



REGIONAL DISTRICT OF CENTRAL KOOTENAY

Memo to General Manger of Development Services

Date of Memo: May 13, 2022
Author: Stephanie Johnson, Planner
Subject: DEVELOPMENT PERMIT (DP2203G – Bruce&Charlebois)
File: 09/4260/20/2021/DP2203G-05573.002-Bruce&Charlebois-DP000126

Owner	Corey Bruce, Kirsten Charelbois and Michael Charlebois
Civic Address	222 Whiteline Road, Electoral Area 'G'
Legal Description	THAT PART OF SUBLLOT 50 LYING SOUTH OF THE HIGHWAY SHOWN ON PLAN R160 NORTH OF THE RIGHT OF WAY OF THE NELSON AND FORT SHEPPARD RAILWAY AND EAST OF THE EASTERLY BOUNDARIES OF SUBLOTS 53 AND 57 DISTRICT LOT 1237 KOOTENAY DISTRICT PLAN X-70 EXCEPT PART INCLUDED IN PLAN 6597
PID	015-196-496
Lot Size	7.12 hectares (ha)

PROPOSAL:
<p>This development proposal is for a two lot subdivision proposal to separate the existing residence (proposed Lot A – 0.73 ha) and to create a new building lot on the remainder. At this subdivision stage, no further development is proposed. The RDCK's 'Notice of Requirements' for this subdivision (#S2127G) outlines: that a Watercourse Development Permit Area (WDPA) applies within 30 metres (m) of the high water mark of a watercourse for Erie Creek. Activities within this area, including subdivision proposing a lot less than 1.0 ha in size, require Development Permit approval.</p> <p>Under the <i>Electoral Area 'G' Land Use Bylaw No. 2452, 2018</i>, 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.</p>

Electoral Area	G
Development Permit Area	Watercourse

Guidelines	Meets?	Comments
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 Consultants Ltd., dated February 17, 2022.
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 30 m for Erie Creek. The Environmental Assessment provided by Masse Environmental Consultants Ltd. 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	At the subdivision stage, the floodplain setback and floodplain construction level (FCL) regulations under <i>Floodplain Management Bylaw No. 2080, 2009</i> for D2203G are met. The subject property falls within an area identified as having 'high' archaeological potential (Study: Arrow (ID: 84), 1996). A site specific floodplain exemption application may also be required when development occurs.

Zoning	N/A
OCP	Country Residential (RC)
ALR	N/A
Floodplain	Watercourse setback (Erie Creek) 30 m and FCL 3 m
NSFEA	Additional scour and erosion protection would be required for new buildings and structures within the Erie Creek NSFEA (Rating 2 S).
Geohazard	N/A

Archeology Sites	The subject property falls within an area identified as having 'high' archaeological potential (Study: Arrow (ID: 84), 1996).
Within RDCK Water System	No
Relevant Covenants and Reports	N/A
Review Title for Miscellaneous Charges	There is a statutory right-of-way registered on Title that may affect developable areas on the property (see CA8390918), however, does not impact the watercourse development permit.

REFERRAL COMMENTS:	
Ministry of Forests, Lands & Natural Resources (FLNRORD)	<i>"The Ministry FLNRORD's interests are unaffected."</i>
Ministry of Transportation and Infrastructure (MOTI)	<p><i>"The proposal is related to an in-stream subdivision application, which would create 2 lots. As no new development is proposed, and each proposed lot has existing residences served by Whiteline Road, the MOTI does not have concerns with the proposed WDP.</i></p> <p><i>As part of the subdivision approval process, a LTA, Section 219 covenant will be required to accompany the final documents establishing a 30m setback / 3m FCL from Erie Creek".</i></p>
Interior Health Authority	<i>"An initial review has been completed and no health impacts associated with this proposal have been identified. As such, <u>our interests are unaffected by this proposal</u>. Please note that this response does not automatically confer Interior Health support for a future subdivision. Additional information will be required at the subdivision stage in order for Interior Health to meaningfully comment on the sewerage servicing capability of the land and long-term sustainability".</i>
Building Services	<i>"No building comments in reference to this [WDP application]"</i> .
Fortis BC	<p><i>"There are no immediate concerns or requests for additional land rights, however there may be additional land rights requested stemming from changes to the existing FortisBC Electric (FBC(E)) services, if required.</i></p> <p><i>Operational & Design Comments:</i></p> <ul style="list-style-type: none"> <i>• There are FortisBC Inc. (Electric) ("FBC(E)") primary distribution and transmission facilities along Highway 3 within the boundary of the proposed lots. Further</i>

	<p><i>extension work may be required depending on future building site locations.</i></p> <ul style="list-style-type: none"> • <i>All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant.</i> • <i>The applicant and/or property owner are responsible for maintaining safe limits of approach around all existing electrical facilities within and outside the property boundaries.</i> • <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><i>Otherwise, FBC(E) has no concerns with this circulation”.</i></p>
<p>Ministry of Forests (MoF) Resource Management – Kootenay Boundary Region</p>	<p><i>“This subdivision project should not create significant adverse environmental impacts if the proponent follows Section 34 of the Wildlife Act regarding tree removal and implements measures to prevent introduction and/or reduce the spread of invasive plants on site.</i></p> <p><i>However, as the application states the intention of the subdivision is to create a new building lot, an additional environmental assessment should be conducted by a qualified professional in the spring or summer season in order to increase the likelihood of detecting potential species at risk and nest tree occupation. It is important to avoid any development activities within a 30 m setback from any riparian areas, the removal of wildlife features such as potential nest trees, and the spread of existing invasives as well as the establishment of new invasive species”.</i></p>

Notes: As this two lot subdivision proposal and concurrent WDP application does not propose any construction at this stage, Planning staff are comfortable with the WDP guidelines being satisfied. Should any future development occur within the WDPA a site specific development permit application and QEP assessment would be required. As no development is proposed, and or revegetation a security deposit is not required.

Respectfully submitted,

“Submitted electronically”

Stephanie Johnson,
Planner

CONCURRENCE **Initials:**

Planning Manager
General Manager of Development Services

ATTACHMENT:
Attachment A – Development Permit