

# Development Permit Application

## DP-21-06

### 7174 Fintry Delta Rd

Regional Board Meeting  
June 28, 2021

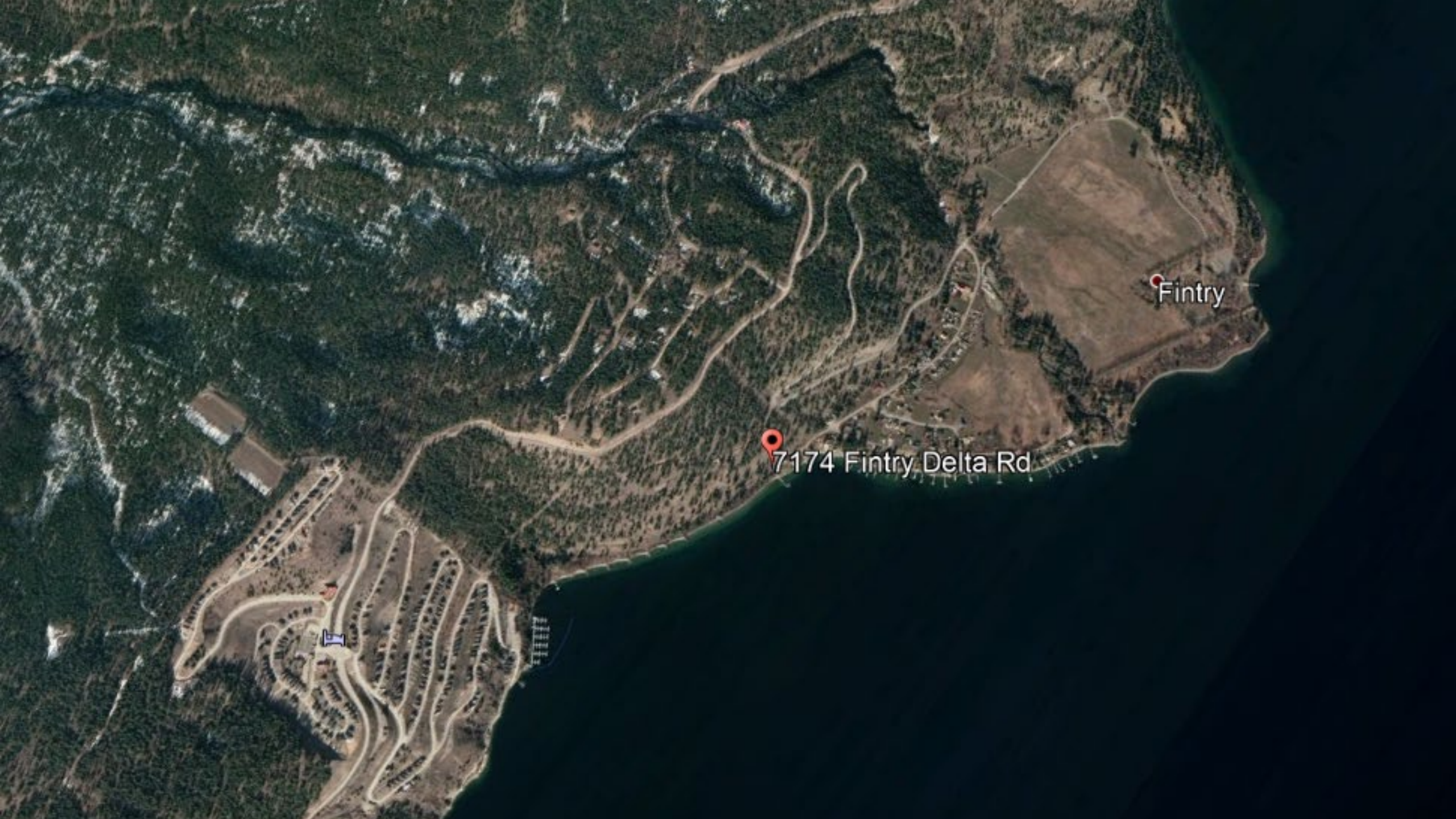
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1450 K.L.O. Road  
Kelowna, BC, V1W 3Z4  
rdco.com



