



REGIONAL DISTRICT OF CENTRAL KOOTENAY

# Memo to General Manger of Development Services

**Date of Memo:** July 13, 2021  
**Author:** Stephanie Johnson, Planner  
**Subject:** DEVELOPMENT PERMIT (DP2110E – Downey)  
**File:** 09/4260/20/2021/DP2110E-06654.000-Downey-DP000115

<b>Owner</b>	Cynthia Lynn Downey and Arthur William Downey
<b>Civic Address</b>	5775 Longbeach Road, Electoral Area 'E'
<b>Legal Description</b>	PARCEL 1 (SKETCH PLAN 21362A) BLOCK E DISTRICT LOT 4161 KOOTENAY DISTRICT PLAN 761A
<b>PID</b>	015-873-641
<b>Lot Size</b>	2.88 hectares

**PROPOSAL:**

This development proposal is for a two lot subdivision to separate the existing house from the main lot (Lot 1 – 0.3 ha), and create a new building lot (Lot B – 2.58 ha). Other related works include: re-graveling of a driveway along the west side of proposed Lot A; and connecting a waterline from the reservoir building to service a new dwelling for proposed Lot B. A subdivision application has been submitted to the Ministry of Transportation and Infrastructure. The RDCK's 'Notice of Requirements' for this subdivision (#S2122E) outline: that a Watercourse Development Permit Area (WDPA) applies within 15.0 metres (m) of the high water mark of a watercourse for Craigend Creek. Activities within this area, including subdivision, require Development Permit approval. Craigend Creek runs through the western section of the subject property.

Under the *Electoral Area 'E' Rural Official Community Plan Bylaw No. 2260, 2013*, 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.

<b>Electoral Area</b>	E
<b>Development Permit Area</b>	Watercourse

Guidelines	Meets?	Comments
All development proposals subject to this permit will be assessed by a Qualified Environmental	Yes	A comprehensive Riparian Assessment report has been received from Masse

Practitioner (QEP) in accordance with the Riparian Areas Regulation established by the Provincial and/or Federal governments as used elsewhere in the Province		Environmental Consultants Ltd., dated May 10, 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	<p>The QEP has identified a SPEA of 10 m for Craigen Creek and recommends remediation throughout the 15 m WDP.</p> <p>The applicant has demonstrated a “no net loss” principle by locating the proposed new home outside of the 10 m SPEA for Craigen Creek.</p> <p>The Environmental Assessment provided by Masse Environmental Consultants Ltd. meets all of the requirements of this guideline.</p>
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	<p>The floodplain setback and construction level regulations under <i>Floodplain Management Bylaw No. 2080, 2009</i> for D2110E are met.</p> <p>The existing lawfully non-conforming house on proposed Lot A is sited within 15 m from Craigen Creek.</p>

<b>Zoning</b>	N/A
<b>OCP</b>	Country Residential (RC)
<b>ALR</b>	N/A
<b>Floodplain</b>	Watercourse setback (Craigen Creek) 15 m and FCL 1.5 m
<b>NSFEA</b>	N/A
<b>Geohazard</b>	N/A
<b>Archeology Sites</b>	None identified in the RAAD database
<b>Within RDCK Water System</b>	No
<b>Relevant Covenants and Reports</b>	N/A
<b>Review Title for Miscellaneous Charges</b>	There is a right-of-way registered on Title that may affect developable areas (see 42565D) related to the subdivision proposal, however, does not impact the watercourse development permit.

<b>REFERRAL COMMENTS:</b>	
<b>Ministry of Forests, Lands &amp; Natural Resources (FLNRORD)</b>	<i>"The Ministry FLNRORD – Terrestrial Resource Management Division reviewed this Watercourse Development Permit request on June 15, 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. Further infringement on the creek system is not recommended. As identified in the above-noted report, Wildlife/Danger Tree Assessment has been completed and it is important wildlife trees and snags should be retained where ever possible."</i>
<b>Ministry of Transportation and Infrastructure (MOTI)</b>	<i>"The MOTI is in the process of reviewing the proposed 2- lot subdivision. The MOTI has not yet issued a Preliminary Layout Review letter. It is likely that a setback covenant will be required for Craigend Creek. Based on the proposed subdivision layout, the MOTI does not have any concerns at this time related to the DP application."</i>
<b>Interior Health Authority</b>	<p><i>Interior Health "does not have any objection to the Development Permit as long as a 30 m setback is maintained for any future septic systems.</i></p> <p><i>Please note that should this application be approved and reach subdivision stage the applicant will be required to demonstrate suitable primary and reserve Type 1 trench sewerage dispersal areas on the smaller 0.3 ha lot that meets all required criteria from the BC Sewerage System Standard Practice Manual, Version 3. It also appears that they are proposing a new community water system for the 2 lots. IHA generally does not support the creation of new small water systems during subdivision as it has been our experience that they are unsustainable over the long-term and face unique challenges due to their small ratepayer base, but are required to provide the same quality of water as a large community system. For this reason this office would not be in support of this subdivision proposal.</i></p> <p><i>The Ministry has proposed a minimum lot size of one hectare as sustainable in the long term when needing to be independent for onsite water and sewer servicing. Interior Health supports and recommends this minimum parcel size."</i></p>
<b>Building Services</b>	No comments received.

<b>Fortis BC</b>	No comments received.
<b>Balfour Harrop Fire Department</b>	<p><i>“From a fire point of view the driveway to the second house poses a huge issue for response, long narrow lots with one driveway serving two parcels is a concern. This will be the choke point for all apparatus arriving and departing the addresses.</i></p> <p><i>The subdivision should take into consideration a full access along the property line that has a driveway of no less than 12’ wide made from solid base material, tolerance for drainage including solid compaction, preferably asphalt.</i></p> <p><i>With this in mind the distance to supply water to an engine could be upwards of three to four hundred feet. More clarity on the driveway and access to the second property needs to be addressed.”</i></p>

**Notes:** The concerns raised in the Fire Department’s referral response are now being reviewed in the context of the RDCK’s notice of requirements and subdivision referral response, recognizing that this DP is related to regulating development activities in watercourses and their riparian areas. The applicant is also requesting that the General Manager of Development Services consider whether receipt of the \$725 landscape security in cash would be satisfactory.

Respectfully submitted,

*“Submitted electronically”*  
 Stephanie Johnson,  
 Planner

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

**ATTACHMENT:**  
 Attachment A – Development Permit