

## Dan Passmore

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**From:** Nick <nrimac@shaw.ca>  
**Sent:** Wednesday, May 3, 2017 3:59 PM  
**To:** Dan Passmore  
**Cc:** Corey Paiement; Gerald Christie  
**Subject:** Re: Regarding permit number 830-2

Dear Mr. Passmore,

First, thank you for the opportunity to revise and resubmit my response regarding the following circumstances.

I am writing to you/CSRD in confidence to object, and to protest this notice submitted by Mr. Greg Darroch, on behalf of Mr. Bob Isley to prevent any further disturbance and commercial developments in the Magna Bay Area of Electoral area 'F' legally described as Part W 1/2 of the NW 1/4, section 17, Township 23, Range 9, W6M, KDYD, Except Plan B7633 (PID:014-009-552).

Please be advised that Mr. Isley had already wrongfully altered a considerable amount of this flood plain land since March 2016 and is currently continuing with his land alterations and development as of April 28<sup>th</sup> & 29<sup>th</sup>, 2017. This work was initially started without plan, permit, or notice and my concerns include the following:

- potential flood risks to the adjacent residential properties due to disturbance and diversion of water flow of under-ground and surface natural springs, and without even considering culverts as an example where they may be applicable,
- significant land and hillside alterations already causing ongoing landslides and posing risk to adjacent properties, including clearing many trees and shrubs that helped prevent erosion,
- persistent continuation to complete the new road access beginning at GEM gravel to significantly enlarged parking lot beside Magna Bay resort even though he was asked to cease work in March 2016 and to comply with regulations, (does this temporary permit consideration now allow for Mr. Isley to continue with land alteration and development?)
- unethical approach, not caring and no consideration how this impacts the community and specifically the neighboring residential properties,
- lack of overall community planning and how this activity may affect the community landscape, and it is still not clear what and how much exactly is to be constructed, and to what extent,
- assuming it is for boat and RV storage, etc., this will now cause additional traffic flow issues and the public accessing this area will impact the residential community, including privacy concerns,
- increased risks and security concerns to the community due to additional public access that may be storing boats, RV's, etc., and potentially attract theft,
- potential impacts from servicing and contaminants associated with the stored items and/or equipment, such as; chemicals that may leak and affect the drinking water, feeding the nearby wells and streams (of which one of the streams is protected by BC fisheries, Lot #9 McClaskey Rd.) and the creeks flowing into the Shuswap lake,
- lack of community planning that determines how the Magna Bay community will be impacted,
- Magna Bay community specifically the McClaskey region already has a significant amount of commercial zoning and land available to suit Mr. Isley's initiatives. Why disturb more sensitive environment and wildlife, especially where altering a flood plain and water course that may negatively impact the adjacent residential properties?

**Background:** Prior to or on March 2016, Mr. Isley began this unlawful activity and significant land alteration including the disturbance of hillside, filling and leveling of natural springs, and significant forestry removal thereby providing road access and an enlarged parking/storage area behind the Magna Bay Resort used for outdoor boat and RV storage. Building the road access required many loads of gravel recklessly tearing away at a hill side now causing landslides,

potentially endangering adjacent properties, and causing an unsightly landscape, and potential water diversion posing risks to adjacent residential properties.

I eagerly look forward to your/CSRD response and outcome regarding this unpleasant issue. I thank you for your time and attention regarding this matter.

Sincerely,

Nick Rimac

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**From:** Dan Passmore <dpassmore@csrd.bc.ca>