# Purpose

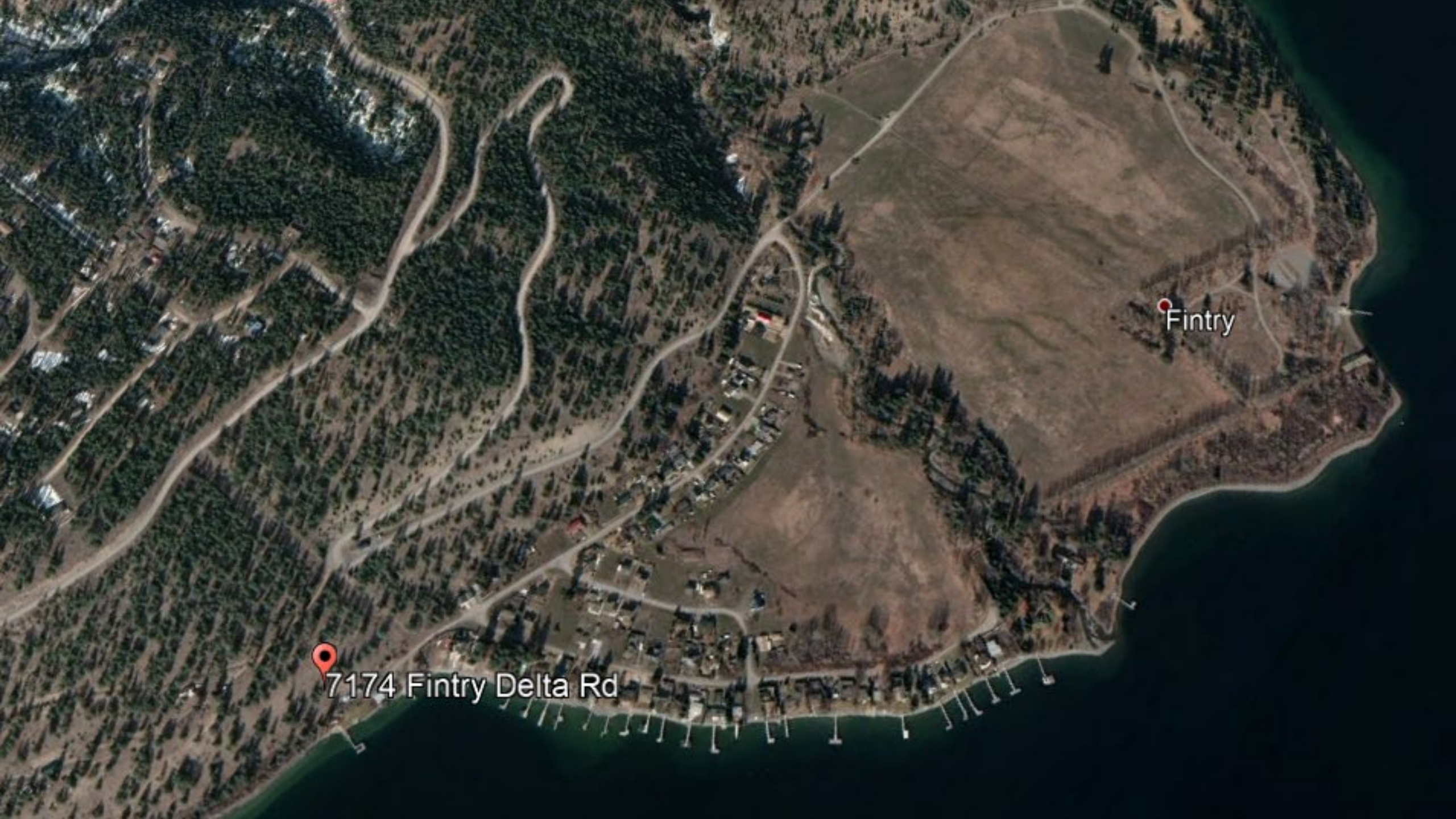
- To consider a Development Permit for the relocation of an unauthorized accessory structure placed within the required floodplain setback of Okanagan Lake as well as habitat restoration.



