



REGIONAL DISTRICT OF CENTRAL KOOTENAY

Memo to General Manger of Development Services

Date of Memo: November 3, 2020
Author: Dana Hawkins Planner
Subject: DEVELOPMENT PERMIT (DP1913D – Ramirez)
File: 09/4260/20/2019/DP1913D-05760.000-Ramirez-DP000097

Owner	Anoldo Antonio Ramirez Mora and Maria Del Pilar Ramirez-Portela
Civic Address	5336 Amundsen Road
Legal Description	Lot 4 District Lot 7386 Kootenay District Plan 10684
PID	011-805-391
Lot Size	0.7 acres (2869 m ²)

PROPOSAL:

Construction of a single-family dwelling built on the original, pre-existing foundation has occurred adjacent to the Watercourse Development Permit Area (WDPA) measured 30 m from the natural boundary of Kootenay Lake. Tree cutting, vegetation removal and earthworks have occurred within the WPDA as a result of construction on the home, installation of utilities, and construction of a gravel path down to the lake. These works triggered the requirement for a development permit.

The applicant has applied for a WDPA to permit related construction works for the single family dwelling, construction of a gravel pathway from the house to the east property edge with circular gravel pad, and vegetation clearing and land works for the installation of electrical utilities and a water line. The proposed works include remediation works to the disturbed WDPA including narrowing of the path, reducing the size of the gravel pad and replanting.

Electoral Area	D
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	Yes	Assessed by Jessica Lowey, MSc, PAg Michael Keefer, MSc, PAg Virginia Hermanson, MSC 11/2/2020

Provincial and/or Federal governments as used elsewhere in the Province		
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	Original report provided 09/11/2020. RDCK staff requested revisions to meet terms of reference and include remediation/ communication plan. Version 2 provided 02/11/2020. Staff confirm it meets TOR. The QEP identifies a SPEA of 10 m but recommends remediation throughout the 30 m WDPA.
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	Floodplain Management Bylaw and Building Bylaw met. WDP is a condition of BP025639.

Zoning	n/a
OCP	Country Residential (RC)
ALR	n/a
Floodplain	Kootenay Lake setback 15 m; FCL 536.5 m
NSFEA	n/a
Geohazard	n/a
Archeology Sites	None identified in RAAD database
Within RDCK Water System	No
Relevant Covenants and Reports	QEP Report provided
Review Title for Miscellaneous Charges	Easements and Right of Way registered to title

KOOTENAY LAKE SHORELINE INVENTORY:	
Aquatic Habitat Index Rating	Moderate
Erosion	Choose an item.
Vegetation	Emergent Vegetation (EV)
Site Sensitivity	Aquatic (A)

Enhanced Engagement	No
Critical White Sturgeon Habitat	No
Archeological Values	Yellow Zone (Y)

REFERRAL COMMENTS:	
<p>September 29, 2020 - Ministry of Forests, Lands & Natural Resources</p> <p>Kristen Murphy Habitat Biologist Resource Management</p>	<p>The Ministry of Forests, Lands, Natural Resource Operations & Rural Development – Habitat Division - reviewed this development permit referral on September 23, 2020. As this work was completed without proper permitting in place, it is recommended that the applicant has a planting and restoration plan completed and installed along the lower component of the shoreline to mitigation removal of riparian overstory trees.</p>
<p>October 13, 2020 – Interior Health Authority</p> <p>Selena Russell Specialist Environmental Health Officer Healthy Built Environment</p>	<p>Thank you for the opportunity to provide comments on the above referenced Development Permit Application from the viewpoint of our policies and regulations governing onsite sewerage dispersal systems and water supply. It is my understanding that the applicant is currently renovating a single family home located on a steep bank adjacent to Kootenay Lake. This property has an onsite sewerage system and a lake intake for private drinking water.</p> <p>Our internal records indicate that the applicant has engaged an Authorized Person (AP) regarding the onsite sewerage dispersal system as per the BC Sewerage System Regulation (pursuant to the BC Public Health Act). A Record of Sewerage System has been filed by the AP; however we have not yet received the Letter of Certification which is due to be submitted once the sewerage system has been constructed.</p> <p>A review of the submitted information has been completed and no concerns were identified. As such, our office has no objection to the Development Permit Application.</p>

SUMMARY:
<p>Staff recommend approval of the WDPA with permit conditions to mitigate any further harm and to require remediation activities as described by the QEP report. A quote shall be provided so security can be taken to ensure the works.</p>

Respectfully submitted,



Dana Hawkins. MCIP, RPP

CONCURRENCE

Initials:

Planning Manager
General Manager of Development Services

ATTACHMENTS:

Attachment A – Draft Development Permit