**Date:** Friday, April 28, 2017 at 12:35 PM

**To:** Nick <nrimac@shaw.ca>

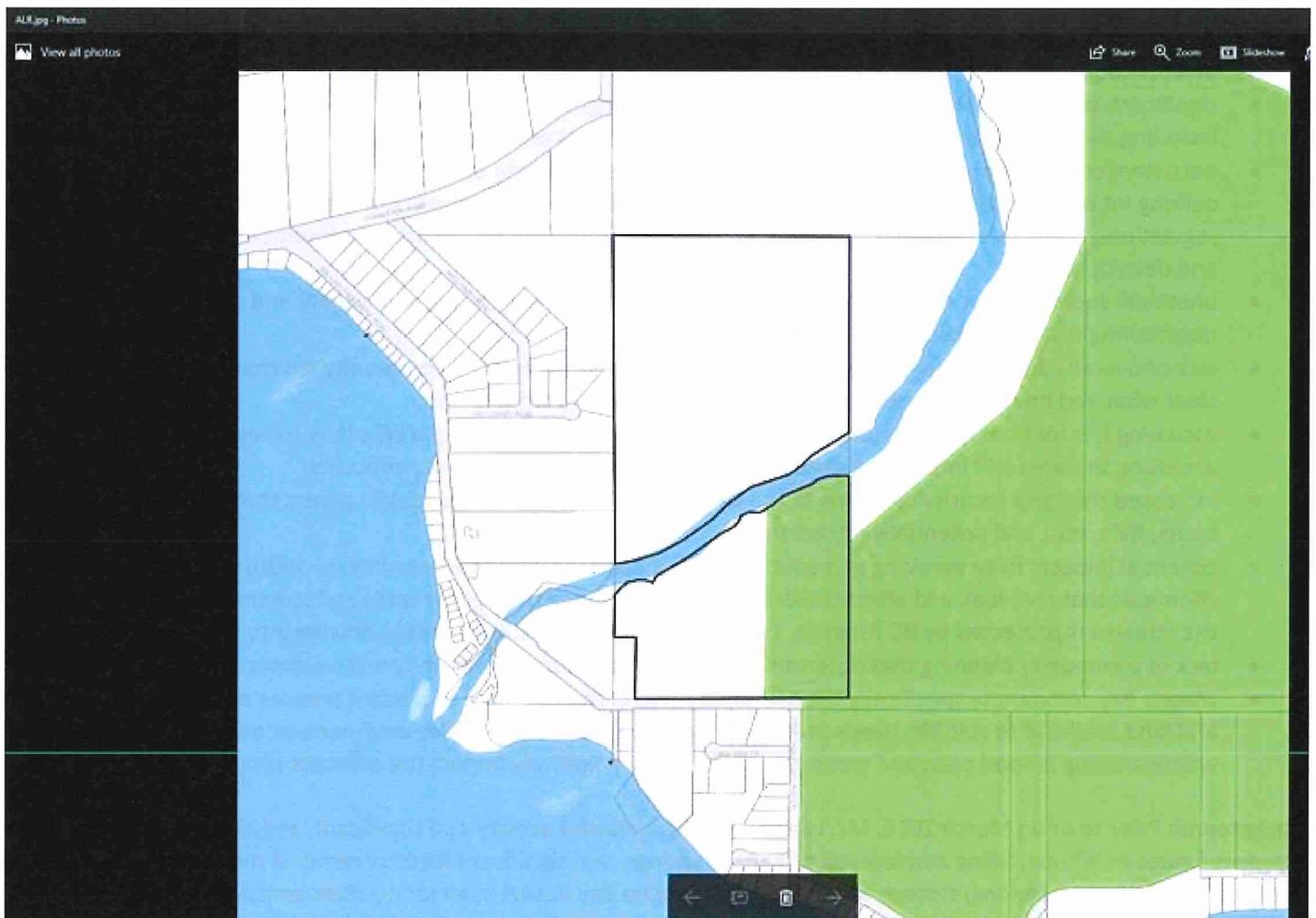
**Cc:** Corey Paiement <CPaiement@csrd.bc.ca>, Gerald Christie <gchristie@csrd.bc.ca>

**Subject:** RE: Regarding permit number 830-2

Good Morning Mr. Rimac;

You seem to be missing some vital information.

The following is a map showing the area that is in the ALR on Mr. Isley's property.



You will note that the ALR only impacts the portion south of Ross Creek and east of the general store and campground. It does not impact on the area of the current Temporary Use Permit. Also, the area north of Ross Creek is the area where the works you refer to have occurred. Here is an orthophoto of the property for reference.



The property owner has applied to subdivide the subject property. The CSRD has received an application for a Temporary Use Permit (TU 830-02) for an area of approximately 8,000 m<sup>2</sup>, as shown on the attached proposed plan of subdivision. The CSRD has also received an application to rezone the areas impacted by the subdivision. As a condition of the rezoning which permitted the Ross Creek Store and Campground, the applicant was required to engage a Qualified Environmental Professional (QEP) to conduct a Riparian Area Assessment Report (RAAR). This report indicated that the Streamside Protection and Enhancement Area (SPEA) for Ross Creek is 30.0 m from High Water Mark. No development activities can occur within the SPEA. The applicant has indicated that the SPEA has been staked and that no works are being conducted within it. Site visits by CSRD staff bear this out. Under the bylaw enforcement policy in effect when the CSRD received your complaint, all Bylaw Enforcement action was held in abeyance, pending the result of the applications. As the applications are ongoing, no further action has been taken against the property owner.