Fintry

7174 Fintry Delta Rd

F



7174 Fintry Delta Rd

Fintry

FINTRY  
PROTECTED  
AREA

FINTRY PARK

Shoys Creek

©kanagan



FINTRY PARK

Fintry Delta Rd

part of 656

Fintry Delta Rd

437 431 425  
7205 89 15  
pl 15329

7200

Westside Rd

pl 56666

7174

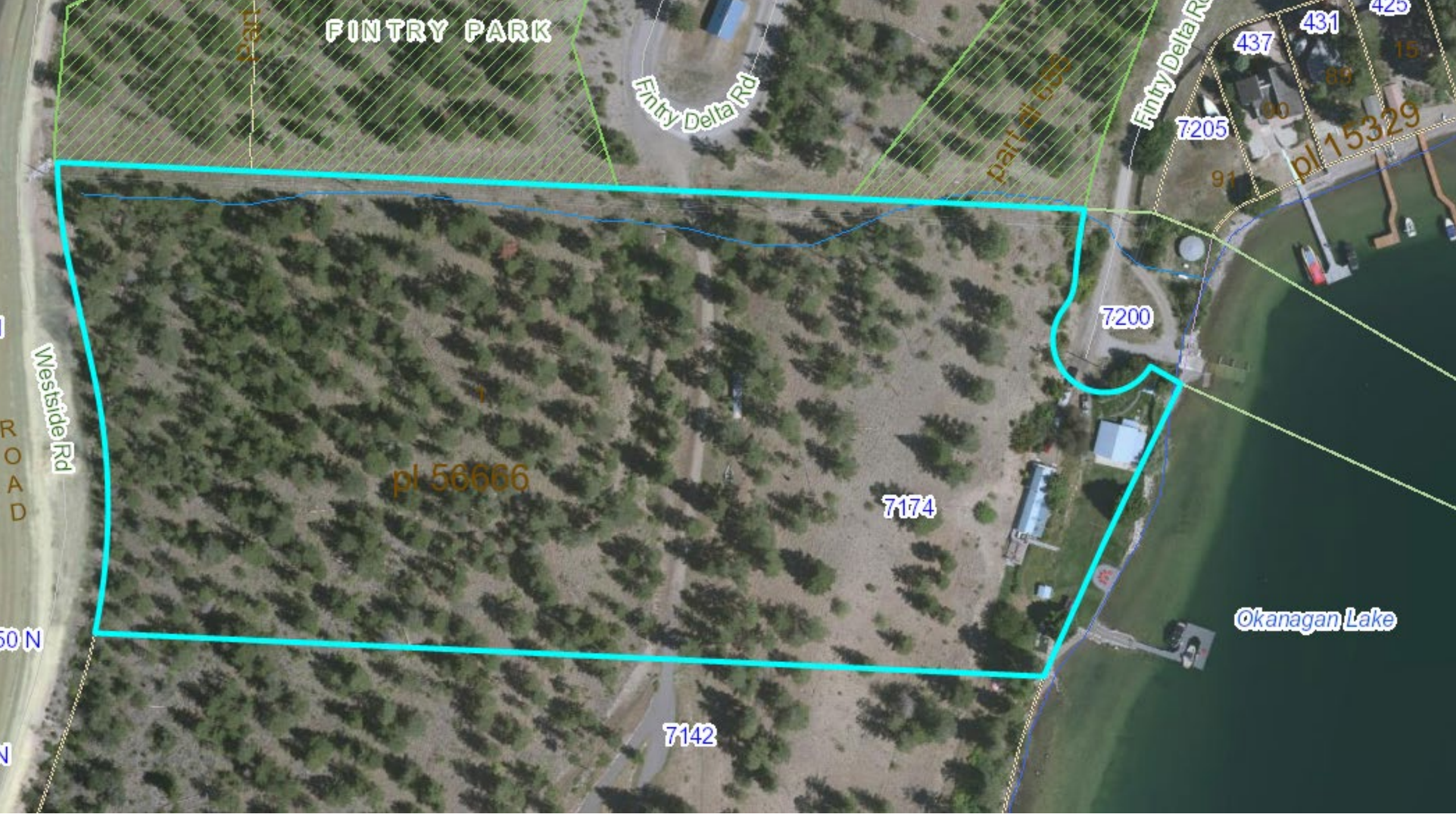
Okanagan Lake

7142

ROAD

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N





# Application Process

June 2020

Complaints received



Stop Work Order & Bylaw Offence Notices issued



March 17, 2021

Development Permit application submitted



RDCO staff review & referral



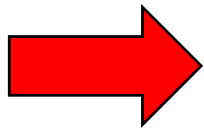
June 3, 2021

Environmental Advisory Commission review



June 28, 2021

Regional Board consideration





# Background

- Previously developed.
- Dwelling, garage, outbuildings.
- Unauthorized accessory structure.
- Historic placement of fill along the foreshore of Okanagan Lake.



# Proposal

- Remove unauthorized structure, excluding the stairs.
- Relocate structure outside of the floodplain setbacks, size of structure will be reduced.
- Restore riparian area.





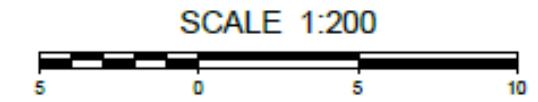


09.19.2016



# SKETCH PLAN SHOWING PROPOSED LOCATION OF SAUNA BUILDING ON LOT 1 DISTRICT LOT 3842 OSOYOOS DIVISION YALE DISTRICT PLAN KAP56666

REGIONAL DISTRICT OF CENTRAL OKANAGAN  
 CIVIC ADDRESS: 7174 FINTRY DELTA ROAD  
 PID: 023-393-971



ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.  
 THE INTENDED PLOT SIZE OF THIS PLAN IS 432mm IN WIDTH BY 280mm IN HEIGHT (B SIZE) WHEN PLOTTED AT A SCALE OF 1:200

