



# Development Permit

DP2301H (Joines & Jobin)

Date: May 03, 2023

Issued pursuant to Section 490 and 491 of the *Local Government Act*

1. This Development Permit is issued to Kimberly Joines and Ormond Jobin of Rosebery, BC as the registered owners (hereinafter called the "Permittee") and shall only apply to those lands within the Regional District of Central Kootenay, in the Province of British Columbia legally described as LOT 9 DISTRICT LOT 298 KOOTENAY DISTRICT PLAN 10379 (PID 012-938-891) as shown on the attached Schedules 1 and 2, forming part of this Permit, referred to hereafter as the "said lands".
2. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District of Central Kootenay applicable thereto, except as specifically varied or supplemented by this Permit.
3. This Development Permit shall not have the effect of varying the use or density of land as specified in the applicable Zoning Bylaw of the Regional District of Central Kootenay, nor a Floodplain Specification under Section 524 of the Local Government Act.
4. The said lands have been designated Country Residential (R2) and are located within a Development Permit Area pursuant to the Electoral Area H Official Community Plan Bylaw No. 1967 as amended.
5. The Permittee has applied to the Regional District of Central Kootenay for a Watercourse Development Permit in order to construct a dwelling and to use land and buildings situated on the said lands for this purpose. Pursuant to this Development Permit and subject to the terms and conditions herein contained, as well as all other applicable Regional District Bylaws, the Regional District of Central Kootenay hereby authorizes the use of the said lands for this purpose.
6. The Permittee is required to obtain approval in writing from the Regional District of Central Kootenay prior to the construction any new buildings, external additions to existing buildings or for any deviation from the development authorized under Section 5 and Schedule 2 of this Development Permit. Furthermore, the Permittee is hereby advised of the following requirements:
  - 6.1 The Regional District of Central Kootenay Building Department requires that the Permittee obtain a demolition permit and/or building permit prior to the removal of any existing buildings and structures, the renovation, expansion or alteration of any existing building and the construction of any new building.
  - 6.2 A building permit shall be required prior to any construction involving land in this location at which time the Permittee shall be required to address sewage disposal issues to the satisfaction of the Interior Health Authority and Regional District of Central Kootenay Senior Building Official.
  - 6.3 Development is authorized in accordance with "Small Scale Site Plan for WDP" prepared by KJ, dated 2023-02-18.

6.4 Development is authorized in accordance with the terms described in the report titled "*Riparian Assessment, House Construction in Rosebery, BC, Lot 9, Derosa Drive, Rosebery British Columbia*" prepared by Galena Environmental LTD and dated April 19, 2023 attached to this permit as Schedule 3. Compliance with all recommendations is required. Recommendations can be categorized as follows:

- 6.4.1 A pre-construction environmental assessment will be conducted by the QEP to in case any of the snail, slug or bumble bee are onsite.
- 6.4.2 There will be no encroachment into the SPEA. The house will be located at an angle with respect to the SPEA boundary with the north-west corner of the front deck being the closest to the SPEA (0.47m).
- 6.4.3 To prevent impacts on the SPEA and to allow sufficient work space during house construction, the deck will be built when construction is completed and without the use of equipment that could encroach on the SPEA.
- 6.4.4 If runoff occurs during construction, the water will be redirected away from the SPEA via channels into the forest floor or into a settling pond. A silt fence will be erected along the SPEA boundary line to prevent equipment and debris from entering the protected zone.
- 6.4.5 After construction is completed, channels will be dug and drainage pipes installed to direct storm water streaming off the structure towards natural hydrology pathways and away from the SPEA. Storm water structures (i.e., pipes, channels, etc.) will also be maintained and cleaned on a yearly basis.
- 6.4.6 General measures for sediment and erosion control, which may be employed as required during construction, are as follows: Temporary material stockpiles will be placed as far as is practical from drainage channels; Sediment control features may include silt fences, and straw bales; Sediment and erosion control features will be functional at all times and maintained and monitored regularly until a stable condition is achieved; and Inspection of sediment control structures will be conducted after any significant rainfall occurs and any damaged devices repaired immediately.
- 6.4.7 General equipment operations and movement mitigation measures will be incorporated into all activities, for the duration of the construction activities. Construction will adhere to the Best Management Practices (BMPs) as follows: The equipment will access the construction site from the driveway and will not encroach on the SPEA; The equipment will be regularly maintained and inspected. If problems are identified, the equipment will be shut down and repaired to prevent release of hydrocarbons into the environment; If required, the staging/storage area will be located near DeRosa Drive and the driveway; Any disturbance to the riparian area resulting from the operations of machinery will be restored prior to machinery leaving the site (i.e. rutting, soil compaction, etc.); and The equipment will be equipped with a spill kit.
- 6.4.8 Excavation, backfilling and grading in the riparian area shall be done in a manner that minimizes erosion and sedimentation transport into the lake. All earthwork activities shall adhere to relevant regulatory requirements. Other specific

measures to be undertaken to minimize potential effects on aquatic habitat and resources are as follows: Excavated materials will only be stored east and north-east of the construction site; Temporary exposed soils will be immediately covered with a polyethylene sheet to prevent erosion and soil transport into the lake during rainy events; Excess soil and material temporarily stored onsite will be removed as soon as possible and disposed of inland and outside the riparian area; Excavation, backfilling and grading shall be done in a manner that minimizes potential for runoff; and Retain, where possible, all native vegetation