I am providing you with this information so that you can consider it, and potentially to edit your comments accordingly, particularly with respect to the impact of the ALR.

Otherwise, I will include your correspondence, as is, for the Board's consideration at the May 18 regular Board meeting to consider the TuP application. All correspondence received are public documents and will be available for the public and the applicant to review.

Please note, that both the TuP and the rezoning involve the opportunity for public input.

Please be mindful that the Board of the CSRD, and by extension staff are required under the Local Government Act to consider all applications made. All applications are subjected to the same processes and procedures, and staff are empowered to make recommendations to the Board, in accordance with good planning practices, and the policies of the Board. The Board then considers the staff recommendation, together with input from the public, and renders a decision. Staff is required to give each application due process and are not empowered to simply not consider them.

Regards

**Dan Passmore** | Senior Planner  
Development Services

**Columbia Shuswap Regional District**

T: 250.833.5915 | F: 250.832.3375 | TF: 1.888.248.2773

E: [dpassmore@csrd.bc.ca](mailto:dpassmore@csrd.bc.ca) | W: [www.csrd.bc.ca](http://www.csrd.bc.ca)



 Please consider the environment before printing this e-mail

This e-mail is CONFIDENTIAL. If you are not the intended recipient, please notify me immediately and delete this communication, attachment or any copy. Thank you.

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**From:** Nick [mailto:[nrimac@shaw.ca](mailto:nrimac@shaw.ca)]  
**Sent:** Friday, April 28, 2017 10:01 AM  
**To:** Dan Passmore <[dpassmore@csrd.bc.ca](mailto:dpassmore@csrd.bc.ca)>  
**Subject:** Regarding permit number 830-2  
**Importance:** High

Dear Mr. Passmore,

I am writing to you/CSRD in confidence to object and to protest this notice submitted by Mr. Greg Darroch, on behalf of Mr. Bob Isley and to prevent any further ALR disturbance and developments in the Magna Bay Area of Electoral area 'F' legally described as Part W 1/2 of the NW 1/4, section 17, Township 23, Range 9, W6M, KDYD, Except Plan B7633 (PID:014-009-552). I also request that Mr. Isley is currently subject to a reclamation project in effort to return this sensitive and already significantly altered ALR land to its original state due to his previously unlawful and inconsiderate actions that may impose significant risks and already negatively affects the adjacent properties including the overall Magna Bay community landscape.

It is my understanding that the ALC can also apply to the Supreme Court of British Columbia to assist in enforcing orders for the following reasons which Mr. Isley had already neglected and avoided. According to ALC, unauthorized uses of ALR land may include, but are not limited to:

- Fill placement or removal of soil on ALR land;
- Aggregate extraction;
- Parking or storage of commercial or industrial vehicles;

- Operating a commercial business unrelated to farming;
- Construction of buildings other than a principal residence without a permit;
- Impacting/obstructing a watercourse.

Please be advised that Mr. Isley had already wrongfully altered a considerable amount of this land since March 2016 and is currently continuing with his land alterations in preparation for additional potential commercial development even though he was asked to cease work, and comply with CSRD bylaw enforcement. This work on ALR land was initially started without permit, notice or even complying to bylaw enforcement visits. It is in my opinion that this work is simply not following any CSRD governance or regulatory protocols and from my perspective it is now showing favoritism to Mr. Isley by the CSRD. This includes, but is not limited to filling, placement and removal of soil/gravel, trees, impacting/obstructing a watercourse and the continuation of completing a road and parking lot even after being reprimanded by the bylaw. Mr. Isley did not even consider including any culverts as an example and now poses a significant risk/impact to the landscape, environment, community, adjacent residential properties, landscape, development and community planning, or perhaps others yet to be determined that may require additional natural resource studies, risk and impact analysis.