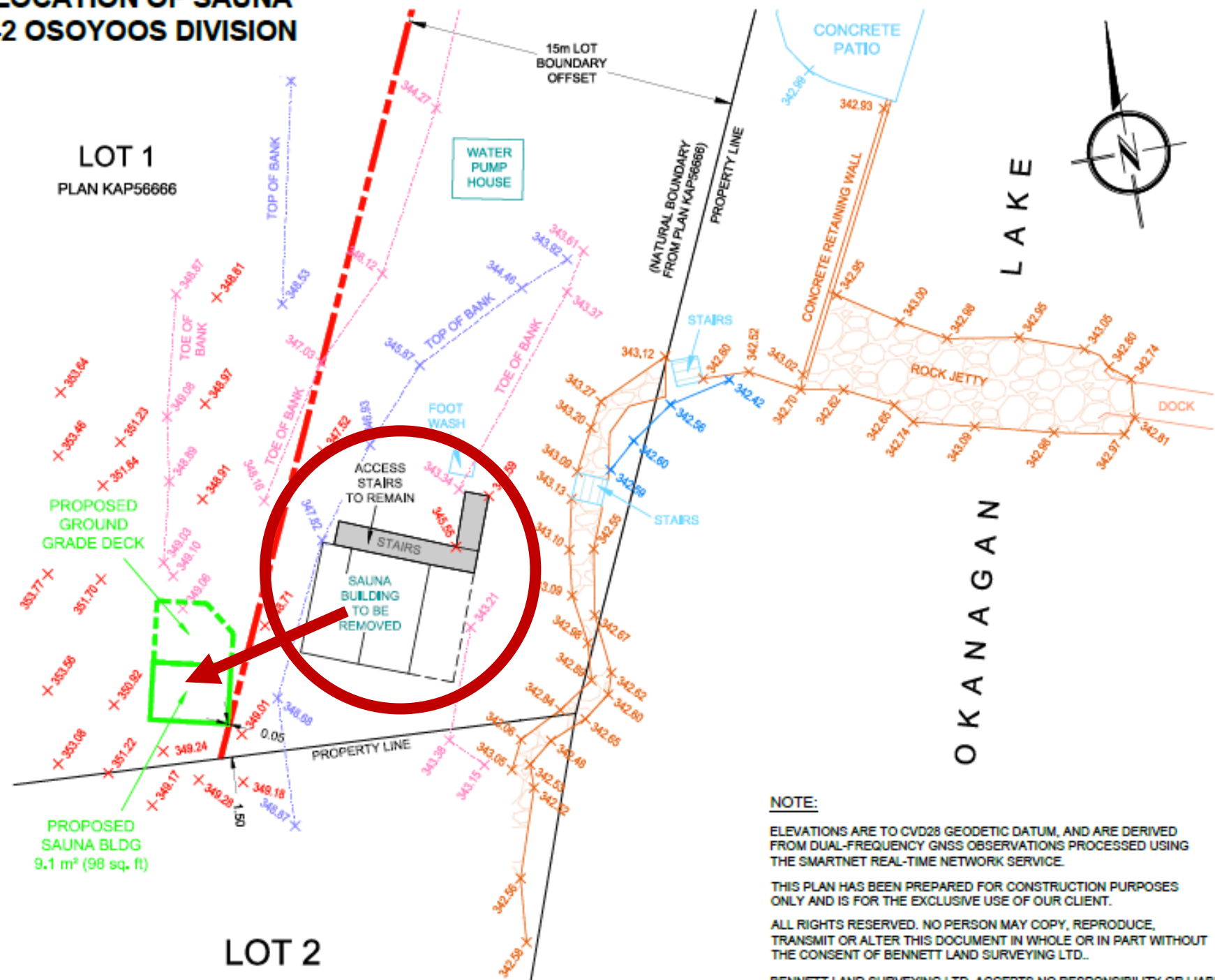
ZONING: RU2

- CHARGES / INTERESTS ON TITLE THAT MAY IMPACT THE LOCATION OF IMPROVEMENTS:
- V30906 - EASEMENT
  - V30907 - EASEMENT
  - V30909 - EASEMENT
  - V30916 - EASEMENT
  - V30921 - EASEMENT
  - W27236 - STATUTORY RIGHT OF WAY
  - KC34072 - COVENANT
  - KF24108 - STATUTORY RIGHT OF WAY
  - KK26451 - COVENANT
  - KK26452 - COVENANT

PROPERTY DIMENSIONS SHOWN ARE DERIVED FROM: FIELD SURVEY  
 OFFSETS TO PROPERTY LINES ARE NOT TO BE USED TO DEFINE BOUNDARIES.  
 REFER TO CURRENT CERTIFICATE(S) OF TITLE FOR ADDITIONAL, EXISTING OR PENDING CHARGES.  
 THIS PLAN SHOWS THE LOCATION OF VISIBLE FEATURES ONLY, AND DOES NOT INDICATE BURIED SERVICES THAT MAY EXIST ON OR AROUND THE SUBJECT SITE.  
 FEATURES SHOWN WITHOUT DIMENSIONS SHOULD BE CONFIRMED WITH BENNETT LAND SURVEYING LTD.  
 BUILDING LOCATION BASED ON SURVEY TIES TO VISIBLE EXTERIOR SURFACES UNLESS OTHERWISE NOTED.

