



REGIONAL BOARD REPORT

Planning and Building Inspection Department

For the Board October 6, 2005

DATE: July 16, 2012 **FILE NO.:** A-05-06748.000/.900/.850

TO: J. Johnson, Chief Administrative Officer

FROM: M. Horton, Planner

RE: Development Permit Application for Regal Ridge Development, Electoral Area 'A'
Owner: 590335 B.C. Ltd.
Legal: Lot A District Lot 2709, SDYD, Plan 28000 Except Plans KAP72623 and KAP75018
Lot B District Lot 2709, SDYD, Plan 28000 Except Plans KAP73996, KAP74901, KAP75649 and KAP77136
Sub Lot 2 District Lot 2709, SDYD, Plan 1188 Except (1) District Lot 2835, SDYD, (2) The north ½ of the north west ¼ section 3, the south ½ of the south west ¼ section 10, the south ½ of the south east ¼ section 9, the north ½ of the north east ¼ section 4 Township 65, SDYD, (3) The north west ¼ of the south east ¼, the north east ¼ of the south west ¼, the west ½ of the north east ¼ and the east ½ of the north west ¼ section 9 and the south west ¼ of the south east ¼ and the south east ¼ of the south west ¼ section 16 Township 65 SDYD, (4) Plans 6557, 10425, 21789, 22126, B4998, B7900, 28000, 39502, H13726, KAP72623, KAP76059, KAP77136 and KAP77363.

Recommended Motion:

THAT the Regional Board approve [development permit #A-05-06748.000/.900/.850](#) for the subject property.

Background:

This application is for a development permit to ensure protection of the natural environment, its ecosystems and biological diversity by regulating critical habitat areas and designated watercourses. This application is in anticipation of future subdivision applications within Environmentally Sensitive Development Permit Areas (ESDPAs).

The Official Community Plan Bylaw that pre-dated the newly adopted Osoyoos Rural Official Community Plan Bylaw 2260, 2004 did not require a development permit application. New subdivisions created within ESDPAs will now be subject to development permit, as per Bylaw 2260, 2004. The attached environmental assessment reports apply to the remainder of the subject property in anticipation of future subdivisions.

The subject property is located within Electoral Area 'A', 15 km east of Osoyoos, and is known as the Regal Ridge Development. The property is approximately 2,350 ha in size with twenty-five percent of it identified as environmentally sensitive. Of this area, 270 ha will be affected by residential subdivision. Since desirable view lots often coincide with environmentally sensitive areas (due to topographic factors and natural features), it is crucial that careful consideration was given to the location of development.

In accordance with Electoral Area 'A' Osoyoos Rural Official Community Plan Bylaw 2260, 2004:

1. 15.2.5, Guidelines, "A development permit is requiredon lands identified as environmentally sensitive within the Environmentally Sensitive Development Permit (ESDPA) area. Where not exempted, development requiring a development permit includes...a. subdivision, and
2. 15.2.5, Guidelines, Regional Board approval of a development permit will depend on the following guidelines:
 - Recommendations of an applicant sanctioned Environmental Impact Assessment Report, or Governmental approval;
 - Incorporation of public use areas and wildlife corridors;
 - Dedication of natural watercourses and leave areas;
 - Utilization of tools to direct development away from environmentally sensitive areas such as bare land strata, comprehensive development zones, density averaging, variances, and voluntary stewardship

Proposed developments are subject to MoT subdivision approval, which as part of the subdivision application requires approval from the Interior Health Authority for water and septic.

The subject application was reviewed by the Electoral Area 'A' Advisory Planning Commission at the meeting of, September 26, 2005 and the following recommendation was passed:

THAT the Regional Board approve development permit #A-05-06748.000/.900/.850 for the subject property.

Relevant Information:

The primary considerations for the Board are whether to grant the development permit as required by the OCP to allow future subdivisions in ESDP areas.

Ophiuchus Consulting was retained by the applicant in 2003 and 2004 to complete an environmental assessment to identify the environmental values of the property and impacts of the proposed development. Potential impacts identified by the consultant included altering critical habitats, obstructing migration corridors, altering soil hydrology, domestic pets, mortality to wildlife considered problem wildlife, road mortality, introduction of noxious weeds, and loss of wildlife trees from firewood cutting.

Two environmental assessment reports were produced 1) *Final Summary of Environmental Planning for the Regal Ridge on Anarchist Mountain, Osoyoos, BC, March 25, 2003* and 2) *Ecological assessment and recommendations for amending conservation boundaries at Regal Ridge, November 16, 2004.* Development recommendations to mitigate impacts include:

1. Strengthen building scheme to include additional guidelines, tailored to specific clusters;
2. Rather than individual conservation covenants on each lot, work with an environmental professional to continue to tweak the boundaries of the clusters to exclude critical habitat;
3. Post signs on wildlife trees so they can be retained;
4. Continue to develop and follow prescriptions for fuel reduction to reduce wildfire hazard;
5. Fence or post every 100m the perimeter of the clusters;
6. Determine, through spring surveys, where underpasses are needed under roads for wildlife and surface water movement;
7. Promote good land stewardship through liaison with adjacent land owners and the South Okanagan Similkameen Conservation Program Stewardship Team;

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8. Encourage the RDOS to develop management plans for public use lands, especially to deal with public recreation and fire hazards;
 9. Develop strategies to manage domestic animals.

The development permit incorporates the environmental assessment documents as a schedule.

This development permit will negate the need for separate development permit applications for future subdivisions within the subject property. Future subdivisions are subject to the conditions within the development permit. This permit does not apply to Commercial designations, where separate application(s) will be required.

The OCP (Section 15.2.5.1), states that the Regional Board will consider approval of a development permit based on an Environmental Impact Assessment or approval from the Ministry of Water, Land and Air Protection, Department of Fisheries and Oceans, and/or the Technical Environmental Advisory Committee of the Regional Board.

Staff note that the former Ministry of Water, Land and Air Protection (now Ministry of Environment) and the former RDOS Technical Environmental Advisory Committee (TEAC) are no longer accepting referrals for review and assessment. The Ministry of Environment has prepared *Environmental Best Management Practices for Urban and Rural Land Development in British Columbia*, June 2004 for the purpose of ensuring provincial consistency in assessing the impacts of developments. Planning Services is developing a terms of reference and best management practices for future environmental assessments, where it will be incorporated into the 2006 work plan.

Planning staff support this application and the recommendations in the two environmental assessment reports, both attached as Schedule Y.

A development permit is not a building permit, and does not ensure that a building permit will be issued if the Permit is granted. The applicant is responsible for ensuring that all regional and provincial regulations (zoning, Building Bylaw, Building Code, flood, access, and other) are met in order to facilitate building permit approval at the next stage.

Alternate Recommendation:

THAT the Regional Board not approve the development permit #A-05-06748.000/.900/.850 for the subject property:

Respectfully submitted,

M. Horton, Planner

Attachment: Development Permit A-05-06748.000/.900/.850



Approved for Inclusion:
S. Theurer, A/Director Planning and Building

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