimum of 15m from all streams, ponds, lakes, wetlands and/or watercourses.”</i></p>	Species	Least Risk Window	<i>Raptors (eagles, hawks, falcons, & owls)</i>	<i>Aug 15 – Jan 30</i>	<i>Herons</i>	<i>Aug 15 – Jan 30</i>	<i>Other Birds</i>	<i>Aug 1 – March 31</i>
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Ministry of Transportation and Infrastructure (MOTI)	<i>“The MOTI’s interests include: access, parking and land tenure. The access appears to be sufficient from Amundsen</i>								

	<p><i>Road, which is a publically maintained road. The development plan should address all parking needs for the new duplex units and other resort facilities on private property. No required parking is permitted within the right of way. Lastly, if the plans were to ever contemplate individual ownership of the duplex units, for example, as in the form of a bare land strata subdivision care should be taken as to the planning of the common element and layout to ensure compliance with the Bare Land Strata Act.”</i></p>
<p>Interior Health Authority</p>	<p><i>“Healthy Communities is commenting on information provided within Masse Environment Consultants Riparian Assessment dated February 4, 2021 and a review of development details provide by the applicant. The design and location of the proposed onsite sewerage system to be determined since two previous designs need assessments for suitability and sustainability. The design of the sewerage system within the Riparian Assessment reviewed with an authorized person as per the Sewerage System Regulation. The Wellness Clinic will need to review the Personal Service Guidelines. Please contact the local Public Health office.</i></p> <p><i>The Drinking Water supply system for this business will require approval and an operating permit in accordance with the Drinking Water Protection Act and Regulation.</i></p> <p><i>Healthy Communities would recommend that the owner/operator meet the regulatory requirements for the Drinking Water, Sewerage System and personal service.”</i></p>
<p>Building Services</p>	<p>No comments received.</p>
<p>Fortis BC</p>	<p><i>“There are FortisBC Inc (Electric) (“FBC(E)”) primary distribution facilities along Amundsen Road. All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant.</i></p> <p><i>For any changes to the existing service, the applicant must contact an FBC(E) designer as noted below for more details regarding design, servicing solutions, and land right requirements.</i></p> <p><i>Otherwise, FBC(E) has no concerns with this circulation.</i></p> <p><i>It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.”</i></p>
<p>Electoral Area ‘D’ APC</p>	<p><i>“MOVED by Sarah Sinclair, seconded by Ross Lake, and resolved that the Area ‘D’ APC recommend approval of 2021 development permit for 5308 Amundson Road. One member opposed with reasons presented.</i></p>

	<p><i>Ross Lake MOVED that a note be made that the APC received, for information only, a copy of the letter from Andy Shadrack to RDCK and Masse Environmental regarding the Sentinel Retreat Centre Development Permit application."</i></p>
<p>Neighbourhood Concerns</p>	<p>Three letters of concern have been received from community members outlining issues related to DP1703D, including: outstanding revegetation and unauthorized construction on the neighbouring parcel (5278 Amundsen Road); unauthorized tree removal; overall protection of the riparian area; and generally ongoing development activity without the appropriate local government approvals.</p>

Summary: A demand letter was circulated to The Sentinel (May, 2021) regarding unauthorized construction in the riparian area at 5278 Amundsen Road, and staff anticipate receipt of a Watercourse Development Permit application, including riparian assessment to address this disturbance no later than mid-July, 2021 for processing.

The applicant is also requesting that the General Manager of Development Services consider whether receipt of the \$1,265 landscape security in cash would be satisfactory.

Respectfully submitted,

"Submitted electronically"

Stephanie Johnson,
Planner

<p>CONCURRENCE</p>	<p>Initials:</p>
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Planning Manager
General Manager of Development Services

ATTACHMENT:

Attachment A – Development Permit