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 LAND SURVEYING LTD.  
 BC LAND SURVEYORS  
 #201 - 1470 ST. PAUL STREET,  
 KELOWNNA, BC

LOT 1  
 PLAN KAP56666



LOT 2

**NOTE:**  
 ELEVATIONS ARE TO CVD28 GEODETIC DATUM, AND ARE DERIVED FROM DUAL-FREQUENCY GNSS OBSERVATIONS PROCESSED USING THE SMARTNET REAL-TIME NETWORK SERVICE.  
 THIS PLAN HAS BEEN PREPARED FOR CONSTRUCTION PURPOSES ONLY AND IS FOR THE EXCLUSIVE USE OF OUR CLIENT.  
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# Environmental Report

- Foreshore areas have high environmental sensitivity.
- Disturbed areas along the foreshore will be restored.
- Relocation site avoids disturbance of native vegetation.
- Proposal considered low impact.
- Security bonding = \$2,852.00

# Regional Board Strategic Priorities

- The Regional Board has identified and prioritized protection of the environment through various regional plans and actions:
  - Prioritizing a reduction in new construction in higher risk floodplain areas
  - Supporting efforts to reduce our environmental footprint and adapt to climate change

# Rural Westside OCP

- **Natural Environment Policy:**

- Provide and protect vegetated leave areas to water courses, control soil erosion and sediment in run-off water, control the rates of run-off to minimize impacts on the lake, prevent the discharge of deleterious substances into the lake

- **Aquatic Ecosystem Development Permit Guidelines:**

- A leavestrip for the protection and restoration of the riparian ecosystem is to remain undisturbed near watercourses
- The intention is that the leavestrip will be untouched by development and left in its natural condition, or, if damaged by previous use or construction, the ecosystem restored or enhanced

# Inspections Services

- Building (demolition) permit required.

# Parks Services

- Parks Services operates the Fintry Access #1 as a community park and boat launch at 7200 Fintry Delta Road.
- The Owner and their contractors shall ensure they do not block the access into and out of the park and boat launch with equipment and vehicles during the construction works.



# Environmental Advisory Commission:

Recommend the application be conditionally supported



# Environmental Advisory Commission:

- Additional plantings be incorporated into the restoration plan where the sauna and structures are removed.
- Removal of the artificial turf lawn and restoration of the area with native plant species.
- Removal of the wooden walkway past the foot wash station and restoration of the area with native plant species.
- Removal of the concrete slab stairs along the foreshore of Okanagan Lake and replace with rocks or other suitable native plant species.

# Lands Branch (MoF)

- Works below PNB may require Section 11 approvals.
- Unauthorized fill and rock groyne on the foreshore.
- Possible Crown land encroachments.

# Archaeology Branch (MoF)

- No known archaeological sites recorded.
- High potential for archaeological sites to exist.
- If archaeological material is encountered during development, they must stop all activities immediately and contact the Provincial Archaeology Branch for direction.

# Procedures Bylaw:

Delegates the Director of Community to issue development permits only under the conditions noted below:

- Meets the DP guidelines for protection of the natural environment or protection of development from hazardous conditions;
- Must address the requirements of affected Provincial and/or Federal agencies;
- Must address recommendations of RDCO staff and committees.

# Summary:

- Application for a DP to rectify non-compliance.
- New construction in a high risk floodplain area to be removed.
- Riparian area restored.
- Proposal meets OCP policies or DP Guidelines.

## Recommendation:

**THAT** the Regional Board conditionally approve Development Permit application DP-21-06 for applicant Narasak Holdings Ltd. & K. Souter located at Lot 1, District Lot 3842, ODYD, Plan KAP56666.

**AND THAT** the Permit be subject to the following conditions specified in 'Schedule A'



# Schedule 'A' Conditions

## Adherence to Development Plans:

- No further or variance in construction of, addition to or alteration of a building or structure; or alteration or clearing of land is to occur within the Development Permit Areas as outlined in the Rural Westside Official Community Plan Bylaw No. 1274 without prior notification and approval by RDCO; other than that recognized and approved in this Development Permit.
- No further buildings, structures or improvements of any kind shall be constructed nor located within the 15m setback from the High Water Mark of Okanagan Lake. Any works proposed within the 15m setback may require approvals from the Province in accordance with the *Riparian Areas Protection Regulation*. And further, there shall be no removal or disturbance of any soil, vegetation, or trees (with the exception of noxious weeds) from within the 30 m setback area without first obtaining the written consent of the RDCO.
- Further modifications including changes in and about a stream, construction/alteration of retaining walls, groynes, and substrate modification must not occur at any time without further environmental assessment being conducted and appropriate approvals received from the Province in accordance with the *BC Water Sustainability Act* (Section 11).
- Development Permit (DP-21-06) has been issued exclusively for works associated with the relocation of the existing accessory structure, removal of concrete stairs and wooden walkway along the foreshore, removal of artificial turf lawn, as well as associated environmental monitoring and habitat restoration works.