- 6.4.9 The Project will adhere, but not be limited to, the waste Best Management Practices below: Food waste and domestic garbage from the construction site will be collected, stored and disposed of in a timely manner in order to reduce potential human/wildlife encounters; and In the event of a spill, contaminated soil will be temporarily disposed of onsite in plastic bins equipped with a lid.
- 6.4.10 The following Best Management Practices associated with fuel and hydrocarbon products will apply: No large quantities of petroleum products, such as tidy tanks or refueling systems, will be allowed within the riparian area; Any chemicals and or petroleum products should be stored in a weather-resistant shelter with appropriate containment measures if possible; Store any waste fuel or used sorbent materials securely in a spill-proof container and discard at an approved facility when removed from site; Fuel containers will be kept outside the riparian area sitting in a spill tray; No petroleum products, other than those contained within the machinery, will be allowed on the riparian area; and Where possible, all mechanical emergency repair activities should be undertaken in a predefined area. The area is to be located away from the riparian area. In the event that repairs have to be undertaken within the riparian area, spillage and drainage of materials into the foreshore must be prevented.
- 6.4.11 The following mitigation measures will be implemented to prevent the spread of invasive plant species within the riparian area and the SPEA: Equipment will be cleaned prior to entering the site; Vegetation clearing and soil disturbance should be kept to a minimum; After construction, the Owners should monitor the property for the establishment of invasive species. If invasive species are found, the Owners should remove the plants by hand and dispose of them; and Exposed soils will be reduced to a minimum during construction;
- 6.4.12 To prevent and control spills or unplanned releases of hazardous substances the Best Management Practices below will be implemented: Spill trays or sorbent pads will be used for capturing drips when transferring liquids between containers; Project will ensure adequate and appropriate spill response materials and equipment available for use relative to the scope of work; Fueling of equipment should be conducted outside the riparian area at a pre-designated location; Any soil contaminated by small leaks of fuel, oil or grease from equipment (including hydraulic hose ruptures and loss of fluid) shall be disposed of as per policies and guidelines and at an approved contaminated soil disposal facility; Containment trays will be used for stationary fuel storage remaining onsite; and All workers will understand and follow the 6 Basic Steps of Spill Response as outlined in the report.

- 6.4.13 A pre-construction wildlife sweep will be conducted onsite a day or two prior to the start of equipment mobilization. Since the project will occur during the migratory bird sensitive breeding window (April 15 to August 30), an active nest sweep will also be conducted. If a species at risk or an active nest are encountered within the project footprint, the QEP will propose mitigations to allow construction to occur within an active feature nearby. If there is no potential for mitigations (i.e., active nest located on the future house location, etc.), construction activities will be postponed until fledging occurs.
- 6.4.14 The monitoring schedule for the development will include a site visit by the QEP a day prior to construction start to assess the site for the presence/absence of species at risk and nesting birds. The QEP will also ensure there are no construction impacts to the riparian area and that the measures to protect the SPEA are implemented and maintained. The QEP will inform workers of the implementation of the Best Management Practices listed in this report. It will be the responsibility of the clients to notify the QEP prior to commencement of the construction activities.
7. The said lands shall be developed strictly in accordance with the terms and conditions of this Development Permit and the requirements of all applicable Regional District Bylaws as well as any plans and specifications which may, from time to time, be attached to this Permit shall form a part thereof.
8. In accordance with the Local Government Act, if the development authorized by this Development Permit is not commenced within two years of the date of this Permit, this Permit shall lapse.
9. In accordance with the Local Government Act, 'Notice' shall be filed in the Land Title Office that the said lands are subject to this Development Permit.
10. The terms of this Development Permit including subsequent amendments, are binding on all persons who acquire an interest in the said lands associated with this Permit.
11. It is understood and agreed that the Regional District has made no representations, covenants, warranties, guarantees, promises, or agreement (verbal or otherwise) with the Permittee other than those in this Development Permit. It is solely the responsibility of the Permittee to ensure that the requirements of all other applicable government agencies are satisfied.
12. This Development Permit does not constitute a building permit.
13. This Development Permit shall come into force and effect 14 days after the date of issuance unless a Waiver of Appeal is received from the Permittee at which time the Development Permit shall be deemed to be issued upon receipt of the Waiver of Appeal. OR If a Notice of Appeal is received the Development Permit shall be suspended until such time as the Board of the Regional District of Central Kootenay has decided the Appeal.