I am saddened to see that yourself, the CSRD, and the board of directors are now considering and allowing for this issuance to continue regarding Mr. Isley's initiatives regardless of approach used to get this ALR to the existing state of completion in preparation for further business development. This has already caused many significant and negative impacts due to Mr. Isley's unethical and inconsiderate actions, now to be supported by the CSRD board. My concerns include, but are not limited to:

- current disturbance and diversion of wetlands, wildlife, natural springs, water flow and without even considering culverts where applicable,
- significant land and hillside alterations already causing erosion/landslides, and posing risk to adjacent properties,
- CSRD allowing for continuation and completion of previously unwarranted development of substantial road access since reported on March 2016,
- an illegally constructed and significantly enlarged parking lot that is already being used for boat and RV storage without prior approval or permits,
- lack of community consideration, and overall planning and effect on community,
- unsightly landscape, risks and potential security concerns to the community due to additional traffic flow, access, and altered land usage,
- now potential risks to the adjacent residential properties that may be caused by diversion of disturbed water flow,
- potential impacts from storage and associated contaminants from stored equipment and chemicals that may be leaking and affecting the drinking water, wells and creeks flowing into the Shuswap lake,
- further environmental impacts to and now unstable and active landslides caused by this unlawful and significant alteration of **ALR** land without even properly surveying, or seeking permit
- public risks associated with potential land use, such as attraction of theft, including security and safety concerns to neighboring residents, and overall impacts to the entire Magna Bay landscape and impact to future community planning,
- negligent and overall lack of study that determines how this development will be impacting the adjacent properties, just to name a few areas of concern.
- Magna Bay community specifically the McClaskey region already has significant commercial zoning.

**Background:** Prior to or on March 2016, Mr. Isley began the unlawful and significant land alteration including the disturbance of hillside, filling and leveling of natural springs, and significant forestry removal thereby providing access and an enlarged parking/storage area behind the Magna Bay Resort that is being used for outdoor boat and RV storage. Building the road access required many loads of gravel tearing away at a hill side now causing landslides and threats to nearby properties, and altering/clearing a significant portion of the area having large sections of trees, brush removed

and filling in and leveling off the areas having natural springs. The trees and brush are currently piled on the property. Additional information including pictures is recorded with the bylaw.

I eagerly look forward to your/CSRD response regarding this subject to formally object to, and protest this action plan. I thank you for your time and attention to this matter.

Sincerely,

Nick Rimac

**Dan Passmore**

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**From:** Cindy Parker <cindy.l.parkerville@gmail.com>  
**Sent:** Monday, May 15, 2017 8:54 PM  
**To:** Dan Passmore  
**Subject:** Temporary Use Permit No. 830-2

Regarding: Temporary Use Permit No. 830-2

We, Dean and Cindy Parker, have been going to the Shuswap since the early '80's'. We purchased Lot 13 on McClaskey Road in 1988 from Cindys uncle.

Over the years we have noticed changes with the area becoming more populated. Most changes have been understandable. However when it starts to disrupt the integrity of the hillsides and waterways we find this totally unacceptable. The amount of activity with heavy equipment, trailers, boats and RVs has caused noise, dust and far less privacy.

In short we are against this application.

Yours truly,  
Dean / Cindy Parker  
P.O. Box 1106  
Crossfield, Alta  
T0M 0S0

<input type="checkbox"/> CAO <input type="checkbox"/> Works <input type="checkbox"/> DS <input type="checkbox"/> Fin/Adm	<input type="checkbox"/> Agenda <input type="checkbox"/> Reg Board <input type="checkbox"/> In Camera <input type="checkbox"/> Other Mtg	Ownership:  File #
MAY 17 2017		
<input type="checkbox"/> Ec Dev <input type="checkbox"/> IT <input type="checkbox"/> Parks <input type="checkbox"/> SEP <input type="checkbox"/> HR <input type="checkbox"/> Other	RECEIVED <input type="checkbox"/> Staff to Report <input type="checkbox"/> Staff to Respond <input type="checkbox"/> Staff Info Only <input type="checkbox"/> Dir Mailbox <input type="checkbox"/> Dir Circulate	Ack Sent:  <input type="checkbox"/> Fax <input type="checkbox"/> Mail <input type="checkbox"/> Email

**Dan Passmore**

**From:** Greg Darroch <gldarroch@shaw.ca>  
**Sent:** Tuesday, May 16, 2017 8:45 AM  
**To:** Dan Passmore  
**Subject:** Re: Public Input TuP 830-2