# Schedule 'A' Conditions (con't)

## Professional Reports:

- All construction, mitigation, and restoration activities must be completed as per the March 16, 2021 Environmental Assessment and Habitat Restoration Report prepared by Arsenault Environmental Consulting Ltd.

## Monitoring:

- The land owner shall obtain the services of an Environmental Monitor to ensure the recommendations of the Development Permit are implemented and in accordance with the following schedule and conditions:
  - Pre-construction meeting with the contractor, owner, and Environmental Monitor;
  - Submit monitoring reports to RDCO as indicated by the Environmental Monitor;
  - Prepare a substantial completion report and submit to RDCO upon completion of construction and restoration works indicating substantial completion of the conditions and requirements of the Development Permit have been carried out;
  - In the event that greater disturbance occurs due to unforeseen circumstances, the Environmental Monitor will recommend further measures to protect/restore the natural integrity of the site and report on these measures to the RDCO.

# Schedule 'A' Conditions (con't)

## Security:

- The applicant shall post a letter of credit or bank draft in the amount of \$2,825.00 in order to ensure completion of works and associated remediation landscaping within 1 year of the issuance of the Development Permit. Ninety per cent (90%) of this amount is refundable upon completion of said works and receipt of a substantial completion report signed by a registered professional, and to the satisfaction of Regional District Community Services staff.
- The remainder of the bond shall be held for a minimum of two (2) years (growing seasons) to ensure that the required mitigation has been fully implemented and demonstrated to function (ecologically or as designed). The maintenance bond may be held for longer periods if, throughout the initial 2-year period the persistent failure of the works is documented.

# Schedule 'A' Conditions (con't)

## Further Conditions or Restrictions:

- The landowner/applicant must apply for and receive a building permit to the satisfaction of the RDCO Building Inspection Services.
- The landowner/applicant must apply for and receive the appropriate approvals from the Province of BC in accordance with the *BC Water Sustainability Act* (Section 11).
- The property owner is responsible for complying with the conditions outlined in all covenants and statutory right of ways registered on title.
- The riparian setback area must be surveyed, staked, and clearly delineated to prevent encroachment.
- Prior to any disturbance on site, the contractor is required to install silt fencing around the development footprint adjacent to the foreshore area to provide erosion and sediment control.
- Construction debris and materials must not be stored or deposited within the riparian setback and must be removed from the property on a regular basis.
- A Site Survey / Building Location Certificate is required to be submitted to the RDCO once the structure relocation has been completed.
- Best Management Practices are to be used as a means to protect the riparian area of Okanagan Lake.

# Schedule 'A' Conditions (con't)

## Further Conditions or Restrictions:

- A detailed and formal landscape plan that includes additional plantings in the riparian area must be prepared by a qualified professional and submitted to and approved by the RDCO prior to commencement of any landscape works.
- Should clearing activities be required during the identified avian nesting period (March 31 – August 15), pre-clearing surveys must be conducted by the EM to identify active nests and other critical habitat features. Clearing and other construction activities must be conducted within 72 hours following the completion of the pre-clearing nest surveys. Additional buffers and no-disturbance zones may be required at this time.
- All individuals (e.g., owners, developers, equipment operators, landscapers) involved in land-altering activities must be advised that if archaeological material is encountered during development, they must stop all activities immediately and contact the Provincial Archaeology Branch for direction.
- All individuals (e.g., owners, developers, equipment operators, landscapers) involved in land-altering activities must ensure they do not block access into and out of the Fintry Community Park and boat launch during the construction works.
- In accordance with the RDCO Noxious Weed Control Bylaw No. 179, the owner or occupier of the land shall prevent the infestation of noxious weeds and cut down or otherwise destroy and mulch or remove all noxious weeds and plant with native grasses or other native vegetation.