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Sangita Sudan, General Manager of Development and Community Sustainability Services

May 8, 2023

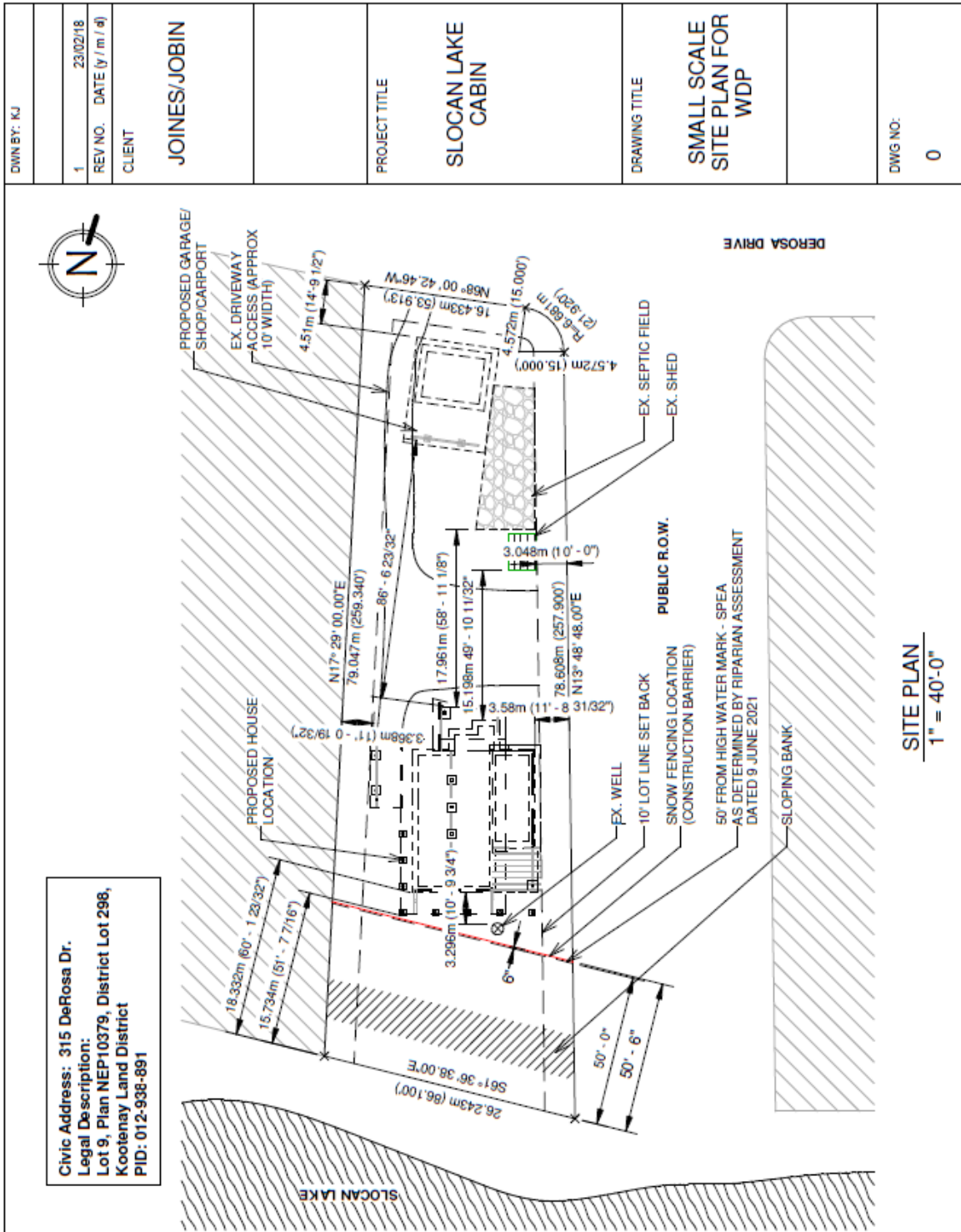
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Date of Approval

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Date of Issuance

Schedule 1: Subject Property



Schedule 2: Site Plan "Small Scale Site Plan for WDP" prepared by KJ, dated 2023-02-18.



**Schedule 3: “Riparian Assessment, House Construction in Rosebery, BC Lot 9 DeRosa Drive, Rosebery British Columbia” prepared by Galena Environmental Ltd, dated April 19<sup>th</sup>, 2023.**