<input type="checkbox"/> CAO	<input type="checkbox"/> Agenda	Ownership:
<input type="checkbox"/> Works	<input type="checkbox"/> Reg Board	
<input type="checkbox"/> DS	<input type="checkbox"/> In Comm	File #:
<input type="checkbox"/> Fin/Adm	<input type="checkbox"/> Other Mtg	
MAY 17 2017		
<input type="checkbox"/> Ec Dev	<input type="checkbox"/> Staff to Report	Ack Sent:
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<input type="checkbox"/> Other		

Dan, I will address both submissions, First the e mail from Mr Rimac

Should applicants not provide there property address and location of there property owned and they are legal owner of record.

Mr Rimac commented on 10 points which I will address in number order

- 1) Potential flood risks, I have walked the property in question along with my consultants Golder and associates. We never noticed any excising water channels. There is very likely underground water due to Ross Creek.. Should our application be accepted for re zoning and at that time a building permit is submitted we would have to get a Geo Tec report at that time which would deal with any issues. I would be happy to meet with Mr. Rimac on site and discuss his concerns further
- 2) Significant ongoing landslides, I don't recall any prior landsides. Removing and of the sloped portion of the present lot to the East will provide further setback from residential properties and provide more protection should there be a slide
- 3) Construction of a new Road is not yet registered as a approved entrance by Government. Work completed to date is at the expense of the land owner and should just be considered as lot improvements which is within the CSRD bylaws
- 4) Unethical approach- No sure what Mr. Rimac is commenting here.
- 5) Overall planning would be a process at time of re zoning
- 6) Assuming boat storage this would again be addressed in re zoning process
- 7) Increased Security risk at this time are not a concern as storage is limited just to Magna Bay Resort Guests. Many of these guests keep a look out for any persons that are not registered at the resort
- 8) Should zoning be approved and a construction permit is applied for protection of any fisheries concerns would be dealt with. Mr. Rimac talks about Lot 9. A rezoning would help this concern as this portion would be residential for office etc. Present zoning is Industrial which I think is a greater risk
- 9) Rezoning would allow public input
- 10) I'm not sure low leveling the present land effects the flood plain and water course.

Letter

Mr. Ambler lives on Lot 11 McClusky Rd, Mr. Ambler would benefit from the rezoning as his back corner of the lot back onto present Industrial zoning

Work started was only a private land owner clearing and filling his land within CSRD bylaws. Many of Mr. Amblers concerns will be addressed at re zoning

Greg

----- Original Message -----

**From:** Dan Passmore  
**To:** Greg Darroch (gldarroch@shaw.ca)  
**Sent:** Monday, May 15, 2017 4:26 PM

# Temporary Use Permit Submission

Phan B. 7633 Range

Permit No 830-2

Phone: 778-489-5599

I DAKE Amber

<input type="checkbox"/> CAO	<input type="checkbox"/> Agenda	Ownership:
<input checked="" type="checkbox"/> Works	<input type="checkbox"/> Reg Board	File #
<input type="checkbox"/> DS	<input type="checkbox"/> In Camera	
<input type="checkbox"/> Fin/Adm	<input type="checkbox"/> Other Mtg	
MAY 10 2017		
<input type="checkbox"/> Ec Dev	<input type="checkbox"/> Staff to Report	Ask Sent:
<input type="checkbox"/> IT	<input type="checkbox"/> Staff to Respond	<input type="checkbox"/> Fax
<input type="checkbox"/> Parks	<input type="checkbox"/> Staff Info Only	<input type="checkbox"/> Mail
<input type="checkbox"/> SEP	<input type="checkbox"/> Dir Mailbox	<input type="checkbox"/> Email
<input type="checkbox"/> HR	<input type="checkbox"/> Dir Circulate	
<input type="checkbox"/> Other		

lot 11 on mc chaste  
not in Fafer on this. TSSure.

1. Road on mc chaste in poor shape. Don't need more. Traffic.
2. water flow in this area. AS change A lot. and. How will change our well.
3. work was started with out. a. Permit.
4. need To Have A meeting. on north side. of The lake. To involve more. Rot owner.
5. only use. south side. of Ross Creek.
7. Don't ~~not~~ need storage Sheds. Build. in A gravel pit. area.
8. Want if oil changes and. Services on Rv. storage ~~with~~ Done There. close To Ross creek. and well