7230 N

7655

Part rem. dl 2920

7210 N

Fintry Delta Rd

pl 15329

422

418

412

40

Shorts Rd

437

431

425

419

413

part dl 686

7205

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15

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13

pl 15329

91

7180 N

7200

ROAD

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pl 56666

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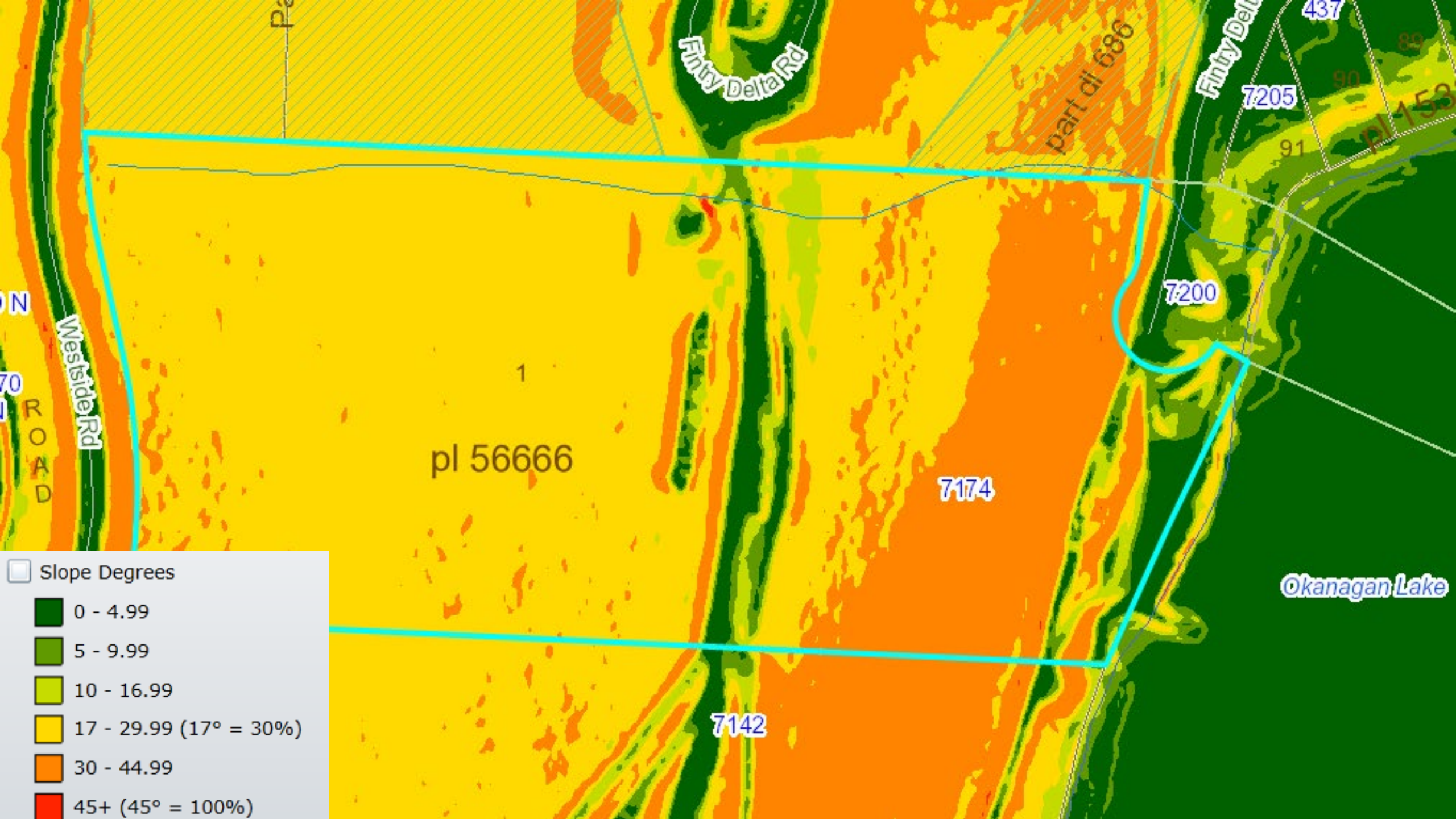
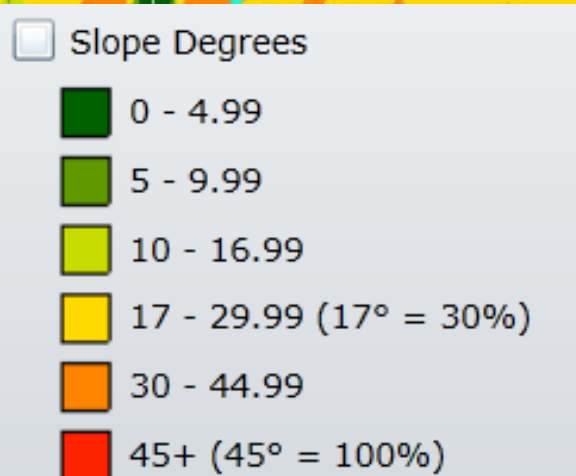
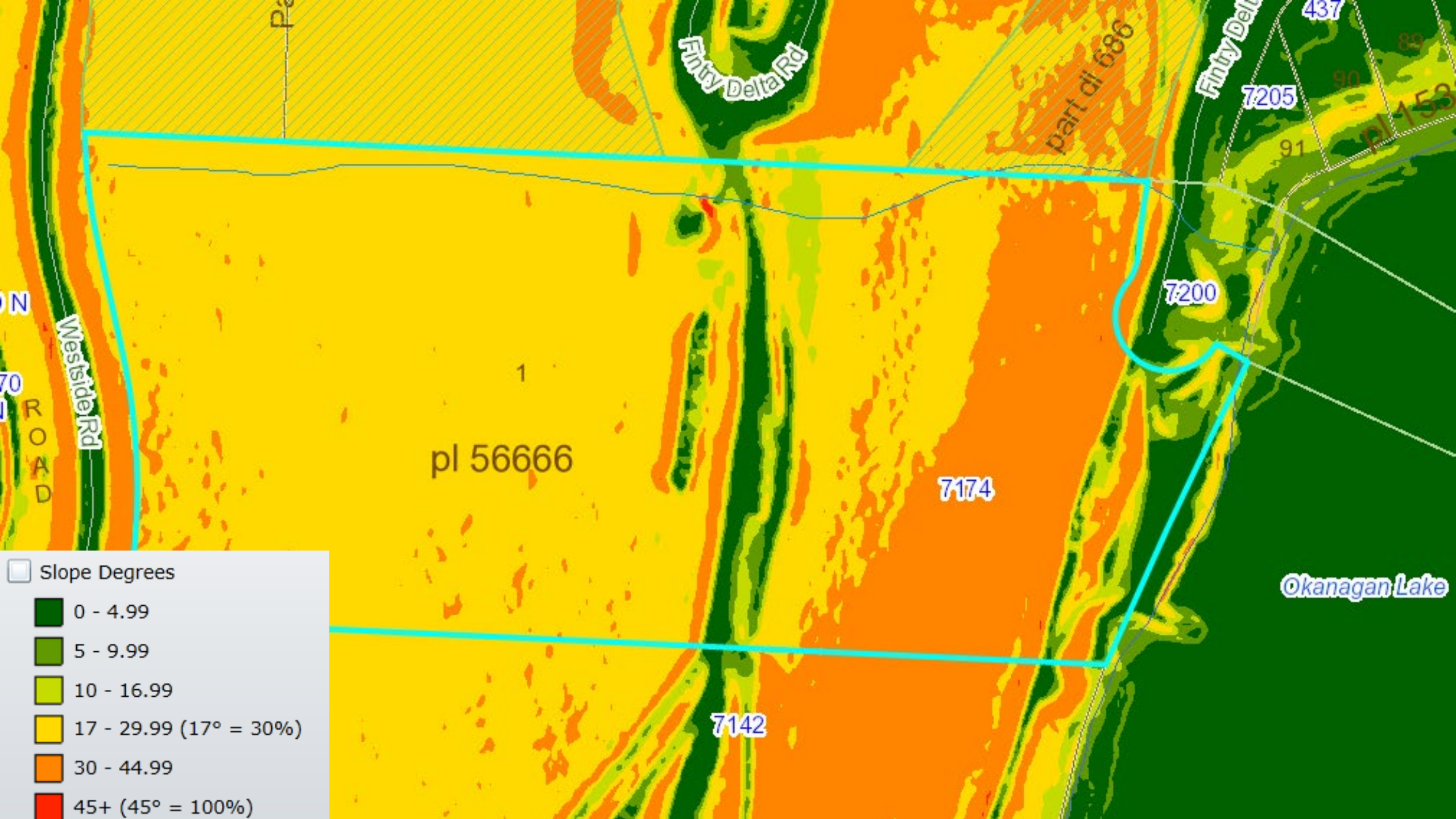
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7150 N

©kanagan Lake

7140 N

7142



# Restoration Plan

Arsenault assumes that 60% of the building footprint will need to be restored, plus the disturbed areas where support structures contacted the ground. The sauna and deck area amounts to about 35 m<sup>2</sup>. This means that approximately 21 m<sup>2</sup> will need to be restored.

A total of 15 plants are proposed to be planted in the footprint of the sauna building. This will provide a planting density of 1.5 m on center. Placement will be determined by a qualified professional. The proposed plant list is provided below. Substitutions must be approved by the qualified professional in consultation with the Client.

Common Name	Scientific Name	Number and (Size)
Blue elderberry	<i>Sambucus cerulea</i>	1 (#2 pot)
Ponderosa pine	<i>Pinus ponderosa</i>	2 (#5 pot)
Douglas maple	<i>Acer glabrum</i>	2 (#5 pot)
Saskatoon berry	<i>Amelanchier alnifolia</i>	3 (#3 pot)
Yarrow	<i>Achillea millefolium</i>	4 (#1 pot)
Oregon grape	<i>Mahonia aquifolium</i>	3 (#2 pot)
Total Number		15

# Alternate Recommendation

In consideration of the Development Permit Application, the Regional Board may approve the Development Permit with Conditions, not approve the Development Permit or defer a decision pending more information or clarification. Should the Board choose not to support the staff position, the following alternate recommendation is provided:

**THAT** Development Permit Application DP-21-06 not be approved.